female school in every Ward, except the Second, Third, Fifth, Ninth, Thirteenth, Seventeenth, Nineteenth and Twentieth Wards. In the Eighth Ward there is a male and female colored school. Registered number for term, 14,992. Average attendance, 6,852. Certificates were delivered to pupils who were found deserving, for punctual attendance, diligence, good behavior, and advancement in study, to 2,449 pupils. The teachers are entitled to the commendations of the Committee and of the Board.

Lengthy reports from a Special Committee (Mr. SHANNON, Chairman) on the non-attendance of children in the Public Schools, under the communication of the President of the Board of Education and on the classification of teachers, &c., were presented and ordered to be printed.

The Auditing Committee, of which Mr. ALLISON is Chairman, presented their final report, showing the financial transactions of the Board from the 25th day of March to the 3d day of December, 1856. Ordered to be printed.

The Committee on Normal Schools presented a report relative to the salaries of the teachers in the Normal Schools, which was finally adopted, so as to make the salary of Mr. Hazeltine, Principal, $600, and to add $50 to the salary of the Junior Teachers. A resolution to increase the salary of the teachers in the Daily Normal School was laid on the table.

Commissioner SHANNON offered a resolution of thanks to the President, Andrew H. Green, which was unanimously adopted.

Mr. GREEN responded in appropriate terms.

A complimentary resolution was offered to A. J. Perry, esq., for his valuable services as Chairman of the Committee on Evening Schools.

Commissioners JONES and SHANNON offered some pertinent remarks in support of the resolution, which was unanimously adopted. Mr. PERRY responded, returning thanks for the compliment paid him.

Commissioner WATERBURY in a brief and eloquent address, paid a high tribute to the memory of the late Hon. Robert Kelly, one of the Ex-Presidents of the Board, and in conclusion presented a letter from the members of the Board associated with Mr. Kelly, accompanying a portrait of the deceased by Huntington. Mr. Waterbury gave a sketch of the life and public services of Mr. Kelly, especially in connection with the cause of education. The portrait was received and the letter placed on file.

Resolutions of a complimentary nature were offered to Mr. Gilbert, Clerk of the Board, and to Mr. Williams, Chairman of the Free Academy Committee, Mr. Phillips, Chairman of the Finance Committee, and other prominent gentlemen.

The strange, eventful history of the Board of Education for the year 1856 was terminated with a Buncombe speech from Mr. ADAMS.

BOARD OF ALDERMEN.

TUESDAY, Dec. 30.—Ald. BARKER, President, in the Chair.

Assessments on Churches.—The report concurring to remit $168, assessment on the Methodist Episcopal Church of Yorkville for Central Park improvements, was opposed by Ald. TUCKER as a bad precedent, and finally lost by a vote of 10 to 9.

The Tax Levy.—The report to concur with the Councilmen in the annual tax levy for 1857 came up, and was concurred in by a vote of 15 to 1—Ald. Varian in the negative.

The Tompkins Market report was called up by Ald. Fox, and the Board adhered to former action, notwithstanding the veto by the Mayor—vote 17 to 2.

After passing on sundry tax papers, the Board adjourned to Wednesday at 2 p. m.

BOARD OF SUPERVISORS.

TUESDAY, Dec. 30.—Supervisor ELY in the chair.

Remission of Tax.—A resolution was adopted to remit the tax of John Hecker, at No. 25 Rutgers place, on $25,000 assessed in error. Reports were adopted to remit the tax of John Lee, A. H. Pomeroy, and others.

Interpreter for the Session.—The report to appoint Adolphus Mincho, at present a policeman, German Interpreter in the Court of Sessions on his resignation as policeman, was reconsidered on the motion of Ald. Clancy, and after some discussion adopted by 11 to 6.

Supervisor HERRICK offered a resolution of thanks to the Chair for the year just closing, on which Supervisor ELY, calling Supervisor Varian to the chair, thanked the Board for their friendly bearing to him.

On motion the Board adjourned sine die.

CITY ITEMS.

Miss Laura Keene will shortly produce "The Kentucky Tragedy," a play founded upon an affair which happened in that State in 1826, resulting in the death of Col. Solomon P. Sharpe, an eminent politician, and the then Attorney General of that State, which excited throughout the Union the deepest attention, not less by the singularity of detail with which it was accomplished, or its sympathetic nature, than by its terrible dramatic and tragic denouement, terminating with the suicide of her, the unfortunate cause of the bloody deed, and the death of the perpetrator, young Beauchampe, under circumstances so romantic in their singularity, that, to this day, "The Kentucky Tragedy" is spoken of with earnest interest. It has been carefully dramatized by Mr. C. W. Tayleure, with a success which so pleased Miss Keene, especially, that she accepted and purchased a copy for her theatre. It will be produced at Holiday Street Theatre, in Baltimore, during the present week.

