NEW YORK CITY.

THE COURTS.

UNITED STATES CIRCUIT COURT.

Arraignments—More Sick Whiskey Men.

Before Judge Benedict.

The court, in pursuance to adjournment, was not opened till one o'clock P. M., Judge Benedict being detained by other business in the Eastern District up to that hour.

The Watson, Crary and Pike Case.

The United States vs. Watson, Crary and Pike.—The defendants, in whose behalf special pleas were interposed yesterday and overruled, were indicted with removing whiskey from a distillery in violation of the Internal Revenue law, and for obstructing the course of public justice. The case against the defendants was called and themselves called upon to plead. The defendants, Watson and Pike were in court, and being arraigned pleaded not guilty to the indictment. George D. Crary was not present, but was represented by counsel, Mr. W. C. Barrett, who stated to the court that Mr. Crary was very sick, confined to his home, and would not be able to be in court to-morrow, the day fixed for the trial of the case. His client was by his indisposition prevented from pleading here to-day, and he (counsel) was certain he would be too indisposed to appear on the day fixed for trial.

Judge Benedict said that counsel would have to be in court to-morrow (this) morning, when the case would be called on, when he could renew his motion for postponing the trial.

The Leipzinger, Beninger and Callaghan Case.

The United States vs. Leipzinger, Beninger and Callaghan.—The defendants are jointly indicted on a charge of removing whiskey from a distillery in violation of the Internal Revenue law and with conspiring to defraud the government.

The defendants Leipzinger and Callaghan were in court and pleaded not guilty.

On the part of Beninger Mr. Kunkel, of counsel, appeared and moved for a postponement of the trial on the ground that his client was sick—suffering from an attack of gastric fever, at the same time presenting an affidavit of a physician to that effect, and stating further that Mr. Beninger had been unable to leave his house for the last ten or twelve days.

Mr. Courtney, United States District Attorney, opposed the motion, calling the attention of the court to the very remarkable coincidence that one or other of the defendants—sometimes their counsel—as each case was called up for trial on these whiskey frauds, had been seized with a sudden indisposition, preventing their appearance in court and the prosecution of the case. Counsel, it appeared, had got over their sickness, but the defendants themselves were still too indisposed to come forward. This epidemic threatened to prevail till the end of the term, but the cause was too manifest and the excuse too flimsy to have any effect on the Court. These pleas of sickness were pleas for procrastination and delay intended to exhaust the term of the court, so that the cases could not be tried by his Honor during this term, and beyond that was the hope that in the changes that might be expected in the District Attorney's office they would escape trial and punishment altogether. He (District Attorney) seeing through these pretexts and knowing the character of the men he and the Court had to deal with, had lost all patience in being compelled to submit to these continued delays. He hoped the Court would do something to remedy this matter and to compel these defendants to come before the public courts and be subject to the laws they were all and separately charged with violating.

Judge Benedict said he fully concurred in the suggestion put forth by the District Attorney that an order of the court should be made to remedy the evil he (Mr. Courtney) complained of. He would, therefore, so long as he presided in this court, insist from henceforth that on motions of counsel for the postponement of the trial of criminal cases on the plea of the sickness of a defendant, a witness should be put on the stand to testify to the fact of such illness and to be subject to the cross-examination of the prosecution so that the Court might be able to determine the necessity for a lengthy or a brief postponement as the motion might ask for. The Court further added that this rule would apply to the motion of counsel previously made on behalf of the defendant Crary, who counsel represented as being too sick to appear for trial to-morrow.

Mr. Barret, counsel for Crary, was notified accordingly.

Charge of Embezzling a Letter from the Post Office.

The United States vs. Thomas Callum.—The defendant, who was indicted with embezzling a letter from the Post Office and destroying the same, appeared before the court and withdrew a plea of not guilty previously given by him and pleaded guilty of the offence charged against him. Remanded for sentence.

UNITED STATES DISTRICT COURT—IN ADMIRALTY.

Important to Canal Boatmen.

Before Judge Blatchford.

The United States vs. The Canal Boat John Hawks.—This was a suit in admiralty. The libel of information charged that the said boat, being engaged in the coasting trade, was found with an altered license on board and therefore became subject to forfeiture by section five of the act of Congress of February 18, 1793. The evidence upon the point of alteration was that the captain of the boat in November, 1867, had erased in two places the figure four of the date, 1864, in a license granted to the boat for that year, and in another place the word "four" from the words "eighteen hundred and sixty-four," printed in said old license, and that no license had been taken out subsequent to 1864. Upon closing the evidence his Honor held that an altered license within the meaning of the statute had been shown and no satisfactory explanation of the alteration had been given; that the offence was complete within the act; the government must be protected from such tampering with the documents of vessels, and any mitigating circumstances which might be pleaded should be presented to the proper tribunal for remitting the forfeiture. Mr. Baker for claimant. Mr. Simons, Assistant United States Attorney, for the government.

SUPREME COURT—GENERAL TERM.

The Patent Pavement Litigation—The Court Sustains the Contract of the City with the Patentees.

Before Judges Barnard, Ingraham and Cardozo.

Astor et al. vs. The Mayor, &c., of New York. Dolan vs. The Same.—These cases were argued at the November term of this court, and in each case an injunction had previously been granted to restrain the laying of a certain pavement—in the former case to enjoin the paving of Thirty-third street with Nicolson pavement, and in the latter to prevent Seventh avenue being paved, from Fourteenth street to Fifty-ninth street, with Stafford pavement. The authority for this paving in both cases was derived under resolutions of the Common Council. Both the plaintiffs are property owners on the thoroughfares designated, and brought their suits on behalf of themselves and all others similarly situated, but in each case a decision adverse to the plaintiffs has been rendered.

