# THE NEW YORK HERALD.

WHOLE NO. 7474. MORNING EDITION—THURSDAY, JUNE 9, 1853. PRICE TWO CENTS.


## NEWS BY TELEGRAPH.

## AFFAIRS IN WASHINGTON AND ALBANY.

### PROCEEDINGS OF THE N. Y. LEGISLATURE.

PROSPECT OF A COMPROMISE ON THE CANAL QUESTION

### Great Excitement in Quebec.

FATHER GAVAZZI ATTACKED AND BEATEN BY A MOB.

### Interesting from Mexico and Texas,

&c., &c., &c.

### From Washington City.

THE CABINET AND THE MESILLA VALLEY—NEW YORK POSTMASTERS, ETC.

WASHINGTON, June 8, 1853.

The Cabinet has had lengthy sittings daily since Monday—engaged, as is supposed, chiefly upon the Mesilla Valley question.

Luke Dodge has to-day been appointed Postmaster o Schenectady, and Samuel De Wolf Postmaster of Bridgewater, N. Y.

It is now said that the Rochester Post Office will not b attended to before the 17th inst.

Hon. Levi S. Chatfield, and John M. Mott, United States Marshal of New York, arrived here this morning.

### The Latest from Albany.

THE CANAL CONFERENCE COMMITTEE—PROSPECT OF A COMPROMISE—LEGISLATIVE DOINGS—REPORT OF THE ART UNION COMMITTEE—CANAL COMMISSIONER MATHER, ETC.

SPECIAL CORRESPONDENCE OF THE NEW YORK HERALD.

ALBANY, June 8, 1853.

The Committee of Conference of the two houses, appointed to take in consideration the differences existing upon the Canal question, held a meeting this morning. No other persons were present. By whisperings about the Capitol, it appears that the meeting was a very cordial and affectionate one, taking in consideration the perfect misunderstanding that has existed between the two houses of the Legislature ever since the commencement of the regular session in January last. The committee, after a session of an hour, adjourned till 7 o'clock this evening, when they again assembled in secret. Some of the outsiders think they will agree upon a report containing the essential features of the Vanderbilt plan, with Mr. Hadley's amendment, declaring the contracts of 1851 positively invalid. Every true friend of the canals will agree in this arrangement. In the early part of the day it was anticipated that the committee would be able to report to-morrow morning, but that is now doubtful.

In the House, Mr. Russell Smith announced the acceptance of the New York city charter by thirty odd thousand majority, and submitted an amendment classifying the aldermen, which by an oversight, was omitted in the law. Law makers should be particular in the examination of bills; the law for dividing the Eighteenth ward has been amended since the original bill was adopted, in consequence of neglect in not designating the new ward as number Twenty-one. An effort is now making to divide the Nineteenth ward also.

The bills to allow a full deposit of United States and State stocks in the banking department, and to exempt the United States assay office in the city of New York from taxation, are both passed, and are in the hands of the Governor.

Both houses were engaged during the session, until the recess, in voting upon bills, mostly all of an unimportant character.

Mr. D. B Taylor, Chairman of the Art Union Committee, made a report this afternoon to the House. The report is accompanied with all the testimony taken at the Astor House. The charges alleged by the petitioners that the institution was incorporated for laudable purposes and the persons who established it were prompted by laudable desires to prosecute the fine arts, were sustained. The charge that certain managers had been largely paid for their services, was not sustained, because the testimony did not warrant the committee in reporting that the funds of the institution had thus been directly used, though large amounts were paid some of the managers for various kinds of side services. The charge that their accounts were managed in a loose and unsatisfactory manner was sustained by the committee. In relation to the fact that the charter required the distribution of the property among the members, the committee think should be matters of judicial action rather than legislative inquiry. In 1851 there were 13,758 subscribers, with a fund of $41,000, which was used in the purchase of pictures; but instead of distributing pictures a few engravings were sent out, and the pictures were sold at auction to pay the debts of the concern. The committee think the great error consisted in instituting a building committee, and carrying out such an amount from year to year, when the Union was compelled to reorganize every year. The object seems to have been for a few individuals to accumulate a large fund and then divide. The report concludes by stating that the property of the Art Union is all sold, the treasury empty, and that any further legislative action would be of no avail to the subscribers who had contributed their money; to all of which the House agreed.

Mr. Dassel B. Taylor has introduced a bill increasing the number of Superior Court Judges to eight. The Supervisors think four amply sufficient.

The report stirring about here of another break in the canal, near Albion, turns out to be incorrect. No notice of the kind has reached the Canal Department.

It is said to-day that the resolution offered by Mr. Champlin, at the close of the regular session, calling for the impeachment of Commissioner Mather, will be taken up as soon as the canal matters are disposed of. If Madame Rumor has any truth on her tongue, the resolution will scarcely obtain fifty votes.

### NEW YORK LEGISLATURE.

EXTRA SESSION.

#### Senate

ALBANY, June 8, 1853.

NINETEENTH WARD—THE NEW PARK.