MR. WILLIS'S LECTURE.—Mr. Willis delivered his third and last lecture on Monday evening, at Education Hall, before a crowded and highly appreciative audience, including most of the members of the Board of Education, and the principal teachers of this city and Brooklyn. The music and other preliminary exercises were directed by George H. Curtiss, who was also the recipient of an elegant gold pencil from his music class in the daily Normal School.

Mr. Willis closed his lecture with the statement of a plan for the establishment of an introductory school of music, where teachers could be instructed in the best methods of musical culture, to be made available in their profession. After a brilliant musical interlude which was repeated twice, by Mr. Aptommas, on the harp, Wm. Cullen Bryant addressed the company in a speech of about fifteen minutes duration, in which he fully indorsed Mr. Willis's sentiments as expressed in his lecture.

Misses Charlotte and Viola Flint of Boston sang a couple of duets in a brilliant and effective manner.

A resolution of thanks was offered by the City Superintendent to the lecturer, Mr. Bryant, and to the pupils of the Daily Normal School and their teachers, including Mr. Aptommas for his volunteer performance on the harp, which was enthusiastically adopted.

SABBATH-SCHOOL ANNIVERSARIES—*John Street M. E. Church.*—The anniversary of the Sabbath School connected with the John street Methodist Episcopal Church, was held in the church, yesterday afternoon, at 4 o'clock. About 100 children were present. A goodly number of parents and friends were present. The exercises were opened with prayer by Mr. Davis. Addresses were delivered by the Rev. J. B. Wakely of Forty-second street M. E. Church, and the Rev. Charles S. Harris, the pastor of the church. After the addresses, and singing by the children, the assembly retired to the school room in the basement, where was prepared an abundant supper, to which the children did ample justice. After tea, the prizes were distributed according to merit, and each child received a paper of candy and an orange, with which they were sent home. Throughout the whole proceedings, the children behaved most admirably, and were exceedingly attentive to the addresses.

After the children went home, the teachers and friends remained and enjoyed a sociable hour in contemplating the happy prospects of John street M. E. Sabbath School.

The "Disciples'" Church.—The anniversary of the sabbath-school of the Disciples' Church in Seventeenth street was held in the church last evening. The exercises consisted of duetts, trios, quartetts and choruses by the children, which they managed very creditably; and addresses by the Rev. D. S. Burnett, pastor of the church, and Dr. E. Parmly. At the conclusion of the meeting the prizes were distributed to the children, and all went home with happy hearts. The church was full in every part.

Colored Presbyterian Church.—The sabbath-school belonging to Shiloh Presbyterian Church (colored) in Prince street held its anniversary last evening in the church. Songs and recitations by the children constituted the performance of the evening.

BORDER-RUFFIANISM IN FISHKILL.—A scene took place on Saturday last in and near this village which deserves to be chronicled with the riotous proceedings of the day. The circumstances which led to these proceedings were as follows: Some six years ago, when plank-roads were in their glory, a Company was formed and a charter obtained for a road from Fishkill Landing to Beekman; and, if two-thirds of the residents on the line of road would consent, it was to be laid upon the most direct highway between those places. Such consent was had, and the road was constructed for 7½ miles, beginning at the river. The Company found by this time that the undertaking was more than they had calculated for, and that the profits would be small, if any. They petitioned the Legislature for the privilege of discontinuing the construction of the road. This was granted, as also a petition afterward presented asking the privilege of abandoning any portion constructed, or altering any part to a gravel road. Since the granting of those petitions there has been much complaining by those who at first were against the construction of the road. These have drawn many into their ranks of those who have felt their pockets growing lighter from a continual tax for travel; and occasionally a recruit from those who once were or are now stockholders in the road, those who expected that the money invested would have brought a large interest, but found that interest and principal have gone together.

Meetings have been called by them and resolutions passed; suits have been commenced against the Company; but still the toll has been called for. Some have refused to pay, and against these the Company have commenced suits.

But the *mountain* spirit of many of our neighbors could not wait the slow movement of feed lawyers and decisions of law as to the rights of the Company. So a meeting was called on Saturday last, Dec. 27. Bills were posted calling upon citizens to stand by their rights. The call was responded to by about three or four hundred, who, after making the circuit of the village with flags and banners flying (among which we noticed one inscribed "Liberty or Death"), stopped at the Mansion House. Here speeches were made; some very incendiary, some very flaming, and some very sublime and ridiculous. Resolutions were also passed—one of which was offered by a certain would-be Senator—to the effect that they should proceed to clear the road, and that a subscription should be taken for defending those who should so act. The meeting adjourned amid great swearing and shouting, and most of the company proceeded in sleighs to the first gate below the village. Here the work of destruction commenced. Axes, rails, sticks and stones were called into requisition; and, in a few minutes, the building, gate, fence, and everything were demolished. They then proceeded to the lower one, and it soon shared the fate of the other—in the last instance not allowing the gate-tender time to get his money from the building. They then returned to the village; and, after imbibing freely at the bar and from their jugs, supplied for the occasion, they left for their homes—taking the third gate with them on their way, but leaving the house unharmed.

