

FROM NEW YORK.

Utica.

A freight train every Monday Tuesday, Thursday and Friday afternoon, at 4 o'clock, from the foot of Chambers street, by the steamboat Union.

EGO W GOSHEN.

A passenger train every morning. (except Sunday) at 8 o'clk, trriving in New York, by the steamboat Utica, at the foot of Albany street.

A passenger train every Wednesday and Saturday afternoon, at a o'colok, arriving in New York by the steamboat Utica, at the foot of Albany street.

A passenger train every Wednesday and Saturday afternoon, at a o'colok, arriving in New York by the steamboat Utica, a freight train every Monday, Tussue, Thursday and Krickay, at a o'clock, arriving to Chambers street.

Winon, and barges at the foot of Chambers street on Freight with be rec-size, and at the foot of Chambers street on Monday, Tussday, Thursday and Friday, until 3 P. M. For freight or passent, and at the foot of Chambers street on Monday, Tussday, Thursday and Friday, until 3 P. M. For freight or passent, Inberty and West streets, and at the various depots on the line of the road.

MINISTRUMENT OF ARRIVAN OF THE STORY OF THE S ten to Providence, New and Albany, having recently made arrangements with the records and Albany, having recently made arrangements with the records Line to that effect.

HARNDEN & CO. will attend to collecting or paying HARNDEN & CO. will attend to collecting or paying produced or every description, or transient business of any kind, which they undertake promptly.

Letter Bags will be kept at their Boston, New York, Philadelphia and Albany effices, for Cunard's Royal Mail Line of delphia and Albany effices, for Cunard's Royal Mail Line of steam ships; also, for the steamer Great Western, and the adlastant ships; also, for the steamer Great Western, and the adlastant ships; also, for the steamer Great Western, and the adlastant ships; also, for the steamer Great Western, and the adlastant ships; also, for the steamer Great Western, and the adlastant ships; also, for the steamer Great Western, and the safety of the steamer Great Western, and the safety

FOR HAVANA.—The steam bark CLA Rich is hourly expected, and will meet the acid every possible despatch, having part of her cargo already engaged. Those de-arous of accuring freight or passage, by this camifully arranged veten, about make early GLOVER & MEMURRAY.

FOR SHIREWSBURY—FALL ARRANGEMENT—The steamboat OSIRIS,
Capt. J. C. Allaire, will commence running on
Saturday, Sept. 25th, as follows:—leave Fulton Market shp.
Kednesday, and Friday, at 80 clock A.M., Tuesday,
Wednesday, and Friday, at 80 clock A.M., Tuesday,
Wednesday, and Friday, at 80 clock A.M.
Returning, leaves Red Bank every Monday morning; at 10
yclock A.M.; Tuesday, Wednesday, and Friday, at half-past
8 o'clock P.M.
The boat will run as above until further notice, navigation
and weather permitting.

RED BURNERA

RED BIND LINE TO ALBANY, on the East side of the river, having better stages and teams—asking no higher fare. Office, Howard's Hotel, 178 Brossway —Fassengers will be forward by Stage to Albay's by the sine from any point on the East ade of the river where the boats may be compelled by ice to stop.

Agents will be on board each of the man cost to get the cape information.

This line extends to Montreal, touching at Albany, (office under the Museum) and embraces a very direct and commodious route thither.

The stages and horses of this line will be found really the best on the Albany route, and no deception.

The structest attention will be paid to the comfort, convenience and speed of all who may give us the preference, when the river shall be shut up entirely. Red Bird will run all through from New York city to Albany.

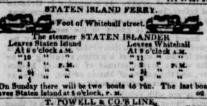
M. H. BAXTER, Agents

M. H. BAXTER.

N. V. BAKER. Proprietor.

M. H. BAXTER.

Lents
M. H. BAXT



On Sunday there will be two boats to fun. The last boat leaves Staten Island at 5 o'clock, r. M.

