THE ARCTIC CALAMITY.

United States Circuit Court.

Before Hon. Judge Betts.

PRESENTMENT OF THE UNITED STATES GRAND JURY RESPECTING THE LOSS OF THE STEAMER ARCTIC, AND REMONSTRANCE OF ONE OF THE GRAND JURORS.

JAN. 20.—It has been generally known for some weeks past that the United States Grand Jury have had under investigation the circumstances connected with the disaster which befel the steamer Arctic in September last, and great anxiety has been manifested for the result of their deliberations. This morning they came into Court and made the following presentment, which was read by the Clerk:—

PRESENTMENT.

To the Hon. Samuel R. Betts, Judge of the United States Circuit Court for the Southern District of the State of New York.

The Grand Jury of the above court have had no subject before them, during their recent session, of greater importance than that connected with the circumstances attending the loss of the ocean steamer Arctic, a casualty involving the destruction of life and property to an almost unparalleled degree, and one in which the sympathies of our people were extended from far and near toward the friends and relatives of those who were the sufferers in that event. The attention of those having in charge the public interest seemed imperatively called to a critical examination of the circumstances connected with this occurrence, with a view to provide remedies against similar accidents in future. The Grand Inquest have, therefore, caused to be brought before them such witnesses as could give evidence pertinent to the casualty itself, and others who, from their nautical experience, were supposed to be competent to suggest preventives against their recurrence.

It appeared from the evidence, that the steamship Arctic, of the Collins line, Captain J. C. Luce, left Liverpool on the 20th of September, 1854; that on the 26th a fog was encountered, which continued increasing in density at intervals, until the 27th; that the ship continued under her usual rate of speed, and pursuing the usual practice under like circumstances, made no use of signals by the bell, whistle or gun, to signify her position. Not long previous to the accident, a passenger asked Captain Luce if they could see through the fog as far as they could run in three minutes. Captain Luce replied, "Yes, just about." At the rate the ship was going, it would be about half-a-mile.

At about 12, or five minutes past 12 o'clock at noon, on the 27th September, the ship was in latitude 52 deg. 45 min., and longitude 52 deg., steering west by compass in 100 fathoms water, by chart, and about fifty miles from land, the fog still continuing, and the vessel going at the rate of about twelve miles per hour. At the time mentioned, the man on the look out at his station, discovered a vessel approaching, and called out "Hard a starboard," which was repeated by the officer of the deck, (Mr. Baalam,) and answered by the man at the wheel. Almost instantly thereafter the Arctic was struck about forty feet from her cutwater on her starboard side, by the bow of a steamer, which afterward proved to be the French iron steam propeller Vesta—the result of the collision being, as afterward ascertained, to make in the side of the Arctic three holes, two above and one about two feet below the water mark.

Capt. Luce, being at the time in his room, and hearing the word, came immediately on deck, together with several of the passengers and crew. The Vesta was observed, as she passed, to have her bow carried away, and a large number of people was discovered on her decks. The signal was given to stop the Arctic, and the captain ordered the boats to be lowered. The chief mate, Mr. Gourlay, with five or six of the crew, put off to the assistance of the Vesta. The Arctic then went ahead and sailed around the Vesta two or three times. Some fifteen or twenty minutes elapsed, when some of the passengers and crew of the Arctic observed that she careened, and at that moment the chief engineer reported to the captain that she was making water very fast, and that she must go ahead in order to work the bilge-pumps. The order to lower the remaining boats was then countermanded by the captain, they being at the time but partially lowered, and difficult to clear. Mr. Gourlay, in the boat under his command, was seen making for the ship, when the captain called to him, saying, "We cannot wait, the ship must go ahead." No more was seen of that boat and crew, and as the Vesta was at the time lost in the fog, the conclusion was that she had gone down.

