The New-Orleans Bee.

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OFFICIAL PAPER OF THE STATE ..... NEW-ORLEANS, TUESDAY MORNING, JUNE 18, 1850.

MAGNE & WEISSE, Proprietors. NO. 82 CHARTRES STREET.

TERMS OF THE BEE.

DAILY PAPER, one year, in advance.....$12.00
COURIER PAPER, semi-weekly, one year, in advance.....5.00

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☞ The privilege of Annual Advertisers is limited to advertisements strictly within the line of their business, and in extent to one square every other day.

The New-Orleans Daily Bee.

Tuesday Morning, June 18, 1850.

Official Journal of the State, General Council, First Municipality and Board of Liquidators.

Acts of 1850.

The Acts passed at the last session of the Legislature are now ready for delivery. Persons entitled to a copy either as members of the Senate and House, or Judges, Clerks, Recorders, Sheriffs, and Justices of the peace, will please call at the office of the Bee, where they alone can obtain and receipt for them.

☞ The public is also informed that the State Printer has been authorized by the Secretary of State to sell, for account of the State Library, surplus copies of the Acts, at the price of one dollar for each copy. jet 1m

THE NORTHERN MAIL arrived through yesterday with the latest dates.

☞ The press of matter compels us to-day greatly to abridge the usual amount of editorial.

ODD FELLOWS ORDER.

We are indebted to T. H. SIMONS, Esq., for a copy of the report of the Right Worthy Grand Lodge of the State of Louisana, from August 1st 1849, to May 1st, 1850, embracing the proceedings of the Grand Lodge during the period specified, and containing a tabular statement of the condition of the various Lodges in the State at the close of the term ending on the 31st December, 1849. That publication possesses great interest for the brethren of the order. As it constitutes a full and comprehensive exposition of the progress of Odd-Fellowship in Louisana. The members of that fraternity will be gratified at learning that the order is marching steadily onwards, although the reports of the various subordinate Lodges are confined to the six months of the year, during a large portion of which our city is comparatively depopulated, they exhibit in the aggregate unmistakeable evidence of healthy and continued progress.—We find on consulting the tableau appended to the report that at the beginning of the present year there were 29 Lodges in operation throughout the State, of which we believe 20 are established either in New Orleans or its immediate vicinity. During the period referred to there were 359 admissions and 37 rejections; the entire number of contributing members was 2017. The receipts during the term amounted to $17,188 13. Within the past six months the increase of the order has been far more rapid, although the departures for California and elsewhere have doubtless withdrawn a considerable proportion of members. Altogether, the prospects of this philanthropic and honorable association are highly flattering, and all will concur in the hope that it may continue to flourish so long as it observes and practically maintains its admirable motto of "Friendship, Love and Truth."

From Texas

By an arrival from Galveston, we have received outlines of papers to the 14th instant, inclusive.

Austin has been officially proclaimed to be the future seat of Government, in conformity to the popular vote.

We learn from the Galveston *Journal* that Mr. Neighbors had arrived at Austin, and reported that he had been unable to organize the county of Santa Fe. This news has created some excitement about Austin. We find the following in the *Telegraph*:

FRIENDS—Whereas, the people of New Mexico, by public meetings held in the several counties of this territory, expressed a desire to send a convention for the formation of a State convention, and to urge upon Congress the admission of this territory into the Union as a State. The Prefect, John Monroe, Civil and Military Governor of the said territory of New Mexico, do hereby direct that the qualified electors of said territory shall assemble at the precincts of their respective counties on Monday, the 6th day of May next, between the rising and the setting of the sun, to vote by ballot for delegates to a convention to be held at Santa Fe on Monday, the 15th of May next, as follows:

For the county of Taos,	3	delegates.
" " Rio Verrba,	3	"
" " Santa Fe,	3	"
" " San Miguel,	3	"
" " Santa Ana,	3	"
" " Bernildo,	2	"
" " Valencia,	5	"

The Prefects shall designate convenient precincts in their respective counties, and shall appoint three discreet persons as judges of election in the several precincts. Otherwise and the election shall be conducted in manner and form as prescribed in the laws of the territory, under the title of "election," except that the Prefect's clerk of the county shall, with the assistance of the Prefect, examine and canvass the votes given to each candidate; shall give a certificate of election to the person having the largest number of votes, and shall transmit to the Secretary of the Territory a fair abstract of all the votes given, within three days from the day of election.

Given under my hand, at the Government House, in the city of Santa Fe, this 23d day of April, A. D., 1850.

JOHN MONROE,
Military and Civil Gov. New Mexico.

A brig was sunk about 15 miles east of Galveston. Nothing but her topmasts were visible. The name of the brig, and the particulars of the disaster, are unknown.

