CITY ITEMS.

THE CITY INSPECTOR'S SANITARY SURVEY.—The sanitary survey, some time ago mentioned in THE TRIBUNE, has been progressing actively ever since, in charge of Mr. Downing and his Health Wardens; and the totals are now being carefully figured up by the Clerks in the City Inspector's Department. The whole will be complete, as promised, by the first week of January. The Wards already finished are the Ninth, Tenth, Eleventh, Twelfth, Fourteenth, Sixteenth, Eighteenth, Nineteenth, Twentieth and Twenty-first. The report will be published by the Common Council.

EAST RIVER INDUSTRIAL SCHOOL.—The annual exhibition of this school, located in Portleth street, near Third avenue, took place yesterday. The children in attendance were examined in the various branches of study pursued by them, and showed creditable proficiency. The school contains 140 girls, from 4 to 15 years of age, who are trained to enter upon life so as to avoid the thraldom of poverty or the disgrace of idleness. They receive a lunch every day, which is provided by the friends of the institution. They are all of Irish parentage. Yesterday they were addressed by Messrs. Samuel Alexander, R. G. Pardee, and Atwell, after which they received their Winter clothing made by their own hands, and some little presents appropriate to the season. The friends of this school procure situations in the country for all who are willing to go, but they find the prejudices of parents hard to encounter in this particular.

WILSON INDUSTRIAL SCHOOL FOR GIRLS.—The annual festival of the Wilson Industrial School for Girls took place at the building of the institution, No. 137 Avenue A, yesterday. The children underwent an examination in the various branches of instruction pursued, much to the satisfaction of all the friends present, particularly in arithmetic and geography. The exercises were varied with speeches by the Rev. Rufus W. Clark, D. D., Mr. R. G. Pardee, and Mr. Johnson. About 200 girls attend this school, their ages varying from six to fourteen years. The greater portion of them are of Irish parentage; there are also a few Germans. The funds requisite to sustain the school amount to from $3,000 to $4,000 per annum, without contingencies. The children receive a liberal education, dinner every day, and are prepared for accepting positions of usefulness on their leaving the institution. Yesterday they were presented with the annual premiums, their Winter clothing, made by themselves, and a collation. A large Christmas tree was erected in the front parlor, loaded with gifts, which were disposed of, much to the delight of the pupils. Undoubtedly, the school is doing a good work.

THE EGYPTIAN COLLECTION.—It is well known to most of our readers that there has been in New-York for four years past a collection of Egyptian Antiquities, and yet it is probable that few of them have visited the Stuyvesant Institute, where the collection has been exhibited. It is a fact, however, that in a Broadway room of this city of the nineteenth century may be seen by any curious person the bodies of men and women who lived two or three thousand years ago, surrounded by a large and varied collection of the clothing, household furniture, articles of jewelry and personal ornaments, books, pictures, and statuary, to which these same dead people were accustomed when they lived and walked the streets of Thebes.

This collection is most valuable and interesting. It is useless to enumerate the reasons why it ought to be made a permanent public institution in New-York. It is invaluable both in a historical and religious point of view.

It was proposed to buy it, and make it a free public museum. The price asked was $60,000. About $25,000 was raised, and the effort ceased. The New-York Historical Society have now taken it in hand, and appeal to the citizens of New-York to raise $34,000, for which sum the Society can purchase a collection worth more than $100,000 in money, and whose educational value no one can estimate.

We trust that it is not necessary to urge this appeal on New-York men of wealth. We have no great institutions to which we can direct strangers. Let us found one now, and which shall in time equal and surpass the British Museum as a great collection of illustrations of the world's history.

Sir Gardner Wilkinson has written a letter to a gentleman in this city, in which he speaks of the collection as follows:

"No. 33 YORK STREET, Portman square, London, Nov. 17, 1859.

"MY DEAR SIR: It was only a short time since that I heard of the death of our mutual friend, Dr. Abbott, which all who knew him must sincerely lament, for there never was a more liberal kind-hearted, and estimable man, and it is a pleasure to express an opinion, formed from an acquaintance with Dr. Abbott of many years, to you who have taken so great an interest in his welfare I am anxious to know about the valuable collection he sent to America. I really hope it will continue to command the interest it so justly excited when first it went to New-York, and that its great importance will not be lost sight of. If the people of the United States were not so intelligent or so capable of estimating its merits as they are, I should grieve that it had left Europe, and that my recommendation for its purchase by the British Museum had not been adopted—for such a collection is not likely to be offered to us again, especially since the Egyptian Government has commenced the formation of one in the country. But I think that is of more importance to mankind, and more in the interest of science and universal knowledge, that collections should exist in many different and distant places, and the advantages to be derived from their study promise to be great in proportion as the people are energetic and interested in the subject they illustrate. This particularly applies to the United States of America, from which so many intelligent travelers go annually to visit the temples and sites of ancient Egyptian cities.

