CITY ITEMS.

PUBLIC ENTERTAINMENTS, &c. The promises for the week are not numerous, nor particularly noteworthy. It will be rare, the only prominent feature yet advertised being Mrs. Emma Gillingham Bostwick's concert, at Niblo's this evening. Besides Mrs. B., we shall hear Siede, the flutist, H. Schmidt, Signor Strini, and others.

The National Guard Band notify the public that on Tuesday evening they will give the last of their series of concerts, at Castle Garden, when Signor Gasparoni will sing two or three arias from celebrated operas.

Mr. Forrest repeats "Macbeth" to-night for the last time. On Tuesday Mr. Davidge takes a benefit; and on Wednesday Miss Julia Dean commences an engagement. Mr. Wallack leads his own forces with increasing favor. The treasurer's benefit to-night, with Mr. W. as "The Stranger," and "Dick Dashall." Shakspere's "As You Like It" is in preparation.

Barney Williams and Wife are reengaged at Burton's, and continue a series of their peculiar characters.

"St. Mary's Eve," is to be the feature at the Museum this week. This is Madame Celeste's three-hundred-nights piece.

The St. Charles Theater will give afternoon as well as evening performances, consisting of burlesques and other light pieces.

A varied and improved bill of performances appears at the Hippodrome, which, with the cool and pleasant nature of the place, will prove unusually attractive

Wood's Ethiopian Serenaders produce this week a burlesque of the Eglintoun Tournament, and other new features peculiar to their ebony line of business.

The Aztec Children will soon be taken to Europe to puzzle the ethnologists of great Britain and the Continent. They remain this week at the Studio Curioso.

Sattler's Cosmoramas, it is announced, will positively close on Wednesday. They have been the source of much gratification to our citizens.

Banvard's Holy Land, Owen's Ascent of Mont Blanc, the Museum of Egyptian Antiquities, the National Academy of Design, and the Washington Exhibition, still present their well known attractions for public patronage.

The Infant Drummer was to give an entertainment at Nashville, Tenn., on the 18th inst. Dan Rice's Hippodrome and Menagerie were to exhibit at the same place on the 19th.

Mr. Joseph S. Lee has become lessee, for the summer season, of the new Quebec Theater. Mr. James Wallack, jr., is associated with him. Mr. Blake will give due weight to the Company. The Theater will open about the 18th of June.

Barnum's Menagerie are exhibiting in Tennessee. It is somewhere in the region of Nashville at the present time.

Mr. G. V. Brooke commences a farewell engagement at the Walnut-st. Theater to-morrow evening. He will sail for Europe soon.

The Ravel family are now performing at the National Theater, Cincinnati.

Madame Anna Thillon and Mr. Hudson are still at the Chestnut-st. Theater, Philadelphia, and will remain there this week.

The Troupe of Chinese Jugglers open at the Eagle-st. Theater, Buffalo, this evening.

Mr. Murdoch is now playing an engagement at Philadelphia. At its conclusion, he will perform an engagement at Baltimore, and then visit this City *en route* for Europe. Prior to his departure, he will give a dramatic reading, in this City, for the benefit of the Murdoch Dramatic Association.

The Bateman Children are at the Louisville Theater.

CONCERT.—The Concert at Niblo's Saloon, on Saturday night, given by Madame Aurelia Ferenczy—"the distinguished Hungarian Vocalist and Pianist"—fulfilled its promises so far as a superior orchestra, well led by Mr. Elsfeld, and the performances of Paul Julien were concerned. We had the overture to *Fidelio*, by Beethoven—a Hungarian March, by Berlioz, more distinguished for instrumentation than melody, and the Jubal Overture of Weber, which, though not one of his strongest works, has the air of *God Save the King*, worked up sonorously, effectively and originally, with a rapid and florid accompaniment. Then Paul Julien, though not "the first living violinist," as the bill described, played in the style of a great master. These things made the Concert very acceptable the more so as the room is well adapted for sound. We regret, however, seeing the pains and expense Madame Ferenczy was at to give such a splendid entertainment in these particulars, that her own performances were not what we might expect from the promises made in the bill. If she were a great pianist or vocalist, one or the other, it would afford us much pleasure to pass over a deficiency considering that it is quite enough to learn to play or sing well. But we are constrained to say that she is not. Her piano-forte playing is ambitious, but defective in accuracy and expression; and her singing of the airs from the *Prophet* and *Robert Bruce* cannot be commended. The standard of excellence, viewing the artists that are now among us, must be high, and no very secondary talent can be permitted. These truths, however unpalatable, are due alike to the public and to artists themselves. It is a serious thing to come before the public and challenge criticism as an artist, and praise is good for nothing when deserved correction is omitted.

☞ The weather continues delightful. All the city's myriads swarmed yesterday, and the cars, ferry-boats, and out-of-town stages were constantly crowded by seekers of fresh air and fragrant flowers.

