NEW-YORK CITY.

MOVEMENTS AT THE NAVY YARD—GETTING READY FOR A FIGHT.

The activity which has been manifested in the Brooklyn navy yard of late is on the increase, and all hands are busily employed in the work of fitting out the vessels at present in the yard.

The Mohawk has been thoroughly overhauled, and two medium 32 pounders added to her battery, so that now she mounts six 32's besides having two 12 pound howitzers, which can be used as forecastle guns. In addition to this she has a 9 pound mortar on her forecastle. Her stores are nearly all on board, and she is ready for sea. Her full complement of men and marines are on board.

The Supply is loaded and only awaits her ship store and the conclusion of the court martial in the case of Capt. Walke, who will probably be acquitted of any mal-administration, and ordered to the command of the ship.

The Corwin has been hauled alongside of the wharf and is to be fitted with a battery as soon as possible. She will be of good service as an attache of a blockading squadron. The other vessels are being overhauled and will be put in order as soon as possible.

The Harriet Lane left the navy yard yesterday at 2 o'clock. Considerable difficulty was encountered in getting the ship from her berth, owing to the lowness of the tide, but Captain Faunce succeeded in taking her out. A very large number of persons were congregated on the docks to see her go out, many supposing that she was to proceed direct to sea, or to some of the southern ports. This was not the case, as she steamed down the East river in fine style, saluted by the boats along the route; and turning the battery, she came to anchor near the Jersey flats, where she awaits the reception of her powder and coal, which will be taken on board to-day. She then will be ready for any service that the government may require of her. She has had her armament strengthened by two medium thirty-two's. Her *personnel* has been increased by detailing ten marines to her list, and Surgeon N. L. Campbell, who is a native of this city. Captain Faunce is now awaiting orders from Washington.

The Spanish war steamer Velasco is still lying off the Battery, and is engaged in taking on board her coal. She will not be taken on the dry-dock, as was supposed, but will return to Havana as soon as she has completed her coaling.

THE CASE OF JAMES SHEPARD, THE INCENDIARY AND WIFE MURDERER.

After a third trial and years of wearisome waiting and litigation, James Shepard has finally been found guilty of arson, and will be sentenced to day. As this case has excited much interest, and as it shows how uncertain is the operation of our criminal laws, we give a brief *resume* of it, as a matter of reference:

Some three and a half years ago James Shepard was the possessor of a wretched little cabin, hardly worthy the name of house, situated on the corner of Fifty-third street and Tenth avenue. The ground upon which it stood he held only by lease, and the building was insured, as it appeared, for a much larger sum than its value. The inside of the building was destitute of wall or lath, and the whole thing was stated by one who helped to construct it, to be worth $50 to $100. Others, however, made a larger estimate. Only half of this tenement was occupied by the prisoner. On the night of the 9th of June, 1857, the building was burned down, the remains of the prisoner's wife were found in the ruins, and everything seemed to indicate that Shepard had first murdered his wife and then endeavored to destroy the evidences of his crime by applying the torch to his habitation. The plot seemed to be well laid. On the 2d day of the next August, however, he was arrested on a warrant issued by Justice Davidson. On the 13th of October of the same same year, the grand jury indicted him for arson in the first degree, and the trial commenced before Recorder Smith on the 10th of December. It lasted four days, and resulted in a conviction. He was accordingly sentenced to be hung on the 8th of February, 1858. A stay of proceedings was granted, and the case argued before the Supreme court on the 27th of May, 1859. That court, however, affirmed the judgment of the Court of Sessions, and on the 6th of June he was again sentenced to be hung on the 22d of July, 1859, the sentence being passed by Judge Roosevelt. During the same year a stay of judgment was granted, and the case carried to the Court of Appeals, which reversed the judgment and ordered a new trial. The second trial took place last March before Judge Russell, when the jury failed to agree. The third trial has just been concluded before Recorder Hoffman, and resulted in a conviction, with a recommendation to mercy. The prisoner was thereupon remanded to the city prison, and will be brought up again this morning, when his counsel will move for a new trial.

Our reporter visited the prisoner at the Tombs yesterday afternoon. He was alone in his cell, and slowly moving from side to side of its narrow limits On approaching his cell door he looked up with a faint gleam of surprise, and recognizing his visitor said "Good afternoon; I saw you in court to day. Oh," said he, "do be there to-morrow, and hear what I shall prove." He also said that he had some hopes of obtaining a new trial; "but," said he, "God only knows, and he knows I am innocent." He is a middle aged man, of medium size and stature. He has no children. His face has a worn and anxious look, owing, doubtless, to the long confinement of three years and seven months, and the anxiety, the evidences of which he cannot conceal. If no new trial is granted, the sentence will probably be an imprisonment for life.

THE STREET-CLEANING CONTRACT.—The Court of Common Pleas and the Superior court having, in turn, dissolved the injunction regarding the late street-cleaning contract, all that remained was the perfecting and record of the contract and sureties, which was done yesterday, without any further obstacles being thrown in the way. All the papers pertinent to this case were duly signed, attested, sealed and deposited yesterday in the controller's office, whereby the contract for cleaning the streets of New-York for the next five years is given to Mr. Andrew J. Hackley. His sureties were Messrs. Thomas and Anthony Hope, who justified in $100,000 each. According to the terms of the contract, he enters immediately upon the work of street-cleaning.

The contract of Mr. Hackley is for $279,000 a year, or $1,395,000 for the five years through which it extends. It is well known that this was not the lowest bid, by several, that was offered. The lowest bidder was Mr. William J. Williams, who offered to do the work for $195,000 a year—a saving in the aggregate of $410,000 from the contract awarded to Mr. Hackley. Prior to the award by the common council—an award passing the aldermen, concurred in by the councilmen, and signed by the mayor on the same evening—Mr. Williams promised to furnish any amount of surety that might be required for the faithful carrying out of the contract on his part. Sureties and guarantees of faithfulness, if rumors are to be accredited, were not what the members of the common council wanted A purse, containing checks to the amount of $40,000, was said to be in a certain gentleman's hands, awaiting distribution among those voting for the award. Be this true or not, it is certain that the award was made with unwonted promptitude, and that all efforts to render the same null and void have been futile.

