CITY NEWS.

NEW YORK COMMON COUNCIL.

[OFFICIAL.]

Stated Session.

BOARD OF ALDERMEN, June 14, 1852.

Present—Richard T. Compton, Esq., President; Aldermen Moore, Haley, Sturtevant, Oakley, Boyce, Barr, Tweed, Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Denman, Cornell; Alvord, Doherty, Peck.

The minutes of the last meeting were read and approved.

PETITIONS.

By the PRESIDENT—Petition of Rabbi Dr. Mau Willientha, for reduction of tax. To Committee on Finance.

By Alderman DOHERTY—Petition of Michael Reddy, for pay for loss of horse at pier foot of Fifty-third street, East river. To Committee on Finance.

By Alderman WARD—Petition of J. Green Pearson and others, to have Nelson place repaved. To Committee on Streets.

By Alderman SMITH—Petition of Russ & Reid, to have the cobble stones and old material, as usual. To Committee on Streets.

By the PRESIDENT—Petition of butchers and others doing business in Clinton market, for a shed over said market. To Committee on Markets.

By Alderman BOYCE—Petition of Stacey Pitcher and others, to have the grade of Caroline street raised. To Committee on Streets.

By Alderman STURTEVANT—Petition of owners and lessees of piers 18 and 19 North river, for the exclusive use of said piers for steam and tow boats. To Committee on Finance.

By the same—Petition of John Woolsey & Son and others, to have Dey street paved. To Committee on Streets.

By Alderman DOHERTY—Petition of Hugh McMahon, to be compensated for damages sustained by the opening of Fifty-third street, from Third to Sixth avenues. To Committee on Roads.

By Alderman BOYCE—Petition of George F. Codlington and others, to have permission to repave Caroline street. Prayer of petitioners granted.

RESOLUTIONS.

By Alderman DOHERTY—

Resolved, That the Croton Aqueduct Department be, and they are hereby, directed to cause Croton water pipes to be laid in Eighty-first street, between Second and Third avenues, forthwith. Adopted.

By Alderman PECK—

Resolved, That gas lamps be placed in West Thirty-first street, between Eighth and Ninth avenues, where necessary, and the Commissioner of Streets and Lamps cause the same to be done with as little delay as possible. Adopted.

By Alderman PECK—

Resolved, That South William street, from Broad to William street, be repaired forthwith, under the direction of the Commissioner of Repairs and Supplies. Adopted.

By Alderman DOHERTY—

Resolved, That the Croton Aqueduct Department be, and they are hereby, directed to place a public hydrant on the corner of Seventy-seventh street and Third avenue, forthwith. Adopted.

By Alderman CORNELL.—

Resolved, That it be referred to the Committee on Fire Department, to procure a suitable location for Hook and Ladder Company No. 12, as soon as practicable. Adopted.

RESIGNATION.

Resignation of James H. Welsh as Commissioner of Deeds

Whereupon Alderman MOORE presented the following resolution:—

Resolved, That Alfred E. Baker be, and he is hereby appointed, Commissioner of Deeds in the place of James H. Welsh, resigned; which were referred to the Committee on Salaries and Officers.

MOTION.

Alderman WARD

Moved a reconsideration of the vote taken at the last meeting, on the report in favor of granting permission to the proprietor of Jackson ferry to change the termination thereof on Brooklyn side, from Hudson avenue to Bridge street. Which was carried.

Alderman TWEED

Moved that the same be adopted. Which was carried on a division.

Affirmative—Aldermen Moore, Haley, Oakley, Barr, Tweed, Brisley, Pearsall, Cornell, Doherty, Peck—11.

Negative—Alderman Sturtevant, Boyce, Frances, Smith, Tiemann, Denman, Alvord, the President—8.

REPORTS.

Of Committee on Roads—In favor of confirming the award of several contracts for regulating, &c., portions of Eighty-sixth, Fifty-fourth, and Fifty-ninth streets. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Sturtevant, Oakley, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Ward, Cornell, Alvord, Peck—14.

Of Committee on Streets—In favor of regulating, &c., Madison avenue, between Fortieth and Forty-second streets. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Oakley, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Bard, Ward, Cornell, Alvord, Doherty, Peck—18.

Of Committee on Roads, in favor of paving Eleventh avenue, from Forty-third to Forty-eighth streets. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Tiemann, Ward, Cornell, Alvord, Doherty, Peck—15.

Of same committee—In favor of regulating, &c., Fifty-second street, between Eleventh and Twelfth avenues. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Sturtevant, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Boardman, Denman, Alvord, Doherty, Peck—14.

Of same committee—In favor of regulating, &c., Eighty-fourth street, from Third avenue to avenue A. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Sturtevant, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Bard, Ward, Cornell, Alvord, Doherty, and Peck—16.

