THE STATE CAPITAL.

Assemblymen Determined to Worry the Insurance Officials.

ATTACKING THE "MUTUAL."

Superintendent Smyth Refers Legislators to Printed Reports.

GOTHAM'S GOVERNMENT.

A Searching Investigation of the Departments Threatened.

COOPER AND KELLY NOT AGREED.

ALBANY, Jan. 31, 1879.

Mr. Simonson called up his resolution in the Assembly to-day asking for an investigation of the Mutual Life Insurance Company as to the act of that corporation in issuing new policies with a rebate of thirty per cent on premiums. The preamble to these resolutions, it will be recollected, dealt rather severely with the conduct of the company in this respect, stigmatizing its acts as illegal and unprecedented. Consideration of the matter brought the "Bald Eagle from Rockland," General Husted, to his feet in a vigorous defence of the company. He denounced the form and wording of the resolutions, and argued as to the entire propriety of the Mutual Life people allowing such a rebate as specified. Some of the ablest lawyers in the State had given opinions supporting the company in this respect. The question was simply as to the conduct of the business of the company. If—to illustrate—the Chemical Bank of New York has been borrowing money at three and one-half per cent, will it work any injury to the depositor, to whom it is paying three and one-half per cent, to say to the public, deposit with us and we shall give you five per cent? As to the rebate question, it was to be said that in 1875, 1876, 1877 the business of life insurance throughout the country was in such a state that the expenses of the companies were in excess of their incomes. True, the Mutual Life had reserve enough to meet all demands made upon it, but was unwilling to shut its doors and meet its obligations from that reserve. The oldest, and confessedly the ablest and strongest company of its kind in the world, the Mutual Life determined that it would not meet the emergency by resorting to the devices which other companies were practicing. It would not pay salaries or expenses of agents, neither would it increase its commission to agents. Instead it adopted a policy whereby whatever reduction was made on the premium inured to the policy holder. It resolved that for two years it would replenish its force by a rebate of thirty per cent on all policies taken. This was no unusual or novel proceeding. He, the speaker, had two policies on his life. The first he took out in 1860, insuring through an agent. Fifteen years later he took out a second policy, but, having grown in wisdom since 1860, he took it directly from the company, and this saved him the commission which he would have had to pay an agent. Any man could do the same and thus secure a rebate. Mr. Husted then referred to the record made by the Mutual Life as the best answer to a portion of the preamble. In ten years its assets had increased from $10,000,000 to $88,000,000—figures which demonstrate the consummate skill with which the affairs must have been managed. The speaker then alluded to the cause in the preamble which states that the company has defiantly refused to regard the wishes of the policy holders and was grossly mismanaging its trust. There was no foundation for such a statement. The trustees of the company were such men as Lucius Robinson, Governor of this State; Alexander Rice, ex-Governor of Massachusetts; William E. Dodge and George H. Andrews. There never had been a time during the last twenty years when the expenses of the company were not more than met by the receipts. The resolution with which the unfair preamble concludes, calls upon the Judiciary Committee to inquire into the legality of the new policy. The proposition was absurd. Was this Legislature a Court of Appeals in the opinion of the gentleman who introduced the resolution? Any policy holder can go before a judge and get an order for the Mutual Life to show cause why it should not be restrained from doing business on this new plan. Why, then, invoke legislative aid? As to that part of the resolution which asks the Legislature to remove the officers of the company, if they shall be found to have exceeded their rights, he would simply say it was of all things the most preposterous. This Legislature had no power to remove as insignificant an official as a constable, and certainly had no power to do as requested. In conclusion, Mr. Husted said that he was a policy holder in the company and had been from 1860, and spoke in the interest of the policy holders. He hoped the resolution would not pass.

ATTACKING INSURANCE MANAGEMENT.

Mr. Sloan in reply said that the resolution involved a great question of insurance management. It was evident that policy holders and leading insurance men differ widely as to the wisdom of the new policy adopted by the Mutual Life. He felt that it was proper for the Legislature to make an examination for the purpose of finding out whether the company had, as it was claimed in some quarters, violated its charter. He did not like the preamble to the resolution. It made allegations as to the truth of which he knew nothing. And therefore he could not vote for the resolution taken in connection with the preamble. To the end that the inquiry might be made he would offer a substitute for the original resolution. In conclusion Mr. Sloan said that he could not but feel that the Mutual Life would be glad to have the investigation made, to the end that if the new policy adopted was not in conflict with the charter and was the outcome of wisdom and prudence, those facts ought to appear. Mr. Sloan then offered the following substitute:—

Whereas the officers of the Mutual Life Insurance Company recently adopted a plan for obtaining new business whereby the new policy-holder is allowed a rebate of thirty per cent upon the annual premiums for two years, thereby obtaining his insurance at a rate largely below the rate paid by the old policy-holders; and whereas the paying of this rebate of thirty per cent is alleged to be unjust and in violation of the charter of the company; and whereas it is further alleged that the said officers are expending vast sums of the policy-holders' money in advertising and in counsel fees in defence of the policy so adopted; therefore be it

Resolved, That the Judiciary Committee be instructed to examine into the legality of the action of the officers of the Mutual Life Insurance Company as regards the matters mentioned in the foregoing preamble with a view of ascertaining if such action is in violation of the charter of the company, and also whether there has been mismanagement of the affairs of the company. The Judiciary Committee are hereby directed to report to the House within ten days their conclusions and recommendations in the premises.