What will be the result of these riotous proceedings remains to be seen. The Company will doubtless rebuild. The sober portion of the community—even those who are opposed to the road—are very much displeased; and a general feeling of regret is felt that there should be such a spirit of mobocracy among us—knowing that such a setting aside of law and order, if persisted in, must prove a people's sure ruin.

EXTORTION BY A CARMAN—COMPELLED TO DISGORGE.—Michael Mack, driver of car No. 893, was employed on Monday evening by James Bedford, an emigrant stopping at No. 128 Greenwich street, to take his baggage for the sum of $1 to the New-Haven Railroad Depot, said baggage to be in time for the 8 o'clock train on the following morning. Mack was on hand and carted the luggage to the depot, but took care to be too late for the train, and as no other train stopped at the place where Bedford wished to get off, he was obliged to wait in town until the following day. He complained bitterly of the treatment of the carman, but paid him the dollar. The fellow was not satisfied with this sum, but swore he would "drive him to h—l" unless he paid him another dollar. While the dispute was going on, Policeman Quinn of the Sixth Ward came up, and on hearing the story of the emigrant, arrested the carman, and he was taken before Justice Connolly, who fined him $10 and made him restore the dollar he had received.

REMARKABLE LOSS OF BAGGAGE BY FIRE.—A very singular instance of loss of baggage by a railroad passenger, occurred yesterday on the Erie road. A lady on her way from Newburgh to spend the holidays with her friends in New-York, had her wardrobe in a carpet-bag, which was placed in the rack over her seat, and not far from one of the ventilators in the top of the car. During the passage there was a smell of burnt cloth, which could not be accounted for, though it elicited considerable inquiry. On arriving at Jersey City, the lady attempted to take her carpet-bag, when she found that instead of her rich silk robes and fine laces, and snowy white night cap and gown, she had a bag of ashes and a mass of black cinders. In short, the whole of her traveling wardrobe was burnt to tinder, but so confined had been the fire, that the cloth had charred without blazing, but all was totally ruined, and the lady of course felt that her visit was spoiled as well as her clothes. Upon examination, the conductor concluded that the accident had arisen from a spark entering through the ventilator, and calmed the lady's very disturbed mind by assuring her that he thought the Company would make up her loss, and asked her to make out a list of things destroyed, with their value, which she did, to the amount of $60, and to which he appended his statement, and that was presented at the Company's Office, Erie Buildings, and the Treasurer at once handed her the amount of the damage.

MEETING OF CALIFORNIANS—NEW-YORK COMMITTEE OF PACIFIC EMIGRATION.—An adjourned meeting of Californians was held at the Metropolitan Hotel last evening to organize the Committee of Pacific Emigration already noticed in our columns—L. P. DEWEY in the chair. A Board of five Directors, with power to appoint officers, were elected, as follows: James W. Bingham, W. T. Coleman, D. L. Ross, J. B. Bond, E. C. Kemble. The preliminary expenses of association were provided for and the meeting adjourned.

THE NEW-GRANADA CANAL COMPANY CASE.—The case of Mr. Goulard *vs.* the New-Granada Canal and Steam Navigation Company was resumed yesterday at the Lower Police Court by the cross-examination of the complainant. The following is a copy, with the exception of the numbers, of all of the Bonds produced in evidence:

> Bond No. 4. $35. Coupon 2.
> THE NEW-GRANADA
> CANAL AND STEAM NAVIGATION COMPANY
> Will pay the bearer, at the Treasurer's Office, in the City of New-York, Thirty-five Dollars, for six months' interest, due June 1, 1856. M. STARBUCK, Sec.

These bonds were protested June 2 for non-payment. The cross-examination elicited nothing of interest. The case will be resumed on Friday. The charter for the New-Granada Bank in Spanish was produced and ordered to be translated.

CHARGE OF RAPE.—Thos. Welch, an Irish laborer, was arrested, charged with violating the person of Ann J. Francis, a girl between twelve and thirteen years of age, whose parents reside at No. 486 Seventh avenue. It is alleged that Welch seized the girl as she was going out of a building in Sixth avenue, near Fortieth street, where he was at work, took her into a small room, and there committed the outrage. The accused was taken before Justice Flandreau and locked up for trial.

FATAL FALL.—Coroner Connery held an inquest yesterday afternoon at the Fourth Ward Police Station upon the body of Ellen Cull, a native of Ireland, 60 years of age, who died from concussion of the brain, caused by a fall, early yesterday morning, into the cellar of a new building in the Bowery, one door from Roosevelt street. The jury in rendering their verdict took occasion to censure the proprietor of the building for leaving the area unfenced or uncovered.

