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FRIDAY MORNING, FEBRUARY 2, 1866.

NEW ORLEANS DAILY CRESCENT.

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GENERAL ASSEMBLY OF LOUISIANA.

THURSDAY, FEBRUARY 1, 1866.

Senate.

Pursuant to adjournment from yesterday the Senate assembled at noon to-day, but there not being a quorum present, the Lieutenant Governor did not call to order till ten minutes past 12 o'clock.

On the roll being called twenty-five members responded, a full quorum.

Prayer was offered by the Rev. Dr. Hedges.

The journal of yesterday's proceeding was read and approved.

The following members were present after the reading of the journal: Messrs. Anderson, Armstrong, Barrow, Bell, Brusle, Burthe, Campbell, Cooley, Duvigneaud, Egan, Ellis, Fellowes, Foute, Gordon, Kelso, Kenner, Lapeyre, Lott, Mohan, Munday, Newton of Jackson, Newton of Morehouse, Nelson, Palfrey, Poche, Purcell, Scruggs, Taylor, Walsh and Wilcoxon.

Mr. Brusle, from the Committee on Enrollment, reported duly enrolled the bill to authorize the police jury of the parish of St. Mary to reduce the police jury wards of that parish to five, and to fix the limits of the same.

Mr. Taylor presented a joint resolution for the appointment of a joint committee to inquire into the condition of the Asylum for Deaf, Dumb and Blind, at Baton Rouge. He said he had received a letter from a gentleman who made very serious charges of fraud against the directors of that institution. At the same time, he would state that he had heard serious charges against the writer of the communication. He therefore considered the committee necessary. The resolution was agreed to, and the President appointed the committee.

Mr. Bell presented a petition in reference to the contesting the election of a member on the floor of the Senate. He moved that it be referred without reading to the Committee on Elections, with power to call for persons and papers.

It was understood that the petition was from Hon. B. L. Lynch, contesting the seat of C. Fellowes as Senator from the First Senatorial District of New Orleans, comprising the First and Fourth Municipal Districts of the city. The election was held on January 19, 1866, and Mr. Lynch claims to have been duly and legally elected on that day.

The following is a copy of the petition:

To the Honorable the Senate of the General Assembly of the State of Louisiana:

The petition of B. L. Lynch, Wm. T. Stocker, D. W. Shaw, W. P. Judd, H. C. Sidney, J. S. Badger, Thos. Winn, S. M. Todd, J. J. Fisher, P. Yetzer and J. Flynn, all legally qualified voters of the Senatorial District, numbered one, and comprising the First and Fourth Municipal Districts of the city of New Orleans, respectfully represents that at an election held on the 19th day of January, A. D. 1866, to elect a Senator from said district, to your Honorable body, the Commissioners of election having made their returns declared C. Fellowes Esq., elected Senator at said election.

Petitioners allege that such was not the fact, but that B. L. Lynch, one of your petitioners, was and is the legally elected Senator of said district. As the facts contained in the notice served on C. Fellowes, Esq., to contest said election are exclusively petitioners' claims, they annex a copy of said notification and make it a part of the petition and these allegations.

Petitioners pray that your honorable body will examine into the facts, and that said B. L. Lynch may be declared by you the duly elected Senator to your honorable body, and be permitted to perform the duties of said office and that the claims and pretensions of said C. Fellowes, Esq., to hold the office of State Senator be rejected as the facts disclosed will justify; and as in duty bound your petitioners will ever pray, etc., etc.

B. L. LYNCH.

Signed,

Signed—W. T. Stocker, D. W. Shaw, W. P. Judd, H. C. Sidney, Jos. S. Badger, Thos. Winn, Saml. M. Todd, J. J. Fisher, P. Yetzer, J. A. Flynn.

A motion for reference, with powers, was agreed to.

Mr. Bell presented a report from the State Librarian, and moved that it be spread on the minutes, and referred to a special committee of five.

Mr. Munday thought that the report being printed in pamphlet form, the spreading on the minutes was unnecessary, and moved to divide the question.

Mr. Bell said it was usual to spread these reports on the minutes. He consented, however, to the division of the question.

The motion to spread on the minutes was laid over. The motion to refer was carried, and the President appointed Messrs. Bell, Mohan, Cooley, Poche and Welch, the committee.

The President laid before the Senate a communication from the Governor, with the report of the Supervisors of the Military Academy at Alexandria, and accompanying documents. Referred to the Committee on Public Education.

Mr. Newton, of Jackson, from the Committee on Public Education, presented a report favorable on the bill for the relief of Thomas B. Harrison and the heirs of A. T. Hawkins Duval, and unfavorable on the bill for the relief of public school teachers. The report was received.

Mr. Wilcoxon, from the Committee on Contingent Expenses, reported favorably on the resolution for the relief of Dr. S. C. Scruggs, and recommending an appropriation of $232 as expenses incurred in contesting his seat. The report was received and the resolution adopted.