"Indeed, the possession of such a collection would be an honor and a benefit to any land, and a day will come when the United States, in the zenith of their power, will look back with pride on the good sense of their predecessors, who established this valuable department of the National Museum, and will give due credit to the citizens of New-York for their patriotism and discernment. I shall rejoice when I learn that Dr. Abbott's collection has received their acknowledgment of its importance, and that New-York has shown its determination of owning an Egyptian Museum, which shall rival the best in Europe, for we all profit by the labors of such enlightened minds as those possessed by America, and the success of their studies cannot but be furthered by the aid of materials which so fully illustrate the manners and customs of the ancient Egyptians. You must feel a great interest in this matter, and I hope that you and all who know Egypt will make common cause therein, independent of the very natural desire of every American or educated person of the country to appreciate the importance of such a collection, and are sensible of the credit which must attach to its possession. I shall be much obliged to you if you will kindly let me know what is done in this matter when you have a spare moment for writing.

"Believe me, yours truly,
"GARDNER WILKINSON."

INSTITUTION OF THE REV. JOHN COTTON SMITH.—The institution of the Rev. John Cotton Smith, late of Trinity Church, Boston, as Rector of the Church of the Ascension, corner of Tenth street and Fifth avenue, took place on Thursday morning at 10½ o'clock. The Church was nearly filled, and decorated with the usual Christmas evergreens. In the chancel were Bishop Potter and the Rev. Dr. Anthon of New-York; Bishop Lee of Iowa, and Assistant Bishop G. T. Bedell of Ohio—the late Rector of the Church of the Ascension.

The service of morning prayer was read by the Rev. Dr. Anthon, with the regular lessons for the day, the choir singing the 106th Hymn, "On Zion and on Lebanon." After the service was over, the ceremony of institution was performed by Bishop Potter, who, after the question whether any could show just cause against the completion of this duty, read the letter of institution, signed by himself in the capacity of Bishop of the Diocese. The senior Warden next, in token of the congregation's acceptation of their new Rector's authority, handed him the keys of the church, to which the latter responded:

"I, John Cotton Smith, receive these keys of the House of God at your hands, as the pledges of my institution and of your trust committed to me, and promise to be a faithful shepherd over you, in the name of the Father, Son, and Holy Ghost." Amen.

The Bishop then received the incumbent within the rails of the altar, and presented him with the Bible, the Book of Common Prayer, and Book of the Canons of the General and State Conventions, saying:

"Receive these books, and let them be the rule of thy conduct in dispensing the Divine Word, in leading the devotions of the people, and in exercising the discipline of this Church; and be thou to all things a pattern to the flock committed to thy care."

After the anthem *Laudate Nomen*, and a prayer by the instituted minister at the altar, the sermon was preached by Bishop Lee, from Jeremiah, chap. xxiii., 1st and 2d verses:

"Woe unto the pastors that destroy and scatter the sheep of my pasture! saith the Lord.

"Therefore thus saith the Lord God of Israel against the pastors that feed my people; Ye have scattered my flock and driven them away, and have not visited them: behold, I will visit upon you the evil of your doings, saith the Lord."

The Communion and Eucharist were then administered to the Church by the new Rector, and after the benediction, the Wardens, Vestrymen, and people thronged the church to welcome him to his charge.

ARREST OF CORNELIUS WOOD.—*The Rome Sentinel* states that Cornelius Wood of this city, who committed the outrage upon Mr. Stryker at the Democratic State Convention in Syracuse in September last, has been indicted by the Grand Jury of Onondaga County, and was last week arrested by Officer Phillips. He gave bail to appear on Monday next at the Onondaga Court of Sessions.

A HAWK SHOT IN THE PARK.—*The Daily News* says that on Wednesday a hawk was shot in the City Hall Park by a Mr. Ingersoll, which was found to measure four feet from tip to tip.

FATALLY BURNED.—A little girl named Sarah Basinsky, whose mother resides at No. 167 West Thirty-fifth street, being left alone for a time, on Wednesday afternoon, set fire to her clothes by coming in contact with the grate, and was burned so seriously that she died soon after. The Coroner's Jury returned a verdict of "Death from burns accidentally received."

DIED FROM BURNS.—A week ago a Mrs. Knox, residing at No. 59 Oliver street, was so shockingly burned in consequence of her clothes taking fire that death ensued yesterday morning. Coroner Gamble held an inquest on the body yesterday, when a verdict of "Accidental death" was rendered. Deceased was a married lady, about 45 years of age.

