The Daily Crescent.

OFFICIAL JOURNAL
Of the Council of the Second Municipality.

NEW ORLEANS:
FRIDAY MORNING, JUNE 14, 1850.

The Spirit of the Convention.

A correspondent of the Charleston Mercury (one of the delegates from South Carolina) writing from Nashville on the 31 of June says:

"I have learned enough of the sentiments of the delegates to ground a safe conclusion as to what they intend to do. The Tennessee Delegation will vote a body with a measure of resistance. They are delighted with Mr. Clay's Compromise, and will not object to the enforcement of it by the Convention. But they will feel countenanced or when I speak from it few stay Delegates from Alabama, Georgia, and perhaps one from Virginia. None of the Southern States but counties Tennessee are now in the pursuit of a set of as resolute and noble men as I ever saw. You will be agreeably surprised to hear that the spirit of the Georgia and Alabama Delegations are with the exceptions already mentioned as high as the spirit of our own, and that they have manfully avoid's.

"The Convention will repudiate Mr. Clay and all his Compromise, but will advise the South to take nothing short of the Missouri line. Of course it would be hard to predict the exact form in which this resolution will be expressed; but you may count, with a good deal of certainty, on its being put in a shape that will make it effective will those in whose behalf it is pronounced. Whether it is done by general resolution, or by an address to the people of the Union, Gen. Foote and his Southern colleagues will receive a memorable rebuke from Mississippi and at least eight other Southern States. I have been much among the Delegates, and speak with some confidence on the point. There are some half dozen who will hesitate and perhaps ultimately, resist. But certainly these and the Delegates from Tennessee, the Convention will be unanimous for strong measures, in opposition to the Compromise Bill and every other Compromise for the final and ruin of the South.

"Mr. Hutchinson says Texas will not submit to the abolition of her territory. The Federal Government might buy the land, if it is disposed to speculate, but Texas will insist on reserving the sovereignty of the soil. In the meantime she is marking it off into counties, and sending her Judges and civil officers there to set up and maintain the jurisdiction of her laws; and it will be for those who desire her right, to get rid of her in the way they may think best. She has physical force adequate to her purpose, and she will exercise it when them is occasion for it, without regard to consequence of any kind."

This letter was written on the first day of the Convention. It fully expresses the predetermined purpose of the members. They had had no time for deliberation: it is clear, indeed, from the letter, that they had not gone there to deliberate; but to take "strong measures," and to "rebuke" all differing from them. We learn by this correspondence that the Missouri line was to be presented in opposition to Mr. Clay's Compromise bill; we have since learned by telegraph that the line was agreed upon "unanimously." It may have been agreed on, but we cannot think unanimously. If Judge Sharkey (the President of the Convention) expressed, in his letter to Gen. Foote, the sentiments which he honestly entertain, he could not have supported the Missouri line in opposition to the Compromise, nor the Delegates (what a sad misnomer!) from Tennessee, if the Mercury's correspondent is correct in what he says of them.

Gen. Henderson, the solitary Delegate from Texas, who, though elected by a few hundred per sons, assumes to represent a quarter of a million of people, says, that "Texas will not submit to the abolition of her territory;" that she will treat with contempt any plan of compromise which seeks to deprive her of "the sovereignty of her soil;" that she has physical force sufficient to repel all invasion of her rights. Here's null fication, secession, disunion, altogether! It is of little consequence what are the individual opinions of Gen. Henderson; still we cannot think we have had a fair representation of them by the Mercury's correspondent. We believe there is no State more patriotic than Texas, more devoted to the Union, or more anxious to contribute her aid, so far as she honorably can, to the settlement of existing difficulties.

The Board of School Directors met last night. The debates were unusually interesting.

Mr. Carter, from the Committee on Estimates, presented a report on the subject of City Education, which we publish in full, for it will interest all of the parents of New Orleans. It was accompanied by a series of resolutions, embodying in a concise form the matters detailed in the report. All were adopted except the one which fixes the salaries of teachers. This was referred to the appropriate Committee.

The subject of printing the proceedings of the Board was called up by Mr. Carter, who proposed as a modification, that instead of letting out the printing to the lowest bidder, it should be given to the official journal at the price of $750.

The subject was referred to a Committee, composed of Messrs. Monaghan, Jennings and Carter.

Mr. Shields offered a resolution to go into the election of School Superintendent at once, but, on motion of Mr. Hillman, the subject was referred to the Committee on Teachers, to examine into the qualifications of candidates, and report at the August meeting.

Mr. Bell moved that a Committee be instructed to make contracts for Books and Stationery, not exceeding $6,500. This led to quite an animated debate, some of the members supposing that it was the intention of the mover to purchase the books of Northern dealers. Mr. Bell disclaimed any such idea—he, as well as other members, was for purchasing at home, if the difference in the price was not too great. The resolution, however, was lost, chiefly because it was inexpedient to make large purchases—it was better to buy in comparatively small quantities, as books were wanted.

