OPINION AND DECISION

OF JUSTICE MOUNTFORT,

IN THE CASE OF

Alderman Patrick Kelly of the Sixth Ward,

City and County of New-York, ss.

THE PEOPLE, &c. vs. PATRICK KELLY.—*Intoxication.*—This is a complaint for the violation of a law of the State of New York, entitled "An Act relative to the powers of the Common Council of the City of New-York, and the Police and Criminal Courts of the said City." Passed January 23, 1833.

The portion of that law under which this complaint is made, is as follows:

"§ 4. Any person who shall be intoxicated, under such circumstances as shall, in the opinion of any such magistrate, render it a violation of public decency, may be committed by such officer by any such magistrate, upon competent testimony, and fined for such offence any sum not exceeding five dollars, and in default of payment of such fine, he may be committed to prison by such magistrate until the same be paid; but such imprisonment shall not exceed five days."

Capt. JOHN S. MAGNUS of the 6th Patrol District, complains, that about 21 o'clock on the morning of the 12th day of October, 1849, Patrick Kelly, Alderman of the Sixth Ward, came to the Station-House of the 6th Patrol District in a state of intoxication, and then and there, while in a state of inebriety, undertook to exercise his authority as one of the Aldermen of the City, by discharging from the legal and rightful custody of Capt. Magnus, two women who had been arrested on a warrant issued by Justice Mountfort, on a charge of being common prostitutes, the Revised Statutes declaring such persons to be disorderly persons. And Sec. 1 of the Act of January 23, 1833, under which this complaint is also made, declaring to be vagrants "all common prostitutes, who have no lawful employment whereby to maintain themselves."

An altercation, it appears, ensued between Captain Magnus and John Hildebock, who is stated to have been the friend of the two women, and who had persuaded the Alderman to go to the station-house for the purpose of discharging them. Hildebock is also charged in the complaint as having been at the time intoxicated, and with using insulting and opprobrious epithets toward Capt. Magnus, and was by direction of the Captain put out of the station house, which led to an altercation between Alderman Kelly, as the friend of Hildebock, and Capt. Magnus, in which the Alderman made some insulting remarks to Capt. Magnus, telling him that "he was incapable of taking an insult, and was beneath his notice." Great uproar and confusion was created in the station house, and at a quarter before three o'clock the Alderman was taken in custody and locked up in a cell. At twenty minutes after three o'clock, Alderman Bard went to the station house and wrote out a discharge for Alderman Kelly, conditioned for his appearance at the Police Court at 10 o'clock the next morning. But Ald. Kelly remained lying on a bed in the cell, and refused to leave it, until persuaded to do so by Ald Kelly of the 2d ward, about 10 minutes before five o'clock.

The question for me to decide, is, "Was Alderman Patrick Kelly, on the morning of the 12th October, 1849, intoxicated under such circumstances, as to amount to a violation of public decency?"

Capt. MAGNUS, NAPOLEON WOOLBRIDGE, a policeman, GEORGE GARDNER, Assistant Captain of police, and ISAAC H. AUSTIN, policeman, all swear that the defendant was grossly intoxicated in the station house.

JOSEPH F. CASSELL swears that the defendant was so much intoxicated that he could not walk *straight*.

THOMAS DWYER swears, that he saw the defendant in Lee's porter house in Centre st. between 12 and 1 o'clock that morning, under the influence of liquor, and offering to bet on his election, and invited several persons to drink there, and upon being insulted by some person, took a black from his hat for the purpose of writing out a commitment for that purpose.

JAMES NASBIT swears, that he saw the defendant sitting behind the desk in the Station House, about 2 o'clock in the morning of the 12th of October, and that he was so much under the influence of liquor, that "he could not speak *straight*, and *stammered like a drunken man*."

JOHN FICK swears, that he saw the defendant in Lee's porter-house, and that Hidebock took defendant aside and spoke to him, and that the defendant, Hidebock and John Leyden, went to the station-house to company, and that Hidebock wanted the defendant to go there and discharge two women—that the defendant was drunk at the time—and that he, Fick, told Hidebock that "the Alderman was too drunk to attend to the business he went there for;" that "when the Alderman arrived at the corner of Franklin st., he refused to go to the station-house, but started toward west there. When Alderman Kelly went into the station house he was drunk, and could not walk straight."