RUN AGAINST BY A CAR.—Robert Rowland, a carman, residing at No. 180 Avenue B, while loading his cart with lumber, near the foot of Barrow street, was run against by car No. 111 of the Hudson River Railroad and severely injured. He was attended by a physician and then sent home.

ROBBING HIS FATHER.—David Bevier, a boy twelve years of age, was arrested yesterday, charged with stealing a pocket book belonging to his father, and about $54. He was committed by Justice Flandreau.

STABBING AFFRAY BETWEEN BOYS.—Thos. M'Cann and another boy named Kerrigan got into a fight together on Monday evening, when the former drew a knife and stabbed his adversary in the forehead. He was arrested, and Justice Brennan locked him up. Kerrigan was conducted to his residence.

[Advertisement.]

WINTER, 1856.—We have just manufactured from our last importations for the season a very large assortment of our popular Raglans and other styles of Winter Overs and UNDER COATS, from Esquimaux Beaver; double President do., Chinchilla, &c. Also, a very large and beautiful assortment of Raglans, from Beaver Cloths made in perfect imitation of Otter, Seal and other furs, confined exclusively to us.

Our stock of BOYS' WINTER WEAR is very complete, to which we invite the attention of heads of families.

We have also received our last importations for the season of WINTER FURNISHING GOODS—Under-Wear, Robes de Chambre, Shirts, Gloves, Shawls, &c.

We offer great inducements to close out this very large stock of elegant WINTER CLOTHING, as we have commenced the manufacture of our Spring stock. D. DEVLIN & Co., Nos. 258, 260 and 262 Broadway.

[Advertisement.]

GAS FIXTURES.

Cheapest place in America, Nos. 119 and 121 Prince-st., New-York, Third block west of Broadway. JAMES G. MOFFET, Manufacturer.

[Advertisement.]

CULBERT BROTHERS, HOLIDAY PRESENTS.

WATCHES, for Holiday Presents.
JEWELRY, for Holiday Presents.
SILVERWARE, for Holiday Presents.
FANCY ARTICLES, for Holiday Presents.

CULBERT BROTHERS, No. 136 Canal-st.

[Advertisement.]

GAS, GAS—GAS FIXTURES.—Several new and beautiful patterns just completed. Call at our great manufacturing depot, No. 376 Broadway. ARCHER, WARNER & Co.

[Advertisement.]

A NEW-YEAR'S VISIT.

If you wish an agreeable call on New-Year's Day, visit the DUSSELDORF GALLERY, No. 497 Broadway. It is replete with interest, and should not be forgotten by those in search of pleasure or instruction.

[Advertisement.]

HOLMES'S MACHINE PORTRAIT FACTORY open New-Year's day, with 25 artists taking 50 ct. colored Pictures and $1 Photographs. Calls of the million provided for at short notice, 289 Broadway.

[Advertisement.]

A CARD.—Dr. HUNTER begs to intimate that he has returned from Europe and will be at home (No. 828 Broadway) for consultation in BRONCHIAL AND PULMONARY AFFECTIONS during the usual hours daily.

BROOKLYN ITEMS.

NEW-YEAR'S DAY.—Mayor Hall, who goes out of office on the 1st of January, and S. S. Powell, who will assume the office of Mayor on that day, conjointly invite their friends to give them a call at the City Hall on New-Year's day.

TESTIMONIAL TO THE MAYOR.—A house and lot situated on Livingston street has been selected by a committee of citizens for presentation to Mayor Hall, for his exertions during the prevalence of yellow fever in this city last Summer. A service of plate is also to be presented to John E. Cammayer for similar services. The presentation is to be made on New-Year's Day, when the present Mayor retires from office.

THE LATE MURDER IN NEW-UTRECHT.—The prisoner, John Wesley Layman, who murdered Cornelius Cannon on Sunday by shooting him with a pistol on Third avenue, was yesterday committed in full by Coroner W. E. Bennett. He is now confined in Kings County Jail. His demeanor yesterday was about the same as previously, and he talked in the same manner when questioned. Although it is the opinion of some persons that he is insane, the Coroner's Jury do not entertain that opinion, as shown by their verdict, which is as follows:

"The Jury find that Cornelius Cannon came to his death from the effects of a pistol-shot wound from the hands of John W Layman, and that the said John W. Layman did willfully and maliciously shoot and kill the said Cornelius Cannon."