MR. SMYTH AND THE APPRAISERS.

The Superintendent of Insurance, in answer to a resolution of the House as to whether, since his accession to office, any members of the Legislature have had any bills or claims before his department for services as counsel, &c., replied:—

I have the honor to report that the information called for by said resolution is contained in document No. 63, Assembly document of 1878, to which I respectfully refer in answer to said resolution, and add that since that document was communicated to the Assembly, on the 20th day of February, 1878, no bills or claims as counsel, examining titles or appraising property, or as actuaries of any member of the Legislature, have been before this department, and none were before the department since my accession to the office of Superintendent other than what are mentioned in said communication. I have the honor to remain your obedient servant,

JOHN F. SMYTH, Superintendent.

GLOBE INSURANCE COMPANY'S AFFAIRS.

Another resolution, introduced by Mr. Terry, was passed in the Assembly calling upon Mr. Smyth to furnish the particulars as to recent examinations by his department of the Globe Insurance Company of New York city. The resolution reads:—

Resolved, That the Insurance Superintendent be directed to furnish to this House, within ten days, all reports that have been made to him, if any, by any appraiser or counsel, or by deputy superintendent or other subordinate of the Insurance Department concerning the investigation ordered by him or otherwise of the affairs of the Globe Mutual Life Insurance Company of New York, and also the date or dates when said reports or examinations were made.

Adopted.

THE KELLY-COOPER APPROPRIATION CONTROVERSY.

Mr. Brooks has come to the front with a series of preamble and resolutions relative to the laws governing appropriations and the satisfaction of judgments in New York city. They are as follows:—

Whereas it is represented by a portion of the public press of the city of New York that differences of opinion exist on the part of officials of said city as to the application and effect of various provisions of the law relating to the appropriations required to be made for the government of said city; and whereas it is indispensably necessary to the proper conducting of said government in its various purposes and objects that the limitations imposed by law upon expenditures by prohibiting the making of any obligations in excess of the appropriation made should be observed and enforced; and whereas on this important subject all the facts relating to the differences referred to should be communicated to this House, with a view to such action being taken as the circumstances may require and demand; therefore,

Resolved, That His Honor the Mayor of said city be and he hereby is required to communicate to this House within ten days (1st) all the facts within his knowledge bearing on the subject of appropriations made for the purposes of said city by the local authorities, showing or tending to show that in the matter of such appropriation the provisions of the law have not been complied with; and (2d) whether, in his opinion, the provisions of the law relating to the appropriations in said city are sufficient to prohibit the incurring of any liability for which the city could be held responsible in excess of the appropriation made.

Resolved, further, That the Comptroller of said city be and he is hereby required to communicate to this House within ten days, first, the extent of all judgments obtained of said city since the first day of January, 1872, which have been paid, or for the payment of which the Comptroller of the city has drawn his warrant, stating the nature of the claim for which each judgment was obtained, the date when the claim involved in the litigation was incurred or when the cause or action arose; second, a statement of all appropriations made by the Legislature or by the local authorities of said city for the payment of judgments since the 1st of January, 1872; third, whether any of the claims included in any of said judgments and paid from the appropriations so made were incurred in excess of the appropriations made for the purpose for which the claims were incurred. Fourth, all facts within his knowledge bearing on the subject of appropriations made for the purposes of said city by the local authorities, showing or tending to show that in the matter of such appropriation the provisions of the law have not been complied with. Fifth, whether in his opinion the provisions of the law relating to appropriations in said city are sufficient to prohibit the incurring of any liability for which said city shall be held responsible in excess of the appropriation made.

Adopted.

INVESTIGATING THE CITY GOVERNMENT.

It is probable that the people of New York will soon be blessed with another legislative investigating committee, appointed for the purpose of examining the local government of that unfortunate locality. The resolution will come up for adoption in the Assembly next week. A good deal of discussion has arisen among the politicians here as to the meaning and effect of this latest metropolitan raid. It is understood that considerable feeling exists around the Senatorial circle because promises made by a certain democratic member of that body to give appointments in this city to the friends of some country Senators in return for favorable action on New York bills last year have not been kept. It is, therefore, concluded that the prompt and unanimous vote which Senator Murphy's resolution received, without even an inquiry as to the probable extent of the examination, seems to indicate that the gentleman's colleagues have not forgotten the broken promises of last year.