T. FOWELL & CO.'S LINE,
BOR NEW BURGH, landing at CALD
WELL'S, WEST FOINT AND COLD
SPRING—The reteamboat HighLANDER
Capt. Robert Wardrop, will leave the foot of Warren street
New Yerk, every Monday. The valy and Saturday distribution at 4 o'clock. Returning the High Amer will leave Newburgh
every Monday morning at 5 o'clock, an a Tuesday and Friday.
For frighting markets.

in England-Mesars. James Bult, Son & Co., Bankers, London; Exchaine and Siscount Bunk, Liverpool.

In Ireland-The National and Provincial Banks and

don; Exchange and Discount Bunk, Liverpool.

In Ireland—The National and Provincial Banks and Branches.

In Scotland—The Bank of Scotland and Branches.

The subscribers have also a regular succession of first class packets, sailing to London three times every sounth, to Liverpool fire times, to New Orleans are times, to Mobile, Savannah and Charleston weekly, by which passages can be at all times secured on very favorable terms.

The public will please take notice that the only ships composing the new line of Liverpool packets are—The Roctins, tollian,

The Roctins, tollian,

The Rochester, Woodhouse,

The United Line of Liverpool Packets are—
The Rochester, Woodhouse,

The Westchester, Ferris,
Scotland, Robiason,

Southerner, Fa mer.

Jepublic, Thompson,

Garrick, Siddy,

Hiber mas, Wilson,

Garroll of Carrollton,

Horning, French,

Menghis, Knight,

New York, Niven,

Talbat, Strey,

Diadeen, Barstow,

N. Carolina, Lirusmond,

Lancschire, Lyon,

The subscribers trust that wit their superior arrangements for the accommutation of persons wishing to sens for their friendor who wish to cemit them mosey, those about making are designed.

W. & J. T. Afgelott, 19 South attreet.

W. & J. T. Tafgelott, 19 South attreet.

Louisville Allen N. Hampshice Harding Sobieski Emerson Panthea Geedwanson Law Robt Isaac Treeman Tyrone Hopkies Virginia Eaton Tyrone Spear Europe Batcheider Walts S. Jenkins Seymour The above ships, and their respective captains, are all well and favorably known in the trade Afree passage from the different ports of Ireland and Scotland can also be secured, and drofts furnished for any smount payable at the National and Provincial Banks of Ireland, and their respective be anches, and also on Messra J. & W. Robinson, Liverpool, which are paid, free of any charge, throughout the United Kingdom.

NOLON, Captain Geo. Buckman,
RUSSEL GLOVER, Captain Jabez Howes,
ECHO, Captain A. A. Wood,
WINDBOR CASTLE, Captain S. G. Glover,
we ships of the same class, to ollow each other is quick
ion. For further particulars, apply on board at Pine
wharf, or to

For the better accommodation of shappers, it is intended to depatch a ship from this port on the let, 5th, 10th, 15th, 20th and \$5th of each month, commercing the 10th October, and continuing until May, when regular days will be appointed for the remainder of the year, whereby great delays and damp pointments will be prevented during the summer months. The following ships will commerce this arrangement:

Ship CAZOO, Capt. Cornell. 10th Cet. 18tl.
Ship COONER. Lath. Jackson, 18th Oct.
Ship MASSISTPI, Capt. Hilliard, 20th Oct.
Ship MASSISTPI, Capt. Hilliard, 20th Oct.
Ship MASSISTPI, Capt. Hilliard, 20th Oct.
Ship BHAKSPEARE, Capt. Minner, 1st November.
Ship GANTON, Capt. Lathm, 5th Nov.
Ship MASSIVILE, Capt. Munford, 10th Nov.
Ship MASSIVILE, Capt. Dickinson, 20th Nov.
Ship MASSIVILE, Capt. Minford, 1st December.
These ship were all built in the city of New York, expressly for packets, are of a light draft of water, have recently been swly cappered and put in splendid order, with accommodation for passengers unequalled for conformation with a second passengers and the passengers with a second passengers and passengers and passengers with a second passengers and passengers and passengers and passengers and passengers anear the passengers and passengers and passengers and passengers a

the value thereon expressed.

#For freightor passage, apply to
#Fo

MERCIAL LINE OF FACKETS.

