valley of Santa Clara, with its beautiful towns of from fifteen hundred to four thousand inhabitants, and its cultivated farms of a thousand acres in a single field, already foreshadows what a few more years will make it. During the past session of the Legislature the citizens of San José, foremost among whom were Judge DAVIS DIVINE, Hon. E. O. CROSBY, JAMES F. REED, Esq., and others, took initiatory steps to organize a Company, to construct a Railroad between that city and San Francisco—the first link, on the Pacific side, of that iron band that is soon to unite more firmly together the States of the Atlantic with the newly acquired territories, now the brightest star in the galaxy of States.

This enterprise was retarded by the removal to Vallejo of the State Government, as well as by the gloom which pervaded the business community caused by frequent disastrous fires and the depression in all branches of trade. With the happy changes that have since occurred, and are yet operating to restore confidence, the friends of the project again took it in hand, and are now urging it forward with an energy and activity commensurate with the importance of the undertaking to the interests of the valley and country at large. A subscription of $150,000 to the stock was made by the citizens, and an installment of ten per cent. on $60,000 promptly paid in, which fulfilled the requirements of the law antecedent to a regular and legal organization of the Company.

Thereupon, on the 6th of September, the stockholders met at San José, and elected the following Board of Directors of the "San Francisco and San José Railroad Company," the first Railroad organization in California:

BOARD OF DIRECTORS.

Davis Divine, Esq.,	J. Alexander Forbes, Esq.
Hon. E. O. Crosby,	Dr. James C. Cobb,
Capt. W. D. M. Howard,	Peter J. Davis, Esq.,
Daniel Murphy, Esq.,	Peter Van Canegham, Esq.,
Thos. O. Larkin, Esq.,	Sherman Day, Esq.,
Samuel J. Hensley, Esq.,	Joseph C. Palmer, Esq.

Hon. Joseph C. Sram.

The Directors are gentlemen not only standing high in point of integrity and indomitable enterprise in California, but many of them are also well known here. Mr. Forbes is one of the largest owners of the quicksilver mines at New Almaden, twelve miles above San José, the value of which can only be estimated by millions. Mr. Palmer, of the banking-house of of Palmer, Cooke & Co., Mr. Crosby, late State Senator, and Judge Divine, are from this State; Messrs. T. O. Larkin, D. Murphy and S. J. Hensley, are old settlers in California—the latter gentleman for many years a partner with P. B. Reading, Whig candidate for Governor at the recent election. At a meeting of the Directors, held on the 10th of September, the following officers were chosen for the first year:

President.....DAVIS DIVINE, Esq., of San Jose.
Vice-President.J. ALEX. FORBES, Esq., Santa Clara.
Secretary.....CHARLES E. ALLEN, Esq., San Jose.
Chief Engineer.WM. J. LEWIS, Esq., ——.
Asst. Engineer.T. ARROWSMITH, Esq., ——.

An Executive Committee, consisting of the President, and Messrs. Crosby, Van Caneghan, P. J. Davis and Day, were chosen at the same time. Also a Finance Committee, consisting of Dr. J. C. Cobb, Joseph Aram and Capt. W. D. M. Howard. The Commissioners to open Books of Subscription to the capital stock, are Capt. W. D. M. Howard, Joseph C. Palmer, Samuel J. Hensley, Dr. J. C. Cobb and Charles White.

The Engineer Corps for the survey and location of the line of the proposed road, consists of ten men, all but two of whom are old and practical engineers, having been engaged on railroads in the various States. The desire among these gentlemen, either and all of them fully qualified to be chief, to be connected with the survey of the First Railroad in California, was so earnest, that they took the subordinate positions in the corps, at moderate rates of compensation—no more, in fact, than the average of ordinary laborers. This shows a most admirable and praiseworthy spirit, which cannot fail to insure success, backed as is the enterprise by a like determination on the part of the officers, directors, and citizens.

By the last mail intelligence is received that already two routes have been partially surveyed—one through the heart of the Valley, nearer to the Bay of San Francisco, and the other on a higher level, near the foot-hills of the Coast Range. More eligible lines for the building of a good and cheap road cannot be found in the Union. With the exception of a moderate ridge running from the ocean to the Bay at Point Bruno, about eight miles out from San Francisco, the whole route is entirely a dead level, and the distance between the two cities about 51 miles.

From an address issued last February, by a committee of citizens appointed at a public meeting, to report upon the practicability of a Railroad, together with the statistics of business and travel at that time existing, I make the following extract:

"The valley of San Clara, with its tributaries, contains about 900,000 acres of as fine tillage land as the agriculturist need desire. This land has yielded one hundred fold increase of wheat, and has been equally prolific in other products. One of the committee on this address has raised 900 bushels of potatoes this year on one acre. We speak advisedly when we say that in two years, with the aid of a railroad, this Valley will be able to supply San Francisco with all the produce she can use. Our teeming acres will pour forth a bounteous supply for her population when it shall have risen from 20,000 to 200,000 inhabitants.

