TELEGRAPHIC SUMMARY.

GEN. BEAUHARN has assumed command of the Fifth Military District.

THE customs report to the 21st inst. shows receipts amounting to $2,902,227.

MATTHEW P. JOHNSON had his pocket picked yesterday, at the Springfield (Mass.) depot, of $4,000.

THE Fenian Circle of Nashville have agreed upon a Convention in May, to raise $500,000 before making another raid.

THE paper-mill of H. E. Rogers, of Cheneyville, Conn., was burned night before last. Loss, $90,000. Insurance, $27,000.

MCLANE MCDANIEL'S liquor store, in Memphis, was burned yesterday. Loss, $30,000. Insurance, $10,000.

A HOUSE Committee of the Ohio Legislature was appointed yesterday to select a site for the Agricultural College.

THE Oregon Republican Convention has nominated David Logan for Congress, and declared its preference for Gen. Grant as next President.

JESSE HARDING, of the Tennessee Supreme Court, was thrown from a buggy and fractured his skull, and was otherwise hurt.

THE Radical Convention at Dumbarton, North Carolina, yesterday nominated Oliver H. Dockery as a candidate for Congress from the Third District.

IT is understood that ex-senator Foster has accepted the appointment of Judge of the United States Court of Claims, to succeed Judge Wilmot, deceased.

FIFTY thousand dollars were stolen from the Canal Bank, New Orleans, yesterday morning. The package containing it was taken from a desk in the bank.

THE Hope Insurance Company embezzlement controversy was concluded yesterday in the city of Louisville by the discharge of the secretary.

IN the Virginia Convention, yesterday, the proposition to disfranchise voters for secession candidates, and all who voted or spoke in aid of secession, was defeated.

A U. S. REVENUE OFFICER seized four hundred and eighty-one bales of cotton in New York yesterday, on suspicion that it was shipped on fraudulent permits.

A BILL was introduced in the Lower House of the New Jersey Legislature yesterday, making the punishment for murder in the first degree either hanging or imprisonment for life, at the discretion of juries.

THE Custom House Officers have decided that the signature of Governor Flanders to acts passed by the Legislature during Governor Wells' administration was a constitutional approval of the same.

THE preliminary trial of Miles Gibbons, for the assassination of Captain Estelle, in Memphis, has been going on for two days, with a probability of his conviction. The jail in which the prisoner is confined is guarded by United States soldiers.

IN the case of Reeves vs. Memphis and Charleston Railroad Company, for damages to tobacco shipped on the road, a decision was yesterday made in the United States District Court at Memphis, in favor of the plaintiff. Verdict, $10,750.

IT is reported that Chief Justice Chase has come to the conclusion that his functions in the Impeachment are in the nature of those of a judge on the bench, and he has, therefore, the decision of all legal questions raised during the trial. The Senate will be polled on each of such questions.

THE Union Pacific Railroad Board of Directors have made the location of the Council Bluffs Union Pacific Railroad bridge across the Missouri River at Train's Table. This action is final, and Council Bluffs receives the passenger and freight, transfer and depot buildings within her corporate limits. The citizens are jubilant over the result.

THE stores of H. Cohen and Simon Silverman, at Pomeroy, Ohio, were destroyed by fire at 12 o'clock Wednesday night. Silverman saved a portion of his goods, but Cohen's stock was completely destroyed. Two dwelling houses adjoining were damaged. The loss is estimated at $30,000. Insurance $17,000. Mr. Cohen was found in his store shot through the back of his neck, and died yesterday morning. It is supposed the deed was the work of incendiaries and murderers.

Pennsylvania Legislature.

CLOSE OF YESTERDAY'S PROCEEDINGS.

SENATE.—The entire day was spent in the consideration of the appropriation bill.

An effort was made to restore the item of the Northern Home for Friendless Children from $10,000 to $5,000, but it was lost. St. Joseph's hospital received $2,000; Philadelphia and Pittsburgh Schools of Design, $2,000 each, and Wilkesbarre school, $1,000, with a proviso that the citizens subscribe an equal amount. $2,000 were appropriated to procure specimens of art from Europe, which are to be placed in the Girls' and Normal Schools.

Mr. Connell moved to reconsider the vote by which the Senate instructed the Attorney-General to inquire of the clerks of the Philadelphia courts how many persons have been released by the order of the court. The vote was reconsidered.

