The Canada Bank Fraud.

ARREST OF THE WITNESS WHITE, CHARGED WITH BEING ONE OF THE GUILTY PARTIES—STRANGE DEVELOPMENTS.

Before Justice Stuart.

Yesterday, according to adjournment, the investigation in the matter of fraud pending against D. W. Van Aernam, P. W. Sawin and others, charged with obtaining $5,000 from the agent of the Bank of Montreal, Canada West, on a fraudulent draft, purporting to have been drawn by the Hamilton Exchange Bank, this State. The following is the testimony, and the magistrate's opinion in the case of White:—

William Williams, sworn, says—I reside at Buffalo; I am the cashier of White's Bank at Buffalo; I have occupied that position since 1844. I am acquainted with Daniel W. Van Aernam and P. W. Sawin; I don't know John W. Abell. Mr. Sawin was a merchant tailor in Buffalo; he has kept a cash account in our bank for some time.

Q Had he his own notes matured at your bank? A. Yes, frequently.

Q. Was it his practice to pay notes before maturity? A. No, sir, I think it was not.

Q. Look at the five dollar note here shown you, on the Bank of Montreal, and say if you have ever seen any of that currency before? A. Yes, sir, frequently.

Q. Has Mr. Sawin ever paid or deposited any of that kind of money into your bank? A. Not to my recollection.

Q. From your official relations with that bank, do you not know that money of that kind had been paid at the counter of your bank by Mr. Sawin?

Objected to by Mr. Harrington, counsel for Sawin, as inadmissable.

The Justice said he thought the question may be answered.

A Why, it is a pretty hard question to answer; Canada money forms a large portion, probably one quarter, of the money in circulation in the hands of the people in Buffalo; we take Canada money at par from our customers, it is so common a thing to take Canada money; I have no distinct recollection of Mr. Sawin depositing Canada money.

Q. Have you at any time, recently, had any conversation with Sawin as to whether he (Sawin) had paid or deposited in this bank any such money? A. No sir.

Q. Are you the paying teller? A. No sir; I act in that capacity sometimes. Mr. Frederick Gridley is the receiving teller.

Q Did Mr. Sawin, on or about the early part of October last deposit any money, or pay any notes of any considerable amount at your bank? A. I have no distinct recollection, but my impressions that he did make deposits, and I presume he did pay some notes.

Q Did Van Aernam keep an account in your bank? A. Never, sir.

Q Do you know of any transaction since the possession of this kind of money by Van Aernam has been brought to your knowledge? A None whatever; nor have I any recollection of Mr. Sawin; none of my own knowledge.

To Mr. Harrington—Mr. Sawin has kept a bank account with us for six or eight years; I cannot say exactly; I know surnell Spencer; I have no recollection of a note being paid by Mr. Sawin to Spencer in October last; I did not discover any excess of funds in the hands of Mr. Sawin during the month of October.

By the Justice—Q Did Sawin or Van Aernam, on or about the 1st of October, pay Canada money at your counter? Would you have been as likely to have known that fact as Mr. Gridley, the receiving teller? A. It is impossible for me to say.

To Mr. Harrington—I think I recollect giving Mr. Sawin, about the first of November, a draft of $500 on the Metropolitan Bank; I cannot say how his account was made up; I think his account was good at the time he gave his check for that amount; about that time I discounted two small notes for him, but whether it was in that transaction I cannot remember; I think one of the notes was for $80; upon recollection, I think there was only one note; I also paid him about the same time, or two or three days previous to his arrest I credited him on our books $72, for a bill of clothing due him; I have an indistinct recollection of George Coles drawing a check for $50.

To Mr. Cochran.—The title of our bank is "White's Bank, at Buffalo," organized under the general banking law; I don't know of any other White's Bank in this State.

To Mr. Harrington —I have known Mr. Sawin for the last ten years I never knew aught against him until this transaction.

By the Justice —Q Is the Hamilton Exchange Bank a correspondent of White's Bank? A No sir; nor is the Troy City Bank, nor the Bank of Montreal at Toronto.

To Mr Cochran.—I have never seen any blank drafts on the Hamilton Exchange Bank; I know Jabez L. White; he is not one of the association of our bank; formerly he was; he occupied the position of paying teller.

To Mr. Bliss.—The drawing of drafts is a part of the usual business of banks

Jabez L. White, recalled by the Justice and examined. —Q At the time of the meeting at Van Aernam's room, at the Mansion House, by Sawin and yourself, at the time of the filling up of these drafts and checks, did not Van Aernam state to you in what manner, and where he had surreptitiously obtained these blanks, and that he had got Abell to sign them in New York while he (Abell) was drunk, or anything to that effect? A. Mr. Van Aernam stated at that time that the bookkeeper of the bank gave him these blank drafts; I do not recollect whether he said that Abell was drunk when he signed them at that time; I think he told me so afterwards.

Q. The bookkeeper of what bank? A. Of the Hamilton Exchange Bank.

Q. Did you not know at this time, that John W. Abell was not then, nor never had been the cashier of the Hamilton Exchange Bank? A. I did not know that he was, and I supposed he was not; he never had been, to my knowledge.