THE NASSAU WATER COMPANY.—In the Common Council, at their last meeting, a communication was received from the Nassau Water Company, inclosing the draft of an act which they desire the Common Council to approve of, for presentation to the Legislature. The act provides for the purchase by the city of the stock and property of the company; for a Board of Commissioners to supervise the construction of the works; the said Board to consist of the present Directors of the Water Company, who are to receive no compensation for their services, each Commissioner to give bonds in the sum of $20,000 to the city. The Commissioners shall elect a president and secretary from their own body. The powers granted to the Water Company by the act of incorporation are to be transferred to this Board. All legal proceedings pending concerning the Water Company are to be transferred to the city. The Commissioners may draw upon the Controller for funds for the purchase of the lands, streams, &c., and to be taken during the progress of the works for payment of contracters. The past action of the Common Council is to be rectified and the bonds already issued legalized. The property of the city is to be pledged for the payment of the bonds and the Commissioners have the power to sell them. The deficiency which may accrue in paying the interest on the bonds is to be added to the taxes for 1858, and yearly thereafter, deducting the revenue of said works. The subject was laid over for action on Friday evening next.

THE ACCIDENT ON THE L. I. RAILROAD.—Coroner Redding held an inquest on Monday upon the body of the woman who was killed at Woodlawn on the Long Island Railroad on the 25th inst. Her name is supposed to be Ellen Burns, although no person has yet identified her. The evidence of Dr. D. E. Kissam, who made the post mortem examination, is that he found no wounds on the lower extremities except a slight flesh wound or scratch above the ankle, and abrasure of the skin over the great toe; the back was much bruised and bones fractured, which he considered the immediate and only cause of death. The injuries were fatal and incapable of relief. The infusion of blood into the spinal canal and pelvic cavity, in conjunction with the the injuries received, occasioned death.

Alex. McGregor, an engineer on the Long Island Railroad testified, that he first saw deceased on the center of the track at Woodlawn, about nine miles from Brooklyn. He blew the whistle, but before he could stop the engine it struck her and threw her down the bank. Reversed the engine as soon as possible, and brought her to Brooklyn. The train was going at the rate of about six miles an hour at the time. J. J. Field, a passenger, testified that the train was going at the rate of 25 miles an hour. J. W. Smith, conductor, testified that the woman was lightly clothed, and had no shoes on; said she lived in New-York.

It is reputed that she is the mother of three children. She had in her possession a coarse comb, thimble, six cents, and a piece of black silk.

The coroner's jury rendered the following verdict: That the said unknown woman came to her death by reason of injuries received by coming in contact with an engine while walking along the side of the track near Woodlawn.

The body will be detained at the Dead-house till Wednesday for identification.

FIRE.—Yesterday morning, about 6 o'clock, a fire broke out in the house of Henry Waring in Willow street. It originated from the heater in the rear basement, and had no doubt been smouldering for some hours before it was discovered. The house was greatly damaged and most of the furniture was ruined. The loss is about $2,000. The adjoining premises were also somewhat injured.

CHARGE OF BIGAMY.—Yesterday George Welsh was brought before Justice Smith on the charge of bigamy. He was charged with having married Hester Lucas during the latter part of the month, after an acquaintance of three weeks. The certificate of marriage with Ellen Denton, on the 8th November, 1855, was produced—who is still living. The evidence being conclusive, the defendant was committed to answer the charge.

THE POLICY BUSINESS.—Samuel Long was brought before Justice Smith yesterday, on the charge of selling lottery policies. His establishment is in Red Hook lane. Several colored persons who had bought tickets testified to the fact, and the defendant was held to answer in the sum of $500.

ATTEMPTED BURGLARY.—On Monday night an attempt was made by burglars to break open the store of Ullman & Bros., corner of Grand and Sixth streets. The approach of Officer Bagley frustrated their progress.

THE INDUSTRIAL SCHOOL.—The Managers of the Industrial School in North Second street intend to furnish the children under their care with a feast on New-Year's Day, and will be happy to receive donations.

CHURCH FAIR.—A Fair, got up by the ladies of the Gothic M. E. Church, was opened last evening at Washington Hall, corner of South Seventh and Fourth streets. It is to continue until Thursday evening.

The Phœnix Total Abstinence Society hold a Temperance Watch-meeting at No. 236 Grand street, this (Wednesday) evening.

EXPORT.—The principal export from the Eastern District during cold weather is ice. Hundreds of loads, taken from the sunken lots filled with stagnant water, are carted to New-York daily.

NEW-JERSEY ITEMS.

INDEPENDENT LECTURE.—George W. Curtis, esq. delivered one of the course of Independent Lectures at the Unitarian Church in Jersey City, on Monday evening, to a large audience. His subject was "Charles Dickens," of whom his address was a glowing eulogy, tempered by criticism.

THE UNDERGROUND RAILROAD.—Yesterday morning a slave, who had escaped from Maryland, passed through Jersey City on his way to Canada.

O. U. A. BALL.—The third annual ball of the American Association, in honor of Amedeus Chapter No. 6, O. U. A. of Jersey City, was held at Commercial Hall on Monday night. It was largely attended.

LAW INTELLIGENCE.

THE HUNTINGTON FORGERIES.