TO AND FROM THE ABOVE FORTS WEEKLY.
Fersons sending for their fiends residing in Great Britain and Ireland, can have inembrought out with despatch per the above line of Very moderate terms. Agents of the first respectability have lately been engaged to see that the eniganal is forwarded without delay, and small drafts given in their favor promptly paid. Orkers from all parts of the country will be groundly attended to, and such attention will be given to all branches of the business as to guarantee the further patronage of those who who will favor the undersigned with their orders and in all cases where the passengers do bet embark the passanger and in all cases where the passengers do bet embark the passanger more will be refunded to those persons from whom it was received.

geed oy as here, they can be furnis ned with a grafts, large small amounts, pay able at sight, as follows:

Armagh Bullynanon Bundennon Bullynanon Londonderry Moneyhard Bullynanon Bullynanon Bullynanon Bullynanon Bullynanon Bullynanon Bullynanon Bullynanon Bullynanon Emise Farsonstown Bullynanon Emise Farsonstown Straban Beidest Calway Sigo Trake Colerain Lurgan Trake Wesford Colerain Lurgan Youghal Cohi Bullinaslos Enniscorthy Newry Bullinaslos Enniscorthy Roserea Arhlone Killerney Tallow Cambel Cork Kanturt Thuries Cambel Longford Dunghra Dungur en Neugh Wesford Wesford Dunghra Money Materford Wesford Dunghra Money Materford Wesford Dunghra Money Wesford Wesford Dunghra Dungur en Neugh Giby letter, post paid, to 1928

dence of the Herald.]

ALBANY, THURSDAY, Jan. 28, 1842. Another unprofitable day in both houses, as far as the interests of the people are concerned. In the Senate, another wrangling debate in relation to the expunging of the Governor's Messages from the journals of the Senate, in which every thing was talked of except the matter before them, occupied the greater part of the day.

In the Assembly, the committee had the bill to ncorporate the village of Chittenango again under consideration, but rose after a protracted discussion, without having accomplished any thing. The debate was of the same character as that on the same subject for the two last days. There were no new facts elicited-no new arguments adduced-it was out a repetition of what had been said before. The New York delegation are pertinacious in insisting spon the adoption of their views and amendments in the matter, and there is equal pertinacity evinced in opposition to them. There has been too much time wasted on this petty matter—it has been debated enough, in all conscience, already; and if those members who are desirons to arrive at a decision in the premises, would only control the cacoethes loquends, which afflicts so many of them to such a melancholy extent, this point would be speedily reached. Not satisfied with the bill itself, a point of order was raised during the discussion to-day, the debating of which occupied an hour or more, when the originater of the debate withdrew his motion,

One word in relation to Mr. BROWNSON, who has presided as chairman over the deliberations of the emmittee in this matter. By his equazimity of temper, his keen perceptions, and dignified manner, he has won golden spinions from the House, and is one of the best qualified for chairman of any members that have been selected as yet.

A message was received from the Governor, transmitting resolutions adopted by the Legislature of Georgia, denouncing the measures of the extra session of Congross generally.

Mr. GRANT introduced a bill relative to the inpectton of hides and sole leather.

Mr. Looms gave notice of an intention to introduce a bill protecting the rights of individuals in their relations to corporations.

Petitions continue to pour in from all quarters of the State, praying for local and general reform, and the valious committees of the Legislature will soon have as much business before them as they can at

the State, praying for local and general reform, and the valious committees of the Legislature will soon have as much business before them as they can attend te.

Major Davezac's resolutions in relation to General Jackson still slumber on the table. What has choked the Major off? The Legislature of Ohio have stolen a snarch on him, and passed resolves of a similar character. It cannot be that they are suffered to sleep from any fear of rejection by the House, for the feeling seems to be almost unanimous in favor of their adoption. No backing off, Major, you know. The Senate has been the centre of attraction this week, owing to the peculiar nature of the debates that have arisen there. It has been the scene of a disgraceful partizan warfare—a gladiatorial arena—in which politicians have measuredtheir strength to the exclusion of all consideration of the public interests. The controversy now going on between the Governor and the Senate, is both idle and foolish, a waste of the public time, in a matter in which the people have no earthly interest or feeling; and if the democratic Senate mean to carry out their professions in favor of short sessions, retrachment and reform, they must desist from such a course of legislation as has characterized their proceedings for the last week. So with the Assembly—the same disregard to their professions as the Senate.

