GERMANY.

Kaiser Wilhelm Revisits the Battle Fields Around Metz.

PRINCE GORTSCHAKOFF AT BADEN-BADEN.

The Prussian Elections---Church and State---More Bismarckiana.

BERLIN, Oct. 4, 1879.

The German Emperor has borne the fatigues and exertions of the manœuvres last month far better than could have been expected at his advanced age. His Majesty, devoting himself with his usual ardor to the discharge of his military duties, passed from Königsberg, in the east of Prussia, through the whole of his realm to the far distant fortress at Metz. To judge from the almost reckless way in which, without any regard to his four score years, he exposed himself, Kaiser Wilhelm seems to be blessed with eternal youth. In appearance he is as hale and hearty as ever. Only a certain stiffness in his right arm reminds one of Nobiling's attempt. Officers who had an opportunity of closely watching the Emperor's movements during the manœuvres cannot sufficiently extol his astounding vigor. It was not uncommon to see him remain on horseback for hours together, galloping over the field and inspecting the troops at their various quarters. At the conclusion of the evolutions he generally summoned the commanding officers to his side in order to criticise the events of the day. On such occasions he clearly manifested that not even the minutest details of the manœuvres had escaped him. In accordance with the request of his medical advisers, afraid lest his strength might finally give way, the Emperor shortened his stay at Metz, for the first time visited by him since the war. He was rather loath to leave the ancient capital of Lorraine. His Majesty, surrounded by a brilliant staff, lingered long on the heights of Vionville and Mars-la-Tour, listening to the explanations on the course of the battle given by Field Marshal Moltke, and visiting the graves of those who had fallen. His reception in Alsace-Lorraine, certainly not so enthusiastic as that accorded him in the old provinces, nevertheless proved that the great mass of the people are beginning to get reconciled to the new rule. This fact can scarcely cause surprise, as nearly all clinging to France left their homes on the annexation of Alsace-Lorraine by Germany.

THE GERMAN EMPRESS—AN IMPERIAL PICNIC.

From Metz the Emperor proceeded to Baden-Baden, where he will remain until about the middle of the month. He resides at this fashionable spa in the Villa Mesmer, the property of a private gentleman who has placed it at the disposal of Their Majesties for a merely nominal rent. Kaiser Wilhelm is very fond of Baden-Baden, which is also the favorite resort of his august consort. Both Their Majesties freely mixing in the society, move about without any restraint or any strict observance of etiquette. The Empress, who, in her youth enjoyed the company of the famous Goethe, has a strong partiality for everything connected with art, whose devotees find ready access to her *salon*. In former years, when Baden-Baden was considered an appendix of Paris and was really more French than German, the Villa Mesmer was the rendezvous of the *beau-monde* and the artistic circles temporarily residing there. Although these brilliant days, still unforgotten in the history of Baden-Baden, have passed, the Villa Mesmer retains its old charms. Mme. Viardot, the celebrated singer; M. Tourgenieff, and a host of others as much famed, may be often met in Her Majesty's *salon*. In accordance with a long established practice the birthday of the Empress, falling on the 30th of September, is always celebrated by her ultramontane centre, which, despite all the efforts of its political opponents, holds the balance of power in the Prussian House of Commons. The ultramontanes, led by Dr. Windthorst, who in Machiavellian shrewdness is not far behind the Chancellor, are determined on forcing the government, as a return for their Parliamentary support, to grant the concessions demanded by the Papal Curia for settlement of the long pending ecclesiastical conflict. To judge from various weighty indications the day of a compromise between Church and State in Germany really seems not very distant, although I doubt whether Prince Bismarck will "go so far toward Canossa" as the leaders of the ultramontane party once hoped. Firmly upholding the rights of the temporal power, as laid down in the so called May laws, he is unwilling to concede their entire abolition, but will only yield to the modification of those clauses, promulgated during the heat of the bitter strife and infringing on the sacred privileges of the Church. Great secrecy is observed by government respecting its negotiations with Rome, which are being conducted by Prince Bismarck and Cardinal Zacalini, who only remains at his post as Papal Nuncio at Vienna for the purpose of concluding the convention, by which a *modus vivendi* may be again established in the relations of the Vatican with the German Empire. His Eminence, who received the scarlet hat shortly after his return from Gastein, whither he had gone personally to confer with Prince Bismarck, is represented to be and able diplomatist, and success will probably crown his efforts. Owing to the absence of the Crown Prince and Princess from Berlin during the greater part of the winter the approaching season at court promises to be a very dull one. The only festival at present in contemplation is the celebration of the silver wedding of the Prince and Princess Frederick Charles of Prussia.

Adelina Patti, who created a *furore* last winter, will reappear for a few nights on the boards at the Royal Opera. Another welcome guest will be Mme. Ristori, who, after an absence of many years, once more returns to the scene of her youthful triumphs.

MORE BISMARCKIANA FROM DR. BUSCH—NEW REVELATIONS OF THE CHANCELLOR'S PRIVATE SECRETARY.