Several skirmishes have recently occurred between the Indians near the frontier and the rangers. In one near the Rio Frio two of the savages were killed and four mules taken. In another, forty miles above Laredo, four Indians were killed and several wounded. Only one of the Rangers was wounded. The Camanches &c., from all accounts, exceedingly troublesome—committing continual depradations, and murdering the unarmed inhabitants whenever they can do so with impunity.

THE CROP.—The Marksville (La.) *Prairie Site* says: Since our last report, the weather has been warm and favorable for the growth of everything—and the crop has been affected by the change and now looks much better than it did. It is still far behind, a fair prospect having been much retarded by the unfavorable spring of cold weather during the spring.

So much depends upon the season yet to come, that no confident prediction can be made of the yield, but we suppose that with good seasons for the future, and a favorable Fall, the crop will be an average one.

THE NICARAGUA TREATY.—It gives us pleasure, says the *National Intelligencer*, to state to our readers, that authentic information has reached this Government of the full approval by the British Government of the Treaty happily concluded in this city between Mr. Secretary Clayton and Sir Henry Bulwer, for the adjustment of all points of the Nicaragua question, as between the Government of the United States and that of Great Britain.

This Treaty, as our readers generally know, was approved by the Senate of the United States several weeks ago. The ratification of it by the British Government may be expected here by one of the earliest steamers; and, upon the exchange of the ratifications of the respective Governments, it will doubtless be immediately officially proclaimed.

☞ The steamship *Atlantic* arrived at New York on the afternoon of the 9th inst. The telegraphic summary of her accounts in the Baltimore papers, adds nothing whatever to the abstract already published. To-day's mail will probably furnish us with full details.

MR. WYNNE.—This distinguished violinist gives a concert this evening, at the Lyceum Hall. He will perform on the violin, and likewise on an instrument invented by him, and styled "Yerowa i Soloma" (wood and straws) He will be assisted by a number of amateurs.

PLEASURE TRIPS.—By reference to our advertising columns it will be seen that the steamer *Jenny Lind* will hereafter leave for Shellmaville, Mandeville and Lacombe, both on Saturday and Sunday, returning on Sunday in time for the 7 o'clock P. M. train of cars. Persons can therefore make the trip and return the same day.

Arrival of the steamer Hermann.
ACCIDENT TO HER MACHINERY.
New York, June 9, P. M.

The steamer *Hermann* arrived here to-day from Southampton, whence she sailed on the 20th May. She brings 135 passengers. After being out four days she broke her larboard engine wheel, causing her detention.

The Hermann brings forty packages of French and German dry goods, besides other valuable freight.

Among the passengers of the Atlantic are S. P. Christie, Mr. Brognard, A. J. Chine, H. Lewis and lady, John Potter, Louis Dusenet, and Mr. Ashmede of Philadelphia.

Owing to the prevalence of a heavy thunder storm last night we were prevented from obtaining further news by the Atlantic.

From Florida.

The U. S. transport steamer left Tampa Bay on the 13th, bringing over Col. Plympton and regimental staff of the 7th infantry, with five companies of that regiment. Gen. Twiggs and staff left on the same day for Washington, via Pilatka and Savannah. We learn from the *Erskine* will return to Tampa Bay to bring over five more companies of the 7th regiment.

There will still remain in Florida 22 companies of Artillery.—Five companies of the 2d Artillery are now at Indian river, commanded by Major Lowd; one company of 2d Artillery at Miamie river, commanded by Major Woodbridge; four companies of 3d Artillery, under Col. Steptoe, are ordered to Fort Meade, where there are now three companies of the 1st Artillery, under command of Capt. Vodges; two companies of the 4th at Chokonekla, commanded by Capt. Roberts; two companies of the 4th Artillery at Fort Hamer, commanded by Major Morrim; one company of the 4th Artillery at Charlotte Harbor, commanded by Brevet Capt. Rains; one company (mounted) of the 4th Artillery at Fort Meade, commanded by Capt. Getty; and three companies of artillery at Calochahatchee, commanded by Major Ridgely.

The Indians were coming in slowly, and in the course of a few months, it is hoped that they will all be induced to emigrate.

☞ We are requested by Mr. F. A. Wood, to acknowledge the receipt of a check for the sum of $161 60, being the amount of subscriptions collected in his behalf, by a respectable merchant of this city.

☞ The New Hampshire Legislature met at Concord on Wednesday, the 5th inst., and organized. Mr. Richard Jenness was unanimously chosen President of the Senate, and Nathaniel B. Baker Speaker of the House—the latter receiving 197 out of 265 votes cast. It was expected that the Governor would deliver his message the next day.

GOV. MCDOWELL, of the U. S. House of Representatives, is detained from his seat by severe indisposition.

COTTON BLOOMS.—The Concordia *Intelligencer* says: Mr. J. M. SPEARS of Vaudrie Plantation, in this parish, has sent us *two full blown cotton blooms* plucked from his field on the 10th inst. He says he has a *few more* left of the same sort. They are the first we have seen, and we think that Mr. Spiars is a *trifle* ahead of his brother farmers this season.

