NEW YORK HERALD.

JAMES GORDON BENNETT.
PROPRIETOR AND EDITOR.

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THE DAILY HERALD, 2 cents per copy—$7 per annum.
THE WEEKLY HERALD, every Saturday, at 6¼ cents per copy, or $3 per annum; the European edition $4 per annum, to any part of Great Britain, and $5 to any part of the Continent, both to include the postage.
ALL LETTERS by mail, for subscriptions, or with advertisements to be post paid, or the postage will be deducted from the money remitted.
VOLUNTARY CORRESPONDENCE, containing important news, solicited from any quarter of the world; if used, will be liberally paid for. OUR FOREIGN CORRESPONDENTS ARE PARTICULARLY REQUESTED TO SEAL ALL LETTERS AND PACKAGES SENT TO US.
NO NOTICE taken of anonymous communications. We do not return those rejected.
ADVERTISEMENTS renewed every morning.
JOB PRINTING executed with neatness, cheapness, and dispatch.

AMUSEMENTS THIS EVENING.

ITALIAN OPERA, Astor Place.—LUCREZIA BORGIA.

BOWERY THEATRE, Bowery.—CLAUDE DUVAL—CREW OF THE PIRNI—FEVER WILNIRE.

BROADWAY THEATRE, Broadway—BETROTHAL—MY FRIEND IN THE STRAPS.

NIBLO'S GARDEN, Broadway—TIGHT ROPE—GODENSKI—NATALIE.

BURTON'S THEATRE, Chambers street—DAVID COPPERFIELD—MY FRIEND IN THE STRAPS.

NATIONAL THEATRE, Chatham Square—NEW WORK FIREMAN—DUMB GIRL OF GENOA—FRISKY CORLER.

BROUGHAM'S LYCEUM, Broadway—KISS IN THE DARK—MY FRIEND IN THE STRAPS—ESMERALDA.

CHRISTY'S MINSTRELS, Mechanics' Hall, 472 Broadway—ETHIOPEAN MINSTRELSY.

FELLOWS' OPERA HOUSE, 441 Broadway—ETHIOPIAN MINSTRELSY.

AMERICAN MUSEUM—AMUSING PERFORMANCES AFTERNOON AND EVENING.

NEW YORK AMPHITHEATRE, 37 Bowery—EQUESTRIAN PERFORMANCES.

WASHINGTON HALL—PANORAMA OF THE PILGRIM'S PROGRESS.

SATTLER'S COSMORAMA, corner of Thirteenth street and Broadway.

New York, Friday, January 3, 1851.

More European News.

The Niagara is due at Halifax to-day, with one week's later news from Europe.

The New Mayor—The Policy which ought to Guide Him.

On Tuesday night last, the official career of the Hon. Caleb S. Woodhull, late Mayor of New York, expired, and on New Year's day his successor, the Hon. Ambrose C. Kingsland, was sworn in, and now holds the reins of our municipal government, which we ardently hope, and confidently expect, he will direct to the advantage and permanent benefit of his constituents.

Mr. Kingsland enters upon his office at a very important juncture, and if he means to perform his duties well, and to pay due attention to the vast interests confided to him, his bed will be anything but one of roses. This metropolis now numbers some five hundred and seventeen thousand people, according to the census returns recently taken, and its revenues are greater than those of some States and principalities in the old world and in the new. The protection of the vast interests of this great population is, in a great measure, confided to the Mayor, who is armed with all the powers necessary to enable him to discharge his trust in a manner to satisfy his constituents and reflect credit on himself. There has never been a Mayor of New York who discharged the duties of his office to the advantage of the community who has not been gratefully remembered, besides being, in many cases, elevated to higher and more important offices. We have no apprehension that Mr. Kingsland will not discharge his duties with firmness, honesty, and ability. In doing so, he must expect to meet with a great deal of opposition; but he may rest assured that in discountenancing corruption, and in effecting reforms in the administration of the city government, he will be sustained by the virtuous and patriotic portion of the community, and upheld by all whose support he cares for.