EDWARD RILEY, a policeman, swears that he saw the defendant, Hidebock, and several young men called "paper boys," in Lee's porter-house, between 1 and 2 o'clock in the morning of the 12th October, that they were drinking, and under the influence of liquor, and were boisterous and making a loud noise, and using very coarse and vulgar language towards each other, and discussing politics—and were all drinking together at the bar, and betting, and under the influence of liquor, and were quarreling and blackguarding each other, and were very much excited. Ald. Kelly was offering to bet on the election.

JAMES ROONEY swears that he was at Lee's porter-house between 12 and 1 o'clock on the morning of the 12th October, and that he saw defendant there very much under the influence of liquor; that he, Rooney, was sober when he went to Lee's and that he drank there five or six time, and the defendant drank every time he did, and when he came out of Lee's he was drunk. Defendant was in Lee's porter-house nearly an hour.

Such is the testimony in support of the prosecution, and, to rebut the charge, the defendant introduces the following:

JOHN LEYDEN, who is also charged with being intoxicated on said morning of the 12th October, but was discharged and introduced as a witness for defendant, swears that he believes defendant Kelly was not intoxicated; that he drank with him at Lee's porter-house that night, and went with him and Hidebock to the station-house; that he (Leyden) was returning home from his business between 11 and 12 o'clock that night and stopped at Mr. O'Mahon's porter-house, in Centre st. and while there a person came in and told him that "the Alderman was down at Lee's porter-house, surrounded and beset by a number of persons called 'the boys'—Mat Brannan's boys was the expression made use of; that he went to Lee's, and found the place quite crowded with young men, and some of them were using severe and threatening language to the Alderman and Hidebock, and one of them struck the Alderman, and he directed policeman Riley to arrest him. On the way from Lee's to the station house, Hidebock told the Alderman there was a person in custody in the station-house whom he wished discharged, and that said person was charged with disorderly conduct. The Alderman said that he would go to Sullivan's, on the corner of Franklin st. and write the order for the release of the person, as requested by Hidebock; but at the suggestion of Leyden, the witness, the Alderman went personally to the station-house with Hidebock. Witness swears that he supposes the discharge was for a female. The young man who struck the Alderman, and was taken in custody and conveyed to the station-house by policeman Riley, was discharged by the Alderman, at the suggestion of witness, on account of his being drunk. When the Alderman had written out so much of the discharge for the person or persons, requested by Hidebock to be discharged, the Alderman called on him for the name of the person he wished released, and as Hidebock was about to give the name, he was ordered out of the station-house by Captain Magnus. The Alderman told Hidebock to remain. Hidebock was, however, put out from behind the desk. An altercation then took place between the Alderman and Captain Magnus, and the Alderman was taken in custody and locked up in a cell. Witness then went for Alderman Bard, who repaired to the station-house, and wrote a discharge for Alderman Kelly, but he refused to leave the cell until discharged by the Mayor or the President of the Board of Aldermen. Alderman Bard and witness then went to the house of Alderman Kelly of the 2d Ward, and he returned with them to the station-house and signed his name in a book, or on some document, and defendant Kelly then left the cell, and witness went home with him. To the best of the opinion of this witness defendant was not drunk, and witness did not see him stagger that night. Witness heard defendant tell Captain Magnus that "he was beneath his contempt, and could not be insulted."

On the cross examination of this witness, he stated that he worked that day until dark, and it was six o'clock, and after, when he quit work—that he had drank once at Mahoney's, and was in the act of drinking again at Lee's, when the row commenced; that he had heard the Alderman had bet, but did not see him bet, that he, witness, also drank brandy with Alderman Bard at Sullivan's, after Alderman Kelly was discharged. Witness believes Alderman Kelly was not intoxicated that night; has seen him in liquor, but not drunk. He was in confinement about an hour, and appeared a little cooler after he got out than he was before; saw no difference in his language or behavior.

JAMES M. BARD, Alderman Fourteenth Ward, swears that about 2 o'clock in the morning of the 12th of Oct. John Hidebock and John Leyden came to his house and informed him that Alderman Patrick Kelly was locked up in the station-house of the Sixth Ward, on a charge of being drunk and disorderly; that he went with Hidebock and Leyden, and wrote out an order for the discharge of the defendant, but he declined being liberated unless by the Mayor, or Alderman Kelly of the Second Ward. Witness went to the house of Alderman Kelly of the Second Ward, and he accompanied him to the station-house, where he signed his name in a book, and defendant then left his cell; defendant did not appear to stammer or falter, nor did witness observe any change from his usual way of speaking; he talked very plain; he was lying on a bench on his side, and did not get up; he refused to come out; he did not stagger when he left the cell; witness walked about two blocks with him; it was about ten minutes before 5 o'clock in the morning; *defendant had evidently been drinking*, but was anything but what might be called a drunken man; he was sober, and talked like a sober man, "*he might probably have been under the influence of liquor*" he refused to get up when I first went to him.

