

New-York Daily Tribune

WEDNESDAY, DECEMBER 19, 1855.

We shall print, for regular subscribers, over 157,000 copies of the WEEKLY TRIBUNE, of this work. It is without doubt, the best advertising medium in the country. This is the last day for receiving advertisements for this week's issue. Price, Seventy-five Cents a line.

DOINGS IN CONGRESS.

SENATE, Dec. 18.—The Senate did as near nothing as possible, and adjourned. HOUSE, Dec. 18.—A century debate occupied the entire session. Mr. Walker took upon him of the task of defending the Southern Know-Nothing from newspaper attacks, pitching into the Democrats mildly. He claimed that the Know Nothings were the original party. Mr. Jones of Pennsylvania related, and charged the Know Nothings with ruining the Democracy in his State, where Know-Nothingism was synonymous with Free Soilism. Mr. Allison backed up the assertion. Mr. Walker wanted to combine all Pro-Slavery men for the election of a Speaker. Mr. Washburn of Maine claimed that the men voting for Banks were the true National party, and was established there by Mr. Orr, Mr. Campbell and Mr. Jones of Pennsylvania here mixed in, and Democracy and Know Nothingism were freely canvassed for an hour. Then ex-Governor Smith of Virginia and Messrs. Darnell, Giddings, Letcher and Humphrey Marshall went in, overhauling Free-Soilism, Abolitionism and Squatter Sovereignty—and so the session was used up.

A visit of a Committee of the Senate to inspect the Emigrant arrangements on Ward's Island was an excuse yesterday for a dinner there at the expense of the Emigration Fund. The Committee numbered three, the diners fifty.

The trial of Samuel Sprague for the murder of Margaret Fierty was commenced in the Court of Sessions yesterday. The prisoner shot the deceased during the breast, at her residence, No. 200 Delancey-st., some months ago.

At the meeting of the Board of Governors last evening, Gov. West made an attempt to retract an altar for Catholic worship at Randall's Island, the same having been directed to be removed by the vote of the Board at the previous meeting. This is supported by the Democratic portion of the Board. The remainder of the members are in favor of acceding equal privileges to all denominations.

The working of boats through the ice on the eastern section of the Erie Canal has been suspended, after a degree of success entirely unlooked for. The Canal is now closed for the season.

The steamship Crescent City of this port, bound for Havana, was wrecked on one of the Bahama reefs on the 7th inst. The ship is a total loss. Passengers and baggage saved.

In the great property case in which the widow of Gen. Gaines is the plaintiff, the Louisiana Supreme Court has reversed the decision below and ordered Mrs. Gaines to be put in possession of the property devised to her by the late Daniel Clarke.

There were no ballots for Speaker yesterday. The session was given up to a rambling debate, which will probably continue to-day. Banks's chances are unimpaired.

By the Asia at Halifax we have Liverpool dates to the 5th inst. Rumors of peace constitute the staple of the war news. There has been no communication from Russia, but the Austrian Government had informed France, through her Minister, of certain terms which Austria would propose to Russia as an ultimatum. These terms are said to be a great advance upon any yet offered. From the camp before Sevastopol there is nothing new.

All parties seem to have received reinforcements. There is another rumor of the fall of Kars, but this needs confirmation. Parliament is prorogued until the 31st of January. The King of Sardinia has been on a visit to London.

By our Mexican correspondence it will be seen that a decided act of progressive reform has taken place in Mexico which looks like an opening wedge to a better state of things in that unhappy country. The great curse of that State is the utter preponderance of the ecclesiastical power which absorbs an immense portion of the land and revenues of the country, and has not been amenable to the civil courts. The new Government, therefore, has taken the bold step of declaring that henceforth all trials between citizens and the clergy shall be held in the civil courts. The Archbishop of Mexico was duly militant thereupon, and said that the bishops and their priests must not obey, and that he will appeal immediately to the Pope. He is called a traitor in the leading Mexican journals. The measure is extremely popular. It has also been applied to the military, who in the same way, as regards legal matters of whatever kind with the citizens, are to be amenable to the civil courts.

This much gained, and we may look for further advancement in political freedom in Mexico. Unless she brings the clergy right down to the level of other mortals, she cannot escape the fangs of poverty and ignorance.

