

E 467

f. 1

. D 246

Miss room

(copy)

[8]

New York.

Nov. 2. 1867.

Sir:

We have been able to arrange for a consultation here on the subject of the expected trial of Mr. Davis as presented to our consideration by your letter of 25th ult. to Mr. Everts, and have given careful attention to the points which require presently to be provided for.

We now understand that it is the purpose of the Government that this trial shall be proceeded with when the case can be properly prepared, and the court having jurisdiction shall be ready to hear the cause. We also understand that you do not, in your office of Attorney General, expect to take part in the conduct of the prosecution in court, but that you will take part in any consultations, at Washington, that counsel may think necessary.

The first point to which we think attention should be given, as of the greatest importance and responsibility, is the preparation of an indictment, in view of the evidence upon  
which

(copy)

Nov 1 1871

The following is a copy of a communication from the  
 Secretary of the Board of Health, dated Nov 1 1871  
 to the Board of Health, in relation to the  
 health of the city of New York, and the  
 measures to be taken for its improvement.  
 It is the duty of the Board of Health to  
 see that the city is kept in a healthy  
 condition, and that the laws relating  
 to the same are strictly enforced.  
 It is also the duty of the Board of  
 Health to see that the city is kept  
 in a clean and sanitary condition,  
 and that the laws relating to the  
 same are strictly enforced.  
 It is the duty of the Board of Health  
 to see that the city is kept in a  
 healthy condition, and that the laws  
 relating to the same are strictly  
 enforced.

Wm. H. ...

which, and the witnesses by whom, it is to be supported at the trial.

Although, as we understand, an indictment has heretofore been found, yet neither in framing it as a pleading, nor in selecting the overt acts averred as the body of the crime, nor in the scrutiny of the evidence by which the averments are to be maintained, has the matter been submitted to the attention of the counsel specially retained for the prosecution. Indeed, so far as this pending indictment has ever been suggested in consultations in which such special counsel have taken part, according to Mr. Evarts' knowledge on the subject, it has always been assumed that whenever the actual prosecution was definitively determined on, the subject of the indictment would need to be taken up, substantially as an original question.

What steps may have been recently taken by the U. S. Attorney for Virginia, towards the preparation and finding of an indictment upon which the prosecution would expect

Continued from page 10

The amount for that charge, which the corporation has  
paid, and the expense of the same, is to be included in the  
amount of the corporation's income.

The amount of the corporation's income is to be included in the  
amount of the corporation's income.

The amount of the corporation's income is to be included in the  
amount of the corporation's income.

The amount of the corporation's income is to be included in the  
amount of the corporation's income.

The amount of the corporation's income is to be included in the  
amount of the corporation's income.

The amount of the corporation's income is to be included in the  
amount of the corporation's income.

3.

To rely, we are as yet without information.

We cannot but think, therefore, that the approaching term of the Circuit Court to be held at Richmond will require as the preliminary step towards a trial, the preparation of an indictment and its finding by the Grand Jury. Whenever the District Attorney shall advise us that he is ready to take up this subject we shall give the matter the proper attention.

Supposing that an indictment is procured, upon which the counsel of the Government will be ready to proceed to trial, and the presence of the witnesses and documentary evidence is assured, we have to consider no other condition in respect of the time or Term of the Court at which the trial can be brought on, except such as arises in respect of the Court's being able to proceed with the trial. We feel quite sure that, upon every possible consideration applicable to this question, it is the general judgment of the country, as it is certainly our own, that the Chief Justice should preside in his Circuit at the trial. As his public duties at the Term of the Supreme Court at Washington preclude him from holding Circuit at Richmond at the

approaching

The first part of the paper is devoted to a general  
 consideration of the subject, and to a statement of the  
 objects which it has in view. It is then divided into  
 three parts, the first of which is devoted to a  
 description of the nature and extent of the  
 disease, the second to a statement of the  
 causes which give rise to it, and the third to  
 a description of the symptoms which it produces.  
 The first part is divided into two sections, the  
 first of which is devoted to a description of the  
 nature and extent of the disease, and the second  
 to a statement of the causes which give rise to it.  
 The second part is devoted to a statement of the  
 causes which give rise to it, and is divided into  
 two sections, the first of which is devoted to a  
 description of the nature and extent of the  
 disease, and the second to a statement of the  
 causes which give rise to it. The third part is  
 devoted to a description of the symptoms which  
 it produces, and is divided into two sections, the  
 first of which is devoted to a description of the  
 nature and extent of the disease, and the second  
 to a statement of the causes which give rise to it.

approaching November Term<sup>4</sup> in that city, unless at an  
adjourned day in the following Spring, we cannot hope that  
a trial can actually be had until such adjourned day, or at the  
May Term. We have not heard that the counsel of Mr.  
Davis have any expectation of anticipating the obligation of his  
recognizance by desiring a trial on the 13th inst., and we pre-  
sume that no obstacle will be interposed on their part to the  
trial being reserved until the chief justice will be at liberty to  
hold the circuit.

We have the honor to be

Your obt<sup>d</sup> Serv<sup>ts</sup>

Wm M. Everts

(Signed)

Rich. H. Dana jr.

The Honorable

Henry Stanbery

Attorney General.

&c. &c.