Mr. Justice Ingraham, in his opinion, says that in the first case the injunction had, after argument before Special Term, been dissolved, and in the second case continued. From both orders appeals were taken, and on the appeals both cases presented the same questions for consideration. The grounds upon which the injunctions were granted were, that the pavements were each patented and could not be the subject of competition among contractors, and that the Corporation could not contract for its use or cause such pavement to be laid down without violating the city charter. By section thirty-eight of the act of April 14, 1857, it is provided that whenever any work is necessary to be done or any supplies needful for any purpose which has to be undertaken or furnished for the Corporation, and the same shall involve the expenditure of more than $250, the same shall be by contract. It is also provided that such contract shall be made on public notice and awarded to the lowest bidder. The act of April, 1861, directs that all contracts shall be awarded to lowest bidder. The right to use these pavements being secured by patent to the Nicolson Pavement Company in one case and to individuals in the other, it is contended that as no competition can take place in regard to doing this work there can be no offer for bids that can be of any avail, and therefore the Corporation by the provisions of its charter cannot contract for these pavements with the patentees and are virtually prohibited from using them. The real question is whether when a municipal corporation is required by its charter to accept bids for work or materials, patented articles or modes of doing the work are prohibited by that provision because such articles or modes of work cannot be the subject of competition. The Legislature could not have required competition for an article which but one person could furnish, or for work which but one person could perform, and I think it equally reasonable to suppose that if they intended to prohibit the use of patented articles or work for this purpose they could have used language applicable to such purpose by an express prohibition. We cannot avoid the conclusion that this difficulty did not occur to the Legislature in passing this statute. This then brings us to the question whether patented articles are forbidden. To say that the Legislature intended that bids should be received for what can be furnished only by one person or company, and that the lowest bids shall be accepted, without any right to refuse the work or reject the bid, would put the city, bound hand and foot, at the mercy of the patentee and liable to pay any price that might be imposed; and to say that the city should not in any way use patented articles would be to deprive them of all improvements in matters necessary to the municipal government, and leave them to travel the same paths which their predecessors trod, without the benefit of any new discoveries in science or any advance in modes of work applicable to public use. Judge Ingraham then proceeds to say that in his judgment the statute does not require any such construction, and he thinks the intent of the Legislature was to require all materials and work that could be performed by different persons to be the subject of competition. The very object of the provision was to obtain bids from different persons and thereby diminish the costs, and not to place it in the power of one to impose any cost upon the city because no one could compete as to the work. As it is apparent the law did not in terms prohibit the use of patented articles or work, we are not warranted in the conclusion that any intent existed to deprive the city, in cases where the interest of the city required the use of such articles or work, of using them in the only way in which it could be done, viz., by special contract. * * * Such, I think, is the proper rule applicable to the pavements in question. With many persons they are thought to be desirable. Being patented, there can be no competition of any value as to laying them down, and these pavements can only be used by special contract with those who hold the right of their use. The objection that these resolutions were fraudulent, or passed by corrupt means, is answered by the fact that this relates to the legislation of the Common Council, and not to the making of the contract, and that such an objection to a law cannot be the subject of inquiry in a private action. * * * My conclusion is that these injunctions cannot be sustained. In the case of Dolan vs. The Mayor, &c., the order of Special Term sustaining the injunction must be reversed, and the injunction dissolved with ten dollars costs. In the case of Astor et al. vs. The Mayor, &c., the order dissolving the injunction must be affirmed.

SUPERIOR COURT—TRIAL TERM.

Recovery of Damages for Injuries to the Person.

Before Judge Monell.

James W. Steeds vs. Eliza Fuller and Phebe Monetta.—The plaintiff sued to recover $6,000 damages for personal injuries received by falling through a coal hole in the sidewalk, belonging to defendants' premises, which had been left in a dangerous and negligent condition. The jury yesterday rendered a verdict for the plaintiff in the sum of $1,000.

SUPERIOR COURT—SPECIAL TERM.

Misnomer—Effect of Judgment.

Before Judge McCunn.

The National Gaslight Company of New York vs. Silas C. Herring, James R. Floyd, and James O'Brien, Sheriff.—In this action it seems that the defendants herein sued the plaintiff in the Supreme Court, but they there sued them under the name of the National Gas Company—a misnomer. Herring and Floyd proceeded to judgment and execution, sold the property of this plaintiff through the Sheriff and bid it in at the request of an agent of this plaintiff and took possession.

Herring and Floyd bid and paid to the Sheriff $1,500, or thereabouts, for the property in question. The plaintiff brings this action in equity, and the only specific relief demanded is that the defendants, Herring and Floyd, return the property in question to the plaintiff, and that during the pending of this action they be restrained from parting with it. The plaintiff nowhere offers to pay Herring and Floyd the $1,500 they paid the Sheriff for the same; nor does the plaintiff offer to pay Herring and Floyd the amount of the judgment or execution of theirs against it on which the property was sold.

The following is the opinion of Judge McCunn:—In this case affidavits have been presented to me *ex parte*, and upon them I am requested to renew my order of injunction granted in this case without going through the circumlocution of a regular motion. The rule is well settled that a judge granting an order in an action can of his own motion or upon the application of the party aggrieved vacate the order complained of. This being the case, I think the affidavits presented require me to vacate the order restraining the defendants without further ceremony. The action, in fact, is a suit in equity to restrain the defendants, who are perfectly solvent from taking possession of personal property, and the rule is that such an action will not lie where a remedy at law is within reach of the plaintiff, which is clearly the case here. The facts contained in the affidavits of both parties establish the fact that the defendants are lawfully in possession of and are entitled to the custody of the property in question. The order of injunction must, therefore, be vacated, but as the application was *ex parte* it must be without costs.

COURT OF GENERAL SESSIONS.

The Park Bank Robbery—"General" Pintow Sent to the State Prison for Five Years.

Before Recorder Hackett.

Shortly after the opening of the court Francis E. Pintow, who was charged with stealing a package of United States bank notes, amounting to $3,636, from the Park Bank on the 23d of January, was arraigned at the bar for trial. The circumstances of this bold larceny are fresh in the minds of our readers; how that the prisoner entered the bank, broke the glass in front of the money department, grabbed a package of money and ran out. He was pursued and captured in Maiden lane. Pintow offered to plead guilty to an attempt at grand larceny, but Assistant District Attorney Hutchings peremptorily refused to take any plea other than the full charge in that and every other case where the guilt of the prisoner was clearly established.

Pintow then pleaded guilty to the indictment and the Recorder in passing sentence observed that the prisoner committed one of the boldest robberies ever sought to be attempted in the city of New York. He saw no reason why any mercy should be extended, and he consequently sentenced him to the highest penalty the law assigned to that offence, which was five years' imprisonment in the State Prison.

GRAND LARCENY.

William Hastings was charged with stealing a trunk containing ninety dollars worth of lady's clothing. The complainant, Eliza Ville, residing at 380 Third street, stated that on the 23d January she gave the prisoner an order for the purpose of having the trunk and its contents brought to her by express. Instead of doing so Hastings obtained the property and appropriated it to his own use. He pleaded guilty to an attempt at grand larceny and was sent to the State Prison for two years and six months.

John Feeley, who on the 23d of last month stole a coat valued at thirty dollars from the front of Joseph Goldsmith's store, No. 2 Fourth avenue, pleaded guilty to the charge. As that was his first offence the Recorder was lenient and sent him to the State Prison for one year.

ANOTHER BOLD LARCENY IN BROADWAY.

Stephen Handsworth was tried and convicted of grand larceny, which was perpetrated with boldness. John Beaney, a porter in the employ of Eugene Kelly & Co., bankers, at 24 Nassau street, testified that on the 28th of October, 1868, he brought a check to the Chatham National Bank and received in exchange for it nine $100 gold certificates, which he placed in a pocketbook and then in his inside coat pocket. He walked down Broadway, when two men came behind him and seized his arms. He laid hold of the prisoner, who said, "Here is your pocketbook and money." The porter had him arrested on the spot.