On a petition to rent the Lyceum Hall at reduced rates—the subject was referred to Lyceum Committee, with power to act as discretion. The price fixed by ordinance is $100 per night for Concerts; $50 for literary purposes, and $20 for gratuitous performances. These prices were fixed so as not to interfere with private halls in the Municipality. But in the summer gentlemen thought a reduction might be made. As the proceeds of the room go to fill the shelves of the library and pay for lectures, we see no good reason for not letting the room, and thus increasing the revenue of the Lyceum.

☞ Much interesting matter will be found on our First Page.

THE CREVASSE ABANDONED.—The break in the grand levee, in the Parish of Point Coupee, which was announced by us on Wednesday, has fearfully increased since our first advices. The crevasse is now 150 feet wide, and all efforts to stop it have been abandoned.

We have been favored by Wm. S. Scott, Esq., U. S. Marshal for the Eastern District of Louisiana, with the following list of assistant marshals appointed by him to aid in taking the seventh census of this District, under act of Congress, 23d May, 1850, together with the districts allotted to each:

William Audry—First, Second and Third Wards, First Municipality, New Orleans.
Louis Chambon—Fourth, Fifth, Sixth and Seventh Wards, First Municipality, New Orleans.
C. F. Watson—First and Second Wards, Second Municipality, New Orleans.
Charles Gerry—Third and Fourth Wards, Second Municipality, New Orleans.
John H. Cuddy—Fifth, Sixth and Seventh Wards, Second Municipality, New Orleans.
George Pandely—Point Coupee, Opelousas.
Arthur Rowley—Right Bank of Mississippi River, Parish of St. Helena.
R. H. Wills—First, Second, Third and Fourth Wards, City of Lafayette, Parish of Jefferson.
F. Rousseau—Fifth Ward, City of Lafayette, Fire Fly, Gretna, including the First, Second, Third and Fourth Wards of city of Lafayette.
Philip Pecquet, R.—Parish of Assumption.
John F. Bouligny—Parish of Assumption.
Charles Wilson—Parish of Point Coupee.
Peter A. Rion—Parish of St. Tammany and Washington.
Jean Baptiste—Parish of West Baton Rouge.
Luther B. Parker—Parish of West Feliciana.
Hamilton Stewart—Parish of East Feliciana.
Thomas Gibson—Parish of East Baton Rouge.
Lewis Garrity—Parish of Plaquemine.
Pierre Bonnet—Parishes of Livingston and St. Helena.
J. W. Pike—Parish of St. James.
J. M. Reid, Parish of Iberville.
Paul Lamarque—Parishes of St. John Baptist and St. Charles.
Victor Bonnet—Parish of St. Bernard.
Louis Lemarque—Parish of Lafourche Interior.
Jean Lemarque—Parish of Lafourche Interior.

THE SUNDAY SCHOOL FETE.—The Sunday School celebration had unfortunately, place last evening at the corner of Fulton and Chartres streets, Lafayette, was well attended, considering the unfavorable state of the weather. On this account a great many useful and beautiful articles were left unopened, and the latter have determined to open on the entertainment in the new Church this evening, commencing at half past 7 o'clock. Admission free.

ALLEN'S VARIETIES.—Tonight Mr. and Mrs. Byrne have a benefit. They belong to that class of amusement seekers, known as the stock company. Like the others, they have been attentive to their duties, and deserve well from the friends of the amusement. They offer an attractive bill.

The Line of 36 Degrees 30 Minutes.

The Southern opponents of the Compromise bill now before the United States Senate seem to have fared of the project of the Missouri Compromise line—the extension of the line of 36 deg. 30 min. to the Pacific—as the means by which they can, with the strongest probability of success, accomplish their object. We see that powerful efforts, with this view, are now being made in Congress; of which the strongest indications, perhaps, are the propositions of Mr. Soulé to amend the Compromise bill (published in this paper yesterday morning) and the speech recently delivered by him, favoring the establishment of the 36° 30' line, and in strong opposition to the Compromise measure of the Committee. The Washington Union speaks of him as the leader in Congress of this class of Southern politicians. Concurrent with this intelligence from Washington we learn by telegraph from Nashville that the Southern Convention have unanimously adopted resolutions in favor of the Missouri Compromise line—that is, that there shall be no interference by Congress with the subject of slavery in territories lying South of that line.

What object is sought to be obtained, besides the defeat of the Compromise bill, by the bringing forward and strenuous advocacy, at this time, of the Missouri Compromise, we cannot see. There is nothing of a really practical character which can be accomplished by the adoption of the Missouri Compromise, in the settlement of present difficulties, that will not be accomplished by the passage of the Committee's bill. The decision of the people of California, both North and South of the line of 36° 30', on the subject of slavery, is already made, and is incorporated in the Constitution which she presents to Congress with her application for admission as a State. Is it to be supposed that, on account of the adoption of the Missouri Compromise line, they will change their views on this subject? Is it in contemplation to force slavery on them whether agreeable or not? They are as free a people as the citizens of Louisiana; they well understand their interests; have thoroughly discussed the question of slavery, and have solemnly determined to reject it. No action, we suppose, of politicians at Washington City can change their determination on this point.