☞ Dr. KANE, the commander of the Exploring Expedition, will meet with his brother Masons of the New-York Grand Lodge, and the public, this evening at Crosby-st. Medical College, when Past Grand Master Coles will present an address to Dr. K., to which the Doctor will reply. This ceremony of friendship is the more appropriate, from the fact that Sir John Franklin was one of the fraternity.

☞ Rev. Dr. Bellows, in his sermon yesterday morning, made a very earnest and strong protest against the effort made in Boston last week to prescribe a Creed for the Unitarian Church.

☞ We learn from *The Boston Transcript* that George Wallis, Esq., one of the Commissioners appointed by the English Government to the New-York Exhibition, is at present at the Revere House. He arrived in the steamship Europa on the 26th inst. This gentleman has long been before the British public as identified with the manufacture of textile fabrics, and with efforts to educate the artistic eye of operatives.

☞ Ex-Alderman Libby has sold out the good will of Lovejoy's Hotel, with the furniture, &c., for a very handsome sum.

☞ Among the passengers arrived yesterday, in the Arctic, from Liverpool, were: Hon. Wm. C. Rives, Minister to France, and family; Commodore Aulick, U. S. Navy; Dr. S. Russel Childs, of New-York; Capt. Arnold, British Army; Rev. H. Benedict, Rev. W. J. Frost, &c.

MAIL AGENTS.—S. H. Rogers, of Fordham, N. Y., has been appointed Mail Agent on the Harlem Railroad, in place of E. J. Aims, removed.

Messrs. W. W. Sheep and Charles Atkinson, Mail Agents between New-York and Philadelphia, have been removed, and John Low, of Jersey City, and Sylvester Vansycle, of Trenton, have been appointed to succeed them on the first of June.

SCARCITY OF CHURCHES IN THE LOWER PART OF THE CITY.—Twenty-one Churches have been demolished within the last fifteen years, below Canal-st. We observed the other day on the door of Christ Church (Episcopal) in Anthony-st.—one of the most recently deserted—the following notice: "To let, this Church, for religious meetings, lectures, hotel, stables, or any other purpose. Apply," &c.

☞ *The Sunday Atlas* commenced its sixteenth volume yesterday, and will soon be enlarged, in accordance with the demands of its patrons and the spirit of the age. *The Atlas* is the only one of the Sunday papers which has openly taken sides on leading political questions. Its Democracy is of the Free Soil stripe, and it keeps some of the slow coaches of "the party" in a fever of anxiety by reason of its lack of reverence for "the peculiar institution." *The Atlas* maintains a high position among its class of papers in many other points.

☞ It is stated that a woman who keeps a small grocery on the corner of Church and Warren-sts., in an old house for which she has an unexpired lease of two years, refuses to sell out her lease for less than twenty thousand dollars. The owner of the property who wants to pull the house down and put up a new building, has offered her ten thousand dollars; but she refuses to move for less than twenty thousand. Many years ago, when Masonic Hall, in Broadway, was projected, the owners wished to extend it to the corner of Pearl-st., but the owner of the wooden building on the corner demanded twenty or thirty thousand dollars for his property, which was really worth not more than six or seven thousand. Masonic Hall was constructed, and the old wooden corner stands there still, a monument to over-reaching cupidity.

☞ We understand that Mr. Nesbit has a large number of the new stamped envelops for the Post-Office Department now ready for delivery. Mr. N., several months ago, expended a large amount of money in erecting a commodious place, with steam-power, for the exclusive purpose of manufacturing these envelops. Some one hundred and fifty males and females were immediately employed to prosecute the work. The white and buff paper is of superior quality, and made expressly for this purpose, with water-lines having the letters P. O. D. U. S., being the initials of the Post-Office Department of the United States, which are as easily distinguished as if they were printed in ink. The sheets of paper are cut into envelop size by a cutting machine run by steam. They are then embossed with the likeness of General Washington; then stamped, on steam presses, with the various denominations of postages; then pass through the process for self-sealing, and finally are carefully examined, counted, and packed in large cases ready for shipment. The operatives are principally females, and the contractor has spared neither pains or expense in getting up this article in the handsomest style. Mr. Nesbit has adopted stringent rules for guarding the factory—the same as at the U. S. Mint. This is done to prevent forgeries or abstraction of the envelops, and under no circumstances are strangers admitted unless accompanied by himself or a trusty employé. The factory is also guarded at night by watchmen. When the contract was first given out, it was designed to bring them into use by the first of June, and the contractor has already a vast quantity ready for delivery at Washington, when ordered by the Postmaster General. These envelops must eventually take the place of the stamps now used for the prepayment of letters, as they are far more convenient, and cost the purchaser about the same.

BALTIMORE FIREMEN.—We understand that our firemen are now making due preparations for extending a hearty reception to Mechanical Engine Company of Baltimore, upon their visit to New-York, next month, as the guests of Columbian Engine Co. No. 14.

