CONKLING.

Senator Conkling's First Speech in the Campaign.

AN ARRAIGNMENT OF THE DEMOCRACY.

The Charge of Corruption Answered by Official Figures.

A Forty Years' Record Reviewed.

A TRIBUTE TO PRESIDENT GRANT.

UTICA, Oct. 3, 1876.

A large and enthusiastic Hayes and Wheeler meeting was held in this city this evening. There was an immense attendance and the greatest enthusiasm was manifested. Senator Conkling was received with loud cheers.

SPEECH OF SENATOR CONKLING.

Mr. CONKLING, in the course of his speech, said:—In so far as this greeting may be personal to me, I appreciate it very deeply and beg you all to receive my most grateful acknowledgments. I can never think of the confidence and trust for which, in the past and always, I am so much indebted to you, without unfeigned regret that I have been able to render no better and worthier service to the county of Oneida and to the great State whose interests and honor are so dear to us. I speak not of county or State, because their interests are, or ought to be, separate from the interests of the country—they are not and cannot be separate. We are citizens of one country, and that country is not a league of counties or States, but a nation—a nation gifted with greater opportunities and blessings than any other nation in the world. Its peculiar attribute is manifest in your presence here to-night. Were we subjects of any of the older governments—did not the governing power rest wholly with the people; were not all citizens equals in political rights—such an assemblage as this would never convene. You come here because a general election approaches, because the will of the majority is the supreme human power, and because each individual has just his proportionate share of duty and control in governing the whole. This is a very high duty, deserving grave attention, and I deem it a privilege to discuss it before you, provided you will accept as apology in advance for my not feeling able to speak to you this evening as satisfactorily as I would. The city, the county, the State, the nation, is not prosperous now, or more truly speaking, is not so prosperous as in other times. This is true of all the nations, or nearly all. We carry heavy burdens. The waste and destruction of a four years' continental war has much diminished the wealth of the whole people. A large national debt presses on certain classes of consumers and producers by exacting taxes to pay constantly accruing interest. State and municipal indebtments make still more general exactions. During and since the war inflated currency, marking high and deceptive prices, incited extravagant living, extravagant enterprise and extravagant speculation throughout all our borders. When the day of reckoning and reaction came ruin fell on many, loss fell on all. Now industries in general are depressed, labor finds inadequate employment, trade is sluggish, money in millions piled on millions lies idle and timid in the banks, and capitalists are afraid to invest or embark in enterprises because of the unsettled present and the uncertain future. Crops and productions find insufficient markets. In the South, which should be an inviting, safe and teeming field for both labor and capital, idleness is the mother of mischief, and deeds of violence and blood attest a state of things fatal to social or material prosperity. Instead of rebuilding and becoming sources of wealth to the nation, raising its credit so as to lighten the rate of interest it pays—instead of yielding their share of needed revenue, instead of swelling the tide of supply and demand by which markets are made, products and commodities exchanged, labor and capital rewarded and prosperity increased—instead of being nourishing fountains, the Gulf States are in some respects drains; they suffer themselves, and their condition causes suffering, anxiety and humiliation to the people of every State. Such, in outline, are the public evils which now confront us. That they will all be cured by putting in power either of the two parties striving for the mastery, of course, I do not believe. The age of miracles has passed away. There are no effects now without adequate causes. All these evils have their causes here and in the Old World; their cure will have its causes too. To discern and deal with these causes is the office of intelligence and wisdom.

WHAT LEGISLATION CANNOT DO.

Legislation and administration will never bring back the men or the property destroyed by war nor change the hearts of men. Legislation and administration will never create wealth or pay debts or taxes. Statesmanship may do much, but all it can do is to clear the way of impediments and dangers and leave every class and every individual free and safe in the exertions and pursuits of life. Wealth can never be conjured out of the crucible of politics. Wealth must be hewed out of the forest, dug out of the earth, blasted out of the mine, pounded out on the anvil, wrought out of the machine shop and the loom. But peace, order and liberty may be guarded, public burdens may be lightened, ruinous issues of paper money, with the spoliations and evils in their train, may be curbed, frugality may be enforced, the treasury and the public credit may be defended and preserved. These things depend largely on the election next month. The people will then put into power the purposes, the theories and the men of one of two parties; and every one should inquire earnestly which of the two is more likely to deal wisely with the serious problems of the next four years. This question may be examined without bitterness or malice. On the 25th of last June, the Governor of Ohio, speaking to his assembled neighbors is reported to have uttered these words:—

> There had been too much bitterness on such occasions in our country. Let us see to it that abuse or vituperation of the candidate that shall be named at St. Louis do not proceed from our lips. Let us on this Centennial occasion, this second century of our existence, set an example of what a free and intelligent nation can do. Let us show all those who come and visit us how the American people can conduct themselves through a canvass of this sort. If it shall be in the spirit in which we have met here to-night; if it shall be that justness and fairness shall be in all the discussions, it will commend free institutions to the world in a way in which they have never been commended before.

CALUMNY AND RANCOR CONDEMNED.

The author of these words had just been nominated for the Presidential office, and with him for the second place had been nominated an honored citizen of our own State. Since then our opponents have named their candidates; one is the Governor of New York, the other the Governor of Indiana. The Chief Magistrates of three of the most populous and intelligent States in America are thus presented to the suffrages of their countrymen for the most exalted stations. Such an occurrence is unusual, and it is made conspicuous by an historic epoch. The Republic has reached its Centennial, and at Philadelphia pours out before the world its trophies of civilization and progress. Not alone at Philadelphia, but throughout its domain, the nation poses before christendom. The country is on exhibition, with its methods, its manners, its ideas, its culture, its standards of thought, its attainments in dignity and reason. Calumny and rancor in public discussions seem out of place and out of time, and if they prevail, perhaps, the only consolation is that they fall heavily on those who heretofore have deemed nothing too violent, too vulgar or too unjust to be said of men in public station, or of candidates, however blameless they might be.

THE REPUBLICAN PARTY NOT CORRUPT.

Democratic triumph now means that a majority of those to hold the seats of power shall be men who not merely opposed the government in the war, but men who actually and openly fought for the rebellion. Of course the majorities must come chiefly from the South, and thus the House of Representatives and the policy of the country are to be given up to those who recently stood on the battlefield arrayed against us. Why should this be? What is the pretext? Why, that the public service is so festering with wrong and corruption that the nation needs a Saviour to scourge the thieves from the temple. Did I believe this I would admit that no cure could be much worse than the disease. I don't believe it; I know it to be false. It is not true that the republican party, having conducted the greatest war in modern times; having saved a republic which is the asylum of the world; having, without taking life, liberty or ransom, forgiven every conquered foe; having administered finance, diplomacy and government with remarkable success; having broken the fetters of 4,000,000 slaves; having solved the problem which baffled our fathers by imbedding in the constitution liberty and equality as the birthright of all; having made haste to acknowledge every obligation, denying and repudiating none; having proved trustworthy in its custody of money beyond example, it is not true that the republican party, the doer of all these things, with its greatest captain at its head, standing among the graves of its martyrs and heroes, and amid the grandeur of its achievements, has bred general corruption in the very sunlight of its triumphs for humanity and civilization. No doubt venality has existed during General Grant's Presidency. It has existed under every President, not excepting Washington. The war, with its great expenditures and the inflation of currency and prices, incited speculative passion and multiplied temptations and opportunities to make forbidden gain. Extravagance and profuseness became more or less the fashion and habit among all classes. Other causes were at work tending to laxity of morals, and you find them recorded by every historian who ever wrote intelligently of the effects of war and inflated currency in any country or age. Such a condition of things naturally led all thoughtful persons to expect an unusual prevalence of unfaithfulness to trust, public and private. The expectation has been no more than fulfilled. It is probably true that our country and our times have not proven altogether exceptions to the rule exemplified in other countries and in other times under like conditions.

