where many concurring sources of evidence prove they were in fact interred. Of course the American epicures were buried by their British captors, and it is most natural to suppose that they buried them in the City Burying Ground, especially when that ground was secreted the place of their captivity and death. J. Hewlett Bacon,* the sexton, and the Hon. F. R. Tillou, your Recorder, a man whose name is alone a sufficient guarantee for the truth of any statement he may make; and the affidavit of General Haight, the commander in chief of the Veterans of the second war of Independence, show that some, at least, of the faithful soldiers of the Revolution lie interred in the floor of the proposed street.† The same thing is repeated in the report of a Committee of your Board in March, 1847.‡ It is stated in the life of General Lamb that he was buried in Trinity Churchyard, and I am informed by Mr. Hunecke that he was buried on the north side of the church. See Leake's admirable life of General Lamb, page 578, where it is stated that

"General Lamb had been Vice-President of the Cincinnati once while Baron Steuben was President, and afterward under George Clinton. *He was borne to the grave in Trinity Church yard* followed by the members of that Society. He was buried with the military honors which he has so well deserved. And the long array of citizens, as they attended him to the tomb, attested the respect which his virtues, his bravery, and worth had universally commanded."

The following obituary notice, ascribed at the time to the pen of Dr. Peter Irving, is extracted from Dunlaton's paper:

"How to keep the brave who sink to rest;
With all their country's wishes blest."

"On Saturday morning departed for a better world, our much respected fellow-citizen, General John Lamb; who to the unbending honor and martial spirit of a soldier—to the unshaken integrity of a real patriot, added the humane and benevolent virtues of a philanthropist.

"He distinguished himself throughout our revolutionary struggle. He lost an eye at Quebec, where the gallant but ill-fated Montgomery fell. At Yorktown he severely wounded, was captured and suffered the hardships of imprisonment in aiding the cause of freedom and his country.

"General Lamb has from early manhood trod the rugged paths of life in public view; and though fortune has not smoothed his descent into the vale of years, nor scattered roses in his path; yet he has ever preserved a purity of character, which even the breath of detraction has not dared to sully.

"Peace be to his ashes! He is gone into the presence of that Being who will reward his virtues. The blessings of indefatigable children waft his spirit onward, while the tears of the veteran patriots who fought and conquered by his side, embalm his memory."

"*Peace be to his ashes!*" said the voice of his surviving friend as the remains of General Lamb were committed to what that friend fondly supposed was their final resting-place. But those who desire to open Albany-st declare that there is no final resting-place, no "peace to the ashes" of the patriot dead. "*He was buried with the military honors he so well deserved*," says the biographer. How strangely would it have sounded in the ears of the long array of citizens who gathered round his tomb, if some prophetic voice had declared that those "military honors" should not avail to protect his bones from exhumation.

I have referred to the biography of General Lamb merely to prove that officers of the Revolution have been buried in Trinity Churchyard; that many such were buried [illegible] as is proved by tradition, as well as the other evidence before your Committee; and a tradition so generally believed in by the people would of itself be sufficient to establish any historical fact. But if it were admitted that no such officers or soldiers were interred in the days of the war, it is beyond all controversy that such were buried there shortly after the close of the struggle. This is not denied, and is indeed notorious.

But the counsel suggests that there is no tombstone bearing an inscription showing that the remains of Revolutionary soldiers were interred there.

Where is the tombstone of the poor soldier? Where is the marble slab that marks the last resting place of Sir John Moore? Where are they living? but can you point out the place where Leonidas and the Spartan band who fell at Thermopylæ were sculptured? Where living witness can state that he saw the battle of Platæa, or can designate the tombs of the Roman republicans who died there? Where? By the same course of argument which the counsel pursued it might be proved that the great battles of antiquity were never fought. It would be difficult to prove, by such a standard of evidence that George Washington ever lived; that the artillery of the Revolution itself ever flashed upon the midnight of despotism, and heralded the dawn of liberty; that Waterloo ever trembled beneath the tread of British legions, or resounded with the thunder of Napoleon's cannon. Indeed the argument would go much further, and prove the nonexistence of everything but the present. All the records of the past are but traditions—*History itself is but written tradition*—and shall we therefore deny its teachings? The unspotted heroes of the Revolution, slaughtered by a ruthless enemy, buried in dishonor, will live forever in the hearts of their countrymen—and the fact that no marble, with its storied inscriptions marks their final resting place; that no pillar sough with sculpture, points out the spot where the old veterans' deathless acts were displayed, is a cogent argument against disturbing their remains—remains which consecrate every inch of ground within which they are buried. No power, no earthly power can divest that ground of the hallowed associations with which it is embalmed in the hearts of the people.