WASHINGTON, D. C., June 8, P. M.

Mr. Phelps, of Missouri, made a splendid speech to-day. In alluding to the opposition of ultra Southerners to Mr. Clay's compromise, he demanded a vote for the immediate admission of California. This has set politicians calculating to the following effect, in order to anticipate the result. In the House, North Carolina, Tennessee, Kentucky, Delaware, Maryland and Georgia, will go for the compromise. Against it are Virginia, South Carolina, Alabama, Missouri, Mississippi and Florida.

Louisiana and Texas will be divided. California will certainly be admitted. There are forty majority in the House in favor of admitting it, and two majority in the Senate.

CINCINNATI, June 8.

DESTRUCTIVE FIRE—FIRE RIOT—TERRIBLE EXPLOSION.—The extensive chair factory of Messrs. Duncan & Co. was destroyed by fire last night. The total loss is estimated at from 30 to $40,000, on which there is a partial insurance.

After the fire a most disgraceful and desperate riot took place among the firemen. Two companies were most conspicuous in the row.—Several persons were shot, some of whom it is believed are mortally wounded.

At four o'clock this morning the boiler in Messrs. Johnson & Morton's saw mill exploded and shattered the building to atoms. Mr. Hayman, who was in the mill at the time, was dreadfully scalded, and it is thought he cannot recover. Messrs. Coyle, Sherman and Hammond were also dangerously injured. One man was blown entirely through the roof, and although much hurt, it is thought he will recover.

☞ See Correspondence of the Charleston Courier.

KEY WEST, May 25, 1850.

GENTLEMEN: For the last few days our District Court of the United States, in Chambers, has been engaged in examining witnesses for and against Captain Lewis, master of steamer Creole, charged by the United States, through their attorney, W. R. Hadley, Esq., for infringement of the Revenue Laws, to-wit:—"Leaving the port of New Orleans, Louisiana, with more passengers than the tonnage of said steamer, by law, allowed; and coming from a foreign port, to any, Canadas, (Cuba) with 600 passengers."

The above case has been ably argued by the United States Attorney, assisted by Collector Douglass, and as well conducted by S. R. Mallory, Esq., assisted by Hon. Jos. B. Lancaster. From the evidence adduced there is no proof that Captain Lewis, at the time of his departure from the port of New Orleans, knew of this excedition—it is only supposed. There is no proof that the steamer left said port with more passengers than the law permitted. She cleared for Charges. The United States also charges said Lewis with leaving the port of Cardenas, with the intention of coming to the United States; which is not in evidence, but proven to the contrary—as he was compelled and forced by orders, being out of water, therefore, *coercion* was used. Captain Lewis requested written orders, which were delivered.—The Court, after hearing testimony on both sides, adjourned, and will deliver its opinion, &c., in a few days.

OFFICE OF THE MORNING NEWS,
Savannah, June 8, 12 o'clock.

ARRIVAL OF THE CUBA PATRIOTS AT NAVASSA.—On Saturday forenoon the steamer William Gaston, Capt Cinglhorn, arrived from Florida, bringing 17 of the men who accompanied Gen. Lopez to Cardenas. They are from Kentucky and Ohio, and are a fine, intelligent body of men. They speak very highly of Gen. Lopez and his officers, and in unbounded praise of Lopez's courage and determination; and say, if opportunity should again offer, they are ready to enlist under the Cuba Independent Flag—They left Key West in a vessel for Tampa Bay, and from thence walked to Pilatka, and took passage in the steamer Wm. Gaston, for this city.

The lad shot at Matanzas by the Spanish authorities, they inform us, was named William Kelly, a native of Cincinnati, and 19 years old. He was not one of the party who left New Orleans for Cuba, and had no part in the attack on the Island. He was bound to Charges, but went to Cardenas; and after landing from the Creole, went on board of a schooner in the harbor with the intention of making his way back to New Orleans. The men who arrived here were not aware of his fate, although they knew he had been left behind; and when informed that he had been shot, they all with one accord denounced the base inhumanity of the act.

Captain Lopez (a nephew of General Lopez) and 29 Spanish troops, who gained the Creole at Cardenas, are still at Key West, and intend to go to New Orleans. These troops are still determined to fight for the liberation of Cuba from Spanish oppression, whenever an opportunity is presented.

Major W. Hardee of Florence, Kentucky, is still at Key West, making arrangements to get the men under his command to their bounds.

After the mowing's action at Cardenas, five of the men now here took horses and went some 5 or 6 miles into the interior, where they met a small body of lancers.

These troops showed no disposition to molest them, when the Americans approached and held a conversation with them, which lasted half an hour. On their return to the city, they discovered one of their comrades, wounded, crawling over a vacant field in the suburbs, and at a short distance off, a party of infantry, who, after firing at the wounded man, ran up, and were in the act of dispatching him with their bayonets, when the Kentuckians leveled their rifles and brought every man of them to the ground.