GENERAL DEMORALIZATION.

There have been during those years many exposures of fraud and wrong. Defalcations and embezzlements have occurred in banks, in municipal corporations, in railways and insurance companies, in county and in State treasurers, and in private establishments. Trustees, long-trusted lawyers, even executors for orphans, have been found derelict in repeated instances. The churches and the reverend clergy have not been wholly exempt from malarious visitation. In many cities and hamlets in different States, church and pulpit have fallen under heavy reprobation. I do not deny that the body of national officials and public men has furnished its quota of iniquity; I do not deny that jobbers, bribe-takers, defaulters and hypocrites have in some cases brought disgrace on the republican party; but I do deny the wholesale charges of corruption and profligacy poured out on the present administration and its supporters. They are gross exaggerations and libels on our country and our countrymen. Here is a statement of these charges as understood abroad. I read from the London *Standard*, a champion of monarchy, of course, and a disbeliever in republics:—"The results of republican experiment in the United States are the corruption of public life, extinction of public spirit, the oppression of the minority, the disgust of honorable men with politics, and the transfer of government into the hands of corrupt, unscrupulous and ignorant men."

FACTS AND FIGURES.

To judge of the act of those who have filled both hemispheres with these noxious rumors, let us look at the Treasury books and see whether officials have lately been more or less honest than formerly. Here is an official statement made on the 19th of last June. It shows the amounts received and paid out by each Executive department of the goverment for the last forty years, and the amount lost or embezzled by officials of every kind and grade. I read only the losses, giving the loss on each $1,000 during periods of four years each. The Post Office Department is separately stated, and I take first all the other departments collectively.

From January 1, 1834, to 1838, Jackson being President, the loss on each $1,000 was	$10 55
From January 1, 1838, to 1842, Van Buren being President, the loss on each $1,000 was	21 15
From January 1, 1842, to July, 1845, Harrison and Tyler being President, the loss on each $1,000 was.	10 37
From July 1, 1845, to July, 1849, Polk being President, the loss on each $1,000 was	8 34
From July 1, 1849, to July, 1853, Taylor and Fillmore being President, the loss on each $1,000 was	7 64
From July 1, 1853, to July, 1857, Pierce being President, the loss on each $1,000 was	5 86
From July 1, 1857, to July, 1861, Buchanan being President, the loss on each $1,000 was	6 98
From July 1, 1861, to July, 1865 Lincoln being President, the loss on each $1,000 was	1 41
From July 1, 1865, to July, 1869, Johnson being President, the loss on each $1,000 was	0 48
From July 1, 1869, to July, 1873, Grant being President, the loss on each $1,000 was	0 40
From July 1, 1873, to July, 1875, Grant being President, the loss on each $1,000 was	0 26

THE POST OFFICE LOSS.

In the Post Office Department the loss under Mr. Pierce was $6 92 in $1,000; under Mr. Buchanan it was $3 02 in $1,000; under Mr. Johnson it was $2 06 in $1,000. Under General Grant, during his first term, it was only $1 13, and during his second term up to the end of the fiscal year 1875 it was but fifty three cents. The postal-order system has been only recently introduced, and therefore it cannot be compared with the past, but $390,000,000 have been handled, sent and received by postal order with a loss of only forty cents in each $1,000. Does all this look like a decay of official integrity? Compare the expenditures of the government in 1875 with those of 1860. In 1860 they were $1 90 for each person in the United States; in 1875, estimating only 40,000,000 people, they were $1 70 for each person; estimating 43,000,000, $1 60 each. This shows a decrease of twenty cents each, or thirty cents, as the case may be. But it will be said these are only current expenses, they do not count in the millions of interest on the debt and the pensions and war expenses.

THE DEFAULTERS BEFORE 1860.

Here is a list of defaulters during thirty years previous to 1860. One hundred and forty names appear, and the amount they took is $10,092,000. Several of them appropriated hundreds of thousands each. These things happened in what are now called purer, better days. Do they look as if men or officials used to be always honest? Do they look as if honesty has ebbed of late? Do they look as if rapacity, spoliation and plunder are ravaging the public service? Do not suppose bygone delinquencies are referred to as argument that crimes in the past excuse crimes now. Far from it. Such a thought is unworthy and stupid. No wrong can be palliated because the same wrong has been done by others; but the charge is that official depravity has increased of late beyond anything known before—that just now we have sunk lower than any of those who went before us, and the only way to test the truth is to look at it squarely and sharply. Do you see the alleged corruption around you? Are the post offices in this county managed by plunderers? Is there extravagant expenditure in them? Is the Collector of Internal Revenue here a rogue, and do he or his deputies embezzle and steal? Did you ever know a case of official dishonesty brought to the knowledge of the President on which he did not lay prompt and unsparing hand? Show me such a case, and you will show me something I never heard of. Tell me of an administration or a political party more ready than the administration and the party now in power to expose and punish its own supporters for supposed offences and you will point to a page in American history I have never read.

The air has been murky for years with vaporings about the shocking demoralization of the administration and Congress, and the extravagance of appropriations and expenditures. At last we have a test and lesson in this regard which I beg you to lay to heart. The present democratic House of Representatives cut down the appropriations at the late session, and now hundreds of the very men, some with newspapers and some without, who have led the chorus of accusation heretofore have discovered, and assert with equal confidence and cite the facts to prove, that the appropriations where the democrats found them were at the lowest notch, right and necessary, and that the reductions were unwise, unpatriotic and hurtful to the public interest.

SERMONS IN STONES.

It has been said there are sermons in stones—there are sermons in the stones which have been hurled at Grant and his administration; and when the passionate discords and selfish hates and rivalries and hollow pretensions of to-day are dead, these stones will be gathered to raise a monument to one of the truest, most fearless patriots who ever served his country. Extenuating no case of fraud or crime and knowing with shame and sorrow that individuals holding official trusts have been guilty of detestable jobbery, I still ask whether the nation is likely to profit by being given into the keeping of those who in field and forum have been on the bad side in the vital trials of the last twenty years? Is there nothing more deserving of consideration than the filthy doings of a few disgraced individuals? Shall we look at the docket of the police court to learn the movements of a State or of a nation? Shall we judge a community by the pickpockets who infest it?

