THE NEW ORLEANS CRESCENT.

OLUME XVII. FRIDAY MORNING, JANUARY 10, 1868. NUMBER 126.

E CRESCENT'S DISPATCHES.

FROM WASHINGTON.

**e not to Remove Pope's Appointees—
Eighth of January Celebration—Toast
he President—His Reply—Nominations
ected—Cost of the Surratt Prosecu-
—Internal Revenue Receipts—Collector
Texas—Proceedings of Congress—The
Abrogating State Governments.**

SHINGTON, Jan. 9.—It is stated that Grant
legraphed Meade to remove none of Pope's
intees, except on charges and investigations.
t night's celebration of the anniversary of
attle of New Orleans was unprecedentedly
nt. Boyer's speech was most masterly,
h Stanbery's announcement that this was
rst appearance in a Democratic meeting, and
formal affiliation with that party, and his
cable remarks, were received with rapturous
use. The proceedings cover fifteen columns
e Intelligencer. The following is the part
president took in the festivities: Toast—
are honored by the presence of one
e devotion to principle and whose cour-
in the most terrible of conflicts re-
ed in the executive history of our country
y entitle him to rank next to the old hero
elf. I propose the health of Andrew John-
president of the United States." (Great
ring. The audience rising from their seats
manifesting great enthusiasm.) The presi-
rose and was greeted with prolonged
enthusiastic cheering. He said: "In re-
se to the allusion just made, I have no
arks to make, other than to repeat the senti-
t to which utterance was given this night one
ago, that is: No State of its own will has
ght under the Constitution to renounce its
e in or to withdraw from the Union.
has the Congress of the United States the
er, under the Constitution, to exclude or de-
de the people of any State by reducing them
here territorial dependencies upon the federal
d. The one is a disruption and a dissolution of
government; the other is a consolidation
the exercise of despotic power. The advo-
es of either are alike the enemies of the fed-
l Union and of our republican form of govern-
nt." (Great applause.)
he Senate rejected Edmund Cooper, assistant
retary of the treasury, and L. D. Evans col-
tor of the fourth district of Texas.
he government paid Pierpont $5000 and Rid-
$3000 for prosecuting Surratt.
nternal revenue receipts to-day $234,000.
Oscar Minor was confirmed as collector for the
trict of Texas.
enate—A memorial was presented, asking for
appropriation for the relief of the freedmen of
District of Columbia, also asking for female
frage in the District.
Also, one from five thousand hand-loom oper-
ves, asking exemption from taxation.
The House bill to prevent fraud in the whisky
venue, with an amendment striking out the
rds in the bond making provisions apply to all
isky.
A petition from the Alabama constitutional con-
ntion, praying for the removal of Gov. Patton
political disabilities.
Morton called up his resolution instructing the
diciary committee to report a bill abrogating
isting State governments in the rebel States,
d providing proper governments in lieu thereof.
Frelinghuysen moved to amend so as to make
porting of the bill discretionary with the judi-
ry committee.
Morton desired to test the sense of the Senate
rectly upon the question. It was high time that
ongress should define its position in terms not to
e misunderstood on this subject. To his mind
e state of affairs now existing in these rebel
ommunities had never been more alarming. Con-
ress had on the 2d of last March declared the ex-
ting governments in these States as illegal and
ot affording proper security for life and property,
nd at that time Congress had provided military
upervision until such time as legal governments
ould be established. To-day the military author-
y which they had set up was obstructing the
roper operation of the law in some of these
States and upholding the existing illegal and un-
uthorized governments. Mr. Morton here sent
o the desk of the secretary the acts of
March and July, to be read, and also
he order No. 1 of General W. S. Hancock, in
hich the civil authority is declared supreme.
t would be seen that General Hancock, in this
rder, not only defied the power of Congress, but
ctually nullified and refused to execute its laws.
s General Hancock has confronted directly the
Congress of the United States, it becomes a ques-
ion as to which side will submit. He recognizes
he authority of the civil tribunals organized by
he very State governments which Congress has
eclared to be illegal. There was danger that the
ork of reconstruction would fail by the very
illitary power which they had raised up to for-
ward it. At this crisis it was incumbent on Con-
gress to be true and consistent to itself, and to
proceed to abrogate these governments. It be-
came Congress to say at once what they intended
o do. Although declaring in the acts referred
o that those State governments were illegal,
Congress had not desired in the exercise of its
power to do away with them abruptly; but in the
present juncture there should not be a moment's
hesitation. If the amendment of Mr. Frelingh-
uysen was adopted, it would mean nothing. He
(Mr. M.) wanted a peremptory order to this com-
mittee to bring in a bill immediately, and he de-
sired this Senate to see the order obeyed.
Mr. Frelinghuysen did not intend to oppose
any of the experiments which had been advanced
by the senator, but thought it but right that some
confidence should be reposed in the judgment of
the committee.
Expiration of the morning hour cut off further
debate on the resolutions, and the House bill to
suspend further contraction of the currency was
taken up and discussed until executive session,
when the Senate adjourned.
House.—Resolutions asking the release of
Father McMahon and several other Fenians
passed.
The bill preventing whisky frauds as amended
by the Senate came up, and was discussed to ad-
journment.