Q. Look at this letter dated at Port Dover, and is, as you say, in the handwriting of Mr. Sawin addressed to the agent of the Bank of Montreal, signed by Van Aernam, purporting to enclose bank drafts, and say whether to your knowledge Mr. Sawin was at the date of that letter at Port Dover or at all absent from Buffalo? A. I do not know the Mr Sawin was at Port Dover, or whether he was absent from Buffalo; I do not know that the letter was jointly prepared at Buffalo by Van Aernam and Sawin

Q. Have you any explanations to make relative to your testimony already made?

Mr. Harrington objected to the question, claiming the right of a cross-examination of the witness, prior to answering the last question.

Justice acknowledged the counsel to be correct, and sustained the objection and ruled out the question.

To Mr. Bliss—I was introduced to Mr. Abell in July last; he was at Buffalo then on his way east, having been West; I did not see or converse with him from that time until I came to New York; when I was in Van Aernam's room with Sawin, at the Mansion House, at the time the drafts were filled up, there was no conversation relative to the signature of Abell; not that I recollect; but I have stated that Mr Van Aernam may have said something to that effect, but there was no conversation between us regarding the signature of Abell; I don't know that Van Aernam said that he got Abell to sign the drafts when he was "tight," meaning intoxicated, but I think he said that Abell signed the drafts when he was "corned," meaning under the influence of liquor; Van Aernam did not say that Abell signed the drafts not knowing for what they were intended subsequent to the meeting in the room and before Van Aernam's arrest, he (Van Aernam) told me in the street at Buffalo, that Abell signed the blank drafts while intoxicated; this was after Van Aernam's return from Canada.

Cross examination of Mr. White by Mr. Harrington—At Van Aernam's room, when Van Aernam said that he got the blank drafts from the bookkeeper of the Hamilton Exchange Bank, he said the bookkeeper gave them to him upon the time he was in the bank; Sawin was present at this conversation; as to the whole of the conversation which took place in the room I cannot now recollect; the first I remember was that Van Aernam asked Sawin to fill up these blank drafts, and that Sawin rather declined to do so; Van Aernam told him there would be no harm in filling them up; that he probably never should use them; after Sawin had filled up some of them, Van Aernam told him he had better take them to his store and fill them up; I don't know that he did so; that's all I recollect; I don't know if it is just the conversation, but as near as I recollect; Van Aernam spoke to me in front of my office, that he had some drafts signed by John W. Abell, which he wished to fill up at four or five days sight on some bank; there was no conversation in Van Aernam's room, when these bank drafts should be made payable, except that Van Aernam said they should be made on the Troy City Bank; he so directed Sawin to fill them up, and he did so; Mr. Sawin made no suggestions as to the manner of filling them up; he filled up several blank checks; I did not direct him, and I don't remember if Van Aernam did; they were blank bank checks; I think I saw one he filled up; the bank checks were not filled up at my request; they were filled up at Mr. Van Aernam's request; the blank bank drafts were filled out by Sawin, at the request of Van Aernam; I don't recollect if I drew out the form by which they were written out; Van Aernam designated the bank on which they were to be drawn; I don't recollect who took away the bank detector; Mr. Sawin requested me to fill up the drafts; he said, "You fill them up you can do it better than I can;" this was in answer to a request made by Van Aernam; he said to Sawin, "You fill these up;" that was after he had filled up one or two; Mr. Sawin then said to me, "You fill them up;" I declined to do so, remarking that he (Sawin) could do them best; Van Aernam told me that he had paid Sawin some money for his tailor's bill, I forget the amount; he did not show me a receipt; I have no recollection of Mr Sawin telling me he was going to Canada; I heard Van Aernam say, in the presence of Sawin, that he (Van Aernam) was going to Canada; I cannot state fully the conversation which took place on that occasion; I think we were, at the time, in front of Sawin's store; I cannot say exactly the time it occurred; when I came to New York, there was a police officer in the same train; his name is Asa Butman; he directed me to meet him in New York; he did not tell me that a warrant was issued against me; I had been told there was a warrant for my arrest; I think it was Sawin who told me, but I don't know exactly who did tell me; Mr. Butman said he wished me to come down on a subpoena, but he did not serve any subpoena on me; he did not tell me that if I did not come I would be arrested on a warrant and compelled to come; I brought counsel with me; there has been no arrangements since my arrival here, with my counsel to make me a witness; I have not been promised by the prosecution or the authorities, that if I became a witness, I should be released from being a defendant.

By the Justice—You have said on your direct examination that you had not seen Sawin or Van Aernam during your absence from Buffalo in Connecticut; did you not correspond with either of them? A. I wrote to Van Aernam one letter.

