Municipal Affairs.

PROCEEDINGS OF THE BOARD OF ALDERMEN.

This Board met last evening, the President in the chair.

THE RUSS PAVEMENT IN THE BOWERY.

The petition of Jacob Aimes, Fisher, and Bird, and others against the repeal or annulling the contract to have the Bowery and Chatham street paved with Russ pavement, was received and ordered to be entered on the minutes.

PAPERS REFERRED.

Remonstrance of people doing business in the westerly side of the city against granting the exclusive use of piers 35 and 37 North River, to any person or persons. Petition of James Travers for a sewer in Forty-fourth street, between Tenth and Eleventh avenue. Petition to have the flagging of Fifth avenue, between Thirty-fourth and Forty-second streets done according to contract. A remonstrance against the sewer proposed to be constructed in Forsyth, Walker, and Division streets.

THE LATE FIRE IN BROADWAY.

A communication was received from the Mayor, enclosing a check for $200 for the benefit of those dependent upon the firemen who were killed or disabled on the night of the 25th of April, at the burning of the building No. 231 Broadway; the amount being subscriptions of Conkling, Barnes & Shephard, $100; Tracey, Irwin & Co., $100; Greenway, Brother & Co., $50; Alfred Edwards & Co., $25; Doremus & Nixon, $25. Referred to the special committee who have charge of the matter.

GRANTING TO TRUSTEES POWER TO SELL BRICK CHURCH.

The following resolution, attached to the report of the Finance Committee, was adopted:—

Resolved—If the Board of Councilmen concur, that the Common Council accede to the propositions contained in several resolutions adopted by the board of trustees of the brick Presbyterian church, and will pass the necessary ordinance to remove the restriction on the grant to said church to wit, that the grounds covered by the lease shall not be appropriated to private secular uses, and also to carry out in good faith the propositions contained in said resolutions, according to the understanding between the trustees of the church and the commissioners of the sinking fund, as set forth in the same to the Common Council on 6th of April, 1853.

The following preamble and resolution were offered:—

Whereas, it is understood that there are in some of the departments persons acting under appointments made without the consent of this board, as required by the charter; therefore be it

Resolved, That the Comptroller be, and he is hereby, instructed to pay no salary to any person acting under such appointment. Adopted.

OFFICIAL REPORTER OF THE DEBATES.

Alderman MOTT offered the following resolution:—

Resolved, That it be referred to the Finance Committee to take into consideration the propriety of employing a reporter to report the debates of this board, and to have the same published in some daily paper of this city.

It was suggested that as this matter involved expenditure of money, it should emanate from the Board of Councilmen. The resolution was then laid on the table.

PUBLISHING THE OFFICIAL PROCEEDINGS.

Alderman MOTT offered the following resolution:—

Resolved, That the Comptroller be directed to advertise for proposals for estimates from the various newspapers of this city, for publishing the official proceedings of the Common Council and the advertisements of the corporation, and to contract with such as will, from their circulation or otherwise, subserve the best interests of our citizens in said publication.

Alderman HERRICK said that they could not get any of the papers to publish the proceedings for less than $5,000 a year.

Alderman MOTT said the HERALD was paid but $3,000 last year.

Alderman HERRICK—Well, the HERALD refused to renew the contract for less than $6,000.

The resolution was then laid on the table.

THE EXTENSION OF ALBANY STREET.

Alderman DRAKE offered the following report, which was ordered to be printed, and that it be made the special order for Wednesday evening next.

The Committee on Streets, to whom the petition of Trinity Church for a repeal of the ordinance extending Albany street from Greenwich street to Broadway, was referred, respectfully report. That they have heard all the parties personally, and by their counsel, interested in the proposed improvement, and having given the subject their most careful deliberation, have arrived at the conclusion that the extension of Albany street to Broadway is demanded as a measure of great public necessity, and that the ordinance in question ought not to be repealed. Among other reasons for this result, the Committee regard these as conclusive:—

First. The distance on Broadway from Cedar street to Battery place is sixteen hundred and seventy four feet, or one-third of a mile but it is without a single street of proper dimensions, so that all that part of the city lying between those points and west of Broadway, is without any decent means of access to or from the river. Only ninety three feet on Broadway is divided between four streets, viz:—Thames, twenty feet; Rector, thirty-two feet; Finpot Alley, eleven feet, and Morris, thirty feet. The consequence is, that these streets are dirty, disagreeable and disgusting; and as a "narrow street is always a nuisance," as one of the counsel for Trinity Church admitted, here are four nuisances, through one of which all our citizens must travel in passing from Broadway to the river, unless they make a considerable circuit.