But it is objected that this is an avaricious corporation. I deny it, Sir. The benefactions of this church have been almost unbounded. They have contributed toward the spread of the Gospel not only, but toward almost every object embraced within the term, City improvement. They have given to the City *freely given, lands for streets, piers, markets, ferries, colleges and churches*, quote Dr. Berrian's History of Trinity Church 267-8 (vol. 2, 376 to 385.) In 1771 they contributed toward building a market on Hudson River. In 1775 they appropriated two lots on the north side of Vesey-st. for a pier and slip. In 1765, two lots were given to the City to establish a ferry from Roosevelt-st. to Paulus Hook, which lots are now, I am told, occupied by James Boorman under a claim of title; but I find that the original grant was "for the use of said ferry; but for no other use or purpose whatsoever, upon condition that the ferry is to be established and fixed there forever." And as the condition has not been observed, it may well be doubted whether his title—the title upon which he vacates himself—and upon which he now makes his ungenerous attack on Trinity Church—is altogether above question.

In 1786, *Trinity Church gave three lots of ground for the use of the senior Pastors of the Presbyterian Congregations of the City.* These were lots Nos. 255, 256, 257 Park-place.

But time will not allow me to enumerate all the benefactions of this church. In 1810, they contributed toward a market. In 1810, two lots of ground for a free school—and in 1814, another lot was made to a free school. In 1742, this church granted the land between Murray and Barclay-sts., extending from Church-st. to the river for the erection and endowment of a college—and old Columbia stands still there as a proud memorial of their benefaction, not only, but of the early introduction of science and learning into the colony of New-York; and the church has been and is still one of the humanizing influences which have been exerted by charitable institutions in the sons of this metropolis. *In a word the benefactions of this church amount, according to the best estimate which can now be made, rating the lands at their present prices to the enormous sum of two millions of dollars.* (See Dr. Berrian's History, p. 384.)

This, then, is the use which the church makes of its wealth. And does it present a topic for Mr. Boorman's reproaches? I answer not. A long list was once presented to me as the names of those who were asked to have petitioned for the opening of this street; but so many of those gentlemen have since declared that their names were either in effect forged to the petition, or, if they had really signed such a document, that it was without a knowledge of its contents, and either false pretenses or a suppression of the truth must have been used to procure their signatures, that I know not who are now his associates. A fraud so base as that is worthy only of another genius than that of Mr. Boorman. I can scarcely believe that the frank, outspoken old Englishman would do such a thing. It is not in character with the traditions by which an English gentleman is governed. Wrong he may be—obstinate he may be; but he never can be otherwise than frank, plain and straight-forward in what he does. He never can stoop to so low a felony as that of procuring signatures by false pretenses, or even by a suppression of the truth.

Who opposes the opening of the street? First, Trinity Church. And here be it remarked that Trinity Church has refused a large sum of money to allow the street to be opened. If she had been selfish, unprincipled and vile, as she is represented, would she not have accepted $62,000 in 1834, to allow that to be taken which is of no possible pecuniary value to her, and which in effect belongs to the relatives and friends of those who are interred in her vaults. This one fact is a sufficient refutation of all the calumnies uttered against her. She opposes her own pecuniary interests. She refuses a large sum of money, and still proves faithful to her trust. For it is plain enough that if, in 1834, the property of Trinity Church was assessed at $62,000—it would now, owing to the immense appreciation of lots in that neighborhood, be estimated at $2,000,000 at the least. And think you, Mr. Chairman, that the property holders in that neighborhood would be willing to pay such a sum for opening this street? If they objected to the payment of $62,000 in 1834, as too onerous *then*, think you that they will deem $200,000 now, any less burthensome? *Sir, the property holders will, perhaps, be the most zealous opponents of the measure, and the expensive proceedings to open this street must ultimately be discontinued, and the costs incurred charged to the City, under the auspices of the Reform Administration.*

In the second place, the application is opposed by such men as the Hon. F. R. Tillou, your Recorder, the noble, public-spirited, patriotic reformer, Tillou; ever in the van of whatever movement for the public good; and of such men as Capt. Tillou, General Haight, Mr. Townsend, and many others who have friends and relatives buried there. The Recorder has twenty-two relatives who are buried in the line of the proposed street. These men oppose it on the ground that it would be an unnecessary and ruthless desecration of the dead.

Again it would cost, according to the estimates made, nearly $100,000 to disinter and remove the bodies buried there. This, too, whatever it be, must be added to the assessment to be paid by the property-holders, or by the City. Will they thank you for such an additional burden?

Having said thus much *negatively* by way of reply to the argument of the learned counsel for the applicants, for the opening of the street, and of the persons who ask for, and those who oppose the measure, permit me now to say a few words by way of *affirmative* argument against that measure.

And now, Mr. Chairman, I propose, in my own humble way, to offer some suggestions, to show:

First, That the proposed opening of Albany-st. would be an act in derogation of the grant made by the City of New-York to Trinity Church in 1703, and that it would be a repudiation of a solemn compact between the city as grantor and the church as grantee.

Second, That it is not demanded by public necessity.

Third, I shall endeavor to show that it would be a violation of the policy of the law to open this street.

Fourth, I shall, in conclusion, urge that Christianity is a part of the law of the land, and that it would be a violation of the precepts and the spirit of Christianity thus to scatter to the four winds of heaven the ashes of the dead.