Q Did you not write him three, one or two of which were intercepted by Sawin, opened and destroyed, and a third found its way into the criminal authorities of New York? A. I have never written but one letter to Van Aernam; I was informed on Sunday evening, that letter had been destroyed by Sawin at Buffalo; it was directed to Sawin's care; Mr. Sawin informed me about the destruction of that letter in the Irving House, either on last Sunday or Monday night, one or the other; we were talking about this matter and Mr. Sawin said that he got a letter some time ago from me directed through Van Aernam, that he opened it and found nothing in it of consequence and destroyed it; I told him I supposed that the authorities had that letter.

To Mr. Cochran—Q. Was Van Aernam indebted to you in the various sums previously to the various sums he paid? A. Yes sir; he did not owe me any more.

Q. Do you know the nature of dealings between Sawin and Van Aernam? A. No, sir.

Q. Do you know, or have you at any time heard, about the amount of the indebtedness of Van Aernam to Sawin, and to what amount? A. I heard Van Aernam say it was about three or four hundred dollars, the bank drafts that I have spoken about; I have alluded to those signed by Abell.

Q. When you were introduced by Van Aernam to Abell was it not for the purpose of procuring you to cash a draft of Abell's? A. Yes, sir

Q Was not that cashed? A Yes, sir; it was cashed for the benefit of Abell; that draft was never paid; it was for $25; it was cashed about three or four months prior to the meeting in Van Aernam's room; I made an effort to collect the money, but failed from the inability of Abell to pay.

Q. When you passed Sawin in the street, before going to Van Aernam's room, did any conversation or words pass between you? A. Yes, sir.

Q When you met each other was you not going towards the Mansion House, and Sawing going in the opposite direction? A I think Sawin was standing at his store door; I was going towards the Mansion House, but I think I was on my way to my office

Q How many minutes walk is it from Sawin's store to the Mansion House? A I should think about one or two minutes; my office is not between Sawin's house and the Mansion House, it is on the terrace; when I met Van Aernam on the stairs I think he was going up stairs also; when I went in the room there was no one there that I saw; there were no papers on the table that I saw; when Mr. Sawin came in the papers were then introduced; it was about that time, it might have been before or a few minutes afterwards; Van Aernam said that Sawin would be present in about half a minute or something to that effect; our conversation in the room together was principally about the drafts; I don't know that any of the drafts were destroyed; I recollect that Van Aernam objected to some of them, in consequence of their bad writing; those objected to by Van Aernam, were those filled up by Sawin; Sawin did not assign any reason why he objected to fill up the blank drafts and checks, not that I recollect; when Van Aernam informed Sawin that he would not be harmed, if he did fill them up, I don't recollect that anything was said; a very few minutes after Sawin came in the drafts were filled up; Sawin and I left the room after the drafts were filled up, leaving Van Aernam in the room; I don't know whether Sawin complied with Van Aernam's request in taking some of the drafts to his store; I know police officers Pierce and Tyler; I know a man by the name of Waldron; I should think he is some fifty years of age, and has been a looking glass merchant; he was formerly a police officer.

To Mr. Harrington—The contents of the letter, which Sawin told me he destroyed, was as follows:—

D. W. VAN AERNAM, Esq.—I did not have time to attend to your business before I left New York, on account of its being time for the cars to leave, when I arrived at the Irving, I shall be in New York before long, and hope to meet you there. Yours, respectfully, J. L. WHITE.

I don't recollect the date of this letter; it was after Van Aernam's arrest; I left New York on the Tuesday, as Van Aernam's arrest took place on the Friday following, and I wrote this letter from Connecticut on the Sunday following the arrest; the business alluded to in the letter was to see a man and endeavor to compromise a debt for fifty cents on the dollar; I know of Sawin doing business for Van Aernam; he filled up a blank note for him; he also has written business letters for Van Aernam.

To the Justice—I should think the whole amount paid me by Van Aernam was $2,500, in Canada currency; about $1,400 of that amount was in payment of a debt due me, the balance I paid him back in current money; Van Aernam has owed me $1,400 for about two months, and in other sums of one and two hundred dollars for a longer time.

Q. Did you know that immediately preceding the obtaining this draft of $5,000, he was utterly unable to pay you? A. No, he told me that he had sold a place in Michigan for $1,300, and that his father in-law owed him $800, which he expected every day; I loaned him the money.

Q. Did you not loan money to him on security of a diamond breast pin and finger rings? A. Yes, I have, and was fully secured for the loan.

Q Did you not call upon him for the special purpose of getting this money? A He told me if I called there he would settle with me; I had seen him before that day; he paid me money for the firm

Q. Was it not well understood, previous to his going into Canada with these drafts, that if successful in raising money, on his return he would liquidate all his debts with you? A. No, sir, he told me that he intended to pay me with the money he got from Michigan and his father in law.

Q. Answer me, if the payments of the money by Van Aernam in his room to you, was not as follows:—That he would continue to pay $5 bills, and so continue to pay them over to your hands, until you should be perfectly satisfied for all the debts he owed you; and also as to about what you ought to have of these Canadian funds, and that he did continue until $1,480 was paid, $180 of which was estimated to redeem a diamond breast pin, about $300 to take up some paper securities you held of his, with about $200 more to discharge several small loans which he had from time to time received from you, the balance being well understood between you as your share of the the $5,000? A. No, sir, no such thing occurred; he paid me money in his room but not under such circumstances.

