NEW YORK HERALD.

JAMES GORDON BENNETT,
PROPRIETOR AND EDITOR.

OFFICE N. W. CORNER OF FULTON AND NASSAU STS.

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Volume XVI.....Number 16.

AMUSEMENTS THIS EVENING.

ITALIAN OPERA, Astor Place.—GIOVANNA DI NAPOLI—GRAND BALLET DIVERTISSEMENT—L'ILLUSION D'UN PRINTEMPS.

BOWERY THEATRE, Bowery—ROMEO AND JULIET—STUDENT OF MORLAIX.

BROADWAY THEATRE, Broadway—FAUSTUS—MY YOUNG WIFE AND OLD UMBRELLA.

BURTON'S THEATRE, Chambers street—DAVID COPPERFIELD—ETON BOY.

NATIONAL THEATRE, Chatham Square—WANDERING MINSTREL—MUMMY—FROLIC OF THE FAIRIES—DUMB GIRL OF GENOA—FRISKY COBBLER.

BROUGHAM'S LYCEUM, Broadway—DAVID COPPERFIELD—WILD INDIAN—JENNY LIND.

CHRISTY'S MINSTRELS, Mechanics' Hall, 472 Broadway—ETHIOPIAN 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.

DOUBLE SHEET.

New York, Friday, January 17, 1851.

Arrival of the Steamer Franklin—Twelve Days Later from Europe.

The arrival of the Franklin, which sailed from Havre on the 1st instant, and from Cowes the next day, brings us London papers to the 2d of January, some of our correspondence, and files of French Journals.

The Atlantic, it appears, sailed on her regular day, and consequently her arrival may be looked for soon, unless she has run to the Azores. Very severe westerly gales have prevailed during the voyage of the Franklin.

Our details of news are somewhat meagre, but not unimportant. The lateness of the hour, after our forms were nearly ready for press, must be our apology for not giving fuller extracts from our files. However, we have given every important political item, and the very interesting report of the Swiss Committee, on the Treaty between the United States and Switzerland, in August last; and since then, we have prepared the public to anticipate, on the part of the Executive of the Swiss confederation, some decided action—her first treaty since her new confederation, and that, too, with this country. It now remains to be seen whether or not the policy of President Taylor is to be carried out, and Helvetia to be protected by the sympathies of the model republic. We hope Mr. Mann's mission has not been a vain one. We need a treaty of commerce and amity with Switzerland, for her sake and for our own.

To other items of intelligence, we need only refer. The Dresden Congress is a compromise of the most extraordinary diplomatic delicacy, which will lead to positive results before the next summer is ended. The fate of the rival powers hangs now upon a very nice balance. In Sweden, there seems little prospect of change. The clergy, nobility and peasantry form the conservative party, and the citizens do not appear very decided with respect to altering the representative system.

Summary of the Latest Intelligence—Postage Reform Nearly Completed in the House.

A variety of business was brought before the Senate yesterday. There were petitions presented by silk manufacturers, asking for a modification of the tariff; petitions from a large number of inventors, remonstrating against the amendments to the patent laws, proposed by Mr. Turney; petitions for the repeal of the Fugitive Slave bill, which were, of course, presented by Wm. H. Seward, and which, we are glad to see, were laid on the table without debate; petitions for the abolition of slavery in the District of Columbia, which met with the same fate; a resolution calling on the President for information concerning the recent violent proceedings of the British agent, Mr. Chatfield, in Central America; and several other petitions and resolutions, of greater or less interest. The Senate were occupied during the remainder of the day with a bill to provide for the ascertainment and payment of claims of American citizens for spoliations by the French, during the wars of Napoleon—a matter which certainly ought to have been disposed of long before this.

In reference to the petitions presented by Wm. H. Seward, we are glad there was no debate on them. The voice of the whole country, North and South, except in a few places, is in favor of the Fugitive Slave law; and here in the North there is a determination to carry it into effect, even if insurrection or civil war should be the consequence. As a general thing, the South is pleased with it, and it is admitted, on all hands, that on its faithful execution depends, not only the harmony, but the existence, of the republic. That bill is satisfactory to the South, and it will be adhered to by the North. Let, therefore, all persons who pray for its repeal, be treated with silent contempt. That is the best and surest method of quieting those public pests and nuisances. Let them harp as much as they please, but let their noise not be heard within the walls of Congress.

The remonstrances against the proposed amendments to the patent laws, are, no doubt, founded on the fact that while they provide the infringers of patents with the power of issuing a writ of *scire facias*, compelling inventors to prove the validity of their patents, they likewise put a stop to the patentee's proceedings against infringers, and leave him at the mercy of those who have pirated his inventions; and likewise that they extend the liberty of issuing a *scire facias* to the infringer only, instead of to every person who chooses to search into the validity of a patent. If a patent is void, the discovery, whatever it may be, belongs to the whole country; but it is manifestly unjust, on a mere suspicion or assertion of its invalidity, to give to infringers the power of suspending the patentee's proceedings against them, and enabling them to fight the patentee with the very profits derived from their piracy. We again submit, would it not be well for Congress to appoint a committee to investigate the whole matter of patents—to examine witnesses, and take testimony—rather than pass any arbitrary, law which, in all probability, would be injurious to parties whose rights ought to be protected?