Ald. JAMES KELLY, of the Second Ward, swears, that Alderman Bard came to his house about half-past four o'clock in the morning, and stated that Alderman Patrick Kelly of the Sixth Ward, was locked up in the station-house; that he went with Alderman Bard to the station-house, a little before 5 o'clock, and went to the cell where defendant was, and found him sitting on a bench, and, after some persuasion, he was induced to leave the cell; thought defendant was perfectly sober at the time; saw no indications of his having drank freely; he could have left the cell without witness giving there; does not think that Alderman have any liability for intoxication more than other citizens; thought it a singular case that an Alderman should be sent up to the Watch House.

THOMAS HINES swears, that he was in company with the defendant at Lee's porter house, on the morning of the 12th October, 1849, and drank there with him; he did not stagger or stammer at the time, and was not drunk; witness sell liquors, but he has no license; drank twice at Lee's that night; cannot tell whether defendant drank each time or not, but saw him drink once.

JOHN MCINTYRE swears, that he walked with defendant from Lee's porter-house to the station-house, on the morning of the 12th Oct.; he did not stagger, nor stammer, nor falter in his speech, and was not intoxicated that night; witness keeps a porter-house and sells liquors, but has no license, and knows it is contrary to law to sell liquors at retail without having a license; witness is a lamplighter of the Sixth Ward; defendant took the lease of his house for him; never saw him drunk; thinks it was between 2 and 3 o'clock in the morning when he went to the station-house; *declines answering the question whether he saw defendant drunk on the 3d Dec.* 1847; Ald. Kelly might have been drinking a little on the morning of the 12th Oct. 1849.

JOHN LEE swears, that he thinks he saw Ald. Kelly drink twice in his house on the morning of the 12th Oct. he might have drank three times; does not know whether he drank five or six times or not; in the opinion of witness defendant was sober when he came into his house, but does not know whether he was drunk or sober when he went out, did not see him stagger or falter in his speech.

HENRY SUTLER swears, that he saw the defendant drink brandy and sarsaparilla at the "Arbor" on the night of the 11th Oct. parted with him before 1 o'clock in the morning; he did not appear like a drunken man at that time; should think he was sober.

On cross-examination, witness says, that he met defendant at the "Arbor" about 11 or 11½ o'clock at night; it was after 12 o'clock when I left; I passed defendant in Centre-st. at 12½ o'clock or later; I did not stop with him long enough at that time to ascertain whether he was drunk or not; *he was as much so as people generally are who have been out until that time of night with their friends.* It is impossible for me to tell how often he drank at the "Arbor" or how many times.

GEO. W. SHURRAGER, one of the proprietors of the "Arbor," 232 Broadway, swears that he saw defendant leave there about 11 o'clock, or a little after, on the night he was locked up in the station house, but did not see that he was in liquor when he left; he appeared like a gentleman, so far as witness saw. A person could take three or four glasses without being seen by witness, if they drank at the opposite end of the counter from where witness was. Saw Ald. Kelly drink there once that night, but cannot say whether he drank more or not.

Here are ten credible witnesses for the prosecution, who swear positively that defendant was intoxicated or under the influence of liquor on the night in question, and some of them swear that he was so much intoxicated that he *staggered* and *stammered*. And all these witnesses are unimpeached by any reliable testimony, and I have no right to believe them to be other than persons of truth and veracity.

For the defense, there are nine witnesses, one of whom, Ald. Kelly of the Second Ward, did not see the defendant until five hours after he was locked up, and was therefore unable to judge of the situation he was in at the time of his incarceration. And another, Mr. Shurrager, did not see him after 11 o'clock that night. Ald. Bard, who did not see defendant until some time after he was locked up, says "*he had evidently been drinking, and might probably have been under the influence of liquor.*" And Mr. Sutler swears that, at half past 12 defendant "*was as sober as people generally are who have been out until that time of night with their friends.*" The other witnesses testify to his drinking in a porter-house in Centre-st several times that morning, as late as 2 o'clock, and going directly thence to the station house.