As the period upon which the elections for State officers are to be made approaches, the machinations and intrigues of the friends of the different candidates increase, and the lobby members are unusually busy and active.

But, leaving politics and politicians, and turning to the city and citizens, I must declare that Albany is certainly the most musical city in the United States. In no place are the churches furnished with more talented choirs; concerts are given every evening—sometimes two or three; and in every s hool the teaching of vocal music is one of the principal exercises. At Mr. Braham's concept, on Monday evening, over six hundred persons were assembl some three new churches in course of erection—
the old ones thronged every Sabbath—some four or
five literary associations is a flourishing condition—
a well-regulated amphitheatre and museum, nightly
filled, besides balls and parties without number. It
is fast lasing all its Dutch characteristics, and the
manners and customs of the time of gable ends,
like the antique edifices themselves, are rapidly
passing away, and soon will only be traditionary in
the memories of our citizens. The Yankees have
triumphed; railroads and steamboats have been too
much for the Dutch; the very language is forgotten,
and to hear it now in its purity a visit to the Helderburgh is indispensable.

Cave Ulciscas.

CASE OF BOYCE, THE RESURRECTION CARMAN .-This man was examined yesterday before Justice Palmer, of the Upper Police. Several witnesses were heard, and among them the grave digger of Potters Field, named John Bernhardt. He stated that it was a very common practice to find bodies missing at the Field, and when so the coffins were burned up at the keepers house. The coffins contain-ing the three dead bodies that were found on Boyce's cart, were burned up at Schuyler's dwelling. He is the superintendant of the burying ground, appointed by the Common Council, at \$600 per annum, to keep faithful supervision of the place of deposite for poor persons. No additional evidence was present-ed of any interest, and Boyce was admitted to bail in the sum of \$500.

in the sum of \$500.

A DESPERATE BURGLAR ARRESTED.—A few days since, Mrs. Jane Chrystie, wife of David Chrystie, who resides in the 9th avenue, near 37th street, left her dwelling, for a short time, after locking the front door with a padlock. In the course of a few hours she returned and founds man, whose name is since ascertained to be David Boyd, who has resided at the corner of 6th avenue and 20th street, in the act of robbing the house. Upon her entry, he threatened to cut her throat with a razor, he had in his hand, if she gave an alarm; and in her fright, he escaped. Afterwards she found he had taken a calicoe purse containing \$20, that had been enclosed in a linen stocking. Officer Hillhker was despatched in pursuit of the regue and caught him on Friday night, and locked him up for trial. Yesterday he dealed all knowledge of the robbery.

Robbins A Brio.—A young rogue, named Alex-

and locked him up for trial. Yesterday he denied all knowledge of the robbery.

Ronning a Baic.—A young rogue, named Alexander Young, aged about 17 years, was caught by Reuben Freetly, mate of the brig Wisconsin, lying at the foot of Ruigers street, on Friday night, while in the act of carrying off a large quantity of clothing, valued at \$53. He had forced the padlock from the cabin door and carried a number of the articles on deck before discovered. Locked up to answer.

Took It and Run—Eliza Hunt sneaked into the house of Win. H. Hogan, 188 Church street, on the 19th inst., stole five yards of stair carpetting, and took it to the house of Susan Crawford, No. 210 Centre street, through whose means she was detected and sent to prison to be tried.

A Pour Hung Himself.—A Polander, named Peter Wiskoroski, as its supposed, committed suicide vesterday morning, at about 8 o'clock, at his lodgings, No. 45 Dey street. He had boarded there for nearly three months, but was without means to pay his subsistence, and avoided giving any information as to where he came from, or what his name was.—Yesterday morning, as the chambermaid was attending to her duties in the upper part of the house, the discovered him hanging from one of the rafters in the garret. She gave information to Francis Clement, the keeper of the house, who immediately had him out down, but it was too late. The Corener held an inquest on the body.

Stock a Carriage cover, and was about making toff hard do on a carriage cover, and was about making toff, when William A. Rushbrook pounced upon her, and landed her at the Upper Police, where she was locked up for further orders.

