NEW ORLEANS DAILY CRESCENT.

PUBLISHED EVERY DAY, SUNDAY EXCEPTED, AT 98 ST. CHARLES STREET.

VOLUME VII. SATURDAY MORNING, OCTOBER 14 1854. NUMBER 191.

STEAMSHIPS—SHIPS.

Will sail on THURSDAY, October 19, at 8 o'clock A. M.

FOR GALVESTON AND MATAGORDA BAY—Regular New Orleans and Texas United States Mail Line.—The new and magnificent steamship PERSEVERANCE, Henry Pleet, commanding, will leave as above, delivering freight for all points in Western Texas, at the end of the ship's tackles at Powder Horn

☞ All articles not called for, will be landed and stored at the expense and risk of the shipper, owner or consignee.

For freight or passage, having very superior state-room accommodations, apply to

HARRIS & MORGAN, foot of Julia street, opposite the Steamship Landing.

☞ This line having established its own pilots on Pass Cavallo bar, will hereafter run in and out under the supervision of its own captains. o14

Will sail on SUNDAY, October 15, at 8 o'clock A. M.

FOR GALVESTON, INDIANOLA, PORT LAVACA and MATAGORDA BAY—Regular New Orleans and Texas United States Mail Line.—The new and magnificent steamship LOUISIANA, W. H. Talbot, commanding, will leave as above, delivering freight for all points in Western Texas at the end of the ship's tackles, at Powder Horn. For freight or passage, having very superior state-room accommodations, apply to

HARRIS & MORGAN, foot of Julia street, opposite the Steamship Landing.

☞ This line having established its own pilots on Pass Cavallo bar will hereafter run in and out under the supervision of its own captains. o10

FOR BRAZOS SANTIAGO, via GALVESTON.—New Orleans and Texas U. S. Mail Line.—The new and magnificent steamship NAUTILUS, S. Thompson, commander, will leave as above, on punctually. For freight or passage, having elegant state-room accommodations, apply to HARRIS & MORGAN, foot of Julia street, opposite the Steamship Landing.

☞ All freight shipped by the Nautilus will be delivered to Captain Kennedy, of the Brazos Santiago, unless otherwise directed.

☞ Shippers must provide themselves with the steamer's bills of lading. No other form will be signed. o15

Will leave SUNDAY, October 15, at 8 o'clock A. M.

FOR VERA CRUZ—U. S. Mail Line.—The new and magnificent steamship ORIZABA, Thomas Forbes, commander, will leave for Vera Cruz as above, punctually, carrying the U. S. Mails.

Cabin passage.....$60 00
Steerage passage.....35 00
Measurement goods, per cubic foot.....38 cents

☞ For freight or passage, having elegant accommodations for cabin and steerage passengers, apply to

HARRIS & MORGAN, foot of Julia street, opposite the Steamship Landing.

☞ Passengers must provide themselves with passports from the Mexican Consul. o14

FOR LIVERPOOL—The splendid A 1 ship SUNNY SIDE, Wm. H. Adams, master, having all her cargo engaged, will have dispatch. For freight or passage, apply to

J. H. ASHBRIDGE & CO., 82 St. Charles street. o14

FOR LIVERPOOL.—The A 1 fast sailing American clipper ship MALABAR, Captain Crocker, having the greater part of her cargo engaged, will have immediate dispatch. For balance of freight, apply to

GIFFNEY & LOVELL, 116 Common st. o13

FOR LIVERPOOL.—The A 1 fast sailing American clipper ship CHARLES BUCK, Captain Scudder, having nearly all her cargo engaged, will have immediate dispatch. For balance of freight, apply to

GIFFNEY & LOVELL, 116 Common street. o10

FOR LIVERPOOL. The new A 1 American ship SEA FLOWER, Captain Loring, having all her cargo engaged and going on board, will sail the week. o10 GIFFNEY & LOVELL, 116 Common street.

