NEW YORK HERALD.

JAMES GORDON BENNETT,
PROPRIETOR AND EDITOR.

OFFICE N. W. CORNER OF FULTON AND NASSAU STS.

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New York, Wednesday, Feb. 18, 1852.

Summary of News.

The letter of Kossuth, returning thanks to Congress and the government for their hospitality and kindness, was received by the United States Senate yesterday. From the apathy with which the reading of this letter appears to have been listened to, it is surmised that the Kossuth fever has exhausted its virulence, and is fast disappearing from the national capital. Mr. Mason, of Va., expressed his views with regard to the bill granting land to Iowa for railroad purposes. Mr. M. opposed the principle of dividing the land among the States for any purpose, and also of granting large tracts to foreigners, who, taking possession of the soil, in large bodies, rendered it almost impossible to Americanize them, from the fact of their not speaking and writing the English language, and of their not being in a position to become thoroughly conversant with our laws and institutions. He preferred a graduating price, in order that the longer the land remained in market the less would be asked for it. By this method the good and poor would all eventually be disposed of.

The debate on the mileage question was again resumed in the House of Representatives yesterday. Mr. McMullen, of Va., in the course of his remarks, stated that he was in favor of giving Congressmen a fixed salary—say $2,000 per annum, with ten cents a mile for travelling expenses. The adoption of such a system would certainly have a tendency to push the national business ahead; but there is no probability that it would meet the views of a majority of Congressmen, who depend upon making a living out of the public crib by elongating the sessions through useless debates. It will be seen that the debate was spiced by the arraignment of Mr. Toombs for voting for the Galphin claim, and of Thaddeus Stevens for leaving his seat to defend the Christiana rioters.

Our special correspondent at Washington, writes that the Senate, in executive session, yesterday, had under consideration the nominations to fill the places of the deposed Judges for Utah. It is understood that Brigham Young, the Territorial Governor of Utah, has been dismissed, but that no appointment has yet been made to fill his place. The sending of "Gentile" officers to rule the Mormon Saints will be apt to cause considerable stir in the region of the Salt Lake. Perhaps it will be found expedient to delegate a few companies of troops to accompany the new civil officers, and assist them in maintaining and dispensing the laws of the land.

In the State Senate, yesterday, Mr. Beekman introduced his bill for the abolishment of the license system, and allowing the Board of Supervisors to regulate the liquor traffic. In the Assembly, the bill repealing the law of 1851, relative to the appointment of the New York Chief of Police, was ordered to be engrossed. Considerable debate transpired on the bill to amend the general railroad law, but no definite action was had. The use of the Assembly Chamber, on Thursday evening, was granted to the scientific gentlemen who have been invited to address the Legislature.

Great sensation has been produced among the inhabitants of Cleveland, Ohio, in consequence of the discovery of the remains of several persons in a cess-pool near the Homeopathic College. Some of the remains having been recognized, the fire bells were rung, the people assembled in great numbers, the college was besieged, and a committee was appointed to examine the interior. In the course of their investigations, the committee discovered several bodies and parts of bodies. At last accounts, the mob had entire possession of the building, which they had twice unsuccessfully attempted to burn down. The military had been called out, and the entire city was in a most extraordinary state of excitement.

We have received the melancholy announcement that the Lexington (Ky.) Lunatic Asylum was burned on Monday, and that one of the unfortunate patients perished in the flames. Several of the inmates are also said to have been greatly injured.

The pardon granted to the Spanish sailor, Antonio Lopez, was communicated to him by Mr. Chacon, the Spanish Vice Consul, yesterday afternoon, about half past two. His Excellency Gov. Hunt has granted the pardon on condition that he should immediately leave the United States, and return to his country, where we understand he is the only support of aged parents and young sisters. Lopez, according to all accounts, has always borne an excellent character, as an honest, industrious, and sober man, and we think that Governor Hunt, in pardoning him, has reciprocated the generosity of her Majesty the Queen of Spain towards Mr. Thrasher and the American prisoners engaged in the late unfortunate Cuban expedition. We give the correspondence on the subject, in another column.

Many items of interest from Mexico and elsewhere, will be found under the telegraphic head.

The steamship Canada has now been out seventeen days, from Liverpool.

Numerous reports of lectures, courts, &c., in connection with a vast amount of interesting foreign and domestic readings, are unavoidably deferred till to-morrow. Our advertising friends appear disposed to take entire possession of our columns.

HUMBUG EXHIBITIONS—THE AZTEC DWARFS.—Two of the evening papers, which circulate a few hundred copies daily among a few old people—the *Evening Mirror* and *Evening Post*—have published an affidavit by a Joseph Morris, imputing venality to the proprietor of the NEW YORK HERALD, and asserting that such was the reason that the stories published about the Aztec dwarfs were discredited in our columns. These imputations and assertions, sworn to by Morris, are utterly false in every respect. As a first step in showing the truth, we give the following card of Mr. Edward W. Hudson, one of the persons alluded to in the affidavit of Morris:—

A CARD.