SALARIES OF SUPREME COURT JUSTICES.

Mr. Bandfield's measure reletive to the compensation of Justices of the Supreme Court provides that no Justice of the Supreme Court shall hereafter receive any salary, stipend, allowance, payment or compensation of any nature in addition to the salary payable to said Justice out of the treasury of the State.

THE MERRITT PETITION.

Senator Murphy was busy during the forenoon talking with members who signed the petition asking for the confirmation of Collector Merritt as to the philosophy of their action. It is given out that several of these gentlemen were induced to reconsider and telegraphed Senator Conkling the fact that they signed the document under a misapprehension. These were the two interesting features of legislative work to-day.

EQUALIZATION OF TAXES.

Mr. Brook's bill in relation to the equalization of taxation on real estate provides that where any debt due or owing by any owner of land is secured by mortgage, the amount of the debt shall be assessed upon the owner of the land as trustee for the creditor, and such amount shall be deducted from the value of such real estate, and the residue of such value only shall be assessed upon the owner of the real estate; the sum paid by such owner, as trustee, for taxes on such debt shall be a legal set-off against such debt. Section 2. When for any reason real estate be not assessed at its full valuation such part of the value as assessable to the owner of the land, as trustee, according to section 1, shall be assessed at the same percentage upon the full valuation as is assessed upon the part of the value of the said land assessed to the owner of the land, according to section 1.

CRUELTY TO ANIMALS IN TRANSIT.

Mr. Galvin's bill to prevent cruelty to animals while in transit by railway within the State of New York provides that it shall not be lawful for any railroad company to confine any animals in their cars for a longer period than twenty consecutive hours without unloading the same for rest, water and feeding for a period of at least seven consecutive hours, unless prevented by storms or accidents.

SMOKE IN THE SENATE CHAMBER.

The Senate Chamber was like a smokehouse this morning. For the first time a fire was lighted in the big, open marble hearth under the handsome stone mantelpiece that ornaments the rear of the chamber. When the Senators entered they found several big sticks of wood crackling on the polished andirons and clouds of smoke pouring into the room and rolling along the panelled and carved oak ceiling. While the smoke might be very good to darken the oak and give to it the appearance of antiquity, which alone is wanting to complete the artistic beauty of the room, it did not at all agree with the eyes and throats of the honorable gentlemen. Many a hardened old political gladiator was seen for the first time in his life to shed tears. When the ice had been thawed out of the chimney it began to attend to its business, and enabled the Senate to attend to the work in hand. In the absence of both the permanent and the *pro tem* president the chair was occupied by Senator Jacobs. Ten seats were unoccupied, the gentlemen having anticipated the adjournment and gone home last night. The most important measure of the day was the passage of the bill appropriating $500,000 to pay the bills outstanding for work on the new Capitol and to keep the institution in running order until spring, when it is expected another and very much larger appropriation will be asked for. The Judiciary Committee, to which the bill was referred at the instance of the venerable Senator St. John, from Orange, reported it favorably, and it came up for a third reading. Attorney General Schoonmaker had advised the committee that the bill was constitutional and all except Senator Hughes concurred with him. When the measure came up in the open Senate Mr. Hughes argued that it was not proper or legal for the Senate to appropriate money for liabilities already incurred, at any rate without mentioning that fact in the title of the bill. Senator Ecclesine was inclined to agree with him, and offered an amendment setting forth the purpose for which the money was to be used. Senator St. John declared it was time to call a halt in making appropriations until the people could look around and see how the matter stood.

HARRIS ON THE DEFENSIVE.

Senator Harris explained that the new Capitol Commissioners were not responsible for the debt of $340,000 which it was the chief mission of the appropriation to liquidate. They were directed by the State to have the building ready for occupation by the present Legislature, and they did so; and in doing so contracted the liabilities in question. Senators Pomeroy and Edick claimed that the bill was in proper form. Senators Hughes, St. John and Sessions (republican), put in *pro forma* requests to be excused from voting, explained their position and then withdrew the requests and voted affirmatively. Their explanations were substantially the same. They were dissatisfied with the manner in which the work had been carried on generally, but felt that as the building had so far progressed it must be finished. The bill, with Senator Ecclesine's amendment, was voted unanimously, and was sent to the Assembly for concurrence. Altogether, it was a very uninteresting session, the only bill having any general interest that was introduced being one to extend the powers of notaries public.

ENGINEER'S REPORT ON THE CANALS.

The expenses of the Engineer Corps on the several canals in this State during the last fiscal year, as shown by the Auditor's books, amount to the sum of $29,423 50, as follows:—

Erie	$22,245	Genesee Valley	$1,093
Champlain	1,515	Chemung	198
Black River	598	Crooked	26
Oswego	794	Erie repairs	1,390
Cayuga and Seneca	379	Champlain repairs	281
Chenango	100	Oneida repairs	378
Oneida	421		
Total			$29,423

Expenditures of the Engineer Corps on the several canals for the last ten years:—

1869	$111,364	1874	$105,944
1870	145,738	1875	139,662
1871	132,760	1876	69,511
1872	116,801	1877	41,701
1873	106,000	1878	29,423

CLINTON SAVINGS BANK.