Nor shall I offer any apology for presenting such considerations to gentlemen selected, as you have so recently been, from the body of your fellow-citizens, to occupy the high and honorable positions you now hold—selected because of your known probity and true moral worth in the community. Why are we not discussing the question before the Board of Aldermen of 1853? Is it not because the spirit of the honest masses was aroused during the recent election in this City and because that spirit demanded that honorable men should be selected to fill the places you now hold, in the stead of those in whom they could no longer place confidence. You are not at all embarrassed by the action of the Board of Aldermen, whose places you now fill; any act of theirs, in spite of startling evidence of the right in this community, is the rather regarded as cogent evidence of the contrary. To prove that any act of theirs was right, requires an argument; to show that it was wrong, but the suggestion that they were its authors. I speak, of course, of the majority of the late Common Council. There were men, in both Boards, of great moral worth—men as highly esteemed as any others in the City, and who have passed through that ordeal unscathed. But it is needless to pronounce their praises. Their worth has been appreciated by the unerring instincts of their constituents, and they have already assumed important and influential positions in the newly organized Government. As well might it be urged, that the resolutions of the late Common Council in favor of a Broadway Railroad, and their resolutions taunting the courts, were binding upon their successors, as that the ephemeral expressions of opinion embodied in the resolutions I have before quoted, possess any binding force.

Gentlemen, your predecessors, in the full tide of their power, derided all control, threw off all restraint, seized upon things sacred as well as things secular, and at last, as a fitting termination of their ever-memorable labors, like the proud prince of Babylon, they seized upon the appurtenances of God's house, and, while revelling in wide bowls of their power, an unseen hand was writing on the wall with a pen bathed in vivid lightning in characters of fire, "*Mene, mene, tekel upharsin.*" Thou art weighed in the balances and found wanting." Do you wish to complete their designs?—to follow their example? I will not add, to close their fate; for I know that consequences to themselves will not be regarded by members of this Common Council, and that they will seek only the good of their constituents although they will disregard alike the public admonitions and the private interests of busy members of ministerial, self-constituted committees of interference.

Let us, then, approach the consideration of the question with no feelings of exultation, that we are called on to repeal a law—for no law has yet been passed. The matter now stands before you as a new proposition. It has no *prestige* of authority to commend it to your favorable consideration. What, then, is it which is sought on the one hand to be done, and which, on the other hand, we strenuously resist. You are called upon to lend your sanction to a proposition to exhume the bodies of some thirty or forty thousand persons, among whom there are many officers and soldiers of the Revolution, whose ashes lie mouldering with their mother earth. A proposition to do an act the mere mention of which is a startling, demonstrative refusal to enter into the rights with which it interferes, and the grounds on which it is urged.

I. The opening of this street would be a violation of a solemn grant and compact. The ground proposed to be taken, was and is a common place of burial for all denominations for nearly a century before Trinity Church was built. It was set apart by the Dutch, and by them consecrated as a place sacred to the last rites which separate the dead from the living. Here, without the walls of the City, beyond the sound of the active pursuits of life, where no voice of revelry was heard, our Dutch forefathers selected a sequestered spot, in a deep valley, as the last resting-place for the honored dead. The affectionate mother, the honored father, were here placed side by side; the tender, loving wife and the devoted husband, whose remains were here interred, were deemed safe from Vandal hands; and their humble graves bespoke at once the poverty of their origin and their devoted regard for the sanctity of the tomb. And here let us not forget, that these were not members of the Episcopal Church. No Sir; they were those who came here with that band of Pilgrim fathers who sought civil and religious liberty on the newly settled shores of New-Amsterdam. For these, then, I plead—for the dead, who cannot speak. Not for Trinity Church—not for the Vestry of that Church—but for those who were alien to its services—nurtured in the faith of our venerated Reformed Dutch Church, and whose mortal remains were committed to their dust, made sacred, consecrated by services performed in a language unknown to the church now called Trinity—and whose tombs were inscribed nearly a century before Trinity Church had an existence. Now, Sir, let me remind your honorable Committee that even if Trinity Church were obnoxious to all the objections which have been urged against it here—even if this abusive pamphlet were true—it is clear, it would in no respect invalidate the consideration I press upon you. Those who were buried nearly a century before Trinity Church was founded cannot by any sophistry be made responsible for its acts or existence. For the sacred dead I speak, and in their name I protest against the threatened exhumation—in the name of the tens of thousands who, if you could call them from their dark charnel house, would appear in their white robes and protest against this act. And how would such an objection appear in the face of such an audience? Would an argument that, a century after their interment, another class of men had arisen who had erected a tenement near the remains of the dead, and that the people had since become numerous and wealthy, be regarded as an answer to their appeal? No, Sir; no. But lest by implication it may be said that I admit the force of the objections urged against Trinity Church, permit me to say, on the contrary, that I think that Church worthy of all honor; entitled to unmeasured praise for the firm course it has uniformly taken, no matter at what pecuniary loss to protect the remains of the dead; and I for one, as a member of the Dutch Church, tender them on behalf of the old Dutch families whose relatives lie there, the best and warmest thanks for such commendable fidelity. Nor do I perceive, in the long history of the various proceedings to open an street through the homes of our Manhattanese, that Trinity Church has pursued any other course than that pointed out by the polestar of religion.