Petitions were presented for a division of the Nineteenth ward, New York, and in favor of the Jones' Wood park.

BILLS PASSED.

Amending the charter of Brooklyn, in relation to the collection of taxes.

Exempting the U. S. Assay Office in New York, from assessment or taxation.

Amending the General Plank Road law.

Amending the Public School law of Oswego.

In relation to a school district in Palmyra. Lost.

For the relief of John H. Shefford.

Amending the charter of the village of Cherry Valley.

To authorize a tax on the town of Pittsford for the purpose of building and repairing roads and bridges.

To provide for the erection of a new poor house in Ulster county, (the old one having been recently destroyed by fire.)

To amend the act granting power to Buffalo to lend its credit to the Buffalo and Pittsburg Rail road Company.

To amend the law in relation to the basis of banking. (Permits United States stocks to be taken in full, instead of one-half.)

THE PILOT LAW.

Mr. COOLEY, by consent, presented a remonstrance against the pilot law.

Recess to 4 o'clock.

AFTERNOON SESSION.

BUSHWICK.

The bill relative to streets in Bushwick was passed.

THE ATTICA AND ALLEGHANY VALLEY RAILROAD.

The bill authorizing railway subscriptions to the Attica and Alleghany Valley Railroad, was taken up.

Mr VAN SCHOONHOVEN (whig) said—Our railways will soon be so overloaded by these mutual subscriptions that a subscriber to one road will be, without his consent, in those to which he has no liking. Laid over.

NEW YORK JUVENILE ASYLUM.

The bill amending the charter of the New York Juvenile Asylum was passed.

THE ASSESSMENT AND COLLECTION OF TAXES.

The rest of the session was spent in a desultory discussion of the Assembly bill in relation to the duties of assessment and collection of taxes.

THE PENNSYLVANIA COAL COMPANY.

Mr. MORGAN (whig) reported a bill to authorize the Pennsylvania Coal Bompany to construct a portion of their road in this State. Adjourned.

#### Assembly.

ALBANY, June 8, 1853.

KINGS COUNTY COURT HOUSE.

A remonstrance was presented against locating the court house at Flushing.

NO RELIEF FOR CORNELIUS VANDERBILT.

The bill for the relief of Cornelius Vanderbilt was read and lost, and a motion to reconsider was tabled.

LEBANON SPRINGS RAILROAD.

Mr. GILMORE reported a bill authorizing the Lebanon Springs Railroad Company to extend their road.

NEW YORK FIRE BILL.

Mr. O'KEEFE asked for the reading of the New York Fire bill. Objected to.

#### Assembly.

THE NEW YORK CITY CHARTER.

Mr. R. SMITH brought in a bill to correct a verbal error in the charter of New York. Referred to report complete.

BILLS PASSED.

To make Ellicottville a separate road district.

To amend the act of incorporation of Le Roy.

For relief of Eunata Ann Wright.

To amend the Bushwick road law.

For relief of Catherine W. Boyd.

To renew the charter of the State road from Orange turnpike to Nyack.

For relief of the village of Ellicottville.

To amend the charter of Whitehall.

For relief of the representatives of Oliver Pool.

To repeal the charter of Newburg and Plattekill Turnpike Company.

To provide for the instruction of common school teachers.

To amend the act for the security of mechanics in Westchester and other counties.

To authorize the clerk of Kings county to record the assignment of a certain mortgage.

To provide for the establishment of Union Free Schools.

To amend the Bushwick Free School act.

Relative to the People's Bathing and Washing Association.

To authorize the enrollment of the decrees in the late Court of Chancery.

For relief of the Ithaca Cotton Mill Company.

To amend the charter of the village of Dundee.

For the relief of Abram N. Van Alstyne.

THE BANKING BASIS BILL.

At 12 o'clock Mr. CLAPP moved that the special order for the hour (the Bank Basis bill) be postponed until Monday next at 11 o'clock.

Amended to Tuesday, and carried.

Recess till 4 P. M.

AFTERNOON SESSION.

JUDGES OF THE SUPERIOR COURT OF NEW YORK.

Mr. D. B. TAYLOR brought in a bill creating two judges in the Superior Court of New York.

YONKERS.

Mr. ODELL brought in a bill to incorporate the village of Yonkers.

THE ART UNION INVESTIGATION.

Mr. D. B. TAYLOR submitted the report of the select committee to investigate the affairs of the Art Union.

CANAJOHARIE CANAL CLAIMS.

The Canajoharie Canal Claim bills, twenty-four in number, were read a third time and passed.

Adjourned.

### The Southern Convention.

MEMPHIS, June 7, 1853.

The Convention met again, at the appointed hour, this morning.

The Committee of Two from the several States, on resolutions, retired.

Judge MOORE, of Ark., offered a resolution relative to the construction of a railroad from the Mississippi to the Pacific, as a practicable means of permitting Southern and Western States to share in commerce, and declaring that Congress has the power to grant lands to aid the said road. Referred to the committee.

Bishop OTEY offered a resolution relative to the free navigation of the Amazon river.