Now, what constitutes the offense with which the defendant is charged under the statute? It is the violation of public decency. When a person is so much under the influence of liquor as to do that which tends to corrupt the morals of the people, offend the public eye, or lead to a breach of the peace, he does, in *my* opinion, grossly violate public decency.

Was the defendant's conduct on the morning of the 12th October ultimo in accordance with the foregoing definition of the statute?

We hear of him drinking brandy at the "Arbor" in Broadway, and going from thence to a porter-house in Centre st. and there drinking, disputing, quarreling, discussing politics, and betting on his own election with some young men called "paper boys," and when the party had got so excited with politics and liquor, that a fight ensued, taking from his hat a blank for the purpose of filling out a commitment for one of the party who had struck him, and directing a policeman to take him in custody and convey him to the station-house, where defendant soon went himself, while under the influence of liquor, for the purpose of exercising judicial authority by discharging from the legal custody of Captain Magnus two common prostitutes who had been arrested on a warrant issued by one of the Police Justices of the city, upon competent testimony under oath, then in possession of said Justice. We also find defendant discharging from the Station House the drunken "paper boy" he had but a few moments before sent there. John Leyden, the principal witness for the defense, swears that the defendant discharged the drunken "paper boy" who had struck him, at his suggestion, and that defendant was going to discharge the two prostitutes at the request of John Hidebock.

If such conduct does not tend to corrupt the public morals, violate public decency, and lead to a breach of the peace, besides bringing scandal and disgrace upon the magistracy of our city, and engendering a contempt for them and their authority, and weakening the confidence of the people in a due administration of the law, I am free to confess that I know not what will.

The authority exercised too frequently by Aldermen, in discharging from station-houses and prisons persons charged with crime, is of very doubtful character under any circumstances. It is true that, by the charters of 1686 and 1730, and the amended charter at present in force, the Aldermen are ex officio Justices of the Peace, and I will here quote the opinion of Chancellor Kent, one of the wisest and soundest jurists that ever lived, in preference to giving my own views on the subject, which are, however, in perfect consonance.

In his Notes or Essay upon the City Charter, the Chancellor says:

"The duties of the office of Justice of the Peace are peculiarly entrusted to the aldermen of the city, and I do not remember that the Aldermen are bound to bestow particular attention to the ordinary duties of that court, though they may, whenever any case of great moment shall seem to call for the occasion to require it, be in effect the Police Office of the Sworn Justices, and vice versa; and which he shall deem requisite as a magistrate of the Peace."

But we find cases in which many reasonable men in the Aldermen as being competent to act, but we should not be reasonable in exercise the authority being, in addition to the duties of the Police, I quite thought it advisable to remove the most material of those cases, and I think the business appears equally and more appropriately belongs to the special Justices, and I presume that ordinarily they, and they alone, are and will be competent to exercise the power.

Has application should be made in writing, and upon oath, under the act to prevent the sale of spirituous liquors, &c. (Sec. 4, 1 R. L. 1830, p. 1) or under the act for the arrest and commitment of offenders, (Ibid. Sec. 2) and the complaint should not be wanting, under the circumstances, to resort to the Police Office, and the Aldermen was not intentionally engaged, it would seem, in the duties of the Police Office, and engaged expressly upon the duties of the office, to examine into the case of a drunkard, or of a vagrant. The mode of proceeding has been already stated in respect to the due duties of the Magistrate in these cases, and it need not be here repeated. It would be a very hard duty to require an Alderman to do it in his presence. (R. S. 1 vol. p. 694, § 3.)"

Now the powers and duties of Aldermen when acting as justices of the peace must be as *conservators of the peace*. A conservator of the peace must be a *conservator of the public morals*, for, in my opinion, whatever tends to corrupt the public morals, is a violation of public decency, and has a tendency to a breach of the peace. And it is a well established fact, that the lower the standard of morals of a community of people, the more frequent and flagrant will be the commission of acts of violence, and other breaches of the public peace.

