New Orleans Daily Crescent.

OFFICIAL JOURNAL
—OF—
THE STATE OF LOUISIANA.

THURSDAY MORNING, FEBRUARY 22, 1866.

NEW ORLEANS DAILY CRESCENT.

THE CRESCENT IS PUBLISHED DAILY (Sundays Excepted) AND WEEKLY, BY J. O. NIXON, No. 94 CAMP STREET. TERMS—DAILY, $16; WEEKLY, $5 PER YEAR.

VOLUME XV. THURSDAY MORNING, FEBRUARY 22, 1866. NUMBER 163.

GENERAL ASSEMBLY OF LOUISIANA.

WEDNESDAY, FEBRUARY 21, 1866.

Senate.

Pursuant to adjournment from yesterday, the Senate met at noon to-day, Lieutenant Governor Voorhies in the Chair.

On the roll being called twenty-six Senators responded.

Prayer was offered by the Rev. Father Jeremiah Moynihan.

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

There were present during the proceedings the following Senators: Messrs. Abney, Anderson, Armstrong, Brownlee, Braslé, Burthe, Campbell, Cooly, Davigneaud, Egan, Ellis, Fellowes, Foute, Gibson, Gordon, Hough, Kavanagh, Kenner, Lapeyre, Lott, Mohan, Munday, Newton of Jackson, Newton of Morehouse, Nelson, Palfrey, Poché, Purcell, Scruggs and Wilcoxon.

Mr. Braslé presented as correctly enrolled the bill to legitimate Andrew Jackson Dunn.

Mr. Poché called up the joint resolution relative to sending commissioners to Washington to represent the sentiment of the people of Louisiana toward the national government.

Mr. Kenner objected to proceeding with the matter at present. There were certain things transpiring, to which it might not be altogether parliamentary for him to allude, but to which it was necessary he should point for the purpose of making himself understood. He meant to say that certain propositions before the other House might become law, and tend to remove any unpleasantness that may have existed between different departments of the government. When that result had been attained, the people, their representatives and the Executive would stand as a unit, and the commissioners would be able to represent them to the best advantage. He was unwilling to act in the matter until that accommodation had been effected. There was some fear that this might not be done, though he hoped it would, and could see no good reason why it might not be. He wished it to be understood that he was not opposed to the resolution. All he desired was that our mere local differences should not be laid open to question in Washington.

Mr. Poché said he could see no connection between the remarks of the Senator from Ascension (Mr. Kenner), and the subject before the Senate. If he understood the object of sending the commissioners to Washington, it had nothing whatever to do with our domestic broils; but was confined entirely to the representation of the sentiments of the people of Louisiana to that wise, good and truly great man, who was doing all he could to restore that Union for which they so earnestly yearned, and of whose firm devotion to which so illustrious a proof had been given in the veto of the monstrous Freedmen's Bureau bill, that had just been published in this city. Similar delegations to this had already been sent to Washington from Virginia, and he had no doubt had had the effect which was hoped for that from this State—that of aiding to confirm the President in the confidence he had so magnanimously and so justly reposed in the people of the South.

Mr. Mohan said he should favor the speedy passage of the resolution, because he thought the action contemplated was actually necessary. It was impossible to do too much to give assurance to the President of the real sentiments of the people, and to strengthen him against the misrepresentations which the whole world knows have been made, and are being made against them. Mississippi had sent a similar delegation to Washington. So had Alabama, and nearly every Southern State.

Mr. Foute said he could not see on what ground there could be a question raised as to the propriety of sending on the proposed commissioners. The question of economy was too insignificant to be thought of in a question of such importance. They could not but throw more light upon subjects which the President could not but have to consider in connection with the people of Louisiana, than was at present at his command. If he were the most devoted friend of the Governor he would recommend the sending of them on that ground alone.

Mr. Anderson thought it quite unnecessary to pass this resolution. We had had Senators and Representatives at Washington, some of whom had just returned and others yet remained there, and we had been called on to pay them. From them the President could get all the information and all the assurance as to the sentiments of the people that he could from these commissioners. Messrs. Hunt and Wickliffe, still in Washington, are as capable as any commissioners who can be sent there. They know the loyalty of the people as well. They will represent them as faithfully.

Mr. Egan spoke very earnestly in support of the resolution, and referred to the general course of President Johnson, and especially to his veto on the Freedmen's Bureau bill, in terms of the warmest eulogium. In consideration of this action, he thought that a special commission ought to be sent to Washington to show the feeling. What more proper, he asked, than those so much indebted to him should do their utmost to vindicate his protection of them, to strengthen his hands and purpose as much as may lie in their power, and especially by cordial and direct communication upon the subject? It had been said we already have able representatives in Washington. Granted. But is it not known that those gentlemen are applicants for seats in Congress, already claimed, and that this makes their position, in relation to the President, one of peculiar delicacy, especially for him? Could he receive them as frankly, as frequently, and as freely, as he could gentlemen who would in no way involve him in a seeming preference for some over other claimants, for seats in Congress? And even if this were not so, do we not owe it to the people of the country districts that they should be represented better than they yet have been? Mr. King had told us that when in Washington he had found it impracticable to keep in regular communication with them. These commissioners would carry the representations of their sentiments to the latest moment. As for their being appointed for any such narrow purpose as that of dealing with local difference, which may almost be said to no longer exist, it was scarcely worthy of a moment's consideration.

Mr. Hough opposed the resolution on the ground of the expense it would incur, of the plenipotentiary powers it gave to the commissioners, and of their having been no appreciable advantage from the sending of similar delegations from other States. These commissioners might stay in Washington, under this resolution, the next session, and as their representatives already sent there had cost $7000, so the commissioners might cost $17,000.

Mr. Poché said the question as to economy was not worthy of consideration in connection with the important subject. As to the good that had been done by the sending of delegates from other States, who could tell their effect in sustaining the President in his course towards the Freedmen's Bureau bill? The President's course was calculated to place him next to the Father of his Country, as the preserver of the Union from greater dangers than it had ever yet undergone, and all ought to do everything they could to justify, sustain and encourage him. As to the length of time the commissioners would stay in Washington, they would be gentlemen in whom all confidence might be placed in that respect as well as others.