REPEALING SPECIAL PAYMENTS.

Look out and see what has been done now recently. The public credit has been raised till we have negotiated bonds bearing only four and a half per cent interest to take the place of those which have exacted six per cent. Here is a saving of interest and taxes worth celebrating. Will the party which has preached repudiation and inflation be likely to improve on this?

Legislative and administrative action has been taken to make every dollar of paper in the pockets of the people as good as gold within the next three years. The democrats voted against the act, denounced it and in the branch of Congress in which they had the power passed an act of repeal, and both their candidates and their platform indorse this action. Will democratic ascendancy hasten specie payments and the restoration of business on a solid, lasting basis?

DEMOCRATS SOLID ON SOUTHERN CLAIMS.

Southern claims, estimated at upward of $2,000,000,000,000, are coming from every region on which the Union army camped, or marched, or fought. I cannot remember a case in which the vote of a democrat in Congress has been cast against a bill to pay a Southern war claim; as a rule such bills have always received the solid democratic vote. Many such claims, being within the law, get through both houses; some got through which should not, and when the President discovers such a one he vetoes it. Is a democratic President likely to veto such bills?

The South demands that $68,000,000 collected as a tax on cotton shall be paid back. They ask it in thirty year bonds to bear five per cent interest in gold, the principal and interest of which at the end of the time would amount to $170,000,000. They say cotton is a product of the earth and should never have been taxed. Petroleum is a product of the earth too, of the Northern earth, that was taxed in all its forms and stages, and nobody proposes to refund the millions it paid. Yet bills are pending to take the cotton tax out of the treasury and return it to the cotton States. Would you select a democratic President to veto such bills?

A House bill proposes to refund the Southern portion of the direct tax levied on all the States in 1861. The Southern share was $2,500,000; the North paid $17,000,000. But no one proposes to reimburse Northern States. How would a democratic President treat this matter?

REPUBLICAN DEEDS.

In ten years toward $800,000,000 of the debt has been paid, or nearly $80,000,000 a year. The annual interest has been reduced nearly $30,000,000. The annual taxes have been reduced $282,000,000. Since the war the annual expenditures where the democrats found them, have been reduced $27,000,000.

Do you believe our opponents would have done, or would do better than this?

For nine months they had the power all the time in the House of Representatives to propose something. They reduced no tax, they did nothing to improve hard times, they cut off appropriations most of which they will put back in deficiency bills; they removed Union soldiers from little places, and ransacking the whole government at home and abroad they filled the land with noise about corruption, and found some instances in which men had betrayed their trusts and disgraced themselves.

I have spoken of some of the things done and to be done. They are not resolutions or talk or high sounding promises. They are deeds.

MASQUERADING FOR REFORM.

The republican party is not made up of theorists or critics or professional reformers, or vainglorious pretenders to supreme wisdom. Its task has been with actual, difficult, vast affairs. It has made mistakes, and the wonder is, not that it has made so many, but so few. Its counsels have in the main been guided by earnestness and good faith. Time will vindicate it. The people will vindicate it by their votes. The opposition is masquerading for reform, but it is the same party, hostile in war and wrong in peace—it is the wolf, gaunt and hungry, the wolf wearing sheep's clothes. It seeks power, first by defaming its country and exaggerating facts, and second, by holding out hopes and expectations which politics, however administered, can no more fulfil than medicine can bestow eternal youth on man. Looking at all the facts, my faith is that the nation is safer to abide in the republican ship. Man is restless and discontented at best; when times are hard to change is the natural impulse, but to jump from the frying pan into the fire is a change as foolish as it is familiar.

THE VERMONT LEGISLATURE.

MONTPELIER, Oct. 3, 1876.

Most of the members of the Legislature, which convenes to-morrow, have arrived.

Ex-Governor J. W. Stewart is the most prominent republican candidate for Speaker. The democrats have nominated J. W. Bliss.

GRAND OPENING AT EHRICHS'.

One of the finest openings of the season occurred yesterday at Ehrichs', Eighth avenue. Every department was stocked with the richest and newest styles of goods till the display was a dazzling labyrinth of fashion and beauty. Especially can this be said of the millinery department, where the styles were so unique and graceful that one could be pardoned for hesitating in selection. From the bevy of beautiful combinations we select the following:—A white round felt hat, trimmed with black and white chenille, the high crown trimmed with loops of black velvet, half concealed by two long, white ostrich plumes, headed by natural wings. A full side trimming of cardinal red velvet garnishes the inside and forms a pretty face trimming.

A cottage bonnet from Virot's was also much admired. The foundation was of bottle green velvet, folded to assimilate narrow cords around the crown, and finished in front with a knotted willow pompon of sulphur color. A large knot of dark green silk adorned the back, set off by two natural wings. The inside, or face trimming, was puffings of dark green velvet, sectioned off by cut steel bands.

One of the most novel and stylish in the collection was a Gainsborough, or coaching hat of black felt. The crown was encircled with four rows of black silk cord, the top and side being trimmed with two long ostrich plumes, crossing each other at the back. Loops of black velvet and a natural wing garnished the front. In flowers there were clusters of cardinal and flush roses, forming a sort of nest, in which sits a shaded humming bird. Attached to this nest of blossoms was a spray of fern leaves and touched piquets. Then there was a half coronet of moss leaves, mixed with wild huckleberries and soft rosebuds. These styles come in all conceivable combinations and tints. The plumes were varied and handsome. There were cogne plumes in all colors and the new knotted willow plumes, which were also presented in pompons and tips. Sprays of ivy leaves, with here and there a humming bird perched amid the tendrils; white shaded greve with cogne plume attached, and cogne plumes with jetted ends.

The most handsome in suits was a brown Lyon's silk, the demi-train underskirt trimmed with box-plaited flounce, edged with a wide fold of seal brown velvet, and surmounted with a broad ruching of silk lined with velvet and caught over through the centre to imitate cup trimming. The long overskirt was of rich brown brocaded silk laid in small pleats on one side and gathered in full shirrings at the back of the left side. The back of the overskirt is composed of plain and brocaded silk, the whole trimmed round the bottom with deep silk and chenille fringe. The half-fitting jacket is formed of brocaded silk, with vest front and back of brown velvet. The coat sleeves were entirely of velvet with deep cuffs of velvet and brocade mixed, the bottom trimmed with a fringe like that on the overskirt. Another was a house dress of black bonnet silk, with court train trimmed with deep, fine side plaiting, over which is a tier of pointed black velvet, surmounted by wide shell trimming of black silk, above which was a narrow side plaiting. The front of the short overskirt was composed of black velvet, edged with deep silk fringe. The back was fulled and cut square at the bottom, edged with a narrow side plaiting. A deep pocket of silk, lined with velvet, was placed diagonally at the left side. The basque was of black silk, with velvet sleeves, the buttons trimmed with narrow plaitings and reversed folds, finished with full bows.

