BALTIMORE.

SATURDAY, APRIL 3, 1858.

We learn from the columns of the London *Times*, that the first step of Lord Derby, on entering upon office, was "to ascertain the condition of the national defences." From the mails of the Persia we derive the additional piece of information, that "orders have been issued to put the French navy on a war footing." The first is stated as a fact; the second as a rumor; but both are of significance at this time as indicating the current of the popular mind.

There is, indeed, much in the present condition of France that is well calculated to inspire grave apprehension. There *was* a time when the effectual crushing out of a single conspiracy gave a renewed lease of power to an obnoxious government; but this result by no means appears to have followed the execution of Orsini and his accomplices. The perfect fairness, and impartiality, with which the trial of these men was conducted; the liberality of Pietri, the Prefect of Police; the unusual latitude permitted to M. Jules Favre the counsel for the defence, and the authorized publication of Orsini's letter to the Emperor, instead of being attributed to a generous spirit of forbearance, are sneered at, by some, as *coups de theatre*, and ascribed, by others, to a desire to avert by lenient proceedings certain damaging revelations which Orsini had it in his power to make concerning Louis Napoleon and his connection, at an earlier day, with the Carbonari.

Whether true or false, these insinuations have not been without their effect upon the public mind. The atrocious nature of the crime committed by Orsini is half forgotten in the sympathy excited by his calm and dignified bearing. The heroic traits in his character are seized upon to elevate him to the rank of a political martyr, and a dim undefined sense of insecurity seems to pervade France, which is manifestly calculated to endanger the stability of the existing government.

It may possibly have been under a consciousness of this ominous condition of things that Louis Napoleon was induced to sanction rigorous measures for the purpose of suppressing the faintest symptoms of disaffection.

So despotic an exercise of authority by zealous but unscrupulous agents, has already led to many acts of the grossest injustice. Innocent persons have fallen victims to the malice of secret informers; thoughtless words have been construed to bear the darkest meanings, and to be suspected has become but a convertible phrase for immediate condemnation. These arbitrary acts have deprived the government, not only of the tolerance of the lukewarm, but have operated still more injuriously in withdrawing from it the support of many who were its acknowledged friends.

Nor has the *prestige* of Louis Napoleon suffered less by the refusal of Foreign Cabinets to comply with his recent demands; whether as referring, in some instances, to a more vigilant surveillance of the public press, or as affecting, in others, the right of asylum. To these serious complications may be added the uneasiness prevailing in the manufacturing districts. It was not to be expected that the financial troubles which convulsed Europe during the past year should inflict no injury whatever upon the industrial population of France. The danger which, at that time, menaced the country, was indeed averted for a season by a resort to temporary expedients; but the reaction is now setting in, and from the effect of the gradually lessening demand for French fabrics, consequent upon the greater economy practiced by those countries which suffered so severely during the existence of the panic, it is apprehended that large numbers of workmen will be thrown out of employment, and that hunger and desperation operating upon the passions and prejudices of the lawless and impracticable, will impart additional heat to the mass of material which even now has almost reached the point of ignition.

But there are, besides, other snares and pitfalls that surround the throne of Louis Napoleon. The Orleanists and Legitimists—now thoroughly organized—stand ready to seize the first opportunity for making a demonstration. The Socialists and Red Republicans, chafing under the restraints to which they are subjected, and indignant at the exile of their principal leaders, are constantly engaged in keeping up a secret correspondence with their friends abroad and at home, and in fostering by every means in their power the elements of a new Revolution. Lastly, there is the terrible society of the Marianne—more fearful than any by reason of the mystery in which its movements are enveloped. To all these various antagonisms Louis Napoleon has hitherto opposed the Army, the Church, and the Bourgeoisie. While the army remains faithful to him he has but little to fear from open revolt, for the Bourbon coalition and the Red Republicans neutralize each other. The Church also, is still an effective ally though its power has been greatly weakened by repeated Revolutions acting upon the irreligious tendencies of the people, and particularly upon those who reside at the larger centres of population. The Bourgeoisie, though staunch supporters of existing institutions, and strenuous advocates of a strong government, so long as peace is maintained, commerce flourishes, and the only field of contest is the space in front of the ballot-box, could scarcely we fear be induced to take up arms in defence of the government, or storm a barricade thrown up by the blouses of the Fauxbourgs.

Clearly then, Louis Napoleon's main dependence is in the army, which forms, in point of fact, the governing power, as distinctly as did the Roman legions in the days of the later Cæsars. Can he rest perfectly assured of its loyalty? Louis the 16th trusted to it and was deceived; Charles the 10th trusted to it and was deceived; Louis Philippe, not daring to put its faithfulness to the proof, took his plain cotton umbrella under his arm, quietly departed from the Tuilleries, entered a carriage in waiting, and, as Mr. William Smith, paid a sudden and somewhat unexpected visit to his royal cousins across the channel. Knowing how repeatedly the army has failed his predecessors, can Louis Napoleon repose full confidence in it? Let us see.