The order was then given to steer northwest for the land, it being supposed that the leak could be sufficiently stopped to enable the vessel to reach shore. The hand-pumps were worked, and all moveable things were placed on the opposite side of the vessel. The carpenter being let down by a rope to ascertain the nature of the injury, reported the hole to be about six or eight feet in one direction, by two in another. By direction of the captain, the carpenter went below to endeavor to cut away and get at the leak on the inside, but failed to find it. Sails were let down with a view to cover the leak, and it was by some proposed to stop the ship's headway, which was by others opposed, and the latter opinion seeming to prevail, the ship went on. Notwithstanding that large iron bars were attached to the sails over the ship's side, with a view to keep them in their place, it was found that from the sharp build of the bows and the natural rush of the water along her sides, the design was totally ineffectual. Mr. Gram, a second cabin passenger, with the assistance of Captain Luce and others, erected a stage over the side of the vessel, and with pillows, blankets and mattresses, attempted to stop the leak, but unsuccessfully. At this juncture the fires in the lower hold were reported to be cut; and a scene of some confusion commenced among the coal passers and firemen, who rushed on deck; being repeatedly ordered by the assistant engineer to return to their duty, they complied, but momentarily, and after passing coal into the upper fire, again returned on deck. The second boat was now prepared for the passengers, and a number of ladies and gentlemen were placed in it, with a few of the hands of the ship; but by some mismanagement in lowering the boat the rope at one end was let go too soon, and all in the boat but two were lost in the sea. This accident occasioned great consternation among the passengers, and a diversity of opinion was held among them as to their greater chances of life. Mr. Edward Sanford, one of our most distinguished citizens, expressed his preference for remaining by the ship, rather than linger out a little longer existence in the boat. The ship was at this time going at the rate of about five miles an hour. Soon after, Mr. Baalam, the second mate, was ordered by the captain to man the third boat and drop astern. He attempted to obey the order; but a number of hands let themselves down by the falls, and from under the wheel placed themselves in the boat. Observing this, and that the boat was fast being filled to her capacity, the captain ordered her to be cut loose. At the same time several passengers and hands were, with the captain's knowledge, filling a boat on the opposite side of the ship; the ship's butcher, who was one of the number, cut the rope unknown to the captain; the boat left the ship, and has not since been heard from. Mr. Baalam's boat picked up several passengers who had jumped from the ship into the sea—they had been watching this boat for the opportunity when she left. Meanwhile the ship was moving slowly ahead; those in the boat could near the bell, but the fog prevented a sight of the vessel. Rowing in the direction of the sound, they came in sight of the ship, and met a smaller boat containing twenty-six persons; from these seven were taken into Baalam's boat, making a total of twenty-six in the latter. After come consideration upon the chances of being of service to those on the ship, and upon the prospects of their own safety, it was judged best to make for the land; steering the course that the ship was directed to take before they left. This was Wednesday, the 27th September, at 2 o'clock, P. M. The two boats reached land (at Cape Race) on Friday morning the 29th.

The fires in the steamer having gone out, the ship could go no further, and at this time the chief engineer, with hands, under the excuse of going to the leak, manned the fifth boat. They stopped a moment at the leak and then left the ship—not having since been heard of, they are supposed to be lost. It was now suggested, for the first time, to construct a raft, and as many spars as could be found were thrown overboard. Nothing could be obtained to fasten the spars together but a few spikes and some rope yarn. The carpenter having left, they could not find implements to work with. The only remaining boat was on the quarter deck, filled with ladies and children, waiting for the ship to go down, thinking that to be their only chance for safety. Mr. Dorian, requiring this boat to facilitate in constructing the raft, was obliged to request them to leave it. While this boat was launched many were preparing small rafts of doors, settees, &c., others assisted in constructing the large raft. The Captain detained the oars from the boat, and ordered that it should lay between the ship and the raft. Mr. Dorian placed two men in the boat, with axes in their hands, to protect the boat while the raft was being constructed. The ship at this time was discovered to be on the point of sinking; a rush was made and the boat was shoved outside the raft, and when the ship went down the boat, with thirty-one persons on board, was pushed from the raft and paddled away by means of pieces of boards, &c. Another person swam from the raft and was taken into the boat, leaving seventy-six persons on the raft, including ladies.

It was four o'clock in the afternoon of the 27th when the ship went down. Many went down with her; the only persons saved out of their number, or of those who were upon the raft when the boat left, being four, namely: Captain Luce, Mr. Geo F. Allen, a Frenchman from the Vesta, and McCabe, a waiter. The captain and Mr. Allen went down with the ship; on rising to the surface, they clung to a part of the wheelhouse until picked up by the boat of the ship Cambria. McCabe also went down with the ship, and on rising, clung to a door and swam to the raft.

At 9 o'clock in the evening, all had been washed off but himself. He was rescued the following day. Dorian about 5 o'clock in the afternoon came in sight of the bark Huron, and making for her saw the raft; there appeared to be a person on it with his arm stretched out; he reached the bark, and with Mr. Gram took a fresh crew and picked Mr. Cabe from the raft, and returned about 6 o'clock to the bark.

In view of the above facts attending this melancholy event, the Grand Jury examined a number of commanders of ocean steamships and sailing vessels, in order to ascertain, if possible, the best method of providing for the safety of passengers and crews of such vessels, and have come to the following conclusions:—

First. That every steamship or sailing vessel should have a boat for every fifty passengers, of a size thirty-six feet in length, and eight feet beam, with sails attached, which boats should be numbered. That they should be respectively called: first, the captain's boat; second, the chief mate's boat; third, the second mate's boat; fourth, the third mate's boat; fifth, the fourth mate's boat; sixth, the chief engineer's boat; seventh, the purser's boat; eighth, the carpenter's boat; and so in proportion to the number of officers on board of steamships or sailing vessels. And in order to prevent confusion, the sailors and those employed on board such vessels should be severally assigned to the different boats, with the number of their boat in some conspicuous place on their person. That every person purchasing a passage should be furnished with a ticket, on which the number of the boat to which he should be appointed is designated.