FOR LIVERPOOL—The A 1 fast sailing American ship JAMES BROWN, Capt. W. H. Wing, now loading and will have immediate dispatch. For freight of 600 bales Cotton, apply to

J. P. WHITNEY & CO, 61 Camp st.

☞ For passage, apply to the Captain on board. o8

FOR LIVERPOOL—Ready to Receive. The A 1 fast sailing American ship BENJAMIN ADAMS, Captain Day, is now loading and will receive immediate dispatch. For freight of 600 bales Cotton, apply to

J. P. WHITNEY & CO. 61 Camp street.

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FOR LIVERPOOL—Ready to Receive. The A 1 fast sailing American ship LEVI WOODBURY, Capt. Nickerson, is now loading and will receive immediate dispatch. For freight of 500 bales cotton, apply to

J. P. WHITNEY & CO, 61 Camp Street.

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FOR LIVERPOOL—Ready to Receive. The A 1 clipper ship WM. PALFREY, Capt. Nichols, is now loading and will receive quick dispatch. For freight of 450 bales cotton, apply to

J. P. WHITNEY & CO, 61 Camp street.

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FOR LIVERPOOL—The A 1 fast sailing American ship SEA FLOWER, Capt. Loring, having the greater part of her cargo engaged, will have immediate dispatch. For balance of freight, apply to

GIFFNEY & LOVELL, 116 Common street.

FOR LONDON—The A 1 fast sailing American ship WHITE FALCON, Capt. Davis, T. Ryan, is now loading and will receive immediate dispatch. For freight of 700 hogsheads Tobacco, apply to

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☞ For passage, apply to the Captain on board. o11

FOR BREMEN—The A 1 fast sailing Swedish ship PRINZ OSCAR, Captain Stephenson, is now loading and will have quick dispatch. For freight, apply to J. P. WHITNEY & CO., 61 Camp street.

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FOR NEW YORK—The A 1 New York Packet ship J. W. WHITE, Snow, master, having a large portion of her cargo engaged, will have quick dispatch. For balance of freight or passage, apply to

GEO. W. HYNSON & CO., 72 Camp street.

o13 or to J. H. ASHBRIDGE & CO., 82 St. Charles st.

FOR BOSTON—Regular Line of Packets.—The regular Packet ship FRANCONIA, Geo. W. Poole, master, having a large portion of her cargo engaged, will have quick dispatch. For balance of freight or passage, apply to

GEO. W. HYNSON & CO., 72 Camp street.

FOR BOSTON—Pearson & Co. Line of Packets.—The regular packet ship LUCY, Redman, master, is now loading and will have dispatch. For freight or passage, apply to [o12] GEO. W. HYNSON, 72 Camp street.

FOR BOSTON.—(Regular Line of Packets.)—The regular packet ship DIANA, Stephen Cutler, master, having a large portion of her cargo engaged, will have quick dispatch. For balance of freight or passage, apply to

GEO. W. HYNSON & CO., 72 Camp st.

FOR BOSTON—Regular Line Packets. The fine fast sailing ship BENNINGTON, Captain Edwards, having a portion of her cargo engaged, will have dispatch. For balance of freight apply to

GEO. W. HYNSON & CO., 72 Camp st.

FOR PHILADELPHIA — Merchants' Line—The fastsailing regular packet brig DAVID S. BROWN, Capt. Marsham, is now loading and will have immediate dispatch. For freight or passage, having good accommodations, apply on board at Pier No 2, Second District, or to

o14 C. C. BOGERT & CO., 58 Camp street.

FOR PHILADELPHIA.—Heron's Line of Packets—The A 1 Packet brig MAY QUEEN, Capt. Jenkins, having a large portion of her cargo engaged, will have quick dispatch. For balance of freight or passage, apply to

GEO. W. HYNSON & CO., 72 Camp street.

FOR PHILADELPHIA—The new A 1 packet brig THOS. ALLIBONE, Chadwick, master, is now loading and will have quick dispatch. For balance of freight or passage, apply to

GEO. W. HYNSON & CO., 72 Camp street.

