WASHINGTON.

WASHINGTON, May 10, 1867.

The Cabinet in Council.

The Cabinet continued in session rather longer than usual to-day, several matters of importance having been under consideration. All the members of the Cabinet were present or were represented. Secretary Browning, who is not yet well enough to leave his house, was represented by Judge Otts, and Postmaster General Randall, who is too unwell to-day to attend to his duties, was represented by his first assistant, St. John B. L. Skinner.

Attorneys Can Have no Interest in Pardons.

Some time ago the Acting Secretary of State, Mr. Seward, addressed a letter to Randall Hunt, at New Orleans, informing him, in reply to an inquiry, that the department cannot recognise, either indirectly or by implication, an attorney's interest in a pardon. Another letter of Mr. Seward's has also just been made public, addressed to a citizen of Alabama, in which he says:—"The government has no officer in its employment who is authorized to procure pardons or make a charge for doing the same." In addition to the above a reply was made to W. W. Downs, of Texas, as follows:—

SIR:—Your letter of the 20th ultimo, stating that the President's warrant of pardon granted to you has been withheld by John T. Croxton in default of the payment of the sum of $500, is received. In reply I have to inform you that the department does not authorize any person to collect fees for procuring pardons. A duplicate is herewith enclosed, which will answer all the purposes of the original.

Army Appointees Not Heard From.

The following named persons, appointed to positions in the army, are notified that if their acceptances are not received by the Adjutant General on or before May 20, 1867, their appointments will be cancelled:—

CONNECTICUT.—Captain E. W. Whittaker, Seventh regiment United States cavalry, late Lieutenant Colonel First Connecticut cavalry.

ILLINOIS.—First Lieutenant N. C. Burwell, Thirty-ninth regiment United States infantry, late Lieutenant Colonel Ninety-third Illinois Volunteers. Second Lieutenant William Hanna, Nineteenth regiment United States infantry, late Lieutenant Colonel Fifteenth Illinois Volunteers. Second Lieutenant R. Martin, Twentieth regiment United States infantry, late Lieutenant Colonel Fifty-second Illinois Volunteers. Second Lieutenant T. R. R. Weems, Thirty-eighth regiment United States infantry, late Colonel Forty-eighth Illinois Volunteers.

INDIANA.—Second Lieutenant Alexander A. Rice, Forty-first regiment United States infantry, late Captain and Assistant Adjutant General, formerly of Seventy-second Indiana.

MASSACHUSETTS.—Captain Horatio Jenkins, Jr., Tenth regiment United States cavalry, late Colonel Fourth Massachusetts cavalry; Second Lieutenant H. W. Smith, Seventh regiment United States cavalry, late Captain Fourth Massachusetts cavalry; Second Lieutenant Leon M. Hendrick, Tenth regiment United States cavalry, late Second Lieutenant in Fourth Massachusetts cavalry.

MICHIGAN.—First Lieutenant Cyrus A. Loomis, Thirty-ninth regiment United States infantry, late Colonel First Michigan light artillery.

The Naval Observatory.

Commodore B. F. Sands has been appointed Superintendent of the Naval Observatory, vice rear Admiral O. M. Davis, ordered to command the South Atlantic Squadron.

Congressman Marshall Still Lives.

Congressman Marshall, of Illinois, who is now here attending to his duties as a member of the Committee on the Judiciary, is much surprised at the Western telegram announcing his death at his home in that State.

Affairs in Arkansas.

A letter has been received at the Freedmen's Bureau from Brevet Major S. M. Clark, Acting Assistant Inspector General, under date May 3, 1867, Little Rock, Ark., reporting that he had inspected various points on the Arkansas river as far west as Fort Smith. At the latter place and in the vicinity there is great destitution, particularly among the white people. The Assistant Commissioner is taking measures to relieve the necessities as promptly as the very slow and irregular means of communication will permit. About forty miles of the only railroad here have been condemned as unsafe. There is considerable ill health among the officers of the Bureau at various points. The Superintendent reports the cholera abating at Little Rock.

Land Office Business.

Commissioner Wilson, of the General Land Office, has submitted to the Secretary of the Interior for his approval a list of lands, containing sixty-three thousand nine hundred and fifty-three acres, selected for indemnity and as inuring to the State of Minnesota, under the act of Congress approved July 4 and 13, 1866, to aid in the construction of the Southern Minnesota Railroad, running from the town of Houston, through Houston, Fillmore, Mower, Freeborn and Fairbank counties, to the western boundary of the State. The indemnity lands were granted on the receipt of the certificate of the Governor of the State that ten miles of the railroad had been completed from Houston to Rushford.