FOR EUROPE.—The Baltic, Capt. Comstock, left at noon on Saturday for Liverpool, with 229 passengers, being the largest number any steamer for Europe ever carried away from this port, excepting the Pacific during the World's Fair at London, when she took away 238. Among the Baltic's passengers are Dr. Bailey, Editor of *The National Era*, Washington; Rev. J. F. Astien, France; T. P. Rossiter, the artist; Gen. Uragua, Mexico; Mr. Crampton, England; Rev. Dr. Gutiani, Louisiana; Dr. Chuninck, Belgium; J. B. Russ, Mexican Consul to Genoa, &c. The Baltic took $208,190 97 in specie.

☞ Mr. George H. E. Lynch, one of the Deputy Clerks of the Superior Court, was on Saturday promoted to the Clerkship vacant by the death of Mr. Campbell, the late Clerk.

THE CONVICTED POLICEMEN.—It is said that Governor Seymour has given instructions that the Policemen Smith and Kennedy, who were convicted of grand larceny, shall not be removed from the Tombs to the State Prison, until he has investigated their case, an application having been made for their pardon.

☞ It has been suggested that a small steamboat accompany the Arctic Expedition to sea to-morrow morning, to give the public a chance of seeing Dr. Kane off. A small fare might be charged to reimburse the owners of the boat.

GRAND YACHT RACE—OPENING OF THE SEASON.—The Yacht Club has been refitting and repairing their fleet, and will inaugurate the season on Thursday and Friday next by a grand race from Hoboken around the S. W. Spit and back. On Thursday a large party of ladies will go down in a steamboat to meet the sailing party and enjoy an entertainment with sea appetites. On Friday the gentlemen and invited guests of the Club will do the same. The following are the names of some of the yachts and their owners already in the lists. There are several new vessels expected to appear:

Maria, 170 tuns, Com. Stevens.	Spray, 37 tuns, S. Draper.
Ulula, 160 tuns, C. B. Miller.	Sport, 30 tuns, T. T. Ferris.
Cornelia, 96 tuns, Vice Com Edgar.	Norma, 25 tuns, Messrs. Major.
Una, 60 tuns, L. M. Rutherford.	Ariel, 25 tuns, W. Butler Duncan.
Sybil, 42 tuns, E. C. Center.	Alpha, 24 tuns, R. R. Morris.

STRANGERS.—The following are among the arrivals at the principal hotels:

ASTOR HOUSE.

Hon. N. Clifford, Portland	J. De Sayes, Cuba.
Hon. John Appleton, Portland.	C. Anderson, Caracas.
Hon. N. G. Upham, Concord.	W. Beauchef Chili.
Gen. Harney, U. S. Army.	T. Wentworth, Mass.
F. J. Grund, Baltimore.	Corp L. R. Streeter, Lowell,
J. Parker, Sheffield, England.	Dr. Kidder, Lowell.
T. C. Nye, Hamilton.	J. Buroside, New-Orleans.
E. Fuller, Boston.	L. A. Mosquera, Caracas.

ST. NICHOLAS.

Edward Perkins, Norwich.	L. Matthews, New-Orleans.
Z. C. Deez, Mobile.	Geo. W. Norton, Lexington, Ky.
Dr. Boulton, Canada.	Hon. Geo. F. Alden, Albany.
B. W. Cheever, Washington.	Hon. S. M. Burroughs, Orleans Co.
Chas. B. Fessenden, Boston.	Hon. Benj. Welsh, jr., Buffalo.
H. H. Emmons, Detroit.	Wm. Landon, Albany.
Wm. Smith, Sheffield, England.	Lieut. Grayson, Washington.
John S. Crane, Baltimore.	H. Orambrecht, Valparaiso.
Dr. McLattly, Liverpool, Eng.	S. Sitre, Porto Rico.
Thos. Allison, Tenn	A. S. Mitchell, St. Louis.
Judge Coleman, Virginia.	Judge Porter, Albany.

METROPOLITAN.

C. F. Schell, Germany	D. H. Elingins, Venezuela.
Capt. Yeaman, New Hampshire.	Fred. Cumberland, Toronto.
R. A. Alexander, Scotland.	Jas Limonet, Maracaibo
A. J. Alexander, Kentucky.	W. W. Bishop, Providence.
Hon. Y. P. King, Bogota, N. Y.	H. M. Neil, Newport.
M. M. Cotteren, Mineral Point.	B. F. Vannuter, Kentucky.
Wm. Langenecker, England	Hon. R. J. Walker, Washington.

Capt. Stoddard, Navy.

IRVING HOUSE.