Mr. Bliss, counsel for Mr Abell, wished to cross-examine the witness in order to show that the $25 draft spoken of by him, was a draft drawn by Abell on the house for whom he was then travelling, and that the amount of the draft has been paid through Mr. Van Aernam. Justice Stuart remarked that it was unnecessary, as he felt satisfied that the draft had no connection with the matter now under investigation.

Justice Stuart then closed the case, and after a few introductory remarks touching the evidence of J. L. White, read the following opinion derived from the testimony given by the witness:—

OPINION OF THE MAGISTRATE.

It is one of the facts of this case, that Jabez L. White, whose examination is just closed when placed upon the stand to testify was under a suspicion, with cause to suspect him of being a party concerned with Van Aernam, Sawin, and others, in the fabrication of these bank drafts; and is equally true, not only that the law did not require him to give any evidence tending to criminate himself, of which he was advised by me and carefully informed by his counsel, whose presence, he being withal but a witness, was deemed necessary to preserve his legal rights in this behalf. More than this, he was told that if he chose not to avail himself of this protection by the law, but declared his willingness to disclose all he knew of the matter, and thus pretending should nevertheless wilfully falsify any of the facts of the case, or designedly withhold important matters within his knowledge, or purposely pervert or vary the truth of what he knew, or give a different version and understanding of acts and things than which he may conceive they expressed, or otherwise attempted in what he said, to deceive or mislead, his evidence should not avail anything against those in respect to whom he was brought to testify, but, on the contrary, should be made to operate against himself, and if sufficient, in connection with circumstances, to show his probable guilt in this enterprise for an extensive fraud upon individuals and banks, as well in this State as Canada, he would be charged with the perpetration of a felony, in connection with Abel Sawin and Van Aernam. And now, having heard what Mr. White has deemed it best for him to swear to, and that it may be known upon what grounds the action I propose to take is predicated, I am compelled to declare that, in my judgment, having reference to all the facts within my knowledge, this witness has, in many of his answers to the questions propounded, made wilful misstatements, perverted many facts, and withheld much of the truth; and, further, that by his own showing, in some of his more truthful answers, in connection with the other circumstances and proofs in the case, he is, in my opinion, as guilty of a common conspiracy, for fraud upon banks and brokers as any of the parties now under accusation, and is equally criminal with Van Aernam and Sawin in the particular fabrication in Van Aernam's rooms at the Mansion House of these false Hamilton Exchange Bank drafts, which is now more especially the subject of the complaints before me. Of this latter fact I am almost without any doubt, and quite as confident that if these drafts are the subjects of forgery, as alleged by counsel for complainants, and denied by counsel for defendants, but not yet determined, a jury of their county will as probably convict White of the offence of feloniously making them, as either of those now under arrest for that crime. Under these circumstances, with a conviction of his disposition to cheat by criminal means, and in consideration of his greater facilities by reason of an immediate connection with the business of the banks and the currency of the State, to defraud others by the subtle and silent agency of forged paper, (against which neither wisdom nor caution can guard,) I believe it my duty to require Mr. White to answer as for a felony, and so do order him into custody as a party accused with the rest of the forgery of these instruments.

At the conclusion of the reading, the magistrate ordered officer Rider to take Mr. White into custody. The shock was one of almost electricity to every one in the court, but more especially to Mr. White and his counsel, who had all along believed, because admitted to give evidence, he would be held harmless; but the magistrate has thought otherwise, and has now placed him as one of the defendants The case was then adjourned until 10 o'clock on Thursday morning, when the respective counsel will sum up the case.

Investigation of the Charges Preferred Against the Chief Engineer.

The committee appointed to investigate the charges preferred against Alfred Carson, the Chief Engineer, met yesterday afternoon in the chamber of the Board of Assistant Aldermen. Witnesses were produced by the counsel for the defence, proving that it was not an uncommon thing for only one estimate to be received for corporation contracts.

Mr. Purdy, Commissioner of Repairs and Supplies, being duly sworn, deposed that on one or two occasions, he remembered instances where not more than one estimate was offered for contracts for building fire apparatus.

Mr. Adams, being duly sworn, deposed that he was formerly Commissioner of Repairs and Supplies, and remembered on several occasions where not more than one estimate was received for contracts.

R. C. White, being duly sworn, deposed that he was a member of Engine Co. No. 42; that no conversation took place between him and Mr. Carson relative to the building of engine No. 42; Mr. Carson did not know of the arrangement entered into by the committee, in order to have the contract given to Mr. Smith; he (Mr. Carson) did not know anything about the building of the engine, until the contract was awarded to Mr. Smith; never had any conversation with Mr. Carson in relation to the building of the engine, until Thanksgiving day, many months after the engine was built; neither has he anything to do with the business, or did he know anything about their proceedings until the contract was awarded to Mr Smith for building the engine.