Hon. Joseph S. Wilson, Commissioner of the General Land Office, has received partial returns of surveys of the Great and Little Osage lands, in Kansas. The work consists of twenty-five whole and fractional townships, under the provisions of the first article of the treaty with the Congress, made on September 29, 1865. Also sixteen whole and fractional townships of the lands ceded in trust to the United States by the second article of the above named treaty. The surveys cover an area of seven hundred and fifty-four thousand five hundred and eight acres. The lands sold by the Indians under the first article will be disposed of on the most advantageous terms for cash. The treaty makes stipulations in regard to the railroad, but no pre-emption claim or homestead settlement is recognized after the date of the treaty, except to certain persons, as provided in the fourth article of the treaty. The ceded lands in trust when entirely surveyed will be disposed of at $1 25 per acre, under such rules and regulations as may be prescribed by the Secretary of the Interior.

The Chief Clerkship of the Agricultural Department.

The position of Chief Clerk of the Agricultural Department has not yet been filled. Since the removal of the last Chief Clerk Mr. A. C. Whittaker has been acting in that capacity. Mr. Newton, son of the Commissioner, was relieved from the charge of the experimental garden for assignment to duty in the Commissioner's room, and was not, as has been stated, appointed Chief Clerk.

Head Blocks for Soldiers' Graves.

The Board of Officers appointed by the Secretary of War to consider the subject of providing head blocks for the graves of the soldiers buried in the national cemeteries, completed its labors yesterday afternoon. The Board recommends the adoption of the galvanized iron tablet, of the model selected by the Quartermaster General. The tablet is pyramidal in shape, about one foot in height and fourteen inches in width. On the top, in raised block letters, is inscribed the rank, name, regiment, company and date of death of the soldier. The side contains the number of the grave.

Army Assignments.

General Sheridan, commanding the Fifth military district, on the 2d inst. announced that Major J. W. Todd has been assigned to duty as Chief of Ordnance of the district, relieving Brevet Major A. R. Buffington.

General Pope, commanding the Third military district, on the 1st inst. announced that Colonel James F. Meline has been appointed General Inspector of Registration and Chief of the Bureau of Civil Affairs in that district, and Brevet Captain C. F. Rockwell has been appointed Chief Ordnance Officer.

Honors to the Rebel Dead.

The ladies of the Memorial Association, of Spottsylvania county, Va., propose to hold a meeting at the Court House on the 21st inst., the anniversary of the dedication of the rebel cemetery. There will be a picnic, speaking and memorial observances on the occasion.

A Church for Negroes.

The white people of Middleburg, Loudon county, Va., and its neighborhood, have transferred a good stone church (Methodist Episcopal) to colored trustees, formerly slaves of some of them, for their exclusive use.

Meeting at Pittsylvania Court House, Va.

A large meeting of white and colored people was held at Pittsylvania Court House, Va., last Saturday, which was addressed by Mr. Wicker Lewis Scott, a colored man; Lewis Jay, also colored, and Colonel Corse. The proceedings were very harmonious, and augur well for future happy and peaceful relations between the white and colored people of Pittsylvania county.

Singular Shooting Affray.

A shooting affray of a singular nature took place recently at Bristol, on the borders of Virginia and Tennessee. It appears that during the war a man named Patrick, who served in the Union army, was taken prisoner by a man named Kelly, of the rebel army, and was confined some months in a jail. On Thursday last Patrick met on the street in Bristol a man named Ryan, whom he thought to be Kelly. Patrick drew his pistol, and told Ryan he must die in accordance with an oath he (Patrick) had made to kill the man who had taken him prisoner. He fired, but Ryan knocked the weapon down, and instead of the ball entering his heart it passed through his stomach, inflicting it is thought a fatal wound.

General Grant's Family Going to Old Point.

The family of General Grant will leave Washington about the 15th inst. for Old Point, where they will be the guests of General Schofield's lady during the summer season. The Chesapeake Institute, which has been fitted up for them, will rival any watering place establishment in its class of distinguished guests.

The Crops at the South.

Reports from North Carolina give cheering accounts of the growing wheat crop. The prospect never was better at this season of the year. A gentleman who has travelled South of this gives glowing accounts of the crop prospects in North and South Carolina. The wheat harvest there will begin in three or four weeks; in Georgia earlier. He reports the freedmen working remarkably well in the section he visited; the same may be said of them in Virginia.

Freedmen's Bureau Closed on Sunday.

General Miles, Chief of the Freedmen's Bureau in North Carolina, now in Wilmington, but with the headquarters at Raleigh, has given orders for the suspension of the business of the bureau hereafter on Sunday.

Registration in Florida.

A Florida paper states that the several registration boards in that State, under the Reconstruction bill, will be composed of one colored and two white gentlemen.

Affairs in Georgia.

A large number of the colored citizens of Augusta, Ga., of both sexes, recently assembled in the park of that city for the purpose of listening to a speech on reconstruction from Captain Bryant, editor of the *Loyal Georgian*. Mr. Bryant was introduced to the assemblage by Foster Blodgett, appointed Mayor of the city of Augusta, who took occasion to define his position, which was approved by the highly intelligent audience.