The present contractor is an old contractor, and has made a handsome fortune by corporation contracts. He will enter upon his new work to-day, under direction of Mr. Delavan, city inspector. As the appropriation of last year for cleaning the streets failed some months since, there has been nothing done in the way of street cleaning, beyond the removal of ashes and garbage, since the 20th of last October. Altogether, the streets are in a filthy condition, and the removal of the accumulated dirt will give lively employment to men, carts, picks, hoes, brooms, and shovels. Already Mr. Hackley has been swarmed with applicants for work.

In 1857 the streets were cleaned by contract, each ward being contracted out. Since then the city inspector has charge of the work. It has cost, under his management, about $300,009 a year.

BOARD OF SUPERVISORS.

STATE OF COUNTY FINANCES—EXPENSE OF POS MORTEM EXAMINATIONS—REFUSAL TO PAY A BILL.

At a meeting of the board of supervisors, at 3 P. M. yesterday—Mr. Stewart, the president, in the chair—the controller sent in the following statement of the condition of the county finances:

Balance February 16	$853,456.34
Receipts	33,040.11
Total	886,496.45
Payments	3,133.32
Balance February 23	$883,363.13

The committee to whom was referred the bills for post mortem examinations for the past three months, amounting to $710, reported in favor of their payment.

Mr. Wiseman thought the expense of port mortem examinations was every year increasing at too rapid a rate. He understood that those who made these examination, were deputy coroners, who did nearly all the work of the coroners, and sought pay from the county instead of being paid by the coroners.

Mr. Blunt said that, from all he could understand, a great many more examinations of deceased persons were made than were required. He believed plenty of young medical students could be found who would be glad to make these examinations for nothing, considering themselves abundantly paid for the professional benefit they would receive.

Mr. Tweed defended the young doctors, and insisted that the bills they sent in were legitimate, and the charges reasonable.

After further remarks the bill, as submitted, was ordered to be paid.

Mr. Wiseman immediately presented a resolution, directing the committee on county offices to report some plan of post mortem examinations, and see if, by the employment of suitable surgeons, the expense may not be decreased. The resolution was adopted.

A bill amounting to $44 40, of Mr. Cummerford, warden of the house of detention, for supplies, was submitted for payment.

Mr. Blunt said that no requisition for these supplies had been made in compliance with a resolution of the board, and he moved that the same be not paid. They had laid down a rule and he should insist on its being enforced, as otherwise they could not keep their expenses within their appropriations.

Mr. Purdy, in seconding the motion, took the same view of the case. He thought it worth while to give a lesson to those derelict in complying with their rules.

The motion of Mr. Blunt prevailed.

After passing upon a few minor bills, the board adjourned till next Tuesday.

BULL' HEAD, TUESDAY, FEB. 26.—At the Washington drove yards this morning there were 2,650 head received. The number of good and prime steers was small, and such sold at a shade advance. Common and fair were plenty. One drove of very inferior "stump-tail," from a Long Island distillery, sold out at $24@$30 each. They were all two and three year old steers, weighing 4@4½ cwt., and were not fit to be killed. The most of them will appear on the stalls at Washington market. The demand was better, and the sales showed a trifling improvement on last Tuesday's operations. We quote at 5½c.@9½c., premium 10c.@10¾c. One fine pair of Syracuse steers sold to James Irving, at Tompkin's market, for $380. The pair would dress 3,500 pounds.

The same pair were in market a year ago, and were taken home again because the drover could not obtain for them $800. They now sell for half the money, after a year's additional feeding. Quite a number of working oxen sold to farmers for farm uses. The prospects for to-day were encouraging. The sales yesterday were over one half the number received. The average of all sales was close to 7½c. The prime grades brought 9c. to 9½c.; good quality, 8c. to 8½c.; fair, 7c. to 7½c., and ordinary to common, 6¾c. down to 5½c.

DIAMONDS FOR THE SOUTH.—Notwithstanding secession and the interruption of trade there are evidently some persons at the South who have some money left. Tiffany and Co., the great Broadway jewelers, recently sent thirty thousand dollars' worth of diamonds to Montgomery, Alabama, to be used, it is said, at the inauguration ball of president Jeff. Davis. Do what the southern men may, it is very evident the southern belles do not intend to secede from the jewelry stores of Broadway

OYER AND TERMINER.—The special term of the Court of Oyer and Terminer, ordered by the governor, commences this morning. According to a decision of Judge Leonard, the trial of Charles M. Jeffards will undoubtedly take place before the end of the term.

WILL ARRIVE TO-DAY.—E. P. Weston, the young gentleman who is paying a political bet by walking from Boston to Washington, will arrive this morning and at 9 o'clock will breakfast at the Metropolitan hotel. He telegraphed to friends in this city, yesterday, stating that he was well and would arrive in time. *Vive la bagatelle!*

ARREST OF BURGLARS.—On Tuesday night the house No 50 West Twenty-second street, from which the tenants were moving, was entered by burglars and robbed of a clock valued at $25, and several other articles. Yesterday, Officer O'Connor of the Twenty-first ward, arrested Patrick and Michael Farrel, and Patrick O'Donnell, who were offering the clock for sale. Justice Connolly committed the prisoners to answer a charge of burglary.

ANDRIEN'S PAINTINGS.—A full house, at the Mariner's church, corner of Madison and Catherine streets, greeted Peter Sinclair, of Scotland, last evening. His address directed mostly to the children of the Sabbath school, was very instructive, and rendered most interesting by the aid of Andrien's paintings illustrative of the blessings of temperance and the evils of intemperance. To night the paintings will be exhibited at Cannon street church.

