NEW YORK COMMON COUNCIL.

[OFFICIAL.]

Stated Session.

BOARD OF ALDERMEN,
Monday, Nov. 23, 1853.

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 Alderman CORNELL—Petition of John M. Smith and others, to have sewer extended in Eldridge street. To Committee on Sewers.

By Alderman PECK—Petition of E. J. Hamilton and others, to have vacant lots in Thirty-first street, between Eighth and Ninth avenues, fenced in. To Committee on Streets.

By Alderman FRANCIS—Petition of owners of property on Fifty fourth street, relative to contract for raising said street. To Committee on Roads.

By Alderman TIEMANN—Petition of the trustees of the Church of the Redeemer, on Eighty-fifth street, for two oil lamps. Granted.

By Alderman SMITH—Petition of Ludlow & Siney, for a railroad through avenue C, Houston and other streets. To Committee on Streets.

By Alderman TWEED—Petition of George B. Collins and Edith Collins, for relief from erroneous assessment. To Committee on Assessments.

By Alderman BOYCE—Petition of the Consistory of the Northwest Protestant Episcopal Reformed Dutch Church, on Twenty-third street, for crosswalk opposite. To Committee on Streets.

By the PRESIDENT—Petition of John Perrine for relief from tax. To Committee on Finance.

By Alderman OAKLEY—Petition of the Clerks of the Croton Aqueduct Department for additional compensation. To Committee on Salaries and Offices.

By the same—Petition of Elias Thomas for release of rent for bath on north side of the Battery bridge. To Committee on Finance.

By Alderman DENMAN—Remonstrance of Wm. G. Chave and others, against docking out at Tompkins street, East river. To Committee on Wharves, Piers and Slips.

By the same—Petition of Terrence Failey and others, to have Fifty-fourth street, between Third and Fifth avenues, paved. To Committee on Roads.

By Alderman SMITH—Petition of John T. Foneth and Christopher Reinhardt, to have redress of grievances. To Committee on Finance.

By Alderman DENMAN—Bill of L. A. Rosenmiller for medical attendance at Sixteenth ward station-house. To Committee on Police.

By Alderman TIEMANN—Petition of Robert L. Livingston to stay proceedings relative to opening Eighty fifth street from avenue A to East river. To Committee on Roads.

By the PRESIDENT—Bill of the *American Railroad Journal* for advertising the amended charter. To Committee on Finance.

By Alderman SMITH—Petition of James J. Murray, for a hearing before the Committee on Fire Department. To Committee on Fire Department.

FROM BOARD OF ASSISTANTS.

Resolution—That further proceedings for the opening of 103d street, from Third to Eighth avenues, be continued. Referred to Committee on Roads.

Report of Committee on Fire Department—In favor of paying bill of room hire for Company No. 46. To Committee on Fire Department.

Report of Committee on Sewers—In favor of building a sewer in Henry street, from Clinton to Montgomery street. To Committee on Sewers.

The report of Committee on Finance vetoed by the Mayor, in favor of remitting assessment against Third Reformed Presbyterian Church in Forty first street, between Ninth and Tenth avenues, and which passed said Board, notwithstanding the veto, Nov. 23, was concurred in, notwithstanding the objections of the Mayor, on a division, viz:—

Affirmative—Aldermen Moore, Haley, Sturtevant, Oakley, Boyce, Barr, Tweed, the President, Aldermen Francis, Smith, Pearsall, Bard, Cornell, Doherty, and Peck—15.

Negative—Aldermen Tiemann, Denman, and Alvord—3.

RESOLUTIONS.

By Alderman MOORE—Resolved, That the Clerk of the Common Council be, and he is hereby, directed to furnish the members of the Common Council elect, with the stars and batons of office, together with such maps, books and stationery as is usual and customary, and that the Committee of Repairs and Supplies be required to advertise for proposals, and to report the amount necessary to be appropriated. Adopted.

By the same—Resolved, That the Committee of Repairs and Supplies, be, and he is hereby, directed, to fit up three additional desks in the Chamber of the Board of Aldermen, for the Aldermen of the Twenty first and Twenty second wards elect. Adopted.

By Alderman PECK—Resolved, That the Court room of the Second District Police Court and also the examination room attached thereto be fitted up for, and lighted with gas under the direction of the Commissioner of Streets and Lamps, and he is hereby directed to cause the same to be done forthwith. Adopted.

By Alderman TWEED—That the Commissioner of Repairs and Supplies be, and he is hereby, authorized to employ an additional clerk in his office, at a salary of seven hundred and fifty dollars per annum. Referred to Committee on Salaries and Offices.

By Alderman HALEY—Resolved, That Beekman street, from Park row to Pearl street, be regulated, graded, curb and gutter stones set, and sidewalks flagged, under the direction of the Street Commissioner. Referred to Committee on Streets.

By Alderman BARR—Resolved, That the street sprinklers be, and they are hereby, directed to discontinue sprinkling Broadway after the passage of this resolution. Adopted.

