THE COX DIVORCE CASE.

Superior Court.

Before Chief Justice Oakley.

THE JUDGE'S CHARGE.

SIXTH DAY.

MARCH 27.—*Richard Cox vs. Ellen Catherine Cox.*—This extraordinary case, which has attracted crowds of listeners from day to day, drew a large audience this morning, to witness the termination of the suit. The greatest order was observed throughout the trial, and owing to the admirable arrangements made by Mr. Acker, chief officer of the Court, and his assistant, James Ryan, and Wm. Busteed, of the police, all persons whose duty called them to the Court, found no difficulty in gaining access thereto, although the common "dodge" of claiming to be a reporter was resorted to by hundreds, but generally without effect. At the sit ing of the Court, Mr. Schaffer proceeded to sum up on the part of the plaintiff, and in conclusion said:—I appear before you, as my friend fancied he did to plead the cause of your wives and daughters; but I cannot plead for unbridled license. I would not see this good city of New York become like some Eastern cities, a place of unbridled license, where wives and daughters may obey the dictates of lust, and without a question being asked, violate the duties that bind the sexes together in a holy and happy union, and thus convert this city into one on which the righteous judgments of a righteous God would rain down fire. I would say that it is essential to the prosperity of the State that domestic life should retain its purity, for society is but the aggregate of the individual families of the land. Duty to the country that we love requires at our hands that we should not hesitate, upon all proper and important occasions, to preserve pure and intact the happiest domestic institutions that the face of the earth ever witnessed. I therefore leave this case in your hands, gentlemen. I cannot imagine a reason for reproach against my client. It is a case that commends itself to the judgment, the sympathies and the heart of an intelligent and upright jury. It is a case sustained by competent evidence—by full evidence. It is a case that has not been met. It is a case on which conscience and judgment can rest, and rest with composure when, from the lips of him who by you shall be appointed, is pronounced the verdict that restores this man to that which he was before his acquaintance with this unhappy woman commenced.

JUDGE OAKLEY'S CHARGE.