Second. In no other part of the city, ancient or modern, is there such a palpable want of street accommodation. From Cedar street to Fulton, on Broadway, the distance is only eight hundred and sixty-one feet, and yet there are four streets, viz:—Cedar, thirty-three feet; Liberty, fifty three feet, Cortlandt, fifty feet, and Dey street, fifty feet; in all, one hundred and eighty six feet, being more than twice the quantity of ground devoted to streets below Cedar street though it is less than half the distance. So, from Fulton to Park Place, the distance is seven hundred and seventy four feet, and yet, there are three wide streets, embracing 171 feet on Broadway; so that, for 1,625 feet on Broadway from Cedar to Park Place, there is 357 feet of streets, while for a larger distance below Cedar, there is only 93 feet. So gross an inequality of street accommodation ought not to be permitted any longer to exist. Every twelfth street, from Fourteenth street northwards, is 100 feet wide, and all others 60 feet, while this portion of the city is still confined to the narrow and filthy streets which our Dutch ancestors laid out more than two hundred years ago. Within three years Dey and Liberty streets have been widened under resolutions of the Common Council; and this the committee regard as conclusive that the public interest of improvement is imperatively required for that important part of the city lying below Cedar street, and which has hitherto had no share in the benefits conferred upon health property and life, by wide and spacious streets.

Third. In consequence of the want of such streets the property and business in that part of the city have not only not shared in the general advance which the prosperity of the city has produced, but they have, in fact, fallen off and depreciated, so that the price of rents and the value of lots above and below Cedar street present a most striking disparity. Below Cedar street the old and rickety tenements remain unimproved, and are occupied by a shiftless and inferior population; while above Cedar, and especially in Dey and Liberty streets, splendid marble and free-stone stores have taken the place of dilapidated dwellings which are owned or rented by our most respectable merchants. It is within the truth to say that the lots below Cedar are not now worth half as much as those above Cedar, and those below Cedar are at least two-thirds less than is now freely paid above Cedar street. It is apparent, therefore, that the owners of property below Cedar are actually damaged by the improvements made above and beyond their property. It is the duty of the city government to see that such a state of things should not continue; and the ordinance in question provides a partial remedy for this evil, by giving to those property owners what they are justly entitled to—a share in the benefits to be derived from city improvements in their immediate vicinity. This improvement has been demanded by the public for upwards of forty years; and the committee think it is time an end should be put to agitation upon this subject.

Fourth. But one objection deserving the slightest consideration, has ever been made to the extension of this street, and that is, that it will pass through a small portion of Trinity churchyard. This objection cannot be regarded as insuperable. It has never been allowed to prevail against the public welfare or necessity, here or elsewhere. Trinity Church herself has never so regarded it. Repeated ordinances sanctioned by law has been to remove the remains of the dead and direct the improvements to be made. An act of the Legislature of this State, passed in 1842, authorized the sale or mortgage of any graveyard in which interments had not been made for three years. Burials in Trinity churchyard were prohibited by law, as injurious to the health of the city in 1823, more than thirty years ago, although the vestry of that church defied the law, and made some few interments afterwards, yet, upon suits being brought, they desisted, and none have been made for many years therein. The remains of the dead can be carefully and respectfully removed; and it is better, and much more in accordance with the dictates of kind feeling, to do it now, than to defer it, as it must eventually be done, when the last relatives of the deceased remain to perform the humane office.

Fifth. In the judgment of the Committee, there is no just claim on the part of Trinity Church for damages for that part of the churchyard which will be taken for the street. It was conveyed to them as a gift by the corporation of the city, for the purpose of a burying ground only; they cannot appropriate it to any other use, and as interments have long since been prohibited, it is of no pecuniary value to them, and, in fact, their beneficial title has ceased. So the Supreme Court decided, upon this very point, in 1834. Chief Justice Savage, who delivered the opinion, said:—

In the matter of Albany street, (11 Wendell, 149, 153,) the Supreme Court decided in relation to the whole of Trinity Churchyard that "the true rule of estimating the damage is to appraise the property at its present value to the owner, considering the extent of the interest which the owner has and the qualified rights which may be exercised over it." If the church may convert it into a lucrative building lot, then that rule is to be adopted. Chief Justice Savage says—"If, on the other hand, as I suppose, the church cannot use the churchyard for any purpose but for burying the dead, then a different rule should be adopted for both as to damage and benefit," "but clearly the same rule should be adopted for both assessments."

Sixth. It is believed that about 136 lots will be benefitted by the extension, and that they will be increased in value at least half a million of dollars, making an addition of that sum to the taxable property of the city, which, at the present rate of taxation, will procure an annual revenue to the city of upwards of $62,000.

The cost of the extension, including the expense of the removal of the remains of the dead, cannot greatly exceed $100,000; but admit that it may run up to $150,000, and that the city has to bear the whole outlay, (while in fact it has to pay only a very inconsiderable part,) it would, as is shown, be refunded in three years by the increased subjects for taxation, and a surplus of $36,000 be left. It has been vehemently urged that a large majority of property owners interested are opposed to this improvement, and it is to be regretted that the confident and unscrupulous asseverations of the opponents on this point have led a majority of the committee to adopt this representation as a fact, while the most conclusive evidence, in the opinion of the undersigned, to the contrary, was before them, and only an ordinary investigation of the documents was necessary to prove directly the reverse.