Assistant District Attorney Hutchings summed the case up and urged for a conviction. The jury rendered a verdict of guilty without leaving their seats. The Court sentenced him to the State Prison for four years and six months.

ALLEGED HOTEL THIEVES.

Charles Murdoch, who was jointly charged with Thomas Passmore with burglariously entering the room occupied by Mr. B. A. Brayton, at the Westmoreland Hotel, on the 28th of October, was placed on trial. The complainant could not identify the accused by his face. At three o'clock in the morning he was awoke by a noise in his room, and he discovered a man in it, who took his watch and chain, gold studs and twenty-eight dollars in money. The prisoner and his companion entered their names on the register and retired at midnight, and when arrested in their room no property was found. After they were taken to the station house a search was instituted, and the stolen articles were discovered in the yard. The case will be finished to-morrow. An additional panel of petty jurors was summoned and made returnable this morning. Most of them endeavored to be excused from serving, but the Recorder declined to entertain any but legal excuses.

The Grand Jury brought in a batch of indictments, to which the prisoners pleaded "not guilty." Some of these cases were sent to the Oyer and Terminer for trial.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT.—Part 2—Nos. 742, 492, 908, 910, 954, 956, 958, 960, 962, 964, 976, 978, 980, 984, 986, 988, 990, 994, 998, 1004. Part 3—Nos. 1105, 1022, 388, 1005, 519, 824, 655, 557, 861, 947, 1084, 949, 1219, 1221, 1055, 787, 609, 613, 559, 889.

SUPREME COURT—SPECIAL TERM.—Nos. 139, 151, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173.

SUPERIOR COURT—TRIAL TERM.—Nos. 579, 555, 597, 431, 479, 557, 529, 163, 605, 631, 633, 635, 637, 639, 641.

COMMON PLEAS—TRIAL TERM.—Part 1—Nos. 431, 460, 449, 462, 463, 464, 465, 466, 467, 470, 471, 472, 473, 474, 475.

COURT OF GENERAL SESSIONS.—Before Recorder Hackett.—The People vs. Patrick Moore—Robbery; The Same vs. Joseph Gross, Henry Wilson, Henry McCall—Robbery; The Same vs. Frederick Baden—Arson; The Same vs. Thomas McCormick—Larceny from person; The Same vs. James Devine, James Edwards, Andrew Wheeler—Burglary; The Same vs. Joseph Crawford—Burglary; The Same vs. Thomas McMahon—Burglary; The Same vs. James Shepherd—Felonious assault and battery; The Same vs. William Rea—Burglary; The Same vs. Stephen Boyle, alias Francis, alias Barrett—Felonious assault and battery; The Same vs. Patrick Martin—Burglary; The Same vs. Charles Edwards—Felonious assault and battery; The Same vs. John Smith—Burglary.

Before Judge George G. Barnard.—The People vs. Henry Henenson—Grand larceny; The Same vs. George Jones—Felonious assault and battery; The Same vs. George Jones—Burglary; The Same vs. James McNamee—Robbery.

CITY INTELLIGENCE.

THE WEATHER YESTERDAY.—The following record will show the changes in the temperature for the past twenty-four hours, as indicated by the thermometer at Hudnut's pharmacy, HERALD Building, Broadway, corner of Ann street:—

3 A. M.	42	3 P. M.	43
6 A. M.	43	6 P. M.	43
9 A. M.	45	9 P. M.	42
12 M.	44	12 P. M.	43

Average temperature 43¼
Average temperature on Tuesday 37⅜

BROKE HER LEG.—Yesterday afternoon Catharine McCreale, aged fifty-five, living at No. 122 Elizabeth street, fell and broke her leg. Taken to Bellevue Hospital.

THE MILITARY POST LIBRARY ASSOCIATION has published a report of their work during the past year, which is very satisfactory, showing that the association is doing a good work. Military posts are supplied with books, periodicals and papers. Over $2,000 was collected for this purpose during last year and judiciously expended.

SOCIETY OF MECHANICS AND TRADESMEN.—A regular meeting of the General Society of Mechanics and Tradesmen of the City of New York was held last night at Mechanics' Hall, 472 Broadway, at half-past seven o'clock. Owing to the rain storm the attendance was quite limited. The business transacted was merely of a routine character.

THE MORGUE—"UNKNOWN."—Warden Brennan reports that the body of an unknown man, aged about thirty-five years, five feet eight inches high, was brought to the Morgue yesterday from the foot of Leroy street, North river. Deceased had brown hair, sandy mustache and goatee, and was attired in blue overalls, blue overshirt, blue flannel undershirt and gray socks. The body was too much decomposed to be placed in the Morgue to await identification.

METROPOLITAN FIRE COMMISSIONERS.—The Fire Commissioners met yesterday—present, Commissioners Shaler, Wilson, Galwey, Myers and McLean. Commissioner Kingsland, who is now described in all official documents as "C. E. and Colonel Commanding," reported for the month:—Buildings slightly damaged by fire, 70; considerably, 8; totally, none; 1 stable damaged slightly; 3 considerably; 2 totally destroyed; 1 vessel slightly damaged; 1 considerably; 74 fires confined to one building; 5 extended to others. Total fires, 79. Foreman Rowe, of Hook and Ladder No. 9, announced the death of fireman John H. Carman, of that company.

AN ASSISTANT ALDERMAN TAKEN TO WASHINGTON UNDER ARREST.—Assistant Alderman Florence Scammell, who was arrested on Monday night by the Sergeant-at-Arms of the House of Representatives for contempt in refusing to testify before the Committee on Election Frauds, was taken to Washington on Tuesday morning. Scammell was subpœnaed before the committee while in session in this city, and testified in the most brazen manner to certain facts which he claimed to be within his knowledge, while in regard to other matters he was equally defiant in his refusal to give the information sought. The precise nature of the cause for his arrest is not known.

THE GERMAN HOSPITAL.—The Financial Committee of the German Hospital and Dispensary, Fourth avenue and Seventy-seventh street, made their report of the financial condition of the hospital to the following effect:—Total subscriptions from 1861 to 1867, $103,259; for 1868, $23,788. Total, $127,047. From the German Ladies' Aid Society during 1863 to 1867, $29,044; during 1868, $324. Total, $29,368. Interest account from 1862 to 1868, $8,647; making the total receipts since the organization of the society $165,064. The expenses for the same period were $165,044, leaving $20 cash in the treasury on the 1st of January last. The expenses include $148,126 for building purposes, and $4,664 were paid since May last to maintain the Dispensary.

