The Hew Orleans Grescent.

OFFICIAL JOURNAL OF THE CITY OF NEW ORLEANS

OFFICE, No. 94 CAMP STREET.

THE DAILY CRESCENT clished EVERY MORNING—Mondays ex-subscription, in advance, \$16; Half year) 1, \$4; Single copies, 10 cents.

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8ix	54	93	129	200	325
Seven	60	106	135	230	375
Eight	66	115	150	260	420
Nine	70	125	165	290	500
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ch insertion. Regular advertises largely, shall be allowed the discount from above named transfers rates as may be reed upon; growefed, that in no case shall such discount ceed 35 per cent.

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egly.

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Is published every Saturday morning. Subscription or annum, in advance; half yearly and quarterly, stee; single copies, 10 cents.

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One Two Three Four Pive Ten Pifteen Thirty	\$ 5 net 9 12 15 18 30 40 70	\$ 9 net. 16 22 27 33 55 75 160	\$ 12 net. 20 28 35 42 75 100	\$ 20 net. 32 44 56 130 180	\$ 30 net. 50 70 90 119 200 480

CITY TOPICS

The following true anecdote relative to one of the most popular ministers of New Orleans, and one of the most talented divines in this country,

One Sunday evening, during the long continu-ance of rainy Sabbaths with which we were re-cently blessed, the church of the clergyman in question was, on account of the weather, quite sparsely attended; so, just before commencing his sermon, the minister requested those of the congregation who were seated in the galleries to come down stairs and take places near the front, so that he could, having the congregation more together, preach more directly to them. The dis-course which he then delivered was, even for him, the most finished orator in the South, a pre-eminently fine effort, and all who heard it were deeply impressed.

eminently fine effort, and all who heard it were deeply impressed.

The next morning the minister received a note without any signature, stating that the writer of it, a stranger in the city, had listened to his sermon the previous evening, and had been much affected by it; and that in a certain livery stable—naming one in the city—a horse had been left subject to his (the clergyman's) order, as a slight token of the gratitude of the writer for the good that had been wrought in him, and closing with the assertion that if the minister did not take the horse it would remain in the hands of the livery stable keeper, for by the time the note had reached its destination its writer would have left the city its destination its writer would have left the city. Of course the clergyman was much surprised, and hardly knew what to think of the singular communication. But the next day he went to the stable named in it, and there found that a horse had been left for him by a gentleman who had left the city. He took possession of his property, and may have been seen several times since riding

him.

Would it be presumptuous in us to suggest that
now the minister has a horse, it would be quite in
keeping for his congregation to present him with
a buggy to match it? It would be no more than
what Dr. Palmer deserves.

As there is a great deal of curiosity now in town revellers known to mortals as Ye Mystick Krewe, we beg leave to allay in slight degree the public thirst for information. Between you and ourself, gentle reader, we will state, in strict confidence, that C. O'Mus, Esq., paid us a long and (to us) very satisfactory visit yesterday. He was extremely communicative about the Krewe(s) he is to take to night, explaining his route, place of formation, etc. The procession, one portion of it, will form at the Canal street cemeteries, another portion in a seminary (location not mentioned), a third division (this will be long division—the others are short ditto) in the editorial room of the CRESCENT office, the balance of the forms will be composed by the type stickers of the CRESCENT, composed by the type stickers of the CRESCENT, who will be sufficiently set up to deserve a place in the procession. The Krewe will march all over town and then to the Opera House. This year they will not go to Algiera. After giving us these valuable and authentic items, Mr. O'Mus (drst name C.), extracting a fragrant Havana from his watch pocket, blew a cloud in which he slowly disappeared, first, however, promising to meet us at the Opera House to night. We rejuctantly bade go." After which we fainted.

go." After which seems of the face of the earth such another crowd of gamblers, roughs, pick-pockets and hard characters generally as gather on St. Charles fatreet, between Commercial Alley and Poydras street, on Sunday evening at about the theorem and another was already as a should like the time the theaters are opening, we should like to hear of the circumstance. The scene is alto-gether unapproachable, except perhaps in some portions of New York.

The New Orleans Chamber of Commerce have The New Orleans Chamber of Commerce have acted wisely in appointing a board of marine inspectors. The board is composed of four gentlemen of excellent reputation and of great experience in maritime affairs. Commodore Wm. W. Hunter is a Louisianian by birth, and was for thirty-five years a distinguished officer of the U.S. navy. When the revolutionary war broke out, the gallant seaman resigned his rank and joined the fortunes of his native State and her sisters of the confederation. He is the inventor of the the confederation. He, is the inventor of the "Horizontal Submerged Propeller," successfully illustrated by the U.S. war steamer Alleghany, illustrated by the U.S. war steamer Alleghany, under his command during a three years' croise in both hemispheres. Having made naval and marine architecture a special study, its scientific and practical development has been extensively recognized in Europe and in this country. To these acquirements, he has a life-long, unblemished

acquirements, ne has a nectory, another private and professional reputation.

