THE NEW YORK HERALD.

Vol. VII.—No. 345.—Whole No. 1998. NEW YORK, TUESDAY MORNING, FEBRUARY 8, 1842. Price Two Cents.

NEW LINE OF LIVERPOOL PACKETS.
To sail from New York on the 25th, and Liverpool on the 13th of each month.

FROM NEW YORK.
Ship ROSCIUS, Captain John Collins, 25th Nov.
Ship SIDDONS, Captain E. B. Cobb, 25th Dec.
Ship SHERIDAN, Captain F. A. Depeyster, 25th Jan.
Ship GARRICK, Captain Wm. Skiddy, 25th Feb.

FROM LIVERPOOL.
Ship SHERIDAN, Captain F. A. Depeyster, 13th Nov.
Ship GARRICK, Captain Wm. Skiddy, 13th Dec.
Ship ROSCIUS, Captain John Collins, 13th Jan.
Ship SIDDONS, Captain E. B. Cobb, 13th Feb.

These ships are all of the first class, upwards of 1000 tons, built in the city of New York, with such improvements as combine great speed with unusual comfort for passengers. Every care has been taken in the arrangement of their accommodations. The price of passage hence is $100, for which ample stores will be provided. These ships are commanded by experienced masters, who will make every exertion to give general satisfaction.

Neither the captains or owners of these ships will be responsible for any letters, parcels or packages sent by them, unless regular bills of lading are signed therefor.

The ships of this line will hereafter go armed, and their peculiar construction gives them security not possessed by any other line vessels of war.

For freight or passage, apply to
E. K. COLLINS & CO. 56 South st., New York, or to
WM. & JAS. BROWN & CO., Liverpool.

Letters by the packets will be charged 12½ cents per single sheet; 50 cents per ounce, and newspapers 1 cent each. 12y

FOR NEW ORLEANS.
LOUISIANA AND NEW YORK LINE OF PACKETS.

For the better accommodation of shippers, it is intended to despatch a ship from this port on the 1st, 5th, 10th, 15th, 20th and 25th of each month, commencing the 10th October, and continuing until May, when regular days will be appointed for the remainder of the year, whereby great delays and disappointments will be prevented during the summer months. The following ships will commence this arrangement:—

Ship YAZOO, Capt. Corwell, 10th Oct. 1841.
Ship OCONEE, Capt. Jackson, 15th Oct.
Ship MISSISSIPPI, Capt. Hilliard, 20th Oct.
Ship LOUISVILLE, Capt. Hunt, 25th Oct.
Ship SHAKSPEARE, Capt. Miner, 1st November.
Ship GASTON, Capt. Latham, 5th Nov.
Ship HUNTSVILLE, Capt. Mumford, 10th Nov.
Ship OCMULGEE, Capt. Leavitt, 15th Nov.
Ship NASHVILLE, Capt. Dickinson, 20th Nov.
Ship MEMPHIS, Capt. Knight, 25th Nov.
Ship LOUISA, Capt. Mulford, 1st December.

These ships were all built in the city of New York, expressly for packets, are of a light draft of water, have recently been newly coppered and put in splendid order, with accommodations for passengers unequalled for comfort. They are commanded by experienced masters, who will make every exertion to give general satisfaction. They will at all times be towed up and down the Mississippi by steamboats.

Neither the owners or captains of these ships will be responsible for jewelry, bullion, precious stones, silver, or plated ware, or for any letters, parcel or package, sent by or put on board of them, unless regular bills of lading are taken for the same, and the value thereon expressed.

For freight or passage, apply to
E. K. COLLINS & CO. 56 South st., or
JAMES E. WOODRUFF, Agent in New Orleans, who will promptly forward all goods to his address.

The ships of this line are warranted to sail punctually as advertised, and great care will be taken to have the goods correctly measured. j31y

NEW YORK AND HAVRE PACKETS.
(SECOND LINE.)

The ships of this line will hereafter leave New York on the 1st and Havre on the 16th of each month as follows:

	From New York.	From Havre.
The new ship ONEIDA, Capt. James Funck.	1st March, 1st July, 1st November	16th April, 16th August, 16th December
Ship BALTIMORE, Capt. Edward Funk.	1st April, 1st August, 1st December	16th May, 16th September, 16th January
Ship UTICA, Capt. Fred'k Hewitt.	1st May, 1st September, 1st January	16th June, 16th October, 16th February
New ship ST. NICOLAS, Capt. J. B. Pell.	1st June, 1st October, 1st February	16th July, 16th November, 16th March

The accommodations of these ships are not surpassed, combining all that may be required for comfort. The price of cabin passage is $100. Passengers will be supplied with every requisite, with the exception of wines and liquors.

Goods intended for these vessels will be forwarded by the subscribers, free from any other than the expenses actually incurred on them. For freight or passage apply to
BOYD & HINCKEN, Agents,
9 Tontine Buildings.

NEW YORK AND NEWARK.

Fare reduced to 18 cents.
From the foot of Courtlandt street, New York.
(Every day—Sundays excepted.)

Leave New York.		Leave Newark.	
At 9 A.M.	At 2 P.M.	At 8 A.M.	At 1½ P.M.
11 do	4 do	9 do	3¾ do
	4½ do	10½ do	5¼ do
	7 do		10 do

ON SUNDAYS.
From the foot of Liberty street.
Leave New York. Leave Newark.
At 9 A.M. and 4½ P.M. At 1 P.M. and 10 P.M.

NEW YORK, ELIZABETHTOWN, RAHWAY AND NEW BRUNSWICK.
Fare reduced.
From the foot of Liberty street, daily.
Leave New York. Leave New Brunswick.
At 9 A.M. At 7½ A.M.
4 P.M. 1 P.M.

SOMERVILLE stages connect with these lines each way.
Fare between New York and Somerville, 50 cents.
do do New Brunswick, 75 cents.
Rahway, 50 cents.
Elizabethtown, 25 cents.