The House of Representatives yesterday, in Committee of the Whole (having previously agreed upon a uniform rate of three cents postage,) authorized the mint to coin three cent pieces, three-fourths silver and one-fourth copper, and to weigh twelve and three-eighths of a grain, for post office business, and appropriated a million and a half of dollars to meet any deficiency that might occur under the operation of the bill. An ineffectual effort was made to abolish the franking privilege. This we always despaired of. It is of so much service to the party in power—whether whig or democratic—in flooding the country with speeches and pamphlets for party purposes, that we hardly could expect its abolition. Postal reform is now nearly complete, or entirely so, in the House. At the close of the day, Mr. Phelps offered a substitute for the whole bill, but we have not the slightest idea that it will be adopted. The original bill, as amended, will pass probably to-day.

Governor Boutwell, of Massachusetts, delivered his first message to the Legislature of that State, yesterday. In reference to the slavery question, it is as able and patriotic a document as has appeared in public since the adoption of the compromise measures by Congress. Governor Boutwell takes the proper ground when speaking of the Fugitive Slave law. He says that it is in the nature of a treaty between sovereign States—that Congress was authorized to make it, and that all acts of that body passed in accordance with the constitution, are binding on every State and on every citizen. He gives the higher law demagogues a rebuke which is indeed well merited. His remarks on this point we commend to our Fourierite cotemporary, the *Tribune*, as well as to its managers and directors, Thurlow Weed, and Wm. H. Seward. He says, a law thus passed, may, in the opinion of a State or an individual, be unjust, inexpedient, or unconstitutional; but that such opinion furnishes no excuse for resisting it while we have a supreme judiciary to decide upon its constitutionality. This is the right kind of doctrine; but we apprehend it will not be very palatable to the free soilers who helped to elect Mr. Boutwell. He need not, however, care for any faction, or any set of men, as long as he fulfils his duty under the constitution. We hardly expected such an open, liberal, and candid document from the State of Massachusetts as this message of Governor Boutwell. The effect which it will produce throughout the country, especially in the Southern States, will, we have no doubt, be attended with the best results. Hitherto, our Southern fellow-citizens have been led to suppose that the whole of New England—especially Massachusetts—was determined upon waging a war of extermination against the social institutions of the South, and that Northern and Eastern people would disregard any act of Congress which conflicted with their "higher law" ideas. If any Southern ultra should hereafter doubt the public sentiment of the North in reference to this matter, we can, with pride, direct his attention to the message of the Governor of Massachusetts, as a refutation. If there was a time when the South could charge the North with being hostile to them, and false to their constitutional obligations, that time, we hope and believe, is passed. The public mind of this section of the country may have been, and undoubtedly was, for a time, led astray by artful and designing demagogues, who perverted it to suit their own purposes. But when the North discovered it had gone too far in indulging a false philanthropy, it quickly retraced its steps, and in a day, as it were, enlisted itself under the ancient banner of the constitution and the laws. This message of Governor Boutwell is the severest blow that the Southern ultras have yet received. Place it side by side with Governor Quitman's message, and let the public decide which is the more patriotic—the more constitutional—the more American.

The Legislature of Massachusetts has not yet succeeded in electing a United States Senator to supply the place of Mr. Winthrop, whose term expires with the present Congress. Other ballottings have been had; but Mr. Sumner has not got the requisite number of votes. His election is uncertain.

THE LEGISLATURE AND THE COMPROMISE MEASURES.—The indignation which was aroused, the other day, by the introduction, by Mr. Coffin, of Otsego county, of an unconstitutional, demagogical, fanatical, nullification bill into the Legislature, has subsided, in consequence of Mr. Anthon, of Richmond county, and Mr. Thompson, of this city, having simultaneously proposed resolutions of a constitutional and conciliatory character to the same body. There is a marked contrast between Mr. Coffin's bill and these resolutions. The one is a shaft from the quiver of fanatical abolitionism—the others are marked by patriotism, and a love and reverence for the Union of the great republic. Now that the abolitionists have broken the ice, every good citizen hopes that the resolutions of either Mr. Thompson or Mr. Anthon will be triumphantly passed, and that the ayes and nays will be faithfully and solemnly recorded. The public have a right to demand this of the Legislature, so that public servants who misrepresent their constituents shall be marked and recognized for all time to come.