At Key West, says our informant, the citizens offered them assistance to take the Spanish steamer Pizarro, which would have been effected, had not the U. S. officers interposed.

Appointments by the President.

By and with the advice and consent of the Senate.

LUTHER SEVERANCE, of Maine, to be Commissioner of the United States to the Sandwich Islands.

From Havana.

The *Isabel* arrived at Savannah on the 11th, bringing dates from Havana to the 8th, inclusive. The *Republican* has received its files of Havana papers, and gleans from them the subjoined intelligence. The main fact of the expected liberation of the American prisoners is already known to our readers:

The merchants of Havana were about getting up a subscription to construct fourteen small war steamers to protect the coast of the Island; each one to cost about $40,000.

About $4000 had been subscribed in Matanzas for the relief of the families of those Spaniards who fell at Cardenas.

Don Juan P. Barrera, and Don Francisco J. de la Cruz, two citizens of Matanzas, had been condemned to ten years' imprisonment in Africa for being concerned in the independence movement.

The *Faro Industrial* and other papers are copying and commenting upon the articles relating to the invasion of several American journals.

In the *Gaceta de la Habana* are numerous letters from the different parts of the Island, congratulating the Captain General on his victory over "the pirates."

The *Faro Industrial* says it is reported that the Spanish merchants are raising two millions of dollars, to be added to the sum already set apart by the Junta de Fomento, for the purpose of constructing eight steamers of 1,600 tons each, to run between Cadiz and Havana.

The papers contain a long list of promotions and honors conferred on the officers and soldiers who succeeded in whipping the invaders at Cardenas. They also state that Lopez's Aid-de-Camp, Iznaga and M. T. Tolon, the editor of *La Verdad*, were among the killed at Cardenas. This, of course, is a mistake.

The invasion has furnished a fine theme for the Havana poets. Their lipid and patriotic strains about Achiles, Alcoy, Cardenas and Troy are exceedingly excruciating.

The Falcon arrived on the 2d instant, from New Orleans, and sailed on the 5th; the Georgia arrived on the 4th from Chagrres, via Porto Cabello and Jamaica; the Ohio arrived on the 4th from New York, and sailed on the 6th.—Schooner Lilly, from Savannah, discharging.

The exact amount of money taken by Gen. Lopez from the Treasury of Cardenas was $,720 75.

The U. S. steamer Saranac sailed from Havana on the 7th inst.

[From Burnham & Co.'s Circular.

HAVANA, June 7, 1850.

The dispersion and flight of the adventurers who landed at Cardenas, followed immediately upon our last advices. The excitement which those incidents occasioned has gradually been assuaged, and we hope that the course of business generally will soon entirely recover from the interruption which it received, particularly in the import trade. There have been any decree removing the blockade in which the Island was placed by our Government, but merchant vessels are not subjected to any inconvenience whatever.

There are not many cases of Cholera in the city, but the disease has manifested itself in some parts of the interior, and we are sorry to say it has broken out on several plantations with considerable mortality. The season of the year, being the commencement of the rainy season, is unfavorable to give it immediate check.

[Correspondence of the Savannah Republican.]

HAVANA, June 8, 1850.

Gentlemen—We have received the assurance from a reliable source, that the lives of the prisoners taken at "Contoy" will be spared, and you are at liberty to use the information, omitting however the mention of your correspondent's name.

The Government considers that these men have been deceived by false representations, and that some were even ignorant of the nature of the enterprise in which they embarked; the authorities are therefore disposed to deal leniently with them. They would, however, no doubt hope that the Government of the United States would in return aid in preventing any further attempts which might be started there with a view of again disturbing the peace of the Island. Yours, very truly, &c.

A COURAGEOUS LADY.—The Mobile *Advertiser* of Sunday relates the following:

Yesterday morning, just before night, a negro entered upon the premises of Capt. Sam. Griffin, on St. Anthony street, doubtless for some kind of mischief. He was discovered by the wife of Capt. Griffin, who waked Mrs. Griffin, (Capt. Griffin being absent,) and informed her of the intrusion of the negro, whereupon the intrepid lady seized a loaded gun, went into the yard, discovered the intruder and immediately discharged at him the contents of the gun, which took effect in the arm. The negro then turned upon her, seized the gun, which he wrenched from her hands, and, inflicting upon Mrs. G. a blow, fled. His footsteps, for a considerable distance, were marked with blood. He was subsequently arrested, but the wound was so severe, that he was, for the present, put in charge of a physician.

Examination of General Lopez.

SEVENTH DAY BEFORE THE U. S. COMMISSIONER.

The Court met at half-past 10 o'clock. Mr. Hunton informed the Commissioner that he was compelled to absent himself for a short time to attend the session of the Grand Jury in the United States District Court, and that Mr Bradford would represent him for the time being.