The fare in the 7½ A.M. train from New Brunswick, and 4½ P.M. train from New York, has been reduced between New York and New Brunswick to 50 cents.
and Rahway to 25 cents.

The Philadelphia mail line passes through New Brunswick for New York every evening at 9 o'clock.

On Sundays the 7½ A.M. trip from New Brunswick is omitted.

Passengers who procure their tickets at the ticket office, receive a ferry ticket gratis. Tickets are received by the conductor only on the day when purchased. a11

STATEN ISLAND FERRY.
Foot of Whitehall street.

The steamer STATEN ISLANDER.

Leave Staten Island		Leave Whitehall	
At 8 o'clock A.M.		At 9 o'clock A.M.	
" 10 "		" 11 "	
" 1 "	P.M.	" 2 "	P.M.
" 3½ "		" 4½ "	

On Sunday there will be two boats to run. The last boat leaves Staten Island at 5 o'clock, P.M. o8

STAR LINE FOR NEW ORLEANS.

The subscribers beg leave to return their thanks for the patronage you have hitherto extended towards the Star Line, and solicit a continuation of a portion of your freight to New Orleans, in this line, which will be taken at the very lowest rates, in the following ships, which will succeed each other and sail weekly:—

SOLON, Captain Geo. Buckman.
RUSSEL GLOVER, Captain Jabez Howes,
ECHO, Captain A. A. Wood,
WINDSOR CASTLE, Captain S. G. Glover,

and other ships of the same class, to follow each other in quick succession. For further particulars, apply on board at Pine street wharf, or to
GLOVER & McMURRAY,
100 Pine st. cor. South.
a14

NEW YORK AND LIVERPOOL COMMERCIAL LINE OF PACKETS.

SAILING TO AND FROM LIVERPOOL WEEKLY.
OLD ESTABLISHED PASSAGE OFFICE,
No 61 South street, New York.

THE subscriber, in announcing his arrangements for the year 1842, appears before his friends with sentiments of sincere respect for the able support he has received for many years past.

He likewise wishes to call the attention of those intending to send for their friends in England, Ireland, Scotland, and Wales, that they can at all times be accommodated by this line, by weekly opportunities from Liverpool, as well as by all the well known different lines of packet ships sailing to and from Liverpool, on the 1st, 7th, 13th, 19th, and 25th of each month, throughout the year.

It has always been the study of the subscriber to have the emigrants shown civility, and dispatched without delay; and those who send for their friends may rest satisfied that every care and diligent attention will be given by the Liverpool Agents to those sent for, as well as all who may embark with them; and should any of those, whose passage has been paid, not embark, the money will be refunded without any charge.

The subscriber feels a pleasure in making known the different ships by which his passengers came out during the last year, which has given general satisfaction, and that he has considerably extended and concluded his arrangements for the year 1842.

The following is a list of ships:—

Ship Scotland	Robinson	Ship	Osceola	Childs
" Fairfield	Wilson	"	St. Cloud	Emerson
" Frankfort	Russell	"	New York	Niven
" Russell Gover	Howes	"	Warsaw	Griffiths
" Hibernia	Wilson	"	Oswego	Wood
" Alfred	Cheever	"	Ocean	Welland
" Clifton	Ingersoll	"	Talbot	Story
" Louisville	Allen	"	N. Hampshire	Harding
" Sobieski	Emerson	"	Panthea	Goodwanson
" Alabamian	Law	"	Robt. Isaac	Treeman
" Prentice	Hopkins	"	Virginia	Eaton
" Tyrone	Spear	"	Europa	Batchelder
" Wales	Watts	"	S. Jenkins	Seymour
" Westchester	Ferris			

The above ships, and their respective captains, are all well and favorably known in the trade.

A free passage from the different ports of Ireland and Scotland can also be secured, and drafts furnished for any amount, payable at the National and Provincial Banks of Ireland, and their respective branches, and also on Messrs J. & W. Robinson, Liverpool, which are paid, free of any charge, throughout the United Kingdom.

For further particulars apply to
JOHN HERDMAN, 61 South street,
J. & W. ROBINSON, 13 Goree Piazzas,
and No. 1 Neptune st. Waterloo Dock, Liverpool.
d30

GEORGE E. BAKER'S
TWO FOUR WHEEL CABS,
50 CENTS PER HOUR.
STANDS on the CORNER of HUDSON & BEACH ST'S
Residence 60 Laight Street.
SECOND FLOOR.

FOR SALE—A two wheel French Cab, open in front. Apply as above. j26 1m

MUSIC.
A PIANIST would respectfully inform the public, that he will play at private parties on the pianoforte all the celebrated cotillions and waltzes. Enquire at No. 13 Walker street. j30 1m*

Opening of the Spring Trade—Advertising.

The Spring trade for the year 1842 is beginning to open about these days, in this commercial metropolis, on a new and important footing. The auspices are highly favorable—the prospects cheerful.

From all the events taking place around us, and from the remarkable facts developed relative to the annual productions of this remarkable country, it is very evident, that in every species of wealth and industry, this noble country is richer, healthier, happier, than the most sanguine imagined. The applications for getting rid of their debts, under the new Bankrupt Law, seem to be utterly insignificant in point of numbers, influence, or character. Not two hundred persons, in all our large cities, have yet applied, and those are just such persons as never add any thing to natural wealth or natural industry. It is true the debts of some of the States appear large and very heavy, amounting to about $200,000,000—but when it is known that the surplus wealth of this country, for one year, with economy and prudence, is capable of paying up one half of the debt, who should be frightened, or talk of repudiation about the interest? With an annual produce, in agriculture, fisheries, mines, forests, and manufactures, equal to 1600 millions of dollars, it would seem to be very easy to reorganize anew the state and general government finances—to manage the currency—and to complete all really useful public works, be they railroads or canals. Why then should not trade revive, and public and private credit be invigorated, by pursuing a right and honest course of policy? There is no obstruction, but what we find in the clamors of a few paltry speculators out of Congress and State Legislatures—and the folly and squabbling of many foolish legislators in both such public bodies.