Mr. McConaughy moved to amend by directing the Attorney-General to obtain the information from the Judges. The vote was agreed to, and the original resolution still by a vote of 21 to 11.

Messrs. Stinson, Connell, White, and Fisher spoke against the resolution, and Messrs. Lowry, McConaughy, and Cowden in favor of its passage.

Mr. Davis moved to appropriate ten thousand dollars to the Colonization Society to aid in sending negroes to Liberia. Lost by 10 to 19. Adjourned.

HOUSE.—The act fixing the number and pay of the officers of the Legislature was considered.

Mr. Ford moved the following amendment:

That the Chief Clerk of each house receive $1,500 per annum, assistant clerks $1,200 each, true scribing clerks $800 each, and all other officers, except pages, $700 each.

Mr. Nice moved to amend by giving the Speaker five hundred dollars in addition to his salary. This was disagreed to—yeas 19, nays 65.

Mr. Webb moved to reduce the pay of all other officers fixed at seven hundred dollars to Mr. Ford's amendment, to six hundred dollars. Agreed to—yeas 62, nays 45.

The act fixing offered the following as an additional section: That the Clerk of the Senate and House shall, on or before the first day of December of each year, advertise in two papers published in Harrisburg for proposals to perform the whole of the printing and binding for both Houses, and shall assign the same to the lowest and best bidder, provided that no bids exceeding five thousand dollars in amount shall be considered, and in case of a contract being concluded for this purpose, then no pasters and folders shall be appointed.

Mr. Thomas Mullen moved to amend by including two papers in Pittsburgh and two in Harrisburgh, and making the contracts by the approval of both houses. Not agreed to.

Mr. Riddle said that a party had informed him that he would, if he could get the work at a less price than three thousand dollars. The speaker was willing, provided the cost of advertising did not exceed ten dollars a paper.

Mr. Riddle's proposition was agreed to—yeas 48, nays 38.

Mr. Hopkins moved to amend by removing the capital to Philadelphia, which motion was declared out of order.

The House resolution appropriating five thousand dollars to repairing the Penn Treaty Monument, to Beulah Street, was taken up.

Mr. Hickman moved to amend by reducing the appropriation to twenty-five hundred dollars, and providing that the amount shall not be paid to the State until the citizens of Philadelphia shall subscribe a like amount. Agreed to—yeas 47, nays 30.

Messrs. Adair, Daily, Holgate, Hong, Kleckner, McCalmont, and Mitchell, Blooker, Thomas Wilkins and Speaker Davis voted yes, and Mr. Bull voted no.

The bill to enable insurance companies to transact business in other States was passed.

The Senate resolution approving the action of Congress in passing the resolutions relative to President Johnson, and sustaining and endorsing Secretary Stanton, was passed.

The House bill providing for the further punishment of persons convicted of violating the provisions of the first section of the act of May 8, 1865, entitled an act to protect certain monuments and private rights, and prevent abuses in the sale and use of intoxicating drinks, and of persons convicted of violating the provisions of the first section of the act of February 26, 1866, entitled an act to prevent the sale of intoxicating liquors on the first day of the week, commonly called Sunday, and giving the courts power to revoke license for such violations, was considered and laid over. Adjourned.

RELIGIOUS INTELLIGENCE.

THE TYNG CASE.

Mr. Tyng to Bishop Potter—Reply to the Admonition—Appeal Against the Sentence.

Rev. Stephen H. Tyng, Jr., has written the following letter to Bishop Potter, since the sentence to the admonition of the Bishop:

"CHURCH OF THE HOLY TRINITY, NEW YORK, March 14, 1868.—*Right Rev. H. Potter, D.D., LL. D., N. C. L., Bishop—*Right Rev. and DEAR SIR: I have now silently suffered all that the ecclesiastical authorities of this diocese have desired to inflict.

Notwithstanding the allegation of your address, I affirm, without fear of disproval, that from the beginning to the end of my trial I have, neither in my print, before the public, nor though the press, argued, will less against the issues involved. I should, however, be false to candor and my independence as a presbyter and a citizen, did I put on here some notice of the ignominious ceremony to which I have, in submission to your request, been subjected, and the pretended admonition and argument to which I have listened from your lips.

"So soon as my London engagements are over, and I suppose to present, both to yourself and the public, a full and frank review of the whole proceedings, including the language of your sentence.