THE CASE OF BAKER. The non-agreement of the Jury in the case of Baker has elicited from several journals expressions of surprise and dissatisfaction, which the facts do not altogether warrant. Many circumstances combined to make this a case in which the disagreement of the Jury was to be regarded as a very probable occurrence. In the first place, the killing of Poole, whether it was premeditated or not, happened in the midst of a sudden and confused fight, in which several parties were engaged. All or most of the witnesses to this affray might be expected to speak under a decided bias. It is always difficult in such cases to arrive at that clear and precise ascertainment of facts which is thought necessary to justify a verdict of murder.

But what, in such a case, is of no less importance than the deeds actually done, is the motives and inducements to those deeds; that is, whether the killing was the sudden result of a casual fray, or whether that fray was designed and sought with an intent to make it the occasion for a murder. Now, the decision of this all essential point depends upon a conclusion to be drawn from circumstances, many of which were but imperfectly developed in the testimony, and as to the general drift of which the fairest and clearest minds might come to a different conclusion. Then, again, the guilt or innocence of Baker had been made a sort of party question; and in cases of that sort the inherent difficulties of the issue being complicated by a degree greater or less of personal and political bias on the part of the jurors, a disagreement is naturally enough to be expected.

To all these we must add a fourth reason, and that of no trifling weight, growing out of the peculiarity of our New York law on the subject of homicide. By the English common law, which is also the law of most of the sister States, only two degrees of homicide are distinguished, namely: murder—that is, killing with malice aforethought—and manslaughter, including all other homicides from those which in their character fall but just short of murder, down to those which fall by merely the slightest shade of being justifiable, and which are punished only by a small fine. Theoretically, it seemed absurd to confound together, under the common name of manslaughter, offenses of such different character; and accordingly our New York law has undertaken to distinguish several varieties of manslaughter, to which it has affixed very different punishments. Yet it cannot be concealed that this attempt to give additional precision to the law has been attended by some practical inconveniences. The comprehensive manslaughter of the common law afforded great facilities to a Jury in agreeing upon a verdict. Each juror of the twelve might have a distinct and peculiar opinion of his own as to the precise character and magnitude of the offense, and yet all might agree in saying manslaughter, thus leaving it to the Court to fix the character of the crime and the quantum of the punishment. Even those who thought the offense murder, might consent, for the sake of a verdict, to say manslaughter, upon the consideration that murder is separated from the highest degree of manslaughter by a space perceptible only to legal metaphysicians, and not always very discernable even to them; while, on the other hand, some members of the same Jury, inclined to regard the act of the prisoner as even justifiable, might still, for the sake of agreement, say manslaughter, upon the consideration that the mildest types of this offense differ only in name and in their unintended result from ordinary assault and battery. It is evident that the new provision on this subject introduced into our New York statutes, whatever other advantages it may have, places a new and very serious stumbling-block in the way of the agreement of Juries. But for this obstacle, and had the trial taken place under the old common law, there is every reason to suppose that the Jury would have agreed on a verdict of manslaughter.

The complaints uttered at the non-agreement of the Jury have been aggravated by a reference to the expense of time and money which a new trial will occasion. But it is very doubtful whether, even if the Jury had agreed, this expense would have been avoided. Considering the great number of exceptions taken by the prisoner's counsel, and the somewhat questionable character of some of the rulings of the Judge, a verdict of guilty—and there seems to have been no chance for any other—would have run a great risk of being set aside by the full bench.

And this leads us to the notice of another innovation upon the old legal usage which is attended with great practical embarrassments. In old times—and in Massachusetts and many other States it is so to this day—capital trials were had before the full Court, which heard an argument upon and settled all questions of law as the case proceeded. Of course, there could be no new trial for misdirection in point of law on the part of the presiding Judge. Upon our plan of trials before a single Judge, with reservations of the points of law to be decided by a full bench, there is never any settling when an important and complicated case will come to an end, or how many verdicts of a Jury may be necessary before a criminal who has money and friends can be convicted and punished.