In kid gloves the line is remarkably full and good. Besides the ordinary importations the firm have one exclusively their own, called the Ehrich. These are very flexible and fit the hand perfectly. The prices run from $1 20 up to $1 90, and are shown in all sizes and colors.

MARRIED FEMALE TEACHERS.

VIEWS OF A TAXPAYER.

Oct. 2, 1876.

To the Editor of the Herald:—

In your valuable editoriols in relation to Married Women as School Teachers I will ask what is to become of all the Single Women or young ladies that is now fitting themselves to take the position of school teachers I do not know if you are aware of the great expense that comes out of the Parents of the girls to send them to the Normal School. I have two doughters that is attending Normal School and it requires all that I can spare to keep them dressed so as to compare with the dresses of some that are more able to dress thier children than I am they expect to graduate soon and if there is no vacancy how can they do as they say they wish to do, that is to make me some return what I have been paying out fur them.

A TAXPAYER.

AN INSIDE VIEW.

New York, Oct. 2, 1876.

To the Editor of the Herald:—

Married women as teachers in the public schools, now under consideration by a committee of the Board of Education, is a timely move, and in reading your paper of the 1st inst., relating an interview with President Wood, I fully concur with that gentleman in his opinion of the duties of married women. I am fully convinced from my personal knowledge that if the Board of Education does not prevent the engagement of married women, or require those who marry to relinquish their duties as teachers, we may have the children acting as infant nurses some day as now they act as monitors, doorkeepers, ink-distributors and messengers instead of attending to their studies, for which purpose they are sent to school, and are expected by the parent and taxpayer to reap the benefits of such schooling and not the act of servant to a servant of the people.

E. EMELINE JAMES,
formerly a pupil and teacher.

NEW YORK HISTORICAL SOCIETY.

The lecture rooms of this society, renowned for its chromos of turkeys and eagles, was well filled last night, the occasion being the reading of a paper on "The Huguenot Element Among the Dutch," by Rev. Ashbel G. Vermilye, D. D., of Schenectady. The paper rehearsed the history of the Huguenots in France, Holland and the United States, and was merely a condensation of all the accepted authorities boiled down into the compass of a sort of lecture, if the paper may be so termed. The latter part of the reading, which dealt more particularly with the Huguenot element among the Dutch of the New World, was entertaining; but the lecturer was most happy when he left the very wide field covered in his title and treated of the Huguenot element in the American colonies. The consideration of the Huguenot element among the French, which occupied the first half of the lecture, was also very entertaining.

BOARD OF HEALTH.

At the weekly meeting of the Health Board yesterday Dr. Nagle, Deputy Register of Records, presented the following report:—

During the week ending Saturday, September 23, 1876, there were 459 deaths reported in this city, being a decrease of 28 as compared with the preceding week, and 127 less than the number reported for the corresponding week of 1875. The actual mortality for the previous week was 484, or 64.4 less than the average number of deaths for the past five years, and represents an annual death rate of 23.63 per 1,000 persons living, the population being estimated at 1,065,142.

The following is a comparative statement of cases of contagious disease reported at this Bureau for the two weeks ending September 30, 1876:—

	—Week Ending—	
	Sept. 23.	*Sept. 30.*
Typhus fever	1	1
Typhoid fever	28	22
Scarlet fever	16	12
Cerebro-spinal meningitis	—	2
Measles	1	13
Diphtheria	27	34
Smallpox	—	6

OBITUARY.

JOEL S. OATMAN, M. D.

The above named medical gentleman, a resident practitioner in this city during the past forty years, died at his residence, No. 230 East Fifteenth street, on Monday morning, of Bright's disease of the kidneys. Dr. Oatman was born in Rutland, Vt., in 1807, and was a boyhood friend of Horace Greeley. He came to this city more than half a century ago, and in the practice of his profession accumulated a fortune. During the past ten years he had lived in retirement. During the cholera season, years since, he took a prominent part in the management of Blackwell's Island and other public institutions, in the hospital and infirmary departments.

ROBERT HAMILL.

Mr. Robert Hamill, who for a long time had been known as the oldest living New York and Sandy Hook pilot, died at eleven o'clock yesterday morning, at his residence in Williamsburg, Long Island, of general debility and old age. He was born in this city about seventy-five years ago, and was engaged in piloting vessels into New York harbor for forty years. One of the licenses granted him by the Commission is dated May 28, 1844, and it is not the earliest by several. After serving some years in the capacity of pilot Mr. Hamill enlisted in the United States Navy, where he faithfully served out his term and was honorably discharged. He then engaged in trade between Liverpool and New York, and commanded a packet ship for a considerable time; but his love of the old employment induced him to apply for a new license, and he again became a Sandy Hook pilot, in which capacity he remained until his retirement from active life, about one year ago.

MR. SAMPSON, EDITOR.

The death of Mr. Sampson, formerly financial editor of the London *Times*, is announced by cable.

THE GREELEY MEMORIAL.

The bust for the Greeley memorial monument is being cast at Wood's foundry, Philadelphia. It is to be of bronze and in size proportionate to a figure of about ten and a half feet. The pedestal and base are to be of Quincy and Maine granite, bearing a bas-relief in bronze with the inscription:—"Horace Greeley, born February 3, 1811; died November 29, 1872. The founder of the New York *Tribune*." The entire cost will be over $5,000. It is expected that the unveiling will take place early in December.

THE COURTS.

Prevention of Fraud Under the Bankruptcy Act.

Another Effort to Release the Twin Confidence Men.

The Estate of a Deceased Australian Millionnaire.

Decision by Judge Blatchford of Interest to Distillers.

THE FRENCH CLAIMANTS OF THE JUMEL ESTATE.