Mr. Mohan again addressed the Senate in support of the resolution, illustrated the force of all the arguments that had been advanced in its favor, and endorsed the tributes paid to the course of President Johnson, and his manifest determination to preserve the Union. He thought if dozens of commissioners could be sent to Washington to re-assure him, it would be of advantage, no matter what the expense.

Mr. Gibson said the resolution had been originally proposed under circumstances entirely different from those existing to-day. He approved of much of what gentlemen had said in support of it, but he thought the ideas which his colleague (Mr. Kenner) had expressed with regard to a temporary postponement of it were eminently judicious. He considered that the commissioners ought to be put beyond question as to our own harmoniousness, which had not yet been quite re-established. He presumed there were but very few persons who would not subscribe to the sentiments which had been expressed with regard to the President; but if the commissioners were dispatched at the present moment they might be placed in an embarrassing position in reference to local differences, however distant they might be from the objects for which they were sent to Washington. He opposed proceeding with the resolution at present.

Mr. Abney could see no necessity for the measure to-day. He wished the Senate to take the course usual on such subjects. Every legislature had a committee on federal relations, that they might examine and give their views on all questions connected with them, and to furnish the President and the Governors of the different States with those views. The President was not going to recede from his reconstruction policy, if these commissioners were not sent to him. It constitutes the leading feature of his administration. And he was sure everybody in the Senate and in the House had full confidence in that. He thought the President might consider the sending of those commissioners a bore, rather than a compliment. He thought the true course for the legislature to pursue was to proceed with its duties firmly, calmly, quietly, and conscientiously, under the Constitution of the United States and the Constitution of the State, regardless of consequences. He thought, although, the pecuniary consideration one of great importance.

After a few further observations, Mr. Poché withdrew his motion to take up the resolution, and the further consideration of the question was postponed.

On motion of Mr. Munday, leave of absence was granted to Mr. Welch.

A message was received from the House of Representatives, through Mr. Maxwell, Chief Clerk, announcing that the Speaker had signed the bill to legitimate Andrew Jackson Dunn, the bill relative to the publication of judicial advertisements in French and English, the bill for the relief of J. P. Harrison and the heirs of T. Hawkins Duval, and the bill relative to the sale of public lands. And it asked the concurrence of the Senate in the bill to enable Lelia Cable to change her name to Lelia Cox. Another message asked the signature of the President to the act relative to the registry of voters in the city of New Orleans.

Mr. Lott called up the bill to regulate forced and judicial sales in certain cases.

Mr. Davigneaud objected, and called up the bill relative to juries in New Orleans, which had been made the order of the day for yesterday.

On the question being put, Mr. Davigneaud's motion was negatived by 18 to 2, and Mr. Lott's bill was taken up.

Mr. Lott explained that the bill he now offered to the Senate was a substitute for one having the same object which he had introduced during the present session. This substitute was a bill which he had introduced during the late extra session. On this substitute the Judiciary Committee had reported unfavorably. If the Senate rejected it, he should advocate the bill he had introduced this session. The gentleman then urged the passage of the measure, and supported its constitutionality on the grounds stated in our report of Friday last. He further enforced his argument in favor of its constitutionality by reference to the case of Brownson vs. McKenzie, in Illinois, in which the decision showed the distinction between making a new law impairing the obligation of contracts and altering remedies already given by the law, and determined the latter to be constitutional.

Messrs. Poché, Egan and Hough opposed the substitute on the same grounds as those already reported, adding the objection that it was unfair and unconstitutional to require property to be appraised at one-third of its value in 1861, as it must operate as a stay to the creditor's remedy.

Mr. Lott replied to this objection, that this only allowed for the difference in the value of the currency.

Mr. Gibson advocated the measure on the ground of the prostrated condition of debtors.

Mr. Armstrong moved to lay the substitute on the table.

Mr. Lott then offered the bill he had brought in this session, to regulate the sale of property seized under an order of seizure and sale or writ of *fieri facias*.

Mr. Kavanagh moved to lay it on the table.

On a division, the motion was negatived by 16 to 7.

The bill was then proceeded with.

Mr. Lapeyre moved to strike out the provision that the plaintiff should pay the cost of execution and advertising. He urged that if the property were sold at its full appraisement the debtor could well afford to pay it; and if it were not, he had his property, and could afford it.

Mr. Lott contended that throwing this expense would encourage the creditor to advertise the property without limit—a dozen times a year—which he would not do if he had to pay for it himself.

Mr. Poché supported the motion on the principle that the party cast should pay the costs, and argued that the debtor was the party cast.

On the motion being put there was a tie vote of 10 to 10, and the President gave his casting vote in favor of the motion.

Mr. Poché moved to strike out the section of the bill, but the motion was negatived.

The bill was then carried through its various stages, passed, and sent to the other House.

The Senate then went into executive session.

On resuming, the Senate, to-morrow being a holiday, the 22d of February, adjourned to Friday, February 23d, at noon.

House of Representatives.

The House came to order at 12 M., one hundred and one members present, Speaker Cage in the Chair.

Prayer by Rev. A. G. Bakewell.

Mr. Murray, from the Joint Committee on Charitable Associations, reported bills making appropriations to several public charities.

Mr. Murray, from the Committee on Railroads, reported a bill to amend the charter of the Jackson railroad.

Mr. Wiltz, from the Committee on Contingent Expenses, asked that the committee be discharged from the consideration of the claim of Mr. Westerfield, clerk of the legislature of 1864, for services in opening this legislature at the extra session, as he had already received the sum due him, and the committee was so discharged.

Mr. Wiltz, from the same committee, reported a bill for the relief of F. Lambert, and the bill passed.

Mr. Leeds was excused from serving on the special committee to investigate charges against certain officials of the Jackson Railroad, and Mr. Jonas was appointed in his place.

On motion of Mr. Deporter, a Senate bill relative to judicial advertising was referred to the Judiciary Committee.