Att'y Gen. Crutchfield, Albany.	S. E. Randolph, Philadelphia.
Dr. Chapel, Havana.	Dr. M. B. Wright, Cincinnati.
Francisco Osoro, Havana.	Wm. Blanchard, Boston.
Gen. Wm. R. Smith, Wisconsin.	Henry Murray, Demarara.
Hon. Geo. Taylor, Pictora, Il.	J. F. Jamison, Tobago.
And. McMakin, Philadelphia.	Capt. Marsepson, Bermuda.
Hon. Wm. H. Jobers, Kinderh'k.	R. D. Calhoun, Louisville.
Jas. A. Rayner, Buffalo.	J. E. S. Medley, England.
H. A. Cameron, Charleston.	C. B. Miserole, California.
Mr. Quinn, U. S. N.	Gen. A. K. Hadley, Troy.
Dr. Childs, N. Y.	Hon. Geo. H. Power, Hudson.
Dr. A. Paige, Philadelphia,	Dr. A. D. Hull, Lansingburg.

FOR BUFFALO AND THE WEST—FARE $7.—The Buffalo Express train—by the Buffalo and New-York City Railroad—leaves from the foot of Duane-st. at 6 A. M. and arrives at Buffalo 8.20 the same evening; going through without change of cars, and arrives in ample time for steamers on the Lake.

The 6 P. M Express arrives at Buffalo 10 o'clock next morning, connecting with Road for *Niagara Falls*.

Through tickets can be had at No. 25 Courtlandt-st. and at the foot of Duane-st.

J. G. HOYT, Superintendent Buffalo and N. Y. City Railroad

FIRE.—On Saturday morning, at 4½ o'clock, a fire broke out in the basement of the building No. 1 Canal-st., occupied by John W. Rowe, as a paint shop. The firemen were early on the ground, and soon extinguished the flames. Damage trifling.

On Friday night, the window curtain in the third story of the house No. 80 Oliver-st, caught fire from a lamp, but was soon extinguished, before communicating to the furniture in the premises.

ACCIDENTS.—A light wagon, driven by two gentlemen, ran into an excavation near Fifty-seventh-st, made by the Third-av. Railroad Company, on Saturday night, and was badly broken. The gentlemen, fortunately, escaped with slight injury. Capt. Maynard, of the Nineteenth Ward Police, states that the Railroad Company neglected to have a light placed near the excavation, and that the accident was caused in consequence thereof.

A man named Thomas Brown, on Saturday evening, fell into the dock from one of the Fulton Ferry boats. Michael McGee, a boatman, succeeded in saving him from drowning.

A woman named Ann Flynn was run over on Saturday evening by a coach belonging to the New-York Hotel, driven by Thomas O'Brien. She was conveyed to the Hospital by Officer Crow, of the Third Ward.

☞ The body of a female infant was found yesterday in the East River, foot of Nineteenth-st, and taken to Bellevue Hospital, where Coroner Gamble held an inquest upon it. No marks of violence were found on its person, and decomposition was so far advanced that it was impossible to ascertain whether it was born dead or alive. The Jury rendered a verdict of death from some cause unknown.

FATAL CAMPHENE ACCIDENT.—About 10 o'clock on Saturday night a camphene lamp burst in the house No. 125 Crosby-st., and a girl named Catharine Donnelly, while endeavoring to extinguish the flames, which had communicated to several articles near by, was so severely burned that she died soon afterward, at the New-York Hospital, whither she was taken. Coroner O'Donnell held an inquest yesterday upon the body of the deceased, and the Jury rendered a verdict of "Accidental Death." The deceased was a native of Ireland, 15 years of age. The lamp exploded while in the hands of a fellow-servant of the deceased, whose clothes took fire, and she lost her life in endeavoring to save that of her fellow-servant.

CARELESS BLASTING.—A contractor, named John Slatterly, was fined $25 by Justice Stuart, on Saturday, for carelessly blasting rocks in Forty-ninth-st., near First-av. He paid the fine and was discharged.

ARREST FOR GRAND LARCENY.—A well dressed young man calling himself John Doe, was on Saturday arrested by Officer Rynders, of the Eighth Ward, charged with stealing $80 from Lawrence Hays, a resident of Watertown, Jefferson County, N. Y., while with him at the house No. 76 Mercer-st., on Friday night. He was taken before Justice Stuart and held to await examination.

ARREST OF A PRIVATE WATCHMAN.—Edward Sanders, a private watchman, employed on and about Pier No. 44 East River, was arrested at an early hour yesterday morning, by Officer Langdon, of the Fourth Ward, charged with stealing crockery from one of a large number of crates deposited upon the pier, which he had been employed to protect against the depredations of dock thieves. The officer detected him in the act of selling the stolen property in a basement on the corner of Cherry-st. and Jamesslip. He was committed by Justice Osborne to answer a charge of petit larceny.

FATAL FALL.—Coroner Wilhelm, on Saturday, held an inquest upon the body of Susan McCabe, who on Friday last accidentally fell down a flight of stairs at her residence, No. 23 Mulberry-st., and broke her neck. The Jury rendered a verdict of accidental death.

CHARGE OF FALSE PRETENSES.—A cigar dealer, named Samuel Moore, living in Mott-st., was yesterday arrested by officers Davis and Sweeny, of the Lower Police Court, charged with obtaining, by false representations, cigars to the value of $88, from Mr. Herman Schnock, also a dealer in cigars at No. 148 Chatham-st. The charge will be investigated before Justice Osborne, who took the complaint.