FROM TENNESSEE.

The War of Races.

NASHVILLE, Jan. 9.—There was a riot between the blacks and whites at Pulaski, in which two negroes were killed and five wounded, and one white man seriously hurt. Further trouble is apprehended.

POLITICAL CONVENTIONS IN THE WEST.

INDIANAPOLIS, IND., Jan. 9.—The Democratic State convention nominated Hendricks for governor, and adopted resolutions which urge the abolition of national banks, the repeal of iniquitous tariff acts, oppose negro suffrage, indorse President Johnson's reconstruction policy, compliment Gen. Hancock and commend Pendleton to the national convention for president.

COLUMBUS, O., Jan. 9.—The Democratic State convention of Ohio nominated Pendleton for president, and adopted resolutions which condemn congressional usurpation, oppose negro suffrage, urge the taxation of bonds and their payment in greenbacks, and protection of foreign born citizens.

FROM GALVESTON.

Political Meeting Broken up by a Mob—The Disturbers Arrested and Released on Bail—A Nephew of the President in the Police Court.

GALVESTON, Jan. 9.—A meeting of Republicans at Marshall, Texas, on the 31st ultimo, was broken up by a mob and Judge Caldwall, the speaker, was fired at several times. He sought protection at post headquarters.

The disturbers of the peace were arrested by the military authorities and afterwards, under Gen. Hancock's order, taken by the civil authorities and released on bail.

James Johnson, a nephew of the president, was fined ten dollars by the police court here, this morning for assault and battery.

FROM EUROPE.

LONDON, Jan. 9.—The Times says the English are still at Sona. No sickness. Natives continue friendly.

The new cabinet of Portugal favor the collection of taxes.

LONDON, Jan. 9.—Bullion in the Bank of England has slightly increased.

NEW YORK, Jan. 9—Cable Summary.—Tours and Amiens have elected opposition members to the corps legislatif.

The French minister of foreign affairs has received dispatches from diplomatic agents, saying that Napoleon's New Year's speech is generally accepted as a pledge of peace.

Menabrea's ministry will have thirty-five majority in the chamber of deputies.

Peggott, editor of the Irish Republican, has been arrested for seditious publications.

The emperor of China has appealed to the European powers for assistance to defend his throne.

RIVER NEWS.

CINCINNATI, Jan. 9.—River forty-two feet in the channel and rising. Thermometer six degrees above zero.

PITTSBURG, Jan. 9.—River eleven feet and falling. Mercury ten degrees.

LOUISVILLE, Jan. 9.—Departed, Nich Longworth, for New Orleans. River rising slowly, fourteen feet on the falls. Weather clear. Thermometer 18.

FROM SOUTHWEST PASS.

SOUTHWEST PASS, Jan. 9, 6 P. M.—Barometer 30:90. Wind northeast. Sailed: Ships Constantine and Ellen Clinton.

SOUTHWEST PASS, Jan. 9—11 A. M.—Wind N. N. E. and strong. Barometer 30.10. No arrivals or departures.

MISCELLANEOUS.

JACKSON, Jan. 9.—The convention has fixed the hours of daily sessions from 10 A. M. to 2 P. M. Much discussion on minor topics. No business of general interest transacted. Adjourned.

MEMPHIS, Jan. 9.—At Dyersburg to-day, Sheriff Parkington attempted to arrest an old man named Duncan. Duncan shot off the sheriff's thumb; the sheriff's son killed Duncan; Duncan's son killed the sheriff's son and the sheriff killed Duncan's son. Intense excitement prevails, and more trouble is anticipated, from the extensive relationship of the parties.

WHEELING, VA., Jan. 9.—The Democratic State convention advocates the taxation of bonds; substitution of greenbacks for national currency, and indorses Pendleton for the presidency.

HAVANA, Jan. 8.—Latest advices from Hayti state that Gen. Salnave has gone to the front of St. Domingo with a large force. The rebels, from all accounts, are increasing in strength.

The American commissioners arrived at St. Thomas in the steamer Mississippi. The vote of the people in relation to the cession of the island was to take place at St. Thomas on January 8th, and at St. John's on January 9th.

The bark Fanny Essler arrived at Kingston on the 4th inst., in a damaged condition. She has a cargo of salt, and was bound from Gibraltar for New Orleans.

RICHMOND, Jan. 9.—The morning session was occupied by Mr. Hunnicutt, in a speech vindicating his political history against charges from the conservative side. An exciting interruption occurred, in which the statement that Senator Hunter was a traitor, was pronounced a lie by a conservative member. Adjournment until night.

