NEW ORLEANS DAILY CRESCENT.

THE CRESCENT IS PUBLISHED DAILY (Sundays Excepted) AND WEEKLY, BY J. O. NIXON, No. 94 CAMP STREET. TERMS—DAILY, $16; WEEKLY, $5 PER YEAR.

VOLUME XV. WEDNESDAY MORNING, MAY 16, 1866. NUMBER 234.

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Prospectus

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The charter is in the hands of the Notary, Mr. Magner, and will be published in a day or two.

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And at the CITY NATIONAL BANK, N. P. N. Robinson, cashier, corner Magazine and Natchez streets, where subscriptions can be paid.

A Card.

It is well known to the citizens of New Orleans that during my absence my Church, St. Luke's, was totally destroyed by fire. It is of the utmost importance that this great loss should be repaired as soon as possible. To rebuild this Church will require much effort and liberality on the part of its friends. It is earnestly hoped that our generous community will liberally and promptly respond to the appeals of this noble object.

Subscriptions for this purpose will be taken by the undersigned, or may be left at the Savings Bank, on Canal street.

C. S. HEDGES, Rector St. Luke's Church, N. O.

New Orleans Daily Crescent.

OFFICIAL JOURNAL

—OF—

THE STATE OF LOUISIANA.

WEDNESDAY MORNING, MAY 16, 1866.

The Murder of Capt. J. Fred. Gruber.

THE TRIAL.

The trial of Michael McLaughlin, David D. Hennessey, Richard Murphy and Stephen O'Donnell, indicted for the murder of the late Captain John Frederick Gruber, in Sam's saloon on St. Charles street, on the night of the 9th of March last, was commenced in the First District Court yesterday, Judge Abell presiding, at a few minutes before 11 o'clock.

The court room was densely crowded with spectators, and the purlieus were filled with knots of citizens. Every step in the proceedings was watched with fixed attention, and a very unusual public interest was shown in the case.

The prisoners were all present and exhibited an anxiety to be expected from men in their situation. From 11 o'clock to 1 was occupied in impannelling a jury, without completing it. During that time the accused were required to stand, in exercising their right of challenge, but the fatigue incident to such protracted constraint seemed to be unfelt, and the only emotion exhibited was one of deep concern as the qualifications of the jurors were scanned and passed upon.

For the State, Attorney General Herron was present, assisted by District Attorney Lazenburg.

For the defense, General Humphrey Marshall, Judge Dooley and Messrs. A. P. Field, — Lambert and H. C. Castellanos appeared.

Besides the prisoners at the bar, Thomas McCauliff, alias Scott, alias Melae, and Patrice Meley, alias Scott, were included in the indictment as parties to the murder, but not having been arrested, were not present.

As we have already stated, the impanneling of the jury commenced at 11 o'clock, and proceeded as follows:

Charles Arroyo, challenged by Murphy peremptorily.

Edward Hayden, challenged by the State peremptorily.

F. X. Martin, accepted and sworn.

Louis Prados, challenged by McLaughlin peremptorily.

Felix Arroyo, challenged by O'Donnell peremptorily.

Oscar Blasco, challenged by Hennessey, peremptorily.

Peter Dorwick, challenged by Murphy peremptorily.

Aristide Aubertin, challenged by McLaughlin peremptorily.

Joseph Berberick, challenged by O'Donnell peremptorily.

Alphonse Morel, accepted and sworn.

P. A. Lambert, Jr., accepted and sworn.

J. E. Freche was opposed to capital punishment. However clear the evidence might be, he could not render a verdict of death. Set aside for cause.

Antoine Desgeorges, challenged peremptorily by Hennessey.

George Seibert, challenged peremptorily by Murphy.

John Conway, challenged peremptorily by O'Donnell.

Thomas Doherty, challenged peremptorily by the State.

J. T. Desgrais had formed and expressed an opinion in the case, such an opinion as he did not think could be changed, and he was set aside.

Louis Barthe, challenged peremptorily by McLaughlin.

Theodore Bachemin, jr., was conscientiously opposed to capital punishment, and was set aside.

E. P. Delavallade was peremptorily challenged by O'Donnell.

Henry Weber having been peremptorily challenged by O'Donnell, the attorney general inquired how many peremptory challenges had been exercised by the prisoners?

The sheriff answered that Mr. Weber would make thirteen.

The attorney general raised the point that the law limited the accused to twelve peremptory challenges.

After a brief argument the court ruled that each of the prisoners was entitled to twelve challenges, without cause. Mr. Weber was therefore set aside.

W. D. Duke, accepted and sworn.

Louis Turcaud, peremptorily challenged by Murphy.

James P. Warner, peremptorily challenged by McLaughlin.

Edwin Marks, peremptorily challenged by O'Donnell.

Hon. J. T. Hanlon had formed and expressed a decided opinion in relation to the case, and was set aside.

Prosper Ganel, peremptorily challenged by Hennessey.

S. Hopkins, Jr., peremptorily challenged by Murphy.

T. F. Patton, peremptorily challenged by McLaughlin.

L. C. Richards, accepted and sworn.

S. H. Bard, accepted and sworn.

Stodart Howell, accepted and sworn.

—— Tillotson, set aside on motion of counsel for defense, because his name in full was not given on the list of jurors furnished the prisoners.