"Even with the present population of the Valley, a profitable business can be done on such a road.—During the last seven months, the amount of passenger travel between this place and San Francisco has not been less than 10,500, at an average expense of $16 each, making a total of $168,000. During the same time about 2,000,000 feet of lumber were brought to the Embarcadero, at an average cost of $15 per thousand feet, amounting to $30,000. To this must be added $30,000 for other freight. In this enumeration we omit the immense quantities of hay, wood, bricks, potatoes, quicksilver, cattle, and other articles which have been transported to San Francisco by water or land. To this we must add the cost of carting to and from the Embarcadero. Some estimate may be formed of the enormous amount of this item of expense, by the fact that one firm, and that not one of the largest, has paid, during six months, over $3,000. These facts justify the supposition that the expense of transportation for the six months ending Dec. 31, 1850, has not been less than $30,000."

Since this report was published, the settlement of the Valley of Santa Clara, (sixty miles in length by ten to twenty in breadth,) has been at a rapid rate, handsome houses built, farms fenced in and cultivated, and every indication manifests that it is destined to be the garden of California. It possesses the loveliest scenery and most charming climate of any portion of the Pacific Coast, and with such a means of quick communication as the Railroad will give, not only will the travel and trade greatly increase, but the merchants and wealthy citizens of San Francisco build their country seats and reside almost constantly amid its beautiful groves and flower-besprinkled natural lawns—removed beyond the influence of the rough winds and disagreeable fogs of Summer at "the Bay." As an investment, no Railroad in the United States will pay so large a dividend upon the capital as this will do the first year. California is bound to go ahead. Yours, J. WINCHESTER.

New-York, Nov. 3, 1851.

CANADA.

Public Opinion—The Tory Press and the New Ministry—The Bible in the Public Schools—The Inspector-General and the Nominating Convention—The Michigan Conspiracy Case.

Correspondence of The N. Y. Tribune.

TORONTO, Wednesday, Nov. 5, 1851.

There certainly is at work an active public opinion in this Province, from which much good may be expected; the difficulty being, however, that there is little or no mental energy in Lower Canada to give promise of advancement But in the Upper Province, at what a terrible discount the men who formed the last Government, and who were supported by an overwhelming majority, something less than four years ago, are held at this moment! The late leader of that Government in Upper Canada, Mr. Baldwin, received just one vote at a Nominating Convention of his own party and in his own constituency a few days ago, forty votes being cast for other persons. The reason of this desertion of their leader by the Reform party, is that he is not democratic enough to please them—a pretty good indication of the direction public opinion is taking.

The violence of the Tory press exhibited on the first announcement of the new Ministry is subsiding gradually, and soon the nine days' wonder will be over. The efforts of the violent journals have not succeeded in creating the slightest breach of the peace anywhere, which shows pretty conclusively that the people have too much intelligence to resort to violence on the call of every disappointed office seeker. Nothing beyond one solitary idle threat has occurred in this city, the center of rowdyism, for Upper Canada. On Saturday night a tall and rather well dressed person went to the house of Dr. Rolph to inform Mrs. Rolph—the Doctor is absent at Quebec—that she had better move out of her house, with her family, as the premises would be burnt down before morning. He left this statement in writing. A look-out was kept all night, but the threatened attempt was not made.

Some discussion has lately taken place here on the question of excluding the bible, as a class book, from the public schools; but the indications give no evidence that the movement is popular. The Roman Catholics desire the exclusion of the bible, but it would not satisfy them as a substitute for those separate schools which they now possess, and on the continuance of which they have announced their determination to insist, even at the risk of breaking up the Reform Party, to which they at present adhere.

The Inspector-General has got over his platform difficulty with remarkable address. He distinctly refused to subscribe to the platform presented to him by the Nominating Convention of the County of Oxford. He gave at length the reasons of his refusal, which have been published. His chief argument is, that, by subscribing to such a platform, he would violate his oath of office, bound as he is by it to give the Governor the best advice he can on all questions; and that, if he were tied down by a pledge to any pre-determined course, he would not be in a position to give the best advice under circumstances which may arise, but which are at present unforeseen. He also denies the right of these Nominating Conventions to impose any tests on the candidates, such a procedure being unknown to the Constitution and dangerous in its exercise. I doubt if this doctrine will be admitted in its entirety by the party to which the honorable gentleman belongs. After receiving his reply, the Nominating Convention again met, and resolved, by a vote of two to one, to accept him as their candidate without pledge or condition, notwithstanding that the most desperate efforts had been made to produce a different result. This good fortune he owes to the strength of the new Ministry. Had he, like Mr. Baldwin, not been a member of it, or had it been all of the stamp of the old Government, Mr. Hincks would not have fared better than the leader of his party.