An order granted by Judge Landon and filed to-day authorizes Edward L. Purvis, receiver of the Clinton Savings Bank, to accept from John D. Lewis $300 as damages and $100 costs in compromise and settlement of the judgment heretofore obtained by him against Samuel A. Lewis, as set forth in the petition; also to accept from George H. Robinson, as a committee or the trustees of the late Clinton Savings Bank, $800 in full settlement and discharge of all claims and demands of said bank and of said receiver against said trustees, and upon receiving said sum said receiver is authorized to withdraw from the United States Trust Company and deliver to George H. Robinson the fifty shares of the stock of the National Trust Company and the 117 shares of the stock of the Real Estate Trust, with the notes of S. T. Meyer accompanying the last named stock, and to indorse said notes of Meyer to said Robinson, but without recourse; to surrender to T. S. Willis, if he can be found, or, if not, to destroy the notes of Willis accompanying the stock of the National Trust Company, and which the said receiver is authorized to withdraw from the United States Company; to make a compromise and settlement with Orlando P. Smith, late secretary, on account of the item, $41 67, drawn by him as salary after the closing of the bank, upon receiving from said Smith a release of all claims against said bank.

INSURANCE NOTES.

The following fire insurance companies of other States that were licensed by Superintendent Smyth last year have had their certificates of authority revoked, because of withdrawal from the State or dissatisfaction with the statements presented:—Allemania, Pittsburg, Pa.; Equitable, Nashville, Tenn.; Toledo F. and M., Toledo, Ohio; Union M. and F., Galveston, Texas. It is the intention of the Superintendent to make requisions on several of the foreign fire insurance companies to make good their deposits in this country, impaired by the recent conflagrations in New York city and Charleston, S. C.

The Superintendent has issued part 2 of the Annual Fire Chart, showing the condition of the joint stock and mutual fire insurance companies transacting business in New York on the 1st of January, 1879:—

FIRE COMPANIES OF OTHER STATES.

	1877.	1878.
Number of companies	77	72
Assets	$66,447,504	$66,330,087
Liabilities except capital	21,569,368	20,501,000
Capital stock	29,479,804	28,725,200
Net surplus	15,450,501	17,017,688
Premium receipts	25,385,494	22,414,139
Total income	29,215,346	26,070,484
Losses	16,011,625	12,936,169
Dividends to stockholders	3,873,566	3,657,243
Total expenditures	28,067,633	24,144,173

In 1877 two companies were impaired to the extent of $52,168 15. In 1878 but one company showed an impairment (Alliance, Boston, Mass.) of $3,801 77.

FIRE COMPANIES OF OTHER COUNTRIES.

	1877.	1878.
Number of companies	18	19
Assets	$19,289,920	$21,189,895
Liabilities	8,340,641	9,038,952
Income	12,320,696	12,742,449
Disbursements	9,298,077	9,848,652

B'NAI B'RITH.

NIGHT SESSION—FIFTH DAY OF THE NATIONAL CONVENTION—ADOPTION OF A NEW RITUAL—RESOLUTIONS—ELECTION OF OFFICERS—CLOSE OF THE SESSION.

PHILADELPHIA, Jan. 31, 1879.

The closing session of the National Convention of the Independent Order of B'nai B'rith was one of great interest, its most important work being the adoption of a new ritual in place of that in use since the Convention at Chicago in 1874. This was effected in secret session after two hours' deliberation. Subsequently the doors were thrown open again. Among those present in the night conference was Brother Ulman, of Memphis, the efficient secretary of District Grand Lodge No. 7, who had been confined to his room ever since his arrival here. This gentleman is the author of a most valuable work, a labor of five years, on the jurisprudence of the Order. The Committee on Intellectual Advancement made a unanimous report recommending the establishment of libraries, the different grand lodges to see to it that literary and social entertainments shall be given and lectures delivered. One of the most impressive scenes of the Convention was the reading of the report of the Committee on Epidemics. No reports from the different localities having been received, Mr. M. Thalmessinger, the chairman of the committee, in most fitting terms paid a glowing tribute to the lodges and officers of District No. 7 for having so promptly paid up the endowments, amounting to the sum of $102,000. He mentioned with pride the Cleveland Orphan Asylum, the Home for Jewish Widows and Orphans and the Touro Infirmary, both of New Orleans, where the orphans and the distressed found shelter from the ravages of disease and destitution. The gallant services of Brother Salomon Marx, of New Orleans, were then reviewed. Eulogies were delivered by Brother Julius Bien, the executive officer of the Order, followed by Brothers Godfrey Morse, of Boston; A. E. Frankland, the Memphis hero of 1873; Josiah Cohen, of Pittsburg; Simon Wolf and Lewis Abraham, of Washington city, who made poetical quotations. He said:—

O'er forms of faith let graceless zealots fight;
That man can not be wrong whose acts are in the right.

