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TELEGRAPHIC.

WASHINGTON.

Unusual Bustle at the State Department.

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Greeley on Morton's Specie Paying Policy.

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The Grecian Bend on Turkey.

The War Cloud Almost Dispelled

WASHINGTON.

Bustle at the State Department Sunday—English and American Affairs—Report on the Revenue Frauds, etc.

NEW YORK, Dec. 21.—The Herald's Washington dispatch says there was a great bustle apparent at the State department yesterday, notwithstanding its being the Sabbath day. The cause of the unusual stir is supposed to have been the preparation of dispatches for Minister Johnson. It is suspected by members of Congress that the firm of Laird & Co., builders of the Alabama are trying to obtain the proceeds of the sale of the blockade runner, which they are supposed to have built, and which was captured during the war and sold.

A clerk in the Register's office of the Treasury Department is missing, his accounts show a deficit of several thousand dollars.

Van Wyck a report of the Committee on Retrenchment, on the subject of Revenue Frauds, is printed. It says, concerning the investigation commenced more than a year ago: This committee find many frauds yet existing in the Revenue Department, in kind as heretofore, but not to the same extent, by the reason of reduction of the tax on whisky, and making the estimated capacity one of the tests of production. When the capacity system shall be improved and modified as experience has already demonstrated to be necessary, frauds will be lessened and the revenue increased. The greatest want is undoubtedly of honest officials, but improvement can hardly be hoped for in that direction under the present executive, a fact Congress should have realized and acted upon long ago, and then devised a system which human ingenuity could not easily circumvent.

WASHINGTON, Dec. 21.—The Committee on Reconstruction to-day examined the additional witnesses in the Georgia and Mississippi cases, and without and definite action adjourned until January 5.

The Supreme Court will adjourn on the 24th of December to the 4th of January.

The President has approved the bill giving cannon for the erection of a monument to Gen. Kearney.

The Senate bill providing that any Supreme Court Judge of seventy years of age may resign and receive his salary thereafter until death, was referred to the Judiciary Committee.

A member of Congress has received from a military officer in the South a photograph of two members of the Ku-Klux Klan. He explains that the band from which they were taken was one hundred and fifty strong, and is the same that seized Huntersville, Ala., surrounded the Courthouse and murdered a Judge and some others. The men captured were not more than eighteen years old.

The bill recently introduced in the Senate by Mr. Trumbull, to prevent the repetition of such crimes by popular violence as that recently committed at New Albany, Ind., has, it is understood, the approval of the Secretary of State.

Gen. Grant is at headquarters to-day attending to official business.

The Supreme Court to-day affirmed the decision of the lower Court in the case of the Rock Island Bridge Company vs. Andrews The court adjourns Thursday till January 4.

Secretary Seward replies as follows to a telegram from a New York firm making inquiry as to whether the United States government will protect American vessels bound to ports in Hayti held by rebels there from seizure by the Haytien government: "The government of the United States will protect no United States vessel which shall attempt to carry on trade in Haytien ports in violation of any existing blockade, or any lawful decree of the government of the Haytien Republic which has been duly recognized by the United States. All persons trading in insurrectionary ports in Hayti will be liable to be dealt with according to the process and principles of international law.

The main walls of the new hospital building belonging to the Howard Military, gave way this afternoon. The workmen about fifteen in number, one-third white, the others black, who were roofing the structure fell to the ground, a distance of fifty feet and were all injured, several seriously if not fatally.

Several delegations of Indians, representing the Miamis, Creeks, Cherokees, and other tribes are expected in Washington during the winter for the purpose of securing additions to the existing treaties between them and the government relative to cessions of lands and improvement of their domestic condition.

NEW YORK.

Important Facts and Rumors.

NEW YORK, Dec. 21.—Thomas O. Acton, President of the Board of Police Commissioners, has announced his intention of resigning. There are more rumors of an organization in this city to aid the Cuban Insurgents. The Congressional committee on alleged New York election frauds to-day examined District Attorney Courtney, Marshall Murray, and others. Vice President elect, Colfax and wife arrived to-day and are guests of Elliott C. Cowlin. They will remain till Thursday.