[Advertisement.]
SEE KINGS v. viii. Chap.
See 1st Chron., xxii. Chap.
See 2d Chron., Chap.

[Advertisement.]
CONFECTIONARY FOR NEW-YEARS,
At WM. TAYLOR'S SALOON,
No. 565 Broadway.
Every variety of Ornamented Cakes, Confectionary, French Mottoes, Torpedoes, Jellies, &c. Also Boned Turkeys and Game; Pickled Oysters and Meats; and all seasonable articles for New-Year's tables. Orders for all kinds of Refreshments promptly attended to.

[Advertisement.]
TAYLOR'S SALOON,
Broadway, corner of Franklin-st.
NEW YEAR'S.
JOHN TAYLOR is now prepared to receive orders for all the refreshments used on New-Year's tables, such as Boned Turkeys, Game Pattis, dishes of Game, Jellied Tongues and Hams, plain and ornamented Jellies, Pickled Oysters; ornamented Plum, Pound, Citron, and Almond Cakes; and small Cakes of every variety and style. Also, Ornaments for the table of Nougat, Orange, Gum Paste, Sugar or Pyramids of Maccaroni. All of which will be of the best quality, and manufactured on the premises under the personal supervision of the proprietor.

[Advertisement.]
SEE KINGS v. viii. Chap.
See 1st Chron., xxii. Chap.
See 2d Chron., Chap.

[Advertisement.]
PURE BOTTLED BRANDY and WINES,
FOR THE HOLIDAYS.
Persons who use Wines and Liquors for the holidays should give the preference to those bottled by me. They are warranted pure, and the best quality.
For sale by all Druggists and Grocers.
UDOLPHO WOLFE, Nos. 18, 20 and 22 Beaver-st.,
Importer of the Schiedam Schnapps.

[Advertisement.]
A PICTURE OF YOUR MIND.—If you would have your "mental measure" taken, by which you can know exactly what you are, your capabilities, your virtues, and your faults, go to Prof. FOWLER, 308 Broadway, N. Y., and have your character written out in full. It would be the best thing to which you can treat yourself or friends during the Holidays.

[Advertisement.]
PEREMPTORY SALE OF VALUABLE PROPERTY.—Will be sold by the Sheriff, by order of the Supreme Court, at Barn's Hotel, Tompkinsville, S. I., on Saturday, Dec. 31st, at 3 o'clock, the Dwelling House and four lots, on Montgomery and Monroe ave., running through, formerly occupied by Joseph Westerfield. Sale positive. For particulars, inquire of Westervelt & Hall, Attorneys, 50 Exchange Place, N. Y.

[Advertisement.]
BEEBE & CO.
NEW STYLES HOLIDAY HATS.
No. 156 Broadway.

[Advertisement.]
BRADY'S GALLERY, No. 643 Broadway, corner of Bleecker-st. HOLIDAY PRESENTS.
IVORYTYPES, a superb and appropriate style of picture for Holiday Presents. Also, Imperial PHOTOGRAPHS, MINIATURES, AMBROTYPES, and DAGUERREOTYPES.

[Advertisement.]
BARTHOLF'S celebrated
SEWING MACHINES,
No. 434 Broadway,
Cor. Howard-st., New-York.

[Advertisement.]
Millions of Bottles of Mrs. WINSLOW'S SOOTHING SYRUP are now used every year in the United States for Children Teething, with never-failing success. Relief is immediate and certain. Only 25 cents a bottle.

[Advertisement.]
SEE KINGS v. viii. Chap.
See 1st Chron., xxii. Chap.
See 2d Chron., Chap.

[Advertisement.]
WHY IS MY BOY SO PERVERSE AND MY DAUGHTER SO DIFFICULT TO MANAGE?—The fault may be partly in yourself and partly in them. A Phrenological Examination at FOWLER & WELLS', 308 Broadway, will answer the question.

[Advertisement.]
CENTRAL-PARK SKATE EMPORIUM.—SKATES, to suit everybody, from 50c. to $25. A lot of fine English Skates, just received.
CONOVER & WALKER, No. 298 Broadway.

[Advertisement.]
25 PHOTOGRAPHS FOR $1.
300 New-Year's calls. Ladies' delight. Gentlemen, show your cards, or you can't come in. HOLMES'S Card Photographs are a fine passport to the festivities of the season. Taken at HOLMES'S Gallery, No. 315 Broadway.

[Advertisement.]
FINE POCKET CUTLERY.—The subscribers offer every variety of the above, made by the first manufacturers, being the richest display of the kind to be seen in the city. J. & S. SAUNDERS, No. 7 Astor House.

LAW INTELLIGENCE.

SUPREME COURT—CHAMBERS—Dec. 22.—Before Justice WRIGHT.