John McCloughlin, challenged peremptorily by the State.

Wm. A. Moulton, challenged peremptorily by the State.

Wm. McLean, accepted and sworn.

C. L. Hess, set aside, as the name on the list furnished the prisoners was not correct, his true name being J. L. Hess.

B. Mouchon, accepted and sworn.

Ernest Nicaud, peremptorily challenged by O'Donnell.

James Brady, having formed and expressed an opinion in the case, was set aside.

Arthur Lambert, peremptorily challenged by Hennessey.

John Crusius, peremptorily challenged by Murphy.

J. A. Martin, having been challenged by the State,

General Marshall objected, contending that under the law the State was entitled to but six peremptory challenges, and that number was already exhausted.

The attorney general maintained that he was entitled to that number for each of the prisoners. Such was the law, and it was consistent with reason. The object of the law was to prevent partialities from entering the jury box. Of course, the greater the number of accused the greater the liability to prejudice against or partiality for them. Had the prisoners been confined to twelve challenges, unquestionably the State should be restricted to six; but since each of the accused was allowed to twelve, the privilege of the prosecution should be correspondingly increased.

Mr. Field and General Marshall replied, contending for the original proposition that the law absolutely limited the State to six, whatever the number of the accused, and that the claim of the attorney general was inconsistent with the theory of jury trial, for under the common law the government had no right to a peremptory challenge.

The court decided in favor of the prosecution, ruling that the State was entitled to six peremptory challenges against each prisoner. Mr. Martin was therefore set aside.

Counsel for defense notified the court that exception would be taken to this ruling.

Adam Joachim, peremptorily challenged by McLaughlin.

Louis Guirand, peremptorily challenged by O'Donnell.

A. Gubert, accepted and sworn.

O. L. Kernion, accepted and sworn.

Ernest Malus was opposed to capital punishment and was set aside.

Camille St. Amant, peremptorily challenged by Hennessey.

J. B. Dolhonde, peremptorily challenged by Murphy.

Oscar Stone, peremptorily challenged by McLaughlin.

John P. Collins, peremptorily challenged by O'Donnell.

E. R. Pitcher, peremptorily challenged by Hennessey.

John Glynn, peremptorily challenged by the State.

Robert Campbell, peremptorily challenged by the State.

A. P. Schneider, peremptorily challenged by Murphy.

This exhausted the panel and the jury was incomplete, but eleven members being sworn. The court ordered talismen to be summoned and adjourned to 4 o'clock in the afternoon, instructing the jurors impannelled that they were to remain in the custody of the sheriff and should not allow any one to converse with them on the subject of the case about to be tried.

The court at the expiration of the recess resumed its sitting, and proceeded with the impanneling of the jury. The twelfth juror was obtained from the talismen after two peremptory challenges by the prisoners, by the acceptance of Ernest Gautier and the jury was complete as follows:

F. X. Martin, Alphonse Morel, P. A. Lambert, Jr., W. D. Duke, L. C. Richards, S. H. Bird, Stodart Howell, William McLean, B. Mouchon, A. Gubert, O. L. Kernion and Ernest Gautier.

The indictment having been read by the attorney general, upon his suggestion it was agreed that, as it would be impossible to get through with the case, during the night, an adjournment should be had at 8 o'clock, and the case should be resumed this morning.

The witnesses were then ordered to be separated and the evidence commenced.

TESTIMONY FOR THE PROSECUTION.

Dr. Yeiser sworn—As coroner, he held the inquest over the body of the deceased and proved the *corpus delicti*. The wound, an incised wound on the right side of the lower abdomen, three quarters of an inch to one inch in width and penetrating to the spinal column, cutting the *vena cava descendant*, the largest vein in the body, was necessarily mortal. The wound was from three or four to six inches in depth.

Dr. Barnes sworn—As city physician, made the post mortem examination at the inquest. Described the wound as described by Dr. Yeiser. Upon opening the body, discovered that there had been a hemorrhage of at least three quarts. Death was caused by this enormous hemorrhage. He had no doubt on his mind that the wound was the cause of death.

Dr. Choppin sworn—Assisted at *post obit* examination; also visited the deceased after he was wounded, as a physician; was called in on the night of the 9th of March, and saw then that deceased was dying. He had a penetrating wound of the abdomen, and from the symptoms witness was satisfied he was dying from internal hemorrhage. Witness saw there was no hope of recovery, and administered nothing but opiates. Deceased was already in a collapsed condition. After witness had examined deceased, he asked if witness considered the wound mortal. He asked witness, seriously, to tell him his exact condition. Witness, as was his habit when appealed to by those he was attending, told deceased the whole truth; told him there was not the slightest chance for recovery. This conversation took place between 12 and 2 o'clock the night deceased was stabbed.

Cross-examined—Continued to see deceased from time to time until a few minutes before his death. He said no more to witness about his case, after the conversation related in the direct examination, except to answer such questions as witness put to him relative to his condition. He was weak and could not converse any length of time.

Direct examination resumed. Did not think at any time his recovery was possible and never gave him any hopes.

Cross-examination resumed—Dr. Mitchell also attended deceased as a physician, and on the 10th, by the wish of the family a consultation was had with Dr. Stone. Witness spoke to deceased but once of his hopeless condition. Did not think it necessary to repeat it. His intellect was not affected. He was in possession of his faculties.