On the conclusion of the eulogistic remarks it was unanimously adopted to present Brother Salomon Marx, of New Orleans, with a testimonial for his noble and heroic conduct; and the President of the Constitution Grand Lodge was authorized to have the same executed and transmitted to the brother. A resolution to bestow a similar honor upon Brother Salomons, of Savannah, also passed. Brother Salomons thanked the Convention and Mr. Marx addressed the assembly in a brief but telling manner, often interrupted by hearty bursts of applause.

A committee of nine was appointed to tender the statue of "Religious Liberty" to the city of Philadelphia.

THANKFUL APPRECIATION.

Resolutions were offered and accepted, to be written on parchment and in letters of gold, to be handed to the able and disinterested President of the Executive Committee, Mr. Julius Bien; also to Brother Simon Wolf, who so impartially presided over the Convention; Brother Ellinger, one of the Coroners of New York city, and other members of the Order whose services were appreciated; also the Committee of Arrangements received votes of thanks.

ELECTION OF OFFICERS.

The following is the result of the election for the next term, which, instead of every five years, has been changed to seven years:—

As President, Mr. Julius Bien, elected by the Convention for the Order at large.

Nominated by the several districts and then elected by the Convention:—

Members of the Executive Committee:—District No. 1, Mr. M. Thalmessinger; No. 2, Mr. Isidor Bush; No. 3, Mr. Josiah Cohen; No. 4, Mr. H. M. Heineman; No. 5, Mr. S. S. Nyburg; No. 6, Mr. E. C. Hamburger; No. 7, Mr. A. E. Frankland.

Members of the Court of Appeals:—District No. 1, Mr. A. L. Sanger; No. 2, Mr. Joseph Abraham; No. 3, Mr. Alex. Ramstine; No. 4, Mr. Morris Goodheart; No. 5, Mr. Lionel C. Levy; No. 6, Mr. Philipp Stein; No. 7, Mr. Salomon Marx.

The Executive Committee chose Mr. M. Thalmessinger as secretary, Mr. A. E. Frankland as vice president and Mr. Isidor Bush as its treasurer.

Mr. A. L. Sanger was chosen by the Committee of Appeals as the Chief Justice thereof.

CLOSING SERVICES.

Prayer was offered in the German language, and it was a fervent and awe-inspiring one, by the Rev. Dr. S. Hirsch.

The session closed at a late hour.

A REMARKABLE CASE.

Among the spectators present during the proceedings in the Kings County Court of Sessions yesterday were a large number of highly respectable people, residents of Brooklyn Heights and other fashionable localities. The attention of the audience centred in the trial of Alfred A. Low, aged twenty-five years, who was indicted for grossly insulting a young lady. The accused, who has been for the past ten years a clerk in the Bank of North America, in Wall street, is the son of a physician who resides at Nyack. The indictment found by the Grand Jury alleged that in the early part of December last the prisoner was guilty of the offence charged, on Montague street, in the morning hours, about half-past eight. The complaining witness in the case was Miss Goodwin, a young lady residing in Fifth avenue, this city, who was attending Packer Institute, Brooklyn.

On the trial yesterday Miss Goodwin was positive that the accused was the person who had insulted her, but she was unable to fix the date of the occurrence positively. Assistant District Attorney Oakey appeared for the prosecution and General B. F. Tracy for the defence.

The theory of the defence was that it was a case of mistaken identity. Several witnesses testified as to the excellent character borne by the accused. His counsel made an eloquent plea for his acquittal and Mr. Oakey summed up the case for the people. Judge Moore then charged the jury and they retired to deliberate about five o'clock.

The jury, after being absent for some time, returned to the court room and stated that it was impossible for them to agree. It is said that they stood ten for acquittal and two for conviction.

SKATING.

Near the Central Park, on Eighth avenue, is a plot of ground, deeply depressed below the surface of the street, which has been converted into a skating rink. The name, Manhattan Athletic Grounds, is placed over the entrance. Last evening twenty-five ladies and gentlemen disported themselves on the ice beneath the glare of six flaming burners, and eight musicians made the night resonant with waltzes and polkas. The promised race between experts did not take place. The mildness of the weather had a depressing effect upon the attendance, and some of the skaters left at an early hour.

MANHATTAN AHTLETIC CLUB.

The twenty-five mile skating race for the championship of America will be decided on the rink of the above club, Eighth avenue, Fifty-sixth and Fifty-seventh streets, this evening, at eight o'clock. Eighteen entries have been received, including Gurney, Phillips, Sherwood, Pfaff, Griffen, Livingston and others, representing the Harlem, Scottish American, Knickerbocker and Manhattan Athletic clubs. A band of music will be in attendance and the rink will be brilliantly illuminated, and good sport may be expected, as the ice is in good condition. On Saturday next a fancy skating contest will be decided according to the rules of the New York Skating Congress.