FIRES.—At forty minutes after eleven yesterday a fire broke out in the four story brick building No. 317 Eighth avenue, owned by H. Seifke and insured in the Bowery Insurance Company for $3,000. The building was damaged $1,800. The fire originated in a stove on the first floor, in the premises of Aaron Zacharias, dealer in furs and millinery goods, whose loss is put at $12,000; insured for $7,000 in the following companies:—Hope, $3,000; Brooklyn, $2,000; Lafayette, $2,000. The third floor, occupied as a dwelling by Erastus Miller, was damaged $500; insured in the St. Nicholas for $2,000. The barber shop of George Schmidt was damaged $100.

A fire broke out yesterday afternoon in the cabin of the brigantine Catharine Leed, of Leith, Scotland, at present lying between Forty-second and Forty-third streets, East river. The damage sustained is estimated at $3,000. The fire originated from a stove heating the woodwork of the cabin.

POLICE INTELLIGENCE.

CARRYING A SLUNG SHOT.—Yesterday morning Wm. Meikelson was brought before Justice Dowling by officer Jaques, of the Twenty-seventh precinct, on the charge of having in his possession a slung shot, with the alleged intent to use the same. The magistrate committed Meikelson to prison to answer the complaint before the Court of Sessions.

CUTTING AFFRAY BETWEEN FEMALES.—On Tuesday night Anna Gallagher, living at No. 46 Thomas street, and Margaret Butler became involved in a quarrel during which Maggie, as alleged, drew a knife, with which she cut her antagonist in the face, inflicting a severe wound. Maggie was subsequently arrested by officer Christie, of the Fifth precinct, and Justice Dowling committed her for trial.

CAUGHT IN THE ACT.—Daniel McKenna and Thomas Thompson, arrested by officer Brady, of the Sixth precinct, stand charged with larceny by John Smith, a German, living at No. 63 James street. John caught the prisoners in the bedroom of his boarding house examining the contents of his trunk, whereupon they closed it and ran away. On making an examination immediately afterwards John found that twenty-five dollars in cash had been stolen from his trunk. Justice Dowling committed the prisoners for trial.

ROBBERY IN JAMES STREET.—About half-past eleven o'clock on Tuesday night Samuel Bruce, a seafaring man, while standing on the front steps of premises No. 84 James street, occupied as a dance house, was violently assaulted by Thomas Grady and three other men, whose names are unknown, some of whom seized and held him fast while another of the gang rifled his pockets of fifteen dollars in legal tender notes and a silver watch, with which they fled. Officer Rooney, of the Fourth precinct, subsequently arrested Grady, whom Bruce recognized as one of the parties concerned in the robbery. The accused was taken before Justice Dowling and committed to the Tombs for trial in default of $2,000 bail. The others engaged in the robbery are still at large. Bruce was sent to the House of Detention.

A WOMAN ROBBED IN GREENWICH STREET.—Last Saturday evening Thomas Ryan and Michael Loftus, twenty and twenty-two years of age respectively, entered the liquor store of Henrietta Bjattner, 66 Greenwich street, and commenced abusing her. In a few moments afterwards one of the men struck Henrietta on the brow with a heavy instrument, knocking her down, and while prostrate on the floor they forcibly rifled her pockets of twenty-three dollars and seventy-five cents in legal tender and national bank notes, with which they escaped. Search was made for the robbers, and at a late hour on Tuesday night officer Griffin, of the Twenty-seventh precinct, succeeded in arresting them. Yesterday morning the prisoners were arraigned before Justice Dowling at the Tombs, where Henrietta appeared and made a complaint against the accused parties. In default of $2,000 bail each the magistrate committed them for trial. The defendants claim to live in the lower part of Greenwich street. Frank Keenan, alleged to have been concerned in the assault and robbery, has not yet been arrested, but the officers are in pursuit of him.

THE CITY PRISON.

Prisoners in the Tombs—Murderers, Robbers, Burglars and Ruffians.

The records of the Tombs show that there are at present in that prison no less than twelve murderers, twenty-eight burglars, eight robbers and sixteen other criminals charged with felonious assault, arson, bigamy, rape and forgery. The list of prisoners who are awaiting trial for minor offences against the law is very large. Most of the prisoners who are charged with the commission of the greater crimes were arrested within the past month. The record does not, by any means, include all the offenders "held for trial;" for by the system of legal hocus-pocus, in which the fraternity of crime is thoroughly instructed, many scoundrels who make robbery a business and murder a recreation are out on bail and pursuing their vocation with perfect impunity. To that very influential and numerous body of citizens the following list of poorer but not less guilty villains now in the Tombs will afford much amusement, while to the public at large it will furnish food for reflection.

MURDERERS.

Cell No. 106—John Carson, charged with the murder of his wife, Rebecca Carson.

Cell No. 70—George Greening, charged with the murder of Patrick Tiernan.

Cell No. 133—William J. Harris, charged with killing Thomas Mullen.

Eliza Johnson, the murderess of her husband, Norman L. Johnson.

Cell No. 64—Patrick Kerrigan, the murderer of Eliza Tracey.

Cell 85—William McCulchion, charged with killing James Shanley.

Cell 52—Donaltio Mogaldo, the murderer of John Ryan.

Gertrude Pferfle, the murderess of her husband, Jacob Pferfle.

George Rheinhardt, charged with assisting Mrs. Pferfle in the murder of her husband.

Cell 7[illegible]—John Real, the murderer of officer John Smedick.

Cell 59—John Stebert, charged with the murder of Jacob Stellwagen.

Cell 4[illegible]—Robert Tillman, charged with murder.

BURGLARS.

Raymond Cabana, John Smith, Forty-eighth street; Henry Schultz, Charles Stevens, Charles Smith, Andrew Wheeler, Walter Scott Wells, Henry Watson, Thomas McMahon, John Williams, Edward Topping, Joseph Gross, Henry Wilson, Henry McCall, Francis Bradley, Francis Conklin, James Devine, James Edwards, James Gammon, George Jones, James Jones, William Jones, Charles J. Murdock, Patrick Martin, Thomas Moore, Thomas Passmore, alias T. J. Moore, William Rielly and Joseph Crawford.

ROBBERS.

Thomas Ryan, Charles Loftus, George Brown, Dennis Conner, Michael Meehan, Patrick Moore, James Smith, Thomas F. O'Donohoe.

CHARGED WITH FELONIOUS ASSAULT.

Walter Deane, Daniel Hines, John McLoughlin, James McDonald, Charles Newman, James Shepherd, Desiderio Gonzales, Edward Bergert, Charles Edwards, William Anderson, Stephen Boyle, alias Edward Francis, alias Edward Barrett.

CHARGED WITH OTHER OFFENCES.

Cell No. 68, James W. Jennette, bigamy; cell No. 54, John Leonard, rape; cell No. 108, George R. Martin, forgery; cell No. 89, Frederick Baden, arson; cell No. 18, Joseph Roll, arson.

METROPOLITAN POLICE.

Annual Report of the Board to the Legislature—Interesting Facts and Figures Relating to the Expenditures, Force and Duties of the Department.

