never had a revolver? A. No, Sir; I swore I did not carry a revolver; last week a gentleman came to me and asked me if I had a revolver; I told him I had not; he then told me my life was threatened and loaned me his revolver; I carried a pistol the first six months I was on the police, but not since then; did not think I needed it.

The officer here retired, and the examination of Catharine Gilman was resumed.

Witness—The police ran toward Fourth street; I did not see this man any more afterward; saw the crowd go up Fourth street and come back again; they were driven back three or four times; heard afterward from ten to fifteen shots; did not know where they came from; seemed to come from the west side of the avenue, near Fourth street; the crowd then dispersed, running down Avenue A and the police hunting after them; saw one officer shoot among the crowd near Karl's; then saw the officers, twelve or fifteen, muster together; saw another officer discharge a shot in Third street toward a door where some one was running in; the officers were then called into their ranks; four of the officers commenced to load their revolvers again; when the crowd saw this they began to disperse in all directions; immediately after witness saw another shot fired by an officer at No. 29; after the shot the officers rushed to No. 29 and commenced to use their clubs very freely; then saw the officers run across the street, and heard them say, "there is the man—knock him down;" at the corner of Second street and Avenue A saw a man named Kline knocked down by the officers; the officers returned again and witness retired into the house and saw no more; all this time witness was looking out of the window; saw no stones fired; heard about twenty shots altogether; dont know the name of the officer who hit the man by the lamp post; think it was one of the new men, or witness would have known him.

Q. What were the people doing when the officers fired? A. They were not doing anything; some were walking along the streets coming from a walk or the church.

Q. How do you know they (the police) loaded their revolvers? A. Because I saw them take something out of their pockets and put it in their pistols.

Jacob Gumbel, on being sworn, said that he resided at No. 136 Third street, corner of Avenue A; was at the riot in Avenue A on the 12th inst.; between 6 and 7 o'clock in the evening he stood at the second house from the corner of Avenue A and Third street; while standing there, two men had a little dispute; one of them took off his coat and hit the other in the face; when he wanted to strike a second blow, the man Nicholas resisted him and warded off the blow; another man came to the assistance of the first man, and they both knocked Nicholas down; they then ran down Third street; when Nicholas arose, he wiped the blood off his face and went into the lager-beer saloon; about eight or ten minutes afterward, two officers came up Third street, but the fight being over, the officers took their stand on the corner of Avenue A and Third street; soon afterward a crowd assembled on the four corners; nobody knew the reason, and everybody wanted to know it; some disturbance then arose in the crowd, and the people rushed toward Fourth street in Avenue A; witness asked his neighbor to go and see what was the matter; there he found a collection of several thousand people, but the people stood still and were quiet; he then saw two officers approach the crowd; they marched down Fourth street to Avenue A, and then back to the Theater; the officers then halted as he thought to await commands; then they run toward the crowd with their clubs, knocking down whoever stood there; did not see people knocked down but saw the police hit the people on the head; it is impossible to say who was struck, or how many, the crowd was so great; saw no blood flowing from the heads of those struck, at the time, but saw it a few minutes afterward; not one stone was thrown by the crowd at that time; when the crowd did not disperse as quickly as they wanted them, the police then drew their pistols so as to hurry them on; when the crowd heard the firing of revolvers they fled as quick as they could; the officers pursued them all the time over Avenue A, down Fourth street, beating them with their clubs; when the officers returned he saw one of them aim his pistol at the west corner of Avenue A and Fourth street and fire his pistol; there were no people there then; don't know the officer, it was a little man; don't know Officer Lockwood; then the officers commenced clearing the sidewalks with their clubs and revolvers in a horrible manner; soon afterward he saw Officer Bousant, who told him to go home; he is on the new Police; then he commenced to go home slowly, but while going home three or four officers, having a man in their custody, were hitting him with their clubs while the man cried, "For God's sake what do you want! I have just returned from an excursion;" the officers would not hear what he said and called the man they were striking a "G—d d—d s— of a b—;" after the officers had knocked the man down witness went as far as No. 42 Avenue A, when he heard a man hallo "Fire;" when this command was given the revolvers were fired in all directions; while the firing was going on he met a lady with a book in her hand, and both of them fled into the entry; then the officers ran as far as Third street; he and this woman then started to go home when he saw two officers beating a man right before a butcher's shop; the man whom they were beating begged to be allowed to go, and said he had just come from an excursion; before reaching home he saw a crowd of people on the corner of Third street, and a small officer was firing into them; witness saw enough and went home.

To a Juror—It was not his business to help the man the four officers were beating; the man so brutally beaten had a hat and coat on; saw no stones fired by the crowd; did not see the officers stop to load their pistols; thinks the little man who fired into the crowd had a straw hat on.