Accounts from the interior of Georgia represent the damage from the recent rain storm as alarming, exceeding in violence any visitation of the kind for years. The injury to the land from washing can hardly be estimated. Cotton and corn were cut to pieces, and wheat literally destroyed. That important crop was in the root and ready to shoot out, hence a clear sweep was made of it. Planters were ploughing up their grain to supply its place with corn or some other provision crop. Numbers of planters in the South have commenced farming so extensively that their means will not allow them to carry out their objects. A great many are now out of corn; many out of corn, bacon and money; and some without even friends to help them in this great hour of their need.

General G. M. Porter and O. E. Babcock, of General Grant's staff, arrived in Atlanta, Ga., a few days since, on a general tour of inspection through the South.

It is reported in Georgia that Governor Jenkins intends retiring from the gubernatorial chair in case the decision of the Supreme Court is adverse to the application for an injunction.

Issue of Provisions in Mississippi.

Major General A. C. Gillem, Assistant Commissioner of the Freedmen's Bureau in Mississippi, on the 2d inst., ordered the following issue of provisions to the destitute people of that State:—Sub-districts—Columbus, five hundred sacks corn and eight thousand pounds pork; Corinth, five hundred sacks corn and eight thousand pounds pork; Oxford, two hundred and fifty sacks corn and four thousand pounds pork; Granada, five hundred sacks corn and four thousand pounds pork; Yazoo, two hundred and fifty sacks corn and four thousand pounds pork; Jackson, five hundred sacks corn and eight thousand pounds pork; Natchez, five hundred sacks corn and eight thousand pounds pork; Greenville, two hundred and fifty sacks corn and four thousand pounds pork; Brookhaven, two hundred and fifty sacks corn and four thousand pounds pork; Lauderdale, five hundred sacks corn and four thousand pounds pork; Winchester, two hundred and fifty sacks corn and four thousand pounds pork. Total, four thousand two hundred and fifty sacks of corn and sixty thousand pounds of pork.

Jurors in Texas.

Brevet Major General Griffin, commanding the military district of Texas, on the 27th ult. published an order stating that his attention had been directed to the fact that persons disqualified by law are drawn to serve as jurors in the civil courts of the State, and directs that hereafter no person shall be held eligible to serve, or be sworn in as a juryman, until he shall have taken the test oath prescribed by the supplementary Reconstruction act. To prevent the exclusion of loyal citizens from the jury box, on account of race or color, the General republishes section two of the Civil Rights bill, which prescribes the penalty for depriving any citizen of his rights on account of his having been a slave.

On the 1st instant General Griffin issued the following circular:—

The attention of all persons is invited to the fact that full and perfect liberty must be afforded to the newly enfranchised class of citizens, and all laborers to present themselves before Boards of Registration, when the same shall have been appointed and the registration of voters commenced. No advantage must be taken of the wording of the labor contract or any State law to refuse either the colored or white voter the time necessary to secure registration. Neither shall any voter be prevented, intimidated, or persuaded, from exercising his right of suffrage agreeably with the laws of the United States. Any such interference shall constitute a misdemeanor, and the offender shall be subject to arrest and trial before a military commission.

The Selma, Alabama, Defalcation.

It is stated that the rebel General Joe. E. Johnston is a heavy loser by the alleged Parkman defalcation. All his money was deposited in the Selma National Bank.

UNITED STATES SUPREME COURT.

The Legal Tender Question—Effect of a Special Contract to Pay Deposits in Coin—Payment of Deposits, Under such a Contract Made Before the War, in Legal Tenders, after the Passage of the Act—Evidence.

John W. and Wm. Thompson vs. George W. Riggs and Kleckhofer.—This was an action of special assumpsit, by which the plaintiffs seek to recover the value of what they allege to be a special contract for the deposit of coin. The facts show that in 1861 Riggs & Co. were bankers in the city of Washington; that the plaintiffs were business men and had their bank account with the defendants; and that during the period of these relations of the parties in the summer of that year, the bank currency used in the business of the District of Columbia began to lose its credit and public confidence, and fell below par, making coin as a circulating medium represent one value and bank currency another. To accommodate the relations of the bank to the business of the District the defendants, as alleged, in common with the other banks and bankers of the district, adjusted their books and bank relations accordingly, keeping a coin account, to be responded to in coin, and a currency account, to be responded to in paper. The plaintiffs were depositors with the defendants in the sum of $6,000, $2,500 of which was in currency; and they were notified by defendants that if they would hold the bank responsible in coin for the entire amount of their deposit they must convert the paper into coin. The defendants' request was complied with, and the entire deposit was converted into coin. Thus matters stood until February, 1862, when the act of Congress making Treasury notes a legal tender in payment of all debts was passed. The contract then, by express stipulations, as claimed, was that the deposit in coin should be paid in coin. On the trial the Court excluded proof offered by plaintiffs of the uniform custom of all the banks of the District of Columbia, going to show that the special relation of depositors to the bankers in the district was to receive back their deposits in kind; coin in return for coin deposited, and bank paper in return for bank paper deposited. To this ruling exception was taken, the jury was instructed as follows:—If the jury find from the evidence that the defendants were bankers in the years 1861 and 1862, and that the coin mentioned in the declaration was deposited with them, as bankers, to be repaid in coin, the deposits created a debt from the defendants to the plaintiffs, which could be discharged by a payment, or offer to pay the same in legal tender notes; and if the jury further find that said tender was made, the plaintiffs are not entitled to recover in the action." To this charge exception was also taken, and upon these exceptions the verdict being for the defendants, the case was taken to the General Term of the court (the Supreme Court of the District) where the judgment below was affirmed, Cartter C. J., dissenting. The cause now comes here on the three points—that of evidence, the effect of the special contract, and on the question of the constitutionality of the legal tender act. Nathaniel Wilson and Joseph H. Bradley for the plaintiffs; W. S. Cox and J. M. Carlisle for the defendants.