Let us say in conclusion that the public great as the excitement occasioned by the killing of Poole was, by no means appears to us to have anything of the same interest in this case, that they would have had, had Poole been a different person from what he appeared on the evidence to have been. The censure of the Judge upon the prisoner's counsel, for stripping the shroud as it were from the dead Poole, or rather for recalling him to life such as he actually had been while unjust as, appears to us to have been entirely unwise and uncalled for. The character of Poole as a fighting man, and his bad character at that, was an important and essential part of the prisoner's case. It also had an important bearing upon the degree of alarm with which his death ought to inspire the public—a very important consideration in all cases of this kind. For a quiet and unoffending citizen to be set upon without provocation, by a band of ruffians, and to be shot down in a place of public resort, would be a most alarming thing. It might naturally lead every quiet citizen to ask if his turn might not come next. For a fighting fomentor of brawls and frequenter of grogshops, who always went armed and ready for a fray, to get into a fight and to be killed in a grogshop, seems to be but a fulfillment of the Scripture—be that draws the sword shall perish by the sword. If Baker killed Poole not in self-defense, he ought to be punished for it, and punished in proportion to his malice and premeditation. If he sought a quarrel with the design to kill Poole, he ought to be convicted of murder; but after all, the great importance of this case is rather with fighting men and rowdies generally than with the mass of good and quiet citizens.

AMERICANS WHO DESIRE TO INTRODUCE agricultural labor-saving machines into France—that is to say, not through the Custom House, for France guards that with Cerberus-like watchfulness—but by means of obtaining patents in that country and selling the same to advantage, or opening manufacturing in France, will be glad to learn of a newly projected Exposition of a special character. It is to be strictly agricultural, and to take place in Paris, on the 23d May, 1856, and to be followed by another on the 23d May of the year following. There will be three grand divisions. Prizes will be given for cattle, hogs, rabbits, fowls and other farm animals; for agricultural machines and utensils; and for agricultural products. For labor-saving machines thirty-nine prizes, amounting to 7,050 francs, will be distributed. The expense of transport from the frontiers to the Capital will be paid by the French Government. A declaration filed at the office of the French Consul-General in this city before the 9th of April is the only formality required. Farmers are to be excluded, only reproductive animals being admitted.