FOR LEGHORN—Passage only.—The A 1 fast sailing American ship WM. HARVIS, Capt. Hallett, having all her cargo engaged, will have immediate dispatch. For passage only, having superior accommodations, apply to the captain on board. J. P. WHITNEY & CO, 61 Camp street. o9

FOR ANTWERP—The A 1 fast sailing American ship SEWALL, Capt. Merrill, is now loading and will have quick dispatch. For freight of 500 bales Cotton, apply to

J. P. WHITNEY & CO., 61 Camp street.

☞ For passage, apply to the Captain on board. o11

FOR HAVRE—Regular Packet to succeed the Henry Grinnell—The A 1 fast sailing American ship NATHANIEL Cogs, Hathaway, now loading, will have immediate dispatch. For freight of 800 bales Cotton, apply to

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HOME FREIGHT.—Vessels bound to the Mediterranean can get return freight to Northern ports on application to

J. H. ASHBRIDGE & CO., 82 St. Charles st. [o10]

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FOR SALE.—A BARK of about 400 tons register, ready for any voyage. For terms, apply to

ROBERT WILLIAMS & CO, 16 Camp st.

FOR FREIGHT OR CHARTER.—The A 1 Schooner ROANOKE, carries about 1000 barrels. Apply to

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☞ All letters, post-paid, will have prompt attention.

Barclay, Perkins & Co's London Porter, English Cheese, Pickles and Liverpool Salt, in quantities to suit purchasers. Claret Wines, Fruit, etc., for sale.

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BY late arrangements with my Agents in ENGLAND, IRELAND and SCOTLAND I can now receive fresh, safe and reliable Passengers from all parts. Sailings, as well as having Passengers comfortably accommodated to from either of the above mentioned ports.

☞ Collection of claims promptly attended to. Letters from business, by being "POST PAID," will have immediate attention.

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New Orleans October 10, 1854. o13

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This Line is composed of the following vessels, to sail punctually as advertised, viz:

Brig REBECA BANNING.....Howes, master
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Schr. S. BOACHE.....Bateman, "
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The above vessels are all first class, all light draught of water, and invariably cross the bar without detention. They are commanded by masters of experience in the trade, and will always be towed up and down the river.

☞ Neither the owners nor Captains of these vessels will be responsible for Jewelry, Bullion, Precious Stones, Silver or Plated Ware, nor for any Letters, Parcels or Packages, unless shipped on board of them, unless regular Bills of Lading are taken for the same, and the value thereof expressed.

BOGERT, WILLIAMS & CO., No. 16 Competoir

☞ Agents in Philadelphia, BAKER & STETSON, No. 42 North Wharves.

EDUCATION.

NEW ORLEANS FEMALE SEMINARY, TIVOLI CIRCLE, BETWEEN NAYADES AND TRITON STS.—The Seminary, under the direction of Miss C. GARDNER, will begin its fourth annual session on MONDAY, the 1st inst.

☞ Competent Teachers are employed in every department. The ample grounds and fine location recommend it to the public. s1 3m

UNIVERSITY OF LOUISIANA—LAW DEPARTMENT.—The Lectures in this Department will commence on the second MONDAY of November, 1854, and continue until the first Monday of April, 1855. They will embrace the most important branches of the Civil, Common, Constitutional and International Laws, as well as Equity Jurisprudence and Practice. Lectures will be delivered by four Professors.

Those by Professor McCaleb will treat of

1. Admiralty and Maritime Law, embracing the rights and obligations of Masters and Mariners, Collisions and other Maritime Torts, General Average, Salvage, Civil and Military Maritime Contracts, Marine Insurance and Hypothecations, and Contracts for Maritime Services in Building, Repairing and Supplying Ships.

2. International Law, embracing the Law of Peace and the Practice of Prize Courts, the Absolute Rights of States in their peaceful and hostile relations, Treaties of Peace and Private International Law.

3. The Jurisdiction of the Courts of the United States, embracing the Original and Appellate Jurisdiction of the Supreme and Circuit Courts and the Original Jurisdiction of the District Courts as Courts of Revenue and as Prize and Instance Courts of Admiralty.