Under this general aspect of affairs, there is every prospect that the trade of 1842 will revive—that public and private credit will come up again—that the country will go on to prosper, by pursuing right principles.

The first thing to be done, is, for Congress at once to stop their squabbles, and to settle the currency and other questions. The next thing is, for all the suspended banks that can resume, to resume at once—and to compel the rotten banks to wind up—dismiss their incompetent or dishonest officers—and make them farmers, to gain a livelihood. Too many have crowded the commercial and financial ranks of life, and too few have turned their attention to agriculture and honorable labor, which will always return an equivalent, equal to human comfort and sustenance.

In this city, the prospect of real business has not been better since 1836. It is true Wall street is down, and many of the speculators there are in agony—but Wall street is not New York—nor is New York the State—nor is the State the whole Union. There is a vast quantity of healty business doing here, very quietly, on the right principles—*cash or short credits;* and if Philadelphia, Baltimore, Mobile, New Orleans and all the other large cities, would close up their rotten banks, and compel their good banks to resume specie payments, all would be as merry as a church bell in a spring morning. Take an instance—Buffalo, in this State, is without a bank—all are gone—yet we are informed that the prospects for 1842 in Buffalo, for a good sound business, were never better. In Pittsburgh, they have on the stocks for this year, about 20 new steamers. This is a sample of all the great island commercial towns.

With these general views, based on unquestionable facts, we are positive that the trade for 1842, will be better than that for any year since 1835, provided the commercial and financial classes, make the start on right principles—such as *cash and short credits—a paper currency invariably payable on demand in specie—and the resuscitation of public credit, by the imposition of taxes, by Congress and the States, to pay their expenses honestly—and to meet the interest on their public debts.* Let us not be any longer the sport of rascally politicians—President manufacturers, dishonest financiers, or bankrupt speculators.

It is time, therefore, for our commercial men to begin moving—and the first movement to be made, is to advertise liberally and largely in those newspapers that advocate sound doctrines in trade, and have a general circulation over the whole country among the best and soundest business men. Among the first of this class is the NEW YORK HERALD, which has a circulation of nearly *thirty thousand,* throughout the Union, among the cash and short credit men of business. A word to the wise is enough. Let us take the first step aright, and all will end right.

Newbern, N. C.

[Correspondence of the Herald.]

NEWBERN, N. C., JAN. 29, 1842.

Politics—Temperance—Weather—Business—Juvenile Depravity—Railroad Impositions—Murder and Fire.

DEAR BENNETT—

I've just returned from the Raleigh Democratic State Convention, for the nomination of a democratic Governor. Lewis D Henry, of course, was the choice, though there is not the slightest possibility of his election. Governor Morehead is a man beloved by all classes and parties, and therefore his competitor, should he have the temerity to stand the nomination, which is doubtful yet, will be "a used up man."

Temperance is progressing, groggeries diminishing, and I hope our town will soon be cleared of them entirely. Let rational amusement usurp the throne of debasing, humiliating rum, and we'll become a healthy, happy, prosperous people. Weather is fine; already the genial glow of spring is with us. The finest and most delicious fish that a New Yorker would fain relish, are here in abundance.—Shad, ho! royal fellows, they are four shillings per pair. Business is reviving; cotton, tobacco, rice, turpentine, tar, &c., is on the raise, as the demand is increasing.

A couple of lads from the north, Philadelphia, I believe, named Masters Ba—hand Young, wire dancers, have been playing off great precocious talent, in way of purloining money, watches, etc. from the different persons with whom they have been putting up within their perigrinations through the State.—Though several times apprehended, yet owing to their juvenile appearances, &c., they were let slip to practice again.

I will here take an opportunity of saying a few words relative to a grand imposition practiced by the railroad agents on the Raleigh and Petersburg road. The fare from Raleigh to Gaston averages eight cents per mile; from thence to Garrysburg, ten cents per mile; from Garrysburg to Welden, twenty-five cents per mile; and part of which distance you must walk in mud and water, three, five, and eight inches deep; baggage shifted a half dozen times, thrown in mud and mire, and sometimes lost. Imagine, friend Bennett, the utility of ladies' shoes and stockings, and delicate feet, trudging at midnight a mile and a half down inclined planes, along the shore of the Roanoke, to the steamboat landing. Heaven help the dear creatures, as I said to myself a few nights ago, when I saw them and myself poleing through the mud, a negro carrying a torch to light us to the landing.

There's been foul murder committed near Wanesbury. A drunken brawl, blows, when a farmer, at whose house it occurred, took a club and literally beat the brains out of a guest, ordered his slaves to drag him to the road, where he lay until the next morning, and was partly eaten up by the hogs. The citizens turned out about noon, a jury was held, the assassin standing by, and none dare lay hands on him. That evening he left for Tennessee, and thus closed the scene. We have had a fire or two, but to no serious extent. I have just heard that a very serious fire occurred a night ago at Wilmington.

TURPENTINE.

RARE FISH.—Shad and Herrings have made their appearance in the rivers of North Carolina. We doubt whether they belong to the regular migration.

Hartford, Ct.

[Correspondence of the Herald.]

HARTFORD, Saturday evening, Feb. 5, 1842.

Blue Laws in Connecticut—A Case of Financeering Few Bankrupts in Connecticut—Box Expected.

MR. BENNETT:—

Not having noticed in my favorite "Herald," for a long time, any communication from this city of piety, hypocrisy, gossipping, and financeering, where the devil plays his fantastic tricks under the cloak of Christianity, I have dared to trespass upon your patience.