☞ A young pickpocket, named Geo. Stephens, was arrested at 11 o'clock on Saturday night by the Fourth Ward Police for attempting to pick the pocket of John Burns, residing at No. 37 Cherry-st., while coming out of the National Theater. He was held by Justice Osborne to await examination.

RECOVERY OF A LARGE NUMBER OF DIAMONDS.—Officers S. J. Smith and Green, of the Lower Police Court, assisted by Deputy-Keeper Cropsy of the City Prison, yesterday succeeded in recovering $5,000 worth of diamonds, which were stolen on the 26th inst, from the state-room of Mr. J. Jacobs, of Boston, on board the steamboat Empire State. The parcel containing the property was found concealed under the middle of the carpet of the lower saloon, near the engine-room. Jeremiah Treadwell, a colored waiter on board the boat, is now in prison charged with stealing the diamonds. Mr Jacobs had carelessly left them in his berth when he left the state-room. The package had not been opened. A reward of $500 was offered for the property, and the officers will probably have this amount divided between them.

ARREST OF SUSPICIOUS CHARACTERS.—Officer Walton, of the Sixteenth Ward, while patrolling his beat at 3 o'clock yesterday morning, discovered two suspicious characters in Sixth-av., near Eighteenth-st., trying the basement doors of different dwellings, with a view of effecting an entrance. After watching them for some time, the officer took them into custody, but before he could get them to the Station-house, one of them, named Jim Clark, made his escape. The other, Wm. Johnson, alias Duffy, was taken to the Police Station, and upon being searched, two skeleton keys were found on his person. He was subsequently locked up by Justice McGrath, to await examination. These fellows are members of a gang well known to the police of the Sixteenth Ward, and are believed to be the parties who have committed the late depredations in Twenty-second-st., and other streets in that neighborhood.

A PICKPOCKET CAUGHT IN THE ACT.—A notorious pickpocket named Otten was caught in the act of picking the pocket of a lady named Mrs. Sarah Eggleston, residing at No. 10 Fifth-av., while she was at the pier foot of Canal-st. on Saturday noon witnessing the departure of the steamship Baltic. The fellow got possession of her purse, which contained between $10 and $11, and was making off with it when arrested by officer Davis of the Fifth Ward, who took him before Justice Bogart who held him to bail in $300 to answer the charge. This same fellow was arrested about four years ago for picking the pocket of a gentleman, and on that occasion he gave bail for his appearance to answer, but failed to appear when called up for trial.

[Advertisement.]

TO THE LADIES.—UBSDELL, PEIRSON & LAKE invite the attention of their numerous patrons to the opening of a large assortment of rich plaid Silks, Barages, Jaconets, &c. just received by the steamer Africa, embracing many novelties, which are now ready for inspection at No. 471 Broadway, between Grand Broome-sts.

☞ Elegant Wedding Cards, with a rich Silver border, engraved and printed in gold- a beautiful article for weddings, invitations, &c.; also, finest plain French porcelain wedding cards, and a splendid assortment of wedding envelopes, at EVERDELL'S, No. 376 Broadway, corner of Duane-st.

[Advertisement.]

☞ World's Fair and Crystal Palace Dépôt, No. 421 Broadway, for the sale of Boots, Shoes and Gaiters, comprising the largest assortment ever offered, and at fifty per cent. below the usual retail price. Please call and examine for yourselves, at JONES'S, No. 421 Broadway.

LAW INTELLIGENCE.

SUPERIOR COURT—IN CHAMBERS—Before Judge DUER.

HABEAS CORPUS.

In the matter of Jane Trainer, the little colored girl, whose custody is asked for by Mr. Tappan on behalf of its father, &c., already referred to. This case came up on Saturday, pursuant to adjournment. The parties and counsel (with the exception of Mr. Brady) were present. The room was also densely filled by spectators.

The Judge, on entering, inquired for the return, which he said had not been handed to him. (It was read the first day but not filed.) Mr. Booth handed it up. The Judge after looking at it, inquired of Mr. Culver if he was ready to proceed with the argument. Mr. C. said he had understood the Judge intended further questioning Miss Porter. The Judge said on looking at the return he finds it to be unnecessary. Mr. C. said the return had not been served upon him. In regard to it there are many assertions they did not agree to, and all that could be said about it, at the most, was that it was balanced by the petition. The Judge said that what had not been contradicted, must be taken as true. As to the child being illegitimate, the return amounts to nothing—that depends upon the testimony of the father.

Mr Culver said he had not fully prepared himself, but would endeavor to present the case. He regretted that his friend on the other side (Mr. Brady) was absent, as he wished him to see that he would treat his argument with all fairness. Mr. C. alluded to the part Mr. Tappan has taken in this matter. He was called upon by gentlemen at Cincinnati to act, and he has done no more than any other correct and high-minded man would have done in the cause of humanity. In regard to himself Mr. C. said he had been pronounced an Abolionist, but he had never acted politically with the Abolitionists; he has Abolition feelings it is true, and no man shall take them from him. The cry of politics which has been raised in the case, he said, by certain persons, is like the "stop thief" cry, to get a little advantage for themselves.