To resume my history of the ground. After it had been occupied by the Dutch and their successors, as a City burying-ground, for nearly a century, the City of New-York, in 1703, granted it, under the hand and seal of the Corporation of New-York, to the Corporation of Trinity Church, to be held by the grantees in perpetual place of burial for the people of the City of New-York, of all denominations, and irrespective of the condition or circumstances, race or lineage of those whose bodies were to be committed to that consecrated ground. To provide against the possibility of the reposition of the poor, a very small sum was prescribed as a stated burial-fee, upon the payment of which the sexton was bound to commit earth to earth and dust to dust, or the estate of the church in the ground would have been forfeited. In consequence of the facility for interments in ex-mate there and the low rates to be paid for burial, and so unlike the common and most usual place of burial, and so contrary to the spirit of the ordinance of this City was passed, prohibiting further burials. It is generally estimated that from thirty to forty thousand persons have been interred there. I know that the estimate is disputed by the applicants for this measure, but, so long as I can vouch for my statement, the report of the Committee of the Board of Aldermen in 1847, and the other evidence before your Committee, I may well assume the accuracy of the statement without stopping to prove it. Now let us revert, for a moment, to the grant. The grant of the City to the church expresses, substantially, that the ground shall be held by the church in irredeemable for ever, as a general burying-ground. I recognize of that grant, the same city now seeks to seize the property which it once eminently granted, and appropriate it to the use of a private speculation, or, if you please, for the sake of the argument, for the purpose of a public improvement. In other words, it is proposed to this City to repudiate the grant so solemnly made, and treat it as though its corporate faith were not irrevocably pledged to the literal fulfilment of all the terms of the grant. To illustrate: Suppose, Mr. Chairman a gentleman were to convey to you a piece of ground, upon trust that you should hold it for the benefit of the living poor, and apply its proceeds to their support, and afterwards claim that you might himself step in and to evade the grant. Would not all the world deem the act dishonorable, and execrate his memory? But that is just what it is now proposed to the corporation of New-York to do in this matter; the only difference being, that the corporation creates a trust for the benefit of the living poor, in the case supposed being for the benefit of the dead. Shall such an act of bad faith receive the sanction of honest men? To repudiate the dead was thought to imply peculiar dishonor in the State of Mississippi, and fastened an indelible blot on her fair escutcheon; and shall we be so illiberal as to pronounce Mississippi infamous for repudiating her bonds, while we set the same time repudiate our deeds? Sir, you will not tolerate a distinction between Mississippi and New-York. The bonds of Mississippi were issued to her citizens, plaintiffs like importunate the repudiation was placed on grounds of public policy. Shall we be less honorable in our shallow presence; and he assured that the same results are wanting to show, in quite as specious language as any which can be used here, that when public policy demands repudiation the people must repudiate. So here it is said that public policy demands that the City should repudiate its grant for the benefit of this pseudo improvement; but believe me, Sir, that public policy which demands the violation of this honor of a State or city, must be more potent than any argument, more strikingly imperative than any which can be urged by this application. Public policy, the law and dictates of morality,—I will not add of common honesty—concur to condemn the proposed act. Sir, this is no ordinary remediation. It is not merely repudiating a compact with the living but a solemn compact with the dead. For the same purpose a build-fee, the City, through its agents, called Trinity Church, entered into a solemn compact with the eleven generations of men who have now lived since it ceased to mingle with the chairs of the living; that the remains resting in that ground, should be there without molestation, and the burial-ground should be forever a sacred place of deposit for their ashes. These parties are the beneficiaries of the trust vested in Trinity Church, and to open this street would be to repudiate that solemn compact between the living and the dead. Shall such a compact be repudiated with impunity? Believe not, sir.

It is an impious greatness.
And mixed with too much horror to be envied."

II. But, Sir, I deny that the interests of commerce demand it. The public does not demand it. You are called upon by a few private individuals only. What great public interest demands it? Do the merchants demand it? No, Sir; they say that for themselves. Do the merchants ask for it? The grocers of Thames-st. and Rector-st.—and the grade of Albany-st would be the same—is so steep as to unfit them for their use, and they ask it not. Our common are men who would scorn to travel over the bones of the sacred dead; and if this street were made, they would avoid it as a plague-spot.

Do the people demand it? No, Sir. No; a thousand times no! They do not ask a new street within forty feet of another street. And Albany-st., if opened, would be within forty feet of Thames-st., with a single house between them.