J. S. Craig, being duly sworn, deposed that he was a member of Engine Company, No. 42, and that he called on Mr. Torbess in relation to building engine No. 42, and asked him if he was going to estimate on that engine, and he said he was; witness' object in calling on Mr. Torbess, was to keep him from estimating on engine 42; never saw Mr. Carson in relation to that affair; never had any conversation with him on the subject; witness knows Mr. Carson eight or nine years; knows him intimately, but only in the way of business; such as meeting him at the down town fires; Mr. Carson wanted them to run their old engine; had a conversation with him on the subject; when the witness said they could not get a company to run the old one to the fires, as it was too large and heavy; witness never had any conversation with Mr. Carson in relation to the new engine now built, until the day before yesterday.

Wm. H. Torbess, being duly sworn, deposed that he was a fire engine builder, doing business at No 161 Essex street; was formerly a member of the firm of Van Ness & Torbess; is now building engine No 48, which was ordered to be built by the Common Council; got the contract for building her a year ago by the company, through their foreman; to the company he looks for payment of the bill; witness put in estimates for the engines Nos. 45 and 46; Mr Carson never said anything to induce him to bid against the other bidders, Pine & Hartshorne and Mr. Smith; had a conversation on the subject; never waited upon the other builders; was not induced by anything Mr. Carson said or done to bid against other builders; in the conversation Mr. Carson and witness came to the conclusion that it would be a hard case to have the engines thrown on the hands of Messrs. Cizelman & Sickles.

John J. Bloomfield, being duly sworn, deposed that he was a member of engine No. 42; was a member of the building committee, and called upon Messrs. Cizelman & Sickles, and requested them not to bid against Mr. Smith for the building engine No. 42; to the best of witness's knowledge Mr Carson had nothing to do with the affair.

John H Sickles deposed that he was a manufacturer of fire engines in this city, was a member of the firm of Cizelman & Sickles. His firm at that time built engines Nos 15 and 26; the Fire and Water Committee gave orders to have engine No. 15 built, and the order came through Alderman Bard; Mr. Carson had nothing to do with the building of engine No 15; Mr. Carson called on him, and told him he had better go in for building engines No. 42, 45, 46, 15 and 26, and if he would not build engines he had better build hose carriages; but witness told Mr. Carson that he had enough of work on hand, and would not take any more work until he had finished that on hand

John H Foreman deposed that he had a conversation with Mr. Van Ness in relation to his interest in the firm of Van Ness & Torbess.

The counsel for the preferring parties objected to any conversation that took place between witness and Mr. Van Ness. Alderman Barker sustained Mr. Willard's objection, on the ground that the counsel for Mr. Carson had no right to impeach Mr. Van Ness' sworn answer to one of his own questions.

Examination continued—Witness is acquainted with Mr. Van Ness' general reputation for truth and veracity; it is not good; should not like to believe him under oath; had a conversation with Mr. Carson about building certain engines. (The conversation objected to and sustained by the Committee.)

W. S. Doughty deposed that the character of Mr. Van Ness, for truth and veracity was, from what he had heard, not very good. (This evidence objected to and objection sustained by the Committee.)

John H Brodie was called, to impeach the veracity of Mr. Van Ness—He judged that in the community it was bad; from what witness knew of him he would not take his word under any circumstances, and would even hesitate to believe him under oath; he has heard his character attacked by various individuals; among them were Messrs. Purdy, Doughty, Cizelman and Walsh; they invariably said that he told so many lies that they could not tell when he spoke the truth; Mr. Van Ness owed witness money, and he had to sue him for it; no ill feeling has existed since that on account of business transactions.

Counsel for Mr. Carson—Did Mr. Van Ness' brother ever say anything unfavorable about him?

Mr Willard objected to this question, on the ground that it would create family difficulties, and if the counsel for Mr. Carson wanted to know anything about Mr. Van Ness' brother they should produce him on the stand.

Alderman Barker sustained the objection of Mr. Willard, and the witness left the stand

The counsel for the Chief Engineer then informed the Committee that he had subpœned several other witnesses, who, he was sorry to say, were absent; but if the counsel on the other side was willing to close the case, he was ready also.

The counsel for the preferring parties informed the Committee that he would like to sustain Mr. Van Ness' character, by producing witnesses or affidavits for that purpose.

Counsel for Mr. Carson said that if the counsel on the other side would produce an affidavit, he would be under the necessity of calling Jonathan B. Purdy and Mr. Smith to the stand.

The chairman of the committee then adjourned the case until this day at four o'clock, when the investition on both sides will be closed.

Board of Supervisors.

DEC. 12.—Alderman WESLEY SMITH in the chair

Several petitions for the remission of taxes were refered

The petition of Dr. R. Wieyork, for remuneration for a German school in Forty-first street, near Seventh avenue, was referred to Committee on County Offices.

The return of the Clerk of Oyer and Terminer and General Sessions of the number of jurors personally summoned at November term, 1853.

OFFICE OF ASSESSOR.