The affidavit published in several papers of this city last evening, signed by a Joseph Morris, relative to the course pursued by the HERALD, with respect to myself regarding a certain humbug exhibition in Broadway, is a tissue of falsehoods, and wicked, malicious misrepresentations. I shall reply to the above named individual to-morrow, by a counter affidavit, and shall accompany mine with the affidavit of another gentleman, who was present each time this person, calling himself Morris, conversed with me. E. W. HUDSON.

NEW YORK, Feb. 18 1852.

To-morrow we shall give four or five affidavits, all proving that the sworn statement of this Joseph Morris is utterly false. We shall, furthermore, immediately commence legal proceedings against the said Morris, and all those newspapers that have published the false charges against us, in which there is not one word of truth. The exhibitor of these humbugs called several times at our office, begging for notices, and soliciting the editor or reporters to examine the dwarfs. Believing that it was just as much of a humbug as the exhibition of Joyce Heth and the Fejee Mermaid, we refused, in every way, and would not not become a party, in any shape or form, to deceiving the public about a couple of dwarfs, bought for ten dollars the pair near Chagres. Having been once deceived by an exhibition of the same kind, in the case of Joyce Heth, it has been very difficult to catch us again, and probably will be so as long as we live.

The Holy Alliance of Temperance—Its Progress and Consequences.

This evening will be the Jubilee of the new Holy Alliance. There will be a grand cold water demonstration at Metropolitan Hall—a banquet of the National Temperance Society—at which General Sam Houston, the Hon. Neal Dow, the author of the Maine Liquor law, and other notabilities, will be present. A magnificent gold medal, weighing four ounces, of pure gold, is to be presented, on this occasion, by General Houston to Mr. Dow. On one side is the seal of the National Temperance Society, the national eagle drinking the pure waters of temperance as they gush from the solid rock; on the margin the inscription, "National Temperance Society, organized Sept. 23, 1850; incorporated Feb. 1, 1851." The reverse contains an elegant wreath of oak and laurel, surrounding the following inscription: "Presented to Neal Dow for eminent services in the temperance cause. New York, Feb. 18, 1852." We are informed that the tickets for the banquet—price three dollars each—are nearly all taken, and that the society have issued a limited number of tickets, at fifty cents, for the gallery, intended chiefly for the ladies, and not entitling the holders to any share in the good things of the banquet—a punishment almost as cruel as that which we are informed in ancient fable was inflicted on Tantalus in the infernal regions, who, fainting with hunger and thirst, was surrounded by the most tempting fruits and the most refreshing streams of water, yet was not permitted to touch, taste, or handle, food or drink of any kind. It is a curious arrangement this, on the part of the committee, to imitate Pluto and tantalize the ladies.

While the teetotal movement is thus going forward in the State of New York—and above all, in the great metropolis—it has extended to other States, showing that there is a central body, probably at Washington, pulling the wires, and simultaneously putting the politicians into action in various parts of the country. We learn that Mr. Benjamin R. Miller, one of the Native American members of the House of Representatives, from the county of Philadelphia, introduced a bill last Wednesday, into the Legislature of Pennsylvania, prohibiting the liquor traffic, in any shape or form, and being far more stringent in its provisions than even the law now in force in the State of Maine. The introduction of the measure produced a considerable stir among members, and has caused more than ordinary excitement among wholesale dealers, retailers, and various interests that will be seriously affected by the law, should it be enacted by the Legislature. It has also been just introduced into the Senate of Indiana, though not adopted. It has been brought into the Legislatures of Massachusetts and Rhode Island. In Connecticut and other States the movement is making rapid progress, and in a very short time we may expect to see its ramifications spread over the whole Union—East, West, North, and South. In this State it is already advancing with the speed of a locomotive; but to-night a full head of steam will be put on, and a new impetus will be given to the Holy Alliance, that will make it go ahead with a vengeance; and unless it gets off the track, or bursts its boiler, it will be crowned with a speedy and complete victory.

This Holy Alliance is a curious one. It is composed of as many ingredients as the witches' cauldron of "hellbroth," described in Shakspeare's Macbeth. It consists of "black spirits and white, red spirits and gray,"—wily politicians, red republicans, mad republicans, socialists, Fourierites, communists, abolitionists—white-livered and black-livered—spiritual rappers and clairvoyants, blaspheming atheists, and pious ministers of the Gospel—all associated and fraternized, and exhibiting as much harmony as "the happy family" of the cat and the rat, the hawk and the sparrow, the eagle and the swan, the fox and the goose, the wolf and the lamb, and whatever other carnivorous beasts, and birds, and reptiles, are collected in the same vast cage with those gentler creatures which, in the wild state, are their ordinary and devoted prey. It is a most marvellous sight, and actually anticipates the millennium foretold in Holy Writ, when "the wolf shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the young lion and the fatling together, and a little child shall lead them. And the cow and the bear shall feed together—their young ones shall lie down together; and the lion shall eat straw like the ox. And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice's den." Thus, in the Holy Alliance, there are no antipathies, and no evil passion touches a discordant string. All is harmony and love; and the only drawback upon such complete happiness is the apprehension that it may not last for a thousand years—not even till the spoils are divided.