Mr. Munday presented a bill to facilitate the recovery of strayed, lost or stolen stock. Read a first and second times, and referred to the Committee on the Judiciary.

The same gentleman presented a bill to amend Article 1739 of the Civil Code. Read a first and second times, and referred to the Committee on the Judiciary.

Mr. Duvigneaud, having with permission withdrawn it from the calendar of last session, reintroduced the Senate bill relative to respites. Read a first and second times, and referred to the Committee on the Judiciary.

Mr. Gordon presented a bill for the relief of the Treasury of the State of Louisiana. Read a first and second times, and referred to the Committee on Finance.

Mr. Poche presented an act to repeal the act exempting a homestead and other property from seizure and sale. Read a first time and laid over.

Mr. Palfrey gave notice of his intention to introduce a bill to provide for a modification of the tacit mortgage system.

Mr. Wilcoxon gave notice of his intention to introduce a bill providing for the appointment of tutors *ad hoc* in certain cases.

Mr. Lott presented a bill relative to the sale of property seized under orders of seizure and sale or under writs of *fieri facias*. Read a first and second times, and referred to the Committee on the Judiciary.

Mr. Lott presented a bill to prohibit creditors from forcing debtors to make surrender of their property in certain cases. Read a first and second time, and referred to the Committee on the Judiciary.

Mr. Ellis introduced a bill for the better protection of the assured citizens and residents of Louisiana. Read a first and second time and referred to the Committee on Commerce, Agriculture, Manufactures, etc.

Mr. Gordon called up the substitute bill to authorize the lease of the New Canal. Having been read a first time by title, it was taken up section by section for a second reading. The four sections of the bill were adopted, and, on motion of Mr. Gordon, a fifth section was inserted and adopted, giving effect to the act after its passage. The bill was then carried through its various stages, passed, and sent to the other House.

The unfinished business of yesterday, the act for the organization of corporations to engage in a factorage and commission business, or in agricultural operations, was taken up.

Mr. Egan addressed the Senate in reply to the arguments advanced yesterday by Mr. Kenner, who he said had not been altogether ingenuous in his arguments on the constitutional point. He contradicted the statement that the provisions of the bill were copied from the law of 1848; and showed that there was a difference between the terms of the Constitution under which that law was enacted, and that of 1864. The terms of the former allowed the formations of corporations under "general laws;" that of 1864 confines them to "general laws." The gentleman also showed that the provisions of the laws under the Constitution of 1845 were much more stringent than the gentleman contended they need be under that of 1864. In enacting, for instance, that corporations shall not pursue more than one kind of business, shall not possess power to discount bills or to purchase real estate. The gentleman in a similar manner met the other remarks of Mr. Kenner.

Mr. Gordon moved to amend the bill so as to make the capital not less than $500,000, and the other conditions on that basis.

Mr. Foute said he was about to make a motion to lay the bill on the table, so as to take the sense of the Senate on it at once; but if members desired to discuss it, he would not press the motion.

Mr. Egan would second the motion.

The question being put, the President said the motion was lost.

Mr. Lapeyre would call for the yeas and nays.

Mr. Munday said the usual course was to endeavor to perfect the bill, and leave the final struggle until it should be seen whether it could not be made generally acceptable. He hoped the motion to lay on the table would be withdrawn.

This was done.

Mr. Gordon's motion was then put and carried, and the first section adopted as amended. The second, third and fourth sections were severally adopted.

Mr. Kenner proposed that the fifth section be amended so as to prohibit the corporations from amending their charters contrary to the provisions of the act.

Mr. Gordon said this was unnecessary.

The amendment, however, was agreed to.

Mr. Palfrey strongly opposed the giving of this power at all to the corporations. He regarded it as most extraordinary and dangerous. If he could control the question, he would have the clause struck out. He would make a motion to that effect.

Mr. Foute said he would second it.

Mr. Kenner said this privilege was granted under the laws of 1848, and was always granted.

Mr. Foute feared that nothing he could say would prevent the bill from passing; but he must nevertheless oppose this section. With this provision in it the bill binds us to the money-changers of New England, without hope of escape, and was calculated to strike out the life-blood of Louisiana. This question, he was satisfied, was not yet understood. Members readily appeared to be shutting their eyes to it. He contended that the Constitution of 1864 prohibits the legislature from creating corporations except under a general law, and that there was great danger in endeavoring to override that fact. As for capital, it will always seek that investment in which it could command the largest interest, and it would go thither with or without a corporation. Let the parties whom the bill was intended to bring hither, come and unite themselves under our partnership laws. This act, if passed, might do good for the present, but the cat would soon appear from under the meal. He illustrated the danger of giving such monopolies by reference to the Camden and Amboy Railroad, which has grown to be a great political power. So would these under this scheme become, and the only difference would be that while in the case cited the power wielded was of and among themselves, we should have power wielded over us by Massachusetts. If the friends of this bill wished it to be of use, they should go for having a convention called, and for erasing the clause of the Constitution of 1864, which renders it unconstitutional. Some of the ablest lawyers of the State, who have been consulted on the subject, have the gravest doubts whether the bill can become law, and capitalists will not rely upon it under those circumstances.

