ARRIVAL OF THE PRINCETON.

INTERESTING FROM THE ISLAND OF CUBA.

The Refusal of Commodore Newton to Salute the Spanish Flag.

The Captain General's Official Report of the Black Warrior Affair,

&c., &c., &c.

The United States steam frigate Princeton, Capt. Henry Eagle, Commander, arrived at this port yesterday morning, in six days from Havana.

The following is a list of the officers of the Princeton:—

Capt. Henry Eagle; Lieuts. Wm. S. Young, H. N. Harrison, Thos. G. Corbin, Henry K. Davenport; Surgeon, Robert T. Barry; Passed Asst. Surgeon, P. T. Howitz; Purser, John C. Hunter; Master, Wm. W. Low; Lieut. of Marines, Chas. G. McCowle; Capt's. Clerk, Joseph P. Smith; Chief Engineer, Wm. H. Shock; First Assts. do., Benj. F. Garvin, Harman Newell; Second do., S. B. Knox, C. H. Loring; Third do., Geo. R. Johnson, Horace E. Winsor, F. A. Canfield, Henry A. Ramsey; Boatswain, Jas. Walker; Gunner, Leopard E. Ellis; Carpenter, Robert M. Bain, Sailmaker, Wm. B. Fugitt.

The P. brings special despatches from Commodore Newton and the American Consul to our government.

The United States frigate Columbia, bearing the broad pennant of Commodore Newton, and sloop of war Albany, Capt. James T. Gerry, also United States steamer Fulton, Lieut. Commanding James M. Watson, were at Havana when the Princeton left. All well, including the Princeton's crew.

Commodore Newton refused to salute the Spanish flag until the difficulty in relation to the Black Warrior was settled.

It is stated that in addition to the fine of $6,000, the consignees of the steamship Black Warrior had paid $6,000 as back dues.

OUR CUBAN CORRESPONDENCE.

HAVANA, April 6, 1854.

Arrival of Commodore Newton—His Refusal to Salute the Spanish Flag—The Return of the Princeton to New York

Commodore Newton arrived here in his flagship, the frigate Columbia, on the 1st inst., and found the Princeton awaiting him with important despatches from the government.

The Columbia is last from Santa Cruz, and had a passage of fifteen days from there.

The Commodore, upon hearing the particulars of the Black Warrior outrage, and seeing the President's message to Congress upon the affair, has very properly declined saluting the Spanish flag, or paying the customary visit of ceremony to the Captain-General until matters shall assume a different aspect. This, added to the apparent decided tone of Mr. Pierce's ideas on the subject, has caused no little excitement, and the "dons" begin to think they may have at last succeeded in riling Jonathan. They are fairly trembling in their shoes.

The Albany and Fulton remain here with the Commodore. The Princeton sails to-day for New York, with despatches from the Commodore to the government.

There are two Spanish frigates, two brigs, and three steamers here. AMERICUS.

OUR PORTO RICO CORRESPONDENCE.

GUAYAMA, (Porto Rico,) March 28, 1854.

Value of the New American Silver Coin—State of the Markets, &c., &c.

I beg to advise that by an order of the government of this island, of the 20th inst., the value of the new silver coin of the United States has been fixed as follows:—

Half dollar.....54 Dime.....10 4-5
Quarter dollar.....27 Half dime..... 5 2-5

in consequence of the depreciation.

Sugars, $2 75 a $3 50, extremes. Molasses, 10c. per gallon; much wanted. Coffee, 10c. a 10½c. Imports dull, and market well supplied for present wants. Freights to United States, 40c. a 45c. for sugars; and $3 50 for molasses. Tonnage in port sufficient for wants. Weather highly favorable for grinding purposes. The crop will be a good one in point of quantity and quality.

Vessels are now allowed to enter from St. Thomas and Santa Cruz, performing five days quarantine if in ballast, and fifteen days if loaded. All quarantine to cease on 7th proximo, should no new cases of cholera appear in St. Thomas.

THE BLACK WARRIOR AFFAIR.

THE CAPTAIN-GENERAL'S OFFICIAL REPORT OF THE SEIZURE OF THE BLACK WARRIOR—INTERESTING AND CURIOUS CORRESPONDENCE.

We desire to state that the following are not our translations. They are taken from a pamphlet edition issued in English in Havana, probably by direction of the Cuban authorities.

[From the Diario de la Marina, March 31.]