Captain Joseph Fry has been a naval officer of the United States for over twenty years, and a Confederate naval officer during the late revolu-

tionary war. He commanded the "Ivy" and the "Manepas." His reputation for integrity, skill and energy during his whole professional dareer is conspicuously creditable. Captain James C. Wilner has been a master of a

vessel out of the port of New Orleans since 1847, nine years in the Havre packets, and commanded three of those. Reared a seaman from the age of twelve years, he has served in every capacity in ship, from the hawse hole to the taffrall. He is gentleman well known to the commercial com munity of New Orleans for his integrity and skill

ia his vocation.

Captain Richard Gayle has been educated at the U.S. Naval School, and served in the U.S. navy. He is distinguished as an accomplished master of vessel in the merchant marine, under circum stances where skill, vigilance and knowledge of

stances where skill, vigilance and knowledge of seamanghip were eminently requisite.

The duties of these officers are: inspecting salling vessels, steamships and steamboats, damaged goods from cargo, the condition of vessels; their rates, seafaring qualities, speed and reliability—all requiring the utmost experience and practical knowledge that a natical man can possibly have acquired. That the Chamber of Commerce have been most fortunate in their selection, the whole commercial population will cheerfully admit. The four appointees are all known to be men of the strictest honor and conscientiousness, and nobody will ever hesitate to ship freight or take passage in a vessel rated first-rate by all or any of their board.

leans Underwriters deserve the hearty thanks of the entire community for the appointment of this

We understand that there was \$4500 subscribed in Parson Newman's church last Sunday. Object: to pay the debts of the church.

waters" on Sun-aturdsy, on board the Hamburg steamer Saxonia, Capt. Kien, which leaves to-morrow for that port. Head went on board to stay half an hour; but Capt. Kien and the first officer, Mr. Meilo, made themselves so confoundedly agreeable that he staid all day. The Hamburg steamer Saxonia, is an Al steamehin. Hamburg steamer Saxonia, is an Al steamship, equal to any "Cunarder;" and if this scribbler was going "across," he would not hesitate as to his route. Capt. Kien is a German, but he is good and liberal enough to be an American—or, "any other man." Success to him and his steamship

There is a proposition now before the Legisla-ture which interests a great many people. It is to pave St. Charles street, from Tivoli Circle to Carrollton, on both sides, with the Nicolson pavement, the contract to be given to the Southern Paving Company at \$3 65 per square yard, superficial measure. The bill provides that the expenses shall be paid one-fourth by the several corpora-tions of New Orleans, Jefferson City and Carroll-ton, one-fourth by the State of Louisiana, and one-half by the owners of the land in front of which half by the owners of the land in front of which the road will be constructed. That this would be an immense improvement is not to be doubted, and that the value of property situated on St. Charles street will materially increase as soon as the improvement is completed is not to be disputed. The bill is now before the House, where it originated.

Gen. Sherman was at the Opera House last night. He was accompanied by his daughter and

The very latest and most exeruciating agony is a triangular visiting card. It is an importation from Baltimore, where it is said to be the rage. What pext?

This is Mardi-Gras.
Point Clear hotel is for sale. Foint Clear note is for sale.
California mining news is good.
Grant attended Niblo's on the 4th.
Alta Vela is dropped for the session.
Gen. Sampson Mason, of Ohio, is dead.
Hoe wants his press patent extended.

No negroes at the inauguration ball. Henderson has gone health-hunting to Cuba. Parepa has the rheumatism.

New York is arming against ruffians.

Last year produced a crop of ninety-six D. D.'s.

Dem'd moist, unpleasant days Sunday and Mon-

day.

Massachusetts proposes a school of horticulture

Fanny Fern don't know about taking children

Rev. Dr. Hutchinson, of St. Louis, leaves the ministry and \$6000 a year.

Black's new opera house, Springfield, Illinois, is

Carrier-pigeons are coming into use again in England and France.

Bishop Simpson is mentioned as Grant's secre-

There is a rumor that Ketchum has been secretly pardoned and released.

Mrs. Chanfrag is still painfully ill in

A European letter says Carlotta will make a journey to England and America this year.

The essayist Whipple is said to have left the

Boston Transcript.

A New York hatter is getting up a compli tary inauguration tile for Grant—size 7;. Gen. Ames, military governor of Mississippi, is

Michigan is getting to be the Mecca of spritual-

m. The New York Jockey Club have 19 races laid

out for next summer.

A new Quaker college in Iowa is to be called

An Arizona farmer wants to sell a small farm of fifteen hundred thousand acres.

Thanks to the officers of the steamers Mata-

It takes forty horses to carry on A. T. Stewart's

dry goods business. Geo. T. Curtis deprecates the threatened rejecdion of the Alabama treaty.

Bosten wants a music hall capable of holding

Donn Platt thinks Lee was not much of a sol-Paris has subscribed about \$8000 for a statue to

Voltaire.

Our thanks are due to Senator Harris and Repreentative Blackburn for valuable public docu-

Mr. John H. Maginnis, of New Orleans, and Miss Lizzie C. Tweed, of New York, were married in the latter city on the 3d.