WHOLESALE ARREST OF STAGE DRIVERS.—Nine omnibus drivers were yesterday brought before the mayor's marshal and fined one dollar each for stopping longer than the allotted time before theaters. They were arrested the evening previous by the City hall police. A few such wholesale arrests and fines will abate this nuisance.

BROOKLYN.

THE NAVAL GENERAL COURT MARTIAL.

TRIAL OF COMMANDER WALKE.

The general court martial, of which Commodore Stringham is president, Captain Morris, Commanders Case, Swartout, and other members, Paymaster Calhoun, judge advocate, re-assembled at the lyceum of the Brooklyn navy yard yesterday morning, and proceeded with the case of Commander Walke, of the U. S. store-ship Supply, who is charged with disobedience of orders in bringing his vessel from Pensacola to New-York, instead of proceeding with her to rejoin the squadron of Commodore Prendergast at Vera Cruz. The specifications on which the trial is called are as follow:

SPECIFICATIONS.

CHARGE FIRST—*Quitting his station before he was regularly relieved.* Specification. In this: that on or about the 4th of February, 1861, the said commander, H. Walke, brought the store-ship Supply, commanded by him, into the port of New-York without any order or authority so to do, the said Commander Walke not having been relieved from his station as commander of the said store-ship with the U. S. squadron at Vera Cruz.

CHARGE SECOND—*Disobedience of Orders.*—Specification 1. In this: that on or about the 4th day of February, 1861, the said Com. H. Walke brought the storeship Supply, commanded by him, from Pensacola to the port of New-York, in disobedience of an order given him on or about the 25th Nov., 1860, by Flag Officer Prendergast, commanding the U. S. squadron at Vera Cruz, directing him, the said Com. Walke, to return from Pensacola to Vera Cruz with the said storeship Supply, without delay, after taking in stores at Pensacola. Specification 2. In this: that on or about the 4th February, 1861, the said Com. Henry Walke brought the storeship Supply, commanded by him, from Pensacola to the port of New-York, in disobedience of an order given him on or about the 15th December, 1860, under instructions from the Secretary of the Navy, by Capt. James Armstrong, then commanding the Navy yard at Pensacola, directing him, the said Capt. Walke, to return directly with the said storeship Supply from Pensacola to Vera Cruz.

ISAAC TOUCEY,
Secretary of Navy.

Navy Department, Feb. 7, 1861.

To these specifications, counsel for Com. Walke excepted; but the exception was overruled; when Com. Walke pleaded not guilty, and the first witness was called. The witnesses not being available in what a common law court might consider regular order, are got at in the most convenient manner for the speedy disposal of the case. It was, for instance, intended to begin with Commodore Armstrong, late commander of the Pensacola navy yard, but that gallant officer not being present, Lieut D. Daniels, of the Supply, was called. His evidence went to show that the squadron at Vera Cruz stood in no need of provisions whatever; that matters at Pensacola were not so arranged as to enable the Supply to refit her stores and again join the squadron with any advantage either to herself or the other ships; and that from a business point of view, Commander Walke, in technically disobeying orders, acted with a great deal of common sense. Under any circumstances the public will think the succor given by Commander Walke to the exiled sailors and marines at Pensacola wise, well timed and humane; yet it is not unlikely that the discipline of the service may nominally regard his conduct in a less favorable light. The trial is continued to-day and promises to be long and tedious.

WASHINGTON'S BIRTHDAY IN SOUTH BROOKLYN.

This event, to which new interest is given by the present state of our country, was celebrated in a most appropriate and entertaining manner, by the young ladies of Carrol Hill seminary, Brooklyn, under the charge of Professor Edward Warren.

The rooms of the institution were densely crowded by the parents of the pupils and the friends of education. A beautiful device surmounted the drop curtain, ornamented with stars, and bearing the inscription, "Washington and the Union." Our national flags hung in festoons at the sides, giving an air of grace and beauty to the rooms.

The exercises were opened with music and prayer, followed by an address and an ode to Washington.

As the curtain rose, a beautiful fairy scene opened before the audience, in which the various states of the Union were represented by the young ladies of the seminary. The goddess of liberty stood before a splendidly wrought and costly flag, supported by her fair attendants, and gave utterance to patriotic sentiments, that were received with enthusiastic applause. The representatives of several of the prominent states, including the restless little member of South Carolina, came forward and repeated poems or songs appropriate to each state. Massachusetts spoke through the "Landing of the Pilgrims;" Virginia recited the "Ode to Jamestown;" Kansas gave us "Kansas Pilgrims," by Whittier. The representative for South Carolina repeated the words:

"Breathes there a man with soul so dead,
Who never to himself hath said:
This is my own, my native land!' &c.

The applause with which the various parts were received, clearly indicated that the spirit of "Washington and the Union" pervaded the assembly.

Following the scene, appropriate addresses were made by Rev. Dr. Hubbard Winslow, Rev. Rufus W. Clark, and Professor Warren, principal of the institution. Professor Warren gave some interesting reminiscences of the last French revolution, having been an eye witness of its exciting scenes.

A dramatic burlesque was then performed, of the modern doctrine of women's rights, the various parts of which were admirably sustained. The whole was interspersed with national airs, which were very finely executed.

The young ladies in this school are evidently well drilled in elocution, and the standard of instruction is of a very high order.

An entertainment was provided at the close, in which all the company readily participated, and many good wishes were expressed for the prosperity of the Carrol Hill seminary of South Brooklyn.

TUESDAY—11 P.M.