The Michigan Conspiracy case has been, and continues to be made the occasion for certain Tory journals here making the most unwarrantable statements regarding the religious and moral condition of Michigan. Some of them have gone so far, as to state that such a thing as religion and ministers of the gospel are almost unknown in the State. These slanders have met a triumphant refutation from the pen of Rev. James Inglis, Baptist Minister, of Detroit, whose communications have been published in *The Examiner* of this city, and the second of which appears to-day. Mr. Inglis offers to meet any Church of England Minister at Toronto or Hamilton, to discuss the voluntary question, and although this challenge, repeated to-day, has been before the public for a month, not a champion of the Compulsory Church and State system has been found to accept it. The object of the attacks on Michigan is to make it appear that where there is no State religion, there is no religion at all, or morality either. But the bigots have not taken much by their motion. L. C.

HAVANA.

The New-Orleans Picayune of the 2d inst. has a letter from a correspondent in Havana, touching on several topics of current interest

HAVANA, Friday, Oct. 24, 1851.

Since my note by the steamer the course of things has somewhat changed with Mr. Thrasher, and a more serious parade is made of the process of investigation, reaching the time-honored inquisitorial branch—the cell and solitude—in place of the jury substituted by civilized nations in modern days, where he was placed after dining at his hotel on the 21st inst., "*incommunicado*."

That he will be banished from the Island his friends think probable, as they cannot imagine a more grave termination of a fabricated cause. It is a singular case, and not understood by any, as I can learn, save that it has been predetermined "that he is not a safe man to be allowed to think in our community." Although his labors have been much devoted to the agricultural and commercial interests of the Island, and with singular intelligence and industry, while, as those who know him best believe, he has committed no offense against the laws and institutions of the land, to deserve the visitation he has received from the authorities.

I do not learn that Mr. Owen has made any inquiry of the Government as to the cause, and he probably thinks it will be in time for his action when he is asked to give it, and that he is not to recognize Mr. Thrasher as an American citizen "until he has exhibited satisfactory proofs" of the fact. Such has been some of his "new light" views in other cases, where he has been asked for certificates, for letters of domicil. It is to be regretted that these little "contre tempis" in our relations seem always to occur during the absence of our vessels of war, giving time for annoyances to individuals and always the advantage in subsequent explanation.

I have been informed that two more prisoners have been released, Col. Bloomenthal and a name given as Griffith, but I have seen no official evidence of the report.

The *Diario de la Marina* has visited Capt. Porter, of the Georgia, with a touch of pen-metal, in a charge of neglecting the demands of humanity, in refusing to the bark Laura Devique, (French,) spoken at sea some days since, the assistance required. With the steamer Georgia, from New-Orleans, came the report, by French passengers, which is made the handle of the accusation; and the Government dispatched a war-steamer to tow the bark into port, where she arrived on the 20th, but there does not seem to be such distress as would have warranted Capt. Porter in sending on board his own physician to give attention to the sick, especially when he had a far greater number of passengers on board of his vessel to provide for and protect. The charge is susceptible of satisfactory explanation, but that will not cause retraction of material necessary to produce unpardonable impressions of our people and institutions; rather render more vindictive the malignity that lives upon the spawn of slander, covering the filth pools and sewers of society, social and political.

We find very general the discussion of a war with the United States; it is the popular topic at present, and will live until Spanish fame is satisfied, in the crowd ever gaping for nine day wonders.

We calculate here, or guess that the two countries can get on without coming to "fisticuffs," and that their intelligence will render unnecessary the display of brute force.

KENTUCKY.

ABOLITIONISM IN KENTUCKY.—A Rev. J. G. Fee, a native of Kentucky, is appealing to the charity of Northern Abolitionism for means to erect a free church, or what is more proper, a church in which he can preach without molestation, and at all times, against the institution of slavery. He says:

"During the last year I have labored half of my time in Bracken County. We have organized there a small church. At present it numbers thirteen members. This church, like the one in Lewis County, does not tolerate slaveholding. This, of course, is an unpopular move in a slave State. Yet our congregations have been constantly increasing. The house we worship in is a school house, and often does not hold more than half of the congregation. Also, often when we would like to hold a protracted meeting, the house is occupied by the school.

"The prospect for building a church, able eventually to sustain itself, is good. It is in a neighborhood of farmers who are generally non-slaveholders, in comfortable circumstances. The church has resolved to try to build a plain, brick church edifice, thirty by forty feet—cost about $600. In view of the fact that some colored persons attended our meetings, and that one of our members is a colored person, the church has voted 'that the seats in this house shall, during the hours of worship and good behavior, be free to all persons.'

"As palpably in accordance with the spirit and practice of the gospel as is this resolution, it is likely to affect our congregation and means for building more than opposition to slavery; for there are many excellent men, who will go with us in opposition to slavery, who yet retain the spirit of caste—foster which sustains and strengthens slavery. I have by private solicitation received some $135. But, in consequence of failure here, we shall yet lack $150 to complete our house.