You will recollect that one Morris appeared here last fall, with a company of juvenile dancers and comic singers, the performances of which highly pleased a large majority of our citizens, who are never allowed to witness any thing more than a temperance lecture, a conference meeting, or a party of old ladies over their cups of tea. One of Morris's company was guilty of the heinous crime of showing her knee joint to the astonished natives, during a "Highland Fling," which, of course, could not be submitted to by "Deacon Bumpsted," and poor Morris was accordingly prosecuted, under one of our "blue law" statutes.—He was tried before the Superior Court, now in session, and found guilty on two counts—fine, $60 each. That is, he is to pay $60 for exhibiting Miss Clementine's knee to the audience, and $60 more for sending upon the stage a "little nigger in a bag!" Such are the laws of old Connecticut! A man would be fined here for kissing his wife before sunset on a Sunday.

The city has been thrown into an excitement, during the past two days, by a thousand rumors respecting a *forgery* said to have been committed by a certain newspaper editor! These are the facts. Mr. Holbrook, editor of the "Patriot and Eagle," a political paper, though not backed by either of the two great political parties, was arrested on Thursday evening, on the charge of forging the name of Wm Rogers, a respectable jeweler of this city. The note, $175, was drawn by Holbrook, and Rogers' name was used upon its back. It was discounted at the Phoenix Bank, and from there sent to the Hartford Bank for collection. The Cashier of the latter, "Old Spikes," who is eagle-eyed, suspected something wrong, and accordingly presented the note to Rogers, who pronounced the endorsement a forgery, and so testified, under oath, before a justice. It was also rumored that other notes, used by this same Mr. Holbrook, had been altered to larger sums than as originally drawn, after being endorsed. But this matter was soon hushed, and Mr. H. was arrested on the supposed forgery of Rogers' name. He was taken before a justice on Thursday evening, and held to bail in the sum of $1200, to appear before the said justice this day. The case accordingly came before Justice Mann, (whose head is by no means transparent,) this morning, for examination, and occupied the entire day. Rogers, who swore on Thursday evening, that he never signed the note in question, seemed, to-day, (by some means or other,) to be flouncing about in the fog. He had doubts about the signature—did not know positively but he might have endorsed the note—had endorsed Mr. H.'s notes before, and in this case might have done so, though he denied it on Thursday night. Under these circumstances, the prosecution did not deem it advisable to call him as a witness, and the defence dare not do it, because the prosecution would, in that event, adduce his testimony of Thursday night. The Cashier of the Hartford, Phoenix, and Farmers' and Mechanics' Banks, swore that they considered the endorsement a forgery—that it did not agree with Rogers' usual signature, though it was a tolerable imitation. The tellers of the banks also gave evidence of the same nature. Other individuals, among the number two brothers of Rogers', swore that they believed the signature to be genuine. The Cashier of the Hartford Bank, attempted to state as evidence, all that he knew about the affair—but this the counsel of defendant would not consent to, and finally succeeded in confining him to such questions as were asked. The Justice thought the evidence was not strong enough commit him, and he was accordingly discharged. His newspaper is transferred to other hands, though to-day's number appeared under his name.

This affair has created a great deal of excitement,—more than has occurred since elder Knapp appeared here some twelve months since. Some think it was a little stretch of the modern system of financeering only, and others exhibit woful countenances when mentioning the matter.

The District Judge will be here on Monday, and the Court will open on Tuesday next, to consider applications under the Bankrupt law. There are but few cases here. Connecticut is a creditor, not a debtor State, and will be a loser by the law.

Our river is clear of ice, and approaching a freshet. Much rain has fallen within a few days, and we have mud in any quantities. Were it not for your lively Herald, we should be in a gloomy condition. The Banks are tight, and refuse same good paper. "Box" will be here next Monday—we shall "*eat*" him on Wednesday, and our *literati* are on tiptoe in expectation of the event. More anon.

REYNARD.

Superior Court

Before Judges Jones and Oakley.

DECISIONS.

Feb. 10.—*Jas. L'Amoreaux vs. Richard J. Evans.*—This was a case in which the plaintiff bought a house and let it to his brother Andrew, who had been unfortunate in business. The defendant sued an old claim against Andrew out of the Court of Chancery, and was appointed receiver on his furniture, but the plaintiff claimed it, having bought it in under a landlord's warrant issued some time previous, sued, and recovered judgment. A motion was then made to have the verdict set aside. Motion for new trial denied.

Isaac Jacques Meriam and Charles Bernard vs. Jacob Acker.—The plaintiffs were engaged as partners in the sale of baskets at a store in Cedar st.—The sheriff served an execution, which was deemed to be illegal, and an action of replevin brought, which resulted in a verdict for plaintiffs. A motion was made for a new trial, principally with a view to test the right of the assignee to the property. New trial granted, costs to abide the event.

James Bird and Hiram M. Beardsley vs. Richard Parker.—The plaintiffs loaned $200 on a bank check, for a day or two, giving for it out of town money. The check was contested on the ground of usury, but resulted in favor of plaintiffs. A motion was made for a new trial. The Court stated that no usury had been exercised, the out of town money was payable in specie at the counters of the banks issuing it. New trial denied.

Abraham Bassford vs. Thomas Birdsall.—This was an action to recover the value of two billiard tables sold in 1832, the defence to which was the statute of limitations. A witness testified to defendant having been out of the state part of the time, and a verdict was rendered for plaintiff. A motion was made to set aside the verdict on the ground that the witness had not been correctly informed, as the defendant resided at Buffalo, and had not left the State. New trial granted with costs to abide the event.

Edward Sandford vs. The Mayor, Corporation, &c, of New York.—This was an action brought by the plaintiff to recover the amount of his salary as one of the Judges of the Court of General Sessions, which was opposed on the ground, first, that the law creating the Judges was unconstitutional, not having been passed by a two-third vote, and, secondly, that action could not be brought against the Common Council for the amount. The Court stated that all the objections had been passed upon by the Supreme Court, and decided in favor of the law, and also the right to sue the Corporation. Judgment for plaintiff.