By Alderman SMITH—Resolved, That the Counsel to the Corporation be, and he is hereby, instructed and directed to discontinue the suit commenced by the Comptroller, through him, against Abraham J. Berry and others, in the Supreme Court of this State, on the 20th of June last, to remove a block sunk on his southeasterly side of pier No. 55 East river. Adopted on a division, viz.:—

Affirmative—Aldermen Moore, Haley, Sturtevart, Oakley, Tweed, the President, Aldermen Brisley, Francis, Smith, Bard, and Cornell—11.

Negative—Aldermen Barr, Tiemann, Pearsall, Ward, Denman, Doherty and Peck—7.

FROM DEPARTMENTS

Communication from John B. Haspins, Esq., nominating John D. McGregor, first clerk, and Andrew J. Smith, second clerk, in the place of Louis N. Glover and Henry C. Banks removed. Confirmed.

Communication from the Comptroller, relative to the public printing. Referred to the Committee on Finance.

Communication from the Commissioner of Repairs and Supplies, relative to award of contract for two new fire alarm bells. Referred to Committee on Fire Department.

Communication from the Commissioner of Repairs and Supplies, relative to awarding contract for paving Fulton and Grand streets with square block pavement, and concurring with the Board of Assistants therein. Adopted on a division, viz.:—

Affirmative—Aldermen Moore, Oakley, Tweed, Brisley, Francis, Smith, Tiemann, Bard, Denman, Cornell, Doherty and Peck—12.

REPORTS.

Report of Committee on Salaries and Offices—In favor of confirming the nomination of his Honor the Mayor, of Elias T. Smith, Esq., as President of the Croton Aqueduct Department. Adopted on a division, viz.:—

Affirmative—Aldermen Moore, Haley, Oakley, Barr, the President, Aldermen Brisley, Francis, Smith, Tiemann, Bard, Denman, Cornell, Doherty, and Peck—13.

Negative—Aldermen Sturtevant and Ward—2.

Of Committee on Fire Department—In favor of furnish ing the Insurance Watch with 300 feet of hose. Lost, for want of a constitutional vote.

Of Committee on Assessment—In favor of confirming sundry assessment lists. Referred back.

On motion, the Board then adjourned until Wednesday, the 30 inst., at 5 o'clock, P. M.

D. T. VALENTINE, Clerk.

BOARD OF ASSISTANT ALDERMEN,
Monday, Nov. 28, 1853.

The President, Jonathan Trotter, Esq., in the Chair.

A quorum not being present, the Board stood adjourned to Tuesday afternoon, at 5 o'clock. From the minutes.

C. T. McCLENACHAN, Clerk.

Trial of James Fox and William Dinan for the Murder of Henry F. Osborne.

COURT OF OYER AND TERMINER.

Before Hon. Judge Edwards.

The prisoners, James Fox and William Dinan, were indicted for having, in company with others, assaulted and inflicted several wounds upon the person of Dr. Henry Osborne, on the 29th of September, 1853, of which wounds he died.

After several challenges the following jury were empanelled:—

Joseph Bissicks,	John Ramsey,
John S. McKay,	Abraham Mesier,
Thomas Vanvoorst,	William H. Glover,
John McCottrey,	John King,
John Woodward,	Moses B. Ottinger,
William J. Wooley,	Addison P. Smith.

Messrs. Smith and Phillips appeared on behalf of the prisoners.

Both of the prisoners are Irishmen. Fox is a man of twenty-one years of age, and Dinan about forty-five. The appearance of both men is rather unprepossessing.