WEST SIDE CHESS CLUB.

The lovers of chess, who have long felt the need of a west side rendezvous, will now hear with gratification of the club organized several months ago under the title of the West Side Chess Club. The club rooms are at No. 336 West Twenty-ninth street, and are spacious, well ventilated and provided with all the requisites for the admirable pastime. The members meet every Tuesday evening (they propose to meet oftener) and indulge in the subtle and intricate combinations of the game, finding therein at once recreation and mental discipline. New members are cordially welcomed, and an excellent opportunity offers to unite with this prosperous organization. Communications may be addressed either to the President, Henry Griswold, or to the secretary of the club, Dr. M. Donnelly, No. 354 West Thirtieth street.

ICE YACHTS IN COLLISION.

POUGHKEEPSIE, N. Y., Jan. 31, 1879.

The ice yachts Quickstep, owned by William Leroy, and Flyaway, owned by Commodore Irving Grinnell, both of the Newburg Yacht Club, collided today, and the Flyaway was destroyed. Commodore Grinnell narrowly escaped serious injury.

THE IVORY CONTEST.

EIGHTEENTH AND NINETEENTH GAMES—SCHAEFER AND SEXTON THE VICTORS OVER HEISER AND GARNIER.

The eighteenth game of the billiard tournament in progress at Cooper Institute was played yesterday afternoon. The contestants were Jacob Schaefer and John Randolph Heiser. From the opening shot the result was looked upon as a foregone conclusion. Heiser won the string, but failed to count. Schaefer scored 2, when John Randolph, utilizing his opportunity, worked the buttons up to 65. He sat down with the remark, "I'll play my best game to-day, as I feel more like it." The first contribution of importance made by Schaefer was in his seventh essay. The balls were easily manipulated to the rail, when close nursing followed with abundant results. One trip around the table footed up the magnificent aggregate of nearly 200 points. There could be nothing prettier than the perfection of the player's work. His stroke was as steady as the movements of a watch. The spectators became intensely interested when he had reached 250. Quickly, yet cautiously, he cracked his whip, and the figures assumed larger proportions. The excitement, which had been brewing some time, now occasionally burst forth in ringing applause. Soon the marker called "350," and one or two cried, "Go it, Jake!" "Give it to 'em, Schaefer!" Indeed, he did "go it," and with a continuation of the grand effort and having the balls well under command 374 was made, when the dreaded "froze" was claimed by Heiser's umpire. The examination of the referee found them to be so, and amid countless regrets they were spotted. The next shot was successful, but then the spell was broken. The balls would not longer be bewitched, and Jacob resumed his seat with 376 points as the result of the inning. Heiser was evidently mistaken in his ability to play his best game of the tournament, as his subsequent efforts were of a minor character, and at no time was there ever the remotest possible chance of his drawing level with his adversary. The rapidity of Schaefer's playing may be imagined when it is known that there were 413 points to his credit in thirty-three minutes. With runs of 39, 79 and 15, the next best of the leader, the record at the finish of the eleventh inning stood—Schaefer, 546; Heiser, 100. "That's all I want," exclaimed John Randolph rather dejectedly, looking at the string. Only one other particularly noticeable feature occurred, when in the seventeenth inning the latter contributed 67 to his record, which he manipulated in a masterly fashion by rail nursing and guilteless of a single error. As Heiser sat down for the nineteenth time he had 233 points, yet still was hopelessly in the rear. Schaefer then made the 44 necessary to run out victoriously, which gave him the game by 367 points in the short time of one hour and nineteen minutes. Following is the score:—

Schaefer—2, 0, 1, 30, 3, 0, 376, 1, 39, 79, 15, 1, 0, 0, 1, 3, 5, 0, 44—600.

Heiser—0, 65, 0, 1, 4, 1, 7, 3, 13, 5, 1, 1, 0, 14, 4, 0, 67, 16, 31—233.

Winner's average, 31 11-19; loser's average, 12 5-19.

SEXTON DEFEATS GARNIER.