But these politicians would have the territory of California divided by the line of 36° 30', so as to throw that portion of it, South of the line, into a separate and distinct territory, to be known as the Territory of *South California* and hereafter as the State of California. We again refer to the proposition of Mr. Soulé. This they intend to make a slave State. There never was a more impracticable intention. In the Convention, which framed the Constitution, every portion of California was represented—the Southern as well as the Northern—San Diego as well as San Francisco. There was an entire concurrence of sentiment in favor of the prohibition of slavery. It is perfectly clear that if the territory of California is ever erected into two States they will both be free; and Mr. Soulé, and those acting with him, will have the satisfaction of seeing, instead of two, *four* Senators in the U. S. Congress from the non-slaveholding States of California. This will not very materially contribute to the realization of their favorite idea of a "balance of power."

As to the subject of slavery in New Mexico and Utah the bill of the Committee leaves that entirely to the option of the people of those territories. If the Missouri Compromise line should be adopted, will not the people of those territories still have the right to decide this question for themselves? There is clearly no practical difference. Besides, the North can never be got to agree to the Missouri Compromise line as to our recently acquired territories. There is no sacrifice of principle, on the part of the North, in agreeing to an arrangement by which the settlement of the slavery question is left entirely to the people of the territories: they would regard it a sacrifice of principle to agree to the Missouri Compromise or any arrangement which denies them the right to interfere with the subject of slavery in territories belonging to the United States in any latitude or longitude. They may assent to the bill of the Committee now before the Senate, but never to the proposition of Mr. Soulé. This is well understood to the conclave of persons at Nashville, who would move heaven and earth to defeat the Compromise bill. The passage of this bill, by Congress, they well know, will put an end to their schemes of sectional agitation.

Yesterday was fixed on, in the U. S. Senate, for a final vote on the Compromise bill. The rejection by decisive votes, on the 5th, of the amendments proposed by Mr. Davis and Mr. Seward—the first to prevent the territorial legislatures from passing any laws for the exclusion of slavery; the second embracing substantially the Wilmot Proviso—leads us to hope that the Compromise plan has received a triumphant support. In a few days we shall know the result—whether for good or ill.

The communication of "Crystal Fount," concerning certain charges recently made against the Sons of Temperance, will appear to-morrow.

PUBLIC ECONOMY FOR THE UNITED STATES, by Calvin Colton. Published by A. S. Barnes & Co.

This elaborate work has reached a second edition. We are glad to see this indication of its wide-spread influence. The great majority of writers on Political Economy have advocated the doctrines of Free Trade, and our politicians, regardless of the difference in position of our country, have adopted the theories they acquired in their school exercises. This book argues the American System with great fairness. It is, perhaps, the only philosophical work on that side of the question, published in this country. For sale at Hunter's.

THE LOPEZ INVESTIGATION.—The prosecution having failed to elicit any information in the ordinary mode, now proposes to prove the conversation of General Lopez at a private dinner party in this city. We hope the District Attorney will yet find it consistent with his duty to desist from this course. A witness undoubtedly has no legal right to refuse to testify, but he is made to break that law of hospitality which is recognized alike by barbarous and civilized nations. A conviction obtained by such means will do more injury to the social organization of this country, than a thousand secret expeditions. We doubt, however, whether the gentlemen summoned as witnesses will break that seal of confidence, which the laws of honor impose on their lips. They can be confined in prison, if it is desired—their business injured, their health suffer.

We have heard but one opinion in regard to this course—that it is most injudicious. If General Lopez can be convicted only by an odious espionage of the convivial board—if the Government is to send emissaries to the firesides of the citizens, to extract evidence by which to convict a man of a mere misdemeanor—then, though it may maintain its treaty stipulations, it will strike a blow at all social intercourse. But it is worse than that—the informer who follows his infamous trade knows beforehand the nature of his engagement—but by the new rule, gentlemen entirely unconscious of the use to be made of them, are converted into spies, and forced to become eaves-droppers. It is a course unworthy the dignity of the United States. The complete failure of the expedition has turned it almost into a farce, but this move is likely to arouse a feeling in its favor. Those who are most decided in their opposition to the Cuba expedition, are compelled to admit that the sacred laws of hospitality should not be outraged.

FIREMEN'S BENEFIT.—Don't forget the benefit for the disabled Fireman at the St. Louis to-night. If any other attraction is needed, look at the card.

White's Book Store is so full of new books as it can be. See the advertisement in to-day's paper.

PENNSYLVANIA.—The Democratic State Convention of Pennsylvania, which has just adjourned, have passed resolutions strong and to the purpose. One of the resolutions was in favor of the Union, "no South, no North, no West, no East, but the whole Union, in the perfection in which it exists between the Atlantic and Pacific." The second resolution was to this effect:

For the purpose of settling the great controversy now agitating the country, we recommend and approve of the *admission of California with her present boundary and constitution, and the framing of territorial governments for Utah and New Mexico upon the non-intervention principles, thus putting at rest forever the agitating question of domestic servitude.*

The resolutions were carried unanimously.