FIRE AT NORFOLK, VA.

FORTRESS MONROE, May 9, 1867.

The large warehouse in Norfolk, situated on Central wharf, which was totally destroyed by fire at an early hour yesterday morning, was insured for $4,000 in the Manhattan Company of New York. The stores in the building consisting of coal, lumber and 500 barrels of lime were owned by J. W. McCulloch & Co., and were insured for $1,500 in the Home Company of New Haven. The stock outside the building consisting of coal and lumber was insured for $5,000 in the National office at Baltimore. The warehouse was owned by Mr. John M. Southgate. The fire originated by the high tide washing into the room containing the lime and slacking it.

SPEAKER COLFAX AT READING.

READING, Pa., May 10, 1867.

The Hon. Schuyler Colfax delivered his lecture, "Across the Continent," to a large and appreciative audience in this city to-night.

RICHMOND.

SPECIAL TELEGRAM TO THE HERALD.

Violent Speeches at a Negro Meeting—The City Quiet.

WASHINGTON, May 10, 1867.

From Richmond to-day I learn that the disturbance of yesterday is the subject of deep and earnest discussion among all classes there. Those having the interest and welfare of the community at heart are grateful that riot and bloodshed, which would probably inaugurate a war of races, was averted. The whites generally regret the occurrence, though they feel absolved from any blame by non-participation in it, the whole being mainly attributable to the negroes, who, under the influence of incendiary politicians, are now to be controlled. The forbearance of the police in not using their firearms is commendable. The effective manner in which the military dispersed the mob, under the order of General Schofield, exasperated the negroes to such a degree that they now vow vengeance against the Eleventh United States Infantry, who on some future occasion are to be roughly dealt with. It is feared that the expected arrival of Mr. Davis in Richmond will be the signal for a riot, which will exceed in atrocity any of the previous riots in the South. As is the street car difficulty, some of the blacks will be instructed to provoke the ire of the whites by hissing and hooting Davis. Blows will be the result. The blacks will be armed, and Richmond may in a few moments be made the scene of the most appalling horrors on record. It has lately been manifest that the negroes have been for some time seeking the difficulty that culminated yesterday.

The following additional intelligence has just been received from Richmond, Va.:—This evening, at the African church, there was a large and demonstrative meeting of negroes, ostensibly to ratify a convention held last month, but in reality to listen to inflammatory harangues from Down East demagogues. Confiscation was, as usual, greeted with the loudest demonstrations of approval, and one of the Boston orators could have had his policy conveniently carried out when he told his colored hearers, after protecting the life of Judge Underwood, to hold high carnival. After his departure the negroes, if agreeably disposed, might be apt to hold such kind of carnival as would result in pillage and massacre.

The city is quiet this evening, but threats are being freely uttered by the colored men engaged in the disturbance of last evening that the next time the United States troops, especially of the Eleventh Infantry, attempt to treat them after the rude fashion they adopted yesterday, they will meet them fully armed and try conclusions with pistol and sabre.

The negroes still feel very excited over the events of last evening. Quite a number of them have been discharged from employment in the hotels and restaurants of the city, who were engaged in the disturbance. The white citizens are feeling nervous at the consequences likely to flow from the triumph of the negroes over the law and the police.

Judge Underwood, Hunnicutt, and all those white men who have been insiduously exciting the negroes to insurrection, are clearly responsible for the proceedings of yesterday

DESPERATE AND SUCCESSFUL ATTEMPT TO BREAK JAIL AT ST. LOUIS.

[From the St. Louis Republican, May 8.]

Between four and five o'clock on Friday afternoon a most daring escape was effected by several prisoners, the particulars of which are full of exciting interest. The process of "bucketing" the cells was in operation under the superintendence of deputy jailor Cloak. This is done by unlocking all the cells upon one tier, leading the prisoners into the hall, and having the buckets of slops removed by a man employed for that purpose. The men are then put back into their cells, and the next tier is bucketed in the same manner.

