THE PROJECTED BROADWAY RAILROADS.

THE SENATE COMMITTEE IN SESSION YESTERDAY—MAYOR HOFFMAN AND ALL THE MEMBERS PRESENT—FORTY PLANS OPENED AND CONSIDERED—SURFACE, TUNNEL, AERIAL SUSPENSION, BASEMENT—THE NECESSITY FOR THE WORK.

The City of New-York is the great entrepot and depot of the country. In commercial importance it is the first in the Western Hemisphere, and the second in the civilized world. Through it pass three-quarters of the imports and more than one-half of the exports of the United States, and all the goods received and delivered here pay a commission to its citizens for transacting the business. This commission and contingent expenses are paid by the consumer of the imported goods, and by the producer of the exported merchandise, and its amount necessarily depends, in a great measure, upon the facilities with which business can be transacted, which, in turn, depend upon the means of ready transit to and from the business center of the city. That center is located below Canal-st., while most of those who conduct the business reside above it—a majority at a distance of several miles. To provide a sure, rapid and agreeable transit for this multitude between their homes and places of business is the problem whose solution is sought. Its importance is so obvious as to need no demonstration. Should we estimate the number of persons engaged in business at the center and residing on the upper part of the island at 100,000, and provide for saving to each one half hour per day in travel, it will appear at once that there is saved to those men a vast amount of rest or business in these 100,000 half hours. But if rapid ingress and egress could be provided, the number living on the upper half of the island would be immensely increased, to the relief of the packed and suffocating tenement-houses down town, whose occupants now struggle for life in the midst of sickness, impure air and inevitable filth. If such a road could be afforded it would also retain within the city limits other thousands, who, not accommodated by the present facilities for travel, will soon follow the thousands who have already gone to Long Island, Connecticut, New-Jersey and the towns along the Hudson. It is found that residences 20 or 30 miles from the city can be reached in as short a time as the remotest parts of Manhattan Island. The fact is disgraceful to the enterprise of our citizens, for it is a most serious impediment to the natural expansion of the metropolis.

Important as would be this saving to travelers, it is a trifling consideration when compared with the time that would be gained in the shipment of goods and the distribution of merchandise by means of a railroad through the center of the island. The crowded condition of the streets, particularly of Broadway, is caused principally by the distribution of goods to various parts of the city. That New-York does not at the present time afford facilities for travel and traffic is proved by the constantly overcrowded condition of the railroads parallel to Broadway, and of the omnibuses running through that thoroughfare.

It is a conceded fact that relief should be immediately sought through the only practicable and adequate means—rapid steam transportation from one end of the island to the other, by some route now unused. It may also be considered as settled that this desideratum can only be completely attained by the construction of a railroad along the general line of Broadway.

The needs of the city were pressed so earnestly upon the Legislature last Winter that a charter for a tunnel railroad under Broadway was passed in both Houses, and only failed to become a law on account of the intervention of Gov. Fenton with a veto. Upon this the Senate appointed a commission of three of the best qualified of its number to solicit and consider the multitudinous projects proposed, and to report to the Senate at the next session the plan which they should finally adopt.

The commission therefore, as early as July last, invited the submission of plans, and a large number have been proposed. The competition would seem to have exhausted the ingenuity of inventors, if we may judge by the great variety of the schemes, some of which are more remarkable for their complications, elaborateness and startling originality, than for their practical value.

A formal meeting for the examination of the plans was held yesterday at the rooms of the Street Commissioner. Present, Senators Cornell, Andrews and Low, of the Commission, Mayor Hoffman, State Engineer Goodsell, and Col. A. W. Craven, Chief-Engineer of the Croton Aqueduct Department. About 40 propositions were opened and considered, many of them, however, being similar, in whole or in part. The Committee are of opinion that the proposed road, if there be but one, must run near the center of the island; but the choice of a plan for Broadway is rendered very difficult by the narrowness of that street, and the great amount of travel with which it is continually thronged. Many suggestions were discussed, but no decision arrived at.

All the plans submitted may be divided, or rather collected, into the following classes:

1. An elevated railroad above the street.
2. A surface road, laid on the street, similar to other city railroads.
3. An underground railroad, constructed by tunneling.
4. A basement railroad, constructed by open excavations, supporting the wagon-road bed on iron colonades, and leaving the present street connections as they now are.
5. A parallel road traversing the center of the blocks on one side of Broadway—that is, passing in the rear of the stores, the entrances and exits of the road being on the cross streets.

Each of these plans is believed to possess some advantages over the others. In a city so compactly built up the Committee do not expect to find any scheme which shall be without serious objections, but they aim to select that which shall safely effect a rapid transfer of passengers with the least damage to private rights. Among the plans before the Committee may be mentioned the following:

Mr. A. P. Robinson, C. E., urges again the project which came so near success last Winter—being for a double-track railway running through a tunnel under the middle of Broadway, receiving and delivering passengers by winding stairs at the corners.

