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OFFICIAL PAPER OF GENERAL COUNCIL. .....NEW-ORLEANS, THURSDAY MORNING, AUGUST 2, 1849.

MAGNE & WEISSE, Proprietors. No. 62 CHARTRES STREET.

TERMS OF THE BEE.

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☞ For the advantage of Annual Advertisers it is limited to advertisements strictly within the line of their business, and in extent to one square every quarter.

Notice.

No person is authorized to receipt for the proprietors of the Bee, but Mr. E. Duverger, our book-keeper, and Messrs. E. Morton Quirk and Delaneuville, our collectors.

MAGNE & WEISSE.

New Orleans, 31 April, 1849.

FOR GOVERNOR,
ALEXANDER DECLOUET.

FOR LIEUT. GOVERNOR,
DUNCAN F. KENNER.

For Auditor of Public Accounts,
LOUIS BORDELON.

For Congress,
FIRST DISTRICT.
O. P. JACKSON.

SECOND DISTRICT.
CHARLES M. CONRAD.

The New-Orleans Daily Bee.

Thursday Morning, Aug. 2, 1849.

"A Change of Men."

It is stated by the *Republic*, as a well ascertained fact, that even at this day, when the hand of office has attempted to equalize the distribution of public offices, the Locofoco *employés* of the Administration outnumber the Whigs in the proportion of ten to one.

This is a revelation that will strike the public with astonishment. The Locofoco organ at Washington has been uttering such fearful yells at every dismissal which the Government has been constrained to make, that the uninitiated might well imagine Gen. TAYLOR to be the incarnation of ruthless political hatred. The *Union* teems with editorials and communications, of which proscription is the sole theme. Its best cognomen for the Secretary of the Home Department is "Butcher Ewing," while it appends to the title of the Postmaster General the *sobriquet* of "The Heads man." Its evident object is to create the impression that every political opponent of the administration is ejected from office, and that Gen. TAYLOR has proved himself more intensely proscriptive than JACKSON, POLK or any other Locofoco president of memory.

The *Union* by this policy, seeks to deter the Administration from bestowing a fair share of official patronage on its friends, that journal seems certainly to have attained its purpose; since it is obvious from the statements of the *Republic* that the "change of men" promised by Gen. TAYLOR has been very imperfectly accomplished, when nine tenths of the places which the gift of the Government are held and enjoyed by the most pertinacious foes to Gen. TAYLOR and to those principles upon which his election was so triumphantly carried.

The remonstrances that have been made demonstrate that it is not yet the necessity for further action. It is a singular fact that nearly every prominent Locofoco office holder who has been removed from the Government, has assailed the President and his cabinet with virulence, venom and personal rancor. These gentry appear clearly to have imagined, not merely that they were duly entitled to retain their places under a Whig administration, but that as the avowed and active enemies of the Government, the most unprincipled inventors and propagators of the vile and lying slanders with which the Cass & Butler organs reeked during the late campaign, as the recipients of the bounty of a Government which they regarded with suspicion and openly derided and abused, they were yet entitled to immunities and allowed to batten on the emoluments, even while mocking and reviling the generosity that spared them. This forbearance has caused by their subsequent conduct. Such foul mouthed rabidity, such mere wantonness of malevolent abuse as has been poured forth against the administration by its recent beneficiaries, may challenge comparison with the most beastly vulgarities that are sent forth from the night orgies of Five Points.

When some of these have furnished specimens of the vituperative and depraved vocabulary, but exhibit consummate rather to pollute our columns by their publication. The reader may sup full of coarseness and backgammon, if he thinks proper to consult the pages of the Washington *Union*, and particularly the communications which, under the signatures of "Heroic Age," "Montgomery," and the like, impart the requisite spice of rabidity to its otherwise flat and feeble declamations. The revolting task will convince every friend of decency, as well as every supporter of General TAYLOR, that the "change of men," herald of last summer as one of the expected fruits of a new Administration, is not yet fully consummated.

☞ Yesterday's *Crescent* contains the valedictory of JOHN C. BARRE, Esq., who, after many years, in connection with the press of New Orleans, has withdrawn from the cares and responsibilities of the editorial profession, to devote himself exclusively to the practice of the law. Mr. BARRE takes leave of the public in a sensible, feeling and manly address. We are sorry to part with this gentleman, for as a vigorous and thoughtful writer, he has largely contributed to enhance the character and reputation of the press of New Orleans. It will be however, a source of satisfaction to the readers of the *Crescent* to learn that that paper will lose sight by the severance of its connection with Mr. BARRE, since under the direction of its present able and excellent conductors, it will doubtless, maintain the elevated position it has assumed among the journals of the country. Its sheet and simple justice, we are bound to acknowledge that the *Crescent* has proved, when its originators pledged themselves to render it an independent paper, controlled by no cliques, inaugurated by no spirit of partizanship, honest, dignified, diligent and enterprising. Such a paper merits public approbation, not the so-styled neutral press is so commonly a disguised organ of one or the other political party, that people have come at length to regard professions of neutrality with thorough distrust, and to look upon most of these prints as the indirect, but not less potent auxiliaries, of Whigs or Democrats. We are happy in recognizing the *Crescent*, as a marked exception to the rule, and trust that while it continues in the honorable and useful career upon which it has entered, it will find substantial remuneration in the liberal encouragement of the public.