The annual report of the Board of Metropolitan Police for the year ending November 1, 1868, has just been transmitted to the Governor and the Legislature, and the following statistics compiled from the budget will be of interest to the public generally:—

Dr. Jones, President of the Board of Surgeons, in calling attention to the subject of station houses, expresses gratification at the improvements made therein as, compared with their former condition, but regrets that the ventilation is not more perfect. He also expresses the conviction that it is highly improper to allow station houses to be used as lodging places for vagrants.

During the year, from January 1 to November 1, 1868, 5,263 arrests for drunkenness and disorder were made; 5,748 children were reported to the police as "lost" in this city and 1,593 in Brooklyn. The number of foundlings in New York was 162.

THE HOUSE OF DETENTION

for witnesses is the subject of many valuable suggestions by the Commissioners, in the course of which they say:—It can scarcely be realized by the people that in this age and country, where accused persons and convicted criminals are so humanely dealt with, there is an institution established by law (and well filled) for the imprisonment of persons not even charged with any crime or offence. By reference to the annexed report of the sergeant in charge of the House of Detention of Witnesses it will be seen that during the year ending October 31, 1868, there were confined as prisoners, in fact and law, in this institution, 264 persons—193 males and 71 females—264. The aggregate number of days these persons were detained is 38.52, equal to ten years, six months and eighteen days of one person. Table No. 2 exhibits the operations of this system of imprisoning innocent persons for the six years last past. It appears that within that period, in New York and Brooklyn, 1,716 persons have been imprisoned in this institution, an aggregate of 25,841 days—equal to seventy years, nine months and twenty-one days' time of one person. The witnesses are generally poor, without friends in the city. Some of them have families dependent on them for the necessaries of life. They are all innocent, and have a natural right to their liberty and the earnings of such employment or business as they may choose to follow; yet in derogation of these natural rights they are arbitrarily imprisoned upon the claim that the public good demands their presence and testimony on criminal trials. In some cases the innocent witness is imprisoned while the criminal is at large on bail, and finally escapes punishment, not unfrequently without coming to trial. In some cases where the criminal is convicted the witness suffers a longer imprisonment than the criminal. In not a few instances the person against whom the offence was committed has been imprisoned, while the guilty party has been allowed to go at large and escape punishment. This system, instead of aiding, probably tends to embarrass the successful punishment of crime. During the year 1868 there were thirteen persons detained more than seventy days each. Seven of them over ninety days each. Five more than 100 days each. One has been imprisoned 164 days, and is still in prison. The current expense of this institution for the year, paid by this department, has been $8,494 51. The property occupied for this purpose is worth probably more than $100,000, and would bring an annual rent of $10,000, making a total annual cost of $18,494 51.

In speaking of

LODGING HOUSES

and the class who would patronize them, if established, the Board says:—Those who apply for this accommodation are the most wretched of our population. They cannot be committed to prison. It would not be creditable to our government to allow them to freeze to death in the streets. The accommodation now afforded is insufficient and cannot be enlarged in our station houses. It would be a charity well bestowed to provide, independent of the station houses, lodging houses, under the charge of the police, to be located in different portions of the city where the population is dense, of sufficient dimensions to receive all these wretched people. Four or six such establishments, built and adapted to their use, could be maintained at a very moderate current expense. In eight years, from 1861 to 1868 inclusive, the number of these lodgers has been 744,570, which is an average of 93,071 per year.

HEALTH OF THE POLICE FORCE.

The total time lost by sickness in the whole force during the year was 26,661 days, of which 15,498 days were paid for and 11,163 days unpaid. There were thirty-three deaths in a force of 2,668 men, showing a death ratio of about one and one-fifth per cent of the whole force. There were 297 cases of accidents among the members of the force. Two thousand, nine hundred and sixty-four cases of medical and surgical disease occurred among the members, the proportion of deaths being one to every eighty-seven cases of sickness. Notwithstanding the number killed by violence, the death ratio is much below the average of men in police and military service in other parts of the world.

THE POLICE FORCE

consists of 2,519 men, of the following rank:—Captains, 32; sergeants, 132; roundsmen, 70; patrolmen, 1,675; on special duty in precinct, 240; do. out of precinct, 36; doormen, 73.

PROPERTY CLERK'S OFFICE.

J. W. Bruck, property clerk, reports that the value of property restored through his office to owners, at their own valuation, amounted to $3,856,730. Several lots of unclaimed goods were disposed off at auction. From the different precinct station houses the value of property restored amounted to $1,346,527. Grand total of property restored, $5,203,258 65.

STEAM BOILERS.

Captain Lord, of the Sanitary Bureau, reports that during the year there was no explosion of any stationary boiler in the precincts of the Metropolitan police. Three thousand three hundred and four steam boilers were examined, of which 642 were found defective. There were 810 applicants for certificates to take charge of steam boilers, which were examined. Five hundred and sixty-four were found qualified and granted certificates, and 246 refused. Number of steam boilers tested hydrostatically, 2,877; number of steam boilers condemned, 20; number of steam boilers found defective, 100; number of gauges found defective, 142; number of safety valves found defective, 92; number of gauge cocks found defective, 308. Total number of defects, 642. Number of steam boilers removed by order of department, 20; repaired by order of department, 100; gauges repaired by order of department, 142; safety valves repaired by order of department, 92; gauge cocks repaired by order of department, 308.

THE FERRIES

are reported to have carried the following number of passengers during the year:—

Union ferry	40,000,000
Bull's ferry and Fort Lee ferry	785,000
Jersey City ferry	13,100,000
Hoboken ferry	5,724,000
Staten Island ferry	2,276,000
New York and Elizabeth ferry	4,200,000
Houston street ferry	1,932,000
Peck Slip and Grand street ferries	4,600,000
Greenpoint ferry	1,545,000
Pavonia ferry	2,510,058
Hunter's Point ferry	2,185,000
Jackson street ferry	1,400,000
North Shore Staten Island ferry	1,500,000
Hell Gate ferry	125,400
Weehawken ferry	338,816
Total	82,321,274

THE NUMBER OF ARRESTS

for the year gives a grand total of 78,451. Of this number 56,784 were males and 21,667 females. Of this number the Fourth precinct furnished the largest proportion as compared with other precincts, being 4,681 males and 2,787 females.

OFFENCES.