Silas Dodson proposes a suspension road, to rest on a single row of hollow iron columns at an elevation of 12 to 20 feet, and to run directly over the middle of Broadway, on each side (of the street). The track is to be provided with a three-inch flange to prevent the cars from running off, and to be four feet wide, two feet over the sidewalk and two over the wagon-road. To be run by dummy-engines.

Wm. H. Rand and M. D. Moore have similar plans before the Committee, differing only in details.

Geo. M. Van Housen and others also present a proposition for a aerial road running over the outer edge of the sidewalk. Other schemes are submitted for tracks immediately over the sidewalks, and one for a track elevated above the middle of the street.

One of the most elaborate plans is that of E. P. Nicholson's American Pneumatic Way. This contemplates the construction of an immense tube on the island, of an elliptical form, through which the cars are to be carried, always in one direction, by a continual column of air isolated from the surrounding atmosphere, and forming a continuous circuit, set in motion by a rotary pump stationed at one end of the ellipse. The cars are propelled by the action of the moving column on a piston or disc attached to the rear of each. The inventor assures the Committee that the power of the pump would be communicated so gently through the elastic medium of the air that, though motion would be communicated instantaneously, there would be no violence whatever. In stopping, the disc of the car impinges upon an air cushion at the station, bringing the car to rest without any jar. Ventilation is provided for.

Joseph Dixon offers an improved tunnel road, proposing, instead of a tunnel under the surface of the earth, an excavation from the surface, and then to have a tunnel of iron cast and lowered into it, and fastened at the joints so as to be water tight. He provides for gas light and ventilation.

Charles T. Harvey proposes an arrangement of endless wire ropes as a propelling power.

Eugene Trastour presents plans and elaborate designs for an "endless belt road" on columns through the center of the island. The cars are to be run one way on the belt and the other way suspended under it, and the whole is to be run over a series of drums wheels, propelled by an engine of 8,000 horse power at Central Park.

A. H. Caryl proposes an aerial road of four tracks, for accommodation and express cars, all to be driven by compressed air.

S. B. B. Nowlan, C. E., submits the plan for the "Basement Railroad" along Broadway, to be constructed by open excavation from building to building. This contemplates four tracks 25 feet below the present level, the wagon-road to be sustained on colonades of pillars extending the entire length. The wagon-track is to maintain all its present cross-street connections, and is to be rendered water-tight by the adoption of a new locked-pavement invented by Mr. Nowlan. Another part of this comprehensive scheme is the projection of sidewalks below, on a level with the railways, and the fitting up of the basements as stores, to which, and the cars, light is to be admitted through ample apertures on both sides of the wagon-road. The cost would be heavy (estimated at $1,000,000 a mile), but it is proposed to liquidate the expense by the rental derived from doubling the business capacity of the streets. Mr. N. also represents that a revenue to the city of $1,500,000 could be realized by renting stores or stands along the line of the railway, under the cross-streets and public parks.

The tunnel road of Mr. Robinson has two obvious and great advantages: (1.) It could be so constructed as not seriously to injure private property; (2.) it would admit of a high rate of speed, which is indispensable.

On the other hand, there are equally apparent objections to it. The gravest is presented with much force by A. W. Craven, esq., in his report to the Legislature responsive to their resolution; that is, that the road proposed can hardly be built without the removal of water-pipes, gas-feeders and sewers for an immense distance, and an almost total suspension of their functions—which might result in damage greater than the inconvenience of a crowded city. Moreover, if the projected tunnel is to be a hole through the earth, would it not encounter the same aversion now felt to riding in tunnels generally? Might it not be filled with damp exhalations, and would it not be difficult to prevent the percolation of impure surface-water? The fact that nearly such a road under London is a success, carrying 75,000 passengers per day, and that others are building, may be regarded as an answer to some of these questions; but we trust that fact may not prove a bar to the serious consideration of other plans. The world is older than it was five years ago, and perhaps wiser; and it would not be surprising if American ingenuity should again prove superior to the English processes.

The aerial plan has some striking advantages, among which are those now appertaining to surface roads. But the queries arise, Can a high rate of speed be safely attained? Can a structure be built strong enough to bear the necessary weight without making it so heavy and cumbersome as to obstruct the light? Would not an elevated dummy engine frighten horses? Is it within the power of mechanical skill to plant an iron column firmly on the ground?

To the common street railroad for Broadway, insurmountable obstacles arise; but as the Board has decided not to receive any proposals for such a road, it may be dropped from consideration.

The parallel road through adjacent blocks is being earnestly urged, the strongest objections appearing to be the great destruction of private property, and the impossibility of attaining rapid speed without endangering life and incommoding traffic on the cross streets. And if this latter objection is to be removed by open excavation, the open excavation might as well be under Broadway.

The road will probably be built either 20 feet above ground or 20 feet beneath, and the great desideratum is to be found in something that shall combine the merits of both the tunnel and the aerial, while, as far as possible, avoiding the evils of each.