Second. That the engineer's department should be under the immediate command of the captain of the ship.

Third. That inasmuch as from the evidence before us, it was proven conclusively that very often embarrassment exists in the minds of the officers of ships in meeting vessels at sea, or in harbors, as to the direction to be pursued by them, some more definite instructions to that point should be furnished by authority. It was stated that by the law of Great Britain, in a case similar to the above, it would have been the duty of those in command of the Arctic to have ported the helm. The witnesses disagree as to the propriety of the course to be pursued in this instance, and it would seem that neither those having charge of the Vesta or Arctic were guided by any established rule of conduct suitable to the emergency then presented.

The Grand Jury have extended their examination in regard to steerage passengers. All masters agree that there is more sickness and death in the upper than in the lower between deck emigrant ships, by reason of the air in the latter becoming heated and unwholesome, and escaping into the upper between deck. The incompetency of many of the class of physicians generally employed was also testified to by several captains, who stated that they were mostly inexperienced young men taken upon their certificates. Their specifics in cases of sea sickness, which in the opinion of the captains required less medicine than it is the custom of these physicians to prescribe, often place patients in a worse condition than before. The system of cleansing the ships in the emigrant departments, by means of the ships crew, rather than by dependence of the emigrants themselves for the labor, seems well worthy of some public regulation in that respect. It is said in support of this suggestion, that for some weeks on the passage, the passengers are unable from sea sickness to attend to the most ordinary duties of cleanliness, and that at other times, they neglect their performance. Another consideration was said to be the great competition for this class of passengers, the effect of which is to reduce the price of passage money, and then to invite those whose habits and character are of the lowest description, and who spread a moral, as well as physical taint among those with whom they are associated. The remedy for this evil seems to be in enforcing the appropriation of a larger space than is now allowed to each passenger, and permitting them only to occupy the upper hold of vessels.

By this a necessity would arise to owners to increase the price of passage; and while an equal profit would accrue to them, the evils of sickness and death, which arise from the present system, and which call so loudly for a remedy, would be in a measure alleviated.

In view of the recent disaster to the ship New Era, on Deal Beach, the Grand Inquest felt called upon to examine the condition of the means of relief furnished by the general government in that vicinity. And it appeared that, in regard to the life boats stationed there, they are not well adapted to the purpose for which they are intended. They are constructed of iron, and from lying in their house become rusty, and being dragged on the beach very soon get holes in their bottom. It was also stated that they are not in form, from their length and flatness, well adapted to the surf. Those who were experienced in their use—and we concur in their recommendations—suggested the construction of boats of wood in the form of a whale boat, or as one stated, in the form of a half hoop, in order to ride the surf. With such boats, they were of opinion that the passengers of the New Era could have been rescued on the same day of her disaster. It was also stated, with reference to the same casualty, that the wires attached to the balls which are fired over the ship to carry them a line, are too slender, and that they, in most instances, broke before reaching the vessel. No compensation is now allowed with a view to encourage the fishermen and others on that shore in the rescue of wrecked passengers, and we recommend that provision be made for a suitable reward in case of every person saved from a wreck. We would take this occasion to state that, in our opinion, the highest encomium is due to Mr. Van Ranselaer, of Cincinnati, a cabin passenger on board the New Era, for his untiring exertions the following morning after the disaster, to save all that were left alive.

A complaint was preferred against several individuals alleged to have been concerned in fitting out a slaver from this port. The Grand Jury were urged by the District Attorney to present an indictment in those cases, but the evidence relied on did not seem of a character to justify the holding of these persons without corroborating evidence of a character different from that which was offered. It would seem, however, better to prevent the recurrence of such an evil, if possible, than to depend upon those that have made the voyage, or informers. It should be the duty of the Surveyor of the Port, he having the power, with the assistance he can command, to hold a strict surveillance over such vessels and their owners as may be suspected of designs of this nature.

It is to be supposed from the character of the vessel and the nature of the cargo adapted to this nefarious business, no vessel can, if proper discernment be used, clear from this port on any such enterprise.

In the early part of our session our Foreman appointed a committee to examine the furniture in the United States Court rooms, and also the furniture and repairs for the accommodation of the government officers in the building now occupied by them. That committee reported that every article was plain and substantial, and the bills paid therefor reasonable. The report was signed by the Grand Jurors and sent to the Secretary of the Interior at Washington.

We are, however, compelled to say, that in the Grand Jury room the accommodations are inadequate. The room is insufficiently heated, and is subject to the descent of smoke and gas at times. A desk is required in which to deposit papers, and some similar arrangements should be made for the convenience of members, which will be obvious upon inspection of the premises in that view. The Marshal informed us that he was without power to make the proper improvements; he would do it with pleasure, but he had been informed by the Secretary that an appropriation by Congress must be made before his own funds, which he had already expended, could be reimbursed, or such wants be supplied.

In concluding this presentment, the Grand Jury desire to say that they feel themselves under obligations to Joseph Blunt, Esq., one of a committee of legal gentlemen, for his energetic exertions in procuring witnesses for us in the case of the Arctic.