But we fear that though the Alliance is so holy, so happy, and so harmonious within itself, its action will not produce much happiness, or harmony, or satisfaction outside. It will be peace at home—war abroad—war to the scalping knife and tomahawk. It will be a war of aggression and death, without hope or compromise—the standard of the Alliance being a black flag, with a death's head and cross bones painted on either side. It will be a war against a great variety of classes and interests; and if it is successful, it will overturn from its foundations the present framework of trade and commerce and social and domestic life.

It is not the rumsellers and rowdies, and the politicians who managed the primary elections by the copious use of grog, that will be alone affected by this movement. It is not the five thousand five hundred venders of rot-gut—Irish, Germans, Americans—and their waiters and families—probably numbering some hundred thousand persons in all—that will be demolished at "one fell swoop." It is not merely the office-holders, place-hunters, and rum politicians that will be decapitated by the guillotine of tectotalism. It is going to produce a tremendous effect upon agriculture, and trade, and commerce, real estate, and other property. The grain formerly used in breweries and distilleries will lie rotting, for want of a home market, in the farm yards of our agriculturists, or they will be compelled to sell it at greatly depreciated prices, for export to foreign markets already glutted. When the farmer gets bad prices for his produce, it is needless to say that he can afford to make but very few purchases at the dry goods stores. The rents of stores will be affected to a great extent, and many of them will be left vacant. The breweries and distilleries having been closed, there will be a large class of labor thrown suddenly idle upon the community. The commerce of the city will receive "a heavy blow and a sore discouragement." The numerous class of wine and brandy importers and wholesale liquor establishments will be broken up. The commercial and financial business of the city will be deranged, and a loss, probably of twenty or thirty millions of dollars a year, will be sustained. The revenue will be cut down to a vast extent; and as we will no longer take wine or brandy from France, she will no longer take our cotton, and we shall have to send it all to England. The cotton grower and the cotton merchant will also be among the sufferers. Finally, the rights of Congress will be usurped should this mediated law, which we published yesterday, be passed; for, according to the constitution, it is Congress alone that can make commercial regulations and restrictions, and no State has a right to interfere with the powers of Congress in this respect.

Now, what benefit, we ask, is this sweeping revolution intended to accomplish? To prevent intemperance in a few individuals, and deprive the many of the moderate enjoyment of their accustomed beverage? The proportion that drunkards bear to the whole community is not, perhaps, two per cent; but there is much noise made about intoxication, because, unfortunately we always hear of the drunkards who form the exception, but never of the sober men who constitute the rule. New York is as free from drunkenness, in the aggregate, as any other large city in the world. It is a curious fact that the greatest friends of the grog shops have always been the very men who now affect such a holy zeal against them. The socialist and Fourierite leaders, who last year used to stimulate the tailors and other trades to "strikes," invariably held their meetings at the grog shops, and the unfortunate men who were persuaded to quit their work, kept loafing and drinking in the bar rooms for several days and nights together. This Holy Alliance comprises drunkards of the worst kind—drunkards turned water drinkers and opium eaters, fanatics, rapping philosophers, *et hoc genus omne*, who are all banded together to break up the business arrangements of the city to the amount of twenty or thirty millions of dollars—some to glorify God, as they call it—some to get hold of the offices now occupied by their neighbors—some to get the change at the door, or the collections made by putting about the hat—some to obtain applause—and some to make money, such as the journalists, of which there are some old and some new. The new do not appear to amount to much. The old is characteristic of the party it represents—the New York *Tribune*, the organ of a *coterie* of atheists, infidels, communists, fanatics, and anti-slavery agitators. For the last ten years they have been engaged in various schemes for glorifying God, improving humanity, and advancing philosophy, but actually impairing the business and breaking down the commercial relations of this great city. The anti-slavery excitement cannot have damaged business and diminished trade to an extent less than two hundred or three hundred millions of dollars. This *coterie* of the *Tribune* are the chief agents in the present movement. Hitherto they have been busy in exciting discontent, and all sorts of riots, among the workingmen, ruinous to the trade of the city, and most injurious to the operatives themselves, depriving them of employment, and driving many of them to the very rum shops by agitation.