CUTTING CAPERS IN BROADWAY —A woman whose present name is Eliza Clark, was sent to Blackwell's Island yesterday for two months, for "cutting capers" in Breadway, in the character of a street

walker.

BIT HIS THUMB OFF.—Charles Baker assaulted the son of Mr. Handford Smith, No. 200 Green wich street, and when the latter went in the street to expostulate with him for his conduct, he pitched into him, and during the souffle bit the end of one of his thumbs off, nail and all. Committed.

The day on which the Bard of Caledonia entered this mundane sphere, was celebrated as use and worth wad hae't, at the Blue Bonnet House, on the 25th instant. The company, which was numerous, was ushered into the room, which was very suitably decorated, accompanied by the soul-stirring music of the bagpipe; and the admirers of the inspired pensant sat down to a plentiful and substantial dinner, served up in good style. Among the many good things that creward the festive board, the "haggus"—fair fa' its honest sonsie face—occupied, not sappropriately, a prominent place, to which due honor was paid by the President's reciting the bard's own pithy and humorous address to this favorite national dish.

The chair was ably filled by Mr. Rob't Walker, assisted by by Mesers. L. W Rychman and Thos. Service, as Vice Presidents. On the removal of the cloth, the President introduced the intellectual part of the repast by an appropriate address, and the hilarity was much enhat red by a u volunteer band, who discoursed many of Scotian's sweetest airs, in true native style, and namerous of Scotland's sweetest songs were sung daring the evening.

Mr. Horncaster (whose notes are always above par) favored the company with some specimens of his vocal power.

Onn Morasson, Secretary.

JOHN MORRISON, Secretary.

par) favored the company with some specimens of hic vocal power.

By Annard Toases.

2. The Day—It will "aye be remembered in the calender" of the admirers of nature, the patriot and the philanthropist.

Criginal Song—By Jehn Graham.

2. The Memory of Rebert Burns—

"When yearly ye assemble a',
One round, I ski it with a tear,
To kim, the Eard that's Iar awa.

Original Song—By a "lassis frace the land o' cakes."

2. Burns' Native Land—

"A nation, famed for song and beauties' charms,
Zeslous, yet modest—innocent, though free,
Patient of toil, serene amid alarms,
Inflexible in faith, invincible in arms."

Griginal Song—By James Shes.

4. The United States—She, is destined to strike the chains of antiquat dignorance and oppression from the free minds of her sons and daughters, as the "Lion shakes the dew drops from his mane."

Song—Be hallowed, Celumbia B.

Song—Be hallowed, Celumbia B.

Seducation, Industry, and Competence—A holy trinity—may its presence be manifest in every domestic circle throughout the world.

Song—Weel may the Boatie Row.

6. Peace—May the War-spirit which is ever urging mankind to suspend the operations of civilization, common sense and humanity, be exercised to the bottom of the red sea of human gore which it has shed, so that it may no longer walk the earth, to "frightjmankind from their propristy."

Song—The hour of retribution's migh.

7. The memories of the late deperted votaries of the sister arts—poetry, painting, and sculpture—Motherwell, Wilkie, and Chanty.

Song—The hour of retribution's migh.

9. Charles Dickens, the Hogarth of British Literature—His writings are pictures of the heart, inspired by nature, and illustrated by genius. His fearless severity of truth has asserted the virtues of humble life. unmasked the glided vices of oristorancy pictured with a ponoil of light, the wrongs and rights of the working classes, and claimed for true philosophy its legitimate empire—the universal republic of the mind. We greet his arrival in the land whose practice carries out his principl

VOLUNTEER TOASTS.

By the PRESIDENT—The Human Family—One origin

testiny.
"Then let us pray that come it may,
As come it will for a' that,
That sense and worth, o'er a' the earth,
Shall bear the gree, and a' that. For a'that, and a'that, Its coming yet for a'tha', That man to man, the world o'er, Shall brothers be, and a'that."

Shall brothers be, and a that."

By the 2d Vice Passident—The Kilbarchan Flittin.

By the Sectionary—The housest and suffering poor in Paisley, and other places, who, for want of employment, are dependent on the cold hand of charity for a precarious and miserable subsistence—may their privations be brief, and a brighter era soon dawn, and bring with it competence, comfort, and happiness.