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FROM WASHINGTON. HOW DUNN IS DONE. The Hon. George G. Dunn of Indiana diversified the proceedings of the House this morning by a speech of about an hour, whereof THE TRIBUNE and its criticisms on his refusal to vote for the Anti-Nebraska candidate for Speaker formed the text. I was not in the Capitol when he commenced, but I have since asked at least twenty Members whether he made out any color of self-justification, and the universal reply is that he did nothing of the kind. I cannot learn that he even pretended to deny the truth of my statements with regard to his course; but he said that I only told half the truth. That was so. I let him off very easy, because some of his colleagues hoped that he might yet come to himself and fulfill the high trust which he urgently solicited and has shamefully betrayed. I will now proceed to state the whole truth with regard to his course, according to the best lights I have been able to obtain. It is as follows: At the Election in his District last year, John A. Hendricks, an Anti-Nebraska Democrat, was regularly nominated as the Republican or Anti-Nebraska candidate for Speaker. Mr. Dunn was dissatisfied with this nomination, bolted, and came out a stump candidate against it. He had once before represented the District, had many friends in it, is a good stumpner, and it soon became evident that, should he and Mr. Hendricks both persist in running, the Nebraska candidate would beat them both. Mr. Hendricks, therefore, after listening to an anti-Nebraska speech from Mr. Dunn, took occasion to say that Mr. Dunn's views appearing to be identical with his own, there was no reason why both should run, and he (Hendricks) withdrew from the canvass in favor of Mr. Dunn. And thus Mr. Dunn elected, expressly, unequivocally, as the Anti-Nebraska or Republican candidate. So chosen, Mr. Dunn came here and professed to act, and cordially sympathize with his Anti-Nebraska colleagues. With them he voted steadily for Mr. Campbell until Mr. Campbell withdrew from the contest, and then he voted repeatedly for Mr. Banks! Next morning he fell away, and has since voted as stragglingly as possible—every time for some one who stood no possible chance of being chosen. Why he has acted in this way I do not know; but I believe he is one of the XIX or thereabouts who wanted Banks dropped after a little, then Pennington taken up and served the same way, and so on, until all the old Members of any prominence should have been tried in succession. The ball, you see, thus batted about, must ultimately rest somewhere; and why not with the Hon. George G. Dunn? I give this as my hypothesis only; if you find one more plausible in Mr. Dunn's speech, just substitute that for this, and if you add that he is an "off ox" generally, you may be near the truth. Mr. Dunn at first pretended that he was impelled to his course by indignation at the treatment of Mr. L. D. Campbell, who votes steadily for Banks. Then he complained (after he had voted repeatedly for Banks) that Mr. B. was not the unbiased choice of the Anti-Nebraska men: let there be a nominating caucus and a candidate fairly selected, and he would support that candidate. At length, more to honor him than for any other purpose, a caucus was duly called and held, and Mr. Dunn attended and made a speech. Having finished, he took his hat and bolted, without waiting to hear what others might suggest, or to vote at the ballot for Speaker, which resulted in the nomination of Mr. Banks, not only by five-sixths of those present, but by a clear majority of all the avowed Anti-Nebraska men in the House. Yet, though thus concluded by his own volunteered pledge, Mr. Dunn coolly repudiates it, and persists in voting steadily to keep the House disorganized and in chaos, and let the border ruffians work their will upon the Free-State men of Kansas. And now this unhappy suicide seems to think that I have dispatched him, when it is nobody but himself! If Judas Iscariot has been made exemplary and Benedict Arnold rendered by comparison a patriot, the credit or blame belongs in no part to me, but solely to the Honorable George G. Dunn. Utterly unable to defend himself, the unhappy victim turned upon me, and seemed to think that he could whitewash his own reputation by blackening mine. And how? By reviving that poor old exploded slander about the Congressional Books. By piecing together two wholly unrelated facts—1. That when the House was in Committee on the Deficiency bill, (1848,) I was said to have voted once (by rising in my seat under a misapprehension of the question) for the item to pay for supplying new Members with certain Books ordered at the preceding session; and 2. That in a conversation with Mr. Hudson, of the House, I fully admitted the propriety of distributing the Revised Treaties, and other such documents of the United States to the several Congress Districts—on which Dr. Edwards of Ohio attempted to make out a case against me on the floor six years ago. I cannot see what ground there is for further misapprehension in the premises. The books had been ordered at the former session of that Congress, when I was not a Member. Of course, they were to be paid for—there was no escape from that. But I had just been made a target of general assault for my exposure of the Mileage Swindle, so I did not choose to place myself in a position where cavaliers would say, "Yes, you can be virtuous on Mileage, because little of it comes to you any how; but when it comes to Books, you vote yourself a library as freely as any one." So I had decided and declared that I would not vote for the Book item in the Deficiency bill. Yet, after three or four votes had been taken by rising, one day in committee of the Whole, my next neighbor, Mr. D. RUMSEY of Bath, N. Y. (who is still living,) said to me exultingly, "There! you have voted for the Books after all!" I told him (what he very well knew that if I had, I certainly did not mean to, and did not understand the question; and I took care to vote against it) is item of coming out of Committee. But the joke was a good one: Mr. Rumsey told it to others; and when this was nicely pinned on to the fact that in a conversation with Mr. Hudson, I admitted that certain Books already indicated ought to be made generally accessible by some form of public distribution, my personal enemies were able to make out a plausible case. I had no conversation with Mr. Hudson as to how I had voted or should vote; but I did say, and now repeat, that the Revised Statutes and certain National Records ought to be distributed by Congress that all should know where to find them when needed. And I further said that I did not know where to find these Records at that time in the City of New-York, though Congress

but under his own proper name and signature, of a columnist of THE TRIBUNE, as a corrupt, bribed and bought journal, whose literary criticisms were systematically unjust and worthless; and finding him thus, as it were, with his fist in our face, not merely slandering us, but evidently attempting to frighten us, we thereupon hit him a kick, without any particular attention to delicacy in doing so, or much care as to the part that might happen to be hit, or much thought as to the possible consequences to the party who had thus provoked us. If the nose of the public is offended in consequence Mr. Underwood, not THE TRIBUNE, is responsible. The camouflet is exclusively his. Finding himself thus unexpectedly dragged into the light of day, he now seeks to pass himself off—and THE TRIBUNE seems disposed to give him some countenance in doing so—as a poor, innocent, harmless, helpless, disinterested individual, who merely wished to discuss the abstract question whether the two positions of reader to one or more leading publishing houses, and that of literary critic to a leading journal, are compatible or not, and of having been ruthlessly torn to pieces by us—poor innocent lamb that he is—in the arrogant, unscrupulous, abusive style, utterly regardless of the rights of private character and of the common courtesies of life, which he now gives the public to understand is another of the enormities which THE TRIBUNE has to answer for.