DEATH OF GEORGE MORGAN, Esq.—A telegraphic dispatch was yesterday received, announcing the death of George Morgan, Esq. Mr. Morgan was President of the Mechanics' and Traders' Bank of this city.

Action of the Government in Regard to the Late Invasion of Cuba!

Official Correspondence—Speeks of War!

The Washington correspondent of the New York Herald gives us the following:

In answer to a resolution of the Senate, the President to-day laid before them all the official correspondence of the Round Island affair of 1849, and the Cardenas affair of 1850.

We have planned over the correspondence relating to the latter, and submit the following notes of it. The correspondence is entirely too voluminous to copy, and useless, as it is in the main but a recapitulation of facts already published:

Don Calderon to Mr. Clayton, January 28—Complains of the Proclamation of the Cuba Junta established in Washington, and of other Juntas in New York, New Orleans and elsewhere, and thinks the conspiracy ought to be nipped in the bud.

January 29—Mr. Clayton says he has addressed instructions to the District Attorneys of New York, New Orleans and Washington, to keep a sharp lookout against all suspected persons, and to bring those guilty of violating the law of 1818 to punishment.

May 7—Don Calderon has information from Labadie, Spanish Consul, New Orleans, that the American schooner Hornet, with a cargo of only ten boxes of tinder and ten barrels of whisky, left that port for Chagres, having also on board arms, ammunition and light artillery, destined for the expedition against Cuba; that, after a hasty search, the schooner left, and the Consul was sued for detention. Don Calderon asks for redress.

May 9—Labadie has informed Calderon that volunteers are organizing in New Orleans for a descent on Cuba; that for this purpose two vessels have left for Chagres with four hundred men, and that another vessel was about to sail; that Bonilla, Spanish Consul, has a vessel fitted out to take on more men, and that fifteen hundred men are enlisted in New Orleans. Calderon appeals strongly for redress.

Mr. Clayton reserves his instructions to the District Attorney at New Orleans.

Mr. Hunton replies—The facts have been exaggerated; the force from New Orleans has not reached a thousand. Lopez commands them. He hints that Gov. Quitman is to join them in Cuba. The Attorney has been vigilant, but the leaders of the enterprise have had good legal advisers, and have not violated, intentionally, the neutrality laws.

May 16—Don Calderon has been kept in a state of alarm. Rumors have now become realities. The Governor of Cuba has presented his complaint to the Captain General, and in their behalf will be listened to, and he wishes this declaration recorded. He firmly relies, in the meantime, on the honor and justice of the President, and on the help of Providence to avert the wicked designs of the pirates.

May 16—Don Calderon calls the attention of Clayton to the New York Sun office, and its announcement of an expected battle in Cuba, and to the Cuba flag hoisted on the Sun office. The scandal is detrimental to commerce, and alarms the Spanish residents of New York. The Spanish minister asks for the enforcement of the laws against these disturbers of the peace.

May 17—The Spanish consul at New Orleans presents his personal complaints.

May 18—Mr. Clayton to the Spanish minister; apologizes that it is difficult to arrest these conspirators, so many of them shipping for California and Oregon. The government is doing all in its power to stop the descent upon Cuba; and with this view the first was warned, which was ordered to guard the Island against any hostile invasion under the American flag.

May 17—Mr. Clayton reserves his instructions to Prescott Hall, enjoining a rigid enforcement of the laws.

May 19—Mr. Clayton to Calderon, that he advises Mr. Clayton of the order to the steamship Ohio to be outside. He speaks of the lower orders as being only kept down by military power; but they all respect the good faith of the American government.

May 22—Mr. Campbell has had a correspondence with the Captain General of Cuba, in relation to certain vessels and prisoners captured by the Spaniards, and repeats the leading facts of the descent of Lopez on Cardenas, and his departure.

May 30—Mr. Campbell inquires of the Count of Alnor; whether the two vessels captured were under the American flag with American papers, and whether the men were in the service of any power, or were pirates. He asks the circumstances of their capture, and the nature of the charges against them.

Next follow a proclamation and an edict to the people, from the Captain General of the ever faithful Island of Cuba; and several extracts from the Havana papers.

May 25—Mr. Prescott Hall to-day gave my arrangement has been made or fitted out in New York, within the reach of the laws; but if he can discover any movement in his district, hostile to Spain, or her colonies, he will not hesitate to carry out his instructions.

May 22—The Collector of Key West, informs the President of the arrival of the steamer Creole, at that place, chased by the Spanish steamer Pizarro.

May 29—Mr. Prescott Hall writes that he has sent for the Spanish Consul to proceed to business.

TELEGRAPHIC DISPATCHES.

DEPARTMENT OF STATE, May 8th, 1850.

To HENRY WILLIAMS, Esq., U. S. District Attorney, Savannah, Ga.—Proceed according to law to have General Lopez released from the Arrest of the Authorities of the State, whether the 20th April, 1848, and held in custody until he can be transferred to the proper district for trial.

