TWEED'S TRIP TO THE CITY.

THE EX-BOSS VISITS HIS OLD DUANE STREET OFFICE.

Hardly a Corporal's Guard to Do him Reverence—The Writ of Habeas Corpus a Failure—A Writ of Error to be Tried—A Hasty Return to Blackwell's Island.

A small gathering of men patiently waited from 8 o'clock until about 11 yesterday forenoon at the foot of East Twenty-sixth street expecting to see William M. Tweed on his way from Blackwell's Island to the Court House. The island boat was scanned on each of its two forenoon trips, but the stalwart form of the old Boss was not visible.

The writ of habeas corpus which Judge Barrett had granted was returnable in the Court of Over and Terminer at 11 o'clock, and when that hour was past the loiterers at the ferry dispersed.

Two hours before this Tweed sat in Warden Lincoln's parlor on the island waiting to be taken to the city. He was dressed in a suit of dark gray cloth, the same that he wears in his county confinement. His hair and whiskers were worn in the old style. He was outwardly the same as when he made wardens instead of unmaking them. His son William M., and his secretary, Foster Dewey, were landed on the island shortly after noon and they met the ex-Boss and Warden Lincoln in the parlor. Tweed at once gotten to overcoat and hat, and the four walked down to the steam launch which plies between the island and the city. Instead of taking the boat direct to the foot of Twenty-sixth street, the warden had been induced to agree to land his boarder at Sixty-fifth street and so foil the reporters. The party drove in a fully carriage was secured, and when the boat got in, an officer in plain clothes climbed up to the driver, and off they went. They were taken at a rapid pace down Third avenue and the Bowery to Tweed's private office in Duane street. The exit from the carriage and the ingress to the office were so quickly accomplished that no crowd was attracted.

THE NEEDLESS TRIP.

The visit of Tweed to the city was unnecessary. On the previous day his counsel consulted with District Attorney Phelps upon this point, and it was agreed that his presence in court was not required. It was said that the bail bond would be given to exhibit himself, and readily promised to take no advantage of his absence.

It was about 10 o'clock when the party went into the office. Tweed was talking with the old running rapidly, when the door closed behind them, and he made an outward show of gaiety of heart. His exuberant mood was such as to give his indulgence in out-door exercise, and there was no danger to mould on him. Forgetting the past year, one might have imagined him as returning from Greenwich, and anxious to be out in his office among his "the boys."

Ex-Judge Fullerton, Field, ex-Judge Comstock, Mr. John H. Mc. Mr. Willard Bartlett, and Mr. E. M. Heath, the legal defenders of the notorious convicts, soon arrived, and none but they were admitted to the office.

THE LEGAL ENCOUNTER.

In the Court House there was the flurry in the corridors which always precedes unusually interesting proceedings. There was no great crowd, however, although the coming of Tweed was expected by everybody except the few who knew of the exceptional favor of absence that had been granted. It had been supposed that the former associates and adherents of the Boss would crowd the Tombs to suffocation, and placemen were posted at the doors and on the corridors; but there was no such thing. There were reminders of old time Tammany in that crowd. Scarcely a "heeler" of other days would have greeted "the old man" had he come. It was a gathering of the elders. Lawyers enough to fill the rained enclosure, and spectators enough to fill the rest of the Over and Terminer Court room, were admitted, and the excluded people, upon finally being told that Tweed was not coming, quietly dispersed. Those who had secured seats craned their necks at the entrance of each new comer, and refused until they let to believe that there was to be no sight worth seeing.

At 11 o'clock Judge Barrett was on the bench, the prisoner's counsel were formidably arrayed, and District Attorney Phelps rose to begin the legal battle. He had not expected Attorney-General Peckham to assist him, but disappointed in that, was still reluctant to ask for delay. He regarded the matter, however, as so plain that there could be but one result. As Mr. Phelps stood with his back complacently to a table, and with a big face all composence and blandness, there could be no doubt that his estimate of the result consigned Tweed to the whole dozen years of imprisonment.

Mr. Phelps moved that the writ be quashed on the ground of informality in the verification, the return—William M. Tweed, being duly sworn, doth depose and say—not being in form in the above petition subscribed by him as true." The fault was, the District Attorney stated, that the verification did not make Tweed swear that he was not detained by a judgment of a court of record, and, according to the ruling of the General Term, he was entitled to inquire further when the competency of the tribunal which tried the prisoner was questioned.

ASTONISHMENT OF THE DEFENCE.