THE POOR—MEASURES FOR THEIR RELIEF.—Pursuant to a call signed by S. B. Chittenden, H. B. Claflin, John Schenck, H. E. Pierrepont, C. Barstow, Rev. Drs. Vinton, Storrs, Farley, Cutler, Littlejohn, Cuyler, Spear, and other prominent citizens, a public meeting was held this evening in the room of the Court of Sessions, City hall, to provide ways and means for the relief of the poor. The attendance was not large. Mr. George Hall, president of the association for improving the condition of the poor, was chosen chairman, and Mr. Rollin secretary. Mr. Hall in explanation of the purpose of the meeting, said that many cases were continually brought to his notice demanding the action of the association, the funds of which were exhausted. Since October 1, 1860, 1,340 families have been aided, 525 of the number being Americans. For the last six weeks the average number assisted has been 490, 190 being American. The average expenditure during that period has been $600. The aggregate paid out to date is $5,022. Subscriptions have been collected to the amount of $3,724, and $1,450 is estimated collectable, making a total of $5,174. A surplus of $152 will be exhausted by appropriations, the returns of which have not yet been made. Mr. Eames, secretary of the association, said a large number of the destitute were of a class not hitherto the subjects of charity. Mr. Chittenden said the troubled state of southern affairs had occasioned much suffering among clerks, porters, needlewomen, and others. He referred to the appeals in behalf of Kansas, and said, while not disregarding them, we should provide for our own poor. Suggestions were made by Rev. Drs. Cutler, Farley, Baylis and others. Subscriptions being called for, the sum of $1,020 was raised. Mr. Sprott, baker, corner of Jay and Concord streets, proposed to bake weekly a barrel of flour for distribution under the direction of the association, and to convert into bread, gratuitously, raw material that might be contributed by others for a like purpose. The offer was accepted with applause. By resolutions it was recommended that the collectors of the association re canvass for subscriptions, and the clergymen of the city were requested to make collections in their churches. Messrs. Thomas Messenger, A. W. Benson, A. C. Hull, S. B. Chittenden and Poole, were constituted a committee to solicit aid of the public.

HIGHWAY ROBBERY.—About 5 o'clock yesterday afternoon Wm. Johnston, a lad of fourteen years, while returning from an errand, and when near Joralemon street, in Furman street, Brooklyn, was knocked down and robbed. The amount was trifling; but, no doubt, the robber expected more, as the lad should have collected some money; but, fortunately for him, had not.

COURTS OF LAW.

DAY CALENDARS—FEB. 27.

SUPREME COURT—CIRCUIT.—Nos. 813, 855, 861, 863, 865, 867, 869, 871, 873, 875, 877, 879, 881, 883, 885, 887, 889, 891, 895, 897.

GENERAL TERM.—No. 63 Motion.—No. 17 preferred Calendar.—Nos. 53, 55, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 15, 16, 17, 18, 19, 47, 11, 61, 2. Enumerated calendar.

SPECIAL TERM.—Nos. 158, 29, 152, 166, 167, 179, 189, 181, 184, 186, 187, 188, 189, 192, 197, 198, 199, 200, 201.

SUPERIOR COURT—TRIAL TERM.—Part I.—Adjourned for term.

COMMON PLEAS.—Trial Term adjourned pro tem.

General Term adjourned to Monday.

MARINE COURT.—Nos. 282, 3032, 3208, 3211, 3186, 3246, 2849, 3012, 3087, 3131, 3166, 3173, 3189, 3191, 3239, 3250, 3264, 3074, 3119, 3179, 3229, 3237, 3284, 2824, 2994, 3150, 3201, 3220, 3249, 3275, 3254, 36, 170, 253, 405, 421, 422, 479, 698, 997, 1404, 1460, 1461, 2115, 2169, 2706, 2780, 2799, 2842, 2860, 2922, 2936, 2970, 3023, 3077, 3098, 3138, 3159, 3193, 3221, 3257, 3258, 3260, 3265, 3277, 3294.

COUNTERFEIT CENTS.

U. S. CIRCUIT COURT.

Before Judge SHIPMAN.—Feb. 26.

Samuel Black was arraigned on a charge of passing bogus coin in imitation of the American cent. The accused pleaded not guilty, and the trial was set down for to-morrow (Wednesday).

UNITED STATES DISTRICT COURT.

Notes of issue for the March term must be filed on or before the first of March inst., or the causes will be placed at the foot of the calendar.

SUPREME COURT—SPECIAL TERM.

Before Judge LEONARD.

A. McBride *vs.* Theodore Hunt.—Motion denied, without costs.

H. B. Dawson *vs.* Henry Johnson et al.—Motion denied; $10 costs of opposing to be costs in the action.

Lippincott *vs.* Haywood.—Motion granted on payment of $10 costs of opposing action.

SUPREME COURT—GENERAL TERM.

Before Judges CLERKE, SUTHERLAND, and INGRAHAM.

TICKET SWINDLERS' CASE ON APPEAL.

The People *vs.* James Enright.—In this case the defendant applied for a new trial from his conviction in a charge of ticket swindling.

His counsel claimed that the indictment did not follow the wording of the statute, and furthermore that the rulings of the judge were erroneous.

Argument pending. A. Oakey Hall for defendant. Mr. Waterbury opposed.

SUPREME COURT—GENERAL TERM.—FEB 26.

The People *vs.* John W. Chase.—This was a writ of error to the Court of Sessions of this city. The defendant was indicted at the January term of said court, 1859, tried, convicted and sentenced to the state prison at Sing Sing for ten years, for having in his possession, with intent to pass the same, a forged and counterfeit two dollar note of the Manufacturers' bank at Rochester. This note, with other similar ones, was found in a tenement house in Pell street, hired by one Chapman, and occupied by one Clara Smith, who had a short time before been convicted of passing one of the bills, and sentenced to the state prison. It was proved that Chase was once seen in the house; that he went to it in the dark; also that his coat and vest were found in said tenement.

In order to show that the possession of said tenement was in Chase, the district attorney at the trial offered the above facts, and the further fact that there were found in the tenement three letters, one purporting to be signed by Chase, and two others not signed, which purported to refer to him, in evidence to the jury. The defendant's counsel objected, because there was no proof whatever of the handwriting of the letters, or that Chase had any knowledge of, or connection with them. But the Court of Sessions admitted them, and the defendant excepted.