Mr. Harrison introduced a bill to legitimate certain children. Referred to the Judiciary Committee.

A message was received from the Governor announcing his approval of the joint resolutions to pay the expenses of the Senators and Representatives of the State to the Federal Congress.

Mr. Bailey, in behalf of the New Orleans delegation, reported several bills favorably, among them the bill discussed so much, yesterday, to amend the charter of the city, with a recommendation that said bill be referred to the Judiciary Committee, and it was so referred.

On motion of Mr. Deporter, the bill to declare Bayou Rouge, in the parish of St. Landry, a navigable stream, and the bill to grant certain parties the privilege of a ferry across the Atchafalaya, at Centreport, was taken up and passed.

Mr. Head introduced a bill, authorizing J. Q. Prescott to enter suit against the State in relation to property in Mount Lebanon, Bienville parish. Referred to Judiciary Committee.

Mr. Tucker's bill, to establish the terms of the district courts in all the parishes, except Orleans, was again taken up and passed, with amendments.

On motion of Mr. Walker, the Senate bill for the final liquidation of the Consolidated Association of the Planters of Louisiana, was taken up and concurred in.

Mr. Montgomery's bill, to relieve purchasers of the sixteenth sections, reported adversely upon by the Committee on Education, was taken up and passed. The bill authorizes parties, under certain circumstances, by judicial process, to annul the sales to them of the school sections, and cancel the notes given in payment of such lands by them.

Mr. Eustis' bill "for the excavation of the mouths of the Mississippi river," was then taken up as the order of the day and, after considerable discussion, was referred to a special committee of nine, objections being made that it gave a monopoly in the tonnage and pilotage business, and imposed onerous taxes on the commerce of New Orleans, without compensating improvement in navigation, all of which objections were elaborately answered by Mr. Eustis.

On motion of Speaker Cage (Mr. Waggaman in the Chair) the Senate bill for the relief of L. R. Marshall was taken up and passed.

On motion of Mr. Bule, the bill for the relief of William Hampton was taken up and passed.

On motion of Mr. Simonds, the bill to purchase three hundred and fifty copies of a new edition of the statutes of the State was taken up, and was under consideration when the House adjourned to Friday next, to-morrow being Washington's birthday.

Local Intelligence.

COURTS AND PUBLIC OFFICES.—The United States District and other courts, the Custom-House and the various municipal offices, will be closed to-day, in honor of the birth-day anniversary of the immortal Washington. The only public celebration to take place, that we are advised of, will be the ball of the Continentals at Odd Fellows' Hall. That it will be an affair worthy of the great occasion there need not be the slightest doubt. Let us hope that when the day comes again, it can be honored, as it should be, by citizens in the enjoyment of every right. It will then be made a glorious event, as it always has been in the Crescent City in the days gone by.

THE CUSTOM HOUSE.—We are requested to say by Judge Kellogg, the Collector of the Port, that Customs' offices will only be open from 9 until 11 o'clock this forenoon. After the latter they will be closed in respect to the anniversary of Washington's birth-day.

$4600 IN SPECIE STOLEN.—We heard in the Second District, last night, that Frederick Treder, proprietor of a boarding house and beer saloon, No. 16 Philip street, was robbed evening before last of four thousand dollars in gold and silver. He had that amount, he alleges, and eight thousand dollars more United States currency, in the drawer of his armoir, which he states was opened by means of a false key, between the hours of 5 and 8 o'clock on Tuesday evening. He intimates that he has suspicion as to the person who committed the theft, but we understand he will not allow any arrest to take place, at least no one has been taken into custody in connection with the affair, so far as we are aware of.

The transaction altogether is almost unaccountable. It would show, we are inclined to say, monstrous self-denial, for any one to help himself to four thousand dollars and not touch eight thousand dollars more that were lying alongside the former amount, though the thing may have been done with more forethought than is apparent at the first blush. The specie was in bags, Mr. Treder says, and the bills done up in packages each. That the latter large sum was there we have no doubt, from the information that reached us. We have not learned why so much money was kept in such an insecure place. Some people have strange notions in regard to keeping their cash, and this appears to be an instance, and one of those that carries its own moral. Probably something more will turn up in regard to the affair.

ALLEGED HIGHWAY ROBBERY.—A. S. Ferris was arrested last evening by special officer Trower, on a charge of highway robbery preferred against him by P. Willhite. The amount said to have been thus violently taken from him, is $500. The accused will have a chance of making a statement this morning before Recorder Kruebbe, before whom he will be arraigned.

NOT CAREFUL.—John Ryan was arrested yesterday by special officer Pecora on a charge of tampering with one of the witnesses, in the case of Wm. H. Hurst. Paying too much attention to other peoples affairs does not pay as a general thing, though occasionally something is made by it.

UNSEASONABLE.—As the balmy spring is now almost close by, it would be hardly a seasonable thing to steal a cloak, and the acquisition of such an article of dress was evidently not for a shield against the weather, but as a cover for a dishonest purpose. Mary Johnson is charged with acting in such a manner by Julia S. Kenly, and was arrested at her instance by special officer Burke. Mary will get every opportunity to show her innocence, if she can do so, and then go forth in pure raiment, and not, as now alleged, in finery ill acquired.

A PHILADELPHIAN READY TO COME ON AND LIGHT THE CITY.—A Philadelphia oil man, signing himself George Carter, has sent a communication to the Mayor, which is rather a good thing in its way. He says he is ready to fix up our gas lamps so that they will work petroleum, and proposes to charge (conditionally) only $34 for each lamp per annum, and that they will give nearly, if not quite, as much light as gas. He says Philadelphia pays $80 for each lamp, the price of gas being $3 per 1000 feet, but as the city is interested in the gas works, the cost is reduced to $50. He assumes that we pay $100 for each lamp, as gas in New Orleans is $4 per 1000 feet. Here is an extract from his letter, which we give just as written:

Should some unforeseen speculation or should the flowing wells give out, so as to enhance the price above one dollar per gallon will be an additional charge. In one dollar per gallon at liberty to annul the contract. As soon as you are prepared I will ship you 500 barrels of Prateleum & draw on you at sight on the bill of lading for the freight and this will be between 15 to 20 thousand dollars. I will as soon as you send me a lamp have the lamps made and be on and commence to light the city at once as we are strangers. And as there are so many scoundrels about & more so since the unfortunate war you will be safe as you will always have the oil which I will credit as so much cash. My desire is to work on the square. If my proposition will suit you can let me know at once. Reply by telegraph.