Mr. Hunt asked the U. S. Marshal whether the case of General Lopez would be brought before the Grand Jury. Mr. Hunton replied that he intended so such purpose. He had no desire to transfer the proceedings before another body.

David Adams sworn.—

Question—State to the Commissioner what is your participation.

Answer—I am Harbormaster of the city of Lafayette.

Question—State what you know in regard to the departure of the steamer Creole.

Answer—She came up to Lafayette in the morning at 10 o'clock, about the 5th May, and left the same night. She was gone the next morning.

Question—What did the Creole receive on board while at Lafayette?

Answer—Nothing but a few barrels of pork, marked "stores."

Question—Do you know what quantity?

Answer—Two dray loads.

Question—Did you see passengers go on board?

Answer—In the evening I saw persons going on board and off again.

Question—Were any of those persons armed?

Answer—I saw a few, some ten or twelve perhaps. The Creole laid at the steamship wharf, I did not learn from any body connected with the boat where she was going to.

Question—Did any of the passengers state where the Creole was going?

Answer—Those I spoke to said they were going to California.

Question—Do you know any circumstance or fact relative to the expedition to Cuba?

Answer—Nothing beyond what I have stated.

F. Garrigues sworn:

Question—Are you the keeper of the Powder Magazine?

Answer—I am.

Question—Did you deliver any powder in the beginning of May on board of a steamboat?

Answer—I delivered some on the Lawyer. It was taken away at night by a job boat. The packages consisted of cases marked "California." The boxes contained 251 half kegs of powder. There were 104 boxes.

Question—Was the powder left without any keeper?

Answer—No. It was in charge of a German named George.

Question—By whom was the powder stored?

Answer—By Messrs. Charles & Harris.

Question—Was the guardian one of your employees?

Answer—Yes. The powder was stored on the 10th Dec., 1849, and was taken out on the 7th May. The powder was packed in boxes originally, and marked "California." I was not told where the powder was to go to, when I delivered it. Charles & Harris, the owners of the powder, sent an order for its delivery.

Cross questioned—Are you sure the contents of those boxes consisted of powder?

Answer—I am not sure.

Question—What was the size of the boxes?

Answer—The size was different.

Question—What reason have you to believe it was powder?

Answer—We receive nothing else.

Direct examination resumed—Was it stated in the order to whom this powder was to be delivered?

Answer—Yes; I will send the order to the Court. I received no verbal orders for its delivery. This was all the powder which Charles & Harris had in the magazine.

Fritz Robin sworn.—Question—Are you employed at the Powder Magazine?

Answer—Yes.

Question—Do you know anything more in relation to the powder than Mr. Garrigues stated?

Answer—No. I was only employed at the magazine thirteen days subsequent.

General Rowley recalled.—Question—Have you brought with you the requisition and bond, for the delivery of certain arms?

Answer—I have brought with me a certified copy.

Mr. Moise—What do you expect to prove by this document?

Mr. Benjamin—We wish to prove an unlawful combination by which these arms were subsequently placed on board the Creole. We expect also to connect the parties to the bond with the Cuba enterprise.

Mr. Hunt argued that there was no combination in this case. The affidavit charged Gen. Lopez with having got up an unlawful expedition, and now we are informed of a combination the existence of which has not before been mentioned.

Mr. Benjamin—We expect most certainly to trace these arms to the expedition. We have a right to follow up this property step by step until we prove its unlawful appropriation. We want to show that other parties besides Gen. Augustin who made the requisition on the Adjutant General, were engaged in procuring arms.

Commissioner—I rule that the requisition and bond are admissible as evidence.

Mr. Benjamin then read the requisition of Gen. Augustin for the arms, and also the bond with L. J. Sigur as security in the sum of $7,580 for their safekeeping. The following names are attached to the bond as sureties for Mr. Sigur:

Mr. Monaghan,	$500
J. O. Smith,	1000
Albert Pabre,	500
J. M. Bell,	1000
John Henderson,	500
Thos. S. Sigur,	2500
A. Bandois,	1500

Mr. Hunt—Before this matter goes further, I will state to the Commissioner that I am informed that Judge McCaleb has presented a long charge to the Grand Jury now before the U. S. District Court, the burden of which is this alleged violation of the neutrality laws of the United States. Although upon this an examination is going on here touching to the same result. Now, although no indictment may be found against Gen. Lopez, yet for all practical purposes he is doubly arraigned—before this Court and before the Grand Jury of the country. The proceedings before that body are, to be sure, *ex parte*, but as Gen. Lopez has no opportunity of defence in that quarter, it becomes the duty of his counsel to perceive that the proper forum of law be observed in the premises. It is immaterial to me on which side case was going on, and I would therefore ask the Counsel for the United States whether it is their intention to present the matter before the Grand Jury, for if so it would be better to drop these proceedings and go at once before that tribunal. We are willing to do so at once, and I therefore put it to the gentleman in all fairness and candor to let us know their intentions.