These agitators proceed upon the assumption that nine tenths of the people are common drunkards, and that all others, who think differently from themselves, are no better than rum-suckers, who lie down in the streets, or are "picked out of the curb stones." This is a slander upon the moral condition of the community. But, in the excitement of the moment, this teetotal movement is likely to succeed, and break up society and parties, and trade and commerce, and to finish what the anti-slavery agitators did not complete. Yet, strange to say, we find many of our merchants, insurance companies, railroad companies, and property holders, supporting these "organs of destructiveness," by the patronage of their advertisements and subscriptions—papers which receive sustenance, also, from clergymen and moral and saintly individuals, though it is "the medium" of licentiousness in various parts of the country, and of establishments for prostitution between the sexes, under the pretence of clairvoyance, animal magnetism, and spiritual manifestations. Where is all this to end? Will it make Sam Houston President?

General Sam Houston in New York—Levee To-day at the City Hall.

General Sam Houston arrived yesterday afternoon, at the Irving House, from Philadelphia, where he took up his quarters. Shortly after his arrival, he was waited upon by the Committee of the Common Council, appointed on the previous evening to tender him the use of the Governor's room, in the City Hall, for the purpose of receiving his friends. The General expressed his obligations for this act of courtesy, and accepted the offer, appointing twelve o'clock this day for the holding of the levee. The General was also waited upon by the Committee of the "Holy Alliance," and what passed between them is strictly private. We have heard that the propriety of the General coming out strong this evening at the banquet, for the Maine law, was on the *tapis*. The Tammany Hall politicians are all agog on this subject, and are very anxious to know whether he will show his hand. If he comes out for the Maine Liquor law, they swear that they are done with him, for they go for the liquor and not the law. They say, if he shrinks the point, they will regard that as half as bad. The General is rather in a fix. To-night the question will be solved and the General will have to depend for support either on his party or upon cold water.

Superior Court—General Term.

Before Hon. Judges Edwards, Mitchell and Roosevelt.
THE CASE OF JAMES SULLIVAN CONVICTED OF THE MURDER OF SMITH.

FEB. 17—*Jas. Sullivan, plaintiff in error, ads. the People*—The plaintiff in error in this case, it will be recollected, was convicted of the murder of a man named Smith, who lodged in the same house with him, and who interfered with Sullivan when he was having a drunken quarrel with his wife; he commenced breaking his own furniture and crockery. Sullivan, in his exasperation, was violently breaking his furniture, when the deceased interfered; a scuffle ensued, and Sullivan stabbed Smith with a knife, in the groin, which caused his death. The case now comes before this Court on a bill of exceptions, and the following points for the plaintiff were submitted and argued by Messrs. John McKeon and R. H. Morris, as counsel for the prisoner.

Point 1st—There is error in the following portion of the charge of the Court (Judge Edmonds) to the jury:—

"The Court further charged, that if at the time of the killing, Sullivan struck the blow, with intent to kill, it was murder, unless justified or excused under the evidence in the case, of which the jury were the judges; and that the mere fact of his being in a passion, was not in itself sufficient to excuse or justify the act; and that if the jury believed that the killing was produced by the prisoner, with an intention to kill, though that intention was formed at the instant of striking the fatal blow, it was murder; that the jury might infer such intention from the circumstances of the case; and among other things from the nature of the weapon used and the wounds given by it."

—Whereas the statute declares murder to be "The killing of human being, without the authority of the law."

"When perpetrated from a premeditated design to effect the death of the person killed or of any human being."

And the common law definition of murder is:—

"Where one with a sedate, deliberate mind and formed design, doth kill another."

The case put by the Court as a case of murder, viz:—

"The killing, with an intention to kill, though that intention was formed at the instant of striking the blow," is not murder, but the "manslaughter of the common law, committed voluntarily upon a sudden heat."

Point 2d—The Court erred in refusing to charge as requested by the counsel for the prisoner, viz:—

"If the jury believe that Smith returned up stairs to renew the fight, and Sullivan believed he intended to do him great bodily injury, he had a right to defend himself, even unto death, and it is not murder."

Point 3d.—The Court erred in refusing to charge as the counsel for the prisoner requested, viz:—

"If the jury believe that Smith, having had the fight with Sullivan and by his conduct and blows aroused and excited the passions of the prisoner, and then returned, thereby keeping up the excited passions of the prisoner, and under such excitement the prisoner stabbed the deceased, it is not murder."

Point 4th—If the jury believe that the prisoner, in the heat of passion, caused the death of the deceased, it is not murder."

The District Attorney appeared for the people, and submitted and argued the following points:—

Point 1.—There was no error in the charge, or refusal to charge.

I.—An intentional killing of a human being by another is murder, unless justifiable or excusable.

2—Every intentional act is of course a wilful one, and premeditation simply means that the act was done with reflection. No specific length of time is required for such deliberation. Every case must depend upon its own circumstances. The law, reason, and common sense unite in declaring that an apparently instantaneous act may be accompanied with such circumstances as to leave no doubt of its being the result of premeditation.

II—To constitute the crime of murder, where the purpose to kill is found, the length of time between the design so formed and its execution, is immaterial.