For the sake of the city's interests, and for Mr. Kingsland's, we would prefer that he was associated with a less suspicious Common Council than what we have. Recent proceedings of that body convince us that it is composed of men whose election to the office of legislators, has not and will not be attended with advantage to the city, or to the community. We refer especially to the infamous contract which the Boards of Aldermen and Assistant Aldermen agreed to give to the New York Gas Company, and which, but for the intervention of Mayor Woodhull, would now be fastened on the people. A more outrageous or a more corrupt attempt to swindle the public, was never perpetrated by any legislative body, and Mayor Woodhull has entitled himself to the gratitude of his fellow-citizens for stepping in between them and the Common Council, and arresting its consummation. That proceeding, and others of a similar character—especially the granting of leases to certain ferry companies—show that neither Board can be depended upon; that the interests of the people are not safe in the hands of the present Common Council. We are perfectly safe, we think, in saying that nine-tenths of the people of this city, without distinction of party, coincide with us in the justice of this opinion, and we are sure they are not willing to trust to them any more than they can possibly help. Such being the case, it will be necessary for Mr. Kingsland to narrowly scrutinize every proceeding which they adopt, before he gives it his sanction. In every matter of importance it will be necessary for him to institute a rigid examination, so that the people shall not be swindled of their rights, and made to contribute to the wealth of monopolies, or that of individuals, at the expense of the public. Mr. Kingsland's situation as Mayor would be much easier and much more comfortable than it promises to be, if we had a proper Common Council in office; but we have not; and he consequently must take the bitters with the sweets of the responsible and honorable office to which he has been elevated, by a majority of which he has every reason to be proud. But he ought not to rest satisfied with simply watching the Common Council, and in interposing his veto on all measures which are not for the interest of the city. If he looks around him, he will be able to discover many abuses that he can aid materially in reforming. Our municipal government is conducted in a very loose and dissolute manner, and has been so conducted for many years; and if inclined to reform, he will find abundance of material on which to exercise the pruning knife, and many corruptions which can be well removed, especially in the matter of giving contracts.

There never was a Mayor who entered office under more auspicious circumstances than Mr. Kingsland does, if he wishes to discharge its duties fearlessly and with a single eye to the welfare of this great metropolis. In acting independently and for the good of the city, he will be supported by the intelligent and honest portions of the people. Let him make a good commencement, and all will be well.

THE STATISTICAL HERALD OF 1850.—On New Year's day we did our best to furnish to the public a paper which we flattered ourselves would be worthy of preserving, as a condensed history of the world's doings for 1850. We took considerable pains in compiling it, in the hope that it would be acceptable to the public. In this hope we have not been disappointed. We sold an immense edition on New Year's day, and so great was the demand for them yesterday, that we were obliged to strike off several thousand extra copies. We shall continue to publish statistical *Heralds* every first of January, and can assure our patrons that each successive one will be better than its predecessor, and that perfection will be aimed at, if not achieved.

LORD MORPETH'S IMPRESSIONS OF AMERICA.—In our next double sheet, which we shall publish to-morrow, we shall give a full report of Lord Morpeth's (now Lord Carlisle,) impressions of America, as recently detailed by him in a lecture delivered by him in Leeds, England. It will be read with great interest.

OUR RELATIONS WITH AUSTRIA.—We question if any document that ever emanated from the State Department gave more general satisfaction than the reply of the Hon. Daniel Webster to the insolent and supercilious letter of the Austrian Minister. In the gentlest manner possible, the Austrian Minister, Mr. Hulsemann, read his government are scored from head to foot. Every position which he assumed in controverted, and for every inuendo which he threw out, he received ample recompense. He has been—to use a vulgar, but very expressive term—completely used up; and if he remains any longer in the country, he has a greater regard for the office which he holds than might be supposed.

We do not wish to rejoice over the discomfited in any case; but we can't help expressing our satisfaction in this case. The note addressed by Mr. Hulsemann to our government, was superlatively ridiculous and supercilious, if not insolent. Mr. Webster's reply was calm, dignified, temperate, and powerful, and we hope the example thus set by Mr. Webster, will be imitated by all future Secretaries of State. It has been the misfortune of this government to truckle too much to European nations, and to submit to any treatment they chose to give us. It is full time to put a stop to this, and to make them treat us with the respect to which we are entitled, from our power and position. If there is no other way of accomplishing it, we must kick them into it. It is too common with the despotisms of Europe to sneer at this republic, and to address us as if we were nobody. We hope such conduct will be no longer submitted to, for we are capable of resenting injuries and insults, better than any other country on the face of the globe. To submit to insult from a nation, the government of which scourges women, would be a degredation that we would not submit to, if annihilation were to be the consequence.

THE RUSS PAVEMENT.—Now that New Year's day is past, we hope the Common Council will give their attention to the necessity of extending the Russ pavement. This system of paving our thoroughfares must be adopted throughout the whole of Broadway, the Bowery, Canal, and other streets. There has been a report in favor of extending it, lying on the table for a great many weeks, and it ought to be taken up and acted upon at once. The infamous gas contract was hurried through in double quick time, for certain reasons well known to the Common Council; but the Russ pavement is delayed because, we suppose, there is no inducement to pass it, beyond the public good. Mr. Kingsland, will you be good enough to look into this matter, and endeavor to have this business concluded?

CLAIM FOR SALVAGE BY THE PASSENGERS OF THE STEAMSHIP OHIO.—A meeting of the passengers who were on board the Ohio, on her late passage from Havana, was held on the steamboat Georgia, while on her way from Norfolk to Baltimore. The object was to consult in relation to a claim being made for salvage, for bringing the steamship into port. Col. Ramsey, of Penn., presided; and Messrs. Reverdy Johnson, Murdock, and others, of Baltimore; Messrs. English and Florence, of Philadelphia; and Messrs. Hagerty and Powles, of New York, took part in the proceedings. This is a new case, and will excite some attention among our steamship companies. A committee was appointed, and we are curious to hear the results.