Other exceptions were taken but, after argument, the Supreme court deemed this exception fatal to the judgment and sentence, and reviewed them both and granted the defendant a new trial.

J. Sedgwick, assistant district attorney, for the people; B. & S. D. Cozzens for defendant.

The extra term of Oyer and Terminer called for by Gov. Morgan will commence to-morrow.

COURT OF COMMON PLEAS.

Before Judge BRADY.

Markey *vs.* Courtneys.—Motion granted.

COMMON PLEAS—SPECIAL TERM.

Before Judge BRADY.

THE STREET CLEANING CONTRACT.

Williams *vs.* The Mayor et al.

This was an application for an injunction to restrain the defendants from proceeding with the award of contract to Andrew J. Hackley, for cleaning the streets of the city—the plaintiff claiming that he was entitled to the contract, as he was the lowest bidder. Judge Brady has rendered the following opinion in the case dissolving the temporary injunction, and denying the relief asked:

Whether the injunction granted in this case should be continued or not depends upon the right of the plaintiff to the contract for cleaning the streets, by reason of his having been the lowest bidder in the proposals made. Upon the conclusions at which I have arrived it is not necessary to consider any other question. By the 38th section of the charter of 1857 it is provided that all contracts shall be entered into by the appropriate heads of departments and shall be founded on sealed bids of proposals made in compliance with public notice advertised in such of the newspapers of the city as may be employed by the corporation for the purpose, and that all such contracts when given, shall be given to the lowest bidder, the terms of whose contract shall be settled by the corporation counsel as an act of preliminary specification to the bid or proposal, and who shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance. Under this section the lowest bidder, who in all things else complied with the statute and ordinance, and the adequacy and sufficiency of whose security was approved by the controller, acquired a right to the contract to which his bid related, and of which he could not be easily deprived. The result of an examination of the sealed bids was arbitrary, leaving no discretion to be employed, and determining the contractor by figures alone. The act of 1860 (Session Laws, p. 1,017) invaded this provision in reference to contracts for cleaning the streets and making and repairing the roads, and changed the mode of awarding them. By the fourth section of the act, it is declared lawful for the mayor and common council to authorize and make, or cause to be made, any agreement or agreements, contract or contracts, for cleaning the streets of New York, for and during a term of years, not to exceed five. It is also declared, that the proposals for such contract shall be advertised in such newspapers as may be designated by the common council, and that the contract or contracts shall be awarded as in the judgment of the mayor and common council shall be for the interests of the city. In conformity to this statute, a resolution was passed by the common council, directing the city inspector to advertise proposals for the contract for cleaning the streets, and annexed such proposals to the resolution. The advertisement was accordingly made, and the contract awarded to the defendant Hackley, although he was not the lowest bidder.

There are no facts alleged, arraigning the mayor and common council for the exercise of their discretion in the manner stated, and no charges of imprudence or corruption made. The statute of 1860 does not itself determine, as in the charter of 1857, to whom the contract shall be given, but leaves it to be awarded as in the judgment of the mayor and common council should be for the interests of the city. It imposes upon them the duty of exercising their judgment in reference to the bids made, and the person with whom the contract should be made, and though it and the charter of 1857 relative to contracts are in *pari materia* they cannot be construed together. It has already appeared that by the latter act the lowest bidder takes as matter of course, while by the former the mayor and common council are to examine the bids, and to employ their judgment in determining to whom the contract should be given. One statute is imperative, and the other grants discretionary power to the mayor and common council, and is in the nature of a special direction on the subjects to which it related, and which it excepts from the provisions of the charter of 1857. It follows from this, that the mayor and common council were not obliged to accept the proposals of the plaintiff, and that not being entitled to the contract, and the act complained of not involving any peculiar damage to his individual interest, he occupies no such relation to the defendants as entitles him to restrain them from perfecting the contract. (Doolittle et al. v. Supervisors of Broome, 18 N. Y. Rep, 155.) The fact that the city inspector furnished to the bidders blank proposals, estimates and specifications, and that the blanks thus furnished contain a statement that "a strict compliance with the provisions of part 3, title 3 of the ordinances organizing the departments of the municipal government, passed May 4, 1849, and as subsequently amended, will be observed and required in all cases, so far as the same are applicable to the foregoing resolution and proposals," did not give to the bidders any right, or impose upon the mayor and common council any duty or obligation except that growing out of the provisions of the act of 1860, assuming such statement of the city inspector to have been authorized by the mayor and common council, and for the reason that the ordinances referred to were only to be enforced so far as they were applicable to the resolution and proposals published, and in which resolution and proposals it was nowhere stated that the contract would be given to the lowest bidder. I do not feel called upon to express any opinion upon the manner in which the judgment of the mayor and common council has been exercised, in giving to the defendant, Hackley, the contract which the plaintiff claims. The case, as it presents itself to my mind, on the papers submitted, involves the abstract question of the right of the plaintiff to the contract, which he seeks to secure, and which, for the reasons assigned, I think he does not possess. The injunction must be dissolved.

Mr. Woodruff and John W. Edmonds for the plaintiff; H. H. Anderson and Charles O'Conor for the defendants.

SURROGATE'S COURT.

THE WILLS OF PETER WESTERVELT, JR., CHARLOTTE FULLER AND ALFRED FREEMAN.

Mr. Westervelt leaves to the American Bible society, the Tract society and the Board of Domestic Missions of the Reformed Dutch church, one thousand dollars to be equally divided among them, and to be paid at any time within two years. Also all money which may be collected by his executors on a certain note he holds against Thomas L. Van Norden, for eleven hundred dollars.

Mrs. Elizabeth Fuller leaves to the association or society for the relief of respectable aged indigent females in the city of New-York, one thousand dollars; to the New-York Bible society one thousand dollars.

William P. Turnure, father of the late William A. Turnure, made an application for letters of administration, the deceased dying intestate. He leaves a valuable property between $50,000 and $70,000. Letters of administration were issued.