McKean (Chief Justice) says:—It has been objected, however, that the amendment of our penal code renders premeditation an indispensable ingredient to constitute murder in the first degree. But still it must be allowed that the intention remains as much as ever the true criterion of crimes, in law as well as in ethics, and the intention of the party can only be collected from his words and actions. Let it be supposed that a man, without uttering a word, should strike another on the head with an axe, it must, on every principle by which we can judge human actions, be deemed a premeditated violence.

III—Whenever there is a specific intention to take life, such killing is murder, unless justifiable or excusable, or within the statutory definition of manslaughter in the first degree.

1—The present case falling within neither of these exceptions, it is murder. "To commit murder," says Judge King, in the case of Com. v. Daley, "the intent of the party killing must have been to take life." The first inquiry, therefore, after a felonious homicide is established, not committed by means of poison, or laying in wait, &c., is whether the mortal blow was given with the intent to take life, or merely to do great bodily harm. If the former is proved by the evidence, it is murder.

2—Unless the killing with intent to kill, is murder (except as above stated) there is no offence within our law.

3—At all events, it is a less offence than killing without intent to kill, or the involuntary killing by the act, procurement or culpable negligence of another while such other is engaged in the commission of a trespass.

4—In other words, it can only fall within the last subdivision of manslaughter in the fourth degree; and we shall then have the absurdity of an intentional killing being made a less offence than an unintentional or involuntary killing.

IV—If any error was committed, it was in favor of the prisoner, for if not murder under the first subdivision of the statute, it certainly was under the second. 1. An error in the charge which can work no prejudice to the prisoner, is no ground for granting a new trial.

VI—The judgment should be affirmed.

Decision reserved.

The Pardon of Lopez.

LETTERS OF GOV HUNT, ATTORNEY GENERAL CRITTENDEN, AND SECRETARY WEBSTER.

Annexed are the documents relative to the convict Antonio Lopez. We learn that Lopez was recommended to mercy by the presiding judge and by the jury. It will also be observed that the exercise of clemency was recommended by Mr. Attorney General Crittenden, Mr. Secretary Webster, and the District Attorney of New York:—

Gov. Hunt to the Spanish Minister at Washington.
STATE OF NEW YORK, EXECUTIVE CHAMBER, ALBANY, February 12, 1852.

SIR—In our recent interview, I explained some of the considerations which caused me to hesitate in granting your application for the pardon of Antonio Lopez, who is now under sentence of death for the murder of George Foster.

An alarming increase of capital felonies in this State has imposed upon me the duty of enforcing the law with firmness, for the protection of public order and personal security. The pendency of several similar applications at the same moment, which my sense of public duty required me to resist, has been a source of serious embarrassment in my deliberations upon the fate of Lopez; but I am now prepared, upon mature consideration, to dispose of the question. His friends assume that the proofs adduced on the trial were not sufficient to justify his conviction, and it is strongly urged by those who confide in his protestations, that he is innocent of the offence. I am unable to concur in this conclusion. The evidence leaves no doubt upon my mind that he was guilty of the killing of Foster, nor do I find in the circumstances of the case any sufficient justification of the offence. The most that can be claimed for Lopez in extenuation of his guilt, is that he acted under the influence of excited passions, and there was an absence of that deliberate malice and premeditation which frequently attend the crime of murder. Waiving all further discussion of the character of the offence and the justice of the conviction, I proceed to contemplate the case in another aspect.

You appeal to me in the name of your country, and as its official representative to grant a pardon to this unhappy Spaniard, in consideration of the clemency exercised by your government in favor of the American prisoners who so recently invaded the territory of Spain, in violation of the laws of both countries.

The noble generosity of your Queen, displayed in the release of of those misguided men, excites my profound gratitude. It is an example of enlightened magnanimity and Christian benevolence, which has touched the American heart. I should do injustice to my countrymen if I resisted the sentiments which the exalted conduct of your sovereign has so universally inspired. Nor can I forget how deeply we are indebted to your prompt and humane interposition for the liberal policy which has signalized the recent action of the Spanish government in behalf of some of our citizens. My knowledge of your endeavors to strengthen the ties of friendship which have uniformly subsisted between the two governments, and my greatful appreciation of the forbearance by which the late difficulties have been so happily terminated, make it impossible for me to resist your earnest appeal.

It is not for us to disregard those principles of justice and mutual comity which ought always to govern the intercourse of friendly and civilized nations.

Yielding to these considerations, I have decided, after full reflection, to release Antonio Lopez from the sentence of death, and to restore him to his native country. It affords me sincere satisfaction to place in your hands a full pardon of his offence, subject to the single condition that he shall immediately leave the United States, and never return.

I remain, with the highest respect your obedient servant, WASHINGTON HUNT.

To his Excellency, Don A. Calderon de la Barca, &c.

The Attorney General of the U. S to Gov. Hunt.
OFFICE OF THE ATTORNEY GENERAL, U. STATES, WASHINGTON, Jan. 14, 1852.