Mr. Poche spoke strongly in favor of the bill. He thought the constitutionality of the bill fully established, and could not see the necessity of continually framing constitutions. He objected to the Constitution of 1864, but as we were living and legislating under it, we ought to see what good we can do under it for the people. There is a great necessity for capital, and if it becomes inevitable that factors must sink, in order that it be procured, it could not be helped, however much it might be regretted. They will not help us now, it matters not whence capital comes, we must have it or sink.

Mr. Scruggs followed, in support of the measure, after first moving to postpone its further consideration till Monday next, and finding the sense of the Senate opposed to the motion, he urged the necessity of the bill, on the ground of the imperative demand for capital, to save the agricultural interest of the State; and said he cared not for a thousand constitutions, as long as that could be accomplished. He said that parties representing millions of capital, seeking investment, are leaving us, for want of some such protection as this bill contemplated. He strongly depicted the power of capital. He suggested an amendment to the bill, providing that three-fourths of the whole stock should be represented at meetings to change the charter.

Mr. Palfrey objected to the section altogether. He wished to support the bill but could not do so with such a provision as this. Under this clause the corporation could, if they pleased, alter their charter for some other business than contemplated by the act. He moved to amend the section by inserting the condition of the change allowed "not contrary to the provisions of this act, and not going to subjects others than those contemplated by the first section of the same."

The amendments of Mr. Scruggs and Mr. Palfrey were both accepted, and the section as amended was adopted.

On motion of Mr. Duvigneaud, the further discussion of the bill was postponed for the purpose of going into executive session.

EXECUTIVE SESSION.

The chamber having been cleared of strangers, the Senate went into executive session. The sitting lasted but a short time.

ADJOURNMENT.

On resuming with open doors, the Senate adjourned to noon to-day, Friday, February 2d, 1866.

House of Representatives.

The House assembled at 12 m., Speaker Cage in the Chair, eighty members present.

Prayer by Rev. Dr. J. B. Walker.

The Speaker announced Mr. Eustis a member of the Committee on Constitutional Amendments, to fill the vacancy occasioned by the resignation of Mr. McConnell, the chairman of that committee.

PETITIONS, MEMORIALS AND RESOLUTIONS.

Mr. Murray presented a memorial from the managers of the Home for Aged and Infirm Persons, at the corner of Second and New Levee streets, representing the inmates as destitute of necessaries, in consequence of the inadequacy of the means for the support of the institution, and asking for relief. The petition was referred to the Committee on Charitable Institutions.

REPORTS OF COMMITTEES.

Mr. Gates, from the Committee of Claims, reported favorably on the bill for the relief of Josiah Reams, a veteran of 1814 and '15, with amendments.

Mr. Walker, from the Committee on Public Works and Levees, asked that the bill for the relief of Mrs. E. W. Fuller, of the parish of St. Martin be retired to that committee and referred to the Committee on Claims, and the request was granted.

Mr. Gantt, from the Committee on Parochial Affairs, reported favorably on the bill to incorporate the town of Arcadia, in the parish of Bienville.

Favorably on the application of Mrs. Young Callaghan, of Point Coupee, for the unexpired charter of the Simsport ferry.

Unfavorably on the petition of Mrs. Boone.

Mr. Elam, from the Judiciary Committee, reported favorably on

The bill relative to witnesses summoned before grand juries.

The bill authorizing notaries public to celebrate marriages.

The bill to authorize John Bellow, Elizabeth Bellow and Joseph Bellow to resume their original name.

The joint resolution for the appointment of a special committee to revise the Penal Code.

The bill to amend the law relative to forced surrenders.

The bill relative to persons arrested in the city of New Orleans, with an amendment.

The bill to facilitate the recovery of strayed, lost or stolen stock or other property, by substitute.

And unfavorably on

The bill providing for the submission of cases by consent to the Supreme Court.

The bill providing for the relief of aged and infirm ex-judicial functionaries.

The bill to incorporate the National Land and Labor Agency.

BILLS AND JOINT RESOLUTIONS PRESENTED.

By Mr. Penner—Joint resolution expressive of the sentiments of the people of Louisiana relative to the National Government. Referred to the Committee on Federal Relations.

By Mr. Thieneman—Joint resolution to exculpate Jefferson Davis from the charge of treason, and declaring that as President of the Confederate States he adhered strictly to the Constitution adopted by them; and as a public servant, was no more guilty than any or all the people who chose him for a Chief Magistrate.

This resolution was submitted at the extra session and referred to a special committee, but was not reported upon.