The foolish insurrectionary attempt at Chalons—of which the particulars were published a day or two ago—would scarcely be worth a passing remark, were it not for a significant incident that grew out of it. The officers of the garrison that had been surprised by the insurgents, instead of sallying forth, sword in hand, to assist in recapturing the post, first took the precaution to hasten to the Prefect to ascertain from him whether the report was true that a Republic had been proclaimed at Paris. If this statement be correct, here is at least one instance in which the loyalty to Louis Napoleon was rather of an equivocal character; and what has occurred at one point may take place at many, for French soldiers, on emergencies, fraternize with the people with singular facility.

Again, in the recent misunderstanding with England, Louis Napoleon felt himself placed in a position wherein it was necessary to enter upon explanations with regard to the army addresses published in the *Moniteur*, and yet to preserve the *amour propre* of his military correspondents. Delicately as it was done, it has wounded the national vanity.

Driven thus, by increasing evidence of turbulence within, to resort to extraordinary means of repression, he is compelled to maintain his authority by measures which can have no other effect than that of alienating him still more from the popular regard, while they add intensity and numerical strength to the reactionary spirit.

What course then lies before him in the future. It appears to us he has the choice of but two modes of extrication. One of these is to provoke an attempt at revolution, and relying on the fidelity of the troops, to suppress it with grape shot and a liberal use of the bayonet. The other and more inviting mode of withdrawing the people from a contemplation of their grievances and securing the attachment of the army is, by plunging into a foreign war. From the apparent discontent which pervades all the Departments of France, and especially from the increased activity of the Revolutionary Committees, the day seems not far distant when the Emperor will be constrained to decide which of the two evils he will encounter, insurrection at home or a popular war with some rival nation—perhaps England; who can tell.

STEAM FIRE ENGINE.—The First Baltimore Hose Company have contracted for the purchase of a Steam Fire Engine similar to that now in use by the Philadelphia Hose, and a photograph of which may be seen at the office of the *Exchange*. The engine is now being constructed, and will probably be finished about the 1st of May. It will weigh about 8,000 pounds and can easily be drawn by two horses; it will cost about $5,000 and a committee of the Company are now engaged in soliciting subscriptions from the merchants and property holders of the city to enable them to raise that amount. A considerable portion of the sum has already been subscribed, and no difficulty is anticipated in obtaining the remainder. The appeal which the Company makes to the community, is one which must commend itself to everybody, and which it requires neither facts nor arguments to enforce. The Steam Fire Engine is not only in itself one of the most useful inventions of late years, and an invaluable auxiliary to the Fire Department, but its introduction in our city will prove a benefit to the whole community. It furnishes the best possible mode of extinguishing fires. Its efficacy in this respect having been abundantly tested in Cincinnati and Philadelphia, and in the hands of an active body of firemen like the First Baltimore Hose Company it will be the instrument of saving from destruction in a single year property enough to pay the cost of its introduction twenty times over.

But apart from its superiority over the engines at present in use, there are other reasons in favor of the use of steam fire engines which ought not to be without their weight in this community. One half of the disorders and disturbances which take place in our city may be traced to the fire companies, their rivalry and feuds. The fire department as at present organized is the prolific source of vice, lawlessness, dissipation and crime. Only last week a member of one of the Fire Companies was shot dead by an adherent of a rival company while proceeding to a fire. Every time the alarm bell sounds, the city is thrown into confusion and the streets filled with a disorderly throng of men, boys, engines and hose carriages, rushing pell-mell, helter-skelter, with noise and racket, and not unfrequently coming into collision and engaging in desperate and bloody riots. Many of the Engine houses are the known and notorious haunts of ruffians and bullies, who daily and nightly congregate to the terror of the neighborhood and of peaceful passers-by. One half of the lawlessness which characterizes the rising generation of half grown men and boys who constitute the membership of most of the companies may be attributed to this source, while in times of political excitement the partisan character of many of their organizations has materially increased the amount of violence and bloodshed incident equally to hotly contested elections and to firemen's feuds. The worst of these evils will be altogether removed by the substitution of steam fire engines which require neither men to drag them to the fire nor to keep them in operation, but simply the services of a practical engineer to manage their machinery and of a pipeman to direct the application of the water which, in steady and copious streams, they pour upon the fire. For the sake of the peace and good order of the city therefore, as well as the preservation of property, the project of the First Baltimore Hose Company is entitled to the support and encouragement of our citizens.

REMOVAL OF JUDGE LORING.

TO THE INHABITANTS OF THE COUNTY OF SUFFOLK:

Having been removed from the Probate Court of the county by the Governor of the State, on his allegation that I had disobeyed a constitutional statute, I seek to remove from my conduct an imputation made serious by the official position of my accuser.