This, however, is a dodge which will not serve. Mr. Underwood might have discussed to his heart's content, anonymously or otherwise, the abstract question of the incompatibility of the duties of critic and manuscript reader. He might have published in every journal of the Union, giving names and particulars, that the gentleman who acts as the principal literary critic of THE TRIBUNE is also reader to two eminent publishing houses in New York; he might have chucked to his heart's content over this fact as a discovery of his own acute genius, ignorant that the gentleman in question was known in all literary circles to be in the service of one of those houses before he entered upon ours; he might, if he pleased, have criticized the criticisms of THE TRIBUNE, and shown if he could that they were partial and unjust. All this he was at full liberty to do without bringing his own personal motives and position into question. But when he set himself up as an accuser of THE TRIBUNE, and a denouncer of its literary criticisms as "systematically unjust," giving therefor no other reason except his own personal opinion thereupon, the questions become of importance to the public and to us—Who is this Mr. Underwood? Under what circumstances have his opinions been formed? and is this critic of our criticisms himself free from all bias? These questions the public are now, we dare say, fully able to answer, and here we are willing to let the matter rest. We are perfectly willing also to give Mr. Underwood the benefit of his own observation, that "very few people go through the world without committing some folly or absurdity, or worse, perhaps." We hope he may be one of those sensible people who are able to learn by experience; and we presume he will not commence another onslaught on THE TRIBUNE without first counting the cost.

It was mentioned in our paper of yesterday that a petition had been presented to the Common Council by the Knickerbocker Stage Company to be paid for a horse whose leg was broken by falling on the Russ pavement, which petition was referred to the Finance Committee. We are told in THE Commercial Advertiser—and we notice a similar statement in several other city journals—that this Committee, it is thought, "will probably report against the petition, on the principle that 'the cases in which damages are allowed are those in which injuries result from defects,' which with ordinary care cannot be perceived—such, for instance, as a hole in a bridge or road; whereas the condition of the Russ pavement is 'well enough known, and if a person voluntarily drives over it he must look out for himself.'"

Those who expect the Committee to make any such report must have very odd notions as to the law, and the duties which it imposes on the City Government in relation to the streets. Even supposing that the city is liable only for holes and other defects which with ordinary care cannot be perceived, what care would enable anybody to perceive the slippery and dangerous places on the Russ pavement? The answer that the whole of it is slippery and dangerous, and that persons drive over it at their own peril, may do very well as a joke, but will hardly go down in a court of law. The city is under legal obligation to keep the streets in a passable and safe condition. Nobody is obliged to look for holes, pitfalls, or slippery places in the middle of the street; and for all damages occurring by reason of such defects the city is legally responsible. The sooner, therefore, the Russ pavement is put into a safe condition the better for the city treasury.

Americans who desire to introduce agricultural labor-saving machines into France—that is to say, not through the Custom House, for France guards that with Cerberus-like watchfulness—but by means of obtaining patents in that country and selling the same to advantage, or opening manufacturing in France, will be glad to learn of a newly projected Exposition of a special character. It is to be strictly agricultural, and to take place in Paris, on the 23d May, 1856, and to be followed by another on the 23d May of the year following. There will be three grand divisions. Prizes will be given for cattle, hogs, rabbits, fowls and other farm animals; for agricultural machines and utensils; and for agricultural products. For labor-saving machines thirty-nine prizes, amounting to 7,050 francs, will be distributed. The expense of transport from the frontiers to the Capital will be paid by the French Government. A declaration filed at the office of the French Consul-General in this city before the 9th of April is the only formality required. Farmers are to be excluded, only reproductive animals being admitted.

