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ETC., ETC., ETC.,

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NEW ORLEANS DAILY CRESCENT.

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VOLUME XVI. SATURDAY MORNING, NOVEMBER 10, 1866. NUMBER 76.

TELEGRAPHIC DISPATCHES.

BY THE ATLANTIC CABLE.

Ships Ready for Return of French Troops from Mexico.

The Moniteur says Maximillan will Remain.

Prussia on the New Austrian Minister, Baron Von Beust.

Entry of the King of Italy into Venice.

GRAND DEMONSTRATION----GREAT REJOICING.

Mr. Gladstone Visits the Pope to Reconcile Him to His Fate.

Liverpool Market----Cotton 1/ 3-1d.

PARIS, Nov. 9.—The ships to bring back the French troops are ready.

MAXIMILIAN, the Moniteur says, will remain in Mexico.

BERLIN, Nov. 9.—Prussia sees in the appointment of Baron Von Beust to the prime ministership of Austria an attempt on the part of that country to interfere with settled questions, which would compel Prussia to complete quietly and surely the national work of Germany.

VENICE, Nov. 9.—The King of Italy arrived this morning. The patriarch of Venice met him at the Church of St. Mark, where a *Te Deum* was sung. His reception in the city was magnificent. Great joy prevailed, and the crowd was so immense that the troops were unable to drill before the king.

LONDON, Nov. 9.—The London Herald of this morning says Gladstone's mission to Rome is to reconcile the pope to his fate.

The rumor of the failure of the Russo-Prussian alliance is unfounded.

The ship Young Eagle, from Calhao, is aground on the coast.

LIVERPOOL, Nov. 9—Noon.—The Brokers' Circular reports the sales of cotton for the week at 70,000 bales. Middling uplands to-day declined ⅛d., closing at 14⅝. The sales of cotton to-day were 15,000 bales at unchanged prices.

LONDON, Nov. 9—Noon.—Console 86¾. U. S. 5-20's 69.

QUEENSTOWN, Nov. 9—Noon.—The steamer Scotia, from New York, en route for Liverpool, arrived here to-day.

ASSASSINATION IN KENTUCKY.

NO MILITARY DISPLAY TO BE ALLOWED OVER THE REMAINS OF GENERAL HANSON.

Georgia Rejects the Constitutional Amendment.

THE LEGISLATURE'S RESOLUTION AND ARGUMENTS AGAINST IT.

CONTRIBUTIONS FOR SUFFERERS BY THE QUEBEC FIRE.

THE HABEAS CORPUS IN THE BALTIMORE POLICE COMMISSIONERS' CASE.

Lieut. Braine's Trial to take Place the 16th

Interesting General Intelligence.

MARKETS. SHIPPING. RIVER NEWS.

Etc., Etc., Etc.

LOUISVILLE, Nov. 9.—Dr. John H. Baker, at Nolin's furnace, Edmondson county, was assassinated Tuesday morning. The investigations throw suspicion on John Van Meter as the assassin. The cause has not yet been developed.

The major general commanding this department announces that he will permit no military [display] over the remains of ex-Confederate Gen. Roger W. Hanson, which are expected here to-morrow, on route to Lexington for reinterment.

MILLEDGEVILLE, GA., Nov. 9.—The legislature has rejected the constitutional amendment. The rejecting resolution reads: "Resolved, that the legislature of Georgia declines to ratify the amendment adding a 14th article to the Constitution of the United States." A motion was made in the Senate to postpone consideration to some future day, but was amended to the mere adoption of the above resolution, and this passed by yeas 36; nays none, the full Senate voting. In the House the vote stood yeas 131; nays 2.

Ellington, of Gilmer, and Humphreys, of Fannin, the committee, in reporting this resolution, brought in an accompanying report with a lengthy argument. The substance is as follows:

First. That the States of the United States alone are authorized to consider constitutional amendments.

Second. That such amendments must be proposed by two-thirds of Congress, or the legislatures of two-thirds of the States.

Third. That Georgia was one of the original States, and must always have continued as such, unless she reserved the right to secede or gave the federal government the right to eject her.