The Legislative Act of 1855, c. 489, is a part of the history of the times. In that year the Executive of the State, upon the authoritative opinion of his constitutional legal adviser, the Attorney General of the State, refused his official sanction to the Act, on the ground that it was unconstitutional. In 1857, the Joint Committee of the Legislature reported that the Act was unconstitutional. In 1858 the Joint Committee of the Legislature disclaimed its use as an obligatory law, and the Senate by its vote refused to adopt it, as the reason of its action.

Under these circumstances Governor Banks has forborne his constitutional right of seeking the opinion of the Supreme Judicial Court, upon the constitutionality of a statute thus discredited, and has made his own opinion on the question of law involved in it, the only avowed ground of his official and extreme procedure. If he has obtained any other opinion, it is not shown to be either of those which the Constitution had provided for his guidance in matters of law, and which it has thus made official, and to be delivered under that official responsibility, which is the only defence of the public, against opinions purchased and moulded by corruption for party purposes.

The Constitution of Massachusetts declares emphatically, and provides carefully, for the independence of the Judiciary; and to ensure it, it fixes the terms of tenure of judicial offices, and among other things for that end, it prescribes the incompatibilities of judicial offices and thus removes that subject from the action of the Legislature. For if the Legislature could annul an incompatibility, declared by the Constitution, they could destroy its safeguards. And if the Legislature could create incompatibilities, not declared by the Constitution, they could baffle its purpose and destroy the independence of the Judiciary. For the power which can create incompatibilities of office for judges, controls the judiciary; it may prescribe to judges, the societies or parties to which they shall adhere, the property they may own, where they shall live, and what they shall wear. If the Legislature of Massachusetts cannot do all this, it is because they have not the power of declaring *any* incompatibility of judicial offices, for they must have the power altogether or not at all.

They have not the power, because the Constitution has itself regulated the matter—because the Constitution has not expressly given it to them, and their possession of it would be inconsistent with and destructive to the avowed purpose of the Constitution in regard to the independence of the Judiciary. The Legislature may "erect and create judicatories," for they are expressly authorized so to do, but this is to appoint functions, not to declare incompatibilities, or the terms of judicial tenure, which for the judges of the judicators they create, must be those and only those which the Constitution has prescribed.

The 13th section of the act of 1855, chap. 489, sought to create an incompatibility in judicial offices, and for the reasons I have stated I believed that it violated the Constitution, and therefore I did not obey it. If the section is constitutionally my official position made my refusal to obey it, *misconduct in my office*, and punishable by impeachment, according to the forms prescribed by the Constitution for impeachable offences, and then my punishment without such constitutional forms, is in itself a flagrant infraction of the purpose and letter of the Constitution; for it involves, and is, a claim on the part of the Executive and the Legislature, to create incompatibilities of judicial offices—to dispense with trial by impeachment for impeachable offences—to determine conclusively the constitutionality of their own laws and to carry them into execution by their own processes. The probability and the peril of all this, will be the greatest, when the action of the Legislature of Massachusetts shall be controlled by a party, and her Executive shall be the prostitute of a party.

Neither the Executive nor the Legislature are the judges of the constitutionality of a law, for the action of others; and every magistrate, and every citizen, must determine that question for himself, subject to the decision of the judicial tribunal, made authoritative over him by the Constitution. The refusal to obey an unconstitutional statute, is the only lawful means by which its unconstitutionality can be determined and exposed; and it is only by obeying constitutional statutes and refusing to obey unconstitutional statutes, that citizens and magistrates can perform their duty, and fulfill their oaths, "to support the Constitution."

But the usurption of the power to create incompatibilities of offices, threatens and assails not only the independence of the judiciary, but the individual right of all the inhabitants of this Commonwealth, having such qualifications as are established by their "*frame of Government*," to hold public employments. For if the Legislature can create incompatibilities for one public employment regulated by the Constitution, they can for all. If they can create incompatibilities as to officers appointed by the Governor, they can create incompatibilities for officers elected by the people, and thus fetter and destroy that equality of right which the Constitution assures, for the power to declare qualifications for office is the power to declare who shall be officers.

Respectfully your fellow citizen,
EDWARD G. LORING.

Boston, March 27, 1858.