There can be no doubting who are the originators of this abolition proceeding in the Legislature. That trio of demagogues, Seward, Weed and Greeley, are at the bottom of it—they are the wire-pullers behind the screen, who wish to renew the slavery excitement, and place New York in a position antagonistic to the Union, and to the Southern section of the country, for private purposes of their own. If Mr. Coffin's should pass—which we think, however, is impossible—New York will have violated the constitution, and the members who will have passed it, will be guilty of perjury. The Empire State will, in such case, as far as her own act can effect it, be no longer a member of the Union, for she will have violated the compact on which the Union rests, and entitle herself to the execration of the whole country.

Too much praise cannot be awarded to Messrs. Anthon and Thompson for the noble stand which they have taken in defence of the constitution, and in opposition to fanaticism and agitation. They have manfully come out at the proper time. They will be remembered with gratitude when the Coffins of the Legislature shall have been forgotten in the merited oblivion to which they will be consigned. Short sighted demagogues, who think to elevate themselves at the expense of their country, will find, before very long, that they have miscalculated. Before five years from this day, every man who is now, or has identified himself with the slavery agitation, in Congress or out of it, in any State Legislature or out of it, will be as flat and as dead as he can be. The demagogues are marked, and when the proper time arrives they will be branded as traitors.

Intelligence from Bermuda.

We have received a copy of the Bermuda *Royal Gazette*, of the 31st ult., brought by the bark Panchita, Capt. Peterson, arrived yesterday. This is the latest news direct from that island, but our advices via Halifax, by telegraph, are to the 5th inst.

The *Gazette* gives the following particulars of marine disasters before mentioned:—

[From the Bermuda Gazette, Dec. 31.]

The American steamship (propeller) Monumental City, Capt. Norris, left Baltimore on the 20th inst. for San Francisco, and on the 23d encountered a violent gale (more like a hurricane) from the southward; soon after, discovered the blow-off pipe choked; was consequently prevented working steam, and was compelled to rig a temporary one. In the gale, carried away both arms of the steering apparatus, so that the ship became unmanageable, and was compelled to lie to. A new main stay-sail was blown away whilst lying to. On the 24th, the gale moderated, fixed a temporary tiller, and bore up for Bermuda, where she arrived on Saturday last.

Bark Fernandina, Capt. Thompson, from Philadelphia, bound to Charleston, encountered a heavy gale on the 23d, was blown down by a heavy sea but instantly righted again, with a little damage to bulwarks. The Captain, however, was unfortunately thrown down in the lee scuppers and had his left arm broken. On the gale moderating, bore up for Bermuda for medical aid.

Police Intelligence.

Charge of Forgery.—A young man, by the name of Washington Judah, was arrested yesterday, by officer Magner, on a warrant issued by Justice Osborn, wherein Mr. Judah stands charged with altering a deed of transfer in the Register's office. It seems that Mr. Judah is subject to strange freaks of imagination, bordering on insanity, and while in that singular state of mind he makes transfers of his property. It was in one of these conveyances that Judah is alleged to have altered the face of the deed, after it had been registered. The magistrate held the accused to bail to answer the charge.

Arrest of a Burglar.—Officer Van Court arrested, on Wednesday night, a fellow called Dewitt Nelson, on a charge of attempting to break into the premises No. 122 West Broadway, occupied by Moses E. Crasto. The accused was conveyed before Justice Osborn, who committed him to prison for a further examination.

The Catastrophe in Twenty-first street—Further Particulars—Little Girl Found Alive in a Vault—Arrest of Spencer and Fleming.

No other dead body was found after we left on Wednesday night, so that the hope we expressed is fully borne out—the whole of the houses being now cleared; but a little girl was found in one of the vaults, yesterday morning, perfectly well, but of course awfully frightened. She had been gathering chips when the accident occurred. Though the second search, therefore, was comparatively fruitless, in other respects, it was fortunate in this, as the poor child must have perished if left there long. What must have been her feelings!

Of those taken alive from the ruins, the following were seriously injured:—Thomas Kenney, Patrick O'Brien, Hugh Gasper, William Ackenstaff.

The following were but slightly injured:—James Brogan, John Rice, Hugh Trainor, James Trainor, John McCabe, Thomas Regan, and Patrick McGarrell.

The following are at the City Hospital:—Michael Duggan, hip dislocated and badly bruised; John McKeon, badly injured by contusions; Patrick O'Brien, ribs and one arm broken, and much injured internally; James Carr, badly bruised, and several bones broken.

We should mention that the Captain of the Sixteenth ward, and his men, were the first police on the spot after the accident occurred.

Mr. Abner Bartlett, residing in No. 50, one of the large houses opposite the ruins, threw open his doors with great liberality, and provided a bountiful supply of refreshments for the firemen and laborers, as long as they continued at work.