Matthew M Phun vs. Lyon Levi.—This was an action, the Court stated, which rested entirely upon questions of fact. It was relative to a large lot of goods pledged to defendant, and which he sold under circumstances of great loss to plaintiff. Verdict was given for latter. Motion for new trial denied.

Peter J Stuyvesant vs. Catharine Woods and others.—This was an action on the non-payment of rent, to recover back premises leased to a deceased tenant, but the defendants claimed that they were administrators, and were entitled to a year to settle up the estate. The Court held that a landlord, in such a case as the present, had a right to possession, if the lease were not complied with, and a verdict was given for plaintiff. Judgment affirmed.

Edward Dunscombe and others, vs. Georgia Insurance Company.—This was a demurrer to a declaration. The plaintiffs insured a vessel for a year to run between certain ports, but she went beyond, and was lost. Judgment for defendant, with leave to amend within ten days, on payment of costs.

STRANGE VISITOR.—A young seal was killed a few days ago on the beach near New River, in Onslow county, N C, about twenty miles to the northward of this. It is certainly very remarkable that one should have strayed off to this region.—*Wilmington, N.C., Chronicle.*

Reorganization of the Court of Sessions

IN ASSEMBLY, JAN 26, 1842.

REPORT OF THE COMMITTEE ON THE JUDICIARY, ON THE MEMORIAL AND BILL RESPECTING CRIMINAL COURTS OF THE CITY AND COUNTY OF NEW YORK.

Mr O'SULLIVAN, from the committee on the judiciary, to which was referred a memorial from the Mayor, Aldermen, and commonalty of the city of New York, for the repeal of the law passed May 14, 1840, for the new organization of the criminal courts of the city of New York; and also a bill to carry into effect the said repeal, *Reports*:

The memorial thus referred to the consideration of this committee sets forth that the law whose repeal is prayed for, has not produced that effect of advancing the public interests, which it is to be presumed must have been the design of the Legislature by which it was enacted: that the Court of General Sessions, as at present constituted, has neither been the means of despatching the public business nor of maintaining the public peace, to any greater extent than under its older and better organization: that under its *former* organization great benefit was derived to the public from associating the alderman of the city in the administration of criminal justice, by ensuring public confidence in the judgments of the court; by furnishing essential aid in the proper apportioning of punishment; and by carrying into effect the design of the charter of the city, so as to make the great end of criminal jurisprudence commensurate with an enlightened public sentiment; and that the law above referred to was passed contrary to a great majority of the people of the city, notwithstanding the remonstrances of their representatives in the city and state governments, and without the requisite constitutional vote.

So strong has been the repugnance of the people of the city to this law, as represented in their municipal councils, that ever since its passage the latter have refused to recognise its constitutionality; have refused to make appropriations for the salaries of the additional judges appointed in pursuance with its provisions; and have been engaged in angry and protracted litigation with these officers, in relation to the payment of these salaries; while the novel spectacle has been ever since exhibited of a double set of judges in occupation of the same bench, each denying the constitutional or legal authority of the other to the places which both have been unyielding in maintaining; with occasions from time to time arising in which the most unseemly collisions of authority have been with difficulty avoided, only by a mutual exercise of forbearance and good temper, on the inexhaustible continuance of which it would not perhaps, be wise always to rely.

This committee consider it unnecessary to pause, in view of the cogent reasons of expediency adduced against the continuance of the law complained of, to dwell upon the question of its constitutionality. It has been strongly and urgently challenged on that ground, as a violation of the chartered rights and franchises of the city, of ancient date, of repeated confirmation, and of very recent ratification, both by the Legislature and by the approval of the people themselves interested, in convention assembled. The law was enacted without that majority of two-thirds which the Constitution of this State expressly declares requisite to every bill for "creating, continuing, altering or renewing any body politic or corporate." That it did involve a very material alteration of the charter, with reference as well to the burthens of the municipal expenses as to the rights of the people and the privileges of their elective authorities, cannot be seriously questioned. By a vote of this house (89 to 13) at the session ensuing to that at which the law referred to was passed, the necessity of a two thirds vote to bills of this character was expressly asserted, after an extended discussion of the whole question. And although an adjudication has been made by the supreme court, favorable to the constitutionality of the law; yet it was made by a divided bench, and on grounds, as contained in the opinion delivered by one of the two members of that tribunal, composing the decided majority, which seem to involve, notwithstanding its nice technical distinctions, a virtual surrender of the main question. Its ultimate decision by the Court for the Correction of Errors, to which an appeal from the judgment of the Supreme Court has already been taken, is not a proper subject for speculation by this committee.

The committee repeat, that they deem it unnecessary to go further into a superfluous consideration of this point of view in which the obnoxious law in question is presented by the memorial referred to them. They have thought it proper to be thus alluded to, only for the sake of not letting the occasion pass without asserting the important principle of legislative independence of judicial construction on constitutional questions. Even if the judgment of the Supreme Court had been more decisive in favor of the constitutionalty of the law than, when closely scanned, it is found to be, it would, nevertheless, be not only the right, but the imperative duty of the Legislature to repeal it immediately, if their independent and paramount judgment on that point should be adverse to the law, even though they should find themselves at variance with any or all the members of the judiciary in the State. They proceed briefly to state two other leading grounds on which, in their opinion, the prayer of the memorialists in the present instance, without reference to the constitutional question, ought to be granted, as an act of wise and proper legislation, and the removal of an oppressive grievance.