In answer to the court—The manner of deceased when witness apprised him that the wound was mortal beyond doubt, signified that he was fully impressed with the hopelessness of his condition. He closed his eyes and was silent.

Cross-examined again—Deceased never spoke to witness, nor in his presence of his resolution to be revenged, as soon as he recovered, on the parties who injured him. His mind was very lucid, on Saturday the 10th, the day he died, and he answered all witness's questions correctly. Saw him last, on Saturday morning, the 10th, after the consultation.

Dr. Mitchell sworn—Witness described the wound the same as Drs. Yeiser and Choppin, and expressed the same opinion that it was necessarily mortal. Deceased died at about 9 o'clock on Saturday night, March 10th. Witness had no positive conversation with him in regard to his condition. The following document was exhibited to the witness:

I, J. Fred. Gruber, do affirm that to the best of my knowledge and belief Richard Murphy, whom I have identified, did, on the night of the 9th of March, stab me in the abdomen with a sharpened instrument, and that I plainly saw in his hands the instrument before the blow was given, and that he was aided, abetted and assisted by one Hennessey *et al.*, whom I could recognize when I on the witness stand. JNO. F. GRUBER.

Sworn to and subscribed before me, this 10th day of March, 1866. C. IZARD, J. P.

Witness identified the document. It was written by him; all except the words "et al." (abbreviated Latin for "and another"), which were inserted by request of deceased. Murphy, the prisoner, was present, and was identified by deceased. He had identified him before the document was written, as well as after. The document was read to deceased by Judge Izard. This document was written between 4 and 5 o'clock on the afternoon of Saturday, the 10th.

Cross-examined—Witness visited deceased as a physician, three or four times on the 10th, at 7, 10 and 12 in the morning. The document was written upon recollection of what deceased had previously told witness. Wrote it, he believed, but was not positive, upon the suggestion of Judge Izard, who was present; also Mr. Wolfe, father-in-law of the deceased. Witness could not now repeat the exact words of the declaration, but could state the substance from memory.

[Col. Field handed the document to the judge, calling attention to the firm, bold hand in which Capt. Gruber signed it, and remarking that a man could not be very weak who wrote such a signature. The judge answered that he did not see what he had to do with the examination of the signature.]

Witness resuming his testimony: Judge Izard, after reading the statement, swore deceased to it. Witness thought it contained all he had heard deceased say on the subject. Was entering the room when Hennessey was passing out after he had been brought for deceased to see him. Deceased did not request witness to write the statement, but, upon its being suggested, assented. It was after it was read to him by Judge Izard he suggested the interlineations of the words "et al."

Cross-examination resumed—Judge Izard suggested that I should put the mark of deceased to the statement, but he objected and insisted that he should write his own name, remarking, "I am able to sign my own name." He was perfectly conscious when he signed it.

Justice Izard sworn—On the evening of the 10th March last, I was called on by some gentleman to go and see Mr. Gruber. I went to his house. Before entering his room I was met by two officers who had a young man in charge, and who said his name was Murphy. I went into Mr. Gruber's room and spoke to him. I asked him if he recognized me? He said: "Yes, you are the mayor." I said no, I am Justice Izard. "Oh, yes," he said, "I recognize you." I said I came to see you; I understand you have been dangerously or mortally wounded, I don't know which of the two words I used. He answered: "Yes, I have been." I believe at that moment his attending physician came in [Justice Izard identified Dr. Mitchell as the gentleman] and sat beside the bed on which Mr. Gruber was lying. I stood beside Mr. Gruber and told him I came to hear anything he had to say in reference to his having been wounded. I requested the doctor to take down what Mr. Gruber had to say. Mr. Gruber went on then to make the statement contained in the document in court. I read the statement after it was written, and asked him if it was correct. He said it was. In addition, I asked him if he would be able to recognize the parties who had wounded him? He mentioned the names of Murphy and Hennessey.

[The defense objected to this testimony as to Murphy and Hennessey as illegal, and after some discussion the attorney general consented to elicit the evidence he sought in another manner.]

Murphy was present when the paper was read. I had ordered the officers to bring him in. I recollect that at the time the physician was present, and, I believe, Mr. Wolfe. They were there before the document was signed. Others might have been there, but if there were I do not recollect them. Mr. Gruber raised himself up to sign the paper, and swore to it with his hand elevated. Murphy was brought directly before him. He was asked if he recognized Murphy. He answered: "I do—that is the man who stabbed me." I had nothing from him to signify that he was in a dying condition, but his physician, in the hearing of Gruber, within a few feet of the bed, said, addressing me, that "Mr. Gruber was very bad and not to worry him," or words to that effect, and my inference, from the manner in which the doctor spoke, was that he regarded him as in a dying condition.

[The defense objected to the inferences of the witness being given as evidence.]

Cross-examined—Mr. Gruber did not express to me or in my hearing a belief that he was going to die. No minister of the Gospel was there. He did not speak of his business affairs. The physician was a stranger to me, and I did not know his name. When Gruber said Murphy was the man—"that's the man," he added, "take him away"—I don't think Murphy made any reply whatever; he did not in the room, I am sure. I don't know the officers who had him in charge, and could not recognize them. I was at the house but once—at six or half past six in the evening. When Murphy was brought before Mr. Gruber, he was most positive as to the identity of the prisoner. Mrs. Gruber and a young lady were also in the room, I believe.