Our oily Philadelphia friend will no doubt be somewhat surprised to learn that the gas lamps here costs the city but forty-five dollars each. He may however have a chance to "be on and commence to fight at once" the suburbs of the city if he will do so on square terms, and leave unforeseen speculations and flowing wells out of the question. The question of lighting the suburbs properly, is entertained, and ought to receive all due consideration.

NO ACCOUNT.—James Brannon was seen on the levee last evening by officer Cook, with a lot of shoes, and as he gave no account of why he had them, worth talking about, he was brought to the Second District police station. Failing to account for the transaction, he was counted in amongst those for examination this morning before Recorder Gastinel, and will have to answer a charge of having stolen property in his possession.

BAREGE LARCENY.—John Louis, a colored man, of an apparently enterprising disposition, and with a perverted taste for dry goods, (which is not an uncommon failing after all,) was picked up yesterday, on Dauphine street, by special officer Morrison, of the Second District, on a charge of having stolen four pieces of barege from the store of Messrs. Wallace & Co., on Canal street. He was brought before Recorder Gastinel, and committed to prison to await an examination.

SUDDEN DEATH.—A colored man named Janvier, about fifty years of age, whilst walking down Old Levee street, last evening, between 5 and 6 o'clock, suddenly fell to the ground and immediately expired. The body was brought to the Second District police station to await the action of the Coroner.

CRIMINAL COURT—*Judge Abell.*—The Court was occupied all of yesterday with what we might call a wholesale case, twenty-two colored men being brought to the bar for trial, all on the same charge—that of committing an affray in the public streets of New Orleans, on the 25th day of December last, Christmas day. The following are the names of the prisoners who were tried: Daniel Phillips, Tom Brown, Joseph Nash, John Davis, Alf. Hawkins, T. Murray, Abraham Grimshaw, James Calvin, Wm. Fox, August Johnson, Wm. Chase, Walter Paul, Alfred Davis, Alonzo Simonds, Wm. Smith, George Johnson, B. Holland, R. Esly, John Pettyway, Wm. McNary and Joe Mack.

District Attorney Fuller appeared on behalf of the State, and most of the accused were represented by counsel, as follows: Judge Augustin for Brown; Col. Lemley for Chase; Col. Mann for McNairy; J. H. Bernes, Esq., for Nash; Messrs. R. C. Belden and J. J. Lane for Pettyway. Esley, Parks, Phillips, August Johnson, Alfred Davis and Simmons; Mr. Gibson for Calvin.

The following jury was empanelled: John McClellan, foreman; J. E. Michel, L. Bachemin, A. B. Lacoste, Chas. Seuzeneau, A. H. Verrett, Lucien Delery, E. P. Legendre, Chas. Montreuil, D. R. Perrett, Francois Renaud and Philip Schneider.

Occupying the time of the court as the case did until 6 o'clock last evening, the testimony was so spread out and involved, as we may say, that a synopsis of it would not convey a satisfactory idea of the trial, and neither the circumstances nor our space warrant us in presenting a full report. The general facts were these: The police observing a crowd of negroes who were acting disorderly and appeared to be riotously inclined, ordered them to disperse. Instead of doing so, in popular parlance, they showed fight, but they were in due time brought to order, but not before some violence was committed and a great deal more evidently intended. During the affray officer Fox was shot at and wounded but not dangerously, and several personal encounters took place between members of the police and the negroes. As the conduct of the latter had been anything but orderly for some hours before the affray commenced, it was supposed that they had pre-determined to commit violence. As soon, however, as information was forwarded to the Chief of Police in regard to the affray, a sufficient force was sent to restore peace and arrest a number of the ill-conditioned darkies. Others were subsequently taken into custody.

Amongst the weapons which some of the prisoners had taken up, there were in court yesterday, a wooden mallet, two hatchets, a long iron hinge and a bludgeon.

The various prisoners who were specially defended received able assistance from their counsel either in the examination of witnesses or by argument before the jury. During the address of one of the counsel of the defense, he was appealing to the sympathies of the jury in behalf of what he called the down-trodden race, when he was interrupted by the Court. Judge Abell remarked that argument of that kind was not calculated to promote solidity and peace in the community. It would impress false ideas upon the minds of the colored people. These people were tried in that Court just as fairly as the Governor of the State would be. In fact, he sometimes gave them more than ordinary privileges, as he did not wish that any prejudice should appear to exist against them, nor had he any against any race or religion. So far as their being unfortunate was concerned, he considered them most fortunate, for they had emerged from slavery to liberty.

After a lucid charge from the Judge, the jury retired shortly after 5 o'clock, and returned into Court in about an hour with the following verdict: "Guilty," as to Phillips, Brown, Calvin, Fox, August Johnson, Chase, Paul, Alfred Davis, Simmons, Smith, George Johnson and Mack.

"Not guilty," as to Nash, John Davis, Hawkins, Murray, Grimshaw, Holland, Esly and Pettyway.

The prisoner convicted under the name of Fox, nearly escaped. In the argument and in a portion of the testimony he was mentioned as Parks. The jury soon after retiring, not finding the name of Parks in the information, came into court for instruction. The Judge stated that if his name was not in the information he should be acquitted. Fox or Parks, whichever he was, however, was too prominent in the evidence, and when the verdict was given he found himself in the wrong box, though he had a strong hope that the mixing up of names would have left his identity in doubt, and saved him.

The accused who were convicted were remanded to prison to await the sentence of the law. Those acquitted were at once released and most unmistakably went upon their way rejoicing.