At a meeting of the General Commissioners of the United States Indian Commission, Col. Wyncoop was requested to address the body on Wednesday evening, on the cause of the recent trouble with the Indians and remedies therefor.

Report says that the New York Central road will hereafter probate with the Western roads in freight.

Gossip says in the inauguration of the present bull movement, Broad street borrowed from ten to twenty million dollars of gold and exchange on stock collaterals and sold it for currency, thereby putting themselves in a strong financial position to hold their Central stock. It is reported that the gold and exchange are to be returned in January

ST. LOUIS.

A Female Suffrage Association at Work.

ST. LOUIS, Dec. 21.—The Woman's Suffrage Association of this city is actively engaged in getting signatures to memorialize Congress and the State Legislature, praying for the privilege of voting. A memorial to Congress, signed by over 2,000 persons will be forwarded to-day. The association holds a regular meeting every week and considerable general interest is manifested in the matter.

The expedition under Col. Carpenter, which left for Wallace last month has returned, no evidence was found of Indians being in Gen. Sheridan's rear, and no fears are now felt that any further trouble will occur north of the Arkansas during the winter.

THE PLAINS.

Rumored Defeat of Gen. Sheridan.

ST. LOUIS Dec. 21.—Rumors are current in Western Kansas that Gen. Sheridan has met with defeat at the hands of the Indians, but they are unfounded. No battle has taken place since November 27, when Gen. Custar defeated Black Kettle and his allies.

POLITICAL.

Greeley on Morton's Specie Paying Policy — Colfax Foreshadowing Grant's Administration.

NEW YORK, Dec. 21.—Greeley has a three column letter to Senator Morton on his recent speech upon the resumption of specie payment. Greeley differs from Morton in that the former believes that prompt resumption is practicable and argues upon that point at length.

In a speech at the banquet at Philadelphia, Saturday night, Speaker Colfax said, relative to the incoming administration: The most searching retrenchment, honesty, efficiency and high character in all connected with the public service, rigid guardianship of the treasury against universe and extravagant schemes, a financial policy which shall maintain our credit untarnished, appreciate our currency and place us on the rock of specie payment will be the purpose and aim of the new Administration.

ARKANSAS.

An Outlaw Defending Outlaws—The People Fleeing for Safety.

MEMPHIS, Dec. 21.—The Avalanche's Little Rock special of to-night says many prominent citizens fled from the militia in Conway county, to this city. Capt. Gibbons, commanding the militia at Lewisburg, reports to the Governor that old man Cassy was murdered for his money. His partners, Breeden and Bentley, who burned the store, fled. Gill & Mathews were burned out because they were Radicals. He says: "I think I can conquer the Ku-Klux in a short time." Gibbons was a member of the Legislature last session, and introduced the bill forbidding the disfranchished from following any profession, being mates on steamboats, keeping stallions, etc. His statements are improbable, as the loss to Conservative citizens by the fire is six times that of others. Breeden and Bently fled to save their lives. Gen. Upham reports from Augusta, on the 19th, that a detachment under Capt. Taylor, drove the insurgents out of Woodruff county into Jackson, killing one, and capturing prisoners, arms and horses. Refugees say the half has not been told of the outrages committed by the militia.

FLORIDA.

A New Phase of the Gubernatorial Squabble.

TALLAHASSEE, Fla., Dec. 21.—Telegraphic information was received here today, that Judge Mill, of the United States Supreme Court, on the plea of Lieut. Gov. Gleason, has signed a citation of inquiry as to his title of office under the State constitution.

The United States District Court is in session at Jacksonville.

It is currently reported that efforts will be made before January to indict Gov. Reed for some failure, or excess of duty, while agent of the Postoffice Department, previous to his election as Governor; also, to indict Senator Osborne for some misdemeanor while register in bankruptcy, previous to his election as Governor.