The committee reported in favor of the speedy improvement of the navigation, and deepening the mouth of the Mississippi river; also, the harbors of Charleston, Savannah, Mobile and Richmond. On other subjects they were granted further time.

The Convention adjourned to 4 P. M.

EVENING SESSION.

Gen. QUITMAN offered a resolution dividing the resolution of the committee relative to the improvement of the mouths of the Mississippi and the Grand Rapids, which was rejected by six States to nine.

The committee's resolution was then passed almost unanimously.

Mr. MERRILL offered a resolution for a more liberal and general system of education in the Southern and Western States.

Mr. KAIFER urged the establishment of a Bureau of Statistics among the Southern and Western States.

The Committee on Resolutions not being prepared with further reports, the Convention adjourned.

### Great Excitement in Quebec.

DESPERATE ATTACK ON FATHER GAVAZZI BY AN INFURIATED MOB—THE RIOTERS DISPERSED BY SOLDIERS, ETC.

QUEBEC, June 8, 1853.

Father Gavazzi delivered his second lecture here last night, at the Free Church. In the course of his remarks, happening to say that the inquisition was extended to Ireland by the influence of ribbonism, a man in the body of the church exclaimed, "That's a lie." This appeared to be a signal for a large party of rowdies which was gathered outside the church.

A shower of stones first came rattling through the windows, and then an infuriated crowd, armed with sticks and stones, rushed into the church and attacked Gavazzi in the pulpit, trying to pull him out.

The lecturer defended himself with great coolness and courage, knocking down several of his assailants, first with a chair, and afterwards when deprived of that, with the pulpit bench, which he tore up for the purpose.

He was at length thrown from the pulpit by one of the assailants, who got hold of his legs and pitched him over. A further struggle ensued on the floor underneath, when the lecturer was finally rescued by his friends.

The padre was not seriously injured, but his secretary was very badly beaten.

Several ladies and gentlemen of the audience were likewise injured.

A party of soldiers were detached to the scene, and on arriving quelled the disturbance and cleared the house.

The mob afterwards went to the Parliament House, and called for a member named Brown, who has made himself obnoxious to the Catholics, and after menacing him with their vengeance, left for the lower town.

QUEBEC, June 8—P. M.

Father Gavazzi left here quietly to night.

There was some appearance last night of a design to attack the hotel where he was staying, but the precautions of the authorities prevented it. His Secretary is out of danger.

### Later from Mexico.

THE SUPPRESSION OF NEWSPAPERS—THE RE-ORGANIZATION OF THE ARMY, ETC.

NEW ORLEANS June 8, 1853.

The schooner Bonita, at this port, brings dates from the city of Mexico to the 24th May.

Over forty newspapers had been suppressed since the recent decree.

Santa Anna being offended at officers smoking in the theatre, had issued a decree suppressing the nuisance.

The army had been re-organized, and divided into two classes—active, and permanent. The National Guards to be incorporated into an active militia. The whole army to consist of 91,000 men, including the active force of 65,000, the permanent force being 26 000. The army to be recruited by volunteers, enlistment, or drawing lots.

### Very Interesting From Texas.

RELEASE OF CARAVAJAL.—THE GOLD MINES.

NEW ORLEANS, June 7, 1853.

We are in receipt of later intelligence from Rio Grande, by which we learn that Caravajal and his associates had been released, when they immediately entered suits against the United States Marshal for false arrest and imprisonment.

Texas dates to the 31 inst. say that there are probably rich deposits of gold in the interior, but too far below the surface for the inefficient implements in use.

### Decision in the Case of the Collision Between the Steamers America and Oswego.

BUFFALO, June 8, 1853.

Judge Hall yesterday, in the United States District Court, decided a case of much interest.

In a recent suit growing out of a collision between the steamer America and the propeller Oswego, by which the latter was sunk, it was decreed that $10,000 be paid by the owners of the America to the owners of the Oswego. The America was subsequently libelled by several creditors, and sold for nearly $11,000.

The present suit was brought to compel the court to pay over the $10,000 to the Oswego, in preference to other demands. Judge Hall decided that the libellants had a maritime lien against the America to the amount of the judgment; and, as preference had to be given to the last lien created, the whole balance must be paid over to the libellant.

### Items from Boston.

THE MASSACHUSETTS CONSTITUTIONAL CONVENTION—THE SARDINIAN OFFICERS—CHOCTAW INDIANS—SAILING OF THE EUROPA, ETC.

BOSTON, June 8, 1853.

In the Constitutional Convention to-day, in Committee of the Whole, the resolves relating to the qualifications of voters were adopted. They provide that no tax qualification shall be required to vote for State officers, and that the ballot shall be secret.

The officers of the Sardinian frigate San Giovanni visited the Navy Yard to day, and were received by Commodore Gregory. A salute was fired.

The brig Pembroke, which arrived this morning from Mobile, has on board forty two Choctaw Indians, on their way to New York to attend the World's Fair.