It is the general orders that while this is going on the doors between the different departments shall be locked, but in this instance this precaution was neglected, and the result was most unfortunate. As the deputy opened one of the doors and called out a colored man named Pollard to assist in bucketing the female department, five of the prisoners congregated inside made a rush through the door and got out into the hall. One of them, Dick Henderson (colored), as he came out threw a handful of dust or pepper into the deputy's face, but Cloak, although surprised, was not confounded, and had the presence of mind to close the door and turn the key, thus preventing any more of the prisoners from getting out. Immediately on gaining the hall an attack was made on the deputy, George Washington and Johnny Barry, silencing his outcries in garrotting fashion. George W. Richards, alias Tom Heyer, one of the party, interfered on behalf of the deputy, but was knocked down by one of the negroes, who then took the key of the outside door from the deputy. The female prisoners who witnessed the affray became frightened and screamed loudly. One of them, Mary Godfrey, ran forward to assist the deputy, but was hurled against the wall by one of the negroes, but quickly recovering herself ran towards the front entrance to give the alarm. In the meantime the five men had almost effected their escape. As they were going out of the front door Cloak drew his pistol and fired twice, but both shots were ineffectual. The names of the men are George Washington, Dick Henderson, G. W. Richards, John Barry and James Davis (colored).

Major Thomas, the jailor, was in the yard at the time, on the east side of the building. His wife, who was walking in the yard holding an infant in her arms, heard the noise and screamed for help. Major Thomas immediately ran towards the spot. Before her husband arrived, Richards passed Mrs. Thomas, and with great courage and presence of mind she pursued him, and as he was climbing up a shed to get over the wall, she caught him by the leg and pulled him back. Just then Major Thomas came up, and Richards was captured and placed in custody. The other four men made boldly for the street through the office. They were encountered by Major Smith, who struck one of them on the head with a board; but he was pushed aside, and the men reached Sixth street. George Washington ran up Sixth street, and was closely pursued by Major Smith. Near Locust street he was collared by a citizen, and then secured by Smith. The other three men effected their escape. Two of them went down Chestnut street towards the river, and the other went westward and turned into an alley. Later in the evening officer Blue and his party captured Jack Henderson and restored him to gaol.

James Davis, still at large, is the prisoner who escaped some six weeks ago and was recaptured. He is a pure African, five feet six inches high, with a scar on the back of his neck, near the left side, and is very bow-legged.

John Barry is five feet eight, pock-marked, weighs 180 pounds, has blue eyes and light hair, and is about twenty-six years old. He is under sentence for burglary, and was to have been sent up to Jefferson City to-day.

Vigorous efforts are being made to capture the daring runaways, and in all probability they will be arrested in a few days.

NEWS FROM SAN FRANCISCO.

SAN FRANCISCO, May 10, 1867.

The steamship Golden City sailed for Panama to-day. She carried out $1,072,635 in treasure, of which $774,312 were for New York. She also took out 11,636 bbls. of flour.

The following mining stock dividends have been declared, payable on the 15th inst:—Hale and Norcross, $125 per foot; Crown Point, $80 per foot; Imperial, $15 per share.

The trotting horses May Queen and Latham were shipped on to-day's steamer for New York.

The ships Harvest Queen, for New York, with 15,000 sacks of wheat and 4,000 barrels of flour, and the Harvest Queen, for Liverpool, with 39,000 sacks of wheat, have cleared.

Flour is unchanged. Wheat dull at $2 a $2 12. Legal tenders, 74.

MANUFACTURE OF BREECH-LOADING FIREARMS.

SPRINGFIELD, MASS., May 10, 1867.

Offers have been received at the United States Armory in this city for a large and immediate increase in the production of the breech-loaders of the latest model. The force of workmen will be greatly enlarged, and the old muskets remodelled at the rate or five or six hundred per day.

FIRE AT NEWBURYPORT, MASS.

BOSTON, May 10, 1867.

The Essex hat factory in Newburyport was partly destroyed by fire this morning. The buildings were owned by James Boss. The loss is $8,000, which is insured.

A PUZZLE FOR ARCHITECTS.—The Nassau (Bahamas) *Guardian*, describing the dilapidation of a building near that city, says:—The foundation of the house is all that remains of it, *besides a brick chimney*, which the hurricane of October last severed in twain; but so strong was the workmanship that the upper portion fell without the displacement of a brick, and now rests in a diagonal position against the fire-place.

A TREASURE LOST AND RECOVERED.—A few days since a man from the rural districts brought an old cooking stove into the city and had it sold at one of the auction rooms. On returning home he was much dismayed to learn that his daughter had a few days before placed in the stove oven a box containing $200 in cash, and all his deeds and valuable papers, thinking that no burglar would look there for valuables during a temporary absence of the family from home. He returned to the city in hot haste, and after considerable delay and anxiety he traced the stove some ten miles to the house of a farmer, and succeeded in gaining his lost property.—*Worcester Spy, May 7.*

A gentleman who was on his way Sunday evening last to visit the grave of a younger brother, who died in the Confederate service, discovered just as he reached the gate of the cemetery three former servants of the family approaching the grave with flowers and evergreens in their hands. Keeping out of their view he watched them until they reached the grave, when one of them climbed over the iron railing, took the flowers and evergreens from his companions and laid them tenderly on the grave of his former young master.—*Lynchburg Virginian.*

The trial in Omaha of Otway G. Baker, for the murder of Higgins, bookkeeper of William R. King & Co., robbing of the safe of $1,500, and setting the store on fire, lasted three days, terminating in a disagreement of the jury, eleven being for conviction.