Under the title of "Bismarck at Varzin," Dr. Maurice Busch, the author of "Bismarck and His Following," has just contributed to the "Prussian Annual" another comprehensive *recueil* of the Chancellor's sayings replete with psychological and political interest. We subjoin a few extracts, culled almost at random from Dr. Busch's vivacious paper, which will serve as examples of the new revelations made by His Highness' whilom secretary, shorthand writer and cipherer, whose third series of indiscretions is at least as entertaining as his two former ones:—

"Talking one evening about the results of the war with France, he remarked, 'The King, when I was created a prince, wanted to add the arms of Elsass and Lothringen to my escutcheon; I, however, said that I should much prefer those of Sleswick and Holstein, for that is the diplomatic campaign of which I am most proud.' Councillor of Legation Von Holstein, one of the guests present, asked, 'You mean that, then, from the very first?' 'Yes, certainly,' answered the Prince, 'immediately after the King of Denmark's death. But it was a difficult business. Everybody was against me. Austria, the small German States, the liberals, the English—well, we all know whom besides. I did not feel quite sure of Russia. Napoleon was all right, for he thought to put us under an obligation to him. Just at that time we held a State Council at which I made one of the longest speeches I ever delivered myself of, and told my hearers a good many things which must have appeared to them inconceivable and impossible.' He gave us a *résumé* of this oration, which I do not conceive myself to be justified in publishing, and then went on as follows:—'Judging by the astounded expression of their countenances, it was hand and the families of the Crown Prince and the Grand Duchess of Baden, her two children, at Baden-Baden. If the weather permits an excursion is made to one of the many lovely spots in the neighborhood. This year a picnic party was arranged to Breisach, a small village in the Black Forest, where the distinguished company, greatly relishing the fête, endeavored to preserve a strict incognito. But not all the members of the imperial family were present. The Crown Princess is at present in Italy, where she will remain all winter. At the instance of Queen Margherita Her Imperial Highness has taken a house at Pagli, near Genoa, from whence she contemplates paying flying visits to the most interesting parts of Italy. She would like very much to extend her journey to Rome, but it is questionable whether she will carry her plans into execution so long as the ecclesiastical conflict places her in a disagreeable position toward the Vatican. The Crown Prince, whose departure for Italy took place somewhat against the desires of Kaiser Wilhelm, averse to any long separation from his son and heir, promised a speedy return. His Majesty's objections to the journey of the Crown Prince to Italy may be well conceived if one reflects on his advanced years and the possibility of a sudden catastrophe, which might at any moment cause the vacation of the imperial throne.

PRINCE GORTSCHAKOFF AND THE KAISER.

Among the many persons of note at Baden-Baden Prince Gortschakoff, who is living next to the Emperor, attracts the greatest attention. The Russian Chancellor, whose bitter altercation with his German colleague, once his best friend, now forms the chief topic of conversation in political circles, has been recruiting his health at Wildbad during the summer, where Count Schouvaloff, Baron Oubril and other leading Russian diplomatists were staying. The Chancellor has quite recovered and is sufficiently strong to carry on a wordy strife with Prince Bismarck. In taking up his quarters at Baden-Baden the wily statesman seems to hope that he may succeed in casting discredit on Prince Bismarck by exposing to the German Emperor his hostile machinations. Prince Bismarck, having the utmost veneration for his sovereign and highly valuing the estimation in which he is held by him, is said to be not a little alarmed at the continued insinuations directed at him by Prince Gortschakoff. Apprised that the latter charged him with the want of support granted to the Russian plenipotentiaries in the Berlin Congress, Prince Bismarck has by means of the *North German Gazette* categorically contradicted these insinuations and publicly laid bare the defects of Prince Gortschakoff's policy. Fortunately for Russia as well as Germany the firm friendship of their Emperors excludes any possibility of the personal combat of the two Chancellors perhaps extending to a general conflict. So long as Kaiser Wilhelm and the Czar Alexander retain their sceptres we need not fear the outbreak of a Russo-German war—a contingency that can only arise after their death. In order to be forearmed against the eventuality of a Franco-Russian alliance, on whose conclusion Prince Gortschakoff seems to be bent, the German Chancellor, never at a loss for means to gain his end, has decided on a chosen *entente* with Austria-Hungary, by which he may dictate the peace of Europe.

THE PRUSSIAN ELECTIONS AND THE ULTRAMONTANES.

Prince Bismarck's stay at Berlin is only to last until the end of the present week, when he will leave for Varzin, his favorite estate, in Pomerania. During his recent sojourn here he has been busily occupied with State affairs, foremost among which was the elaboration of the government bills to be submitted to the ensuing session of the Prussian Diet. The general elections held for this august assembly, the importance of which has been considerably diminished since the formation of the Empire, have not been so favorable to the present Cabinet as was confidently anticipated. Neither the liberals nor the conservatives will command an absolute majority, but will again have to witness the comparative preponderance of the ultra-obvious to me that they imagined I had drunk too much wine at luncheon. Costenoble took notes of the Council's proceedings, and when I subsequently looked over them I found that those parts of my discourse at which I had spoken most clearly and forcibly had simply been omitted by him. I called his attention to this. "Yes," he replied, "that is the case, certainly; but I thought it would be agreeable to you if I left all that out!" I rejoined, "Not at all; by no means. I suppose you thought I was 'blowing;' but I maintain that everything will happen just as I said it would. * * *"

THE IRON CHANCELLOR'S THOUGHTS.