"The Church which you chose as the scene, the presence of the clergy whom you selected as witnesses, the religious services which introduced and completed the exercise, your positive and rude refusal to receive the protest of my counsel, and the unwarranted and unfatherly manner in which you addressed me, if not intended, appear to me to aggravate the attempted injury.

"That there may be no reasonable ground for misunderstanding, previously to the preparation of the observations to which I have referred, I desire now, and in full consciousness of the responsibilities which may attach to me, hereby to protest against the whole course, conduct, and conclusion of the Ecclesiastical Court of this diocese.

"Very respectfully, your obedient servant,

"STEPHEN H. TYNG."

Colored Soldiers' Orphans.

We referred recently to the effort now being made to secure the commutation of tuition for the orphans of the colored soldiers of Pennsylvania. It will be seen by the acknowledgments printed below, that the project has met with the favor which it deserves, and it is to be hoped that the amount needed to insure its success will be speedily raised.

Subscriptions to a fund for the purchase of a School House for Colored Soldiers' Orphans, "Soldiers' Orphans or Pennsylvania:

Wm. W. Justice	$500 00
James A. Wright	500 00
Wm. Sellers & Co	500 00
Merrick & Sons	500 00
Thomas Sparks	500 00
Henry Disston & Son	100 00
H. Duhring	100 00
W. H. Newbold, Son & Aertsen	100 00
John Jordan, jr	100 00
Charles E. Smith	100 00
Samuel E. Stevens	100 00
Miss Elizabeth Rhoads (paid)	100 00
Alberton Blight	100 00
Steel & North	100 00
A. Campbell	100 00
E. W. Clark	250 00
Henry Lewis	100 00
Yarnall & Trimble	100 00
Enoch Lewis (paid)	100 00
J. H. Towne (paid)	100 00
J. J. Thompson (paid)	100 00
Davis, McKeen & Co	100 00
Field & Keasbey (paid)	100 00
James Rowland & Co	100 00
Dr. Samuel Lewis	50 00
Wm. G. Thomas	50 00
H. Townsend (paid)	50 00
Thomas Griffith	50 00
James B. Rogers	50 00
Aubrey H. Smith	50 00
Hoopes & Townsend	100 00
Frederick Collins	100 00
Wm. Still	100 00
Henry C. Lea	100 00
Matthews & Moore	200 00
B. H. Barton	100 00
Bullock & Brother	100 00
John W. Price	100 00
John Lance	100 00
Henry Patterson	50 00
Coates & Brother	100 00
Joseph Roberts	100 00
A. C. Furness (paid)	25 00
Wm. Gummey	50 00
T. A. Biddle	50 00
H. C. Morrison (paid)	25 00
Abraham Barker	100 00
Wm. H. Tatham	100 00
Richard Richardson	100 00
J. G. Rosengarten (paid)	25 00
Robert E. Cornish	50 00
Lawrence Lewis	50 00
Mrs. R. W. Clark	100 00
Evans Rogers	100 00
Mrs. F. Steiner	50 00
Philip P. Randolph	50 00
F. Hunt	100 00
Edward S. Buckley	100 00
Henry M. Laing	100 00
Evan Randolph	250 00
Matthew Baird & Co	500 00

Total	$6,092 26

The above donations, not marked "paid," will be due and payable to the treasurer of the Colored Soldiers' Orphans Committee as soon as the proposed school-house shall have been purchased.

Subscriptions and donations will be received by Gen. Louis Wagner, the chairman of the committee, 207 S. Fourth street, by Mr. Robert H. Cornish, the secretary, 711 Sansom street, and by either of the undersigned:

EDWARD S. BUCKLEY, 208 South Tenth street

HENRY A. WRIGHT, 115 Walnut street.—E. W. CLARK, 112 South Third street; PHILIP P. RANDOLPH, 231 South Fourth street; J. G. ROSENGARTEN, S. E. Walnut and Sixth; Rt. Rev. ALONZO POTTER, Washington avenue; R. P. HUNT, 1721 Frankford Road. For the Committee.

CITY BULLETIN.