JEFFERSON DAVIS.

Service of the Writ of Habeas Corpus on General Burton—The Accused to be Surrendered to the Court on Monday Next—Floral Offerings to the Davis Family.

FORTRESS MONROE, May 10, 1867.

The writ of habeas corpus in the case of Jefferson Davis was served this morning on General Burton by Marshal Underwood and Deputy Marshal Duncan. General Burton first decided to deliver Mr. Davis over to the custody of the Marshals to-morrow morning, but afterwards determined on obey the writ literally, requiring him to produce Mr. Davis before the Richmond court.

Mr. Davis and family, General Burton and the Marshals are going to take the steamer to-morrow for Richmond, and upon arriving there will stop at the Spottswood Hotel.

General Burton on Monday will personally produce the prisoner in the court.

In the event of Mr. Davis being released by Judge Underwood under the writ he will be immediately rearrested and placed on trial under the indictment for treason.

Robert Ould and numerous other visitors reached here this morning, bearing bouquets and other presents to Mr. Davis and his family.

The utmost interest and anxiety is manifested at Norfolk respecting the probabilities of the trial and release of Mr. Davis.

The following is a copy of General Burton's orders:—

WAR DEPARTMENT, WASHINGTON, May 8, 1867.

Brevet Brigadier General H. S. Burton, U. S. A., Commanding Officer at Fortress Monroe:—

The President of the United States directs that you surrender Jefferson Davis, now held confined under military authority at Fortress Monroe, to the United States Marshal or deputies, upon any process which may issue from the Federal Court of the State of Virginia. You will report the action taken by you in this order, and forward a copy of the process served upon you to this office.

By order of THE PRESIDENT,
E. D. TOWNSEND, Assistant Adjutant General.

Chief Justice Chase to Preside at the Trial of Jeff Davis.

RICHMOND, VA., March 10, 1867.

It seems impossible to ascertain positively whether Davis will be tried or not. To-day, in conversation, Judge Underwood said that if the trial did not take place it would be because the attorneys on one side or the other were not ready to proceed; that the Court was ready and the Chief Justice would preside. On the other hand, Mr. Chandler, the District Attorney, expresses doubts as to whether the trial will take place.

It is asserted by one party that the Executive Department does not desire Davis to be tried at all, while it is anxious that he shall be released from military custody, and the responsibility for his further detention or his admission to bail shall be thrown upon the Judiciary. As the programme is now arranged, the counsel for the Government will not resist the discharge of the prisoner from military custody, who will in that event be at once arrested upon a bench warrant under the Norfolk indictment; which being done, and Government counsel professing themselves not ready for trial, they will not resist the application on behalf of the prisoner for admission to bail—authority for which is found in the act of September 24, 1789. But to-night Mr. Chandler proceeds to Washington to meet Attorney-General Stanbery and Mr. Evarts, where to-morrow they will have a further consultation with the Government, and the three will in any event reach this city on Sunday evening with a course of procedure finally marked out.

The declaration of Judge Underwood that Judge Chase will preside makes it probable that if the latter is not here on Monday, as now seems likely to be the case, the whole matter may be postponed until his arrival.

Davis will be brought up by special boat to-morrow, the purpose to bring him by regular boat having been abandoned. Rooms for his reception are being prepared at the Spottswood.

General Schofield and Mayor Mayo have requested the various newspapers to notify the people not to assemble on the streets upon the arrival of Mr. Davis, as no demonstration of any kind nor any crowd will be allowed.

General Schofield has just received a despatch from the fort to have carriages at Rockett's to-morrow evening for General Burton and Jefferson Davis and wife. Davis will occupy the same room at the Spottswood that he did when he first came here as President of the confederacy. There is a rumor in circulation that he will arrive to-night, but it is apparently unfounded.

The statement that the Grand Jury have indicted the proprietors of certain newspapers in this city is utterly without foundation. No steps to that end have or will be taken. To-day the Grand Jury, after consultation with General Schofield, refused to indict the street car conductor for the ejection of the negro Scott on Friday last.

Ex-President Pierce and Davis' Trial.

BALTIMORE, May 10, 1867.

Ex-President Pierce arrived in this city this morning by the steamer from Fortress Monroe, where it is said he had gone to visit Jeff. Davis on important business connected with his trial. After breakfasting he proceeded to the residence of C. W. Lentz, to visit Jonah D. Hoover, who was United States Marshal of the District of Columbia during his administration.

CANADA.

Tragedy on Board the Steamship Nestorian.

MONTREAL, C. E., May 10, 1867.