The royal mail steamship Europa, Capt. Shannon, sailed at noon to day with 146 passengers for Liverpool, and a number for Halifax. Amongst the former are H. L. Richardson, of Boston, bearer of dispatches to London, and the Rev. E. N. Kirk. She takes out $102 000 in gold ingots, and £200 in English silver.

G. V. Brooke, the tragedian, was amongst the passengers for England, per the Europa, to-day.

### The Rutland and Burlington Railroad.

BELLOWS FALLS, VT., June 8, 1853.

The stockholders of the Rutland and Burlington Railroad corporation held their annual meeting at Bellows Falls this morning. The report shows that the earnings of the road for the year ending May 31 have been $465 297 45; expenditures $228 858 33; net income over expenses $236,539 12—a gain of 60 per cent over last year. The cost of the road so far has been $5,477,496; the bonded debt is $2,429,100; capital stock $2,397 000; floating debt $485,466. The feeling amongst the stockholders is in favor of consolidation, and Mr. Iles will, it is thought, be put at the head of the direction of the road.

### Fatal Affray.

PHILADELPHIA, June 8, 1853.

Peter Jacobus died last evening in the hospital, from the effects of a blow inflicted by Charles Hedreck, in a fight in a lager beer saloon. Hedreck was arrested this morning, and committed for further examination before Mayor Boswell.

### Low Pressure Steamer on the Ohio.

CINCINNATI, June 8, 1853.

The new steamer Jacob Strader, the only low pressure and the largest and most costly finished boat on the Western rivers, left here yesterday on her first trip to Louisville, with six hundred passengers. She is to run in the Cincinnati and Louisville line.

### Kidnapping Case at Cincinnati.

CINCINNATI, June 8, 1853.

Mrs. Boyd, and a colored man, named Gilbert, were held to bail to-day by Squire Childy for kidnapping a colored girl, named Henrietta Wood. The case excites a good deal of interest.

### Markets.

NEW ORLEANS, June 6—Noon.

Cotton is firm this morning. The sales this morning already reach 4,000 bales.

## POSTSCRIPT.

### ARRIVAL OF THE PROMETHEUS.

The steamship Prometheus arrived this morning with the details of the California intelligence to the 16th ult.

The most interesting portion of her news will be published in our afternoon edition, and the full details tomorrow morning.

### Interesting from Nicaragua.

THREATENED WAR BETWEEN THE NICARAGUA BOATMEN AND THE CALIFORNIA PASSENGERS.

We are in receipt of news from San Juan del Sur to the 3d of May.

At that time the United States sloop-of-war Portsmouth was in port, and all on board were well.

Considerable excitement prevailed on the 23d ultimo, in consequence of the passengers, five hundred in number, all refusing to pay the exorbitant charge of the boatmen there, for taking them from the beach to the steamer, some two hundred yards distance.

It appears that the agent of the company assumed the responsibility of offering the boatmen, on behalf of the passengers, half what they demanded, which they refused indignantly, and threatened to destroy the boats of the steamer, if any attempt were made by them to carry off the passengers.

The agent then applied to Captain Dornin, the commander of the Portsmouth, who immediately ordered all his marines to be sent on shore, as the authorities up to that time had made no show of preventing the disturbance which was fast breaking. On Captain Dornin's landing, the passengers, who were in a state of great excitement, immediately appealed to him, when he quieted them by assurances that he would see them safely placed on the steamer.

As soon as the Portsmouth's boats, with the marines on board, reached the shore, Capt. Dornin, finding the boatmen were not likely to desist and seeing no soldiers of the place at hand to preserve peace, ordered his men to land and form on the beach. This step appeared to stir up so much umbrage in the authorities, that Capt. Dornin told them if they would pledge themselves to place force enough on the beach, to prevent disturbances, he would withdraw his troops, which they readily did, and the marines were withdrawn.

Meanwhile Capt. Dornin, with his well known gallantry, had embarked all the women and children in his own boats, and sent them on board the steamer; and under the supervision of himself and officers, the steamer's boats afterwards carried off the remaining passengers and their baggage unmolested, thus cutting the boatmen out of a moderate day's work, through their own obstinacy.

After all the passengers were safely embarked, Capt. Dornin then proceeded on board the steamer, to see that all the baggage was received, and that everything was right. On leaving the vessel, he was saluted with three hearty cheers by the passengers, which were returned by the Portsmouth.

### Later from Saint Domingo

PREPARATIONS FOR WAR—VISIT OF A SPANISH VESSEL OF WAR—CELEBRATION OF THE RATIFICATION OF THE TREATY WITH FRANCE.

We have received files of *El Progreso*, published in Saint Domingo, extending up to the 1st of May. It seems that the Dominicans are preparing against any invasion that Soulouque might meditate on their territory. The *Progreso* says on this point:—

Last week a vessel of war left our port for Agua, loaded with muskets and every kind of ammunition, for the Southern Canton. The President liberator had already despatched two others to Port de Plata, for the purpose of supplying the northern frontiers with whatever may be necessary to repel an invasion. Without his indefatigable activity our destiny would be much compromised in the event of a surprise; for there were but three men in the Canton of Matas, and but a single man garrisoned the post of Cajuil, which is an advanced guard of no small consequence. We are infinitely grateful for the generous conduct of the mediative nations; but we are making all the efforts which patriotism dictates, and we confess that above all the conduct of the liberator is most judicious and assuring.