The Washington correspondent of the Cincin-

nati Commercial blows up the Indian bnreau until he is black in the face.

A New York bouquet—Rosa Cook, Rose Eytinge, Rose Belle, Parepa Rosa, and the mo-rose

Scroeis,

According to the telegraph, Grant ate two dinners in New York on the 4th—one with Hamilton Pish, and one with Moses H. Grinnell.

The Turks are adopting gas, probably because they are disgusted with Greece. Buffalo Ex-

The aggregate nightly attendance at places of amusement in New York city is estimated at over

amsement in New York city is estimated at over 25,000.

We have the announcement from Paris that Messrs. Mason and Slidell will shortly return to this country in company with Jefferson Davis.

If this sort of weather is to be continued much longer, Louisiana will have to be abandoned to crawfish and ducks.

The secretary of the interior approves of Vinnie Ream's cast of the Lincoln statue, and says she is entitled to \$5000 therefor.

"L. M. G," of New Orleans, reads Rev. Dr.

Newman a very serious lecture in the Planters'

Bander.

In committee the other day, Broomall said that the soul, brain and principles of Washington correspondents were for sale.

In a speech in Bedfordshire, Reverdy said there

was nothing in the constitution against a female president.

The Missouri legislature did the agreeeble to the

woman's suffrage delegation, and listened to their geeches.

Gen. Sherman proposes to visit the forts down

the river on Wedn esday, and leave for Alexandria, La., on Thursday.

The roads are still horrible, says the Planters

Banner. Cane planting is retarded to the great detriment of the interests of the country. Halleck was in the habit of composing verses without the aid of pen and ink, keeping tkem in his memory, and retouching them at his jeisure.
Rogers, of the Boston Journal, who went to
California for his health, returned almost immedi-

ately, not liking the climate.

They raise all sorts of sheep in this country.
The South-down thrives down South.—[Courier-Journal.

In Concord, N. H., a widow weman with \$5,000 a year income does housework for weekly

A sign in New York is inscribed: "Madame —, Clairvoyance and Palmistry; also, Plain Washing Done."

Washing Done."

Mr. Swords publishes the Vicksburg Herald, and
Mr. Spears edits it. We can only suppose that
their readers musket an arrow minded—oh,
bother!—[Cincinnati Commercial.

The Washington correspondents, who make and
unmake reputations, are a youthful lot. They
generally have more nose for news than brains for
reflection.

reflection.

If you steal a dollar, you are a criminal. But you can make all right by stealing nine hundred and ninety-nine thousand nine hundred and ninety-nine more.—[Ex.

The Planters' Banner says there is not one country newspaper offi.e out of five in which there

country newspaper offi.e out of five in which there is as much money as may be found in twenty acres of good land and a pair of mules.

The Alabama State Journal says: "One of the most corrupting nuisances in Montgomery is the great number of lewd women, who have rooms over almost every store in the city."

The poet Halleck argued in favor of a monarchy and an established church. "The ship of state," he used to say, "must be governed and navigated like any other ship, without consulting the crew."

The cause of Weston's being behind is said to be the necessity of stopping to rab his ears, these frosty mornings. The extent of surface to be gone over consumes a great deal of time.—[Cincinnati Commercial.

Mrs. Stover and her children left Washington on

Mrs. Stover and her children left Washington on the 4th for her home in Tennessee. The presi-dent's wife, on account of feeble health, was un-able to accompany her daughter, as she had in-

may have heard of this; but so also was Jay Oould; so was John Scott, United States senator

County is o was John Scott, United States senator elect from Pennsylvania; and so was Speaker Younglove, of the New York Assembly.

Without the stump, says Horace Greeley, I doubt the possibility of maintaining institutions more than nominally Republican. The American stump fills the place of the French coup d'état and of the Greenesh American researches.

of the Spanish American pronunciamiento.

Mexican bandits are a courteous set. Gutierrez, captain of a band in Jalisco, made one of his captives the present of a "biled shirt" and a cigarcase, and gave him a pass which was duly honored by the next "small party."

Kossuth passes, every day, several hours at the graves of his wife and daughter, in the Genoa cemetery. He is too poor to erect monuments on them, and has refused all the offers of his friends

to give him money for this purpose.

The following personal advertisement is from the New York Herald: " If the party who took a fancy to my overcoat was influenced by the in-clemency of the weather, all right, but if by com-mercial considerations, rain ready to negotiate for its return. John Brougham, 325 West Fourteentl

its return. John Brougham, 325 West Fourteenth street."

Mr. E. A. Pollard is "played out." He says he made oath that he had done nothing to encourage the rebellion because he was told by an employe of Collector Smythe that he had as much right to take such an oath as Mr. Vallandigham or Ben Wood would have. Whatever he may have been told, he knew that the oath, taken upon his lips, was perjury. He is not to be believed on oath—[Louisville Courier-Journal.