ARRIVAL OF THE UNITED STATES SHIP PREBLE.—We give, in another column, a very interesting sketch of the cruise of the United States ship Preble, which arrived at this port, yesterday, after a cruise of four years and four months, the longest on record. A more interesting cruise was never made by any vessel. There was but one drawback to it, and that was the loss of many of the crew by small pox. This is the vessel, it will be recollected, which procured the release of the American seamen confined in Japan.

ARRIVAL OF THE SARAMSHIP CITY OF GLASGOW.—The propeller steamship City of Glasgow, Capt. Mathews, arrived at Lewes, Del., on the 1st inst., at 1 P. M., and at Philadelphia at 12 M. yesterday. She left Liverpool on the 11th Dec., at 3 P. M., and experienced very rough weather during the greater part of her passage.

On the 14th Dec., John Punchon, seaman, was washed overboard and drowned. It was blowing such a gale at the time, that there was no chance of saving him.

The following is a list of her passengers:—

First Class.—Thomas Thompson and lady, Miss Thompson, Benj Sharpe, of Philadelphia; E. A. Moses, of Portsmouth; B. Smith; Mr. Murphy; W. G. Barner, M. D., of Boston; John Harper; Mme. De St. Priz and child; Miss Anguy, of Albany; E. Hall; B. Souder, of New York; T. S. Herberts; E. Jones; C. Gormano, M. D., of Philadelphia; Mrs. C. Horsman, do; C. U. Bayack; Geo. E. Oats; E. Oats.

Second Class.—Mons. De St. Priz, Miss Elizabeth Simons, Mrs. H. McClure, Mrs. E. Wall, Miss A. Anderson, Mrs. C. Lockie, Mrs. Grossman, Mrs. John Lash and three children, Mrs. Windle, Mrs. Lodie, Mrs. Wm. Nones and child, Mr. Henry Marshall, Mr. John Daly, Robert Dunlop, Rev. Jas. S. Cowper, Clark, Leckie, Walter, Slaughter, John Smith, Thos. Palmer, Benj. Richardson, John Sulzer, A. Anderson, Wm. Jones, John Rees, John Phillips, James Sulddan, Wm. Kers, Robt. Bell, Robt. Ryan, B. Millidge, Wm. Parsons, Captain Thiff, Alexander Ferguson, Henry Cargell, Mrs. Fanny Hooley, Miss E. Hooley, Miss Ann Hooley, Mrs. Robert Ball, Rev. W. C. Windle, Alfred Lodie, Mrs. G. Bosemuth, George Hendley, David Canan, L. F. Tavernier, M. D., Montreal; Jasin Leech, John Dreher, Henry Bee.

POST OFFICE STATISTICS.—Through the kindness of Wm. V. Brady, Esq., our present able Post Master, we are enabled to lay before our readers, this morning, the following interesting statistics of the New York Post Office, for the quarter ending on the 31st of December:—

California letters received	123,919
Foreign do. do.	340,401
California do sent	127,048
Foreign do. do.	353,450
	944,816

To this add the daily average of domestic correspondence, of say 35,000 letters, and the amount of letters received and sent by transient vessels, and it will give 6,037,000 letters that have passed through this office in the last quarter. The number of foreign newspapers for the quarter is as follows:—Received 169,233, and sent 326,078, amounting to 495,301. The number of letters advertised in the quarter was 37,942, one-third of which have been called for and delivered to the rightful owners.

According to these statistics, upwards of twenty-four millions of letters passed through our Post Office during the last year. This gives an idea of the amount of business transacted there during twelve months. What will it be when the postage is reduced to two cents?

LATE FROM ST. THOMAS AND BERMUDA.—By the arrival of the R. M. steamer Merlin, yesterday, from St. Thomas and Bermuda, we have dates from St. Thomas to the 26th ult., and from Bermuda to the 26th ult.

The schooner Euphemia also arrived yesterday from St. Thomas, in fourteen days.

When the Euphemia left, there was a large number of returning Californians at St. Thomas, waiting conveyances home. Twenty came home in the E., which was as many as could be accommodated.

American produce was plentiful at St. Thomas, and cheap.

The new steamer Sea Bird, Capt. Tucker, previously reported, put into Bermuda, in distress, broke several parts of her engines, and was so disabled as to require the aid of H. M. steamer Kite to tow her into port. Her starboard water-wheel crank broke when she was 220 miles S. E. of Bermuda, and the larboard crank broke when in sight of land. It will be necessary for the vessel to remain at Bermuda, while her machinery is brought home to repair. Capt. Tucker, her commander, is a passenger in the Merlin, having come on to consult with the owners as to the best measures to adopt in the contingency.

The steamship Osprey arrived at Bermuda on the 16th of December, from Halifax, with the English mails to the 30th of November.

Vice-Admiral the Earl of Dundonald was to leave Bermuda in his flag-ship Wellesley, about the end of Dec., for the West Indies.

