

AMUSEMENTS.

OPERA HOUSE—OPERA HOUSE.

Saturday, March 16, 1872. DON PASQUALE. Operatic three acts by Donizetti.

VARIETIES THEATRE.

Friday, March 15, 1872. M. LAWRENCE BARRITT as HAMLET.

VARIETIES THEATRE.

Monday, March 12, 1872. HAN O' AIRLIE.

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MISCELLANEOUS.

ANHEUSER'S BAVARIAN BREWERY.

LAGER BEER, THE BEST IN TOWN. Is now on hand at Braxton's, Redwine's, Joseph Zeigler's, Atlantic Garden, Crystal Palace, C. Ehrenberg's, H. Wenger's, F. Waisinger's, John Kourou's, W. No. Alvin's, Friedlander's and other regular Lager dispensaries.

KNOW THY DESTINY.

The London Wizard, Clairvoyant and Astrologer excels all others. Has no rival in Europe or America; versed in the secrets of the Hindoo Magi and Persian Astrology.

NOTICE—MY WIFE, ELLEN GOODWIN.

Having left my wife and heard without cause or provocation, I hereby caution the public in general that I will not be responsible for any debts contracted by her.

FAIRBANKS' SOUTHERN SCALE DEPOT.

53 Camp Street, No. 53.

FAIRBANKS' SCALES.

TROEMNER'S STEEL CORN MILLS. Of all descriptions and sizes. For sale at New York prices.

NOTICE.

Dealer in All Kinds of Furniture. Nos. 99, 101 and 103 CHARLES STREET, New Orleans.

NOTICE.

Has constantly on hand an assortment of Commodities.

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DECISION BY JUDGE WOODS.

A CONFISCATION CASE.

Plantation of Braxton Bragg.

In the United States Circuit Court yesterday, Judge Woods rendered the following decision:

Braxton Bragg vs. Desires H. Lorio et al. This case is submitted to the court on the pleadings of the parties.

The plaintiff brings his action to establish his title to and secure possession of a certain plantation, situate in the parish of Lafourche, in the State of Louisiana, known as the Greenwood plantation, of which he avers he is seized as of an estate in fee simple, and whereof, for many years prior to the third day of January, 1866, he was in possession.

He alleges that on the day last named the defendants wrongfully and forcibly ejected him from said plantation, and took possession of the same, which they still hold.

The defendants, by way of defense, set up title in themselves, claiming under a sale made by the United States marshal on the third of January, 1866, by virtue of a writ of venditioni exponas, issued from the District Court of the United States for the Eastern District of Louisiana, in the suit of the United States vs. the Greenwood plantation, the property of Braxton Bragg. This was a proceeding to confiscate said plantation as enemies' property, commenced and concluded under the act of Congress, approved July 7, 1862, entitled "an act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes."

It is admitted that prior to the third of January, 1866, Bragg was seized and in possession of the lands sold for, and that he is entitled to recover unless his title has been divested by the proceedings aforesaid.

It is well settled that irregularities in the confiscation proceedings, mere errors of law, can not be taken advantage of in this collateral proceeding, and that the sale is regarded here that does not go to the extent of showing want of jurisdiction in the court which rendered the judgment condemning the property. Cooper vs. Reynolds, 10 Wall. 341.

But plaintiff avers that the proceedings were so defective that the court acquired no jurisdiction over the property, and that therefore the decree of condemnation, the marshal's sale and conveyance are absolutely void. The defendants claim that the court acquired jurisdiction, and had jurisdiction, the proceedings are valid until reversed, and that the sale and deed of the marshal convey title. This presents one of the questions for our determination.

When we are called upon to sit in review on the judicial proceedings of the inferior courts, in the categories of the confiscation statutes, we are to be governed by the reasonable and sound rules applicable to analogous cases in the courts, and not by a system of procedure, so narrow, so difficult to understand, or so exacting, so amount to a nullification of the statute." Tyler vs. DeForest, 11 Wall. 345.

The record in this case shows that on September 1, 1864, the United States marshal was seized by the United States marshal under written authority of the District Attorney, as forfeited to the United States, the plantation aforesaid, within the jurisdiction of the court, that on the 3d of September, 1864, a libel was filed reciting said seizure, and praying the condemnation of the property, and that on the same day a writ of seizure was issued to the marshal directing him to seize and take in possession the property aforesaid, which was returned October 2, 1864, with the indorsement that he had seized the property in the lands of Thomas W. Cooper, and served notice of said seizure personally on said Cooper, et cetera.