ROCHESTER.

Large and Destructive Fire.

ROCHESTER, Dec. 21.—A fire yesterday here destroyed the Democrat office, Sargent's bank, a lock factory, and the Union Bank building in which was stored flour. The City Bank was damaged; also a few other buildings in which were a grocery, hat stores and offices. Total loss, $100,000, mostly insured. Four firemen were injured by falling from ladders.

FOREIGN.

LISBON, Dec. 21.—Rio Janeiro dates to the 6th inst. are received. No war news.

The American fleet, under Admiral Davis, had gone up Parana river to Ascencion, with Minister McMahon.

LONDON, Dec. 21.—The full message of President Johnson is received.

The Times to-day, refers to the President's stubbornness, and denounces his repudiation proposition, and approves the action of the Senate and House in the disposal of the document.

MADRID, Dec. 21.—Disturbances growing out of the elections, are reported in some towns, but of an insignificant character.

BERLIN, Dec. 21.—The Prussian Diet has adjourned for the holidays, until January 7.

GREECE AND TURKEY.

Probable Abatement of the Eastern War Cloud.

CONSTANTINOPLE, Dec. 20.—The Porte approves of the conduct of Admiral Habart Pasha at the harbor of Syria.

The Ambassadors of the Western powers decline to exercise protection over the affairs of the Greek residents after their expulsion from the Turkish dominions.

PARIS, Dec. 21—Evening.—It is reported that Prince Metternich has received instructions from Vienna to act in concert with France on the Eastern difficulty.

The Presse represents the excitement as intense in Constantinople as in Athens, and states that the Russian flag has been publicly burnt in the streets of Constantinople.

CONSTANTINOPLE, Dec. 21.—The Greek subjects of the Sultan have sent a memorial to Athens praying the government to avoid war with Turkey.

ENGLAND.

The New Parliament—Views of Prominent Members.

LONDON, Dec. 21.—Messrs. Gladstone, Bright and Lowe have been elected to Parliament.

Mr. Gladstone, in a speech at the hustings in Greenwich, said he was not yet wholly in favor of the ballot, but if free voting was impossible without such a safeguard, then he was for the ballot.

Mr. Bright also made a speech before his re-election, at Birmingham, in which he explained that he had declined his first appointment as Secretary for India because the labor of that office was too severe for him in the present state of his health, and also because he thought the views of the country in regard to the Indian policy were not sufficiently advanced. He argued that the late parliamentary elections offered fresh evidence in favor of the adoption of the ballot. He denounced the policy of the Tory party, and closed with promising on the part of the Cabinet, economical reforms in the administration of the government.

All the members of Parliament appointed to positions in the government have been re-elected, except Mr. Cardwell, whose election will take place to-morrow. None of the elections were contested.

It is generally believed that the ministerial change in France is due to the influence of the clerical free press.

INCIDENT AND ACCIDENT.

NEW YORK, Dec. 21.—The counsel of the Messrs. Gautleman & Bros., assert that they will be proved innocent of the alleged smuggling of silks through the custom house when the trial takes place.

TORONTO, Dec. 21.—The Court of the Queen's Bench to-day refused to grant a new trial to Whalen, convicted of the murder of Thomas DeArcy McGee. Chief Justice Richards and Judge Wilson sustained the verdict of the Ottawa jury, and Judge Morrison dissented. The prisoner was remanded until Tuesday, when he will appeal against the ruling of to-day to the Court of Errors and Appeals.

MEMPHIS, Dec. 21.—The body of a negro man named John Shaw was found near the City Hospital Sunday morning, with his head crushed from a blow with an axe. Louis Given, who lived in the same house has been arrested as the murderer, having threatened to kill Shaw. His axe was found covered with blood.

RUTLAND, Vt., Dec. 21.—A boiler at the Marble works exploded Saturday killing Amos Powers, engineer, and badly injuring four workmen.

NEW ORLEANS, Dec. 21.—The Collector to-day was informed by Secretary McCullock that the Peruvian transport steamer is covered by her flag and she is not to be seized.