Those by Professor Rendell Hunt, will embrace—

1. Commercial Law as it relates to Negotiable Paper, Mercantile Property and Contracts, and Mercantile Remedies. They will treat of Sole Traders, Partnerships and Corporations; of Principal and Agent, of Bills of Exchange and Promissory Notes and Shipping and Bill of Lading and Contracts with Carriers, Contracts of Affreightment by Charter Party and for Conveyance in a General Ship; of Freight, Pilotage and Average, Salvage and Insurance; of Sale, Guarantee, Loan and Stoppage in Transitu.

2. The Criminal Law and Practice in Courts of Criminal Jurisdiction.

3. The Law of Evidence.

Those by Professor Johnson will embrace—

1. The Common Law and Equity, Jurisprudence and Practice, and Pleading in Civil Cases at Common Law.

2. Constitutional Law.

Those by Professor Roselius will embrace—

1. The Civil Code of Louisiana in connection with the Roman, Spanish and French Laws, and a Critical Analysis of the Decisions of the Supreme Court of the State.

2. Land Titles, whether derived from England, Spain, France or the United States.

3. The Practice of the Courts of Civil Jurisdiction in Louisiana.

The Degree of Bachelor of Laws will be conferred on those students only who shall have attended two full courses of Lectures, or one full course after having read twelve months under the direction of a respectable Counsel-at-Law, and who shall, on examination by the various Professors, be found deserving of the honor.

The fee of each Professor is twenty-five dollars; matriculation fee five dollars, and ten dollars for the diplomas.

All communications must be addressed to the Dean of the Faculty at New Orleans.

s11 1aw4w&wtd C. ROSELIUS, Dean of the Faculty.

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☞ Mrs. S. superintends the fitting of BRACES to Ladies, for whom convenience retired apartments are furnished.

Persons will do well to remember the name and number, to secure the genuine, which can only be had at

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(FRONT VIEW.)

For the relief and cure of those complaints to which females are subject. This Supporter is not cumbersome, but convenient, light, elastic, and efficient in its effecting, AND THE ONLY SELF-ADJUSTING SUPPORTER IN USE. It lifts the Abdominal Viscera, and serves all the purposes of relief for which a Supporter is required or recommended. It is recommended by the Medical Faculty generally, and needs but a trial to satisfy the invalid to convince the most incredulous of its superior advantages over all others.

(BACK VIEW.)

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Mrs. Sherman's Lace Belt Abdominal Supporter.

A convenient Supporter for Ladies prejudiced against the use of Steel Springs. It may be worn with or without the under Strap. Sold only as above.

Dr. Banning's Patent Lace or Body Brace.

PRICE REDUCED (1854) TO EIGHT AND FIFTEEN DOLLARS.

☞ This BRACE is celebrated for the relief of female disorders, such as Falling of the Womb, Dislocations, Pregnancy, Pains in the Side, Weakness in the Chest, Irregular or Painful Menstruation, Weakness, Sinking at the Stomach, Dyspepsia, Piles, Diseases of the Limpsed Head, Lost Voice, etc., in all of which affections it has proved an enfeebling relief, and permanent cure. The only place for the sale of this BRACE in the SOUTH is at

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☞ As worthless imitations are sold elsewhere, persons should bear in mind the name and number, Mrs. S., as she is personally fitting the Brace to Ladies.

A New and Large Assortment of Elastic and Lace Stockings,

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For the relief of VARICOSE VEINS OF THE LEGS, an affection very troublesome, and when neglected producing running Ulcers that may continue through life. Cut 1 SHOWS THE LEG WITH THE STOCKING; Cut 2 WITHOUT IT.

☞ A LARGE VARIETY OF BRACES, BELTS, SUPPORTERS, LACE STOCKINGS, etc., ALWAYS ON HAND AND MADE TO ORDER WHEN REQUIRED, AT SHORT NOTICE.

In the use of these Instruments the CONSTRUCTION AND APPLICATION is very important, persons to avail themselves of the Genuine, which in all cases are warranted, must bear in mind NUMBER SEVENTY, and observe the more

SHERMAN, 70 St. Charles street.