When an Alderman, acting in the capacity of a justice of the peace, undertakes to exercise his judicial functions, his acts must be strictly legal, and must be governed by the statutes, as he is not above the law, but only a creature of the law, selected to aid in the administration thereof, and perform certain duties within clearly defined limits. It is not a part of those duties, however, to be running at the back and call of *police portmen* to the Police Courts by day, and the station houses at night, to obtain the release of thieves, drunkards, prostitutes, and other disorderly persons. No. This is not the legitimate business, nor the duty, of "*conservators of the peace.*" I regret to say, however, that it has been frequently done by some of the Aldermen of this city, and in one instance that has come to my knowledge, an Alderman illegally discharged prisoners in the lawful custody of the officers while in transit from the station house to the Police Court, and such discharge was without any legal investigation being had by the Alderman, and was prejudicial to the cause of public justice.

Every citizen has a right to be protected in his person and property, and if those rights are outraged, and the perpetrator of the outrage be apprehended and confined in the station-house at night, in order that the offender may be brought to justice, it is a further outrage of the rights of the injured person for an Alderman to interfere and discharge the prisoner without examination of the complaint and witnesses under oath, as required by the statutes, and to do so, is subversive of the ends of public justice.

There are cases of emergency and of charity, requiring the immediate attention of a magistrate at the station house, and there are many instances, I doubt not, where respectable and even innocent persons have been incarcerated in a station house at night by being mistaken for the real perpetrators of an offense, or to gratify the vindictive feelings of some malicious persecutor, but such cases are rare, and the Captains of Police being generally men of experience and intelligence, are in most cases as well qualified, if not better, than many of the Aldermen, to exercise a proper discretion in such matters. I think the nocturnal visits of the Aldermen at the station house for the exercise of their judicial functions, would be "more honored in the breach than the observance."

Section 10 of the Act entitled "An Act to amend the Charter of the City of New York, passed April 2, 1849, is as follows:

"§ 10. There shall continue to be an Executive Department, which shall be known as the "Police Department," and the Mayor of the City shall be the head thereof. There shall be a Bureau in the Department, for the chief officer thereof, shall be denominated the "Chief of Police."

Sections 10, 15 and 17 of an ordinance passed by the Common Council, and approved by the Mayor June 25, 1849, are in the words following:

"§ 10. The Mayor shall have power to prescribe rules and regulations for the government of the Police, and from time to time alter and vary the same, as in his judgment may be deemed necessary."

"§ 15. The Captains and Assistant Captains of the Watch and Police, are hereby authorized to detain and keep in custody in the various Police Station Houses, who they have reason to believe are in a state of vagrancy, disorderly conduct, and for expense thereon, when duly certified by the Captain or either of the Assistant Captains of the Watch or Police."

"§ 17. The Captains and Assistant Captains of each Ward shall be the keepers of the Station Houses or Houses in such Ward, and shall be in that respect deemed deputy keepers of the City Prisons."

In pursuance of the authority vested in him by Section 10 of the ordinance above quoted, the Mayor established and promulgated certain rules and regulations for the government of the Police, which were printed, and a copy put in the hands of each and every Policeman. The following is an extract thereofrom:

"§ 16. All persons who shall be arrested during the time the Police Courts shall be directed to be kept open, shall be taken immediately to the Police Court in the Police District in which the policeman who may make the arrest shall be attached, unless otherwise ordered by the Mayor or Chief of Police; and all persons who shall be arrested at any other time, shall be conveyed, in the manner, to the Police Station House of the policeman who may make the arrest. Any property stolen or embezzled, which shall be found in the possession of any person who may be arrested, shall be taken to the Police Court or Police Station House, as the case may be, with the person arrested, unless otherwise ordered by the Mayor or Chief of Police.

"§ 18. The (the captain) shall receive into his custody and safely keep, every person apprehended for any criminal offense whatever, or committed to him at the Police Station House, by any Justice of the Peace, or any other officer authorized by the Mayor or Chief of Police, at the time the Police Courts are directed to be opened, cause the prisoners who may have been detained at the Police Station House the night previous, and all property which may have come into his possession during said time, to be conveyed to the Police Court of the District, accompanied by the policeman who may have committed, and be shall, at the same time, take or transmit to the presiding Magistrate at said Court reports, which shall be a true copy of the entries he is required to make by sections 26 and 28."

After the adoption by a large majority vote of the people in the month of April last, of the amendments to the City Charter, the Common Council passed "An ordinance organizing the Departments of the Municipal Government of the City of New-York, and prescribing their powers and duties," which was approved by the Mayor, May 30, 1849. And in part II, Title II, Art. II, Chap. I, we find the following, being in effect, a reënactment of parts of a former ordinance, and confirming and legalizing the "Rules and Regulations previously established by the Mayor.