Dr. Choppin, recalled by the prosecutor—Deceased had but one wound.

The attorney general here offered in evidence the declaration of the deceased, which had been identified by the witnesses.

Mr. Castellanos and General Marshall objected. It was not, they argued, a dying declaration. It had not the features essential to constitute it in law a dying declaration. It was merely an affidavit, obviously made for the purpose of procuring the arrest of the parties named. The paper contained nothing to show a consciousness that death was impending, but on the contrary, contained in itself evidence that the deceased expected to survive, in the sentence, "Whom I could recognize when I on the witness stand." Filling the hiatus the sentence would read, "Whom I could recognize when I *am* on the witness stand." This showed that deceased expected to outlive the wound and give evidence against the parties. The testimony that he had been apprised his wound was mortal or dangerous, left a doubt as to which word was used and the prisoners were entitled to the benefit of the doubt, to the belief that the word dangerous was used. Considering his wound as only dangerous he was not in a condition to make a dying declaration. There was no proof establishing the consciousness of certain dissolution. Deceased had made no speech, no remark or suggestion to show certainly that he considered himself *in extremis*.

Attorney General Herron replied. It was absurd, he contended, to argue that putting the declaration of the deceased in writing, or his swearing to it, changed its character or weakened its force. True, a dying declaration did not need to be in writing, nor sworn to, but its being in writing or its being sworn to—mere supererogations—did not vitiate it. People generally were not informed, as gentlemen of the bar were, as to the technical form of a dying declaration, but because they had done unnecessary things, because they were ignorant of the forms of law, was no reason that what they had done should fall to the ground. As to the idea broached, that the intention was only to make a sworn complaint, to procure the arrest of the prisoners, it was very clear that such could not have been the intention, for, if it was, a recorder, a magistrate to whom criminal jurisdiction was assigned, would have been sent for and not a civil magistrate, as Judge Izard was. Again, in regard to the attempt to wrench from the statement evidence that the deceased expected to recover and to prosecute his assailants, nothing could be more repugnant to reason. The misspelling of a word accidentally or from ignorance, was the basis of this argument. As interpreted by the defense, it was necessary to interpolate a word to make sense. It was necessary to say, "whom I could recognize when I *am* on the witness stand." The word "*am*" had to be interpolated to sustain the reading of the defense. But how much better did it accord with all the circumstances, with all the facts of the case and with the grammatical construction of the sentence to take it that the word which appeared as "when" was a mis-spelling of "were;" that the sentence was introduced to add force and solemnity to the averment, by saying, "whom I could recognize were I on the witness stand." As interpreted by the defense, it was neither grammar nor sense without their interpolation. His interpretation required no interpolation, nothing more than the correction of a mis-spelling.

What better proof could be adduced than had been to show this document was a dying declaration? He had been wounded but a few hours before; he died a few hours after, and he had been told by one physician that there was no hope of his recovery, and by another that his wound was mortal or dangerous. The court was not confined to his own declarations. Like any other fact, the fact of consciousness of impending dissolution could be proved in various ways. In the case of the State vs. Richard Scott, 12th annual, the supreme court ruled distinctly that the proof of such consciousness need not be shown by the declarations of the person *in extremis*; that such proof was not necessary; that the fact could be proved by other circumstances, and a communication by the physician was specifically mentioned. And Greenleaf on Evidence, vol. 1, section 158, was to the same effect, that consciousness of approaching death, might be proved in three ways: by the express declaration of the party; by evident danger, and by the communication of the physician. The State had two of these elements in this case. Danger was evident, because the man died two or three hours after, and his physician had apprised him that his recovery was hopeless—impossible. But counsel for defense would have it, because he was not blabbing about his coming death to all around him, and because he was not alarming and saddening his wife and children, therefore he did not expect to die then!

Mr. Field closed the argument for the defense. The evidence, he insisted, should be clear that the party himself was convinced of his impending dissolution. To be told by his physician that his life was despaired of, was not sufficient. It should be shown that he believed his physician implicitly; that he had no doubt on the subject, and was without hope of his life being prolonged. He should be in expectation of immediate death, not in fear of a remote one. This evidence was wanting. He had not asked for the sacraments of his church, nor had he called about him his wife and children, to speak parting words to them. He had done or said nothing to signify a conviction that he was *in extremis*. If the paper was intended as a dying declaration, why introduce the words "witness stand" at all into it? The inference was that he expected or hoped to survive the wound and to appear as a witness. It was true Justice Izard was not commonly engaged in criminal cases, yet it was competent for him to take affidavits and issue warrants, and the paper clearly showed that it was intended to be a deposition, and not a dying declaration. Mr. Field concluded by quoting from Phillips on Evidence to show that before a dying declaration can be admitted in evidence, the court must be satisfied the party making it was conscious he was *in extremis*.

The argument was closed at a few minutes before 8. The judge remarked that the question was a very important one, and as the hour agreed upon for adjournment had nearly arrived, he would reserve his decision until this morning and adjourn the court.