Lawrence Blank, on being duly sworn, deposed that he resided at No. 46 Avenue A; the first thing he saw was an officer knock a man down on the corner of Third street; saw him just as he was in the act of knocking him down; the man got up and ran toward Karl's; the officer gave the alarm rap and went up Fourth street; the crowd followed the officer to see which way he went; about five minutes afterward he saw twenty men march down Fourth st. to Avenue A; they then marched back until opposite the Theater, where they halted; they then rushed on the crowd, clubbing all that came in their way; they then drew their revolvers and fired six shots at the corner of Fourth street; when the firing commenced the crowd fled, the officers in pursuit, keeping up the fire; saw a man fall down in Fourth street, with his feet on the street and his head and back on the pavement; the man was in his shirt sleeves; the officers pursued the crowd to Third street, clubbing and firing all the time; two of the officers proceeded to Karl's; meantime another crowd had congregated on the corner of Fourth street, which was dispersed by the police; witness then went to Third street, when he saw a man fall, but can't say whether by a club or pistol; the officer then went as far as Second street, and saw the officer fire again; saw no stones or missiles were thrown by the crowd; don't know any officers, either old or new; this man lying in Fourth street was bleeding at the head; was standing on the roof of the house on the south-east corner of Fourth street and Avenue A.

Q. Had any one guns or pistols on the top of the house? A. No, Sir; there was nobody on the roof but myself and wife and two or three others; as soon as the man was knocked down in Fourth street I went down to the fourth story window; when witness came down all the others followed him; on the next house there was a man and wife, but as soon as the firing commenced they became frightened and left the roof.

August Mohliet sworn—I reside at No. 77 Avenue B; saw this platoon of men marching down Fourth street; heard the first shot fired; it was fired by an officer, who discharged it against the corner house; thinks he would recognize the officer who fired it; it was a small man with whiskers; thinks it was the officer who was here this morning (Lockwood); afterward saw the police fire into the crowd; that was enough for him, and he fled into the garden; no stones were thrown.

John Bousount, on being sworn, deposed that he resides at No. 29 Avenue A.

Q. Did you witness this fight in Avenue A? A. Yes, Sir.

Q. What did you see? A. I was coming from supper at about 7½ o'clock, when I saw a mob at the corner of Twenty-third street; saw Officer Cook trying to disperse the mob; some man interfered with his business and asked him to go away; Cook went up to one man and tried to arrest him, when he caught hold of the man, and the man caught hold of him and threw him into the street; the man lay on top of the officer, and the officer hit him on top of the head with his club; the man got up and ran toward Karl's; the officer tried to hit him again with his club, but missed him; Cook then went up Fourth street, the mob after him, some crying "Kill him;" I ran up to the Station-House with Cook and informed the Captain, when I came down again, they were firing stones at the officer; saw a stone thrown from the top of the south-west corner of the house on Fourth street and Avenue A; Officer McMillan drew his pistol and fired up toward the roof; I saw them fire down at the officers, and saw one of them fall; I then went up Avenue A, and saw an officer try to disperse the mob, when I left; I can't say whether the first pistol-shot came from the roof or the third-story of the house on the south-west corner; that was before Officer McMillen fired; heard two or three shots before Officer McMillan fired; the people were standing on the corner, talking about the muss, when Cook requested them to disperse; he requested them to clear from the corner very respectfully; McMillan was the only officer I saw fire that evening; saw Lockwood there but did not see him with a pistol.

Capt. Hartt, who was present during the inquest, desired to make a statement to the effect that there were a number of witnesses who wished to be examined, but were afraid to come down and give their testimony.

Mr. Whalen interrupted him, and said he had no right to make a statement, not being on the stand.

Coroner—Hold your tongue, Sir; you have no right to interfere in this matter.

Mr. Whalen insisted that he had the right to object.

The Coroner in a peremptory tone told him to hold his tongue. He then turned round and told Captain Hartt if he had any statement to make to reduce it to writing and pass it to him. The Coroner then made a few remarks to the Jury on the propriety of closing the inquest, intimating at the same time that he would leave it with them to decide that question. The evidence was very conflicting and he did not see that they could arrive any nearer the truth by prolonging the inquest, even if they should continue it all the week.

Several of the Jurors were in favor of closing it, but the German members of the Jury desired that it should be continued another day. He made a motion to that effect.

Mr. Whalen—I second that motion, and that we adjourn from day to day until we see who is to blame in this matter.

The Coroner—(To Mr. Whalen). It is for the Coroner, Sir, to decide when he shall close the inquest.

Capt. Hartt here handed the Coroner his written statement.

Mr. Whalen objected to its being read.

Coroner—Will you hold your tongue, Sir?

Mr. Whalen—I have a right.

Coroner: Will you hold your tongue, Sir? I will have you arrested.

Mr. Whalen: I object ——

Coroner [excited]: Will you hold your tongue? If you interrupt me again I will take you to the station-house and there confine you.