In the early stages of the investigations of the committee, the applicants were requested to ascertain the views of proprietors within a given area, designated by a member of the committee who unites in the majority report; this area embraces 136 lots. Satisfactory evidence, mostly by the signatures of the proprietors, was promptly furnished, that the parties representing 82 lots or pieces of property were in favor of the extension, and that only 14 were found, or known to be, openly opposed to it—leaving 40 lots, the representatives of which could not be found, or declined declaring their views, whether for or against the measure.

Subsequently, the opponents also submitted a map embracing the area adopted by the assessors in 1834, and considerably extended, which carried the assessment for benefits far down Pine street. That showed a much larger number of lots as opposed, but as is shown hereafter, such opposants come far short of a majority in amount of the parties interested in damages and benefits, which rule governs in the decision by the Supreme Court, and not a majority of the number of lots affected, nor of persons interested—a well known fact, which is not alluded to in the majority report which has been made. In this case a very unusual test of the result in this respect exists in the report of the assessment made for the same object in 1834, which was made by intelligent, competent assessors on principles specially prescribed for the case by the Supreme Court. The result of the application of this report to the maps and evidence submitted to the committee, will be seen by the synopsis appended and submitted herewith. On reference thereto it will be seen that even by adding some lots admitted by the applicants on map 1 to be opposed, there is not enough out and presented on the other side by map 2, not two-thirds of the requisite amount to defeat the pending proceedings can be found on the extended area of 1834, and but little more than half that amount on the more limited area of map 1, which area your committee believe will be adopted by assessors now appointed. A full confirmation of this result is found by taking the amount assessed in 1834 on the eighty-two pieces of property, the proprietors of which have given their formal assent, which is found to amount to $39,405 08 100, (which amount will doubtless be largely increased by others who, for the present, withheld their approbation,) and as only $36,004 70-100 is necessary to secure the confirmation of the proceedings in the Supreme Court, it follows that the amount proved to be in favor of the extension is $10,401 38 more than sufficient.

It is true that, from the enhanced value of property since 1834, the amount of damages will be increased; but the same relative increase of value of that to be assessed has also taken place, and the ratio of the assessment of 1834 may therefore be safely taken as governing the case. It is further found that several lots, gained from the water since 3, 4, are now within the area of map 1, and which were not assessed. These will now bear a liberal assessment, and the proprietors are among those in favor of the extension.

These figures cannot be successfully controverted; and showing so decided a preponderance in favor of the measure, they are conclusive as to the duty of the city government to refuse to interfere to suspend the pending proceedings, as is prayed for, by and under the influence of Trinity church. No other case can be found in the city where so obvious and important a public improvement can be made at so small a cost. It is demanded alike by the interest of the city at large as well as by the proprietors of the region; and it will be found greatly to promote the convenience of the citizens and the healthfulness of a neighborhood always fatally dangerous when epidemics have prevailed.

In conclusion, your committee say that, as Trinity Church ostensibly attempted the building of their present monument to intimidate the Common Council in the making of a great public improvement at the very time when this measure was under consideration and being discussed, they are entitled, to say the least, to but little sympathy; and their patriotism cannot be considered to be much outraged when we remember that they have, ever since the evacuation of the city by the British army, (more than seventy years ago,) allowed this matter to rest in silence, without erecting some token to the memory of those for whose rights and fortunes the trustees of Trinity church, during the Revolution, evinced so little sympathy or respect. Besides, it is extremely doubtful, if not improbable, according to the testimony adduced before the committee, whether or not any patriots of the Revolution were allowed to be buried in Trinity churchyard.

Your committee are therefore constrained to offer the following resolution:—

Resolved, That the prayer of the petitioners for a repeal of the ordinance directing the extension of Albany street to Broadway, be denied.

Synopsis of the assessment for the extension of Albany street, made in 1834 by Wm. Paxson Hallet and others, under a special order of the Supreme Court—applied in the same ratio of value to the proceedings now pending for the same improvement:—

Damages to Trinity Church	$13,128 62	
For four lots and building on Trinity place and Greenwich street	44,800	
Total	$57,928 62	
Assessment for benefit on 198 lots, extending to Pine, corner of William street, and to Cedar street on the north, which includes the above damages and costs of the proceedings	$60,080 76	
Aggregate of Damages and Benefits	$118,009 38	
Majority in amount of damages and benefits necessary to defeat the measure	$59,004 70	
Results of maps submitted to the committee by applicants for the opening, and by the opponents or remonstrants against it, in the above ratio of value:—		
Map No. 1, submitted by the applicants on an area embracing 136 lots, designated by a member of the Committee on Streets, excluding the Pine street lots and others the most distant.		
Objectors on damages.—Trinity Church	$13,128 62	
St. Stephen's Church, for lot on Greenwich street	11,000 00	$24,728 62
On benefits—Trinity building	3,199 58	
Two lots east side Broadway	1,150 00	
One do. Thames street, not assessed 1834		
Two lots west side Broadway	345 00	
Four do. on Carlisle street	454 72	
Three do. on Washington and West	1,358 56	6,517 86
Aggregate amounts opposed (damages and benefits)		$31,246 48
—Or $7,758 22 short of the requisite amount to defeat the proceedings.		
Map No. 2, submitted by the opponents, embracing the area of the assessment of 1834 in same ratio, and still farther extended.		
Objectors on damages.—Trinity and St. Stephen's Churches, as above		$24,728 62
On benefits—Proprietors of thirty-seven lots east side of Broadway, principally on Pine street		6,604 83
Do. of thirteen lots west side of Broadway		5,826 40
Aggregate amounts opposed, according to this map		$37,249 85
But eight lots are shown to be opposed by map No. 1 (that of the applicants,) which are not so represented on this; they are therefore added		1,813 28
Aggregate		$39,063 13