Assault, 176 males, 14 females; assault and battery, 5,736 males, 1,083 females; felonious assault, 649 males, 63 females; abandonment, 343 males, 10 females; attachments, 71 males, 8 females; arson, 58 males, 7 females; bastardy, 161 males; bigamy, 11 males, 2 females; contempt of court, 8 males, 6 females; disorderly conduct, 10,977 males, 5,891 females; escaped prisoners, 73 males, 16 females; frauds, 502 males, 15 females; forgery, 107 males, 6 females; gambling, 165 males; insanity, 422 males, 196 females; intoxication, 17,662 males, 7,435 females; intoxication and disorderly conduct, 5,392 males, 3,486 females; kidnapping, 12 males, 9 females; keeping disorderly house, 147 males, 151 females; grand larceny, 1,916 males, 497 females; petit larceny, 5,689 males, 1,238 females; mutiny, 12 males; malicious mischief, 1,188 males, 37 females; murder, 71 males, 7 females; picking pockets, 255 males, 43 females; perjury, 16 males, 2 females; receiving counterfeit money, 84 males, 9 females; receiving stolen goods, 213 males, 42 females; robbery, 128 males, 4 females; suspicious persons, 842 males, 41 females; seduction, 13 males; truancy, 207 males, 82 females; vagrancy, 1,376 males, 1,073 females; violation of corporation ordinance, 1,845 males, 58 females; violation State law, 165 males, 4 females; violation United States law, 66 males, 1 female; violation Excise law, 991 males, 36 females; violation Health law, 157 males, 81 females; violation Election law, 157 males; witnesses, 6 males, 3 females. Total, 56,784 males, 21,667 females.

SOCIAL CONDITION.

Of those arrested 24,631 males were married and 8,275 females; could read and write, 40,275 males, 16,604 females; could read only, 250 males and 236 females.

NATIVITIES.

United States, 20,126 males, 5,831 females, 1,269 colored; Ireland, 24,350 males, 12,664 females; Germany, 7,119 males, 1,162 females; England, 1,810 males, 887 females.

OCCUPATIONS.

Of parties arrested 99 were artists, 66 actors, 378 agents, 689 blacksmiths, 574 barbers, 705 bartenders, 872 butchers, 2,930 clerks, 1,946 cartmen, 1,460 carpenters, 175 conductors, 1,431 drivers, 3,913 day workers, 29 editors, 3,770 housekeepers, 12,349 laborers, 154 lawyers, 880 merchants, 13,334 no occupations, 96 city officers, 64 United States officers, 136 physicians, 41 policemen, 6,185 prostitutes, 2,556 servants, 1,118 saloon keepers and 17 reporters.

ACCIDENTS, ETC.

There were reported during the year 4,898 accidents; 3,720 buildings were found open and secured; 1,608 animals were found and restored to their owners; 55,842 violations of corporation ordinances were reported.

SANITARY SQUAD.

The work of the sanitary squad shows:—Number of privies and water closets cleaned, 12,993; number of loads of night soil removed, 46,947; number of dead horses removed, 4,251; do. cows, 198; do. goats, 217; do. sheep, 286; do. hogs, 277; do. dogs and cats, 4,815; do. calves or "bobs," 250; bear, 1—total number of dead animals, 10,295.

Unsound veal (pounds) removed, 40,592; unsound mutton, 53,502; unsound beef, 49,024; unsound pork, 4,612; unsound fish, 90,250; unsound poultry, 9,992. Total number of pounds, 247,972. Unsound eggs removed (barrels), 21. Number of barrels of offal removed, 74,455.

TRUANT REPORT.

There are seven men detailed to look after truant children, who visit the public schools daily and the absent pupils' homes, to find the cause of their absence. During the past year there have been reported by the teachers to the truant officer 5,962 children as absentees or truants from school. All of these have been visited at their homes, with the exception of 384, whose residences could not be found; 2,175 were reported absent without cause; 718 were sent to the Juvenile Asylum; 305 sets of books, valued at $580, were recovered.

ELECTION DISTRICTS.

The number of election districts in the city of New York is 340. The city of Brooklyn has 118. This large increase in the number of polling places in the city of New York especially, has correspondingly increased the expenses of election. The amount required for the payment of inspectors, canvassers, poll clerks and for rent of places for registry and elections in the city of New York was, for the general election, $48,945; for the charter election, $38,420. Total, $87,365.

TREASURER'S ACCOUNT.

The Treasurer's report shows that the entire expenditures of the department for the year were $1,013,851. The cash balance remaining on hand is $851,612.

BOARD OF EDUCATION.

A stated meeting of this Board was held last evening in the hall of the Board, with the president, Mr. R. L. Larremore, in the chair. A large number of petitions and communications were received and appropriately referred or were laid over under the rule. Judging from the physiognomies of some of the strangers in the lobby it was very evident that something more than ordinary was expected to come up, and that they were to report to their leaders the progress of the proceedings which might take place. The cause of the presence of the curbstone politicians soon became evident, as a communication from the City Chamberlain was handed to the clerk by the President. This communication, which was quite lengthy, retailed the story of the forged check paid by the Broadway Bank in 1867 of the sum of $17,500, and contained some very sharp allusions to Mr. William E. Curtis and Mr. Thomas Boese, counsel and clerk to the Board, and challenging the Board to commence proceedings to settle the question as to where the responsibility for the amount of the check should rest. By request of the Board the clerk read the correspondence which passed between Mr. James M. McLean and other officers of the Board and the City Chamberlain in May, 1867. Commissioner West then offered the following preamble and resolutions, which were unanimously adopted:—

Whereas the City Chamberlain in a communication to this Board, of this date, intimates that he will waive all technical objections in the defence of a suit to recover the sum of $17,500 paid by him or his agents on a forged check, alleged to have been drawn and signed by the officers of this Board; therefore

Resolved, That Messrs. James T. Brady and William E. Curtis, the counsel retained by this Board to prosecute said suit, be and they are hereby directed to commence proceedings forthwith to recover said amount, and that the Finance Committee of this Board take all the necessary measures to insure a speedy and proper settlement of this suit, and that the committee report their conclusions to the Board at its next meeting.

A resolution was adopted authorizing the Committee on Normal Schools to advertise for proposals for building a new normal school building.

The Comptroller was directed to place the sum of $500,000 to the credit of the Board.

The Finance Committee offered the following resolutions in regard to the school moneys for 1869:—

Resolved, That the sum of $2,699,148 66 of the school moneys for 1869 be and the same is hereby appropriated for the purposes and in the amounts herein named and paid, as may be required by warrants drawn upon the City Chamberlain, subject to the by-laws, rules and regulations of this Board governing payments, viz.:—

Amount deficient in liabilities of 1868	$26,148
Salaries of teachers in ward schools	1,700,000
Salaries of janitors in ward schools	85,000
Incidental expenses	110,000
Fuel for ward and evening schools	80,000
Gas for ward and evening schools	15,000
Supplies through the depository, books, maps, charts, &c.	180,000
Support of evening schools—salaries, &c.	100,000
Support of normal schools—salaries, &c.	12,000
Support of colored schools—salaries, &c.	45,000
Rents of school premises	45,000
Salaries of superintendents, clerks, &c., of Board of Education	65,000
Incidental expenses of Board of Education	50,000
Shop accounts, wages and expenses, preparing plans, &c., inspection of buildings, materials	10,000
Corporate schools—annual apportionment and including appropriations to Commissioners of Charities and Corrections	70,000
Pianos for ward schools	6,000
Erecting normal school building	100,000
Total	$2,699,148

Resolved, That the sum of $420,851, being the unappropriated balance of the school moneys for 1869, be set apart and reserved and paid as may be required, under appropriations to be previously made therefrom, for purchasing, leasing and procuring sites for erecting buildings and for furnishing, fitting up, altering, enlarging and repairing buildings, and for such other school purposes as are not already provided for.