Mr. Whalen was silenced, and the Coroner read Captain Hartt's statement. The statement reads as follows:

"I have been called on at the station-house by citizens, who state they would like to be called as witnesses, but they were afraid to come into Fourth street, fearing their lives would be jeoparded, on account of threats. CAPTAIN HARTT."

Coroner—I don't consider that objection sufficient. There is no place in this city where a witness should go and should not be protected. There is no place in the city where witnesses must and shall not be allowed to go on all occasions. They shall be protected.

The inquest was adjourned till this morning at 9 o'clock, same place. The Coroner expects to close the case to-day.

THE TURF.

CENTERVILLE COURSE, L. I.—TROTTING—*Monday* July 20, 1857. Purse and stake $1,000. Mile heats, best 3 in 5.

J. D. McMann, b. m. Flora Temple (in harness).....1
M. Peabody, b. m. Rose, of Washington (to saddle)..dist.
Time.....2:31

UNION COURSE, L. I.—TROTTING—*Same day*—Match $500, miles heats, best 3 in 5, to wagons.

H. Woodruff, g. g. Uncle Sam.....1 1 1
S. Hoagland, b. m. Jane.....2 2 2
Time.....2:47½—2:43½—2:43½.

FIRES.

FIRE IN THE NINTH AVENUE.

Yesterday morning, shortly after 3 o'clock, a fire broke out in the three-story building No. 557 Ninth avenue, rear of Forty-fourth street, lower part occupied by James H. McGee as a grocery and liquor store; upper part by Mr. Murphy as a dwelling. The flames spread rapidly and before they could be subdued the building was partially destroyed. Mr. McGee estimates his loss on stock and fixtures at about $1,000. Insured for $2,500 in the Rutgers Insurance Company. Loss of Mr. Murphy about $400. Insured for $500 in the St. Nicholas Insurance Company. The building is owned by Samuel Garrison and is damaged to the amount of $1,500. Insured for $6,000 in the Broadway Insurance Company. There are rumors that the fire was the work of an incendiary, and the matter will be investigated by the Fire Marshal.

FIRE IN BROOKLYN.

A fire broke out in the galley of a ship at Thompson's Dock yesterday morning, which created an alarm, but no material damage was done.

CITY ITEMS.

PROF. HEDRICK IN NEW-YORK.—This gentleman whose preferences for Col. Fremont during the late Presidential canvass led to the sudden dissolution of his connection with the University of North Carolina, has taken up his residence in this city and opened an office as analytical and consulting chemist. His references for scientific ability are of a high order, and it is to be hoped that his devotion to freedom will be no obstacle to his professional success.

CLOSING LIQUOR STORES ON SUNDAY.—In accordance with the document issued by District-Attorney Hall (published in yesterday's TRIBUNE), the Police yesterday morning made returns to the General Superintendent, of several hundred places in the various Wards of this city, that were open on Sunday, and in which places liquor was sold. The returns embraced the name or names of the person or persons keeping the store or saloon, number of the building, what kind of liquor was sold, and the name of the officer. In the Wards embraced within the jurisdiction of the Second Police District, Jefferson Market, eighty-two persons were reported as being open and selling liquor on Sunday, in express violation of the law. Upon these returns District-Attorney Hall made affidavit, setting forth the facts of the violation of the law, and Justice Flandreau issued warrants for the arrest of the parties. The warrants will be served to-day and the violaters of the law arrested.

A HUMBUG.—We understand that some persons, in the name of certain expelled officers of the old Tenth Ward Police, are getting up a concert at a lager-beer shop, "for the benefit of the Old Police." We are assured that the men themselves know nothing of the matter, and it is believed to be a dodge for the benefit of two or three interested parties.

THE STEUBEN MONUMENT FESTIVAL.—A German festival was held yesterday in Conrad's Park for the benefit of the Steuben Monument Fund. Representatives from several German military companies and twenty-one singing companies, beside the Turners' Committee, orator, bands, a dramatic association and a section of the Republican Library Association, met at Hilldebrand's Hall, in Hester street, in the morning, and after sundry countermarching went on board a little steamboat at the foot of Broome street, whence they were conveyed to Conrad's Yorkville Park on the East River.

The scene in going up was not so animated as that which ensued. German lovers who were with their sweethearts treated them with great deference when not with an approach to indifference. They had evidently taken no lager beer. There were on this boat, as well as on those which subsequently went up, an amusing variety of German men and women, from the short and ill-shaped swabian to the equally short and squatty denizen of the shores of the Baltic.

On arriving at the Park and investing themselves with the requisite yellow ribbons, all betook themselves to a studious consumption of lager beer in honor of Gen. Steuben, while a few crowded about the stand from which Dr. Fuster reviewed the memory of his glorious deeds in an enthusiastic oration. Then followed songs from the singing societies, each under its own chestnut tree, with music and dancing, in which last fair Saxon hair floated in the breeze. There was a very light breeze, and sturdy men shock off the lethargy of their lager.