CONCLUSION OF THE ARGUMENT FOR THE PROSECUTION.

The Court-room was crowded as usual on Tuesday morning. At 10½ o'clock Judge Capron took his seat and Mr. Noyes resumed his argument for the prosecution.

Mr. Noyes said that the counsel of the accused did not deny to him the possession of the highest intellectual acuteness for the purpose of acquiring money dishonestly. When necessary to carry out any scheme for money-making, he always accomplished it by means of lying. He had accumulated a large fortune by practicing his devices upon shrewd men—the last men to be deceived by a shadow man. The amount of money which he had received from Harbeck was $851,000, the amount from Belden & Co. $350,000. This intellectual acuteness was so strong that we were not able to dispose of more than $150,000, of more than $500,000 left in his hands. His moral insanity was the same as that for which other criminals were consigned to imprisonment. Was there any doubt on that subject? It was said that a book in Mr. Harbeck's hands had been destroyed. But if Mr. Harbeck in a fit of nervousness put the book in the fire, how could that have injured the prisoner? It could not throw light upon anything that would make for the prisoner. We had the prisoner's own books, and several witnesses to prove the nature of his transactions with Mr. Harbeck. They were identical with those of Bishop & Co. It was one of the most skillful means by which able counsel sought to distract a Jury, to create false issues, and win them, to the exclusion of the real issues of the case. Did the circumstances of the arrest indicate insanity? His cash book was kept by the boy Tracy, not in his name, but as account with No. 52 Wall street. His list of forgeries were kept in a private book by himself; this he kept to aid his memory in taking up this forged paper. He had so many of these notes, that an old one that was due got mixed up with the others. This little accident as some would call it—in reality this direct interposition of Providence—led to the presentation of the note and the close of the career of this most extraordinary criminal. Mr. Huntington said it was all a mistake, that he got the note of Fitch & Harbeck, and the officers were both deceived by him into the belief that he was innocent. Mr. Harbeck became his bail. That he did not run away was no proof of his insanity. He said that he had the notes from Fitch, and gave circumstances which made the supposition plausible. It was no strange matter that a large note-broker should have a forged note. But when confronted with Fitch he confessed that they were all forged, and wept. Was that an evidence of insanity? He remembered in the Baker trial, when his flight was urged as a proof of intentional killing, his friend (Mr. Brady) argued that flight was not an evidence of guilt. Whether they fled or remained, his friend's clients were always innocent. Steam and the telegraph had rendered flight more dangerous than remaining. Shakespeare had explained this plea of moral insanity when he wrote:

"This is the excellent foppery of the world, that when we are sick in fortune (often the surfeit of our own behavior), we make guilty of our disasters the sun, the moon, and the stars; as if we were villains by necessity; fools by heavenly compulsion; knaves, thieves and traitors by spherical predominance."

As matter of law he should contend that it was no defense that the party himself used the name of another, intending to take it up. (8th Carrington & Paine.) Every man was presumed to be sane until the contrary expressly appeared. The prosecution was never bound to show that a prisoner had any mind at all. The law would not allow proof that a man did not know the law, but it would that he was not of sound mind. But the acts of this man showed not only that he was of sound mind, but a most cunning and artful knave, cheating every man with whom he came in contact. Up to this time his friends, as well as himself, never doubted that he was a man of sound mind. There was no thought of insanity until in a letter from one of the junior counsel to a relative in the West. He was never suspected by his brother-in-law, Mr. Clark, to be insane. It was left to the counsel to discover that their friend was insane. He thought that the defense was a mere pretense—that the counsel and the medical men had been deceived by the same art which deceived the most astute men in Wall street. The defense had been spicy on the prosecution. The prisoner had no doubt been prepared for the interview with the medical men. This betrayed a want of confidence in the defense perfectly convincing. If a man was insane, what use in keeping these visits a secret from the middle of November to the middle of December. He accepted the classical allusion of his friend; he would quote the whole of it, and he thought it applicable to those who got up this defense:

"Arcades ambo,
Et cantare pares, et respondere parati."