In January, 1872, Patrick Flannigan, being embarrassed and unable to meet his demands, made a general assignment of his property, for the benefit of his creditors, to Thomas O'Brien. Flannigan was subsequently adjudicated a bankrupt in the United States District Court. Louis Haas, the assignee in bankruptcy, brought suit to recover the assets from the assignee for the benefit of the creditors. The case was tried before David McAdam, as referee, prior to his elevation to the Marine Court Bench, who found that Flannigan, being embarrassed and unable to pay his debts, and being a bankrupt within the meaning of the Bankruptcy act, did make a general assignment to O'Brien, under the laws of the State of New York, of all his property, consisting of a stock of merchandise, for the benefit of his creditors, and that such assignment was drawn and perfected in all things in strict compliance with the laws of the State of New York; that the assignee sold the property at auction sale and at a fair market price, and that the assignee and his attorney, as well as the assignor, knew that the assignor was a bankrupt within the meaning of the Bankruptcy act at the time when the assignment was drawn and perfected. It was admitted that there was no fraud in the matter of the assignment and that the parties thereto acted in good faith. The referee, among other things, found as conclusion of law that the general assignment to O'Brien was void under the Bankruptcy act and that it did tend to evade the provisions of the act, and to prevent the assignor's property being distributed under it, and ordered judgment for plaintiff, which judgment the General Term of the Superior Court affirmed. The case was carried to the Court of Appeals, which has just rendered its decision reversing the previous judgment, Judge Miller writing the opinion. Judge Miller holds that although the referee found that the assignment was void under the Bankruptcy act, and that it did tend to evade the provisions of the same and prevent the assignor's property from being distributed, there is no distinct finding that the assignment was made in direct contravention of the provisions cited; and the fact that it was done in good faith and without any intention to violate or defeat the provisions of the act, as already stated, rebuts any presumption arising under the act that it was *primâ facie* fraudulent. And as the proof and admissions show good faith the conclusion that the assignment was void and did tend to evade the provisions of the act does not appear to be warranted. The object and purpose of the act in question was to provide a system by which the property of an insolvent could be appropriated and applied to the payment of his debts in equal and just proportions. The theory upon which this bankrupt act is based is that no preferences shall be allowed; that every creditor shall be entitled to his *pro rata* share of the bankrupt's estate, and thus fraud prevented in the distribution of his assets. When, therefore, an assignment is made for the benefit of all the creditors equally, in good faith, without fraud, or any intent found to contravene any provisions of the law, or to hinder, delay or defraud creditors, it is not apparent how such assignment can be considered as a violation of the spirit and intention of the act itself. "In Tiffany vs. Lucas, 15," "Wallace U. S. S. C. R., 410 and 412," it was held that two things must concur to bring an assignment within the prohibition of the Bankruptcy act, viz. the fraudulent design of the bankrupt, and the knowledge of it on the part of the assignee. Neither of these features characterize the case at bar. The principle is settled in this Court that when the debtor has not been proceeded against or taken any proceedings in the Bankrupt Court an assignment for the benefit of creditors by an insolvent debtor which gives no preference to any creditor is not an instrument void per se as in hostility to the Bankruptcy act. The fact that proceedings were instituted within the six months provided for by the section cited does not change the application of the rule referred to, unless there is the fraudulent design and knowledge. There are the strongest reasons for holding that the act was not intended to interfere with the debtor when, with honest purpose and entire good faith, he sought to apply his property for the benefit of his creditors precisely in the same manner as was intended and as would have been done by proceedings under the Bankruptcy act and probably at less expense and far more to the advantage of the creditors. The act was aimed at fraud and to prevent preference, and where neither of these are apparent there is no ground for claiming that an equitable distribution of the insolvent's estate is in violation of the law. The cases referred to upheld these views very decidedly, and should be followed. The Court below erred in holding that the assignment was void and tended to evade the provisions of the Bankruptcy act, and for this error, without considering the other questions raised, the judgment must be reversed and a new trial granted with costs to abide the event. Messrs. Jacob A. Gross and Francis C. Devlin appeared for appellant, and Messrs. Jacob & Koch and Samuel Hand for respondent.

A STRUGGLE FOR LIBERTY.

In the case of George W. Loomis and Thomas Lewis, familiarly known to the police as the "twin confidence men," which, on appeal, has reached the Court of Appeals, on last Monday, at the session of the Court, now being held in Albany, Mr. William F. Kintzing, their counsel, made a final application for their discharge from State Prison. The Court reserved its decision.

AN AUSTRALIAN MILLIONNAIRE.

Somewhere about the year 1810, when, if history speaks truly, facilities for transportation were abundant in Ireland, a woman under the name of Eleanor Collins was transported from thence to the then penal colony in Australia. With her she is said to have carried a son, then a mere child, and named Patrick Cody, she claiming to be married to a man of the same name. In Australia she subsequently married a man named Buckley, Cody having died in the meantime, and as a mark of esteem for his stepfather, the son added to his name that of Buckley, and grew up thenceforth to be known as Patrick Cody Buckley. Under this name he accumulated large wealth in Australia, and died a few years since, leaving an estate estimated at about £200,000 sterling. After his death two persons presented for probate what purported to be his will in their favor. This will was contested on the ground that it was a forgery and one of the parties convicted of the offence, the other having died in prison before his trial was reached. Letters of administration were then taken out on behalf of creditors of the estate by a firm of solicitors in Melbourne, and, after paying all the debts, a still very large sum remained which Her Majesty's Attorney General claimed to have escheated to the Crown for want of heirs. These facts coming to the knowledge of certain parties in Dublin, Ireland, claiming to be heirs of the deceased, steps were taken to assert their claim as against the Crown. From Dublin proceedings were put in motion which led to Australia, and from Australia the contestants have danced around the globe to this city, where evidence is now being taken before Mr. Richard Huntley as commissioner, appointed for that purpose by the Supreme Court of Australia. The claim of the heirs is resisted on the part of the Crown of England on the question of the legitimacy of Patrick Cody Buckley, it being claimed that Eleanor Collins was not married to Patrick Cody nor did she carry a born child with her to Australia at the time of her transportation. In proof of this it is asserted that the passenger list of the transport ship Canada, on which she was carried to Australia, made no mention of such a child. On the contrary, it is asserted that she was at the time *enciente* by the jailer; that the latter was dismissed from office for the part he took in the affair, and that this was the child whose legitimacy is in dispute. Thus the Crown puts the claimants to proof of the marriage of Eleanor Collins to Patrick Cody, and their consequent heirship to the estate of Patrick Cody's alleged infant son, Patrick Cody Buckley, whose estate is in litigation. On this question it is that proof is being taken before the Commissioner, and thus far the testimony adduced seems to tend to establish the claim of the heirs. The heirs are represented here by Mr. Octavius O'Brien, solicitor of Dublin; claimants in Australia by Mr. Frederick Stanley, of London, and the Attorney General of Australia, acting for the Crown, by Messrs. Sullivan, Kobbe & Fowler, of this city.

IMPORTANT TO DISTILLERS.

In the United States Circuit Court Judge Shipman has filed a decision important to distillers, and also as involving the question of the judicial character of an assessment for taxes, which was recently decided by United States District Judge Knowles, in Rhode Island, in the case of the United States vs. Hazard. The case is that of the United States against John Halloran and another. Halloran, a distiller, made true returns of all spirits actually distilled by him, and was regularly assessed the tax upon these spirits, which was collected by distraint. Afterward the government brought this suit upon Halloran's bond to recover $989 80, which was the tax, under section 20 of the act of July 20, 1868, upon eighty per cent of the producing capacity of his distillery as determined by the official survey, less the tax already

collected. One Devlin, surety alone, was served in the suit. He set up in defence the assessment and previous collection of the tax upon true return of the spirits actually produced, and that no lawful reassessment had been made. The case was tried by the Court upon an agreed statement of facts, as substantially stated above. The decision rendered is in favor of the United States. Judge Shipman holds that the section relied upon by the government makes the capacity, and not the actual production, the basis of taxation; and he holds that, as the statute designates the rate of tax, an assessment is not necessary to entitle the government to recover it in an action upon the distiller's bond; also that in such an action, where an assessment is not relied upon, an erroneous assessment which did not include the amount actually due, as prescribed by the statute, is not conclusive against the government. Roger M. Sherman, Assistant United States Attorney, appeared for the government, and Messrs. Robertson and Close for the defendant Devlin.