Such is the official document (Gen. Pierce's message in relation to the Black Warrior) in which the President of the United States speaks to his nation. Hitherto, since General Pezuela is at the head of this government, our columns have shown no desire to give place to refutations of the calumnies or absurdities that appear in the newspapers of the States of the Union. The press of that country has long forfeited all credit and repute among men of judgment and sense all over the world, and accordingly reaps nothing more than it deserves, scorn and contempt; but it will not be improper on the part of the editor of a Spanish newspaper, in this case, to rise up against and argue with the President of those States, when he, too, comes to lower himself so far as to write in the manner we have seen. Spaniards, both you that are so and you that feel honored by that name of your fathers, and you foreigners, that are kindly and hospitably received and treated by this land—you all that have witnessed what has occurred in the case of the Black Warrior, know that a custom house regulation strictly enforced to defeat fraud on the part of an Anglo-American trader is an insult—an insult offered to that nation, and such a one as, according to Mr. Franklin Pierce, must needs be resented. Know that if a country is situated in the neighborhood of the States of the Union, and becomes necessary to them in their commercial relations, it would be madness to suppose them to permit aggressions and such a violation of their commercial rights as that is by which that same country exacts rigid conformity to hers, since foreigners are submitted to the laws of the land that receives them in her bosom. Know that, if those laws do not please them, they do not go elsewhere, as the old peace-promoting Franklin would advise them to do, but they must exact theirs to reign in that country, and if they do not succeed in this with a nation possessed of honor and pride that would rather sacrifice her last man, then they make out that by such independence of the other party they are suffering insults to their national flag. Know ye, good men of all countries and opinions, that this is the language which now is fired from the chair once occupied by the apostle of justice, peace, and moderation, by the philosopher, the honorable Washington! Behold him initiating, under pretence so insignificant, a war that would for two nations be a bloody one, and to them more painful, as experience would show. Behold him listening to none but the trader punished for a fraud, in order to qualify at his heart's desire and with the utmost harshness, the conduct of our first authority, a Spanish gentleman whose reputation is everywhere and in such a manner established that he well deserved the honor of a more minute investigation of his deeds before qualifying them so outrageously. Know then, ye that are not on the spot, what they were, for the publication we are going to make of them with official documents, is directed to those that have not like ourselves witnessed the proceedings of this low and trivial business with which they would wish to make a noise over all the world.

We also hope they may reach the ears of the President of the United States, and make him think differently from what he has hitherto done upon the evidence of the erroneous and passionate communications from his Consul here, and from Messrs. Tyng & Co.

DOCUMENTS WHICH COMPOSE THE HISTORY OF WHAT HAS OCCURRED IN THE CASE OF THE BLACK WARRIOR.

NO. I.

FIRST COMMUNICATION TO THE MOST EXCELLENT THE PRESIDENT OF THE COUNCIL OF MINISTERS.

MOST EXCELLENT SIR:—To prevent the ill effect which in your pre-eminence might be produced by perhaps exaggerated news, that may be communicated through private channels, about the detaining and abandoning of the North American steamer Black Warrior, I am going to give to your Excellency, in my double character of Captain General and of Superintendent of the Royal Treasury a succinct narration of what has occurred since the arrival of the said vessel—a relation which will, in an authentic manner, be corroborated by the official documents accumulated in the despatch of the case, the testimony of which, as far as they go up to now, I accompany, and the same I forward to our representative at Washington, as in such cases I am instructed to do by royal order.

On the 28th day of last month, when the steamer Black Warrior arrived in this port, her consignee repaired to the Custom House, and requested to enter her in ballast. Next he presented a manifest in harmony with that declaration, that is to say, a manifest in which nothing was expressed or declared except articles of ship's provisions; and lastly, he solicited the clearance of the vessel, reiterating the conviction of the vessel's sailing in ballast; and it must here be observed, that when the searcher's visit was paid her, according to article one of the instruction for the Custom Houses, a customs' officer delivered to the captain a list of the regulations and obligations, (written in English,) to which, like all others, he must subject himself, and in spite of which neither he nor the consignee would add, within the legal term, to the fraudulent manifest of which I have already spoken. The head of the Custom House, before granting the clearance solicited, ordered the commander of tidewaiters again to visit the ship and make sure of the fact of her carrying no cargo; but having found on board of her a great number of bales of cotton, which she was carrying from Mobile to New York, as he said, her departure was stopped, and judicial proceedings commenced, because, according to article 190 of the said instruction, the Captain had incurred the penalties which article 162 points out.

The discharging and depositing of the cotton was next, by a decree from the Court of Rents, proceeded to, which the captain wished to oppose, finishing with committing the rash act of abandoning and leaving the vessel which he and all the crew quitted. This was the reason why the Administrator of Customs, with previous consent of mine, in polite terms, invited the house of the consignee to name an agent, who might, as his representative, assist in that operation, and also to go through some other indispensable formalities, in order to have the steamer despatched; but this step of pure grace, and whose sole object was to avoid consequences detrimental to the passengers and that house itself, was not accepted.