The convention to-night adopted seventeen sections of the bill of rights, being all similar to the old Virginia bill, except an amendment adopted, striking out the word twelve, in fixing the number of a jury, and another giving any person the right to speak or write his sentiments and be held responsible for the same.

ATLANTA, Jan. 9.—The committee appointed to wait on Gen. Meade reported that the general assured the convention he would use all the powers conferred upon him by the reconstruction acts for a speedy restoration of Georgia to all her rights in the Union.

On the question of members' authority to hold seats, the convention adopted a resolution that the proclamation of Gen. Pope is conclusive as to the votes, lists of voters, election returns and persons elected.

The relief committee reported an amendment to forever forbid legal action on any contract of date prior to the first of June, 1865.

NEW YORK, Jan. 9.—The steamer Rising Star has arrived. She brings no news of interest from the isthmus, nor from Central America.

The wheat crop in Chili is larger than for several years past.

In the north of Peru a serious engagement had occurred between the government forces and the revolutionists, near Chiclago, on the 14th ult. The fight was continued throughout the 14th, and was still going on when the steamer sailed.

BURLINGTON, IOWA, Jan. 9.—Bishop Hopkins is dead.

HARRISBURG, Jan. 9.—The dead-lock continues.

RICHMOND, Jan. 9.—Harrison, Godden & Opperson, a large banking and real estate firm, suspended payment to-day. Their depositors will be paid.

PHILADELPHIA, Jan. 9.—The Convention of Boys in Blue has nominated Grant for president.

NEW YORK, Jan. 9.—Steamship Rising Sun from Aspinwall, has arrived with one million in treasure.

INDIANAPOLIS, Jan. 9.—The Democratic State convention has organized. James B. McDonald, chairman, in his address, indorses President Johnson. Every county in the State is represented.

MARKETS.

LIVERPOOL, Jan. 8—Evening.—Cotton closed heavy. Middling uplands 7¼d.; to arrive 7⅛d. Middling Orleans 7½d.

LIVERPOOL, Jan. 9, P. M.—Cotton dull and unchanged. Sales 8000 bales. Wheat tending upward.

LONDON, Jan. 9—P. M.—Bonds 71¼@71½; consols unchanged.

LONDON, Jan. 9.—Evening.—Consols unchanged. Bonds ⅛ higher.

LIVERPOOL, Jan. 9—Evening.—Cotton more doing, though prices have declined ⅛d.; uplands, 7⅛d. in port; to arrive, 6⅞d. Sales to-day 10,000 bales. Breadstuffs quiet. Provisions firmer.

PARIS, Jan. 9.—There is an improved feeling on the bourse and rentes are higher.

NEW YORK, Jan. 9.—Flour 5@10c lower. Wheat 1@2c. lower. Corn 1c. lower. Rye dull. Oats ½c. lower. Pork, $21 05@21 16. Lard quiet Gold, 136⅞. Bonds, old, 108¼; new, 104⅞. Cotton—middling uplands, 16@16¼. Freights firm.

NEW YORK, Jan. 9.—Money easy, call loans 6 with fair demand. Prime paper not plenty, 7@8. Sterling dull, little movement. Prime bankers' bills 9⅞. Gold 137⅞. Stocks buoyant at the close with a general advance.

NEW YORK, Jan. 9—Cotton dull and declining. Sales to-day 1800 bales. Middlings 16@16¼c., closing at 16c. Flour, State $8 90@11; Southern $10 40@15. Wheat dull. Mixed Western corn $1 38@1 39; white Southern $1 30@1 36. Mess pork, old $21 12. Turpentine 51½@52½c. Rosin $3 90@7. Freights firmer, cotton 5 16@⅜ by sail and ⅜@½ by steam.

NEW YORK, Jan. 9.—Money easy. Gold closed firm, 137⅞.

SAVANNAH, Jan. 9.—Cotton easier but not quotably lower. Sales, 674 bales. Middlings, 14½c. Receipts, 2253 bales. Receipts for the week, 17 310; for the season, uplands 251,545, sea island 5313 bales. Exports for the week, 18,010 bales, of which 4808 to Liverpool, 2235 to the continent and 10,967 coastwise. Stock on hand, 58,112 bales.

CINCINNATI, Jan. 9.—Flour quiet—Family, $11@$11 50. Wheat quiet, $2 20@$2 60. Corn—85 for new ear. Oats dull and lower, 68½. Cotton dull—middlings 14c. Whisky unsettled. Hogs quiet, $6@$8 25. Provisions quiet. Mess Pork $20@$21. Bacon—shoulders, 9½c.; sides, 11c.; clear sides, 12c. Lard dull, 12½c. Coffee steady, 20@24c. Sugar, 13@15c. New Orleans Molasses, 80@85c.