The report adduces the legislation of Congress, proclamations of the President, and the issue made during the war by the United States government, to prove it was held by that government that no State could secede, and was only interrupted in the practical relations of the States thereto; that the suppression of the rebellion was to restore those relations fully, and that the Constitution then became the supreme law of the land. The argument then goes to declare that Georgia, and other Southern States, are integral part of Congress, and no constitutional Congress can be convened while such integral portions are forcibly excluded. It says the adoption of the emancipation amendment is no precedent for the adoption of this, the Southern States having at that time no delegations to be received into Congress, as now, when they are denied admittance; and it then concludes by saying that as the amendment in question was not proposed by two-thirds of a constitutional Congress, the commission recommend the adoption of the resolution above given.

QUEBEC, Nov. 9.—The New Brunswick government gives six thousand and Nova Scotia five thousand dollars to the Quebec sufferers. The contributions from England amount to thirty-five thousand dollars, and from the States to ten thousand dollars.

BALTIMORE, Nov. 9.—The argument in the habeas corpus case of the police commissioners and Sheriff Thompson, was continued before Judge Bartol. At a late hour the adjournment was put till Saturday, when argument of the counsel will be resumed.

NEW YORK, Nov. 9.—Braine, the capturer of the Chesapeake pleaded not guilty to the indictment in the circuit court in Brooklyn yesterday. He was remanded, and the trial will take place on the 16th.

WASHINGTON, Nov. 9.—The heads of the various departments of the government are busily engaged in preparing their reports. The greater portion of some of the reports are in the hands of the public printer.

WASHINGTON, Nov. 9.—Information is received that the Canadian authorities will comply with the requests of the United States government to be promptly furnished with the records of the trials of United States citizens arrested as Fenian invaders.

NEW YORK, Nov. 9, Evening.—Gold closed at 146⅛; U. S. 5-20's, 116½; 10-40's, 110¾. Cotton has declined 1c.; sales to-day 1000 bales. Flour dull; sales, 280 bbls. Southern at $12 90@17 25. Wheat 2@3c. lower. Corn, 1c. better. Pork lower; sales, 4100 bbls. new mess at $27 87@27 50. Spirits of turpentine, 38@40c. Rosin, $7@13.

CINCINNATI, Nov. 9.—Flour dull and nominally unchanged; superfine, $10 25@12 50; trade brands, $11 75@$14; fancy, $14 25@$16 25. Wheat unchanged and quiet; No. 1 red, $2 85. Corn dull at 83c. for No. 1 shelled; oil cat, 78@80c.; new, 55c. Oats dull at 46@48c. Whiskey, $2 34. Provisions unsettled; it is difficult to give quotations; old mess Pork, $31; new, $25@$26; new Lard, 13c.; old, 13½c.; green Meats, 7c., 10@12c.; old bulk Meats unsettled. Bacon irregular; clear sides, 15c.; shoulders, 13½c.; hogs dull at $6 25@6 70 ⅌ gross; few offering and few buyers; receipts, 1900. Groceries unchanged and dull. Gold, 145¾.

LOUISVILLE, November 9.—Sales 77 hhds. Tobacco; market sustained. Flour—superfine, $10. Prime winter Wheat $2 80. Old Corn in bulk 85c. Oats 55c. Cotton—low middling 53c. Hogs $6 50. Pork—old $31; new $25. Bacon—shoulders 15c.; clear sides 15c. Lard in tierces 14½c. Whisky $2 34.

ST. LOUIS, November 9.—Cotton dropping at 33c.@34c. Flour dull and unchanged. Wheat heavy and unchanged. Corn higher; new 72c.@75c.; old 95c.@$1 05. Oats lower at 48c.@51c. Pork lower at $31 75@$32 00; the stock is exhausted. Bacon and Lard drooping and nominal. Whisky $2 33.

MOBILE, Nov. 9.—Sales of cotton to-day, 450 bales; middlings 34c.@34½c.; sales for the week, 5000 bales; receipts for the week, 9100 bales against 7393 bales; exports for the week, 5054; stock in port, 39,477.

VICKSBURG, Nov. 8.—Passed down—Forsyth at 9, Turner at 10 A. M., Strader at 2, and Lee at 5 P. M.; and up, Southerner at 3 P. M. River falling.

NEW YORK, Nov. 9.—Arrived: steamer Leo, from Savannah.

(From Yesterday's Evening Papers.)

NEW YORK, Nov. 8.—The Tribune foots up Fenton's majority 14,200.

The legislature stands twenty-six Republicans to six Democrats in the Senate, and eighty-four Republicans to forty-four Democrats in the House.

TORONTO, Nov. 8.—The Globe has dispatches from Montreal, saying it is understood the government has resolved to commute the sentence of Lynch and McMahon.