Mr. Benjamin—I have no direct authority to pledge the prosecution in the matter at issue. The District Attorney, however, has stated positively that he did not intend to prosecute against Gen. Lopez in the manner pointed out. If he proceeds against other parties mixed up with and implicated in this unlawful expedition, he will make no efforts against General Lopez, satisfied, as he is, that the case will be sufficiently well cared for here. A number of persons enlisted in the expedition, and the offences are separate. Lopez is considered the head. The instructions from the General Government were to get the truth and not to persecute Lopez. If General Lopez would pursue a different line of defence, although it is not my duty perhaps to point it out, yet if he wished to stop these enquiries—if that was his object, why not let General Lopez state all that he knows concerning the matter, and put himself on his defence on the law? Until we arrive at the facts, we cannot stop the investigation. As long as they are undeveloped, we must pursue the enquiry. We cannot take the case from the Commissioner and put it before the Grand Jury. Here everything will be done and elucidated by intelligent counsel; there everything will be *ex parte*. Thus far, although we have moved slowly, we have not proceeded without fruit. In two or three days more I trust we shall have been enabled to arrive at a sufficiency of information on which to rest the prosecution.

Mr. Hunt replied, and stated as his conclusion that as he perceived no chance of bringing the matter to a speedy termination, he would ask the Commissioner to commit Gen. Lopez for trial before the U. S. Circuit Court. This examination might last two or three days, two or three weeks, or might even extend to January the limits assigned in the formidable threat uttered by the District Attorney.

The Commissioner—I have no object. I have always made it a rule when a party desires a commitment, to comply with his request.

Mr. Benjamin—There is yet a question of bail to be decided. I do not consider the original bail of $5,000 sufficient, where a commitment for trial has ensued. I think 10, or $15,000 would not be too much.

Mr Moise—I think that some regard is due to the circumstances and position of the party.

Mr. Benjamin cited the trial of Burr, where the bail was fixed at $10,000 at the time of his commitment. He read likewise Chief Justice Marshall's view of the case.

Mr. Hunt—The object of bail is to secure the attendance of the party accused. Does the District Attorney think for one moment that Gen. Lopez intends to abscond. I cannot consider an order for $10,000 in any other light but an order for imprisonment. It would be excessive bail.

The Commissioner—This case, in its incipient stage, has already been before Judge McCaleb. I think I shall be right in following in his footsteps, and shall therefore fix the bail at $5000.

Gen. Lopez then being furnished the requisite security, was discharged.

GENERAL COUNCIL.

TUESDAY, June 13, 1850.

The Council met pursuant to adjournment.

Mr. Bonvenu was called to the chair.

The following members were present:

Present—Messrs Allen, Bent, Bonvenu Caldwell Cucullu, Jarvis, Lugenbuhl, Vandegriff and Waterman—9.

Absent—Messrs. Rosebius, Tompkins and Vionnet—3.

On motion of Mr. Allan, the Council proceeded to the election of a President. Messrs Waterman and Cucullu were appointed tellers. Nine votes cast, of which Mr. Bonvenu received five, and Mr. Bienvenu was declared duly elected President.

The Journal of the two preceding sittings was read and approved.

The following message from the Mayor was then read:

MAYORALTY OF NEW ORLEANS, 13th June, 1850.

To the Honorable President and Members of the General Council of the City of New Orleans.

GENTLEMEN: I have the honor to transmit a statement of the revenue for the year 1849, furnished by the Treasurers of the three Municipalities of the City of New Orleans, to enable you to establish the quotas for the year 1850.

I also transmit a view, plan and description of the new Alms-House for the City of Boston, which I received on leave to send, sent to me by the Hon. F. Bigelow, Mayor of the city of Boston. This act of courtesy I deem proper to be acknowledged, as a suitable body for such action as you may deem necessary.

Very respectfully,
Your obt servant,
(Signed) A. D. CROSSMAN Mayor

On motion of Mr. Caldwell, the portion of the Mayor's message relating to the quotas and revenue accounts, was therefore referred to the Finance Committee.

A letter from Lyman Potter, *Attorney for Margret Legaye*, asking to be refunded a portion of the amount paid the 2d Municipality for a coffee house license, was laid on the table.

A letter from Lafargue was read, asking, on behalf of Messrs. Villere, Favrole, and others, to be refunded the sum of $4500, paid by them to J. B. Fleming, for stoppage at the Powder Magazine, right bank of the river, which, on motion of Mr. Caldwell, was referred to a special committee of three.

The chair appointed on that committee, Messrs Waterman, Lugenbuhl and Bent.

A letter from Lyman Hahn and Theodore Harry was read, asking a return of $12 50 each, for overpayment on their licenses for keeping beer houses which, on motion of Mr. Allan, the law being dispensed with, the following resolution was adopted:

Resolved, That the letter of Messrs. John Hahn and Theodore Harry be referred to the Finance Committee, with power to report that the Collector be ordered to make a deduction of $12 50 to the amount of the annual tax, which the applicants have paid to the Collector of Licenses, for the privilege of keeping beer houses licenses having been reduced by this Council from $30 to $17 50 per annum.