ST. LOUIS, Dec. 21.—Mr. Koche, wife and children, and two boarders were poisoned yesterday from eating rabbits. The whole party were very sick, but prompt medical attendance relieved them and they are all doing well.

CONGRESSIONAL.

Proceedings in the Senate.

WASHINGTON, Dec. 21.—Mr. Thayer presented a remonstrance against the ratification of the Osage Indian treaty, except on certain terms. Referred.

Mr. Sumner offered two resolutions, one directing the Secretary of the Senate to inform the Senate what was done in pursuance of the resolution authorizing him to furnish each State a set of standard weights and measures on the metrical system, and the other directing the Postmaster General to give information as to what had been done towards furnishing postal balances of the same kind. Adopted.

Mr. Patterson, of New Hampshire, introduced a bill to reorganize and increase the efficiency of the medical department of the navy. Referred.

Mr. Rice called up his resolution to add two members to the Committee on Pacific Railroad as representatives of the South. Adopted.

Mr. Wilson offered a resolution which was adopted, directing the Secretary of the Interior to report what Indian Agents or Superintendents are absent from their posts.

Mr. Thayer offered a resolution requesting the President to instruct the Special Committee who have examined the Union Pacific Railroad west of Omaha, and the Eastern Division of the Union Pacific Railroad, to examine in the same way all Pacific railroads so far as constructed, and to report what amount is necessary to complete them according to the standard of a first class railroad as required by law.

Mr. Stewart objected to the consideration of the resolution and it went over under the rule.

Mr. Howard offered a resolution requesting the Secretary of the Treasury to communicate to the Senate reports of the Union Pacific Railroad and its branches, as already requested by a resolution passed last July.

Adjourned to fifth January.

Proceedings of the House.

E. B. Washburne called the House to order.

Mr. Van Wyck made a report from the Retrenchment Committee on Whisky frauds, when the House adjourned to January 5.

NEWS OF THE DAY.

Gov. Gilpin, of Arizona, thinks of selling one of his farms. It contains a million and a half of acres.

The work on the bridge over the Mississippi, at St. Louis, has been resumed, and will be vigorously prosecuted.

Jasper C. Griffin, a well-known banker and cotton merchant of Memphis, died suddenly in that city Sunday morning.

The charred hull of the steamer United States was towed to Cincinnati on Friday from the scene of the late disaster.

A. Belot, of New Orleans, sues the city for $28,000 damages sustained by the destruction of his cigar factory by a mob in May last.

Lady Thorn and George Wilkes are matched to trot, in June next, for the largest stake ever contested for in this country—$10,000.

A California company is preparing to work newly discovered oil wells in the State of Oaxaca, Mexico, now running 150 to 200 barrels a day.

Advices from the City of Mexico, to December 3, state that Gen. Rosecrans, accompanied by Gen. Stuart, had arrived and been cordially received.

The Indiana lawyers are reading up the authorities on the subject of moral insanity, in order to be ready for the work of defending the Seymour mob.

A carpet-bag judge in Florida recently fined a newspaper reporter for "contempt of court." His offense was criticising a political speech made by the judge.

Mr. Chesley Tapp, of Grayson county, Kentucky, deliberately jumped off the the steamer Commercial, near Aguusta, Ark., a few days ago and was drowned.

In a railway at Camden Town, England, steel rails were laid upon one side, and iron upon the other. Seventeen faces of the iron rail were worn off to one of the steel.

The New Orleans, Mobile and Chattanooga railroad has advertised for sealed proposals for constructing the portion of the road between the cities of New Orleans and Mobile.

The plantation of Julien Poydras, of the parish of St. Bernard, near New Orleans, which yielded about a thousand hogsheads of sugar before the war, this year produces only a third of that amount.

The commercial travelers are about to hold their meetings in New York with the object of framing a petition to Congress to take action relative to the license laws of various cities in the United States.

Senator Morton has received a dispatch from Europe stating that the effect of his speech in favor of resumption was already visible in an increased confidence in American securities.