"The Prince passes for a person of iron character—for a spirit confident in and certain of itself. I do not deny that he is so; but he, too, has his moments of weakness—periods of apparent or real dissatisfaction with his performances and his destiny—lackadaisical, or let us rather say gloomy tempers, which express themselves in a sort of universal wailing. Sometimes these moods of his remind one of certain traits of Achilles, when sulking in his tent before Troy—sometimes of Solomon's outcry, 'But when I regarded all my works which my hand had made and the pains which I had taken, lo! all was vanity and vexation, and there was nothing new under the sun.' Perhaps this was due to some mystical process going on in his soul; or perhaps it was the consequence of physical phenomena, resulting from over fatigue—a dissonance in his nervous system. One evening, sitting in the place I have already described, after having brooded to himself for some time in silence, he began to complain to us that he had derived but little joy or satisfaction from his political activity. He asseverated 'that he had made nobody happy thereby—not himself nor his family nor, indeed, anybody else whatsoever.' We protested against this assumption. He went on, however, to say, 'But I have made many people unhappy. But for me three great wars would not have been fought, eighty thousand men would not have perished, and parents, brothers, sisters, widows would not have been plunged into grief and mourning. However, for all this I have made up my account with God. But I have had little or no pleasure out of all that I have done—on the contrary, much annoyance, care and trouble.' And in this strain he continued for some time longer. We held our tongues in astonishment; but I afterward heard that during the last few years he had frequently expressed himself in a similar manner."

BISMARCK'S ESCUTCHEON.

Dr. Busch gives a detailed description of the two small coats of arms set up on either side of the chimneypiece in the large drawing room at Varzin. The one to the left is a shield *or*, bearing a ragged staff *gules* and an eagle *argent;* that to the right is a shield *gules*, bearing a bar *or*, above and below which are six crowns *or*, three and three. In the middle of the chimneypiece is painted the motto, "*In Trinitate Robur*," under an escutcheon bearing the German imperial eagle *sable* on a field *or*, above which, in an oval niche, forming the apex of the chimneypiece itself, stands a plaster bust of the Emperor. "The arrangement of these symbols," observes Dr. Busch, "may be interpreted by the reader according to his own judgment; but the coats and motto have each a story of its own. The former are the arms of Elsass and Lothringen. When the title of prince was conferred upon Bismarck the Emperor proposed to grant him these emblems as augmentations of his family coat. 'But,' said the Prince, 'Duke of Lorraine seemed to me a trifle too august. Then His Majesty wanted to put the eagle into my shield. I did not fancy that either. I feared that the eagle would cut up my clover' (the Bismarck-Schönhausen arms are three clover leaves on a field *argent*). 'So we came to a compromise, by which I got supporters bearing the banners of Elsass and Lothringen.' The motto dated from an earlier period of Bismarck's career. When he was envoy to the Federal Diet at Frankfort the King of Denmark conferred upon him the Grand Cross of the Dannebrog. Now, it is the custom that the name and arms of every person possessing this decoration shall be set up in the Chapel of the Order at Copenhagen, with a motto to be chosen by the person in question. 'So I thought out this motto for myself,' said the Chancellor. '*In Trinitate Robur*'—'My strength in the trefoil,' the old device of our family. And 'my strength in the three-in-one God,' suggested I. 'Quite so; that was what I meant,' replied the Prince in a friendly but grave tone."

WORLD'S FAIR AT SYDNEY.

THE INTERNATIONAL EXHIBITION OF NEW SOUTH WALES AT ITS TOILET—GATHERING THE WONDERS OF INDUSTRY AND ART—BACKWARDNESS OF THE AMERICAN DEPARTMENT.

SYDNEY, N. S. W., Sept. 11, 1879.

The International Exhibition and its formal opening next week are the topics of the hour, and will undoubtedly mark the inauguration of a new era in New South Wales. The only mistake about the affair has been the very hurried manner in which it was conceived and carried out, so far at an expense of $1,250,000. An unprecedented pluvial visitation of nearly a week's duration, in three days of which about ten inches of rain fell, has revealed many defects and at one time threatened the destruction of many exhibits. It has been suggested that the opening should be postponed until the 1st of October, but this the authorities will not hear of, and they adhere to their original date, the 15th inst., very much to the disgust of those whose goods are not landed yet. In form the Exhibition building resembles the Latin cross, having a nave 800 feet long and a transept 500 feet long, which two avenues divide the floor space into four great sections of equal size. One of the largest of the sections is entirely occupied with exhibits from Great Britain, which has a frontage of 300 feet to the nave and 150 feet to the transept. France, Austria, Germany, Belgium, Italy and Holland have been grouped together in another section. Opposite to them are the courts of the four colonies of South Australia, Tasmania, Victoria and New South Wales. Queensland, the fifty colony, and New Zealand are in the northern transept. In the nave, opposite to Great Britain, is the court of the United States, with Japan on the right and Ceylon on the left. Though we have arrived within a week of the day fixed for the opening everything is in a very backward state. Great Britain, which always takes pains to be ready in time, is, however, well advanced, and so are several of the colonies of Australasia; but the Continental courts are still in a chaotic state, and promise not to be finished for a month or six weeks.