Try this question of opening by another standard; suppose the ground proposed to be taken for this street belonged to a private citizen, Mr. Boorman for example, and that it had no graveyard upon it. Would any one then think the public interests could be subserved by taking it for the street? Then, of course, in full value of $200,000 for building lots would be placed upon it. And would any one, in such a case, venture to suggest that the public could be so much benefited as to warrant the payment of such a sum of money? No, Sir. It would then be seen that the opening of the street could not benefit the public, and the price to be paid would be too great to forward the interests of the land speculators. Mr. Boorman would then object to the taxation of the lots, upon the ground that it would be taking his private property for private uses, and the scheme would be frustrated.

The plain truth of the matter is simply this; the persons who claim to open this street, think, what their counsel expresses, that they can take this church yard for nothing. That it will not cost a cent by way of assessment, and the opening of the streets will add a very handsome speculation. It will open an avenue to their lots, give the lots desirable frontage, make them salable; and that this great object can be accomplished for just nothing. The speculation is certain; the loss, they think, cannot be a penny. Did they not know, when they purchased these lots, that the church stood there? Has the church deceived them by closing an avenue to their property? That is not pretended; all they ask is, that the church will give away its lands; or, rather, they modestly ask, that you should forcibly confiscate the ground of this church—that the church which have been purchased at low prices may, in Mr. Boorman's words, "be materially enhanced in value." In other words, you are asked to dig up the bones of our ancestors to add a city lot-speculation. It is a bold, bad project, for which no excuse, no apology can be offered.

Believe me, Sir, public sentiment is opposed to the opening of this street. A more unpopular measure could not be suggested. Submit the question to the people, and nine-tenths of the whole population would vote against it. This, of itself, is sufficient to show that the public interests do not demand it. I am one of those who believe that the instinct of the people are sure to be right. Hear what the unbiased expression of the press is in regard to it. And when I speak of the press, allow me to remind you that our newspapers present a true mirror of popular sentiment. The history of the world, for a day, is contained in each issue. I speak not now of cards inserted in the newspapers by the parties interested in this measure, but of editorial articles written in newspapers above the taint of suspicion—papers which the parties to the controversy cannot influence, much less control; and whose editors are men too pure to listen to anything but the dictates of duty. Such, for example, as The *Commercial Advertiser*, and the other papers which have contained editorials on this question. An attempt has been made to impart a sectarian character to this controversy, but it is signally out of place. It is not a war of sects. The unanimous expression of whatever sect is against the measure. Catholics, Methodists, Presbyterians and Baptists, members of the Dutch and Episcopal Churches alike protest against it. Hear what the editor of *The Freeman's Journal* says on the subject: "But on the score of human decency we protest against a needless, and, as far as the public at large are concerned, a profitless outrage upon the mortal remains of unlikely "order of the honest and respectable dead of this City in its earlier "times." (*Freeman's Journal* 22d February, 1854.) And *The Citizen*, with the warmth and earnestness which ever glow in the honest hearts of Irishmen—men illustrious for a self-sacrificing devotion, almost unknown to any other single race—thus utters the sentiment of its large circle of readers: "His attempt to violate the resting place of the dead has excited general indignation." (*Citizen*, 25th February, 1854.) I have selected these two newspapers because no man who has any knowledge of the gentlemen by whom they are conducted, will venture to suggest that they could be influenced by any other motive, in penning such articles, than to express an honest indignation at the threatened perpetration of such an outrage against the deep seated conviction of all classes, of whatever lineage, race or sect.

Nor does this application come commended by a compliance with the rules of law in regard to devoting property to the use of a street. It is not an application to take private property for public uses; to do which it is only necessary to show that public convenience requires it; but it presents itself in a totally different *aspect. Instead of asking an application to take private property for public uses, for the purpose of selling that public property to forward the interests of a mere private speculation.* In other words, to take property already solemnly appropriated to the use of the public, and bringing them into market; and this, too, not at the behest of the public, but upon the application of a few individuals. If, however, this cemetery is to be regarded as private property, then it is equally objectionable: for "then it seeks to take private property for private uses, in violation of the Constitution. "The Constitution, by authorizing the appropriation of private property to public use, impliedly declares that, for "any other use, private property shall not be taken from one, and "applied to the private use of another. It is in violation of natural "right. If it is not in violation of the letter of the Constitution, it "is of its spirit, and cannot be supported." (Opinion of the Supreme Court in the matter of Albany-st., 11 Wend. 153.)

The right of eminent domain, whatever it may be—and I shall not stop to define its limits—has no application to such a case as this; for there is no great state or public necessity requiring it, no public convenience to be subserved by it; and the existence of either the necessity or the convenience must be demonstrated to exist to justify its seizure in pursuance of the right of eminent domain. (American Print Works agt. Lawrence, Ch. J. Greene's Opinion, p. 279.)