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Yet, after three or four votes had been taken by rising, one day in committee of the Whole, my next neighbor, Mr. D. RUMSEY of Bath, N. Y. (who is still living,) said to me exultingly, "There! you have voted for the Books after all!" I told him (what he very well knew that if I had, I certainly did not mean to, and did not understand the question; and I took care to vote against it) is item of coming out of Committee. But the joke was a good one: Mr. Rumsey told it to others; and when this was nicely pinned on to the fact that in a conversation with Mr. Hudson, I admitted that certain Books already indicated ought to be made generally accessible by some form of public distribution, my personal enemies were able to make out a plausible case. I had no conversation with Mr. Hudson as to how I had voted or should vote; but I did say, and now repeat, that the Revised Statutes and certain National Records ought to be distributed by Congress that all should know where to find them when needed. And I further said that I did not know where to find these Records at that time in the City of New-York, though Congress

Arrest of Gambling-House Keepers. The smoothest scoundrels in this community are unquestionably the keepers of fashionable gambling-houses. Mark their accurate attire as they appear abroad in the street—their yellow kid gloves, polished boots, spotless linen, elegantly cut cloth. Cleanliness is akin to goldness, but every rule has its exceptions, as these well washed and well-dressed scoundrels prove. They prefer to keep company with "gentlemen" to be well versed in the proprieties and courtesies of society, and accordingly a fashionable man and tailor are necessarily to them the bases of action. But that apart, look at them. What do they do? Nothing? Nay, if it were only nothing, it might pass in the crowd; but they live by plunder. They are literally robbers on the highway. They inveigle their victims by multimod wiles, and strip them of their last shilling; and having taken money by thousands, they are equally prodigal in spending it. The robber talking to Alexander said he took money from the rich and gave it to the poor, but he was not the less a robber. So these hell-keepers are not the less swindlers because they are profuse with a surplus. The chronic villainy of professional gamblers, the fact that they are all cheats, was fully set forth by Green, "a reformer" brother of the sect. He laid it down as an axiom that any man playing with these fellows is invariably swindled, and stated that false cards were as common as players, and were especially manufactured with marks to suit the wants of the initiated. That any man who keeps a gambling-house would stop at cheating to any extent which concealment in his opinion would admit of, is not to be doubted. And yet for years, as publicly as the transactions of the City Hall, have gambling houses been open in this city. They are as well known to the Mayor and the police as the park, and yet they flaunt their reductions to the verdant fool or the wearied rook. Is this ever to end? Are we to fold our arms and say that the gambling-house, with its perpetual robbery, is a necessary evil, an integral part of the inevitable vices of a great city, and cannot be abolished? Or are we to remind our magistrates that they ought to exterminate such an evil? But while they fail to do their duty in the premises, it is a consolation that the law opens some means of redress to the victims of these ravers and plunderers, and that once in a while one of the deluded and stripped has courage to bring the gamblers to the bar of justice. We have already chronicled the arrest of some of the more notorious of them on the complaint of a Mr. Jennings. It seems that they have been held to bail, and that the following persons have become bail for their appearance to take their trial: For Pat Hearn and Alexander Edgar, Charles Wild, 19 Seventh avenue. For Joseph S. Hall, George Spear, Broadway. For Shercock Hillman, William C. Burdick, 71 Liberty street. For Jefferson Wells and George Beers, John Keele, 126 Crosby street.

The highly respectable solid men who go bail for gamblers, deserve due acknowledgment, and we have accordingly emphasized the moral splendor of their action. But now that a batch of gamblers have been arrested, and have given bail, it will be well to keep a lookout upon the Jury, District-Attorney, and Court, and see whether the affair is to be overlaughed for the twentieth time again, or whether justice is to be done upon the only scoundrels. We shall not let the matter drop, depend upon it.

For months, we might say for years, certain persons, publishers, authors, and friends of authors, not succeeding in getting into THE TRIBUNE commendatory articles of certain books in which they felt an interest, go about shaking their heads, looking solemn and mysterious, and intimating that strange stories might be told as to the secret history of our literary criticisms. At length an article appears in THE Publishers' Circular containing gross charges of openness to bribery and a habit of being bribed against the press generally. A writer in THE Boston Atlas, who signed himself "Upsilon," next took up the burden, directing against THE TRIBUNE, by name, the general charges of THE Publishers' Circular. This "Upsilon" charged, in substance, that THE TRIBUNE employed as its principal literary critic a person who was fed by the hand of two New-York publishing houses, who thus had him completely under their thumb, and that by consequence impartiality in the literary review of this journal was out of the question, we being sold through the critic we employed to the two publishing-houses above referred to.