SECRET DISEASES.—Office 82 Customhouse street, close to the Royal St. entrance.—DR. JAMES would respectfully call the attention of citizens and strangers who have unfortunately exhibited upon themselves diseases of a delicate character in its mildest form, that they can obtain a certain, safe and speedy cure, without the use of Mercury, Balsams, Cubebs, or any other Poisonous Drug, in from three to seven days, without any inconvenience, by the use of newly discovered Remedies, which can only be procured from himself, and if upon trial they do not effect a cure, no charge will be made. Dr. J. is in possession of certificates from citizens of reference in all parts of the Union of the many cures they have effected, which were pronounced incurable by celebrated Physicians. Dr. James has introduced these Remedies into this city the numerous cases that have come under the treatment of these Remedies, not an single instance can be produced but what they have effected perfect cures, and in order that the afflicted may avail themselves of these newly and truly providential discoveries, Dr. J. has located permanently in this city on Customhouse street, No. 82. Private Rooms referred. ☞ Office hours—Over 7 A. M. to 9 P. M. [o3 tf]

LITTLEJOHN, NORCOM & CO., corner of Gravier and New Levee streets, have in store and offer for sale new for cash—

COFFEE—Mocha, Java, Havana and Rio.
TEAS—Imperial, Gunpowder, Black, common and fine;
WHITE SUGARS—Crushed, Loaf, Powdered, Refined;
BRANDIES—Old Brandies, United Proprietors' Vineyard, Dupuy, Otard & Co., etc.
WINES—Fine Old Port, Sherry, Madeira, Champagne, Claret and Sweet Malaga.
SCHNAPPS—Wolfe's Schiedam, pints and quarts;
SALMON AND LOBSTERS—100 dozen, one-pound cans;
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STAR PLANING MILL, corner of Hercules and Calliope streets, keeps constantly on hand a general assortment of DRESSED FLOORING, CEILING and WEATHERBOARDING.

☞ Lumber turned and dressed to order, at the shortest notice. sep4 6m

ODD FELLOWS' REST.—Vaults in this Cemetery can be obtained by applying to J. O. PIERSON, Treasurer, No. 2 Commercial Alley; JAMES FUNKEAUX, Secretary, at Odd Fellows' Hall, corner of Camp and Lafayette streets; Rev. CHAS. WHITALL, No. 2 Explanade street, and F. M. CORBEY, 48 Sticker st. Co., No. 46 Camp street. The price of Vaults for strangers is only $100, for the burial of members, $40; it, members of stock holding Lodges, for the burial of a wife or child, $40; for all other burials the price of a Vault will be $50 invariably. For information, inquiries or purchases of Lots, or application respecting the "Rest," apply to

JAS. FUNKEAUX, Secretary. [o12 1y]

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Ladies, Housekeepers, Dressmakers and Shirtmakers, can have almost any kind of SEWING done, or any kind of work made up with ASTONISHING DISPATCH, in a more neat and durable manner than if done by hand, and at VERY LOW PRICES, by Girls experienced in the management of WILSON'S NEW PATENT ROTARY MACHINE.

☞ All kinds of SEWING for Families, Hotels, Steamboats, etc., promptly attended to.

☞ SEWING MACHINES and a good supply of MACHINE NEEDLES, SPOOLS, SILK and COTTON THREAD suitable, on hand and for sale. Apply at 13 ST. CHARLES STREET, up stairs. s6 tf

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SUNDRIES—

100 bbls Raw Whisky.
50 do Rum Star Cordial.
300 half boxes do.
150 qrs Port do.
50 bbls Winter-trained Lard Oil.
100 do Choice Old Monongahela Whisky.
100 boxes Choice Port Wine.

JOSEPH LANDIS & CO, 32 Tchoupitoulas street. o10

DAILY CRESCENT

THE NEW ORLEANS DAILY CRESCENT,
OFFICE NO. 98 ST. CHARLES STREET,

Will be regularly served to Subscribers in this city at an early hour every day, (Sunday excepted,) for $5 a year, in advance, payable to the Office, or 15 cents a week, payable to the Carriers.