There are objections urged to the basement road of Mr. Nowlan, prominent among which are (1) its expense, and (2) its probable destruction of the water, gas, and sewerage systems. Mr. N., however, insists that the additional trade facilities furnished by a double range of stores will, in a short time, meet the entire expense; and he proposes to meet the cogent objections of Mr. Craven (which bear as legitimately against the basement road as the tunnel), by the construction of a complete temporary system of mains throughout the entire length, ready to be put in full operation when the present system is interrupted. It is also claimed that this basement road, while being as safe as, and more spacious than, the tunnel, will be as light and pleasant as the elevated track. Connections will be maintained with the road above by lobby-stairs at the corners of the cross-streets, and, when desirable, through the stores.

These are, in brief, the schemes now presented, from which a plan will doubtless be selected by the Legislature, for the relief of this ever-crowded metropolis.

THE RELIEF OF BROADWAY.

To the Editor of The N. Y. Tribune.

SIR: By reference to the manifold proposed modes of relieving Broadway I should think the idea of elevating the sidewalks to the hight of the first story would be better than all the aerial railroads, &c., proposed.

If Broadway can be designated for vehicles *only*, without any sidewalks, while pedestrians could enjoy the comfort of those elevated sidewalks and crossings, respectively corresponding to the entrances to all the places of business, there would be relief at once in every way, besides offering a prospect of handsomely-shaped verandahs and plenty of shade in Summer-time for the rising public.

Stores removed to the next floor would afford splendid suite of elevated warehouses on the street floor, to the great convenience of merchants.

Be kind enough to reflect upon and report to the public or other right parties. Your ob't serv't, SIMPLEX.

New-York, Nov. 12, 1866.

THE RAILROAD QUESTION IN THE COMMON COUNCIL—OPINION OF THE CORPORATION COUNSEL.

At the meeting of the Board of Councilmen, yesterday, the following correspondence was submitted:

MAYOR'S OFFICE, NEW-YORK, Nov. 13, 1866.

To the Honorable the Common Council:

I respectfully enclose a copy of an opinion of the Corporation Counsel, in relation to the railroad tracks in Broadway, between Ann and Fulton-sts. I concur with him in the opinion that the tracks have been laid without authority of law, and I respectfully suggest the adoption of a suitable resolution, directing the Street Commissioner to proceed immediately to remove the same, and requesting the Counsel to the Corporation to take such legal proceedings as, in his judgment, may be necessary to protect the rights of the city.

JOHN T. HOFFMAN, Mayor.

LAW DEPARTMENT, OFFICE OF COUNSEL TO CORPORATION, November 9, 1866.

The Hon. JOHN T. HOFFMAN, Mayor of the City of New-York.

DEAR SIR: I have been so busy as to acknowledge the receipt of your communication of the 7th inst., requesting to be informed

First. What authority, if any, exists for the laying of the railroad tracks in Broadway, between Ann and Fulton-sts., and

Seconds. If the same have been laid without authority of law what proceedings can be had to compel the removal of such tracks? and, in reply thereto, beg leave to say,

First. That by an act of the Legislature of the State of New-York, passed April 14, 1860 (Chap. 512, Laws of 1860), certain persons therein named were authorized to lay, construct, operate and use a railroad through and along certain streets and avenues in this city, including Washington and Greenwich-sts. on the west side, and Park-row to Broadway on the east side. The franchise thus given was, I understand, subsequently acquired by the Dry Dock and East Broadway and Battery Railroad Company.

By an act of the Legislature, passed May 1, 1866, entitled "an act to authorize the Dry Dock, East Broadway and Battery Railroad Company to extend their railroad tracks to, and to authorize the Ninth-ave. Railroad Company to use a portion thereof (Chap. 893, Laws of 1866), the company last named were authorized to extend their railroad tracks with a double track from Greenwich in and through Desbrosses-st. to the North River, and with a double track from Greenwich-st. in and through Gansevoort-st. to the North River, and through Fulton-st. to Broadway, with a single track from Washington-st. to Greenwich-st., and a double track from Greenwich-st. to Broadway, together with the necessary connections, turnouts and switches for the proper working of such extensions and connecting the same with the tracks in Greenwich and Washington-sts."

I am informed that the railroad tracks recently laid in Broadway, and referred to in your note, were placed there by the first-named Company, claiming to have the right to connect their tracks, which previously terminated at the corner of Broadway and Fulton-st., with the terminus on Park-row, under the act of the Legislature last stated.

In my opinion such act does not either expressly or by implication confer the right to make such connections. The extensions authorized by that act, it seems to me, comprehend the tracks of the Company laid in the streets lying on the west side of Broadway, and authorize their extension through Fulton-st. from Washington-st. to the westerly line of Broadway; and the "*necessary connections*" alluded to are those *rendered necessary* by the extensions thus authorized, and do not give authority to form any connection between the terminus on Broadway and Park-row on the east side of the route, and the terminus on the west side of the route at Broadway and Fulton-st.

As to the second branch of your inquiry, viz.: What steps can be had to compel, &c., I beg to say:

I am informed that the Attorney-General, in behalf of the People of the State of New-York, has commenced an action to restrain the use of the said railroad tracks and obtained an injunction.