A tragedy occurred on board the Nestorian during her voyage to this port. A lady, whose name is unknown, embarked at Liverpool, and, between that port and Derry, discovered her former husband on board the vessel, and was so seized by remorse that she sprang over the side of the vessel and was drowned. All attempts to rescue her were in vain.

The vessels at present in the harbor are the steamships Nestorian and St. George, ships Uleaflife, Anglesea, Roseneath and Pomera, and bark Clydedale.

The river has risen several feet, and the wharves are inundated. The weather is cold and wet.

SINGULAR DIVORCE SUIT.

A Husband Found After Thirty Years' Absence—Reconciliation and Second Desertion.

[From the Chicago Tribune, May 6.]

A bill for divorce has been filed in the Circuit Court by Catharine against John Spellman which presents many unusual features. The first peculiarity is that the petition asks not only for a divorce but an injunction to restrain the husband in the use of $30,000 worth of property, and a writ, *or se exeat republica*, retaining him under bonds to remain in the adopted State. Bishop.

A greater peculiarity is presented in the bill itself. If the petition be true (and being under oath it is so to be considered), the case presents in brief the history of several checkered lives. The bill alleges that the parties were married during the year 1830, at Muggalomach, in the county of Mayo, Ireland. They lived together until some day in May, 1835. The five years of their married life resulted in the birth of three children—Patrick F Spellman, now aged thirty-five; Bridget Craig (wife of Owen Craig), now thirty-four years of age, and Michael Spellman, aged thirty-two years. About the time of the birth of the last child it is charged that the defendant absconded from his native soil, taking his way to some land unknown to his family. Two years after his wife received a letter from John, remitting to her twenty dollars. Eighteen months after she acknowledges the receipt of fifteen dollars accredited to her faithless John by the hand of his brother Patrick. This last remittance was made from New York. It is charged in this connection that the respondent, having left his home and three small children and his wife, leaving but twenty dollars in money, and about fifty dollars' worth of furniture, the amount remitted was insufficient to the support of the family.

No further communication was had between the two branches of the family until the year 1856. In the year 1856 the deserted wife says she came to New York. She stayed there some time and migrated to Philadelphia, as she claims, in search of her husband and a livelihood. She afterwards came to this county, and on the twelfth day of October, 1858, her eldest son saw his father in the county of Stephenson, Illinois, a wealthy farmer, with a second wife and a family of two children to assist him in the performance of his agricultural labors. The second wife is charged to be one Sarah Austin, known as Sarah Spellman or Mrs. Spellman, and with her he is said to have lived twenty-eight years, two children having been the result of the bigamous connection.

This discovery being made, a correspondence ensued between the parties interested in the first marriage and the violator of the marital bond. It resulted in his visiting Philadelphia, where he met (as is charged) his wife, on the thirteenth day of January, 1866. He made protest of renewed affection—of a revived love—and she alleges that, believing his protestations, she consented, on condition that he would have never more aught to do with Sarah Austin, to pardon him his delinquencies and receive him to a husband's share in her affection and home. A further moving reason to this condonement is alleged to be the fact that the defendant had property and the wife had none.

Having reunited their fortunes the parties lived together after a separation of over thirty years for two score days, and then, it is alleged, the respondent proposed to return to his farm in Stephenson county, to close up his affairs and sell off his property. Confiding in his integrity, his wife charges that she let him begone, and since that time she never saw "hide nor hair" of him. She does charge, however, that her best information leads her to believe that he returned to Sarah Austin, known publicly as his wife, with whom she charges he committed adultery, and is now living in a state of open violation of the law.

The defendant in this case is represented to be a man of means. His estate is valued at $30,000, yielding an annual income of $3,000. He is said to own a section and a quarter of cultivated land in Stephenson county, with almost any quantity of necessary farming utensils, cattle, &c.

The bill is supported by the affidavits of the two sons of the parties, and the injunction and writ both issued.

A WESTERN STEAMBOAT SNAGGED.

ST. LOUIS, May 10, 1867.

The steamer Wagner, of Cincinnati, running between Omaha and Sioux City, snagged yesterday eighteen miles below Decatur. The boat was loaded with grain and railroad ties, and is a total loss. She was valued at $25,000.

AMUSEMENTS.

Ristori's Mary Stuart.

Last evening Madame Ristori appeared before a large audience assembled in the French theatre to witness her impersonation of the title rôle in Andre Maffei's version of Schiller's five-act tragedy of Mary Stuart. The performance was witnessed by the usual congregation of the *élite* of New York society, and the fine points of the "star" actress did not fail to elicit, as usual, the applause of the critical audience. Her extend periods won special commendation from the critically disposed, on the ground that the "points," though made artistically, never once violated the propriety of dramatic praise.

Stadt Theatre.

