Daily Alta California

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FRED'K MacCRELLISH.....WM. A. WOODWARD

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SAN FRANCISCO, WEDNESDAY, DEC. 2.

Daily Alta California.

VOL. XX SAN FRANCISCO, WEDNESDAY MORNING, DECEMBER 2, 1868. NO. 6834.

LOCAL INTELLIGENCE.

THE $50,000 CLAIM.

Testimony Against the Claim—Interesting Revelations—McCoppin's Experience in Outside Lands—Canavan's Opinion of the Ring—Testimony of Horace Hawes, Chas. D. Carter, Supervisors Shrader, Clayton and Cole, and others.

The claim of the Outside Land Committee came up for further hearing yesterday, in the County Court. The proceedings were the following:

Wm. Hayes, counsel for objectors, offered a series of objections, stating why the County Judge should not entertain the application of the petitioners, prominent among which was that which sets forth the fact that the duties of said Committee are not yet fully discharged, as required by Order No. 800, and contingencies may arise which may effectually prevent the completion of said duties by one or more of said Committee.

Counsel for objectors and Mr. Hastings, City Attorney, differed somewhat on the point that the report (which is not before the Judge) is to be submitted to the Board for ratification, Mr. Hastings interpreting the act as merely requiring this report to be filed.

The Judge could not see why all this proceeding should be dismissed simply upon the ground that the report has not yet been filed. Yet it would be well to have it filed, in order to show the real amount of labor performed, so as to give the Judge some idea of the amount of labor actually done; because experts, although they may testify to the value of the actual services performed, cannot really know the amount of labor actually rendered by the Committee.

It was agreed by Mr. Williams, counsel for petitioners, that the report should be filed immediately and laid before the Judge.

TESTIMONY OF MAYOR M'COPPIN.

Mayor McCoppin, sworn.—I was a member of the former Outside Land Committee, prior to assuming the duties of my present office. At the time I ceased to be a member, the Committee had progressed sufficiently to enable them to make all the reservations necessary for public purposes, so much so that I brought in, even before I left the Board, myself, as chairman, accompanied by a chart made by the surveyors, delineating those reservations (although it was not then in its present condition). That ordinance was defeated by a majority of the Board. Messrs. Clement and Stanyan, and myself, constituted the Committee. We were engaged on the Committee fourteen months; engaged a very inconsiderable portion of the time. The theory of this whole legislative act was that this Committee, at the time it was proposed to give them compensation, would, under Order 748 (which passed the Legislature at the time Order 800 did, but failed to receive the sanction of the Governor), require each one of these outside land owners to reserve a deed for his property. Order 748 provided all the machinery for issuing such deeds by the Committee. The failure of that act to become a law rendered it immaterially the duties of this Committee. It relieved them from examining petitions of persons who asked for deeds. All that business was dropped when the act failed to become a law. Originally there were three to the Committee. They were elected by ballot. Order No. 800 proposed to appoint the former Committee, and the majority of the Board adopted that proposition, but the minority the two additional members, and Messrs. Ashbury and Clayton were added. I have understood they were a concession or compromise of that sort. Am not particulary acquainted with the services rendered by the Committee—have a general idea. Am not prepared to answer the question in the shape of how much their services were worth. Ten dollars a day would seem to be more than his Honor the Judge gets, and about what I conceive much as I get. I can answer in that way. Suppose the Committee were to be in a scrambling way outdoor Under Orders 748 and 733, so far as I know of the services rendered, persons claiming to have pecuniary claims are entitled to have their delineated upon the map on presenting petitions to this effect to the Committee. Such petition is accompanied with an affidavit that the money has been paid. I don't know as a matter of fact whether the Committee adopted the practice of taking affidavits or ascertained it from inquiry. I wish to state that much has been said about the amount of taxes collected upon these outside lands from time to time under these various ordinances. They say the city has been benefitted and taxes have been flowing in ever since. I have the statement of the Tax Collector concerning the entire amount of taxes since 1850 that has come into the Treasury, and it has been from forty-nine to fifty-nine thousand dollars. Witness explains the duties of the Committee in their various details. The majority of the Board have differed all along as to whether or not, to complete their duties, it was required that they should present their report for ratification. The act of Congress provided that the reservations should be made by ordinance. A majority of the Board did not perhaps with their action to come under my review. If it had, I would have opposed it. There is an outrage upon the community as that Park is, the present Committee were to take up the map at the point reached by the former, and complete it. The city has paid or is paying now at the rate of fifteen hundred dollars a month for clerk hire for the Committee, and I presume their clerks are doing the main part of the work. There are six or seven clerks.