The Coroner will enter upon the investigation of this disaster at 10 o'clock, this forenoon. It is hoped the whole truth will come out, and that the authorities will act with decision. The public voice demands it. The following explanation is given by Mr. Emmet:—

MR. EDITOR—I was not the owner of the six houses on Twenty-first street, which fell down yesterday.

They were building by Mr George Spencer, the owner, who had purchased the lots of the late Ferris Fell. After Mr. Fell's death I assumed his contract, and agreed to make a loan on said buildings, by instalment, as they advanced, upon receiving a certificate from Wm Thomas, the architect, as to their being well built in all respects. The houses were ready to be roofed in, at which time Mr. Spencer was to receive another payment on his loan, and preparatory thereto the following certificate had been furnished to me by Mr. Thomas, about 10 o'clock, yesterday.

Your obedient servant, THOS. A. EMMET.

[COPY.]

NEW YORK, Jan 15, 1851.

THOMAS A. EMMET, Esq.—In reply to your note of yesterday, I have to inform you that I have given my personal attention and superintendence, from the foundations to their present condition, of the six houses on the south side of Twenty-first street, between the Fifth and Sixth avenues, building by you, and I have no hesitation in saying that the work is done in a good, workmanlike and substantial manner, as far as relates to the masons' and carpenters' work. The objection raised to the size of the beams amounts to nothing, as they will be double bridged on each tier, and all the ceilings throughout will be crossed, furred with 1½ inch plank strips, to receive laths, which is equal to beams two inches deeper than the present beams. It is unnecessary in a dwelling house to have the beams any larger, as there is no particular weight, and taking into consideration the fore and aft and cross partitions on each story, it would be a perfect waste of material.

Respectfully, &c.,
(Signed,) WM. THOMAS, Architect.

What a specimen of architecture! Three hours and a half before the buildings fell he gives a certificate of their "workmanlike and substantial" character!

George Spencer, the contractor, and his foreman, Edward Fleming, were arrested yesterday, by order of the Coroner. Spencer entered bail in $5 000 for his appearance. Fleming was placed in custody of Assistant Capt Fulton, of the First ward. Many are of opinion that Thomas ought to be included. Out of his own mouth he is condemned. It will be seen, by reference to an advertisement in another column, that William Thomas has no connection with Thomas Thomas & Son. Every body cries, let justice be done. The law and the public good demand retribution for the lives that have been lost through the most culpable recklessness.

The Police Captain of the Eighteenth ward reports as follows, in reference to this terrible catastrophe:—"During the past year, 1850, the number of new buildings erected in this ward is about 600, many of which reflect great credit on their builders. But many deserve the most severe condemnation which an enlightened public can bestow; and we fear that it will be our melancholy duty to witness many more such appalling scenes as we have recorded, unless speedy and effective measures be adopted to prevent this miserly way of building, which not only endangers our own lives, but the lives of our wives and children. Had the buildings in Twenty-first street been properly constructed, the tears of the widow would have been smiles of joy, and the weeping of a fatherless child would have been songs of innocent glee."

The Board of Aldermen, on the night of the accident passed a resolution directing the Committee on the Law Department to examine the laws in relation to the erection of buildings, and ascertain and report if sufficient provision is contained in said laws to prevent the occurrence of similar accidents. It is trusted that this is not sham, and that it will not end in smoke—like all the resolutions and ordinances passed by the Common Council under like circumstances.

TO THE EDITOR OF THE HERALD.

The writer of this, having had much experience in building at all times of year, is induced to trouble you with this communication, by reading in the morning papers the description of the terrible catastrophe which occurred yesterday in Twenty-first street.

The adhesive property of lime and sand mortar, such as is ordinarily used in masonry, is entirely destroyed by becoming frozen immediately after the work is done, or before it has time to become nearly dry; and after thawing, has much the appearance of sand, crumbling away to the touch with very feeble resistance.

The cause is obvious. The expansion of the fluid contained in the mortar, by freezing, throws every particle from close contact with its neighbor, and thus effectually destroys the adhesiveness of the whole mass.

This was undoubtedly the cause of the sandy, weak appearance exhibited by the mortar in Twenty-first street.

It is very desirable that the public should be made acquainted with these facts, as the practice of building during the winter season is greatly on the increase, and is encouraged by builders generally, from a desire to continue their business through that season of the year. H. W.

New York, Jan. 16th.

Marine Affairs.

A TREBLE LAUNCH.—Quite an event in ship launching will take place at the yard of Mr. W. H. Webb, foot of Seventh street, on Monday next. On that day he will launch three vessels—a steamship and two large sailing vessels—one of the latter being a clipper, and the other a Havre packet. The steamship is for Messrs. Howland & Aspinwall, of 2 500 tons, and we believe is not yet named. She is intended for the Pacific. Of the other two, one is the Havre packet ship Isaac Bell, for Mortimer Livingston, Esq., of 1,700 tons, and the second is the Clipper ship Gazelle, for Taylor & Merrill, of 1,500 tons, destined for California and China.