"§ 2. The rules and regulations for the government of the Police Department, heretofore promulgated by the Mayor, shall continue to govern the officers of this bureau, and the Mayor may, at any time, alter, amend, or rescind such rules, regulations, or resolutions, or substitute others in their stead.

"§ 3. The Captains of Police, or in their absence the Assistant Captains, may, during such period as may be deemed necessary, detain in custody in the station-house in the district in which they are stationed, any person who may be brought to them by any officer authorized by the Chief of Police, upon the affidavit of the Captain or other of the Assistant Captains.

"§ 4. The Police Station-houses in the different Districts shall be deemed a portion of the City Prisons, and Keepers, for the purpose of carrying out detaining persons committed for examination, and for all other purposes whatsoever, and the Captains and Assistant Captains of such Districts shall be the keepers thereof respectively, and shall for that purpose be deemed deputy keepers of the City Prisons and Bridewells."

Now there are certain rules and regulations established by legal enactment, by which the sole control of the station-houses and the prisoners detained there for the time being is given to the captains and assistant captains as deputy keepers of the City prison and Bridewell, of which the station-houses are to be deemed a part for that purpose. Provision is also made for the supply of food for the necessitous. And the captains are directed to receive into his custody, and safely keep, every person apprehended for any criminal offense whatever, and delivered to him at the police station-house. And he shall every morning, unless otherwise directed by the Mayor or Chief of police, at the time the police courts are directed to be opened, cause the prisoners who may have been detained at his police station house the night previous, to be conveyed to the police court of his district, accompanied by the policeman who may be witnesses.

Now, there is no power vested in an Alderman to discharge from custody a prisoner unless he does it as a Justice of the Peace, or sitting and as a Conservator of the Peace, and if he attempts to discharge persons from custody without proceeding to take the examination under oath of the complainant and the witnesses in each case upon which he may wish to adjudicate, as required by the statute, his proceedings are illegal, and he is guilty of a misdemeanor, and subjects himself to indictment under Part IV chap. 1, Art. Sec. 17 of the Revised Statutes, which reads as follows:

"§ 17. Every person who shall aid or assist any prisoner in escaping or attempting to escape from the custody of any Sheriff, Coroner, Marshal, Constable or other officer or person who shall have the lawful charge of such prisoner, upon any criminal charge, shall, upon conviction, be punished in a county jail not exceeding one year, or by fine not exceeding $500, or by both such fine and imprisonment."

If an Alderman goes to a station-house and discharges a prisoner therefrom without the necessary forms of law as required by statute, he virtually aids and assists that person in escaping the punishment prescribed by law for the offense committed.

I have felt it my duty to make the foregoing remarks in connection with the matter more immediately under consideration, as the probability is, that if the defendant had not gone to the station-house for an illegal purpose, that of discharging from confinement two prostitutes, in the legal custody of Capt. Magnus, his other delinquencies might have passed unnoticed.

The testimony for the people is not only overwhelmingly conclusive in support of the charge made against the defendant, but, in my opinion, is fully corroborated by the evidence adduced for his defense; and I am therefore, however, reluctantly forced to convict the defendant of the charge alleged against him, but shall refer the fine by him incurred.

Board of Supervisors....Feniar, Dec. 1.

There was a meeting of the Board last evening, the Mayor in the Chair, but only four or five papers and they were of no interest presented. The Index Book of Judgments of Court of Common Pleas in the County Clerk's office, having got out of order, a report was offered in favor of employing some person extra, to write up the portions mutilated, at a cost not to exceed $175. It was referred back. A Resolution was also offered, stating that the adoption of the new Constitution destroyed the existence of the Court of Chancery, and left the business of the Court in a disarranged and unfinished state, that the County Clerk employ some person to engross, index and complete the unfinished business of the Court at a reasonable compensation, the rate per folio allowed to the Recorder. Referred.....One or two small bills were ordered to be paid and a petition for relief from tax. Referred.

Mr. Webb moved that when the Board adjourn, it do so to next Monday. Ald. Hawes thought there was no necessity of adjourning to so early a day. A motion was made for Wednesday, and Ald. Schultz said the Committee had a large number of bills from proprietors of the Press for a day Election, &c. which they wished to report upon, as if they do not, some of the gentlemen will probably be pressing them. Something was also said by Ald. Jaycoxley, about a bill of Mr. Whiting's for $5,000 for counsel fees against the Corporation, but nothing was done about it. The Board then adjourned.