List of dispatches remaining at the telegraph office for want of proper address: Paul Alcino, shoemaker, Love street; L. F. Bronnum; Chas. Cohn; M. J. Leesman, Chartres street; Geo. F. Miller; Harry Pearson; E. P. Tesson, care of Louis Tesson & Co.; Walter Thorn.

A DRY JOKE.—A very dry joke was recently perpetrated at the expense of one of the magnates of a New York college, a gentleman of great age and erudition, but whose mind is rarely given to merely routine duties. It is the practice of this gentleman, who occupies a very high position, to read a chapter of the bible every morning to the assembled students; and the chapter he intends to read each succeeding day, which is the next in order, he places his mark upon when he closes the book. Thus the theory is that the bible will be read through in due course. The students tried the experiment. They removed the mark one day, so that it would indicate the chapter that had been once read to them. The next morning they were gratified by finding that their plan was successful; the chapter was repeated to them, and no suspecion of the cheat was apparent. So they tried it again, and it "worked" as well as on the first occasion. The students persevered; nobody saw their manipulation of the president's mark; and they heard that chapter—the eighteenth of Acts, we believe, just one week. Every reading of it intensified their interest in it. At last a new leaf was quietly turned over, and a new chapter was read, regardless of the mark which had so long occupied the undivided attention of their learned teacher. The students say that the secretary was the malicious person who spoiled their fun.

The following is a humorous letter written by a pilot from Vicksburg to a brother pilot at Memphis:

VICKSBURG, October 10, 1866.

DEAR L.—The cholera has killed everybody here except McGuire and myself. We have had some of the most majestic chills recorded in history, or in "Fox's Book of Martyrs." McGuire has one every third day. And such chills! They shake the boat so badly that it takes all our time between trips to repair. She still carries marks of his last chill in broken timbers and splintered furniture.

Business here is brisk. We carry upon bundle cotton bale ties each trip, then carry down the owner gratis, bound him while we lay in Vicksburg, carry him back on the same terms, and then get "pressed" for not putting him off within six inches of his landing, and for not giving him a "long necked bottle from the bar" without charge, he gives the boat a hard name among his neighbors. But it is all on account of opposition. I have heard it hinted that opposition was the life of trade," but it cut us very near being death to us.

"SKEDADDLE."—We find the word skedaddle in the new edition of Webster's dictionary. It is given as a colloquialism prevalent in the United States; but, it appears, it is said to be of Swedish and Danish origin, and to have been in common use for several years in the Northwest, in the vicinity of immigrants from those nations. So says the Columbus Sun.

A SPANISH CRISIS.—Letters from Spain received in Havana, it is said, indicate that the present Spanish cabinet is in a precarious condition, and that the country is on the eve of another revolution.

Local Intelligence.

Anniversary of the New Lusitanos Benevolent Association.

The ninth anniversary of this flourishing and excellent society will be celebrated to-morrow, on which occasion a new banner will be dedicated. The dedication will take place at the Jesuit Church on Baronne street, and the ceremony promises to be unusually interesting, the choir engaged for the occasion being composed of most admired vocalists. The ceremonies concluded, the afternoon will be spent in festivities at the lake, where sumptuous arrangements have been made for the entertainment of the members of the association and their guests. The programme will be found in our advertising columns.

The Fair at Masonic Hall.

It is gratifying to observe that the attendance at the fair at Masonic Hall has been steadily increasing, and that the benevolent hopes of the estimable ladies, who are conducting the entertainment, are becoming more sanguine. It is a place where an hour may be whiled away delightfully by either bachelor or benedick, in the society of agreeable ladies; and, if the purse is lightened, so is the heart. It is not always that indulgence in pleasure is a meritorious act, but assuredly it is so here. The refreshments are prepared with that exquisite taste and delicacy which woman only has, and are dispensed with the charms that ever attend the hospitalities of the refined of the sex.