The District Attorney, in opening the case for the prosecution, said:—

If it please the Court—Gentlemen of the Jury—This case, in its essential features, is a case of what is technically and properly known as "rowdyism." The parties now on trial are two out of four, the others not having been arrested. These are James Fox, and William Dinan, who have been charged with the murder of Dr. H. F. Osborne, a physician of this city. The attack, which resulted in his death, took place on the evening of the 20th of September, 1853, in the Seventh ward, and in the vicinity of No. 146 Cherry street. The circumstances as they will be detailed before you by the witnesses, are these: Mr. Matthews is the keeper of a public house at No. 148 Cherry street, having in his employment Mr. Longworth as barkeeper or superintendent of his establishment, and a young man by the name of Cullen as barkeeper. Dinan, it appears, kept a public house at 138½ Cherry street, within a few doors, as you will perceive, from the one occupied by Mr. Matthews. It appears that in the early part of the evening some difficulty occurred between Cullen and Dinan, in his own house, in reference to some female. At about 11 o'clock that evening a party of five or six men, among whom was Fox, came into the establishment of Mr. Matthews. They were followed shortly afterward by Dinan and one or two others. On entering the establishment, Dinan remarked that he had come to settle a difficulty which he had with the barkeeper, and those parties seemed to be reconciled and became again friendly. While they were standing there, it being a very rainy night, Dr. Osborne came along the street, having an umbrella in his hand and holding it over his head. He paused for a moment in front of the door. While so standing and looking in at the door, some one of the party advanced towards him, took hold of him, and pulled him into the room, in such a manner as to bend the umbrella, and, indeed, turned it inside out. The Doctor, being irritated, or entering the room made a remark that he could lick any seven Irishmen in the city." This remark was followed by some one of the party throwing a glass of beer in his face, and another one assaulted him and struck him a violent blow. Unfortunately the whole party attacked him, and Mr Longworth, the barkeeper, sprang from behind the bar to his assistance, and, procuring a sword cane, he drove all the parties out with the exception of Dinan. The Doctor himself was in some way forced out into the street. Dinan was then put out by the barkeeper, and when outside he was heard to threaten Mr Longworth that he would make a mummy of him. Mr. Longworth remained on the defensive entirely until the parties left. Shortly after this, Doctor Osborne was seen going down the alley between the place occupied by Matthews and that of Dinan, having an umbrella over his head holding his right hand, and in the other a dagger or dirk. He was heard to remark that he would put it into any one who ventured to attack him. At this time a person belonging to the party of assailants in the bar room came up to him and told him to give him the knife. The Doctor replied, that he would give him the knife if he would take care of it, and then handed it to him. This person then immediately turned and stabbed him with the knife which the doctor had voluntarily surrendered, and then two other persons came up and made an assault upon the doctor, knocked him down, beat him most cruelly, and finally succeeded in getting him back again to Mr. Matthews' establishment, where he made his appearance covered with blood. Of the wounds received in this manner he died on the 25th of September. The wounds resulted ultimately in a fit of *delirium tremens*, in which state he died, this delirium being superinduced by the wounds received at the hands of these parties. Dinan, the party charged, was one of the party who was originally present in the bar room. At the time of the attack on Dr. Osborne in the street some person attempted to get Dinan into the house. He, however resisted, and commenced putting up the shutters, and while in that position three persons came up to his house, and they passed him in the direction of Dr. Osborne's. He remarked to them as they passed—"Go into him." And they did go into him, and the result of it was that these three or more persons are indicted for the crime of murder. If the evidence here shall satisfy you that these parties were concerned in that attack, and that the attack evinced a depraved heart, and that the act was a wanton and reckless one, dangerous to human life, this is a case of murder. Men who wantonly, in the public street, attack an individual, knocking him down, beating him, kicking him when down, and stamping upon him, thereby producing death, I need not say come directly under the definition of murder, under the statute according to the construction which I have always understood to be given it. I have known of but one case where there was a single individual attacking another, knocking him down, kicking him, stamping upon him when down, that was relieved by the humanity of the jury but I have yet to learn that the gangs committing such attacks, with the cowardice of these parties consisting of three or more, assail an individual of great inferiority in this brutal manner, are exempt from the highest penalty of the law. It will be for you to say how far they are amenable to the highest penalty, or if there is any discrimination to be made, how far some may be guilty of the higher and some of the lesser crime.

The first witness called for the prosecution was—

Samuel J. Longworth, sworn—In the month of September last I resided at No. 148 Cherry street; I was in a wholesale and retail liquor store; Mr. Mathews was the proprietor of it, and I had charge of it; I knew Dr. Osborne since February last; he was a physician; I know Dinan, one of the prisoners. his establishment was at No. 138½ of the same street; on the night of this occurrence I was in the store; some minutes before eleven o'clock six men came in; Frederick Cullen and myself were there at the time; I know some of those six persons; these were Fox and Brady when they came in they called for some drink, and Fox paid for it; I have seen one of these men since, and understood him to be Fox's brother; after this, Dinan came in with another person; I don't know how this person was dressed; I might have seen him since, but can't say; on Dinan's coming in, he said that he came to make friends with Cullen, who was behind the bar, and that he had no animosity or unkind feelings; he shook hands with Cullen; he then commenced to talk about the fights he had been in, and about what he could do; at that time Dr. Osborne came along, with an umbrella over his head, and stopped at the door, and a man with a white coat seized hold of him and pulled him in by the collar; when he was pulled in, he said he could lick any seven Irishmen in New York; the man Fox then struck the Doctor in the face, and I cried out to Fox to be still; I took hold of Fox and told him he must go out; he resisted me, and I got him up against the door; the doctor was in the crowd, and they were all around him; I did not succeed in getting Fox out, but they got around me and struck me; I went behind the railing and got a sword cane, and they then ran out; I can't say what became of the Doctor; Dinan remained in; I told him that he was the cause of all the difficulty, and put him out; he then remained around the door, and threatened to put a sword through me, and make a mummy of my carcase; my wife came down, and Dinan's wife also; this affair occupied a very short time—some five minutes; the party left the door, and I heard some shouts; shortly afterwards I heard some man come up to the door, but I told him he could not come in: this person was the Doctor, and on seeing this, I took hold of him and brought him in; he had his umbrella in one hand and his hat in the other, and was covered over with blood; it was raining at that time; after taking him in I got a chair, and he sat down and asked for a looking glass; he called for some ice also, to stop the bleeding; he did not make any inquiries as to the names of the persons who had struck him; no one but the police officer came in after Dr. Osborne; the latter remained there some time; two other officers came afterwards, and brought Dinan and the two Foxes in also. [Here, at the request of the counsel for the defence, the witnesses left the room.] I noticed a wound about the doctor's face; it was all swollen, and the jaw swelled out; we could see a cut under the nose; when he called for the glass and looked at it, he said that he was a gone man, and that all the doctors in New York could not save his life; he said that a certain artery had been cut, and wished to be sent to the New York Hospital; the officers took him away to the Seventh ward station house, and I went with them; no physician was called while I was there; he said he was hurt inwardly; I did not ask him as to his prospects of recovery, but asked him if he was hurt internally; after that morning I did not see him until he was dead.