In the meantime the consignee came to me, clearly confessing the fault, attributing it to their ignorance, and begging of me the grace of not exacting higher duties than those paid by any vessel with cargo entered for transit; but I did not judge it proper to comply with his request, partly from respect for the law, partly also because, the cause once judicially commenced, it was no longer my province to adopt the resolution solicited, and above all because, weighing the above mentioned circumstance of having placed in the captain's hands the list of instructions, of which also I enclose a copy, they could no longer argue the plea of ignorance of uses and languages, and much less that of the same captain's having done so on other occasions, since the law has never been suspended here; and as former concealments, far from strengthening his reclamation, made his case worse, I therefore limited myself to ordering the two petitions to be attached to the judicial proceedings which are about to be brought to a close, it being my duty to inform your Excellency beforehand, till I shall have it in my power to send the complete testimony, that, as the steamer had been abandoned in the manner explained, she was placed under the charge and in custody of the commander of tidewaiters, not without having requested the commander-in-chief of this marine district to give the assistance of some mariners who might (they are now on board of her,) attend to her safety and preservation, till, after unloading her and upon the conclusion of the cause now under investigation, the Court shall decide upon the release or sale of the vessel. Up to this day more than 900 bales of cotton have been discharged, and there still remain on board some packages and barrels the contents of which are unknown, and which I have ordered to inspect, availing myself in the meantime of the departure of this mail to inform your Excellency of what has occurred till to-day, purposing to do so with what may take place from now forward by the mail of next month, provided the final decision of the case has then, as I suppose, been pronounced. God grant your Excellency long life, &c. Most excellent sir.

The Marquis DE LA PEZUELA.

A true copy.—MANUEL M. CARRAJAL.

HAVANA, the 7th March, 1854.

NO. II.

SECOND COMMUNICATION TO THE MOST EXCELLENT THE PRESIDENT OF THE COUNCIL OF MINISTERS.

MOST EXCELLENT SIR—In conformity with what I announced to your Excellency in my official communication of the 7th of this month, on informing you of the detention and abandonment of the Anglo-American steamer Black Warrior, it is my duty now to conclude the narration which in my said official communication I left pending. On conclusion of her discharge, it resulted that the Black Warrior was carrying 957 bales of cotton, various packages of luggage, and several other articles of commerce shipped in Mobile, and here (where she could only fraudulently do so), bound for New York. Article 190, of the Custom House Instructions in force, directs as follows:—

The captain of every national or foreign vessel that enters any port of entry in the island, whether with cargo or in ballast, whether putting in or in transit, shall present his manifest or register in the manner and under the circumstances prescribed in that Instruction, and shall be subject to the fines and penalties which for violation of its rules are imposed in the same.

Article 162 says thus:—

After the twelve hours pointed out in article 15 for the rectification of, or addition to the manifest, shall have expired, all packages that may be omitted in it shall be seized, and besides this the captain be fined to the amount of the value, provided always the amount of the duties which would have to be paid on the contents of the package or packages do not exceed four hundred dollars, because if it exceed that sum, and if the articles be belonging or consigned to the owner, captain, or supercargo, the fine shall have no effect, and instead of it the vessel, together with its freights and every thing else available, shall be seized.

And article 175 is couched in the following terms:—

If in consequence of the searcher's visit, which has to be paid to every vessel before despatching the register under which she has to navigate, there should result in her cargo some excess, the ship shall be seized and the captain be fined to the amount of such excess.

From these articles your Excellency will deduce the penalties the Black Warrior has incurred—penalties which would at once have been inflicted by the court of the Treasury, if on proposition of the Attorney General it had not been considered preferable to pass the proceedings, as was done by a decree of the 13th of this month, over to the political administration. Upon this territory, and at the sight of the memorial of the captain of the steamer, of the opinions of the Attorney General and Assessor, and of a decree of the Treasurer, by which he submitted the solution of the case to this Superintendency, I ordered the Superior Board of Administration, the Administrator of Customs and the Vigiter General being in attendance, to refer on the case.

The board declared as legal the declaration of the seizure and fines already made in the proceedings, and as worthy of being confirmed in all its parts, but left it to my discretion to reduce the penalties if I thought fit and proper, and as had been the practice on other analogous occasions with national and foreign vessels. Actuated by a sentiment of equity, I wished to modify them; but before doing so I thought it would become me to request the Attorney General he would propose what fine in his official opinion ought to be inflicted considering what the Board of Political Administration had declared on the subject. The Attorney General gave it as his opinion that, considering the very great amount of the seizure and fine of instruction, there ought to be inflicted, instead of them, a fine of ten thousand dollars, besides the expense and costs of the discharge; but I, in accordance with the spirit of benevolence so striking in the report of the Board of Political Administration, came to resolve by order of the 16th, that all the fine to be inflicted upon the owners of the steamer should be six thousand dollars, without any further expenses, whatever might be the cause of them, although from this sum had to be deducted, the costs, till then produced, and the duties of which the royal customs had been defrauded. In consequence of this decision the consignee yesterday took charge of the vessel, after depositing a bond for the six thousand dollars in which he was fined. He subsequently presented to me a memorial, begging me to modify the fine still more; but this, being no longer in my power, I authorized him to address Her Majesty through me, and so he has done in thankful and moderate terms, which are in decided contrast with the furious vociferations which in their country have been excited by the enemies of this, whose authorities know how to blend, as they have done in this case, and will ever do, and at whatever cost, gentleness and benignity with firmness and energy, that satisfy the national dignity. God grant your Excellency a long life, &c.