A statement was here exhibited showing the sum total of fifteen hundred and fifty dollars monthly salary to clerks.

Also, statement of the Auditor as follows:

DISBURSEMENTS FOR OUTSIDE LAND ASSESSMENTS.

Clerks' service	$4,250 00
Horses and carriage hire	2,250 00
Maps	12,000 00
Room rent, stationery, fuel, table, etc	2,000 00
Demand (partly paid) for U. S. survey	2,500 00
Total	$19,724 85

Witness (continued).—There is a bill now against the city for a map, which I have not signed and do not think I will sign, for three hundred dollars, for delineating the map. The Park is a portion of land located in of no benefit to the city. The city would have been benefitted by thousand dollars if the Park Committee which would have selected a good Park. At the time I cease to be a member of the Committee, the labor had progressed sufficiently to have enabled it to adjust all the reservations for public purposes. I may not be a fair judge as to what the Committee should be entitled to. I never made any claim for my own service, and never intend to. Outside of that, if the Committee had rendered such service as I think, they might have done they would have been invaluable, but I think the result of their labor shows that their services were worth but very little to the city. As Mayor of the city I shall be compelled to withdraw my hands from tax sale, on the ground that the title is in the city, and has never yet passed from the city. This year there are to be two assessments on these lands, one for ordinary taxation, and the other a special assessment, to pay for these reservations, and the theory of the ordinance is that when the law shall be complied with the city is divested of its title, and if we permit the land to be sold for taxes the city would be estopped by such act from ever in the future to enforce subsequent assessments, as it would then be selling its own title. As to property outside of the reservations, I do not see how it can be the property of the city until the parties from whom it has been taken have had their compensation. Until the statute shall have been fully complied with it is really private property, although the title being in the city it must be withdrawn from tax sale. I understand these outside lands were assessed to their full cash value, the aggregate of the assessments amounting to $1,830,000, the collection of which amount is a serious matter in this community. Until this money has been paid into the Treasury of course the parties whose land has been taken cannot be compensated, and the question must remain open. The whole burthen therefore falls upon the inside property, and that too, whatever your Honor allows this Committee must be paid by the inside property. In other words, the city, having a large property of $15,000,000 gives it away. I do not know what would be a fair compensation for the members of the Committee, but they have drawn $150 per month as Supervisors, and if they get $150 in addition it will be a handsome compensation for the amount of them. If I had had the work to let out I think I could have obtained the services of as many at 50 per cent of equal intelligence at $250 per month. There was no competition upon the members of the Committee. Any or all of them could have resigned and a new Committee have been raised. If there is sufficient temptation we shall have an Outside Land Committee for the next ten years, and I think we had better close it out now. The Commissioners under the Van Ness ordinance in 1855 and 1856 received $10 per diem. In 1855 $4,000 appears would be a very handsome sum for this Committee, taking into consideration that they were charged with no responsibility in a pecuniary sense. Under Orders 748 and 733, so far as I know of the services rendered, persons claiming to have pecuniary claims are entitled to have their delineated upon the map on presenting petitions to this effect to the Committee. Such petition is accompanied with an affidavit that the money has been paid. I don't know as a matter of fact whether the Committee adopted the practice of taking affidavits or ascertained it from inquiry. I wish to state that much has been said about the amount of taxes collected upon these outside lands from time to time under these various ordinances. They say the city has been benefitted and taxes have been flowing in ever since. I have the statement of the Tax Collector concerning the entire amount of taxes since 1850 that has come into the Treasury, and it has been from forty-nine to fifty-nine thousand dollars. Witness explains the duties of the Committee in their various details. The majority of the Board have differed all along as to whether or not, to complete their duties, it was required that they should present their report for ratification. The act of Congress provided that the reservations should be made by ordinance. A majority of the Board did not perhaps with their action to come under my review. If it had, I would have opposed it. There is an outrage upon the community as that Park is, the present Committee were to take up the map at the point reached by the former, and complete it. The city has paid or is paying now at the rate of fifteen hundred dollars a month for clerk hire for the Committee, and I presume their clerks are doing the main part of the work. There are six or seven clerks.

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The testimony having closed, the case was postponed till this morning, for argument.

REAL ESTATE MATTERS.