TREMENDOUS RISE IN ALABAMA RIVER.—The Mobile *Herald* gives the following extract from a letter of the 26th ult., written at Tate's Shoals.—

The Alabama river has risen at this place about eleven feet since Sunday last, and is still rising rapidly. All the plantations in this vicinity are almost entirely under water, and the loss to the plantations will be almost incalculable. I saw a gentleman this moment who left Selma yesterday morning—he says all the plants coming from here to Selma, are more less under water, and the river rising at Selma where he left. He says the Cahawba river is higher than it ever was known to be before.

LATE AND IMPORTANT FROM VENEZUELA.—Letters from Venezuela, under date of July 5th, received at Boston, state that it is reported that Coro Fort has again disembarked at Coro, for the purpose of meeting Monagas. On the 24th of June, a body of horsemen attacked the residence of the President, Monagas, but retired after a few shots had been fired. At the same time, a number of the people rose against the Government in different parts of the Plains, and civil war has again broken out. President Monagas immediately assumed extraordinary powers, and arrested a number of the rebels. Prosecutions of all kinds result; and while insurgents are without means, chiefs or plans, the Government has full power, and is raising funds by forced loans. It is feared that the result will be, that party order will be more subverted than ever.

☞ We are happy to state, says the N. Y. *Tribune*, that Mrs. Rathbon is this morning much better, and great hopes of her recovery are entertained by the attending Physician.

DAY OF FASTING.—By the proclamation of His Honor, the Mayor, in another column, it will be seen that he invites the citizens of New Orleans to observe the President's recommendation, and keep Friday, the 3d of August, as a day of fasting, humiliation and prayer. We are glad to perceive that Mr. CROSSMAN has added the weight of his official recommendation to that of the Chief Magistrate of the nation.

NEW WEEKS.—Our thanks are due the publishers, D. APPLETON & Co., through J. B. STEEL, No. 14 Camp street, for the following new publications:

Classic French Reader, by Alfain de Fivas. This is a compilation of passages from the works of the celebrated French authors, and is intended for such students as are sufficiently advanced to appreciate the beauties of the standard literature nce The Americanol aF edti ,of Mr. Jewett, has appended to it a vocabulary of all the words and idioms contained in the text. It is an admirable work, prepared with great discrimination, and will prove highly useful to the French student.

A Treatise on Algebra, for the use of Schools and Colleges, by S. Chase. This volume seems to have been carefully arranged. The explanations are perspicuous, and the system is entirely progressive.

Italian Comedies, selected from the works of Goldoni, Gerauld and Nota. The author of this volume has rendered a service to literature by introducing these fine productions—the most perfect of the kind in the Italian language—to the English. They are translated with much taste and correctness, and as literally as the genies of the two languages will allow.

☞ *The Village Doctor*—This is an English version of an exquisite story by the Countess d'Arbouville.

Later from California.

Some days ago we gave a brief account by Telegraph, of later intelligence from California. The following is a somewhat fuller statement of the news:

Letters from San Francisco, to May the 19th, one day later than previous accounts, have been received at Boston, via Mazatlan. The market was overstocked with many descriptions of goods, which were selling at low rates. Some dozen vessels were daily expected from the Celestial Empire.

The charges for storage and landing goods were enormous; from $3 to $4 per month was charged storage, and $6 to $8 per ton for landing goods. The anchorage was crowded with vessels, and others were arriving daily. Some hundred more were expected in August. Many articles of merchandise could be purchased from 30 to 50 per cent. discount on the invoice. Building materials, principally house frames, complete, boats of good descriptions, and carts, with every thing complete, would do well. Provisions and clothing were abundant and cheap. Lumber was worth $400 per thousand feet, and scarce at that. Large portions of the inhabitants in San Francisco were madly gambling in land.

New towns were being laid out in different spots around the bay, and building lots, in wilderness sites, were selling at from $100 to $2,000 each.

San Francisco was full of people, and it is not an uncommon thing for twenty or thirty individuals to occupy one small apartment; the tents about the town are innumerably crowded. Rooms twenty feet square let from $600 to $800 per annum. Building lots, worth two years since $200, now sell for $50,000.

The gold dust this season had not been dug out very freely, owing to the swollen state of the streams; but no doubts were entertained but that as much would be gathered this year as last—as the number of laborers this season exceeded those of the previous one.