The case was conducted throughout with marked ability by the District Attorney, Mr. Fuller.

Among the incidents of the trial, was a lawyer defending one of the accused who had formerly been his slave.

The appearance of one of the witnesses in the case, a youth, led us to believe that "he" could safely go upon the other side of the house; looked indeed, as if fairly entitled to waterfall and crinoline.

RECORDER KRUEBBE'S COURT.—Dan Sullivan, colored, was yesterday committed for trial to the Criminal Court on a charge of larceny, preferred against him by Thos. O'Neill, stealing $160 worth of carpenter's tools from the Morengue Building, corner of Camp and Poydras streets.

The following cases were dismissed:

John Casey, charged with snatching a gold watch from Mr. Samuel Smith.

Jennie, colored, charged with breach of trust and embezzlement by Mrs. Bird.

George Hallett, accused of breach of trust and embezzlement by B. B. Simms. No prosecutor in court.

George Smith, charged with breach of trust and embezzlement by Joan Daberry. No prosecutor in court.

Amanda Robinson, colored, charged by Mrs. Miller, from information received, with having wilfully set fire to complainant's residence, corner of Jackson and New Levee streets. No evidence whatever against the accused.

The Courts.

No cases will be tried to-day, all of the Courts having adjourned until to-morrow, in honor of the anniversary of the Father of his Country.

SUPREME COURT—CONDENSED DECISIONS.

CASE IN REGARD TO TUTORSHIP.

Succession of Rebecca Bookter. Appeal from Sixth Judicial District Court, parish of Livingston.

A family meeting was convoked in March, 1855, to nominate a tutor, (who should not be required to give security,) for the minors, George, Charles, David and Bomar Watterston, alleged to be the heirs of George W. Watterston and Rebecca Bookter, deceased. It was recommended that D. A. Watterston, formerly tutor, had permanently left the State, and no one would take the tutorship and give security. William Duncan was appointed. D. A. Watterston opposed on the ground that the proceedings were irregular, and the tutor should be required to give security. The appellee said that no judgment had been rendered removing him; that Duncan was unsuitable, and security should be required. The judge sustained the opposition. Duncan has appealed. The first ground opposition would have been valid, but D. A. W. made his residence in the District of Columbia, he ceased to be tutor. It was the duty of the judge to appoint another tutor, C. C., Article 298. Judgment of lower court reversed, and proceedings of family meeting confirmed. Chief Justice Hyam, Judge.

SUITS FOR TAXES.

City of New Orleans vs. Francois Lacroix. Appeal from the Fifth District Court of New Orleans. The city claims of defendant, $2872 87, taxes for the year 1859. Defendant filed a special defense. On trial below, the plaintiff evidenced, among others, the assessment roll for 1859, and the ordinance fixing the rate of taxation. The District Judge gave judgment for plaintiff. The record is so imperfect as to preclude an examination on the merits. It does not contain the assessment roll or ordinance, or the certificate attached to the record required by the clerk. All that we can do is to remand the case at cost of appellee. Judgment of lower court reversed, and case remanded according to law. Z. Labauve, Judge.

City of New Orleans vs. Horace Blakesly. This is a suit for taxes. The defendant has not pointed out any error in the judgment. We can find no legal cause for appeal. Judgment affirmed and plaintiff to recover $35 damages. R. K. Howell, Judge.

City of New Orleans, appellee, vs. E. Cordevolle, appellant. Appeal from the Fifth District Court of New Orleans. This case presents the same pleadings and defects as in the case of plaintiff vs. Francois Lacroix. Case remanded to be proceeded in according to law. Z. Labauve, Judge.

ALL PARTIES INTERESTED IN MAINTAINING A JUDGMENT TO BE MADE PARTIES TO AN APPEAL.

Joseph Lallande vs. Conrad McRae, Brady, Gorman & Co. et als., third opponents and appellants. Appeal from Ninth Judicial District Court, parish of Point Coupee. A motion is made to dismiss the appeal on the ground that all parties in interest are not parties to the appeal. The property seized herein, owned by C. F. and R. W. McRae, was sold at sheriff's sale for $120,000. This judgment was distributed as follows: First, the clerk's costs; second, sheriff's costs; third, to Mrs. M. C. Stirling, sundry claims acquired by her; fourth, Z. Porche; fifth, Mrs. M. C. Stirling, as assignee of J. Lallande. The residue of the fund was divided equally, and distributed among individual creditors of R. W. McRae and C. F. McRae, out of R. W. McRae's half thereof. Sixth, to Gladden & Seixas; seventh, to J. T. Motlow. "Next," says the decree, "is the claim of Brady, Gorman & Co., bearing upon the interest of R. W. McRae, but as that fund is already exhausted, and there only remains the half belonging to C. F. McRae, I do not," proceeds the judge, "consider it necessary to go into the question of extinguishment of said claims." He therefore dismissed the opposition, and distributed C. F. McRae's portion, as follows: Eighth, to McElroy & Bradford. Ninth, to Thos. Claycomb. Tenth, the balance to C. F. McRae. Of these Mrs. Stirling, Lallande, Hall, Rodd & Putnam, McElroy & Bradford, and C. F. McRae are cited as appellees. The clerk, sheriff, Porche, Gladden & Seixas, Motlow & Claycomb have not been made parties to the appeal. Gladden & Seixas, and Motlow, individual creditors of R. W. McRae for $12,490 40, are not cited as appellees, because their rank is not contested. The appellants claiming to be creditors of R. W. McRae, contend that their judicial mortgage upon the fund distributed is superior in rank to the claim of Mrs. Stirling, (fifth) on the account for $46,690 98 allowed against the partnership interest. The effect of their position is, that the amount must be carved out of the sum allowed to Mrs. Stirling. As they wish only to correct the judgment as between themselves and Mrs. Stirling, if she desires a change as to others, she should have appealed as against them, and cite the case of Converse vs. steamer Lucy Robinson, where it was held that this court is only seized of jurisdiction to amend the judgment as between appellant and appellee, and not as between appellees. This, in our opinion, is an incorrect application of the doctrine of that case. The reverse was held in the case of Hewson vs. Cresswick—10 A., 222—where it was decided that all parties interested in maintaining the judgment must be made parties to the appeal. See, also, 12 R., 180, 203—8, A. 72—12 A. 775—15, A. 49c. That the parties omitted, however, an interest in maintaining the judgment is manifest. The granting of appellants' appeal might disturb the whole order of distribution, and result in cutting off some in part or entirely. We cannot recognize in appellants the right to single out one or more of the successful contestants for a partnership fund and omit the others, as the litigation must be terminated in a single trial, provoked by their action alone. Ordered that appeal be dismissed at cost of appellants. R. K. Howell, Judge.