HAVANA, March 21, 1854.

Most excellent sir,

THE MARQUIS DE LA PEZUELA.

A true copy.—MANUEL MARIA CARRAJAL.

Here follow letters from the American Consul to the Captain-General and the replies of his secretary thereto; also the memorials of Messrs. C. Tyng & Co. to the Captain-General. Then comes

NO. IX.

MESSRS. TYNG & CO.'S MEMORIAL TO THE QUEEN OF SPAIN.

MADAM—Charles Tyng & Co., merchants of the Havana, at the royal feet of your Majesty, and with the most profound respect, beg to represent that by the Superintendency of the Royal Treasury of the Island of Cuba, after taking into consideration the previous proceedings of the case, there was inflicted a fine of six thousand dollars upon the, proprietors of the steamer Black Warrior. This fine was put instead of confiscation of the cargo not manifested by the captain upon his arrival, without the least intention of defrauding the Royal duties, as it consisted of articles not consumed in the country, and as they only came in transit. Thus the payment of those six thousand dollars would become one loss more to the proprietors of the vessel and cargo, wherefore as soon as the decision was communicated to the memorialists, they at once offered to receive the steamer the captain had abandoned from the first, in order to represent to your Majesty graciously to take into consideration the same previous proceedings as the Superintendency had, the enormous losses suffered by the detention and discharge of the vessel, the expenses of reshipping the cargo for the continuation of the voyage, and to exempt the memorialists, as consignees of the owners of the vessel, from the payment of the six thousand dollars. In virtue of what has been represented to your Majesty, they reverently beg your Majesty will, with your high wisdom and justice, leave them exempt from the said judgment, as a grace which they hope for from the august benignity of your Majesty.

At the royal feet of your Majesty.

HAVANA, March 20, 1854. CHARLES TYNG & CO.

NO. X.

LAST LETTER FROM THE CONSUL OF THE UNITED STATES.

MY DEAR SIR—In the hurry of the moment, and in my anxiety to get the affair of the Black Warrior amicably settled in the beginning, I omitted to take a copy of my communication to you on that subject. Will you be kind enough to direct a copy to be sent to me and sincerely oblige me. With great respect and consideration, your excellency's obd't and humble servant,

WM. H. ROBERTSON.

The communication was dated 28th February.

NO. XI.

THE GOVERNMENT SECRETARY'S ANSWER.

TO THE U. S. CONSUL IN THIS PLACE—

MY DEAR SIR—His Excellency directs me to send your Honor the copy you desire, for it does not enter into his gentlemanly mind to conceal the facts, as all of them will gain the more they are exposed to the light of day and to the judgment of sound reason.

This is what I have to say to your Honor in answer to your communication of to-day, and I remain your Honor's most obedient humble servant,

JOSE ESTAVAN, Government Secretary.

HAVANA, March 30, 1854.

NO. XII.

MR. CHARLES TYNG'S AFFIDAVIT.

In the ever faithful city of the Havana, on the twenty-ninth day of March, and in the year one thousand eight hundred and fifty-four of our Lord, by virtue of a mandate from the political secretary of this Captaincy General, I, the government Notary, appeared in the said secretary's office where there also were Mr. Charles Tyng, consignee of the American steamer Black Warrior, the principal clerk in the said office, Mr. Francisco Martinez, and Mr. Augustin Maria Guaxardo, and in the presence of them Mr. Secretary (Jose Estevan) informed the said Mr. Charles Tyng that by order of the most Excellent the Governor and Captain General, he laid before him a newspaper called THE WEEKLY HERALD, published in New York on Saturday, the 11th March, of the present year, in order to read the letter, published in the said newspaper and signed by the said Tyng, directed to Messrs. Livingston & Co., of New York; and after perusing the said letter, and fully initiating himself into its contents, he declared that the said letter is in substance the same as the one he directed to the aforesaid gentlemen, except the three lines which precede the last three; for the said three, or the substance of them, he does not recognize as part of his letter, and that he directed the said letter to the owners of the company of the New York and Alabama steamers, as agent in this city of the said company, and to those gentlemen, also, as the agents of the said company, and not to be published, as he had no such intention, which circumstance he openly declares. With which terminated the act, which he signed, together with the secretary and the two witnesses present, before me, and which I attest.

JOSE ESTEVAN.
CHARLES TYNG & CO.
FRANCISCO A. MARTINEZ.
A. MARIA GUAXARDO Y FAXARDO.

Before me—FRANCISCO DE CASTRO.

NO. XIII.

SUPERIOR PERMISSION TO PUBLISH THE PRECEDING DOCUMENTS.

GOVERNMENT AND CAPTAIN GENERAL'S OFFICE OF THE EVER FAITHFUL ISLAND OF CUBA—POLITICAL SECRETARY'S OFFICE.