"We have labored here for years in school houses, private houses, and barns—have *prayed*, under thousand other untoward circumstances, that we can, with God's blessing, preach a whole gospel against all that we know to be sin, and yet have a small but increasing prosperity. We believe that it is wise and prudent to ask, and that the glory of God demands, that we have here houses to worship in. We believe we are right, and that the Lord has somewhere in his treasury means for us to do right with. And believing that some of the stewards will feel it a privilege and duty to give for such an enterprise, we ask that they will give, either by sending directly to me, or through Rev. George Whipple, Secretary of the American Missionary Association, New-York. He will receive and forward to us. J. G. FEE.

"*Cabin Creek P. O., Lewis Co., Ky., Aug. 19, 1851.*"

The Saco (Maine) *Union* tells about a singular sea-monster captured at sea, about twenty miles from that place. He is described as having a head like a porpoise, shark's teeth, fins like a whale, and a tail resembling a lizard's. He is sixteen feet long, and when taken weighed eight hundred pounds. His skin has been stuffed, and is now on exhibition.

By Telegraph to the New-York Tribune.

SOUTH AMERICA.

Late and Important from Buenos Ayres, &c.

BOSTON, Monday, Nov. 10, 1851.

The brig Pelos, from Buenos Ayres Sept. 17, arrived here this morning. The U. S. ship Jamestown from Montevideo, with Commodore McKeever on board, had arrived at Buenos Ayres and reports that Oribe was still endeavoring to make terms with the Brazilians and Urquiza—his conduct had caused him to be denounced at Buenos Ayres as a traitor. Urquiza was daily burned in effigy there. The House of Representatives was in session and had elected Rosas Governor for life. Measures were in progress to strengthen the Argentine army.

It was the general opinion at Buenos Ayres that if Oribe failed to make terms and was obliged to fight, his army would be destroyed.

Ounces sold on the 17th at 384. The speculation by brokers in this article was regaded as unjustifiable, and there was some talk of a law forbidding it, under penalty of imprisonment.

Several vessels had arrived from the United States with flour, rice, &c., which would net 33 per cent. loss, as business was never known to be so flat. Exchange on the U. S. was 9 per cent. discount.

HAYTI.

Later from Port-au-Prince—Truce between the Haytiens and Dominicans.

BOSTON, Monday, Nov. 10, 1851.

By an arrival here from Port-au-Prince we have dates to 23d September. The Emperor had complied with the demand of foreign powers, and had concluded a truce for one year with the Dominicans, and is also to give one year's notice of the commencement of hostilities.

This will tend to greatly enhance the prosperity of the Island. Coffee was quoted at $35, (Haytien currency,) ℔ 100 lbs., with the prospect of a large crop.

WASHINGTON.

Appointments—The Cuban Prisoners.

WASHINGTON, Monday, Nov. 10, 1851.

Commodore Morris has been appointed Chief of the Ordnance Bureau, and Commodore Shubrick, Inspector of Ordnance.

It is rumored that negotiations are pending with the Spanish Minister for the release of the American prisoners concerned in the recent Cuban Expedition.

The Irish Exiles.

CIVIL ENGINEER.—You have written us a letter on a subject on which we have already expressed our opinion—an opinion from which we do not mean to recede. We will repeat it for your edification.

First: We hold that Mr. W. S. O'Brien was not a "misguided man."

Secondly: We reject for him the "mercy" of the British Government, as we happen to know that he would sooner live in a dungeon or die on a gallows than solicit it himself.

Thirdly: We emphatically reject this charity extended to him and his comrades on the plea of their being fools.

Fourthly: We sympathize with the Exiles in their durance, as we sympathized with them in their daring. We would do anything not unworthy of them to see them released and received on this soil.

But we think there ought to be no prayer, no entreaty, no palliation, no begging in the matter, and we think the interference should come from the spontaneous action of the Government or the Senate. It is the business of the country, and not of the Irishmen living in it; a matter to be calmly considered in the council of the Administration, and urged with all the weight and dignity of a national request. Or if there is to be pressure from without, let it be from the American people and all parties, and let not honorable names and a hallowed though baffled cause be degraded into the service of faction at an election.

In every manly effort for their redemption we will readily participate. But we will not beg for them, or lie ourselves in order to belie their character and aim, so as to have "*mercy*" extended to them. The sincerity of their effort is their remaining glory. It is the

"Gilded halo hovering round decay,"

—the decay of their great hopes. We will not consent to dim the faintest of its rays.

Independently of every other consideration but the probabilities of success, it requires no great prescience to see that this electioneering agitation, or even Irish agitation, with no trick in it, would be just the surest thing to prevent our Government from interfering, and to prevent that interference, if by any chance used, from being successful.

CITY ITEMS.

DEATH OF DR. J. KEARNEY RODGERS.—We regret to learn that this distinguished physician and estimable citizen died at his residence in Bleecker-st., about 3 o'clock yesterday morning, after a brief but violent attack of typhoid fever. He was 58 years of age.