THE NEW-YORK AND YONKERS RAILROAD COMPANY—INJUNCTION AGAINST THE COMMON COUNCIL.

The People, &c., ex rel. The Mayor, Aldermen, and Commonalty of New-York.

The Common Council recently passed an ordinance permitting the New-York and Yonkers Railroad Company to lay rails through various streets of the city. The Mayor vetoed the ordinance, and it was expected that the paper would be again brought up before the close of the year, with a view of passing it, over the veto. Many of the owners of property along the streets affected, are opposed to the measure, and R. F. Andrews, esq., in their behalf obtained an injunction enjoining the Common Council from taking any further proceedings in the matter. The injunction was granted by Justice Wright at Albany, and on Thursday it was served on a member of the Aldermen and Councilmen.

The complaint upon which the injunction was granted sets forth that the Common Council, in contravention of the act of April 14, 1857, amending the Charter of the City, passed the ordinance through both boards on the same night, instead of publishing the action of one Board upon it before sending it to the co-ordinate branch of the city legislature. That the ordinance was passed, and the grant given away, in contravention of the 41st section of the same act, which provides that such franchises shall be sold at auction to the highest bidder. That on the 7th day of December, 1858, the Board of Councilmen of said city did pass and adopt an ordinance, giving and granting an alleged incorporated company, known as the New-York and Yonkers Railroad Company, permission and authority to lay and construct a railroad "from a point at or near Kings Bridge, at Spuyten Duyvel Creek; thence, with a double track along the Harlem River, to its intersection with the Eighth avenue at the Harlem River; thence along the Eighth avenue, with a double track, to Fifty-ninth street; thence along Fifty-ninth street, with a double track, to Seventh avenue; thence along Seventh avenue, with a double track, to Greenwich avenue; thence along Greenwich avenue, with a double track, to and across the Sixth avenue to Eighth street; thence along Eighth street, with a single track, to Greene street; thence along Greene street, with a single track, to Waverley Place; thence along Waverley Place, with a single track, to Wooster street; thence along Wooster street, with a single track, to Canal street; thence along Canal street, with a single track, to West Broadway; thence along West Broadway and College Place, with a single track, to Barclay street; thence along Barclay street, with a single track, to Church street; thence along Barclay street, with a double track, to Broadway; also from the corner of Church street and Barclay street along Church street, with a single track, to Canal street; thence along Canal street, with a single track, to Greene street; thence along Greene street, with a single track, to Waverley place; thence along Waverley place, with a single track, to Greenwich avenue; thence along Sixth avenue, with a single track, to Greenwich street, and continuing with double track along University place and Union place to Broadway; thence along Broadway on the Bloomingdale road, with a double track, to intersect with the Seventh avenue, at or near Forty-fourth street; said track in the Seventh avenue, at or near Forty-fourth street; and also, a double track from the corner of One-Hundred-and-Twenty-fifth street and Eighth avenue, along One-Hundred-and-Twenty-fifth street to Manhattan street, along Manhattan street to the Hudson River; and that, on the same day, the said ordinance was sent to the Board of Aldermen for concurrence, and immediately thereupon taken up for action, and that, notwithstanding that Alderman Darragh, one of the members of said Board, moved to lay the same on the table, the said ordinance was adopted, nine aldermen voting in favor thereof, and four against, and said ordinance was sent to the Mayor for his concurrence.

That the Mayor of the City of New-York did refuse to sign the said ordinance, and within the time allowed by law, to wit, on the 19th day of December, 1858, did return the same to the Board of Councilmen, in which he came originated, with his objections thereto, and that accompanying the same objections of his Honor the Mayor, were communications, from responsible parties offering large bonuses for the aforesaid franchise.

That, as the plaintiffs are informed and believe, two-thirds of the members elected to the said Common Council have given out, threatened, and declared, that they intend to adopt and pass the said ordinance, notwithstanding the objections of the Mayor, and the said New-York and Yonkers Railroad Company have given out and allege that upon such action they will proceed to break up the pavement of the streets and avenues designated in said ordinance, and lay down the said railway, and establish the same in the said streets and avenues, as provided in said ordinance.

The plaintiffs aver,

First. That the action of the said Common Council upon said ordinance is irregular and void, inasmuch as the votes thereupon were not published, as required by the said thirty-seventh section of the said act, to amend the charter of the city of New-York, passed April 14th, 1857.

Second. Because the said ordinance was considered and acted upon in the said Board of Aldermen on the same day it passed the Board of Councilmen, without the unanimous consent of the members thereof, and in opposition to the express dissent of several of the said members.