ST. LOUIS, Jan. 9.—Tobacco, very little offering. Flour quiet and firm. Whisky firm and unchanged. Corn 89@90c. Oats 72@75c. Provisions quiet. Mess pork $20@20 50. Bacon—shoulders 9½c., clear sides 12@12½c. Lard quiet, 11½@13c.

Weather very cold—navigation again suspended—heavy ice running.

AUGUSTA, Jan. 9.—Cotton market quiet. Sales 580 bales. Receipts 700 bales. Middlings 13½@14c.

CHARLESTON, Jan. 9.—Cotton active but unchanged. Sales 1200 bales. Receipts 1300 bales. Middlings 15½c. Receipts for the week 6354. Exports 8112, of which 1668 were to Great Britain, 1940 to the continent and 4504 coastwise. Stock on hand 18,795.

LOUISVILLE, Jan. 9.—Sales 61 hhds. tobacco; lugs $4 50@6 50; medium leaf $14 50. Cotton steady—13½@14c. for Alabama. Flour $7 75@12 25 for superfine and fancy. Wheat $2 45@$2 50. Corn 75@80c. Oats 68@70c. Bacon shoulders 9½c.; clear sides 12½c.; bulk shoulders 8½c.; clear sides 11½c. Lard 12½c. Mess pork $21@21 50. Whisky nominal at 28@30c. in bond.

MOBILE, Jan. 9.—Cotton market easy. Sales to-day 2200 bales. Middlings 14@14½c. Receipts 1952. Exports 426.

FURNITURE AT AUCTION.—Mr. A. F. Picton, 167 Poydras street, will sell at his auction mart this morning at 10 o'clock, a general assortment of fine household furniture, for a list of which we refer to our columns of auction sales.

Local Intelligence.

REPORTORIAL BREVITIES.—Mr. Thomas Wynn, commissary of the Beef Market, has tendered his resignation to Mayor Heath.

"Coming events cast their shadows before them." There were two decisions in the courts yesterday, significant of a great change. Judge Howe, radical as he is, decided that white men only, under existing laws, congressional and State, are qualified to be jurors; and Judge Duplantier put a quietus upon the radical attempt to get into their hands the Jackson Railroad, by a decision, which will be a relief to every one interested in the success of the road.

The case of Mr. Childs, Mayor Heath's secretary, who got his eyes blackened, it is said, by Arthur Guerin, in the Orleans Ball Room, on New Year's night, when Mr. Childs was innocently cultivating the art of dancing, will come up before Recorder Gastinel to-day, for examination.

The Black Forrest scenery at the St. Charles will shortly give way to the more welcome presence of our American Forrest.

Some people say John Chinaman won't work. In reply, we point to the Constitution now being daily put through at Mechanics' Institute as a specimen of Coolie labor.

Joseph Jefferson, the comedian, accompanied by his bride, who is, we learn, a neice of Mayor Rice, of Chicago, reached here last evening by the Jackson Railroad, and has taken a suite of rooms on Canal street. He will open his engagement at the Varieties on Monday evening, appearing as *Rip Van Winkle*.

Some no doubt industrious, but unfortunate artist, employed to paint a sign pointing out to laden vehicles the road to the main entrance to the Fair Grounds, has achieved the following: "To the Fair Grounds. For loadet wagons."

A man was found drunk on the streets by the police, on Wednesday night, who had no less than $1214 70 in paper money, $2 in gold and $1 45 in silver about his person.

Pending a debate in the Baker investigation case, Col. Field, alluding to official corruption which preceded the present government of New Orleans, stated that he had always been a Union man, and that one of his friends, who had entertained the same opinions with him, left the Union party and became a candidate on the opposite ticket. Upon expostulating with his friend for the course he had pursued, the latter answered that he was in great need, and was compelled, from pecuniary motives, to run for the position of member of the Common Council of this city, which, as everybody knows, is not a remunerative one, but an office of trust only. The friend, we think the colonel said, was elected!

A white man, named Charles Moreon, who occupied a room at the residence of Mr. J. B. Rousie, a grocer, corner of St. Peter and Marais streets, was found lying dead in his bed yesterday.

The temperature yesterday, as shown by C. Duhamel's thermometer, corner Bienville and Chartres streets, was, at 6 o'clock A. M., 37 degrees; 12 A. M., 42 degrees; 3 P. M., 47 degrees; 6 P. M., 46 degrees.

Pelican Division No. 1, Sons of Temperance, will publicly install their officers elect for the ensuing quarter, at their hall, No. 82 Camp street, tomorrow at 7½ P. M. A lecture will be delivered by Rev. J. W. Harmon.

The Common Council will meet in extra session, at the call of the mayor, this evening at 6½ o'clock.