MUTINY ON BOARD SHIP JUNIOR OF NEW BEDFORD. The New Bedford *Standard* of yesterday afternoon contains the following statement:

"The following particulars in regard to a mutiny on board ship Junior, Mellen, of this port, are derived from Robert B. Green, Esq., from recollection, a slip from a Sydney, N. S. W., paper having been forwarded from Boston, which is in the hands of the agent of the Exchange News Room, and will probably be put on the bulletin board after our paper goes to press:

Early on the morning of December 25th, the ship being under a close reefed topsail, and the officers being asleep in the cabin, a portion of the crew, armed with pistols and other deadly weapons, came into the cabin and shot Capt. Mellen and the third mate dead. The first and second mates were badly injured. Nelson Prevost, the mate, received a shot in the breast; but he and the second mate made their escape. Prevost hid himself in the hold of the ship, and for five days the mutineers were unable to find him. At last, having found him, they agreed to spare his life if he would navigate the vessel into Sydney. This he consented to do. They said they intended to get into Sydney, and then take and run off with some small vessel, after murdering all hands. They severed the Captain's head from his body and threw him overboard. The third mate was also thrown overboard. What is most singular, there had been no dissatisfaction shown by any of the crew, and everything had gone on pleasantly during the voyage until the morning of the mutiny.

Archibald Mellen, Jr., of Edgartown, was the captain. It was his first voyage as master. The first mate was Nelson Prevost, of Nantucket. The second mate was Henry T. Lord, who, we believe, resides near Boston. The name of the third mate was John Smith, whose residence we are unable to ascertain."

REPORTED COALITION BETWEEN COMONFORT AND GEN. WALKER.—A New Orleans letter in the New York *Herald* states that Senor Comonfort, ex-President of Mexico, and Gen. William Walker, ex-President of Nicaragua, both now residing in New Orleans, have formed a coalition for the purpose of subduing Mexico. Comonfort is to furnish the funds, and Walker is to do the fighting. It is said to be their intention to form a double-headed Presidency—of course after they succeed.

LATEST NEWS.

TELEGRAMS

RECEIVED AT THE OFFICE OF THE DAILY EXCHANGE.

CONGRESSIONAL PROCEEDINGS.

WASHINGTON, April 2.

SENATE.

Nothing important was transacted during the morning hour.

The Kansas bill from the House was taken up, and the amendments read.

Mr. Green without further explanation, said he would submit his motion to disagree, to the direct vote of the Senate.

Mr. Bigler took the floor; he said the amendment involved a clear violation of the Democratic principle of non-intervention, hence he would vote against it.

Mr. Douglas made an appeal to all parties to unite to pass this amended bill as a ready way to settle all difficulties.

Mr. Pugh explained the reasons why he would reject the amendment.

Mr. Green's motion was then put and carried—yeas 32, nays 23: and thus the Senate decided to disagree to the House amendment.

The nays were as follows: Messrs. Bell, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Douglas, Fessenden, Foot, Foster, Hall, Hamlin, Harlan, King, Seward, Simmons, Stuart, Trumbull, Wade and Nelson.

Those absent were Messrs. Bates, Davis, Durkee, Henderson, Reid, Sumner and Toombs.

Mr. Douglas made an ineffectual attempt to take up the Minnesota bill.

After several callings of the yeas and nays, the bill was brought before the Senate.

Mr. Mason moved an adjournment to Monday, which prevailed.

HOUSE OF REPRESENTATIVES.

The House went into committee on the Deficiency bill soon after assembling.

Mr. Goode from the Committee for the District of Columbia reported back without amendment, the Senate bill to acquire certain lands in the District of Columbia needed for the Washington Aqueduct.

The House then went into Commitee of the whole on the Deficiency bill.

Mr. Jones of Tennessee, whilst opposing various items, particularly for the army, said incidentally that there was no evidence of a rebellion in Utah. He would send civil officers thither and if the Mormans did not co-operate in the administration of the government, he would repeal the organic law and give Brigham Young and his company fair notice to quiet our soil.

Various gentlemen took part in the debate on the subject of Quarter-Master supplies, but without coming to a vote the House adjourned.

ARRIVAL OF THE HAMMONIA.

NEW YORK, April 2.—The steamer Hammonia, from Southampton, with dates to the evening of the 20th, same as brought by the Persia, arrived last night. She brings London papers of Saturday evening.—Consols at 2 P. M. were quoted at 96¾ for money and 96⅞@97 for account. French funds had slightly improved on Saturday.

The Bombay mail arrived at London on Saturday. The only additional news is that the attack on Lucknow would commence about the 20th.—It was reported that a relation of the old King of Oude had proclaimed himself King of India.—He had ordered the insurgents not to fight the English, but disperse in bands of forty or fifty, and scour the roads and kill all the English to be met with.

Mann Singh had saved from Lucknow from fifty to sixty English or Anglo-Indian men, women and children.

The Rajah of Anijhera had been hanged.

Several small actions has taken place in which the Rebels were invariably defeated.

FROM WASHINGTON.

WASHINGTON, April 2.—The Government has made a contract with citizens of Texas for supplying $25,000 worth of camels for the use of the army. Commercial arrangements will be made with some point in Africa affording the best facilities for purchasing animals suitable to our climate and for exportation hither.