Cross examined by Mr. Phillips.—The day I saw him was on Sunday following; Mr. Dinan was a neighbor of mine; he kept a small store, and sold candies; he came into my place when Cullen was behind the bar, near eleven o'clock; Dinan and he shook hands, and became reconciled; they had been there for about ten minutes before Dr Osborne came in; Dr. Osborne was sober when he came in; I was standing at the bar at the time; the bar is distant from the door about fifteen feet; he said nothing, but merely looked in; he spoke not a word during the whole time he was in the store; I did not hear Dinan say a word to him, nor did I see Dinan touch him at all. I got the sword cane after I had been struck and beaten; I drew the sword from the cane; I was not going into the street after them, but only to drive them out; Dinan did not tell me not to go out; he did not take hold of my arm until I took hold of him to put him out; I was very much excited at the time; I threatened to strike any one with the sword if he did not go out; I put Dinan out finally; he was alone in the store after the others had gone out; he was abusive to me before I put him out; I told him that he was the cause of all the difficulty, and put him out without violence; he did not fall into the street; Dr. Osborne had been in my store about a few minutes before the prisoners were brought in; Dr. Osborne said in the hearing of officer Murphy that Dinan was one of the party that beat him; I have been engaged in the superintendence of the store since January last; previous to that I was in Mr. Matthew's liquor store; there is a bar in the store 146 Cherry street; there is a license for selling liquor there; I had had no difficulties with Dinan up to this time; before the beer was thrown in his face Dr. Osborne used no language; when he was dragged in he said he could lick any seven G—d——d Irishmen in New York, and then the beer was thrown in his face; I was examined before the Coroner; the man who dragged him in took hold of his coat tails in a friendly manner; Dr Osborne had been in the premises in the afternoon to attend a woman who had a fit; he was there again after 6 o'clock; he was alone at that time; he drank twice at the place, and after doctoring the woman for about three hours he drank a glass of brandy; he carried a knife among his instruments; I did not see him use it that night; it was not a knife that closed; Dr Osborne drank considerably, but I have seen men drink more; I swore before the Coroner that he was a drinking man—whether a hard or a soft drinking man I can't say. I have spoken with no person in reference to the evidence which I was to give here; I have conversed with Mr Matthews about it, but have never been interfered with in any way on the subject; I have been acquainted with Dr. Osborne since I kept the store; at the time of this occurrence he had no office, but had been on a steamship as surgeon; he was seldom in the habit of coming to the store since he gave up his office.

Q. Have you ever seen him intoxicated?

Objected to, and question not sustained.

Q. Had you seen the Doctor intoxicated immediately before this occurrence?

A. No.

Q. Had you seen him intoxicated within a month previous?

A. No.

Q. Have you ever seen him intoxicated?

A. I have seen him when he had drank too much liquor, and more than he was able to bear; we knew each other, but I never went out with him the doctor went out before they began beating me; I can't say that Fox struck me, because I was struck from behind; six came in before Dinan and Fox was with them; I considered that Dinan was the means of bringing them there, and that he had sent the party ahead of him; when Doctor Osborne came back I did not push him, or draw my sword cane at him; I had it in my hand until I felt secure; I was not violent or threatening before they came in; I won't tell you whether I drank that night or not; I don't drink usually, and am not in the habit of drinking; there have been days during the last six months when I have not drank; I heard a noise when those men went out, but I did not hear the doctor's voice; I did not hear him say anything about ripping anybody up; I did not see any knife in his hand while in the store;

Cornelius R. Agnew, sworn—I am one of the house surgeons of the New York Hospital: Doctor Osborne was admitted on the morning of the 21st of September; he was very much bruised on the face, and a wound on the lip; it was an incised wound with contusions about it; the bruises looked as though he had been beaten about the face; a good part of his face was involved in these contusions; he complained of prostration also; he died on the 24th, in the forenoon, about three days after he was admitted; two days before his death, delirium came on; I don't know that any *post mortem* examination was held; we regarded it as a case of delirium tremens, the immediate exciting cause of which was loss of blood; depletion is a very serious exciting cause of delirium tremens; injuries or shocks to the nervous system will also produce it, when otherwise the patient might escape; he told me before the delirium came on that he expected to die; he said he was a gone man, and that doctors could not save him; he at no time expressed a contrary opinion.