Since writing the above our foreman has received a communication from an experienced mechanic, an old and respected citizen, one who has already invented a highly useful nautical instrument, now adopted. He says: "Actuated by a desire of preventing the loss of human life and the destruction of property; and believing that means may be used to prevent, in many cases, the collision of vessels on the sea, especially since the use of ocean steam has become so general, I have invented a plan worthy to be adopted by all vessels traversing the ocean or large lakes, which will indicate the direction in which the vessel is steering, to be used in fogs or in darkness." He is now making this machine, and will shortly apply for a patent himself.

Resolved, That we highly approve of our Foreman's report, believing it to be a very accurate survey of all the evidence. We also concur in all his suggestions for improvements and the facts therein set forth. We therefore authorize the Foreman and two Secretaries to sign the same as our report.

H. C. SPERRY, Foreman.

CHAS. E. CONVERSE, MOSES B. TAYLOR, } Secretaries.

A REMONSTRANCE.

The Judge said that the presentment and resolution coming from the foreman, as the organ of the Grand Jury, should be considered as expressing the opinon of the body; at the same time one of their members has handed up a remonstrance, which the clerk would read.

The clerk then read the following:—

NEW YORK, JAN. 19, 1855.

TO THE UNITED STATES COURT—

The undersigned would most respectfully report the following complaint:—

I consider that our rights as Grand Jurors have been disregarded by arbitrary and unwarrantable measures on the part of our foreman, whereby the public interests have been damaged.

The report of presentment drawn out by our foreman, while all credit is given to him for his labors thereon, has not been made satisfactory to a portion of the grand jury.

Notwithstanding the wrong done to our body by the course taken, I for one would not make complaint, if those gentlemen favorable to the report had signed thereto their names, thereby relieving me from participation in the same; this they objected to do.

In conducting this investigation, much time was accupied in getting the testimony of the witnesses, and every source of information exhausted. I am of opinion that equal care should have been taken to have a full and accurate report made, and opportunity been given to the members of the Grand Jury to scrutinize the same as to its accuracy. To do this, that portion of the evidence recorded by our secretary should have at least once have been read over, that the minds of the Grand Jury might be refreshed as to their contents, and better enable them to judge of the merits of the report. The evidence having been taken from the ten months previous, made the reading over of the same the more important. This has been denied us by our foreman.

Grand Jurors were at various times absent when a portion of the evidence was taken, and, as I believe, not informed of the same, and were therefore incompetent to judge as to the agreement of the report with the evidence. The particular complaint to be made is in our foreman not allowing the testimony to be read after the Grand Jury, by a vote of a majority, had decided that it should be read, and that all the Grand Jurors should remain present till it was read through. Our secretary observed that it would take him one hour to read it.

The reading by the secretary had been in progress about ten minutes, when our foreman, on his own responsibility, declared that it was a waste of time, and that he would have it proceeded with no longer. Urgent objections were made, but disregarded.

On acting on the report it was taken up a page at a time, and approved by a vote of yes or no, without the privilege of questioning its merits and the truth of its statements, and all discussion sternly denied.

I approve of all the matters appended to the report other than those relating to the Arctic, to which I cannot subscribe.

BENJAMIN PIKE, JR., 294 Broadway.

The Judge then said—With regard to another communication which had been handed him by the foreman, containing a complaint against an officer of the court, he would require them to reduce their charge to writing, and also state in writing the points on which they wished the advice of the Court. He would be ready to receive them on Monday morning, at 12 o'clock.

The following are the names of the gentlemen who composed the Grand Inquest:—

Henry C. Sperry, Foreman.

John A. Appleby,	John T. Farish,
Gerardus Boyce,	Rowland Hill,
Robert Bensall,	Ralph Hall,
Charles E. Converse,	James G. Moffat,
David Close,	Benjamin Pike, Jun.
George W. Clearman,	Moses B. Taylor,
Jacob Corlies,	James M. Thorburn,
Silas K. Everitt,	Martin Waters.

ADDITIONAL JURORS.

James Mariner,	William S. Wood,
Ezra Ludlow,	James Hutchinson,
Abraham Maze,	John Cook.

Court of General Sessions.

Before Hon. Judge Stuart.

IMPORTANT PRESENTMENT OF THE COUNTY GRAND JURY—THE GAMBLING HOUSES, USURY LAW, AND LIQUOR DRINKING.

JAN. 20.—The opening of the Court was delayed this morning to a late hour in consequence of the death of Gabriel A. Arnoux, Esq., one of the members of the Grand Inquest. His Honor took his seat on the bench about one o'clock P. M., and the following members of the Grand Jury were present:—

William Hibbard, Foreman.	Henry Erben,
Walter Lockwood,	Ferdinand Laurence,
Henry A. Hibbard,	Richard B. Fosdick,
Daniel French,	Thomas Cummings, Jr.
Henry Course,	Henry Baylis,
William Baulch,	Solomon Banta,
Lewis J. Bellone,	Elnathan Thorn,
Alfred P. Arnold,	Alex. L. McDonald,
Jeremiah Lambert,	David McMaster.
John D. Phœnix,	

Richard D. Lathrop and Robert H. McCurdy, Secretaries.