William Sexton and Albert Garnier met in the evening and played the nineteenth game. Sexton took the white ball and opened the campaign. Failing to count, the Frenchman accumulated 14 and then retired. Sexton's efforts were of a minor character for several innings, the totals at the end of the seventh attempt for each being—Garnier, 57; Sexton, 15. A better state of affairs transpired when William began his eighth trial. With two or three open shots he grouped the ivories on the left long rail, and within the space of five inches progressed his string 25. Then he sent them at will into the upper left corner, where, with a brief interview, they were ordered along the top rail. Two-thirds the way down the balls were sent at express speed, when they "froze" and required spotting. The next essay was a success, and with several fine open shots, William was obliged to retire, 70 being the amount of his contribution. The marker called game at the eleventh inning, the string standing—Sexton, 104; Garnier, 72. That the former should display such bad form was thus early the subject of remark. He appeared in good health, but there was the lack of earnestness about his playing that appeared incomprehensible. If it was his object to play a "waiting" game, as oarsmen sometimes row a waiting race, and in the last half-mile go to the front hand over hand, Sexton was adopting a dangerous course. "Garnier knows too many billiards for anybody to fool with," said a veteran, "and this will be ascertained sooner or later." The Frenchman took off his coat in the twelfth trial, and by a series of brilliantly executed open movements, masse shots and rail carroms, he moved his score forward 94 points. Applause was frequently elicited by neat and delicate touches that would have done credit to the most artistic cueist in existence, and when he retired there were many expressions of regret. Sexton sandpapered his cue, chalked it with determination and went to work. People thought he was waking up. He executed in brilliant fashion one shot, and the earnest clapping of hands told him the extent of the spectators' appreciation of his effort. He retired with that unit amid the "Ahs!" of a hundred. Commonplace work followed by both, and what was expected to be an intensely exciting struggle bid fair to drift into a sleeping match. The faces of the ladies became serious, and the men, even out to the guards who hang about the wall, looked on wearily and exhausted. At last, in the sixteenth essay of the Frenchman, some life was put into the house by his contributing 64 to his string. Thankful for small favors, there were bubbling drifts of applause from end to end of the hall. Sexton walked with alacrity to his business, and everybody expected to see him sit down after making half a dozen or so points. They had but little reason to hope for anything else, as the previous innings had been weak and indifferent. The spectators were disappointed. The man who has been honored with all kinds of praise for his skill in the game, as demonstrated on two continents, really went to work like an artist and not a novice. The third time the object balls were struck they were found in pleasing proximity in the left upper corner. Twice they here counted, when down the long rail the player gently urged them. The clicking ivories moved almost imperceptibly, but quite sufficient for the purpose in view. It was a sample of what the player was supposed to be able to do. The trip to the lower corner netted 85. Being beautifully marched away from this position, the bottom rail received attention, and merry work ensued until the marker called 108. Then the player sent the ivories waltzing about the table, yet in a moment they were again in direct control on the bottom rail. Sending them into the corner from which they had a short time before emerged the count was further pushed ahead until 169 were announced, when they "froze." This ended the run, which was executed with much like the player's old form. There were fewer persons inclined to take a nap at this stage of the proceedings, but soon again they relapsed into a state of semi-somnolence. "I thought this game would be a cracker," said a noted veteran; "but it's one of the meanest of the lot."

Rudolphe occupied a conspicuous place near the table while Garnier was in hard luck, and the only consolation the former extended the latter was quiet laughter. Garnier at last noticed the fun his brother countryman was having at his expense and walking over to Ru, muttered something about his terrible luck. Ru, laughed all the more, and Albert left him disgusted. At the finish of the twenty-fifth inning the figures were:—Sexton, 361; Garnier, 261. When forty innings had been recorded the string stood:—Sexton, 477; Garnier, 334. A few persons in the back seats were half asleep. Garnier looked hopeful and full of earnestness and felt much obliged to the considerate William when he next got up. If ever Frenchman tried hard to do his best it was Albert on this occasion. His shots were cautiously made and successful. Then he ventured "ze rail," but Albert don't shine as a rail nurser, although he did fairly well and 66 was the contribution he footed up, leaving his string 400 points. A masse, not very difficult, either, caused the Frenchman to come to grief, and he could hardly believe the count was not made. This essay, and one of Sexton of 63 points, in the forty-third inning, caused the sleepers on the back seats to rouse themselves, as there were interesting features in the work. Garnier was 449 on the string at the finish of his forty-fifth trial. Then Sexton had only fifty-three to go to make game. He made them as he pleased, but forty of the shots were difficult, open table movements, quite up to the standard of his excellent reputation. He beat Albert 151 points. Time of game, two hours forty-eight minutes. Following is the score:—

Sexton.—0, 1, 2, 1, 1, 0, 10, 70, 2, 4, 13, 7, 1, 9, 4, 5, 169, 2, 13, 2, 7, 1, 0, 37, 0, 2, 7, 17, 14, 0, 21, 0, 3, 3, 4, 0, 21, 22, 0, 2, 2, 1, 63, 2, 2, 53—600.

Garnier.—14, 5, 0, 33, 3, 0, 2, 1, 13, 1, 0, 94, 1, 5, 2 64, 0, 8, 0, 0, 0, 0, 2, 0, 15, 2, 5, 1, 6, 2, 7, 1, 0, 0, 4, 4, 20 3, 0, 18, 66, 41, 5, 1, 2—449.

Winner's average, 13 1-23; loser's average, 9 44-45.