Fourth section—In granting the application which you beg me to authorize your publishing in the *Diario de la Marina* the message of the President of the United States, on the subject of the detention in this port of the American steamer Black Warrior, I have thought fit to permit it, provided always that you also publish the documents which constitute the veritable history of that affair, for which purpose every facility will be given you to obtain copies of such as you ask for in the Secretary's office of this superior government.

God grant you a long life, &c.

HAVANA, March 30, 1854.

THE MARQUIS DE LA PEZUELA.

MR. EDITOR OF THE DIARIO DE LA MARINA.

[From the Diario de la Marina, same date.]

In the *Louisiana Courier* of the 23d of this month we have seen reprinted a communication which Mr. Robertson, the commercial agent of the United States of America in this place, has directed, under date of the 3d of the same month, to Mr. Marcy, Secretary of State, relative to the proceedings caused by Capt. Bullock, of the Anglo-American steamer Black Warrior, by infringing the customs laws in force, and as in that long and diffuse communication there are set down several notoriously false precedents, we believe it to be our duty to refute them, without the least intention, however, of justifying in any way the authorities, whose acts have been founded upon the strictest legality.

It says that the captain assured him that he believed there existed a special convention which exempted his steamer and others of her class from presenting manifests of the cargo which they brought for transit; that the rules also prescribe the manifesting of the coal they bring on board with them; that this law has never been obeyed, and that this neglect and non-observance of the laws on the part of the authorities does not warrant their being put in force, for having become extinct; that he has also understood that there exists a law, which directs that, when there is clear proof that there exists no intention of infringing or eluding the law of the customs, those that cause any irregularity cannot be declared guilty; and referring at the same time to another communication directed to the same Mr. Marcy, it says that the line of English mail steamers enter, and take in cargo, presenting their manifests as entering in ballast, even when they have cargo on board, of which he had been assured as certain, by Mr. Crawford, the English consul. [This statement has since been corrected by Mr. Robertson.—ED. HERALD.]

Now, there never has existed, nor does there exist, any convention that exempts steamers from the formalities to which all other vessels are subject; and although those of the English and North American lines that rank as vessels of war, are free of tonnage duty, this franchise is, by royal order of 3d October, 1852, denied all other steamers, including the Black Warrior, for not being of that category, which her consignee was not ignorant of, because since the month of August, 1852, he has been petitioning to be admitted to the same favor, to which effect he has given bond to respond to the dues of navigation, in case the supreme government do not accede to his petition.

The customs do not inspect the steamers on their arrival to see whether they have coal on board or not, because, as all of them take coal from the deposits in this port, it is supposed that they have little or none aboard, when they have to provide themselves with it for the continuation of their voyage.

It is absurd to suppose that there is a law applicable to intentions. Such as exist are explicit, and point out what must be done in cases of infringement, without leaving it to the judgment of him that has to administer them, whether there was intention of committing fraud or not.

It is false that the English mail steamers are authorized to omit in their manifests their transit cargo. In proof of which we accompany a copy of the manifests the Custom House is in possession of, as presented by the commanders of the English steamers that have entered this year, and whose entries were solicited by Mr. Crawford, their consul, and from them it will be seen that in none of the voyages referred to they have omitted going through this formality.

We should not have troubled ourselves about this business, if the press of the neighboring States adulterating facts and leaning upon documents containing pretended facts, like Mr. Robertson's communication, had not endeavored to calumniate our superior authority, whose proceedings, ever based upon justice and morality, are too far from the reach of calumny and the depraved intentions of their authors.

Memorandum of the transit cargo manifested by the commanders of the Royal English mail steamers in the voyages to the port of the Havana, under the dates in the margin.

1854.

Jan. 9,	str. Clyde, Vera Crus.	123 pgs. of merchandise.
"		256 do., with $575,362.
24,	str. Teviot, St. Thomas.	200 flasks quicksilver.
"		$3,500 in cash.
"		72 parcels of samples.
Feb. 10,	str. Teviot, Vera Cruz.	619 pgs.—$1,409,982 44.
"		147 pgs. merchandise.
27,	Do. do. St. Thomas.	99 flasks quicksilver.
"		72 pgs. merchandise.
Mar 11,	Do. do. Vera Cruz.	207 pgs., with $480,000.
"		67 do. merchandise.
23,	Do. do. St. Thomas.	201 flasks quicksilver.
"		67 do. merchandise.

The above is a true copy of the said manifests.

RAIMUNDO P. GARRICH,
Havana, March 31, 1854. Visitor Gen. of Customs.

Common Pleas—Special Term.

Before Judge Ingraham.