Nor was "Upsilon" content with this anonymous attack. He inclosed his communication to THE Atlas to one of the principal proprietors of THE TRIBUNE, taking special pains that the note should reach its destination, and stating in his own handwriting, well known in our office, that the name of the writer of the article would be given up by the editor of THE Atlas if desired. Not content with this, he also writes to one of the New-York publishers referred to in his communication as having THE TRIBUNE indirectly under pay, charging the critic of THE TRIBUNE in round terms with being "systematically unjust," bidding his correspondent tell him so if he liked, and threatening to have the article signed "Upsilon" inserted as far as possible throughout the country, with a note to each editor explaining "the matter;" and this insolent and threatening letter, which the publisher to whom it was directed was by its terms authorized to communicate to us, was signed not "Upsilon," but F. H. Underwood.

Mr. Underwood thus assumed the position, not merely in his impersonal character of "Upsilon,"

that of no trifling weight, growing out of the peculiarity of our New York law on the subject of homicide. By the English common law, which is also the law of most of the sister States, only two degrees of homicide are distinguished, namely: murder—that is, killing with malice aforethought—and manslaughter, including all other homicides from those which in their character fall but just short of murder, down to those which fall by merely the slightest shade of being justifiable, and which are punished only by a small fine. Theoretically, it seemed absurd to confound together, under the common name of manslaughter, offenses of such different character; and accordingly our New York law has undertaken to distinguish several varieties of manslaughter, to which it has affixed very different punishments. Yet it cannot be concealed that this attempt to give additional precision to the law has been attended by some practical inconveniences. The comprehensive manslaughter of the common law afforded great facilities to a Jury in agreeing upon a verdict. Each juror of the twelve might have a distinct and peculiar opinion of his own as to the precise character and magnitude of the offense, and yet all might agree in saying manslaughter, thus leaving it to the Court to fix the character of the crime and the quantum of the punishment. Even those who thought the offense murder, might consent, for the sake of a verdict, to say manslaughter, upon the consideration that murder is separated from the highest degree of manslaughter by a space perceptible only to legal metaphysicians, and not always very discernable even to them; while, on the other hand, some members of the same Jury, inclined to regard the act of the prisoner as even justifiable, might still, for the sake of agreement, say manslaughter, upon the consideration that the mildest types of this offense differ only in name and in their unintended result from ordinary assault and battery. It is evident that the new provision on this subject introduced into our New York statutes, whatever other advantages it may have, places a new and very serious stumbling-block in the way of the agreement of Juries. But for this obstacle, and had the trial taken place under the old common law, there is every reason to suppose that the Jury would have agreed on a verdict of manslaughter.

The complaints uttered at the non-agreement of the Jury have been aggravated by a reference to the expense of time and money which a new trial will occasion. But it is very doubtful whether, even if the Jury had agreed, this expense would have been avoided. Considering the great number of exceptions taken by the prisoner's counsel, and the somewhat questionable character of some of the rulings of the Judge, a verdict of guilty—and there seems to have been no chance for any other—would have run a great risk of being set aside by the full bench.

And this leads us to the notice of another innovation upon the old legal usage which is attended with great practical embarrassments. In old times—and in Massachusetts and many other States it is so to this day—capital trials were had before the full Court, which heard an argument upon and settled all questions of law as the case proceeded. Of course, there could be no new trial for misdirection in point of law on the part of the presiding Judge. Upon our plan of trials before a single Judge, with reservations of the points of law to be decided by a full bench, there is never any settling when an important and complicated case will come to an end, or how many verdicts of a Jury may be necessary before a criminal who has money and friends can be convicted and punished.

Let us say in conclusion that the public great as the excitement occasioned by the killing of Poole was, by no means appears to us to have anything of the same interest in this case, that they would have had, had Poole been a different person from what he appeared on the evidence to have been. The censure of the Judge upon the prisoner's counsel, for stripping the shroud as it were from the dead Poole, or rather for recalling him to life such as he actually had been while unjust as, appears to us to have been entirely unwise and uncalled for. The character of Poole as a fighting man, and his bad character at that, was an important and essential part of the prisoner's case. It also had an important bearing upon the degree of alarm with which his death ought to inspire the public—a very important consideration in all cases of this kind. For a quiet and unoffending citizen to be set upon without provocation, by a band of ruffians, and to be shot down in a place of public resort, would be a most alarming thing. It might naturally lead every quiet citizen to ask if his turn might not come next. For a fighting fomentor of brawls and frequenter of grogshops, who always went armed and ready for a fray, to get into a fight and to be killed in a grogshop, seems to be but a fulfillment of the Scripture—be that draws the sword shall perish by the sword. If Baker killed Poole not in self-defense, he ought to be punished for it, and punished in proportion to his malice and premeditation. If he sought a quarrel with the design to kill Poole, he ought to be convicted of murder; but after all, the great importance of this case is rather with fighting men and rowdies generally than with the mass of good and quiet citizens.