DECISION OF JUDGE HOWE AS TO THE ELIGIBILITY OF NEGROES FOR JURORS.—In the case of Charles Morgan and Sam Nelson, colored men, indicted by the present grand jury for murder, the motion to quash the indictment, argued on Saturday, was overruled yesterday by Judge Howe, of the First District Court, for the reasons annexed:

"A motion has been made in this case to quash the indictment found by the grand jury now in session. There are various reasons assigned, which may, however, all be summed up in the general proposition—that the grand jury that found the bill was not selected from the list of voters registered under the late acts of Congress, but from the last registry made under the laws of the State

"The counsel who advocated the motion, and the attorney general who officially opposes it, have both expressed their desire that all classes of citizens might be represented on the jury. I have frequently had occasion to express the same wish. But this is not a question of predeliction, or political philosophy, but of strict law. A court cannot legislate. It is the duty of a judge to make a faithful use of such judicial machinery as has been furnished to him, leaving to the political department of the government the task of improvement and reform in such way as an instructed public conscience may dictate. To legislate on the bench is simply to do evil in order that good may come.

"Taking then the local law in connection with the acts of Congress and the recent order of the commanding general of this district upon the subject of juries, I am satisfied that the present grand jury is a lawful body, and that this motion must be denied. The point of this order (S. O. 203, Dec. 5th, 1867) is as follows:

"To determine who shall and who shall not be jurors appertains to the legislative power, and until the law in existence regulating this subject shall be amended or changed by that department of the civil government, which the Constitutions of all the States under our republican system vest with that power, it is deemed best to carry out the will of the people as expressed in the last legislative act upon this subject. As the commanding general is appointed, under the authority of Congress, to execute the reconstruction laws, this language must, so far as those laws are concerned, be accepted as decisive, and so far as the local laws are concerned there is no question.

"It has been urged by council with much earnestness that the exclusion for the present, from the jury of a class of citizens may be productive of injustice to the individual accused. But it must be remembered that the court has large powers, which may be freely exercised to prevent this anticipated evil. It is to be hoped that no jurors in this parish will so far forget their oaths and their self-respect as to indict or convict a person through prejudice, but, if such breach of duty should be committed the court can swiftly protect the rights of injured innocence. Discharges with or without bail, and new trials can be granted with the same rapidity with which unjust indictments or verdicts can be found.

"Let the motion be denied."

THE JACKSON RAILROAD CASE.—Judge Duplantier, of the Sixth District Court, yesterday rendered his decision in the case of the State of Louisiana against the New Orleans, Jackson and Great Northern Railroad Company.

At the last annual election of directors for the company, Governor Wells and Mayor Heath representing, respectively, the State of Louisiana and the city of New Orleans, made up a ticket in opposition to the ticket of the stockholders, and demanded that, in addition to the directors which the governor and mayor are empowered by law to appoint, they should also vote, ex-officio, as stockholders. Had they been permitted to vote, in that capacity, their ticket would have been successful, but the commissioners of election would not allow them to vote, because, as it was held by the commissioners, the State and city interests in the corporation were fully represented, in contemplation of law, by the directors appointed by the governor and mayor.

Gov. Wells, seeking to put in his and Mayor Heath's directory, Messrs. Ezra Heistand, Joseph P. Horner and sixteen others, had a suit instituted in the name of the State of Louisiana, in the form of a *quo warranto*, demanding by what authority the directors declared by the commissioners to have been elected held their offices, and by what authority General Beauregard, elected president by the board, held his office.

The pleadings recited the facts above stated, and the chief grounds of the defense were that the governor and mayor had no right to vote at the elections of the corporation, and that the parties for whom they voted for directors were ineligible, because the charter provides that no one shall be a director who is not a stockholder.

Judge Duplantier in his decision confines himself to the latter question. It was proved that no one of the parties voted for by the governor and mayor owned any stock in the company, and for that reason the judge held that the governor and mayor having sought to vote for persons not qualified, their votes were properly rejected. He, therefore, without determining the issue as to the right of the governor and mayor to vote, gave judgment for the defendant, with costs.

BURGLARY.—The residence of Mr. Joseph P. Hornor, No. 379 Magazine street, was burglariously entered yesterday morning, about 1 o'clock, by some unknown thief, and robbed of eighty dollars in money, a pair of ruby studs and some valuable papers. No clue has been obtained of the bold robber.

THE STREET COMMISSIONER BAKER INVESTIGATION CASE.—This committee met again last night in the City Hall, Mr. Joubert in the chair, and Messrs. Gauche, Mary, Sterry and Straight present.

After the minutes of the last meeting were read and approved, Judge Collens called the attention of the chair to the fact of an important witness having been subpœnaed, had refused, and still refuses to attend, and asked that the witness be brought before the committee, as he is an important witness, meaning Mr. Cazelar, of Algiers.

Mr. Hornor wished to know from the committee how long the case was going to last, and if more than twenty witnesses had been summoned.