It is not at all times agreeable to ladies to have their names appear in print, even in connection with laudable works, but since the liberty has been repeatedly taken by the press in noticing this fair, we cannot offend by calling attention to the elegant table of Miss Euphrasie Prieur, a worthy representative of one of Louisiana's most honored families, whose life has been devoted to deeds of charity and benevolence, and to the refreshment stand of Mrs. Michael Nolan, the respected relict of the late commander of the first Louisiana regiment. Mrs. Turner's restaurant and the tables of Miss Prevoite, Mrs. Lynch and Mrs. McLelland, are also attractive. Indeed one cannot go amiss in any part of the room, particularly if a halt should be made at Miss Maggie O'Neil's stand, to whom we owe an apology for not correcting earlier an error in a previous notice, and whose hospitalities are so attractive. This is announced to be the last night of the fair, and every live company that has entered into the contest for the beautiful banner that has been set up as the prize of the most liberal contributors of the department, should rush to the benevolent strife. Doubtless a great throng will attend to-night, and a gay time may be anticipated.

The Southern Hospital Association.

Inadvertently, in our report of the meeting at Lyceum Hall on Thursday night, we omitted the names of the following ladies appointed on the committee of arrangements for the bazaar to be opened on the 15th February next, for the benefit of the association: Mrs. Pilcher, Mrs. J. B. Walton, Mrs. E. H. Declouets, Mrs. C. Slocomb, Mrs. A. Kearny, Mrs. General Longstreet, Mrs. General Buckner, Mrs. Dr. Pilm and Miss Rosa Bein.

The Death of Judge Lloyd.

In reference to the recent death of Judge Isaac Lloyd, of Texas, at the City Hotel, we have been furnished by Mr. Morse, the proprietor, with the following statement of facts, showing why the coroner was not called: The body of Judge Lloyd, immediately after his death, was placed in possession of his friends. Every step that was deemed necessary in the matter was promptly taken by them, and as the result of their investigations will probably be made public in a few days, it will be seen that there has been no neglect of any kind whatever. During the judge's illness, he had the aid and advice of the physicians who were called in by Mr. Morse, the proprietor. Every attention was paid him when living, and to his remains after his death.

Accidental Death.

There was another of those tragedies yesterday in our midst which occur more or less often in all large cities, and in ours as often as in any other. The unhappy party in this case was a German, who earned a scanty living by moving about the river upon a raft, in the neighborhood of the lower cotton press, and collecting drift wood, which he afterwards cut up for burning. He had always been attacked more or less frequently by fits of an epileptic character, but this fact did not prevent him from following his avocation as a boatman, although he narrowly escaped drowning not more than a month since, from having convulsions while upon the water.

He was upon the water yesterday in his boat, about 11 o'clock, when one of his friends brought him word that there was a large log floating in river. The rain just then appeared imminent, and he lost no time in immediately taking possession of what he thought was a prize, but which proved to be rotten. He had not more than got his useless prize close to the wharf when he was seized with an epileptic attack, and fell into the water perfectly helpless. Many attempts by Esherman in the other boats were made to rescue him, but he sunk to rise no more alive. The body was finally found and tied half stark to a wharf post to prevent its floating away until the arrival of the coroner, and his unfortunate wife and her friends meanwhile gazed shudderingly from the bank at the scene below. The coroner's verdict, we believe, is in accordance with the above facts. The name of the deceased was Charles Pepper.

Recaptured.

An account of the escape of Hu. Kennedy was published in Wednesday's CRESCENT charged with the robbery of $170 worth of money and jewelry from the house of Frank Lewis on Urquhart street. This jewelry had been discovered upon the neck of a syren friendly to Kennedy, the latter lodged in jail and the bars of his prison, which are really of but little strength, forced from their places to admit of his escape. He was yesterday discovered by Lieut. Baker in a barber's shop, his face covered with lather, and the jailor of the Parish Prison will henceforth assist him in his toilet.

An Interesting Lecture.

