OFFICE, No. 94 CAMP STREET

THE DAILY CRESCENT Is published EVERY MORNING—Mondays excepted Yearly Subscription, in advance, \$16; Half yearly, \$8 Quarterly, \$4; Single copies, 10 cents.

Squares.	1 month	2 months.	3 months.	6 months.	12 months
One	\$ 12 net		\$ 30 net.	\$ 50 net.	\$ 75 met.
Two		58	70	110	175
Three		53 67 80	90	140	225
Five	46	80	105	170	275
Six		93	120	2.0	325
Seven		105	135	240	375
Eight	fi5	115	150	260	
Nine	70 75	125	165	293	
Ten	75	135	180	350	
Eleven	200	145	195		
Tweive	85	155	210		
Thirteen.	90	165	230	410 1	
Fourteen.	95	175	230	450	
Fifteen	100	185	240		700
Thirty	375	530	460	750	1200

Monthly advertisements, inserted every other day, to be First and Fourth page monthly adverti

Transient advertisements, having the run of the paper first insertion, \$1.50 per square; each subsequent insertion

er square. ad Fourth page transient advertisements, each

cents not per line, each insertion

nely.

All bills with regular advertisers shall be rend red monthly

THE WEEKLY CRESCENT

ublished every Saturday meming. Subscription, neum, in savance; balf yearly and quarterly, sa-single copies, 10 cents. Rates of Advertising:

Squares.	1 menth	2 months	3 months.	5 months.	12 months
One Two Three Four	\$ 5 net 9 12 15	8 9 net. 16 22 27	20 28 35	\$ 20 net. 32 41 56	5 30 net. 50 70 90
Ten Fifteen Thirty	30 40 70	33 55 75 150	75 100 180	133 180 300	201 28) 48)

THESDAY MORNING, JANUARY 19, 1869

EDITORIAL PARAGRAPHS, ETC.

It is said New York has no safe kerosene oil England is having a very mild winter. omner will be returned to the Senate.

Dayton has a sorosis. iss Kellogg is in Cincinnati. The Turkish language is said to be beautiful. Cincinnati owes \$4,039,000.

Gaylord Clarke is convalescent. Sue Murphy lives in Decatur, Ala.

Old Grimes is mentioned for old Wellea's place Morton has a "massive head." Chicago is to have a "mammoth hotel." The delirium tremens is denominated a tight fill.
Billiards are 300 years old.

Washington opens soup-houses this week. The sultan has written a waltz. Victor Hugo has Bright's disease. Beecher's church didn't pay by \$7000 last year.

A hair album is the latest novelty. Mile. Nilsson sculps. Rousseau was Hancock's only rival for beauty.

Tamberlik, now in Paris, meditates a trip hither Mrs. Sue Murphy, Don Platt has it. Bryant is translating the Iliad.

Vicksburg wants Nicolson payement. The editor of the Handsboro (Miss.) Demo has been injured by a fall from a buggy.

The type and material of the Charleston Mer-

cury have been sold.

The New York Sun proposes an elevated rail-

way for velocipedes only.

Thanks to A. J. Alexander, Eq., purser of steamship Bienville for kind remembrance

The Radicals fear that Grant will retain Scho-Mrs. Craik, wife Moloch, is busy writing a new

novel. Indian fighting Forsyth has been breveted brigadier general. Gen Longstreet had an interview with General

Grant on the 15th. Bismarck denies that he demanded the removal

Thanks to the officers of the steamers Louise,

Josephine and Austin.
Butler goes the "whole hog" and insists on

never going back to specie again. Out of place-a vegetarian at the cattle show.

"A Christian young man wants a Christian wife," with a little cash, in the New York Herald. Eugenie is said never to wear the same full dress

Stanton puffs Morgan, and wants him in the Senate. The New York Tribune is accused of making

Vermont Morrill opposes renewing the treaty Miss Kellogg was born in Charleston, South Car-

olina, and is twenty-four years of age.

A exchange wants "a stop put to the foolish practice of shooting one another."

Archbishop Manning is promised a cardinal's hat in the spring.

It is said (entral Park beats the world in splen

der of equipages.