AMERICANS WHO DESIRE TO INTRODUCE agricultural labor-saving machines into France—that is to say, not through the Custom House, for France guards that with Cerberus-like watchfulness—but by means of obtaining patents in that country and selling the same to advantage, or opening manufacturing in France, will be glad to learn of a newly projected Exposition of a special character. It is to be strictly agricultural, and to take place in Paris, on the 23d May, 1856, and to be followed by another on the 23d May of the year following. There will be three grand divisions. Prizes will be given for cattle, hogs, rabbits, fowls and other farm animals; for agricultural machines and utensils; and for agricultural products. For labor-saving machines thirty-nine prizes, amounting to 7,050 francs, will be distributed. The expense of transport from the frontiers to the Capital will be paid by the French Government. A declaration filed at the office of the French Consul-General in this city before the 9th of April is the only formality required. Farmers are to be excluded, only reproductive animals being admitted.

The great success of Messrs. McCormick, Pitt and others at the late Paris exhibition, may induce other Americans to try this coming Exposition. Agricultural France doubtless will be present, and a first prize will be followed by huge chances of money-making as we have described.

The Union endeavored to comfort itself for the letter of Francis P. Blair, which we published the other day, totally dissenting from the entire policy of the Kansas-Nebraska bill, by insinuating that Mr. Blair was dissatisfied that his son, Montgomery Blair, had not been appointed Chief Justice of the District of Columbia, and by stating that the son himself—who actually holds at present the office of Solicitor to the new Court of Claims—did not subscribe to his father's opinions. But this latter crumb of comfort THE UNION has been deprived of by a letter from Montgomery Blair—which, by the way, he seems to have had some difficulty in getting printed in that journal—expressly denying that he ever favored the passage of the Kansas-Nebraska act.

FROM WASHINGTON. HOW DUNN IS DONE. The Hon. George G. Dunn of Indiana diversified the proceedings of the House this morning by a speech of about an hour, whereof THE TRIBUNE and its criticisms on his refusal to vote for the Anti-Nebraska candidate for Speaker formed the text. I was not in the Capitol when he commenced, but I have since asked at least twenty Members whether he made out any color of self-justification, and the universal reply is that he did nothing of the kind. I cannot learn that he even pretended to deny the truth of my statements with regard to his course; but he said that I only told half the truth. That was so. I let him off very easy, because some of his colleagues hoped that he might yet come to himself and fulfill the high trust which he urgently solicited and has shamefully betrayed. I will now proceed to state the whole truth with regard to his course, according to the best lights I have been able to obtain. It is as follows: At the Election in his District last year, John A. Hendricks, an Anti-Nebraska Democrat, was regularly nominated as the Republican or Anti-Nebraska candidate for Speaker. Mr. Dunn was dissatisfied with this nomination, bolted, and came out a stump candidate against it. He had once before represented the District, had many friends in it, is a good stumpner, and it soon became evident that, should he and Mr. Hendricks both persist in running, the Nebraska candidate would beat them both. Mr. Hendricks, therefore, after listening to an anti-Nebraska speech from Mr. Dunn, took occasion to say that Mr. Dunn's views appearing to be identical with his own, there was no reason why both should run, and he (Hendricks) withdrew from the canvass in favor of Mr. Dunn. And thus Mr. Dunn elected, expressly, unequivocally, as the Anti-Nebraska or Republican candidate. So chosen, Mr. Dunn came here and professed to act, and cordially sympathize with his Anti-Nebraska colleagues. With them he voted steadily for Mr. Campbell until Mr. Campbell withdrew from the contest, and then he voted repeatedly for Mr. Banks! Next morning he fell away, and has since voted as stragglingly as possible—every time for some one who stood no possible chance of being chosen. Why he