APRIL 15.—*Joseph Mercequer vs. J. E. Santos.*—The defendant was arrested by the Sheriff under the third subdivision of 179th section of the code. The action was for the recovery of personal property. Upon the arrest the defendant gave bail to the Sheriff, and was discharged by him; but on the failure of the bail to justify, the Sheriff re-arrested the defendant. He now moves to be discharged from arrest on giving bail for the liabilities of the jail. Under the former practice the Sheriff was liable if the sureties did not justify in the same manner as in cases of arrest on personal actions, and his remedy was upon the bond taken by him. He had no power to arrest the defendant except by becoming bail, and then arresting him for the purpose of a surrender. By the 201st section of the code, this liability of the Sheriff is altered, and the Sheriff is now made liable as bail; and by the next section a recovery against him on such liability as bail may be collected by proceedings on his official bond. His liability, then, is the same as if he was one of of the bail of the defendant, and I think he is entitled to the same rights and powers. As bail, he may arrest the defendant and surrender him in the action, and for that purpose no process is necessary. Other provisions are incorporated in the 201st section for the discharge of the Sheriff's liability, by putting in other bail; but until that is done he remains liable as the defendant's bail, and has the same rights and powers. The other question is, whether the defendant is entitled to the liabilities of the jail after his arrest by the Sheriff? Whether he is so or not cannot be of much moment in this motion, because it is not within the province of the Court to order the Sheriff to take bail for the jail liberties. If he unjustly refuses to take such bail the Sheriff is responsible to the injured party; or, if he seeks relief, it must be by another mode than by motion in the cause. The Sheriff has a right to demand satisfactory security, and if at any time he thinks the security insufficient, he has a right to require other security. The Court cannot pass upon the sufficiency of the bail for the jail liberties, nor in any way order the Sheriff to accept the bond of any sureties for such a purpose. Not having the power to decide as to the sufficiency of the sureties, it follows that we have no right to order the Sheriff in such a case to admit the defendant to the liberties of the jail. This motion must be denied, and, as the questions are new, without costs.

The Fire Department vs. Henry Cast.—Action for a violation of the fire laws. Judgment for plaintiff $1,000 and costs.

The Mechanics' Institute.

TO THE EDITOR OF THE NEW YORK HERALD.

On behalf of the Mechanics' Institute may we trespass on your well known kindness by asking you to insert the accompanying statement?

At the session of the Senate on Tuesday, 11th inst., a communication was presented by President Church to the Senate, signed by C. H. Delevan, who assumes to act as Corresponding Secretary. In it he states that the petition recently presented to the Senate was unauthorized by the Institute, and that he was directed by the Board of Directors to inform the honorable Senators of the fact. In answer to this statement of his, we, in justice to the gentlemen whose names were appended to that petition, state most positively that they are the legal officers of the Institute, and as such were authorized in carrying out the object of the members of the Institute, who, on the 10th of last January, appointed a committee of fifty for the very object of the petition, which committee met at the Astor House on the 25th January, and the proceedings occupied nearly two columns of one of the daily papers of the 27th. Meetings were also held at the Institute rooms and at the Metropolitan Hotel. The Board of Directors, at their meeting on the 4th of March, appointed a committee of seven to draft a petition, and forward the same to the Legislature, which was kindly presented by Mr. Whitney. It is much to be regretted that any body of men should pursue a course of action tending to defeat the aims of the legal officers of the Institute in their laudable endeavors to further the objects for which they were elected, and which can be gleaned by the following extract from the petition, with the names of the officers attached—amongst whom are his Honor the Mayor as President, and Henry O'Reilly as Corresponding Secretary:—

And your petitioners firmly believe, that could they obtain from your honorable body a grant of pecuniary aid for the purpose of erecting a suitable building, and obtaining a permanent location, it would greatly increase our resources for conferring a vast amount of good on the operative mechanical classes of our city, (and which ultimately could not but redound to the benefit of the country at large,) and would very materially aid them in carrying on successfully and extensively the various means they already employ for the diffusion of useful and scientific knowledge among that numerous class of our citizens. And your petitioners will ever pray, &c.

Jacob A. Westervelt, President; John T. Fisher, First Vice-President; C. Godfrey Gunther, Second do.; H. T. Barras, Treasurer; John Tagliabue, Rec. Secretary, Henry O'Reilly, Cor. Secretary; James Prentice, D. D. Westervelt, Hiram Groves, Thomas J. Hunt, J. F. Entz, Daniel Godwin, James Stone, Directors.

Signed, JOHN T. FISHER, 1st Vice-President.

JOHN TAGLIABUE, Rec. Secretary.

THOMAS GODWIN, JAMES STONE, } Inspectors of Election.

THE COMET.—The comet which has been visible in the western heaven is now rapidly receding from the earth and from the sun. Its elements, as computed at the Cambridge Observatory, are as follows:—

Perihelion passage, March 23, 9965, Greenwich m. s. t.
Longitude of perihelion, 269 deg. 51 sec.
Place of ascending Node, 308 17.
Inclination of orbit, 86 13.
Log. dist. from the sun, 9.42235—motion retrograde.

FOREIGN CONSULS.—The President has recognized Don Antonio Maria Segovia as Spanish Consul for the port of New Orleans, La. Also, E. G. Gomez, as Nicaraguan Consul at the same port.