An American bark had shipped on board at Nassau, N. P., for the New Orleans market, 20,000 oranges, 10,000 lemons, and 1,500 grape fruit, the produce of the Bahamas.

ARRIVAL OF THE BALTIC.—The steamship Baltic, Captain Comstock, arrived at this port early on Wednesday, and is now at her wharf.

Law Statistics—Omission.

The name of Mr. Geo. H. E. Lynch, the obliging Clerk of the Transferred Branch of the Superior Court was inadvertently omitted, on Wednesday, from our statistics of that Court.

City Intelligence.

CELEBRATION OF NEW YEAR'S DAY.

The first day of the New Year, so long looked forward to with anticipations of joy and pleasure, has passed away, with all its mirth and festivities, and leaving to some a sense of satisfaction and enjoyment, to others of pain and remorse. The old Knickerbocker or Dutch custom of visiting, which has prevailed in this city from time immemorial, was kept up on Wednesday with great spirit and activity. It commenced at 9 o'clock in the morning, and continued till about the same hour in the evening. Tables were laid out in almost every house, some of them of a very expensive description, while others were of a more simple and less costly kind. The latter mode appears to be gaining ground every year in New York. Yet the expense of the celebration of New Year's day was enormous. It was not the mere viands, but the new furniture purchased for the occasion, the services of plate and china, and new dresses for all the ladies of the family, that constituted the chief items of expenditure.

As everybody is expected to eat and drink in everybody's house, the result was, that the incautious became top heavy by nightfall, and some long before. Indeed, a considerable number, who determined to take time by the forelock, and be beforehand with the New Year, might be seen reeling through the streets at daylight in the morning.

Sleighs were out in considerable numbers; but there was not sufficient snow on the ground, and the sleighing was not so good as in former years.

It will be seen that a fatal accident occurred from a sleigh; and a number of sleighs were found astray by the police, while others were stolen, and have not been yet recovered. This festivity presents a fine opportunity for the thieves, especially late in the afternoon, when sleighs are left by visiters in the street, opposite to dwelling houses, with the reins tied to a lamp-post or a tree, or in the neighborhood of public-houses, where some of the last "calls" of the evening were made.

A number of wagons, coaches and horses, were lost under the same circumstances.

There was considerable rowdyism on Wednesday. The "Short Boys" were at their pranks from the night before, and continued the sport all day. At the corner of Broadway and Canal street, about four o'clock in the afternoon, there was a general *mêlée*, some twenty or thirty pitching into each other in the first style of the pugilistic art, with a crowd of some thousands of spectators enjoying the diversion. The police, at length, arrived, and put an end to the fun.

"The Calithumpians" made night hideous on New Year's eve, and went through the different streets, in all the upper wards of the city, firing shots and blowing horns, and shouting and knocking at everybody's door. They seemed determined that nobody should sleep, and they succeeded pretty well in their object.

It will be seen that a fatal accident occurred from the incautious use of fire arms. A considerable number went on gunning expeditions, while here and there, in the outskirts of the city, and in Brooklyn, Williamsburgh, and Hoboken, might be seen groups of persons firing at a mark, or perhaps a turkey. There were also some target excursions, but not so many as on Christmas day. The events of the day were wound up by innumerable supper parties, where mirth and jollity prevailed, in many cases, till the grey dawn, peeping through the windows, reminded the wassailers that it was high time to repair to their homes.

Subjoined are details of some of the incidents of New Year's day:—

At half-past three o'clock in the afternoon, a horse attached to a pleasure sleigh, took fright in Madison avenue, and ran down the avenue with Dr. Vancleek and Mr. D. Bedson, two respectable citizens, residing at 198 East Broadway, also a child, a niece to Mr. Bedson. The sleigh was upset at the corner of Twenty-ninth street and Madison avenue, and threw out all it contained. Strange to say, the child escaped unhurt, while Dr. Vancleek was seriously injured, and the skull of Mr. Bedson was fractured. The parties were conveyed to the Eighteenth ward station house by officers Marks and Abbott. Doctors Mott, Vache, Wood, Morrell, and other physicians, were soon in attendance, and used every remedy for the relief of the sufferers. Dr. Vancleek was so far recovered as to be sent home in a carriage, at half past 5 o'clock but Mr. Bedson died at 7 o'clock. The deceased was a highly respectable young man, and was engaged to be married in a fortnight to a lady in the ward where the accident occurred.

J. W. Duffenthoin had his head severely cut by some person unknown, in a cellar, No. 116 Cedar street, at 7 o'clock in the evening. He was taken to the City Hospital.

A fire broke out, in Cow Bay, corner of Anthony and Little Water streets, which was extinguished with trifling damage. Another fire broke out at No. 61 Cross street, at seven o'clock in the evening, which was extinguished by the police of the Sixth ward. At half-past five o'clock in the morning, a fire broke out in the green houses' Mr. Boll, in Fiftieth street, at the Bloomingdale road, which was damaged to the extent of five hundred dollars. At 12 o'clock at night, a fire broke out in the fancy store of R. S. Sedgwick, Jr., No. 144½ Canal street. It was discovered by Captain Turnbull, and by the timely arrival of an engine, the fire was soon extinguished. The police state that the members of a hose company insisted upon playing their hose in the store after the fire was put out, and after being requested not to do so by Captain Turnbull, and one of the engineers. The damage, principally by water, amounts to two thousand dollars.