—Which is still $19,941 77 short of the requisite amount to defeat the proceedings before the Supreme Court.

REPORTS ADOPTED.

Of the Committee on the Fire Department in regard to Engine Companies No. 16 and No. 46; of Committee on Salaries and Offices, in favor of appointing Chas. Golden Assistant Messenger to this Board; of the Committee on Assessments, non-concurring to confirm assessment list for sewer in Forty-sixth street; in favor of concurring to confirm sundry assessments; concurring to build engine house for Engine Company No. 47; to build new house for Engine No. 45 and Hook and Ladder Company No. 10.

REBUILDING THE NEW CITY HALL.

The special committee to whom this matter was referred, reported that there exists great necessity for the immediate action by the Common Council in erecting suitable buildings for those officers who have lately been driven from their places of business by fire. The present scattered and confused state of the courts and other public offices, of great importance to the city government and public generally, require immediate action. The following resolution was offered:—

Resolved, That the Commissioner of Repairs and Supplies be directed to advertise for plans and specifications for constructing a new building in the Park; the same to be a fireproof building, of iron, stone, and brick, to be about 300 feet in length by 115 in depth, to cost about $600,000, and to be 25 feet from the new building now known as the New Court House; and further, that such plans and specifications as shall be adopted by the Common Council shall be purchased by the city for $1,000 and shall be divided into three classes, viz:—First class premium, $600; second do., $250; third do., $150.

The resolution was laid on the table until Monday.

REPORTS CONCURRED IN.

Of Committee in favor of sewer in Washington street, between Rector and Carlisle; in favor of sewer in West Broadway, from Duane to Reade street; in favor of sewer in Macdougal street, between Bleecker and Amity streets; in favor of sewer in Lispenard street, between Broadway and Church street; in favor of a basin in front of Nos. 182 and 184 Madison street; in favor of sewer in Seventy-ninth street, from Fifth avenue to East river; in favor of building new Engine for Company No. 27; in favor of organizing Robert S. Dixon and others as Hook and Ladder Company in the Ninth ward; concurring with the Councilmen adverse to paying bill of Kipp & Brown for stages furnished the Fire Department Committee in 1851; in favor of providing an iron safe for Collector of Assessments; in favor of building a new carriage for Hose Company No. 24.

THE HOSPITALITIES TO THE CAPTAIN OF THE THREE BELLS.

Alderman HERRICK offered a resolution that the committee on the reception and hospitalities to Capt. Creighton of the Three Bells, report all the particulars of the reception, resolutions, &c., and the expenses of the gold snuff box presented to him. Adopted.

THE SIXTH AND EIGHTH AVENUE RAILROADS.

The report of the Committee on Railroads, non-concurring to direct the Eighth Avenue Railroad Company to run their cars the regular trips to Fifty-ninth street, was concurred in. The report of the Committee on Markets was concurred in.

Receipts of Sixth Avenue for month April	$18,590 51
Do. Eighth Avenue	22,781 54

COMMISSIONER OF STREETS AND LAMPS.

A communication from Mr. Glasier, in answer to a resolution of the Board, stated, "Never having heard the authority of power to appoint clerks and others vested in me, executive of this department, questioned, I have the honor to state they were appointed by me, and in due time their names will be sent to your honorable Board for confirmation."

In another communication he submitted the following names for such confirmation:—John O'Toole, as clerk to Commissioner of Streets and Lamps; Anthony J. McCarty, as Clerk of Washington Market; Francis Leonard, deputy do.; John Nugent, Clerk of Catharine Market; Joseph Petty, Clerk of Franklin Market. The nominations were rejected.

EXPULSIONS AND SUSPENSIONS FROM THE FIRE DEPARTMENT.

A report of the Committee of the Fire Department, on the complaints made by the Chief Engineer in his communication of the 15th of February last, recommended that Engine Company No. 15 be suspended three months; that Joseph Logan, hook and ladder, be suspended three months; that Charles Neary, assistant foreman of Engine No. 21, be suspended three months; that Hose Company No. 22 be suspended twenty days; that Engine Company No. 31 be suspended six months; and that Daniel Mavor and J. Walsh, of Engine Company No. 31, be expelled from the Fire Department. The report was adopted.