Gentlemen of the Jury—It is my duty, as connected with this case, to state to you the law bearing upon it before it is given to you for final decision. My charge will be very brief. It is a case involving very little matter of law, and it will be necessary for the Court to instruct you only in one respect. The mere questions of fact connected with this case belong exclusively to the decision of the jury. All the Court can do to aid you in this matter will be to call your attention to the issues which the parties have framed, with such remarks upon the character and nature of the evidence generally as will enable you to judge more understandingly of the effect of the testimony than you otherwise might do. This is a bill, or action, or whatever you choose to call it, brought by the plaintiff for the purpose of dissolving the marriage between himself and his wife. In order to do that, it is necessary that he should establish first, and chiefly, the fact of adultery, and then, if he succeeds in doing that, it is necessary that certain other things should be done, in order to enable the Court to grant a decree for divorce, founded upon the finding of the jury. It is usually necessary in cases of this kind, where certain issues are framed by order of the Court to be given to the jury, to require an answer on their part. They have been read in the opening of this case, and I will refer to them again, in order that you may see their general scope and character. The first is, whether or not the plaintiff in this case is married to this defendant as is alleged in the complaint. Upon this there is no question. Both parties accede the fact that the marriage took place between the parties as is alleged. The second issue—and I think it is the main one—whether the defendant has committed adultery and has had carnal connection with various persons as is alleged in the complaint, not whether she has committed adultery, generally speaking, but whether she has committed the adultery which he plaintiff has seen fit to charge against her. Then follow three other issues—whether or not five years have elapsed since the plaintiff discovered these alleged adulteries; whether or not the plaintiff has cohabited with the defendant after he knew the fact of adultery—for if a man does that he waives his legal right to sue for a divorce on that ground; and whether or not such adultery was committed by the defendant with the consent and connivance of the plaintiff. If he or she connives at it, the law debars the party from suing for a divorce. These three last issues are manifestly to be found in the negative, because, in regard to the first, five years have not elapsed, certainly, since the marriage of the plaintiff to the defendant. In regard to the second, there is no evidence that the plaintiff has cohabited with the defendant, as his wife, since their separation that took place in December, 1853; and, in regard to the third, there is no evidence to show that the plaintiff in this case has connived at the alleged misconduct of his wife. As to these things, gentlemen, there is no dificulty presented. The first issue, as to the question of the marriage of the parties, is admitted, and the whole controversy settles down upon the second issue, as to whether the adultery has been committed, as is charged in the complaint. The adultery is charged in the complaint in two forms. In the first place, the charge of adultery is set forth, as it usual in these cases, upon information and belief because it rarely or never happens that a plaintiff suing for a divorce, whether husband or wife, has any personal knowledge of the facts upon which he or she may proceed. The party is informed of certain things, and believing them to be true, and he or she founds his or her complaint upon that information or belief. The complaint in this case sets forth the adulteries as having been committed with four individuals, specifying names, times and places. First with Mr. Gilhooly, who is charged with having, on several occasions, committed adultery with the defendant. Then came Dwyer, Potter and Shaw. All these men are named as persons with whom the defendant committed adultery. It is sufficient to say that there is not the slightest evidence to support any of these charges. These men have not been named in connection with her in any possible way showing any reason even to suspect that any improper conduct could have taken place between her and either of these parties. Of course these issues are to be thrown out of the question. Then come the issues which give rise to the difficulties in this case. The complaint goes on, after specifying these four persons as having committed adultery with her, and sets forth seven places in which this offence was alleged to have been committed. The law permits the plaintiff to set forth the fact of adultery, without specifying the persons with whom it was committed, but it cannot set it forth without specifying some time, place and circumstance connected with it, with reasonable certainty. If he is informed and believes that adultery has been committed, and brings in a complaint founded upon that information and belief, he must have reference to some particular time, place and circumstance, for common justice to the defendant requires that he or she, as the case may be, should never be called upon to answer a general charge of this character, as it would be impossible for the party to come to trial and be prepared to explain every act of his or her life. It is quite clear that in specifying this charge of adultery, without specifying the persons with whom it was committed, that the specification should set forth with reasonable certainty the time, place and circumstances under which it took place. Now, this complaint does that, or claims to have done it in reference to seven particular places. In the first place, it charges that adultery was committed by the defendant, naming it in general terms, at the corner of Houston and Mercer streets; and in the second place it was alleged to have been committed at the house of Mary Gallagher, in Wooster street—there being no number to the house. In the third place, it was alleged to have been committed at No. 224 Varick street; in the fourth place, at No. 66 Wooster street; in the fifth place, at No. 59 West Thirty-sixth street, which I understand to be the place where these parties resided before their separation; in the sixth place, at a house in Amity street, between Mercer and Greene streets; and in the seventh place at No 85 St. Mark's place, where, I understand, this woman resided in 1854. A great deal of evidence has been given as to No. 88 Wooster street, but it turns out, after examining the complaint, that No. 88 Wooster street is not mentioned in the complaint at all. The counsel on both sides have gone on and tried the matter as if the adultery was charged to have taken place at that number. If this matter had been brought to my attention earlier in the progress of the trial, I should have excluded all that kind of evidence. This, gentlemen, is the character of the issue which you are now to try. The evidence, you will perceive, as respects these various places named, is what the law calls circumstantial evidence. No witness has been called who pretended to say anything in relation to any act of adultery committed by this woman, but the plaintiff has simply attempted to trace her, on various occasions, to these houses of ill fame. The ground of the plaintiff's case is, and the legitimate inference he draws from the fact of her visiting these houses of ill fame is, that she went there for the purpose of prostituting herself on these occasions. That, gentlemen, is legitimate kind of proof, undoubtedly, because, in offences of this kind, there can be scarcely any direct evidence of the fact, and the Court and jury must rely upon circumstantial evidence. It is important, perhaps, gentlemen, for you to understand what the rules of law, as well as good sense, establish in reference to the effect and operation of this kind of evidence. In the first place, every man or woman is presumed to be innocent until