Mr. Thieneman briefly addressed the House in support of the resolution. Denouncing the treatment of Mr. Davis as degrading and vindictive, he urged that Louisiana, by every sense of duty and of honor, was bound to protest against the incarceration and seeming purpose to end the life of Mr. Davis ignominiously. Mr. Davis, as President of the Confederacy, was the servant of the South, and should the South abandon him, she would provoke the contempt of mankind by showing that she was broken in spirit as well as conquered in arms. Mr. Thieneman denied that the people of the South or her servants had done any wrong. Mr. Davis' only crime, he argued, was in emulating the immortal Washington, with the difference that in the revolution of '76, the colonies were unquestionably dependencies, while in the late civil war the Confederacy consisted of States whose sovereignty up to that time had been admitted.

Mr. Thieneman asked for a suspension of the rules to put the resolutions upon their second reading.

Mr. Williamson asked the gentleman to withdraw his motion, and substitute a motion to print the resolution and make it the order of the day for to-morrow. The resolution was a matter of such importance in its direct and incidental influences that every member should have a copy before him, when giving his vote.

Mr. Penner moved to refer the subject to the Committee on Federal Relations. The mere verbiage of such a resolution should be closely scrutinized in view of the present aspect of affairs.

Mr. Fenner's motion prevailed.

Mr. Tucker remarked that the resolution was of a practical nature, and, if ever necessary, was necessary now. If it was expected that the voice of Louisiana was to influence the fate of Mr. Davis, no time was to be lost in expressing ourselves. He hoped, therefore, some time would be named for the committee to report.

The committee was instructed to report on Saturday.

By Mr. Murray—Bill providing that the banking house of Pike, Lapeyre & Brother shall be the depository of the State moneys. Referred to Finance Committee.

By Mr. Elam—To organize the Supreme Court and fix the terms thereof. Referred to the Judiciary Committee.

By Mr. McEnery—To incorporate the town of Monroe, parish of Ouachita. Referred to Committee on Parochial Affairs.

By Mr. McEnery—To provide for the election of a justice of the peace in the town of Monroe. Referred to the Committee on Parochial Affairs.

By Mr. Murray—For the relief of James M. Finnigan and John McLean. Referred to the Committee on Claims.

By Mr. Williamson—Relating to amendments to Article 837 of the Code of Practice. Referred to Judiciary Committee.

By Mr. Thieneman—Relating to duties and powers of administrators, executors and curators. Referred to Judiciary Committee. Also a bill referred to the same Committee dispensing with trial by jury in certain cases, and another bill to provide for the summary punishment of unfaithful administrators and other fiduciaries.

By Mr. Head—Relative to duties and compensation of State tax collectors. Referred to Finance Committee.

ORDER OF THE DAY.

The House resumed the consideration of Mr. Elam's bill to amend Article 319 of the Code of Practice, which was the unfinished business of yesterday.

This is one of a series of bills, intended to operate with the same effect as a stay law, by dilatory amendments to the Code of Practice, and was upon its second reading.

Mr. James Phillips, who voted with the majority yesterday, against Mr. Fenner's motion to postpone the bill indefinitely, moved to reconsider the motion.

Mr. Elam suggested that as the object was to defeat the bill, the readiest way to reach that end was to move to strike out the enacting clause.

Mr. Fenner made a motion to that effect.

Mr. Elam moved to lay the motion on the table, but withdrew his motion to allow discussion.

Mr. Fenner, in addition to the arguments urged by him yesterday against the bill, submitted some additional reasons: Of all the projects broached for stay laws, this was the most injurious, because while other plans applied only to the past, the scheme under consideration would apply to the past, the present and the future, and changed the whole judicial practice of the State. It would destroy all business confidence—that credit now so indispensable to restore the State and the people to a career of prosperity. And one of its very worst consequences would be that it would provoke a flood of litigation, because if the remedy of a creditor against his debtor was to be remotely removed, every one of that class would conclude upon the necessity of instituting suit immediately. The object of law was to abate litigation, and the legislator who sought to increase it was not performing his duty. Mr. Fenner inveighed against the spirit of class legislation in which he contended this measure was designed, and pronounced it invidious to attempt to relieve one class of citizens by depriving another class of the benefit of laws which were part and parcel of the contracts under which they acquired the relation of creditor.

Mr. Eustis regretted that the gentleman from Orleans (Mr. McConnell), who promised yesterday to give his views on this subject, was not present to give the House the benefit of his reasons for opposing this measure. The question was one of vast importance to the people of Louisiana, and whoever had a proposition to make should not withhold it. These bills of the gentleman from De Soto were wedges in our judicial system, and, as such, were carefully considered by the Judiciary Committee, who reported adversely. Were he (Mr. Eustis) not a member of that committee, as a member of the House he should hesitate to reverse a decision of the committee, on a constitutional point particularly. But this was not a mere constitutional question. The system proposed would repel capital from the State, and leave the great agricultural interest, now paralysed for the want of capital, to struggle on in poverty. Nothing could be more disastrous than a stay law, for capital shunned insecurity. It was not merely as a representative of New Orleans, but as a citizen of Louisiana, that he entered his most serious protest against this kind of legislation.