The said plaintiffs further aver, that the said ordinance is also illegal and void, because it virtually gives and grants a franchise to the said New-York and Yonkers Railroad Company in violation of the forty-first section of the said last-mentioned act.

The plaintiffs further show, that the citizens, inhabitants, and travelers in said city now have a right to the free and common use of the whole of the carriage-way of said streets and avennes, with their carts, carriages, and other vehicles, and the laying of such railway would require several months, during all which period said streets and avenues would be rendered almost impassible to the great injury and detriment of those having occasion to use and travel in said streets, and who have a free and common right therein, as aforesaid.

The plaintiffs further show that Broadway, University place, Greenwich avenue, Waverley place, Wooster street, and Greene street, are now constantly thronged with all kinds and description of vehicles, and with passengers, and that said streets and avenues are too narrow to admit the establishing such, or any railway, consistent with the rights, privileges, and interests of the citizens and tax-payers of said city; and the plaintiffs therefore charge that such railway, or any railway therein, will be a public nuisance.

The plaintiffs, therefore, demand that an injunction order may be issued by this Court, directed to the said defendants, restraining and enjoining them from granting to the said the New-York and Yonkers Railroad Company the right to lay or construct said railway, in the said streets or avenues, and from taking any further action whatsoever in regard to said ordinance, and from giving or granting the consent or authority of the said defendants to the said company, or to any other company, association, person or persons, to lay or construct a railroad in any of the streets or avenues of the said city, unless the right or permission shall be disposed of at public auction, as required by law; and from granting, authorizing, or consenting that said company, or any other company, association, person or persons, shall construct any railway in Broadway, Greenwich avenue, Eighth street Waverley place, Greene street, University place, Broadway, or Bloomingdale Road, in said city, any or either of them, and that said injunction be made perpetual.

Before Justice CLERKE.

DECISIONS.

Hazard agt. Hutchinson et al.; Moer et al. agt. Begg et al.; Feit et al. agt. Hyc et al.—Cases settled and certain amendments allowed.

UNITED STATES DISTRICT COURT—Dec. 29.

NOTICE.

Notes of issue for the January Term must be filed on Friday, Dec. 30, in order that they may take their proper places on the calendar.

COURT OF COMMON PLEAS—Dec. 29.

NOTICE.

Jurors summoned to attend on Monday, Jan. 2, 1860, are not required to attend until Tuesday, Jan. 3, at 11 a. m.

SURROGATE'S COURT.—Dec. 29.—Before E. C. WEST.

Number of contested cases during the year	122
Number of contested wills	23
Number of contested accounts of executors and administrators for final settlement	36
Number of contested cases for the sale of real estate for payment of debts	5
Number of applications for letters of Administration	9
Number of miscellaneous proceedings	49

Every case submitted to the Surrogate has been decided by him.

COURT OF APPEALS.

NOTES OF DECISIONS AT SEPTEMBER TERM.

Williams agt. Hayes et al.

In an action for an accounting the complaint alleged that the plaintiff was a partner with the defendants in the execution of two contracts for building railroad; that the firm had uncollected assets to the amount of $12,000, and owed $7,000. The answer denied the interest of the plaintiff in the second job, and upon this issue the answer was sustained by the finding at the trial. It was was silent as to alleged assets and indebtedness of the firm, and an account was taken and stated by a referee, between all the parties, without reference to such assets or debts. After the evidence had been closed, one of defendants offered evidence of the indebtedness of the firm, which was rejected. On appeal from the judgments against him and the plaintiff in favor of the other defendants, *held*:

The admission of evidence after the testimony has been closed, is matter of discretion in the Referee, not reviewable in this Court. Relief can only be had in the Court of original jurisdiction.

The allegation in the complaint of the firm's assets and indebtedness is to be construed as dependent upon the extent of the plaintiff's interest as therein stated. When it was established that he had no interest in the second job, no implication remained that such debts or assets were admitted by the failure of the answer to deny their existence.

It seems that a party failing to call attention at the trial to an implied admission in his favor in the pleadings, should not afterward be permitted to avail himself thereof.

Chase agt. The Hamilton Insurance Company.

The applicant for insurance described the subject of the risk as a stone dwelling-house, without disclosing the fact that a wooden kitchen was attached thereto. *Held*, that the word dwelling-house is to be construed as including the kitchen, and that the application cannot be deemed one for the insurance only of so much of the building as was made of stone.

Where the application stipulates that the insurer shall not be bound by acts or statements made to or by any agent unless contained in it, the knowledge of an agent of the insurer of facts not stated in the application is immaterial, in the absence of fraud, or his having prevented their insertion by the applicant.

Plumb agt. Cattaraugus Mutual Insurance Company (18 N. Y., 392), considered and distinguished.

Morris et al. agt. Whitcher.