Real Estate Sales in November—Comparative Results—Values Well Sustained—The Great Scarcity of Frame Dwellings—Mortgages—The Lumber Business—Etc.

Charles D. Carter's monthly *Real Estate Circular* shows the real estate sales made in November to have been divided up as follows:

	No.	Amount.
Fifty varas	66	$542,190
One hundred Varas	42	115,500
City slip and water lots	13	156,450
South Beach	3	4,650
Mission	195	71,175
Mission Addition	104	293,474
Western Addition	83	220,041
Homestead Associations	30	81,000
Outside Lands	21	171,895
Tax, Blackmail and Skeleton Tiller	2	854
Total	608	$1,613,790

Mr. Carter says that the month of November was a very dull one in real estate. In comparing with October, the sales made in November show a reduction of 210 in number and of $897,963 in their total value. Real estate agents have not experienced as dull a season for two years. Up to the close of October no dullness followed the earthquake. To it, however, undoubtedly we must in fairness attribute the unusual dullness of November. Other causes have been at work which had fully as much—indeed, probably more—to do with the prevailing lull than the earthquake. Money was very scarce last month, especially in the early portion of it. This state of affairs, of course, had its effect upon the real estate market; but the chief cause of depression lay in the fact that the loan societies, during the first half of the month especially, either had little funds on hand, or what is much more probable, they decided to hold off a little from loaning in view of the monetary panic in New York, and the apparent sympathy which our money market manifested with it for a short time. Prophets by the dozen, too, were not wanting, who assured everybody that the temporary lull in real estate was the immediate forerunner of a general fall in prices, and even the slightest possibility of such a contingency justified the societies in declining to loan much until the barometer of events was closely scanned for a short time.

In addition to the causes noted, the election and its excitements, and the locking up by banks of their funds in anticipation of extremely high rates, have had a very decided influence upon the market. Owing to a rigid combination among the dealers, the price of all kinds of lumber is always more nearly uniform perhaps than that of any other kind of merchandise. The lumber market has had no season lately; the business has been unprecedentedly active continuously for the past year, and dealers have found it impossible, even with the most strenuous efforts, to keep sufficient stocks on hand. Annexed we give the present

Jobbing Prices of Lumber.—All rough building lumber is now $25 per thousand feet; finishing and flooring are worth $40 per thousand; rustic, $45; siding, $75; shingles, $3½ to $4½ per thousand, according to quality; pickets, $25 per thousand; $3 75 to $4 is the usual price. Of late, many builders have delayed finishing up houses for five, six, and even eight weeks, vainly expecting an increased supply and fall in prices.

Prices per Cargo.—Puget Sound and Oregon pine, $20 to $21 per thousand feet; redwood, rough, $20; surfaced flooring, $32½; shingles, $3½ to $4 laths, $4.

The above facts show the necessity of the erection of more sawmills, to supply the greatly increased demand for building purposes, and to keep prices down to a reasonable figure.

SHOCKING AND FATAL STABBING AFFRAY.

One Man Killed, and Another Terribly Injured—Pine street the Scene of the Tragedy—The Causes that Led to and Incidents of the Transaction.

Last evening soon after nine o'clock a terrible affray occurred on Pine street, about midway between Montgomery and Sansome streets. The particulars, so far as we can learn them, were as follows:

Some difficulty had occurred early in the evening, at the furnished lodging house kept by Mrs. Luderman, No. 316 Pine street, between some of the lodgers, and about nine o'clock the landlady had words with S. P. Roberts, who occupied a room there, and has a patent pump agency business a few doors away. She charged him with casting aspersions on her character, giving her house a bad name, etc., and notified him that his time would be up the following day (to-day), when he must find lodgings elsewhere. In return, he called her "ad—d old ——," threw his cane at her head, and after a scuffle, started down stairs in a rage. Mrs. Luderman called on two other lodgers, Peter Kiltinn, a sailor on the schooner *W. D. Tietjens*, and Capt. H. Struttmeyer, of the schooner *Oneonta*, to follow him and have the police arrest him. Roberts started down the street diagonally southeastward, towards the corner of Pine and Sansome streets, and when near a pile of lumber, just outside of the sidewalk, near the south side of the street, the parties came together. A struggle of momentary duration took place, and Kiltinn, crying out that he was stabbed, started back toward the lodging-house, the blood pouring in a torrent from a wound in the left arm, near the shoulder, which had severed the main artery. He managed to ascend two flights of stairs, and walking down a hall a few steps, fell down, and died almost instantly. At the same time Captain Struttmeyer found himself stabbed in several places by the infuriated man, and started back towards the house. Local officers Wigmore and Brewer, who were on Sansome street, heard the outcry, and rushing to the spot, met Roberts, who had the knife—one of Price's short bowie knives—in his hand, on the sidewalk, a few yards from where the cutting was done. A struggle ensued, and Roberts dropped the knife, which fell through a grating into a cellar, but was subsequently recovered. He was taken to the Calabooze and charged with murder.