The Foreman then addressed the Court nearly as follows:—

The duties of the Grand Jury having been concluded, I have to announce to the Court the death of one of its members. Mr. Gabriel Arnoux died this morning, after a very brief illness. He served on the 17th of this month, (last Wednesday,) and left us, saying that he did not feel very well. He remarked that he was afraid that the impurity and want of ventilation in the Grand Jury room would be the death of him. He had a severe headache, and went away, stating that he would call again in the evening if he felt better. He went home, took to his bed, and died the next morning. I have to state, on the part of the Grand Jury, that the accommodation has not been such as should have been afforded them. The want of ventilation in their room, as well as in others where the public assemble for the purposes of the administration of justice, is so great that the health and lives of men are seriously hazarded. He would direct the attention of those who have charge of the public buildings to this evil. Attention is always given to the ventilation of dwelling houses, and how much more is it necessary in rooms where a large number of persons are accustomed to assemble. In conclusion, the Grand Jury beg to extend an invitation to the Court and its officers to attend the funeral of Mr. Arnoux, which will take place on Monday next. The Grand Jury also make the following

PRESENTMENT.

The Grand Jury present the numerous liquor-selling shops, the gambling houses and the houses of prostitution, as the most fruitful sources of crime and ruin that exist in our city. In their investigations and efforts to suppress them, they would testify to the efficient cooperation of his Honor the Mayor, who voluntarily appeared before them and afforded most valuable information and aid, and gave most excellent suggestions, and they commend him to the support of all good citizens in his laudable efforts to enforce the laws against vice and immorality in every form.

They also present that while much good may be done by the proper execution of existing laws against selling liquor without license, or on the Sabbath, yet in view of the great evil of intemperance, as the cause of most of the crimes which have been brought before this inquest, and of the misery, pauperism, and taxation which exists in our city, the Grand Jury present, that further legislation upon the subject is necessary, and they believe that a law similar in its provisions to the one called the Maine law, ought to be passed without delay by the Legislature of this State; and they are fully satisfied that, by our present energetic chief magistrate, it can be enforced in our city, and would prove a source of great benefit, in relieving much of the distress which exists at the present time from want of employment—a want greatly aggravated by the enticements which are held out to laborers to spend their money for liquor, instead of bread.

The Grand Jury would also state that the subject of the violation of the usury laws, to which the Court called their attention, has had their special consideration, and although they are fully satisfied that such violations are of daily occurrence in our city, yet no case has been brought before them, nor have they found any means of ascertaining the fact. They also learn that although the law making it a criminal offence to take over seven per cent interest has existed for eighteen years, yet no indictment has ever been found by any Grand Jury for its violation, while the papers have daily announced the fact. The Grand Jury, therefore, present that the law is wholly inoperative, that it is contrary to the moral and commercial sense of this community; that so far from being sanctioned and sustained, its enforcement would bring disgrace and loss of commercial and moral position upon those who attempted it, and would almost certainly result in a failure; that its violation with impunity tends to weaken the fear of all laws and to bring their administration into disrepute.

The Grand Jury present therefore the law against usury, that it ought to be repealed.

The Grand Jury further present that the room assigned for their deliberations is entirely unsuited for that purpose; that besides being noisy, it is cold, damp and badly ventilated, and to these causes mainly the sudden death of one of its most respected members, G. A. Arnoux, Esq., is ascribed by his physician.

WM. HIBBARD, Foreman.

ROBERT H. MCCURDY, RICHARD D. LATHROP, } Secretaries.

Dated Jan. 20, 1855.

After the presentment had been read by the Clerk, the District Attorney said that it was only a day or two since Mr. Arnoux had made the same complaints to him as those mentioned by the foreman of the Grand Jury. He (the District Attorney,) had been acquainted with Mr. Arnoux as a friend and a client, and he could testify to his generosity, his amiability, and his invariable gentlemanly conduct. He was a citizen of whom the community might be proud, and he regretted that such a man should have fallen a victim to the assiduity with which he discharged the trust confided to him. The District Attorney said that Mr. Stuyvesant would take charge of the presentment made by the Grand Jury and lay it before the Legislature. As to the bad accommodation given to the jury, the Commissioner of Public Buildings felt this as much as any one, and had promised that before long the evil should be remedied. It was perfectly true that no city in the United States possessed such poor accommodation for the administration of justice as this, the great city of New York. He trusted that the Court and its officers would all lend their hearty aid in carrying out the work of reform suggested by the Grand Jury.