III. It would be a violation of the policy of the law to open the street. (See Beatty v. Kurtz, 2 Peters' Rep. 566, 7 Term Rep. 723.) In the case of Hunter agt. The Trustees of Sandy Hill, reported in the 6th vol. Hill's Reports, p. 4-7, Judge Beardsley said:

"Dedication, as the term is used in reference to this subject, is the act of devoting or giving property for some proper object, and in such manner as to *conclude the owner*. The law which governs such cases is anomalous. Under it, rights are parted with and acquired in modes and by means unusual and peculiar. Ordinarily some conveyance or written instrument is required to transmit a right to real property, but the law applicable to dedication is different. A dedication may be made without writing, by act in *pais* as well as by deed. It is not at all necessary that the owner should part with the title which he has; for dedication has respect to the possession and not to the permanent estate. Its effect is not to deprive a party of title to his lands but to estop him, while the dedication continues in force, from asserting that right of exclusive possession and enjoyment which the owner of property ordinarily has. (Cincinnati agt. Lessee of White, 6 Pet. Rep. 431, 435.) The principle upon which the estoppel rests is that it would be dishonest, immoral or indecent, and in some instances even sacrilegious, to reclaim at pleasure property which has been solemnly devoted to the use of the public, or in furtherance of some charitable or pious object. *The law, therefore, will not permit any one that to break his own plighted faith*, to disappoint honest expectations thus excited, and upon which reliance has been placed. The doctrine is founded in good sense and morals and of most obvious equity, and is in the strictest sense a part of the law of the land. It is known in all courts and may as well be enforced at law as in equity.

"*The land in question was dedicated as a grave-yard, and the ashes of the dead should be allowed to repose in undisturbed solitude and quiet. The grave is hallowed. This sentiment is deeply seated in the human heart and is all not universal. It exists with scarcely less intensity of strength in the breast of the savage than in that of civilized man, rendering any race approach to the resting place of the dead and forbidding, as sacrilegious, its use for any of the secular and common purposes of life. A just deference to this sentiment and a proper respect for the feelings of those whose friends have been buried in the ground near to contest, are wholly incompatible with the right to exclusive possession and sale by the plaintiff.*"

This is the language of one of the ablest jurists of this State. Nothing that I could say would add to its force. Why does it not emphatically apply to this ground? Has it not been solemnly dedicated and devoted "to the use of the public?" Will the law, therefore, permit any one to break the plighted faith of the City, and disappoint the honest expectations excited by this pledge of that faith upon which it has been used for the purpose for which and should not "the ashes of the dead be allowed to repose in undisturbed solitude and quiet?" Turn for a moment from this language of the Courts to the expressions of the Legislature. What does our statute say in regard to the removal of dead bodies from their graves? (2 R. S. 685, § 13.) "Every person who shall "remove the dead body of any human being from the "grave or other place of interment, for the purpose of selling "the same, or for the purpose of dissection or from mere wantonness, shall upon conviction be punished by imprisonment "in a State prison not exceeding five years, or in a county jail not "exceeding one year, or by a fine not exceeding $500, or by both "such fine and imprisonment." Let us mark the language of this section, and we may gather thence the legislative intention and policy of the law. It denounces exhumation as a crime, whether the motive be mere gain by selling, or when the person is even impelled by a desire to promote medical science, or whether the act is "actuated by mere wantonness." In each case the act is alike pronounced unlawful, and a penalty declared upon the offender. Think you the law would have been thus strict if the law-giver had not been persuaded of a deep-seated conviction, that the act denounced was abhorrent to the universal sentiment of mankind? He who, *from mere wantonness*, removes the dead is declared by the law to be a felon. Can we stop to palliate or even to argue the question? Can we view in any other light than as a criminal attempt to disinter the dead from "mere wantonness," or a worse motive, the act of gain.

Who is it that asks for the opening of Albany-st., and for what object? James Boorman, a rich English gentleman, asks that it may be opened, that his property may thereby appreciate in value. In his communication to *The Journal of Commerce*, Mr. Boorman concedes that "it is undoubtedly true" that his property will be materially enhanced in value by opening the proposed street. He moreover informs us that, if it should be opened, he will contend that Trinity Church will be entitled to no assessment for the land; because says the counsel, the ground is dedicated to the purpose of a cemetery, and on the authority of the Albany-st. case, in the eleventh volume of Wendell's Reports, page 159, he believes this church would not be entitled to a cent of the assessment. Mark this bold project, then, displayed in its true colors. Mr. James Boorman was for the grave of our fathers that his land may be rendered more valuable, and he asks that the land of the church may be taken for nothing that he may be made all the richer. No gentleman, occupying Mr Boorman's position in this matter, has a right to assail the motives of Trinity Church, as he certainly has done, directly and indirectly, in his own personal application.

Try the motives of that corporation, [illegible] Trinity Church, in 1834, was offered sixty two thousand dollars for the ground proposed to be taken to which the church has a merely legal title as custodian for the sacred dead interred in her vaults. Now, if the church were so wicked, one would suppose that the most natural thing in the world would have been for her to have accepted the offer of $62,000 in accordance with her trust, and consent to the opening of the street, which, in no pecuniary sense, could injure her a penny. On the contrary, the church refused the tempting bribe, and preferred, and still prefers to retain, in lieu thereof, the bones of the poor who have been buried in her ground. And notwithstanding all this, the pamphleteer representing and advocating Mr. Boorman's interest, whenever he may be, charges this church with avarice, pride, and all bad things. To my mind, there is no more conclusive evidence of the church, in refusing that large sum of money, and continuing faithful to her trust, is above praise.