Our statute prohibited the trial of an insane man. In the case of Freeman there was no such concealment; it was all open and above board. Such was the invariable practice and such was the only honest practice where this defense was set up. His own physician, Dr. Fulgraaf, did not consider him insane; he only thought that he was a reckless fellow, and that he (Dr. F.) had better be careful to get his pay in advance. Mr. Noyes referred to Dr. Ray, whom he called a sort of visionary on the subject of insanity. Every man who was insensible to moral consequences, he said, no matter how acute might be his intellectual condition, was considered to be insane by Dr. Ray. Among other points derived from Beck, Mr. Bryan had referred to Hamlet. But Hamlet was a simulated lunatic; Ophelia was the real one; Hamlet figured insanity for the purpose of detecting a crime which rested on no mortal evidence, but of which he wished to obtain earthly evidence. Of the medical gentlemen examined, one—Dr. Parker—was his intimate friend; and nothing gave him more pain than to be compelled to examine his course with some degree of severity. He had a right to complain that these gentlemen took no precautions; no notice was given to the prosecution. When great crimes had been committed and the defense was insanity those who believed it to exist should take some pains to have a fair investigation. They had a theory to support, and Dr. Ray cautions against the testimony of a man who has a theory. From Huntington's own declarations he would show that he played a part. Dr Parker asked him if he had laid away anything, and on his negative answer bases his opinion in great part. But this was untrue. He had concealed the jewels; he had a place in the country, and $300,000 to $350,000 of which no account was made. Huntington told the doctors that his reputation with regard to women was undeserved; he showed a sense of wrong—that he never could entirely eradicate his moral notions. He had fitted up a house near his own of a questionable character and left it tenanted by women and paid four months rent in advance. He told Dr. Parker that he did not sleep and had blacksmith's sparks in his eyes. But this was not the case for two years before; his own physician said no such thing. The opening for the defense had been submitted to his friends, his father and his wife, and sanctioned by them on the night before the 19th of December. In that written, that carefully prepared opening, it was stated that "from the time the mistaken prosperity commenced, something more than a year ago, he has slept sweetly." It was indeed strange that these physicians should have gone there expecting to hear the truth from a man supposed to be a monomaniac on the subject of forgery. Dr. Parker, you will remember, says that he is a monomaniac; Dr Gilman says there is no such thing as monomania, and that he is insane. Spiritualism had been rife lately. Many of us believed that those who believed in it were so far insane. But were all Spiritualists to be acquitted of crime on that account? The abominable extravagance of Dr. Gilman, in some of his declarations, sent a thrill of horror through the Court. We did not think it necessary to attempt to answer this theory of insanity; it is not the theory of the law, and God grant it may never become so. These doctors destroyed each other. Dr. Parker said it was a monomania—a mania for making forged paper; Dr. Gilman declared that there could be no such thing—that he was wholly insane. Mr. Brady had called this ferromania. But if one went back to the iron idea it would rather indicate that the mania was for fashioning weapons. He thought rather that it was what the District Attorney had called it—a moneymania. Mr. Brady had called it a pseudomania. Mr. Noyes read to prove that this mania was an innocent and harmless mode of exaggeration. In short, it was never heard of that a man was insane, in the books. Both of these doctors place great stress on his indifference to the consequences of his crimes. But a man who had deceived so many before, whose life had been a continual simulation of an honesty which he did not possess, could he not simulate an indifference to the consequences of his crimes? There was no wonder that the newspapers, regarding themselves as sentinels to give alarm when the settled rights of men were in danger, should exclaim against this attempted subversion of the law of the land. Dr. Gilman had said that the law of the land was all nonsense, in an address before a class of medical students. In that address he had founded insanity entirely on physical disease; the law looked to the mind for it. Dr. Gilman said that insanity was a disease of the brain by which the freedom of the will was impaired. But the law did not so consider it. Lunatics were sometimes even allowed to appear as witnesses. But in every case where partial insanity was recognized as an exemption from punishment, there was always a delusion. These doctors were guilty of a great wrong in attempting to usurp the place of the law-makers, and even the Judge upon the bench. The law was like religion, calculated for the moral government of mankind, and if a man knew he was doing wrong he was bound to refrain from it, and if he did not he was a fit subject for punishment, both from the law of God and the law of man. These same doctrines in relation to these matters, and which were in his (Mr. Noyes) view so abhorrent to society, were entertained by Dr. Ray.

Mr. Noyes here adduced various decisions of Judges, and the opinion of medical writers and others in support of the doctrine that a man may be insane and yet be amenable for acts of criminality. But if the doctrines of the defense and their supporters were to prevail, it would inaugurate a gala day for criminals. In conclusion Mr. Noyes thanked the Jury for the patience they had manifested in this important trial; for their forbearance, and indeed the forbearance of the Court, and their disposition to accommodate, he was grateful. It had been more than an ordinary trial to him. He would not have remained here if it had not been for the important consequences which appeared to him were involved in this prosecution. It seemed to him that the interests of this community in many of its moral aspects were doubly at stake. He knew of no criminal prosecution for years fraught with such consequences, if such a defense as this was to succeed. He rendered to them (the Jury) grateful thanks, and to the Court also, for the kindness and attention they had exhibited toward him. He invoked the Divine blessing upon them, to bring them to such a conviction, that while injustice might not be done to the prisoner at the bar, crimes in general should not go unrebuked, and this great crime should not go unpunished.

Mr. Brady defended the house of Mrs. Messerole from the charge made by Mr. Noyes, that lady boarders were kept there, and declared that the opening of Mr. Bryan was not read to an assemblage of Huntington's friends. He had also gone into a statement to show the amount which remained unaccounted for by Mr. Huntington. He did not know what the Judge would say as to the facts.