THE CIRCULATION

of the Crescent, Daily and Weekly, is such as to offer a desirable medium to Advertisers. As

A FAMILY PAPER

it circulates largely, and at an early hour, at the homes of citizens, and articles sold in families may be most advantageously advertised in its columns. No pains in the city circulate so extensively among families.

OUR TERMS

are such as to invite the attention and patronage of the public.

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Per Square of Two Lines in Pearl—First insertion, in all cases.....$1 00
Every subsequent insertion.....50
Advertisements on the Second Page are charged as new each day.
A liberal discount will be made with those who advertise by the year, or for a shorter time.
All Advertisements not marked will be published one month, and charged accordingly.

From the New York Daily Times.

THE GRAHAM TRIAL.

THIRD DAY.....New York, Thursday, October 5.

The public interest felt in this trial has in no way abated, judging from the crowded state of the Court-room during the day. Dr. Graham was accompanied by his wife and a few friends The absence of a Juror caused half an hour's delay.

Bridget Caffrey called and sworn: Examined by the District Attorney. On the 2d of August last, I was employed at the St. Nicholas, as an assistant to the housekeeper; I recognize the prisoner, Dr. Graham; I only saw him once; I did not know Col. Loring more than to know that he was killed; I was on the second floor, nearly opposite to the mirror, about 5¼ o'clock in the morning; I saw Dr. Graham and Col. Loring standing at the head of the stairs; Dr. Graham had one hand upon Col Loring, and the other held a sword, which was in Col Loring's side; Col. Loring staggered, and hallooed, "I am stabbed! I am dead!" three times; I saw Col. Loring stagger and fall; and I saw Mr Rogers, one of the officers, trying to hold him up, but could not; I went over to look at Col. Loring; he groaned heavily a few times, and expired in about three minutes.

Q. What did Dr. Graham do? A. Dr. Graham walked to the head of Col. Loring, and put the sword-cane behind his back; some one said, "You have killed him!" but he replied, "Oh, no!" Dr. Graham went down on the stairs slowly, with the sword-cane in his hand; the point was bent.

Q. (Showing cane) Is that the cane you saw? A. It is like it.

Q. Did you see Dr. Graham afterwards? A. I saw him at the office before he went with the police officer; I did not see what he did with the sword-cane.

Q. During the difficulty between Dr. Graham and Col Loring, did you see any blows struck? A. No, sir.

Q. Did you see either take hold of the other? A. No, sir; they might before I came to the head of the stairs

Q. Did you see them have hold of each other? A. No; Dr. Graham was sideways toward Col. Loring; the other had one hand upon the Colonel, while the other hand held the sword-cane.

Q. Did you see either of them have hold of the other except as you stated in your last answer? A. No, sir.

Cross-examined by Mr. Whiting. This witness on the 2d of August; I got up about 5½ o'clock; I slept in the housekeeper's room, on the 4th floor, middle building; I was called at my own room, but I was not there; I did not take more than five minutes to dress; when I came down the stairs I saw Mr Rogers, the officer, and we did not talking; I ran down the stairs a few steps on the second flight; when there, I was in a position that I could see over the partles; when I got there, the sword was in Col. Loring's side; I saw Col. Loring stagger.

Q. When you came down stairs you say you saw Dr. Graham's left hand on Col. Loring; can you say on what part of his person he had his hand? A. No, sir; I saw the sword cane in his right hand, I think; the sword was in Col Loring's left side; Dr. Graham twisted it and pulled out the sword; as I stood on the stairs Dr. Graham was nearest to me.

Q. How close were they together when you saw them? A. They were quite close—so close that their bodies touched; I did not see Col. Loring's arms or hands; I could not say if his hands were up; Col. Loring moved about three yards before he fell; when he fell I came down on the landing; I was not examined before the Coroner; I was never examined about it until I came to the District Attorney's office, about two weeks since; spoke to no one else about it.

To a Juror When Col. Loring was stabbed, he staggered right direct from Dr. Graham; not around him but directly from him.

Margaret Nolan, sworn, examined by the District Attorney: On the 2d of August last, I was chambermaid in the St. Nicholas; I never saw Dr. Graham until I saw him that morning; never saw Col Loring until that morning; about 5½ o'clock I was sweeping and dusting the gentlemen's parlor.