At the mines, as yet, matters remain very quiet—but fears are entertained that ere long there will be serious disturbances between our countrymen and the Mexicans—as some six thousand of the latter have arrived in the country and evinced a most turbulent disposition. You may rest assured, however, that should any important outbreak take place, they will be *shot down to a man*.

News has just been received, that six men in twenty days, near the Feather River, procured *sixty thousand dollars* in gold dust.

The ship Grey Eagle, from Philadelphia, J. C. Fremont, from Baltimore, the Huntress, from Valparaiso, and another ship, have just arrived—and thus they pour in almost daily. There are upwards of seventy square-rigged vessels now in port, and a number of small craft. The Hortensia sailed from the bay for Mazatlan.

MISERABLE AND SILLY HOAX.—A few days ago the Columbus (Ohio) *State Journal* received the following despatch:—

"WASHINGTON, July 20.

"*Editors Ohio State Journal*

"Gen. Taylor died of Cholera this morning.

"*Intelligencer.*"

Having ascertained, on enquiry at the telegraph office, that it appeared to have come direct from Washington, it was issued in extras by both the Journal and Statesman, and caused great consternation in the vicinity. On the following morning, it was found, on enquiry, to be a hoax, and efforts are making to detect the fellow author. The editor of the Journal, on learning that there was no truth in the despatch, declares that he felt like giving another "Hurra for old Zack."

CHICAGO, July 23.

DESTRUCTIVE FIRE IN CHICAGO.—Another destructive fire occurred in this city on Saturday night, consuming the entire block of buildings bounded by Lake, Dearborn, State and Randolph streets, with the exception of three fire proof stores on Lake street, and a row belonging to George Smith on State street, which were saved. The buildings destroyed were mostly frame, and consisted of dwelling houses, shops, and several taverns. The adjoining property was a good deal damaged. The entire loss is estimated at nearly $50,000.

News by the Telegraph.

PHILADELPHIA, July 24.

The Board of Health report 65 new cases and 18 deaths of cholera to-day. The disease is mostly confined to the hospitals and filthy parts of the city.

PITTSBURG, July 24.

The cholera is fast disappearing from our city, owing, it is supposed, in some measure, to the favorable state of the weather. But one death from that disease has taken place for the past 24 hours ending at noon to-day.

CINCINNATI, July 24, P. M.

I am glad to announce that that dreadful scourge, the cholera, is fast abating, and the gloom which it has cast over our city, is giving place to more cheerfulness. For the past 24 hours, ending at noon to-day, there have been but 20 deaths of cholera, and 12 from other diseases.

BOSTON, July 24.

From Buenos Ayres—The Markets, &c.

The ship Shaw arrived here to-day from Buenos Ayres, bringing dates to the 6th ultimo, but no news of moment.

Our market is steady—flour and grain in full demand.

No cholera reported—the city is healthy.

THE REGATTA IN MOBILE.—Tuesday's *Herald* contains the following brief account of the result of the regatta:

Third Class—Sail Boats.

The Adrian,	1
" Hellen and Mary,	2
" Adele,	3

The Stingaree, Frank Johnson, Katherine, Bright Liberty, Swallow, and Francis, Jr., were not placed.

Fourth Class—Sail Boats.

The Uniform Soldier,	1
" Laura,	2
" Wave,	3

The Little Bird and Sea-gull did not start.

For the fifth race—for skiffs with two pairs of skulls, only the Water Lilly started; the others having declined the contest.

The weather was truly delightful—the crowd immense—the sport throughout excited the utmost interest and attention.

THE REGATTA.—From the late hour at which the final contest closed, it is impossible to give any thing beyond a record of the results. The nature and terms of the separate contests will be seen by reference to our sport.

First Class—Sail Boats.

The Joseph Forsyth,	1
" Unolne,	2
" Stingaree,	3
" Pilgrim,	4
" John King,	5
" Suzoo,	6

The Beddors did not come to the starting wharf, nor round the stake boat; nor did the Foster or the Eudelem perform the latter condition.

The Forsyth measures 10 tons, while the Undine is but 3 55—and the difference in their time was 6m. 15 sec.

Second Class—Sail Boats.

The John Prince,	1
" Catharine,	2
" Nymph,	3
" Blue tail fly,	0
" Yacht,	0
" Growler,	0
" Scraly,	0

The last four were not placed.

HEALTH OF CHARLESTON.—We are happy in being able to state, says the Charleston *Mercury* of the 27th ult., that during no previous period at this season of the year, has our city enjoyed a better condition of health than at present.

PROCLAMATION.

MAYORALTY OF NEW ORLEANS,
August 1st, 1849.