his or her guilt is established. The law, as well as Christian charity, teil us to do that. So undoubtedly our duty is, first, to ascertain with certainty what circumstances are proved, and then to ask ourselves this question—can these circumstances be reasonably accounted for upon the supposition of the innocency of the parties? If they can be, why then, of course, circumstantial evidence fails; but if they cannot be, the duty of the jury then is to rest upon these circumstances, and to draw from them those inferences which with entire safety all men may naturally draw. The duty of the jury in these cases is to begin by supposing a party charged with such an offence to be innocent until certain facts are proved tending to excite suspicions of guilt. The jury are always to suppose that the woman or man, as the case may be, is to be considered innocent in the first instance, until they are driven, by that kind of conviction which they cannot resist, that the guilt must exist because the circumstances attending the case are not consistent with the innocence of the party. That, gentlemen, is the nature of circumstantial evidence, as applicable to this case. Now, there are some things which have struck me as being rather peculiar on both sides of this case. In the opening of the plaintiff and the defence, and in the summing up on both sides, counsel have exhibited great zeal, and it is natural enough, after listening only to the suggestions of their clients, that they should imbibe strong and personal opinions as to the innocence or guilt of the parties, and express such opinions in very strong language. How far it is proper for counsel so to identify themselves with any case as to add to it the weight of their own personal character, and their conviction of the truth of alleged facts, is a matter that perhaps it is not important to discuss. It is very difficult, as I know from my own experience and observation, for counsel to separate themselves so entirely from a case as to refer exclusively to the facts that are proved, and avoid any inferences in their own minds as to what they may really believe to be true. It is very important for a jury—and I have had occasion frequently to call their attention to the subject—to separate entirely the statements made by counsel, either in the opening or summing up a case, from the proof, because upon the proof you are to decide this matter, and not upon statements which counsel may see fit to make, however positively they are made, or whatever the personal character of the counsel may be. There is another observation which I wish to make in this connection. It very often happens that in the course of a trial—particularly in trials of this character—that counsel will make offers to prove certain alleged facts, and make them in very broad and strong language; and the Court is very often called upon to say whether such offers can be received. The Court is often obliged to say that they cannot be received, and, of course, they are withdrawn. Some people, thinking of this matter superficially, may be impressed with the idea that counsel have offered to prove an important fact, and infer, therefore, that it is true. That is an inference which a jury have no right to draw. Now, this thing has happened in this case. The statements of counsel on both sides have been very positive, throwing the weight of their personal veracity in support of such statements, and in the course of the trial offers have been made on both sides to prove things which counsel considered they had a right to prove, but which have been rejected. The jury will carefully consider all the facts in this case from the evidence that is actually before them. Now, stripping the case of all the considerations I have named, and which are to be excluded entirely, the whole case resolves itself into this. Here are certain witnesses who have sworn to facts with respect to this woman tending to show that she was in the habit of visiting houses of ill fame. These witnesses, I think, all of them, except one, have been impeached. Testimony, more or less strong, has been offered tending to impeach them. Testimony, too, more or less strong, has been offered to sustain their testimony, as you may think proper to view it. There has been a great variety of other facts proved, some of them very trifling indeed; such, for instance, as the attempts on the part of this woman to disguise herself by wearing mourning or wearing two veils, an a number of other things, which, standing by themselves, may or may not influence your judgment in reference to the main question; but which may have a bearing on the general aspect of the case when you consider them in connection with other facts. Taking all these things into consideration, gentlemen, you are to determine this question:—Do you or do you not rely with safety upon the testimony, which has been given by these witnesses on the part of the plaintiff? They are, as I understand them, this man Carhart, Boone, the young man Ayers and Mr. Clark. Independent of these four persons, the testimony which has been given through out this long trial, is hardly corroborative, but it is relevant to the subject as bearing upon the general conduct of the parties in this case. I wish to remark here that I have excluded all testimony in reference to the conduct of this woman previous to her marriage. The issue formed is, whether she has committed adultery since her marriage. If this woman had been ever so pure life previous to marriage, that fact cannot be given in evidence in her favor, or if she had ever led so bad a life during the same, it could not be given in evidence against her, because no person can come prepared to explain in court every act of his or her life. Unless the charge against a person is of general bad character, he cannot in justice and reason be called upon to answer particular charges, because it cannot be expected that he would be prepared to defend himself at all times against them. It is the dictate of good sense, fairness and justice, to require that parties seeking a divorce should be confined to transactions which took place subsequently to their marriage. It appears that the plaintiff in this case, I think, in the fall of 1853, was visited by two members of his vestry and they informed him of circumstances which induced them to say that he ought to separate himself from this woman. These are circumstances that we do not know nor are we at liberty to consider them, because there is no proof to sustain them. Whether these representations were facts or rumors we do not know. Something did fall from the lips of one of these witnesses, that there were rumors about the conduct of this woman previous to the marriage. Whatever the purpose of these rumors was, it was very proper that this plaintiff should know them, and that he should make inquiries and investigations as to their truth, and as to her conduct since her marriage. The jury cannot undertake justly and reasonably to suppose that anything did take place previous to marriage, which could justify these changes or render probable the existence of the facts alleged. This testimony was brought out by suggestions on the other side, some evidence having been adduced to show that the plaintiff endeavored to dissolve the marriage between himself and wife from a desire on his part to get rid of her, because she had not brought him as much property as he had expected. There was some testimony adduced to show that he was disappointed on this account. The whole thing is very trifling, and of no importance and will of itself amount to little. It is right that he should show that the motive operating in his mind was an honest desire to vindicate his rights as a husband, and separate himself from a woman who might be supposed to be unworthy. You are bound in common charity to believe that he proceeded in this case in good faith, and that he had reason for instituting his inquiries. In the course of the inquiries which have taken place there is in my judgment no ground to show that this plaintiff desired to get rid of his wife on the score of disappointment.