And the court was accordingly adjourned, the sheriff having been previously instructed to make the jury as comfortable as he could, during the night.

Local Intelligence.

CORRECTION.—In our report of the decision of the Supreme Court, in the case of Schmidt vs. Barker, published yesterday, it is stated that "the decision of the lower court, which was in favor of defendant, was ordered to be reversed." This was an error, which the intelligent reader would perceive from the context. The decision reversed was in favor of plaintiff, and not defendant.

HOW IS IT.—Sergeant White, of the Third District police, reports that the body of a drowned man has been lying for four days at the foot of St. Joseph street. The citizens in that neighborhood are uttering complaints loud and deep in regard to the matter, as it is said the old and new coroners were both notified.

ARRESTS.—Michael Whaler was arrested yesterday afternoon, by officer O'Connor, on Girod street, on a charge of committing an assault and battery on John Quinn, with intent to kill.

Edward Lawson was arrested by Maj. Jackson, the provost marshal, on a charge of attempting to bribe corporal Henry Hay, eighty-first colored infantry, while on duty at Freret's Press, in offering him $70 for a bale of cotton. Corporal Alfred Gruben, colored, was arrested for selling government cotton from Freret's Press on the night of the 7th. Joseph Green, colored, was arrested as an accessory to the larceny of a bale of cotton. We believe these cases have connection with the same offenses. They will be brought before Recorder Ahern this morning.

BOARD OF ALDERMEN.—A regular meeting of this board was held in their rooms last evening. The following gentlemen were present: Messrs. Clark, Whitney, Bosworth, Wolfley, McCloskey, McKnight, White, Smith and Stith.

On motion of Mr. Whitney the board proceeded to the election of a president, which resulted in the choice of Mr. Bosworth.

Mr. Bosworth, after a few pertinent remarks, assumed the duties of the chair.

The minutes of the last meeting were read and adopted.

A communication from Mayor Monroe was read and spread on the minutes.

A communication from P. G. Mohan, city controller, was read and referred to a special committee composed of Messrs. White and Stith.

On motion, Mr. Stith was made a member of the Finance Committee.

The following resolutions were referred to the Committee on Streets and Landings:

A resolution defining the rural and urban limits of the Fourth District.

A resolution authorizing the city controller to sell the lease of the Canal street ferry.

That the city surveyor be authorized to act with the military authorities in the removal of the railroad track on the levee, St. Joseph and other streets, to the line of the Jackson railroad, the military authorities to pay all expenses.

Resolved, That the street commissioner be authorized to remove from the Neutral Ground, on Canal street, and other streets and public squares, all booths, sheds and other obstructions.

Resolved, That the street commissioner be authorized to take up the plank on St. Andrew street, between Prytania and Magazine, and construct a ballast road.

A resolution granting permission to Nick Gunther to establish a beer brewery at the corner of Ninth and Tchoupitoulas streets.

A resolution authorizing the city surveyor to make the necessary repairs on the Old Bayou St. John Bridge, so as to be suitable for foot passengers.

A resolution granting to Philip Drumm the privilege of running the Fourth District ferry for ten years at a yearly rental of $720. Also granting him permission to erect a shed at the ferry landing.

A resolution annulling the contract of W. Randolph, lessee of the Third District ferry, be and the same is hereby repealed, and the lease of said Randolph be continued until January, 1871.

A preamble and resolutions, from the lower board, complimentary to the administration of Hon. Geo. Clark, while performing the duties of mayor, was unanimously adopted.

A communication, from Mr. Pierre Soulé, was read and referred to the Finance Committee.

A communication from Pat. Morney was referred to the Committee on Streets and Landings.

The Finance Committee made their report, which was read in connection with the accompanying resolutions, which were taken up separately and adopted.

The report of the Committee on Streets and Landings was read. The board acting on each resolution separately.

Upon the resolution empowering the mayor to discontinue the Insane Asylum before the 25th day of May, and provide for the transfer of its inmates to the charitable institution of the city, the committee reported favorably. Upon the resolution authorizing the sale of the right of way on New Levee and other streets from Canal to Delery. The committee recommend some modifications upon the report authorizing the surveyor to make such repairs on the various engine houses as may be in his judgment necessary. The committee report favorably upon the resolution preventing the posting or painting of public notices on the streets and grounds of the city. The committee recommend the addition of the words "telegraph posts and fire plugs," and as amended be adopted.

The committee reported favorably on several other resolutions which had been submitted to them.

The board then adjourned.

BOARD OF ASSISTANT ALDERMEN.—This board met at the regular hour last night. Thirteen members present, President McCulloch in the chair.

The minutes of the last stated and called meetings were read and approved.

A message from Mayor Monroe was received communicating to the board that he has assumed the duties of the mayoralty. No inconsiderable labor would be demanded from the executive and from the concurrent boards to restore the municipal affairs. He trusted that all would act harmoniously. He promised at an early day to embody his views of city affairs in a message to the council.

The report of the treasurer showed a balance on hand of $59,738 19.

A statement of the controller, showing the number of checks drawn on the treasurer, was received and referred to the Finance Committee.

A communication from the controller, complaining of the action of the Finance Committee in not approving his requisition for books, blanks, etc., necessary to the conduct of the business of his office; and not approving his request for an additional clerk, by which important business was retarded. Mr. Moban asked that a special committee of three be appointed to inquire into these matters.