EXECUTION.—Francis Dick will be hung to-day, in Dayton, Ohio, for the murder of Catharine Young and her son in August last.

United States Commissioners' Court.

Before George W. Morton, Esq.

THE CANADA FORGERIES.

APRIL 13.—*In the matter of the application for a Commissioner's certificate, in the case of Daniel W. Van Aernam, charged with uttering forged paper in Canada.*—This case comes before me under the treaty between the United States and Great Britain, accepted and ratified August, 1842, on an application made to me as United States Commissioner, on behalf of the British government, for the arrest of Daniel W. Van Aernam, found within the State of New York, and his extradition as a fugitive from justice. The charge upon which the arrest of the fugitive is claimed is that he had committed the crime of forgery against the laws of Great Britain, by uttering forged paper within the British dominions in Canada (a crime against their laws). The paper admitted and proved to have been uttered by the prisoner purports to be a bill of exchange or draft in imitation of one of the printed drafts of the Hamilton Exchange Bank, Madison county, State of New York, falsely, knowingly, and with intent to defraud, filled up as to date, amount, address, and signature, as follows:—

(SEAL) [C.279] HAMILTON EXCHANGE BANK, Hamilton, Madison county, N. Y., Oct. 1, 1853.
($5,000)
Pay to the order of D. W. Van Aernam, Esq., Five Thousand Dollars.
To S. K. Stow, Esq.,
Cas. JOHN W. ABELL, Cashier.
Troy City Bank, Troy, N. Y.,

John W. Abell, who signed his own name to the draft over the printed word cashier, was not the cashier, nor did the cashier bear that name. The prisoner was privy to the signing by John W. Abell, and to the whole transaction, and uttered the paper in Canada as true. The question broadly presented for determination is whether, supposing this paper to have been uttered by Van Aernam, in the State of New York, he would be liable to commitment, under our laws, for a felony. The language of the treaty is: "It is agreed that the United States and her Britannic Majesty shall, upon mutual requisitions by them, or their ministers, officers or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found within the territories of the other, provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed." That the paper in question is an evidence of debt; that it purported to have been issued by an incorporation having power for that purpose; that it was falsely made, forged or counterfeited, and signed by John W. Abell as cashier, and knowingly uttered or put forth by the prisoner, are conclusions, some of which are placed beyond dispute by concession, and others so strongly sustained by proof, argument and authority, that if this was all that was required, the duty or obligation to commit for trial would not admit of hesitation or doubt. The only real difficulty presented is whether the stamp of forgery became impressed on this paper by John W. Abell affixing his own name thereto as an agent or officer, that is, cashier. The reverse or negative of this proposition ought to be very clear to justify a magistrate in refusing at least to commit the prisoner for trial. As is well known, the whole case has been discussed before Justice Stuart, without limitation as to time and number of counsel on behalf of the prisoner and his accusers, and followed by an elaborate and able opinion, prepared by the Justice, which has been thoroughly criticised on this hearing by the counsel on both sides. Justice Stuart, whose printed opinion is before me, regarded the paper as a forgery, and committed all the parties for trial here, and it seems that an indictment now exists against them under that committal. The whole case has again been argued with force and ingenuity by Joseph Neilson and Theodore Romeyn, Esqrs., for the prisoner, and by Charles Edwards, Esq., on behalf of the British government, and after a most careful examination of all that has been urged and cited, although not fully coinciding with all the views of Justice Stuart, I do not materially differ from him, and my remarks may properly be limited to a brief consideration of the meaning of the 47th section of the Revised Statutes of New York, which is recognized by the justice, and which I regard as the only State statute embracing the case, and determining the character of such execution of a paper as was made in this case. By sec. 47, art. 3, chap. 1, Part IV. Revised Statutes N. Y., (2d vol. R. S., p. 762, marginal page 676,) "The false making, forging or counterfeiting of any evidence of debt, issued, or purporting to have been issued by any corporation having authority for that purpose, to which shall be affixed the pretended signature of any person as an agent or officer of such corporation, shall be deemed forgery, in the same degree and in the same manner as if such person was at the time an officer or agent of such corporation; notwithstanding such person may never have been an officer or agent of such corporation, or notwithstanding there never was any such person in existence." To my judgment it seems clear, that to limit and restrict the word "pretended" to the word signature, and disconnect the word "agent or officer" therefrom, would be at variance with the plain intention of the law, and would fail to meet the mischief intended to be prevented. The false paper contemplated by the legislature would require a further act than a mere subscription of a name to make it ready for the fraudulent and dangerous use provided against. Affixing a name, whether the name was real, pretended, assumed or fictitious, would be of no moment; but the union of the official character or agency therewith would bring into existence the deceptive personation—the doing of this which is declared to be forgery. Pretending to this official position, no matter by what name, is the statuary offence of forgery; pretending that John W. Abell was cashier, (which was here done,) is declared by the law to be forgery, as though such person was, at the time, cashier; *id est*, by fiction of law, another John W. Abell, cashier, the statute declares shall be presumed to have existed at the time, and that his name and office, or agency, was the subject of the forgery. It is observable that the topics of argument before the Commissioner have been very much extended beyond those discussed under previous aspects of the case; and is freely admitted that some of these are of public and leading importance, legitimately growing out of the subject, and require a more full and authoritative decision, which it will be within the power of the parties to obtain elsewhere. The present is an entirely new cause under the treaty, and may well awaken public attention, and demands for general satisfaction that higher judicial authority should settle that construction of the treaty which the present demand for extradition requires and apparently sustains. Under my views of the case, I feel it my duty to give the required certificate, and certify the papers to the President of the United States.