At five o'clock in the evening, a horse and sleigh were stolen from Mr. George Quintard, of No. 33 Essex Market.

William Argo and Henry Hatcher were arrested by the Fifth ward police for firing a gun in the street, at 2 o'clock in the afternoon.

Patrick O'Donnell was run over by a stage, in the Bowery, near Third avenue, and severely injured, at 8 o'clock in the evening. The stage belonged to Rufus Andrew Dugro, and started from the stand without a driver.

Four sleighs and horses, belonging to Kipp & Brown, were found astray by the Fifth ward police, and restored to the owners. Several horses and wagons, and coaches, were found by the same officers, and restored to the owners. At half past eleven o'clock, officers Johnson and Young took a horse and sleigh, found astray, to the livery stable corner of Fifth street and Second avenue, and at 3 o'clock yesterday morning, officers Benson and Farrington brought a horse and sleigh to the Seventeenth ward Station House, also found astray.

On New Year's eve, the Baltimore Fire Company, now on a visit to this city, visited the High Bridge, in company with some delegations from our fire companies, and, on their return, they were entertained at the City Hall by the members of the Common Council. This evening, they will be *fêted* at Niblo's by the Baltimore Association of New York Firemen. They are a fine set of fellows, sixty in number.

THE DAY AFTER NEW YEAR'S DAY.

Yesterday was ladies' day for visiting, and a delightful day it was. The fair seemed to enjoy it, and the streets were thronged from morn till night. On New Year's day it was vulgar for a lady to be seen out of doors; yesterday it seemed as if the whole sex had broken loose. The visiting was universal, and it is to be kept up for a week. The weather was so mild yesterday that the snow dissolved, and not a sleigh was to be seen.

ACCIDENTALLY SHOT WITH A PISTOL.—Coroner Gear on Wednesday held an inquest at No. 91 Stanton street, on the body of Henry Jacobs, born in Germany, aged thirty three years, who came to his death the night previous, by the accidental discharge of a pistol while in the hands of Winart H. Miller. It seems that, on New Year's eve, several persons came into the grocery store of the deceased, drank liquor, which they refused to pay for, and acted otherwise very disorderly. They finally left the store, and the deceased loaded a horse pistol, and said he would go around to his other store, as he believed the loafers were going to make a mess at his other store, and if they did in alluding to the pistol, he said he would give them "hell." Before starting, however, Miller took up the pistol, and was examining the lock, when the pistol went off, as Miller said, accidentally, the contents of which lodged in the left side of Jacobs. He immediately fell to the floor, and before any medical aid could be procured he expired. The jury, on the evidence adduced, rendered the following verdict:—"That the deceased came to his death by being accidentally shot with a pistol in the hands of Winart H. Miller."

UNION CASS BALL.—We are informed there will be a grand Union Cass ball at Tammany Hall, on the sixth of next February, at which it is expected the Hon. Lewis Cass will be present. This ball is intended, we suppose, to be a continuation of the Union and Constitution movement commenced at Castle Garden last Fall, and we have no doubt it will be well attended.

Movements of Distinguished People.

Among the distinguished strangers in town on New Year's day, was Ex-President, Doct. Anson Jones, of Texas. It is very gratifying to see our most distinguished statesmen and diplomatists in the social circle, where they are all approachable by all alike. It was under the administration of the last President of that republic that Texas obtained that importance and distinction among the powers of Europe, which made its union with our great republic a matter of envy and exciting interest. And the last act, the valedictory of President Jones, was distinguished as being one of the most eloquent State papers of the age.

Hon. H. R. Coggshall, Pa.; Col. R. Wilson, Texas; Col. E. Jesup, Conn.; B. Adams, do.; S. Roland, Pa.; Wm. C. Draper, New York, and 20 others, arrived, and have taken rooms at the Clinton Hotel.

Nathan Smith, Esq., New Haven; Henry Warren, Boston; Benj. C. Sexton, Paris; Charles Goodyear and lady, New Haven; M. Islington, England; S. Skasts, New York, and M. Titus, were among the arrivals at the Union Place Hotel yesterday.

George Marshall, Poughkeepsie; W. Davis, do.; N. A. Campbell, Virginia; F. Jenning, Charleston; J. O. Hashing, London; E. Thayer, Charleston, and T. Lawrence, Boston, arrived yesterday at the Astor House.

W. Foster, Carmel; Capt. Ellis, New Bedford; D. Dearing, Georgia; T. Tyson, Baltimore; Hon. L. Clark, Lockport, and Capt. Hayden, U. S. army, arrived yesterday at the Irving House.