Of same committee—To concur to extend time to contractor to regulate Fifty-seventh street, between Fifth avenue and Broadway. Adopted.

Of Committee on Streets—In favor of confirming the awards of various contracts made by the Street Commissioner, and authorizing the appointment of Inspectors. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Cornell, Alvord, Doherty, and Peck—18.

Of Committee on Roads—In favor of concurring with Board of Assistants, to pave Forty-third street from Eighth to Ninth avenue. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Oakley, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Cornell, Alvord, Doherty, Peck—19.

Of Committee on Sewers—In favor of constructing a sewer in Twentieth street, from avenue A to a point about 120 feet east of First avenue. Adopted on division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Cornell, Alvord, Doherty, Peck—18.

Of Committee on Sewers—To concur to build sewer in Greenwich avenue, from Twelfth street to Sixth avenue. Adopted on a division, viz:

Affirmative—Aldermen Moore, Haley, Oakley, Barr, the President, Aldermen Brisley, Francis, Smith, Tiemann, Boardman, Denman, Alvord, Doherty, Peck—15.

Of Committee on Roads—In favor of filling up the well in Hamilton square. Adopted.

Of Committee on Wharves, Piers and Slips—In favor of extending the bulkhead at Manhattanville, North river. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Oakley, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Denman, Cornell, Doherty, Peck—17.

An ordinance in relation to providing rooms to hold Court of General Sessions of the city, during the months of July, August and September next. Adopted.

Of Committee on Finance—In favor of remitting personal taxes of Robert McKay, Robert Mathison, Philip Schue, James A. Hamilton, Alexander Lazarus, Uel Reynolds, John H. Rigby, Marcellus Pryer, Jacob Muller, J. H. H. Cushman, Theodore Eisfeld, James A. Campbell, McKedy Major, Wm. Sinclair, which was adopted on a division, viz.:—

Affirmative—Aldermen Moore, Haley, Oakley, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Cornell, Alvord, Doherty, and Peck—18.

Of Committee on Roads—In favor of concurring with Board of Assistants, to pave Forty-third street from Eighth to Ninth avenue. Adopted on a division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Oakley, Boyce, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Pearsall, Bard, Ward, Cornell, Alvord, Doherty, Peck—19.

MESSAGE FROM HIS HONOR THE MAYOR.

A message was received from his Honor the Mayor, re-nominating Dr. Alexander B. Whiting as Health Commissioner, which was rejected by the following vote, viz:—

Affirmative—Aldermen Boyce, Pearsall, Ward—3. Negative—Aldermen Moore, Haley, Oakley, Barr, Tweed, the President, Aldermen Brisley, Francis, Smith, Tiemann, Bard, Denman, Cornell, Doherty, and Peck—15

On motion, the Board then adjourned to meet on Wednesday, 16th inst., at five o'clock, P. M.

D. T. VALENTINE, Clerk.

BOARD OF ASSISTANT ALDERMEN, Monday, June 14, 1852.

Present—Jonathan Trotter, Esq., President, in the chair, Assistant Aldermen Brown, Tait, Mabbat, O'Brien, Rodman, Breaden, Woodward, Ring, Wells, Anderson, Bouton, McGowan, Wright, Wheelan, Barker, Rogers, Valentine, Brastow, McConkey.

PETITIONS, ETC.

By the PRESIDENT—Of S. T. Armstrong, for the privilege of placing insolated electric telegraph wires under ground, through the streets, lanes, and avenues of New York. To Committee on Streets.

By same—Of Joseph Smolinski, to have his newly invented system of ventilation examined. To Committee on Repairs and Supplies.

Of Henry Goodenough and others, that lots on Twentieth street, between Second and Third avenues, be fenced in. To Committee on Streets.

By Assistant Alderman BOUTON—Remonstrance of M. Brown and others, against sewer in Cannon street. To Committee on Sewers.

By same—Of F. & W. Deming, for change of grade in Forty-fourth street, between Ninth and Tenth avenues. To Committee on Roads.

INVITATION.

Of Brigadier General Hall, to review, in company with his honor the Mayor and the Board of Aldermen, the Third Brigade New York State Militia, on Tuesday, 15th inst., at 3½ P. M., on the Battery. Accepted.

REPORTS.

Of the Committee on Police—In favor of paying Dr. Kreuger $3, for medical services rendered at Thirteenth ward police station. Adopted.

Of Committee on Croton Aqueduct—In favor of removing fire hydrant in Greene street, between Spring and Prince. Adopted.