After some other business, the Board adjourned to Monday next, at 5 o'clock.

BOARD OF COUNCILMEN.

The Board met pursuant to adjournment, Edwin J. Brown, Esq., presiding.

The minutes of the previous meeting were read and approved.

BILLS PASSED.

To remove obstructions on Eleventh street, near Second avenue; to lay crosswalk in Twenty-third street, between Sixth and Seventh avenues; to repair First ward station house; to confirm contract for the construction of protection railing in Eighth avenue, between Eighty-third and Ninteeth streets; to grade Fifty-second street, between Tenth and Eleventh avenues; to repair Fourth ward station house; to flag sidewalks on Broome and Tompkins streets; to grade Forty-fourth street, from Ninth to Tenth avenues; to fence lots on Twenty-sixth street, between Seventh and Eighth avenues; to flag sidewalk in Ninth avenue, between Forty-second and Forty-fifth streets; to regulate and grade Fifty-second street, between Broadway and Sixth avenue; to regulate and grade Fifty-eighth street, from Seventh to Eighth avenues; to organize Robert H. Dixon and others into a Hook and Ladder Company in the Ninth ward.

PETITIONS.

Of Thomas Hamilton, foreman of Hose Co. No. 46—For a new location. Referred.

Of Benjamin Perine, Jr.—For a sewer in Columbia street, between Stanton and Houston streets. Referred.

Of Nicholas Siegrist—To open Seventy-eighth street from Hudson river to East river. Referred.

Of the residents of Greenwich street—Asking for repairs in said street. Referred.

RESOLUTIONS.

Councilman MOELLER—To open Fifty-ninth and 106th streets, from river to river where not already opened. Referred.

Councilman GAFFNEY—To fence vacant lots in Fourteenth street and avenue A. Referred.

Councilman PEARSON—To fill in vacant lots on Third avenue between Fifty-first and Fifty-fifth streets. Referred.

Councilman CONNOVER—To fill in sunken lots between Thirty-eighth and Thirty-ninth streets and Broadway, and Sixth avenue. Referred.

Councilman JEREMIAH—That the Committee on Finance inquire into, and report on the propriety of purchasing four lots and erecting thereupon a Court House, in the central part of the sixth judicial district, for said court. Adopted.

Councilman YOUNG—To repair Barclay street. Referred.

Councilman HEALY—To increase the pay of foremen and cartmen employed in paving streets, respectively, to $2 and $2 50 per day. Referred.

Councilman YOUNG—To repair Chambers and Greenwich streets. Referred.

Councilman MONAGHAN—To exempt property owners on Ninety-second street, between Third and Fourth avenues, from all expense in opening said street. Referred.

Councilman BICKFORD—To repair and paint Engine House No. 13. Referred.

Councilman CRAWFORD—To take up and rebuild sewer in Grand street, between Wooster and Sullivan streets. Referred.

Councilman HOLDEN—That the Committee on Ordinance be requested to amend the existing laws, and to create new laws, if necessary, for the better regulation of the Fire Department. Referred.

Councilman ELLIOTT—To repair sidewalks in Ninth street, between avenues C and D. Referred.

Councilman BILDER—That the Croton Aqueduct Board notify the contractor who constructed the sewer in Broome street, between Eldridge and Columbia, to repair Broome street forthwith. Referred.

REPORTS OF COMMITTEES.

Concurring with Board of Aldermen, in favor of donating $1,000 to North Western Dispensary. Adopted.

Concurring with the Board of Aldermen, setting apart the 21 lots at the foot of Forty-fifth street, East river, recently purchased by the Corporation as a place for the landing of such boats as may be required, for the removal of the blood, offal, dead animals, bones and refuse of the city. Referred.

The Board then went into the Committee of the Whole for about an hour, during which time reports were read a second time, and ordered to a third reading. No debate of any interest whatever took place, the members being seemingly anxious to get through their business with as little delay as possible, so no time was spent in talking about reform or retrenchment.

The Board adjourned until Monday evening next.

United States Circuit Court.

Before Hon. Judge Betts.

The United States against James Collier, late Collector of San Francisco.—The jury, under the direction of the Judge, and with the consent of both parties, rendered a special verdict in this case, subject to the opinion of the Court. This verdict leaves undetermined what amount, if any, is due by Mr. Collier to the United States government.

TRUE BILLS.—The Grand Jury brought in bills of indictment in the following cases:—

The United States vs. Charles Hamilton.—Assault with a dangerous weapon.

The Same vs. William Valliant.—Larceny on the high seas.

The Same vs. George W. Bailey.—Excess of passengers.

The Same vs. Alice Grey and Theresa Grey.—Passing counterfeit coin.

The Same vs. John Thomas.—Assault with a dangerous weapon.

The Same vs. James Bushe.—Larceny.

The Same vs. Adolphus Doll.—Stealing a letter from Post Office.