Texas Intelligence.

A convention of the school teachers in Texas is to be held in Houston during the course of next month, for the purpose of securing harmony of opinion and concert of action.

All the printers employed in this office, including the devil, received valentine letters yesterday. This shows how popular they are with the ladies. There are several unmarried men among the crowd, who are fine looking chaps. The ladies should not all speak at once for them.

[Houston Telegraph.

A hotel is about to be erected in Jefferson, Texas, which will be three stories high, and, when completed, one of the finest in Texas.

FIRE.—On Sunday night last between 9 and 10 o'clock, our citizens were aroused by the cry of fire. All the buildings on the east side of the public square, save two at the south-east corner, were consumed. The fire was no doubt the work of an incendiary, as there had been no fire in either of the buildings consumed for over a month. The destroying element was only stayed by the extraordinary exertions of our citizens, who seemed to vie with each other in their efforts to stop the flames. Great credit is also due the freedmen and freedwomen for their invaluable assistance. Our citizens should be on the look out, and the vile wretch who would commit such an act may yet be brought to justice. By reference to another column it will be seen that the citizens of Rusk have offered a reward of $300 for the apprehension and conviction of the incendiary.—[Rusk Observer.

An intelligent planter writes to the Galveston News that he is well pleased with his prospects under the free labor system. His freedmen have remained, and perform their usual work for a proportion of the crop. He has divided his hands into sections, and employs a premium system to promote competition. His people are respectful and obedient, and the change in their condition has not affected their conduct.

TROUBLE IN BRENHAM.—We hear a report of a difficulty in Brenham last night, between soldiers and citizens. About thirty shots were fired, and one man—a soldier—was killed. This is all we have yet heard of the matter.—[Galveston News.

THE CONVENTION.—In addition to our correspondence, we have the tri-weekly State Gazette of the 10th, giving the address of the President, Hon. J. W. Throckmorton, on taking his seat. It counsels the burial of the past, devotion to the general government and the State, and an indorsement of the President's plan of restoration. The President hoped the proceedings would show that "although Texas is the last of the Southern States seeking restoration, the delay was caused by no fault of her people."—[Ibid.

Between 4 and 5 o'clock A. M., on Saturday, the Methodist parsonage, occupied by the station preacher, the Rev. Mr. Pulpot, was entered by a burglar, who obtained a fine gold watch and some valuable jewelry. Louis' oyster saloon, on the same block, the previous night, was entered by the burglar, and he had cash taken from his drawer, an entrance through the kitchen. Also, the same night, the second night, an attempt was made to enter Mrs. McClellan's house.

These burglars are very daring, and so far, have been very successful. Indeed, their success upon two successive mornings, at two points within a stone's throw of each other, at an hour of the morning when many persons are up and preparing for the business of the day, is a disgrace to the city police, and should remind them that extraordinary vigilance is necessary now. They go out to advantage to the city so long as they travel around in squads of three and four. If they are afraid let them resign, and the citizens will take the matter in their own hands and clear the city of these scoundrels.—[Ibid.

Night before last at the Fannin House was witnessed one of the pleasantest "weddings in high life below stairs" we have seen for many a day. The parties were two faithful servants under the old *regime*, and who remain faithful servants still. The bride was unwilling to get the Yankee Methodist preacher to perform the ceremony, but she replied that her old master was good enough preacher for her, and she would have no one else. The ladies of the Fannin House provided a splendid supper, and many gentlemen increased, together with the lady guests, a fine white audience in addition to the colored, witnessed the ceremony which was performed under a regular license from the clerk of the court. The officiating officer was asked why he did not salute the bride, to which he replied that the custom had gone out of fashion. But the white ladies and gentlemen all came forward and presented their congratulations to the happy couple, and Henry and Virginia entered upon matrimonial life with the best wishes of all. The colored people danced till supper, and while they were eating the white boys and girls got up a dance on their own account.—[Telegraph.

A facetious letter-writer in Washington says that he was recently compelled to pay this bill, although the payment reduced him to the extremest penury:

Board and room (three days)	$15 00
Use of room furniture (extra)	2 50
Fire (extra)	5 00
Gas (extra)	2 00
Use of bedclothes (extra)	3 00
Drinks	[illegible]
Use of toilet [illegible] (extra)	3 00
Being told "don't know" (extra)	5 00
Being told "can't say" (extra)	3 50
Carrying baggage to and from room (extra)	2 50
Privilege of spittoons (extra)	0 50
	$45 50
Add ten per cent. for cash	4 55
	$48 55

TELEGRAPHIC DISPATCHES.

FENIAN CONGRESS AT PITTSBURG.

Gen. Sweeney Recommended for President.

TREASURE ARRIVED—TROOPS SAILED.

President Johnson Desires a New Secretary of War.

Government Swindled of More Than $100,000,000.

Civil and Military Corruptions in the South

THE HISPONO-CHILIAN IMBROGLIO CONTINUED.

Mediation by England and France not Acceptable.

VERY RICH GOLD MINES DISCOVERED NEAR PANAMA

Declaration of War by Peru Against Spain.

B. F. Butler Refunds $150,000 to Smith Bros., of New Orleans.

NEW FREEDMEN'S BUREAU BILL IN CONGRESS.

The Mississippi Stay Law Pronounced Unconstitutional.

MARKETS, RIVER NEWS, ETC.