Mr. Elam assured the House of his personal disinterestedness in this matter. His private relations were those of a creditor, and it was not to further his own interests he devised the measure. If it would promote litigation it was singular that all the lawyers were opposed to it. It was the almost universal sentiment of the people of the State, even many respectable New Orleans merchants, that some measure should be adopted for the relief of the numerous body of unfortunate debtors. That relief was not required in his own part of the State, for there indebtedness had been wiped out during the war by payment in Confederate money. Instead of encouraging litigation, his bills would induce creditors to come to a compromise with their debtors. As he understood it, the objections in committee were not constitutional, but as to expediency, nor had he been able to discover that his plan was in conflict with any standard decision.

After some further discussion by Messrs. Waggaman, Williamson, Bailey, McConnell and Tucker, as to the most expeditious manner of arriving at a conclusion on this subject, the sense of the House was taken on Mr. Phillips' motion to reconsider the vote rejecting the motion to postpone the bill indefinitely, and the division being a tie, 42 to 42, the Speaker, by his casting vote, decided the reconsideration granted.

The bill under consideration and the others connected with it, were then ordered to be printed and made the special order of the day for Tuesday next.

BILLS FROM THE SENATE.

The following bills from the Senate came up on their first reading:

Relative to suits on appeal bonds, the bonds of curators, etc. Referred to the Judiciary Committee.

Joint resolution relative to a road from the Vacherie Settlement, in the parish of St. James, to the Mississippi river. Concurred in.

Joint resolution directing a sub-committee of the Committee on Charitable Institutions to visit the Deaf and Dumb and Blind Asylum at Baton Rouge, and inquire into its management.

Mr. Murray, in connection with this resolution, submitted a correspondence representing the affairs of this institution to be grossly mismanaged, and the resolution was adopted.

Mr. Gantt was allowed to introduce, out of order, a bill to grant Mrs. Young Callayhan the unexpired lease of the Simmsport ferry across the Atchafalaya.

And the House having resumed the consideration of messages from the Senate, the bill from that body authorizing the Governor to lease the New Canal was read once and lies over.

On motion of Mr. Robinson, the Senate bill for the liquidation of certain banks was made the special order for to-morrow.

Mr. Elam, from the Judiciary Committee, was allowed, out of order, to report a bill conferring additional powers on clerks of courts, except in the parish of Orleans.

And then the House adjourned.

Local Intelligence.

APPOINTMENTS BY THE GOVERNOR.—Theodore C. Littell and J. C. Morgan were yesterday appointed by Governor Wells, Notaries Public for parish of St. Landry.

THE CANAL STREET AND THIRD DISTRICT FERRIES.—The following are the proposals that were received yesterday by the city authorities, of amounts offered to be paid for the privilege of running the ferry boat from Canal street and the Third District to Algiers:

Canal street ferry—Bobet & Sheldon, $2350; Wm Haveman, $300; J. M. Prather, $2000.

The contract was awarded to Mr. Prather, as his ability to fulfil the stipulations, was considered superior to the other bidders, and his security good, in case of non-compliance with them. The lease is to be for ten years, and the amount stated above is the consideration which the city receives annually for the privilege granted.

THE CITY RAILROAD QUESTION.—We have already stated that the Mayor is to employ counsel (the Bureaus of Finance and Streets and Landings having authorized him, as it is termed,) to sustain the rights of Mr. David McCoard, the contractor for constructing the city railroad known as the New Levee and Toledano street road, the said rights consisting in the privilege of laying a track on a portion of the neutral ground of Canal street, a privilege which had already been granted to the City Railroad Company. As the latter object to an arrangement that might result in what could be described as a city railroad "muddle," it is probable that the courts will be appealed to at an early day, to define the rights of the respective parties "according to law."

A legal controversy also appears to be promised relative to the right accorded to Messrs. Nicholson & Co. by the present city rulers, to construct a road to connect the depots of the Jackson and Pontchartrain railroads. We judge so from the fact that an important modification of the contract with Messrs. N. & Co. was ordered yesterday by the "Bureaus." The privilege was given to these contractors upon their offer to pay a bonus of 11 cent for every passenger carried. The "Bureaus" have ordered that in case the contractors shall not be able to connect that portion of their road below Canal street with that above Canal street, that no larger percentage than 9 1-6 of a cent for each passenger carried shall be exacted, until the whole road shall be completed. The "Bureaus" also ordered that Messrs. Nicholson & Co. shall have all of the current year to complete the roads they are to construct.

THE GAS COMPANY AND THE BUREAUS.—The city authorities considering the terms demanded by the Gas Company for lighting the city for the ensuing year too exhorbitant, recently passed an ordinance to advertise for proposals to throw light upon our citizens with coal oil instead of gas. The Company did not abate any of their pretensions on this account. A compromise is now offered by the city, by which the Company can get the contract for lighting New Orleans until the year 1875 on the same terms for which they have heretofore been doing it. Whether it will be accepted or not, will probably be known to-day. If it is not, petroleum may rule the market.