United States Commissioner's Court.

Before John W. Nelson, Esq.

THE COUNTERFEITING CASE.

APRIL 13.—*The United States vs. Brown, Bowers, Watson and others.*—The examination in this case, fully reported in the HERALD, was resumed.

Levi R. Barnard, house and land agent, deposed—That Brown informed him that he had hired the house 49 Third avenue, and the first and second floors of the house 197 Thirty-fifth street.

Thomas McFarlan, police officer, deposed—That he arrested Brown on Saturday evening, between nine and ten o'clock, in the entry of the house 197 Thirty-fifth street; Brown said he expected this, that he was going to make complaint himself, and wanted to know what it was about.

Peter Cook, deposed—That he had examined the apparatus seized, and that it is such as is used in the manufacture of coin.

Louis De Angelis, Deputy Marshal, deposed—That when he learned that a bundle had been thrown into the river at the Jersey City ferry, he went down and saw officer Hustis, spoke to him and he went and found a man; I told the man I would show him where this bundle was thrown in, and if he recovered it I would give him ten dollars; I showed him the place, and left officer Hustis with him; I went over to Jersey City on business, came back and ascertained that officer Hustis, with the aid of the man, had recovered the bundle, which I afterwards found contained counterfeit half dollars.

Mr. Ridgway then read the titles of the books found in the prisoner Brown's room, (already published in the HERALD), and also read from a pocketbook, found with the implements, several memorandas descriptive of the process of gilding.

The Court was detained for nearly an hour waiting for a witness for the prosecution, who had not arrived at three o'clock.

FINANCIAL AND COMMERCIAL.

MONEY MARKET.

THURSDAY, April 13—6 P. M.

The stock market experienced another panic to-day, equal in intensity to any which have preceded it this season. There were large sales to-day, at a decline in nearly every fancy on the list. Illinois Central Bonds fell off ½ per cent; New York Central Bonds, ¾; Delaware and Hudson, 1½; Nicaragua Transit, ¼; Penn Coal, ½; Cumberland Coal, ¼; New York Central Railroad, ¾; New Haven Railroad, 1¼, Cleveland and Toledo, 1; Harlem, ½; Long Island Railroad, ¾; Stonington Railroad, 1¼; Reading Railroad, 1¾; Hudson Railroad, ¾. Transactions on time continue to form the bulk of the business at the board, and there appears to be no particular want for money among sellers. Sales, buyers' option, sixty days, are made at a small advance on cash prices, and on time, sellers' option, at a fraction below. This looks as though there was a greater desire to avoid the risks of holding than to turn stocks into cash. That the market is unusually and unwarrantably depressed there is no doubt; and the greater and more rapid the decline the greater anxiety holders exhibit to realize. We cannot satisfactorily account for this state of things. We cannot see any cause for even a moderate depreciation, and believe that a reaction must soon take place that will carry prices up to points from which they fell. If there had been any important contraction in the money market, and there was a scarcity of means in the hands of speculators, we could easily understand why prices should fall; but no such cause exists. It is nothing more or less than a foolish panic, and must, we suppose, run its course. It will soon, no doubt, exhaust itself, when those who have been so anxious to sell, and have submitted to enormous sacrifices, will be first in the market as purchasers; and we should not be surprised to see one extreme follow close upon the heels of another.

At the second board the market was blue enough. Prices found a deeper depth, and it seems to us that the bottom cannot be far below where we now are. Nicaragua Transit declined ⅞ per cent; Delaware and Hudson, 1; Pennsylvania Coal Co., 1; Cumberland, ¼; Canton Co., ¾; Norwich and Worcester, ¼; Hudson Railroad, ¼; New York Central Railroad, ¼; Harlem, ¼; Bank of Commerce, ¼. The sales were large, and there was no let up—not the first ray of sunshine to gladden the hearts of the poor bulls. They are certainly hard pressed. They, however, stand it pretty well, no failures of importance having occurred. The bears must be careful and not follow the fancies too far. Time contracts put out at present prices may prove troublesome before maturity, and the probability of a decline on rates now current is not near so great as for an advance. To say nothing about the state of affairs in Europe, in California, or at home, causing the decline recently realized, the chances are decidedly in favor of an improvement. After a period of depression a reaction naturally follows. The operations of speculators bring about such a movement. Sellers become bu