A resolution was introduced on a report from the Finance Committee to appropriate $85,840 for rebuilding grammar school No. 34 in the Thirteenth ward. The condition of this school was alluded to in the HERALD of Saturday last, and it was somewhat surprising to hear the opposition evinced by Commissioners Neilson and Patterson. The resolution was finally adopted, as were also resolutions appropriating $11,579 for furnishing grammar school No. 36, in the Eleventh ward, and appropriating $7,560 for furnishing primary school No. 16, in the Twenty-first ward. After a little further unimportant business the Board adjourned.

THE MUNICIPAL FUNDS.

The Board of Education—The City Chamberlain and the Alleged $17,500 Forged Warrant—Communication from the City Chamberlain to the Board of Education.

OFFICE OF THE CITY CHAMBERLAIN, }
Feb. 3, 1869. }

RICHARD L. LARREMORE, President of the Board of Education:—

DEAR SIR—I beg leave to call your attention to the facts connected with the warrant drawn against the appropriation standing to the credit of the Board of Education in the Broadway Bank on the 20th day of April, 1867, for the sum of $17,500. This warrant was alleged, by the officers of the Board of Education at that time, several weeks after notice of its payment, to be a forgery. On receiving notification to this effect I immediately communicated with Mr. Palmer, the president of the Broadway Bank, on the subject. On the 1st day of June, 1867, Mr. Palmer answered my communication in a detailed statement of the transaction, which was published at length in the newspapers of that day, charging that the responsibility in the premises rested with the officers of the Board of Education. Mr. Boesé, the clerk of the Board, on the 6th day of June, 1867, published a card in answer to Mr. Palmer's communication, in which, after denying in a general way the specific facts alleged and detailed statements made by Mr. Palmer, he proclaimed that "the proper tribunal (would) will in due time decide as to the manner in which the clerk of the Board of Education and Mr. Palmer performed their respective duties." In addition to this public discussion, issue and promise, the subject has been frequently under consideration in the Board itself. One year and eight months have elapsed since the clerk of the board declared that the "proper tribunal" should have the opportunity to decide the question at issue; and yet to this hour no steps have been taken by the clerk or any other officer of the Board to furnish that opportunity. On the contrary, it would seem that every precaution has been adopted to prevent the issue from being raised or decided. It is obvious that the question as to whether the payment in dispute was a valid charge against the school funds could only be raised by the Board of Education or its officers. That this question could be easily presented, if desired, is not difficult for any one to see. If, while the account is run down, as is often the case, and before a new appropriation is demanded, a draft should be drawn by the proper officers of the Board for an amount covering the disputed sum and it should not be honored, legal proceedings to enforce payment would at once bring up the question of responsibility.

But the officers of the Board draw no drafts which impeach that payment, thus virtually treating it as a legitimate charge, and the question is continuously allowed to go by default. It is proper that I should remark, in this connection, that you were not the president of the Board at the time the transaction arose and are not responsible in connection with the allegations made by Mr. Palmer, to which I will refer.

I am led to make this communication in consequence of a letter addressed to your Board by Mr. William E. Curtis, at its last meeting in 1868. This letter contains no statement of any proceeding having been taken, or even attempted to be taken, but is a sort of annual apology for a year's delay in the premises. Mr. Curtis says:—"Delays have arisen in the prosecution of the claim from the technical difficulties incident to the complicated legislation concerning the relations of the Board of Education and the City Chamberlain. It was hoped that all technical difficulties would be waived, in order that the question, if any, of the restoration of the sum to the Board of Education might be simply considered upon its merits." Mr. Curtis would have it believed that the Chamberlain has raised technical objections to any procedure, which he will not waive. This he knows to be untrue. I am certainly unconscious of any technical objection. As no legal proceedings have been commenced against the Chamberlain he has not been in a position to raise any objections, either technical or substantial, consequently he has had nothing to insist upon or to waive.

If Mr. Curtis had taken the first legal step to present the issue, and the Chamberlain had appeared and urged technicalities to prevent the substantial question of responsibility from being raised, then he might have been justified in arraigning the Chamberlain. But Mr. Curtis only arraigns himself.

Nearly two years have elapsed since the disputed check was paid and the clerk of the Board promised that the "proper tribunal" should in "due time" have the opportunity to decide as to his culpability and responsibility; yet the clerk during all this intervening time has carefully avoided drawing any drafts which touch the disputed amount. Mr. Curtis is employed as counsel, and after all his professional skill is exhausted in like efforts "not to do it," he communicates to the Board the fact that he has not commenced any proceeding, and has succeeded in doing nothing and attempting nothing except to try to throw the blame on the Chamberlain. Mr. Curtis' effort to involve the Chamberlain is about as successful as his attempt to commence legal proceedings. His personal candor and fairness may be said to go hand in hand with his professional skill and alacrity. It is true I have waited patiently and repressively for more than a month since Mr. Curtis wrote his letter, for him to make another effort to begin, in the hope that I might be spared the necessity of making this communication; but the first step forward has not yet been taken.

I respectfully submit that this will not answer. Somebody is responsible for this $17,500, and the question of responsibility ought to be decided by the "proper tribunal." Mr. Boesé's "due time" for this purpose never comes due, and Mr. Curtis' "beginning" never begins. Through you I respectfully but earnestly invite and urgently request that legal proceedings shall be commenced to decide the question, if there be any question, or that the disputed amount shall be made up by the clerk, who is charged with the responsibility. This condition of the affair should not be permitted to go on from year to year with such poor apologies for delay.

I would be justified, after the unprofessional and unfair effort to involve me in the delay, in presenting some reasons from Mr. Palmer's communication why the long-threatened legal proceedings have not—I will not say dare not—be commenced; but I have no feeling in the matter, and will even freely forgive Mr. Curtis, if he will only begin to do something in the premises, and I shall refrain. I intend, however, that this communication shall be as forcible a challenge to begin as courtesy of language will permit. But after this long lapse of time I consider it my duty to refer to the allegations of Mr. Palmer, which have not yet been controverted, as promised by the clerk, for such explanation as they may furnish, and which, for convenience of consideration, may be subdivided as follows:—

First—The warrant in question was paid by the paying teller of this bank on the 20th day of April last. On the same 20th day of April (1867) Mr. B. M. Clark, Jr., the bookkeeper in this bank, who keeps the account of the Board of Education, informed the clerk of that Board that there was a difference between their account and his, and requested him to send the bank book of the Board to be written up. The bank book was accordingly sent and written up, showing the charge of $17,500 for the payment in dispute, and the balance was struck, placing that amount to the debit side of the account.