Before the receipt of your letter, suits were also instituted by the Corporation Attorney, under my directions, to recover from the said Railroad Companies the penalties prescribed in the Ordinances of the City (Chap. 24, Secs. 1 and 41, Revised Ordinances of 1859), for the violation of the same, and such suits are now in progress and will be soon tried.

In addition to this, the Ordinances of the City (Art. 2, Secs. 21 and 22, Ordinances of 1859) authorize the Street Commissioner to remove any incumbrance or obstruction upon any street or avenue if not removed by the parties interested within twenty-four hours after an order to that effect made by him.

I can see no difficulty in the way of the summary removal of those rails under the authority thus vested in the Street Department. The laying of those rails being without authority of law, in my opinion, and in violation of the Ordinances of the City, the Police authorities would, in my opinion, have been justified in preventing the laying of the said rails, and still would be justified in preventing the completion of that work.

I am also of opinion that an action by the Corporation, as owner in fee of the public streets, in trust for the people, can be maintained to restrain the said company from using the said street, &c., in the manner objected to.

Yours faithfully,
RICHARD O'GORMAN, Counsel to the Corporation.

Referred.

CITY GOVERNMENT.

BOARD OF ALDERMEN.

THE BROADWAY RAILROAD SCHEMES—REVENUE AND BARGE OFFICE—PARADE OF FIRE DEPARTMENT.

The Board of Aldermen met by special call yesterday at 3 o'clock, the President, John Brice, in the chair. A communication relative to railroad tracks in Broadway was read, which will be found elsewhere.

A second communication was received from the Mayor, setting forth that the Legislature at its last session passed an act authorizing the Common Council to use 250 feet of the east end of the Battery for the purpose of a revenue and barge office, and the Mayor requests the Common Council to take immediate action in the matter, as the present premises so used are entirely inadequate for the purposes desired. Referred. The Board concurred with the Councilmen in authorizing a committee of the Councilmen to advertise for proposals for the building of public urinals.

An invitation was received and accepted that the Board review the Metropolitan Fire Department on Wednesday next, that being the occasion of its second annual parade.

Adjourned to Monday next.

BOARD OF COUNCILMEN.

SECOND ANNUAL PARADE OF THE METROPOLITAN FIRE DEPARTMENT.

The Board met at 2 o'clock yesterday afternoon, the President, J. Wilson Green, in the Chair.

A communication was received from the Board of Commissioners of the Metropolitan Fire Department, notifying the Board that the Second Annual Parade of the Department will take place on Wednesday next, 21st inst., and inviting the Board to participate in a review, in front of the City Hall, at 2½ o'clock p. m. on the day before mentioned—which was accepted.

The Board, after transacting a considerable amount of general routine business, adjourned until Monday afternoon next, at 2 o'clock.

MAYOR'S OFFICE.

STREET STANDS, ETC., IN THE CITY.

It is known that during past years all the permits for street stands, show-cases, signs, stairways, hoistways and deliveries were gratuitously granted by the Common Council, by special resolution in each case. This action involved an expense in each case of about $100 in printing and publishing the proceedings alone, when at the beginning of the present year Alderman Varnum called attention to the subject and an ordinance was passed vesting the whole power of granting these permits in the Mayor. It was provided, also, that a certain fee should be paid in each case, and that they should only be granted upon the recommendation of the Alderman of the district wherein the subject of the permission may be located, and of one of the Councilmen of the same district. This ordinance went into effect on the 24th of February last.

The result of this ordinance has been that, instead of these permits being a source of great expense to the city, there has already been collected a revenue of some $19,000, and it is estimated that this sum will be increased to over $20,000 before the close of the year. A record is kept of each case, which is always open for public inspection; the price paid for the permit noted in the same as well as on the record, and the total receipts paid over each day to the City Chamberlain. Every effort is used, in granting these permits to guard against their being obstructions to the public highways, and the right to revoke the permit whenever it proves to be an obstruction is specially inserted therein. This provision is enforced whenever complaint is made and the facts appear to justify it. The Police force has been especially vigilant, within the last week, in requiring persons who have heretofore neglected to take out these permits to comply with the terms of the ordinance, and it is presumed that, if they are so vigilant in the future, the revenue to the city for the next year will be largely increased.

It was provided by a subsequent ordinance that the whole expense of the Permit Bureau should be paid out of the sums received from these permits; but, so far from any additional expense being incurred, the Mayor has carried out the ordinance with the force already in his office.

It is the duty of the police, in order that no injustice may be done, to notify all persons concerned of the existence of this ordinance, and, in cases where individuals neglect to take out the necessary permits, to notify the Corporation Attorney of the fact in order that he may recover the penalty provided by law. No permit is granted for a street stand unless the applicant has the written permission of the owner or occupant of the building in front of which it is to be placed. These stands are mostly kept by old women or crippled men, who thus earn a livelihood for themselves, and who would otherwise be a charge upon public charity. These stands for the sale of fruit and newspapers have proved to be so great a convenience to a large number of people that the public would be loth to have them discontinued.