Dr. Bates being called, dressed the wounds of Captain Struttmeyer—one in the thigh, another in the shoulder, striking the shoulder blade, and two about the back—but found Kiltinn already dead. Struttmeyer, though weak from loss of blood, is not likely to die from his injuries. Kiltinn was a native of Holstein, North Germany, aged 27 or 28, and unmarried. He is represented as having been a quiet, inoffensive man. Neither he nor Struttmeyer had any weapons of any kind. Roberts is also unmarried, and a man of the middle age. The stairs up which the dying man climbed were covered with blood from top to bottom, and there was a wide track of blood from the spot where he received his wound to the door. As to the merits of the case, there are various versions, and we do not propose to enter on a discussion of the question; that the Courts will do.

Kiltinn's body was removed to the Coroner's office and Struttmeyer remains at his room, No. 316 Pine street.

THE CITY AND COUNTY NEWSPAPER SUITS.

Letter from Mayor McCoppin.

In explanation of a statement made in the ALTA of yesterday, in relation to Mayor McCoppin's refusal to verify an amended answer for a lesser amount of damages in the case of Moss vs. The City, we have been requested to publish the following letter addressed to the City Attorney during the litigation:

MAYOR'S OFFICE,
SAN FRANCISCO, November 25th, 1868.

To H. M. Hastings, Esq., City and County Attorney—SIR: You note inquiring if I can swear less amount than the sum of $10,000 damages in the case of Moss vs. the City is just received, and in reply I beg leave to inform you that I cannot.

I have prepared your answers in three cases, you left the amount of damage in each case in blank for me to fill up. As Mayor I feel to verify these answers, and I acted then in fixing the sum as I believe for the best interests of the city. I regretted that the Supervisors allowed themselves to be seen sustained—I could not, under your advice, deny that the plaintiff had sustained some damage in the sum of $10,000 in each case, and I must be held.

The U. S. STEAMER "MOHONGO."—The U. S. war steamer *Mohongo*, Captain E. Simpson, went up to Mare Island yesterday, and after receiving on board her full complement of men, she left on the 24th day of April, 1868, when their report was made to the County Court. Their services continued in the County Court every day for seven weeks, making about nine months' service. During the last three months the Commission commenced work at 8 A. M. and were at work all day, and generally as late as 11 o'clock at night, and at times until 2 or 3 o'clock A. M. These late sittings were held because the property-owners were anxious to get the report. At least one-third of the work was done for each day. The Commissioners received the greenbacks about the first day of December, 1867, twenty months after the report was made. The greenbacks sold for 72 cents, making a total for the service of each Commissioner of $4,800, gold. Deduct interest, one per cent, per month, twenty months, $960, and their compensation was $3,840. ONE WHO KNOWS.

WHO STOLE THE HORSE?—On Monday evening L. W. White, of Falkner, Bell & Co., left his saddle horse hitched on Battery street, in front of the old Merchants' Exchange, and returning a few minutes afterwards found that he had been stolen. He notified the police, and late in the evening a man—who was much in liquor—brought the animal to the Calabooze, stating that he found him going along alone on the San Bruno road, five miles from the city, caught him and rode him into town in search of an owner. It appeared that he had shouted to put him in a livery stable before going to the Calabooze, but the stable keeper would not receive him, believing that there was something wrong. Under these circumstances Captain Douglass locked the stranger up; and yesterday morning he had a partial examination before Judge Provines on the charge of grand larceny. No one saw who took the animal away from the Exchange, and the stranger's story being uncontradicted, though a little extraordinary, he was allowed to go on his own recognizance to hunt up witnesses to show that he worked on a ranch five miles out of the city on Monday, and therefore could not have stolen him. It is supposed that the real thief was bound for the country, and rode the stolen animal out to the vicinity of the toll-gate, and then, not daring to pass for fear of recognition, abandoned him.