JOHN M. CLAYTON, Secretary of State.

REPLY.

SAVANNAH, May 20, 1850.

Hon. J. M. CLAYTON—Sir: In pursuance of your instructions, General Lopez was yesterday arrested, on the affidavit of Benjamin Rush, of Cuba, and underwent an examination, which was held first night before the District Court Judge, by whom he was discharged, there being no evidence against him sufficient to justify a trial.

Gen. Lopez left this morning for Mobile, on his way to New Orleans. Very respectfully your obedient servant,

HENRY WILLIAMS, U. S. District Attorney.

May 27—A similar order to that addressed to Williams, by telegraph to the District Attorney at New Orleans. Same to Mobile.

May 27—The Spanish Minister earnestly appeals for the punishment of Lopez, and Isnaga, his aid-de-camp.

May 29—J. C. Clark furnished the Secretary of State with a copy of a letter from the District Attorney of Florida, in relation to the return of the invading expedition.

May 31 and June 1—Mr. Clayton writes two letters to Mr. Campbell, Consul at New Orleans, instructing his consul in regard to the prisoners captured, (Americans,) on the ground, some between the commission of a crime, and the intention to commit a crime, and appears to be very much interested for the safety of the lives of the prisoners captured.

NASHVILLE CONVENTION.—*Fourth Day.*—The following was telegraphed to the Savannah Republican, on the 6th inst.:

"The number of accredited delegates in attendance from the several States, is as follows: From Virginia, six; South Carolina, seventeen; Georgia, twelve; Mississippi, eleven; Texas, one; Alabama, twenty-one; Arkansas, two; Florida, two; and a large number from Tennessee. The propositions submitted by delegates from the different States have been referred to a Select Committee. Thus far, these provisions have been moderate and conciliatory, but firm. It is generally believed the Convention will recommend the Missouri Compromise, and then adjourn to meet in October next. Nashville is overflowing with strangers.

THE FORREST DIVORCE CASE.—An attempt has recently been made to settle this affair privately; but the negotiations having failed, Mr. Forrest has commenced a suit in one of the courts of Philadelphia. George M. Dallas and Josiah Randall, Esqs have been retained as Mr. Forrest's counsel.

NAVAL.—The steam frigate Dale, which is now furnishing at New York, has been ordered to the Coast of Africa; but it seems to be difficult to get officers to go on that station.

Lt. J. Harding Marshall, of the U. S. Navy, died at the Naval Hospital, at Norfolk, on the 1st inst.

Lt. Blake, who is in California, has resigned.

Lt. Boutwell will be nominated in the place of Commodore Cooper, recently deceased, at Brooklyn.

ARRIVAL OF THE LIBERIA PACKET.—The Baltimore Sun of the 6th says:

"The Liberia Packet, Home, master, arrived at Baltimore on the 31 inst., from Liberia, whence she sailed on the 24th of April. We were yesterday called upon by a colored man, one of the passengers from Liberia, whose passport styled him the "*Hon. E. J. Roy, Speaker of the House of Representatives of Liberia.*" He seems to be a most intelligent man, and represents the colony to be prospering beyond the expectation of the most sanguine, and healthy to all who use ordinary prudence in not partaking too freely at first of the tropical fruits. He is engaged largely in mercantile pursuits, and has merely visited the United States in the prosecution of his business.

"The packet brought seven cabin and two steerage passengers, the latter two boys, natives of Liberia. The passengers come here on business and on visits to their friends. The population of the colony is gradually and steadily increasing, and with the present flattering prospects before it, it is destined, in a score of years, to become a rich and powerful republic—great in its influence for the regeneration of the African race."

THE UNION.—The Norfolk Courier says that Wm. M. Overton, Esq., a talented Virginia lawyer and politician, is to succeed Mr. Burke, as assistant editor of the Washington Union.

FIRE.—The Hartford Daily Times states that Mr. Hiram Rogers, grocer, North Main street, recently bought a lot of Connecticut River shad from the steamboat, and on dressing one of them he found a copy of the "Ohio Star," published at Ravenna, Ohio, inside of the fish. It was of the date of December 12, 1849, and was done up in a wrapper. The paper was in the lower part of the fish's belly, and appeared to have been there for some time. The wrapper was mostly decayed.

The news-boys of Paris are not permitted to sell any newspapers opposed to the Government.

The area of France is two hundred thousand square miles.

Iron was discovered by the burning of Mount Ida, 1405 years B. C.

The greater portion of the money stolen from the Cleveland Insurance Company has been recovered.

AARON A. Skinner has been elected Mayor of N. Haven.

Commodore Stockton applied for a furlough for two years, which was refused, and hence his resignation.

HEAVY FAILURE.—The Springfield (Mass.) Republican announces the failure of Messrs. Dean & Packard, car manufacturers, of Springfield, for about $50,000. The depressed state of business, with the suspension of an iron manufacture of Berkshire, is given as the cause of this failure.