They have a novel plan for bathing in the Whits Pine district. Newsda. The skitted of

Pine district, Nevada. The altitude of the town is such that it is often enveloped in a cloud in the early morning. The citizens go into the open air in a nude state, and by moving about gather sufficient moisture upon their bodies to enable them to bathe. As water costs ten cents a called the algeria.

enable them to bathe. As water costs ten cents a gallon, the plan is a very economical one.

Standing in the rotunda the other day, I saw a fat, coarse, overdressed, simpering female go by.

"She is living under the protection of General Voicileashre!" said my acquaintance; "that is, he keeps her!" I fell to thinking how applicable was the word "protection" to this sort of woman, and whether the relation was not the origin of the word "protectionist" accepted by our Pennsylvania pensioners.—[Washington Letter.

Detailed accounts are given of Patti's first ap pearance in St. Petersburg, on the 8th of January. The grand duchess and all the court, the ministers and the high nobility of Russis were present. The wildest prices were paid for places, the stalls being let on an average of sixty dollars in gold apiece. Never before has Patti created such a furore.

It has been reported that Grant objects to riding It has been reported that to rank objects to rank in the same carriage with Mr. Johnson on inaugur-ation day. The other day he was quizzed on the subject, and replied that he supposed it was an established fact that the president elect would have to go to the Capitol to be sworn in, but he

be sworn out.

A four-column criticism on the opening performance at Booth's Theater begins in this way:

"It was a privilege to help in the inauguration of a Shakapearian theater, and the flinging open of the white portais last night was to let a flood of new glory out upon the sodden city, in which was a promise of lasting radiance, reflected with increased intensity from a wonderfully resplendent.

The Emperor Napoleon used to receive every day from the publisher of the old Moniteur three copies of the paper splendidly printed on veilum. The new Journal Officiel sends also three copies to The new Journal Official sends also three copies to the emperor, only they are like anybody else's, on common paper. The first day it came in that vulgar shape. Napoleon the Third said nothing, but twisted his mustache, this being the greatest sign of astonishment in the ruler of France.

sign of astonishment in the ruler of France.

No tail-race, full to everflowing from the ruptured dam of a country saw mill, ever ponred along such a torrent as this orator of Tennessee (Mullins). Almost every member left his seat, and, crowding about him, they laughed and applanded as he awung on, pleturing the woes of the red man, and tumbling in the confinent of America upon Asia, Africa, Arabia and the Holy Land, with a passing glance at the starry heavens, the terrestrial globe, hell and the devil—in which last named he located rebels and Copperheads—leaving them taking the oath of allegiance, amid shrieks of fiends and roars of laughter from the House.—[Washington Letter.

Mrs. Betsey Rogers, of Newbury, Massachusetts, who died recently, was a character of some note in that vicinity. She was in her ninety-flixth year, and leaves behind no less than five generations, embracing nearly fifty descendants. Last summer, on her ninety-flixth birthday, she walked to Newburyport, a distance of five miles, bringing a peck of berries on each arm, which she sold for a dollar a quart, after which she was driven in a coach and pair, with many marks of appreciation and good will.

Call and see Keep & Hogan, 38 Tchoupitoulas street, for hardware, cutlery, plows, hoes. cast-ings, agricultural implements, etc. Prices low.

Supreme Court Decisions.

The following decisions were delivered by this court yesterday. Present: Associate Justice Howell, Howe and Wyley. Absent: Chief Justice Ludeling and Associate Justice Tallaferro:

BY ASSOCIATE JUSTICE WYLEY.

No. —, Alceide Bouanchaud vs. Chas. D. Hebert, appeal from the Seventh Judicial District, parish of Pointe Coupée.

The plaintiff, A. Bouanchaud, is the duly elected judge of the parish of Pointe Coupée, and, as such, alleges that he is authorized and empowered by the Constitution of this State to exercise and perform all the duties appertaining to said office, and to collect and receive all the fees and emoluments appertaining or belonging thereto, or which are allowed by law for such services as the law required the clerks of the late district court to render in succession cases, and such civil suits as have been by the Constitution. The following is the decree of the court below:

"It is therefore ordered, adjudged and decreed that the injunction sued out by plaintiff in the case be maintained. That the plaintiff, Alceide Bouanchaud, judge of the parish court for the parish of Pointe Coupée, be decreed to have the sole and exclusive right to act us clerk of his own court, and to receive all the fees allowed by law for business in his court; and that the defendant, Charles D. Hebert, clerk of the district court, be and he is hereby perpetually enjoined from acting as clerk of asid parish court, or interfering in any way with the business thereof, and from collecting or attempting to collect any fees or compensation for or on account of services rendered by him in his said capacity of ex efficio clerk of said parish court, or of any suit, business or legal proceedings had or done in said court. It is further ordered that defendant pay costs of suit,"

The decision of the district court affirmed with costs.

Cooley & Phillips for plaintiff; F. H. Farrar for defendant.

The decision of the judge of the Seventh Judicial District was published in this paper on the left December, 1868.