STRIPPING THE "BRIGNARDELLO."—The owners of the wrecked barque *Brignardello*, lying on the beach beyond the Cliff House, sent out wagons yesterday with men and materials to commence stripping the wreck. It was expected that the vessel would be washed up higher on the beach, but she was bilged and is now filled with sand; though the barque has not been washed further inshore, she has been moved diverse one hundred yards nearer to the Cliff House, while still preserving the same fore-and-aft position. The face of the beach has meanwhile changed for the late surf and undertow; it is now level up to the road which was laid out as a turnpike, and at low tide fifty yards more of sand is left to be driven side by side the whole length of the beach.

SERIOUS ACCIDENT.—Yesterday afternoon a painter at work on the outside of the Masonic Hall building, on Montgomery street, was seriously if not fatally injured by the falling of the scaffold on which he was standing. The unfortunate man was picked up in an insensible condition and carried to his home in the southern part of the city. If it would do the least good, we would animadvert in the strongest terms of condemnation upon the results of the killing or maiming of so many men and furnishes us with such numbers of "scaffolding accidents," but it would not. We could not learn the name of the injured man.

SUICIDE.—Last night between the hours of 8 and 9 o'clock, a woman named Julia A. Seaman, a native of France, committed suicide by shooting herself, at her room in the second story of a building on Dupont street, near the corner of Green. It appears that some months since her husband destroyed himself, and that since that time the woman has been in a state of mind, at times, that a woman shot herself a man whose name is unknown was sleeping upon a sofa in the same room, and was awakened by the report of the ball. The man was convoyed to the Coroner's Office and an inquest will be held.

THE U. S. STEAMER "MOHONGO."—The U. S. war steamer *Mohongo*, Captain E. Simpson, went up to Mare Island yesterday, and after receiving on board her full complement of men, she left on the 24th day of April, 1868, when their report was made to the County Court. Their services continued in the County Court every day for seven weeks, making about nine months' service. During the last three months the Commission commenced work at 8 A. M. and were at work all day, and generally as late as 11 o'clock at night, and at times until 2 or 3 o'clock A. M. These late sittings were held because the property-owners were anxious to get the report. At least one-third of the work was done for each day. The Commissioners received the greenbacks about the first day of December, 1867, twenty months after the report was made. The greenbacks sold for 72 cents, making a total for the service of each Commissioner of $4,800, gold. Deduct interest, one per cent, per month, twenty months, $960, and their compensation was $3,840. ONE WHO KNOWS.

COMPENSATION OF THE OUTSIDE LAND COMMITTEE.

EDITORS ALTA: The compensation of the Kearny-street Commissioners was considered before Judge McKinstry. On the hearing of the Outside Land Committee, under instructions of a few days since, it was erroneously stated that the Kearny-street Commissioners received $20,000 for their services. They received $6,666 60 each, in currency. The meetings of the Commissioners were held on the 7th of April, 1865, and continued daily until the 5th day of April, 1866, when their report was made to the County Court. Their services continued in the County Court every day for seven weeks, making about nine months' service. During the last three months the Commission commenced work at 8 A. M. and were at work all day, and generally as late as 11 o'clock at night, and at times until 2 or 3 o'clock A. M. These late sittings were held because the property-owners were anxious to get the report. At least one-third of the work was done for each day. The Commissioners received the greenbacks about the first day of December, 1867, twenty months after the report was made. The greenbacks sold for 72 cents, making a total for the service of each Commissioner of $4,800, gold. Deduct interest, one per cent, per month, twenty months, $960, and their compensation was $3,840. ONE WHO KNOWS.

THE OFFICIAL VOTE OF THE STATE.

Judge McKune's Mandate—The Secretary of State Objects to Respecting the Decision of Judge McKune—The Supreme Court Unanimously Decides in Favor of Hoffman—Great Rejoicing Among Union Men—End of the Controversy—Etc.

[SPECIAL TO THE ALTA.]

SACRAMENTO, December 1st.—The following is the writ of mandamus, in full, signed by Judge McKune at five minutes before midnight, and served on Dr. Nichols in person at his residence, by Sheriff White, of this county, at 12:35 o'clock A. M. He replied to the Sheriff that he would attend to it this morning, and either obey it or appeal:

In the District Court of the Sixth Judicial District, Sacramento City and County.