ANOTHER STEAMSHIP LAUNCH.—Will be launched, on Saturday, January 18th, at a quarter to ten o'clock, A. M., from the yard of Perine, Patterson & Stack, Williamsburgh, the steamship Lafayette, of 1,200 tons burthen. The Lafayette has been built for J. G. Williams, and others, for a Havre packet, and to be commanded by Captain Charles Stoddard, and will compare favorably with our best New York built steamships.

FIRST ARRIVAL FROM THE ARCTIC SEAS.—The ship Chandler Price, Capt. Jacob Taber, arrived at this port yesterday, from the Arctic Seas, via Honolulu, in a passage of 144 days from the latter, with a full cargo of oil and whalebone. The principal portion of her cargo, consisting of 3,600 barrels of whale oil, was purchased by the agent of a commercial house in New York, within a few hours of her arrival. The price paid has not transpired.—*New Bedford Mercury, Jan. 15.*

Supreme Court.

Before Mr. Justice Barculo.

IMPORTANT CASE—THE NEW YORK AND BROOKLYN FERRIES.

JAN. 16.—*Alfred G. Benson, Edgar Sanger, J. Barstow, and others, vs. The Mayor, Aldermen and Commonalty of the City of New York, Jacob Le Roy, and Henry Pierpoint on This* [illegible] was a motion to continue a temporary injunction, which was obtained against the Mayor and Common Council of the city of New York, restraining them from granting a lease to the defendants, Le Roy and Pierpoint; or, in other words, it was a motion to test the right of the New York Corporation to grant the lease at all. The complaint stated that, in the year 1848, the complainants made an application, in writing, to the commissioners appointed, and under an act of the Legislature of New York, passed May 14, 1845, entitled "An act to establish and regulate ferries between the city of New York and Long Island," in which application complainants, together with one Wm. S. Packer, since deceased, did ask said commissioners to grant complainants and said Packer, a license of said ferries between the city of New York and Long Island, that, after a careful examination of the said application by said commissioners, they did, on the 17th day of October, 1848, grant to complainants and Packer, under certain conditions therein expressed, license to keep and establish four ferries between the cities of New York and Brooklyn, to wit: the Fulton street Ferry, the ferry at the foot of Whitehall street, on the East river, to the foot of Hamilton avenue, in the city of Brooklyn, also another ferry at the foot of Whitehall street, across the East river to the foot of Atlantic street, in said city of Brooklyn, and also a certain other ferry, which was thereafter to be established from the foot of Wall street, in this city, to the foot of Montague street, in said city of Brooklyn; said licenses to terminate at the expiration of ten years. The complaint further stated that, in compliance with the provisions of the act of 1845, they took all the necessary and preliminary proceedings to entitle them to receive from the Mayor and Common Council of New York a grant of such wharves and slips as they might require for the use of such ferries. The complainants further stated that, at the time of granting of said licenses, the Fulton, South, and Hamilton avenue ferries were under the control and management of an association called the Brooklyn Union Ferry Company, who held said ferries under certain articles of association entered into between said Le Roy and Pierpoint, the lessees of said ferries and certain other parties named in said articles, as the agents of the stockholders of said company, and that said Le Roy and Pierpoint applied to the Mayor and Common Council of New York, for a lease of said ferries and the wharves and slips appertaining and belonging thereto, and that the Mayor and Common Council, upon such application, directed their counsel to prepare a renewal of the lease of said ferries to the said Le Roy and Pierpoint, for the term of ten years, to be managed by them only, the Brooklyn Union Ferry Company, in violation of the rights of the complainants, and to their damage, &c. The complainants therefore prayed for a perpetual injunction to restrain the Mayor and Common Council from executing said lease to the said Le Roy or any other person, and also enjoining the said Le Roy and Pierpoint from accepting said lease. Upon this complaint a temporary injunction was obtained, and subsequently an affidavit on behalf of the Mayor and Common Council was filed with a view to dissolve said injunction. The affidavit set forth the several charters granted to the city, from its foundation to the Revolution, and also from the Revolution to the present time; to wit, the charter granted by Governor Dugan, bearing date the 22d of April, 1686, granting to the Mayor, Aldermen, &c., a certain ferry, established between the City of New York and Long Island, and also certain other letters patent, bearing date the 19th day of April, 1708, granted by Queen Anne to the Mayor, Aldermen, &c., ratifying and confirming their right to the ferry mentioned in the charter from Governor Dugan, together with all the vacant and unappropriated ground lying and being on Long Island, from high water to low water mark, and also a certain other patent, bearing date the 15th of January, 1730, granted by George the 2d, king of Great Britain, whereby he granted to the Mayor, Aldermen, &c., of the city of New York, and their successors, sole power and authority of settling, appointing and establishing such and so many ferries around Manhattan Island for the carriage of people, horses, cattle, &c., from the said Island of Manhattan to Nassau, now Long Island, and also to any of the opposite shores all around said Island, in such or so many places as the said Common Council should think fit.