The most conclusive argument against force is force itself. Thus the liberator has comprehended it, and therefore he has secured the destiny of his country by the foresight of his measures and the energy of his resolutions. For this, in the plains of Agua and of the Carreras, and in the Canton of Guallubin, he has opposed, to the most insidious policy, and to the most unjust aggression, the respectable law of repulsive force, the dialectic of the sabre, the reasonings and the resolutions of an encampment.

The Spanish brigantine of war, Scission, under the command of Don Carlos Valcarcel, had arrived at Saint Domingo from Porto Rico, for the purpose of felicitating the President of the republic in the name of Her Catholic Majesty. The *Progreso* says "it is very agreeable for Dominicans to see floating on their shores the flag of a friendly nation, and to see pass through their streets the sons of a fraternal people of whom our fathers have told us so much." The brigantine was soon to set sail for Havana.

On Sunday, the 17th of April, the ratification of the treaty concluded between the French empire and the Dominican republic was celebrated in Saint Domingo with great pomp. The event was signalized with music, *feux-de-joie*, and the ringing of the cathedral bells. There were some grand fireworks too. Three balloons were sent off, each representing the flag of a friendly nation having recognized the republic the first being that of France, whose recognition was being celebrated next day. All the corporations, the diplomatic corps, the commercial body and the national Congress, accompanied the President from his house to the cathedral, where a solemn function was performed with the *te deum*. The brigade of artillery, the first and second regiment, and the squadron of cavalry, formed in square in the Place d'Armes, ending the religious solemnity with a salvo of twenty one guns.

### News from the South Pacific.

[From the Panama Star.]

Since our last paper went to press, the steamer Bogota has arrived from the South, bringing us dates from Valparaiso to April 30, Callao to May 12, and from Australia to March 5.

From Chile our correspondent gives the principal news:—

H. B. M.'s corvette Dido arrived at Valparaiso on the 24th of April, from England.

The Southampton, United States naval storeship, arrived on the 22d.

BOLIVIA.

From Colonel Deane, who came up on the Bogota, we learn that Peru has declared war against Bolivia, and that the Peruvian fleet was anchored at Arica, having landed five thousand troops.

We have been favored by Messrs. Nelson & Co., of this city, with a copy of the following letter from a correspondent, dated

"LIMA, (Peru,) May 12, 1853.

"The Bolivian question is still unsettled, but we have hopes that all will go right now that Belzu, (President of Bolivia,) has dismissed his Minister of Foreign Affairs, Bustillo."

Beyond these meagre facts we have no further intelligence as to the state of Bolivia-Peruvian affairs.

ECUADOR.

Mr. Corwine has kindly permitted us to use the following letter addressed to him, dated

GUAYAQUIL, May 11 1853.

This feeble republic has got rid of its French difficulty; the government has saluted the French flag, and expressed its regret for the alleged insult to Count Montholon, and has agreed to pay eight thousand dollars for supposed injuries to a French citizen. It is worthy of note that the authorities of Ecuador, under duress, and with evident reluctance, raised and saluted the French flag to day with great enthusiasm upon the spot where they voluntarily and with great enthusiasm raised and saluted the "star-spangled banner" on the 4th of July last.

Admiral des Points, who commands the French squadron, has acted in this business with prudence and moderation. He is a son of Captain des Points, who served under Lafayette in our war of independence, and was born in Martinique.

[Correspondence of the Panama Star.]

VALPARAISO, April 30, 1853.

Business is dull in our good city; money scarce, and small bills come in with frightful velocity; nobody pretends to have money, excepting discounters and money changers. These latter, (principally French,) drive a brisk trade, charging from two to four rials for changing an ounce, and for smaller coin in proportion. They are enabled to do this on account of the extreme scarcity of small coin. The government have commenced coining ten and twenty cent pieces, but are retarded in their operations by the miserable machinery of the mint.

The low prices of Chile produce in California have completely discouraged shippers here, and there is but little going forward. Freights maintain their high rates, and may be quoted as follows:—

To the United States—Guano, $20; copper ores, $20; oil, 7c. per gallon.

To England—Ores, £4 10s. and 5 per cent; guano £3 10s.; saltpetre, £4.

To San Francisco, $18 a $20 is obtained for small vessels. Our available tonnage is small, and good vessels in demand.

Valparaiso is rapidly assimilating itself to an American town. It is already partially lighted with gas. The lower classes are learning to chew tobacco and swear in tolerably good English; and our eyes were gladdened a few days since by the sight of a New York "omnibus" on a small scale.

The first day that the "bus" turned out a party of Chilenos chartered it, but a Yankee, who happened to be inside, stood upon his reserved rights, and refused to get out. The consequence was, a tremendous gabbling and gesticulation on the part of the natives; other foreigners got in; the police ordered them out; but these interesting martyrs gallantly refused to comply, and were all driven off to the calaboose, whence they were promptly released without any fine.