We are indebted to Alex. Hay, Esq., for the Glasgow Weekly Mail. Mobile Tribune has a "Town Talk" column

It is not idiotic. The toilets of some California maidens in Paris say "gold mines" very loudly. ght's face is elequent of satisfaction now that

he is in the cabinet. Running too much to "gioger-bread"-some of the new houses along by the Nicolson pavement.
The rains of Sunday have again delayed the

Jenkins is anticipating some of the costumes to

worn at the Boston Club Ball. Butler mounted the speaker's chair recently for

The Hub was greased last year with over two

Work to remove the Hell Gate obstructions in New York harbor was recently resumed. The music in several Boston charches costs

more than the preaching. Mr. Sweetser's latest journalistic venture in New York is a morning daily called The City.

Butler's oratory is a union of mumbling and shouting.
Getlemen are requested to walk into the City

Hall and pay their licenses. Congressman Pomeroy wants to know if " Miss Murphy was a loyal man?' Ream says the women have all treated

her shabbily. project of a zoological garden in Central Park, New York, is growing in favor.

Albany, New York, has 961 well-patronized Paris has sixty-nine political journals, and 710

that are not political.

The Hew Orleans Crescent. by a seventh Chinaman, count the silver coin in the Bank of California, in San Francisco.

A Georgia cotton factory has declared a quar-terly dividend of five per cent. Strawberries are selling in San Francisco for wenty-five cents a pound.

Ole Bull has brought our his new piano in No York. Its fone is sweet, but it lacks power. The Grecian bend has reached California, but there it is called the Pacific slope.

Bierstadt has received the gold medal at the

Berlin Art Exhibition for his picture of the Yose Punch querries whether, in case female suffrage

and secret voting are enacted, spinsters would not

Chicken salad is a favorite dish among the colored epicurean population in Virginia, and the her-roosts are fest being depopulated. The latest question in politics is, has Carl Schutz been a naturalized citizen long enough to

e a United States senator? Audubon and his wife made their bridal trip in 868 down the Ohio, from Pittsburg to Louisville, n a flatboat.

Jenkins has observed that the Grecian bend

not indulged in by ladies in straightened cir. If young gentlemen are not permitted to stare retty ladies on Canal street, the fair creatures

will desert the grand boulevard. Brigham Young's son, Joe, smokes good cigars, drinks good liquor, gets drunk, plays poker, licks

his wives and preaches the gospel. Charles H. Taylor, of Boston, a newspaper reporter, has been appointed Governor Ciasiin's

private secretary,
Madame Rossini, for her husband's ten unpublished compositions, has been offered 125,000f. by

a London firm. A Western editor has got such a cold in his head that the water, freezes on it when he washes it.

Meyerbeer's widow has disposed of her only unmarried daughter to an Austrian baron, and will settle in Vienna.

Helmhold drives the most elegant establishment in New York. It is Buchufull.-[Buffalo It is anthoritatively and perilously stated that for

the subduing of a man, a momentary glance, a transitory tone, an uncertain pressure of the hand Cazado, the Parisian Opera manager, who

troduced Adelina Patti to the Parisian public five years since, is now head walter in a coffee house in that city.

A New York paper says that William Cullen

Bryant, James Gordon Bennett, and Horace Gree-ley, all intend to retire from their respective journals this year. When Kilpatrick received that service of silver

in Hartford last Saturday, which had been aned himseif as "completely taken by surprise. A berzinist, looking in at a holiday shop win dow, thought one of the masks winked at him, and immediately went off in a fit of delirium tremens.

Those who yesterday beheld the amphibious cows of Carroliton, standing knee deep in water and browsing the latinier, ceased to marvel at the watery admixture called milk which find its way into this city from that direction. Purington, of Oswego, offers to cross, in a boat

he has, Lake Ontario, for \$10,000 within shipping time, in any south gale any one has a mind to pick out, and agrees not to get wet if any one wishes e have that in the bargain.

Rev. Fred. A. Huntington, of Boston, is bishop

elect of the new Episcopal diocese having its seat at Utica, N. Y. He formerly declined the bishopric of Maine. He was converted from Unitarian ism a few years ago.

After the trees in Lafayette Square are denuded

of all their branches, but one thing more will be wanted to render them artistically perfect, and that is a covering of white-wash! Nature don't improves them in this city.

Charles Dickens published a card in the London papers of the 16th, denying the story of the recent decease of his brother's widow in Chicago. He says hat the lady is still alive and well, and that he is the trustee of her estate now under a settlement. . Now. Chicago!