COURT OF SESSIONS.

Before Recorder HOFFMAN.

George Farner *alias* Henry Hawks, plead guilty of burglary in the third degree, and was sentenced to the state prison for three years and two months.

Charles Cook plead guilty of an attempt to commit burglary, and his previous character being good, was sent to the penitentiary for one year only.

Edward Swanston indicted for a violation of the passenger act, plead guilty, and evidence being given to show that he committed the act in ignorance, and having besides an excellent character, the court imposed a fine of only $25.

SHEPHARD CONVICTED.—At twenty minutes past twelve o'clock, the jury in the case of Shephard, tried for arson in the first degree, came into court, having been in their room ever since half past four of the previous afternoon. The prisoner was brought out, and, amid the most profound silence, the jury rendered the following verdict: "Guilty, with a recommendation to mercy." The district attorney then moved for sentence on the prisoner, but his counsel asked for a stay of proceedings, in order to file reasons for a new trial. The district attorney accordingly consented that the prisoner should be remanded till next morning. This is the third or fourth trial of this prisoner.

Theodore Smith, indicted for grand larceny for stealing a quantity of boot, shoe, and gaiter uppers, received a trial, and was convicted of petit larceny. His appearance indicated a rather hard case, and his history fully confirms it, as his previous life in the penitentiary seems to have wrought no penitence in him. He was returned there for six months.

The case of Andrew Ryan, charged with receiving stolen goods, was called, but, as his counsel was unwell, and his witnesses not present, it was laid over for the first trial next morning.

James Wilson plead guilty of burglary in the fourth degree, and goes to the penitentiary for one year.

The court then adjourned for the day.

ATTEMPTS ON THE LIFE OF MR. LINCOLN.—We have already quoted from the Lafayette (Ind.) *Journal* an account of the timely discovery of an obstruction placed on an Indiana railroad, with the evident design of throwing off the special train which conveyed Mr. Lincoln's party. The Syracuse *Journal*, of Saturday evening, has another development of a similar character. It says:

We have been informed by gentlemen connected with the party of Mr. Lincoln since he left home for Washington, that there were several attempts to take his life made during the journey through Indiana and Ohio. The one which threatened the most serious consequences took place on the presidential train leaving Cincinnati, when a grenade of the most destructive character was discovered in the car occupied by Mr. Lincoln, his family, and personal friends. It was found in a small carpet bag, which had been deposited in a seat of the car by some unknown person. Attention was drawn to it from the fact that no baggage was allowed in the cars. On examination, the grenade concealed in the carpet bag was discovered to be ignited, and so arranged that within fifteen minutes it would have exploded with a force sufficient to have demolished the car and destroyed the lives of all persons in it. Of course, the "infernal machine" was speedily removed and properly disposed of.

MR. LINCOLN'S NIGHT JOURNEY TO WASHINGTON.

FROM HARRISBURG TO WASHINGTON.

We find the following letter, in explanation of Mr. Lincoln's sudden journey to Washington, in the Philadelphia *Press*. It is from the pen of Mr. Forney, without doubt:

WASHINGTON, Feb. 25.

There has been so much speculation as to the cause of Mr. Lincoln's sudden appearance in this city on Saturday morning last, that I am induced to give the readers of the *Press* the real cause. I have my information from an authentic source, and it can, therefore, be relied on. It appears that on Thursday night last, at 11 o'clock, a special messenger reached Philadelphia, and communicated to Mr. Judd the information that a plot had been discovered to assassinate Mr. Lincoln, either in Baltimore or on the Northern Central railroad, between Harrisburg and Baltimore.

Mr. J., believing the story, immediately set to work to change the route fixed upon by Mr. Lincoln and party, and in doing so, only imparted the information he had received to two persons whom it was absolutely necessary to take into his confidence. Conditional arrangements were then made to carry out a change in the programme, provided subsequent information rendered it necessary. On the arrival of Mr. Lincoln and party at Harrisburg, on Friday, a son of Senator Seward was there with two messages (one from Mr. Seward, the other from General Scott), stating that circumstances rendered Mr. Lincoln's presence at Washington on Saturday morning absolutely necessary. As soon as Mr. Lincoln's reception at Harrisburg was over, he was made acquainted with the nature of the information that had been communicated to Mr. Judd, of Philadelphia, as well as with the messages received from Senator Seward and General Scott. His suite was convened to determine what should be done, and, after deliberating over the matter about an hour, (during which, of course, opinions pro and con were freely given) it was agreed that the information was of such a character, and the messages from such sources, that they could not be disregarded. It was then determined that Mr. Lincoln should be taken over the Pennsylvania railroad, by a special train to Philadelphia, in order that he might reach this city by 6 o'clock on Saturday morning. The train was got in readiness and taken a short distance below Harrisburg, and arrangements were made to control the telegraph during the night, so that no information of the change in the programme could possibly be made public. Of course, it was difficult, considering the immense crowd that surrounded the hotel at which Mr. Lincoln stopped at Harrisburg, to get him off without exciting suspicion. But it was done. He was taken out of a side-door, and driven down the railroad to the place where the train was waiting for him; not with a "Scotch cap and a military cloak" on, but dressed, with the exception of another hat, as he was when he reached Harrisburg. He got in the train at 6½ o'clock, reached Philadelphia in time to take the cars of the Philadelphia and Baltimore railroad, in which, accompanied only by Colonel Lammon, he took a sleeping berth, and next morning, at 6 o'clock, he reached this city. You will, therefore, see that there were two reasons for Mr. Lincoln's unexpected arrival: One, the fear, on the part of some of his friends, that an attempt might be made to take his life on his way here; the other, and, doubtless, the principal one, that the critical condition of our national affairs rendered his presence absolutely necessary.

This is the whole story, briefly and truthfully told. Mr. Seward, anticipating his arrival, met him when he reached Willard s hotel.

MR. LINCOLN'S NIGHT RIDE.