Of Committee on Police—In favor of paying Dr. J. Simmons for medical services rendered at Sixth ward station house; in favor of granting an increase of salary to doormen of the several patrol districts. Adopted, each by the following vote:

Affirmative—The President, Assistant Aldermen Brown, Tait, Mabbatt, O'Brien, Rodman, Breaden, Woodward, Ring, Wells, Anderson, Bouton, McGowan, Wright, Wheelan, Barker, Valentine, Brastow, and McConkey—19.

COMMUNICATIONS.

From the Bureau of Assessments, with assessment list—For paving Thirty-first street, from Fourth avenue to Broadway, asking that it be confirmed, and Abner Sanford appointed collector therefor. To Committee on Assessments.

From Board of Aldermen—On communication from Commissioner of Repairs and Supplies, with estimate for a 10,000 lb. fire alarm bell for the tower at Jefferson market, to Andrew Meneely's sons, at 28 cents per lb. Concurred in.

On same, with estimates for enlarging house of Hose Company No. 11, and Engine Company No. 29. Concurred in.

Apportionments of assessment in the matter of paving Lexington avenue; regulating and paving Twenty-fifth street, from Tenth avenue to Hudson river; building a sewer in Second avenue, Thirty-ninth street, and Third avenue; in Seventh avenue, between Fourteenth and Seventeenth streets; fencing vacant lots on Second avenue and Fifteenth street. Confirmed.

Resolution—That the pump be removed and well filled in, in Sixth street, opposite No. 30. Concurred in.

Resolution—That a cross walk be laid across Eighth avenue, opposite No. 352. Concurred in.

Resolution—That gas lamps be placed on west side of Ninth avenue, between Twenty-ninth and Thirty-fourth streets. Concurred in.

Resolution—That the portrait of John Jay be repaired. Concurred in.

RESOLUTIONS.

By Assistant Alderman WOODWARD—That the pump in Cherry street, near Clinton, be repaired. Adopted.

By Assistant Alderman BREADEN.—That Duane street, from Broadway to Centre, be lighted with gas. Adopted.

By Assistant Alderman WELLS—That the pavement on northeast corner of Bleecker and Carmine streets be relaid. Adopted.

By the same—That the telegraph pole on the southeast corner of Morton and Greenwich streets be so placed as not to obsruct passengers crossing on the crosswalk. Adopted.

By Assistant Alderman MCGOWAN—That the Commissioner of Streets and Lamps be requested to report to this Board why the lamp posts are not set on 122d street, ordered last year; and also why the Bloomingdale road is not lighted, as ordered some time since. Adopted.

By Assistant Alderman BRASTOW—That Forty-ninth street, from Eighth to Ninth avenue, be regulated in accordance with the recently adopted grade; and that the Street Commissioner be authorized to arrange with the contractor for paving the street to complete his work in accordance with said grade. To Committee on Roads.

By Assistant Alderman BRASTOW—That Forty-sixth street, from Tenth avenue to Hudson river; Forty-fourth street, from Tenth avenue to Eleventh avenue; Broadway, from Forty-second to Fifty-ninth street; Tenth avenue, from Forty-second to Forty-eighth street; Fifty-first street, from Broadway to Tenth avenue; Forty-fifth street, from Seventh to Sixth avenue; Fifty-second street, from Eighth to Tenth avenue; Forty-seventh street, from Eleventh avenue to North river—be lighted with oil. All adopted.

The board then adjourned to Tuesday afternoon, at six o'clock. From the minutes.

EDWARD SANFORD, Clerk.

Board of Supervisors.

The Recorder in the chair.

JUNE 14—The minutes of the last proceedings were read and approved.

PAPERS REFERRED.—Bill of Lawrence Reid, Professor of Chemistry at the City Hospital, for holding a *post mortem* examination on the remains of Mrs. Warren, $20. Of F. B. Charrett, for disinterring the remains of Victorine Grunzig, in August last, $15 50.

Bill of G. H. Purser, for travelling expenses to Albany, during the recent session of the Legislature, $128 50, was ordered paid.

ADOPTED.—$150 per annum to Jos. B. Young, as reader of the Board of Supervisors. It was resolved that the Committee on County Offices ascertain what payments have been made by the Comptrollers of the City and State, for attendance on the Supreme Court, the Oyer and Terminer, and the Circuit Court, since 1849. Adjourned to Monday next.

Theatrical and Musical.

BOWERY THEATRE.—Mr. Hamblin is announced to appear again this evening, in his great character of Romont, in Massinger's tragedy entitled "The Fatal Dowry," assisted by Mr. E. Eddy in the part of Charalois. The popular drama of the "Flying Dutchman" will be the terminating feature. Mr. Hamblin's acting is every night received with the greatest enthusiasm and delight.