Cross examined by Mr. Smith—The day that I had this conversation was the 21st. he was then a rational man; when he came in I believe it was his firm conviction that he would not live; I regarded it as the opinion of a medical man in his own case; this conversation was held in the first twenty four hours; Dr. Osborne said to me, immediately after he came there, that he had been knocked down, and beaten, and cut with a knife, by a gang; he said nothing further than I could swear to.

Cross examined by Mr. Smith—From the appearance of this man I could not tell what had been his habits; I ascertained from him that he had been in the habit of using intoxicating liquors; I should say, from the appearance of the wounds that they would not produce death; the cause of delirium tremens are the use of intoxicating liquors and other causes which produce the symptoms; the immediate exciting cause of delirium tremens; in the case I have heard of cases in which it was superinduced by slight scratches, he had stimulants at the hospital before the delirium came on; there was no operation performed on him.

T. the District Attorney—An intemperate person might have contracted this delirium without the bruises.

Cross examination resumed—The wound on the lip was over the artery which crosses the upper lip; the hemorrhage from this would have produced the delirium.

Gregory Cullen sworn—In September last I attended bar in the premises in Cherry street; I boarded at the prisoners' house; I went to board there in the latter part of June; I knew Jas. Fox; he boarded at Denan's; I knew Patrick Fox; he also boarded with Denan; I don't know where Jas. Fox boarded. Thomas Brady boarded at Dinan's also; we had a little difficulty with Denan; I believe it was about seven o'clock in the evening; at the time of the difficulty the two Foxes and the prisoner, and his brother, and Brady, who boarded there, and others; the difficulty was about a young woman; from Denan's I went to my place; James Fox and Brady came into Denan's, with others whom I don't know; at that time I went in with them. I was putting up the shutters; Fox and Brady spoke to me at the time; when we went in Fox proposed to treat, and did treat; after that Mr. Denan came in with young Fox, I think; while we were talking Dr. Osborn came in; the door through which he came was on the side, and not the front; it was raining; one of the party, with a white coat, caught hold of the doctor and pulled him in; the doctor said he could lick any seven Irishmen in New York; then one of the party was drinking a glass of beer, and threw what remained at the deceased; to the best of my recollection it was young Fox; James Fox then struck the doctor in the face; Longworth then jumped over the bar and caught hold of Fox, when some of the party struck Longworth over the face. I don't know how the doctor got out; I don't know whether he was kicked out or walked out; when Longworth produced his sword-cane, the party cleared out, Longworth then put out Denan; afterward I heard him invite Longworth out and say that he would use him as he had a mind to; he called him cowardly, and said he didn't dare to go out; I did not see Longworth go out; I then went behind the bar and commenced to clean it up; Dr. Osborn then came along to the door; Longworth stood at the door and would not let him in at first, but perceiving who he was he took him in and sat him on a chair; as soon as he saw himself in a glass he said he could not be saved; I know nothing of what happened out of doors.

Cross examined by Mr. Phillips—I had boarded with Mr Denan from the latter part of June; his wife's sister was the cause of this difficulty: when Denan came into the store he was in a good humor; the doors of the store had shutters to them, and one half of the door lay open; the counter was about a foot from the door; Denan was standing at the counter talking to me; Denan could not have seen Osborn when he came to the door; from the time that Osborn came to the door to the time that I lost sight of him I heard no angry words from Denan; when the party rushed out at the door Denan was standing near the counter; I did not see him strike Longworth up to that time; Mr. Longworth was very much excited; I don't know what way Longworth put Denan out, but it was without much trouble; I saw Osborne drink there before this difficulty; I don't know how often he drank that day; he drank brandy oftener than any other liquor from the time that the difficulty first commenced up to the time he returned, bleeding. I don't suppose more than six or eight minutes had elapsed; Dr Osborne was in the habit of stopping at the store; I did not know Mr Denan before I went to board with him; he keeps a sort of candy store; James Fox seemed to be pleasant when he first came in on that night; Dr. Osborne was an Irishman, I think; I never saw Dr. Osborne when I could tell that he was drunk; I did not know of the Doctor having been in any hospital; some days he would drink three or four times, and sometimes not at all; I did not know where the Doctor lived; I heard that he had no particular residence; I don't think he was a hard drinking man; I have attended bar at Mr. Mathew's store, and in no other place in the city; I have been in New York since last March; I came from Troy, where I attended bar for a man of the name of Higgins; I am in Matthews' employment now; I did not call on Coroner Hilton, and had no conversation with him at the time of the inquest; I have talked this matter over with Longworth, but not to-day.

To the District Attorney—Mr. Denan sold liquor, besides candy.

Cross-examination resumed—He bought it from me or Mr. Matthews.