The Baltimore *Sun*, a bitter secession journal, grossly abuses Mr. Lincoln for passing through Baltimore *incog.*, affirming that his progress would not have been obstructed had he carried out the original programme. At the same time it gives the following account of the reception in that city of the train with Mrs. Lincoln and suite on board.

As soon as the train stopped the crowd leaped upon the platforms and mounted to the tops of the cars like so many monkeys, until, like a hive of bees, they swarmed upon them, shouting, hallooing, and making all manner of noises. * * * * The family and suite then alighted, and were hurried through the side gateway to Calvert street. The throngs, attracted by cries of "Here he is!" "There he goes!" swayed hither and thither with a force perfectly irresistible, and persons were knocked from the platforms and trampled on, and others had their clothing torn, one man having his coat ripped from his back. * * * The crowd now began to disperse rapidly. A number of young men, bent on fun and mischief, seized a colored man driving a horse and wagon through North Calvert street, and several attempted to chalk "Abe Lincoln" on his back, while others unhitched his horse, intending to haul the wagon through the streets as a burlesque reception. * * * The carriages of the President elect's suite and family reached the Eutaw house at twenty minutes past 1 o'clock, having been driven very rapidly from the depot in order to outstrip the crowd who followed behind, and escape the little boys who pressed upon the rear and hung to the carriages. * * * All breathed freer when they had arrived at the hotel. * * * * *

"Bob" registered his own name in a right good hand, which reveals, however, the little nervous excitement which he must have felt. At the Camden depot 'Bob' occupied a seat in bad humor, apparently, desperately affecting to smoke a cigar with ease. An outsider pressed up to the window and inquired: "Say, Bob, how's your old man?" Such interrogatories as the above, and a great many more foolish, were passed about among the crowd, until the train moved from the depot and departed for Washington, doubtless to the great relief of the occupants, etc., etc.

MR. LINCOLN'S NIGHT JOURNEY.

The Washington correspondent of the *Evening Post*, writing under date of Feb. 24, says of Mr. Lincoln's unexpected arrival and universal plots to obstruct his passage at Baltimore:

Mr. Lincoln's unexpected arrival is the theme of general talk. The story is that on Thursday the Baltimore detectives apprised General Scott of a plot to assassinate the President elect as he passed through Baltimore. Ten or fifteen men are reported to be concerned in it, and a vessel was said to be in the harbor ready to carry the murderers to Mobile. It is also stated that the Baltimore chief of police had written, urging a secret hegira, on the ground of his inability to restrain a mob of the dimensions which might be expected.

These reports, communicated by General Scott to Mr. Seward, induced the latter to send a messenger on Thursday night, advising Mr. Lincoln to come to Washington at once. With this request Mr. Lincoln complied, and appeared at Willard's at 6 o'clock on Saturday morning, having left his family and most of his suite, numbering fifteen or twenty, to come by the special train. The report that he was disguised is incorrect. After taking breakfast, he called, with Mr. Seward, at the White house, and thence visited the quarters of General Scott, with whom he dined at Mr. Seward's in the afternoon.

The folly of such a plot on the part of the secessionists to assassinate Mr. Lincoln, after Mr. Hamlin had reached Washington, is considered by some a proof of its non-existence. The vice-president is a man whose policy would be to them no improvement on his predecessor, should he be thus called to the presidential chair; and the reaction in Maryland against so atrocious a crime would obviously prove fatal to the very cause it was intended to advance. Still the recklessness of political fanaticism is not limited to prudential considerations, and the turbulence which attended the arrival of Mr. Lincoln's family in Baltimore shows that there was good ground to apprehend danger. The course of the President elect is therefore generally approved. It would have been the height of folly to expose a life so precious to the nation to the tender mercies of a Baltimore mob.

[From the Baltimore American, 26th.]

We were yesterday informed by Marshal Kane that the following statement, which appeared yesterday in the dispatch of our Washington correspondent "Special," is literally correct, as far as it refers to himself:

"It appears that a few hundred men, particularly obnoxious to the people and public sentiment of Baltimore, had determined to avail themselves of the opportunity to use Mr. Lincoln, and to accompany him in procession from the depot to his hotel.

"They applied to Marshal Kane for protection by the police. He advised against the proceeding, assuring the parties that while Mr. Lincoln, in his passage through Baltimore, would be treated with the respect due to him personally and to his high official position, there was no guarantee that the proposed procession would be similarly respected. He thought, moreover, that the proceeding would be calculated to place the people of Baltimore in a false position, as neither they nor the citizens of Maryland sympathized with Mr. Lincoln's political views. He advised, therefore, that the idea of a procession should be abandoned, lest it might provoke some indignity which would involve the character of Baltimore and be very unpleasant to the President elect.

"It appears, however, that the parties insisted on their programme, when Mr. Lincoln was advised of the facts, and urged to pass immediately through to Washington. Acting upon this suggestion, he proceeded to Philadelphia in time for the night train from New-York, and reached here at 6 o'clock, A. M., yesterday."

Marshal Kane informs us that he did give the information to Mr. Corwin and other friends of Mr. Lincoln, so that the change of route and incognito entrance to Washington was caused by a desire to escape from his pretended friends here, and thus prevent a breach of the peace that would have been disgraceful to the city and derogatory to American character. We do not believe there was any intention to assault or even insult the President elect on the part of any portion of our community, but it is a notorious fact that the Baltimore republican committee, who proceeded to Harrisburg and declared their determination to escort Mr. Lincoln to his quarters, would have been assailed and pelted with eggs, if not otherwise maltreated. This would have involved Mr. Lincoln in the disturbance, and we cannot but think that he acted wisely under the information communicated by Colonel Kane, in preventing the possibility of such an occurrence as was feared by our police authorities.

ANOTHER PLOT TO ASSASSINATE THE PRESIDENT ELECT.