The learned Judge after commenting at some length upon the credibility that should be attached to the testimony of various witnesses that had been called by the plaintiff and defendant respectively in the case, concluded his charge substantially in the following language:—

You are now, gentlemen, to consider this matter, and take this paper with you, and when you have made up your minds as to the result of your deliberations, you will put down, as an answer to the various questions contained in it, either "yes" or no." Your answer to the first will be, of course, "yes," which, being a question of marriage, is not disputed. As to the second, which is the great point of controversy, "yes" or "no," according as you consider the weight of evidence inclines. If you come to the conclusion that she has been guilty of adultery upon any of the occasions as specified in the complaint, your answer will be "yes." If you have any serious doubts in regard to that question, you will say "no."

The jury then retired, about 3 o'clock P. M., but not having agreed at half past four o'clock, a sealed verdict was ordered to be returned in the morning. At about six o'clock, we understand, the jury had come to a unanimous conclusion, but what the verdict is we are unable, of course, to say.

Destruction of the Steamboat Alabama—Further Particulars—List of Killed and Wounded.

[From the New Orleans Picayune, March 20.]

We are enabled this morning to give more full particulars of the melancholy accident on board the steamboat Alabama, with the names of those killed and wounded by the terrible explosion.

On Saturday the 15th inst., at 11 o'clock in the forenoon, while the ill-fated boat was on her upward trip from this city to Minden, her larboard boiler blew up while she was under way, some five miles above Grand Ecore. So tremendous was the explosion that all the cabin, texas, upper works, &c., back to the barber shop, were torn violently away, and to add to the frightful scene, the boat immediately took fire, and was burnt to the water's edge with all her cargo, consisting of some seven hundred barrels.

No less than nine lives were lost outright by this disastrous accident. The names of the unfortunate victims are as follows:—

T. S. Bell, first clerk; S. Parker, watchman; H. M. Prothro, passenger; Joseph Ogden, assistant engineer; C. Butler, deck hand; Patrick Kelly, Tim Flaherty, Stephen McDonough, and John Laughlin, firemen.

BADLY SCALDED—Nick Whalen, Mike Coleman, Patrick McCue, and Batley Ward, firemen. These men were all left at Natchitoches.

WOUNDED—J. C. Graefl, captain, slightly; W. Swain, pilot, badly; John Brander, pilot, slightly; A. G. Swain, assistant pilot, slightly; J. W. Young, mate, slightly; D. B. Bayless, first engineer, slightly; E. Prophet, barkeeper, slightly; R. T. Blackmon, second clerk, slightly; J. C. Mosby, steward, slightly; Thomas Lewis, fireman, slightly; S. C. Sanderson, passenger, badly; J. Denard, passenger, slightly.

The greater number of the wounded came down upon the Swamp Fox, which arrived here this morning. The bodies of three of those killed by the unfortunate accident, T. S. Bell, Mr. Prothro, and the watchman, Parker, were not recovered, and are supposed to have been burnt upon the boat. Ogden, the assistant engineer, and the deck hand, Butler, died on board the Swamp Fox, and were buried at Natchitoches.

Personal Intelligence.

ARRIVALS.

From Aspinwall, in the steamship Illinois—M H Spalding, Mrs A Rensche and servant, S Barret, Mrs Barret, W H Glave and 3 children, G S Lawrence, W D Lane, D Frasier, J G Kittle, A C Hodges, B R Perkins and servant, M B Kinney, Mrs Searles, Mrs Friedlander, Capt Peterson and lady, Mrs Howard and three children, J Wolcott, L Litchi, Mr Dinet, Mr Roberget and lady, J H Ogier, P M Bale, W R Lewis, H Day, Mr Layman, J Greenes, M Birafeldt, G B Brush, H Stickney, Mrs Dodge and servant, T M Peyton, Mrs H E Grince and infant, R Aiken, Mr Perry, Mrs Rhetner, H P Peters, Mrs Jno Sharpe, two children and servant; Mrs Rolteer and two children, Mr Dorman and lady, F Sauscrair, lady and child; J Prim and servant, P Lainer, N Canfield, A A Voorhis, Capt J M Dow, K Wimsberger, Rev E Witenback, F S Smith, J Wagle, T G Nash, Geo Watson, Thos Regan, Mr Torsell, S Ten Eyck, Wm Yonkman, C Vanderbilt, Jr, W Brenham, Miss E Smith, Judge Campbell, McAlister, W E Gretta, lady, child and servant; J B L Wright and lady, Mrs H L Bradley, N Harding, lady and infant, Capt Judah and lady, P V Thomas, R G Spencer, Mr N Peyton, lady and servant, Rev E J Vail, D Coleman, J G Wethered, Mr Bengough, S G Martin, Dr J E Leavitt, N Magnes, J Almos, Jno White, Mrs McQueen, Chas Guibard, M Bonet, John Doyle, Mrs Wheeler, A Doolidge, H F Hunt, M Leper and child, E Mather, Miss M B Flanders, Wm M Burgoyne, lady, two children and servant; L Nathan, L Price, Mrs Doyle and infant, Capt G S Adde, Mr Barton, J Layman, C G Goodwin, Wm Morrison, G S Fowle, Col Z Pratt, D Washburn, M Shauss, Mr McIntyre and lady, M Felch, S P Johnson, S A Morgan, H Hohn, T Rakee, Chas Shaw, R E Dillon, T H Kelly, N Whipple, T Kelly—and 205 in steerage.

DEPARTURES.