Mr. Higginbotham, chairman of the committee, alleged that the committee were not to blame, and moved that the communication be laid on the table. He subsequently withdrew his motion and the communication was referred to a special committee.

A communication from the street commissioner informed the board that he had placed in default Henry McGuinn, contractor for keeping the shell road in repair, for failing to comply with the terms of his contract. Mr. Belanger recommended that the contract be annulled and resold after ten days advertisement.

After some discussion, a resolution in accordance with the street commissioner's recommendation, was adopted, and sent to the upper board for concurrence.

The upper board asked concurrence in the resolution, amended by them, so as to read for three years instead of one, authorizing the sale of a contract for repairing and keeping in repair the street bridges of the city.

Mr. Montamat said he would oppose the selling of all contracts. Contractors never performed their work and their securities were never made to pay.

The resolution, as amended, passed by a vote of 11 to 3.

The sale of a contract for repairing and keeping in repair the ballast roads of the city, for three years, was also authorized.

The contract with R. B. Bell, for keeping the streets of the Third Ward in repair, was annulled, and a resolution authorizing the resale of the contract was adopted.

Messrs. John T. Hanlon and —— Uniack were accepted as securities for Miles Sharkey, collector of dues from sea going vessels.

Several private claims and petitions were referred to appropriate committees.

A resolution by Mr. Prados to pay Mr. George Clarke $833 for his services during the time he acted as mayor pro tem., was referred to the Finance Committee.

A resolution by Mr. Montamat to place a hydrant at Jackson Square, opposite St. Peter street, was adopted.

A preamble and resolutions were offered by Mr. Moore, of the most complimentary character, in regard to Mr. George Clarke, mayor pro tem. They were, in substance, that he had acted as a faithful public servant; that he was entitled to the respect and gratitude of his fellow citizens, and that the board tendered him their best wishes for his prosperity.

Mr. Moore's honoring tribute was adopted unanimously.

A communication from Hon. Pierre Soulé, in regard to the claims against the city by the heirs of John Davis, was referred to the city attorney.

A resolution to change the hour of meeting from 6 to 6½ P. M., was adopted.

A resolution authorizing the mayor to employ Mr. L. Janen to defend the city, in a suit now pending in the United States Supreme Court, the fee to be $250, was passed.

A resolution to pay Mr. St. Armand for certain lumber, etc., was referred to the Committee on Streets and Landings.

A resolution to sell the right of collecting fees from stands between the beef and vegetable markets, Second District, was adopted.

A proposition from Mr. W. D. Denegre, to prosecute the claims of the city to certain lands donated by John McDonogh and Stephen Girard, the compensation to be one-half the amount recovered, was adopted.

The Committee on Streets and Landings reported unfavorably as to building a bridge at the intersection of Claiborne street and Galvez Canal, but Mr. Moore urging the claims of the tax payers of that neighborhood, the matter was referred back. The committee reported adversely on the ground that a street railroad would be built on Claiborne street, and the lessees would have to build the bridge.

A resolution to have some necessary repairs made to Poydras market, was adopted.

A resolution to advertise for proposals for supplying the city with 350,000 feet of planks for wharves, was adopted.

A resolution to advertise for proposals for building a wharf from Lafayette to Notre Dame streets was passed, and sent to the upper board for concurrence.

A resolution to confirm the contract made with Mr. Denis Cronan by the late city authorities for making certain water pipe connections, at a cost of $1480, and to pay him $400 for a mould, was concurred in after some discussion.

It was informally resolved that the chairmen of committees should meet at 7 o'clock this evening at the City Hall, for the purpose of reconstructing the committees. It is claimed that each District should be represented in each committee.

The surveyor was authorized to have plank roads made on two of the Third District streets.

The surveyor was authorized to purchase material, at the expense of the United States authorities, to repair St. Joseph street when the railroad track is removed.

Mr. Moore presented a petition signed by sixteen hundred citizens, protesting against the stopping of the street watering carts as recommended by the street commissioner. Mr. Moore promised to show at the next meeting the fullest proof that the streets were not, as it was alleged, injured by the watering carts. The question was held over for consideration.

The board then adjourned.

RECORDER AHERN'S COURT.—E. W. Grant was committed for trial to the Criminal Court, on charges of breaking A. Kissenger's show window, on Camp street, and attempting to shoot James Bishey, colored.

Joseph Lazarus & Co., on the complaint of J. Rosenthal, was also committed for trial to the Criminal Court, for selling goods at auction after the hour specified by the laws of Louisiana. Bail $1500.

Joseph Rodriguez, charged by E. Wonder with stealing a piece of cassimere valued at $20, was sent to the workhouse for four months.

Peter Forrest, charged by officer Lacey with assault and battery with intent to kill, and, also, with carrying a concealed weapon, was fined $50, and, in default of payment, to be imprisoned thirty days.

Thomas Wall, the driver of the Prytania street city car which ran over P. H. Cain, and fatally injured him, was remanded to await the result of the coroner's investigation.

John Dufour as principal, and Ernest Flourain and R. Blackwell as accessories, were arraigned on the affidavit of John Reilly, charging them with having unprovokingly assaulted and stabbed his son Terrence. The examination is fixed for the 24th inst. Dufour is held in bail in the sum of $1000, and the others $500 each.