On motion of Mr. Bent, the law being dispensed with, the following resolution was adopted:

Resolved, That the clerk of this Council be requested to make a copy of this report and transmit it to the Finance Committee, with the accompanying papers.

The Finance Committee reported in favor of the following named persons, to wit:

Editor of the Louisiana Courier, for	$60 00
Editors of Daily Bee,	60 00
Editors of Daily Crescent,	3 00

Mr. Jarvis, Chairman of Special Committee, to which was referred that part of the Mayor's Message of May 7, relating to the Quarantine Hospital at Worm, presented the following report, which, on motion, was adopted and the Committee discharged:

REPORT.

The Committee to which was referred that part of the Message of the Mayor of May 7th, relative to the excessive charges for water made by the Commercial Water Works and Banking Company of New Orleans, respectfully report:

That in their investigations they have confined themselves to the one point: That the rates charged for water are unconstitutional, illegal, and in the city charter which under the charter of the Bank, or the laws establishing the General Council, the matter came under our supervision.

The Committee met at the office of the Company, on Carondelet street, where every facility for obtaining information was offered by the President and Secretary. Under the 11th section of the charter any committee of the City Council is authorized to examine the books of the Company, and if they find the profits to exceed ten per cent. on the water investment, the Council are authorized to reduce the rates; but there is not in the charter any right given to this Council to interfere under any other circumstance.

The 11th section of the charter also provides that the interest on the sum expended in constructing the Water Works shall be added thereto, and shall form a part of the capital invested, until the net revenue amounts to fifteen per cent. per annum.

By the books of the Company, it appears that the sum expended in real estate, engines, mounds, materials, fixtures, &c., is charged exclusively to the distribution of water under the charter, amount to over one million of dollars.

The interest added to the first cost, as provided in the section of the charter quoted above, amounts to over four hundred thousand dollars more.

The gross income of the Company for the year 1849, was, say seventy thousand dollars: the expenses, say twenty thousand dollars—leaving a net income of 50 thousand dollars, or five per cent. on the actual cost of the works, or three and a half per cent. on the cost and interest; the latter being added to the cost to form the capital, as provided in the 11th section of the charter.

The rates for the year 1850 have been slightly increased over those of 1849. For families of four persons, twelve dollars, as before, with one dollar and fifty cents for each person over four, instead of one dollar as in 1849. For private baths, five dollars, instead of three. Several cases where complaints had been made, were investigated, and in nearly every case it was found that the quantity of water charged for had been increased, or that the rates had changed erroneously before.

The management of the Company is in the hands of a direction, five elected by the Stockholders, and two by this Council. This direction is composed of men well known in this community for their shrewdness and good judgment in the management of their own affairs; and your Committee do not think it expedient to tender any advice in reference to the rates of charge.

The city, as the owner of more than one-fourth of the stock of the Company, is interested inasmuch as if the income from the water does not pay five per cent. on the par value of the stock, the deficit must be added to the already over burdened taxation; at the same time it is expedient that water should be furnished at rates so low that the price should be no impediment to its introduction into every house in the city.

We consider the interest of the city, as a large stockholder, and the interest of the great mass of citizens, as tax payers, well represented by the members of this Council, and who have been sent to represent the city in the direction.

The Company are now laying larger pipes, and extending them over the city. This will be done at an expense of fifty thousand dollars in the year 1850.

Your Committee respectfully ask to be discharged from any further consideration of this subject.

New Orleans, June 13, 1850.

NATHAN JARVIS, Chairman,
J. M. CUCULLU,
JULES BENIT.

Mr Caldwell and Mr Tompkins, Directors of the Water Works on the part of the City, presented the following report which, on motion was adopted:

To the Honorable the President and Members of the General Council:

The Directors of the Commercial Water Works, organized by your honorable body, beg leave to report

That they have seen, with regret, a bitter feeling of hostility manifested towards that institution, for which there might have been some reason given us in the election of the present New Shareholder Directors, but which the following facts will show should be entirely discontinued now.

Since the first of January last, (the time the new Board took their seats) the Company has laid 1050 feet of pipe in the following named streets: Marais, Polymnia, Thalia, Erato, Calliope, New Levee, Hevia and Bourbon, and have ordered and have on hand the necessary pipe for laying 10,650 feet more in the following streets, viz: St. Charles, Carondelet, Apollo, Erato, Dryades, Common, St. Mary, Poydras and Franklin, all of which will involve an expenditure of 50,000 to 60,000, or fifty two thirds of the revenue of the Company.