Where a deed has been given in pursuance of a preliminary contract for the sale of land containing stipulations of which the conveyance itself is not a performance, it is a question of intention whether the parties have surrendered those stipulations.

In the absence of all proof, there is no presumption that either party intends to give up the benefit of covenants of which the conveyance is not a performance or satisfaction.

A stipulation in the executory contract that the vendor should retain possession for a specific period, *held*, not merged in or extinguished by the conveyance, but admissible in evidence to qualify its operation, and to defeat an action for the possession by a subsequent grantee with notice.

Robertson agt. Davis, Special Referee, etc.

The grantees of land in trust for creditors reconveyed to the grantor by deed reciting that the trusts had been executed, when in fact there were *cestuis que trust* entitled to a sale and distribution of the proceeds. The debtor then mortgaged the land for a valuable consideration to one having constructive but not actual notice of the trust and reconveyance. *Held*: The mortgagee took subject to the execution of the trust. The purchaser takes no benefit from the declaration of the trustees that the trust has ceased, but must ascertain at his peril that such is the fact.

The reconveyance being in contravention of the trust is absolutely void, and the legal estate remained in the trustees. The mortgagee, therefore, is not within the principle which protects the bona fide purchaser of a legal title against a prior equity, of which he had no notice.

The debtor, however, irrespective of the reconveyance, had the legal estate as against all persons except the trustees and those claiming under them. The mortgage, therefore, is not void, but entitles the mortgagee to redeem the land by satisfying the claims of the *cestuis que trust*.

The mortgagee is not necessary though a proper party to an action by the beneficiaries of the trust to enforce its execution.

The purchaser under the judgment in such an action, to which the mortgagee was not a party, may litigate with him the validity and extent of his lien, and upon redemption or sale is entitled to the amount due the beneficiaries whom he represents, not being limited to the amount for which he purchased.

COURT STATEMENT FOR 1859.

Below will be found the annual statements of the business of the Courts, as far as they are completed. The reporter tenders his thanks to the various Judges and clerks for facilities afforded him during the year.

UNITED STATES CIRCUIT COURT.

The Hon. Samuel Nelson, Associate Justice of the Supreme Court of the United States, Presiding Judge of this Court. Kenneth G. White, esq., and Richard E. Stillwell, esq., Clerks.

Number of suits commenced on the common law side	216
Of which there were tried	37
Discontinued	23
Defaults	2
Number of suits on the equity side	97
Of which were heard on motions for injunctions	33
Injunctions granted	47
Injunctions denied	7
Cases discontinued	21
Number of Admiralty cases heard on appeal, and decided	26
Number of appeals taken to the Supreme Court of the United States	12
Number of indictments tried	46
Number of indictments tried	15

During the months of January, February, and December, Judge Nelson was sitting in the Supreme Court of the United States; and during the months of April, May, September, October, and November, in this District, as Circuit Judge; he also held Terms of the Circuit Court in Vermont, Connecticut and the Northern District of this State. In the absence of Judge Nelson from the District the Court was held by District Judges Ingersoll, Betts, and Hall.

UNITED STATES DISTRICT COURT.

District Judge—The Hon. Samuel R. Betts.

George F. Betts, esq., Clerk; Geo. W. Morton, esq., Deputy Clerk.

Number of suits instituted on the Admiralty side during 1859			246
On the Common Law side			57
On the Criminal side there were indictments			71
Admiralty cases disposed of			71
Common Law cases disposed of			4
Indictments tried			15
The Admiralty cases embraced suits on bottomry bonds, bills of lading, charter parties, marine hypothecation, seamen's wages, collisions, personal losses at sea, salvage and seizures under the revenue laws.			
There were twenty-five attorneys admitted to practice in the Court during the present year.			

UNITED STATES COMMISSIONERS' COURT.

Kenneth G. White, Richard E. Stillwell, George W. Morton, George F. Betts, Joseph Bridgham, and Mr. Morel, Commissioners.

The Commissioners White and Stillwell issued 62 warrants for offenses against the laws of the United States, all of which were disposed of.

The Commissioners Morton, Betts, and Bridgham issued 34 warrants during the year. These were on complaints of murder, manslaughter, slave-trade, smuggling, counterfeiting, assault with dangerous weapons, cruel and unusual punishment, endeavor to make revolt, larceny on the high seas, &c.

UNITED STATES DISTRICT-ATTORNEY'S OFFICE.

Charles H. Hall, esq., Acting District-Attorney and James F. Dwight, Assistant Attorney.

Messrs. Rodney, J. Macomber, Leopold E. Newman, and W. G. Smith, Clerks.