The president has bundled up the numerous an. plications for promotion to the vacant positions of brigadier general and sent them all over to the war department, thus throwing upon Secretary schofield the delicate task of rec of the number for the vacancy.

The American prima donna, Miss Minnie Hauck, was to appear for the first time at the Italiens, January 6, in "Sonnambula." Prince Poniatows ki is engaged in writing an opera expressly for her, of which M. Strakosch has purchased the

The leading illustration in the last number of Funch is entitled "Under the Mistletoe," and represents old John Bull and Miss Columbia with clasped hands in the act of kissing each other under the mistletoe bough which the goodatu: ed Reverdy Johnson is holding

Harvard College, with all of its wealth, finds its usefulness sadly hampered. Half of its income of \$180,000 is tied up-devoted to specialities by dying and dogmatic donors; and for its \$30,000 year that is free for general purposes, it has ways and demands that such a sum no more than

Mr. Butler advocated the Ningara Falls ship canal bill, and in the course of his remarks he said the gentlemen might feel no apprehensions on account of the canal running through Canadian soil, because, before the canal could be completed, that soil would be ours -- not by conquest

majority of its inhabitants.

We congratulate Mr. James Fisk, Jr., upon the commencement of his career as the proprietor and manager of one of the most beautiful opera houses in the world. He has succeeded in the world of business. As a peddler driving four-lahead, as a wholeasie merchant, as a railroad operator, as the imprisoner of Sam. Bowies, his success has been splendid. We don't doubt it will be equally splendid in the world of art.—[New York Sun. majority of its inhabitants.

The New York jewelers from whom Mr. Colfax purchased his bridal presents, have given his wife a porcelian vase, a foot in diameter, holding an assortment of artificial flowers. The top is of apple blossoms, and nestled among them is a blue This bird kings for half an hour at a time, with a loud and clear note, turning his head, using his mouth, and performing other antics similar to those specimens of Swiss mechanism so common at Geneva, and exhibited there to the great delight of shoddy Americans.

And I never hear of this loyal element in the South that I am not disposed to grin, writes Doun Platt, having had opportunities for observation. I remember once, during the war, calling on the late lamented, in company with Gen. Rosecrans. We were resh from West Virginia, and the general's kind heart was full of affection for the loyal element of that State. I said nothing, but Mr Lincoln, observing that I grinned, at last turned and asked me what I thought of the loyal element of West Virginia. "Well, Mr. President," I responded, "I have been in Virginia nearly a year, and so far as I can discover Gen. Resecrans is cor rect in his division. We have the disloyal element and the loyal element-and the difference between them is this, the disloyal man joins the army and skoots at you, on principle—the loyal man gets behind the holly bush and shoots at you for your boots.'

Produce merchants and dealers generally, at-tend sale this day of wrecked goods from steamer Idahçe, ex steamer Tahlequah, by Chas. T. Nash, auctioneer. Wagons, molasses, iroa, plows. paper, flour, chains, dry goods, bacon, and large lot of sundries. Sale takes place on the levee, foot of Canal street, at 12 o'clock M. Read adver-Chinamen, in gangs of half a dozen, directed tusements for full particulars.

We learn that the Metropolitan Police Board have commenced to strictly enforce that portio of the bill creating them, which orders the supervision of the city by a force of health police whose duty it is to examine all premises that may be at all suspected of being in any way prejudi cial, by their uncleanliness, to the health of the neighborhood. To carry out this object, an extra force, called the sanitary company, has been ap-pointed and is now at work. We are not yet prepared to state the character of the men, as have yet to hear of their manner of working, but it is to be hoped that the board have displayed sufficient judgment to appoint good, honest, effec-tive men to discharge these important and deli-cate duties. We trust soon to hear of the good results of this new system of policing. There always has been and is now plenty of room for