F. A. Gibbs, relator, vs. H. L. Nichols, Secretary of State of California, respondent.—The above named respondent is forthwith required, upon the receipt of this writ, to estimate and count for D. B. Hoffman, one of the candidates for Elector of the State of California for the office of Presidential Elector for the United States of America, the votes returned to his office for D. A. Hoffman for said office of Elector, and to certify to the Governor of the State of California that the said D. B. Hoffman is one of the proper number of persons receiving the highest number of votes cast at the Presidential election in said State of California, on the 3d day of November, A. D. 1868, for said office of Elector.

Dated, Sacramento, November 30d, 1868.

J. H. MCKUNE, District Judge.

This morning the whole question was submitted by consent of counsel to the Supreme Court Judges, they to consider all the facts of common and public notoriety attending the election and returns, and to give their opinion this afternoon. They are now in consultation.

[SECOND DESPATCH.]

SACRAMENTO, December 1st.—After the decision of Judge McKune last evening, declaring Hoffman entitled to a certificate of election, it was supposed that the Secretary of State would respect the judgment of the Court, but, symptoms of perverseness on the part of that official exhibiting themselves this morning, it was proposed and accepted that the Governor and Secretary of State, representing the Democratic side, and George Cadwalader and J. B. Felton, on behalf of the Republican Electors, should appear before the Supreme Judges, and agree that they, the Judges, should determine the whole question as to the duty of the Secretary of State to count for D. B. Hoffman the D. A. Hoffman votes, and as the Judges advised, so should the Secretary act, and their decision, one way or other, should be final. At twelve o'clock the controversy was submitted according to agreement. Pending the decision, which did not issue until four o'clock, there was great but subdued excitement. At four o'clock the Court sent its message to the Secretary of State, announcing that it was his duty to count for D. B. Hoffman the D. A. Hoffman votes. The announcement of the final result of this angry controversy was met with cheers, and Union men can be told a block off by their beaming countenances.

This is the end of the matter, and at twelve meridian to-morrow, the Electors will meet at the Capital, with their commissions in their pockets, and cast the five votes of California for Grant and Colfax. This settles all bets beyond cavil.

AMUSEMENTS, ETC.

MAGUIRE'S OPERA HOUSE.—Those who have not seen Boucicault's sensation play, "After Dark," must take advantage of the few nights remaining—it will be withdrawn after Friday night, to make room for "The Long-expected Party."

METROPOLITAN THEATRE.—Mr. Herne's Captain Ed'ard Cuttle will be the staple attraction for a few nights more, (the plays for to-night are "Domby and Son" and "Handy Andy," which are great sensation, "Fool Play," will be brought out.

NEW ALHAMBRA THEATRE.—A very amusing entertainment is given nightly, and the performance in the interlude was a decided success, and the minstrel "first part" had more than the usual piquancy on account of a good-natured effort on the part of the audience to disconcert Johnny Mack by repeated encores for a comic ditty, but the witty Blace Manager proved equal to the occasion, and came out with flying colors. Miss Olivia Rand's merle song—verse of each stanza sung twice—is always encored, and the "double song and dance" by Sands and Ashcroft receives a double encore. The same bill will be repeated to-day.

SIGNOR MASSIMILIANI'S BENEFIT.—The programme for Signor Massimiliani's concert, to be given at Platt's Hall, this evening, shows the names of the most eminent of the late Italian opera troupe as volunteers: Signora Marchetti, Signor Mancusi, Signor Morley, and Signor Massimiliani, with a new singer to make his debut—Miss Ada Clare. The selections are from Verdi's productions, (and all different operas,) two from Donizetti, one from Flotow, and one from Balfe's "Bohemian Girl," ending an English ballad, and take part in a trio, besides singing an aria from "Martha." Mr. Reiter will preside at the piano.

PROMENADE CONCERT AND BALL.—This evening the promenade concert and ball in aid of the funds of the Tirailleurs Francs Vereis will come off at the Mechanics' Pavilion. The concert will be under the immediate direction of Mr. Herold, who is made selection from the works of Gounod, Herman and other composers. The Committee have spared no pains to make the affair one of the most pleasant one for those who will participate.

GRANT INVINCIBLES' BENEFIT.—Holders of tickets for the benefit on Friday night can secure seats at either of the three theatres on Friday morning.

OPERA AT THE METROPOLITAN THEATRE.—The vexed question of where the Lyster-Squires-Escott Opera Troupe will sing has been adjusted by the Metropolitan Theatre—possession to be given on the 31st.