Judge Capron—I shall say nothing as to the facts. I do not consider it as the province of a Judge to comment on the facts in a case.

Mr. Brady said he was very glad to hear it, and he wished there was a law preventing him (Judge Capron) from doing so. In the calculation of the amount which they said Huntington had not accounted for, no account was made of the property assigned for the benefit of the Harbecks and Beldens.

Mr. Noyes said that he was somewhat surprised that, in the course of so long an argument, he had made no more mistakes than Mr. Brady had pointed out. It was in evidence—and he read from the testimony of Mr. Clark to prove it—that the substance of the opening was stated at the meeting of the prisoner's friends the night before the opening was made.

At 1½ p. m. the Court adjourned for half an hour.

JUDGE CAPRON'S CHARGE.

At 2:15 p. m. the Court reassembled and Judge Capron delivered the following charge:

GENTLEMEN OF THE JURY: This trial may justly be denominated a remarkable trial. In several respects, at least, it will, I predict, be hereafter cited as the most extraordinary trial for forgery, recorded, down to this time, in the criminal history of our own country, if not of the world. Speaking from the evidence given on both sides, and having no reference to it as particular subject matter of this case, we may safely assert that the large amount of alleged and admitted forgeries developed by this investigation, estimated not in thousands of dollars, nor in tens of thousands, but in hundreds of thousands, and the vast amount of deposits made in various Banks to the credit of the accused, founded on such forgeries, estimated in millions of dollars, the length of time covered by the repetition of these forgeries, extending not to days, or weeks, or months, but to years; the uniform success which attended the schemes of the accused in the absence of all system and order in their prosecution; the astounding facts that his operations, being ostensibly nothing less than whole-

[illegible]

to the Jurors' room for final determination, and I trust that you will enter on the discharge of this closing duty under a proper sense of its solemn import to the accused, and of the no less grave public considerations which are involved in the result of your deliberations. You should, if possible, find a verdict. If the accused be guiltless, every motive of humanity, as well as of justice, demands that he be promptly restored to his family and to society. If he be guilty, the interests of the whole commercial world require that he be certainly and speedily punished. Let neither party have just cause of complaint.

During the delivery of the charge, the prisoner, although he leaned back in his chair and tilted backward and forward gently, still manifested considerable anxiety. His brow was contracted with an expression of pain; his eyes seemed unable to look at any particular thing; and his mustache did not so entirely cover his lips as to conceal an almost imperceptible tremor.

At 3½ o'clock the Jury retired and the Court took a recess to 7½ o'clock.

THE VERDICT.

At the appointed time Judge Capron took his seat on the bench. The Jury came in and responded to their names.

On being asked if they had agreed upon their verdict the foreman responded that they had. It was handed to the Clerk, who read it, as follows:

We, the Jury, find the defendant GUILTY as charged in the indictment.

Huntington heard the announcement without the slightest perceptible emotion.

Shortly after the rendition of the verdict, Mr. Hall, the District-Attorney, moved for judgment.

Mr. Brady acquiesced, but hoped that sufficient time would be allowed Huntington before the sentence was carried into execution to enable him to settle his affairs.

Mr. Hall said that he presumed the Court had no discretion in the matter, though he should throw no obstacle in the way of such a course if it were deemed advisable.

The Court said, that in the case of Wills & Connelly, recently tried, he had occasion on a similar motion to examine into the question whether in fact the Court had any such power. As the result of that investigation, he was satisfied that the Court had no power to pass a conditional sentence deferring the time or execution. However strong might be the desire of the Court to enable the prisoner to settle his affairs, yet with the law before him, he (the Judge) believed that no such power existed in the Court, and he must therefore deny the request.

Judge Capron then proceeded to deliver

THE SENTENCE.

He alluded to Huntington's position in society, and said that that could weigh nothing in mitigation of the penalty; indeed, the circumstance of a high birth, good moral and intellectual training, rather increased than diminished the criminality of the act, as one thus reared and restrained by the influence of correct associations had less inducement to do wrong. And when crime was committed under these circumstances it only evinced a greater depravity in the offender. He should, therefore, in passing sentence on the prisoner, inflict upon him the full penalty of the law, which at this season of the year was four years and ten months' imprisonment, at hard labor, in the State Prison.

The Court then adjourned for the Term.

On the first ballot of the Jury, after retiring, it was found that they stood nine for conviction, two for acquittal, and one for acquittal on the ground of insanity.

The trial of Huntington is the last official act of Judge Capron—his term of office expiring at 12 o'clock to-night. His official career has been brief, he having been appointed by Gov. Clark in January last, to fill the vacancy in the office of City Judge, occasioned by the resignation of Judge Stuart. Previous to his ap-