WHEREAS, His Excellency, Z. TAYLOR, President of the United States, has issued his proclamation recommending to the people throughout the United States to set apart FRIDAY, the 3d of August, 1849, as a day of Fasting, Humiliation and Prayer, "to assemble in their respective places of public worship, to acknowledge the infinite goodness which has watched over our existence as a nation and so long crowned us with manifold blessings, and to implore the Almighty, in His good time, to stay the destroying hand which is now lifted up against us," I, A. D. CROSSMAN, Mayor of the city of New Orleans, do therefore recommend to the good citizens of New Orleans, to observe FRIDAY, the 3d day of August, as a day of Fasting, Humiliation and Prayer.

A. D. CROSSMAN, Mayor.

☞ A writer in the *Dispatch* says, that the present commander of the Italian army, contending against "Republican" France, was once the keeper of a COFFEE HOUSE, on Sixth street, Cincinnati.

The Indian Outbreak in Florida.

The Charleston *Courier* received from its correspondent at Jacksonville, the following accurate account of the hostilities of the Indians on Indian river:

JACKSONVILLE (Fla.) JULY 23d, 1849.

On Thursday, the 12 inst., a party of Indians came in at the house of Col. Wm. F. Russell, of Indian River, before breakfast, and remained around the yard till about 11 o'clock, A. M., when they left and went to the house of Capt. Gottis, about half a mile distant, stopping a short time, and returned again to the house of Col. Russell. They evinced during both of these visits, the most friendly feelings, making presents of beads, rings, &c., to the children. After remaining a short time two of the party went to the house of Mr. Ward and rifled it of every thing. Mr. W. and family were absent at the time. They again collected at Colonel Russell's, where they remained until 4 P. M., when Col. R. walked to the field of Mr. Barker, (who was engaged in planting potatoes,) about 30 rods distant and in plain view of the house. Immediately after Col. R. left, the Indians shook hands with the family and bid them good bye. In a short time they appeared on the back of the field which we had planted in cane, and approached within 25 yards of Col. Russell and Mr. Barker, halted and took deliberate aim with their rifles and fired, wounding Col. R. by striking his arm, and grazing his shoulder, dropping their rifles pursued Mr. Barker, (who we suppose was wounded,) towards his house. When within a few rods of it they succeeded in striking him many times, causing his death immediately. They then pursued Col. Russell who ran to the house of Capt. Gottis, alarming his family at the same time by crying run! run!—The arms of Capt. G. not being fit for use they speedly launched two boats in the river; as the last boat was leaving the shore in which Messrs. Brayton, Navarro and a negro man, eight Indians came up within thirty yards and fired deliberately at them in the boat, taking rests over the fence, *four* other shots were fired at the same boat after an interval of about a minute—one ball passing through the sleeve of the negro man, was all the injury done. Five minutes after they fired the house of Capt. G. The families of Col. Russell and Mr. Barker, numbering 20, made their escape in two boats, consisting of Mrs Russell, Mrs Barker and Mrs Bullock and six white children, aged from one to twelve years—five negro women and six negro children, aged from one to ten years.

As the boats pushed out the wind blew violently, which caused them to separate; one of the boats having a sail, made up the river and was picked up on the second day following by Messrs. Brayton and Morrison, and taken to New Smyrna. They subsisted by taking oysters and opening them with their oyster knives. The other boat, containing the negro man on the breach and Russell's daughter, succeeded in walking to Mr. Seibles', at Cape Canaveral, a distance of seventy miles, in 48 hours, without any subsistance and getting a little water twice remaining at that place two days, they walked to New Smyrna, some forty miles.

Every member of the settlement, numbering some fifty individuals, succeeded in making their escape except Mrs. Barker, some in small boats, and the balance in a little schooner of five tons, and have sailed for St. Augustine. The next day Messrs. Gottis, Brayton, Morrison and Navarro visited the premises of Messrs. Ward, Russell and Barker, and found them stripped of everything, even the ticking of their beds, breaking all the furniture, opening the trunks, and taking everything valuable out of them. Some of the cattle were seen dead and floating in the river—every horse gone.

As the boats were passing up the river on their way to New-Smyrna, Indian fires were seen gradually extending north on the main land, the last one opposite Merritt Island, some sixty miles from the scene of action."

I deem it not improper to state upon the authority of several concerned that their almost miraculous preservation was owing to the gallant and noble conduct of Messrs. Brayton and Morrison, who with a good boat and high wind went lightning-like up and down the sound, giving all warning and robbing the treacherous savage of his prey. In Mr. B's report to me, however, he was too modest to mention this. I am at present on the march, "its past midnight.

In haste, your friend,

C.

City Intelligence.

THE SACHE CREVASSE.—In consequence of the rise of the river, it appears that the water is in some places running over the works constructed by Messrs. Burgi and Dunbar at Sauve's crevasse. No danger, however, is apprehended of an overflow. The Mayor has authorized Mr. Merritt, who owns a wood yard in the vicinity of the place, to set his hands at work and strengthen, if necessary, the barrier to the flood.