By C. Cursingham—Aull Scotias—May the darkening prospects which now hang over thee, be speedily dispel-

try, the present its practice, and the future its national perfection.

By a Guest—Our former associates at the Waverly—May their comeans be always a Cumming and their Lisen always bear a Clear-hue.

By A. Kine—The architects of our country—They designed a temple, not only to shelter their own kindred, but the whole race of man. As there is joy in heaven, so did they rejoice over one man reclaimed from oppression and tyranny.

By W. Watcht—The health of Thomas Moore, "the bard of Erin," who knows how to touch the heart of humanity through the medium of pleasure.

By Mr. Hoancastle—Shakspeare, Milton, Soott, and Byron, poets whose names will live till time melts into eternity.

By Gze. H. Varnon—Caledonia—May her daughters be as pure as the snow on her mountains.

By Alexia, Munrat—The Star Spangled Banner and Union Jack—May they always mingle their folds in harmony, and wave forever in the van of human improvement.

By John Graham—The pen of Burns and sword of

ment.

By John Graham—The pen of Burns and sword of Wallace—Liberty hails them with a smile, and memory shall bless them forever.

By D. Hannah—The heart that can feel for another.

By James Docolas—The memory of the mother of Burns, whose mental energy and powerful intelligence cantributed so much to build the towering intellect of her distinguished son.

TOASTS CONTINUED. The following note and song were handed to the President, after the company had sat down to din-

"Mr. President—One, who may never again see the Braken wave on her native hills, sends humble tribute to the memory of Burns. "25th January, 1842." APOSTROPHE TO THE SHADE OF BURNS. (By a " Lastie frae the Land o' Cakes.")

Oh, who shall sing the Daisy, Burns,
That thou hast sung so well?
Or strive, in words of possy,
To paint the heather bell?
Or who shall sing the Braken, Burns?

They've all been sung by thee!
Oh, who shall touch the Lyre, Burns,
That thou hast left unstrung?
Or, who again can wake the strain
Through Sootia's hills that rung?
Bloom, bloom unsung! my country's flowers!
Be mute! her Lyre's sweet strain!
For none can touch the chords like him
Who ne'er can sing again.

Who ne'er can sing again.

ORIGINAL SONG BY JOHN GRAMAM.

TO THE MEMORY OF BURNS.

(Air—Bonnie Wood o' Craigie Lea.)

Still blooms the bower, and still is bright

The heavenly dream of youthful hours,
But yet while shines its suncy light,
And svalies the beauty of its flowers,
Will sorrow cast a shade of gloom

That dim sthe bright, the glowing beam,
Veils every seene and all the bloom

That gild the fair, enchanting dream!

For Scotia saw her Bard depart,

That gild the fair, enchanting dream!
For Scotia saw her Bard depart,
Who sketched with more than magic power,
The tender story of the keart,
And all the charms that grace the bower:
And every feeling of the breast,
So true—so nicely could he scan,
Has not his mighty genius traced
Almoet the very soul of man?
On Eagle wing his fancy fie.,
And with a kindred a or strong.
Life's varied scane o well he drew,
is pictured on als glowing song.
O' then, long-enting Scotis smile,
For s' si his thrilling numbers how—
And ary the tear, sweet Mail of Kyle.

Thy wreath blooms on his memory's brow!

HARD TIMES -A lot of ready-made co

Before the Assistant Vice Chancellor.

Valentine Mott vs. James A. Houston.

January 14th, 16th, and 17th, 18t2. for complainant?

Mr. Davin Garham. The bill in this cause was presented to me as injunction master, and i allowed the writ on condition that the complainant should give the defendant an opportunity of having the matter promptly heard, that it might be dissolved if the complainant appeared not entitled to it. It has now been fully argued by counsel. It is in effect a motion by consent for a contineance of the injunction.

The Bill states the appointment of the complainant as a professor of surgery in the University of the city of New York, the object being the instruction of students and others who should enter and pay the fees, in that branch of science, by a course of lectures. That intending to deliver the lectures extemporaneously, and being designess of having them preserved verbatin for my own use, with a view te correction and publication by him, he negotiated with the defendant, and about the 21 of November, in the year 1841, they agreed upon a certain article, of memorandum of agreement as follows.