WHARVES AND PIERS OF NEW-YORK.

INVESTIGATION OF THE SENATE COMMITTEE—THE CONTROL OF THE WHARVES AND PIERS TO BE TAKEN FROM THE CITY AUTHORITIES.

The Committee appointed by the Senate to examine the condition of the piers and wharves of this city resumed its session yesterday afternoon in the Chamber of the Board of Councilmen. Senator Pierson presided.

Judge Edmonds addressed the Committee on behalf of the Harbor Masters, the Canal Board and the Pier and Warehouse Company. He said that under the Montgomerie charter the city received a grant of 400 feet of land beyond low water mark, fronting on the water belonging to the State. The Committee was to inquire how much the wharves and piers extend outside of that 400 feet; from whom the city or private owners held grants; and whether these grants are freehold or leasehold interest. Judge Edmonds said it would be useless to offer testimony in relation to the present condition of the wharves and piers, since the members of the Committee had made a personal inspection of them. He would not go over the ground upon which Mr. Noyes spoke on Tuesday, in behalf of the Citizens' Association, but would confine himself to the simple question of revenue to be derived from the lease of the piers in future. He believed that no revenue ought to be derived from the use of our docks and piers, by either the state or city, except what should be necessary to keep them in repair. Whether the revenue is to be paid to the city or State, it is equally derived from the commerce of the State, and not from citizens of New-York. As we invite the commerce of the world here, it is not expedient or right to charge more than enough to keep the docks in repair. The city has derived $100,000 a year from the rental of the wharves, and the expense of keeping them in repair has been $60,000. The income has gone into the sinking fund, while money to pay the expenses has been obtained by means of taxation. He differed from the view expressed by Mayor Hoffman, that the city could not regard possession of piers held by lessees. Judge Edmonds said that in every lease granted by the city there is a power of defeasance, by means of which the Common Council may revoke the leases if the interests of the city may at any time require it. Judge Edmonds next considered the allotment of wharves for special uses. Wharves have been granted for the ice, canal, railroad, ferry and other interests. Some of these interests require protection, and it is an important question whether such disposition may not be made of the wharves as to drive the great body of our commercial interests from the city. Unless suitable protection is granted to commerce, it is probable that a large part of the shipping business of this city will go to New-Jersey or Staten Island. Already the Cunard and other large companies have docks in New-Jersey. The question is, how are the piers and docks to be used so as not to drive commerce away? Judge Edmonds said that the first remedy would be to take the control of the wharves and piers from the city authorities. The experience of the last fifteen years, and the present condition of things, show how futile and injurious the present control over the wharves and piers has been. The speaker proposed the establishment by the State of a Commission or Board of Control. Before the Committee adjourns Judge Edmonds said he would lay before the members a draft of a bill which would be submitted to the Legislature embodying this idea. The matter should be placed in the hands of a Commission deriving power from the State instead of the city. The State at large has more interest than the city in this question. Judge Edmonds spoke of the construction of new piers, and said that he was in favor of private interests doing the work. This has been done in London and Liverpool. In the latter city the capital thus invested amounts to £100,000,000, and the plan has been found very beneficial to the interests of commerce. The objection might be raised that as Judge Edmonds was in favor of the wharves and piers producing no revenue, capital could not be induced to construct piers. His answer would be that the revenue would be derived from the warehouses which would be built on the piers. Judge Edmonds then explained the plans of the New-York Pier and Warehouse Company, which he fully approved. In order that the selfish interests of a corporation might not oppress the commerce of the city, he would give the Commission full power to regulate wharf rates.

Mr. Hyde also spoke in favor of the Pier and Warehouse Company.

Remarks were made by Messrs. Gallagher and Johnson in favor of private interests.

The chairman of the Committee said that the members would carefully examine all the arguments, and endeavor to report some plan which would afford general relief to all of the interests concerned.

Mr. Noyes, on behalf of the Citizens' Association, tendered the Committee the use of carriages to make an interior inspection of the piers of this city this morning. The Association was not seeking to advance any private interests, but was endeavoring to promote the general good of this city. The speaker did not suppose that the Committee would report in favor of the construction of any particular kind of pier, and it was preposterous to suppose that the Legislature would pass a bill directing the erection of a particular kind of wharf and pier. That was a question that should be left to a commission. A bill would be laid before the Committee previous to the meeting of the Legislature, embracing the plans of the Citizens' Association.

The Committee then adjourned until to-day, at 1 o'clock when further testimony will be taken. On Saturday the Committee will meet in the City Hall, Brooklyn, to hear evidence in relation to the wharves of that city.

INSURANCE BROKERAGE.

RAID UPON THE VIOLATORS OF THE LAW—ACTION OF SUPERINTENDENT BARNES.