The affidavit stated the several constitutions and legislative enactments confirmatory of those charters, and the various proceedings of the Mayor and Common Council since the revolution, as conclusive in relation to their title to said ferries.

The case was called on this morning, a great part of which was occupied by the reading of the various documents, upon which the parties on both sides rely; after which

Mr. Marvin, on behalf of the plaintiffs, rose, and after making some preliminary remarks, asked if their opponents intended to make out that the State of New York had given up the entire control and sovereignty over the ferries and other franchises to the corporation of this city. I say, said Mr. Marvin, that all those rights, but more especially the right of ferries, belong to the State, because the East river is a navigable river, and the whole thing is a matter of public regulation. *Prima facia*, we, the plaintiffs, make out our title to have ferries. The question then is, has the State of New York parted with its sovereign rights in the regulation of ferries, to the corporation of this city, or to any one else, to such an extent that the State has lost all control of them. It will not be pretended that those rights have vested in the United States under the general power to regulate commerce. The Supreme Court of the general government disclaim the right of having any control of ferries, and here it may be interesting, as a matter of history, in respect to the several charters of the State of New York, to state that not one of those charters now relied on, ever received the royal assent of the sovereigns of Great Britain. I put the question to the counsel on the other side, were these charters merely colonial or not? and the answer he gave was, that they were colonial, but that they were confirmed by all our constitutions and legal enactments; but the act of 1772 was repealed by the act of 1828, and this statute expressly declares that no act of the colony should be considered the law of this State, and therefore the act upon which they rely is no longer an act of this State; and it is to be further remarked, in respect of what they call the Act of Confirmation, that it is the opinion of the most eminent counsel at this bar, that the charters are not saved by it. The constitution of 1777 provided that nothing contained in that constitution should annul the ancient charters, and also provided that certain colonial laws should remain in force; and the act of 1828 only goes to show that the constitution of 1777 did not repeal those charters. Now, this is the most favorable view that can be taken of the question for the other side—that can be taken of this charter. The constitutions of 1821 and 1846, possess no greater powers than the old charters, and, therefore, the case I put is this, that whether granted by colonial authority, by the governor, or assembly, they are precisely on the same footing as to the powers and authorities they confer. Now, the Legislature of this State, in 1813, granted a charter in precisely the same words as the ancient charter, and I believe that the power of the Legislature over that charter would be the same as over those I have already referred to. That being the case, the important question here is, what is the power of the Legislature over those charters? It will not be deemed that the Legislative power of the State extends to all matters affecting the public, except so far as it is restricted by the constitution of this State and constitution of the United States. By those constitutions, no *ex post facto* laws can be passed; but these laws have no application here. I say then, that subject to those restrictions, the power of the State is supreme. It may control, modify, take away, &c., all or any of the franchises of the corporation, provided that in so doing they do not interfere with contracts. They may take away the property of public or private

City Intelligence.

CELEBRATION OF FRANKLIN'S BIRTHDAY.—The anniversary of the birthday of Benjamin Franklin, the patriot, philosopher, and printer, which occurs to-day, will be celebrated in an appropriate manner by the New York Typographical Society. The Hon. Chief Justice Edmonds will deliver an oration on the occasion, and after the literary exercises are concluded, there will be a grand ball and banquet. Tripler Hall has been selected for the celebration, and from what we know of the arrangements, we are satisfied it will reflect credit on the printing profession, and on the committee who have charge of it.

MILITARY MATTERS.—Brigadier General Spicer has been presented with a pair of epaulettes, a sash and sword, by the Second regiment, which he lately commanded. The following is the correspondence:—

NEW YORK, January 10, 1851.

GENERAL—In behalf of the officers of the Second Regiment, New York State Militia, I am requested to beg your acceptance of a pair of Brigadier General's epaulets, a sash, and sword knott, as a mark of the high esteem in which you are held by the officers of the regiment you recently commanded, with so much honor to us and yourself. Pray do us the favor to accept them, and believe us, General,

Yours, respectfully,
JOSEPH CRAIG,
Chairman of Committee.

To Brigadier General CHARLES B. SPICER.

NEW YORK, January 11, 1851.

COLONEL—I have the honor to acknowledge the receipt of your esteemed favor of the 10th inst., accompanied by your beautiful presents. It is a source of gratification to me to have merited the esteem and good wishes of my fellow officers, and believe me, that the many pleasant hours passed with the officers of the Second Regiment, will ever remain green spots on the tablets of my memory.

Accept, dear Colonel, my thanks for the handsome manner in which you have carried out the wishes of the officers, and present to them my kind regards.

Very truly, your obedient servant,
CHARLES B. SPICER,
Lieutenant Colonel JOSEPH CRAIG,
Chairman of Committee.