GENERAL DELAYS OF EXHIBITORS.

For their backwardness France, Germany and Austria have no excuse, for their part of the main building was first completed and they have been in possession longer than any of the others. The French and German exhibits were brought from Europe in war ships, whose crews have been employed, since the goods were landed, in helping to unpack. At the head of the Berlin commission is Professor Reuleaux, who represented Germany at the Philadelphia Exhibition in 1876, and who, it may be remembered, brought a hornets' nest about his ears on his return to his native country by his well deserved censure of the German manufacturers for sending articles of inferior quality to the Centennial. Whether there is anything remarkably good in the portion of the Sydney collection of which he has the charge cannot at present be said, because the boxes are scarcely unpacked, and visitors are requested to keep outside the canvas screens erected round the court. The American court is very far from being ready, and not yet open to be judged. There is an extensive gallery twenty-five feet wide running along each side of the nave and the transept. It was at first intended for the display of pictures, but owing to the representations of Professor Reuleaux and others the Commissioners have decided on erecting a special art hall and allowing the galleries to be used for general purposes. Trophies of different characters have been put up in the nave and transept; one, from Belgium, consisting of two piles of iron and steel rails, bars, &c., is very conspicuous. New Zealand and Queensland have built tall gold trophies, and one of the agricultural districts of New South Wales has supplied an obelisk constructed entirely of yellow and white cobs of corn (maize). It is prominent, but not very handsome. Where nave and transept cross a magnificent dome has been erected, and it is the leading feature of the design. The dome is 100 feet in diameter, it springs from a drum 90 feet high, and the cupola attains the exalted height of 200 feet from the ground.

DESCRIPTION OF THE INTERIOR.

The inscription running round the drum consists of the words "The earth is the Lord's and the fulness thereof." Several arts and industries have been allegorically treated in the panels, and in the four corners are the names of the great divisions of the world, "Europe," "Asia," "America," "Africa." The internal appearance of the building is much finer than its somewhat plain exterior would lead one to expect. The roofs of the nave and transept are arched, and the principals, rafters and columns tastefully colored. Over the side aisles a different form of roof has been placed—namely, one broken up into numerous sections, having a slope one way and a perpendicular fall the other. The slope is covered with galvanized iron and the upright part is glazed to supply the building with light. All the roof lights face the south, so as to escape the direct rays of the sun, which in this hemisphere shines upon the north walls of houses. Good provision has been made not only for lighting but for ventilation. All the windows, whether on wall or roof, are constructed after the plan of Louvre ventilators—i. e., the sashes overlap, like tiles, and a space an inch wide has been left between each pair. Lofty towers have been erected at the ends of the nave and transept, and from them fine views can be had of Sydney harbor, its numerous picturesque bays, the city and suburbs. The exhibition building is close to the centre of the town and stands on an eminence overlooking the Government House, the Botanic Garden and Man-of-War Bay, where just now are lying the French and German ships which brought out exhibits. The Botanic Garden, which is richly stocked with semi-tropical vegetation, adjoins the exhibition grounds and will serve, as far as visitors are concerned, both as a pleasure promenade and as a place where useful knowledge can be had of the typical plants of Australia.

AMERICAN EXHIBITS.

The American exhibits would have been now all located, except those ex Dryad, if Dr. Cox had arrived in time. As he did not arrive by the July mail steamer from San Francisco the exhibitors held a meeting at the United States Consulate to consider the position, and selected Dr. Williams, of the Baldwin Company, to act as their representative. This enabled the local commissioners to deal with them at once and facilitated matters for Dr. Cox. Very little of the Dryad's shipments are landed, and they cannot be properly displayed on the opening day.

THE AQUATIC CHAMPIONSHIP.

The match for the aquatic championship of the world has resulted in a very hollow victory for Trickett, who beat Laycock by fully two hundred yards. While this affair was pending, one of the ubiquitous Smith family—a recent arrival from Canada—appeared in print as the delegated representative of the Hanlan Club, and on their behoof issued a cartel to Trickett to row for $2,000 a side. The latter's friends met Mr. Smith and declared their readiness to make a match for that amount, but inasmuch as Trickett got no expenses, they would allow Hanlan none and offered to put down one-fourth of the stake if Smith would cover it. They also allowed him three days to make the requisite financial arrangement, but no money was forthcoming.

WAR ON IMPURE MILK.