Lieut. Beal has submitted to the War Department a report concerning the Road surveyed and opened by him last summer, from Fort Defiance to the Colorado river. It confirms the previous statement that he passed over the road in mid-winter, meeting with snow only once, and then not enough to cover the ground. The climate was such that there was no occasion to use tents.

The bill to supply deficiencies in the appropriations for the fiscal year ending in June next, now under consideration in the House, appropriates $9,500,000, of which, nearly $8,000,000 are for the army and $1,469,000 to supply a deficiency in the Revenue of the Post Office Department.

The House Committee on the Public Lands will report but few bills giving land for Railroads and none to States which have already received grants for such purposes.

VIRGINIA BANK LEGISLATION.

RICHMOND, April 2.—The Bank Resumption bill, fixing the 1st of May for resuming specie payments, has passed both houses. The bill requiring the parent banks to redeem the notes of their branches in specie, and requiring independent banks to establish an agency in Richmond or Baltimore for the redemption of notes, was also finally passed to-day and takes effect in April, 1859.

The Senate adopted a joint resolution appropriating $2,000 to remove the remains of President Monroe from New York to Richmond.

STEAMER BURNT — SOME TWENTY LIVES LOST.

ST. LOUIS, April 2.—The steamer Sultan was burned this morning near Cape Girardeau, by which disaster from fifteen to twenty lives were lost, including two ladies and two gentlemen passengers. The boat was bound to New Orleans, with a full cargo, all of which is a total loss.

FACTORY BURNT.

RICHMOND, April 2.—The tobacco factory of Messrs. Crowly & Winfree was burnt this morning. Loss $10,000—insured.

FIRE AT BURLINGTON, VT.

BURLINGTON, VT., April 2.—The pioneer mechanics' shop, occupied by various persons, was burnt this morning, involving a loss of $130,000—insurance only $16.000.

CANAL TOLLS.

ALBANY, April 2.—The Canal Board has resolved to reduce the tolls from 4 to 2 mills on merchandise, and from 3 to 2 mills on 1,000 pounds per mile.

WEATHER REPORTS.

WASHINGTON, April 2—noon.—Wind north-east; cloudy. Thermometer 55°.

Dispatches from New Orleans, Mobile and Montgomery report the weather clear and pleasant. At Charleston and Wilmington cloudy and cool with wind north-east.

NORFOLK—There is a heavy north-east gale blowing and the weather is cloudy.

MARKETS.

NEW YORK, April 2.—Cotton—sales of 300 bales to-day—upland 11¾ cts. Flour is firm—sales of 12,500 bbls. at an advance of 5 cts. on State—common to good State $4.25@$4.30; Ohio $4.80@$5. Wheat is steady at about former rates—sales unimportant. Corn is firm—sales of 40,600 bushels at 70@70½ cts. for white, and 69@69½ cts. for Yellow. Pork is buoyant at $16.80@$16.90 for Mess; Prime at $13.75. Turpentine is heavy at 48 cts. Rice is quiet. Freights are dull—cotton to Liverpool 5-32.

THE VOTE ON THE CRITTENDEN AMENDMENT.

The following is the vote, by yeas and nays, in the House, on the motion substituting Mr. Crittenden's amendment for the Senate Kansas bill:

YEAS—Messrs. Abbott, Adrain, Andrews, Bennett, Billinghurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Burroughs, Campbell, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Cockerell, Colfax, Comins, Covode, Cox, Cragin, Curtis, Damrell, H. Winter Davis, John G. Davis, Timothy Davis, of Massachusetts, Timothy Davis, of Iowa, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Edie, English, Farnsworth, Fenton, Foley, Foster, Gittings, Gilman, Gilmer, Gooch, Goodwin, Granger, Groesbeck, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, J. Morrison Harris, Thomas L. Harris, Haskin, Hoard, Horton, Howard, Owen Jones, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Lawrence, Leach, Leiter, Lovejoy, McKibbin, Humphrey Marshall, Samuel S. Marshall, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse; Mott, Murray, Nichols, Olin, Palmer, Parker, Pendleton, Pettit, Pike, Potter, Pottle, Purviance, Ricaud, Ritchie, Robbins, Roberts, Royce, Aaron Shaw, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Thompkins, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburne, Elihu B. Washburne, Israel Washburne, Wilson and Wood—120.

NAYS—Messrs. Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Clemens, Clingman, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Curry, Davidson, Reuben Davis, Dewart, Dowdell, Edmundson, Eliot, Eustis, Faulkner, Florence, Garnett, Gartrell, Gillis, Goode, Greenwood, Gregg, Hatch, Hawkins, Hickman, Hill, Hopkins, Houston, Hughes, Huyler, Jackson, Jenkins, Jewett, Geo. W. Jones, J. Glancy Jones, Keitt, Kelly, Jacob M. Kunkel, Lamar, Landy, Leidy, Letcher, Maclay, McQueen, Mason, Maynard, Miles, Miller, Millson, Moore, Niblack, Peyton, Phillips, Powell, Quitman, Ready, Reagan, Reilly, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Seward, Henry M. Shaw, Shorter, Sickles, Singleton, Samuel A. Smith, William Smith, Stallworth, Stephens, Stevenson, Jas. A. Stewart, Talbot, Geo. Taylor, Miles Taylor, Trippe, Ward, Warren, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—112.