Thomas Connelly, recently arrested as one of the runaway clerks from the Bank of Limerick, Ireland, has been exonerated to be innocent of the charge. Thomas Perry, alias Ormsby, the real culprit, had merely paid his passage over from Cork, which accounts for their being in company.

A GREAT SHOT.—The Farmersville (Union Parish) Enquirer of the 5th inst. says: "Our fellow-citizen, Mr. Job M. Williams, made an extraordinary shot last week. While on a 'drive' he killed *three large bucks at one shot!* There were four in the herd, and he killed them all at two shots from his 'double barrel.' We doubt that a better shot is on record."

The Examination of Gen. Lopez—Before Commissioner Baldwin.

FIFTH DAY.

This investigation was resumed this morning at 10 o'clock.

The Commissioner made some remarks at the opening, relative to keeping order in the court-room.

Mr. Henderson said that one week had elapsed since the commencement of this case; that Messrs. Prentiss and Lathe had at different times been concerned with it—the former was now prevented from appearing for sickness, the latter by his official duties as Judge. The defence had then been dispensing with his friends, while Uncle Sam had been spinning on. He was on business matters which also prevent him from a constant attention to the examination, as he had no wish to spend the time till Christmas in this town. He would therefore inform the Court that Randell Hunt and Col. A. P. Field, would also appear as counsel for the defence.

A number of witnesses were called for the prosecution, but none answered to their names. Gen. Rawley was reported out of the city. Major Gally was reported unwell: he was proceeding to the court-room, but was obliged to return home from serious indisposition.

Mr. Hunton moved that the Commissioner proceed to take the deposition of Major Gally, at the room of that gentleman.

Mr. Henderson objected, saying that the Commissioner had not the right to do so.

Mr. Benjamin said that it was too plain a point to be argued. He should leave the decision to the Commissioner.

The Commissioner said, with his present views, he should not say whether he had the right or not. He never had taken this course before.

Mr. Benjamin cited authorities showing that a committing magistrate could take *ex parte* evidence. He quoted the case of Aaron Burr, where the *ex parte* affidavit of General Wilkinson, made before another magistrate, was admitted against Burr, and made the foundation for his arrest. Chief Justice Marshall laid it down, that before the party was put upon his trial, all the proceedings are *ex parte*. Were the case before a grand jury, which was the next step toward a trial, the whole investigation would be *ex parte*, and yet this investigation was not even as binding as the finding of a grand jury, as the case might go before a grand jury after the action of this court.

Mr. Benjamin, after arguing this point with his usual ability, said that the course he had use end to this examination—that the laws, the honor and good faith of the nation had been openly violated, and that the efforts of counsel to stave off evidence could be of no avail. The prosecution, under instructions received, should push this case to a full and thorough examination, that the truth might be known; and that witnesses would be secured to prove what was now known to every man—had been openly avowed, and as Mr. Hunton had observed, had become a matter of history.

Mr. Field said that he was reminded that the Government, by its counsel, should announce the guilt of the accused. He insisted that the decisions read by counsel did not apply in the case in point. Would the gentleman point him to authorities on the subject?

Mr. Hunton. Yes, sir. I will. The question is, will the Commissioner go on with the examination in this place, or at another room. There is no law to show where this investigation shall be held. In the case of Burr, Chief Justice Marshall commenced the examination at the Eagle Tavern, Richmond, and ended in the Court House. Mr. H. read from Burr's trial, showing the mode of proceedings. Mr. Hunton still further argued the point.

Mr. Field replied. He insisted that the question was not presented in the decisions read. Wherever the places were designated for holding the Courts of the United States, no other place could be selected. There was no precedent where a Court had been called upon to remove its sitting because a witness was sick. Where was the necessity even for this move? If all men knew of this case—if it has been a byword and a reproach to a nation such as ours—why should this Court, with counsel and the accused, adjourn to a sick man's chamber? Mr. Field strongly commented upon the statement of the prosecution, that the examination could be as *ex parte* one if the Commissioner so chose.

Mr. Henderson denied that affidavits could be taken in an examination. The law said that you should take no evidence that was not admissible before a jury. It would be preposterous and contemptible, if it were not so. He admitted that Judge McCaleb might have committed the accused, and that then a writ of habeas corpus would have produced the truth of the matter. Mr. Henderson made a long argument, opposing the taking of depositions outside the court-room. He said that he was sincerely believed that the Government had any zeal in this matter. If the Government, whether the Cabinet or the President, had ever once taken up this case, then, he they whom they may, they had transcended their powers under the Constitution. If the President had authorized counsel in addition to that necessary for the due administration of the laws, or had urged on this prosecution beyond the bounds prescribed by the Constitution, and warranted by the facts, he had oversepped his duty and become a partizan. With the Commissioner his command, if he entered the lists with undue zeal, he made it a persecution, instead of a vindication of the laws of the land. Mr. Henderson continued with much warmth. During his remarks, the audience applauded very vehemently, upon which

The Marshal addressed the Court.