BROADWAY THEATRE.—Madame Celeste, whose engagement is now nearly at a close, will appear to-night in the drama called "St. Mary's Eve," in her inimitable representation of Madeline. This piece will be followed by Auber's grand opera of "Massaniello." Mme. Celeste appearing as Fenella, Mrs. Seguin as Elvira, Mr. Bishop as Massaniello, and Mr. Seguin as Pietro. The scenery of this piece is beautiful, particularly that representing the garden of the Viceroy of Naples, the bay of Naples, the sea shore, and the apartment in the palace.

NIBLO'S GARDEN.—This being one of the dramatic nights, Mr. G. V. Brooke will appear in his great character of the Stranger. The highest encomiums have been bestowed on Mr. Brooke in England for his excellent personation of this part. Mrs. Vickers will appear as Mrs. Haller, and the other characters in the piece will be sustained by a very good stock company.

BURTON'S THEATRE.—The new and eccentric drama called "Paris and London," which has been produced at this theatre in a style of unsurpassed grandeur, will be repeated this evening. The scenery is beautiful, particularly the view of Paris from Versailles, the picturesque voyage to London, a ship on fire, view of London, with other splendid paintings. Placide will appear as the Frenchman, and Burton as the Englishman.

NATIONAL THEATRE.—Purdy, at the present season, has one of the best companies that have been engaged for many years at the National. Scott will appear this evening in Shakspeare's character of Richard III., and Mr. W. G. Jones in the part of Richmond. The terminating piece at this popular establishment will be the drama of the "Fisherman and his Dogs," in which Blanchard will appear in the principal character.

LYCEUM THEATRE.—Mrs. Sinclair (late Mrs. Forrest), appears to-night at the Lyceum, and leaves for Europe to-morrow, in the Asia. Mrs. Sinclair is announced in a French character this evening, for the benefit of Mr. Kemp; and such has been the great demand for tickets, that it is found necessary to offer the orchestra chairs and private boxes at auction, this morning, at ten o'clock, at the theatre. We would advise all who would see Mrs. Sinclair for the last time to attend the sale of seats.

CASTLE GARDEN.—The Rousset family, with an excellent *corps de ballet*, will appear this evening in the new grand mystic ballet of action, entitled "Sathaniel, or the Triumph of the Cross," which has been produced in the most magnificent manner, as regards scenery of the most brilliant description. In the course of the ballet, Miles. Theresine and Clementine will appear in a *pas d'ensemble*, Caroline and Adelaide in a grand *pas de deux de fascination*, and Caroline in an original naval hornpipe.

ASTOR PLACE OPERA HOUSE.—Donetti's troupe of monkey's, dogs, and goats, which have afforded such unmixed pleasure to the large audiences that attend nightly at this place of amusement, will appear again this evening, in a variety of their surprising feats, on the slack rope, on the tight rope, and in pantomime scenes of the most laughable description. Since their performances have been legalized, they seem to excel their former efforts.

AMERICAN MUSEUM.—The pleasing comedy of "Perfection," and the laughable farce of "Valet de Sham," with the "Jenny Lind Polka" by La Petite Taglioni, comprise the afternoon's entertainment; and in the evening, the new domestic drama of "Passion and Repentance," with the laughable farce of the "Double Bedded Room," will be presented.

CHRISTY'S OPERA HOUSE.—The melodies, instrumental performances, and dancing, which comprise the amusements at this old and favorite resort, still continue to draw large assemblages.

WOOD'S MINSTRELS are every night listened to with pleasure; their negro delineations cannot be excelled, and their singing and instrumental performances are received with enthusiasm.

Mr. G. V. BROOKE will perform at the Lyceum, on Wednesday, Friday, and Saturday.

DEPARTURE OF ARTISTS PER THE STEAMSHIP ASIA.—Signor Benedetti, Signora Truffi Benedetti, Miss Charlotte Cushman, Miss Anderton, Mrs. Sinclair, and Mr. G. Vandenhoff.

Madam CELESTE leaves this port for Liverpool on the 26th inst. She is now playing her last engagement at the Broadway theatre.

The Illegality of the American Art Union.

SUPERIOR COURT.

OPINION OF JUDGE ROOSEVELT.