The insurance business of a great city like New-York reaches immense proportions, and gives employment to a large number of shrewd agents and solicitors. Very many of these men are those of responsibility and standing, who thoroughly understand the laws of commerce and trade, and who give strict compliance with all laws relating to their profession. But intermingled with these legitimate and honorable agents, there are many who evade the laws which they should obey, and swindle those by whom they are trusted. The law of the State respecting insurance agencies is strict. Section 23 of the "Act to provide for the incorporation of Fire Insurance Companies," passed June 25, 1853, provides that it shall not be lawful for any company organized under the laws of any other State to take risks or transact the business of insurance in this State, unless possessed of the amount of capital required of similar companies formed in the State. A certified copy of the charter shall also be filed, together with full statement under oath of the chief officer, giving full particulars respecting the organization of the company, its offices, accounts, &c. Any foreign company shall also deposit with the State Superintendent of the Insurance Department $200,000 in six per cent (or ever) stocks, or in bonds and mortgages worth 50 per cent more than the amount loaned upon them. No agent of such foreign company can lawfully transact the business of such company without procuring from the State Superintendent of Insurance a certificate that the company has complied with all the legal requirements. Any violation of the law containing these and other provisions bearing upon the same subject, shall be subject to a fine of $500 for each violation, and of an additional sum of $100 for each month during which such violation shall continue. These provisions apply to all foreign companies or partnerships, whether incorporated or not, and the term agents embraces all persons acting for such companies.

There have been a great number of agents of these foreign companies in the city, who have neither themselves nor the companies they represent fulfilled the requirements of the law. Many of these agents, representing unreliable companies, or those of other States which have not complied with the law as to security, deposits, &c., have taken risks at rates very much lower than the local companies could do and have thus saved many commissions, but, in times of great trial—like the great Portland fire—their policies are found to be worthless. One of these agents, representing the Derigo Company, was arrested and fined $500 for taking risks without holding the necessary certificate of authority from the Insurance Department. Superintendent Barnes, saying in a letter to the agent: "The repeated violations of the act necessitate prosecutions, but we have commenced suit for only one penalty against you, when many could have been commenced." This agent was but one of a numerous class who represent companies located in Philadelphia, Boston, Chicago, or in the adjoining States of New-Jersey and Connecticut. Some of the prominent brokers of this city are illegally acting as agents for these irresponsible companies. Superintendent Barnes has determined to break up this illegal traffic, and Superintendent Warren of the Insurance and General Detective Police Agency, No. 66 Broadway, has been industriously gathering the necessary facts for the conviction of the guilty parties. He has furnished to the Insurance Department several policies issued by foreign companies, the risks having been taken for one-half the rates charged by our city companies. Comparatively few of these agents thus illegally transacting business have regular offices, but vend their policies about the city at such reduced rates that their offers are very generally accepted by those who are not posted as to the necessary possession of a legitimate company, doing a business in accordance with law.

It should be fully understood that these remarks do not apply to insurance brokers or agents as a class, for there are many honorable men among them, who adhere strictly to the law. But who the guilty ones are will appear in due time, through the medium of the courts.

CRIME.

THE PRINCE-ST. HOMICIDE.

TRIAL OF JERRY O'BRIEN CONTINUED YESTERDAY—OPENING OF THE DEFENSE—WITNESSES EXAMINED—PROBABLE CLOSE OF THE CASE TO-DAY.

Yesterday, the Court of General Sessions was occupied with the trial of Jeremiah O'Brien for the murder of Kate Smith, which was commenced on Tuesday. The courtroom was crowded with spectators.

O'Brien, the prisoner, was attentively gazed at, but he did not present the same appearance as on the previous days. He looked more despondent on this occasion, and only raised his head at long intervals. The prosecution rested the case in the morning without calling any witness, and the side for the defense was then heard.

The Hon. Sidney R. Stuart, the colleague of Mr. Edward D. McCarthy in defending the prisoner, stated his case. He said the defense thought that the evidence for the prosecution had afforded sufficient evidence to save the prisoner's life. They did not rely upon justification, but palliation. The counsel proceeded at length to review the history of the affection existing between the prisoner and the deceased girl. The jury must not judge a man by his standing, but must take into consideration the surrounding circumstances of the case. It must be remembered that the prisoner had objections to the girl's character for sin and pollution in a house of prostitution. The boy became seized with an affection which may almost be called a disease of the mind. He loved the girl, and the passion with him was intense and uncontrolled. He protested and persuaded her to leave that place. He found she did not and jealousy took possession of his heart and with it came honest love, perhaps guilty love. Still with jealousy came love. They came together, he drank and drank again, until at last delirium tremens also came, as would be proved. While intoxication had been said to be no palliation for crime, still it explained the character and state of the mind. The counsel criticised the evidence of two witnesses for the prosecution, and said it would be rebutted by witnesses for the defense. He said unless the prisoner was proved to be of a sentional mind he could not be found guilty of murder in the first degree.

THE TESTIMONY.