Judge Collens—"As the committee wishes to be enlightened I will bring up new witnesses at every examination, in order to satisfy the committee that the charges can be well substantiated."

Mr. Hornor—"I am tired of this delay; how long will it last?"

Judge Collens—"Suppose you are tired; and I hope you are, and expect you to be much more so by the time the investigation is through."

Mr. Joubert—"You have heard the remarks of counsel; what think you, gentlemen of the committee, as to summoning witnesses?"

Mr. Gauche—"I am willing to hear all of them."

Mr. Straight—"I am tired, and want to get through or ask for another committee."

Mr. Joubert—"I want the case examined. I am getting tired sitting up every evening."

Judge Collens—"I guarantee that I will not call any other witnesses but those upon the list as it now stands; at the same time, I would like to know how long the cross-examination will last. Mr. Correjolles gave his testimony in five minutes, and was kept three hours on a cross-examination entirely irrelevant to the question."

Colonel Field desired to know, when employed to defend two parties, whether or not he was to defend all city officers—referring to the testimony against Mr. Perkins and Mr. Childs.

Francis Penat, witness for the prosecution, sworn—He owns property on Erato, between Carondelet and Baronne streets. There is an alley way alongside of his residence. Mr. Baker owns part of it. The alley has been paved a short time ago. The bill for the paving of the alley was only presented to him a long time after the work was done. The bill was for $21. It shocked him on account of its being so small. It was presented to him about the 21st December. Never had his attention called to this suit before he read articles in the city papers.

Cross-examined—Never was notified to have the alley paved. Received bill but never received notice; if notice had been sent would have received it. Was notified during Mayor Kennedy's administration to have it repaired. Notice received might have stated that the alley was a public nuisance—cannot say positively. Witness lives on the Bayou Road. Witness says that the note he received was sent to him as official business, and states at the bottom: "You will have to settle with Mr. Baker." Witness will produce documents, if necessary.

William Thompson sworn—Has been in the employ of street commissioner; in employ of Mr. Behringer as foreman; was a day foreman. Drew monies for other parties besides himself. Drew it by order of Behringer, his foreman. Does not remember the names of all the men. Witness only drew money for one man besides himself; does not know if that man was at work. If that party had been at work with him he would have known it; but heard Mr. Behringer state that he was working somewhere else. Witness never signed his name or the other man's name. He came there with the gang. Does not know who signed. The treasurer handed witness the money, because he (witness) answered to the man's name when it was called. Witness would then give the money to Behringer. Witness never had the man's authority to do this. Witness only received money once for another man. Witness knows of no man by the name of Barry. Knows of other parties who have answered to the names of other persons; Crawley, Barry and Costello have answered for parties who were not present, but were put down on the roll.

Cross-examined—The man that took him to draw the money for this unknown man, was Behringer; he took him to the treasurer's office, called for a name which was a strange one to witness, and he received the money which he handed over to Behringer. Neither of defendants told witness to do this thing. When he got the money he never made any mark for his or the other man's money; when he received it it was signed beforehand by the foreman, Mr. Behringer. Witness was never asked by any one to come here and give his testimony. Does not know who brought him the subpœna. Witness being shown a party recognizes him as the man who served the subpœna on him; never had any conversation with him. The party pointed out to witness is Mr. Marquez's foreman.

Dennis Brown duly sworn—Has been employed in the street commissioners' department under John Nelson, foreman. Has been paid monthly since the first of February until within the last two months. He drawn money for another man besides himself. Cannot remember the man's name. It was John Maylor or Mayland, he thinks. Mr. Nelson told him to answer to that name. Can't say whether it was during the administration of Mr. Baker. Did not sign the man's name. Mr. Nelson said that the money was to pay for some seed and other expenses incurred by him and paid out of his own pocket, and he had devised that means to get the money back. While in the employ of the city he has worked for other persons by direction of Mr. Nelson. Got paid for his time by the city. Worked on the place of Mr. Nelson's father on the Metairie road. Worked once five, once four, once five and a half days; first time in June last; the second time he can't tell, the last time in August. Did not work on any other place. One man one time and three other men at another time worked with him at Mr. Nelson's father's place. Does not know whether they drew pay from the city during that time. Got paid by the city for work done on two or three Sundays. Did not work on Sundays in August last. Is sure that the time he did work on Sundays was not later than last May.

Cross examined—Left the department of his own will. When witness went to work in the place of Mr. Nelson's father, he was engaged in mowing; goes to work where he directed to go. Never conversed about the matter with any one before being summoned.

To Mr. Joubert—Was employed by Mr. Nelson. Does not know whether the accused knew that he had gone to work on the place of Mr. Nelson's father.

Mr. Field—They have taken the names of every one working on the streets to testify.

Judge Collens—It would be desirable that every one should be examined.