[Associated Press Dispatches.]

JACKSON, Feb. 21.—The High Court has just rendered a decision on the Stay Law. It is the unanimous opinion of the Court that the law is unconstitutional.

The decision will appear on Saturday in the Daily News and Mississippian.

WASHINGTON, February 21.—Rumors of cabinet changes prevail. Secretary Stanton's friends say he will not resign. The President's friends say there must be a new Secretary of War.

Assistant Secretary Chandler's report on official corruptions in the South will startle the country. The frauds involve military as well as civil officers.

Within the last year the government has been swindled out of more than $100,000,000.

A special committee will be constituted, who will unravel a complicated system of rascality.

NEW YORK, Feb. 21.—Valparaiso and Santiago papers to the 16th of January, say the proposed mediation of France and England in the Spanish-Chilian war is not regarded with favor in Chili, or deemed of great importance. It is not expected Spain will relinquish her pretentions.

There is a diplomatic quarrel between Chili and Uruguay.

The approaching retirement of Mr. Nelson, the United States minister to Chili, is much regretted. Panama dates to the 12th inst., say rich gold mines have been discovered about eighteen miles from Panama and two from the railroad. California gold miners pronounce the developments exceedingly rich.

The declaration of war by Peru against Spain is confirmed. Hostilities have not yet commenced. The blockade of Callao has been raised. The Spanish squadron is concentrating at Valparaiso. Five or six sailing vessels have been burned by Spaniards. The Chilian coast is now open to trade.

Several European vessels had been warned away from Valparaiso, and had gone to other ports.

The Peruvian squadron had been sent to join the Chilians.

The Spaniards in Peru are required to register their names or be treated as spies.

The Express says B. F. Butler has paid Smith Bros., of New Orleans, $80,000, which they alleged he abstracted from their vaults, with costs aggregating over $150,000.

WASHINGTON, Feb. 21.—Mr. Elliott, chairman of the House Committee on Freedmen, is preparing a new bill providing for Freedmen's Bureau.

PITTSBURG, Feb. 21.—In the Fenian Congress the executive message was read and unanimously adopted. President Roberts resigns, and recommends Gen. Sweeny for election to the Presidency.

The river is eight feet nine inches and rising. Weather clear and warm.

NEW YORK, Feb., 21.—The steamer Henry Chauncey, from Aspinwall, brings $1,500,000 in treasure.

The steamer New York sailed for San Francisco with three hundred troops on board.

LOUISVILLE, Feb. 21.—Sales of 197 hhds. of leaf tobacco, at prices ranging from $4 20 to $4 49. Flour dull at $7. Shelled corn, 65c. Oats, 41c. Mess pork, $29. Bacon shoulders, 14½c. Clear sides, 19c. Hams, 22 to 25c. Lard, 18½c. Cotton, 31c. Whisky, $2 22 to $2 27.

CINCINNATI, Feb. 21.—Flour steady. Wheat declined 5c. Corn 53c. Oats dull and 3c. lower. Pork $28 50. Lard 18½c. Groceries dull. Cotton 41c. Whisky $2 25.

NEW YORK, Feb. 21, 9 P. M.—Cotton closed less active at 45 to 46c. Flour declined 10c. Pork $28 12½. Money active and firm at 7 per cent. Sterling Exchange 108¾. Gold 137¼. Government Stocks are a shade easier. Stocks strong.

VICKSBURG, Feb. 21.—The steamer Indiana passed up at 5 P. M. None down.

Adjutant L. Thomas arrived here to-day.

[From Yesterday's Evening Papers.]

WASHINGTON, Feb. 20.—*Senate.*—Mr. Wade introduced a joint resolution proposing to make the President ineligible after one term, and, in the course of his speech thereon, opposed the admission of the Southern members of Congress under the present circumstances.

Mr. Davis, in a written document, complimented the President for vetoing the Freedmen's Bureau bill.

Mr. Trumball denied the unconstitutionality of the bill, as alleged by the President.

Messrs. Foote and Wright were absent during the vote upon the President's veto.

[Mr. Foote is a Republican, from Vermont, and Mr. Wright a Democrat, from New Jersey.]

NEW YORK, Feb. 21.—The cattle disease has broken out in Montgomery county, Pennsylvania. A very large number of cattle have died since the spring of 1865.

A Washington dispatch says political circles are filled with rumors of Secretary Stanton's resignation as certain, and as a natural consequence, of the President position on the Freedmen's Bureau bill.

The Mormon officials of Utah Territory are all being removed. Lee and Gilbert have been appointed assessors in place of two polygamists.

The Western Union Telegraph Company's lines worked direct between New York and San Francisco last evening. Between New York and Buffalo the lines were worked by the current from the Aurora Borealis, which was intensely brilliant.

MANCHESTER, N. H., Feb. 21.—One hundred guns were fired in honor of the President's veto.

WASHINGTON, Feb. 21.—General Terry, having testified before the Reconstruction Committee, has left for Richmond.

Mr. Doolittle will introduce a new bureau bill to-day incorporating Presidential features.

Brigadier General Gregory reports a very satisfactory state of freedmen's affairs throughout Texas.

NEW YORK, Feb. 21.—Secretary Seward, in replying to Mr. Bigelow's dispatch enclosing Napoleon's speech on Mexican affairs, alludes with considerable severity and denies the assertion of the Emperor that our government had been invited to join France in her Mexican intervention before the introduction of the French forces into Maximilian's army.

The Herald's Rio Grande correspondent, of the 20th of January, says Gen. Wood, agent of a number of Southern emigrant associations, was received with courtesy and attention. In the interviews with the Emperor and all his ministers, he received promises of all the land required at minimum prices, and immediate citizenship for all colonists, freedom of religion and press, control of their municipal regulations of educational institutions, and the free importation of all articles for five years.

The General and party were received with ovations in the interior of the country. The General will report favorably on the projected emigration there.

PITTSBURG, Feb. 21.—The Fenian congress has organized. Colonel M. Murphy has been elected Speaker of the House. Both houses went into joint session.