RECORDER LEFTEN'S COURT.—The charges of larceny against James Wetzel and Albert Roof; Fred. Kountz, assault and battery, and Washington ——, and John Lewis, larceny, were dismissed.

Mrs. Walsh was arraigned on a charge of assault and battery, and the case was continued for examination.

Wm. Foster was arraigned on a charge of larceny, and was held to answer.

John McHugh, as principal, and John Brannon, Roger Cozan, John Murphy, and F. O'Brian as accessories, were arraigned on a charge of garroting and highway robbery. They will be attended to in due time.

RECORDER VENNARD' COURT.—There was no case in this court yesterday worth noticing.

RECORDER GASTINEL'S COURT.—M. A. French, for allowing himself the liberty of indulging in several horns of tanglefoot, which induced in him a too excitable frame of mind, had to pay $15.

Charles Williams, charged with being so inconsiderate as to commit an assault on an officer, was fined $20.

Emile Lonley and Emily Daulier, colored, for endeavoring to take the shine out of each other by pugilistic means, were charged $15 each for their belligerent demonstration.

THE FENNER'S BATTERY DRAMATIC ENTERTAINMENT.—As already announced, the grand dramatic entertainment to be given by the Fenner's Battery Monumental Association, will take place at the Opera House next Friday evening, the 18th. The object is to raise a fund wherewith to bring home the remains of those members of the battery who lost their lives in the service, and to mark them with a suitable monument. The entertainment, however, aside from its object, will be well worth attending. The programme includes a pantomime entitled "Astronomo, or the Magic Feather"—an original burlesque operatic tragedy, understood to be written by a talented member of the battery, entitled "Spazarini Zimluco"—and the well known farce of "The Limerick Boy." The characters will be all filled by members of the battery, some of the more youthful ones taking the female parts. Altogether it promises to be a most rare and delightful entertainment. The box office will be open from to-day, and seats can be secured in advance. Tickets, $1 50.

A MOUNTAIN OF SALT.—There is a mountain of fine salt on the Colorado river in Arizona, lying in cubes of all sizes, and so pure you would never dream of it being salt if you did not put it to your tongue; it resembles broken chunks of the finest plate glass. There is not a particle of foreign matter in it, and there is enough of the article to supply the population for centuries.

PHILOPŒNILIC.—A pamphlet has been issued in New York by a writer who calls himself a "philopœnist," by which he means a "lover of punishment to evil doers." He enumerates, among the principal causes for the increase of crime the periodical issues of gorgeous fashion plates, the abolition of slavery, the free school system, and the execution of Mrs. Surratt.

WILCOX & GIBBS' Machine will sew, hem, fell, braid, tuck, gather, quilt, cord and embroider with perfect satisfaction. Wilcox & Gibbs' are repaired and warranted at No. 5 St. Charles street. Please call and examine.

THIRD JUSTICE'S COURT.—As will be observed upon reference to an advertisement in the CRESCENT to-day, Judge Paul W. Collens, Third Justice of the Peace, has located his court at No. 23 Exchange Alley, corner of Customhouse street, where the books and papers of that court, as well as those of Judge Terrebonne, late Fourth Justice of the Peace, will be found.

TELEGRAPHIC DISPATCHES.

CONGRESSIONAL REPORTS.

INTERESTING GENERAL INTELLIGENCE.

HOME MARKETS—RIVER NEWS.

Etc., Etc., Etc.

[Associated Press Dispatches.]

WASHINGTON, May 15.—The Senate has confirmed the nomination of W. Calvin Brown, of New York, as consul at Augsburg, and that of Frank Swain, of Ohio, as consul at Naples.

NEW YORK, May 15.—The majority of the Senate committee are known to be opposed to Sherman's funding bill, especially to the exemption of U. S. stocks from taxation.

Cotton closed at 35c. for middling. Mess pork $30 75.

Sterling exchange 109½. Gold 129½. Stocks strong.

QUARANTINE, May 15.—The steamer Sheridan will not be up until day break. She is consigned to A. Moulton. She has an assorted cargo and freight amounting to $9000. The General Grant was detained at New York for alteration.

Dr. Gwin comes up on the Sheridan.

VICKSBURG, May 15.—Passed down, Lizzie Gill at 2 A. M., David White at 8 A. M., Eagle at 5 P. M.; Continental at 6 A. M., and M. S. Mepham at 7 P. M. River falling.

LOUISVILLE, May 15.—Leaf tobacco advanced $1; sales 185 hhds. Flour, superfine, $7 75. Oats, 47@51c. Bacon—shoulders, 14c.; clear sides, 19c.; sugar-cured hams, 23c. Middling cotton, 29c. Raw whisky, $2 21.

ST. LOUIS, May 15.—Cotton depressed. Flour and Wheat dull and unchanged. Corn, 60c. to 75c. Oats, 44c. to 47c. Mess Pork, Bacon and Whisky unchanged.

CINCINNATI, May 15.—Flour firmer; superfine, $8. Corn and Oats unchanged. Whisky dull, at $2 23. Mess Pork, $31; shoulders, 13c.; packed sides, 15½c.; clear sides, 19c. Lard, 22c. Groceries unchanged.