Robert Moore examined—I reside at 143 Cherry street; I am a baker by trade; my place was opposite Matthews' store; I recollect the night of this occurrence; I was in bed at the time and got up; I went to the window in the third story and looked out, there was a party of men in Mr. Mathews' store fighting; I saw Longworth come to the door and force four or five men out, who stopped next door to Denan's; Denan said he would put the sword cane through him; four men came to Denan's house, of whom I knew none but Denan; they seemed to be beating a man in the street, and he called for the watch and cried murder, but no one came; I saw the man fall twice, and then go to Mathews' store. I then heard a woman inside say—"My God, that's the doctor;" after that I went to bed. I was not examined before the Coroner's inquest.

Cross-examined—I retired to bed between eight and nine o'clock; I was awakened at the time by the noise; I occupied the front room on the third floor; nobody occupied that room but myself and wife; it was a wet and rainy night: the liquor store was closed all but half the door; the street was about thirty feet wide, as near as I can calculate; I had been in the habit of seeing Dinan but was never in his place; when Dinan came out of Matthews' store he had on a glazed cap and was in his shirt sleeves; I can't say that I saw any man struck, but I heard a man crying murder; I am positive that Dinan had a glazed cap on. the man fell right opposite my door, perhaps forty feet off and perhaps more; I saw no policemen until the man went into the liquor store; I was not examined before any magistrate; I never heard that any reward was offered for the discovery of the guilty parties in this affair; I have lived about twelve years in New York, but did not know the Coroners. I never voted; I have conversed with Longworth about this occurrance; we spoke of it before and after I was examined by the Grand Jury.

John Dufion, policeman, confirmed the testimony of this last witness. He stated that when Denan and Fox were brought back to Mathews' store the Doctor recognized them as the parties who assaulted him.

James Craig sworn—I am a baker by trade; Mr. Denan's place is next door to me; I recollect the time the man was beaten there; the bakery was in the front basement, and heard the noise of some one fighting; and I ran up to Matthews' and saw Longworth with the sword-cane in his hand. I saw the Doctor come out and heard him say that he was bound to stick them who struck him; there were a good many persons standing near Matthews' house at the time; I saw the doctor coming down the street, and two men following him; they went up to the Doctor and demanded the knife; he gave them the knife and the man said he would take charge of it as soon as he got the knife he drew it and stabbed the Doctor; the Doctor said, "You son of a b—h, I'll give you charge of it;" I saw two first and then another came; they all beat him; the doctor then went up to the liquor store, and I followed him; I saw him sitting in the store bleeding; I was examined at the inquest.

Cross examined—Before the Doctor met these men Denan was putting up his shutters.

John Gillies, sworn—On the 20th of September I lived at 140 Cherry street; I was a baker; I recollect this occurrence; I was at the bakehouse in the basement; on first hearing the noise I went to Matthews' liquor store; on getting there I saw Doctor Osborne without his hat and greatly confused; he had a knife in his hand; five or six other young men were there; I saw no blows, but I heard Osborne say he was bound to put a knife into the man that struck him; the man at the bar told Denan that he was the fault of it all and shoved him out; Denan said he was a coward ly man and wouldn't come out; we put the Doctor's hat on his head; Mr. Denan then went home and all the boys followed him; I saw Osborne come down with an umbrella, and saw him stopped by a young man with a white coat, who told him to deliver up the knife; they were very near me so that no person could pass; you; the Doctor said, "I'll give you up the knife if you will take care of it;" the Doctor then gave it to him, and the young man said "I'll give it to you," and struck it in his face; at the same time two men came up and struck him, and the two blows were almost together; they followed him, knocked him down and kicked him; I picked the doctor up and placed the umbrella under his arm.

Cross examined—The night was a very dark one; the fight occupied about five or six minutes; these parties went down Cherry street, and I lost sight of them a little above No. 140; it was in the direction of Catharine street; I had no conversation with them; I heard Osborne make the expression, "I'll stick the man that strikes me," at the liquor store; he then had the knife in his hand; I had not known Osborne before; the man who struck Osborne wore a white coat; I should know him if I saw him; the man who accompanied him was a thin young man, in his working dress; he wore a dark checked shirt.

Thomas Cullen, sworn—In September last I lived at 140 Cherry street, in the bakery; I recollect the time when a man was hurt in that street; I was in bed, and heard the noise of people in the street. I put on my pants, and went out as far as the store door; I saw Dr. Osborne standing there talking to two more men; one of the fellows was taking Denan away towards his own store; I went down that way, too; then went into Denan's; I saw Osborne come down as far as Stewart's bakery, and heard them jawing there, and Dr. Osborne had a knife; some one asked him what he was going to do with the knife, and he said he would let him have it; the Doctor gave up the knife, and then one of the fellows stabbed the Doctor in the face; I rushed out of the crowd and they knocked him down, and I heard him cry murder; I don't know any of the party; the one that used the knife had a white coat on; the others had white shirts on; I saw the Doctor go to the liquor store, and these men went to Dinan's; Dinan was putting shutters on his window.