"Accument"

"Bouston, M. D., agrees to furnish to Valentine Mott, M. D., a verbuilm and exact report of each lecture on the operations of Surgery, with surgical and pathalogical anatomy, as delivered by the aforessid Dr. Mort, during the session of Lectures at the University of New York, 1841—42 The report of each lecture, fairly written out on alternate pages, to be handed to Dr. Mort one week after it is delivered, and said report to be approved of by Dr. Mort; and the surface of the above, the sum of twenty-five dollars, to be paid weekly to hum by Dr. Mort."

It is stated that this memorandem was signed by the complainant, but not by the defendant, because of an application for a larger compensation, which, after a little hesitation, was assented to the stipulations and agreements expressed in the paper. The delivery of a certain number of lectures is stated, and a receipt of \$50 in full for

tures," but the agreement was that this deponent should deliver a copy of each lecture to the complainant for five dollars.

Upon a question of the continuance or disposition of an injunction, the positive and material allegations of the bill must be distinctly met by affidavit or answer. The Court is bound to reconcile statemants, if upon a just construction it is practicable, especially where the result must be perjury in the one or the other party. If this affidavit means that the defendant never agreed that no copy should be furnished or published, other than that given to Dr. Morr, then the statements are in irreconcilable hostility. The complainant expressly awears that the conditions expressed in the paper were agreed to, and were the terms of the arrangement. The defendant, instead of meeting this, explicitly, uses the vague assertion that he did not agree not to avail himself of the notes. He could have availed himself of them for private use, or perhaps for private diffusion by loaning. This would fall short of so availing himself as to furnish them for publication and for profit.

The nearest approach to an express denial, is the last clause above quoted. Here again the defendant has not stated that this was the whole of the agreement. Above all, he has not here, or any where, distinctly denied the important restriction upon publication, aworn to by the complainant.

If this was an answer, no one could hesitate in holding

the latin or enter into those subtleties respecting the nature of literary property, which, in the case of Miller and Tarlone, exercised the metaphysical acuteness of sible judges. The plain inquiry is—when do the emantions of a man's intellect, the fruits of his power of reasoning acting upon his stores of knowledge, assume that form in which suph a right to them arises as a court of imple of the count, can recognize and soft upon?

I answer that me such right, capable of being protected by a court, can exist, until the language in which those thoughts are expressed is reduced to form in writing or pronting.

To discuss the point whether the ideas of the mind, and the sounds through which they reach the hearer's understanding, are the objects of property, appears to me irrelevant. The question is not what is such property, or aright in it, in the acceptation of philosophy; but it is, when does it become property in that sease, when a court of justice can act upon it. It can only be when reduced to form in writing or in print. Then, and net until then, de the thoughts of the mind, the breathings of the singinalion, the creations of intellect come forth in bodily presence. They dwell before, for a moment, on the tremulous wave of the air that communicates them, and afterwards in the secret chamber of the brain. Then they acquire a tangible shape, a distinguishable existence. A right then attaches to them. But to what? To the paper, so he class of lawyers;—to be ideas, say another. It is, in truth, to the ideas, because on the paper; to the paper, because containing the ideas. The peculiar property which then acquires existence cannot have being without both.

But it is not necessary, in order to give birth to this right, that the author must himself present the ideas in writing or in print. He is no leas the author and in the paper; to the paper, because containing the ideas. The peculiar property which then acquires existence cannot have being which and the print of the distance of the least in the writing of t

ed.

In the language, then, of Mr. Hargrave. "the subject of literary property is a written composition. In that of Mr. Justice Willes, "it is clear that there is a time when without any positive statute, an author has a property in

the copy of his own work, in the legal sense of the

not the subject of contract. It equally follows, that an agreement that another shall be the instrument of putting the author's thoughts in writing for a compensation, without more, leaves the absolute right of property to the manuscript in the author. And it as clearly follows that this right may be retained exclusively, or modified according to the will of the parties.