Second—On the 25th day of April the bank book, with this statement of the details of the account, exhibiting the balance after the deduction of the amount of the disputed warrant, and the warrant itself, with the others, were returned to the clerk of the Board.

Third—No question was made as to the correctness of the account or as to the genuineness of the warrant until the 17th day of May following, twenty three days after the account was thus returned to the clerk of the Board, and the warrant itself placed in his possession.

Fourth—Mr. Palmer proceeds to say:—I find that, by the rules of the Board of Education, it is made the duty of the Clerk of the Board to keep an account of all the expenditures. When the detailed statement and vouchers of the bank were returned to him the account on his books must have shown the exact amount in bank to the credit of the appropriation. How is it that the clerk did not discover such a discrepancy and variation as a false charge of the large sum of $17,500?

Fifth—Mr. Palmer then asks the following questions, pertinent or impertinent, as they may be considered:—

How is it, when the clerk examined the vouchers, he passed over a warrant for the sum of $17,500, on which his own name was forged, without surprise or detection?

It should be remembered that the clerk was specially put on his guard before this; for he was notified on the 20th of April that there was a discrepancy between his account and that of the bank, attributable to another cause; but being put on the alert by the notification that there was something wrong in the accounts, if he did not discover the difference between his balance and the bank's to be $17,500 on that day, why did he not the next day, or the next week, or the next fortnight, enlighten himself on the subject? Why is it that it took three weeks to make the discovery?

Is it alleged that entries in the books of account of the Board of Education to force a balance to correspond with that of the bank was forged also?

Mr. Palmer then proceeds to consider the mode in which the accounts of the Board are kept, and the warrants drawn and signed; but as what he says on this subject elaborately charges reckless mismanagement on the clerk, as to his manner of performing his duties, I shall not quote it, as I desire to be entirely impartial in the controversy.

Mr. Palmer, however, proceeds to inquire if the account was kept at all and came out straight when the account of the bank warrant was returned, how did it undergo revision twenty-three days afterwards? And if no account was kept how was the discovery made at all?

Mr. Palmer contends that the warrant is not a forgery; but assuming the other aspect of the question, he proceeds to say:—

I should remark that the paying teller of this bank, who has filled his post so creditably heretofore, states he is confident that he must have paid the warrant to some person well known to him or satisfactorily identified, because it was payable for so large an amount to bearer, which is unusual, and was endorsed by the name of the President. This is his invariable rule, and if he had been notified of anything wrong in regard to this warrant by the clerk of the Board at the time when the account and warrant were returned to him, on the 25th of April, when the facts were fresh, he would have been able to remember all the circumstances under which the warrant was presented and paid. But the clerk of the Board, not disputing the account of the bank, and keeping possession of the warrant in question for twenty-three days without making the least intimation of its being wrong, brought the subject to his mind at so distant a period that, necessarily having so many things to occupy him every moment of time, he cannot now recall the circumstances attending the presentation and payment.

I suppose there cannot be a doubt in law or in equity that whether the warrant in dispute is genuine, or, being a forgery and the fact was kept concealed by the responsible officer of the Board of Education, designedly or through neglect, for such a period as to necessarily prevent the detection of the forger and allow of his escape with the money, that the bank is equally absolved from any liability arising from its payment.

It is under these circumstances that the clerk of the Board has permitted this transaction to slumber for the better part of two years.

It will be seen that Mr. Palmer contends that if the warrant is a forgery the long concealment of the fact after it was brought to the attention of the clerk prevented the detection of the offender, insured his escape and defeated the possibility of the recovery of the money, and, as between two public officers, that the one whose fault really caused the loss is responsible. One year and eight months of additional delay doubtless adds to the force of this plea.

May I not ask your efforts to induce the Board to take definite action in the premises? All that I desire is that the question of responsibility shall be decided, so that the city shall not lose the money. This question can only be raised by the Board or its officers, and it ought not to be allowed to be longer delayed without any attempt to bring it to legal investigation. Very respectfully, yours,

PETER B. SWEENY,
Chamberlain of the city of New York.

THE WEATHER.

Another Change—A Damp Day.

The proverbial fickleness of the weather was never more fully proven than during the past weeks of the present winter. Frost and springlike mildness, thaw and bitter winds, sunshine and snow, rain and hail, have attenuated with wonderful rapidity, and it has, consequently, been more than usually difficult to come to any conclusion as to what sort of weather would come next. For about a week past we have been enjoying an unusually splendid term. Although the thermometer varied considerably from day to day, ranging generally between thirty and forty degrees, the sky was clear, the sun was bright and it was pleasant to walk about the comparatively clean streets and sidewalks. Yesterday, however, another change took place, and a very unpleasant one, too. Jupiter Pluvialis determined to have a hand in the weather, and undertook to prove his existence by opening his floodgates and pouring down upon suffering mortals a heavy fall of his cold and disagreeable rain. The storm commenced at some hour in the early morning, and at that time the downfall was of a mixed character, the Snow King contesting with the ruler of the rain as to the right of tormenting the dwellers upon the earth. Snow and rain fell together for some time, but after awhile the former gave up the contest and left the field in possession of the latter. Jupiter Pluvialis made the most of it. He did not dispense the tokens of his existence in a niggardly manner, nor did he seem undecided in his action; but down came the watery drops, straight and heavy, and without any sign of letting up. The day was one of the most disagreeable that has been experienced for a long time, and caused no small amount of profanity among those who where forced to expose themselves to its mercy. The pavements were wet and covered with pools of more or less depth. The gutters assumed the dimensions of little streams. The streets were full of treacherous water holes; rivulets ran from the housetops, and even awnings kept up a continual dropping. Umbrellas were of little service; the rain soon soaked them, and mimic showers fell from them upon those who were trying to gain protection under them. In fact, to use the current phrase, "it was a miserable day." Wet feet, wet coats, wet pantaloons and, in many cases, wet skins were the result, and no one who could remain within doors was rash enough to venture out into the gloomy streets. Ladies of course sufferred the most. The number out was small, and they, poor things, looked wretchedly forlorn with their garments hanging round their forms, all damp and draggled. One advantage will be reaped from the storm for which the public may be thankful, and that is the streets will be cleaned of the dirty snow which has been allowed to accumulate alongside the tracks, so that if the thaw continues the thoroughfares will not be so dirty as they would otherwise have been.

During the later hours of the afternoon the rain ceased for a while, but in the evening it commenced again and continued all night. Between nine and ten o'clock in the evening the rain storm was accompanied with vivid lightning and heavy thunder. The flashes of the former were wonderfully brilliant, and from the quick succession of the thunder there can be no doubt the storm was very near. All that can be said is "what next?" Anything in the shape of weather will be in order.