His Honor JUDGE STUART said that the feelings of the court entirely coincided with those of the Grand Jury. He was pained at the loss of one of its members, especially under the circumstances, and intimated that the subject matter of the presentment would receive the immediate attention of the proper authorities. After eulogizing the assiduity of the members of the Grand Jury, and their unremitting attention to their duties, he dismissed them with the thanks of the Court and the community.

In connection with the death of Gabriel A. Arnoux, Esq., the following proceedings took place in the Grand Jury Room:—

GRAND JURY ROOM, JANUARY TERM, Jan. 20, 1855.

On the assembling of the members of the Grand Inquest this morning, it was announced that one of our number, Gabriel A. Arnoux, Esq., who had been empannelled with us on the 8th inst., had served daily as a grand juror up to the 17th inst. inclusive, has been suddenly removed from among us by the hand of death. Whereupon it was

Resolved, That this Grand Jury have learned with extreme regret the sudden death of our respected associate.

Resolved, That the members of the Grand Inquest tender to his afflicted family and friends their sincere sympathy and condolence, and that they will attend his funeral in a body.

Resolved, That a copy of the above be signed by the Foreman and Secretaries, and transmitted to his family.

WM. HIBBARD, Foreman.

R. H. MCCURDY, RICH'D D. LATHROP, } Secretaries.

ARRAIGNING OF PRISONERS.

The following persons were arraigned on indictments found by the Grand Jury within the past few days. The prisoners pleaded not guilty to the charges preferred against them, and were, each of them, remanded for trial:—

Terrence Hanull alias Thos. Hammond, for the murder of Eliza, his wife, in Trinity place, on New Years day last.

Peter M. Lawson, for the murder of John O'Neil, by stabbing him with a sheath knife.

John Ryan, for manslaughter, in killing John Celogan.

Dennis Cormick, for the manslaughter of Henry Haglon, striking him on the head with a cart rung.

William B. McGuckin, late teller of the Ocean Bank, charged with having embezzled about $75,000 of the funds of the bank, was then brought forward and arraigned on two indictments for forgery in the second degree, and one for embezzlement. The prisoner did not put in any plea, and at the request of his counsel the form was waived until the February term. The prisoners being all removed, the court adjourned for the term.

Supreme Court—Circuit.

Before Hon. Judge Mitchell and a Jury.

JAN. 20.—*Henry T. Romeritge against the Rutland and Burlington Railroad Company.*—The plaintiff was a passenger in the cars of the defendants from Rutland and Burlington, on the 28th day of May, 1853, on which day, at or near Brandon station, a collision took place between the cars in which the plaintiff was, such passenger car and a locomotive running on the same track. The plaintiff alleges that he was seriously injured, and has suffered great damage therefrom. Verdict $50.

Superior Court—General Term.

Present—all the Judges.

Jeremiah Towle vs. John Furney.—Judgment affirmed with costs.

George H. Pollock vs. Wm. A. Wheeler.—Motion denied without costs.

Abraham S. Jewell vs. Samuel Dingee.—Motion denied without costs.

John Tyler vs. Mathew K. Carnahan.—Motion granted.

Wm. C. Dusenbury vs. Wm. A. Woodward.—Ordered to be settled.

SAULT ST. MARY CANAL.—This work, which was rumored to be suspended, will be finished by the 1st of May, and duly delivered to the general government. The term for delivery does not expire till the 10th of May. The canal costs one million dollars in round numbers; for which the contractors receive seven hundred and fifty thousand acres of land, valued at an average of ten dollars per acre, of which two hundred and fifty thousand are valuable copper land, in the Lake Superior region, and five hundred thousand acres are fine pine land, the best part of which is already located, including the lands immediately around the Falls.

The Case of Mr. Felix.

EXCITEMENT IN HAVANA RESPECTING HIS PROBABLE FATE—WILL OUR GOVERNMENT INTERFERE TO AVERT IT?

NEW YORK, Jan. 12, 1854.

TO THE EDITOR OF THE HERALD.

I send with this some extracts from a private letter received to-day from Havana via New Orleans. It seems young Felix's friends begin to fear that he may be executed.

Is there but one Captain Ingraham in the United States service? If not, where is he? Let him be placed at the head of our affairs, where he can watch all American interests. We want an energetic patriot like him at Washington, either in the White House or at the head of the State department. As the commander of a United States ship, he will no doubt do his duty like a true American as he is; but at the helm of the great ship of State, he would have an opportunity for greater usefulness, and do something to elevate the country from the miserable degradation into which this cowardly and besotted administration have sunk it. D.

[Extract of a private letter from Havana, dated Dec. 31.]

Young Felix's case looks very gloomy; he has been sent with Estrampes, alias Lacoste, to the Moro, and shut up alone in a dark cell; previously he occupied a spacious and comfortable room, where his friends daily went to see him—all the Americans in town visited him when they pleased. Estrampes has many relations and friends of high standing in Havana, some of them beautiful ladies, who visit him from morning till night, taking their chairs along and sitting in front of his grated cell window; but that pleasure was of short duration—no one can see either of them now.