In regard to the custody of children, the cases in the books are as to the father and the mother, but there is no case where a third party, who has no claim to the child, seeks to keep it. We ask to have the child. This woman says no; and we are warned there is an outside force to prevent us having the child. The other day your Honor said the child might go free. We had a right, by virtue of the authority we possessed from the father, to go to that child and lead it off; and, if any man interfered with our doing so, he would have been liable to punishment. Mr. Tappan, and all others acting under the authority of the father, could have justified themselves in doing so. But we might have had a fight, and got whipped in the operation. And yet the law, although tardy and slow, will afford, we know, retribution in the end.

They say the child wishes to stay with this woman, and your Honor yourself expressed as much; very like it does; but, poor thing! this father, after traveling 3,000 miles, was not permitted to hold intercourse with it—and why? Because he could have set her mind all right. Let that little black-eyed, curly-headed girl know that she is not a slave, and her language would be different. I saw that day when she looked toward her father and said "that is my father," the tear came into her eye, and it told more than all her language could tell. She has been made to say too much, when she said she did not wish to be free. She was made to speak contrary to human nature.

The Courts have decided that they will act or a child where it is of tender years, and a Court will always take cognizance of the matter, having in view the welfare of the child.

The Court here expressed a doubt whether action as to custody could be taken on habeas corpus in a case like this, or leave it to be disposed of by law. I am acting, the Judge said, in the present proceeding, simply under the statute. The Supreme Court, or the Chancellor, might entertain this subject; but there is doubt whether I could do more, under this proceeding, than declare the party to be free.

Mr. Culver contended that the Judge had full power. He quoted the case of Barry against Mercein, in relation to the custody of a child—being a controversy between the father and mother. A writ of habeas corpus was got out, in 1839, before the Recorder; subsequently one before the Chancellor, acting as a Judge at Chambers; then before Judge Inglis. Judge Oakley also heard the case. They gave it to the mother, as, Mr. C. said, he thought it very proper. It was finally taken, by Mr Barry to the Supreme Court, in term, composed then of Judges Nelson, Bronson and Cowan. The Court decided in favor of the father. The case was further appealed to the Court of Errors, which reversed the decision of the Supreme Court and affirmed the decision of Judge Inglis—and Judge Bronson, in giving his opinion, said human law cannot go very far out of the way when it agrees with the law of God. The Courts below had all acted, and heard the case on the merits, as Judges at Chambers.

In respect to the question of kidnapping, Mr. C. said if Miss P. was not amenable to the law in relation to it before, she may be since she has come here. The law says that any person who carries, or takes away, by force or fraud, any child under the age of twelve years, with the intent to detain or conceal it from its parents or the person having a right to it, (and I hope my friend, the gallant Mr. D. from Ohio, Mr. C. said, will read this statute,) they are liable to imprisonment in the State Prison for 10 years.

Mr. C. said that independent of the character of the woman, and her unfitness to have the custody of the child, there is danger, should she get out to Louisiana, or any other slave state, notwithstanding the protestations to the contrary, she would sell it, and that, too, perhaps, out of a spirit of revenge to this father, and to compensate herself for the expense she has been at in relation to this proceeding. She sold the mother to a slave dealer; why should we not suppose that she would sell the child!

The Judge said the question of jurisdiction as to the Judges of the Courts below, was not brought before the Superior Court.

Mr. C. replied that the Superior Court would not have acted upon the matter if there had been any doubt on that subject. Mr. C. presented further argument to show that the Judge had full power on this point. He also alluded to the testimony and the law, to show that Trainer was validly married to the mother of the child, he has a certificate of good character from the Mayor of Mobile, and has a right to demand the child, Mr. C. said, as a father. He alluded to the character of Miss Porter, the description of houses she had kept at Mobile and at California, and the danger there would be, as related to the morals of the child, in leaving it in her custody.

Mr. C alluded to the remark of the other side, that objects enough could be found at the Five Points, and other places, without bestowing attention upon a case like this. Those, Mr. C. suggested, who think of objects abroad are the most active for the relief of those at home—and in regard to Mr. Tappan, no man has done more than he has in efforts to mitigate the evils at the Five Points, and elsewhere alluded to. In regard to Mr. Tappan, his maternal ancestors came something like a hundred years ago from Ireland; they came from oppression, and he can feel for the destitute and oppressed everywhere. In regard to this idea of confining action to the particular spot where you live, Mr. C. said it was not correct. In 1847, when intelligence came that a brave people were perishing from famine, I was said Mr. C., in a situation where I had opportunity for activity. (He was a member of Congress.) I was home, then, at Greenfield, in this State—a subscription was proposed, but many persons objected to it, and said that objects of charity enough could be found at Albany, and Troy and New-York, without going across the water for it—but I went to the minister myself, said Mr. C., on the Sunday, and we made one of the first collections for the relief of the people of Ireland that had ever been made in a country church.