Thus in the present case, the absolute property of the complainant in the notes taken by the defendant was so far qualified as to allow the latter the use of them for his private purpose, probably for private diffusion, expressly probabiliting a sale for prefit upon the case made by the bill, and necessarily excluding it from the supposition stated of an employment to take notes for publication by the lecturer, without an express probabilition. It would be absurd to say, that a party employed for the very purpose of enabling an author to publish, could defeat that purpose by first publishing himself. An obligation necessarily follows.

The property of the complainant in the notes, was a right to the exclusive use for publication for profit. This is an instance of signers rights and particular distinct interests in the same subject, adverted to by Mr. Justice Ystes. (4 Burr, 2361.)

So in the late case of Secret vs. Shaw, (March 22, 1840, jurist edition, New York, vol. 1, page 212), the plaintiff had agreed with Merser. Neville & Manning, that the leater should report cases a report and the state of the state

emains. By the act of Congress of 1790, any person who should print or publish any manuscript without the consent of the author or owner, was made liable to an action on the

print or publish any manuscript without the consent of the author or owner, was made liable to an action on the case.

This provision was enacted by the State of New York in the year 1788, in the same language. It was in the statute of Atne, and was an adoption into a statute of the English common law doctrine. The act of Congress of Feb. 3, 1831, s. 9, provides that any person who shall print or publish any manuscript whatever, without the consent of the suthor or legal preprietor first obtained, as aforesaid, if such author or proprietor be a citizen of the United States, or resident therein, shall be liable to suffer or pay to the author or proprietor, all damages occasioned by such injury, to be recovered by a special action on the case, founded upon this act, in any court having cognizance thereof; and the several courts of the United States empowered to grant injunctions in the like manner, according to the principles of equity, to restrain such publication of any manuscript as afercaid.

And by the act of 16th February, 1819, ch. 4. 30, it is provided that the Circuit Courts of the United States shall have original cognizance as well in equity as at law, of all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to authors or inventors to the exclusive right to their respective writing, inventions, and discoveries. And upon any bill in equity, filed by any party aggrieved in any such case, shall have authority to grant any nectors secured to them by any laws of the United States.

Thus Congress has fully exercised its power under

vent the violation of rights of any authors or inventors secured to them by any laws of the United States.

Thus Congress has fully exercised its power under the Constitution, to promote science and the arts. It has in fact superseded State legislation on the subject. Whether it has not superseded the power of the Statesso to legislate has been disputed—(9 John Rep. 567—Story on the Constitution, 50—21 Ken'ts Commenturies, 299.) At any rate there has been no attempt of the kind in our State upon this particular subject.

The material question under these acts of Congress arises, whether the jurisdiction of the case is not perfect in the United States Courts, and if so whether it is not exclusively there.

not exclusively there.

Now the breach of trust and violation of property was provided for by the contract itself. And by the contract as the bill states it, or the other view suggested, there was a positive right to it for the purposes of publication for profit; a qualified right in the defendant to use it for his own intruction, possibly to communicate it to others for pertual; certainly not to printer publish it.

If this is no, the complainant was in truth the author of the manuscript, though manually written by another. If this could admit of doubt, yet unquestionably he was the legal proprietor, so far as any printing or publishing it, whether for profit or not, was concerned. And then such printing or publishing is plainly within the ninth section of the act of 1831, and the remedy by action or injunction may be had under that section, and by the sat of 1819, may be had in the Circuit Court of the United States. But suppose the Complainant to be entitled on this bill, as famed, to present the question, as if no agreement was set forth, but harely that the Defendant, having the privilege of admission, was present. I can see no such difference. The foundation of the right to sak an injunction would then be this—that there was an implied agreement that her note taken by the hearer should not be published for profit. Then the hearer should not be published for profit. Then the hearer sequires no property or right in the notes for such a purpose. And then such property and right rests solely with the lecturer. In this view the lecturer is still the subher of a manuscript at least the legal proprietor as to all such interest in a right to it. The implied contract presents the question in the same light as an express agreement. It is impossible in mymind to separate the question of property for the question of property is not apply with the interest of the foundation of trust. On the right of property, a columination of trust. On the right of property is not not contract and and know not how to apply. When Lord