Cross-examined—I know Dinan well; he was not one of the three who attacked Doctor Osborn; I saw a good many men about Dinan's store; I was examined before the Grand Jury.

Thomas Nolan, sworn—I lived in September last at 140 Cherry street, at Stewart's bakery; I recollect the evening when the occurrence took place; I was standing on the corner of Cherry and Catharine streets; I saw some men quarrelling, and saw Dr. Osborne talking with a man in a white coat; I saw him thrown down very heavily on the pavement and cry murder: there were five or six in the party; I did not know them.

The case for the prosecution here closed.

John Dunn, examined for the defence—I live in Cherry street, 149. I am a laboring man; recollect the night that Dr. Osborne was assaulted in Cherry street; I came out of my door and saw men on the sidewalk; I saw Mr. Longworth in his door, with a small sword in his hand, and his nose bleeding; Mr. Denan was on the sidewalk; he then went off, and I did not see him again. I saw Dr. Osborne going after them, and muttering something to himself; I then saw another quarrel, and I saw him knocked down he cried, "Oh! murder! I am killed!" Denan was not among them, but it was a pretty tall man, who wore a white overcoat; I did not see Mr. Denan after that.

Cross-examined—Mrs. Longworth told Dinan to go home to his beggarly candy store; I did not hear Denan use any abusive language; when Denan went away they all followed, leaving the doctor; Dinan was in his shirt sleeves; I saw the doctor going down, muttering to himself, but I saw nothing in his hand.

John Mage, sworn—I am a plumber; I resided at Mr. Denan's, in Cherry street; I went on the evening of the the occurrence to Mr. Mathews'; I got something to drink from James Fox's invitation; shortly afterward Mr. Denan and Patrick Fox came in; Dr. Osborne came in, and said he could lick any seven Irishmen in New York; some one dragged him in, and some beer was thrown in his face; a muss then commenced; Mr. Denan took part in that muss; Mr. Longworth came across the counter with a sword cane; they then went out, leaving Mr. Denan inside. I and Thomas Brady went out and saw the Doctor outside; he said he would rip the guts out of any man who struck him; shortly after I got home, Denan got home and began to put up the shutters. I then heard a cry of murder, John Wade then brought a knife in; it was a dirk with a sharp pointed blade; I went to bed soon afterwards; I was in the barroom all the time; there were three persons there who did not board there; these were Mahoney, Wade and Brady; James Fox asked me to go and take a drink at Matthews' store; I did not see Edward Mahoney come in: Patrick Fox came in with Denan; I next saw Edward Mahoney at the door; I believe it was John Wade who pulled the doctor in; I don't know who threw the beer in his face; the man who had hold of him did not throw the beer in his face; three men got hold of him; I can't say who they were; the barkeeper put some out, but I don't know who they were. they then struck the barkeeper; no one interfered to prevent them; I knew the barkeeper was hurt, because his nose was bleeding; three of us remained behind for a moment after the barkeeper came out with the sword: Patrick Fox, Brady and Denan remained; I then left with Brady; Thomas Brady followed, then Patrick Fox, and then Denan; James Fox had no overcoat on in the beginning of the evening, but I am not sure whether he had one later or not. Q. Did you swear before the Coroner that he had on a black coat and black cap? A. I said I thought so. I don't know where Mahoney or Wade live; Wade was called Johnny.

John Connelly, sworn—I have known Denan for twelve years; his general character was good; I have never heard anything against his character; he was a police man at one time; I don't recollect of any charge against him then. I never heard that he had been engaged in any ring fights. Q.—Have you heard that he had been broken as a policeman? A.—I forget what complaint was against him.

Dr. Hilton sworn—I am one of the coroners of the city; I have known Mr. Dinan for the last eleven years; his character is good as far as I know; I was present at the inquest. Dinan came before me voluntarily and said he understood I wanted him; I knew Dr. Osborne by sight; I should judge that his habits were intemperate; I have seen him partially under the influence of delirium tremens; I should think that his constitution was very much impaired; men frequently die after the first attack of delirium tremens; I saw Osborn after death; there was no post mortem examination; I made an external examination, and think that those bruises were not sufficient to produce death; I think those wounds would not have produced *delirium tremens* unless he had been drinking very hard; a very slight cause would produce the delirium in the state in which his system then was; a nervous shock would also produce it.

Cross examined—I took down everything that I deemed material on the examination in this case; I took down the substance of Mr. Longworth's deposition; there was no *post mortem* examination; I was satisfied, from Dr. Agnew's statement, that it was not necessary; depletion, or bloodletting, will almost invariably produce delirium when the system is prepared for it.

The Court then adjourned at 10 o'clock P. M. until this morning at the usual hour.

Target Excursions.