Mr. Field replied. His show of surprise at the point raised by his able, learned, and honorable opponent was well done. He advanced from his seat to the judge's desk in his forensic gesticulations, indicative of earnest protestation, were very artistic. He said that the form of the verification was the usual one, and that the point—Attorney cried in confounding the court not to be taken advantage of, and the validity of the verification. In this case only one question was raised and decided, and one fine had been paid, and the court raised was that the imposing of a second fine had been an error. If this position was correct, then certainly his Honor should not have sent the prisoner back. He was no other way for him to learn the validity of the court which sentenced Mr. Tweed, thus disposing Mr. Tweed's allegation that it was not competent, except by an inquiry on the returns of a judge.

Ex-Judge Comstock, who was venerable, old school, and ex cathedra in expression, followed Mr. Field on behalf of the prisoner. He conceded that erroneous decisions would properly be reached by a writ of error, but he was equally sure that the question of jurisdiction ought to be passed upon under a writ of habeas corpus. The defence intended to first challenge the jurisdiction of the court which tried the case. After that they would question the legality of the judgment which he believed to have been illegally imposed. Upon one verdict, on an indictment more extraordinary in any other land than in Turkey, twelve years had been pronounced. The defence intended to claim that more than one sentence was not authorized by the indictment or the verdict.

THE WRIT QUASHED.

The District Attorney spoke again, reiterating his points, citing authorities, and urging that only by a writ of error could the question of jurisdiction be properly brought before the defence be properly brought before a competent tribunal for decision.

Judge Barrett was known to have a decided opinion, and when it was announced that he would give it, the crowd in the court room was a star of interest. The judge, in a clear, cold utterance, who eagerly awaited the decision of Judge Barrett.

and the Honor, "seems to call for a discussion of the merits of this character. It is a very grave question, as it seems to me, and as I have thought, as it seems to me, as those who are entitled to prosecute a writ of habeas corpus, that the final judgment of a competent jurisdiction. It provides in terms that if it be not so, then it must state that it is not to be construed that the court shall remand the prisoner if it appears that he is detained by virtue of a judgment of a competent tribunal. No court or officer has a right, on a writ of habeas corpus, to inquire into the validity of any such judgment. This is too plain for a discussion. The statute provides that that any court or officer having issued a writ shall dispose without delay, upon the return thereof, of the arguments made by the prisoner, if he is not entitled to prosecute a writ of error, and that plainly appears in this case from the record. There is a distinction between courts of civil and criminal jurisdiction. The statute says that if the prisoner be held by virtue of the judgment of a civil court, he is discharged if it appears that the court exceeded its authority. But that is notably omitted in the case of criminal courts, for which there is no provision taking the jurisdiction. One cannot impeach the legality of a sentence under a writ of habeas corpus, but the statute provides that one may by a writ of error. There is no any question that Over and Terminer had general jurisdiction of the question sought to be raised, being that it had jurisdiction. Nothing of that kind is pretended in regard to criminal courts, for the reason that it is not to be reached by a writ of error. It is not that no Judge shall review the acts of a Judge sitting in the same court. There is such an investigation. These facts appear on the papers, the return, the judgment, and the order granted; and the motion to quash it, in my opinion, ought to be granted. The prisoner is discharged.

AFTER THE REVERSE.

The spectators, forgetting that Tweed's cause was not the only one pending in the Over and Terminer, supposed that the court was adjourned with this decision. They put on their hats and scattered over the seats toward the door, under the impression that the prisoner was now awaiting the decision in some antechamber, and that they might get a glimpse of him if they were sufficiently active.

Order, order, shouted the crier; "the Court has adjourned." The crowd poured in, but the seats were at once uncovered, but the proceedings continued until the room was nearly full. The lawyers gathered up their books and papers and went out too. Foster Dewey started for the adjacent office, where Tweed had been waiting for hours and reading the newspapers during the hour and a half of waiting. The adverse decision did not surprise him, although he had been more sanguine than his lawyers. The two boys had remained with him, and a meal had been sent for and eaten. The carriage had stationed in front of the building since the forenoon. The lawyers walked across the Court House, and later were seen in the office with Tweed and his private secretary. The conference lasted before 3 o'clock. Then Tweed put on his coat and hat, and walked down stairs with William M. Jr., and Warden Lincoln. There was a knot of men and boys on the side walk, and they peered saucily into the old man's face. This seemed to annoy him, and he pulled down the brim of his hat with an angry jerk, and stepped quickly to the carriage. He took the rear seat, and leaned back out of sight. There was not the show of good humor that was noticeable in the morning, and he acted as though more anxious to avoid recognition. Warden Lincoln sat on the seat with his prisoner, and the son faced them.

THE RETURN TO THE ISLAND.