DESTRUCTIVE FIRES.—On Sunday night, at 12 o'clock a fire broke out in the building No. 393 Pearl-st., occupied by Messrs. Goldstein & Lewis, jewelers, and George Remington, camphene and lamp store, and the upper part by several families. The firemen were early on the ground, but notwithstanding their exertions the lower part of the building and contents were entirely destroyed. The furniture and clothing of the families residing in the upper part of the building were greatly damaged by fire and water. The loss of Messrs. Goldstein & Lewis is estimated at $1,600, insured for $800 in Firemen's Insurance Co. Mr. Remington estimates his loss at $600, insured for $400 in Firemen's Insurance Co. The upper part of the adjoining building, No. 395, occupied by Stucke & Englekolm, umbrella manufacturers, was badly damaged by fire and the lower part by water. Loss about $800; fully insured.

About 10 o'clock on Manday morning, and before the firemen had left the above fire, the City Hall and other bells sounded another alarm for the Seventh District, which proceeded from the building No. 143 Maiden-lane, running through to Fletcher-st., occupied by T. Baxter & Son, white lead manufacturers, &c., and an office on the second story by R. J. Divett, broker in drugs. The fire department in large numbers were soon on the ground, but the flames had gained great headway by this time and were bursting out from all parts of the building. This building with its contents was entirely destroyed. On one side of the above building the flames communicated to No. 145, occupied by Mr Oliver Hull, drugs and chemicals, and an office on the second floor by George Jeffries, broker in chemicals; and on the other side to No. 141, occupied by W. H. Levy, dealer in drugs, &c. The upper part of these buildings, Nos. 141 and 145, were considerably damaged by fire and the contents throughout by water.

The goods throughout the premises No. 147, occupied by Horace Southgood & Sons, comission merchants, were greatly damaged by water. With such fury did the flames burst forth from the upper part of the building in which the fire originated, that it appeared doubtful at one time whether they could be subdued before reaching the corner building. The firemen labored energetically, and by four o'clock had fully succeeded in subduing the flames.

The losses, as near as we can ascertain, are as follows: T. Baxter & Sons, loss about $20,000, insured for $8,000 in Long Island Insurance Co. O. Hull, loss about $12,000, insured for $15,000 in City companies. R. F. Divitt, loss $500, fully insured. W. H. Levy, loss about $10,000, insured for $16,000. Smith & Stratton, occupying second floor on No. 141, were damaged by water to the amount of $500, fully insured. Horace Southmayd, loss about $2,500, partially insured.

While this fire was raging, the rear part of the old building No. 189 Pearl-st., occupied by Mr. Stanynought, paper box manufactory, was set on fire by a spark which lodged in a window casing. It was however soon extinguished. Damage trifling.

Receipts of Produce

By the North River Boats, Monday—23,261 bbls. Flour, 19 do. Ashes, 512 do. Whiskey, 36 pckgs Bacon, 2,336 do. Beef, 1,120 do. Meal, 17,323 do. Cheese, 4,650 do. Butter, 26,791 bushels Wheat, 32,140 do. Corn, 400 do. Barley, 600 do. Rye, 23,300 do. Oats, 3,[illegible] sides leather.

COURT PROCEEDINGS.

U. S. CIRCUIT COURT.—Before Judge NELSON.—*Thomas Hunt & Co. agt. Hugh Maxwell.*—To recover return duties on an importation from London, in 1849, of several bales of goods invoiced as blankets, but considered by the Custom House (they being of different fancy colors) though about the ordinary size of blankets, and finer, apparently, than ordinary blankets, to come under the denomination of "manufactures of wool," and charged 30 per cent whereas the duty on blankets is but 20 per cent. Testimony was taken.

SUPERIOR COURT.—Special Term—*Pettigrew & Sherman* against *O'Keefe & Duryea*—The question of injunction to restrain defendants from disposing of their Eighth avenue line of stages—also of their interest in the projected Eight-avenue Railroad, claimed to have been purchased by plaintiffs, was ordered to be heard before the General Term on Saturday next.

COURT OF OYER AND TERMINER.—The trial of Antonio Lopez, charged with the murder of Mr. Foster, policeman, 17th Ward, was set down for to-day, but adjourned to Thursday next, owing to temporary indisposition of one of his counsel. The Jury was discharged till Thursday.

SUPREME COURT—*Special Term.*—Before Judge Mitchell.

William F. Walker agt. *Isaac H. Tuttle and others.*—Motion for injunction restricting Messrs. Tuttle and others from publishing, taking copies, or reading themselves, letters placed in hands of defendants, (who form an Ecclesiastic Board of Presenters of an Episcopal Church.) Also, that they deliver up said letters to plaintiff, (who is a clergyman of an Episcopal Church at Brooklyn,) and that a receiver be appointed to the care and custody of said letters.

It appeared by the proceedings that some charge of impropriety as to some females had been made as to plaintiff, which he denied, and he demanded a commission, agreeably to the canons of the Church, to examine as to the charge, which was granted, and the letters now claimed placed by him before the Commissioner and he demands their return. It was said, in defense, that on these letters the Commission made a presentment, and that it is proper they should be retained in proceedings, should any be had in the case, before an Ecclesiastical Court which might be appointed to try the subject.