The commissioned officers of the Second Regiment meet at the Mercer House, on Friday evening, the 24th instant, to elect a Colonel in the place of General Spicer. Several candidates are mentioned, but Brigade Major John Aug. Bogart, is said to be the most likely.

Musical.

THE OPERA SEASON.—About a dozen more performances, at the Astor Place Opera House, will terminate the regular subscription season. In reviewing what has passed, we are forcibly impressed with the regularity that has generally attended the performances. Illness on two occasions—in the one instance of Parodi, and in the other of Bertucca—closed the house; and when Bettini failed to appear, the former lady came to the rescue of the establishment, and, by her admirable zeal and earnestness, effaced every sign of disappointment from one of the most crowded audiences of the season. Since then, as before that event, Parodi, on every occasion, has sacrificed all personal feeling—sometimes when she has been quite ill—rather than to disappoint the public. This fact is too well known to need any further comment than that which involves warm approbation for that *artiste*. We have never witnessed in any Italian performer of distinction and eminence less caprice; and, when we reflect that this is the first season that Parodi has passed in a cold climate, we are surprised at the regularity of her appearance—to say nothing of the hard professional exertion she has made, and is still making, to appear in as many new characters as possible. The probability is that she will sing in this metropolis only about ten times more; and one of her earliest personations will be that of Romeo, in the "Capuletti and Montecchi" of Bellini and Vecce). The opera thus arranged was a favorite one of the superb Pasta, whose style Parodi so magnificently transmits to us; and we have no doubt that our vocalist will create a greater impression in that character, than has attended any of her wonderful personations. Certainly she has seemed to have gone as high as art permits, in all of her *rôles*; but the style of music in Romeo will give her a new field for her melodious voice. We anticipate a rare treat. In the meantime we shall pay more than ordinary attention to the other performances of Parodi. They are of so high an order that we shall not expect to hear them equalled for many a long year, unless the realms of song have some concealed vocalist, of whom the world has not yet heard. We sincerely trust that the musical character of this city will be vindicated, during the next three weeks, by showing that we can appreciate such music as Parodi gives us, as well as the thinner style of Jenny Lind.

CHRISTY'S MINSTRELS.—The entertainments which are daily given at this favorite place of amusement are such as will always command full houses. The singing is excellent; the instrumental performances are gifted with great scientific ability, and the various "bones," by George and others, are danced with exquisite taste. In fine, the lovers of Southern and Northern negro minstrelsy can hear it to perfection at Mechanics' Hall.

FELLOWS' MINSTRELS.—The manager of this excellent band of minstrels deserves the greatest success for the manner in which he caters for the public taste. He has effected an engagement with Mr. Nelson Kneass, one of the greatest features in negro minstrelsy. This gentleman, added to this already excellent band, will make it one of the most attractive in America. Look out for something great on Monday next.

MR. BROUGH'S COMPLIMENTARY CONCERT.—The second meeting of the friends of this gentleman took place last night, at the Astor House. The services of the principal artists, dramatic and operatic, were cheerfully offered for the occasion. This, aside from the numerous friends of Mr. Brough, will insure him a full and fashionable house, Thursday evening, January 23d, is appointed for the occasion, at Niblo's. We beg our reader's attention to the name.

SACRED CONCERT.—Mr. and Mrs. Doctor, Signorini Ferlini, of the Astor Place Opera House, and several other artists of great musical ability, will give a sacred concert on Sunday night, at Fellows' new Hall, 444 Broadway. The programme contains the choicest pieces of Haydn, Mozart, and other composers, all strictly sacred.

Court Calendar—This Day.

SUPREME COURT—CIRCUIT COURT—Nos. 182, 111, 117, 118, 119, 121, 36, 44, 124, 125, 125¾, 126, 127, 128.

SUPREME COURT.—Nos. 141, 200, 251, 262, 264, 265, 267, 269, 271, 175 to 278, 25, 7, 191, 24, 20, 85, 192, 195, 158, 170, 149, 184, 199, 136, 49, 238, 240, 190, 219, 220.

COMMON PLEAS, Part 1.—Nos. 179, 181, 185, 189, 191, 193, 194, 197, 199, 201, 203, 205, 207, 211, 213. Part 2—Nos. [illegible] 215, 217, 219, 220, 228, [illegible] and, and, and.

Theatrical.

BOWERY THEATRE.—The beautiful production of the "Student of Morlaix, or the Patient Heart," which is now being played at this theatre, should be seen by the admirers of splendid dramatic writing. It is ably cast, with J. R. Scott as Eugene Lacaille, Tilton as d'Auvergne, Miss Wemyss as Hortense, and Mrs. Jordan as Madame Gelotte. The beautiful play of "Romeo and Juliet" will likewise be acted, with Mr. Fenno as Romeo, J. R. Scott as Mercutio, and Miss C. Wemyss as Juliet. We should imagine the visiters of this establishment have very little to complain of when such a bill as the above is presented for their amusement. The new drama of the "Student of Morlaix," a well written and deeply interesting piece, is all-sufficient to attract a full house; but when Shakspeare's beautiful tragedy of "Romeo and Juliet" is also announced on the same night, the audience must be immense.