SOUTHWEST PASS, May 15—7 P. M.—The steamship W. G. Hewes went to sea at 4 P. M.

Wind calm all day. No arrivals since our last report.

The ship Persia, outward bound, came to anchor outside the bar. Tide very low.

[From Yesterday's Evening Papers.]

WASHINGTON, May 15.—Messrs. Washburne, of Illinois, Boutwell, of Massachusetts, and Leland, of Ohio, are the special committee appointed to investigate the circumstances attending the Memphis riots.

The Senate has confirmed Richard H. Rosseau as Minister to Honduras; John Blevin as Marshal for the northern district of the Mississippi; and Sam Harper as postmaster at Houston, Texas.

The Consulate at Halifax says on the 7th, that the cholera had entirely disappeared from the quarantine station.

EASTPORT, ME., May 15.—Acting Admiral Boggs has just left here to demand explanation from the commander of the English steamer at St. Andrew, relative to the firing into an American pleasure boat off Robbenstone.

NEW YORK, May 15.—The Herald's Rio Janeiro correspondent says that the Brazilian fleet had reached Terresbacca, on the Parana, and was in a line extending to Pasa de la Patna, on the Parana.

Baron Allegro is opposite Hapaira, with 10,000 men.

The steamer Dorothea, occupied by the Peruvian monitor Hresca, has been refused admission to port and has been burned at sea.

The Herald's St. Thomas (West India) correspondent says the idea of annexation to the United States was well received, and was extending to all the West India Islands.

The Mexican Gen. Almonte, with Gen. Herron, had sailed from St. Thomas for Europe.

Trinidad languishes in all its interests.

NEW YORK, May 15.—The Herald's Washington special says that Secretary McCulloch has sent to the Senate Finance Committee, to-day, the draft of a new bill providing for the funding of the national debt into a five per cent, consolidated loan.

The secretary of the treasury has decided to redeem all outstanding certificates of indebtedness, and to issue no more in future.

WASHINGTON, May 15.—The Mexican Legation here say that they regard Santa Anna as a French spy, and hope, if he reaches Chihuahua, he will be speedily hanged.

NEW YORK, May 15.—The Times' special says Jefferson Davis will be tried in Richmond, in June, if Chief Justice Chase will consent to preside. Mr. Chase has signified his willingness to preside over a court in Virginia, if the President will issue a proclamation abrogating martial in that State.

Mr. Chase had an interview with the President last week on the subject, and the probabilities were that President Johnson would listen to his suggestions.

LOUISVILLE, May 15.—Col. Jaquess has been acquitted of the murder of Louisa C. Williams, on a charge of procuring abortion.

SOUTHWEST PASS, May 15, 12 M.—Dead calm and high tide at 7 A. M.

The ship Persia, outward bound, is still in sight. At anchor outside, the bark Odin and ship Telegraph.

The steamship Sheridan crossed the bar at 7 A. M., and is now on her way up with passengers and an assorted cargo. All well on board. Had a fine passage. Spoke nothing.

STILL LOWER YET.—Messrs. Garthwaite, Lewis & Stuart, the clothing dealers of Nos. 31 and 33 Camp street, are selling their stock at still greater deductions, and are taking notes of the Louisiana banks at par at the same time. The stock thus so sacrificed is of the latest fashion and made of the best materials, and is desirable in every respect. Persons who need clothing should not neglect such an opportunity.

The sheriff of the parish of Orleans will sell at auction this day at 10 o'clock A. M., on Julia street near Claiborne, First District, machinery, etc. See advertisement.

OPENING OF MIGUEL'S, AT THE LAKE.—It will no doubt be pleasing to many of our readers to learn that "Miguel," the popular restaurateur at the Lake end of the Pontchartrain Railroad, has at last finished his magnificent house and is ready to accommodate his friends in even a better manner than formerly. As a cook, and in the selection of wines and viands, Miguel has no superior, and his house has always been a favorite resort with those who frequent the Lake with their families in the summer season, for the purpose of enjoying a good dinner and the healthful breezes of the sea. He has now, in connection with his restaurant, a splendid bath-house for ladies, and bar-room for gentlemen. These additions were needed, and he will, no doubt, reap the reward he deserves for his enterprise.

GREAT SALE OF BATTURE PROPERTY.—It will be seen upon reference to an advertisement in another column that Messrs. Von Zinken & Sully will sell the valuable lots in the First and Second Districts, known as the batture property, at auction on the 1st of June. There are fourteen squares, immediately fronting the levee, and, as they cover nearly the whole front of the business part of the city, the sale affords a rare opportunity for capitalists to invest profitably.

The following, from a recent address by Rev. Henry Ward Beecher, makes extremely distasteful reading for some of his political associates:

I should be sorry to see any more government agents spreading out through the land. If the President would call home every treasury agent that is disgracing the North and the government, and humanity, and alienating the South, I, for one, should be glad. There are, no doubt, men who stand above bribery and suspicion of corruption—noble men and true; but all through the South, take them comprehensively, they are as locusts eating up the land. They are predatory nuisances, and degrade the North, from which they come, and the government under which they serve.

It is said that 10,000 persons in New York make their living in the rag business, which amounts annually to $30,000,000.