Officer Matthew Glynn of the Eighth Precinct Police was the first witness, who testified for the defense. He saw the prisoner on the 20th of June last; saw him before and after the homicide; did not observe him particularly before the murder; assisted in taking him to the station-house; the prisoner was bleeding on his neck at that time; he was also bleeding from the top of the head. He thought he was insensible when he lay on the landing; never heard Capt. Mills make any use of conversation that would shew the life of the prisoner; never heard Capt. Mills call the prisoner a d—d thief.

Mrs. Amanda Cutler testified—Am 40 years old; have known Kate Smith since the month of March; cannot tell how long Jerry O'Brien consorted with her; he visited her during the Summer; no other man visited Kate to my knowledge; do not know at what time O'Brien went to Canada; Kate Smith paid me her board-bill; have seen Jesse Allen; first time I saw him was on the Sabbath morning previous to this affair; he rang my door-bell and asked to see Kate, and went up to her room.

Cross-examined—Never gave O'Brien a key to the front door of my house; Kate never owed me any board bill; O'Brien never paid me a dollar for her board.

Captain S. B. Mills of the Eighth Precinct Police testified—Have been a police captain about four years; sent O'Brien to the station-house in charge of Officers Glynn and Chase; O'Brien confessed to me that he murdered or killed Kate; he did not say he killed her; he said he did it; was near O'Brien at the hospital; did not apply to him then the words that he was a thief; before the commission of the murder I only knew O'Brien by reputation. [A question as to whether the witness thought that the murder was premeditated was ruled out by the Court on the objection of the District-Attorney.]

George Norris testified—Live at No. 81 Mercer-st.; am a printer; have seen O'Brien; saw him on the 20th of June, about 1 o'clock; recognize this paper (the letter sent to Kate Smith by O'Brien); wrote a part of it on the 20th of June; O'Brien had a wild, vacant look in his eye on that day; did not see him drink; he was very fidgety and uneasy; his voice was husky; part of that letter was written by me at his request; he said his hand trembled so that he could not write.

Cross-examined—Wrote a part of the letter; do not know who wrote the remaining part of the letter; it was written in a lager beer saloon in Spring-st.; stopped writing when O'Brien left the saloon; left the letter lying on a table in the back part of the room; did not understand that I was doing a confidential thing for O'Brien when I wrote his letter.

Mrs. Ann O'Brien testified—Am the mother of the prisoner at the bar; live at No. 30 Christopher-st.; my son went to Canada on the Fenian raid; he was not gone very long; my husband, his father, is dead; the date of his death is shown in the Bible; my husband was in the delirium tremens at the time of his death.

William Shine testified—Am a physician; a graduate of Trinity College, Dublin; have seen O'Brien before; saw him at Malone, New-York; he was there as a Fenian; he was under my treatment there up to the 14th or 15th of June; a blow struck upon the head with such a large knife as the one used by the prisoner would produce insensibility; when O'Brien came to me for treatment he said he was restless and could not sleep any; he told me he had been drinking for some time; formed my diagnosis and came to the conclusion that he had been suffering under an attack of delirium tremens; if he continued drinking up to the time of the murder, the disease would have been aggravating; suicide is not generally a symptom of insanity; in some cases it is an indication of insanity; there is a difference between intellectual and moral insanity; in intellectual insanity the mind is excited, in moral insanity the feelings and passions are excited without affecting the mind.

The counsel for the defense, Mr. McCarthy, stated the condition of a hypothetical person similar to that of O'Brien on and before the day of the murder, and asked the witness what would be the effect of such condition.

Witness—It would produce a partial insanity.

Cross-examined—Do not know that O'Brien continued drinking from the 14th to the 20th of June; remorse differs from insanity; insanity is a form of disease—remorse is not; persons suffering remorse for a crime they had committed would be likely to commit suicide; jealousy is admitted to be a proof of moral insanity; the reason is never dethroned when suffering under moral insanity; revenge is a feeling of hatred, it is the fury of the mind; anger is a slight fury; it is not a disease of the mind like insanity.

Re-direct—Never made the subject of his sanity a special study.

Mary Elizabeth Gorman testified: Live at No. 104 Wooster-st.; am 19 years old; know O'Brien; heard the testimony of Flora St. Clair for the prosecution; she spoke to me about the prisoner at the bar; she said: "G—d d—n his murdering heart to h—l, he ought to be hung, and if I can hang him I will do it;" O'Brien calls me "Tappy;" he alludes to me in the letter to Kate Smith; O'Brien was living with me in November; had a difficulty with him in December; he was at my house on the 19th of June; decline to tell what he was there for.

William A. Hammond testified: Am a physician; have studied the subject of insanity; recognize a distinction between moral and intellectual insanity; intellectual insanity is an affection of the intellectual faculties; moral insanity affects the emotional feelings of the mind; persons laboring under moral insanity can distinguish between right and wrong; have heard of the case of Hadfield; think he committed crime to be put out of the world; do not recollect the case of Martin, who fired the York Cathedral; do not regard suicide as insanity; it is a symptom of one form of insanity; the majority of suicides are committed by insane people; jealousy is that passion which is excited when another person is preferred; it is a kind of insanity.