The original charter of the company was obtained in 1835, and it guaranteed to them the exclusive right to manufacture gas in the city of New Orleans for forty years; that is, until 1875. In 1860 the legislature granted an extension of the charter until 1895, one of the conditions being, we believe, that citizens should not be required to pay more than $4 per one thousand feet—the price previously being $4 50.

The city authorities in making their offer, present the question for consideration, that the "exclusive right" expires in 1875. The company do not see it in that light, and think they have twenty years longer to go it alone.

ALLEGED DEFAULTER BROUGHT BACK.—Geo. F. Mason, the ex-sutler whose sudden departure from New Orleans, and as it is alleged, without settling up with those to whom he ought to have accounted for several thousand dollars, we have already noticed, arrived in town yesterday in company with Capt. Dalton, chief of the detective corps. Mason was accompanied by James Welch, whose connection with the business is not yet sufficiently developed to speak about. A young woman who bears the soubriquet of Minnehaha was also included in the party taken charge of by Capt. Dalton.

Mason, as we have reported, was stopped in Mississippi and tried the law's delay in Canton, but the requisition of Gov. Wells floored his case, and he had to make up his mind to visit the Crescent City again. The funds with which he is charged with absquatulating are not yet forthcoming.

POLICE APPOINTMENT.—Edward Darrive was yesterday appointed assistant clerk, by Recorder Kruebbe, of his court, in place of Wm. J. Furniss.

REPAIRING THE SHELL ROADS.—The following proposals to repair the shell roads of the city for the ensuing three years, were received yesterday by the city authorities, the figures presented being those required per annum for the performance of the work:

Roads above Canal street—B. Collins, $9950; H. Ellerman, $30,000; H. McGuinn, $10,000; Correjolles & Marquez, $16,000.

Roads below Canal street—B. Collins, $11,000; H. Ellerman, $80,000; H. McGuinn, $12,000; Correjolles & Marquez, $24,000.

The bids were referred to the Bureau of Finance, who are to take into consideration the securities offered, and if found good, the Bureau has been authorized to act.

A MYSTERY.—A negro man who was digging last evening in the garden of the residence No. 351 Ursulines street, found a white child buried in the ground. The body was wrapped up in a handkerchief. It appeared to have been buried not more than nine or ten days. No explanation of this strange affair has yet been arrived at.

INTERNAL REVENUE RECEIPTS FOR JANUARY.—We noticed yesterday morning that the Custom House receipts for the past month, were the largest that had ever been collected at this port. The internal revenue collections for the same period in First Internal Revenue District, Louisiana, will make a very important item in the credit account of this section of the country with the general government. The total receipts for the month swell up the revenue received from this source to $688,755 42, as we were courteously informed, yesterday, by Mr. Hewitt, who, in the absence of Mr. Charles Smith, is now chief of this important office in the Custom House. It strikes us forcibly, that Louisiana and the great city of the Southwest, which, as will be seen by what we published yesterday, and present this morning, are pouring in the sinews of war to the national treasury to such an important extent, are entitled to all the honors.

CORONER'S INVESTIGATION.—*The St. Charles Street Homicide.*—The investigation relative to the fatal difficulty that occurred between Thomas O'Hea and Patrick Frizzell, on St. Charles street, on the 23d ult., was held yesterday, before Coroner Yetzer and a jury of inquest. The post mortem examination showed that the deceased died of an inclosed wound in the abdomen. The following is the substance of the evidence that was elicited:

Robert W. James testified that on the 23d ult. between two and three o'clock p. m., he was at Murphy's saloon and heard an altercation outside the door. As the parties who were quarreling approached the door he heard the man who was afterwards stabbed, call the prisoner a d——d thief, and saw him give the prisoner a kick, kick him once or twice. There was a screen about eight feet from the door, towards which Frizzell was retreating, [and while he was retreating the wounded man was kicking at him. Just at that time witness saw a bloody knife in the hand of prisoner, and which he gave up to the policeman. The prisoner said he would not go away and showed no disposition to resist the arrest. After the wounded man was stabbed, he got a tumbler from the counter and threw it at the prisoner.

Officer John Cavanagh testified that as he was walking on his beat the prisoner asked him was it not an assault to call a man a thief and scoundrel and liar. Witness told him he should think it was. The prisoner pointed to a man about fifteen paces off, and said that man has used such language to me. Whereupon the man came over to where witness and the man were standing, and said to witness, "Officer, I have said nothing to this man but what I can prove." The man tipped witness on the shoulder three times with newspapers which he had in his hand, and said to the prisoner, "You know you are a thief and cannot deny it." Witness told them not to have any contention there or he would arrest both. Frizzell walked off. O'Hea remained with witness for a minute or two. Witness told O'Hea that his language was very provoking, and that he would get into trouble. He replied that he knew the law as well as witness did; that he was not drunk or crazy, but had to express his mind, whenever he met that man who was going down the banquette, for he was the greatest scoundrel that walked New Orleans. Witness turned towards Poydras street. Returning, some one told him there had been a fight at the Phœnix. Witness ran in that direction. Saw Frizzell coming out of Murphy's, and also O'Hea, who threw a tumbler at Frizzell. Witness went to arrest O'Hea, but finding that he was wounded, he arrested Frizzell. Witness asked him if he had cut that man. He replied that he had done so, and said that O'Hea had threatened his life several times, and he once assaulted him with a shot gun.