Marshal. I shall be under the necessity of arresting some persons, sir.

Mr. Hunton. I hope the Marshal will do so. This has become intolerable.

The Commissioner said that the Marshal must do his duty.

Mr. Moise came forward and stated that such demonstrations were in opposition to the feelings of the counsel or the accused. He hoped that those present would remember that this was a case before the tribunals of their country—courts of law were being argued—and that no further disturbance would be made to stay the course of public justice.

Mr. Benjamin said that the Court was aroused from the simple move to adjourn to another room to conduct a portion of this examination. Different arguments had been brought forward by the counsel on the opposite side; but they had not met the point at issue, as shown in the case of Burr. The prosecution should demand that the Commissioner proceed to take the deposition of the witness—they should demand it by the highest authority known to the American law—that of Chief Justice Marshall. What did gentlemen expect to accomplish by making speeches to gain the plaudits of the crowd? Was it intended to assign the President of the United States? This conversation was brought in here in the name of the Government; and how could it be charged with undue zeal, in employing additional counsel, when the prosecution had to meet such an array of legal learning as was shown on the side of the defence. There was a precedent for this, which Mr. Henderson was too good a democrat to say was not binding. Thomas Jefferson, in the case of Aaron Burr, had employed William Wirt and Alexander McRae as counsel to assist the U. S. District Attorney.

The Commissioner said the Court was not held here by any appointment of law, but by the courtesy of the Second Municipality. Major Gally was the first witness summoned; he was said to be an important witness; and he should think that, as the Court did not meet in any particular room designated by law, the question was left to the discretion of the Court. He should, therefore, decide it to be his duty to attend the room of Major Gally.

It was decided that at a convenient moment the deposition should be taken.

R. M. McAlpin, called and sworn.

Mr. Hunton. Do you know General Lopez?

I first saw him last Sunday.

Did you hear him conversing?

I did, sir.

Did you hear him speaking relative to the invasion of Cuba?

I decline answering that question. I hold the conversation to be sacred, as it was at a private dinner party.

Mr. Hunton. I hope the Court will inform the witness that this is no convention.

Mr. McAlpin. I do not understand Spanish; General Lopez spoke in that language; I therefore could not understand him.

Did you understand General Lopez to speak of the expedition to Cuba?

Mr. Hunt asked the Court to instruct the witness that he must answer of his own knowledge, not of what others presumed to translate for General Lopez, who, speaking only in Spanish, could not be understood by the witness.

Mr. Hunton insisted that General Lopez was bound by the declarations of his interpreter, and read from Greenleaf on evidence to sustain him.

Examination resumed.—Will you state whether any one interpreted for General Lopez?

Yes, sir.

Who were they?

Mr. Sigur and Mr. Yznaga.

Mr. Moise submitted the Court and argued that the evidence of a sworn interpreter alone could be given to prove a conversation with General Lopez.

Mr. Hunton said that he would for the time waive the further examination of the witness, and would recall Mr. Sigur.

Mr. Sigur said that he should tell the Court at once that he should not answer. The conversation was held at a friend's house, at a private dinner party, and he would not testify. Mr. Sigur spoke with much feeling, and intimated that on a former occasion by the United States such stringent methods of obtaining evidence were not resorted to, but that due diligence even had not been employed.

Mr. Hunton, rather excited, asked to what case the gentleman referred.

Mr. Sigur answered—to the Rey case.

Mr. Hunton. If the gentleman says that there was a dereliction of duty on my part, I wish him to distinctly state it.

Mr. Sigur. I will state it at the proper time.

Mr. Hunton. I wish it now, sir. If the charge is made that I did not act justly and fairly in that case, I say it is not true.

Mr Moise asked the Court to interpose and compel the counsel to limit their remarks to the subject under examination.

The Commissioner insisted that the controversy should cease. The case was resumed.

Mr. Moise said that the defendant was on his trial, not for a crime, but for a political offence. The hands of citizens were not raised against him—the charge was not of murder; it has that the course of the Government could be justified. It was not one of those offences which required the prevention to seek in the private relations of life for evidence.

Mr. Hunton replied. He said that when he first called upon Mr. Henderson to testify, he at that time stated how reluctantly he did so. Acting, however, under a sense of duty, he thought it proper to require the testimony. He had distinctly stated that he did not present witnesses for any communications assented by them to be confidential as counsel for the defendant. Mr. Sigur had said that Gen. Lopez was a guest at his house—that he could not betray his secrets—but the case was now different. A witness is brought forward who says that he heard conversations of Gen. Lopez, not at the house of Mr. Sigur, nor at the house of the witness, and this evidence the prosecution were determined to elicit. It was his duty, and his sworn duty, to get the facts of this case, and so help him God he should not shrink from it.

Mr. Henderson replied.