In the first place, the operation of the law is to remove from the bench of the Court of General Sessions for the city and county of New York the two aldermen who, by the charter of the city, were declared constituent members thereof, substituting for them two salaried judges with a five years' term of office, and chosen and appointed, not by the people themselves locally interested, but by the extraneous authority of the Governor and Senate of the State. To this feature in their charter the people of the city have proved themselves particularly attached; for not only did a general satisfaction prevail respecting the constitution of that tribunal, but not farther back than the year 1829, when a city convention was held for the revival and amendment of the charter, in which body full and thorough discussions were had upon most of the leading principles involved in it, a proposition was expressly made to deprive the aldermen of this function, and to vest it in professional judges, and expressly rejected. Nor was it without well founded reason that this principle seems to have been thus carefully cherished by the people of the city, in the organization of their principal local criminal court, by placing upon its bench, in association with a presiding legal judge, a majority of persons drawn from the ranks of common life, responsible to the people, by election, for their exercise of its powers and duties. A considerable part of the mass of the community come, in one mode or another, within the reach of the action of such a court, either as witnesses, accused or prosecutors, or as connected through the various relations of life with those thus more directly interested in its business,—independently of the interest pervading the whole in the proper administration of its powers, for the general maintainance of the good order and good morals of the community. It is in the highest degree desirable that such a tribunal should possess not only the confidence but the attachment of the people; nor is the committee aware of any mode in which that object could be better attained than by taking its incumbents thus from time to time from the body of the people themselves, and making them responsible to a vigilant public opinion, by frequent subjection to the approval or condemnation of the test of popular election. Simple as the principles of criminal law are, there is neither necessity nor propriety in placing on such a bench any greater amount of professional familiarity with its practice than is abundantly secured in the person of its presiding judge. Long continued occupation of a seat upon a criminal tribunal has been too often known to produce a petrifying effect on the character of the incumbent, with a harsh sternness of feeling and bearing, predisposed to the side of prejudice against the accused, and of severity in the infliction of punishment, alien perhaps to the original disposition of the individual, and certainly foreign to that spirit which should animate the administration of penal justice. It is well to place side by side with this tendency, on the criminal bench, a salutary tempering corrective, in the persons of associate judges, unprofessional, elective, and subject to frequent rotation. A result is thus obtained wisely analogous, in reference to the fair and just measure of punishment to be meted out by the court, to the principle on which is founded the institution of the jury for the fair and just ascertainment of the fact of guilt. While by thus popularizing its most important criminal tribunal, the great moral and social evil of discontent with the spirit of the administration of justice, too apt to arise on the part of those upon whom it may bear severely—in the persons of relatives and friends, if not in their own—is obviated to the greatest extent possible.

In accordance with this principle it is to be observed, that the provision in the charter of the city of New York, which was abrogated by the law now proposed to be repealed, finds a place in the charters of the other principal cities in the State; while the criminal courts throughout the State at large are, in like manner, held by a majority of lay members, the first judge being generally, though not necessarily nor invariably, a lawyer, and the other judges being usually taken from the common walks of unprofessional life

In the second place, independently of the grounds above stated, there is yet another reason which ought alone, in the opinion of the committee, to be decisive with this Legislature in favor of granting the application of the present memorial of the corporate authorities of the city. The law which it is proposed to repeal was passed by the Legislature of 1840, in disregard of the strenuous opposition of the people of that city, through all the accredited public organs by which the wishes and will of a majority of that people could express themselves. Its entire delegation on the floor of this body, fresh from a recent popular election, by their voices and votes protested against it. Its more immediate local representatives, in the councils of the city, by official memorial remonstrated against it. It was thus remonstrated and protested against, not only as an unconstitutional violation of the chartered rights of the city, but as at the same time unnecessary, uncalled for, expensive, at variance with the sound principles which should regulate the organization of a criminal court of that nature, and as being, from the general train of circumstances attendant on its passage, in a very high degree obnoxious to the feelings and wishes of a majority of the people.—Such legislation, in the opinion of this committee, unless for conclusive and urgent reasons to the contrary, ought rarely to be allowed to stand on the statute book a single unnecessary hour after its repeal is rendered practicable by the restoration, in the legislative bodies, of counsels more in harmony with the democratic genius of our institutions. In civic matters of this nature, compulsory legislation from abroad, by means of political majorities representing other and perhaps distant sections of a State, ought never to be brought in, to impose on the people of any particular city, important changes in the affairs of their own local self-government, alike unsolicited and unwelcome. If very extraordinary circumstances should, on any occasion, justify such an exercise of the paramount legislative power, there were certainly none such on the occasion here in question. And inasmuch as the people of the city of New York, through their representatives in this body, as well as in the city councils, have continued their opposition to an act declared by themselves to be so obnoxious to them, by urging its repeal both at the past session and at the present, this committee—in the absence of any good reason adduced in favor of its continuance, in the absence too of all remonstrance against its repeal—would feel themselves wanting in regard to the first fundamental principle by which our legislation ought to be governed, if they hesitated to report to the House a bill to carry into prompt effect the wishes and will of the people solely and locally interested.

And in accordance with these views the committee report to the House the bill referred to them, and recommend the passage of the same.

AN ACT

RELATIVE TO CRIMINAL COURTS IN THE CITY AND COUNTY OF NEW YORK.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:—

SECTION 1 The act entitled "An act for the better organization of criminal courts in the city and county of New York," passed May 14th, 1840, is hereby repealed.

§2. This act shall not be construed to invalidate any proceedings or judgments of said courts commenced or perfected prior to the passage of this act.

§3 This act shall take effect immediately upon its passage.

Court of Common Pleas.

Before Judge Ingles.

Feb. 7th.—*Semmi Heilbeth and John D. Shultz, vs. John Clark.*—The defendant is proprietor of the Picture Gallery in Barclay street. The present action is to recover the amount of a note for $1200, given by him to Lewis Morrison, partner of S. J. Sylvester, the defence to which was usury, &c. The defendant stated that he was desirous of raising $300, and applied to Mr. Sylvester, who expressed himself willing to let him have it, provided he bought certain shares of the North American Trust Co stock. He finally agreed to do so, and hence the note for $1200 for which he never received any value, and which was transferred to claimants. The trial lasted two days, but the plaintiffs made out their case to be a legal, even if not a just one, and obtained a verdict in their favor for $1283 50 cents.