THE BEDFORD STREET MISSION.—The fifteenth anniversary was celebrated last evening, at the Methodist Book House, Arch street, above Tenth. The annual report was read, showing the following amount of work performed: During the year 1,256 persons received assistance in food, fuel, clothing and money; six children have been provided with homes; 264 families received, by the recommendation of the missionary, Mr. Long, soup, bread and meal, from the soup house in Grierson street. In the Medical Department treatment has been extended to 1,150 patients. In the infant day-school, since December 1st, 1867, there have been 690 pupils, of which number 400 were transferred to the upper class; on the roll there is 85; average attendance, 60. In the upper school there are 140; average attendance, 80. In the Sunday school are 160 scholars and 25 teachers.

The following persons were elected a Board of Managers: James Watts, E. H. Yard, George Mulliken, W. C. Stevenson, C. C. Person, J. H. Bunting, J. H. Bryson, J. A. Grace, S. A. Jones, C. Scott, J. L. Bitchie, D. M. Kercher, J. Thomson, J. H. Filley, J. Parker, jr., E. J. Keaney, J. B. Hibbs, W. J. F. Ingraham, Town, L. Bailey, W. Russell, W. H. Heiskel, G. M. Townsend, T. Hughes, W. C. Baker, G. W. Carter, T. McKellar, J. W. Leslie, J. Street, E. Metzger, L. L. Forbes, J. D. Long.

The contributions during the year were quite liberal, but the amount is not sufficient for one of the important work before them, solicit a continuance of the favors of the benevolent in much larger amounts.

THE NAVY YARD.—Business at the Navy Yard is very brisk at present, more than five hundred men being employed.

Work on the sloop-of-war Antietam has been entirely suspended for some time, awaiting the advance to orders from Washington. Her plugging is quite finished, but I Wasatch for her deck fittings could be soon made ready.

The sloop-of-war Canada has part of her planking on, and is being pushed rapidly towards completion.

The Shackamaxon lies in the same condition as she has for some years past.

The sailing frigates Potomac and Constellation and the sloops Brooklyn and Sassacus are laid up in ordinary, awaiting repairs.

The new sloop-of-war Pulmanth is lying off with the sailing her rigging on.

The Juniata is on the basin dry-dock undergoing repairs preparatory to going out.

No one is now allowed, under the new regulations, to visit the yard without a pass.

CHARGED WITH LARCENY.—Peter Clancy, who keeps a cake-stand on the northwest corner of Fifth and Walnut streets, was committed to prison by Alderman Beitler, with larceny. The complainant, William Brennen, a colored man, alleged that on Wednesday afternoon he handed the prisoner a counterfeit note; for which he desired change, and that he received but fifty cents. Mr. Brennen informed Clancy, that person insisted that he had given him a note of the right amount. The attendance of the gentlemen was called to the fact, and they told Peter he was wrong, but he still persisted that he had done the right thing. The Alderman held him in $500 for trial.

REVENUE CASE.—Philip Klein, distiller, whose place of business is back of Coates street, above Twenty-third, was arrested yesterday, on the charge of removing whisky from the distillery to a place other than a bonded warehouse. He was taken before U. S. Commissioner Smith, and gave bail in $5,000 for his appearance to-day.

Mr. Klein was arrested yesterday under the revenue law. It was alleged that the whisky, which was being removed, was in barrels marked rectified, but had not been rectified.

GIRARD COLLEGE FOR ORPHANS.—The Board of Directors for Girard College have issued a pamphlet form their annual report for 1867, which was presented to Councils yesterday. During the year 1,256 persons received assistance in food, fuel, clothing and money; six children have been provided with homes; 264 families received, by the recommendation of the missionary, Mr. Long, soup, bread and meal, from the soup house in Grierson street. In the Medical Department treatment has been extended to 1,150 patients. In the infant day-school, since December 1st, 1867, there have been 690 pupils, of which number 400 were transferred to the upper class; on the roll there is 85; average attendance, 60. In the upper school there are 140; average attendance, 80. In the Sunday school are 160 scholars and 25 teachers.

The following persons were elected a Board of Managers: James Watts, E. H. Yard, George Mulliken, W. C. Stevenson, C. C. Person, J. H. Bunting, J. H. Bryson, J. A. Grace, S. A. Jones, C. Scott, J. L. Bitchie, D. M. Kercher, J. Thomson, J. H. Filley, J. Parker, jr., E. J. Keaney, J. B. Hibbs, W. J. F. Ingraham, Town, L. Bailey, W. Russell, W. H. Heiskel, G. M. Townsend, T. Hughes, W. C. Baker, G. W. Carter, T. McKellar, J. W. Leslie, J. Street, E. Metzger, L. L. Forbes, J. D. Long.