THE JUMEL ESTATE.

The Jumel estate, which has been the subject of frequent protracted and costly lawsuits, bids fair to give continued profitable employment to the legal fraternity. A suit has been commenced in the United States Circuit Court by a number of French claimants to the estate, representing themselves as the heirs-at-law and next of kin to the late Stephen Jumel and entitled to possession after the death of Mme. Jumel, who, it is alleged, had a life interest only in the estate. The affidavits of the French contestants were filed in the Clerk's office of the United States Circuit Court early last month. Yesterday counsel, on behalf of Nelson Chase and the other heirs of Mme. Jumel, filed an appearance and notice to answer. The answer will be formally presented on the 1st day of November next, when it is expected the whole case on the part of the French heirs will be opened. This will be an entirely different suit from any of the others that attracted so much public attention and occupied for weeks counsel, courts and juries.

COMPROMISING SUITS.

Justice Seur brought suit against Gerolomon Morelli and wife for $5,000 damages, he having lost one of his eyes through a piece of wood thrown at him by Morelli's wife. On the case being called yesterday, in Superior Court, Trial Term, Part 1, held by Judge Sanford, the plaintiff's attorney appeared, but without any client to prosecute the suit, and it transpired that the parties had settled the case without consulting counsel. Notwithstanding this, however, plaintiff's counsel insisted on his right to recover costs, claiming that having given notice of lien to the defence they had no right to settle it. Mr. Benjamin F. Russell, for the defence, claimed that before judgment the parties had the right to compromise the action; and that, notwithstanding the notice to the defence, the attorney had no lien after a retainer, but only had an equitable claim upon any judgment that might be secured as the result of their labor and skill. He quoted many authorities to sustain this view. Judge Sanford took Mr. Russell's brief and citations pending examination before decision.

REDUCTION OF SALARIES.

The recent decision of the Court of Appeals, in the case of a suit brought by one of the district court clerks to recover arrearages on account of reduction of salary by the Board of Estimate and Apportionment, that such reduction was illegal, promises to prove an open sesame to the city treasury to an extent the limit of which could only be approximated by ascertaining by a careful comparative examination of the city payrolls prior and subsequent to the action of the Board referred to. The second suit in the probable lengthy series of similar ones against the city is one brought by Benjamin F. Haskins, a clerk in one of the Westchester county district courts, but under the annexation act embraced within the city limits. The case came yesterday before Judge J. F. Daly, holding trial term in Part 2 of the Court of Common Pleas, who at once, following the decision of the Court of Appeals, directed a verdict for $257, being the full amount claimed.

LIBELLING A CLERGYMAN.

The Rev. George H. Hick, pastor of the Congregational church in Monsing, Rockland county, brought a suit for libel against Mr. Walter H. Shupe, editor of the *Rockland Advertiser*. The case came to trial yesterday, before Chief Justice Daly, in the Court of Common Pleas. The defendant failed to put in an appearance and so an inquest was taken comprising simply the offer of testimony on the plaintiff's behalf. It took but a short time to dispose of the case, the alleged libellous articles—two in number—being read to the jury. The articles designated the plaintiff as a moral leper and stated that any house would be defiled by his entrance therein. Judge Daly directed a verdict to be given for the plaintiff, but left it to the jury to assess the damages, which they did by bringing in a verdict for $5,000 damages.

SUMMARY OF LAW CASES.

An injunction was obtained in March last by John Foley against the disposal by the Continental National Bank of $3,500 deposited in the firm name of Wetmore & Rathburn. The case came before Judge Barrett yesterday on a motion to vacate the injunction. Having heard the argument Judge Barrett took the papers.

A motion was made yesterday before Judge Barrett in the suit of Willard vs. James C. Fargo for leave by the defendant to put in a supplemental answer. The action is one calling on Fargo for an accounting as trustee of the American Express Company, with which the Merchants' Union Company was consolidated. The Court took the papers.

A motion was made yesterday before Chief Justice Shea to vacate an order of arrest against the members of the firm of Henry Simmons & Co. in a suit brought by Gustave Cohen for $8,000 damages for alleged assault growing out of a dispute in the making up of garments by the plaintiff for the defendants. An adjournment was ordered to allow plaintiffs to produce the physician's certificate of attendance on account of the alleged injuries.

Letters of administration were yesterday granted in the Surrogate's Court to Jonathan Edwards as guardian of Gerard Morris Edwards and Mary Morris Edwards, nephew and niece of Henry W. Morris, deceased, and children of the administrator. The minors are the reputed heirs at law and next of kin to the deceased Mr. Morris, who died intestate, and who was the owner of the great Barreto estate, on the Sound. The personalty was estimated at $40,000, while the realty, it is said, is worth millions. The deceased, it is supposed, has a brother living, a missionary in Japan, the Rev. Arthur R. Morris.

A motion was made yesterday before Judge Barrett in Supreme Court, Chambers, for an order vacating an attachment against the Rutland Bank, of Mansfield, Tenn., granted at the suit of the Central National Bank. The attachment was against money of defendant in the Park Bank, of this city. It was claimed that the motion should be granted under the section of act of 1873, forbidding attachments against national banks before final judgment, and under the Revised Statutes, which makes the provision more explicit. It was contended, on the other hand, that this only applied to banks within the jurisdiction, and not to foreign banks. The case of Cooke vs. The State Bank of Boston was cited to show that jurisdiction could not be acquired in this way. Judge Barrett, after hearing the argument, took the papers.

At the opening of the United States District Court yesterday Mr. Erastus C. Benedict announced the deaths of Edward H. Owen, ex-United States Prize Commissioner and a member of the Bar, and of John P. Crosby, a prominent practitioner in the United States courts, and moved that the Court adjourn, as a testimonial of respect. Mr. George F. Betts moved, in addition, that a committee be appointed by Judge Blatchford to call a meeting of the Bar to take suitable action in the matter. The Court then adjourned and the following committee was appointed:—Erastus C. Benedict, Charles O. Peabody, Cornelius Van Santwood, James C. Carter and James Thompson. A general meeting of the Bar was called for this afternoon at three o'clock, in respect to the memory of the dead lawyer and to take suitable action in the matter.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Barrett.

Parker vs. Dumas and Rol vs. Hart.—Memorandum.

Wahlig vs. Rauchfuss.—The affidavit of service is defective.