In answer to a resolution of the Board, asking the opinion of the Counsel for the Corporation whether a Councilman can hold the office of Assessor, and if not, how a vacancy in the office of Assessor can be filled. Mr Dillon replies—The Charter of the city of New York declares that "no member of either Board shall, during the period for which he has been elected, be appointed to, or be competent to hold any office of which the emoluments are paid from the city treasury," and the question simply is whether the Assessors receive their salaries from the city treasury. They do not. * * * * As the charter therefore relates only to offices payable from the city treasury it does not, in my judgment, incapacitate a Councilman from holding the office of Assessor.

Adjourned to Wednesday next.

Convention for Appointment of Commissioner of Jurors.

Upon the adjournment of the Board of Supervisors, a convention for the appointment of a Commissioner of Jurors, in the room of Mr. Walker, resigned, was then called to order by Chief Justice Oakley, who was moved to the chair. Mr. Valentine, on motion, acted as Secretary. The convention should comprise the Judges of the Superior Court and Common Pleas, and the Board of Supervisors. On the roll being called, it appeared that the only members of the judiciary present were Chief Justice Oakley, (Superior Court,) Judge Ingraham, (Common Pleas,) and the Recorder.

The CHAIRMAN apprehended that there was a defect in the organization of the Board, in consequence of the absence of the other judges.

Supervisor WARD remarked that the Chairman represented the Superior Court, and Judge Ingraham the Common Pleas.

Supervisor STURTEVANT—But they have only one vote each.

The CHAIRMAN referred to a former occasion when a similar difficulty arose. If his brethren then determined that they could not act without a majority of the Judges being present, it would be unbecoming in him, as an individual member of the judiciary, to say that the Board is now properly organized. He, Judge Oakley, was not present on the former occasion, which was, as far as he understood, for the purpose of turning one man out and putting another in; and he never would lend himself to such a proceeding, and he, therefore, declined to meet the last Board. On the present occasion, he was informed there was a vacancy, and being asked by the Mayor, he attended to take part in the proceeding, but the difficulty which arose was whether he could act now, when his brethren had previously decided that they could not act without a majority of the courts.

Supervisor STURTEVANT suggested that it was the intention of the act that the majority of the convention should make the appointment, otherwise two members of the Common Pleas staying away would defeat the appointment altogether.

After a few remarks from the Recorder, Judge INGRAHAM said that some of the Judges had not received notice of the meeting, and suggested that if there was an adjournment and notice given, the other members of the judiciary would have an opportunity of attending. If there was any informality in the service of the notices, this meeting would be informal. He, Judge Ingraham, for one, received no notice to attend.

On motion, the convention then adjourned to Monday next, at 4 o'clock, when it is hoped all the members will attend, or serious inconvenience may arise, as the office of Commissioner of Jurors is now vacant.

Theatrical and Musical.

MR. CHARLES BURKE, the excellent American comedian, takes a benefit at the Bowery theatre this evening, when Keefe's comedy of "Wild Oats" is to be produced. Mr. Burke plays Ephraim Smooth, Mr. Eddy Rover, and Mr. Scott John Dory. Other entertainments are also announced.

BROADWAY THEATRE.—Mr Collins, the Irish comedian and vocalist, plays two of his finest characters this evening, supported by the whole strength of the Broadway company

BURTON'S THEATRE.—Four pieces to night, in which Miss Robertson, Burton, Johnson, and others appear. Burton's is one of the most comfortable and popular theatres in the city.

NATIONAL THEATRE.—"Uncle Tom's Cabin" (Aiken's version) is the attraction for this afternoon and evening. Cordelia Howard, Mr. and Mrs. J. J. Prior, and Mrs. G. C. Howard, appear.

WALLACK'S THEATRE.—Mr Brougham's comedy, "The Game of Life," is to be played again this evening, with the same cast as on Monday, and which is more particularly alluded to in another place.

BARNUM'S MUSEUM.—Everybody who is desirous of such a luxury, can have enough of it to-day, as Mr. Conway's version of "Uncle Tom's Cabin" is to be played afternoon and evening.

JULLIEN gives a "Mozart night" at Metropolitan Hall this evening The admirers of the great composer will doubtless fill the house on this occasion.

BROADWAY MUSEUM AND MENAGERIE.—Driesbach has entirely recovered from his flirtation with the tiger, and invites all his friends to call and see him this afternoon and evening.

BOWERY CIRCUS.—Various interesting feats will be performed this afternoon and evening, by the company at this house—and a very good company it is, too.

BUTZ will amuse all ages and classes at the Stuyvesant Institute this afternoon and evening.

PERHAM'S SEVEN MILE MIRROR remains on exhibition at Academy Hall, 663 Broadway. Go and see it, and save the trouble and expense of a journey to Canada.

CIGNET'S MINSTRELS, 472 Broadway, give a first rate programme this evening. Plenty of new songs, dances, &c. The "old place" still holds its own.

WOOD'S MINSTREL HALL.—The band of vocalists at this place—444 Broadway—are doing an excellent business. The bill offered for to-night is not often equalled in interest and variety.