Number of criminal warrants obtained during the year	160
Civil suits, forfeitures, and Custom-House bonds	71
Petitions for remissions of forfeitures granted by the Secretary of the Treasury	23
Warrant of remission	3
Seizure suits	104
Suits against Collectors	130

In the above are included the slave-trade cases, counterfeiting, piracy, Post-Office robberies, larcenies, and murders on the high seas and in foreign ports, assaults and batteries, cruel and unusual punishments, revolts, mutinies, embezzlement of public moneys, &c. The statement does not include any suits or proceedings, civil or criminal, which were pending and unfinished on the 31st of December last, nor attendance on preliminary examinations before the several United States Commissioners.

SUPREME COURT—GENERAL TERM.

JUSTICES.—The Hon. James I. Roosevelt, the Hon. Henry E. Davies, the Hon. Thomas W. Clerke, the Hon. Josiah Sutherland, the Hon. Daniel P. Ingraham.

David I. Chatfield, Clerk.

The number of cases argued and determined during the year 1859, including non-enumerated motions, were as follows:

February term	96	September term	41
May term	130	December term	94
Total			372

Number of students admitted to practice:			
February term	2	September term	3
May term	67	November term	34
Total			107

Justice Roosevelt retires, and will be succeeded by the Hon. William H. Leonard, elected at the November election.

Justice Davies, having been elected one of the Justices of the Court of Appeals, will also retire.

It is undecided whether Justice Clerke or the successor of Justice Davies will go to the Appeals. The Court of Appeals will decide that question at its first sitting.

SUPREME COURT—CHAMBERS.

Richard C. Blumish, esq., Clerk.

	Attachments.	Injunctions.	Arrests.
Roosevelt, J.	142	37	54
Clerke, J.	261	50	97
Davies, J.	86	28	29
Ingraham, J.	216	38	89
Sutherland, J.	136	87	64
Strong, J.	56	8	4
Allen, J.	3	1	2
Gould, J.	8	1	4
Hogeboom, J.	1	—	—
Mullen, J.	12	—	—
James, J.	9	5	4

Attachments issued against vessels:
Roosevelt, J., 3; Davies, J., 2; Clerke, J., 2; Strong, J., 1; Sutherland, J., 2; James, J., 2.

LITIGATED MOTIONS HEARD, AND ORDERS MADE.

Roosevelt, J.	615	Davies, J.	472
Clerke, J.	1,492	Ingraham, J.	1,456
Sutherland, J.	720	Strong, J.	124
Gould, J.	30	James, J.	42
Balcom, J.	4	Allen, J.	14

FORECLOSURE SUITS AND DECREES.

Roosevelt, J.	47	Mullen, J.	3
Ingraham, J.	71	Clerke, J.	89
Allen, J.	6	Strong, J.	8
Davies, J.	26	James, J.	1
Sutherland, J.	53		

DIVORCES GRANTED BY SPECIAL TERM AT CHAMBERS.

Roosevelt, J.	13	Sutherland, J.	21
Ingraham, J.	9	Strong, J.	2
James, J.	1	Clerke, J.	10
Davies, J.	12	Muller, J.	2

HABEAS CORPUS GRANTED.

Roosevelt, J.	13	Sutherland, J.	17
Davies, J.	24	Clerke, J.	31
Ingraham, J.	21		

CASES SETTLED.

Roosevelt, J.	15	Sutherland, J.	15
Davies, J.	21	Ingraham, J.	12
Clerke, J.	30		

COURT OF COMMON PLEAS.

JUDGES—The Hon. Charles P. Daly, the Hon. John R. Brady, and the Hon. Henry Hilton. Nathaniel Jarvis, jr., Clerk.

GENERAL TERMS.

Number of causes on Calendar for argument on appeals from Marine and District Courts, and from judgments of the Common Pleas, and orders at Special Term	307
Number of causes heard and determined	255

SPECIAL TERMS.

Number of causes on Calendar for trial by Jury	3,739
Number disposed of	3,712
Number of causes on Calendar for trial by Court without Jury	147
Number disposed of	146
Number of causes on Calendar of enumerated motions, trials of issues of law	211
Number heard and determined	196
Non-enumerated motions heard, and orders and decrees granted	4,245
Number of orders to examine judgment-debtors on supplementary proceedings, including orders in the Marine and District Court judgments	3,152
Insolvents and imprisoned debtors discharged	23
Writs of habeas corpus allowed	69
Divorces granted	6
Applications for citizenship	3,000
Number admitted as citizens	2,799

COMMERCIAL MATTERS.

Sales at the Stock Exchange—Dec. 29.