Titus vs. Noe; Gilhooly vs. Veber; Hobart vs. Fisher; Bramman vs. Topper; The National Shoe and Leather Bank vs. Edwards; The First National Bank of Jersey City vs. Cassidy; The National Shoe and Leather Bank vs. Wyman; The National Shoe and Leather Bank vs. Rowland; The National Shoe and Leather Bank vs. Wemple; Bechet vs. Odell; Wahlig vs. Rauchfuss, Sturgis vs. Stoughton; Freiberg vs. Levi; Wolff vs. Strasburger; The First National Bank vs. Cassidy; Doscher vs. Stockhoff; Watrous vs. Deckel; Saxton vs. Moloughney; Fellows vs. Schiffel; Constable vs. Wright; Same vs. Same; Maloney vs. Whiteman, and Perkins vs. Jordan.—Motions granted.

Van Brunt vs. Decker; The Nassau Bank vs. Keil; Cook vs. Noe; Gesner vs. Wagner, and Oakley vs. MacKenzie.—Motions granted for second Friday.

The National Shoe and Leather Bank vs. Van Winkle.—Motion granted for the last Friday of October.

Cohn vs. Randle and Cole vs. Kissam.—Motion granted for third Friday.

Syms vs. The O'Donnell O. K. Dis. Company; Thompson vs. Jayne; Kelty vs. Davison; Claflin vs. Walsh, and Syms vs. The O'Donnell O. K. Dis. Company.—Motions granted for the first Friday.

Boyd vs. Wetzer; Watters vs. Moller, and the Union Dime Savings Bank vs. Finkenauer.—Judgments granted.

Martin vs. Thomas; Fagan vs. Beggs; Bayer vs. O'Neill; Chesterman vs. Turner, and The Lenox Fire Insurance Company vs. Gaige.—References ordered.

Stevens vs. Boggs.—Proof of service wanted.

The German Savings Bank vs. Shaw.—Granted.

Sheppard vs. Lunt.—The motion to vacate must be denied, as it was distinctly argued that the acceptance of the interest should in no respect discharge the liability; nor should the bail be reduced, there being nothing in the facts disclosed which should reduce the recovery herein. Motion denied, with $10 costs.

The Merchants' Exchange National Bank vs. Waitzfelder.—The defendant may take a commission if he sees fit, but his motion for a stay of proceedings therein is denied.

Keeler vs. Wittman.—The admission of service should have been signed by the attorney's name alone.

The Bond Street Savings Bank vs. Julipp.—Motion granted.

Bulkley vs. Hatch.—Let the decree be properly engrossed, and let the selection of a referee be left to the Court as the rule requires.

By Judge Westbrook.

Brush vs. Schuster.—Memorandum.

By Judge Donohue.

Willard vs. Decatur.—Motion granted; property to be sold on three days' notice in HERALD.

SUPREME COURT—SPECIAL TERM.

By Judge Lawrence.

Murray vs. Armstrong et al. (two cases) and Rumney vs. Fischer et al.—Findings settled.

SUPREME COURT—CIRCUIT—PART 1.

By Judge Lawrence.

Schiff and another vs. The New York Central and Hudson River Railroad Company.—Complaint dismissed, with costs.

SUPREME COURT—CIRCUIT—PART 3.

By Judge Van Vorst.

Rice vs. Livermore, &c.—Order settled and signed.

SUPERIOR COURT—SPECIAL TERM.

By Judge Curtis.

Maher vs. The Central Park, North and East River Railroad Company.—Motion for payment of money to guardian granted.

Archer vs. Clark.—Ordered that motion to resettle, order denied.

Hoagland vs. Barney.—Order substituting attorney.

Cooper et al vs. Smith et al.—Interrogations allowed.

Morgan, &c., vs. McVickar.—Ordered on calendar for 9th day of October.

Doman vs. The Pacific Mail Steamship Company.—Order for commission.

Schauer et al. vs. Wettenberg et al.—Notice of settlement to be given.

Hagaman vs. Burr.—Let the case be filed.

COMMON PLEAS—SPECIAL TERM.

By Judge Van Brunt.

Duff vs. The Bank of New York.—Case settled.

Dunseith vs. Columbia; Gottgan vs. Johnson.—Orders settled.

Griswold vs. Benz.—Order signed.

Whitehead vs. Kennedy.—Motion for judgment granted. See memorandum.

Buchmeur vs. Robinson.—Allowed by special order.

Glendenning vs. Rank.—Reference ordered.

By Chief Justice Daly.

Coombe vs. Cantrell.—Bond approved.

Smith vs. Kennally; Klein vs. Marschultz.—See opinions.

Ferroplastic Manufacturing Company vs. Beckelhoupt.—Motion denied.

By Judge Daly.

Wheeler vs. Murray.—Counsel must attend on 5th, at eleven o'clock, to settle findings.

MARINE COURT—CHAMBERS.

By Chief Justice Shea.

Dunzak vs. Straub; Beveridge vs. O'Brien; Frost vs. Blunt; Clayton vs. Oakes; Adams vs. Meyer; Engler vs. Bayer; Wilbur vs. Sage; Dauchy vs. French; Schneiter vs. Brumer; the Bank of the Metropolis vs. Jacobs; the New York Newspaper Union vs. Delano; the Willcox & Gibbs Sewing Machine Company vs. Green; Waddy vs. Manahan; Haviland vs. Rossa; Thrace vs. the Church Union Publishing Company; Solover vs. Longyear; Cornwell vs. Barbour; Hermance vs. Tilly.—Orders entered.

Englehard vs. Byrne; Peters vs. Deibl; Goldberg vs. Rogazzi.—Motions granted.

Gillespie vs. Schwarzler; Butler vs. Morrison.—Defendants' default noted.

Herbert vs. Porter.—Defendant discharged. Motion granted.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 47, 67, 86, 99, 100, 128, 154, 155, 172, 173, 181, 182. Call from 193 to end.

SUPREME COURT—GENERAL TERM—Held by Judges Davis, Brady and Daniels.—Nos. 152, 154, 165, 167, 169, 170, 173, 110, 177, 178, 179, 180, 182, 183, 185, 186, 188, 189, 190.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Vorst.—Law and fact—Nos. 45, 361, 283, 591, 146, 460, 405, 334, 433, 445, 448, 223, 322, 621, 465, 466, 467, 468, 469, 470, 472 to 493 (inclusive), 493½, 485, 496, 497, 498, 499.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Donohue.—Nos. 3655, 1072, 862, 1721, 1795, 1051, 2783, 1377, 1727, 1853, 1857, 1859, 1877, 1891, 1906, 1921, 1925, 1927, 1947, 1889½, 1913½, 1915½, 1049, 1929, 2072, 1350, 1493, 777, 1957, 1959, 1961, 1966, 1965, 1967, 1971, 1973, 1975, 1979, 1985, 1987, 1989, 1991, 1993, 2001, 2003, 2011, 2015, 2017, 2023, 2027. Part 2—Held by Judge Lawrence.—Nos. 3556, 1824, 3012, 2404, 1876, 1108, 778½, 770, 2734, 2978, 758, 2733, 2754, 1246, 1410, 2838, 2848, 3022, 2264, 1320, 1404, 552. Part 3—Held by Judge Larremore.—Case on, No. 2888. No day calendar.