Mr. C. also alluded to a remark made by the other side, prejudicial to Douglas, the advocate of the freedom of his race. Mr. C. spoke highly in his praise as an orator, and if the work in which he was engaged—advocating the cause of his people. Those who love oppression cannot bear to hear agitation in opposition to it. Mr. C. spoke of the efforts of Granville Sharpe, in 1772, as related to England—and the efforts of Mr. O'Connell for his own countrymen in Ireland—and yet whose heart could expand to sympathise with the oppressed in every land.

In relation to Trainer, and his being decoyed to New-Jersey, Mr. C. said that the woman, whose husband and her he wished to see, was in the gallery at the time of his testimony, although her husband had not yet come on, and had confirmed Trainer's statement of having been acquainted with the man in Mobile he had been inquiring for, and whom the man that decoyed him off pretended he was leading him to see. He was afterward afraid to come to Court, beaten and cowed down as the colored man is at the South, until assured of protection by the Court, and he has been no longer afraid.

Mr. C. contended that the father, in every respect, has a right to the custody of the child; but, if the Judge does not see fit to give it to him, he can give its custody to Rev. Mr. Pennington, or others who stand ready to give security for its proper care. The remarks of Mr. C. were forcible and eloquent throughout.

The Judge said he would render a decision on Monday (to-day) at 11 o'clock, when the child is to be again brought down.

SUPREME COURT—SPECIAL TERM—Before Judge MORRIS.

HARLEM RAILROAD—MOTION FOR INJUNCTION.

Mr. Peabody, counsel, on the application of Gallagher, brought on his motion, on Saturday, restraining the Harlem Railroad Company from using their rails in this City. The principal ground is that he has recently offered $500 a year per car for the grant, which the Common Council have not accepted. In reply, Gen. Sandford appeared for the Company, he said the right to lay down rails was granted by the Legislature, sanctioned by the Common Council, about 20 years ago; the Company have expended nearly $6,000,000 on the road, and the motion for injunction could not be sustained. During the argument the Judge considered, on account of interest, that he did not have jurisdiction, and the matter lies over.

IN THE MATTER OF OPENING FOURTH-AV.

The motion to confirm report, in application of Mr. Davies, was adjourned to 25th June.

Bridget Bartlett agt. Wm. Bartlett.

Motion made for reference.

IN THE MATTER OF ELIZABETH M'CARTER.

Motion to confirm report in her favor on allegation as to want of sound disposing mind. Motion opposed. Decision reserved.

COURT OF COMMON PLEAS—GENERAL TERM—Before Judges INGRAHAM, WOODRUFF and DALY.

DECISIONS.

Judgment reversed with costs, viz: Henry Gondier against John and George Cormack; Jonas Gurnee against John Kenny; Isaac Simonson against John S. Moyer; John Sullivan against Ulysses B. Brewster; Charles Slessinger against Jane Bushnell; Abel Tucker against James Geraghty, James Munson against John Riley; Joseph Barnhart against Geo. Conklin.

Judgment affirmed with costs, viz: Patrick Bonner against John W. Letson; Owen Matthews against Anthony Tristel; John G. Gottoberger against Wm. H. Harned; Francis Reddy against Geo. R. Jacques; Thos. J. Sparks against Peter Dawson; John O'Donnell against Thos W. Smith; Thos. W. Etton against Henry McGurken; John W. Lagman against Otto Hoppenburgh; John Dewey against Hiram Fisher, Horace Cushing and M. Henderson; John Sheeby against Jeremiah Cowley; Oliver Davidson against Giridans Donnadi, (2 cases); Louis Swartz against John G. Bendel; Jeremiah Fowler against Geo. Collyer; Jas. A. Munsell against Henry Parsons and James L. Bosworth; John Ferden against Abner Jones and Charles E. Quincy.

Also the following:

Alex. Davison agt. John Lafarge.

Judgment reduced 19, 19, with the costs of trial and judgment below—no costs of appeal.

Lewis Meyer agt. Seba Teenker.

Judgment for $45 and costs.

George Lovett agt. German Reformed Church in Forsyth-st.

Order appealed from affirmed, with $10 costs.

James Mulligan agt. Thomas J. Hagan.

Judgment affirmed, with costs; plaintiff may, if he thinks proper, amend the record.

Oliver H. Clark agt. Samuel Atkinson.

New trial ordered, costs to abide event.

Jacob Eversleyn agt. Hillard B. Weeks.

Judgment at special term affirmed, with costs.

Wm. Taggard agt. Clinton Roosevelt.

Judgment reversed, cause referred back to referee, costs to abide event.

John S. Ebaugh agt. German Reformed Church in Forsyth-st.