The third annual excursion of the Lindsey Bluss took place on the 24th instant, Thanksgiving Day. The company assembled at the Crystal, 228 Grand street, when a beautiful sword was presented to their captain, (William R. Gwyn,) by the members of the company. Enoch Stephens, Esq., Captain of the American Rifles, company E, made the presentation with a neat and appropriate speech. They then proceeded to the River House, Harlem. The excursion passed off in a very pleasant manner, and when the company returned the condition of their target gave ample evidence of their skill as marksmen. Thirty valuable prizes were awarded to the best shots.

The Saluma Guard, from Brooklyn, commanded by Capt. Charles Palmer, went on their first target excursion to Pollock's, at Hoboken, yesterday. They were accompanied by the Brooklyn Cornet Band. Several prizes were awarded to the crack shots of the company.

FINANCIAL AND COMMERCIAL.

MONEY MARKET.

MONDAY, Nov. 23—6 P. M.

The stock market fairly caved in this morning, and the bears were in fine spirits. At the first board, Erie Bonds, 1871, declined 1¾ per cent; Delaware and Hudson, 1; Morris Canal, ¼; Canton Co., ⅛; Nicaragua, ¾; Cumberland, ¾; N. Y. Central Railroad, ¼; Erie Railroad, 1; Harlem, ¾; Stonington, 1¼; Reading Railroad, 3; Michigan Central Railroad, ¼; Hudson River Railroad, ¾. The depreciation was general, and the transactions were quite large at the decline. The demand was principally from the bears, who availed themselves of the depression to fulfil contracts immediately maturing. Drawers for first class sterling exchange were asking to day 10 per cent, and firm at that. The steamship Arabia, from this port for Liverpool on Wednesday, will take out a large amount of specie. This is the only steamer from this port this week. The money market is steadily tightening again, in anticipation of large exports of precious metals, and the probability is that the banks will soon reduce the amount of call loans materially. This will trouble large holders of fancy stocks, and we should not be surprised to see another stampede among the bulls.

The receipts at the office of the Assistant Treasurer of this port to-day, amounted to $137,190 95; paid, $290 840 97—leaving a balance of $5,190,046 33.

One of our evening cotemporaries, which has been very officious in its endorsement of the soundness of the banks of this city, and the carefulness with which they manage their internal affairs, publishes the following list of losses by certain banks, through the operations of an Eastern capitalist:—

A successful fraud has been practised upon a great number of our city banks by a smart speculator on their confidence. A Mr. C. L. North, President of the Meridan (Conn.) Manufacturing Company and Agency, succeeded in opening accounts at the various banks which will be mentioned below, making deposits, and drawing against those deposits, which subsequently proved not good.

The following is a list of the banks who have been imposed upon:—

Mechanics' Bank	$7,700
Citizens' Bank	3,000
Tradesmen's Bank	7,000
Mechanics' Banking Association	10 000
Bank of New York	5,000
Chatham Bank	3,000
Broadway Bank	3,000
Corn Exchange Bank	3,000
Suffolk Bank, Boston	5,000
Phenix Bank, Hartford, and perhaps others	5,000
Total, about	$60,000

There are a good many more items of the same sort left. They will gradually be developed, and we shall in our own time, show that a much larger sum than that we first named has been drawn out of the banks of this city, in ways similar to those practiced by this Mr. C. L. North.

Mr. A. H. Nicolay's first auction sale of stocks will take place on Thursday next, at half past 12 o'clock, at the Merchant's Exchange. It is his intention to have regular sales on that day of each week.

In a late number of the Philadelphia *North American*, we saw it announced that the Southern Railroad Company, of Mississippi, had made arrangements to dispose of its bonds, to the amount of $1,100,000, thus securing the completion of the road across the State of Mississippi, within two years. Our attention having been thus directed to this "important financial arrangement," as it is called, we have looked into the condition and prospects of this Mississippi company, and from official documents before us, we gather the following facts. The report of the President, made in July last, shows that the amount of stock subscribed up to that period was $410,000, of which sum, $168,000 were taken by the city of Vicksburg. The second section of the charter provides that five per cent of the stock subscribed should be paid in on the organization of the company, five per cent in six months, five per cent in eight months thereafter, and a like sum in twelve months. As the company was organized in July, 1852, there should have been received, prior to July last, twenty per cent of the stock, or $82,000. It appears from the President's report that up to its date there had been realized from stock the sum of $16,650, thus leaving a defalcation, on the part of the subscribers, of $65,350, or nearly eighty per cent of the amount due. The truth would seem to be that but a portion of the first instalment was ever paid. And, even in relation to that payment, the facts are anything but creditable to the company. Of the amount paid in ($16,650,) the sum of $8,400 came from the city of Vicksburg, realized, it is said, by the sale of its bonds, after having been endorsed by some of its wealthy citizens. This would leave $8,250 as the amount paid by private stockholders, while the sum due from them was $12,100. They were thus in default to the amount of $3,850, or nearly thirty per cent of their dues on their first instalment. Whether the "responsible company," which has purchased these Southern Railroad bonds, was apprised of these things we are not prepared to say.

It is also further provided by the charter, that unless five miles of the road shall be complet