TO HIS EXCELLENCY WASHINGTON HUNT, Governor of the State of New York.

SIR—I have carefully perused all the foregoing evidence given upon the trial for the murder of A. Lopez, a young Spaniard, and it appears to me to warrant the verdict of guilty which was rendered by the jury.

But it appears that the homicide was committed in the night, on the street, and in the presence of another violent and intoxicated person, who had been arrested with Lopez for disorderly conduct, and was then in custody of the same police officer (the individual killed.) These circumstances make it quite possible that the witnesses, in the confusion and darkness of the scene, may have been mistaken as to the person who gave the mortal wound. To this must be added that great confidence is entertained by Mr. Calderon himself, and, as I am well informed by many other respectable and intelligent persons, that Lopez is not guilty, and that inquiries and investigations are now in progress, which they sincerely believe will result, in a short time, in establishing his innocence, and in showing that another individual is the real perpetrator of the crime.

All these circumstances taken together, seem to me to form a sufficient ground for at least respiting and delaying the execution of the sentence so long as to afford a reasonable time for the completion of the inquiries and investigations above stated.

But there is another ground on which, if I could presume to advise and petition the Governor of New York, I would recommend most earnestly the prompt pardon of Lopez. It is this—Mr. Calderon, the minister and representative of Spain, solicits that pardon. He was humanely instrumental in promoting that recent and most noble act of mercy by his government, in granting life, liberty and pardon to more than one hundred of our countrymen who had flagrantly violated the laws of Spain. This minister of mercy should not now petition in vain for the pardon of one of his countrymen. I would not see our country so far outdone, and placed in such contrast with the generous conduct of Spain.

As an American, I do hope that Governor Hunt will find it compatible with his duty to grant the petition of the Spanish minister, by pardoning Lopez; and I cannot but feel confident that the act will be in accordance with the national feelings.

I have the honor to be, sir, very respectfully, your obedient servant, J. J. CRITTENDEN.

The U. S. Secretary of State to Gov. Hunt.
DEPARTMENT OF STATE, WASHINGTON, Jan. 14, 1851.

TO HIS EXCELLENCY WASHINGTON HUNT, Governor of the State of New York:—

SIR—I cordially concur in what is written above and signed by the Attorney General, and wish most fervently that young Lopez may be pardoned.

I think the aspect of the case presented by Mr Crittenden, viz.:—the public good—will be better promoted by pardoning than by executing him.

I have the honor to be, sir, very respectfully, your obedient servant, DANIEL WEBSTER.

The District Attorney of New York to Gov. Hunt.
DISTRICT ATTORNEY'S OFFICE, NEW YORK, Jan. 26, 1852.

MY DEAR SIR—I have read and maturely considered the various petitions and letters which have been presented to you, in behalf of Antonio Lopez, and more especially those emanating from the Spanish Minister, and consequent thereon, from the President, Secretary of State, and United States Attorney General. The frank, and under existing circumstances, the very proper manner in which these distinguished gentlemen have expressed their desire for executive clemency, entitle them to the highest consideration; and while, as a general principle, I cannot recognise the propriety of interference on the part of foreign functionaries or federal officers with matters purely affecting the police regulations, and exclusively within the control of the State authorities, I am free to say that the ground upon which the present application is based, forms a clear and just exception to this general rule.

Discarding all those considerations resting upon the supposition, by the highly respectable and charitable individuals who have addressed you of the innocence of the prisoner—most certainly upon the evidence and upon information received by me since the trial, an unfounded supposition—I place this case upon the sole ground upon which, if at all, executive interposition must be placed. That ground is the recent noble act of mercy, on the part of the Queen of Spain, toward the unfortunate citizens of our own country, who had incurred the penalties of the violated laws of Spain.

Fully appreciating this high act of royal clemency, so rarely exhibited by the crowned heads of Europe toward political offenders; recognising in it those pure and holy feelings of humanity and Christian benevolence which, as a part of the female character, in this case, adorn the sovereign, and reciprocating the friendly feeling thus evinced toward our common country, I cannot but advise a compliance with the wishes so fairly expressed of her accomplished representative, as a favor personal to himself, well deserved by his efficient endeavors in behalf of our unfortunate countrymen and through him as evincing, on the part of one of the States of the Union, the sense of gratitude we entertain toward his exalted sovereign, I recommend a pardon for the convict Antonio Lopez.

With high respect, yours truly, N. BOWDITCH BLUNT.

HIS EXCELLENCY WASHINGTON HUNT.

Police Intelligence.

THE DEFALCATION AND FALSE PRETENCE CASE PENDING AGAINST ISAAC N. WINN AND WILLET N. HAWKINS.

Before Justice Osborn.

SECOND DAY.