1,000 U. S. 5s, '65	102	20 Ocean Bank	91½
20,000 Virginia State 6s	94½	10 Import. & Trad. Bank	112
2,000 Virginia 5s 8th g. Bds.	92½	7 Erie Rail'road	38
10,000 Missouri St. 6s	83½	65 do	38
2,000 N. Y. Central 6s	91½	105 do	38
4,000 Erie R.R. 1st M. Bds.	93	50 Cleve. & Toledo R. R.	33
5,000 Erie 2d Mt. Bds	92	40 Mil. & Miss. R. R.	23
2,000 Erie R.R. 2d M. Bs. Fx.	91	25 Norwich & Wo'ster RR	40
2,000 Erie R.R. 3d Mt B. '63	78½	50 do	40½
1,000 Ill. Cent. R.R. Bs.	85	100 Reading R. R.	41½
3,000 Mich. Cent. R.R. 8 ⅌ ct. 1st M. S. F. Bs.	90	200 do	41½
1,000 Hudson Riv. R.R. 1st M.	105	300 do	42
5,000 Chic. & Tol. Sk'g F. Bs.	57	100 do	530 42
15 Pacific Mail S.S. Co.	76½	10 Panama R. R.	128½
600 N. Y. Central R. R.	530 75½	150 do	530 127½
1150 do	75½	10 do	128
100 do	t w 75½	50 do	opg 127½
100 do	560 75½	100 do	560 127½
200 do	sow 75½	600 Ill. Central R. R.	57
100 do	75½	200 do	56½
100 do	530 75½	200 do	s10 56½
100 do	s5 75½	200 do	57
300 do	b60 75½	350 Gal. & Chicago R. R.	64½
50 do	75½	550 do	s30 64
100 do	b30 75½	100 do	s30 64
450 do	75½	100 Chi. & R. Island R.R.	63
1100 do	b10 75½	50 do	s10 63½

SECOND BOARD.

1,000 U. S. 5s, '71	103½	150 Reading Railroad	s60 42
2,000 Missouri 6s	83½	600 do	b3 42
2,000 Tennessee 6s, '90	97	100 do	s30 41½
1,000 Erie 2d Mtg. Bonds	92	200 do	b60 42
10,000 Erie 4th Mtg. Bonds	51	17 M. S. & N. I. G. S.	17
3,000 Erie Convt. Bds. '62	79	100 Illinois Central RR.	57½
1,000 Ill. Central RR. Bds.	84½	100 Panama Railroad	b30 128
5 Pacific Mail Steam. Co.	76½	5 do	127½
325 N. Y. Central RR.	b60 75½	50 do	127½
50 do	s10 75½	100 do	127½
200 do	75½	50 do	s15 127½
100 do	b30 75½	100 Galena & Chicago RR.	65
500 do	75½	100 do	s30 65
100 do	b60 75½	100 do	s10 64½
25 Erie Railroad	38	50 Chic. & R. Isl'd RR.	s60 63
155 do	38	100 do	s30 63½

THURSDAY, Dec. 29—P. M.

The interest of the Stock market continues to be mainly centered in New-York Central, upon which the statement of six months earnings, published this morning, had no perceptible effect. The substance of it was very generally known some time since. The general market opened with the same heaviness as has characterized it of late, and a further decline appeared to be impending. Toward the close of the call, however, there was more disposition shown to buy, and prices hardened somewhat. The bull jobbers, however, did not take advantage of the improved shape of the market with much energy, and the principal buying was by shorts to cover maturing contracts. There was considerable disposition shown to throw over cash stock, and take it back on buyers or sellers option, in consequence of the increasing difficulty of carrying cash stock. The bears seemed rather hesitating in their movements to-day, excepting in Galena, perhaps, as if they anticipated some reaction. The transactions in Central reached 5,000 shares at the morning Board, opening at 75¼, improving to 75¾, and closing at 75⅝. Reading was among the strongest stock, and advanced to 42 under orders from Philadelphia. The Presidency question has been settled by the election of Mr. Asa Whitney, a wealthy car-wheel manufacturer, Mr. Cullen retiring. It is also understood that Mr. McCalmont has or will make some acceptable propositions for refunding the bonds maturing in 1860, which relieves the Company from that embarrassment. The transactions in this stock were considerably larger than for a long time past. Norwich & Worcester sold for 40½, under the announcement of the dividend of 2½ ⅌ cent. Pacific Mail was very inactive, and Panama dragged at 127½@127¼. The advices by the Arago of a decline of 2 ⅌ cent in London on the shares of the Illinois Central Road had a depressing effect here, and the stock sold down to 51½, but was afterward much firmer. The Western shares generally had a firm appearance at the close, at about the prices of yesterday. At the Second Board the market sustained at the opening the rally of the morning, but at the close the firmness was lost and cash stock being freely offered, a slight decline was submitted