Music's power on a day last week led us to the residence of Mr. Collignon, the talented professor of music and orchestra leader, on St. Peter street of music and orchestra leader, on St. Peter street, opposite Jackson Square, into the midst of about twenty of our most distinguished professional and amateur musicians, of both sexes, who assemble weekly at Mr. Collignon's in order to spend the evening in close communion with the Muses. We speak of the Muses generally, because music, although the chief object of these select and refined reunions, is not the only pastime of Mr. Collignon's guests. His elegant parlors, decorated with many works of art, autographs of distinguished person ages, his tables laden with magnificent cartoon and his library shelves filled with choice literary selections, attest the fact, with what else w heard and saw, that the improvement of the mind seems to be the great goal of host and visitors The principal attraction on the night in question was Mr. Engel, the light tenor of the Opera House, who during the evening, with Madama C. well known in our respectable circles for he fine soprano voice and excellent singing qualities, sang the beautiful and thrilling between Romeo and Juliet in the opera of that name-Gounou's last opera-which will soon be placed upon the boards of the Opera House. To give an idea of the impression we received wo be as futile as to recount the manner in which Mr. Engel sang Gounod's romance, "Medge," a gem ang by a real artist, whose only fault is not to have been endowed with as much voice as his position at the Opera Bouse would strictly require. Al-though we cannot begin to relate all the pleasant recollections of that soirce, we will not forget to mention the cavatina of Rossini's Stabat Mater, "Fac ut Portem," song by Mme. C., as we had strendy heard her sing this beautiful cavatina at the Jesuits' Church of the Immaculate Conception, on Baronne street. If we had a regret it w that Mr. Page, the accomplished violinist, who was present, had not brought his instrument with which to ravish our already delighted ears. This little meeting, at which were also present Mr. Adolphe Schreiber, Mr. Magner and others con nected in former years with the concerts classique, under the leadership of our host, when the Odd Fellows' Hall were wont to be filled with the soul-elevating strains of the symphonies of the great masters, naturally causes us to inquire whether the classical concerts will not be revived. Last year, we believe, an effort was made by Mr. Collignon and several of our prominent citizens to give a series of six concerts yearly, but owing to the stringency of money and the political troubles the project of revival failed. Now that comparamfort exists, will not another effort be made towards the reorganization of the association, under whose management these brilliast and select soirces were given? We hope so. For our part we promise our assistance towards the accomplishment of such a desideratum. New Orleans can but be benefited by it, materially and

The chaplain of the carpet-bag Legislature, a colored party by the name of Satchell (who gets aid \$5 per diem fer one ten minute prayer per cay.) in his orisons yesterday morning thanked the Almighty for the day of rest just passed. In that we agree with him, and so we think do the people of Louisiana, for they have good reason to thank God that on one day He spared us the session of a body with whose existence He, in His inscrutable wisdom, is now afflicting us. Let us thank Him for the blessing.

Robinson, the champion rider at the Academy carries his son around on horseback on his head 1s not this a new way for a man to support his family—or raise his boy? N. B. This is a jew de

Plantation negroes are the best informed, the ablest, and the most impartial jurors the civiliz d world has yet possessed. Thomas E. Hillson, one Cooley, of the Sixth District Court, the following excuse. But, before seeing it, we wish the reader to know that this illustrious black gentleman was intricate commercial case. Videlicet

intricate commercial case. Videlicet:

New orleans jan the 18 1859

Mr juge Cooliay I
I have got othing eat and i can not stay Here for nothing my house Rent is going on I cannot get acy credit sny where money is Hard to get ef i was geting any money i could Promes pay to them i by of but at this Reates i can not promies no money i am happy To do my beast for you and the Law also but I moust live too and you know it I love to do Asi am bid to do i moust have some thing to eat

my name Thomas E Hillson Judge Cooley is a man of sense, wit and discrimination. After reading Hillson's appeal, he simply indersed it "excused. W. H. C." Reader, are you sure you would have been excused? No. it was merely for the negro's gross ignorance that he was excused. And of such is the kingdom of the United States.

Something in the neighborhood of \$1000 rewarded the exertions of the members of the Ladies' Benevolent Association at the fair recently he'd at Odd Fellows' Hall. This will do con-iderably towards completing the work of re-interfederacy, though we hardly think it will enable the ladies to entirely fluish their project.

clared by the best government the world ever saw, competent to represent the rich parish of Assumption in the Senate of Louisiana, is unable, government, to himself draw the bounty which as United States soldier he has earned? Information on the subject thankfully received.