The convention is harmonious. A determination is unanimously expressed for immediate and effective action. Large contributions have been made. A large donation of arms is promised.

NEW YORK, Feb. 21., 12 M.—Gold, 137. Cotton quiet at 45c. to 46c.

[From the Montgomery Mail, 17th.]

Dinner of the Associated Press.

The members of the Southern Press Convention were entertained at a dinner given yesterday at the Exchange Hotel by the press of Montgomery. Mr. W. G. Clark, President of the Association, in the chair, and Mr. Steele, of Atlanta, vice-chairman. Besides the members of the Association, there were present Senator Gage, from Mobile, and Messrs. Clark, Tompkins and Grant, of the House of Representatives, and Mr. Keating, President of the Southwestern Press Association.

The dinner was in the usual style of the Exchange, and the wines furnished were of the best brand and purest vintage.

The affair was in every respect a success, and a fitting close to the proceedings of the Convention, which have been throughout of the most harmonious character. Toasts were drunk and enthusiastically responded to, among them that of the health of the President of the United States, which was received with three times three.

The following letters were read from the distinguished gentlemen whose names are appended, they having received invitations to attend:

MONTGOMERY, Feb. 16, 1866.

Gentlemen—I very much regret that a previous engagement will deprive me of the pleasure of dining with you to-day, which I feel assured I should greatly enjoy. Hoping that you have accomplished the object of your assemblage, and with many thanks to you for the invitation extended to me to meet you to-day,

I am, very respectfully,

CHAS. T. POLLARD.

To Messrs. B. H. Keiser, S. G. Reid, J. F. Whitfield, Committee.

MONTGOMERY, Feb. 16, 1866.

Gentlemen—I have just received your kind invitation to dine with the Southern Press Association, at the Exchange Hotel to-day. I sincerely regret that a previous engagement will deprive me of the pleasure of meeting at dinner, so intelligent and patriotic body of my fellow-citizens, and with many thanks for the compliment,

I am, very respectfully,

W. J. HARDEE.

To Messrs. Reid, Whitfield and Keiser, Committee.

Messrs. Keiser, Reid and Whitfield, Committee of the Southern Press Association:

Gentlemen—I am in receipt of your very kind invitation to dine with the Association to-day, and I regret that very pressing engagements deny me the pleasure of accepting it.

In this country every branch of business acknowledges its obligations to the press, but none is more dependent, none has received a greater impulse or felt more certainly the fostering care of the press, than the internal improvements of the country.

Many of the most important owe their origin to the press, and during the weary years of struggle to bring them to a successful completion, those having them in charge have uniformly heard the cheering voice and felt the sustaining hand of the press.

I do not recall a single instance in which the conductors of the press have ever failed to subscribe to any work of internal improvements which I was endeavoring to inaugurate.

The proprietor of the smallest village sheet I have always found ready to cast in his mite when large contributions were not within his reach, and I feel that the railroad system owes you much. As one of its representatives I take pleasure in acknowledging the obligations, and wishing you all, health, happiness and prosperity.

Very respectfully your obedient servant,

SAMUEL G. JONES,
Supt. Ala. and Fla. R. R. Co.

Southern Commerce.

From the Ouachita Herald (Camden, Ark.)

Now that the war is over and the people have generally quietly acquiesced in the result, it becomes necessary for the people of the South to look to their commercial interest. Heretofore the Northern cities have enjoyed the monopoly of the trade of the Southern merchants, and they will continue to do so unless more public spirit is brought to bear on the interests of Southern cities. This becomes absolutely necessary for the general welfare of the States bordering on the Gulf of Mexico. We would urge it as indispensable to the future prosperity of the South.

Why should New York, Boston, Philadelphia and other Northern cities monopolize the direct trade with Europe? Why not New Orleans, the Southern emporium, import directly from European markets instead of being furnished second hand by the Northern cities. It is true that the old capitalists of the South have become measurably insolvent by the operations of the war—but cannot foreign, or even Northern capital seek our Southern cities and thereby obviate the necessity of this second hand purchase through Northern capital and Northern cities, building up princely emporiums of merchandise, and residences. New Orleans is properly the market for Louisiana, Mississippi, Arkansas and Texas, and if the merchants of that city will properly represent her interest, in a liberal spirit, we feel assured that the States named will not prove so far recreant to their best interests as to seek any other market.

It seems to us that every Southern merchant who aids to build up and sustain the Northern commercial cities, to the prejudice of his own section, acts against his own interest at present and his posterity for the future. The Southern States can well judge by the past that their interest is purely identified with the cities of the South, and that Southern merchants must know that their pecuniary life blood is drawn from Southern soil. Therefore, let Southern farmers and merchants support Southern commercial interests. Let our merchants in New Orleans import directly from Europe such goods as are required from abroad, and then our agricultural products will reach the same source directly. But whilst we make the Northern cities the ports of imports, we shall be compelled to a great extent to make them our ports of exports. And whether the latter necessarily follows or not, we know that at the closing of the fiscal year the balance of trade will be against us.

We would further seriously urge on the commercial and property capitalists of the city of New Orleans, the necessity of aiding and assisting in all possible ways the development of the agricultural interest of the sections of the country heretofore doing business with that city. We mention this more particularly, as it is to our knowledge that during the past summer our locality has been infested with agents of commercial houses from Memphis, St. Louis and Cincinnati, with a view to divert the trade of this section to those cities, and we regret to say that several thousand bales of cotton have gone to those markets via Pine Bluff and Gaines' Landing, which have heretofore gone to New Orleans. In conclusion, feeling a direct interest with our Southern city of New Orleans, we would urge them to seriously consider the matter, and to use their best efforts, by evincing a liberal spirit, to counteract the exertions being made to take the trade of our locality from them.

Col. Wm. M. Browne, editor of the Washington Union during Mr. Buchanan's administration, is now practicing law at Athens, Geo.

There is said to be $348,900 worth of tobacco in Lynchburg. That city ought certainly to prosper in business while she has so much of the James River Valley to back her.