EY ASSOCIATE JUSTICE W

. BY ASSOCIATE JUSTICE W. G. WYLEY. No. 478—Samuel Snodgrass, appellant, vs. Thos. A. Adams, appelles. Appeal from Second District Court of New Orleans. Geo. L. Bright, for appellant, C. Rosellos and A. Phillips, for ap-

for appellant, C. Roselius and A. Phillips, for appellee.

On the 7th of February, 1862, plaintiff purchased from the defendant 375 rolls of India bagging, which had been imported by the defendant from a foreign country in the Spanish ship Monserrat, that arrived at the port of New Orleans on the 27th of May, 1861. The duties thereon were collected by Mr. F. H. Hatch, then acting as collector of customs at this port for the Confederate States, but he had been commissioned by the United States. Plaintiff afterwards sold all the lot of bagging, except 120 rolls, containing 14,400 yards, which were taken possession of by the U. S. when the Federal forces captured the city, and are detained for the duties claimed to be due thereon to the U. S. government. On the 8th December, 1862, plaintiff being informed of this seizure, notified the defendant thereof, and demanded the return of the bagging to him ag-im free of all claims of the United States, or the smount paid by him for the 120 rolls, to wit, \$3,456, and the defendant refused to comply with the demand.

Plaintiff then instituted this suit for the recision

smount paid by him for the 120 rolls, to wit, \$3, 456, and the defendant refused to comply with the demand.

Plaintiff then instituted this suit for the recision of the sale to the extent of the 120 rolls, and to recover the smount paid therefor by him as aforesaid.

Defendant answered, averring that when the cargos arrived at the Custom House, on 27th May, 1861, it was regularly entered and the duries thereon Culy paid; and having sold and delivered it to the plaintiff on 7th Feb., 1862, it remained therefore a this risk.

On the trial in the lower court there was jodgment of non suit, and the plaintiff has appealed.

There is no dispute as to the facts. The question for us to determine is whether the sale of the India bagging at the time imposed upon the defendant an obligation to warrant the purchaser against the payment of the import duties of the U.S. thereon.

Had the sale occurred under ordinary circumstances, whilst the federal government was in undisturbed administration of its revenue laws at the port of New Orleans, it would have imposed the obligation of warranty on the vendor to maintain the purchaser pesceable possession of the thing sold, against the claims of the government of duties thereon, and against the claims of all other persons.

Being in possession of a foreign fabric at this port,

sold, against the claims of the government for duties thereon, and against the claims of all other
persons.

Being in possession of a foreign fabric at this port,
the defendant would have been presumed to have
paid the detect to the government, and the plaintiff who purchased it from him could have held
him liable in warranty if evicted by the government. But on 7th Feb. 1862, when this sale
was made the vendor and the vendee knew that
they were contracting in an insurrectionary district; that at the time, and for tweive mouths previous, the administration of the revenue laws of
the United States had been obstructed, and the
Custom House at this port was in possession of
the so-called Confederate government, which was
collecting the duties.

The parties are presumed to have contracted in
reference to the surrounding circumstances at the
time. As the duties were not then being collected
there by the United States on account of the rebellion, the plaintiff is presumed to have purchased
the bagging at his own risk, so far as the claims
of the United States might extend for duties
thereon.

Under the circumstances, the contract of sale

of the United States might extend for duties thereon.

Under the circumstances, the contract of sale did not, in our opinion, create the obligation of warranty as against the United States.

Plaintiff bought the property in a rebellious State, at a time when the surrounding circumstances created the presumption that the duties had not been paid to the federal government. The parties evidently contracted in view of that fact. We are of opinion that the district judge did not err in rendering judgment of non-suit.

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

(Justice Howell recused.) There were but

three judges on the bench.

BY ASSOCIATE JUSTICE HOWELL.

No. 1946—The State of Louisiana, ex rel. J. J. Ducote, vs. the judge of the Seventh Judicial District.

This is an application for a mandamus to obtain a supercell appeal.

This is an application for a mandamus to obtain a suspensive appeal.

It appears from the answer of the judge that after the order in the mandamus proceeding complained of, the suit of this petitioner contesting the right of J. W. Creagh to the office of aheriff of Avoyelies, was decided in favor of the former, and the judgment thereon has become final between the parties, and hence no useful purpose can be effected by the mandamus sought.

It is, therefore, ordered that the rule taken herein on the lath December, 1868, be discharged will costs.

can be effected by the mandamus sought.

It is, therefore, ordered that the rule taken herein on the 14th Pecember, 1868, be discharged with costs.

BY ASSOCIATE JUSTICE R. K. HOWELL.

No. 1943—The State of Louisiana ez. rel. J. W. Creagh vs. the judge of the Seventh Judicial District. The positioner aware that J. J. Ducote, alleging himself to be the legal acting sheriff of the parish of Avoyelles, obtained from the district judge a writ of mandamus which was made absolute, ordering petitioner who was then the duly elected, qualified and acting aberiff of said parish, to surrender to said Ducote the office, rome, keys, bocks and papers of said sheriffs office, thereby it juring petitioner, by compelling him to vacate his office whilst he held a valid commission therethe said judge, he had given bond and qualified according to law; that he immediately applied for a suspensive appeal from said order, which was refused and instead thereof a devolutive appeal was granted; that the matter in dispute exceeds \$1000, and having complied with the law he is entitled to a suspensive appeal, and he prays for a writ of mandamus directing the said judge to grant it to him.