Capt. H. W. Hunter, U. S. navy; Jose Fedrigas, Havana; George Generoux, St. Jago de Cuba; J. Cahill, Worcester; J. Story, Boston, and T. T. Wood, U. S. navy, were amongst the arrivals at the American.

Josiah P. Cook has been appointed Professor of Chemistry in Harvard College, to supply the place of the late Professor Webster.

A. Hyatt, T. J. Barton, Col. Sanderson, W. H. Hope, Baltimore; Samuel Cooney, J. Ba Norman, Philadelphia; A. J. Fisher, O. Lovering, E. Phillips, J. H. Hallett, E. G. Neuberson, Boston; N. M. Finley, and James Vassar, Poughkeepsie, were among the arrivals at Howard's Hotel.

Superior Court.

Before the Hon. Judge Sandford.

DEC. 31, 1850.—*Jos. L. H. McCracken vs. E. R. Ware.*—Order for injunction against the defendant made absolute.

N. L. Hallett vs. Heartle.—*The Sampson N. H. Green.*—Judgment against Heartle set aside on payment of costs of the term and of motion—plaintiff leave to amend complaint. Motion for judgment as in case of nonsuit, in Green's suit denied, cause restored to calendar, issue to date June 4, 1850.

W. S. Hamphrey vs. C. H. Smith.—Attachment against defendant granted.

Court of Common Pleas.

Before the Hon. Judges Ingraham, Daly and Woodruff.

JAN. 2—DECISIONS.—*Wood Gibson against William Pearsall.*—Motion to set aside report of referee denied, with costs.

Edmund S. Willets against Elisha Ruckman.—Judgment affirmed, with costs.

S. B. McGowen against W. Leavenworth, et al.—Appeal dismissed, and order at chambers affirmed, with $10 costs.

Samuel Lockwood against Patrick Lynch.—Judgment reversed, with costs.

Cornelius Dougherty against George W. Bustead.—Judgment affirmed, with costs.

Andrew J. Beman against Henry J. Platner.—Judgment affirmed with costs.

Sharp Tordoff against The Trustees of Cannon St. Baptist Church.—Judgment reversed, with costs.

George W. Niles against George Griswold.—Appeal dismissed, with $10 costs.

Joseph Reed et al against Charles Barber.—Judgment affirmed, with costs.

Andrew C. Fisher et al against James M. Murray et al.—Judgment affirmed, with costs.

David Speyer against John W. Ramsey.—Judgment reversed, with costs, unless the plaintiff in five days stipulates to reduce the damages to $50, and costs, in such case the judgment is affirmed for that sum, without costs, to either party on the appeal.

John Farley against Terence M'Guire.—Judgment affirmed, with costs.

Wm. R. Wood et al against Micajah M. Staniels.—Order at Special Term affirmed. Appeal dismissed, with $10 costs.

Theodore J. Seixas, against Gardner Wheelwright.—Verdict set aside, and a new trial ordered. Cost to abide the event.

The same vs. the same.—Verdict confirmed, with costs.

Patrick Cooney against James Thompson and Charles Parker.—Case ordered to be argued.

James Linden against Maria Linden.—Appeal dismissed, and order at Chambers affirmed, with $10 costs.

Wm. B. Jackson against David P. Whedon.—Judgment affirmed, with costs.

Edward Jenkins against Peter Van Zandt.—Judgment reversed, with costs.

John Ballerton against Christie Higgins.—Judgment affirmed, with costs.

Christopher F. Kiencke against Corne V. De Forest.—Judgment affirmed, with costs.

Charles White against Oliver P. Shurrager.—Judgment reversed, with costs.

Jas. Belshaw against Isaac W. Calie.—Papers imperfect.