Sergeant Charles Petric testified that he was present when Frizzell was brought to the police station. Learning that a man had been stabbed, he went to Murphy's coffeehouse, where he found a man sitting in a chair and saying he was stabbed. A portion of the intestines was protruding from the wound. Witness asked him who had done it. He replied that it was a d——d scoundrel named Frizzell. Witness conveyed the wounded man to the Charity Hospital. On the way, he said that that d——d scoundrel had promised to bring in ten thousand, or something to that effect, to finish a contract and did not come up to the scratch. He (O'Hea) said he had whipped Frizzell a couple of times before he came to the city, and could whip him again if he had a fair chance. Witness asked O'Hea how they met at Murphy's. O'Hea said they met there, and that he had cursed and abused Frizzell; that Frizzell turned round and kicked him, and that he (O'Hea) had kicked him (Frizzell), that Frizzell then cut him, and that he threw a tumbler at Frizzell after he was cut.

Maria Skeahan testified that he heard O'Hea abusing the prisoner on the banquette and in the coffeehouse; then they came together, had a scuffle, and a knife was used; did not see the knife; called a policeman, and witness saw the policeman talking to Frizzell and O'Hea. Capt. White left. Frizzell came over to witness and asked him if he had seen Capt. White pass that way. O'Hea came up to Frizzell, put his fist to his face, called him a thief and scoundrel, etc., and said he would settle with him before to-morrow. Frizzell gave O'Hea a push. As far as witness can remember, O'Hea called Frizzell a thief and coward, or something to that effect.

Patrick J. Kennedy testified that he was at door of Murphy's barroom, saw O'Hea, Capt. J. N. White and Frizzell standing next door to the barber shop, opposite the St. Charles theater. Mr. O'Hea was denouncing Frizzell as a thief, scoundrel, etc. Frizzell struck him with his open hand, and told him to keep away from him. O'Hea kicked at Frizzell twice. Witness took hold of O'Hea by the collar and asked him for God's sake to have no fighting or fuss about the place, and at the same time pushed Frizzell back into the barroom. As soon as witness let O'Hea go, he ran in at the other door and commenced kicking at Frizzell. While O'Hea was in the act of kicking at Frizzell, witness saw Frizzell give him a stab with a knife or sharp instrument. O'Hea said he was cut, and asked witness to go for a doctor. Witness thought that Frizzell had spoken to O'Hea once—at the time when he told him to keep away.

On this testimony the jury rendered a verdict that the deceased came to his death from a wound inflicted by Patrick Frizzell.

RECORDER GASTINEL'S COURT.—Jules Barcuk was brought up to answer to a charge of assault and battery, made against him by Frank Derrington, a female so called, who resides on Custom House street. The suit went down but did not rise on Frank's wrath, for she positively refused to prosecute, and Jules was permitted to go on his way rejoicing.

CRIMINAL COURT.—As the drawing, from which was to be taken the jurors for the present month, did not give a sufficient number, another drawing was ordered by the Judge.

Wakeman W. Edwards was admitted to practice in this Court, upon taking the oath required.

James Julius, colored, charged with handling cotton illegally, was sent to prison for fifteen days—a penalty that won't scare James Julius or any other man, who makes a raise in that way by means of the great staple.

Edward Zafice, colored, charged by Josephine Antoine with the larceny of a clock, watch and shirt, was remanded to await examination. The garment, it is said, was found on Zafice, and the clock was found in a house on St. Philip street.

The other cases before the Recorder exhibited only little weaknesses to which frail humanity is liable, and we "pass" on them charitably.

UNITED STATES DISTRICT COURT.—In the case of Geo. W. Race, the Court ordered that the property seized should be restored to the defendant upon the payment of costs.

The case of the United States vs. nine lots of ground, the property of H. H. & S. F. Slatter, was continued indefinitely.

PROVOST COURT.—The case of C. J. McLellan, charged with embezzlement of funds belonging to a United States officer, was continued until Tuesday next.

Tom Louis and Joe Harris, charged with offering government property for sale, were tried, and the result was the dismissal of Tom and the sentencing of Joe to two months' imprisonment.

TELEGRAPHIC DISPATCHES.

LATER NEWS FROM EUROPE.

RETURN OF FRENCH TROOPS FROM MEXICO CONTEMPLATED.

STILL SEARCHING FOR HEAD CENTER STEPHENS.

Increase of the Cattle Disease in England

FENIAN TRIALS PROGRESSING

ALL PERSONS BORN IN THE UNITED STATES TO BE CITIZENS.