Sixty-three policemen were on the ground to preserve order, but there was no necessity for their presence; for the four or five thousand persons present were far more inclined to sleep than to fight. They, however, won golden opinions from all sorts of Germans by consuming four kegs of beer, and did much to cancel the hatred of the Seventeenth Ward insurgents.

Short, conciliatory and complimentary speeches by Gen. Nye, Justice Brownell and others tended to increase the good feeling. All joined in the worship of the one great God. A society named Krakohlia, whose members meet on Fridays for the practice in the disposal of beer, and who are not considered to be in good standing unless they can drink a goblet containing as much as ten ordinary glasses, was on the ground in full force, and the people extemporized similar societies. The work went bravely on until dark. When coming down in the little steamers to the city there were a great many arms about a great many waists, and a considerable number of lips met. Gen. Steuben was held in loving remembrance.

THE SEGUINE'S POINT TROUBLES.—Capt. Walling, who has charge of the Police force at Seguine's Point, was arrested on a charge of stealing $180 from Mr. Latourette, a person suspected of having been concerned in the late attack on the Quarantine Hospitals at that place. Capt. Walling promptly secured and gave bail for his appearance to answer the charge preferred against him, and returned to his post, ready to give the oystermen another warm reception, in case they try their luck again to destroy the buildings. The arrest of Capt. Walling is supposed to have been a dodge to get him out of the way, while another attack was made.

THE STEAMER ISAAC NEWTON.—This magnificent steamer, which only resumed her trips between this city and Albany about a week ago, met with another slight accident on Saturday evening, when about opposite Yonkers, on her way up the river. The head of one of her cylinders gave way, and although she could probably have succeeded in reaching Albany, it was deemed best to return to the city, which she did, and on Sunday morning the steamer Hendrik Hudson was despatched with her passengers, who reached Albany in the evening instead of the morning. The repairs to the Isaac Newton will be made so that she will resume her place in the line by Wednesday next.

THREE LIVES LOST BY THE CAPSIZING OF A BOAT.—Another upsetting of a sail-boat occurred on Sunday morning last in the East River, by which three lives were lost. It appears that Messrs. C. W. Dickinson and F. Conway and Miss G. F. Stone left the foot of Nineteenth street in a small sail-boat, with the intention of visiting Harlem and spending the day there; but instead of proceeding direct for Harlem the party took a short sail down the river, and on their return the boat keeled over (having too much canvas spread at the time) and capsized all into the water. Some boys who were bathing near the shore, witnessing the catastrophe, immediately went for assistance, but when they arrived at the spot all had gone down. Grappling irons were procured, with which some fishermen went to work; but at last accounts from the scene of the catastrophe none of them had been recovered.

FATAL BURNING-FLUID CASUALTY.—On Sunday evening, Margaret Cooney, an Irishwoman, 28 years of age, who resided at No. 63 Mott street, died from effects of burns received in consequence of her clothes taking fire from the explosion of a fluid lamp. Sarah Curran, an acquaintance of the deceased, it appears, lived at service in the family of T. B. Maeny, esq., No 95 St. Mark's place. Friday evening, Margaret called to see Sarah, and while there the latter attempted to fill a spirit lamp, but in doing so, owing to some carelessness on her part, it exploded and set fire to the dresses of both the females. Margaret was frightfully burned over her entire person. After receiving medical aid, she was conveyed to her home, and a physician called to attend her. Everything possible was done for the sufferer, but only temporary relief was afforded, and death ensued on Sunday night. Coroner Connery held an inquest on the remains of the unfortunate woman, and the Jury rendered a verdict of "Death by burns accidentally received by the exploding "of a spirit lamp on Friday, July 17, in St. Mark's "place." Sarah Curran, who was also badly burned at the same time with deceased, was conveyed to the New-York Hospital, where she remains in a very precarious condition.

DROWNED WHILE BATHING.—Coronor Connery held an inquest at the Penitentiary Hospital, Blackwells Island, on the body of Matthew O'Brien, who was drowned last Monday week while bathing in the East River, immediately opposite the Work House. The deceased had been detained in one of the Blackwells Island institutions. The Jury rendered a verdict of death by accidental drowning. He was 20 years of age, and a native of Ireland.

FATAL RAILROAD ACCIDENT.—On the 16th ult. Thomas Faley was admitted to the New-York Hospital, suffering from a compound fracture of the left thigh, which injuries he received in consequence of being run over by a rail car of one of the roads in New-Jersey. Faley was in the act of jumping upon or getting off a car when he slipped and fell before the wheel, which passed over his thigh. He was brought to the city, and lingered till Sunday night last, when he died of his injuries. Coroner Hills held an inquest on the body of deceased, and the Jury rendered a verdict of death by prostration following the injuries he accidentally received on the 16th day of June, 1857. Faley was twenty-four years of age, and a native of Ireland.

