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NEW ORLEANS
TUESDAY MORNING, FEB. 12, 1867.

THE MINORITY REPORT.

A telegraphic summary of the minority report of the "Eliot Investigating Committee" recently in session in this city, was published in the *Crescent* of yesterday. We venture to say that few in our city anticipated a decision of this kind; for the previous experience with investigating committees was not calculated to inspire much hope for this one. The majority report was very generally anticipated, and nothing new or less was looked for after the names of the President and leading members of the Committee were received by telegraph. But if this minority report is somewhat surprising to us, what must it be to the so-called loyalists of the South, and more particularly of Louisiana, who had hoped to make no little capital out of the report of this Committee. They cannot conceal from each other, from this report how ever much they may have enjoyed the other. It is an utter, unlooked for blow, and strikes them as the other was in their favor; but they have the advantage of the majority report which is the one that must be taken as authority.

In these two reports upon the nature of the case, we have a good illustration of an American peculiarity which could hardly be found in any other country. A body of men sit down to examine a case after taking a solemn oath to render a decision in accordance with the facts adduced from the testimony brought forward. The witnesses are examined before every member, all hear the same testimony, the same facts are subjected to their decisions, and yet one portion of the Committee gives an opinion diametrically opposed to that rendered by the other portion. How is it possible to bring about this result? These men are no more nor less than jurors selected to try a case, and is the trial by jury a farce? Do the men who sit in judgment as jurors or as members of a committee of investigation holding the same powers, permit their prejudices or opinions to enter into the verdict which they are sworn to render in accordance with the facts? This such is the case one can have very little doubt, after reading the two reports of the members of the Investigating Committee. A majority of its members assert that the city authorities are responsible for the riot, and that it was inaugurated by the late Confederates for the express purpose of butchering Negroes and peaceable Union men, or loyalists. They lay great stress upon the part taken by those who had been in the Confederate service, and pretend to argue from it that the lives of loyal men are not safe in the South. From the political complexion that, given, it is perfectly evident what those are a are Radicals, and that they are acting in the interest of the Radical party, and acting in the cause of justice. On the other hand, we find that another portion of the Committee declare in toto the assertions of the former, and assert that the riot was incited by the Radicals themselves; that the negroes were provoking, insolent and anxious to fight; that the military was blustery and much to blame; that the city authorities did everything in their power to quell the disturbance, and that the firing, both in the street and in the hall, was begun by the negroes and their white friends and instigators. It is perfectly evident, that these men are Conservatives or Democrats. We see that judgment was rendered according to the political creed of the individual, without any great reference to the testimony taken.

Reading the two reports with this idea in view of every thinking man must come to the conclusion that there is nothing more farcical than the so called legal proceedings, conducted by men of strong political feelings and bitter partisan prejudices. It will be remembered that when this committee was formed in Washington its result was predicted by two men who declined to serve. Of course the President and leading members of the committee, being appointed by a Radical Congress, must belong to that party. To give some show of fairness there must be upon the committee two or three men of opposite views, who are supposed to have fulfilled their mission when they have given their names to the proceeding and are thereafter forbidden to dissent merely. Unfortunately two very honest Democrats were elected at first, but preferring the nature of the report they declined to be a party to the fraud which they saw about to be practised in the name of law and order. In this case their predictions proved true. Now, so many examples of this kind have occurred that we can base a strong argument upon them, as philosophers do upon the frequent occurrence of some natural phenomena, and we cannot understand the necessity of the trouble, time and expense of the actual proceedings when the majority report could be written at once in a Radical caucus. We know very well what the verdict will be when we know the men who are to sit as jurors and can ascertain their political views. The expense of the real investigation is, therefore, quite useless, and the actual proceedings little better than by play upon the minds steps.

We are aware that it is rank heresy to say anything against the trial by jury, the great safeguard of American liberty, as fourth of July orators are fond of calling it; but we cannot refrain from calling attention to the absurdities of the system without condemning the system itself. In our own city good examples are not lacking. It was not long since that a jury empannelled to try a case of murder was divided in opinion, one portion being for capital punishment, another for imprisonment for a term of years, still another for acquittal. There were but three of the latter opinion, we are told, yet these three being stronger-minded men than their fellows won the remaining nine over to their opinion. How it was done no man can know; but that it was done and that the prisoners were acquitted we all know. With such facts as these before us, and knowing how a skilful barrister can work upon the sympathies or prejudices of the jurors, one may well doubt the value of the safeguard of liberty and think that is but an uncertain nature. And well may he, reflect whether or not a learned judge, familiar with the laws of evidence, well read in law, a good reader of character, and with a mind capable of making an analysis of conflicting testimony, is not a better safeguard than twelve ignorant men easily swayed by the lawyers' sophistries, and unaccustomed to courts of law. Now-a-days it is very rare for a jury to agree, and the strongest man among the jurors are the ones who really form the final verdict. In a majority of cases the matter is decided by one man, who would have done just as well if the remaining eleven had not been present.