THURSDAY AFTERNOON CONCERT.—The manager of Woodward's Gardens has determined to keep up the Thursday afternoon concerts announced a short time ago, and will give one to-morrow, at half past one o'clock—the music to be under the direction of Prof. Joe. Schnell.

RACE TO-DAY.—A match race between "Glencoe Chief" and "Dick Gough" will come off to-day, at Golden Gate Driving Park, at three o'clock.

FOR FIFTY CENTS—You can view all the wonders of the Anatomical Museum; a trifling sum for so much amusement and instruction.

LAW INTELLIGENCE.

TUESDAY, December 1st.

U. S. District Court.—HOFFMAN, J.

Michael Carroll was fined $25 and sentenced to be imprisoned one day for an assault with a soldering iron upon Ah See.

W. W. Hack and Nathan W. Smith, partners, were discharged from their debts.

Fourth District Court—SAWYER, J.

THE HAYWARD-PENNYPACKER CASE—SUIT FOR $100,000 DAMAGES.

In the Fourth District Court to-day, before Judge Sawyer, commenced the case of J. J. Pennypacker vs. Hayward was called. The suit grew out of a complaint made by Mr. Hayward last year against Messrs. Pennypacker and Cornwall for an alleged attempt to obtain money under false pretenses. The present suit was brought by Mr. Pennypacker to obtain damages from Mr. Hayward for alleged false imprisonment, and injury to character and standing in the community. The complaint contained the following: Mr. Hayward was employed in the Police Court, for which he claimed damages in the sum of $90,000, and the other for malicious prosecution before the Grand Jury of the City and county of San Francisco, whereby plaintiff was indicted and tried for obtaining money under false pretenses—damages, $50,000, making the total damages claimed $100,000.

Notwithstanding considerable difficulty, a jury was empanelled, and Judge G. W. Tyler opened the case for the plaintiff. He stated that the income of defendant during 1865 amounted to $90,000, and $400,000; that Mr. Hayward went to the office of the Assessor of Internal Revenue and made a statement of his income, which was sworted to, and that he refused to swear to the statement. The attorney proceeded to show that Mr. Cornwall induced the latter to introduce him to Mr. Hayward; that some days after the introduction Mr. Hayward came to Cornwall's office and swore that Mr. Pennypacker; that Mr. Hayward, although a lawyer himself, had consulted attorneys in this matter before taking the oath. He said he was sorry he had arise as to whether Mr. Hayward obtained this advice in good faith or simply as a pretext to evade and to shield him from future consequences. Judge Tyler said that he expected to show that the arrest of Mr. Pennypacker was malicious, groundless, and made for the purpose of stifling investigation; that the defendant's income from one source was $12,000 instead of $90,000, and that he had sustained damages in mind and reputation, caused by his arrest, to the amount named in the complaint.

Mr. W. H. L. Barnes, the counsel for the defendant, admitted the case to the jury, and said that he expected to be able to show that some time in January, 1867, Mr. Hayward was waited upon by Mr. Rolfe, who, after introducing himself, informed Mr. Hayward that a secret Government detective was on his track, on account of a conversation with Pennypacker, in which he had defrauded the Internal Revenue; that neither Mr. Cornwall nor Mr. Pennypacker had any connection with the Government, or were employing any Government detectives; that within a short time after the first interview, Mr. Pennypacker, accompanied by Cornwall to Mr. Hayward, at the Bank of California, as his attorney, especially employed in this matter; that Mr. Hayward was told by Pennypacker the penalties prescribed by law for similar cases, and advised him to draw a check for $2,000 payable to the order of Pennypacker, to settle and end the matter; that Mr. Hayward called upon Mr. Soulé, who informed him that neither Cornwall nor Pennypacker had any connection with the revenue office; that then Mr. Hayward sought counsel of Mr. Thomas Lake, Cashier of Barnes, who advised him that it was his duty, as a citizen, to prosecute the case.

Mr. Barnes proceeded to give the arguments of the counsel, or the testimony of the witnesses in full.

Judge Tyler, on the part of the plaintiff, then wished to argue the question of the sufficiency of the complaint.

The defendant, through his attorney, then entered a demurrer, stating that in causing the arrest of the plaintiff he had acted from no malice or any motive except from a desire to do his duty as a citizen.

Several papers were here introduced as a portion of the testimony.