The vote in favor of the amendment was composed politically as follows:

ANTI-LECOMPTON DEMOCRATS.	
Adrain, of N. J.,	Harris, of Ill.,
Chapman, of Pa.,	Haskins, of N. Y.,
Clark, of N. Y.,	Hickman, of Pa.,
Cockerill, of Ohio,	Jones (Owen), of Pa.,
Cox, do.	Lawrence, of Ohio.,
Davis, of Ind.,	McKibben, of Cal.,
Dewart, of Pa.,	Marshall, of Ill.,
English, of Ind.,	Montgomery, of Pa.,
Foley, do.	Morris, of Ill.,
Groesbeck, of Ohio,	Pendleton, of Ohio.
Hall, do.	Smith, of Ill., 22
ANTI-LECOMPTON SOUTH AMERICANS.	
Davis, of Maryland,	Marshall, of Ky.,
Gilmer, of N. C.,	Ricaud, of Md.,
Harris, of Md.,	Underwood, of Ky., 6
Republicans - - - -	92
Total, - - - - - - -	120

The vote by which the amended bill finally passed was precisely the same as the above.

CITY INTELLIGENCE.

THE GOOSE QUESTION SETTLED.—A case involving the proprietorship of a live goose was tried before Justice Showacre yesterday afternoon, in which fourteen witnesses were brought to testify as to the rightful owner. The parties to the case were a man named George Bookhultz and a woman named Lydia Spence, each one proving satisfactorily to the Justice that the goose was his or her property. The Justice, after deliberating some time upon the points adduced in the case, and not being able to decide to whom the goose belonged, at last hit upon the following plan which is to be carried into effect to-day between 8 o'clock, A. M., and 12 M. The goose was placed in the care of Mr. John Cain and officer Mungis who were sworn to show no partiality to either party; that at the time to be designated by themselves, between the hours stated, the feathery animal was to be taken to the corner of Paca and Fremont street, at an equal distance between the dwellings of the contending parties where it is to be set down and allowed to take its own course and to which of the claimants house it goes, that one is to be considered the owner and shall retain the goose. If the witnesses claim their attendance the costs of the case will reach $6.49. The goose is said to be worth 75 cents.

THE TAXES FOR THE CURRENT YEAR.—In our publication yesterday of the report of the Committee on Ways and Means to the Council, an error occurred, by which the levy is made 1 per cent. more than it should have been, from the tax for the poor being set down at "6 per cent.," in lieu of "5 per cent., the amount proposed to be levied by the Committee. Another error of a typographical character makes "district tax" out of what was designed to read "direct tax." As thus corrected the levy will be $1.34½ on each $100 worth of real estate within the city limits—while the state tax of 10 per cent. makes a total of $1.44½.

JURORS FOR THE COURT OF COMMON PLEAS.—The following gentlemen have been summoned by sheriff Creamer as jurors of the Court of Common Pleas for the remainder of the January term:

Elisha Harrington, Geo. H. Dutton, John Guyton, Columbus W. Windsor, Thomas W. Hellen, James Smith, James Sterrett, William Weir, William Primrose, David Lefever, Storis R. McCoy, John B. Ray, John Mitchell, James W. Taylor, James Haggerty, George F. Blinsinger, James Flemming, Jarrett Cole, William Shaffer, Leonidas Edmonson, Benjamin Ferguson, Theodore C. Elliott, Sam'l J. Garretson.

BODY FOUND.—The body of a white man, apparently fifty years of age, was discovered yesterday afternoon floating upon the water abreast of Light street wharf, near Barre street. An inquest was held by Justice Spies, the jury rendering a verdict of accidentally drowned. From papers found upon his person, his name is supposed to be Levi Magner. An affidavit was also found, dated 24th Feb., 1858, drawn by Justice Carl. There were also taken from his pockets some plumbing instruments, two parts of a two foot, four fold rule, two lottery policies, and twenty-eight cents in change.

FIRES.—On Thursday night between 8 and 9 o'clock an unoccupied two-story and attic brick house on Eastern avenue, near Eden street, was set on fire under the stairway. Before the fire had made much headway it was discovered and extinguished by officer Brown of the Eastern District. The house belonged to a Mr. Burns, and the doors and windows had been left unsecured.

Yesterday morning about two o'clock a bed was accidentally fired in one of the upper rooms of the residence of W. E. Beale, 93 North Bond street.—Two of Mr. Beale's children were in the bed at the time, but were fortunately rescued before either sustained any injury. The flames also communicated to the floor of the room, but were extinguished without doing much damage. Mr. Beale is insured in the National office of this city.