The Same vs. David Allen.—Excess of passengers.

DECISION IN EQUITY.

MAY 5.—*David Robbins agt. Charles A. Davis and others.*—The following is a brief extract of his Honor's decision in this case:—

The defendants are trustees of the Pensacola City Company. They were appointed January 13, 1837, and then took the title to the lands owned by the Pensacola Land Company, and which had before been vested solely in William H. Chase, as trustee of that company. The defendants are also individual purchasers and owners, with other associates, of the lands held by them in trust. The 5th of January, 1837, William H. Chase, for the nominal consideration of $10, conveyed a square of land, situate in the city of Pensacola, and belonging to the Pensacola Land Company, to George E. Chase, in fee, on an agreement with the latter that he should erect thereon a large hotel. On the 12th of October, 1836, on the understanding that the above conveyance was to be made to him, George E. Chase entered into a contract with the plaintiff to supply the materials and build the hotel for the price of $24,000, to be paid him by George E. Chase. The hotel was finished, but the plaintiff, not being supplied with funds, according to agreement, claimed that he had been damaged to the amount of about $30,000, which he seeks to recover of the defendants, alleging that the conveyance to Chase was not a *bona fide* one, but made to deceive him; that the land reverted to the defendants, and that the contract was really for the benefit of the defendants alone. The court decided that the contract between Robbins and George E. Chase was personal between the parties, and had no relation to any obligation or liability of the defendants. That the defendant did not, by any act or statement of theirs, or assented to by them, induce the complainant to enter into the said contract, or any other agreement or understanding with George E. Chase, touching the erection of the hotel, and that the said Chase had no authority to bind the defendants to the fulfilment of any agreement of his in the premises. That the complainant had full notice of what G. E. Chase's interest in the land really was at the time of the contract. That the transactions with G. E. Chase were made with him, as the sole owner of the land, and that the defendants had no notice of any claim upon them therefor. That Wm. H. Chase had full power to convey the land to George E. Chase, and that there was sufficient consideration for the conveyance to him, but that neither Wm. H. Chase nor Wm. B. Taylor had power to bind the company or its trustees without their concurrence to any agreement that the company or the trustees should bear any expense incurred in building the hotel. That whether or no the complainant has proved that there was any fraud practised upon him, the defendants are not prove to have shared in it, or to have had notice of it at the time. Held, therefore, that the complainant has failed to establish any right to charge the defendants in any way with the debt by him alleged to be due him. Bill therefore dismissed, with costs.

Court of General Sessions.

Before Judge Beebe.

CONVICTED.

Grand Larceny.—Edward, John and Zophar Mills were tried and convicted of stealing a quantity of cotton spools valued at $20, from Lathrop, Leddington & Co., Cortlandt street. The spools were found in the possession of the prisoners, by the officers. Sentence deferred.

PLEAS OF GUILTY.

Grand Larceny.—William Price pleaded guilty to stealing three ounces of gold dust, the property of his brother, a returned Californian. Sentence deferred.

Burglary in the Third Degree.—Lyman Barr, indicted for burglary in the third degree, in having burglariously entered the tailoring establishment of Wyman & Co., of Broadway, pleaded guilty to the charge, and was remanded, there being other charges preferred against him. It is thought by the authorities that Barr is connected in some way with those who set fire to the premises of W. T. Jennings & Co., a short time ago.

Petit Larceny.—Mitchell May, indicted for stealing $37 worth of old clothes, pleaded guilty to petit larceny. The Court accepted his plea, and sentenced him to six months confinement on Blackwell's Island.

SENTENCED.

Attempt at Burglary.—George Schaffer was convicted of an attempt to enter the store of Albert H. Nicolay, auctioneer, in a forcible manner. An auger and a bottle of chloroform were found in his pockets when arrested on the spot by the police. The Court sentenced him to one year's confinement in the penitentiary.

Grand Larceny.—Julius Zimmerman, tried and convicted of stealing 345 worth of clothing from the store of Chas. Lacour, was sentenced to two years confinement in the State prison.

Burglary in the Third Degree.—Roderick Michaels, convicted of having burglariously entered the boot and shoe store of Mr. Looster, and stealing from the premises $70 worth of property, was sentenced to three years confinement in the State prison.

Attempt at Burglary.—A desperate looking fellow, named William Wilson, was tried and convicted of having attempted to break into the store of Maurice Dillon, No. 361 Broome street. When arrested the police found a bunch of skeleton keys, a jimmy and a loaded pistol in his possession. The court looked upon the case as a very bad one, and accordingly sentenced the prisoner to two years and four months confinement in the State Prison.

ACQUITTED.

Passing Counterfeit Money.—William Mead was acquitted of passing a counterfeit five dollar bill on the Trenton Banking Company, on a German fancy bird dealer in William street, named August Fonke.

Grand Larceny.—Dennis Moody was tried for stealing a pocketbook containing $150, from Edward O'Brien. The evidence in this case being somewhat conflicting from the intoxicated state in which all the parties were at the time of the commission of the alleged larceny, prevented the jury from coming to a decision; consequently, after being out nearly three hours, they came into court without agreeing, and the court discharged them until Monday next.