In answer the judge admits the allegations of the petitioner except that said Greagh was, at the date of the application, the lawful sheriff of Avoyelles, or washingred by the order complained of, and he alleges that at said date a suit instituted by said J. J. Ducote, contesting petitioner's right to said office had been duly tried before respondent and a jury, a verdict given in favor of said Ducote, and a judgment rendered thereon which had been final between the parties, and upon which by law no appeal could be allowed, that thereupon a commission was issued by the governor to said Ducote; that the order complained of was noly and substantially carrying into effect the final judgment in the said contested election cases, (see acts 1856, p. 9, acts 1868, p. 220, his asswer states sufficient reasons to justify his conduct. From the showing made, the pe

room, keys, etc., pertaining to the sheriff 's office. It is ordered that the rule taken herein be dismissed with costs.

BY ASSOCIATE JUSTICE R. K. HOWELL.

No. 1393—Bridget Grady, administratrix, vs. Louis Descoby Sr., et. als.—Appeal from the District Court, parish of Iberville. A. Talbot for plaintiff and appellee; Barrow and Pope, W. B. Robertson and Oscar Lauve for defendants and appellicts.

This is a suit on a joint contract between the defendants and plaintiff's hasband, for the improvement of the drainage of Bayou Bourbieux, in the parishes of Iberville and West Baton Rouge, and in which the former parises bound themselves to pay, to the latter the total sum of \$15,000 during the progress and on the completion of said work, which was to be performed according to the stipulations in said contract.

The parties first cited excepted to the partition on the ground that the contract sued on being a joint contract, was not complete and binding, as one of the contracting parties had not signed, and another signed conditionally, and the consideration was not accepted by the others. By an amended petition accompanied by the original contract, he party alleged not to have signed was made a party to said original contract which was proved, and the only question on the exceptions is whether or not the condition annexed to the name of one J. A. Levigue, in the following words: "a condition que ji sois egoutté," was accepted.

On the trial of these exceptions a contract between the State engineer exceptions a contract between the State engineer from the owners of the land drained, and paid to defendants as the work of improving the Bayon Bourbieux as authorised by act of 1-57, p. 162, and for a sum to be collected by the engineer from the owners of the land drained, and paid to defendants as the work progressed. By the contract used on this same work was to be done by plaintiff's hauband for the defendants. The engineer testifies that at the date of giving his testimony he had not paid to defendants in full the amo

same as if they had personally bound themselves in said contract. Under this state of facts and the law we must infer the acceptance and foill ment of the condition of such acceptance was essential.

The defendants had bound themselves as contractors with the State engineer to do the work, or cause it to be done, without reference to any benefit to their own lands. They had avidestly received a part of the price from the engineer; and the land of Levigue was drained according to the condition. We cannot see any legal objection to the testimony of the engineer as to the benefit of Levigue's land.

The engineer had foil control and supervision of the work as it progressed, and was by the law and the contracts the judge of its character and completion, and he could testify on the subject.

No objection is triged to the smounts tound due by the judge a quo.

It is, therefore, ordered that the judgment appealed from he affirmed, with costs.

EN ASSOCIATE JUSTICE HOWELL.

No. 1999—P. M. Lapice vs. P. M. Lapice et als.—Appeal from the district court, parish of St. James.

Fellows & Mills for appellees, L. Castera and C. Hunt for appellant.

Mrs. Longrée Fitzgerald, a third person, alleging that she is a mortgage creditor of the defundants, and that she is angrieved by the order of seizure and sale issued in this suit, has appealed therefrom, and the first question presented is, has she such interest as to maintain this appeal.

The only inquiry on such appeal is whether or not the judge had sufficient evidence before him to authorize his fat, 6 R. Ss. Il A. 4; and the appellant complains that there is no authentic evidence of his special indorements on the note held by plaintiff, and he therefore is without right to the same. She can avail heraelf of all that is in the record, which affects her rights, (3 R. 116,) but it is clear that the only interest which she can have in this suit is, as to the existence or validity of plaintiff mortgage, which cannot be inquired into on this appeal. Her mortgage right cannot be ef

BY ASSOCIATE JUSTICE HOWE. No. 1563—Succession of Clement Wilkin. Appeal from the Second Judicial District Court, parish of Jefferson.

This is an action to annul the will of the late Clement Wilkin. From a indement maintaining.

That amount would not replace the scientific apparate maintaining.

This is an action to annul the will of the late Clement Wilkin. From a judgment maintaining the will the heirs at law prosecute this appeal.

The instrument in question is a nuncupative will by public act, and is in the following words, (the disposition, which it is unnecessary to consider in this case, being omitted!)