Patrick O'Brien sworn—Has been in the employ of the street commissioner. Went in on the 15th April last. Is not now employed in that department; left on the 1st December; was not discharged. Never answered any other man's name for pay.

Col. Field—He is your man; you have got hold of the money man.

Witness resumes—Has worked for Mr. Nelson's father.

Judge Collens—So you see, that we have the right man after all. Got paid for his time in the treasurer's office; never worked at any other place besides Mr. Nelson's father during the time he was employed in the department.

Dennis Cronan sworn—Has had paving contracts; has been engaged in the business for years; knows that the city carts and employés use ballast for repairing streets; a single team and cart should carry one ton of round stone or ballast; does not know whether the city pays for more stone or ballast than it gets; has seen carts, designated to him as city carts, going to the Workhouse with loads of stone that did not weigh half a ton; this within the last twenty days; knows, through his engineer, Sam'l Burchfield, of some brass in the Bienville street draining machine.

Cross examined—Never told any one that any city official had stolen copper from the draining machine. The accused have nothing to do with the machine, which is under witness, who is superintended by the surveyor. Never had anything to do with accused; never accused them of stealing the copper. The copper was stolen from the city—not from witness, who had not yet entered into any contract. Knows that the copper was stolen, or *gayfully* taken away. Does not know that the accused had stolen the copper.

Col. Field made some allusion to the copper question. The witness retorted by saying that the colonel was copper-fastened in his cross-examination and that it was ridiculous.

Several witnesses were called, but failed to answer to their names. Judge Collens stated that he was not through with the prosecution.

Col. Field remarked that the prosecution had asserted at the last meeting that they had only one or two witnesses to examine, whereas they kept on adding names to their list.

Mr. Straight suggested that the prosecution hand in their full list of witnesses, and that the committee do everything in their power to bring the witnesses before them.

Judge Collens said that he had always handed in full lists. In answer to Col. Field, he remarked that the case did not depend upon a question of time. The case was an important one, and should be sifted thoroughly in the interest of the community. He regretted to notice the impatience of the committee. Referring to the two hundred thousand feet of lumber, mentioned in the case, he thought that Mr. Baker should be called upon by the committee about the work. The whole force under the street commissioner should be called together, examined, and compared with the pay rolls.

Mr. Gauche moved, and was seconded by Mr. Sterry, that everything that could be brought before the committee should be listened to.

The chair was of the opinion of the gentlemen, but thought that the committee did not have the requisite power to act in the matter.

Mr. Straight was willing to hear any important testimony.

The committee then adjourned, on motion of Mr. Straight, to Saturday evening, at half-past five o'clock.

ACCIDENTS.—Chief's Aid T. G. Lane, who commands the police force at the Fair Grounds, has met with two accidents recently. On Wednesday his horse fell with him; the result was that Officer Lane sprained his right ankle, and had to resort to a buggy to make his rounds yesterday, during one of which he fell out of the vehicle and was badly contused by the fall, as well as by being run over.

BALL OF THE YOUNG MEN'S BENEVOLENT ASSOCIATION.—The National Theater was crowded with beautiful votaries of Terpsichore on Wednesday night, upon the occasion of the first grand dress ball of the Young Men's Benevolent Association; in fact it may be called the ball of the season. The enjoyment of everybody seemed to be perfect, and the pleasures of the dance were not altered by their greatest enemy, warm weather, for it took the heaviest kind of clothing to go home in when the ball broke up at half-past four in the morning.

RECORDER GASTINEL'S COURT.—George Brown has been committed to prison to await examination on a charge of shooting at and wounding B. B. Lacy with a pistol, on Wednesday night, at the corner of Bienville and Tremé streets. The wound inflicted is not serious. Mr. Lacy was able to appear before the recorder, but made the affidavit reluctantly, as he did not wish to prosecute Brown.

James P. Burnes has been arrested, and is in custody, charged with stealing jewelry worth $250, belonging to Mrs. E. P. Rindell, from on board the bark Sharpsburg on Wednesday evening.

Johnny Kenney has been put in arrest, at the instance of Adolphe Nickoll, who says he stole a tin box worth forty cents from him.

FIRST DISTRICT COURT—*Judge Howe—Jan. 9.* Simon Adams, colored, charged with assault and battery on Lizzie Dudley, colored, pleaded guilty.

Palmyra, colored, was tried for the larceny of a quantity of wearing apparel belonging to L. Sorapanu, and was found guilty.

In the case of Charles Foster, charged with stealing $25 from Gustavus Posselet, nolle prosequi was entered; also in the case of Wm. Robinson, colored, charged with assaulting Mary Landon with an axe with intent to kill.

Paul François, alias Polite François Batteau, colored, was tried for assaulting Josephine Albreo, and wounding her with a hatchet, and was convicted.