The court then adjourned for the day.

Common Pleas—Special Term.

Before Hon. Judge Daly.

MAY 5.—*Nathaniel P. Hosick vs. the Commissioners of Emigration.*—This being the return day for the injunction in this case, Mr. Edmon Blankman and Fletcher Park appeared on behalf of the plaintiffs, and Mr. Develin for the defendants. It was admitted by the counsel for the defendants that the Commissioners of Emigration had rented and intended to use the premises No. 105 Franklin street to receive emigrants, and that many of them are affected by contagious and infectious diseases.

Mr. Park then proceeded to open the case on the part of the plaintiffs, and commented with great severity upon the inconsiderate action of the Commissioners in establishing a receiving place for emigrants affected with contagious diseases, in the very heart of one of our most respectable and densely populated streets. He insisted that they should have their office for this purpose on or near the dock where they are landed, and this would prevent their wandering about our crowded streets in search of the Commissioners' office for their charity; and that the benevolence of our laws not only allowed them to come here, but even provided for their care and support after they arrived. But it was going a step too far to ask that we should expose the citizens of this densely populated city to the contagion emigrants bring with them to our shores.

Mr. Develin contended that, under the law, the Commissioners had a right to establish their office for emigrants at any place and in any part of the city they chose.

Mr. Edmon Blankman concluded the argument on behalf of the plaintiffs, and contended, in a very forcible manner, that although the Legislature had passed a special act authorising the Commissioners to establish such an office for emigrants in the very location they had selected, the Court would have a perfect right to interfere, by a writ of injunction, to restrain them from carrying on their operations, to receive emigrants infected with contagious diseases, in a neighborhood so densely populated as the one they had selected, and cited many authorities, among which was the celebrated case of Brower vs. the Mayor, &c., of New York; 3 Barbour's S. C. R., page, 254, which occurred in this very ward, and which was only to prevent emigrants from landing in the ward.

The entire day was consumed in the argument of the cause, and the decision of the Court was reserved.

Superior Court—Part Second.

Before Hon. Judge Slosson and a Jury.

MAY 4.—*James Finnegan against John Murray.*—The jury in this action, (which was reported in yesterday's HERALD,) brought in a verdict this morning for the plaintiff for $500 damages besides costs.

Lewis Ginnochio against Joseph Naylor.—This was a suit upon a note of $400, made by the defendant for the benefit of one Pierre Saracco, which was protested for non-payment. The defendant, in person, denied ever receiving any consideration for the note, but made it in order to keep the sheriff from selling Saracco's furniture for rent. The Court held that that was a "consideration," and the jury, under the instruction of the Court, rendered a verdict for the plaintiff for $409 38; and the Court ordered an extra allowance to the plaintiff of $25.

Henry Dean and others against Robert H. Berdell and others.—The parties to this suit are merchants in this city, and the draft on which the action was brought was given by the defendants in business transactions between them and the plaintiffs. The Court ordered the cause to be referred to Judge Wm. Kent, to hear and determine the issues in controversy.

Donovan against The East River Insurance Company.—This was an action to recover the amount of insurance on furniture destroyed by fire in Moore street, March 14, 1853. The jury was empannelled, but on consultation of Messrs. McKeon and Carroll, for plaintiff, with Mr. Riggs, for defendant, the case was settled.

The smallpox is creating much alarm at Rutland, Walden, Danville, and other towns in Vermont, and many cases have proved fatal.

Personal Intelligence.

Mrs. James Gordon Bennett, Paris; Col. Wm. Penn Chandler, United States Consul to Tunis; Gen. A. Alvord, Texas; J. W. Revere, Esq., Boston; Captain Hallock, U. S. Army; Hon. Russel Sage, M. C., Troy; Col. D. F. Contu, Nashville, Tenn.; Major Howell, Liverpool; Hon. J. M. Stanley, Washington; C. E. Patten, Bath, Maine; Hon. A. Williams, Ohio; Manuel G. Zamora, Havana; Don José Shalmo, do.; Don Francisco Wiarte, do.; and Capt. Botton, British army, were among the arrivals at the St. Nicholas yesterday.

Rev. B. Tappan, Augusta, Me.; Dr. Hurd and family, St. Louis; Jos. McAlpin, Minnesota; E. J. Peck, Indianapolis; Robert Brown, Cincinnati; Hon. W. H. Seward, Washington, D. C.; Col. Keyes, Madison, Ind.; Col. Gray and lady, do.; H. B. Metcalf, Washington, D. C.; P. O. Harman, Dayton, O.; W. Dennison, Columbus, O.; R. L. Deshiel and lady, Washington, D. C.; Mr. S. B. Becker and two ladies, New Orleans, were among the arrivals at the Astor House yesterday.