HOW IT STANDS.

The present position of the rival cueists can be seen by the following table:—

	Schaefer	Sisson	Sexton	Daly	Rudolphe	Garnier	Gallagher	Heiser	Won	Lost
Schaefer	..	..	..	1	1	1	1	1	5	0
Sisson	..	..	1	0	..	1	..	1	3	1
Sexton	..	0	..	1	1	1	..	..	3	1
Daly	0	1	0	..	..	1	1	1	3	2
Rudolphe	0	..	0	..	..	..	1	0	1	3
Garnier	0	0	0	..	..	..	0	1	1	4
Gallagher	0	..	..	0	0	1	..	1	2	3
Heiser	0	0	..	0	1	0	0	..	1	5

There will be no games played to-day, but on Monday afternoon Sexton and Gallagher meet, and on Monday evening Daly and Garnier come together.

HORSE NOTES.

THE DUKE OF MAGENTA AND PAROLE.

The following is an extract from a letter received yesterday from Manchester, England, in relation to the American horses now at Newmarket:—"I have some straight news about the Duke of Magenta. His breathing organs and lungs are believed to be all right, but the horse has been one complete mass of abscesses from head to heels. How he has ever managed to pull through is a mystery. They have not yet thought of moving him from Aldcrofts' up to the new stables, so you see how careful they are of him, for it is not two hundred yards from one place to the other.

"Parole has stood the change better than any of the lot and will be pushed forward for his spring engagements so as to get a line for the youngsters at home. You can rest assured that the Duke, even if he runs at Ascot or Goodwood, will not be any way fit. It is hard lines, but it cannot be helped."

PEDESTRIANISM.

MISS BARTEL COMPLETES HER FIRST HUNDRED MILES.

Miss Annie Bartel, who is now accomplishing her great feat of walking 3,000 quarter miles in 3,000 quarter hours, at Brewster Hall, has already shown herself an artist of the highest qualifications. Miss Minnie Hauk could not pour the vials of her wrath more wrathfully upon the unprotected head of Signor Arditi, or Miss Kellogg bear down with less forbearance upon Behrens than the young pedestrienne walks over her pianists when they fail to please her.

Much curiosity is shown by the spectators in regard to Miss Bartel's habits, and especially in regard to diet and sleep, and Hughes, her trainer, is often closely questioned on these points. "Is she easily waked?" asked a bystander of the Lepper. "A touch is all that is necessary," was the answer. "How long does it take her to go to sleep after leaving the track?" was the next question. "When she is sleepy she sleeps as soon as she touches the couch," said Hughes. "And what does she eat?" "Everything." "Does she drink milk?" "No; there isn't room here to keep a cow."

The attendance in the evening was unusually large, and many distinguished visitors were seen in the hall. Among the ladies was Mrs. John Morrissey. Ex-Governor Hoffman called again in the morning, bringing his daughter with him, and enthusiastically applauding the pedestrienne. Several little children accompanied Miss Bartel round the track in the afternoon to the great delight of the ladies.

GOODWIN AND COLYER'S WALK.

John Goodwin and Samuel Colyer continued their walking contest yesterday at the Rink on Clermont avenue, Brooklyn. At nine o'clock last evening the score stood as follows:—Goodwin, 143 miles; Colyer, 141 miles. Goodwin is said to be suffering from a sprained ankle and blistered feet. The contest will close to-night at eleven o'clock, when each of the contestants will have walked seventy-five hours.

CARROLL AND MAHONEY'S WALK AT NEWPORT—CARROLL AHEAD.

[BY TELEGRAPH TO THE HERALD.]

NEWPORT, Jan. 31, 1879.

The walking match between Carroll and Mahoney has been in progress all day, and has attracted great attention, the hall being crowded. Both men appeared on the track this morning at eighteen minutes to six o'clock. Mahoney walked but twenty-one minutes and Carroll fifty-five minutes after ten o'clock last night. It was evident this morning that the work entailed upon Mahoney yesterday had a depressing effect upon him during the time, and despite the attention of his trainer, his feet and limbs were in a terrible condition. He has plenty of wind, and this fact from the first has induced his backers to believe that he would carry off the prize. Carroll's feet also began to trouble him early in the day, but he shows an unusual amount of pluck, and has won the admiration of the spectators by his splendid performance. Up to half-past ten o'clock to-night he had scored ninety-four miles, and had been off the track but three hours and one minute since he went on this morning. Up to quarter past eight o'clock to-night Mahoney had eighty-two miles to his credit, at which hour he retired to his quarters for the night. He is suffering terribly, but is convinced that he will be all right to-morrow and in a condition to take advantage of the prospective breaking up of his competitor. Up to the hour that he left the track he had been off four hours and fourteen minutes.

B. D. Burns, said to be the champion walker of the State, while the men were at their quarters to-night, walked five miles in 43¾ minutes. He made the first and quick