OFFICIALS OF THE HEALTH BOARD INTERCEPT A CARGO AND DUMP A PORTION OF IT IN THE RIVER—A FROG FOUND IN ONE OF THE CANS.

Any one passing the market at the foot of Spring street yesterday morning, just after midnight, would have surprised a party whose appearance and actions clearly indicated that something unusual was afoot. A horse and buggy, fastened to a post, stood alone in the shadow of a building, and some distance off, betrayed only by the occasional glitter of a shield or the flourish of a locust, lurked a half dozen policemen. Evidently it was their intention to avoid attracting attention, for they had strolled to the place of rendezvous singly and in couples and the directions they were receiving from a couple of gentlemen in civilian's garb were given quietly and with caution. A peep into the buggy in which the two civilians had come would have afforded an inkling of the nature of the enterprise. Experimenting glasses, lactometers, thermometers and dippers, all packed in the smallest space, suggested that the lacteal fluid was in some way mixed up with the purposes of the nocturnal expedition. And, indeed, such proved to be the case, for the party were under the direction of Dr. White, of the Health Board, and Inspector Louis Brennan, of the same department, and their object was the seizure and examination of the milk brought to town from Putnam, Delaware, Orange and Ulster counties. The practice of sending skimmed milk to the city, as well as plentifully diluting it with water, has become so general that experts assert that the percentage of pure milk offered for sale in New York is almost infinitesimal. The motive of the Health Board's determination to put an end to the illicit traffic does not consist solely in its being dishonest. The mere dilution of milk, while serving to weaken it and rob it of its nutritious qualities, might be overlooked did not serious consequences to the public health sometimes ensue. The quality of the water used in the weakening process is what causes the authorities apprehension. In nearly every instance the water used by the dairymen is taken from springs and wells, and the readiness with which it communicates infectious diseases is attested by numerous examples.

CONTAGION PROPAGATED.

Some time since Dr. Murcheson, an eminent English physician of Marylebone, set about tracing the sources of disease, and was able to satisfactorily establish that many of the contagions which became epidemic there were communicated through the medium of watered milk. In several instances the water in which infected persons had washed was thrown away near the wells whence was drawn the liquid with which the milk was diluted, and this soaked through the ground and carried the germs of disease into the fluid which was subsequently exposed for sale and consumption. Many instances can be cited of the propagation of scarlet fever, diphtheria and smallpox by diluted milk, and it is with the purpose of effectually stopping the practice that Dr. White and his associates have lately worked so energetically. On the lactometer they depend to ascertain the percentage of water mixed with the fluid, and by analysis and other more speedy methods they learn whether any other adulterations have been made. Pure milk will stand recorded on the lactometer from 110 to 120. But, knowing that water in some quantities will certainly be used, the health authorities make ninety-five the limit, and all milk reaching a lower figure on the scale is condemned. It is but a short time since Dr. White intercepted a cargo of milk from the Hudson River counties, about half of which he found unfit for use and promptly emptied into the river. Then some of the milkmen waxed wroth, but, fancying that they would be spared his visitations for a lengthened period, they pursued their custom under a false conviction of security. Yesterday morning's operations were intended to undeceive them and show that a rigid scrutiny is being maintained.

MILK DEALERS SURPRISED.

The William Cook is the vessel on which the lacteal wealth of Ulster, Delaware, Putnam and Orange counties is at times conveyed to the city, and the mysterious muster at the Spring Street Market yesterday morning was brought about for the purpose of intercepting her. As some old-fashioned, loud-voiced clock near by struck the hour of one the party made for the pier at the foot of Canal street, where the steamer usually lands. The dealers who vend the fluid in the city were out in force, and when they discovered that the police had taken possession of the pier there was quite a sensation among them. Generally the disposition of the men was amicable, and some of them went so far as to express their consciousness of being benefited by the interference of the officials.

THE DAIRYMEN OUTWITTED.

It was a long and dreary watch both officers and milkmen had for the arrival of the William Cook. Hours rolled away and still the officials stood ready to board the vessel of which no sign appeared. So time passed and four o'clock was pointed out on the dial without word of the expected cargo reaching the throng. Then, however, a movement began, at first quiet and imperceptible, but soon sufficiently marked to catch the eye of the police. The milk wagons were gradually thinning down. Some had gone away quietly, others had disappeared with a rumble and clatter. What could it mean? Were the dealers giving up business for the day? It was a very few minutes before the cause was ascertained. The cargo had been landed at Harrison street and the dealers had been invited to steal off and load up there while the authorities were keeping watch and ward over the Canal street pier. The latter were equal to the emergency, however, and soon Inspector Brennan, with a stalwart officer, was flying along West street in a buggy to intercept the cargo. They were at the landing as soon as the first milk wagons, and taking post at the gangplank forbade the removal of a singlecan. Then Dr. White arrived and, notwithstanding the murmurs of some of the disappointed dealers, he went to work testing every can. The members of the Sanitary Police Squad who were on hand were posted at the place of exit, and they rolled aside such cans as the Doctor condemned. Evidently the dairymen had taken to heart the lesson the authorities taught them a short time since, for the Doctor was forced to admit a marked improvement in the quality of the milk.