ONNIBUS DRIVING.—We can't begin to print the dozens of favors we receive in regard to the regulation of omnibuses and other public vehicles. Some of them are very good, and some very foolish. We have been in the habit of riding up and down Broadway and Sixth-avenue for several years, and the more we see the more we appreciate the difficulty of driving one of those huge vehicles safely through the ever-crowded thoroughfare. Gentlemen on soft cushions inside may imagine it an easy matter to hold the reins; but just let them try it one trip, and they might have a different opinion when next they give a furious jerk at the strap and roared out their vexation at a moment's delay. Even a stage-driver is human, and should receive some consideration at the hands of the public. It would seem, from the host of aggrieved persons, that if they would refuse to ride henceforth the stages would be withdrawn for want of support.

Hot at Philadelphia—Gov. Ramsey—Markets.

Correspondence of The Tribune.

PHILADELPHIA, Friday, Nov. 30.

Between 1 and 2 o'clock yesterday morning a party of men made an attack upon the William Penn Hotel, and during the melee a colored boy named Jessee Thompson was shot in the forehead, and a Frenchman named Robert Mickory was also shot and seriously injured. Thompson is now at the Hospital, and his recovery is considered doubtful. A man named James Dugan has been arrested on the charge of shooting him.

Last night a young man named Cole was attacked by some rowdies up town, and beaten in a shocking manner.

Hon. Alexander Ramsey, Governor of Minnesota, arrived at Harrisburgh on the 27th inst in good health, and received a hearty welcome from his numerous friends. He goes to Washington next week.

The COTTON market continues quiet, and the sales are limited, at previous rates. The export demand for flour continues limited—a sale of 500 bbls at a price not made public. Holders ask 5 87½ per bbl for standard shipping brands. For city consumption the sales are limited at $5 25 @ 5 50 for common and extra brands. Rye Flour—A sale of 100 bbls at $3. Corn is dull. The last sale was 1,000 bbls at about 2 75 per bbl. GRAIN—Prices of Wheat are steady, and there is but little arriving. Sales of good Red at 1 05, and White at 1 12 per bush. CORN is inactive. I quote old Yellow at 56c and new at 48@50c. OATS are steady at 29@30c per bush. The balance of a cargo of Rio Coffee, comprising about 2,500 bags, sold at 10¾@10¾c per lb. Cuba in Parcels is very little doing, and prices are unchanged. WHISKY—Sales in bbls at 27½c and bhds at 27c.

SALES OF STOCKS—*First Board*—7 Manufacturers & Mechanics Bank, 15¾; 4 do, 15¾; 20 Harrisburgh R. R. 49; $1000 Pittsburgh 6s '54, 91; $2,000 do, 90½; 32 Union Bank Penn 5½; 200 Harrisburg RR Bond, 6s, 80¾; 5 Schuylkill Navigation, 17; 10 North American Bank, 11½; $1000 Reading RR, 103; $370 do, 103, 103½; 4 Northern Liberties Bank, 15.

Second Board—$1,000 Tennessee Bonds 6s, 66; $100 Reading RR, 103; $1,000 Pennsylvania 5s, 89½; $1,000 City 5s, 93, 93½; 25 do do, 93, 93½; 2 Philadelphia Bank, 138; 35 do, 137½; 5 Mechanics' Bank, 26½; 40 Union Canal, 19¾.

MARRIED.

November 27, at St. John's Church, Brooklyn, by Rev. Dr. Johnson, EDWARD S. VAIL of New Brunswick, N. J., to KATE, daughter of Mott Halsted, Esq. of the former place.

At Flatbush, N. J. Nov. 27, by Rev. L. Bond, JONATHAN S. FLORENCE to SARAH E. eldest daughter of Edmund Brown, Esq. of the former.

On Wednesday, Nov. 28, by Rev. G. H. Fisher, Mr. GEORGE B. SMITH to ANN OPHELIA, daughter of Monroe Carter, all of the City.

☞ Herkimer papers please copy.

At Hoosick, on Wednesday, Nov. 28, by Rev. B. C. Cutler, Mr. JOHN B. TREADWELL, to Miss AGNES A. C. youngest daughter of the late Daniel McFail Smith, all of the above place.