IV. There is another source of law to which I must bow to call your attention. It is found in a book of paramount authority—the Bible. But some may say that the Bible is not the law of this City. Hear what Lord Chief Justice Hale says on the subject. I read from the work of Hargrave and Hilbrock. (4 Bing. 628.) "It has been argued," says that eminent Judge,) "that the law does not compel every line of conduct which humanity or religion may require; but there is no act which Christianity forbids that the law will not reach. If it were otherwise, Christianity would not be, as it has always been held to be, part of the law of England." And I would remind you Sir, that by our Constitution of 1777, the common law of England was adopted and made part of the law of the State of New-York, and has ever continued to be and now is the law of this State, constantly acted upon in our Courts.

That Christianity forbids the desecration of the dead, requires no argument. Ever since the introduction of Christianity, the resting of the dead have been held sacred. The stream of time marked an entire revolution in the mode of disposing of the dead.

The Romans kindled the funeral pile, and under the remains of departed friends they buried with them, in thrilling tones, the resurrection of the body and the life everlasting, the converts to the new faith were carefully placed in the Tufa, in subterraneous caverns, where the solemn rights of sepulture were performed by primitive Christians over their martyred brethren in days of persecution and of danger. These caverns still remain, as the catacombs near Rome bear witness. The elaborately-wrought sarcophagi, the proud mausoleums, which meet the eye of the beholder on every hand in the old world, all bear silent evidence of the universality of this sentiment. In a word, he who can exclaim, "I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth; and though, after my skin worms destroy this body, yet in my flesh shall I see God," he who believes this mentions truth must respect the remains of the dead. But this topic of the subject more appropriately belongs to the pulpit than the forum. Permit me, therefore, to dismiss it with the remark that the eloquent sermon of the learned divine, Mr. Weston, has developed all that is necessary to be said on that subject, in its true light. His very text is sufficient without a sermon, and is peculiarly appropriate to the present occasion. Abraham, the venerable, purchased land from the children of Heth for a perpetual burial-place. It received the mortal remains of his wife not only, but of Abraham, Isaac, Jacob and Joseph. The children of Heth were true to their trust, observed it faithfully, and to this day the burial place is kept sacred. Our forefathers have also purchased a burial place in Trinity Church-yard, and it is now sought to be taken from us, not by one of ourselves, but by a stranger. Are we to whom all the glorious memories of our land are unknown, able to yield up the bones of our fathers to aid him as a legitimate source of profit? Shall we yield? No sir, never. I appeal to you, then, not to allow this street to be opened. By all the glorious memories of the past, by all your brilliant hopes for the future of our country, do not destroy the graves of our revolutionary patriots—by every consideration of public utility, let that one green spot remain. Let old Trinity stand intact, and teach the sublime truths of our holy religion to the two hundred thousand inhabitants within its precincts; and may the daily sermon there be continued, that there be continued, and may dead repose in peace beneath the shadows of her lofty spire, till the mighty archangel shall come down from heaven, and shall open the books, and shall set his right foot upon the sea and his left foot upon the land, and swear by Him that liveth for ever and ever that time shall be no longer.

THE LODGING HOUSE AND SCHOOL FOR THE NEWSBOYS.