It would hardly be believed, but not withstandthe hall of the Perfect Union Lodge was crowded for the benefit of the Torgis Asylum, by the artists of the Opera House, under the auspices of the "Children of Mary"—and the affair was as splendid as though the sun had shone in all its brilliancy. The charming Mdme. Lambele Alhaiza, Mr. Engel, Mr. Julian and Mr. Paoliny, took part in the concert, as well as Carlo Patti and Monsieur Jules Cartier, of the orchestra of the Opera House. While we were present Mr. Paoliny sang a song in Italian, and Mr. Julian "Le Porion Belge" in a very creditable manner. They were followed by Mr. Engel in Mehul's grand aria of "Joseph," and Madame Alhaiza in the brilliant cavatina of "Ernani," who were enthusiastically applauded and recalled. Patti and Cartier executed a duo concertant from the "Jewess," for violin and plano, of which we have the pleasantest recollections : and Patti's solo "Souvenir of Bellini," by Artot, was certainly beautifully performed. It was with much regret that we could not prolong our stay to listen to "Medge," by Mr. Engel, a romance of Gonnod, which he sings unsurpassingly well, and "Le Reveil a Tyrolienne"

by Mdme. Alhaiza. Of Mdme. Alhaiza we can assert one thing in her favor, she has lost none of her voice since she left us to travel in the North and West, and although the hall in which she sang on Sunday is a small one, we can say that in the higher register her voice has acquired a power of which our readers may judge for themselves to might when she appears in the role of Rosine of the "Barbier de Seville." Her notes in the the "Barbier de Seville." Her notes in the medium or middle register are if anything im-proved, and she still possesses that lovely counte-nance that never has detracted from the accom-plishments of an artist of her sex especially. Her otes were round, brilliant and pure as the crysta sprays of a limpid fountain, and her gestures as natural and unassumed as would cause the fasti-dious critic to break his pen in despair. We shall hear her to night and report.

There are two "civil equality" bills, two scho bills and three slaughter-house bills now before the lower house. There is a prospect of lively work ahead in their discussion. To-day the bill amend. ing the city charter will probably come up, as also will probably Carr's bill abolishing the presen

Canal street was a garden, yesterday; a perfect parterre of feminine beauty. For particulars, see small bills—or rather, as the husbands and fathers who foot them would call them—large bills.

A distinguised United States senator in using the franking privilege, as usual, writes his name upon leiters a d documents with the customar "U. S. S." underneath, but the calligraphy the gentleman is so wretched that "ASS" read instead. The conclusion is ominous

Beyond question the prettiest woman in New briesns was at the Opera House last Saturday evening. She was a brunette, and yet might save been an angel, but that she had no win How long she was from the empyrean and whiche he was going, no one present could inform us.

Supreme Court Decisions.

This court delivered the following decisions yes terday : Associate Justice Taliaferro absent:

BY ASSOCIATE JUSTICE R. K. HOWELL.

terday; Associate Justice Taliaferro absent:

EY ASSOCIATE JUSTICE R. K. HOWELL.

No. 1449—Cytus W. Field & Co. vs. New Orleens Delta Newspaper Company. Appeal from the Second District Court of New Orleans. W. W. Handlin for appellants; H. J. Leovy for self and D. DaPonte, Rozier and Buchanan & Gilmore for Mrs. Bonford.

As stated by counsel for plaintiffs and appellants, the only question presented on this appeal is: Are the members of the New Orleans Delta Newspaper Company, who indorsed the notes sued on, liable without notice of dishonor?

The notes are made by H. J. Leovy, business manager, to his own order, and indorsed by him, individually, and before delivery to plaintiffs, the first holders, by D. DaPonte and P. E. Bonford, all of whom were members of the company.

It is urged by plaintiffs that these parties are mere sureties and not entitled to notice, and in support of this position they rely on a doctrine in the case of Corane, executor, vs. Trudeau, (19 An., p. 308.) in the following words: "In relation to third persons and bona fide holders, the obligations of accommodation indorsers are oe-extensive with those of indorsers of business paper. It would be different if the transferce of a note indorser get if from the maker. In such a case the indorser would be a surety."