The Court intimated that it would be proper, perhaps, to appoint a receiver of the letters, so that either party might have access to them on the trial, but it would reserve, for the present, its decision.

Jonathan Havens, at suit of Henry W. Belcher.—Application (on the ground, among others, that defendant has circulated at Sag Harbor, where he resides, a report that his paper has been forged, and created an influence in his favor) that the trial be removed from Suffolk County to New-York. Granted.

John Souser against *the Empire Insurance Co.*—Motion to change place of trial to Dutchess County. Granted.

COURT OF COMMON PLEAS. — Before Judge Ingraham.—*Robert G. Voorhees* against *Albert G. Wolf.*—To recover one-eighth the profits of defendant in a mining and mercantile Company at California—already referred to. Verdict for defendant.

Before Judge Woodruff.

John Green against *the Mayor, Aldermen, &c., of New-York.*—Action for trespass, in entering, as alleged, the premises of plaintiff in Forty-first-st., between Tenth and Eleventh-avs., in October, 1850, tearing down his buildings and destroying machinery, &c. Damages laid at $10,000.

In defense, it is charged that plaintiff was engaged in the unlawful business of boiling the bones of dead animals in the vicinity of a dense population, and rendered the air nauseous and unhealthy, and kept on the premises a mass of unsound and unhealthy matter, in every stage of putrefaction—that his establishment was in operation during the sickness of 1849, and plaintiff refused to remove or abate the difficulty complained of—that in September, 1850, the Common Council passed an ordinance making it unlawful to continue the business of bone boiling or horse-skinning in the City, under the penalty of $500—also, that, after due notice, if the party refused to remove any establishment of the kind, the City Inspector was authorized and required so to remove it—that the establishment of plaintiff was continued in operation, dangerous to the public health, the materials on it saturated with the foul matter, and the whole a nuisance, and it became necessary to remove it—and that, in so removing, the City Inspector acted according to law, &c.

On the other hand, plaintiff alleges that he was not engaged in the business at the time the buildings were torn down, and that the stable, among the rest, was taken down. He alleges that steam machinery, boilers, &c., for the manufacture of glue, were destroyed.

To meet this, it was said the establishment may have temporarily stopped, if at all, but came within the provisions of the law. To be continued.

COURT OF COMMON PLEAS—*General Term.*—*Peter M. Bayard, respondent,* against *Simeon B. Draper, appellant.*—In a trial before Judge Green, for one quarter's rent of a room at No. 8 State-st., at $200 a year, it was held that a person taking premises on the 1st of May, or subsequently, not having any writings, or anything said as to it, the hiring is until the next 1st of May. Appeal is made to this Court.

Mr. D. went into possession of the premises on the 1st of May, and paid monthly to 1st August, when he moved out and twice tendered the key to Mr. Bayard, but the latter would not receive it, but the third time the person called, Mr. B. told him to lay it on the desk, which he did, and left the premises. There was also some evidence that a hired girl of Mr. B. had been seen ironing in the room.

This Court considers that the hiring had been for a year (2 R. S. 29, 3d ed.) that Mr. B. telling the person to lay down the key was not proof of the acceptance, and that there is no proof that Mr. B. knew of the girl ironing in the room.

The suit is for the quarter ending 1st February, 1851. Judgment for plaintiff confirmed.

Before Judge Ingraham.

Robert G. Voorhees agt. *Albert G. Wolf.*—In January, 1849, Mr. V. loaned to Mr. W., (a blacksmith by occupation, one of a company formed for California, called the California Mercantile Mining Company) to enable Mr. W. to make up his share of $2,000. The enterprize was successful, and the company dissolved the following September, Mr. W. receiving back, for his $2,000, $4,773.

One object of the Company was the purchase here of the schooner Anthem, and loading her with a cargo suitable to the California market, in addition to which it was agreed that they should proceed to the gold diggings.

On the day the schooner left New-York Mr. W. signed a paper, which he contends was to give Mr. V., in equivalent for his risk of the loan, one-eighth of his share of the profits of the vessel and cargo, but Mr. V. insists that it was to give one-eighth of all he made, and Mr. V. handed the agreement to the President of the Company as his agent, to collect the amount. After the dissolution of the company Mr. W. offered to pay the agent if he would surrender to him the agreement, the $500 borrowed, and $150 additional, being one-eighth of his profits on the vessel and cargo, which was done and the paper surrendered.

The present suit is to recover about $200, the eighth of the gold mine earnings, the right to which is denied, also that it is usury, &c., the $150 already paid bonus being upward of 30 per cent. interest, also that in surrendering the paper (Mr. W., it was said, refused to pay unless it was surrendered,) the matter was settled.