However do not mean to say that this is always the case, for men may be formed of cultivated mind, or of more advanced to the law; but in many cases one or ten jurors are empannelled from a very different class of persons. The good men usually find some chance of escape, while those who have nothing else to do and who are glad to sit in the jury box for one dollar per day are generally selected. It is this that has brought the trial by jury to such a low condition and made it a matter of great uncertainty. And not only in this the case with juries for criminal cases, but with the committees appointed for political purposes. Their partisan proclivities have the same effect in the one case, as thoughtlessness and inexperience of jurors do in the other. In the case before us we see two entirely different reports upon the same testimony, and it is not too much to say that the members knew before they began what the report would be. This shows how much reliance can be placed upon such committee reports as that rendered by the majority of this committee, and the minority report, entered as a protest against the other, brings out the political prejudices and party feelings, and holds them up to public view.

THIRTY-FIFTH ANNIVERSARY OF DODSON COMMERCIAL COLLEGE.—The thirty-fifth anniversary celebration of this popular institution will take place on the 26th instant at the Lyceum Hall. Present and former pupils of the College wishing to be present at the celebration are requested to meet at the lecture room of the College building at 6 o'clock this evening to make such arrangements. All printing tickets admitting a gentleman and lady must have their names registered at the College office.

By a despatch to Wm. Creevy, Esq., we learn that the steamship Missouri, Capt. Hudson, bound for New York, crossed the bar and passed out to sea Sunday last, and that the steamship Morgiana, Capt. Sam Shaw, from New York, arrived at the bar at 8 o'clock yesterday morning.

ARRIVAL OF THE GEO. CROSWELL.—The steamship Geo. Croswell, Capt. Vail, from New York 24 inst., arrived last evening. Sunday, 10th inst., at 4 P. M., 80 miles southeast from South west Pass, passed steamship Winchester day; at 6 P. M., 40 miles southeast from Southwest Pass, exchanged signals with the Geo. Washington, Geiger, bound for New York. The Georgia Croswell has experienced very heavy weather in crossing the Gulf; was here to 32 hours. The following is a list of her passengers:

A Lee, wife and 2 children, W W Wallace, Frank Wallace, Mrs Wallace, T Conant, J G Wheeler, Edward Young, Jr Hooper.

LOUISIANA LEGISLATURE.

ELEVENTH DAY—FEBRUARY 11TH, 1867.

SENATE.—The Senate met at 12 o'clock M., pursuant to adjournment, Lieutenant Governor Albert Voorhies presiding, and twenty-one Senators present.

Prayer by the Rev. Father Moynihan, of the Roman Catholic Church.

The journal of Friday's proceedings was read and adopted.

Mr. Foute presented a memorial from the New Orleans School of Medicine. Referred to the Judiciary Committee.

Mr. Barthe, from the Judiciary Committee, reported favorably on an act relative to official and judicial bonds and securities; favorably on an act to repeal an act to authorize certain persons to construct a steamboat canal from Vermillion Bay to Sabine River, opposite Neches River, Texas; favorably on an act to amend the second section of an act relative to appeals and bonds of defendants, approved March, 1847; favorably on an act to amend the sixth section of an act relative to the adoption of children; favorably on an act to define the qualifications of Judges of the Supreme and District Courts. The Committee reported adversely on an act to amend an act relative to judicial advertisements, approved March, 1866; adversely on an act for the preservation of the notarial records of Richards and Madden; adversely on an act relative to divorces; adversely on an act to repeal an act to suspend the sale of property seized on an order of seizure and sale or writ of *fieri facias*, approved March, 1866; adversely on an act to amend an act relative to persons imprisoned for debt, approved March, 1854.

Mr. Fellowes, from the Committee on Commerce, reported favorably on an act to amend the charter of the New Orleans and Carrollton Railroad Company.

Mr. Kenner called up the House bill authorizing the State Treasurer to transfer certain funds for the benefit of the internal improvement funds. Passed finally.

Mr. Brusle, according to previous notice, introduced an act to create an additional Justice of the Peace Ward in the parish of Iberville. Passed finally.

A message from the House requested concurrence in certain bills.

By Mr. Barthe—An act to amend the charter of the New Orleans and Carrollton Railroad Company. Referred to a committee of three.

Mr. Munday called up the act to repeal an act, approved April 4th, 1865, authorizing certain persons to construct a steamboat canal from Vermillion Bay to the Sabine River, opposite Neches River, Texas.

Mr. Kenner—Substitute for the bill of Speaker Odell relative to privileges. Withdrawn.

Mr. Jones called up Senate bill 120 for relief of Norbert Trosgnier, being an allowance for services as Clerk of the First District Court. Referred.

Senate bill No. 7, for the relief of Allen Wilson. Postponed.

Mr. Fellowes asked to withdraw a bill relative to the incorporation of the Carondelle and Bonet Rivers Navigation Company. Granted.

Mr. Sanford called up Senate bill No. 73, relative to the Louisiana State Seminary at Alexandria. Passed