Max Maretzek, appellant against Rossi Corsi, respondent.—In this case, Judge Daly delivered the following decision:—The plaintiff was announced to take a part in the concert given on the 27th of February, and unless he was prevented from attending by illness, or other sufficient cause, he incurred the forfeiture of a month's salary. To prevent imposition or feigned illness, the parties agreed that "sickness must be proved by the doctor appointed by the director." This clause in the contract is somewhat vague, but the meaning, undoubtedly, is that the doctor appointed by the director, is, to determine, in the event of alleged illness, whether the plaintiff is capable of performing or not. The matter is to be left exclusively to him, as an arbitrater between the parties, and his opinion is to be binding upon both. It was proved by the witnesses, Beneventano and Loder, that Dr. Quin was the physician of the company, that he was appointed by the director, and that notice to that effect was publicly posted up in the Opera House. The plaintiff, therefore, is to be presumed to have had knowledge of the fact, and it was his duty, upon being taken sick, to have sent for Dr. Quin, or at least to have notified the manager of his illness before the time of performance, unless he was so circumstanced that it was impossible for him to do so. Indeed, we think that it was incumbent upon him to notify the manager before one o'clock of the day of performance. He had bound himself "to conform strictly to each and all of the regulations of the opera company commonly in use;" and it appears, that for the purpose of enabling the manager to prevent the disappointment of the public, by changing the performance, or procuring a substitute, that a regulation existed, requiring a performer, in the event of possible failure, to give notice to the manager by one o'clock on the day of performance. It was not in writing, but Beneventano proved that it had been adopted from the theatre La Scala, at Milan, and was a general regulation in opera houses, and perfectly well known to all artists and managers. It is fair to presume that the plaintiff, as a member of the company, had knowledge of its existence; and as the regulation was one apparently essential to the proper conduct and management of such an establishment, it was his duty to have notified the manager before one o'clock, unless his illness occurred after that period. The fact of the plaintiff's non-attendance at the concert in question having been proved, it rested with him to show, by the opinion of Dr. Quin, that he was incapable of attending, from sickness. This he was bound to do; and if there was no other means of proving it, he should have examined the doctor as a witness. He was either required to do this, or prove that he had notified the doctor, or the managers, and that the former had failed to attend. He offered no such testimony; but having shown that Dr. Quin practised upon principles of homeopathy, he insisted that he was not a doctor, and that the defendant having failed to appoint a doctor, he was at liberty to show his illness, upon the night in question, by ordinary testimony. In this view of the law the Justice concurred; and the plaintiff having called several witnesses to establish his illness, judgment was rendered in his favor. In his return, the Justice says, that it was not shown that Dr. Quin was a doctor, that he had taken a degree as doctor of medicine, or that he was authorized by the medical society, or had a regular license to practice; that he practised upon principles of homeopathy, and that such practitioners are not recognized by the faculty of medicine, nor by a majority of the public as regular practitioners; that the defendant having failed to appoint a doctor in pursuance of the contract, the plaintiff was entitled to prove his illness by general testimony. By the terms of the contract, the selection of the doctor was left entirely to the defendant, and it was for him to judge of the fitness or capacity of the person to be selected. All that he was required to do, in the fair interpretation of the contract, was to appoint a person who made it his business to practise physic, and it was wholly immaterial to what school or medicine the person so selected belonged, or whether he belonged to any. The legal signification of the term doctor, when employed, as it is, in this contract, means simply a practitioner of physic. The system pursued by the practitioner is not material. The law has nothing to do with the merits of particular systems. They can become the subject of inquiry only when the skill or ability of a practitioner, in any given case, is to be passed upon by a jury, as a matter of fact. The law does not, and cannot, supply fixed and arbitrary rules for the interpretation of medical science. It is a science essentially progressive in its nature, enlarging with the growth of human experience and subject to the changes and revolutions that attend other branches of human inquiry. Its pursuit necessarily leads to the gradual accumulation of facts—of undoubted facts, to be regarded as positive knowledge; but the manner in which this knowledge shall be applied in the treatment and cure of diseases, has been, and will probably continue to be, open to diversity of opinion. No one system of practice has been uniformly followed; but physicians, from the days of Hippocrates, have been divided into opposing sects and schools. The sects of the dogmatists and the empirics divided the ancient world for centuries, until the rise of the methodics, who in their turn gave way to innumerable sects. The theories of practice believed to be infallible in one age, have been utterly rejected in another. For thirteen centuries Europe yielded to the authority of Galen. He was implicitly followed; his practice strictly pursued; everything that seemed to conflict with his precepts was at once rejected; and yet, in the revolutions of medical opinion, the works of this undoubtedly great man were publicly burned by Paracelsus and his disciples; and, for centuries following, the medical world was divided between the Galenists and the chemists, until a complete ascendency was obtained over both by the sect of the vitalists. Indeed, it is a matter of familiar historical knowledge, that the practitioners of medicine, in all ages, have been more given to the invention of theories than to close observation and the patient accumulation of facts. They have inclined more to speculative inquiry than to that inductive process by which, in other sciences, the phenomena of nature have been unravelled. Without undervaluing the practical benefits conferred upon mankind by the study of medicine, it may be remarked, that it has been characterized in a greater degree by fluctuations of opinion, than, perhaps, any other pursuit; that it has been preeminently distinguished by the constant promulgation and explosion of theories; that it has alternated between the advancement of new doctrines and the revival of old ones; and that its professors, in every age, have been noted for the tenacity with which they have clung to opinions, and for the unanimity with which they have resisted the introduction of the most valuable discoveries. They still continue to disagree in respect to the treatment of diseases as old as the human race; and at the present day, when great advances have been made in every department of knowledge, a radical and fundamental difference divides the allopathists from the followers of Hannemann, to say nothing of those who believe in the sovereign instrumentality of water. These suggestions are made to show the utter folly of recognizing, as matter of law, any one system of practice, or of declaring that a practitioner who follows a particular system is a doctor, and that one who pursues a different method, is not. The qualifications of physicians have occasionally been made a matter of statute regulation. With the view of securing a certain amount of preparatory knowledge, laws have been passed, requiring an attendance upon medical lectures, an examination before a medical board, and a certificate from organized medical bodies, before an individual was authorised to practise, or at least before he could claim compensation for his services; and such laws formerly existed in this State, but they were virtually repealed by the act of 1844, R. S. p. —, 3d ed. Since the passage of which, any person is at liberty to practise, and may recover for his services, being responsible only in the event of mal practice. If the plaintiff desired a particular kind of physician, he should have stipulated for him; but having left the selection entirely to the defendant, the defendant had a right to appoint a homeopathic physician, or to appoint any individual who followed the practice of physic as a pursuit. The judgment of the justice must be reversed with costs.