A FROG IN THE MILK.

Some of the dealers were quite eloquent in their praise of the milk they put in the market, and one of them was just vaunting his confidence in its utter freedom from dilution when his assertion met with a rather peculiar but very reliable contradiction. The Doctor had just uncovered one of his cans, and there, floating about in the white liquid, with his eyes bright as ever and wearing a general air of solid comfort, was a young frog, fresh from some dairyman's spring. It did not require the lactometer to decide that that milk had met with a plentiful watering, and back the can was rolled among the condemned material, while the rustic prisoner, released from duress, hopped silently away.

When the examination of all the cans had been finished it was broad daylight, and then began a scene that had a curious interest for the teamsters and dock laborers who began to flock around. On the gangplank stood the Sanitary Police, and through their lines can after can of milk was passed to be emptied into the water underneath. All around the vessel the river was whitened by the sudden infusion of the congenial liquid, and when every drop had been disposed of Dr. White led off his auxiliaries, and the empty cans were checked back to their country owners to teach the lesson that skimming and diluting have now become costly experiments.

MR. DE BARY'S GUN.

MARVELLOUS CIRCUMSPECTION OF THE CUSTOM HOUSE OFFICERS—ARE THEY IN COLLUSION WITH THE BROKERS?

Frederick de Bary returned to this country by the White Star steamship Germanic on Saturday last. He unfortunately possessed in his luggage a double-barrelled shot gun of English manufacture, and to this weapon the readers of the HERALD are indebted for another exposition either of Custom House stupidity or imposition—let them judge which. Only three weeks ago was chronicled the experience of the wife, child and nurse of Mr. Graiffe, a merchant of Leonard street, who also arrived by a White Star steamer and were subjected to gross indignity at the hands of Custom House inspectors. Mr. De Bary is well known as an importer of wines, whose place of business is in Warren street. He went to Europe on the 5th of July, taking this gun with him, for sporting purposes. He had used it for two years, in fact bought it second hand, and while in Florida it was carried by his guests, General Van Vliet and General Sherman. According to Mr. De Bary's own statement, he informed the inspector at Quarantine in his declaration that he had two trunks and one gun case. The trunks contained certain dutiable articles, which he enumerated, but the gun was an old one, which he reckoned among his personal effects. It was too late to enter his luggage on Saturday, as he resides at present in Summit, N. J., so he intrusted this duty to his porter on the day following. After paying some $82 on the dutiable goods, which Mr. De Bary had sworn to in his declaration, the porter obtained possession of the trunks, and asked for the gun. The inspector handed him a piece of paper which announced that the gun had been taken to the United States storehouse. All the other property was delivered, since it agreed exactly with Mr. De Bary's declaration. On the back of the paper, narrating the disposition of the gun, the inspector had written: "Evidently used."

INSOLENCE OF OFFICE.

Monday morning found Mr. De Bary on board the Germanic. He met the purser and asked him if he had seen his gun. The purser replied that the gun had been sent to the public store in Laight street. A person who overheard the conversation suggested the advisability of employing a Custom House broker. Mr. De Bary called at the public store at ten o'clock, and was told by an employé that his gun had not arrived. "If you want it," said this man, "you had better employ a Custom House broker. Mr. De Bary did nothing of the kind. He has his own broker, but in this instance he preferred acting for himself. He found Deputy Collector Jones, with whom he is acquainted, and told him what he wanted. The officer wrote on the back of the paper committing the gun to the public store, "To be informally appraised." This, in the mind of Mr. De Bary, appeared to end his troubles, but he was mistaken. Another officer kept him waiting for half an hour before saying "That gun has evidently been used. How much did you pay for it?" "Three hundred dollars," answered Mr. De Bary, and the officer added, "I could raise such a gun for $100." Mr. De Bary said the weapon was among his personal effects, and asked the officer if he was through. "I can't deliver it yet," was the reply: "You had better employ a Custom House broker." Mr. De Bary's indignation at such a termination of his efforts will be appreciated by many another citizen who has had a similar experience. For two days he bottled his wrath and then went to see General Merritt about it. The Collector ordered the papers to be brought to him, examined them and saw they were perfectly correct; then he said, according to Mr. De Bary's statement:—

"It is a mistake; that is all. I presume you sometimes experience mistakes in your own private business, Mr. De Bary?"

"Yes," was the response; "but if a mistake occurs in my business it is I who suffer for it. Who suffers for it in the present instance? I have been abroad a great deal, and there the Customs officers, who are the servants of kings, queens or emperors, treat every person courteously. In this port you first make a traveller swear concerning his luggage and then treat him as a perjurer. You are the servants of the government of the United States, the servants of its citizens."