The following paragraph is taken from a sensation telegraphic dispatch to a morning contemporary:

Information is before the proper authorities, tending to prove that an organized band, of five hundred men, have sworn that Mr Lincoln shall never sleep in the White House. A detective, who joined them, says the plan is as follows: The entire band are to occupy a position as near to the President, on inauguration day, as they can obtain. One of their number, standing in the center of them, is to shoot Mr. Lincoln with an air-gun, when the crowd of men around the assassin will so hide him as to render detection impossible.

PATRIOTIC.—We learn that a number of ladies and gentlemen of this city intend giving an amateur performance at the theater next week, for a patriotic military purpose, under the auspices of his excellency the governor, who, with his suite, are to be present. The military are to be in uniform. We further learn that Manager Marchant has gratuitously tendered the theater and his services to give *eclat* to the entertainment.—*Charleston Mercury*.

POLITICAL WORLD.

THE SEIZURE OF NEW-YORK SHIPS.

The public is by this time pretty well posted in regard to the seizures of New-York vessels by the authorities of the state of Georgia; but the following official document from the governor of that state will prove interesting, as showing the history of the affair from the Georgia side:

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, Feb. 21, 1861.

SIR—On the fifth day of this month I directed you to call out sufficient military force and seize all ships then in the harbor of Savannah, belonging to citizens of the state of New-York. The reasons for the seizure were briefly stated in the order. Citizens of this state had been robbed of their property by the police of New-York, acting under the authority of that state. I had demanded the restoration of the property to its owners. The governor of that state had given an evasive reply, excepting to the form of the demand sent by telegraph, which clearly evinced his disposition not to comply by ordering the restoration of the property. If the protection of this state were not in such case afforded to its citizens, it not only invited further aggressions upon their rights, but forfeited all just claim to their allegiance. I therefore had no alternative left but to order reprisals. This is the mildest remedy provided, not only by the law of nations, but by the law of nature, for the redress of grievances between sovereign states, in the last resort.

Your prompt execution of the order, by the seizure of five vessels owned by citizens of New-York, met my highest approval. The seizure was made on the morning of the 8th of this month. On the evening of that day, I mailed to the governor of New-York, at Albany, a communication stating the fact of the seizure, with the reasons for it; and that I should hold the ships till justice should be done the injured citizens of this state, by the restoration of the property of which they had been robbed by the police of the city of New-York.

On the night of the 9th inst, I received a telegraphic dispatch from Mr. G. B. Lamar, of New-York, whom I had appointed agent to receive the guns seized by the police, if delivered up by the authorities, stating that the guns were then at the command of their owners, and asking me to release the ships. At the same time I received a dispatch from Mr. John Boston, the collector of the port of Savannah, stating that he had just been informed by Mr. Lamar that the guns had been delivered up.

Regretting the necessity which compelled me to resort to a means of redress which, while natural and legal, might interrupt the commerce between the two states, and expose to temporary hardship, individual citizens of New-York, whose property, under the laws of nations, is subject to seizure for such outrages committed by the authorities of their own state, though they may disapprove and condemn them, I was determined not to occupy the position of the aggressor for a single hour. So soon, therefore, as I was informed that the authorities of New-York had made reparation for the robbery, I immediately ordered the release of the vessels.

Since that time I directed Mr. Lamar to have the guns shipped to Savannah, that they might be delivered to their owners. He now informs me that he demanded their shipment, and was also informed by the superintendent of police of New-York, that he had changed his mind, and that he would not now permit the guns to be shipped; but that he would order further seizures of what he is pleased to call "contraband articles."

Twelve days have passed since I mailed to the governor of New-York the communication above referred to, and I have received no response from him. He has not only refused, therefore, to order the restoration of the property of which his police had plundered our citizens, within the limits of his own state, on a demand sent by telegraph, but he has neglected and refused to answer a written communication upon the subject, sent to him through the regular medium of the mail.

While I held possession of the vessels seized, my agent was informed that the guns were at the command of their owners. Acting upon this assurance, I ordered the release of the vessels; and my agent is now informed that the officer in possession of the guns has changed his mind, and that he will not now permit them to be returned to their owners. These facts show very clearly that it is the settled policy of the authorities of New-York to subject our commerce to a surveillance which we cannot with honor submit to, and to seize upon our property and plunder our citizens at their pleasure.

Under these circumstances, I feel that I, as the Executive of Georgia, would prove recreant to the high trust reposed in me by my fellow citizens, were I to refuse to protect their rights against such unprovoked aggression, by all the means which the laws of nations, or the constitution of the laws of this state, have placed at my command.

It therefore becomes my duty again to direct you to call out such military force as may be necessary for that purpose, and to renew the reprisals, by the seizure, as soon as practicable, of vessels in the harbor of Savannah, or other property in the city, or elsewhere within your reach, belonging to the state or citizens of New-York, at least equal in value to double the amount of the original seizures made by you.

You will hold the property so seized, subject to my order; and it will be released when the guns in question (together with any other property of our citizens which has been, or may in the meantime be unlawfully seized by the authorities of New-York), are actually shipped from the harbor and are beyond the reach and control of the police of the city of New-York, or the authorities of that State.

Respectfully yours, &c., JOS. E. BROWN.
Col. HENRY R. JACKSON, Aide-de Camp,
Savannah, Ga.

FROM TEXAS.

The Alamo *Express*, of the 9th, has the following:

A week or two since our citizens were thrown into a fever of excitement and alarm from a report of an intended raid upon us, under the command of Capt. Baylor, for the purpose of taking the United States arsenal and stores. And it is not at all strange that the lives and property of ten or twelve thousand people should awake a little alarm and apprehension at the approach of an armed force, upon no peace mission, in times that betoken revolution.

That the report was well founded is beyond doubt. That there have been companies raised in the upper counties (under the excuse of going buffalo hunting) for the purpose of making a descent upon our city; that they were to be coöperated with from Gonzales and Seguin is also beyond doubt. That there has been a settled purpose on the part of many men in different portions of the state to take the government property is likewise true, and San Antonio is spoken