A vessel arrived to-day with a small invoice of what was at first supposed to be old rags, (for dunnage,) but which proved to be a lot of priests in flannel gowns.

While speaking of the holy fathers, I may mention a circumstance which occurred a few days since in one of the interior towns.

A foreigner (either American or English) of gentlemanly appearance, and with sufficient means, was taken ill, and died. Before his death a Catholic priest desired him to confess, which he declined doing, being a Protestant, and for this he was refused decent burial, and his body was thrown out for the dogs to eat.

A translation of "Uncle Tom's Cabin" is published in the daily papers, and I believe that it will be shortly dramatized and represented at our theatre. It will undoubtedly have a great run, as there is no lack of real live "niggers" to take the principal parts.

### Charge of Murder on the High Seas.

UNITED STATES CIRCUIT COURT.

Before Justice Nelson.

TRIAL OF DANIEL MOLONY, CAPTAIN OF THE SHIP ROSCIUS, CHARGED WITH THE MURDER OF EMANUEL.

SEVENTH DAY.

JUNE 8.—At the sitting of the Court this morning witnesses were called as to the character of the accused.

Joel Jones, ex-Judge and Mayor of Philadelphia, deposed—I reside in Philadelphia; I was Mayor of that city in 1849; I know Capt. Molony; when I first knew him he was apparently fifteen or sixteen years of age; I should think about the year 1840; his mother came to reside in my family in 1839; she came as a servant; her son Daniel was then at sea, as I understood from her; about ten or twelve months after that he returned and came to pay his mother a visit; she continued in my family about ten years, more or less, and on his return from his voyages he was in the habit of visiting his mother; this is the way I have known him; since then I have noticed his course of life; after his return from a long voyage I endeavored to get him employed with the Messrs. Copes; I was referred to Capt. Turley, and asked him if he wanted a boy; he said not; he wanted a hand; he soon after got into the employ of Copes, and finally got the command of one of their vessels.

Q.—What has been the general character of Captain Molony? A.—Good, sir, as far as I know. Q.—How as to his general reputation? A.—Good, sir, as far as I know, and I have stated the opportunities of knowing.

Cross examined—I speak of his character on shore; I have never been at sea with him, and I have never associated with those who have come in contact with him at sea, except so far as I have heard the Messrs. Copes speak of him as their captain.

William M. McClure deposed—I reside in Philadelphia; I am in the hardware business; I am acquainted with Captain Molony since March, 1851; I have known him by reputation since that time. Q.—What is his general reputation among men? A.—His character is good.

Cross-examined—I first met him on a voyage from Philadelphia to Liverpool, on board the Saranac; I was a passenger on board; all that I have heard spoken of him was good; I went that voyage in 1851; I was second cabin passenger; there were some four or five first cabin passengers; I have met him several times in the street; I have heard him spoken of frequently.

To Mr. Cutting—I was not subpœnaed here.

Mr. Fullerton—How came you here?

Witness—From the high opinion I had of the captain, I thought it was but justice to him and to myself.

John Thompson, of Philadelphia, a cooper by trade, deposed—Knows Captain Molony six years; he is his adjoining neighbor.

Q.—What is and has been his general character? A.—I have never heard anything to the detriment of his general character until the present suit; I have always understood him to be an energetic and a good man; a man who stood well.

Cross-examined—He has followed the sea frequently during that time; I have heard him spoken of as a mild, gentlemanly man at sea; I have a cousin, George Thompson, who sailed two voyages as first mate with Captain Molony; I have heard seamen, whom I can't call by name, speak well of him; Captain Molony married Captain Michael's niece, and lived in the house with him.

To a Juror—Never heard of Capt. Molony ill-treating men at sea until this present charge.

William Morgan of Philadelphia, deposed—Always heard Capt. Molony well spoken of on sea and on land; known him between two and three years; I have been as a second cabin passenger with him, from Philadelphia to Liverpool, in the Saranac.

John Castner, of Philadelphia, deposed—Has been a commission merchant, and has retired from business; I am acquainted with Capt. Molony; I have known him by reputation for five or six years; have known him personally since '49, I have heard him very frequently spoken of; I never heard anything against him; I have heard him spoken of as a driving man—a man that was bound to get ahead; I mingle much amongst merchants and the mercantile community.

Thos. Woon deposed—Resides in Philadelphia; I keep a passenger boarding house between five and six years; passengers from different parts of Europe, England, Ireland, and Scotland; as many as thirty or forty emigrants have stopped with me at a time; I know Capt. Molony about six years; the ships that he has commanded stop in the river near me; I have had many emigrants in my house that have come as passengers with Capt. Molony. Q.—Do you know Capt. Molony's general character. A.—Yes, sir; he is highly respected in all quarters, and I have heard him spoken of by passengers; I had a son who went out as second cabin passenger with him, and he took him into the first cabin through kindness.