SUPERIOR COURT—GENERAL TERM—Held by Judges Sedgwick and Speir.—Nos. 11, 19, 21, 23, 30, 31, 42.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Curtis—Issues of Fact—Nos. 42, 68, 71, 79.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Sanford.—Nos. 761, 291, 812, 276, 227, 70, 103, 201, 214, 252, 261, 551, 250, 266, 264. Part 2.—Adjourned for the term.

COMMON PLEAS—EQUITY TERM—Held by Judge Robinson.—Nos. 5, 21, 4, 47, 33, 55.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge C. P. Daly.—Nos. 893, 894, 895, 896, 897, 899, 901, 902, 903, 904, 905, 906, 907, 908, 909. Part 2—Held by Judge Van Brunt.—Nos. 849, 924 to 944 (inclusive). Part 3—Held by Judge J. F. Daly.—Nos. 900, 910 to 923 (inclusive), 819.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Alker.—Nos. 4548, 8196, 4484, 4578, 4248, ——, 3485, 4672, 4674, 4677, 4678, 4679, 4680, 4682, 4684. Part 2—Held by Judge Goepp.—Nos. 4590, 4643, 4312, 4452, 4447, 4522, 4389, 4616, 4687, 4689, 4691, 4696, 4697, 4698. Part 3—Held by Judge Sinnott.—Nos. 6098, 4869, 7084, 4468, 2025, 7129, 7140, 7172, 6688, 7184, 6931, 5130, 7020, 6603, 6742.

COURT OF GENERAL SESSIONS—Part 1—Held by Judge Sutherland.—The People vs. John Conklin, robbery; Same vs. David Scandlin, robbery; Same vs. Charles Kohler, robbery; Same vs. John Walsh, robbery; Same vs. Daniel McGovern, burglary; Same vs. Eugene McCullen and John Galius, burglary; Same vs. Mary Ann Jones (four cases), grand larceny; Same vs. Louis Wolf, grand larceny; Same vs. Henry Breunes, grand larceny; Same vs. John White, grand larceny; Same vs. James McLaughlin, false pretences; Same vs. Magie Naipil, disorderly house; Same vs. John Gani, petit larceny. Part 2—Held by Judge Gildersleeve.—The People vs. John Burke, robbery; Same vs. William Degnan, felonious assault and battery; Same vs. James Martin and James Campbell, burglary; Same vs. Minnie Fay, burglary; Same vs. William McGowan, grand larceny; Same vs. Patrick Monahan and Mary Hogan, grand larceny; Same vs. Carrie Stone, grand larceny; Same vs. Adam Wolt and Morris Pincus, grand larceny; Same vs. Nicholl Sandie, grand larceny; Same vs. Robert Saunders, grand larceny; Same vs. Michael Killian and Robert King, grand larceny; Same vs. Sebastian Lang and Charles Donina, receiving stolen goods; Same vs. William Dominal, receiving stolen goods; Same vs. Hyman Wein, receiving stolen goods; Same vs. Richard McCartley, concealed weapons; Same vs. Thomas Hensen, assault and battery; Same vs. John Lang, misdemeanor.

COURT OF APPEALS.

DECISIONS.

ALBANY, Oct. 3, 1876.

In the Court of Appeals to-day the following decisions were handed down:—

Motion denied, without costs.—Preston vs. Morrow.

Motion for reargument denied, with $10 costs.—Keogh vs. Westervelt.

Judgment affirmed, with costs.—Wooster vs. Sage; Gifford vs. Waters; Graham vs. The Flushing Railroad; Yates vs. The N. Y. C. and C. R. R.; Yates vs. The N. Y. C. and C. R. R.

Judgment reversed and new trial granted, costs to abide the event.—Seligman vs. The South and C. R. R.; Fisher vs. The Mayor, &c.; Taylor vs. The Mayor, &c.

Judgment reversed and new trial granted.—The People vs. Scott.

Order affirmed, with costs.—The Union Savings Institution vs. Duryea.

Order affirmed and judgment absolute for defendant on stipulation, with costs.—Colgrove vs. Tallman.

Order affirmed, with costs—Phillips vs. Wheeler; The People ex rel. Can. Bank vs. The Board of Supervisors.

Appeal dismissed, without costs.—In re William Baggs, an applicant for dismission to the Bar.

In the Court of Appeals to-day the following business was transacted:—

No. 189. In re Watson.—Upon motion of Matthew Hale the case was restored and ordered on the new calendar.

No. 136. Risley vs. Brown.—Motion to revive cause. H. F. Ballard for motion; A. J. Parker opposed.

No. 190. Nicholas vs. The New York Central and Hudson River Railroad.—Motion to strike from the calendar; Joseph W. Russel for motion, William H. Adams opposed. Cochrane, executor, and another vs. Ingersoll.—Motion for reargument; P. V. R. Stanton for motion, J. M. Lawson opposed.

APPEALS FROM ORDERS.

No. 406. In re Mary E. Price.—Argued by John Townsend for appellant and S. V. R. Cooper for respondent.

No. 404. Devlin vs. The Mayor.—Argued by Joseph J. Marrin for appellant and S. Hand for respondent.

No. 400. In re Rhinebeck and C. Railroad.—Argued by S. Hand for appellant and Frank Loomis for respondent.

No. 405. Lyon vs. Lyon.—Argued by E. H. Hobbs for appellant and D. P. Barnard for respondent.

GENERAL CALENDAR.

No. 293. Booth vs. The Boston and C. Railroad.—Argument resumed and concluded.

No. 296. Weed vs. Van Cleve.—Submitted.

No. 297. Bruce vs. Burr.—Argued by George W. Van Slyck for appellant and S. E. Church for respondent.

DAY CALENDAR.

The following is the day calendar for Wednesday, October 4, 1876:—Nos. 298, 300, 136, 235, 285, 279, 255 and 232.

KILLED WITH A SHOVEL.

Coroner Ellinger yesterday held an inquest in the case of Patrick Lyons, of No. 108 Bayard street, who was struck with a shovel by Daniel Sullivan, on the 25th ult., and died at the Chambers Street Hospital on the 1st inst.

Maurice Sullivan, brother of the prisoner, Michael Winds, Thomas Free, Patrick McTaigne and Isabella Little were all witnesses of the affray and testified to having seen Sullivan strike Lyons with the shovel. Deceased came into the liquor saloon, of which he was the proprietor, about three o'clock in the afternoon of the 25th ult. Sullivan was shovelling coal near the door. Lyons went out and ordered him away, but Sullivan would not go. Lyons kept on tantalizing him until Sullivan became so exasperated that he took up the shovel and struck deceased one blow with it on the head, which felled him to the ground. Dr. Cushman read the medical testimony in the case, showing that death was due to a fracture of the skull, caused by violence.

The jury brought in a verdict against Sullivan, and Coroner Ellinger committed him to the Tombs to await the action of the Grand Jury. Counsel for the prisoner objected and asked that the latter be admitted to bail. This was denied, and the counsel then declared his intention of making a motion to that effect before the Supreme Court to-day.