Judgment set aside unless plaintiff waive the objection to appeal, and consent that defendant appeal from decision of referee

[The following abstracts of opinions were prepared by the Judges themselves:]

COMMON PLEAS—GENERAL TERM—IN BANCO—Before Judges INGRAHAM, DALY and WOODRUFF.

DECISIONS.

Mathews, respondent, agt. Fiestal, appellant.

WOODRUFF, Justice.—In an action for injury to personal property, committed by a wife, it being her sole act, her husband not being present, or in any way assenting thereto, a husband and wife can properly be enjoined as defendants. In this case it did not appear by the return of the Justice in what manner he disposed of a material question touching the admissibility of evidence. The case was ordered to stand over for a further return, on the coming on of which, the judgment is affirmed with costs.

Kerney, appellant, agt. Guerney, respondent.

INGRAHAM Justice.—In an action to recover goods which were stolen and sold to defendant's wife, she knowing that they were stolen, the defendant, in the absence of any testimony to show any knowledge of the transaction, is not liable without proof of demand and refusal. Where a witness impeaches himself by admitting the commission of larceny on several occasions, evidence of his honesty on former occasions is not proper to sustain his character for truth.

Sagemore agt. Klappenburgh.

INGRAHAM Justice.—Where a person having a mortgage upon personal property on the premises, and an assignment of the lease as security, turned the same to defendant upon an agreement to pay the rent and taxes, and defendant neglected to pay the taxes, held that plaintiff could pay the taxes, and compel a repayment of the same by action against the defendant—such payment was not a voluntary payment, which could not be rendered back. A party who is personally liable for, or whose property is subject to distress for taxes may, in default of the person who ought to make such payment, discharge the tax and compel repayment.

Gendier, Appellant, agt. Carmack, Respondent.

WOODRUFF, Justice—Defendants in blasting rocks on their own lot, had no right to throw stone on the lot of the plaintiff, held by him as tenant, nor to extend their blast so as forcibly to split out the rock on the plaintiff's lot, and to undermine the foundation of his house and render it insecure.

Whether this is done negligently, or by the use of all reasonable care, the defendants are liable.

The plaintiff in such case recovers for the injury to his possession, not for an injury to the freehold; and may recover for any damages he sustained for an interference with his possession

O'Donnell, Respondent, agt. Smith, Appellant.

WOODRUFF, Justice—Where a debtor underneath a bill rendered to him by his creditor, drew an order upon the defendant in terms, "Please pay the above, and charge the same to account of P. S.," and the defendant, upon the presentment of the bill and order, wrote thereon, "I promise to pay the above on or before Saturday, 22, Nov. 1851," and signed it: Held, that such order was a bill of exchange, and that the defendant's promise was not within the statute of frauds, nor void for the want of a consideration expressed in the promise.

Reddy, Respondent, agt. Carpenter, et al., Appellants.

WOODRUFF, Justice—In an action for work, labor, and materials, upon his employment to do a particular work, the defendant can neither set off nor recoup unliquidated damages, alleged by him to have been sustained by the negligence or unskillfulness of the plaintiff in the performance of other work, at a different time and place, having no connection with nor arising out of the transaction to which the suit relates.

Sullivan agt. Brewster.

INGRAHAM, Justice.—The lien law, passed July 11, 1851, applies to cases where the contract was made before its passage if the labor was performed, or the materials furnished afterward, and is not in that respect unconstitutional. The claimant must show that a payment has become due from the owner before he is entitled to recover. A judgment of non-suit or dismissal of proceeding on the trial is clear to a second proceeding to enforce the same lien.

Gotteberger agt. Harner.

INGRAHAM, Justice.—Where a judgment is obtained by default, and defendant shows that he was mistaken until the day of the return of the summons, such an error may be a ground for ordering a new trial. The defendant must also show that manifest injustice has been done, and the mere affidavit of the defendant is not sufficient when the same is contradicted by the defendant, and of a witness who proves the claim. Where a defendant seeks to obtain a new trial, under such circumstances, he should in addition to his own affidavit furnish the testimony of a witness to establish his defence

Bauner agt. Latsen.

Judgment from Justices' Court affirmed, with costs.

Tucker agt. Gerahty.

WOODRUFF, Justice.—Under the mechanics' lien law, it is not a partial defect in the notice to the answer to appear in proceedings to foreclose the lien that the notice does not state when the lien was filed.

Where a sealed covenant for the erection of a building provides for such alteration and additions as the owner may direct, the making of an addition or alteration is not such a consideration for a parol agreement by the owner modifying the sealed instrument as will make such parol agreement binding on the owner.

Meyer, Appellant, agt. Tienker, Respondent.

On a trial in the Justices' Court, the Judge is not at liberty to indulge in loose speculation with a view to do what he upon the whole may conceive to be equity. He must be governed by the evidence, and the rules of law applicable thereto.

Dewey, Respondent, agt. Fisher, et al., Appellants.

WOODRUFF, Justice.—In this case, it is held, that the judgment is not so far against the weight of the evidence that the finding of the Court below ought to be disturbed on appeal