Mr. Benjamin said that as counsel, joined in the prosecution, it was his duty to take his share of the responsibility. He would say, that in consultation with the District Attorney, that he had advised him that the question could not be withdrawn. Col. McAlpin came there, called as the witness of the prosecution—it was believed that overtures had been made to him. This was shown to be an error, and the prosecution found that the witness could give information on a different point. It was as disagreeable a task to them as to the gentleman himself, but it was a duty that they could not shrink from. Mr. Benjamin further proceeded, in a calm and dispassionate manner, reviewing the point at issue.

The examination of Mr. Sigur was resumed.

Mr. Sigur. Gen. Lopez was invited by a gentleman to dine with him on last Sunday, at which house I also dined, with four or five friends.

Mr. Benjamin. Will you state whether you heard Gen. Lopez at that time say any thing in relation to any invasion of, expedition to, or descent upon the Island of Cuba, or any part of it? And if so, what did he say?

Mr. Hunt objected. The witness was before the Court in a two-fold capacity. In the first he had objected to give evidence, on the ground that it would implicate him—and in the second, as counsel for the defendant, he could not disclose confidential communications. At a social dinner, so in this case, Gen. Lopez, perhaps, opened himself more fully to him than he would to any other person, and if the witness did disclose more than Gen. Lopez himself would have done, the law could not take advantage of it. Mr. Hunt commented upon the remarks of counsel relative to the extreme delicacy of the case, yet that they were compelled, by a sense of duty, to proceed. The audience applauded at the close of Mr. H.'s remarks.

Mr. Benjamin said it was impossible for sneers or irony, for personal taunt or sarcasm to draw the prosecution aside from its duty, to provoke a reply, or to excite it hence. He should confine himself to the law and to that only. He was sorry to see the examination degenerating into a manifestation of feeling between the counsel. Mr. B. then went into an argument upon the objection made. He contended that a direct answer to the question could not criminate the witness. It could not be admitted in evidence against Mr. Sigur. If he were to say that Gen. Lopez first said that he had gone to Cuba alone, or had been engaged in a military expedition, etc., it could not incriminate the witness. He read the decision of Chief Justice Marshall.

Mr. Hunt said that the counsel read the law, but not all the law. He proceeded to read from the same authority and then addressed the Court in an eloquent speech of some length.

The Commissioner decided that a simple answer to the question, "yes" or "no," would not involve the witness. When it came to the question "What did he say?" he should then, if the witness said it would criminate himself, feel bound to excuse him. The question was answered as follows:

Mr. Sigur. There was some conversation, though it would be hard for me to recollect any particular part of it.

Mr. Benjamin. Did or not Gen. Lopez state, at that conversation, that he had been engaged in a fight at Cardenas?

Mr. Sigur. I suppose it is understood that if there was a descent upon the Island, as Gen. Lopez was appointed in all his hopes, it would be a subject that he would not care to refer to. The conversation was more about the future prospects of Cuba, its resources, etc.

Did Gen. Lopez, at that time, speak of having headed any expedition to the Island of Cuba?

I could not say as to any especial conversation or particular fact.

Did or not Gen. Lopez speak in that conversation as being recently on the Island of Cuba?

The conversation was general. There were some military gentlemen there who spoke of wars, etc.

Question repeated.

I would defy any one present to answer that question with any sort of certainty.

Did he speak of the Island of Cuba as a place that he had recently visited?

I suppose he did: my recollection cannot fix upon any particular fact.

Did he refer to a hostile or peaceful visit to the Island?

Witness objected to answer, stating that it would establish a link in the evidence.

Will you state whether or not General Lopez named the steamer on which he went to Cuba?

It is a matter of such public notoriety, that I don't think he did.

Mr. Hunton. Did he say he was at Key West?

I cannot remember; I know the facts in this case so well, that any further remarks made at that time left no impression upon my mind.

What language did the General speak?

In this conversation he spoke Spanish.

Will you state who beside himself spoke Spanish at the table?

Mr. Yznaga and Mr. Fatino.

Who interpreted for General Lopez?

Sometimes Mr. Sigur, and sometimes Mr. Yznaga, and sometimes Mr. Fatino.

Was the substance of his conversation fairly rendered from Spanish into English?

Yes, I think so.

Cross-examination.—Mr. *Moise.* Did General Lopez understand your interpretation?

I think not.

Col. McAlpin, recalled.—Mr. *Hunton.* Were the conversations at this dinner party, as given to you by the interpreters, relative to the invasion of Cuba?

They were.

Mr. *Moise.* We object to the witness's stating what he heard from the lips of interpreters.

Mr. Hunton. On that we say that we have proved from one of the interpreters that the translations in his case, and that of others, (Yznaga and Fatino) were correct; and that we have so far established the point.

Mr. Moise repeated.

Mr. Benjamin replied; and the Court adjourned to meet again at 10 this morning.

Second Municipality Public Schools.

To the President and Board of Directors of the Public Schools of the Second Municipality:

In pursuance of existing ordinances, the Committee of Estimates begs leave to present the following report:

The Second Municipality owns five school-houses, and hires eleven buildings.

Forty-eight persons (including the Superintendent) are employed as Teachers; fifty-six are females and twelve are males.

The amount of salaries