Cross-examined—Moral insanity perverts the reason; have read of the Parker case in the newspapers; do not know much about the case; should suppose a person insane under the circumstances of the O'Brien case.

The trial will probably be concluded to-day. Another witness remains to be examined by the defense, after which the case will be summed up, and then go to the jury for a verdict.

CONVICTION OF AN INSANE PRISONER.

BY TELEGRAPH TO THE TRIBUNE.

PHILADELPHIA, Nov. 14.—In the homicide case of McGuire, for shooting Maggie Baer in 1864, at the Continental Theater, the jury returned a verdict of "manslaughter in the second degree." The prisoner throughout the trial gave real and dissimulated symptoms of insanity. This verdict will give the Court an opportunity to send him to the Insane Asylum.

CIVIL COURTS.

UNITED STATES DISTRICT COURT—Nov. 15.—Before Judge SHIPMAN.

In the collision case in which the Hudson Steamboat Company were the libelants and the steamer City of Boston claimant, a settlement was made by consent of counsel.

UNITED STATES CIRCUIT COURT.—Nov. 15.—Before Justice NELSON and Judge SMALLEY.

Delaware and Hudson Canal Co. agt. The Pennsylvania Coal Co.

This action was brought to enforce an alleged implied obligation in an agreement between plaintiffs and defendants. The turning point in the case is whether the plaintiffs construction of the covenant is the correct one. After argument by counsel the case was adjourned over until Saturday morning at 11 o'clock.

Before Judge SMALLEY.

THE SERVING OF A SUMMONS.

Saml. F B. Morse et al. agt. The California State Telegraph Co.

This was a motion made by Mr. J. S. Carpentier, counsel for defendant, to have a summons served by Mr. Charles Tracy on the President of defendant's Company, quashed, on the ground that an officer of a foreign corporation could not be summoned outside of the territory in which the company's corporate powers are exercised.

Judge Smalley rendered the following decision: On reading and filing affidavits, &c., and of notice of motion, and after hearing Mr. J. S. Carpentier as counsel for defendant in behalf of said motion, and Mr. Charles Tracy as counsel for plaintiff, in opposition thereto; and the Court having duly considered the same; now, on motion of said J. S. Carpentier, it is ordered that the writ, or summons, issued herein, be, and the same is hereby quashed, and set aside, and that this action be, and is hereby dismissed, with costs to defendant.

UNITED STATES COMMISSIONER'S OFFICE.—Nov. 15.—Before Commissioner OSBORN.

A LIVELY FIGHT AT SEA.

United States agt. Ann Enis.

The examination in this case, (previously reported) was resumed yesterday. At the conclusion of the testimony the counsel for defendant asked for her acquittal on the ground that the charge had not been substantiated; there being no testimony that a weapon of any kind had been seen in defendant's hands. The Commissioner refused the request on the ground that although no one saw a weapon in defendant's hands, still the other circumstances of the case and the testimony of the captain, that defendant admitted to him that she used an ax, and dealt the blow, obligated him, as a committing magistrate, to hold the accused for trial. Defendant was accordingly committed in default of $500 bail.

SUPREME COURT—CIRCUIT—Nov. 15.—Before Mr. Justice JOSEPH F. BARNARD.

THE LAW OF INSURANCE—AN INSURER IS RESPONSIBLE FOR ALL BUSINESS IN THE SAME HOUSE—HOW A POLICY MAY BE VITIATED WITHOUT THE INSURER'S KNOWLEDGE.

Leonard Appleby agt. The Astor Fire Insurance Co.

The facts in this case have been already fully reported in the previous trials of the case and the trials of a similar case against the Firemen's Trust Insurance Company. They are, briefly, that the plaintiff insured his stock of tobacco and snuff contained in the lower floors of his store, and leased the upper floors to a chair-maker or dealer. The fire appears to have originated in the refuse of the chair stock. The policy expressly excepted as extra hazardous all manufactories and workshops.

On the former trials and appeals it was settled that the plaintiff was bound to know the character of the occupation of the upper stores and reveal it to the insurance companies if thereby the risk was increased, and the main point in this trial was whether the work which was avowedly carried on in the upper rooms in finishing the chairs, which were brought in in the rough, and which involved the use of paints and varnish, &c., constituted the upper rooms a manufactory or workshop, or whether the business was simply that of a cabinet warerooms, to which these things were incidental.

The Court left this point alone to the jury, and the jury rendered a verdict for the plaintiff for the full amount claimed.

Mr. Buckley and Mr. Gerard for plaintiff. Mr. Vanderpool for defendant.

REPRESENTATIONS AS TO A FOREIGN FIRM.

The Oswego Starch Company agt. Mateo C. Rodrigues.

This was an action in which the plaintiffs claimed to recover of the defendant $1,200, alleging that by reason of false and fraudulent representations of defendant in stating to plaintiffs that a certain firm of Crayeroft & Xiques of Havana were responsible and solvent, the plaintiffs were induced to sell to the firm merchandise to the