In the steamship Arabia, from Boston for Liverpool—Messrs Francis H Boott, W L Tucker, Mrs Kirk Boott, Miss Sarah Poett, Mary McNear and two daughters, Messrs J W Bigelow, (bearer of despatches), J B Moore, David Arkiay, F A Hirsch, J E Amory, Jno Churchill and wife, and John T Gold, of Boston; Miss Ashworth, of Chelsea; Mrs G A Smchmidt and 3 children, of Jamaica Plain; Hon John G Palfrey, of Cambridge, Miss Hilyapan, of Newburyport; Mrs E Drummond, of Bath; Mr Kuner and wife, Messrs A J Ainson, M Mas, W S Book, J T Townson, C J Janson, J Lagrave, V Gross, T W Kaston, L Kronthal, J B Adler, A Wachenheim, L Bamberger, Catlin, Watts Spencer, T Howell, G Finlay, G H Hughes, Isaac Wilde, Edwin Wilde, Miss Mellen, A Blumenthal and J Blumenthal, of New York; Hon Robinson, E Fisher, Layard, F Argentine, E Barnes, Jr, of Philadelphia; J T Jenkins of Pennsylvania, J Kane, of North Carolina; F R Starr, of San Francisco; T Pierce, of Honduras; Dr Berryman, of St John, NB; George Johnston, of Kingston; F C Hilton, Wm Day, John Yandall, George Haskins, Edw Forst, Thomas Taplin, John Hughes J H Green, J Herman, wife and servant, of England; J Collard and son, of Ireland; A Kulgren, and C Modigle, of Sweden—72. For Halifax—Messrs T Kenna, T H Nichols, and J W Woods, of Boston; Charles L Welsh, and B F Allen, of New Hampshire; J Edmiston and wife, of New York; James Nedd, A H McCalmon, John Gibson, John Lithgow, Michael O Weir, A P Ross, J D Nash, A K Harris, Edward Gorham, F N Gibborne, James Cochrane, and J T Wilde, of Halifax; George Loveys, W T Parsons, and J Tonissant of Newfoundland; A J Maxham, of Quebec; R Simms, of Montreal—24. Total, 96.

Naval Intelligence.

The Frigate Potomac and the sloop-of-war Cyane remained at Havana on the 16th inst.

Captain CHARLES F. WOOSTER, Fourth artillery, died at Fort Brown, Texas, February 14, 1856.

News from the Sandwich Islands.

THE LAVA APPROACHING HILO—QUICK SHIP DESPATCH—LETTER FROM YANKEE SULLIVAN.

Our files from Honolulu are dated to the 9th February.

From Hilo, we hear that the lava stream is still approaching that devoted village. It is said that nothing can be grander than a view of the immense fiery river rolling over a precipice of some fifty feet in height, and falling in an unbroken column. This scene had been visited by a party of explorers.

The Supreme Court had given an opinion confirming the decision of the commissioners in the case of J. C. Bullions, on behalf of the creditors of Swan & Clifford adv. Loring Brothers & Co., appellees.

The whaleship Nimrod, Capt. Baker, went into port on Wednesday, the 6th ult., to ship her oil on board the Ocean Telegraph. She hauled alongside the clipper about 11 o'clock A. M., and had some 250 barrels shipped before sundown; and by 5 o'clock P. M. the next day had put 800 barrels of oil aboard the Ocean Telegraph, and went to sea under tow of the steamer, without the loss of one of her crew.

The following letter from Yankee Sullivan appears in the *Polynesian*:—

I have seen letters in respectable prints in California in which my name is placed before the public in an unwarrantable manner, representing me as a midnight brawler, caroiser, and using other choice epithets, which they appear to apply to me because I have all along held myself aloof from the society of those who use such phrases.

To persons acquainted with the broken down newspaper hacks who frequent the barrooms in this place in the "dull" season, for "items," to make a paragraph to send abroad in order to gain a notoriety which they would fail to acquire by labor, there is no necessity of explanation. To those who are not, I would say, the letters published are gross exaggerations.

I know nothing of the quarrel alluded to. I do not feel ashamed to boast myself a teacher of the "manly art of self-defence," but never here have I misbehaved myself in a manner which a gentleman refuses to recognize; and in this explanation, I am proud to say, I will be supported by the most respectable residents of Honolulu.

HONOLULU, Feb. 8, 1856. JAMES SULLIVAN.

News from the West Coast of Mexico.

SEIZURE OF A BOSTON SHIP AT SAN BLAS—HER CAPTAIN AND CREW ARRESTED BY MEXICAN SAILORS—ROBBERY ON THE VESSEL—NON-INTERFERENCE OF AN ENGLISH WAR SHIP—THE FILIBUSTERS OF THE ARCHILALD GRACIE.

[From the Alta California, March 5.]

We learn from Mr. Miller, who came passenger in the schooner Giulietta, from Mazatlan, the following details of an outrage on an American ship at San Blas.

The American ship Adeline, of Boston, Captain Woods, from Valparaiso for San Blas, with a general cargo, consisting of dry goods, &c., consigned to Mr Forces, the American Consul at that place, arrived on the Mexican coast, after having sprung aleak, and the crew being on an allowance of a bottle of water a day each; put into Tres Marias Island December 20, and sent a boat on shore for water. The boat was lost in the surf, when another boat was despatched to try and reach the shore, the captain, mate and steward being all that remained on board.