Court of General Sessions.

The District Attorney has issued a notice, calling on all persons now under recognizance upon indictments for felony, to appear at the Court of Sessions on Monday next, and all persons indicted for misdemeanors to appear on the Wednesday following. The District Attorney is not anxious to press all those parties to trial on that day, but he wants to know precisely how he stands, and he gives notice that defaults will be taken against those who fail to appear as above. This is a good beginning for Mr. Hunt; it is a frank out and out mode of telling those to whom the notice is addressed that they will still be called upon to toe the mark.

United States Circuit Court.

JAN. 2—*The Fugitive Slave Case.*—In consequence of the continued indisposition of Judge Judson, the proceedings in this case were adjourned until to-morrow (Friday) morning, at 10 o'clock.

Stephen D. Darcy has been committed to prison at Cambridge, Mass., for the murder of George Heywood.

Marine Affairs.

DEPARTURE OF THE AFRICA.—The R. M. steamship Africa, Capt. Ryrie, sailed on Wednesday, at half-past three o'clock, for Liverpool, having been detained until that hour by the state of the tide. She took with her fifty-one passengers, and $218,713 in specie. Among her passengers were the right Rev. Archbishop of Cincinnati, and Sir Edward Belcher, of the Royal Navy. The names of the remainder of her passengers will be found in another column.

GOOD CRUISE.—The bark Spartan, Captain Cook, arrived at Provincetown, on Saturday last, from the Western Islands, with 580 barrels of sperm oil. She has been absent a little more than ten months, and has returned to port with oil, valued at present prices, at over twenty-four thousand dollars.

MORE FATAL SHIPWRECKS.—The coal laden schooner, before reported lost on No-Man's Land, near Martha's Vineyard, with all on board, proves to be the O. H. Perry, (of Sullivan, Maine,) Bumper, from Bristol, Pa., for Salem. She struck night of Monday, 23d ult., in a heavy N. W. gale, and was first seen by the inhabitants on Tuesday morning, among the rocks. Those on board cut away her masts, and made ineffectual efforts to get a line on shore by means of a floating spar. No boat could live, and the people on the island could do nothing to save the hapless crew, whose cries for assistance could be plainly heard, while one after another was seen to be washed from the vessel by the raging sea, which broke over her continually. At noon all was silent. On Wednesday, five bodies, presumed to be all the crew, were picked up, and decently buried. On the master's body were found his watch and his pocket-book, containing $148 in bank bills, a bill of lading, &c. The cargo of coal, of which she had 155 tons, lies about five rods from the shore, except about five tons, which drifted ashore on portions of the wreck.—But little will probably be saved either from vessel or cargo. The O. H. Perry was a good vessel, of 111 tons, 4 years old, and worth about $3,000. There was no insurance on the vessel. Captain Bunker was about forty years old, and belonged to Goldsboro', Me., where he has left a wife and seven or eight children.

Schooner Orbit (of Deer Isle,) Lufkin, from Calais for Boston, with lumber, was capsized in the gale and snow storm of the 23d ult., near Isle au Haut. The crew succeeded in cutting the lanyards of the main rigging, which let the mainmast go by the board, and let the deck load off, when the vessel righted full of water. Being in a crippled condition, they were obliged to keep her before the wind, and in a few hours she brought up on Isle au Haut, and almost immediately went to pieces. Captain Thomas Lufkin, the master, only twenty-three years old, became so much chilled that he died before he could get to a house only half a mile from the wreck. Two of the seamen are so badly frostbitten that it was first thought they would not recover, but on the 27th they were doing well.

SHIPWRECK AND LOSS OF LIFE.—The brig John R. Rhoades, Captain York, from Baltimore for Plymouth, Mass., was wrecked on Saturday evening last, off the latter place, with the loss of one of her crew. In going into the harbor she touched on Brown's Island about eight o'clock in the evening, when her anchors were immediately let go, but she dragged still farther on, and remained fast. The captain then succeeded in landing his wife and child, and returned again to the vessel, which continued to labor heavily, the wind increasing with a thick snow storm, and the brig was supposed to have bilged. Soon after, a young man, about eighteen years of age, whose name we did not learn, was washed from the deck and lost, the sea making a complete breach over the vessel, which continued in the same position until three o'clock, Sunday morning, when she filled, and the crew were obliged to secure themselves on deck, and subsequently in the rigging, where they all remained until ten o'clock, exposed to the severe cold weather. The storm was so thick that the brig was not seen from