JUNE 14.—Judge Roosevelt has given the following opinion—concurring with that of Judge Mitchell—on the illegality and unconstitutionality of the American Art Union:—

First—That a lottery, within the meaning of the constitution, was a "scheme," by which contributions in money were solicited to a common fund, composed of equal shares, to be distributed afterwards (subject to a fixed deduction for profits and expenses), into unequal portions, called blanks and prizes, determinable by the "wheel of fortune," or any other appeal to chance. Second—That an investment of the common fund, that invited and contributed for a subsequent unequal partition by lot, in objects of value instead of money or moneyed securities, can make no difference in principle. A picture, a statue, a splendid coach, or an elaborately carved piece of plate or furniture, worth a thousand dollars, is, to the eager imagination, as much a "prize" as a purse containing a hundred eagles in gold. The passion for gaming may be stimulated as effectually by the prospect of the one as of the other. Their mutual convertibility is too obvious to escape the dullest perception. A great commercial emporium, all know, and especially the keen-sighted gamester, can turn painting into gold, and gold into painting, with equal, or nearly equal, facility. The "work of art," it is true, may, in the fluctuations of demand and supply, sell for less, but it may also sell for more, than the artist's price—and this element, therefore, being an additional ingredient of hazard, instead of counteracting, serves rather to aggravate the virulence of the poison. What the constitution intended to prohibit was the setting up of lotteries and the sale of lottery tickets. The greater or less certainty of the prizes, or their greater or less magnitude, provided they had any pecuniary value, and any tendency to stimulate the gambling propensity, were circumstances of no account. The moral opium, in all its forms and degrees, was to be excluded from the social system. Whether wrapt in the graceful covering of the painter's genius, or in the sober integuments of classic lore, or in the sacred garb of religion herself, it was equally a poison—a poison subtle and seductive, and so pervadingly pernicious, as not to be entrusted to the administration of even the Legislature itself. "No lottery," say the framers of the constitution—making no exception in favor of any particular "scheme," or any particular purpose, whether it be an Art Union, or a College Union, or a Church Union, whether it be taste, or talent, or religion—"no lottery shall hereafter be authorized in this State." And lest this inhibition upon the legislative power should, as a mere negative provision, be insufficient to stay the evil, a positive injunction was superadded, directing that "the Legislature shall pass laws to prevent the sale of all lottery tickets—(by what power soever sanctioned)—within this State." What, then, it may be asked, is the five dollar subscription to the Art Union?—what but the purchase of a ticket in the Art-Union Lottery? Can any distinction, in principle, be drawn between the "certificate" delivered to "the subscriber," as the evidence of his chance, in the lottery of the Art Union, and the "ticket" sold in former times to the candidates for fortune in the Union College scheme? The method is the same, the motive is the same, the object is the same, and the passion addressed and relied on for success is the same; and I may add, the "public good," so strenuously, and no doubt sincerely, urged, is the same. And yet, the Union College lotteries were stopped forever—merely to be succeeded, if the defendants' counsel are right, by the lotteries of the Art-Union, and others of a kindred character. Some stress has been laid upon the fact, which is not denied, that the Art Union scheme involves no blanks. Every purchaser of a ticket, it is said, is sure to draw a prize. If this distinction be admissible, it must be applied equally to moneyed lotteries, and the managers would only have to average a scheme of dollar prizes, at the bottom, to sustain a system of twenties and even hundreds of thousands at the top. Absolute blanks are not essential to the idea of a lottery; intentional inequality in the distribution, be it great or small, to be determined by chance, is all on this point that is necessary. It is the possibility of drawing a "splendid prize" that constitutes the temptation of the deluded victim; the blanks, whether absolute or comparative, in his view are of little or no account. But even admitting them to have some influence, it is difficult to conceive how a small modicum of certainty, in the shape of an overvalued engraving, thrown into a stupendous mixture of chance, can entirely, not partially, neutralize the poisonous nature of the compound. It may make the drug more extensively seductive—and that, I presume, is both its object and its effect; but does it render it less pernicious? My conclusion is, that, purchased, as these paintings were, for the express purpose, the proposed distribution of them by lot, in unequal portions, among the holders of tickets, by way of blanks and prizes, is in every just acceptation of the term, and in every just view of the evil to be remedied, a lottery, and as such, not only unauthorized, but prohibited by law. Judgment, therefore, should be given for the plaintiffs.

Court of General Sessions.

Before the Recorder, and Ald. Ward and Denman.

JUNE 14.—*Trial for Forgery—Acquittal of the Accused.*—The jury re assembled, as appointed, at 10 o'clock this morning, and the trial of Edwin Wilbur was proceeded with. Mr. Hobson was recalled, and examined at considerable length, as to the language used to the prisoner at the time of the confession, and Mr. Spencer renewed his argument against the admissibility. Justice Osborn was also placed on the stand, and testified to the substance of what Mr. Hobson said at the examination before him. It was, that he told the young man that he had got himself into a difficulty, and that he had the proof against him; and now, if there were any mitigating circumstances in the matter, and he should require any favor at his hands, it would be far better for him to tell the whole truth, than to deceive any parties.

The Court, after a long discussion, held that the confession was not such a voluntary and free one as the law contemplated, and ruled it out.