The lecture of Mr. Abey, which has for some time been promised the public, last night was delivered before an audience, in the Lyceum Hall, intelligent as to its appearance, but thin as to its actual numbers. The speaker occupied the whole field of science in the course of his remarks, and, as was necessarily the case where so many subjects were touched upon, the expression of his views upon each were somewhat brief, but always trenchant and incisive. His tastes had always inclined towards the arts, he stated to the audience, from the time when, as a boy, he had vainly endeavored to span a gutter with a bridge, to the present, when with the assurance which genius ever gives, he believed it in his power to span Niagara river with a more perfect link of connection than the Victoria bridge. The speaker candidly admitted that his views were, in many respects at variance with those of some of the best thinkers of the present time, and as an instance, stated that the yellow fever might have been avoided during the past summer if a proper system of drainage of our swamp lands had been introduced, and that in his judgment, the proper plan was by leading the superabundant water towards the river instead of to the lake. He thought the city ought to have a more extensive system of waterworks than those at present in use, and the idea that had occurred to him was to use the City Park as a reservoir—a plan which, if carried out, would certainly make it of more use than it is at present. The lazy winding of the Mississippi around the Crescent City, in its present tortuous manner, early engaged the speaker's attention, and he foresaw that the river would at some day run, with an American avoidance of useless delay, in a straight line—say from Toledano street through to Coliseum Place, and from there direct to Canal, thus cutting off as surplusage the portion which lies between that line and the river's present limits. Property holders, it is true, might object and endeavor to obtain injunctions against the proposed change, and we confess that our own consent has not entirely been obtained to this reform; but, on the other hand, it should be remembered that the speaker's views were conceded to be novel, that it takes us some time to get used to new ideas, and that the world is disposed to scout as preposterous what it does not clearly understand. And this reminds us that the speaker was far from joining in the general glorification of steam as a motive power; that it was attended with numerous inconveniences and accidents, and that the day was not far distant which would witness its downfall. We must not, also, forget to state that the speaker exhibited a lamp of his own invention which was designed to prevent dead-headism upon the city cars, and which, by the sounding of a bell, or some similar method, acted as a stimulant upon the delinquent's conscience. It took some little time to light, (which was done upon the stage,) but the flame once kindled, it shed a mild radiance upon the admiring audience for the rest of the evening.

We regretted to see that several gentlemen, whose appearance indicated that they were inventors themselves, or at least of a philosophical or inquiring turn, took some of his theories so much to heart as to make a rather abrupt departure. But otherwise the speaker appeared closely followed in his deductions by an attentive auditory, and some idea may be gathered of his extensive information from the statement upon his part that he could speak for six months at a time without explaining all of his views. We had to regret that our own limited time prevented us from hearing the concluding portion of the eloquent speaker's remarks, but recommend them to the careful consideration of the city fathers, before whom, we understand, they are, some of them, to be shortly laid.

Smaller Piracies and Other Depredations upon the River—How the Stolen Property is Disposed of.

The finding of the body of John Fitzgerald floating upon the river, and the evidence of the river police, has attracted some attention to the life going on on the great stream just in front of us; and, for the benefit of this class of the public, we condense the statements of some of the witnesses who were present at that investigation, and which have been reiterated to us since by other parties connected with our criminal courts:

There are some two or three hundred skiffs and small boats, of one kind and another, upon the river in front of the city, about thirty of which are here employed in fishing, and about the same number every week arrive from Lake Salvador by way of the company canal, and laden with fish, oysters, crabs and game. Most of the remaining number are viewed with suspicion by the river police; and when they are honestly engaged at all, it is in bartering and selling small commodities to the vessels lying in the river. But their more frequent occupation is cotton stealing from the ships and steamboats, and more than two hundred parties are supposed to be engaged in this business. It was ever stated that men connected with respectable houses were, in some cases, indirectly concerned in these transactions. The cotton, when stolen, is carried to certain parties, and no questions asked.

The amount of stealing that is done in this manner it is thought was five times what it was in the remainder of the city put together; and with only the present river force—thirteen in number for the First and Fourth Districts—the thieves had it pretty much all their own way.

This force moved about upon the river in two boats, but not much could be done in that way, as thieves give notice of their approach by whistles and other signals up and down the river, and sometimes at night by telegraphing with lanterns to the opposite bank. It was only by watching their movements before hand, upon the land, and in this way seeing what they were up to, that anything could be accomplished.

The thieves who operate upon the river, are nearly always provided with licenses to buy "junk," and as that has been decided to include cotton in sacks and bags, or almost anything else which they can pick up on board of a ship, they can always find some party from whom they can claim they bought the stolen property in regular trade.

It looks like a difficult operation for a skiff to move alongside of a vessel and for the thieves to then go on board and succeed in carrying away their plunder; and it would be impossible were there not always a traitor upon board of the boat or ship to be robbed. If you suppose that a mate is willing to be treacherous, and has consented to divide the plunder, the risks to the thief are but very little. Four and five bales can be stolen in such a way and from such parts of the vessel that it will not be missed by the captain, who in general is compelled to place confidence in his mate; and it is said that as many as eighteen and nine bales have been carried away in a single night without his knowing anything about the matter. It is not easy for an operation of this kind to be carried on unless some officer that is trusted should either be thrown off his guard, or smile upon the undertaking; and even in that case, it is generally deemed prudent to make the watchman drunk, provided he is not allowed a share in the spoils. Sometimes, indeed, the cotton is not carried to the ships at all, but a delivery is made and receipts given at a coffeehouse, and the drinks which follow the delivery are supposed to cover any little irregularity as to forms. The captain knows nothing about the matter until the vessel arrives at her destined port; and if at that time he should be so unreasonable as to suspect any one, there are enough other vessels in which the accused party can find new employment.