The record, in our opinion, amply shows a seizure, sufficient to give the court jurisdiction. In the case of Tyler vs. DeForest, 11 Wall. 348, the only seizure was the one made by the marshal on the order of the district attorney, reciting the filing of the libel. The record showed no other. Yet, in that case, it was held that the court acquired jurisdiction. The court says: "The proceeding, in regard to the seizure of the property, is not to be brought to the attention of the court, until it has been returned by the marshal, and the return of the officer is a part of the record, and the court is to be governed by the return of the officer, and not by the actual seizure of the property."

So in Cooper vs. Reynolds, 10 Wallace, 348, the court speaking of the various modes of acquiring a man's legal rights, says: "The law forbids the wife from making such a contract. The wife, whether separated in property by contract or by judgment, can not bind herself for her husband, nor commit any act which would constitute a contract, or a debt, or a liability, on his behalf, or during marriage." C. C. art. 2308; 12 An. 726; 11 An. 209; 21 C. 55.

It is therefore ordered and adjudged that the writ of seizure be affirmed, with costs of appeal.

A. P. Gray has sued the Crescent City Railroad Company for \$200 as damages, alleging that on January 31 he was prohibited from entering his premises when it became known in the mud so far that his mules could not immediately extract it, whereupon the superintendent of the road, and several other employees, entered it, whereby it was broken and rendered useless until \$25 worth of repairs had been put on it.

Plaintiff claims that according to the terms of the contract, the road was to be kept in passable condition, but which not having been done they have subjected him to the loss aforesaid, arising from interruption to his business in the breaking of the mud.

Thomas J. Throop, of Kentucky, qualified as administrator of the succession of Milton Taylor, under the order of the Probate Court of the parish of St. Charles, and brought suit in the Second District Court against the succession of Milton Taylor, Mary Ann Rogers and P. B. Fouke, public administrators. Throop alleges that Milton Taylor died in the parish of St. Charles, Kentucky, from his birth to his death; his succession in the State of his domicile is under the control and administration of Throop, the succession in Louisiana being that of a decedent domiciled in Kentucky. (Milton Taylor left a last will and testament, which was probated and ordered to be executed.)

About the twenty-sixth July, 1871, Mary Ann Jane Rogers, wife of Milton Rogers, of Ohio, obtained from the Second District Court an ex parte decree, recognizing her as sole heir of Milton Taylor, ordering her to put in possession and ordering the public administrator, who is acting as trustee executor, to deliver the property to her, reserving the right of any heir at law to set up any claim they may have. Plaintiff avers that said Mary Jane is the child of a negro slave woman, at the time of Mary Jane's birth the property of Milton Taylor; that her mother was a lewd woman, and had many children by as many different fathers; and that said Mary Jane is an illegitimate bastard, incapable of inheriting.

Petitioner prays that the will of Milton Taylor be carried into effect, and all other claims be satisfied, and that the said Mary Jane be declared to be the child of a negro slave woman, and that she be declared to be incapable of inheriting.

The New York Herald asserts that we have no Pacific railroad, but only a couple of iron tracks, it answers indifferently well in summer. It says that enough money was expended on it to build a double steel track and cover it with snow sheds at all exposed points, and calls for an investigation by the government.

BY TELEGRAPH.

LATEST NEWS FROM ALL POINTS.

INVESTIGATING RAILROAD COMBINATIONS.

IMPORTANT RAILROAD BILL.

DEBATE IN THE SENATE.

SOUTHERN CLAIMS COMMISSION.

IMPORTANT CLAIMS HEARD.

ADVANCE IN ERIE STOCK.

BARK AND ALL ON BOARD LOST.

SCHOONER FOUNDERED AT SEA.

AN ERIE EXHIBIT.

DEPARTURE FOR BRAZIL.

ABROGATION OF COMMERCIAL TREATY.

AMNESTY ON ST. PATRICK'S DAY.

THE FUNERAL OF MAZZINI.

REVOLUTION IN A PENITENTIARY.

CONGRESS.

Medical Parvener Confirmed—Inquiry into Combination of Railroad Interests—Substitute for St. Croix Railroad Bill—Sherman on the Tariff—J. M. G. Parker's Nomination Referred—Personal Explanation by Mr. Trumbull—Spirited Debate.

WASHINGTON, March 15.—Ordinance General Dyer is very ill.

The Southern claims commission to-day heard the case of William Colledge, of Savannah, for hotel property used for hospital purposes. Amount claimed, \$14,000. Also the claim of Commodore Edward Middleton for rice taken from his plantation in South Carolina.

There was a full Cabinet meeting to-day, on routine business transacted.

There have been newspaper mails from New Orleans since Saturday.

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