ATTEMPTED SUICIDE.—An English woman, named Jane Eckel, very much impoverished in circumstances, on Sunday night obtained lodgings in the Sixth Ward Station-House, and during the night took a quantity of laudanum for the purpose of committing suicide. A physician was called, who succeeded in restoring her.

[Advertisement.]

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HALLOTYPES superior to any made in this city.
PHOTOGRAPHS, in Oil, Pastel, and Aquerelle, by FREDRICKS'S corps of Parisian artists.
PHOTOGRAPHS in India ink, Parisian style.
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Gallery open from 8 a. m. to 10 p. m., and FREE to the inspection of the public.

[Advertisement.]

A. W. GAY & CO.—DEAR SIRS: This morning I succeeded in arranging your PUMP (in well 42 feet deep), and *can confidently recommend it as the best on my farm;* and that is saying much in its favor, as I have several that I before thought unexceptionable. Please send your bill, and much oblige Your obd't serv't, R. L. PELL.
(Pres't American Institute, and Ch'n Farmers' Club thereof.)
Pelham, June 12, 1857.
The above PUMP manufactured and sold only by A. W. GAY & Co., No. 113 Maiden-lane, N. Y.

[Advertisement.]

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At No. 449 Broadway WATSON, WOOSTER & Co.

[Advertisement.]

ASTOR HOUSE—$2 50 PER DAY.—The fourth "Seven-Years' Lease," commenced in May, 1857, will end May 1, 1864.
This House is conducted upon the same system that has distinguished it hitherto.
A Restaurant has been added for Merchants doing business in its vicinity.
THE RESTAURANT IS ENTIRELY INDEPENDENT OF THE ASTOR HOUSE.
Especial care taken of the sick.
Families will find this one of the coolest Hotels in New-York during the Summer, and the Ladies' Department perfect in all that produces real comfort.
The city Railroad cars starting from the doors, enable guests to reach the upper part of the city with facility.
The small cars fetch and carry passengers from the New-Haven and Boston Station, 27th-st., to the immediate front of the Hotel.
Grateful for the past, I intend to deserve future favors.
C. A. STETSON.

[Advertisement.]

STATE AND NATIONAL LAW SCHOOL, Poughkeepsie, New-York.—Object to train students in the legal science and *practice*, and in extempore speaking. Next Term begins on 8th of September. Send for catalogue to J. W. FOWLER, President.

[Advertisement.]

Permanent cures in all affections of the throat and lungs are constantly being made by WISTAR'S BALSAM OF WILD CHERRY. Great as is its reputation, its works are greater. Many physicians speak of it in the highest terms. None genuine unless signed I. BUTTS on the wrapper.

LAW INTELLIGENCE.

THE STREET COMMISSIONERSHIP.

MR. CONOVER IN UNDISTURBED POSSESSION.

MR. TURNER DISMISSED.

A Habeas Corpus in Behalf of Mr. Devlin.

Still Another Injunction.

Another day has passed in the history of the Office of the Street Commissioner of the City of New-York. It leaves Mr. Conover in undisturbed possession of the office, though another act of factious resistance was perpetrated in the granting of a further injunction by Judge Ingraham yesterday afternoon, on a supplemental complaint—restraining David Dudley Field, Counsel for Mr. Conover; John R. Farrington, Constable, and Harry Bertholf, officer of the Supreme Court, from interferring in any manner with the books, papers, documents, &c., of the Street Commissioner's Office, pending the proceedings on injunction before Judge Ingraham.

About half past eight o'clock yesterday morning, Mr. Turner entered the office of Street Commissioner, there being not more than a half dozen persons present at the time. He approached Mr. Conover and stated that he had received his order of dismissal, but should disregard it. He claimed to be the Deputy Street Commissioner, and as such he proposed to continue in his place. Mr. Conover informed him that such a course would be impossible, that he had appointed Mr. Rogers in his place. If he had any private papers or other matters which he desired to remove from his desk, he was at liberty to remove them, and any assistance which those in the office could render him would be given, and he hoped he would remove them at his earliest convenience.

Mr. Conover was in his office during the entire day, attending to his official duties, so far as he could without the books. The first circumstance of interest which transpired grew out of the formal

DISMISSAL OF MR. TURNER.

On Saturday last, the following order of dismissal was sent to Mr. Turner:

NEW-YORK, July 18, 1857.

SIR: Your services as Deputy Street Commissioner are no longer required by me. I have appointed Mr. George T. Rogers as Deputy Street Commissioner in your place and stead.

Yours, &c., D. D. CONOVER.

To Mr. CHARLES TURNER.