J. Goldie, Edinburg; W. Porteous, Glasgow; J. C. Merrill, Constantinople; W. H. Fauntery, West Indies; C. R. Bayard, St. John, N. B.; M. Bayard, do., and C. Adams, Washington, arrived yesterday at the Prescott House.

Hon. B. S. Hurd, Wisconsin; Hon. A. Tomlinson, Michigan; J. Richardson, Leeds, Eng.; W. H. Fontleroy, Western Trinity; W. Frederick Ballam, Montreal; Edward Weber, Valparaiso; Edward Nathan, Hamburg; Louis Berdedt, Berlin, and 140 others, arrived at the Metropolitan Hotel yesterday.

Gov. Bigler, of Pennsylvania, is reported to be quite ill at Harrisburg, from congestion of the lungs, and he is unable to sign the bills passed by the Legislature.

ARRIVALS.

From Liverpool in the steamship Africa—Mr and Mrs J Barlow, Mrs Young, three children and servant, Dr Duperrine, Mrs Ferran and servant, Miss Ferran, Miss Tilleman, Mr and Mrs T C H Frost, Mrs Reynolds Miss Gillespie, Mrs Notman and child, Mr and Mrs Oberenshaw, Baron Trobriand, lady, two children and servant, Mr Rowlandson J B Bonyere, Mr Falkinberg, Mr Ballantyne, A X San Martin, Jesse Joseph, Mrs Holt, Mr J E Oliver, Mr Gillespie, Mr Dean, S Goldie, R H Smith, H Berden, Baron De Beer, Mr R Makin, Capt C R Doane, Capt Blake, Capt Barry, Mr P Tschendy, Mrs J G Bennett and servant, Capt Wallack, Miss Isabella Foy, Mr and Mrs Morrison, Mr T Mutton, Mr Tidy, Mrs Humphreys, Mr Porteus, Mr Ferguson, J Brush, Mrs Cordner and two children, Mrs Galla, Miss Isabella Gilchrist, H Furrer, F Wild, W Walker, W Dudley, Mrs Joyce and two children, H E Thomson, S Schiell, Mrs Rose and child, Mrs Egger, Mrs Reeves, Miss Reeves, Mr E Reeves, W J Thompson, Mrs Thompson, Miss Thompson, Mr Hitchman, C Lugner, C Buckler, W Schumm, R Knapp, Mrs Rutz, Mrs Herlinger and child, Mr J Gartside, C Mondin, Messrs Pierre Moudin, Harbord, Meinhold, McDonald, Ferdinand Crause, Guterman, Van de Mer, Hurrell, J M'Alpin, Hue, Alexander Bidon, John Duffy, Royce, John Duncan, Beckwith and son, Smithson, Sutcliffe, Garrard, Miss Duperrins, Mrs Wallack—113 pas ongers.

DEPARTURES.

For Aspin wall and California in steamship Illinois—Judge Lake, J Kaine, A R Simonson, S Ulman, Thos Evans, Dr John Bay and son, Miss E Taylor, Miss Eaton, Mr Cockbain, Mrs S Sweet, Mrs McCain, Mrs Lyton, G F Austin, Capt Rederson, Mr Nash, E Mathews and lady, Lieut Loiser and lady, Lieut W A Winder, C W Winder, J N Patton, A Piper, J Van Vossh, Dr Murray, M O Austin, F W Lockwood, E W Churcn, R H Gibbetts, Mrs E W Church, companion and servant; J A Chapin lady and child; Miss Chapin; A Harris, G H Ingham and lady J Findlay, lady and niece; Dr Simpson, U S A, lady, child and servant; J Swanson, M Sipslor, Mrs E Canon, E Canon, A Weber, A Pichior, H Fenin, H Heutch, E Wethermann, Mrs Wethermen and two children, Dr W H Taylor, S W Buel, G S Kinney, Mrs Jones, wife and servant; H B Crist, lady and child, Mrs Cassell and child, Mrs Standeld, H W Dwer and lady, Mrs E Hopping, E Burrows, J S Burrows, J H Patterson, Mrs Kelly, child and servant; Mrs Cadwell and child, Mrs Woodruff, lady and two children, Mrs Frost, C M Putney, A S McKee, H Sinkham and wife, A Snow, M Merril, Mrs C H Hunt, C J Sherredee, S J Colburn, J S Colburn, V D Moody, wife and child, Mrs McKee, Mrs J A Hood and two children, T Danstin, Acbize, J W Conckman, H. Nathan, M Landeree, F S Carr, J P Whipple, R Trobrize, L M Day, C H Hamilton, J Gonzalles, H Jones, P D Applebee, J W Keer, C C Walker, J Pretonas, Mr Cox, C Phetterplace, R Chapplo, J Powning W Pentbonthy, N Parker, J Crozier, L Kellogg, D Denison, W P Michier, J P Michice, J S Brackett, E T Joy, W Young, P M Keller, W H Bart, J P Haw, C Taylor, P Stores, O Spaulding, J W Hill, R Young, B Mickels, Jr, J D Timpson, Mrs S