After some further conversation between them the Collector and one of his assistants made out the papers necessary to the release of the gun. General Merritt said the inspector on the wharf did not know the messenger of Mr. De Bary. To show how careful it was necessary for inspectors to be, he related an instance of a gentleman worth $1,000,000, who entered this port and omitted to declare six valuable lace curtains which he had in his trunks. Mr. De Bary replied to this:—"There are plenty of thieves in the streets of New York, but you would not therefore arrest every citizen on suspicion."

ON ITS MERITS.

The shotgun was finally delivered to its owner, and on a paper which accompanied it was written, "Storage waived." In a conversation with a reporter of the HERALD yesterday Mr. De Bary related the facts as above, and added that the Collector himself had treated him fairly and courteously. "The points I wish to arrive at," said he, "are:—First, that the Custom House authorities make a citizen take an oath, and then, not believing him, treat him as a perjurer. Second, that there would appear to be collusion between the inspectors and the brokers. If a well known individual appears before them it is all right; his baggage is passed. Several of my fellow passengers have said to me since my affair became public—'Why, I gave the inspector $5 and it was all right.' I did not pay $5, and I meant to see how much justice I could obtain as a simple citizen of the United States. I am satisfied that a stranger, though he be a citizen but is not known to the officers, is liable to a great deal of annoyance, not to say insult. You can imagine the situation of a visitor to this country who had but a few days to spend, and required two or three of them to get his baggage through the Custom House."

Collector Merritt said to the reporter:—"When Mr. De Bary called I tried to explain to him just how the difficulty was occasioned. 'Had he gone for his baggage himself there would have been no trouble. The inspectors did not know his porter. Their orders are very strict where they are not certain a thing is not dutiable. Probably the inspector to whom Mr. De Bary explained that the gun was an old one was not on the dock when the baggage was passed upon. Unless the gun was among Mr. De Bary's personal effects, and was known to be old, the inspector was bound to send it to the public store. From thence it could only be taken after the process that all other property must undergo. When I asked Mr. De Bary for the names of any person or persons who had advised him to employ a Custom House broker, he could not furnish them. That is a matter which would receive immediate attention if we had any evidence on which to proceed. I also asked Mr. De Bary if he had been treated discourteously by any officer of the Customs and he answered 'No.' Discourtesy to travellers will be attended to whenever brought to the attention of the service. Beyond that the inspectors, like myself, are bound by certain laws and are responsible only for their execution."

BAGGAGE RELEASED FROM BOND.

One of the articles seized by order of the Law Division of the Custom House on the 12th inst., among baggage arriving by the steamer Germanic, were twenty-five packages and trunks belonging to the family of Mr. O'Donnell, of Baltimore. This party had been abroad for several years and in that time their effects accumulated quite rapidly. A regular inspector had examined the trunks, passing some of them, while on others he had duty assessed as on new and dutiable articles. The examination being concluded Mr. Columbus O'Donnell had his luggage taken off the White Star pier and transported to the ferry, where some special inspectors of the Seizure Department of the Custom House were in waiting, and apprehended the same. On Monday morning the trunks and cases were brought to the Custom House.

Since then every one of the twenty-five pieces was overhauled and the contents critically examined by experts from the Appraiser's Department. Very few new goods were found outside of the wearing apparel of the family, which, however, was very fine and costly. Yesterday Collector Merrit allowed the owners of the baggage to pay the additional duty and released the effects, which were at once forwarded to Baltimore.

LOST AT SEA.

Captain Walker, of the bark Enigma, from St. John, New Brunswick, arrived at this port yesterday, and gave a HERALD reporter the following details of a shipwreck which he witnessed during the voyage:—On October 3, at eight o'clock in the morning, the lookout descried a bark flying a signal of distress. The Enigma at once bore up for her, and the boats were in readiness to go to her assistance. The sea was as smooth as glass, and had been so for twenty-four hours—latitude 42 deg., longitude 37 deg. 10 min. A French bark was seen two hours before the vessel in distress was sighted. By the time the Enigma reached the vessel the French bark was out of sight, and Captain Walker is of opinion that she took off the crew. The distressed craft was flying the Norwegian flag, and when first sighted her hull was high out of water. Captain Walker brought his ship within five hundred yards of her, and at the same time an English bark which had seen the signal of distress was close at hand and had her boats out. The Norwegian vessel had her topsails set and all her boats were on the davits. She appeared to be a good craft, with masts and rigging in the best order. Everything was snug on deck, but there was no sign of life. When the Enigma got within five hundred yards of her the strange vessel suddenly lurched to port and went down bows foremost. Not a vestige of her could be seen afterward. Captain Walker then held on his course, the British bark accompanying him. He met two other vessels with topmasts gone and he lost a foresail off the Banks.

THE NICHOLS CERTIORARI.

Argument on Appeal Before the Supreme Court, General Term.

CONFLICTING JURISDICTIONS

Mayor Cooper's Action Claimed To Be Judicial, but Illegally Conducted.