Mr. Turner said he should claim and occupy his place, and if his right was denied, Mr. Rogers could bring an action to test their respective claims in the Courts. Mr. Conover replied that he should not submit to any such proposition. He told Mr. Rogers to take his seat at the desk lately occupied by Mr. Turner, and hold it. He said to Mr. Turner that he had been annoyed enough by the litigation he had been subjected to in his efforts to regain possession of the office from which he had been forcibly expelled with the connivance of Mr. Turner, and if there were to be any further litigation growing out of the office of Deputy Street Commissioner, Mr. Turner must take the initiative. Mr. Turner said he would submit under protest, but should take such steps in maintaining his rights to the office as his counsel should advise.

Mr. Turner then left the office.

CAPT. BENNETT'S OFFICIOUSNESS.

Yesterday morning Mr. Conover addressed a letter to Sheriff Willet of which the following is a copy:

STREET COMMISSIONER'S OFFICE, NEW-YORK, July 20, 1857.

SIR: A person called J. W. Bennett, representing himself as a Deputy Sheriff appointed by you, has intruded himself in my office, creating much noise and confusion, and seriously interfering with the legal business of the office. Will you oblige me by answering by the bearer whether he has been sent there by your direction, and whether you indorse or countenance his unwarrantable intrusion? I have been informed that the said Bennett has threatened to procure a mob of disorderly persons to assist him in creating a riot in my office. I therefore call on you as High Sheriff of the County of New-York, to interfere and use all lawful means in your power to assist me in preserving the public peace and maintaining good order.

I have also been informed and believe that disorderly persons seriously entertain the idea of creating a breach of the peace in this office, and I now again call on you to aid me in quelling all violent and unlawful attempts to create a breach of the public peace. Respectfully your obedient servant,

D. D. CONOVER, Street Commissioner.

To J. C. WILLET, esq., Sheriff, &c.

On receiving this communication the Sheriff immediately went for his counsel, Mr. Vanderpool, who, after a brief interview, called upon Mr. Conover and stated that the conduct of Bennett on Saturday was wholly without warrant. On representation made to the Sheriff that Bennett was poor, and could obtain a desirable position to watch certain stores in the lower part of the city, provided he could be invested with a general warrant from the Sheriff creating him a deputy, he was so deputed. Mr. Vanderpool told Mr. Conover if Bennett again obtruded himself, to tell him that his presence was required immediately at the Sheriff's Office.

THE HABEAS CORPUS.

Mr. Devlin has passed three nights in Eldridge street Jail, under the warrant of the Supreme Court. Though restrained of his liberty he yet manages to pass his time in a jolly way considering the circumstance. His friends call in numbers and are freely admitted. Even the Chief of the Dead Babbitts—Fernando Wood himself, dispelled the gloom of solitude that surrounded his *protege*, by his august presence on Sunday morning. Regrets of course were frequently expressed at the absence of Judge Russell, and hopes were ventured that he would speedily return to throw himself into the breach and rescue Devlin from his confinement. But Mr. Devlin after the second night became impatient of the delay. He wanted to find his way out and accordingly measures were taken to secure his liberation, and, while the proceedings were pending before Judge Ingraham on the injunction against the appropriation of $100,000 for the payment of the Metropolitan Police, Mr. Busteed, Counsel to the Corporation, appeared in Court, and applied for a writ of habeas corpus, based on the following

PETITION:

To the Hon. Daniel P. Ingraham, one of the Judges of the Court of Common Pleas for the City and County of New-York, the petition of Richard Busteed shows: That Charles Devlin is now held in custody by the Sheriff of the City and County of New-York, in the Jail of said city, and that he is not committed or detained by virtue of any process issued by any Court of the United States or by any Judge thereof; nor is he committed or detained by virtue of the final judgment or decree of any competent tribunal of civil or criminal jurisdiction, or by virtue of any execution issued upon such judgment or decree; that the cause or pretense of such imprisonment, according to the best of the knowledge and belief of your petitioner, is, that the said Devlin is held in custody under a certain warrant issued by the Hon. Charles A. Peabody, one of the Justices of the Supreme Court of the State of New-York, of which a copy is annexed, and your petitioner alleges, as he has been advised and believes, that such imprisonment is illegal, and such warrant was issued without any jurisdiction or legal right on the part of the said justice; that the annexed copy-petition contains a true statement of the proceeding in which said Justice adjudicated that he has power to issue said warrant, and made the order that the same should issue, of which order a copy is contained in said copy-petition; and your petitioner had also been informed and believes, that when said warrant issued the said Devlin was under an injunction, duly granted by your Honor, whereof a copy is also annexed; and that the books and papers in said warrant mentioned were in a room belonging to the Mayor, Aldermen and Commonalty of the City of New-York, and the said books and papers belonged to said Mayor, Aldermen and commonalty, and the said Devlin had no other possession of the same than such as was connected with and grew out of his official character as Street Commissioner of the City of New-York, and your petitioner claims that for all the reasons hereinbefore mentioned, said imprisonment is illegal.