STATE OF LOUISIANA, PARISH OF JEFFERSON.

Be it known, that I, P. E. Davis, a notary public in and for the parish of Jefferson, on the 5th March, 1865, repaired to the house of Clement Wilkin, an inhabitant of said parish of Jefferson and State of Louisians, where, at his request and at his dictation, the following instrument was written by said notary, and declared by said C. Wilkin to be his last will and testament.

Then follows the certificate and the three attesting witnesses, togother with the notary. Yarnous grounds of millity are urged, but in the view we have taken of the case it is necessary to consider only the following:

"It does not appear that the will was dictated."

only the following:
"It does not appear that the will was dictated by the testator, received by the notary, and by the latter written down in the presence of the

"It does not appear that the will was dictated by the testator, received by the notary, and hy the latter written down in the presence of the witnesses."

It is well settled that since a nuncupative will by public act, makes full proof of itself, it must bear upon its face the evidence that all the formalities required by law for its validity have been compiled with, inasmuch as the fulliment of these formalities, when not apparent from the instrument itself, cannot be established by evidence alternate. (C. C., 1840; left La., 82.)

The law details abstract that the nuncupative testament by public act must be received by a notary public, in the presence of three witnesses residing in the place where the will is executed, or of hew witnesses not residing in the place."

"The testament must be dictated by the testator of the witnesses with the contract of the winds of the presence of the witnesses."

"Express mention is made of the whole, observing that all those formalities must be fullfilled at one time without interruption, and without turning aside to other acts;" the testator dictating his desires, and the notary writing what is so dictated in the presence of the witnesses required by law, and, as the will must afterwards be read to the testator in the presence of the witnesses required by law, and, as the will must afterwards be read to the testator in the presence of the witnesses required by law, and, as the will must afterwards be read to the testator in the presence of the witnesses and dehonest practice. If La., 114, 8 Ann., 459.

Express mention must then be made of the whole, that it may appear by anthentic evidence that the commands of the legislator have been obeyed. On no other conditions will the law recognize the testament as legal, and suffer the established order of succassion to yield to the desirate of the condition of the reception of the testament we are now considering there is no express mention that the withesses were present at the important portion. None of the witnesses were been abs

Christine vs. Verbois, 11 Ann, 108, a will appseently identical in form with the one in this case, was annulled for the same reason now urged by the appellants. In Devail vs. Palms, 20 Ann., 22 is similar decision was made upon a testament, of which the formal parts were verbatim those of 120 festament in this case. Each case was in affectivence of the opinion of the district judge. We consider the question settled, and settled correctly. 21 is urged by appellees that the decisions cited side in conflict with the cases of Pheroto vs. Medicin, 3 M., 144. Stafford vs. Stafford, 12 L., 442. Perfect vs. McCarty, 7 Ann., 485, and Lawson vs. 15 wear, 12 Ann., 604.

In Stafford vs. Stafford the question now interved was not passed upon by the your. In Nellary vs. McCarty the language of the will expressed that the witnesses were present at the dictative of the will be supposition that such mention was absolutely register.

In Lawson vs. Lawson, a case not entirely in point, the certificate of the notary was construed by two members of the court, at least to show that all formalities were "done" in the presence of the witnesses, and upon this mention, together with an alleged defect in pleading, they relied for witnesses, and upon this mention, together with an alleged defect in pleading, they relied for witnesses, and upon the mention, together with an alleged defect in pleading, they relied for witnesses, and upon the mention, together with an alleged defect in pleading, they relied for witnesses, and upon the mention, together with an alleged defect in pleading, they relied for witnesses, and upon the mention of the extent primed by the appellees, they must be deemed to have been overruled.

We do not consider that the phraze "express mention" requires the use of some whords in the testament before us to be a such that the legal formalities have been fulfilled. There is the resource of the court was the sum of the same to formet whits, deceased, be and the same is hereby declared null and veid, and that the probate

Burning of Spring Hill College. THE BUILDING, MATERIAL AND FURNITURE TOTALLY

DESTROYED—THE LOSS.

[From the Mobile Register—Evening Edition—Feb. 5.]
It is with the deepest regret that we chronicle the entire destruction, by fire, of this noble institution of learning. Last night, at a quarter before 12 o'clock, the smell of smoke, followed by immediate sight of fire bursting out in the center of the main building, aroused the officers of the college. The slarm was at once given; the pupils were aroused, and every precaution was taken to prevent a panic among the immates of the building. But the terrible element had already made such headway, that it was only by presence of mind and careful management that the whole household were saved without hurt or accident, in the clothes they stood in and with nothing else teside. The entire college building was utterly destroyed.

The furniture, library, philosophical apparatus, inboratory and the clothing, and personal effects of high teachers and students were entirely consumed—scarce a vestige of any of them being left.

How the fire originated we were mable to

of both teachers and students were entirely consumed—scarce a vestige of any of them being left.