The latter doctrine not being essential to the decision in that case, may be regarded as oblier; but whether correct law or not, it cannot apply in this case, where the note is duly inclorsed by the payee (who is not the holder) and the subsequent indorsers, thus making it, on its face, commercial paper, and the evidence shows that the decindants intended to bind themselves as accommodation indorsers. And it seemes to be settled here, at least, singe the case of Weaver vs. Marvel, 12 An., p. 517, that although they may, in some sense, be sureties, they are entitied to notice. We must view them as accommodation indorsers, whose liability depends on the rules applicable to negotiable instruments in general, and consequent to bind a negotiable instruments in general, and quently the holder must take the steps neo

quently the holder most take the steps necessary to bind any indorser of business paper, according to the law merchant. They were parties to the notes when received by the plaintiff. See Story on Notes, \$5, 134, 285, 282, 292, 292, 295, 367, 479, 480; 6 N. S. 517; 12 R. 183; 10 An. 98; 12 An. 517; 14 An. 305; 16 An. 108.

In the case of Keeler vs. Bartine (12 Wendall, 11s) it is add that "the circumstance that the indorser is an accommodation indorser adds cogency to the consideration in lawor of strict motice of the default."

The doctrine on which the necessity of notice rests seems to be the presumption of damage or prejudice in favor of the indorser, who is entitled to a recourse over against another party. In other words, whoever is entitled to a recourse over against another party. In other words, whoever is entitled to a recourse over against snother party is presumed in law to be injured by a delay in receiving knowledge of non-payment, is therefore entitled to prompt notice, Chitty on Bills, 455. In this case, the indorsers, if notified in due time, may have secured the meelves against or obtained payment from the maker.

maker.
The plaintiffs contend, however, that the New

The plaintifis contend, however, that the New Orleans Delta Newspaper Company was a mere private partnership, and its members, not being permitted to plead ignorance of their own affair, must be held to know that the notes are not paid, that the maker knew it, and notice to one was notice to all.

The reply to this is, that plaintiffs have introduced in evidence, the charter, which shows that none of the stockholders had any control of, or snything to do with the business, except Leovy, the business manager, and that knowledge is not necessarily notice. The notes were made payanecessarily notice. The notes were made paya-ble at the Canal Bank, and, although Leovy, as business manager, may have known that they were not paid, he did not therefore know, without legal notice from the holder, or other proper party, that he would be looked to for payment as indorser. See I Parsons on Notes and Bills, 521, 525, 526, and 629. 525, 526 and 629

525. 526 and 629.

The judgment was correctly rendered in favor of the indorsers. It is therefore ordered that the judgment appealed from be affirmed with costs.

BY ASSOCIATE JUSTICE W. G. WYLEY.

of the indorsers. It is therefore ordered that the judgment appealed from be affirmed with costs.

BY ASSOCIATE JUSTICE W. G. WYLEY.

No. 1445—Alfred Marchand vs. Robert B. Bell and City of New Orleans; James McKenzie, appellant. Appeal from Third District Court of New Orleans. G. Schmidt and E. W. Hontington for plantiff; Buchanan and Gilmore for McKenzie. This action is based on certain orders of Bell on the city treasurer, amounting to \$5140, which were not accepted.

Bell answered, admitting the claim, but pretending he had paid it.

The city plead the general issue, and, that if ever indebted to Bell by reason of contracts, the same were forfeited by Bell's failure to comply with their terms.

September 5th, 1866, the city filed a supplemental answer, repeating general denial and averring that, since the original answer, it had compromised with Bell by agreeing to pay him \$5000 in full settlement of all his demands; also, averring it "was ready and willing to pay said sum, in full satisfaction of the claim aforesaid, to Bell, or any qualified representative, but cannot do so without a judgment of court, rendered contradictorily with plaintiff in this case, the defendant, R. B. Bell; Wm. H. Bell pretending to be the assignee or transferee of said claim of R. B. Bell vs. the city, and James McKenzie, who has garnisheed the city." The supplemental answer asks that the parties concerned be cited to answer and assert their respective claims, and that there be judgment contradictorily with all the parties as to how the \$5000 shall be distributed, and that, on payment of said sum, the city be released from all for their responsibility.

It was admitted on trial that W. H. Bell had no interest in the matter in question.

McKenzie answered that the city owes Bell an amount greatly exceeding the \$5000; that, April 18, 1856, he obtained a final judgment against R. B. Bell for \$1887 89 and interest; that upon said judgment, interest and costs.

On the trial there was judgment against R. B. Bell for the amount admitted

ordered that the city pay over to plaintif, A. Marchand, 8500, the amount admitted to be due Bell as contractor, in preference to all other claimans, in part satisfaction of his judgment squiest Bell. The demand set up by McKenzie was dismissed, and he and the city have appealed. Defendant, R. B. Bell, has not appealed, and as to him the judgment is now resjudicatu.