Wherefore he prays that a writ of habeas corpus issue, directed to the person having the custody or control of the said Charles Devlin, or the Sheriff of the City and County of New-York, commanding him to have the body of said Charles Devlin, with the time and cause of his imprisonment before your Honor, at your chambers, in the City Hall of the City of New-York, forthwith. Dated New-York, July 20, 1857.

RICHARD BUSTEED.

City and County of New-York, ss: Richard Busteed being duly sworn saith that the facts set forth in the above petition subscribed by him are true. RICHARD BUSTEED.

Sworn before me this 20th day of July, 1857.

THOMAS BOBBE, Commissioner of Deeds.

Appended to the petition were the papers in the proceedings before Judge Peabody, including the evidence of Fernando Wood as reported in THE TRIBUNE.

On the above petition Judge Ingraham allowed a writ of habeas corpus as follows:

The People of the State of New-York to James C. Willett, esq., the Sheriff of the City and County of New-York,

GREETING: We command you that you have the body of Charles Devlin, by you imprisoned and detained, as it is said, together with the term and cause of such imprisonment and detention, by whatever name he shall be called or charged, before the Hon. Daniel P. Ingraham, first Judge of the Court of Common Pleas for the City and County of New-York at his chamber in the City Hall of said city on the 21st day of July, 1857, at 10 o'clock in the forenoon, to do and receive what shall then and there be considered concerning him, and have you there this writ.

Witness the Honorable JAMES J. ROOSEVELT,
Justice of the Supreme Court, the 20th day of July, 1857.
RICHARD B. CONNOLLY, Clerk.

RICHARD BUSTEED, Attorney.
Allowed July 20, 1857. D. P. INGRAHAM, First Judge.

The following notice of the allowance of the writ was served upon Mr. Field:

The People of the State of New-York, on the application of Richard Busteed, agt. James C. Willett, Sheriff of the City and County of New-York:

SIR: Take notice that a writ of *habeas corpus* has been issued according to law to the Sheriff of the City and County of New-York, to inquire into the cause of the detention of Charles Devlin, by means of a certain process obtained by you from the Hon. Charles A. Peabody, a Justice of the Supreme Court, on Saturday last, which writ is returnable on the 21st day of July, 1857, at 10 o'clock in the forenoon, at the City Hall of the City of New-York, before his Hon. Daniel P. Ingraham, first Judge of the Court of Common Pleas for the City and County of New-York.

Dated New-York, July 20, 1857.

Yours, &c., RICHARD BUSTEED.
Applicant, and Attorney for said Devlin.

To DANIEL D. CONOVER, Esq.

The writ was placed in the hands of Deputy Sheriff Vultee to be served.

STILL ANOTHER INJUNCTION.

By further action on the part of Wood and Devlin's counsel, the injunction which had previously issued by Judge Ingraham, to restrain James C. Willett and Daniel D. Conover from removing the books from the Street Commissioner's office is now made to apply to David Dudley Field, as Mr. Conover's counsel, John R. Farrington and Harry Bertolf, officer of the Supreme Court.

A few moments before the closing of the business of the Court of Common Pleas yesterday, Daniel E. Sickles appeared before Judge Ingraham, and read a supplemental complaint to that upon which the former injunction was granted, and applied for an additional injunction restraining the defendants in the following entitled action from removing or causing to be removed the books, &c., belonging to the Street Commissioner's office. The following is a copy of the

INJUNCTION:

The Mayor, Aldermen, and Commonalty of the City of New-York, against Daniel D. Conover, Charles Devlin, James C. Willett, Sheriff of the City and County of New-York, John R. Farrington, Harry Bertholf, and David D. Field.

On reading the complaint in this action supplemental to the original complaint of the same plaintiffs against the first three defendants abovenamed, together with the affidavit of Richard Busteed duly verifying the same, and, on motion of Mr. Busteed, attorney for the plaintiffs, it is ordered, that the said plaintiffs have leave to file and prosecute the said supplemental complaint against the abovenamed defendants, and upon the said complaint and affidavit it is further ordered, that the said defendants, John R. Farrington, Henry Bertholf, and David D. Field, show cause, at a special term of this court, to be held at the City Hall of the City of New-York, on the 23d day of July instant, at 10 o'clock in the forenoon of that day, why they and each of them, their attorneys and agents, and all persons acting for or under them, should not be restrained by the injunction order of this Court from removing, or causing to be removed, the books, maps, records, documents and other property and papers in the said supplemental complaint mentioned, or any or either of them, and from interfering with the same, or any of them, in any manner or way whatever; and until the decision of said Court granting or refusing such injunction in the premises, it is ordered that said Farrington, Bertholf and Field be and they are hereby restrained as aforesaid.