Mr. Bogumil Dawison had a benefit at this theatre last night, on which occasion he played "King Lear" for the first time in America, supported by the following cast:—The Earls of Kent and Gloster, Messrs. Frank and Knorr, and the three daughters of the unhappy King, Goneril, Regan and Cordelia, Miles. Elise Hoym, Becker Graham and Irschick. Dawison appeared for the first time in a great and peculiar character, which has been immortalized by Kemble, Kean, King, the elder Booth, Macready and Forrest, and which taxes the physical as well as the mental powers of the greatest actor. In the play we have a doting, irascible, unreasonable father, the division of a patrimony, in which the largest shares are won by the loudest professions of loyalty and love; the bitter experience of filial ingratitude from those who pretended and who owed most filial piety, and the manifestation of tenderness, respect and care from the quarter whence it was least expected, and the most extravagant demonstrations of a father's appreciation of the above mentioned ingratitude. Of course Mr. Dawison is no longer young, and is therefore unfit to give expression to the physical dramatic power requisite for the crazy monarch, but the intellectual conception of the rôle is grand. We feel and sympathize with the mortal anguish of the unhappy father, when the terrible truth dawns on his mind, that the daughters in whom he trusted so implicitly are ingrates of the blackest kind and we are thrilled with the fate of the luckless Gloster and we abhor the unnatural Edmund who flings all the ties of nature at defiance. The impersonation of Lear all through was that of a weak and doting old man, with considerable dignity, but little force of passion. Dawison is a great actor, but Lear is beyond his physical if not his mental powers. We look for something more in Lear than a mere display of the intellect, in regard to correct declamation and enunciation of the sublime thoughts which Shakspeare puts in the mouth of the unhappy monarch. We look for an indescribable something in this character, a kingly dignity amid the most terrible humiliations (which Mr. Dawison preserved), and an utter abandon in the well known scenes when brain and dignity give way (which Mr. Dawison had not), and in each scene that one ruling idea of the great dramatist, the ingratitude of children. Mr. Dawison's Lear is a remarkable impersonation, but marked with the faults that might be expected from his previous attempts at representing characters requiring physical as well as intellectual force and power.

The Olympic Theatre.

Two popular pieces, David Copperfield and Pocahontas, were produced at this theatre last evening, Mr. John Brougham sustaining the leading character in each. The sanguine and rhetorical Micawber, with his firm trust in the temporal blessings which a kind Providence might shower down upon him in the future is well known as one of Mr. Brougham's most successful impersonations; and his rendition of the part last evening was hailed with abundant marks of favor and approval. Pocahontas has been carefully adapted to the present time, and abounds with allusions to events of an extremely recent date, the Excise law receiving especial notice. Mr Brougham, as Powhatan, was to the last degree comic, dignified and melodious, while Mrs. Gomersal as Pocahontas was extremely successful.

At the conclusion of David Copperfield, Mr. Brougham was called before the curtain, and was greeted with a storm of applause, accompanied with a shower of bouquets. After bowing his thanks, he made the following humorous and characteristic remarks:—

LADIES AND GENTLEMEN—What can I say to you for this magnificent demonstration? I would like to say a great deal, but I am completely overpowered. I do not know what to do with these heavenly bouquets. I have never before had the opportunity to do anything with such things; but, I suppose some kind friend has done it to-night to embarrass me. He certainly could not have taken any more effectual means of doing so. Perfectly unaccustomed as I am to such floral offerings, I assure you that I would like to return thanks in the proper way, but, I assure you, it is impossible at the present moment. I will tell you why. I do not feel at all like myself. I am in a position very like that of a friend of ours, called the chameleon, which lives on air. I wish I could live on such atmospheric diet, but I cannot. Like the chameleon, I am affected very greatly by surrounding circumstances, and imbibe and absorb the individuality I am endeavoring to represent, and it is utterly impossible for me to get from it into my own individual self in a very great hurry. I should like to return thanks like myself, and not like Micawber, although I feel to-night a little Micawberish myself. Indeed, I have felt so ever since they were "playing with fire" at the Winter Garden, and I have been obliged to wait for something to turn up. I thank you very kindly, and am pleased to know that owing to the kindness of my worthy friend, the manager of this establishment, I have been enabled to pay my respects to you earlier than I thought I should have been able to do. I have to return thanks to the audience for the kind and zealous manner in which they have supported me on this occasion. I owe a debt of gratitude to the New York public, which it is utterly impossible for me to repay. A debt acknowledged is half paid. Let once pay you one-half of my debt, and the other shall be enshrined in my heart until the great heartbreaker runs away with my heart, bank and capital together.

Broadway Theatre.

The Broadway theatre, of late a favorite and fashionable resort for play-goers, was crowded to the doors last night, on the occasion of the benefit of Mrs. Barney Williams, who sustained the part of Mokelhee, the good woman, in the legendary drama of The Fairy Circle.

At the conclusion of the second act Mr. Williams addressed the audience as follows:—Ladies and gentlemen—As this is the last night of our engagement, it becomes my duty to say a word at parting on behalf of myself and wife. I have become a manager. Do not let that frighten you; for your patronage of many years will ever last in my memory. Now, wishing to settle down after my travels, I become the lessee of the Broadway theatre, which, it is my intention, shall excel all other places of amusement in the city; and