Mr. Cutting said there was a large number of merchants and others of Philadelphia present.

The Judge said that it was not necessary to give any more evidence of this kind, unless the counsel for the prosecution intended to impeach it.

Mr. Fullerton said he intended to go into evidence of his character and conduct at sea.

The Judge then said that the defence might reserve any other witnesses as to character until the prosecution had impeached the testimony on that point already given.

John T. B. Maxwell, of New York, shipchandler and sailmaker, deposed—Is acquainted with Capt. Molony; knew him by reputation about two years. Q.—Do you know his general character? A.—Yes; it is fair, and an amiable man in his disposition; never heard anything against him until this charge.

Cross examined—I am not interested in the Roscius; I am in the habit of supplying Spofford, Tileston & Co.; my acquaintance with Capt. Molony commenced by his coming for his supplies.

Mr. Cutting said that he intended to examine Mr. Tileston and Mr. John Collins as to position of the davits, &c., on board the Roscius. They were in court all day yesterday, but were engaged now.

The Court said when they came they could be examined.

Abraham T. Hillier, the United States Marshal for this district, deposed—I hold in my hand a bench warrant, the United States against Daniel Molony; there is a return on it on the back of it.

Mr. Fullerton objected, unless it was shown for what it was done.

The Court admitted it. He understood the object of it. It might raise a question hereafter.

Mr. Cutting then read the return, which showed that Daniel Molony was arrested in Philadelphia by the Marshal of that district, on the 8th of May, and brought on to New York, where he was arrested by the Marshal of this district, on the 10th of May, 1853. Mr. Cutting said the prosecution admit that the offence for which Capt. Molony was arrested in Philadelphia is the charge on which he is tried here.

Thomas Tileston was examined and deposed—The name of my firm is Spofford, Tileston & Co., of New York; our company was at one time owners, or interested in the line of packets, of which the ship Roscius was one; we are not still owners or agents; we sold out to Jas. Foster; I know Capt. Molony, has been acquainted with him about twelve months; I have known him by reputation for several years, as commander of ships out Philadelphia, in the employ of Copes, and Richardson and Watson; we made every diligent inquiry to ascertain his character before he came into our employ; before we take a captain into our employ we frequently exhaust weeks and diligent and strong efforts to ascertain his character; we made those diligent inquiries after Capt. Molony's character, and after that we took him into our employ as commander of the ship Roscius; I found his general reputation perfectly unexceptionable, since he has been in our employ his general character has been very good indeed; I have found him very quiet and gentle in his disposition; more so than many of our captains.

Cross-examined—I never heard any complaints against him by any of the sailors, never heard any complaint made by Mr. Spofford; he never had the slightest difficulty with our house; I inquire as much about his treatment of sailors as I do about his integrity and capacity as a commander; it is very important that we should, for it is much easier to get a good crew when we get a good commander; I don't recollect positively that I have written particularly to Capt. Molony to treat his crew more kindly, but I am in the habit of writing such directions to the captains generally; I don't recollect having written such a letter to Captain Molony in consequence of complaints.

John Collins, Jr., merchant, New York, deposed—I know the ship Roscius since 1852; my father, Mr. E. K. Collins, built her for his line; the davits run on the outside of the ship's rail; they are about two feet from the quarter rail; when the ship is in port the boats are generally swung in; the nearest point the boat would come to the rail would be about two feet, when swung out the boat would hang about two feet from the rail, and about one foot above it; from the ship's deck it is eight or nine feet to the top of the boat; the only space through which the wind could pass would be under the boat; if a man was standing there on the weather side the wind could only touch his body, it could not touch his face; the Roscius is about thirty-eight or thirty nine feet in breadth, the spar goes between the davits, and is lashed pretty well up, at least seven or eight feet from the deck; three or four feet out from the bulwarks; I saw Jerry Waddington, a witness in this case, on Saturday last, down by the door of this building; I had a conversation with him; Waddington was trying to convince the steward of the steamship Arctic that he (the steward) had given Waddington permission to leave the Arctic in Liverpool; the steward stated that such was not the case, that he had never given him permission; then Waddington said to me that he left the Arctic in Liverpool without permission, but he sent his wife to get permission after he left it; that she did not get permission, and he said he did not go near the Arctic while she was in port; that the last he saw of her was going out of port, and that he had forfeited his wages; I then said to him how could you swear to such a lie as that you were honorably discharged from the ship; he said he didn't care a d——n, he was well paid for it; he said paid for it when I asked why he could swear to such a lie, and "it," of course, referred to the swearing.

To a Juror.—He did not say who paid him.

To Mr. Fullerton.—A man could not be lashed at the davits unless he was as tall as one of those we read of in ancient history—no modern sized man.

Paul Spofford, one of the firm of Spofford, Tileston & Co., deposed—I have known Capt. Molony rather more than a year; about that time we took him into employ; when we engaged him we ascertained what was his general character; we found it to be good; he was well recommended; while in our employ his general character was good; never heard anything against him but this.