The contributions during the year were quite liberal, but the amount is not sufficient for one of the important work before them, solicit a continuance of the favors of the benevolent in much larger amounts.

THE NAVY YARD.—Business at the Navy Yard is very brisk at present, more than five hundred men being employed.

Work on the sloop-of-war Antietam has been entirely suspended for some time, awaiting the advance to orders from Washington. Her plugging is quite finished, but I Wasatch for her deck fittings could be soon made ready.

The sloop-of-war Canada has part of her planking on, and is being pushed rapidly towards completion.

The Shackamaxon lies in the same condition as she has for some years past.

The sailing frigates Potomac and Constellation and the sloops Brooklyn and Sassacus are laid up in ordinary, awaiting repairs.

The new sloop-of-war Pulmanth is lying off with the sailing her rigging on.

The Juniata is on the basin dry-dock undergoing repairs preparatory to going out.

No one is now allowed, under the new regulations, to visit the yard without a pass.

CHARGED WITH LARCENY.—Peter Clancy, who keeps a cake-stand on the northwest corner of Fifth and Walnut streets, was committed to prison by Alderman Beitler with larceny. The complainant, William Brennen, a colored man, alleged that on Wednesday afternoon he handed the prisoner a counterfeit note; for which he desired change, and that he received but fifty cents. Mr. Brennen informed Clancy, that person insisted that he had given him a note of the right amount. The attendance of the gentlemen was called to the fact, and they told Peter he was wrong, but he still persisted that he had done the right thing. The Alderman held him in $500 for trial.

REVENUE CASE.—Philip Klein, distiller, whose place of business is back of Coates street, above Twenty-third, was arrested yesterday, on the charge of removing whisky from the distillery to a place other than a bonded warehouse. He was taken before U. S. Commissioner Smith, and gave bail in $5,000 for his appearance to-day.

Mr. Klein was arrested yesterday under the revenue law. It was alleged that the whisky, which was being removed, was in barrels marked rectified, but had not been rectified.

GIRARD COLLEGE FOR ORPHANS.—The Board of Directors for Girard College have issued a pamphlet form their annual report for 1867, which was presented to Councils yesterday. During the year 1,256 persons received assistance in food, fuel, clothing and money; six children have been provided with homes; 264 families received, by the recommendation of the missionary, Mr. Long, soup, bread and meal, from the soup house in Grierson street. In the Medical Department treatment has been extended to 1,150 patients. In the infant day-school, since December 1st, 1867, there have been 690 pupils, of which number 400 were transferred to the upper class; on the roll there is 85; average attendance, 60. In the upper school there are 140; average attendance, 80. In the Sunday school are 160 scholars and 25 teachers.

The following persons were elected a Board of Managers: James Watts, E. H. Yard, George Mulliken, W. C. Stevenson, C. C. Person, J. H. Bunting, J. H. Bryson, J. A. Grace, S. A. Jones, C. Scott, J. L. Bitchie, D. M. Kercher, J. Thomson, J. H. Filley, J. Parker, jr., E. J. Keaney, J. B. Hibbs, W. J. F. Ingraham, Town, L. Bailey, W. Russell, W. H. Heiskel, G. M. Townsend, T. Hughes, W. C. Baker, G. W. Carter, T. McKellar, J. W. Leslie, J. Street, E. Metzger, L. L. Forbes, J. D. Long.

The contributions during the year were quite liberal, but the amount is not sufficient for one of the important work before them, solicit a continuance of the favors of the benevolent in much larger amounts.

THE NAVY YARD.—Business at the Navy Yard is very brisk at present, more than five hundred men being employed.

Work on the sloop-of-war Antietam has been entirely suspended for some time, awaiting the advance to orders from Washington. Her plugging is quite finished, but I Wasatch for her deck fittings could be soon made ready.

The sloop-of-war Canada has part of her planking on, and is being pushed rapidly towards completion.

The Shackamaxon lies in the same condition as she has for some years past.

The sailing frigates Potomac and Constellation and the sloops Brooklyn and Sassacus are laid up in ordinary, awaiting repairs.