A CASE OF BANKTHOMIA.—P. Rabouin, the doorkeeper of the Union Bank, made an affidavit yesterday, before Recorder Genois, setting forth that an unknown individual was frequently in the habit of coming into the Bank, and committing scandal and disturbance. Yesterday morning, the party in question entered the Bank shortly after 8 o'clock, and approached Mr. Frey, the Cashier, and struck him. This proceeding being entirely unauthorized by the last Bank law, a police officer was despatched to hunt up the unknown individual.

COMMITTED.—John Wilson, was committed yesterday by Recorder Genois, before the First District Court, on the charge of having stolen the sum of $15 30c from Antoine Canu's fruit stand in the Vegetable market.

LARCENY.—Jane Kent was arrested early yesterday morning in the Louisiana Ball Room, Third Municipality, at the request of one Hollman, who charges her with having stolen $3.

ROBBERY.—Kaul Noanan, whose arrest we noticed yesterday, on a charge of swindling, was brought up yesterday before Recorder Genois, on an accusation of robbery preferred against him by David Hilt. The affiant and the accused were fellow passengers on board of the steamship Galveston on the 18th ultimo, and the former now alleges that Noonan stole from him a bag containing $108 in money. He furthermore states that on the 30th July, the prisoner stole from his trunk eight tin plates, a clock and a medallion. He was committed for further examination.

BRUTAL ASSAULT.—B Watson was arrested yesterday in the First Municipality, on the charge of having on the evening previous forcibly broken open the gate of his brother's premises, at the corner of Toulouse and Marais streets, after which he fell upon him, and brutally beat both himself and family. Recorder Genois ordered him to stand committed, until he furnished bail to keep the peace in the sum of $1000.

CORONER'S INQUESTS.—An inquest was held yesterday on the body of a man named Wm. Nott, a native of Dublin, aged 30 years, who died suddenly at a boarding house in Tchoupitoulas street. Verdict, "Congestion of the Brain."..... Also, on the body of a lad named Pierre Fillet, 18 years old, who was found drowned in the river opposite Macarty's plantation in the Third Municipality. Verdict accordingly.

LOSS OF THE BARK CHARLES BARTLETT.—Capt. Bartlett gives the following particulars of the collision with the steamer Europe:

"At half-past 2 P. M., being on the weather side of the poop deck, heard a rumbling to the windward like distant thunder. Turned my ear to the windward, and my eye to the horizon, the man at the wheel noticing that I was listening, looked to the windward, and cried out 'Sail ho!' I at once saw what I supposed was a ship, about one point forward of our beam, about four hundred yards distant. I ordered the helm up, thinking she did not discover us—that we should have time to clear her before she could come in contact. All hands shouted at the same time, to alarm the ship, and I ordered the bell to be rung, and called to the ship to port her helm, as I saw that was the only chance of escape. There were nearly one hundred passengers on deck at the time. All was of no avail, for in one minute from the time we saw the ship she was on us, going at the rate of twelve knots an hour, striking us abreast of the after main shrouds. The crash, and the terrible scene which ensued, I am not adequate to describe. I was knocked to the leeward, with the man at the wheel. I recovered myself in a moment, shouting for every one to cling to the steamer, as their only hope. I caught hold of a broken chain on the bow, and hauled myself up, shouting at the same time to the crew and passengers to follow. I had barely time to get on the steamer's bow and while getting up, I noticed that her bow was into the ship, within a foot of the after ship; that she was stove clear to the leeward, and that full twenty feet of her side was stove in. There must have been nearly fifty persons killed by the collision. Every exertion was made by Captain Lott, his officers and crew, and the passengers on board the steamer. The boats were lowered as soon as possible. Unfortunately, only about ten were saved by the boats, the balance, numbering thirty-three, more or less, saved themselves by clinging to the bows. The steamer remained by the scene of disaster as long as there was any hope of saving any of the sufferers."

Passengers Lost.—Among the passengers lost, of which there is no list, are the following: Mr. Thos. Parker, of Charleston, S. C.; Geo. Stevens, of Portland, Me.; William King, of Gloucester, England.

THE ALLEGED ABDUCTION.

BEFORE THE HON. GEO. Y. BRIGHT AND M. M. COHEN, Esq., U. S. COMMISSIONER.

FIFTH DAY'S PROCEEDINGS.

Although the examination of this celebrated case had been going on for four days, yet the appearance of the Court yesterday afternoon showed that the interest of the proceedings continues to be fully sustained. The room was again densely crowded, and everything betokened a lively anxiety amongst the numerous auditory. All the accused, attended by their Counsel, being present, the investigation was resumed at 5 o'clock. The first witness called was

Mr. Joseph Genois:—Witness is acquainted with a man named Charles Rodgers, a runner for a sailor boarding house. The person is a small man and stout. Witness states that he can say nothing as regards the man's character for truth and veracity.