This was the view taken of the matter by the river police on the other hand, from perhaps better informed parties. It is but justice, however, to state that the mate of a vessel is held accountable at the end of his voyage by a deduction of losses from his wages. Secondly, as captains, when in port, associate much with each other, breaches of trust of this character become known in the fraternity, and the delinquent finds it difficult to obtain employment.

When the watchman is to be operated upon, a cold or rainy night is preferred when it is taken for granted that he will be asleep under the tarpaulin, or if he is still awake he is amused, as we have already stated, with the liquor and conversational talents of one of the confederates. The steamer upon which the robbery is to be committed, we will suppose, is laden down until the guards are within two or three inches of the water. At the given signal from the conversational partner, when the watchman's attention is fully interested or distracted, the barrel of flour, or case of shoes, or bale of cotton, is slipped so noiselessly into the river as scarcely to make the slightest ripple. It is then silently lifted into the skiff, and the latter and her crew lose no time in vanishing from the scene. We were told of a case where the thieves were pursued down the rivers and tracked to a notorious place of resort for such characters in Algiers.

The doors were bursted in by the police, and a table was found covered with revolvers, bowie-knives and open razors. No doubt a desperate resistance would have been the result had they not been surprised and overpowered. As it was, they were tried before one of the courts, but nothing could be proved, and they subsequently obtained their discharge. At one time the custom was to carry the stolen goods to the lower part of the city, to groceries which had no neighborhoods or customers to keep them in existence. In the early morning light, the goods would be brought up to the market, like any other products for sale, and disposed of to parties who were in the business, and who, it is said, made fortunes in the traffic. A certain party not many months since, retired from business, (and we believe is now living in Europe) with a fortune, it was supposed, of two hundred thousand dollars. In the course of one year, more than a dozen complaints were lodged before the recorder and published at the time in the city journals of his trading as a business in stolen property. As the laws now stand, his plea that he purchased them in good faith was never, that we remember, in any case upset, and he is now enjoying, in his declining years, the successful results of his enterprise and rascality.

These light-fingered operations are not, however, confined to the snowy staple. Agents in unloading vessels, sometimes find that some of the articles shipped from the foreign port are missing; and so they are, but it is because the goods that are acknowledged are sent to their proper destination, while the boxes, or cases, that are theoretically missing, are stored away in the warehouses until they are wanted.

Algiers is the home for most of these thieves, and it is here that their goods are carried, and, in many cases, sold. When it is known that the goods are stolen, it is very difficult to recover them, because of the delay now required in getting out search warrants. The goods can be placed almost any where with impunity, for several hours, and by the time the search warrant is obtained, moved off to a more secure hiding place.

The inference in the minds of each of our informants was that the present laws were not sufficiently adapted to the detection of this class of crime, and that the river police were not sufficiently strong to do much towards its prevention.

Coroner's Inquests.

A colored infant was found dead at No. 118 St. Thomas street, of trismus nascentium. Another at 244 Common street, of marasmus.

Mrs. Jane McNeil, of New York, was found dead at No. 76 Gaienne street, of cholera, aged 72 years.

James Madisan, colored, 50 years old, died at No. 593 Bagatelle street, of cholera.

A colored infant died of marasmus at No. 96 Girod street.

The Courts.

INJUNCTION AGAINST THE BOARD OF HEALTH.

Our readers are aware that the Board of Health at their last sitting, instructed the health officer of the First District to proceed against the distillers, and have their establishments closed unless they ceased discharging their refuse matters into the gutters. The health officer, Dr. Burns, has notified the distillers to the same effect, and threatens to close their distilleries if they do not comply with the order. Conrad Streeder yesterday applied to the Fifth District Court, through his counsel, Durant DuPonte, for an injunction against the president of the board and Dr. James Burns, health officer, First District, to enjoin them from the execution of the order referred to, on the ground that it will be destructive of their business, and that the order is oppressive, unjust, illegal and unconstitutional. The injunction was granted by Judge Lemmon.