Yesterday afternoon about 4 o'clock, a bed in the second story of a house in Spring street, near Eastern avenue, caught fire accidentally. It was soon extinguished without the service of the firemen.—No other damage, beside the destruction of the bed.

RELIGIOUS RECEPTION.—At the Convent of the Visitation at Mount de Sales, on the morning of the 25th of March, Miss Sarah Spanon, of Anne Arundel county, and Miss Catharine Owens, of Baltimore, were admitted to the religious habit, receiving the names of Sister Mary Clare Joseph, and Sister Mary Cleophas, the latter in rank of domestic sister. The Rev. Father Vanden Huevel, presiding.—*Catholic Mirror.*

CHARGE OF SWINDLING.—Charles Hill and James Haslem were last evening arrested by officers Davis and Barrenger, for attempting to swindle Mr. Thos. Stinchcomb, by selling him a galvanized watch for a gold lever. The affair occurred at the corner of Gay and Pratt streets. The parties were taken to the Central Police Station and committed for a further hearing by Justice Mearis.

CONFISCATED.—The clerk of the Lexington market yesterday made a seizure of twelve lumps of butter, which did not come up to the standard weight. The lot was duly confiscated, according to law.

AFFRAY.—Yesterday afternoon, during the progress of a match at pigeon shooting at Herring Run, some parties on the ground got into a difficulty which resulted in some three or four engaging in a fight. Nothing serious, however, happened to the combatants.

Last night about 9½ o'clock, some of the same parties again met near the Maryland Institute, and another fisticuffing took place. At this time a man named Alexander Thompson is said to have been pretty severely handled by his opponents. A few minutes after the affair, Thompson returned and, when near the corner of Swan street, fired three shots from a revolver at the other party, none of which took effect.

SERIOUS CHARGE.—Anthony Miller was yesterday arrested on the charge of threatening the life of his wife, Amelia Miller, and taken before Justice Boyd by whom he was committed to answer the charge before Court.

SALE OF PROPERTY.—Messrs. Gibson & Co. sold yesterday afternoon on the premises a lot of ground on Cathedral street near East John, improved with several buildings of frame and brick. Purchased by Messrs. Smith & King for $825.

ARRESTS.—John Woods was yesterday arrested by officers Lee and Durkee of the Eastern District, on the charge of violating an ordinance of the Board of Health. Justice Audoun fined him five dollars and costs—$5.31.

VIOLATION OF AN ORDINANCE.—Meyer Bauers, charged with peddling goods in the Lexington market, contrary to law, was yesterday arrested and fined $5 and costs by Justice Logan. The fine was subsequently remitted by the Mayor.

CONFIRMATION.—The Most Rev. Archbishop of Baltimore, administered the Sacrament of Confirmation in St. Peter's Church, on February 7th, to two hundred and thirty persons.—*Mirror.*

HOLLIDAY STREET THEATRE.—The new comedy o the Wild Irish Girl, in which Miss Maggie Mitchell achieved so decided a success last night will be repeated this evening. This is one of the most interesting pieces in which she has yet appeared, and cannot fail to secure the closest attention and elicit the heartiest approbation of the audience. The farce of the People's Lawyer and a new version of Richard the Third, in both of which Mr. Glenn appears, conclude the entertainment. In these pieces Mr. G. never fails to provoke the heartiest laughter.

PROCEEDINGS OF THE CITY COUNCIL.

REGULAR SESSION.

FRIDAY, April 2, 1858.

FIRST BRANCH.—Branch met. Present, John T. Ford, Esq., president, and all the members.

Mr. Talbott presented a petition from Wm. McClain and others, asking the abatement ot a nuisance upon the Kimberly property, situated on McKim street, where a manure is manufactured from blood and urine, which the petitioners allege is very detrimental not only to the comfort, but the health of the citizens of the vicinity. Referred to the Committee on Health.

Mr. Harvey, from the Committee on Highways, reported favorably upon the petition of Isaac L. Nicholson, to use certain space upon Jones' Falls at Fayette street. A resolution granting the privilege was adopted.

The President submitted a communication from the Mayor, containing several papers relative to the McDonogh estate—being a full report of abstracts already given in our columns. They were read and referred to the Committee having charge of that matter.

Mr. Dukehart moved a reconsideration of the vote adopting the ordinance providing for the issue of stock to build the new jail. The bill was amended in the Second Branch so as to provide for the payment of the Messrs. Reynolds their award for work done, in stock to be thus issued. Upon his motion the Branch refused to concur in the amendment, and a Committee of Conference upon the subject, from the Branch, was appointed.

Mr. Addison presented a report from the Committee on the House of Refuge, relative to their petition for the usual appropriation, with a resolution appropriating $12,000, to be provided for in the levy for 1859.