After reviewing the record and arguments, the court conclude with the following decree: It is ordered that the city of New Orleans retain the amount as sforeasid demanded by James McKenzie, and hold the same subject to the action of the District Court in the case of James McKenzie va. the city of New Orleans without prejudice to the right of the plaintiff. A. Marchand to intervene in that suit and contest the validity of the claims of said McKenzie va. B. Bell and the city of New Orleans made garnishee, and that plaintiff and appellant pay costs of appeal.

BY ASSOCIATE JUSTICE HOWELL. State of Louisiana ex. rel. of W. & H. Stack-house vs. the judge of the Fifth District Court of New Orleans.

New Orleans.

C. Roselius and A. Phillips for the relators.

The relators allege that on the 31st January, 1867, James E. Zonts obtained an order of seizare and sale on two notes for \$25,000 each, with aix per cent. interest from Febrary 1st, 1868, the date of their maturity, and eight per cent. thereafter, and secured by mortgage on a plantation in the parish of Plaquemines; that on petition in the parish of Plaquemines; that on petition in the parish of Plaquemines; that on petition in the parish of Plaquemines; that on the trial of said interest and attorney's fees against petitioners and their sureties in solido; that on the trial of said interest and attorney's fees against petitioners, dissolving the injunction, and commanding them to pay twelve per cent. damages and eight per cent. Interest on the amount of the 13d, 300; that within ten days they applied for and obtained a suspensive appeal from the same, on giving bond and security in such sum, and conditioned as the law directs; that they furnished a bong since and the successive suppeal and the successive suppeals and the suppeal bond was not good ascurity, for \$25,000 the language and they reduced against them. To show cause why said suspensive suppeals which rule was made absolute and the appeal dismissed on the second ground; and that said Zunta is about to exercise his order of seizure and sale and the industrial to the successive suppeals which rule was made absolute and the appeal dismissed on the second ground; and that said Zunta is about to exercise his order of seizure and sale and the industrial to a suppeals and the successive suppeals which rule was made absolute and the appeal dismissed on the head of the suppeal suppeals and successive suppeals and suppeals and suppeals and suppeals and su

or mortgage.

We do not deem this the occasion to press on the necessity and validity of the injanction bond, or the liability of the security thereon; but we consider it proper to state that the reasoning in the case in 18 L. 444, does not satisfy us that a bond for the mortgage debt and the damages is necessary for a suspensive appeal in an injunction issued without bond, under articles 739 and 740. Code of Practice. The authority of that case is greatly weakened by the reasoning in the one of the State vs. the Judge of the First District 19 L. 167, which we believe to be more consonant with the principles of law relating to the question before us. We know of no law which requires such a bond. The plainful in injunction, in either case, is entitled to the protection of the court so long as the matter in controversy is undetermined.

And, besides, it is well settled that after a suspensive appeal is once granted, and the bond is signed accordingly, the judge of the first instance has no jurisdiction of the cause further than to ascertain that the surery is good and solvent. 19 Las, 173, 178 and cases there cited.

Our conclusion is, that the appeal taken by the relators is suspensive, and that they are entitled to the writ applied for in this proceeding, in order to have the merits of the irjunction examined by this court.

It is therefore ordered the prohibition issued r mortgage. We do not deem this the opeasion to press or

this court.

It is therefore ordered the prohibition issued herein be made perpetual, and the judge of the Fifth District Court for the parish of Orleans ordered not to proceed any further in the suit of W. & H. Smekhouse vs. James E. Zunts, No. 18,830 on the docket of his court, and to allow the transcript of the record thereof to be sent to the Suprems Court, as if the order dismissing the suprensive appeal had not been rendered.

We may report other decisions in another issue.