Another useful and truly philanthropic institution has just been established in the City of New-York—one which is well adapted to the benefit of an interesting and quite numerous class of our City youth; a class heretofore practically uncared for. The Lodging-house and School just established under the auspices of the Children's Aid Society, is the institution referred to. The Newsboys are independent, enterprising hardy specimens of humanity; as a class unusually bright, but rude and untutored in their conduct. Properly cared for, they will be promising candidates for higher honors. Many of them have neither homes nor parents. Others who have these are but little if any better off on that account. Thrown upon their own resources at a tender age, the sale of newspapers is their most feasible means of gaining a livelihood because of the small capital required and the quick returns realized. From their scanty means they manage to subsist, although in a manner always irregular and under inauspicious circumstances. With neither parental care nor the comforts of a home many of them may be considered tenants of the street, by summer and winter, by day and by night. It has been a necessity of their mode of life that they have been clothed, or rather partially clothed, in garments neither whole nor clean, and if their faces have not presented a fair field for a token of affection, it has been because their circumstances have denied them free access to Croton water, soap, towels, &c. The speculations of the day over and successful it has been the custom of those lads to resort to the pit of one of the plebian theaters—in the absence of a better place—and the pit has been their play-ground and their school-room, with what influence upon their lives need not here be discussed. The theater out the newsboys disperse, some to lodge at their homes or regular places of sleeping; others to cheap lodging houses, where cleanliness and good morals are but slightly regarded—the same places being the resort for lodgings of girls engaged in fruit vending, match selling, or it may be pilfering about the markets. Others of the newsboys, whose finances are exhausted, resort to the vicinity of the newspaper offices, where they pass the night in rude sport, interspersed with quarrels, and occasional fights, or crawl into an empty cask, or box, into a hall, doorway corner or cart, and get a few hours of sleep. So inured have they become to this kind of hardship that their desire for better accommodations needs cultivation. Sometimes two or three of them curl up in a heap together on the gratings in the sidewalk, over the press-rooms in the vaults beneath, in order to get warmth from the steam-boilers connected with the printing presses. At midnight and past, groups of these little fellows packed into a corner of the stairway leading to THE TRIBUNE editorial rooms, may often be heard wrestling together, grumbling at each other, or snoring a solo, as the case may be. Not unfrequently it has been necessary to step over their bodies as they lay asleep upon the landings of the stairway; and a person attached to THE TRIBUNE, whose attention had often been attracted by their homeless destitution, made some suggestions and gave some information relative to these boys to Mr. C. L. Brace, who had then commenced his philanthropic efforts for the benefit of the homeless youth of the City. As quickly as his labors would allow, he has succeeded in establishing a Lodging-House for their accommodation. It is in the upper story of The Sun Building, and has been fitted up at an expense of several hundred dollars. It comprises a school room, lodging room, office for the superintendent, and bath and wash-rooms for the use of the lads. The school room has been fitted up with desks and seats for study. A library for their use has been commenced. The sleeping room has been fitted up with beds for fifty, which accommodations will be increased when necessary. The beds are made up of straw mattresses and furnished with the necessary comfortable bed clothing and pillow, all kept clean and neat. The rooms are spacious, well lighted and ventilated. The use of the baths, wash-rooms, school rooms, library, &c, are free to the boys. This establishment belong to the newsboys, no others will be allowed to supersede or crowd them back. The only charge is sixpence for each nights' lodging. A Savings Bank in which the lads can deposit their surplus earnings, will be added forthwith as a feature of the establishment; with the hope of cultivating a disposition to economy; and secure to them a small capital with which they may hereafter engage in business in a higher sphere. Free lectures and instruction will occasionally be given by volunteers for the newsboys. The school will be conducted during every evening. The establishment will be closed at 10 o clock, P. M. Mr. C. C. Tracy, the Superintendent, is a gentleman apparently well qualified for the duties he has undertaken. About $700 has been pledged to the support of this institution; and it is estimated that the expenses of it will be from $900 to $1,000 per annum.

The number of lads who have patronized this establishment since its opening are as follows:

Saturday	24	Tuesday	24
Sunday	28	Wednesday	24
Monday	50	Thursday	50

The number of lodgers fluctuates with the state of the finances; and their finances are affected by the news. When the steamer arrives, or an event occurs which makes extra sales, the boys are flush; but when there is a dearth of news, with it is hard times. Those who patronize the establishment are principally those who have no homes or parents.

FIRES.

FIRE IN WASHINGTON STREET.

At 3½ o'clock yesterday morning a fire broke out in the building No. 243 Washington-st, occupied by Smith & McNeall, as an eating house. The fire was occasioned by a kettle of fat boiling over, but the flames were extinguished before much damage occurred.

FIRE IN EWEN STREET, BROOKLYN.

A fire broke out in the ink manufactory of Messrs. Estes & Brooks, situated in Ewen st, near Van Brunt, about 12 o'clock on Thursday night, and the contents of the establishment were completely destroyed. About an hour previous an alarm had been given, when a fire was discovered in the above premises, and it was to appearance, soon suppressed, but again broke out after the engines had returned home. The loss reaches about $500. This is the second time, lately, that this place has been found on fire. It is supposed that it was the work of design.

CITY ITEMS

METEOROLOGICAL REGISTER.
From Observations by Standard Thermometers, at No. 1 Chatham-st.
BY JOHN G. N. MORRISTT.

1854.	9 A.M.	12 M.	3 P.M.
March 24	37	38½	38

LECTURES, MEETINGS, AMUSEMENTS, &c.
SATURDAY, March 25, 1854.

OTHELLO, and "The Two Buzzards" at the Broadway, 7½ P. M.
BEAUX STRATAGEM, and "The Mummy" at Burton's, 7½ P. M.
SCHOOL OF REFORM, and "Fazio" at Niblo's, 7½.
DOUGLAS, "Pearl of Savoy," and "Rough Diamond," at the Bowery, 7½.
UNCLE TOM'S CABIN, 2 and 7½ P. M., and 2 at the National.
OLD BREWERY, and other Entertainments—Museum.
GEO. CHRISTY & WOOD'S MINSTRELS—Ethiopianism—444 Broadway.
SOUTHERN OPERA HOUSE—Ethiopean Delineation—539 Broadway.
CARNICAL MINSTRELS—Ethiopian Delineation—472 Broadway, 7½ P. M.
SIGNO