A fellow in worn clothes, who might have been a displaced politician of low degree, shouted, "Three cheers for the Boss!" There was no response, and he hadn't the courage to cheer alone. Before the rapidly augmenting throng had gained very great proportions the driver cracked his whip, and the horses started forward. At the corner of Broadway the carriage was hindered by a crush of vehicles, and, as a few persons had followed and were staring in at the window, young Tweed tried to close it. The delay was but momentary, and then they were off again at a moderate rate of speed up the crowded thoroughfare. Past the Metropolitan Hotel, which one of his last projects was to make his political headquarters, and past his gorgeous family mansion in Fifth avenue, Tweed was taken to the foot of East Sixty-first street. There the steam launch was waiting, and there the convicts visit to the city ended.

The propriety of this visit was severely criticised in the District Attorney's office. Mr. Phelps sent a letter on Tuesday to Warden Lincoln, saying that Tweed need not be brought over. The opinion prevailed in the office that, having disregarded this privilege and brought the prisoner away from the penitentiary, the warden had no right to take him anywhere but to the Court of Oyer and Terminer and back again immediately after the decision was rendered. The special privilege of a long stay in his office, without adequate precaution against an escape, was condemned as an unusual and dangerous favor.

The day of revived public interest in Tweed closed with various rumors of his escape. These stories were authoritatively refuted last evening by a despatch from Warden Lincoln announcing a safe arrival on Blackwell's Island.

The next effort for a legal release will be in the form of a writ of error, which will probably be applied for to-day.

A Little Mill in the Astor House.

Mr. Peter K. Dunning of the City of Churches and Mr. Herbert Strout of New York met in the Astor House last evening and engaged in a warm discussion over the case of Mr. Tweed. Mr. Dunning remarked that he hoped Tweed had escaped, and that it was unjust to keep him in confinement while all the political thieves in the country were allowed to go unmolested, especially the Republicans.

Mr. Strout, who is a warm Republican, indignantly asked where were the thieves like Tweed could be found in the Republican party.

"In Washington, by the two dozen," replied Mr. Dunning.

"You lie," retorted Mr. Strout.

"Ah, ah!" ejaculated Dunning, as he took his open hand from Strout's face.

"Oh, oh!" shouted Strout, as he caromed on Dunning's nose and right cheek.

A few exchanges then took place, when the belligerents were separated by mutual friends, and they left the hotel.

THE VOICE OF VIRGINIA.

Gov. Kemper's Message to the Legislature—The Effect of the Fall Elections.

RICHMOND, Dec. 2.—The General Assembly met at noon to-day. Gov. Kemper submitted his annual message. He favors the recapitalization of the State debt in uniform obligations, payable in thirty years, bearing an annual interest of four per cent. sterling. A plan for providing a State currency is proposed, which, the Governor believes, would relieve one of the most grievous wants of the people. He renews the recommendations of his first message on immigration, and says the State should be its own agency in the matter, thereby freely giving to actual and prospective immigrants information in authenticated form, and insuring them against all impositions, &c. He recommends stringent anti-effectual legislation to prevent gross inequalities in charges on some of the railroads, especially at points where competition does not insure proper charges. He favors the completion of the central water line by the common government, and urges the withholding of national aid to enterprises that can not might contribute to the consummation of that great work. The Governor makes numerous other recommendations looking to economy and improvement in the State Government. The following extracts give an idea of the Governor's views in regard to the political situation:

Recent events create the hope that the Government of the Union is to be brought back to the Constitution; its ancient landmarks and trad ions recovered and respected, and fraternal relations revived throughout the country. They cheer the oppressed and despondent southern people with the promise that the burdens which have so long borne them down are to be lifted off. The most auspicious day for the honor and well-being of the whole country will be that on which the great export-producing States are restored to peace and productive energy by being restored to their constitutional rights and relations. We may rest assured of success as soon as the repeal, or judicial amendment, of all the enforcement laws shall peacefully relieve us from the harassment and apprehension of military and civil officers, and the fear of being arrested in advance of any offence, or being tried for offences under laws not in force in the place where committed, or being carried off for trial by a military force, to be imprisoned in distant States and Territories, without the benefit of trial by jury, or any other of the safeguards of the Constitution. Nothing of that kind is pretended to be done in the case of the Southern States. Their citizens are not to be tried for political offences, or for any other offences, except by the ordinary tribunals, and juries of the vicinage, and the Constitution is to be their guide and shield. Their rights are to be the same as those of other citizens. Their property is not to be taken from them except by the ordinary process of law, and they are to be secured in the enjoyment of it. Their persons are not to be invaded by military or other forces, to be quartered on them in time of peace, and their houses are not to be searched, and their papers and effects are not to be seized, except upon the oath of a magistrate, and by a warrant specifying the place to be searched and the persons or things to be seized. Their elections are not to be controlled by military or other forces, and their representatives are not to be excluded from their seats in the Congress of the United States by the decision of any other tribunal than their respective Houses. The Constitution of the United States is to be their guide in all these matters, and they are to be treated as other citizens are treated who are not charged with any crime or political offence