RECORDER NEVILLE'S COURT.—Henry Moss and John Lewis, both colored, charged with stealing a piece of silk, valued at $400, from the store of Mr. Lutenbacher, on St. Charles street, near Canal, were arraigned before the recorder, who, after a preliminary examination, sent them for trial before the First District Court, under bonds.

John Lucas was fined $25 for violating ordinance No. 1383.

W. G. Armitage, for falsely representing himself as a police officer, was fined $10.

Parish Green, colored, a thief; Joseph Legross, found with a bag of sugar in his possession, and supposed to have been stolen; John Doran, a drunkard; Thos. Walton and John Riggs, vagrants, were all sent to the Workhouse for ninety days, with the alternative of furnishing vouchers for their future good conduct.

Tom Brown disturbed the peace of Perdido street and tore the clothes of the officer arresting him, for which, upon being arraigned, he was required to pay $10 to the city and $10 to the officer.

George Meadows, a freedman of color, as the affidavit before U. S. Commissioner Shannon reads, was transferred to this court on the charge made by Capt. J. B. Johnson, of the steamboat Welcome, who accused Meadows of stealing a quantity of sugar from his boat. Case fixed for the 4th prox. Bail, $1000.

Mr. A. F. Picton, auctioneer, on Poydras street, charged by F. Lyler with embezzlement, was examined by the recorder, who concluded to discharge him honorably from the accusation.

Mr. J. G. Bienvenue, of the firm of Kursheed' & Co., No. 114 Camp street, have entered an affidavit against A. J. Crandal, whom he charges with having, on the 29th of December last, stolen a cash box containing about eight thousand dollars of valuables from their store. Crandal is already in prison on the charge of stealing a cash box containing about $35,000 from the office of Mr. A. Levy, No. 55 Carondelet street. The recorder remanded him without privilege of bail.

THE RECONSTRUCTION CONVENTION.

THIRTY-FOURTH DAY.

THURSDAY, Jan. 9, 1868.

Convention met at 11 A. M. Judge Taliaferro presiding; seventy-six delegates present.

Upon motion of Judge Cooley, the detailed report of the committee on contingent expenses was made the special order of the day for Saturday, at 12 M. The mover stated that at that time he would make some startling revelations with regard to the printing expenses of the convention.

A motion by Solomon Moses (colored), of Orleans, discontinuing the payment of a per diem to any member after the 20th inst., was voted upon by the ayes and noes, and was laid on the table.

A resolution by Tinchant (colored), of Orleans, appointing a committee of five to wait upon Gen. Hancock and invite him to issue an order indorsing the tax ordinance adopted by the convention, was read and laid over under the rules.

The rules being suspended, the convention proceeded at once to the

ORDER OF THE DAY.

The following articles were adopted, viz:

ART. 28. The General Assembly shall divide the State into senatorial districts whenever it apportions representation in the House of Representatives.

ART. 29. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish be created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of senators shall be thirty-six; and they shall be apportioned among the senatorial districts according to the electoral population of said districts.

ART. 30. In all apportionments of the Senate the total population of the whole State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a senator. Single or contiguous parishes shall be formed into districts, having a population the nearest possible to the number entitling a district to a senator; and if the apportionment to make a parish or district fall short of or exceed the ratio, then a district may be formed having not more than two senators; but not otherwise. No new apportionment shall have the effect of abridging the term of service of any senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the ninetenth article, the legislature shall not pass any law till an apportionment of representation in both houses of the General Assembly be made.

Upon a reconsideration, Article 24, previously adopted, was so amended as to increase the senatorial term from two to four years.

ART. 31. At the first session of the General Assembly, after this Constitution goes into effect, the senators shall be divided equally, by lot, into two classes; the seats of the senators of the first class to be vacated at the expiration of the term of the first House of Representatives; of the second class at the expiration of the term of the second House of Representatives; so that one-half shall be chosen every two years successively. When a district shall have elected two senators, their respective terms of office shall be determined by lot.

ART. 32. The first election for senators shall be held at the same time with the election for representatives; and thereafter there shall be elections of senators at the same time with each general election of representatives, to fill the places of those senators whose term of office may have expired.

ART. 33. Not less than a majority of the members of each house of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members.

ART. 34. Each house of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

ART. 35. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of two-thirds, expel a member; but not a second time for the same offense.

ART. 36. Each house of the General Assembly shall keep and publish weekly a journal of its own proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

ART. 37. Each house may punish, by imprisonment, any person not a member, for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

ART. 38. Neither house shall adjourn for more than three days, nor to any other place than that in which it may be sitting, during the sessions of the General Assembly, without the consent of the other.

ART. 39. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the General Assembly by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement. And any legislative action had after the expiration of said period of sixty days shall be null and void; but this last provision shall not apply to the first session of the General Assembly that shall convene after the adoption of this Constitution.

ART. 40. The members of the General Assembly, in all cases except treason, felony and breach of the peace, shall be privileged from arrest during their attendance at