A witness, (E. Graves,) for the defence, did not think that the filling up of the check was in the prisoner's hand writing; and he and another witness spoke as to his good general character.

Mr. Spencer summed up for the defence, pointing out the absence of all testimony, when the confession, (which was extorted under the fear of exposure and disgrace), was stricken out. The Assistant District Attorney submitted the case under the charge of the Recorder. His Honor directed them to discard the admission of guilt by the prisoner himself, and confine themselves to the consideration of the other points. These were very meagre, consisting principally in the facility which the defendant had of committing the offence. The jury, after an absence of about an hour, returned a verdict of not guilty. The accused, who is an exceedingly genteel and good looking young man, was then discharged, and left the Court with his friends.

Charge of Perjury Against an Attorney.—An Episode in the "Shirt Case" Controversy.—James Ferguson, whose litigations have claimed so much attention from our courts, civil and criminal, for the past five or six years, chiefly originating with the celebrated divorce suit, known as the "shirt case," was placed on trial, indicted for falsely swearing before the Court of Special Sessions, on the 26th November, 1850, that the present complainant, George P. Brush, had assaulted him on the 16th day of March, 1850, on his going to serve him with a subpœna.

Hon. A. L. Jordan and Hon. F. A. Talmadge appeared for the defence.

Mr. A. O. Hall opened the case, and read the indictment. He proceeded to state the circumstances, showing that the defendant had complained, in the first instance, before the police magistrate—had then gone to the grand jury, and finally to the Special Sessions—upon which occasions, as also in a civil suit, he had sworn to the same state of facts.

Mr. Jordan objected. None of these facts were alleged in the indictment, and could not be given in evidence; he therefore submitted that counsel ought not to state them in the opening.

Mr Hall supposed he had the right to give them in evidence, and should certainly offer them all. An element in the crime was the corruptness, or malice; and the repeated acts of the prisoner, in the same course of action, was, he contended, not only competent but most proper evidence of malice, and he certainly had a right to it in his opening.

Mr. Jordan replied, it resolved itself into a question whether they had the right to give these things in evidence, and prove other cases against his client. The indictment referred to the Special Sessions only, and to that they must confine themselves.

The Court thought, in the present stage, that the District Attorney should confine himself to the specific perjury charged—at a future one, they might go into the question of malice.

Mr. Hall said he would offer the evidence in the course of the trial, and with that intimation from the Court, would avoid the subject at present. After a few further observations, Mr. Henry Vandervoort, the clerk of the Court of Sessions, was sworn; but it was admitted that on the day named, the Court of Special Sessions was constituted as alleged, that Brush was tried for an assault and battery, and that the defendant was sworn as a witness. Mr. Hall then tendered the complaint on which that trial was had, and Mr. Jordan objected on the same grounds as before. Mr. Hall would only now ask Mr. Vandervoort whether the paper produced was not a record of the Court. He did not mean to put its contents in evidence. (Question was put, and answered in the affirmative. Paper marked "A" by the Court.)

Abraham D. Russell, counsellor at law, examined—Knew the complainant and defendant; was present in the Special Sessions on the day named in the indictment, and was Mr. Brush's counsel; was present during the whole trial; Mr. Ferguson swore that he went into Brush's house on the day in question (the witnesses, at the defendant's request, were here ordered to withdraw); he went to serve a subpœna; went up into the second story, and he handed him the subpœna, and handed him fifty cents, which dropped on the ground; that Brush struck him whilst in his room; that he went out of the room, and was going down stairs, when Brush reached over and struck him, and kicked him as he was going down towards the entry.

Cross-examined—Kept no minutes of the testimony, for the reason that he had the statement before the trial; had not for the last two years tried many causes in the Court of Sessions; spoke from memory, and the writing was of no service; the statement was now filed in a civil suit for the same assault.

Re-examined—It was not usual to take minutes of testimony at Special Sessions.

To Mr. Jordan—He was retained and employed by Mr. Brush, who gave him a fee; he never worked without one.

Mr. Jordan was very happy to hear that. (Laughter).

William J. Roome, counsellor at law.—Was formerly one of the Special Justices of this city; was present on the trial referred to, associated with Mr. Russell, for Mr. Brush, the defendant. [The witness then corroborated Mr. Russell's statement, repeating the evidence of Ferguson somewhat more in detail.] The assault was said to have been on the 16th March, 1850, at the house of Brush, on the second floor, back room.

Cross-Examined.—He drew the affidavit to obtain the complaint for perjury; did not know where the affidavit was; it was said to have been stolen; no one directed him to draw it; sent for Mr. Brush afterwards to get him to come and answer to it; did not remember what day it was sworn to; he (Brush) said he would prefer not having anything to do with it; witness urged him to swear to it after he had heard his reasons for objecting; was employed by Brush to defend him on the original charge, brought before Justice Bleakley; also at the Special Sessions; he paid him $10; did not know what he paid Mr. Russell; drew an affidavit for Mr. Charles P. Broadwell; had had no controversy with Mr. Ferguson at all.