FIRST DISTRICT COURT.

In this court, Judge Abell presiding, William Weibell, a young man of prepossessing appearance, seemingly about twenty-five years of age, was yesterday tried upon an indictment charging him with the murder of Peter Sweitzer, by cutting him in the belly with a knife or some other sharp instrument, and the following jury was impanelled in the case:

Edgard Camonge (foreman), George Vogelsanger, George Karzer, Laurence Campbell, Roman Hack, J. H. Otto, L. Apffel, Andrew Nunkler, Martin O'Connell, Ed. Martnett, Michael Joaquin and William Dixon.

The prosecution was conducted by Attorney General Herron, and the defense by Judge J. B. Cotton and Colonel E. J. Goode. The trial consumed the whole day, from the opening of the court until nearly 3 o'clock, when a recess was taken, and from half-past 4 to half-past 7. The witnesses examined for the prosecution were Dr. Yelser, coroner, and Dr. Caire, city physician, at the time of the homicide, Mrs. Wise, Mrs. Shea, Lieut. Sheehan, Mrs. Kaiser, A. Kreisig, Mrs. Sweitzer, M. A. Guth, Joseph Klarr, officers McIntyre and Landry, Mrs. Louisa Unger, Mr. Powell; and, for the defense, George Klarr, Peter Wolfe, Bernard Zimmermann, John Hoffman, Henry Hoffman, Mrs. Schreiber, Louis Seibert, L. Brescena, R. Pryor and G. Welch.

The case was not of such nature that the details of the evidence would be of public interest, and from the mass of testimony taken we make up the annexed abstract, embracing all the salient and material facts:

On the evening of Sunday, the 8th of April last, Sweitzer, the deceased, came to the coffeehouse of Mr. Powell, at the upper corner of Seventh and Tchoupitoulas streets, at the hour of nightfall. Sweitzer, two men named Beauregard, and one Bernard Zimmermann, were on the banquette in front of the coffeehouse, when a man named Shea, who lived a few doors further up on Tchoupitoulas street, came along, going towards his residence. As he passed, Sweitzer put out his foot to trip him. Shea remonstrated with him for this misbehavior. He retorted by applying an obscene epithet to Shea, and proceeding to pull off his coat, offered to give Shea "satisfaction." Shea told him he (Sweitzer) was drunk, and remarked that he would have his satisfaction in the morning. The altercation was ended by Zimmermann taking Shea to his home.

After this occurrence Switzer went into the coffeehouse, took off his hat and coat and laid them on the counter, and with the Beauregards and one A. Kreisig, proceeded in the direction of Shea's residence, which was on the third lot on Tchoupitoulas street, above the coffeehouse. Some twenty minutes intervened between the Shea altercation and the return of Sweitzer to the coffeehouse, when he opened his pants loons, his bowels were seen protruding and he declared that he had been cut. Meantime a fight had taken place in front of and partially in a vacant lot, adjoining Shea's residence, who, it appears upon being taken home by Zimmermann, entered his gate, but, so far as the testimony went, was not seen afterwards. In regard to this fight the testimony was discrepant. Kreisig swore positively that no person was engaged in it but Weibell and the deceased. His statement was that Weibell, William Werner, and Peter Wolfe, came down Tchoupitoulas street, from the direction of the stock landing; that without any words, Weibell struck Sweitzer several times, knocked him down twice, and then ran down Tchoupitoulas street; that the witness pursued him half way across Seventh street, but abandoned the chase as hopeless, and, immediately returning to the scene of the fight, found Weitzer there alone, who said he had been cut, and witness and Police Officer Landry assisted him to walk to his home, a few squares off. Kreisig saw no weapon whatever used by Weibell. Kreisig's evidence was consistent with itself, but very inconsistent with the testimony of all the other witnesses in regard to the nature of the fight at the vacant lot, and its origin. The great preponderance of evidence went to show that Sweitzer and his party were the assailants, commencing with an attack upon Zimmermann, and, almost simultaneously with this attack, the party of Weibell, Wolfe and Werner were struck, and the consequence was a general row. There was evidence to show that Weitzer and his companions, Kreisig included, were greatly under the influence of liquor, and that about the close of the row he was seen pursuing some man in the direction of the coffeehouse.