The new sloop-of-war Pulmanth is lying off with the sailing her rigging on.

The Juniata is on the basin dry-dock undergoing repairs preparatory to going out.

No one is now allowed, under the new regulations, to visit the yard without a pass.

CHARGED WITH LARCENY.—Peter Clancy, who keeps a cake-stand on the northwest corner of Fifth and Walnut streets, was committed to prison by Alderman Beitler with larceny. The complainant, William Brennen, a colored man, alleged that on Wednesday afternoon he handed the prisoner a counterfeit note; for which he desired change, and that he received but fifty cents. Mr. Brennen informed Clancy, that person insisted that he had given him a note of the right amount. The attendance of the gentlemen was called to the fact, and they told Peter he was wrong, but he still persisted that he had done the right thing. The Alderman held him in $500 for trial.

REVENUE CASE.—Philip Klein, distiller, whose place of business is back of Coates street, above Twenty-third, was arrested yesterday, on the charge of removing whisky from the distillery to a place other than a bonded warehouse. He was taken before U. S. Commissioner Smith, and gave bail in $5,000 for his appearance to-day.

Mr. Klein was arrested yesterday under the revenue law. It was alleged that the whisky, which was being removed, was in barrels marked rectified, but had not been rectified.

MEDICAL.

DANIEL H. BROWN'S

CELEBRATED OINTMENT,

A Certain Cure for

Scalds, Burns, Cuts, Wounds, &c.

Gentlemen's Fine Furnishing Goods.

RICHARD GAYNER,

No. 58 N. Sixth Street, below Arch,

Invite attention to his

Improved Shoulder Seam Pattern Shirt,

Which for ease and comfort cannot be surpassed. It gives universal satisfaction. For particulars of it on the BOSOM, comfort in the NECK and ease on the SHOULDERS.

It is made entirely by hand, with the best workmanship to be had.

Also, a superior quality of KID GLOVES, at No. 58 N. SIXTH Street, Philad. mhth3m

PATENT SHOULDER SEAM SHIRT

MANUFACTORY.

Orders for these celebrated Shirts supplied promptly by mail.

Gentlemen's Furnishing Goods,

Of late styles in full variety.

WINCHESTER & CO.,

708 CHESTNUT.

GENUINE PATENT-PEELING AND BUFFING Over Gaiters, Cloth, Leather, with Elastic Sides, Boots, Shoes, Slippers, &c. Also, Patent Leather Tips, Quarters, Vamps, &c. Manufactured by the Patentee of GOODYEAR'S PATENT-PEELING AND BUFFING MACHINE, at the Manufactory, 1027 CHERRY street, corner of Hutchinson. The best Kid Glover in the city. Ladies' Fine Boot Blacking BAZAAR. oct14tf OPEN IN THE EVENINGS.

LEGAL NOTICES.

IN THE ORPHANS' COURT FOR THE CITY AND County of Philadelphia.—Estate of WATHAN DUNN, deceased.—The undersigned, an Auditor appointed by said Court to audit, settle and adjust the account of FREDERICK DUNN, Executor of the last will and testament of WATHAN DUNN, deceased, and to report distribution of the balance in the hands of the accountant, will meet the parties interested for the purpose of his appointment, on MONDAY, the 30th day of March, 1868, at 4 o'clock P. M., at his office, No. 20 South Fifth street, in the city of Philadelphia. JOSEPH M. THOMPSON, Auditor. mh25 3t*

IN THE DISTRICT COURT FOR THE CITY AND County of Philadelphia.—Estate of JOHN CUNNINGHAM, late of the city of Philadelphia, deceased.—The undersigned, an Auditor appointed by said Court to audit, settle and adjust the account of JOHN CUNNINGHAM, Executor of the last will and testament of said decedent, and to report distribution of the balance in the hands of the accountant, will meet the parties interested for the purpose of his appointment, on MONDAY, the 30th day of March, 1868, at 4 o'clock P. M., at his office, No. 20 South Fifth street, in the city of Philadelphia. JOSEPH M. THOMPSON, Auditor. mh25 3t*

IN THE DISTRICT COURT FOR THE CITY AND County of Philadelphia.—Estate of JOHN SHIELDS, late of the city of Philadelphia, deceased.—The undersigned, an Auditor appointed by said Court to audit, settle and adjust the account of JOHN SHIELDS