The Company has also made new 30 inch connections between the pumps and the mound, in place of 18 inch connections which were there heretofore, and are prepared to alter the reservoir so as to enable them to draw over to the pumps, from 18 inch to 30 inch pipes as soon as the river falls so that it can be done. They are now also making the new 21 inch openings in the mound to connect with the head of the reservoir. Magazine, and Annunciation streets, thereby giving a flow of water three times greater than at present. The head of water in the reservoir has been increased by 10 feet, and will be still further increased as soon as a large reservoir can be put in the centre of the reservoir.

The cost of the works on the 1st January last, exclusive of interest, which the charter allows are the Company to realize annually, and all other expenses, was $1,054,730 88 100.

The gross revenue of the Company this year will be about $75,000, net revenue $65,000, or $1 10 per cent. on the cost as above.

That reliable thermometer, the value of the stock which has advanced 30 per cent since January last, shows that capitalists have confidence in the management, and it seems to us a wise policy to encourage enterprise, and to decry an institution in which the city is Stockholder to the extent of one-fourth of its capital. The public certainly has an equitable right to ask the Company to furnish them with water at a rate that will yield less than 6 per cent. interest, enough to pay the expenses of fires, cleaning streets, &c., as required by the charter.

The policy of reducing the rates, and thereby increasing the number of consumers, seems to be one that has been advocated by your Directors for the last year, and it is now growing in favor with the Stockholder Directors, so that the next year we may see the experiment tried, of how far a reduction in price will effect the revenue of the Company. At present the receipts are issued at the lowest scale the rates will admit of.

The price of coal is greatly benefited by having the pipes in the Water Works introduced into our houses, and we think it will be found that an increase of patronage will insure as much to the consumer of coal, as to the profit of the Company.

The Banking assets are being realized as rapidly as possible, and it is to be hoped will leave no cause to the full extent of any reasonable valuation.

All of which is respectfully submitted.

(Signed) J. E. CALDWELL,
W. C. TOMPKINS.

New Orleans, June 13, 1850.

Mr. Caldwell, Chairman of the Special Committee appointed to inquire into the conduct of Messrs. M. J. B. Walton, and his right to hold the office of Secretary of the General Council, presented the following report, and submitted the accompanying letters from C. Dufour, Attorney of the General Council, and Randall Hunt, Esq:

To the Members of the General Council:

GENTLEMEN—Your Committee appointed at the last meeting of this Council to enquire if M. J. B. Walton was eligible for the office of Secretary, beg leave to report, that they have inquired fully into the matter, and consider him qualified to fill the office in this Council. They refer to the written opinions of Cyprien Dufour and of Randall Hunt, Esqs. accompanying this report.

All of which is respectfully submitted.

J. E. CALDWELL,
CHAS. M. WATERMAN.

LETTER OF CYPRIEN DUFOUR, ESQ.

NEW ORLEANS, May 11, 1850.

CHAS. M. WATERMAN, Esq.

Dear Sir—The point you have submitted to my consideration involves no difficulty. The corrections of Col. Walton's election as Secretary of the General Council is questioned under article 126 of the Constitution, which reads as follows: "No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace." It is very evident that this provision affects only State officers. The Constitution is framed for the purpose of a State government. The object of the prohibition contained in article 126 is clear, and it still made clearer by the particular exception made in favor of Justices of the Peace. The policy of the prohibited was called forth by the old practices of former years in our State administration which had grown up under the Constitution of 1812, by mere construction, be extended to municipal corporations, and it would require a positive enactment by the Legislature to introduce the rule into our municipal affairs. The article 126 of the Constitution provides that, "the citizens of the City of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of said city, pursuant to the mode of elections which shall be prescribed by the Legislature"; and I am aware of no acts of the Legislature calculated to invalidate the election of your Secretary.

Respectfully,
(Signed) CYPRIEN DUFOUR,
Attorney of the General Council.

LETTER OF RANDALL HUNT, ESQ.

J. B. Walton, a Deputy Surveyor of the Port of New Orleans, under the appointment of R. B. Stille, Surveyor, was elected Secretary of the General Council of the City of New Orleans, on the 9th May ultimo.

It is contended that he was ineligible, and that he cannot hold the office of Secretary, based on the Constitution of the State, in article 109, provides that no person holding or exercising any office of trust or profit under the U. S., shall hold or exercise any office of trust or profit under the State; and because the Constitution further provides in article 126, that no person shall hold or exercise more than one civil office of emolument, except that of Justice of the Peace.

The answer of this argument consists in a misapplication of the terms "office" and "office under the State and under the United States."

The Deputy Surveyor of the Port is not an officer in the Constitutional sense of that term. He is appointed by the Surveyor, and in his mere Deputy, deriving all his powers from the appointment, and removeable at his will. He stands upon the same footing with the clerks employed in the Customhouse. He holds no commission from the President of the U. S., who, by the Constitution, is bound to "commission all officers of the U. S." Constitution U. S., art. 2, sec. 3.

The distinction between an offic