Frecial Sale .- Messrs. Louis Stera & Br will offer to-morrow, at their salerooms, No. 33 Magazine street and 96 Gravier, one of the most brilliant and unprecedented opportunities for obtaining an assortment of boots, shoes and brogans which have ever been presented to either city or country trade. The goods have all just been received direct from the manufacturers, and are to be disposed of without regard to limit or reserve. Knowing, as we do, the splendid bargains which are always to be obtained here, we bespeak for this sale an unusual assembly of aux-

intimation of a literary and musical entertain ment which is to come off in the Lyceum Hall on Wednesday evening, the 27th inst. was gotten up by our old friend, Professor Von La Hache, than whom no one in New Orleans could get up such a thing better, and the object is to provide funds for the benefit of a little Pres byterian church in Jefferson City, of which the Rev. B. Wayne is the pastor. This church has been struggling for years to keep its head above submerged state financially, and if some assistance does not come, it must sink. We hope our readers will remember this fact.

Go and see the sensation at the St. Louis Hotel Rotunda.

The senatorial question in Maloe has assumed a new feature. Mr. Perry, a member of the House, has declared in a card that he throw the black vote in caucus intentionally. This leaves Hamlin with a clear majority of the Republicans in the Legislature who desired to vote. Morrill's friends now claim that as Hamlin was not declared elected by the caucus they are not bound to support him, and intimate that they will not do so. A movement is on foot to bring forward a third man as a compromise candidate. Hamlin's friends claim that he was clearly the choice of a majority of his party and fairly nominated. If any member of his party refuses to vote for him he becomes a boiler.

An importune Hoosier, who recently missed his wife, thus describes the "old gal;" "She is five feet in height, rather heavy, having dark hair and eyes, a short, coteave nose, dark skin. a little black moustache, thick lips, no front teeth, all the teeth in her head decayed, and not much of them left except the roots; rosed shoulders, subject to phthisic, a scar on her collar bone, caused by a burn, one or two scars on her face, and one crooked rib."

TELEGRAPH COMPANY.

THE NATIONAL

TELEGRAPH COMPANY.

A new enterprise, to be known as the NATIONAL TELE-GRAPH COMPANY, has been organized, with valuable-franchises conferred by a recent act of Congress, for the purpose of establishing TRUST LINES OF TELEGRAPH on all the principal railroads and mall routes in the Unite-States. The Stock is to be issued upon the same principle as that of the Merchants' Union Express Company, which re-cently commenced operations. The design is to interest the suits business community in the enterprise. This is done, not so much to dispose of the Stock as it is to secure the bus The Capital is to be

810,66),000.

\$100 Per Share,

Butlibe cinal amount to be paid in Cash to

835 Per Share,

cent. at time of subscribing, and no more, until the satir cepital has been subscribed, and then on calls to be made > the Board of Directors, instalments not to exceed five per cent, per month. When thirty-five per cent, of he par value of the shares has been paid, cortificates of stock will be ts-

CASH CAPITAL OF \$3,500,000.

Which will be sufficient to duplicate lines to all, or nearly all, the paying points reached by the present monopoly,

consolidated into one huge monopoly, and are nowearning over six millions of dollars per year, or over one hundred per ent, on the actual cost of their lines, their present capital

The NATIONAL TELEGRAPH COMPANY have a ro mittion from the United States Government of the imporgrees to this Company to construct and operate lines over every Rathroad and Mail Route in the United States. The esition of this Company differs from that of any com

ansferred to any other Company. The act of Congress untransfer of the franchises granted,

CALLS-HOW TO BE MADE.

One per cent, of the Stock will be required on sub One per cent, or the clock will be required on associous, and subsequent calls, not to exceed two per cent, per monto, will be made by the Board of Directors, from time to time, a may be necessary, to supply fund to construct and equip the lines; but no calls will be made after the one per cent, is paid until the antire Capital Stock shall have been subscribed.

Actual Capital Required.

The Company confidently believe that thirty-five percent, of the Capital Stock will construct and fully equip

Which will connect sli the commercial centers and important places in the United States. This opinion rests upon he

TWENTY-FIVE THOUSAND MILES OF WIRE

the NATIONAL TELEGRAPH COMPANY is organi erred by an act of Cougress, approved July 2s, 1866 President—GEORGE B. SENTER, of Clevesace

AND 66 BROADWAY.

NEW YORK.

A limited amonth of the Capital Stock of this Company allotted to this locality, and those having an apportunity, and subscribtin, will be placed upon equal terms with its corpo-rators, and will seen like interest in all frauchiese which have sorroed, or may hereafter accrue, to the Company, from any and all sources.

D. WEBSTER, At the office of R. G. Dun & Co.,

16, 30 and 32 New Leves stre