CHINESE HALL, 539 Broadway, resounds every night with the melody and mirth produced by Buckley's band of minstrels Persons who have not heard their "Norma," and the Jullien burlesque, should do so at once.

Naval Intelligence.

The following are the officers of the U. S. sloop-of-war Albany, which left on Monday for the West Indies:—

Commander, James S. Perry; 1st Lieut, W. W. Hoecker; 2d Lieut, Reed Werden, Robt B. Riell, John Q. Adams; Master Robert A. Marr; Purser, Nixon White; Surgeon, S. A. McCreery; Assist. Surgeon, R. H Coxman; Midshipman, Bennet Riley; Boatswain, Wm Jones; Gunner, Wm. Craig; Carpenter, Rowland Leach; Sailmaker, James Frazer; Master's Mates, Bellizer Scott, Wm F. Bond, Dexter Brigham, and John Nicols; Purser's Steward, H. M. Cabill; Captain's Clerk, N. F. Morris.

Williamsburg City Intelligence.

FORGERY —A man named Thomas Smith, keeper of a porter house on the corner of Eighth and North Second streets, was arrested yesterday morning, on a warrant issued by Justice Boswell, on complaint of Thomas Griffith, charging him with having counterfeited a note, of which the following is a copy:—

$142 45 NEW YORK, Nov. 25, 1853.

Two months after date, I promise to pay, to the order of Henry P. Brush, one hundred and forty-two dollars and forty-five cents, for value received.

(Signed) OWEN McMAHON.

The accused was held to bail for examination.

City Intelligence.

ELECTION IN THE FIRE DEPARTMENT.—The annual election of officers of the fire department was held on Monday night, at Fireman's Hall. The following gentlemen were elected officers of the department for the ensuing year:—

Charles McDougall.....President.
John J. Tindale.....Vice-President.
William D Wade.....Secretary.
John S Giles.....Treasurer.
David Theall.....Collector.

Trustees—Jonas H. Phillips Peter H. Titus, Adam P. Pentz, for three years. Zophar Mills, for one year, in place of John Coger, Jr., resigned. During the evening, the Trustees' report was read, showing that there has been expended during the year past, by the department, for benevolent purposes, the sum of thirteen thousand nine hundred and nineteen dollars and forty seven cents. A committee] was appointed to get up a suitable testimonial to present to John Coger, Jr., (who has been a trustee for the last fifteen years), as an expression of the high regard in which he is held by his associate officers and the New York firemen. After some further general business, the meeting adjourned.

DIRTY STREETS.—When will the corporation ever again sweep the streets, and save our citizens the necessity of carrying in their lungs what should be carried away in dirt carts? It was yesterday actually horrible to walk up Broadway, through the clouds of dust which darkened the entire street. It is far more agreeable to have wet and muddy streets, than to have the atmosphere filled with dust, as it is at present, to inhale with every breath. This fine weather is no boon, if, to enjoy it, we have to drink in pulverized dirt in every part of the city. Let the streets be swept by all means.

CHANGE OF HOUR.—The morning line for Philadelphia, via. the Camden and Amboy Railroad and steamboat John Potter, will leave at 7 A. M. on and after to morrow, Thursday, the 15th instant, and not at 10 o'clock as heretofore. The afternoon line will continue at 2 P. M. as usual.

FIRE.—About 3 o'clock yesterday morning a fire broke out at No. 180 Suffolk street. It originated in a rear building occupied by a number of families. Damage done about $200.

A JUMP FROM A THIRD STORY WINDOW.—At about 4¾ o'clock on Monday afternoon, a woman, residing on the corner of Greenwich avenue and Eleventh street, named Margaret E. Taylor, threw herself from the third story window injuring herself in a dreadful manner. She has been subject to fits of insanity; and, in an unsuspecting moment, when her friends were absent, she committed the act. She was carried into her house, and attended by a physician.

CAVING IN OF A VAULT.—On Monday an old vault, in front of house No. 18 Bleekman street, caved in, in consequence of a horse and cart passing over it. The cart was heavily loaded with iron. Both horse and cart fell through, but no persons were injured.

Married,

On Thursday, November 8, by the Rev. Mr. Perry, of the M. E. Church, Mr. GEORGE PEICE, late of the U. S. Coast Survey, to Miss ROSALIE RILEY, of Brooklyn.

On Saturday evening, December 3, by the Rev. Dr. Millett, at his residence, No. 208 Broome street, Mr. GEO. EUCHES to Miss SARAH ELIZABETH LAWRENCE, all of this city.

On Sunday, December 11 by the Rev. Charles Isham, EDWARD W. LOVE, of Brooklyn, to Miss DELIA BROWN, of New York.

On Tuesday, December 13, at the Thirteenth street Presbyterian Church, by Rev. Samuel D. Burchard, D.D., Miss MARY E. DATER to Mr. EDWARD S. HILL, Jr., all of this city.