Mr. Collens.—There are men in the community who have a notoriously bad character—men capable of doing any wrong—men who are said to be liars, and I wish to prove that Charlie Rodgers has a bad reputation, is a thief, &c. Let us know from the witness what this man's character is. I know of no set rules for propounding questions, but the necessity for knowing the man's character is apparent, and I hope that the question I intend to put in regard to his character and reputation, may go down. It is of the utmost importance that this question should be answered.

Commissioner—I have considered the matter, and it is impossible to suppose that this question must have arisen often and often again. We think that for the protection of witnesses, Courts have decided that if you wish to discredit a witness, you ask what is the general character of the witness for veracity? and would you believe the witness on oath? We will listen to argument of Counsel on the subject.

Mr. Preaux—I will then ask witness whether he would believe Rodgers under oath.

Mr. Dufour—I object; that is the second question.

Mr. Preaux—Then I will ask what is the man's general character for truth and veracity.

Mr. Genois—If I were asked, if I would believe him under oath, I would say no.

Mr. Faulkner—When I see this question of law raised, I feel in duty bound to state it as my personal conviction that Mr. Genois would have said in answer to the question, that he did not believe the witness. (Murmurs and an observation *sotto voce* from one of the opposite counsel.) I hope the Court will protect me from the observations of the opposite side. I am uniformly courteous myself, and have a right to expect similar treatment from others.

Mr. Warfield—I have only one word to say—The gentleman's remarks are uncalled for. The Court has already made its decision.

Commissioner. After some further observations of counsel, Justice Bright said, "gentlemen, the question has been settled."

Jose Morenate sworn:—(Witness gave his testimony in Spanish, and Mr. Serie acted as translator.) Witness is acquainted with Mr. Careno.

Mr. Collens—Do you remember a conversation which took place between yourself and some body else, when Mr. Careno was near by.

Witness—Yes.

Question—What did you say during that conversation?

Witness—On the 28nd July, between 7 and 8 o'clock, I was at the door of a cigar shop, at the corner of St. Louis street and Exchange Place, when two of my friends Antonio Vi.nio and Jose G. Fernandez, were speaking with me. One of them told me, here is my friend Careno coming to buy cigars; I answered that I should like to give some orders to shape to that *charogne* (good for nothing, dirty fellow;) if the Court wishes to know my reasons for saying, I will state them. That is all that I said.

Mr. Collens—Did you state so on account of the case now before the Court?

Witness—No. I said those words on account of something that concerned me particularly, and not in relation to the case of Mr. Espinal, in which I am not interested. I do not believe that the persons with whom I was talking were friends of the Consul.

Mr. Dufour—I have no question to ask. But just step back, there is something I should like to know. Are you the person who wrote something in the *Patria*, in favor of the Consul?

Witness—Yes sir.

Mr. Dufour—In relation to this case.

Witness—Yes.

Mr. Collens—Was it from personal friendship, or a mere expression of opinion?

Witness—No, it was not from friendship for the Consul, but see-ing that there was such exasperation in the public mind, I deemed so doing so as a mere expression of my own opinion.

Mr. Antonio Vignie sworn—Witness is a Spaniard. Witness was present at a conversation that took place between Morenati and another person on Sunday week last.

Mr. Collens—What did Mr. Morenati state in that conversation relative to Careno?

Witness—Careno came to buy some cigars, and I remarked to Morenati there is your Mexican friend Careno. Morenati replied I have a desire to give him two slaps. He told me the motives which induced him to say so.

Question—What were the motives?

Witness—Morenati replied that they were of a personal character.

Commissioner—Why did you say to Morenati there is your Mexican friend Careno?

Witness—Because I knew what had passed between them.

Mr. Green sworn—Witness says that about eleven days ago while standing at a cigar shop in the evening, Careno came to him and stated, "do you know that Morenati wanted to give me two or three slaps" Witness asked Careno the reason. Careno replied, that it was some matter relating to Morenati.

Mr. Collens—Did he state where this was said?

Witness—No; nor did he say in whose presence.

Recorder Genoisen sworn—Witness is Recorder of the Third Municipality and is well acquainted with the people of that district.

Mr. Collens—Are you acquainted with Charles Rodgers?

Witness—Yes.

Mr. Collens—Have you had occasion to hear people speak of him?

Witness—What I know of him, arises from business connected with my office. I never heard anything said of him, or of his character, out of my office. Witness bears a great deal of the character of people in his office, and sees many persons there.

Mr. Collens—Have you heard anything of the character of Rodgers in your office?

Mr. Dufour—(Here is a repetition of the debate sprung up in relation to the mode of putting questions for the sake of discrediting testimony.)