For plaintiffs, Messrs. J. Wallis and Edward Sandford—Mr. Jordan and Mr. Williams for defendant.

City Intelligence.

THE WALKERS ON FIRE.—Mat Hammond who commenced yesterday morning at seven o'clock, to walk or stand 48 successive hours, without rest or sleep, was in good trim last night at ten o'clock, when he had been on his feet fifteen hours. He draws crowds to see him at CARLAND's hotel, opposite the Tombs in Centre street. At twelve o'clock yesterday, George Washington Dixon commenced the same feat at the Cottage in Broadway, below Gothic, late Masonic Hall. He was confident of success at eleven o'clock last night. The first man that performs the feat is to receive the sum of $4000, and we understand there are numerous bets that neither of the men now started will hold out over thirty-six hours. *Nous verrons.*

ANOTHER RICHMOND IN THE FIELD.—Mr. Richmond Moffatt, the young pedestrian of the west, hearing of the very liberal offer of $4000 by Mr. Stevens, has come to this city, from Buffalo, for the express purpose of accomplishing the feat of walking forty-eight hours on a platform fifteen feet long and three wide. He will commence to-day at 12 o'clock in an apartment in the Terrapin Lunch, where arrangements have been made, corner of Broadway and Ann street. We understand that this young man has already performed some of the most extraordinary feats of pedestrianism ever performed in America.

STOLE TWO LOADS OF WOOD.—Jacob De Baun and John Smith were arrested yesterday in the act of stealing two cart loads of chestnut wood from the bulk head between Robinson and Barclay streets, North river. The wood belonged to Mr. John Piersoll, Jersey city, and the men were seen to pile it on their carts by a colored man named John Van Anten. They were taken to the Police Office by officer Low, with their horses and carts containing the wood as loaded up by them, and held to bail for trial.

WAKED UP THE FAMILY.—One Mary Maxwell entered the house of Daniel Lee, No. 31 Prince street, on Monday night and stole two iron pots, but while walking off with her booty she let one of them fall and thus alarmed the family who secured her. She was committed at the Upper Police.

DISHONEST SERVANT.—A girl named Mary Lancer, who has recently been in the employ of Henry Erben, No. 163 Walker street, was arrested yesterday on a charge of stealing clothing and a gold ring from the family of Mr E., at different times within the past month, the value of which was about $18. The ring she had given to a child of Mrs De Witt. After examination she was fully committed.

ROWDYISM.—Matthew Neelis committed a violent assault and battery on Sunday night, on watchman John P. Moody, and John B Acker, while they were endeavoring to prevent him from ill treating a woman. He was committed.

William Gaston, William Peters and James Hillyer, for rowdying in the streets on Sunday night, were held to bail in the sum of $200.

THE WAY TO PAY YOUR RENT.—A few days since, a gentleman called upon a Mr. Muzzy, in Cedar st, to collect his rent then due for the past quarter, when instead of being met with a proper excuse for neglect to make the payment, he was requested to leave the premises instanter, and not going quite as fast as Muzzy considered necessary, he coited round the counter, and commenced kicking his landlord, *a la posterio,* until he ejected him into the street.—The result was that Muzzy was marched to the police office, and held to bail to answer for his conduct. This kicking and killing men who ask for their own is getting very fashionable. Collectors of money should take a witness with them, if they would prevent being salted down and boxed up.

DEATH FROM INTOXICATION.—A colored man named William Park, who has resided at No. 51 Anthony street, died on Sunday night from the recent effects of a drunken frolic. The Coroner held an inquest, and the jury returned a verdict of "death from congestion of brain, produced by intemperance."

ACCIDENTAL DEATH.—Yesterday a few minutes after the boiler of the steamboat Citizen had exploded in the East river, near the foot of Clinton street, a German named John Frederick Fink, one of the workmen employed in the sugar refinery of Woolsey Woolsey, between Clinton and Montgomery street, proceeded towards one of the windows fronting on the river, for the purpose of viewing the boat, when he accidentally stepped through the hatchway, and fell to the ground floor, a distance of eight stories. He was killed almost instantly.

The Coroner also held an inquest on the body of a colored man named John Hill, who died on Sunday afternoon from sudden constipation of the bowels and want of medical attendance.

CAUGHT AT LAST.—Officers A. M. C. Smith and James L. Smith, Sweet, Stokely, deputy keeper Ruckel and Captain Fisher, made a descent on the engine house of thirty-nine, on Sunday night, for the purpose of arresting a young man named Manning Kelly, who stands charged with being concerned in the alleged robbery of David Bewighouse, on the first of January last. Kelly was arrested at the time with three others, but succeeded in making his escape. Bewighouse is the proprietor of an exhibition of deformed animals in the Bowery, and asserts that he was knocked down on the above named evening while in his show room, and robbed of about $100, by Kelly and others.

NOTORIOUS ROGUES ARRESTED.—On Sunday night, A. M. C. and James L. Smith, aided by deputy-keeper Ruckel, succeeded in securing two notorious colored burglars and hall thieves, named Robert Millinge, alias Robert Washington, and George Mason, who are supposed to have committed some hundred larcenies from the entries of dwelling-houses during the past winter. Upwards of fifty pawn-tickets were found in their possession; and persons who have lost valuable clothing, &c., from their dwellings, may find portions of them by application to the above named Messrs. Smith's, at the lower police.

CASE OF AMORY AND LEEDS.—This suit in which John Haggerty is the prosecution, is put down for trial at the General Sessions this morning.

QUITE A MISTAKE.—Yesterday in the Court of Sessions, a man named Patrick Wood, was put at the bar charged with the crime of disorderly conduct, and when his name was called the Court supposing him to be the man of the same who is charged with an attempt to murder, was about to send him back for trial, when the clerk rectified the mistake and the Recorder discharged him, with a remark that he bore a name of suspicious bearing, and should therefore endeavor to refrain from acts that would bring him into a court of justice.