It is currently reported that Estrampes is to be garroted, quartered, and his head stuck on a pole and sent to Baracoa. Added to this rumor, is one that Felix has been sentenced to be garroted, but a longer time will be given him, in order that they (this government) may learn "how it takes" with Governor Marcy. Our Consul, even, is in the dark about it; nothing can be ascertained for a certainty, as the government do as they like, usually giving no one—not even the prisoners—more than twenty-four hours notice what the sentence is. The Consul thinks Estrampes will suffer death, but that they dare not touch a hair of Felix's head. When they attempt a thing of the kind on Felix a revolution will break out, which will be terrible in the end to the government, and not very pleasant, while it lasts, for Americans. The HERALD correspondent calls almost daily to see me. I furnished him with a copy of Estrampes' confession. You will see it in the HERALD soon, but not before next steamer, say the 15th. An eloquent thing it is, about four foolscap pages, and will be generally read in the United States. Nothing else is talked about here but this case. Every corner has its knot of busybodies, while the name of Felix is passing round, just loud enough to let one know what the topic of conversation is.

Obituary.

THE LATE JAMES MC'BRIDE.

JAMES MCBRIDE, Esq., whose death was briefly noticed a few days ago, was a native of Armagh, Ireland. He was born on the 30th day of September, 1770. He was a member of a highly respectable family, and belonged to that class of Irish Protestants commonly denominated in this country the "Scotch Irish," and noted for their good citizenship and loyal attachment to the country of their adoption. Being of an enterprising spirit, Mr. McBride emigrated to this city in the year 1795, embarked in commercial pursuits, carried on a very extensive business between this and his fatherland, and was the medium of communication for thousands. Two of the ships which were owned and employed by him are still, doubtless, well remembered by many—the Erin and the old Dublin Packet. He was one of the most successful merchants of his day.

Cautious in his undertakings, if he ever missed what others gained in bold speculation, he preserved what they might have lost. He was distinguished here among a class of merchants noted for the strictest integrity, and who contributed much to elevate and ennoble, with true moral greatness, the early mercantile character of New York. He was universally respected, and enjoyed the unlimited confidence of all by whom he was known. At one time he and a fellow countryman, still living, and a survivor of the class above alluded to, (Thomas Suffern, Esq.,) had nearly the whole of the Irish trade of this city. He was also the last New York merchant who carried on a direct trade with Dublin. Mr. McBride retired from business about twenty-six years ago. He retained his physical strength till very lately; and until the very last moment his intellectual faculties were perfectly unimpaired. The seat of his disease was the heart. Much beloved, respected and deplored, he died in the evening of January 10th, in the 85th year of his age. He was one of the last surviving original subscribers to the *Evening Post*, which he has taken from its first foundation in 1802.

In his will Mr. McBride testified his deep interest in the benevolent and religious institutions of this metropolis by appropriating to the following the sum of $6,500, in sums of $500 to each:—

The American Bible Society.

The American Tract Society.

The Board of Foreign Missions of the Presbyterian Church of the United States of America.

The Board of Missions of the General Assembly of the Presbyterian Church in the United States.

The Board of Education of the Presbyterian Church of the United States of America.

The Association for the Relief of Respectable Aged and Indigent Females in the city of New York.

The Society for the Relief of Widows with Small Children.

The Managers of the New York Asylum for Lying-in Women.

The New York Magdalen Female Benevolent Society.

The American Female Guardian Society and Home for the Friendless, incorporated by the Legislature of New York in the year 1849.

The New York Institution for the Instruction of the Deaf and Dumb.

The Managers of the New York Institution for the Blind.

The Orphan Asylum in the city of New York.

The Society for the Relief of Half-orphan and Destitute Children, established in New York December 16, 1835.

The Roman Catholic Orphan Asylum in the city of New York.—*Post.*

The telegraph yesterday announced the death of JOHN S. BARBOUR, Esq., Culpepper county, Va. He died on the 12th inst., after a short but severe attack of pneumonia. Mr. Barbour was one of the most distinguished citizens of Virginia. He was successively a member of the Legislature of the State, of the Constitutional Convention of 1829'-30, and of the House of Representatives in the federal Congress. In every sphere he exhibited uncommon powers of intellect, and in his day was one of the most distinguished men in the United States. From early youth to the time of his death, at 65 years of age, he was prominently engaged in politics, and exercised very considerable influence upon the public affairs of the Old Dominion and of the United States. About ten days before his death he attended a sale in his neighborhood, where he caught cold, which brought a neuralgia upon him that ultimately reached his heart, which had been often before similarly attacked, we hear. Up to five minutes before his death neither he nor his family had the least reason to believe his life was in danger. He had just risen from dinner and sat down to read a newspaper, and in five minutes after laying that aside from indisposition, he died.