A Mexican man-of war schooner hove in sight and soon came alongside the Adeline, which she boarded and took possession of. Capt. Wood was taken on board the schooner, and placed under a guard of twenty six soldiers. When the crew of the ship returned on board, the commander of the schooner took charge of the Adeline and then brought her into San Blas, where she laid until January 20.

During this time they sent officers on board and took out the entire cargo, and also nearly all the wearing apparel of the captain, mate and crew. They then hauled her into the inner harbor.

Capt. Wood protested strongly against this high handed outrage, but to all to no purpose. He then left and went to Mazatlan, where he still remains.

The British frigate President was there at the time, and must have known of the occurrence. Capt. Wood would have communicated with her, but was not allowed by the authorities.

The cargo of the Adeline was shipped at Valparaiso by Messrs. Mickle & Co., American merchants. Mr. Hale, the supercargo, was on board, and remained at San Blas. The mate and a portion of the crew came passengers in the schooner Giulietta.

The reason given by the authorities for seizing the vessel was, that they took her for a smuggler. The ship at the time was seventy-three miles from any port on the Mexican coast.

We learn that the captains and crews of the barks R. Adams and Archibald Gracie, together with eighty of the filibusterers, have been sent to Tepic. The captain of the R. Adams was in a most destitute condition. The bark had been robbed of everything on board, and entirely dismantled by the natives. The Mexican soldiers had forcibly taken everything from the unfortunate crews of the vessels, and left them almost naked.

Political Intelligence.

THE KNOW NOTHING STATE COUNCIL REPUDIATES THE NOMINATIONS.

The following is the majority report, as adopted by the Ohio Know Nothing State Convention:—

Whereas, the American organization in Ohio had its origin in, and has been maintained for, purposes of reform:

And whereas, a true regard for the honor of the American name, the security of American rights, and the prosperity of the American people require a steadfast maintenance of the great principle of freedom upon which American institutions are based—

We, therefore, the delegates of the Councils of the American Order in Ohio, in State Council assembled, fully approve of the action of those delegates from Ohio in the National American Council and Convention recently assembled at Philadelphia, in refusing to accept the platform or support the nominations then and there made, and hereby repudiate those nominations, and embrace this occasion to reaffirm substantially the platform adopted by the State Council at its session at Cleveland in June last, as follows:—

We proclaim to the world the following principles of the American party of Ohio:—

1. The unlimited freedom of religion disconnected with politics—hostility to ecclesiastical influences upon the affairs of government—equality of rights to all naturalized emigrants who are thoroughly Americanized, and owe no temporal allegiance, by reason of their religion, higher than that to the constitution.

2. We propose no prescription of birth, but welcome exiles and emigrants from other lands to free participation in the benefits of American institutions, and the privileges of American citizenship, with such restrictions only as are needful to make sure that those who avail themselves of this liberality, understand and will defend these institutions against all aggression, civil or ecclesiastical—to which end the laws regulating naturalization should be properly amended.

3. Opposition to all political organizations composed exclusively of foreigners, and to foreign military companies, and to all attempts to excluce the Bible from schools supported by the government.

5. Slavery is local, not national. We oppose its extension in any of our Territories, and the increase of its political power, by the admission of any slave States or otherwise; and we demand of the general government an immediate redress of the great wrongs which have been inflicted upon the cause of freedom and the American character by the repeal of the Missouri Compromise, and the introduction of slavery into Kansas in violation of law, by the force of arms, and the destruction of the elective franchise.

5. In humble imitation of the wisdom of Washington, we oppose all intervention in the affairs of foreign States; yet on all proper occasions, we will not withhold our sympathy from any people aspiring to be free.

6. We support American industry and genius against the adverse policy of foreign nations, and facilities to internal and external commerce by the improvement of rivers and harbors, and the construction of national roads connecting the Atlantic and the Pacific oceans, an uniting the various sections of the Union.

7. The Union of these States should be made perpetual by a faithful allegiance to the constitution.

Niagara Falls in Winter.

[From the Buffalo Advertiser, March 22.]

One who has never seen Niagara Falls as they appear in the winter season has yet to look upon one of the grandest scenes the eye can possibly rest upon. During the present winter the appearance of the falls and vicinity has been unusually attractive. The long continued extreme cold began its work in January, and laboredi diligently in decking all nature near the cataract with its frosty decorations. Huge mounds of frozen spray soon began to tower up here and there; trees and twigs were covered in icy vestments; the rocks were covered with the trace work of frost; while the river itself was choaked in its progress below the falls, with a firm unyielding barricade of ice. During the most severe days of the cold cycle, the display was beyond description. The mild weather which has visited us during the past week has had its effect and has destroyed some of the more delicate of the ice embellishments, still the more substantial and grand decorations remain and afford to the visiter a sight rarely to be looked upon, and we notice that quite a number of strangers arrive daily on their way thither. At present the trees upon Goat Island, during the day time, are divested of their icy armor, the warm rays of the sun proving too much for it. Still, at night, every particle of spray which may touch becomes a very jewel glittering in the moonlight, and the air is filled with dancing sparkles. Then there shoots forth from the trunks of some of the larger trees, upon whose sides have formed heavy masses of frozen spray, all the colors of the prism, and the odd shapes in which the ice has formed, in the gray light, remind one of the fairy grottoes of which we read in our childhood days.