At three o'clock, yesterday afternoon, the adjourned meeting of the parties concerned in the matter pending against Winn & Hawkins, the defendants in the above case, mustered in full force, and a crowded audience was the result. There were friends present on both sides, very anxious to hear and see all that could be ascertained during the progress of the investigation. The complaintant in the case was again put on the stand, and underwent a cross examination by Mr. Whiting, counsel for the defendants. The evidence was taken, as follows, by Mr. Welsh, the very able Clerk of Police:—

TESTIMONY.

Cyrus Redfield, sworn, says, in continuation of his examination:—

Q—How came you to receive a check for $9 600, when only $9 000 was due? (Objected to as irrelevant, and answer suspended for the present.)

Q—Was there any other money loaned by you to Winn & White, or Winn & Hawkins besides the $9,000, and for which they were indebted to you at the time you made this complaint? (Objected to as irrelevant, and objection overruled.)

A—I never loaned Winn & White, or Winn & Hawkins, more than $9 000.

Q—Did you ever lend Winn & White $9 000? (Objected to as irrelevant, and objection sustained.)

Q—Did the check of $9,600, given you by Winn & Hawkins, include the $3 400 complained of in this case?

A—It did.

Q—On what day was that $3 400 loaned?

A—I can't state the exact day; it was between the 20th of December and Christmas, I think.

Q—Had you loaned Winn & Hawkins any money before that loan?

A—No, sir.

Q—Was not Pliny White still a member of the firm of Winn & Hawkins, when you loaned the $3 400?

A—I cannot say.

Q—Who was in the office when you loaned the $3 400?

A—Mr. Winn was in the office. Mr Hawkins, Dr. Littlefield; I don't recollect of any others being there.

Q—Did you, at that time, hold any memorandum of your previous loans to Winn & Hawkins, or Winn & White?

A—I had of Winn & White.

Q—For what amount?

A—$6 500.

Q—To whom did you hand the $3,400?

A—To Mr. Winn.

Q—Now state how you obtained the check of Winn & Hawkins for $9,600, which check you say, included the $3 400 loaned by you to Winn & Hawkins?

A—Winn & White's checks amounted to $6,500 and $3 400 in money that I loaned at that time; I received a check from Winn & Hawkins for the $3 400, and two or three days afterwards I let them have $100; a day or two after that the whole checks were added together; Winn & White's, and Winn & Hawkins's, with this $100, made the $9,000, for which they gave me the check for $9 600; it was dated ahead, payable in two weeks; at the time of its becoming due it was renewed for two weeks more, for the same amount—$9 000; it was about Christmas that the first check of $9 000 was given, if I mistake not; the third renewal, I think, brought it to the 2d of February; Mr Winn & Mr. Hawkins (I think Mr. Hawkins wrote the check) gave me a check for $9,600, and stated that that was what they owed me; they stated that they intended paying me that day, but could not until Friday.

Q—How much money did you receive at each renewal of those checks? (Objected to, and answer suspended for the present.)

Q—When the first check of $9 000 was given you did you say anything to Mr. Winn, or Mr. Hawkins, about the money for which that check was given? If you did, state what you said, and to which of them you said it.

A—I don't recollect anything particular on that occasion.

Q.—Did they, or either of them, and which of them, say anything to you at that time? If so, state what.

A.—I do not recollect anything particular.

Q—Were they both present?

A—They were.

Q—Was nothing said as to how, or in what way, you were to be benefitted by the loan? (Objected to, and the answer suspended for the present.)

Q—Who gave you the check to repay the $3,400 loaned to Winn & White?

A—I received that money in cash from Winn.

Q.—Did you re-loan that money on the same day?

A—I think I did; I am not positive.

Q—What did you say when you re-loaned it?

A—I do not recollect saying anything in particular at that time; nothing more than, if everything was as safe as they represented, I was satisfied; I said it at that time, and at different times.

Q—What was said to you at that time, and by whom?

A.—Mr Winn said that they were buying gold dust; that Mr Hawkins had just come into the concern, and had put in $20,000, in cash; was worth a house and furniture, clear, in Madison street; owned a stock of goods in Catharine street, worth $6 000 or $7,000; was a perfectly responsible party, being responsible for the amount; was willing to become responsible, in connection with him, for any moneys that was loaned to the concern; said that he himself was worth over $50,000, which he had just figured up—the figures were still on the desk, between $50 000 and $60,000; Mr. Hawkins said that he was worth $20,000, and had it invested in that concern, which he never would have done had he not known to a certainty, that things were all right to his knowledge; that previous to that time, he had been loaning moneys to the concern, and had made a proposition to become a partner with Mr. Winn, and had been accepted; that he had been out that morning to be made acquainted with the affairs connected with the concern, and he knew them to be all right as had been stated; he would tell any of his friends that they might invest their money in them; that there was no possibility of loss, for they either had the money or the gold dust in their hands, at the same time; that he thought he had a chance to become as rich a man as any in Wall street, or as any man might wish to be; I do not recollect particularly, at present, any more that was said on that day.

Q.—Had you loaned the $3,400 when they said this to you?

A.—I had not.