Died, at his residence, on the 3d instant, in Nicholas county, Kentucky, near Sharpsburg, Harmon Utterbach, in his one hundredth year. He was ninety-nine years old on the 26th day of last October. He has seen one hundred Christmas days. He was one that assisted America to gain her liberty, and was present at the surrender of Lord Cornwallis to General Washington, at Yorktown—a proud day to America. He served his country well, and honor to his memory and peace to his ashes.

Died, at Coleraine, Mass., on the 7th instant, Samuel Eddy, a Revolutionary soldier, aged 91 years and six months.

Albany Lumber Market—Review for 1854.

[From the Albany Journal, Jan. 18.]

The lumber business for the year 1854 has presented some peculiar features. The receipts show a large decrease on those of the previous season, amounting to 82,154,922 feet of boards and scantling. Heretofore they have shown a large increase in each succeeding year, as will be seen by our table of receipts given below. The falling off this year was caused mostly by the want of snow last winter for logging, and, partly by the diversion of Canada lumber to Quebec, (where, in consequence of increased foreign shipments, the market in the early part of the season was better than ours,) and to Chicago of a larger proportion of Michican pine. This was anticipated by the trade, and we last spring estimated the falling off in receipts at 100,000,000 feet. Another marked feature is that prices, notwithstanding the money pressure and consequent stagnation in business, have ruled higher than in 1853—commencing at an advance of full five per cent and closing at about the same figures as that year. This was partially caused by the diminished receipts, but more by the enlargement of the area of sales, in consequence of the supply from Maine being largely cut off by the extreme and lasting drought there experienced. This opened up a market for Albany lumber in Eastern ports, the West Indies and South America, heretofore mostly monopolized by Bangor, Calais, St. John, &c. Had the usual quantity been manufactured West and East, prices would have gone down below the cost of production, but the decreased supply has enabled manufacturers to realize remunerative rates.

The receipts at Albany for the last five years, as reported by the Canal Department, are as follows:—

	Boards and Shingles, sc'ntl'g, Ft.	*Timber, M.*	*Timber, C. Ft*	*Staves, Lbs.*
1850	216,791,900	34,226	28,832	150,515,280
1851	260,238,003	34,136	110,200	115,087,290
1852	317,135,620	31,688	291,714	107,961,289
1853	393,726,073	27,886	19,916	118,666,750
1854	301,571,151	24,093	28,909	135,805,091

The estimated value of the receipts of 1854 is $6,200,000.

The quantity left in market to be wintered is large, though not well assorted. It is estimated at 50,000,000 feet, consisting principally of tally boards and plank, with but a small proportion of box pine, spruce or hard woods, and scarcely any clear pine or hemlock. Of staves, the quantity now in market is much greater than usual. The prices have been high, exceeding those of '53 ten per cent, but the heavy stock now on hand, both here and in New York, with the small demand for export renders it probable that prices will fall off the coming season, unless the quantity coming to market should be much diminished. It must be recollected that the demand for staves comes, in a great degree, from the grape growing countries. This crop in France and Italy was largely cut off by disease, and they will consequently consume a much less amount of our staves for the ensuing year.

The prospect for sawed lumber is also far from flattering. From present appearances there will be no lack of snow for lumbering purposes, so that the quantity manufactured will probably be large. The eastern mills will also probably be enabled to saw about their usual quantity, and if so, nothing can keep up prices or afford an adequate market, but ease in money affairs and a revival of business. At present, the trade in the retail yards, supplied from our market, is small; and, although their stock on hand is less than usual, it is much in excess of the quantity wanted for consumption.

Under these circumstances, we would advise producers to move cautiously; not to endeavor to manufacture largely, and to diminish as much as is practicable the cost of the lumber sent to market.

A few words as to the relative lumber business of Albany and other places. We have heretofore said that her position at the termination of the canals, where a general assortment of the different kinds of lumber first meet each other, at the head of navigation, on a river which affords the means of transit to vessels which freight lumber to the different Atlantic ports, the large capital engaged in the trade, and the unrivalled facilities here provided for storage and transhipment, would ensure her continuing to be, what she now is, the largest lumber market in the world. We find a spirited rival springing up, however, in Chicago, whose papers claim a superiority, and we were surprised to see that some of our own citizens, who were of the party to the Falls of St. Anthony last summer, in their letters home, acknowledged an equality.

A comparison of the receipts of lumber for the last five years will exhibit what grounds there are for the assumption:—

	Albany.	*Chicago.*
1850	216,791,900 feet	100,364,797 feet
1851	260,238,003 "	125,058,487 "
1852	317,135,620 "	147,816,232 "
1853	393,726,073 "	193,271,247 "
1854	311,571,151 "	230,000,000 "

Our receipts for the last year were diminished by transient causes, which will not affect the steady growth of the trade. We must, besides, recollect that here the reported quantities are accurately ascertained by canal inspectors, and on which tolls are actually paid to the State; whereas those of Chicago, being only the figures as given by each dealer of his business for the year, may be grossly exaggerated, and the amounts duplicated in many instances by sales to each other. In staves we have no account from there, except as to the