Q. Where did the parties stand? A. They were standing at the head of the stairs; there was loud talk, and I could not say whether they talked angry; I looked out and I saw the two gentlemen "in holts"; one of them had hold of the other.

Q. Did you do any thing? A. I never stirred out of the room; I think I was five or six yards from them.

Q. Did you look at them all the time? A. I may have taken my eyes off them for a moment; I don't remember I did any thing; I stood in the same place; I heard Col. Loring say he was stabbed, and he staggered and fell; when he fell, I got so nervous that I could not go near them; Dr. Graham went down the public stairs, with the sword-cane in his hand; it was bent in his hand, (sword-cane shown) it was like that; saw Dr. Graham turn into the pantry below stairs, and throw the sword-cane in there.

Cross-examined by Mr. Whiting. The number of the gentlemen's parlor I was sweeping is, I think, 13; it is the first parlor to the right-hand as you come up one flight of stairs from the office.

Q. From the beginning to the end of the affray did you remain in that room? A. Until I heard Col. Loring cry out he was stabbed.

Q. How far inside of the room did you stand? A. I was dusting a center table in the middle of the floor.

Q. Did you stand in the door? A. I was not sure that I went to the door, and I am sure I did not go outside until Col. Loring fell.

By Mr. Shepard. The parlor is on the Mercer street side.

Michael Dooley sworn: Examined by the District Attorney. On the 2d of August last, I was a waiter in the St. Nicholas, and on duty that morning; I saw Dr. Graham and Col. Loring together about 5½ o'clock in the morning at the head of the left stairs, on the first floor above the office; Loring was at the lower side of the staircase, about 10 feet distant; they both appeared angry and had high words; I could not hear what was said, except the word lie; I could not tell which used the expression; both were talking squally loud; Dr. Graham stood with his back towards Mercer street, and Col. Loring with his back towards Broadway; I turned round to speak to Joseph Cozzens about some matters, when in a moment they clinched together; Dr. Graham had his two arms around Col. Loring, and Col. Loring was endeavoring to push him away; as soon as they separated, I saw the dagger in Dr Graham's hand; it was bent like a reaping hook; (identified the sword cane;) Col. Loring staggered and fell; Dr. Graham stood with the weapon in his hand, looked at Col. Loring quite calmly, and went down stairs.

Q. Were any blows struck as you saw? A. No, sir.

Q. What position were Col. Loring's hands in? A. On the shoulders of Dr. Graham, as if pushing him away.

Q. Whereabouts was the right hand of Dr. Graham? A. On the left side of Col. Loring.

Q. How long were the parties together? A. About two minutes; perhaps not so much; they were moving at the time; th y did not move more than three or four feet from where they commenced the quarrel; they moved towards the mirror.

Q. At what period of the occurrence did they begin to move? A. They were together when they began to move.

Q. Did you hear any noise but that of the conversation? A. No.

Q. Had Dr. Graham a hat on? A. Yes; it might have fallen off.

Q. Did you notice whether one of the parties was more excited than the other?

Mr. O'Conor objected to the question, as calling for the witness's *opinion* upon the state of mind of either of the parties.

Mr. Shepard spoke in support of the question.

His Honor ruled it out.

Q. What was the appearance of Dr. Graham?

Mr. O'Conor considered the question indefinite.

A. At that time Dr. Graham did not appear more angry than Col. Loring.

Cross-examined by Mr. Whiting. Have been a waiter in the St. Nicholas a few months; had been in the Prescott House three months, and several other places, too numerous to mention; wanted to see Cozzens on business of his own that morning; had got out of the room about 5½; and met Cozzens at the head of the stairs; talked to him a few minutes; during the time, my attention was partly taken up by him, and partly by the quarrel between the two gentlemen; Joseph Cozzens stood with his right side towards him; at that time Dr Graham's back was towards me, and Col. Loring's face toward me; they were close to the mat at the head of the stairs.

Q. When the parties were clinched, did they move towards you? A. No; they moved from me; they moved from them; Dr. Graham moved