MARINE COURT—Before Judge Cowles.—*Jonathan F. Bridges* agt. *James Slavin and Patrick Hogan.*—The plaintiff is the owner of certain premises in Greenwich-st., and rented the same to defendant, Slavin, for the term of five years. A lease was executed between the parties, and defendant signed the same as surety. The lease contained no covenant to repair, or any clause that rent should cease if the premises should be burned or rendered untenantable. The defendant Slavin occupied the premises, but they were destroyed by fire in June last. This action is brought against the principal and security to recover one quarter's rent, accruing between the 1st May and 1st August, 1851. The defendant admits the due execution of the lease, but defends on the ground that there was a parole surrender and acceptance of the premises.

The Judge considered that the defense had not been sustained in regard to the surrender, and held that the defendants were liable to rent, although the premises were burned down. The tenant should always provide for this contingency in his lease. If it is neglected to do so, he is liable. Judgement for the plaintiff for $100 and costs.

William Stanley agt. *Gifford, mate of the ship Patrick Henry.*—The plaintiff was a seaman, and the defendant mate of the ship Patrick Henry. It appeared that the defendant, without much apparent provocation, knocked down the plaintiff, and beat him with a belaying pin. There was some evidence that the plaintiff was sick and unfit for duty; also, that he was asleep on the water cask. The Court decided in this action that the mate had no authority to inflict corporeal punishment while the captain was on board. That the punishment was severe and not necessary to preserve the discipline of the ship. This case would seem to demand large damages, but there are some circumstances in mitigation. Judgment for the plaintiff for $30 damages and costs.

BROOKLYN ITEMS.

DEATH OF A POLICEMAN.—Mr. John McGinnes, a policeman of the Second District, died about 4 o'clock, Sunday afternoon, at his residence in Main-st. He had been ill for several months.

MILITARY.—The Coopers of this city have organized themselves into an independent volunteer company, and have chosen for the officers—Captain, Baldwin, of the Franklin Guards; Christopher Siven, 1st Lieut.; Abm. Mapes, 2d Lieut.; John Mosier, 3d Lieut. The company will celebrate its organization by an excursion to Staten Island on the 19th inst.

ACCIDENT FROM FIREARMS.—Jonathan E. Clarke, of Southampton, L. I., while out hunting on Friday last, accidentally discharged his gun when mounting a fence. The contents passed inside of his jaw under the ear, whereby the bone was shattered and his face badly burned.

FIRE ALARM.—An alarm of fire about 3 o'clock Sunday afternoon was occasioned by the burning of a chimney corner of Jay and York-sts. No damage.

BROOKLYN OBSERVATORY.—The project of erecting an Observatory in this city for Astronomical purposes, it is stated has been finally abandoned, and that the money subscribed will soon be refunded.

ILLINOIS.

INHUMAN CRUELTY OF A STEP-MOTHER.—Polly Olmstead has been found guilty of the murder, by slow cruelties, of her own step-child, in Illinois.

It appears that Olmstead married again in about three weeks after the death of his first wife—at which time the child was about five years old. This was about eighteen months ago. Soon after the marriage the new wife confined the little girl in the kitchen, and there kept her most of the time tied, and without fire. In this situation she was forced to remain up to the time of her death; having no food allowed her except half a pint of coffee or milk and a piece of cold corn bread every day.

No bed-covering was allowed her in any weather further than a single scanty quilt. This fiendish woman often amused herself by beating the child in the most outrageous manner, and on one occasion compelled another child to choke her until she was black in the face. She continually forced her to eat rotten fruit and vegetables of various kinds, together with other filth which it would not be seemly to describe. Sometimes she would fasten the little creature under the kitchen floor and leave her there for hours. Other details were given which are too shocking for publication. The poor little sufferer often washed herself dead. On one occasion she escaped from the kitchen and was seen trying to climb a pole which stood in the yard. Upon being asked where she was going, she replied that she was going up to the other world to see her mother. The heartless step-mother ordered her down with curses, and the trembling little creature fell, in her weakness, her head striking violently against the wall of the house.

The jury found the woman guilty of manslaughter, and she was sentenced to two years' service in the State Prison.

NAVAL.—The U. S. frigate Independence, from Gibraltar, was at Spezzia on the 6th October. Officers and crew all well.

The U. S. sloop-of-war Falmouth, Commander Pettigrew, from California, arrived at Valparaiso on the 21st September, and was expected to sail for home about the 20th October, or as soon as the crew recovered from scurvy and diarrhea. Sloop-of-war St. Mary's, Commander Magruder, arrived at Valparaiso on the 22d Sept., from an interesting cruise among the Fejee Islands. The U. S. frigate Raritan, Capt Gauntt, from Callao, arrived at Valparaiso on the 21th Sept. All three remained in port on the 6th Oct.

The U. S. store ship Supply, Chas. H. Kennedy, Lieut. Com'g, from San Francisco, was at Valparaiso on the 6th Oct. and would sail for home about the 10th or 15th.

The U. S. sloop-of-war Plymouth, Comm'r Kelley, from Norfolk for East Indies, via Madeira, was spoken on the 11th Sept. in lat. 35, long. 37.

The U. S. sloop-of-war Vandalia, Comm'r Wm. H. Gardner, remained at Acapulco Sept. 26. All well.