Q—Did you say what your advantages would be by making the loan to them? (Answer objected to, and again suspended for the present.)

At this point of the proceedings, Mr. Whiting, for the defence, thought that some decision ought to be had, in reference to the reserved questions. The magistrate also coincided with Mr. Whiting. Any further proceedings with the witness was thereupon deferred until this afternoon at three o'clock, when the arguments of counsel on the law, touching the admissability of the reserved questions, will be heard.

The proceedings stand adjourned until three o'clock this afternoon.

Further Correction.—In reference to Winn & Hawkins doing business at No. 5 John street, Mr. Thomas Seaman, the occupant of the premises, requests us to state that they never occupied the said office, nor did he know of such a firm as Winn & Hawkins, until last Thursday.

Case of Daniel W. Townsend.—Some time since, Daniel W. Townsend was arrested on a warrant issued by Justice Osborn, charging him with obtaining moneys from Chester Driggs, and others, by false pretences, in selling stock in the New York Croton Steam Paucit Manufacturing Company, located at No. 63 and 65 Centre street. At the time of the arrest, a question of law was submitted to the magistrate, by the counsel on both sides; since which time the Justice has decided adverse to the defence. The matter will now have to undergo a full investigation before the court.

Intelligence from Port-au-Prince, Hayti.

We are in receipt of the *Feuille du Commerce* and *Le Moniteur Haitien*, to the 18th ult.

The festival of independence, on the 1st January, and that of Jean Jacques Dessalines, on the 2d of the same month, were celebrated with the greatest solemnity. The Emperor, all the authorities, and an immense crowd were present. The army appeared, also, in full uniform, and was remarkably well drilled in the review.

The government of Soulouque is now occupied with a project of a society for a mutual fire insurance. If it is approved by the Emperor, it will be immediately formed.

All was quiet in Hayti, and nothing had happened with St. Demingo that could induce the two nations to make war.

Marine Affairs.

THE STEAMSHIP BROTHER JONATHAN, which has been laid up some time to undergo repairs and various alterations, is advertised to sail for Chagres on the 26th inst. Among other alterations, she has been built up solid, and had her guards raised, and her capacity for carrying passengers greatly increased; her main saloon has also been enlarged. We understand she has accommodations now for 750 passengers. She will be commanded by Captain W. H. Brown, late of the steamship Philadelphia.

ARRIVAL OF SOUTHERN STEAMERS.—The Alabama, Capt. Ludlow, from Savannah, and the Marion, Captain Berry, from Charleston, arrived yesterday. As usual, we were promptly supplied with the favors of our Southern contemporaries, for which we are indebted to the politeness of Purrers Campbell and Mather, and Hoey & Co.'s Express. The *Charleston Courier* will accept our thanks for late copies of New Orleans and other Southern papers.

The Fourth Ward Police.—The Committee who had in charge the Grand Soiree, given by Professor Anderson, for the Benefit of the Widow and Orphans of the late Michael Foster, policeman of the Fourth ward, who was murdered while in the discharge of his duty, on the morning of the 2d of August, 1851, make the following report:—

Received for Tickets	$1,945 50
Subscribed by the Fourth Ward Police	113 50
Total amount	$2,059 00
Rent for Hall	$100
Printing, posting, and other expenses	$132
Balance on hand after paying expenses	$1,827

The balance of money on hand was disposed of in the following manner:—

On Bond and Mortgage	$1,650
Paid to the Widow	177
Total	$1,827

The Committee, in behalf of the Widow and Orphans, beg leave to return their sincere thanks to the press in general, for the kind manner in which they gave their services in behalf of the above cause. Committee.

DAVID H. KELLY | THOMAS W. SHERIDAN | THOMAS REEVES.

We would call public attention to the sale of Lots on Seventh, Eighth and Ninth avenues, Seventy first and Seventy second streets, to be made by E. H. LUDLOW, on Thursday, Feb. 19, at 12 o'clock, at the Merchants' Exchange. Maps of the property can be seen at the office of the auctioneer, 11 Wall street.

Volcanoes and their Forces, is the Subject of Dr. Anthill's Lecture, in Clinton Hall this evening commencing at 7½ o'clock. Tickets only 12½ cents, to be had at the door.

Through Tickets for San Francisco, hence 25th March, by "New York and San Francisco Steamship Line." The books are now open, and tickets for sale, by the splendid Steamships "United States" to Chagres, and "Winfield Scott" from Panama. Apply only to DAVIS, BROOKS & CO., 25 Beaver street. JONES & JOHNSON, 50 Wall street.

Excelsior.—Beebe & Co., Fashionable Hatters, No. 156 Broadway, respectfully solicit the attention of their patrons and the public generally, to the Spring Fashion for Gentlemen's Hats, which they will introduce on Saturday, the 14th day of February. B. & Co. feel assured that this style will commend itself to the hat-wearing community, and will insure the same liberal patronage which they have heretofore received. N. B.—H