The Horse Shoe fall has not received so finished an embellishment as the American, though a huge conical mound formed of frozen spray comes looming up from the base of the fall, immediately beneath the tower, its top reaching half way to the surface of the bank. From the banks on either side huge stalactites of ice jut out from the crevices in the rocks, and hang glittering in the moonlight.

Up to about ten days since most of the islands which cluster about Goat Island have been visited, and some of them, upon which mortal foot has rarely trod, have been reached. Just below Chapin's Island, on the brink of the falls, and jutting out beyond its edge, there has formed a mound which has been reached by two or three daring persons, and by one party who drove up to its northern side with a horse and cutter. Upon Chapin's Island are displayed various embellishments in the shape of flags, red flannel, weathercocks, &c., upon which guides will expatiate in glowing terms, during the coming season, to enthusiastic tourists.

In vicinity of the ferry stairs on the American side the view at night is grand in the extreme. At the foot of the stairs, rising up from the river, and quite a distance from the main shore, is a conical mound, similar to the one near the tower, but vastly larger, being over one hundred feet in height—its top round and as symmetrical as though the work of man, and its sides smooth and glittering with the particles of spray congealing as they touch. Standing in some positions, one can see a lunar rainbow, all the colors perfect and distinct, encircling the huge mound, lending additional charms to it. On the bank at the head of the ferry stairs there has accumulated such a mass of snow and ice as we have never before looked upon. The staircases have been pretty thoroughly blocked up at the lower end and the passage down the steps is rather precarious, at the same time exciting. The cars down the staircase have not been run during the winter until day before yesterday, and then only part way down. We notice that the proprietors of the staircases have made quite an improvement in substituting, in place of the heavy rope cables with which the cars are run cables made entirely of wire. These are in no possible danger of breaking, and are, we are told, much better for the working of the machinery.

From the foot of the staircase one scrambles over hummocks of ice and snow, and by a rather exciting tour of walking, slipping and running, leads upon the solid ice bridge which is formed between the two shores. From the middle of this bridge is presented a view of he whole scene, than which none can be more grand, especially by moonlight. The falls and vicinity have scarcely ever presented so fine an appearance in winter as during this season, and whether we shall ever have an opportunity of witnessing so grand a scene as at present, we wot not, and would therefore recommend to all to improve the present opportunity of visiting them, lest they may never have a like opportunity.

FREEMASONRY IN SWITZERLAND.—A rather curious discussion has just taken place in the Grand Council of Geneva on matters relating to Freemasonry. It appears that the Council of State, on the demand of the members of the Masonic Order of the Temple, presented a bill for granting that body a gratuitous concession of a piece of ground for erecting a chapel. The application was founded on the fact that Freemasonry was to be considered a creed as well as any other, as Freemasons recognised the existence of God and the immortality of the soul, and were bound to the practice of every virtue. General Dufour opposed the bill, and denied that a secret society could be designated as a creed. M. Camperio proposed that the bill should be referred to a committee, as the question was not a play on the word "creed," but a just application of the claims of the petitioners. This proposition was opposed by M. Pictet, who said that the application was not made by the majority of the Freemasons of Geneva but by a dissentient minority. M. Fazy supported the bill and the proposal that it should be sent to a committee. He maintained the opinion that Freemasonry was a creed, and one of the purest kind, as it invited all opinions to meet as friends on the same ground. As to the dissidence spoken of it was not worthy of notice, as similar shades of difference existed among all Protestants. He remarked also that Freemasonry is officially recognized in many countries; and that in France a great dignitary of the Crown is at the head of the order. After some further discussion, the Grand Council decided that the bill should be sent to a committee composed of MM. Autran Fourie, Dufour, Mermoz and Duval.

Law Intelligence.

COURT OF APPEALS, March 26.—No. 177, exchanged with 25 and reserved for April 1. No. 11 reserved for April 2. No. 20 reserved for April 4. No. 21 reserved for April 9 No. 35 reserved for April 2. No. 24 reserved for April 8. Nos. 23 and 69 struck off. No. 6 Conkey vs. Hart Argued. Mr N. Hill Jr., for appellant. Mr Henry R. Selden for respondent. No. 8 Bramhall against Ferris. Argued. Mr H. A. Dowe for appellant. Mr. Stephen R. Cushing for respondent No. 10 Scudders vs. Boyce. Argued. Mr. H. R. Selden counsel for appellant. Mr. N. Hill Jr., for respondent.

MARITIME INTELLIGENCE.

Movements of Ocean Steamers.

FROM EUROPE.