Witness—What do you want me to state? If you wish me to say what I think of Rodgers, I will tell you forthwith.

The Court then informed the witness of the rules that had been laid down to discredit evidence, and requested witness to conform himself strictly to answering questions.

Question—What is his reputation?

Mr. Dufour—I object.

Mr. Collens—The question has been put for the purpose of strengthening or weakening the testimony offered.

Mr. Dufour—I object most decidedly to propounding interrogatories in such an unauthorized and illegal form. You wish to know what is said in public relative to the reputation of Rodgers? This is not the rule of law. All of us have our enemies—I have mine, and such persons would naturally be disposed to make poisonous assertions in our behalf. Ask your enemy what he thinks of you, and listen to his response. The most honest man is in the eyes of his enemy, a rascal. (Cheers.)

Mr. Collens—The gentleman has gone astray. I contend that my explanation is correct. Did I tel the witness to furnish me with any discreditable reports in relation to Rodgers. I merely ask what the knowledge of the witness is regarding the reputation of the man and from the wide circle of the respondent's acquaintance and the constant opportunities which his official position affords, I simply desired him to state what was his personal knowledge of Rodgers. This is my explanation. No one has less desire to attack his credibility, but when we produce such men as Recorder Genoisen and Recorder Genois in order to ascertain the character of a particular individual, it is hard that the direct knowledge of these gentlemen, and their experience regarding the man can not be presented to a Court of Justice.

Mr Lorus—Before the Court decided, it expressed a wish to hear authority. I quote from *Starkey on Evidence* page 146. (We have no space to insert the extract.—*Reporter*

Commissioner—If you look into Greenleaf you will find the into American authority on the subject. Also in Roscoe.

Mr. Warfield read from Greenleaf, paragraph 461. I might trouble the Court with authorities from Roscoe and Russell.

Commissioner—If you have another you had better read it.

Mr. Lorus—The law of evidence don't change every year

Commissioner—It changes according to the enlightenment and progressive experience of mankind.

Mr. Warfield—I can read Roscoe if the gentleman wants it.

Commissioner—I find a note to the authority quoted from Starkey. (The gentleman read it.

Mr. Collens remarked that the authority the not against him, and supported the assertion by a lengthy argument.

Justice Bright—I adhere to the rules as we stated. Your questions must be first, what is the general character of the witness for veracity, and secondly, would you believe the witness on oath.

Mr. Collens—We have done with the witness.

Mr. Coleman was then called to the stand.

Mr. Dufour—Before the examination proceeds, I wish that the witnesses be separated, particularly those who belong to the crew of the vessel. I may waive the demand in regard to other witnesses, but in this instance I think no objection can be made to the motion.

Mr. Faulkner—I propose the this constable shall keep a sharp look out, so as to prevent the crew from communicating with either friend or foe.

The Court directed the constable to take charge of the remaining crew, five in number, which was accordingly done.

Mr. Dufour.—I wish to know whether Mr. Hinckle is in Court; he promised to bring a certified copy of the shipping articles. (Mr. Hincks was then called, but was not in Court).

Witness was sworn—I am the mate of the schr Mary Ellen, and was so on her last voyage to Havana. We took in the largest part of the cargo on the 3d July, and the last portion on the 4th. The vessel was prevented from starting on the 4th, as on going to the towboat office, found there was no boat going down that night. We had a Spanish passenger on board during the last trip; he was a small man, apparently about 21 or 22 years of age; wore a black merino coat, nankeen pantaloons, and a small Panama hat. The first time I saw the passenger was between 4 and 5 o'clock on the 5th July; he came down to the vessel in company with another man; the latter was a man about five feet six or seven inches, stout figure and wore mustachios. I think I should know the man again if I was to see him. (Witness being confronted with Lorente, said that he looked something like the man.) This person asked me whether he could engage a passage for Havana; I replied that I could receive none, as my orders were against doing so. Nothing else occurred between us. The vessel moved off from opposite the public square, First Municipality, at 7 o'clock, and proceeded to the Third Municipality opposite the Cotton Press, where the towboat was making up her tow. The Mary Ellen started with the tow at about 9 o'clock. We were detained at the wharf somethime, on account of the absence of the cook. I saw the cook come on board; he was brought down by the shipping master and his clerk, and two negroes brought the baggage. The Captain gave me orders to get ready as soon as the cook arrived; when he came on board the Captain ordered to shove off. When the Captain gave this order the bows of the vessel swung off. I don't believe that three minutes elapsed from the time the cook came on board, when the passenger arrived. I saw the latter when he came on board. He appeared to be coming down with two friends arm in arm. He was passed on board by those persons, and then went to the cabin. Some five or six minutes afterwards I entered the cabin and saw him sitting there apparently quite reconciled. I did not speak with the passenger; he was sitting on one side of the table, and Capt. McConnell on the other with a paper before him. The paper was, I believe, a Spanish passport which was filled out with the name of Pigno Romero. The passenger was, during the whole voyage, in perfect liberty to come and go as any passenger would be. The passenger was on deck the very night we started; he was on deck before 10 o'clock. The vessel took a pilot at the Balize between 7 and 8 o'clock on the following morning, and the vessel went out to sea by the Short West Pass. The pilot stand on board nearly two hours, and the pilot boat at the time was astern of the tow boat at a distance of about fifteen feet. The passenger was on deck during the time that the pilot was on board. We were eleven days in getting to Havana, and on arriving there anchored at the Quarantine ground, where we remained six days. The passenger was on board of the vessel all that time; he was obliged to be there like other people who are quarantined. The vessel unloaded and loaded again at the Quarantine Ground. The proceeding of unloading at Quarantine is done by lighters. Our quarantine time had not expired when we left, and about 20 minutes before we sailed, the second mate and another sailor took the passenger in the vessel's boat and put him on board the American brig Andrew Ring of New York. The latter vessel was discharging her cargo in quarantine.