The President submitted a communication from the Mayor, announcing that he had approved of the ordinance providing for the building of a bridge over Jones' Falls, at Lombard street.

Mr. Dukehart called up Ordinance No. 12, a supplement to the ordinance guaranteeing the bonds of the Pittsburg and Connellsville Railroad Company. The preamble sets forth that the company desire to issue bonds to the amount of $400,000 upon which to obtain a loan for the construction of that part of their road lying between their depot in Pittsburg and Port Perry, and to enable them to do this they ask that the city will postpone the lein of its mortgage upon the road, so as to enable the company to give priority and preference of payments to such parties as may become purchasers of such bonds by a pledge of said part of their road thus freed from the mortgage held by the city.

The ordinance provides that all the liens and mortgages held by the Mayor and City Council of Baltimore, in and to that portion of the road—being ten and one-sixth miles, shall be waived and and postponed in the manner asked, providing the bonds shall not be sold, disposed or hypothecated for less than 75 per cent. upon the amount purchased, and that the purchasers of them shall have preference and priority of lien for the payment of said bonds over and above that of the city under said mortgage, reserving, however, all benefit of their said mortgages and liens to all portions of the road except that described; and also the lien of the city upon that portion of the road, after the payment of the $400,000.

It also provides that the Company shall not establish any discrimination of tolls on any portion of the road over another, but that the whole line shall be equalized and regulated by the rates already adopted and in force upon the road, and that the Company shall charge to the new section of the Road for use thereon of all motive power and rolling stock and salaries of officers and others, at a fair proportion of costs and expenses, nor that the salaries or numbers of officers or others shall be increased, unless with the assent and concurrence of a majority of the City Directors.

Also, that the Mayor of the City shall have the power to nominate the three Directors of the Company on the part of the City, who shall be elected in accordance with such nomination by the Company.

Also, that no part of the revenue derived from that portion of the road now in operation shall be applied in any way to the construction or management of that portion of the road unfinished.

Also, that the city shall have the privilege of purchasing at their option, that portion of the road between Pittsburg and Port Perry, upon payment to the bondholders the amount of their bonds, by substituting its own for the same amount and upon the same terms.

Also, that the road shall be completed within the space of three years from the 1st day of July next, or that the ordinance at the discretion of the Mayor and Council, may be repealed in case of failure; reserving, however, in full, the rights of such persons as may have in a *bona fide* manner subscribed and paid for in cash any portion of the bonds authorized to be issued by this ordinance.

Also, that the ordinance shall not go into effect until approved by the Company, and that such approval shall be duly transmitted to the Mayor and filed in the office of the Register.

Also, that the Mayor have full power to execute any deed that may be necessary to give effect and operation to the provisions of the ordinance.

Mr. Beale would like to be informed, if possible, before voting upon this ordinance, whether there was any probability of the city ever receiving a return of what it had already placed in the trust of the company. That he deemed an improbability, as the company had in every instance as yet, violated the faith placed in them, and he doubted not, if the city now released them in the manner proposed, but that they would again prove faithless in the redeeming of their pledges. The fact of having a Baltimorean as president could not be received as any guarantee of their pledges being carried out, as they would, perhaps, remove him at the end of the year for which he had been elected. He considered the city as already fleeced by this company to the extent of a million of dollars, and he deemed it the duty of all who looked to the interest of the citizens of Baltimore to close the door against such liberality to citizens of another State. The city has already danced to the tune of "a million of dollars," and it is time the ball was ended. He hoped so monstrous a proposition might not prevail, and denied the right of the Council to legislate for such a purpose.

Mr. Dryden conceived that there were strong reasons why the ordinance should pass. So far as the right was concerned, the step had already been in substance taken, in the past legislation of the Council, and the time for the consideration of its legality has passed, as the bonds guaranteed by the city are now swallowed up in the stock of the road; until the road be completed, as laid out, he contended the guarantee the city now held was useless, while if the ten miles proposed to be built was constructed there was a prospect of the city realizing her investment in the road in full—while without its completion the working of the road was so crippled that the advantages natural to it could not be availed of from the road not being connected with Pittsburg by their own track from the gap thus left in the line as surveyed. If other parties would finish the road he hoped the opportunity would be afforded them, but they would not do so while the city's mortgage was held over the road as at present. He deemed the city fully secured by her mortgage upon other portions of the road, and the depot at Pittsburg—even the latter of which is a ample security for the amount the city has guaranteed. He doubted not but that the company would ultimately be able to pay all its indebtedness if the city would give them the opportunity—the manner proposed, to complete the road between Pittsburg and Port Perry, as the company now labors under the disadvantage of being compelled to use the track of the Central Ohio road between these two points; which arrangements interfere greatly with its being advantageously worked. If the ordinance