Re-examined—What were the reasons Mr. Brush gave for not wishing to go on?

Mr. Jordan objected, and Mr. Hall argued, as the gentleman had seen fit to ask as to the interview, he had a right to the whole. Defendant's counsel said he had not gone into the conversation, but only proved a fact. (Question admitted.) Mr. Brush said to witness, after his reading the affidavit to him, that the facts set forth were all in accordance with truth; and he considered it a duty he owed to the public to punish him for false swearing; yet, in consequence of the state of health of his daughter and only child, he would rather forego it than place upon her the necessity of appearing in court, which he believed would be likely to be fatal to her life. Witness urged that his duty to the public was paramount to any other consideration. Witness got the facts in part when Brush was first apprised that proceedings had been taken before Justice Bleakley; and another portion from the complaint in a civil suit in the Supreme Court, and the balance from what transpired in the Special Sessions; was a lawyer in the Court of Sessions, not in any other court; had been admitted in the neighborhood of two years; thought he had drawn more affidavits in the matter of that complaint; got all the facts from the same sources; did not know whether the affidavits were filed in this court or at the police.

At this stage of the proceedings, the Recorder and Aldermen having an engagement, at 2 o'clock, to review the firemen on their parade, the Court adjourned till to-morrow morning, and the jury separated by consent.

Supreme Court—Circuit.

Before Hon. Judge Edwards.

JUNE 14.—*Almon Farr vs. The United States Mail Steamship Company.*—The plaintiff complains that on the 27th April, 1850, he took a steerage passage in the Ohio steamer for Chagres, and that a state room or berth was assigned him by the defendants; but that on the second day of the voyage the berth became untenable by reason of a leak in the vessel; he was therefore unable to occupy it, and was compelled to sleep upon deck during the remainder of the voyage, the steward having refused to supply him with another berth. The plaintiff also complains that the vessel was inconveniently crowded, and did not proceed directly to Chagres, as it was represented that she should, and that he was consequently delayed for the space of twenty days, and conveyed to several ports not within the course of a vessel sailing between the ports of New York and Chagres; that the food was unwholesome and insufficient; that the vessel remained at Havana two days, and at New Orleans one week, where the plaintiff was exposed to a malignant and contagious disease then prevailing there; that the vessel again returned to Havana, and remained there three days, where the cholera was then raging; at that time a band of adventurers, under the command of General Lopez, had invaded the Island of Cuba in arms, and taken the city of Cardenas; that in consequence of this, citizens of the United States were regarded with suspicion by the authorities, and treated with ignominy and contempt; the vessel was afterwards compelled to take her station at the fortress of Moro Castle, and the plaintiff as well as other passengers, was detained a prisoner of war, and was ultimately obliged to leave the Ohio, and was transferred to the Georgia, in which he proceeded to Chagres making the space of time occupied between the two ports thirty days. The plaintiff alleges that by reason of this exposure and neglect he suffered much in mind and body, and was, in consequence, unable to proceed to California the place of his destination, though he was provided with a ticket for San Francisco per the Columbus. Damages are laid at $20,000. Mr. Geo. T. Betts, on the part of the defendants, submitted that the ship did not set out direct for Chagres, but for Havana and New Orleans, of which the plaintiff had notice; and that the vessel was not in the habit of running to Chagres; that at Havana the Ohio was connected with the Georgia, which conveyed the passengers of the Ohio to Chagres, and of this fact the plaintiff had due notice before embarking. It was also contended that the food allowed the steerage passengers was what is commonly called navy rations; that they were given in regular quantity, and that they were of a good and wholesome quality. It was further submitted that the usual bed for steerage passengers is a bunk or steerage, with ordinary blankets, and that the plaintiff was supplied with such. All the other allegations of the plaintiff are denied by the defendant. Adjourned.

Supreme Court.

SPECIAL TERM.

Decisions by Hon. Judge Edwards.

JUNE 12.—*In the matter of the Presbyterian Church, Grand street.*—Motion to sell the property in question granted.

Wm. F. Ingersoll and wife vs. Joshua Ingersoll and others.—Motion to substitute John Creighton as plaintiff granted, without costs.

Ives vs. Gillespie.—Motion to change place of trial denied.

Banta vs. Hasack.—Motion to set aside judgment granted, without costs.

Common Pleas—Part Second.

Before Hon. Judge Daly.