Cross examined—Do you speak the Spanish language?

Witness—I understand it, but do not speak it fluently

Question—Que ha dicho a vuel pese pasagero?

Witness—Is it all Latin to me.

Mr. Dufour—Perhaps our Spanish is not pure enough. Let Mr. Gomez put him the question—

The question being put, witness answered, "No quiero vuel pasagero."

Question—What freight did you take in on the 4th July?

Witness—A case of dusters, or brooms, which are used for cleaning decks, &c.

Question—Did you take anything else on board?

Witness—Nothing but stores.

Question—At what time in the morning did this passenger first come on board?

Witness—I said it was between 4 and 5 o'clock in the evening. I believe I was alone on board, the balance of the crew were on shore getting stores aboard, the Steward, I suppose, was below. I did not notice any of the crew near me. We started about sundown from the First Municipality, the towboat was ahead of the Belle.

Question—Was there a cabin boy on board?

Question—There was a lad about 19 years of age, he acted as our steward; his name was Domingo.

Question—When you made the reply that you would not take any passengers, what did the person say?

Witness—He went off without saying anything.

Question—Do you know whether Domingo came back with you?

Witness—He was just sent out of the Court by your order.

Question—Where were you when you saw those persons with the passenger in the Third Municipality?

Witness—I was standing about the fore rigging.

Question—How far off were you, when you first saw those persons?

Witness—I suppose about 20 or 30 feet; the night was pretty dark.

Question—How were these two or three persons escorting this passenger?

Witness—There were only two, and they were accompanying him arm in arm, and I believe there was a third person helped him on board.

Question—Were the persons hurrying along?

Witness—They were walking fast; the towboat bell was just then ringing.

Question—Explain to the Court how he was launched on board?

Witness—We had a deck load of lard on deck; the unknown individual was walked into the cabin. He was passed on board by his friends. I saw him walk into the cabin. The cabin is about six feet below the main deck.

Question—Did you follow him down?

Witness—I went into the cabin about five or eight minutes afterwards.

Question—What did you observe there?

Witness—The man seated at the table with the Captain.

Question—Was there a light?

Witness—Yes.

Question—How did you know there was a passport on the table which the Captain was examining?

Witness—I looked at it as I frequently do.

Question—Did you read the passport all through?

Witness—I merely looked at the name. The passport had on it the Spanish arms. It was filled out in the name of Pigno Romero.

Question—Was the passport in Spanish or English?

Witness—In Spanish, part printed and part written.

Question—Did you take up the passport yourself or was it handed to you?

Witness—It was lying on the table, and I picked it up.

Question—What was you object in reading the passport?

Witness—The passports are all under my charge It is my duty to do so. It is requisite that I should know the name of the passengers.

Question—How long did you remain in the cabin?

Witness—Not over three or four minutes.

Question—Was there any conversation between the passenger and the Captain whilst you were in the cabin?

Witness—They discoursed together in the Spanish language.

Question—Had the passenger his hat on?

Witness—No, it was on the table.

Question—You took charge of the deck then?

Witness—Yes, and the steamboat went off immediately with the tow.

Question—When did you next see the passenger?

Witness—He was on deck a short time afterwards. The vessel was near the Barrosses then.

Question—Were was the passenger's baggage put?

Witness—I did'nt see any baggage.

Question—Did you find the Andrew Ring at anchor at Quarantine when you arrived at Havana?

Witness—Yes.

Question—Were there any other vessels lying at anchor there?

Witness—Yes. There was the brig P. Soulé, the ship Adelaide, of New York, two or three Spanish, English and Brimen vessels, &c.

Question—At what distance was the P. Soule lying?

Witness—About 2 to 400 feet from us.