ACCIDENTAL DEATH.—Yesterday, a few minutes after the boiler of the steamboat Citizen had exploded in the East River, near the foot of Clinton street, a German, named John Frederick Fink, on of the workmen employed in the sugar refinery of Woolsey Woolsey, between Clinton and Montgomery streets, proceeded toward one of the windows fronting on the river, for the purpose of viewing the boat, when he accidentally stepped through the hatchway and fell to the ground floor, a distance of eight stories. He was killed almost instantly.

Common Council.

BOARD OF ALDERMEN.—*Feb.* 7.—A communication was received from the Mayor, containing the annual report of the trustees of the sailors Snug Harbor, and also from the directors of the Bowery Savings' Bank.

A communication was received from Alderman Purdy, the acting Mayor, enclosing a copy of a letter forwarded by him to the widow of the late President Harrison in March last, by order of the Board, concerning the resolutions passed by the Common Council at that time. The delay in presenting the copy of this letter has arisen from the supposition that an answer would have been returned on its reception, which has not been the case.

The annual report of the Greenwich Savings' Bank was received, and ordered on file.

An invitation from the members of the Fifth Company of National Cadets to attend their annual Ball—accepted.

Petitions.—A petition from A. M. C. Black, Daniel E Glover, and 500 others, asking for the removal of M. H. Underhill, the superintendent of stages, for neglect of duty, in allowing the omnibusses to race up and down Broadway, was referred to committee on application for office. We know not whether this reference was intended to place all the names on the petition under the head of applicants for the office now held by Mr. Underhill, but it certainly looks very much like it. A petition was presented from Henry Betts, relative to a plan he proposes to introduce milk into the city of New York. From the Connecticut River Steamboat Company for use of the west side of wharf at Peck slip, and also from the Norwich boats for the use of west side of Stevens wharf. From Society of Indigent Females for aid. For a market at the corner of Houston and First streets. From the Washington Temperance Benevolent Society, for the use of the rooms over the Centre Market to hold a Temperance Festival on the 22d instant, Washington's birth day—agreed to. From James B. Nicholson, for release of pier foot of Chambers street.

Reports of Committees.—From Fire and Water Committee relative to the charges alleged against James Buckridge, foreman of fire company No. 33, and others. They reported in favor of suspending him for two years, and Judas Frazer, Robert J. Lummeree, and Samuel Dunlap, members of the company for eighteen months, for cutting hose of company.

From Committee on Charity and Alms House, in favor of a change in the present system of employing the paupers at the Alms House on Blackwell's Island, separating the criminal from those committed for poverty, and employ all who are able to work, in some business that will tend towards paying the expenses of their support. Also, giving the superintendence of that department to a commissioner, who shall have full control, and the appointment of all under officers.—Ordered to be printed.

The report of the Finance Committee, relative to the assessment of taxes for 1842, in accordance with the annual statement of the Comptroller, was read and ordered to be printed.

The street committee reported in favor of paving 15th street between the 8th and 10th avenues. Also to flag the sidewalks in several streets of the Ninth Ward. A resolution authorising the release of John H. Barleigh from a fine imposed upon him for a violation of the ordinances relative to Hackney Coaches by driving without a license, was agreed to.

A resolution to repay Barrett McSorley a fine imposed upon him for violation of a city ordinance, in receiving money for taking baggage to one of our steamboats without a license, was agreed to.

A petition was received from Pine, Hopkins and others, appointed a committee of the Board of Assessors to recommend to the Legislature a change in the present law of assessment, so as to prevent owners of property from compelling an assessment, in accordance with their oaths, as to its value—referred.

An invitation to attend the re-opening of Peale's Museum on Tuesday night, was accepted.

A resolution to pay Dr. John C. Covill for attendance upon George De Luce, at one of the city watchhouses, where he had been taken after receiving a gun shot wound in 1835, in one of his arms, from a person unknown, was rejected by a vote of 7 to 7. The bill presented was $25, but was reduced to $5, by the committee to whom it was referred, and defeated by the board even at that reduction.

A resolution to release Bernard Gibson from a fine for selling meat elsewhere than in the public markets, produced considerable debate. Alderman Innes stated that he was decidedly opposed to the present market laws, that he believed they were unjust, oppressive, and unconstitutional, and he, therefore, did not feel it incumbent on him to support them. The resolution was adopted by a vote of 11 to 4, Alderman Kimball, Lee and Pollock voting in the negative.

The Committee on Watch, Police and Prison reported in favor of paying Benjamin Whitehouse, the sum of $25 for injuries received while in the performance of his duty as a city watchman, in arresting a prisoner.

A communication was received from the Counsellor of the Board stating that all the suits against the city for sales of property under the assessment laws, had been disposed of and resulted in favor of the power of the Corporation to compel payment of arrearages by sale of real estate so assessed.

Papers from the Board of Assistants.—To allow the Aldermen of the Twelfth and Sixteenth wards to appoint two physicians in each ward to vaccinate the poor of the wards at a salary of $150 per annum—was laid upon the table.

To re number Attorney street—concurred in.

Resolutions.—To lease the cellar in Fulton Market now occupied by Harmed Smith to Isaac Knowlton—referred.

A resolution was also passed authorising the renting of all the cellars under Fulton Market by public auction, except those already, leased.

Alderman Purdy presented a resolution to make application to the Legislature for the enactment of a law to allow the auction duties collected in this city to be appropriated towards the payment of the expenses of the Croton Water Works—Adopted.

Also, to authorize the counsel of the Board to commence a suit in the Court of Errors, in the case of Judge Sandford, who had recovered a verdict in the Supreme Court, for the payment of his salary. Lost, by a vote of six to six—Alderman Pollock voting in the negative.

Also, that it is inexpedient to make any alteration in the present Fire Department, on account of the anticipated introduction of the Croton water into the city.

The Board then adjourned.