Names	Leaves	Date	For
Fulton	Havre	Mar. 12	New York
Canada	Liverpool	Mar. 15	Boston
Brenda	London	Mar. 15	New York
Atlantic	Liverpool	Mar. 19	New York
Alma	Havre	Mar. 20	New York
Asia	Liverpool	Mar. 22	New York
Washington	Southampton	Mar. 26	New York

FOR EUROPE.

Ericsson	New York	Mar. 29	Liverpool
Persia	New York	April 2	Liverpool
Fulton	New York	April 5	Havre
Canada	Boston	April 9	Liverpool
Alma	New York	April 19	Havre
Brenda	New York	April 15	London & Cork
Washington	New York	April 19	Bremen

FOR CALIFORNIA, &C.

Tennessee	New York	Mar. 29	Laguayra, &c
Quaker City	New York	April 1	Havana & Mobile
Empire City	New York	April 2	Havana & N. Orleans
Illinois	New York	April 5	Aspinwall
Georgia	New York	April 8	San Juan, Nic.
Osprey	New York	April 8	New Granada, &c.

STEAMERS TO CALIFORNIA.

FOR ASPINWALL—George Law 5th and 21 Louis 20th of each month.

FOR PUNTA ARENAS Star of the West 9th and Northern Light 24th of each month.

STEAMERS TO AND FROM HAVANA.

ISABEL—From Charleston 19th and 4th, due at Havana 23d and 7th. From Havana 10th and 28th, due at New York 17th and 1st.

NORTH STAR—From New York 24, arriving at Havana 9th and New Orleans 16th. From New Orleans 20th, Havana 23d, due at New York 28th.

EMPIRE CITY OR NEW GRANADA—From New York 17th, arriving at Havana 23d and New Orleans 25th. From New Orleans 5th, Havana 8th, due at New York 13th.

BLACK WARRIOR—From New York 10th, arriving at Havana 16th and New Orleans 19th From New Orleans 25th, Havana 28th, due at New York 3d.

QUAKER CITY—From New York 20th, arriving at Havana 24th and Mobile 27th. From Mobile 5th, Havana 8th, due at New York 12th.

CAHAWBA—From New York 25th, arriving at Havana 30th and New Orleans 2d. From New Orleans 10th, Havana 13th due at New York 18th.

When the above dates fall on Sunday, the steamers will sail on Monday. They leave New Orleans as near 8 A. M. as tide will admit, and the Isabel leaves Charleston and Havana at 10 A. M.

THE OVERLAND MAILS TO INDIA AND CHINA.

The following may be of value to those having correspondence with the East:—

The mail leaves Southampton on the 4th and 20th of each month, and

Arrives at Gibraltar about the 9th and 25th of same month.

Arrives at Malta about the 14th and 30th of same month.

Arrives at Alexandria about the 18th of same and 4th of following month.

Leaves Suez about the 20th or 21st of same and 5th or 6th of following month.

Arrives at Aden about the 25th or 26th of same and 10th or 12th of following month.

Leaves Aden about the 26th or 27th of same and day of arrival for Bombay, and 11th to 30th for China, &c.

Indian Navy steamer arrives at Bombay about the 3d to 5th and 19th to 21st of the following month.

P. and O. steamer arrives at Point de Galle about the 6th or 7th and 22d to 23d of following month.

Leaves Point de Galle for Pulo Penang the same day, if the steamer has already arrived which takes the mail on.

Arrives at Pulo Penang about the 12th or 13th and 28th and 29th of following month.

Arrives at Singapore about the 16th or 16th and 31st or 1st of following month.

Leaves Singapore about 12 hours after arrival.

☞ *All packages and letters intended for the* NEW YORK HERALD *should be sealed.*

ALMANAC FOR NEW YORK—THIS DAY.

SUN RISES.....5 52 MOON RISES.....morn 12 40
SUN SETS.....6 20 HIGH WATER.....eve 12 43

Port of New York, March 27, 1856.

CLEARED.

Steamship Cahawba, Bulloch, Havana—Livingston, Crocheron & Co.

Bark J A Hazard, Williams, Pernambuco and market—J W E Iwell & Co.

Bark Iva, Berry, Maracaibo—Mait and, Phelps & Co.

Bark John Colby, Monroe, Wilmington—Cartwright, Harrison & Co.

Brig S French, Brown Sierra Leone—J A Machado.

Brig Amina, Lewis, Cardenas—Moses Taylor & Co.

Brig Xenophon, Dock, Cardenas—H D Brockman & Co.

Brig L Copeland, Moore, Cardenas—Thompson & Hunter.

Brig M F Ellsworth, Curry, Halifax—D R Dewolf.

Brig M Hamilton, Botsford, Galveston—Wakeman, Dimon & Co.

Schr Caro Amelia, Turner, Jacksonville—R P Buck & Co.

Schr E Kidder, Horton, Savannah—Gilmore & Co.

Schr L Bruen, Pierson, Georgetown—Doiner & Potter.

Schr H Dunsser, Gilkey, Buckville—Walsh, Carver & Chase.

Schr Maxine, Powell, Wilmington—E