The controversy growing out of the attempt made by Mr. Sidney P. Nichols to have reviewed by the Supreme Court in certiorari proceedings the action of Mayor Cooper dismissing him from the office of Police Commissioner came up for a hearing yesterday before the Supreme Court, General Term, Judges Davis, Brady and Ingalls being on the bench. The hearing was on two appeals, one by Mayor Cooper from the order of Judge Westbrook directing the issuance of a writ of certiorari in the case, and the other an appeal from the order of the same Judge vacating the stay of proceedings granted by Judge Ingalls, and directing a filing of the return. Corporation Counsel Whitney and Mr. F. N. Bangs appeared on behalf of the Mayor, and Mr. Nichols was represented by Mr. William Allen Butler and Messrs. John D. Townsend and John W. Weed.

After giving a history of the case Mr. Bangs proceeded to give the legal grounds why, in his opinion, the appeals on behalf of the Mayor should be sustained. His first point was that no other order than has already been made was or is necessary to enable the Court to hear the first appeal; and that if there is any defect in any of the proceedings taken for the purpose of perfecting an appeal, such proceeding is amendable and should be amended. He next raised the point that the application to Judge Brady on August 30 for an extension of time to file a return, and the granting by him of that application, involved no waiver of the appeal. He further urged that the filing of the return was not a waiver of the appeals already taken; that the return was filed under the compulsion of the orders and of threats to enforce those orders by attachments for contempt, and that the return expressly reserved appeals and objections already taken. He insisted that in case the Court should consider the orders now under review to be erroneous, and the appellant entitled to have them reversed, there could be no practical difficulty in giving effect to the reversal by directing all proceedings had while they remained in force, including the writ and the return to be vacated. Upon the merits of the appeals he contended that the power and jurisdiction of the court were exceeded, or if not were indiscreetly and improperly exercised in the making of the first order complained of. The presumption of law, he further urged, must be that the Governor would correct the Mayor's errors, if any were committed, and would commit none of his own. The interposition of the Court at that stage would be extra jurisdictional, because needless and because the Mayor's duty to submit the case to the Governor is express and inevitable, and the interposition of the court would involve him in censure for doing his duty, and because the Governor's office and function would be intercepted and suspended upon a baseless apprehension of some wrong-doing. A certiorari to the Mayor at that stage, if effectual, would be equivalent to an injunction upon the Governor. Upon this presumption, he claimed, no judgment of this court could be effectual.

A CONFLICT OF AUTHORITY.

The Governor had properly before him the question of approving the Mayor's action. Power to approve is, by law, conferred upon him, and he cannot be divested of it by a proceeding to which he is not a party. While this Court was engaged in disapproving he might be engaged in approving. Then two conflicting judgments would be in force, both of equal authority. But the vesting of revisory jurisdiction in the Governor is equivalent to depriving this Court of jurisdiction—at least until the Governor has acted. The record, clearly, cannot be in two places at once. It cannot be in this Court and in the Executive Chamber at the same time. If it has gone to the Executive Chamber this Court has no jurisdiction. The papers show that there is but one record, and the Mayor is not its custodian. He commenced the proceedings and remitted the record and history of them to the Governor. The Governor continued the proceedings, consummated the judgment and completed and closed the record. Until the Court hears from him it hears nothing of which it has jurisdiction to take notice. He contended in conclusion that the second of the two orders appealed from is liable to all the objections made to the first, and to others besides: that the objections stated involve a question of jurisdiction, and not one of discretion or regularity merely; that the Mayor committed no error of law or fact in the proceedings before him, so far as they appeared on the application for a certiorari, and that the orders appealed from should be reversed and all proceedings thereunder should be vacated, or the matter remitted to the Special Term with directions to vacate all proceedings after the first order, the latter being reversed.

THE POINTS FOR MR. NICHOLS.

The argument on behalf of Mr. Nichols was equally lengthy and technical. It was claimed in respect to the appeal from the order allowing the writ of certiorari that the granting or refusal of the writ rested in the sound discretion of the Court. The Court, it was claimed, was possessed of the fact that a return had been made to the writ and that the issues or questions raised by the return were to be heard at the Special Term for equity cases and issues of law, the proper tribunal according to the recent decision in this case of the Extraordinary General Term. Every question sought to be raised by the present appeal can, and properly should be, raised on that hearing, it was argued. An appeal from an order allowing a writ of certiorari is unusual, if not unprecedented. The proper practice, as shown by all the reported cases, is to raise all questions relating to the rights of the relator and the action of the Court not by appeal from the order allowing the writ, but by motion to supersede or quash. The defendant is not prejudiced, but will be greatly benefited by pursuing the ordinary course. His return must be taken as true, and he can raise every possible objection to the writ on the hearing on the return. The present appeal should, therefore, not be entertained by this Court. The appeal should be dismissed or the order affirmed on the ground that it is not appealable, or, if appealable, that the order is not reviewable here in the presence of the fact that a return has been made and that the whole merits are now the subject of a pending issue in the Special Term. The authorities are uniform in holding that the question of the right of the relator to the writ and also the question whether the proceedings sought to be reviewed by it are proper subjects for review by the writ are to be determined upon the return. It is plain that the