At the United States Hotel, on Thursday evening, Nov. 29, by Rev. Wm. Adams, Mr. W. BERRIS to Miss SARAH JANE BRADSLEY, both of Brooklyn, Conn.

DIED.

In Jersey City, on Thursday evening, Nov. 29, in the full hope of a blessed immortality, Miss CHRISTIANA D. PIERSON, daughter of Mrs. Phebe Pierson, of Hanover, Orange Co. and sister of Rev. Jonathan A. W. Pierson, Editor of the Jersey City Daily Sentinel and Advertiser.

Her friends and relatives, and those of her brother-in-law, are respectfully invited to attend her funeral, on Sunday, Dec. 2, at the Reformed Episcopal Church in York st. Jersey City, at 2 o'clock in the afternoon.

On Thursday, Nov. 29, of disease of the brain, ELLEN LUCIA WOODFORD, daughter of Oliver F. and Elizabeth B. Woodford, aged 10 years.

The friends of the family are invited to attend her funeral on Saturday next at 3 o'clock, P. M. from no 90 West-Broadway st.

On Thursday afternoon, Nov. 29, after a short illness, Mr. JOHN GRIFFIN, aged 84 years, an old resident of the City.

His friends are invited to attend his funeral from the house of his son, 90 Wapps st. Harlaimes, (Jersey City,) on Saturday, Dec. 1, at 2 o'clock.

COMMERCIAL AND MONEY MATTERS.

For Sales of Stocks, &c. see Last Page.

FRIDAY, Nov. 30—P. M.

The Money market continues favorable, and loans are freely made on first-class paper at 5 @ cent. long, and 6 @ cent. for short time.

At the Board to-day Farmers' Trust Co. advanced ¼; Reading RR ¼; Bank of Commerce ¼; and Mohawk and Erie Railroads ¼; Indiana bonds closed at Wednesday's prices, and U. S. Sixes of 1867 declined ¼.

The day's business at the Sub-Treasury was as follows: Receipts, $36,650 85; Payments, $173,699 9); Balance, $3,839,317 42.

In Freights the rates are better. Engagements for 20,000 bushels Wheat at 5d; 16,000 do Corn, 4½d; 2,000 bales Cotton, ⅝d; and 2,000 boxes Cheese, 22s 6d, for Liverpool, and 100 bbls Ashes to Hamburg at 30s.

The President of the State Morris Bank has been arrested in New-Jersey for perjury in having sworn that the actual cash capital of the concern had been paid in.

A $2 bill on the old Trenton State Bank, altered to represent the Chesapeake Bank of Baltimore, has been detected. The alterations and signatures are roughly done.

The Directors of the Whitehall (Va.) Gold Mining Co. have declared a dividend of $6,000, or 4 @ cent. on their capital stock, the second since January.

MARKETS ...CAREFULLY REPORTED FOR THE TRIBUNE

FRIDAY, Nov. 30.

ASHES—The market is better for Pots with sales of 75bls at 6 to 6¼ duty. Pearls are buoyant at 6 31@6 37½.

COTTON—The commercial distress in the country has restricted the sales to the trade at an advance of ¼c.

FLOUR AND MEAL—We notice a better feeling in our market for Western Canal Flour, and for Michigan a shade better prices were paid. There is a fair Eastern and local trade, particularly for good brands. For Canadas the market is steady, with a fair inquiry. The receipts are large. The sales comprise 14,000 bbls at 4 87½ @ 5 for ordinary and common State and Ohio and Indiana, 4 75 for

Canadian, 4 87½ @ 5 for straight State and Ohio, 5 12½ @ 5 25 for choice State, a shade for extra and straight Michigan, other grades as before. Southern Flour is more active and firmer, the sales are 1,300 bbls at 5 12½ for Baltimore Country, Richmond, Baltimore, Alexandria and Georgetown. New York is in fair request, with sales at 5 12½ @ 5 25 for City, Ohio and Brandywine, and 5 12½ for Genesee. Rye Flour—Sales are 300 bbls at 3 87½ @ 4 for fair and fine. Corn Meal—Sales are 1,000 bbls at 3 12½ @ 3 25 for Jersey.

GRAIN—The market for Wheat is heavy and inactive, particularly for the inferior and medium grades. Nothing transpired to-day. The stock of Wheat in store at Buffalo, Oswego and Rochester, Nov. 26, was 1,000,000 bushels, and 1,000,000 bushels respectively, with some of Southern and prime Red at