At Bedford, L. I., December 10, by the Rev. J. W. Diller, EDWARD KIMPTON, late of Camberwell, London, to ELIZABETH, eldest daughter of Walter Robins, of the same place.

Died,

On Monday, December 12, of consumption, Miss ELIZABETH T. MURPHY, aged 22 years.

Her funeral will take place from her late residence, No. 103 South First street, Williamsburg, this afternoon, at two o'clock. The friends of her brothers, James, William and John, are respectfully invited to attend without further notice.

On the 18th of November, in Paris, JOHN BRIDGE, son of the late Lewis K. Bridge, in the 25th year of his age.

His friends, and those of his family, are requested to attend his funeral, from the Church of the Messiah, this afternoon, at two o'clock, without further invitation.

On Sunday, December 11, of paralysis, DAVID A. GRAVES, of Ponce, Porto Rico, aged 43 years

His friends and acquaintances, and those of the family, are respectfully invited to attend the funeral, from No. 140 East Broadway, without further invitation, this afternoon, at one o'clock.

On Thursday, December 8, at his residence in Schenectady, WM. F. HORSFALL, an old and respected citizen of that place. He was one of the old prisoners of war, confined within the cheerless walls of Dartmoor Prison.

On Monday evening, December 12, in hope of a blessed immortality, JAMES SHADBOLT, aged 30 years.

His friends, and those of his father, A. W. Shadbolt, and of his brothers, Theodore C., and Alfred W. Shadbolt, Jr., are requested to attend his funeral, at one o'clock this afternoon from his late residence, No. 123 Stanton street. His remains will be taken to Greenwood for interment

On Tuesday, December 13, Mrs. ELIZA HABES, wife of John Habes, aged 27 years and 23 days.

The relatives and friends of the family are respectfully requested to attend the funeral, at two o'clock this afternoon, from her late residence, Sixth street, between North Sixth and North Seventh streets, Williamsburg, L. I.

Baltimore papers please copy.

On Monday evening, December 12, SUSAN, infant daughter of the late Benjamin W. Barlow, aged 5 months.

The relatives and friends of the family are respectfully invited to attend the funeral, at two o'clock this afternoon, from No 40 Morton street.

On Tuesday, December 13, PHŒBE, daughter of Thomas Wiley, Sen., in the 41st year of her age.

The relatives and friends of the family, and those of her brothers John and Thomas Wiley, Jr., are respectfully invited to attend her funeral at one o'clock to-morrow afternoon, without further invitation, from her father's residence, No 401 Greenwich street. The remains will be taken to Greenwood for interment.

On Monday, December 12, of decline, OWEN MCGINESS, aged 19 years and 5 months.

His funeral will take place, at half past twelve o'clock this afternoon, from the residence of his father, No. 259 Stanton street. His remains will be taken to Calvary Cemetery for interment.

On Monday, December 12, of apoplexy, ROBERT MCCORMICK, aged 24 years

His friends and relatives, and the members of the Haywood Guards, are respectfully invited to attend his funeral, from his late residence, No. 129 Third avenue, at one o'clock this afternoon.

Montreal papers please copy.

On Tuesday, December 13, FREDERICK JAMES, eldest child of James H. and Hetty R. Drake.

The friends of the family are requested to attend the funeral, at nine o'clock to morrow morning, from his late residence, Ninth street, corner of Fourth avenue. The remains will be taken to Mount Pleasant Cemetery, Newark, New Jersey.

On Tuesday morning, December 13, after a long and painful illness, which she bore with Christian fortitude, FRANCES ANN, wife of Samuel Smith, in the 44th year of her age.

The relatives and friends of the family are respectfully invited to attend her funeral, at one o'clock this afternoon, from her late residence, No. 141 Forsyth street, without further invitation.

In this city, on Tuesday, December 13, ELIZABETH H., the beloved wife of Francis McMalkin, aged 23 years.

The friends of the family, and those of her brothers Wm. S. and Alexander Irvine are requested to attend the funeral, from her late residence, No. 160 East Broadway, at two o'clock to morrow afternoon. The members of Waldense Lodge No. 9, A. P. A., and the order in general are respectfully invited to attend.

At the residence of her daughter, Mrs. E. Lincoln, in Holmes county, Ohio, Mrs. PHEBE VAN STEENBERGH, in the 76th year of her age.

Dutchess county papers please copy

In Kingston, Jamaica, November 4, after a few days illness, GEORGE DEANE CODRINGTON, eldest son of George Codrington, Esq., of Marchioneal, in the Parish of St. Thomas, in the eastern part of that island.

MARITIME INTELLIGENCE.

ALMANAC FOR NEW YORK—THIS DAY.

SUN RISES	7 19	MOON RISES	6 23
SUN SETS	4 31	HIGH WATER	7 45

Port of New York, December 13, 1853.

CLEARED.

Steamship—Europa (Br), Shannon, Liverpool, E Cunard.
Ships—John G Coster, Foster, Havre, Boyd & Hincken; Rockall, Martin, Boston, Samuel T Morse.
Barks—Satellite, Amesbury, Havre. J W El