Cross examined by Mr. Dunning.—Never heard any complaints; we give general instructions to our captains to be humane; there might have been complaints made by a sailor that he was not well treated, but I am not aware of it; I am not aware that it was in consequence of complaints against Capt. Molony that we wrote to him; it is not anything uncommon for us to write to all our captains to that effect. I do not know of any complaints made to Mr. Howard our bookkeeper.

John G. Moses deposed that he is master of the ship Western World, trading between here and Liverpool and belonging to Kingsland & Sutton; I once commanded the ship Nestor for twelve years; I was thrown by a lurch of the vessel, and thrown twenty-seven feet, and my leg was fractured, I slid; if I had struck a ring bolt I have no doubt it would have crushed my head and killed me, sometime the funeral service is said at sea and sometimes it is not; if the weather is bad and anything to do it is not read.

Cross-examined by Mr. Fullerton—It is not a general custom; I have read the funeral service myself; a few verses from Job; the service is generally read unless the weather is bad and there is something to do.

To a Juror—We sometimes throw them overboard at dark, to avoid excitement among passengers.

To Mr. Fullerton—I had but one of my crew die at sea for the last seven or eight years, and he was buried at 12 o'clock at day; I have no doubt a man could be thrown from midships to the lee side by one of those rolls that I have seen vessels give with cargo from Liverpool.

Richard J. Hoffner examined by Mr. Hoffman—I am a mariner; I command the Nanicka, now in Philadelphia; witness described an instance of a lurch at sea, by which his captain, when witness was first officer, was thrown clear of the deck fifteen feet until his head struck; he suffered very much for four or five days; as to burial at sea, there is no established custom as to prayers at sea; it depends entirely upon the state of the passengers, and when there the man dies of contagious disease.

Cross-examined—Every event that occurs is entered in the log-book under the proper head.

William J. Lover, commander of the ship Great Western—As an instance of the effects of a lurch at sea, witness said he had a lady passenger twelve years ago; they had a heavy squall; she was thrown from her berth, the upper berth, went right over the cabin table, and was brought up right to leeward, without touching anything; by another lurch thirty-five casks of lard were lurched overboard by a roll of the ship.

Alexander A. C. Marshall, commander, detailed an instance of the cabin stove of the ship Europe being carried away into one of the cabins by a lurch at sea.

REBUTTING TESTIMONY.

Mr. Fullerton then called John Hossey, who deposed that he lives in Tillary street, Brooklyn; I am a boot maker; I came to this country with Captain Molony, in the ship Roscius, in January last; I knew the boy on board called the French boy.

Q. What occurred with regard to the French boy?—was he flogged?

Mr. Cutting objected. Mr. Fullerton said he had denied having been tied up and flogged.

The Judge said that that was not on his direct testimony. The rule is that you cannot, upon the cross-examination, put questions to a witness to test his credibility, and afterwards contradict him. You may contradict him as to anything he swore to in his direct testimony. If it were otherwise there would be no end to trials, there would be so many collateral issues.

Mr. Fullerton said that the French boy had sworn that Captain Molony was the best and kindest Captain that ever sailed on salt water. We desire now to prove that he was flogged and tied in the rigging.

Mr. Hoffman submitted that they could not contradict the boy with regard to a fact, without involving an inquiry.

A discussion arose as to the admissibility of the question, and the Judge ruled it out.

Witness continued—All I know of Captain Molony was during my passage in the Roscius.

Mr. Fullerton—I now propose to ask this witness the general character of Captain Molony.

Judge—Is that all you know of Captain Molony, during your voyage on the Roscius?

A. Yes, sir.

Judge—Then that is hardly sufficient.

The witness was then desired to leave the stand.

John Sulley was then called.

Mr. Cutting said he had two objections to this witness. The first was, that when the Court gave directions that the witnesses for the prosecution should withdraw during the examination of the other witnesses, Mr. Sulley, after this order, remained in court during the examination of the witnesses for the prosecution and defence. The next objection is, that Mr. Sulley was here attending court under the control of the prosecution, and they should have examined him before they rested their case in chief. He was here present and might have been called; and he was in court during the examination of the witnesses.

Mr. Fullerton said he did not propose to open the case *de novo*.

The Judge—We had better see what the prosecution intend to prove.

Witness then deposed—My business is that of a seaman; I have been about eighteen years at sea; the last passage I made was in the Roscius from Liverpool; I joined her in Liverpool as able seaman; in eight days after I was made boatswain; in about seven days after that I was made third mate in place of a man named Coffee; I knew a sailor on board by the name of Emanuel; he died some time in January; I saw the body after death; I sewed it up. Q.—Where was that done?

Mr. Cutting again interposed his objection. The prosecution should have gone into that before they closed their case. He submitted that this was not replying evidence, and the Court should not permit him (the witness) to depose to the main facts of the case.

Mr. Hoffman also contended that in all cases the prosecution was bound to conclude before the defendant begins, but more particularly so in criminal cases; and he referred to some cases so decided when his Honor Judge Nelson was presiding in the Supreme Court