JUNE 12.—*Action for Assault—Rivals in Trade—Thos. E. Smith vs. Dan'l. G. Mason.*—This was an action for assault. The parties are both in the paper and account book trade, doing business within a few doors of each other, in Park Row; the former is a partner in the house of Smith & Morrell, and the latter of the firm of Mason & Law. The plaintiff alleges that whilst the defendant was in his store, on the 29th January, 1851, he, plaintiff, remonstrated with him, for his (defendant's) house manufacturing blank books similar to those of his, plaintiff's, whereupon some angry words ensued. It appears that the plaintiff called defendant a liar, upon which Mr. Mason struck Mr. Smith a heavy blow with his fist on the jaw bone, by which he has sustained a permanent injury. The jury, this morning, returned a sealed verdict for the plaintiff of $1,000.

United States Marshal's Office.

JUNE 14.—*Charge of Counterfeiting.*—A man named John Swan was committed for examination, on a charge of passing counterfeit quarter dollars at a store, No. 110 Vesey street.

The Yankee Crystal Palace.

PROBABLE FINANCIAL RESULTS OF THE PROPOSED EXHIBITION IN RESERVOIR SQUARE.

The question is often asked how far the Crystal Palace, on Reservoir square, may be expected to prove a profitable affair. The following calculation is made, by persons largely interested in the stock, and who are desirous to take, not a sanguine or extravagant, but a just view of the project; and we believe it will ultimately prove not far out of the way.

We assume that the population contained in New York, and a range of country twenty miles about it, is, at least, one million. It is, in fact, much more.

Of this million, some will visit the exhibition repeatedly, some only once, some not at all. We suppose it is a very low calculation to say that one-third of this whole population will visit the exhibition at least once, which is..... 333,333

Again, the floating population of our city, during the summer months, is per day, at least thirty thousand. It is estimated, by some good judges, as high as forty-five thousand. Of this, a large number will be more or less attracted by the exhibition itself, and it may be fairly calculated that of the whole number, one-fourth certainly will go up to Reservoir square. This is 7,500; and as the exhibition is to be kept open at least 150 days, it gives a total number of visits..... 1,125,000

1,458,333

—or one million and a half of visits. Now take this another way. This is a quarter of the visits made to the Crystal Palace in London during only 140 days; and the population of New York is very considerably more than a quarter that of London, and our population vastly more curious, active, locomotive and expensive in their habits than that of any part of Europe.

Test it again in another manner. This gives an average per day of visiters, of..... 9,720

Now the daily visits in London averaged... 43,000

(And it will be recollected that the London exhibition increased in popularity and attractiveness until the very day of its close. The visiters for the first week numbered only 41,194, and the last, they amounted to 478,773.)

Which gives to our palace only between one-fourth and one-fifth of the success of its great prototype. The exhibition of the American Institute, usually held at Castle Garden, has three or four thousand visiters a day. It is surely not extravagant to estimate double the number for the Reservoir square building. Any way, therefore, this calculation will be found a safe one. Now look at the financial results:

1,458,000 visits, at 50 cents, is		$729,000
The estimated costs of the building is	$150,000	
Contingent expenses of freight, insurance, management	100,000	
Add for short estimate	50,000	
		300,000—300,000
Total		$429,000

Leaving 43 per cent as the profits of the concern, and the building on hand, at the close of the first season, and with power to keep open the exhibition during the continuance of the lease.

THEODORE SEDGWICK, President.

WILLIAM WHETTEN, Secretary.

DIRECTORS.

Theodore Sedgwick,	Alexander Hamilton, Jr.,
August Belmont,	Johnston Livingston,
Mortimer Livingston,	Phillip Barrows,
Alfred Pell,	Elbert J. Anderson,
Geo. L. Schuyler,	Charles W. Foster.

SUBSCRIBERS OF SHARES—ONE HUNDRED DOLLARS EACH.

No of Shares.		*No. of Shares.*	
August Belmont	50	Cammann, Whitehouse, & Co	10
Mortimer Livingston	50	Brown, Brothers & Co	10
Phillip Burrowes	50	F. Cottenet	10
E. J. Anderson	20	John Gihon, & Co	20
Alfred Pell	10	Alex'r. Hamilton, jr.	30
Alex'r. Hamilton, jr.	30	Haggerty, Jones & Co	10
Theodore Sedgwick	30	E. K. Collins	10
William Whetten	25	E. Cunard, Jr	10
Coleman & Stetson	50	J. T. A Sandford	10
Simeon Draper	50	Frederick C. Gebhard	10
C. & W. Leland	50	Jules Blanc	10
Sidney G. Miller	50	Hopkins & Co	10
Charles W. Foster	50	De Launay, Iselin & Clarke	10
Maturin Livingston	25	Livingston & Purdy	10
Rob't. J. Living