Just as the row was over and the crowd dispersing, officers McIntyre and Landry came up. Sweitzer informed them that he was cut, but upon being asked who did it, said he did not know. In company with officer Landry, on the way to his home, he repeated that he did not know who had done it. He died from the effects of the wound on the following Thursday. Meantime Weibell and Werner had been arrested. Each was successively brought into his presence. He said Weibell had struck him, but he could not say whether he was cut by Weibell or by Werner. Weibell, on the spot, denied having either struck him or cut him. And here it may be added, *en passant*, that the attorney general in drawing up his bill of indictment had included Wolfe and Werner, with Weibell, in the charge of murder, but the Grand Jury ignored the bill as to them.

A young woman named Louisa Myers, who testified before Recorder Vennard, (and was also before the Grand Jury,) that she saw Weibell cut the deceased, and was standing within six feet of them at the time, was placed on the stand yesterday as a witness for the State. The defense objected to her evidence on the ground that she was of unsound mind, and an examination satisfying the court that the objection was properly made, her testimony was ruled out. She is seemingly about twenty years of age, but had no idea of the obligations of an oath, of a future punishment, or of any law against perjury. Her answers to the questions put to her clearly showed a feebleness of mind bordering upon idiocy.

The *resume* of the testimony is completed by adding that the police, hearing of the altercation at the coffeehouse, between Shea and deceased, sought to arrest Shea that Sunday night and searched his house but could not find him. The house was watched that night by the police, the following night and the next night again, but nothing was seen of him then, and although he had a wife and several children, he has never been seen in the city since. It was stated in court yesterday that he is now in Matamoros.

An excellent character was given by several respectable witnesses, to Weibell. He served honorably in the Confederate army during the whole war. He was before the war and after it, remarkable for his sobriety and industry. Employers testified to his honesty as unimpeachable, and that he was never known to indulge in liquor, or be engaged in broils or difficulties.

The evidence all heard, the attorney general proposed to submit the case without argument, but counsel for the defense deemed it a duty to their client to review the evidence, and show to the jury the improbability of the homicide having been committed by him. Both gentlemen addressed the jury, impressing upon them that some other person than Weibell must have inflicted the wound, and that the circumstances pointed to Shea as the person, who, having been provoked and hunted by the deceased and his companions, justifiably turned upon his assailant, but, afraid of the consequences, had unnecessarily fled.

The jury, having been instructed by the court as to the law relating to homicide and the rules by which evidence was to be considered, they retired, and in five minutes returned with a verdict of "not guilty," whereupon the prisoner was discharged from custody, and was warmly congratulated by his friends.

The following parties were arraigned yesterday, and pleaded not guilty:

J. L. Bennett, James Farrell, James L. Pardy, alias J. C. Jordan and Peter Cook, each charged with a separate forgery; Annie Page, and G. Lafon, accused of forgery; E. S. Hartly and Tony Alvado, separately informed against for embezzlement; and John Coffee and Ellen Smith, separately informed against for knowingly receiving stolen property.

Patrick Frizzell, accused of manslaughter, alleged to have been committed in killing Thomas O'Hea, in January last, and who had been at large on five thousand dollars bail, awaiting trial, was yesterday surrendered by one of his sureties, Mr. J. W. Burke, who wished to be released from further responsibility in the case, and the accused being unable to furnish other security, was committed to jail.

RECORDERS' COURTS.

FIRST DISTRICT.—Bernard Tully was examined before Acting Recorder Moore yesterday, on the charge preferred against him by Mrs. Margaret Kelly, proprietor of a coffee and boarding house, at No. 75 Girod street, of breaking into her bedroom on the evening of the 29th ult., and attempting to open her armoir, with intent to steal. The investigation resulted in the discharge of the accused.

Wm. Augustin, colored, for vagrancy, was sent to the Workhouse for sixty, and John Seyre our, also a vagrant, was sentenced to the same institution for thirty days.

Some fifteen persons, arrested for drunkenness, disturbing the public peace and violating city ordinances, were fined various sums, making an aggregate of upwards of seventy dollars.

SECOND DISTRICT.—A. J. Wilson, charged with being a suspicious character, was sent to the Workhouse for ninety days.

George Hashorn, for fighting on Tremé street, was fined $10 or ten days in the Parish Prison.

Nicholas Blanc, charged by Thos. W. Ash with insulting and abusing him and refusing to leave his premises, on Bienville street, was fined $25 or thirty days in the Parish Prison.

Valentine Dolan, was fined $10 for fighting on Barrack street on Th