D. P. INGRAHAM,
First Judge of New York Common Pleas.

THE PAYMENT OF THE POLICE.

ARGUMENT ON THE INJUNCTION.

During last week Judge Ingraham, of the Court of Common Pleas, was applied to for an injunction restraining Azariah C. Flagg, Fernando Wood, David T. Valentine, A. V. Stout, the Controller, Mayor, Clerk of the Common Council and Chamberlain of this city, and Simeon Draper, Jacob Cholwell, James W. Nye, James Bowen, James S. T. Stranahan, the Police Commissioners of the Metropolitan Police District, from drawing, approving, countersigning, or paying any moneys of the police fund of this city to any State officers for the purpose of paying the Metropolitan Police of this city.

The suit was brought at the instance of John Fitzpatrick, in his right as a resident and tax-payer, both of which he alleged he was. A temporary injunction was granted, and the defendants were ordered to show cause yesterday morning why the injunction should not be made permanent.

At 10 o'clock Judge Ingraham took his seat in Chambers. Mr. E. Jennings, jr., and Peter Y. Cutler appeared in behalf of Mr. Fitzpatrick. Mr. Flagg and the Police Commissioners were represented by David Dudley Field and Wm. Curtis Noyes.

Mr. Jennings moved on the cause. He read the complaint upon which the injunction was granted—a copy of which was published in THE TRIBUNE of last week.

Mr. Field then read

MR. FLAGG'S ANSWER.

John Fitzpatrick agt. Fernando Wood et al.—Azariah C. Flagg, Controller of the City of New-York, answers to the complaint—

First: That this defendant has no knowledge or information sufficient to form a belief whether the plaintiff is or is not a tax-payer or corporator of the City of New-York or resident therein; but whether he is or is not such corporator, tax-payer or resident, this defendant denies that this Court has any right to entertain this action or any jurisdiction over the subject thereof or over this defendant therein.

Second: That the Board of the Metropolitan Police District was organized on the 22d day of April, 1857, and that this defendant was on the 25th day of the said April served with notice from the said Board of Police that they had so organized, and requiring him to pay into the State Treasury as a part of the Police fund the sums of money collected and to be collected, and not expended for the purposes of Police of the City of New-York.

Third: That the whole tax levy for the City of New-York for the year 1857 is about $8,000,000, of which sum there has been appropriated by ordinance of the Common Council of the said city for the use of the Police department for the said year, $825,000; that the said levy has not yet been collected from the tax-payers, but that against the said amount this defendant has borrowed in the usual way and by the authority of the Common Council, and in anticipation of such collections, the sum of $5,000,000, which is applicable equally to all the appropriations made by the Common Council; that he has already expended of the said police fund about $352,000, not including four drafts amounting in all to about $60,000, recently drawn for pay of the Municipal Police, but that including such drafts the Metropolitan Police Fund is entitled out of the money borrowed as aforesaid to at least the sum of $100,000, and at least that sum is now in the City Treasury applicable to that purpose.

Fourth: That the Board of Police for the Metropolitan Police District of the State of New-York did, in the latter part of the month of May, 1857, apportion the sum of money requisite and needful to be raised by the City and County of New-York, and by the City of Brooklyn for one year, for the purposes of the act to establish a Metropolitan Police District and to provide for the government thereof, passed April 15, 1857, and did by such apportionment fix and determine upon the sum of $1,078,035, as requisite and needful to be raised by the City and County of New York; and did, as this defendant is informed and believes, forthwith give notice of such apportionment to the Board of Supervisors in the County of New-York, and to the joint Board of Supervisors and Aldermen of the City of Brooklyn and County of Kings, respectively.

Fifth: That the borrowing in anticipation of the collection from the taxes has been always done since the defendant has been Controller of the City of New-York, which he has been for four years and upward; that it would be impossible to conduct the business of the Finance Department without recourse to such loans in anticipation of the revenue, and that the money paid into the Treasury from such loans is, and has always been regarded as the substitute and equivalent for the proceeds of the taxes, and that if the money already borrowed for the police fund in advance of the taxes cannot be disbursed for that purpose, it will lie idle, while the city is paying the interest on the loan already obtained.

FIELD & SLUYTER,
Attorneys for defendant Flagg.

City and County of New-York, ss:—Azariah C. Flagg, one of the defendants, being sworn, saith that the foregoing answer is true of his own knowledge, except as to matters therein stated to be on his information or belief, and that as to those matters he believes it to be true. A. C. FLAGG.

Sworn July 20th, 1857, before me,
A. S. CADY, Commissioner of Deeds.

Appended to Mr. Flagg's answer was the following

FINANCIAL STATEMENT.

The tax levy of 1857 is computed at eight millions. In anticipation of this levy we have borrowed five millions—equal to five-eighths of the levy of 1857.

The Police Fund is