BROADWAY THEATRE.—Just as we predicted—Marshall's great enterprise in producing, at an enormous expense, the beautiful spectacle of "Faustus," is a perfect triumph; and, from the enthusiasm with which the piece is every night received, there can be little doubt but that it will have a very long and very successful run. The scenery is gorgeous—the transformations capital—the carnival is excellent—the acting of Dyott, Conway, Davidge, Mad. Ponisi and Mrs. Abbott, such as to ensure the success of any piece much less in value than the splendid and magnificent spectacle of "Faustus." The singing and dancing add much to the attractive features of this production. We understand that various changes will be made in the carnival scene, as the spectacle advances. It will be presented to-night, with other entertainments.

BURTON'S THEATRE.—This evening will be the sixteenth representation of the capital drama of "David Copperfield," which, from the talented manner in which the respective parts are filled by some of the ablest comedians that can be found on any stage, elicits nightly the most rapturous and enthusiastic cheering. Burton's Micawber is decidedly the best piece of comic acting we have ever seen—he keeps the house in ecstacy. Blake, an actor of great celebrity, nightly elicits the most enthusiastic cheers. In fine, all the actors are good, and the patrons of the house feel satisfied and delighted. Mr and Mrs. Holman will sing a favorite duet; Miss Walters and M. Frederic will dance a *pas de deux*; the orchestra will execute the "Jenny Lind Potpourri;" and the amusements will conclude with the farce of the "Eton Boy." A great bill for one night.

NATIONAL THEATRE.—Mr. Joseph Dunn takes his benefit at this establishment, to night, when one of the most attractive bills of the season is offered for the evening's entertainment. Mr. T. D. Rice, the popular and talented Ethiopian delineator, has kindly volunteered his services on the occasion. The first piece will be the "Wandering Minstrel," the part of Jim Baggs by Mr. J. Dunn. This piece will be followed by the "Original Mummy," in which Mr. T. D. Rice will appear as Ginger Blue. The orchestra will play the overture to the "Child of the Regiment," and the next feature will be the romantic and Terpsichorean spectacle called the "Frolic of the Fairies." This will be followed by an overture—next the "Dumb Girl of Genoa," and the entertainments will conclude with the comic ballet of the "Frisky Cobbler."

BROUGHAM'S LYCEUM.—This highly popular and well conducted establishment continues its greatly successful career. There is a brightness, elegance and cheerful appearance in the place, which is positively enchanting. Such a number of our first families, especially of the fairer sex, visit it, as to made it quite an attraction, without mentioning those of the stage. They play to-night the three great hits already made, viz.: "David Copperfield," of which Brougham has contrived to make a most interesting and amusing drama, together with the "Wild Indian," a most glorious bit of fun, admirably rendered by Messrs. Brougham and Owens, and the splendid extravaganza of "Jenny Lind," in which "our Mary" gives such magnificent proofs of her ability and popularity.

CIRCUS.—This evening, M'lle Louise and Mons. Tournaire take their farewell benefit, being the last appearance of the French troupe this season, after the most successful run ever known in the history of the arena. They leave on Saturday for Boston, where they are to appear, on Monday next, at the Howard Atheneum. The entertainments selected for their benefit this evening are numerous, varied and elegant, embracing the entire strength of the company, together with the auxiliary aid of Mons and Madame Benoit, and the clowns, Lathrop, Pentland and Williams. M'lle Louise will ride her celebrated menage act, and Mons. Tournaire, as the Courier of St. Petersburgh, on seven horses.

AMERICAN MUSEUM.—The entertainments for this and to-morrow evening, consist of excellent vaudevilles, singing, dancing, and other attractive features. The company is composed of several favorite and excellent comedians, among whom are Miss Chapman, Messrs. C. W. Clarke, Hadaway, Andrews, Henkins, and others. This establishment is attractive in various ways. Not only are the visiters delighted with beautiful dramatic representations, but they can also enjoy themselves in viewing the greatest curiosities in the world.

PANORAMA OF THE PILGRIM'S PROGRESS.—We are pleased to hear that this grand moral picture has become so decided a favorite with the public that the proprietors have resolved not to take it to Boston so early as they had anticipated. This speaks well for the good taste of the Gothamites.

STOPPANI HALL.—Those who have not as yet seen the beautiful tableaux of New England, should by all means do so, as they are splendid paintings. They are being exhibited every day, at the above hall.

SATTLER'S COSMORAMAS.—Those splendid productions of