Mr. W. H. L. Barnes, sworn.—Testified that the paper shown him was a complaint drawn up by Mr. Pennypacker, and presented to the Grand Jury of this city, and signed by Mr. Hayward. The witness thought the complaint had been filed, although not positively sure.

William Harney, sworn.—Says, I am County Clerk for the City and County of San Francisco. The papers presented to the Court are a portion of the County Court. They are the complaint in the case and the affidavit of Mr. Hayward. The papers were sent from the Police Court to the County Court to make up the case before the Grand Jury.

The deposition of Mr. Hayward was read, setting forth facts already stated, and charging the plaintiff with the crime of forgery with intent to defraud him of the sum of $2,000.

Mr. W. A. Cornwall, a witness for the prosecution, being sworn, stated that he was a practical gambler at law. Have been in practice about 25 years. Have known Mr. Hayward by sight for several years. Mr. Pennypacker was arrested some time since for being concerned in a case of smuggling whiskey; have seen Mr. Pennypacker frequently in the Internal Revenue office, and occupying a desk in Dr. Gunn's office. Supposed him to be an employee of the Internal Revenue office. Mr. Pennypacker and Mr. Hayward of which I have any knowledge was at the Bank of California. Mr. Pennypacker went to the bank at my request, to introduce me to Mr. Hayward. I told Mr. Pennypacker that I could not do any business with Mr. Hayward knew in what capacity I was acting. Mr. Pennypacker introduced me to Mr. Hayward, saying, "Mr. Hayward, this is Mr. Cornwall, my attorney." Mr. Pennypacker then went out of the bank; he knew nothing of my business with Mr. Hayward. I had previously met Mr. Hayward at his store on Front street, introducing myself to him. Mr. Hayward made the appointment for the meeting at the bank.

Cross examination by Mr. Barnes.—Told Mr. Hayward that Pennypacker was a detective officer of the Revenue. Have been in the Revenue Office frequently and have seen Mr. Pennypacker occupying a desk. Have been frequently employed as counsel by Pennypacker, and believed him to be a detective officer in the employ of the Government. Was to meet Mr. Hayward at the bank at 2 o'clock, and asked Pennypacker to go with me and introduce me, which he did without knowing the business upon which I wished to see Mr. Hayward. Pennypacker did not know of my first visit to Hayward, and went with me to introduce me as his attorney in the matter. I had been to see Mr. Hayward on the morning of the same day, and introduced myself. Desired Mr. Hayward to know that I was acting with authority from Mr. Pennypacker, in introducing me. Mr. Pennypacker said, "Mr. Hayward, this is Mr. Cornwall, my attorney, and will state his business." A day or two after when arrested, I was asked what was printed in the ALTA CALIFORNIA, in which I stated that Mr. Pennypacker, in introducing me to Mr. Hayward, said, "This is Mr. Cornwall, and my attorney especially employed in this case." The card was written upon the back of a visiting card when I was very much excited. Mr. Pennypacker told Mr. Hayward that I was the attorney employed in the case. I think the substance of the statement in the published card was not correct. Took Mr. Pennypacker to the Bank to convince Mr. Hayward that I was the attorney in the case and had power to act. Pennypacker said he was a detective officer of the Internal Revenue office. Mr. Hayward stated to him that I had been informed he had made false returns and to his inquiries as to what I had informed him he had better exhibit his books and accounts to Mr. Soulé. He then showed me his bank-book. Told him there was strong evidence that he had made false returns. He said his books were scattered, and it would be impossible to collect them in time for evidence. Pennypacker then gave me alternative but to make a statement to Mr. Soulé. He then said, "How much money have you brought?" No remarks were made by me to call forth any such expression, and I considered the remark uncalled for. Had no desire to make any money by black-mail, and so stated to Mr. Hayward, who said: "I take that remark back." Then determined, if possible, to collect evidence tending to convict Mr. Hayward of an attempt to defraud the Government. I advised him as I would a brother to make a check for two thousand dollars, being about the balance due the authorities, and make it payable to the order of J. J. Pennypacker. He declined doing this, and made another appointment with me. I wished to obtain the check, because, if placed in the hands of an officer of the Revenue Department, it would be proof positive of an attempt to defraud the Government. Mr. Pennypacker proposed and accepted that the Governor and Secretary of State, representing the Democratic side, and George Cadwalader and J. B. Felton, on behalf of the Republican Electors, should appear before the Supreme Judges, and agree that they, the Judges, should determine the whole question as to the duty of the Secretary of State to