How the fire originated we were unable to learn. The officers of the college themselves have no idea, but believe it was one of those unaccountable incidents that cannot be traced to its cause. Whether from a defective flue, from a chance spark, or a light accidentally left, none know.

When we reached the scene this morning, the fathers were grouped in the pathway north of the main building, talking over their losses with patient philosophy and a perfect resignation to thom. We were specially glad to be informed by Father Cornette that he had been able to save the manuscript notes of the history of the college, from its foundation, and also a few scientific notes of his own. But of all his carefully collected acientific horry, every valuable instrument and his whole museum of valuable minerals of South America, Central America and Mexico, not one vestige remaine.

These losses are irremarable, for Father Cornels.

museum of valuable minerals of South America, Central America and Mexico, not one vestige remains.

These losses are irreparable, for Father Coractites, and the second of the countries named, and gave to it a zeal, knowledge and care that made it beyond value. He would have refused \$19,000 for the minerals alone. Another interestin object destroyed was a full and carefully classified collection of the flora of Spring Hill, which to our surprise we were informed, contained some fifteen hundred distinct varieties. Dut the loss that we hand most frequently regretted was that of a wonderfully carved crucidx, in white wood, which hung among the sacred felice of the museum. It was carved by an untulored and recently converted Central American indian. Seeing him use his knife with great skill, Father Cornette, in one of his rambles in search of geographical trophies, asked if he could make a urcuifa. The Indian reflected a day, and then coming to him, asked: "Shall he be dying or dead?" On being answered "dying," he went to work and produced a face that for expressive action and intensified, living agony has been rasely excelled by the greatest chiseis of Italy. This valued relic it was impossible to sare.

All the buildings north of the college, across the main pathway, comprising kitchens, outhouses, printing office, etc., are uninjured. But the pecuniary loss in the main building cannot be less than \$200,000, and may reach \$200,000. The college itself was 304 by 64 feet, four stories high and well built, with all the conveniences. It could not be rebuilt for less than \$100,000.

A single grand plane, valued at \$1000, from the parlor, is the sole remnant of the whole furniture of the college. This alone is estimated at as much as the building. If then we count the valuable libraries, museum, laboratory and clothing consumed, the total loss will mount far over our estimate of \$200,000.

On this there is only insurance for \$35,000, in

New York, Hartford and New Haven companies. That amount would not replace the scientific apparatus alone.

The college was thirty-nine years old, having been put up by the bishop in this diocess in 1819, and put in operation in 1830, under his presidency. Ten years later it went into the hands of the Fathers of Mercy, under the charge of Father Bach. Again in 1842, it went into the hands of President Bishop Portier, who retained charge until September, 1867, when the present regime of the Jesuit Fathers began. The conduct of the college has ever been successful enough to make it rank high in the scale of like institutions, and to draw to it pupils from all points of this country and from South America, Canada and Mexico. It could accommodate three hundred students, has often been nearly up to that mark; and the present burning—which we cannot but regard as a public calamity—throws some one hundred and fifty young hops out of house, home and wardrobe for the moment.

On Monday evening last, a German by the name of Robert Shuitz, who had been engaged in butchering at this place, was murdered near the severa mile pest, on the Jefferson road.—(Marshal Ropublican, Jan. 22.

Yesterday morning the following property was sold under the sheriff's hammer at the courthouse door of this county, viz: The valuable tract of land adjoining this city, upon which is situated included of Dradyville, or New Houston, to the Young Men's Real Estate Association, for the sum of \$19,500. This tract contains mineteen hundred and fifty acres of land, of which the greater portion is heavily timbered. The grade of a double track resiroad is completed from Bradyville to this city. Altogether it is one of the choleast pieces of property, in the State, and we rejoice that it has passed into good hands.

The Houston Tap and Brazoria Railroad was mext cried and knocked down to Colonel Wm. J. Hutchins at \$500, subject of course to the different lens, mortgages, etc., upon it.—[Waco Examiner. One-third league belonging to W. W. MoMshar, encumbered, brought \$500. This tract is situated eight miles from this city.—[Houston Tel., Feb. 3.

A train of twelve large wagons loaded with government stores went through this city on Monday, en route to Jacksboro. The train left Austin last month and was delayed up to this time by bad roads.—[Waco Register, Jan. 27.

Mix Demander of the properties of the different has a sound one mile from Dangerfield, by a man mamed Biskely. Blakely was arrasted and taken to Jefferson for safe keeping.—[Paris Press, January 24.

The rapidity with which Plantation Bitters have become a household necessity throughout the civilized nations, is without a parallel in the history of the world. Over five million bottles were sold in twelve months, and the demand is daily increasing. Hich and poor, young and old, ladies, physicians and clergymen, find that it revives drooping spirita, lends strength to the system, vigor to the mind, and is exhausted nature's great restorer. It is compounded of the choicest roots and herbs, the celebrated Calleaya or Poruvian bark, etc., all respectable dealers in every town, parish, village and hamlet through North and South America, Europe and all the islands of the ocean.

MAGNOLIA WAYER. Superior to the best imported German Cologne, and sold at half the price.