FOREIGN AND HOME MARKETS.

A MAIL CAR BURNED.

GREAT FIRE IN FRANKLIN, PA.

Later from Central and South America

STATE OF AFFAIRS IN CHILI

FROM CALIFORNIA AND THE PACIFIC

THE COOLIE TROUBLES IN TAHITI.

SHIP'S CREW ARRESTED FOR MUTINY.

Payment of Interest on Mexican Debt Doubtful.

INTERESTING MISCELLANEOUS NEWS.

[Associated Press Dispatches.]

HALIFAX, Feb. 1.—The steamship Africa, from Liverpool the 20th and Queenstown the 21st ult., arrived here at noon to-day, en route for Boston.

LIVERPOOL, Jan. 19. The cotton market opened heavy, and declined ⅛d., but subsequently rallied and recovered the decline on middling. The sales of the week amounted to 57,000 bales. The amount sold on Friday reached 10,000 bales, the market closing firm.

Breadstuffs and provisions quiet and steady.

LONDON, Jan. 19.—The amount of bullion in the Bank of England increased £144,000 during the week.

Consols, 87@87¼. U. S. 5-20's, 66@66¼.

The Paris Presse asserts that Napoleon has sent a message to Mexico to arrange for the speedy return of the French troops.

Active search was still going on in Ireland for Head Center Stephens.

LIVERPOOL, Jan. 20—P. M.—Cotton is unchanged. The sales to-day (Saturday) comprised 10,000 bales.

Breadstuffs quiet and steady.

LONDON, Jan 20—P. M.—Consols, 87¼. U. S. 5 20's, 65¾.

The London Observer says Gladstone will dispose of the surplus revenue by a modification of the sugar duties, and removing a number of small articles from the tariff.

Spanish advices say Gen. Prim remains between Andalusia and the Portuguese frontier.

The Globe says it is doubtful whether the interest on the Mexican debt will be paid.

The Paris Bourse closed firm with rentes at 68f. 62c.

Rev. Dr. Wooley, the new Bishops of Sydney, and G. V. Brook, the actor, were among the passengers of the steamer London.

The death of Gibson, the eminent sculptor, is announced.

The cattle disease in England continues, with an increase of about 10,000 per week of attacked.

The Fenian trials continue to progress at Dublin.

The Bank of France's decrease in cash amounts to eleven million francs.

LONDON, Jan. 20.—The bank rate is eight per cent.

Borroman & Co., sugar dealers in London, had suspended. Their liabilities amount to about £100,000.

Barlogs' circular reports business this week in American securities limited. 5-20's it says were firm.

LIVERPOOL, Jan. 19.—The authorized quotations of cotton are as follows: Orleans fair 22¼d.; middling Orleans 20d.; Mobile fair 21d.; Mobile middling 19¾d.; uplands fair 21d.; middling uplands 19¾., closing firm.

The stock in port amounts to 417,000 bales, including 106,000 of American qualities.

The Manchester markets are firmer.

Pork quiet and steady. Lard tending downwards.

LONDON, Jan. 19.—Breadstuffs are quiet. Sugar is steady. Coffee quiet. Tea has a downward tendency.

SAN FRANCISCO, Feb. 1.—The crew of clipper ship White Swallow, just arrived, from New York, have been arrested for mutiny while off the coast of South America.

Honolulu advices say there is much trouble with the Coolies.

WASHINGTON, Feb. 1.—In the Senate Mr. Trumbull's amendment was amended, declaring all persons born in the United States citizens, which was adopted.

The House passed a bill that no American vessel sailing under foreign protection during the war shall be entitled to the rights and privileges of American vessels, except by an act of Congress.

SOUTHWEST PASS, Feb. 1—9 P. M.—There is nothing in sight. The weather is calm.

NEW YORK, Feb. 1.—The overland mail of Jan. 5th arrived this afternoon.

A car was burned on the Erie Railroad on Tuesday, containing the overland mail for California, which left here on Monday.

FRANKLIN, PA., Feb. 1.—A fire occurred in this place this afternoon, which destroyed twenty-four buildings in the center of the town, including the Postoffice, hotel, theater and Masonic building. The loss is estimated at $500,000.

NEW YORK, Feb. 1.—The steamer Atlantic has arrived, with Panama dates to the 22d ult. She brings nearly a million of dollars in specie. Among her passengers are our Minister to Ecuador, and Ex-Gov. Bigler and family, from California.

The successor of Admiral Pareja raised the blockade of Coquinha by concentrating the Spanish squadron at Valparaiso and Callerda.

An attempt of the Spanish to capture the Chilian steamer Corbalo, had failed.

NEW YORK, Feb. 2.—Cotton closed dull at 49c. Pork $28 9-16. Lard 17½c. Sterling 108¾. Gold 136¼. Government stocks are a shade firmer. Stocks heavy.

LOUISVILLE, Feb. 1.—Leaf Tobacco active at full prices; sales, 174