A letter from an officer of the U. S. ship Germantown on the African station, dated Aug. 9, mentions the death of Commander Knight of that ship, at Cape Palmas, from disease of the heart.

The U. S. sloop-of-war Cyanne, Comm'r Payne, from Norfolk, arrived at Havana about the 25th ult.

The U. S. surveying schr. Ewing, Lieut. Com'g Barilett, was at Monterey, about Sept. 10. Revenue brig Lawrence, Comm'r A. V. Frazier, sailed same date, for lower coast.

HON. T. H. BENTON.—We learn that this distinguished statesman will to-day leave Washington for his home in Missouri, where he will remain until after the August elections. It is known that the anti-Benton portion of the Democracy of that State, comprising about a third of the party we believe, have proposed to reunite with the Benton Democrats. Against this Mr. Benton protests, and declares they shall be driven into the Whig party, rather than effect such a coalition. He will attend to the matter in person, and devote his whole energy, from this time out, to the success and purification of the Democratic party in Missouri.

Respecting Mr. Benton's historical work, some very erroneous reports have been circulated. It is not all written yet, and will be laid aside until his return to Washington next autumn. He will then carefully revise every sentence he has written, and go on to the completion of the work. It shall go before the world, he remarks, with no imperfections that the utmost patience and labor will enable him to remove. He is determined that it shall be in all respects worthy a place among the standard histories of the present age. (Wash. Telegraph.

SHIPPING INTELLIGENCE.

Passengers Sailed

In the steamship Empire City, for Chagres.—P. Peters, J. C. Jones, N. Manning, J. Butler, J. Peters, A. B. Johnson, H. Adams, N. C. Hackett, A. P. Skeeles, C. C. Tallman, E. Marcy, Mr Donahue, J. A. Gray, G. Loucks, J. Kiser, P. Molloy, B. Bohan, J. Riley, J. Samson, J. Weanzeck, R. Dunn, J. O'Neil, J. Donald, H. Wellington, A. Hearn, J. Blith, E. Thornton, R. Pomeroy, Touchier, H. Chanfrau, T. C. Romean and lady, E. Cobb, W. McCormick, A. J. McDavid, H. Cameron, F. A. Dexter, H. Booth, M. J. Smith.

Passengers Arrived

In Steamship Union, from New-Orleans—Mr. McDonald, H. Heald, F. Pavard, S. Hammond, Mrs. Maxwell, Miss Howard, E. Somesfleit, Mr. Little, Miss Virginia Butler, T. B. Nicl, S. Dus, Capt. Weeks, lady and 2 children, Mr. St sen., lady and 4 children, Madame Legendere, Miss Toutans, Mrs. Martin and child, Evelyn Fairfield, and 5 in steerage.

By Telegraph.

BOSTON, Nov. 10—Arr. ship Walpole, Calcutta—Spoke, 6th inst., lat 40, lon. 67 50, ship Isaac Webb, New-York for Liverpool; 8th, lat. 40 40, lon. 69, ship Ocean Queen, from London for New-York.

Bark Lysander, San Juan, Cuba; brigs Palos, Buenos Ayres Sept. 17—left ships Shaw, for Boston, loading; Margaret Eliza, for New-York, in 10 days; barks Manto, for Boston; St. Andrew, for New-York, loading; Reindeer, uncertain; Delawonian, for Baltimore soon; E. Koppisch, for Salem in 10 days; John Swasey, uncertain; brigs Massoe, for New-York, loading; Lacorte, from Boston, arr. Sept. 6; schr. John E. Davidson, for the Falkland Islands. Sld. 17th, bark Undine, New-York; Rainbow, Rio.

Also arr. brigs Francis Lord, Savannah; R. Patterson, Mobile; schr. Cornelia, New-York.

Disasters, &c.

BRIG BALDWIN, at Charleston from New-York, experienced a heavy gale on the passage, during which she shipped a sea which set fire to 50 bbls of lime, in a house on deck, which had to be thrown overboard for the safety of vessel and cargo.

SHIP ZENOBIA, Barker, at New-Orleans from Bath, Me., reports that on the 19th Oct., in lat. 31 45, long. 75, saw a schooner on her beam ends, called the Henry, could not ascertain where she belonged. She had a green bottom, white streak and white rail, appeared to be of about 90 tuns burden and nearly new, and could not have been long in that situation, as her sails were hanging to the masts.

BRIG EDWARD PRESCOTT.—Wrecking schr. Martha Stewart, Lockwood, arrived at this port from the wreck of the brig Edward Prescott, at Absecom, with her sails, rigging, and other light materials, which are all that could be saved. When Capt. L. left the wreck, she was light from N. E., and should it increase the vessel will immediately go to pieces. As it is, no part of her cargo nor anything else worth obtaining can be recovered from her.

SHIP OREGON, of Boston, reported as having been lost on the voyage from New-York for Kingston, Jam., was nearly a new ship, valued at $24,000, and insured for that amount in the Neptune and Equitable offices in