The Rochester *Union* begs of the Radical members of the Legislature of New York, not to overlook the claims of Frederick Douglass upon the party when they come to choosing a successor to Mr. Morgan.

The New Orleans *Times* says that the colored man Menard was not elected to Congress by even a nominal majority, and that it would be as legitimate to give the seat to any free negro in Washington as to him.

A fine horse said to be worth $1,500, presented by Bonner, of the *Ledger*, to Dr. McCosh, the newly installed principal of Princeton College, was stolen from the stables of the latter last Monday night.

A memorial in opposition to the bill which passed the United States House of Representatives, increasing the dtuy on copper has received the signatures of the leading merchants of New York.

Owing to the illness of one of the United States inspectors, it will be some time before they render their decision as to which pilot is responsible for the late disastrous collision between the steamers United States and America.

Mrs. Eli Parcels and her little girl, eight years of age, were burned to death last Saturday in Pickaway county, Ohio. The clothing of the child took fire at the hearth, and the flames communicated to the garments of the frightened mother.

The following named persons have been appointed Aldermen of the city of Huntsville, Ala: Joseph H. Conner, Wm H. Granger, George Warwick, J. D. Vandeventer, Joseph C. Bradley, Sr., A. S. Fletcher, Frank Neal and J. W. Steele. The only Democrats in the list are Messrs. Fletcher and Neal

Gen. G. T. Beauregard has sent in his resignation as a member of the Board of Engineers, recently appointed by the New Orleans City Council, for the purpose of effecting some method for the more effectual drainage of the city, and protecting it from overflow. The General states that other engagements prevent his serving, and intimates his belief that a board of three would probably have been more apt to have succeeded in the work proposed.

THE WHISKY TAX.

The Washington correspondent of the New York *Times* writes as follows:

No one here credits the statements, which appear to obtain some degree of confidence elsewhere, that an effort will be made to increase the tax on whisky, its old standard. Prominent government officials hold that for the interests of the revenue nothing could be more disastrous, and the common sense of Congress will certainly preserve it from committing the absurdity of altering it. The leading members of the Ways and Means Committee are satisfied with the present working of the law, and regard its continuance as the best thing possible for the government.

IMPORTANT DECISION.

Opinion of the Supreme Court in a Complicated Case of Rents.

Oscar F. Noel *vs.* Joseph McCrory, LeRoy Armstrong and K. J. Morris and Horace H. Harrison, executors of Joseph Swan, deceased.

This is a suit brought for the use and occupation of two storehouses in the city of Nashville, for the year 1862. The declaration is in the usual form. The defendants plead: First, a general denial of the debt; second, the defendant McCrory plead specially, that he rented from the plaintiff the two storehouses for the year 1862, at the rate of $1,500 per annum for both; that he sublet one of them to the defendant Armstrong for $1,500; that the said Armstrong agreed to execute his note, payable quarterly with security; that shortly after the renting, and before the execution of the notes, the plaintiff went to said Armstrong and directed him not to execute his notes to the defendant McCrory; that he was the owner of the property, and that defendant McCrory had no right to sublet, thereby he failed to get the notes of the said Armstrong, and that he has become insolvent, and that he has sustained damage to the amount of the rent agreed to be paid. Replication and issue was taken on the several pleas.

The jury upon the evidence adduced and the charge of the Court, found the issues in favor of the defendant, McCrory, and against the defendant Armstrong for $1,094 67, and against K. J. Morris and Horace H. Harrison, executors etc. of Jo. Swan for the sum of $295.

The plaintiff moved the court for a new trial, and in support of the motion, read his affidavit, and the affidavit of F. B. Harris. The motion was over-ruled, and judgment rendered in accordance with the verdict, to which the plaintiff excepted and appealed on error to this court.

The facts necessary to be stated are substantially as follows:

The plaintiff in 1861, rented the two storehouses, for the use and occupation of which this suit is brought, to one Joseph Swan, the testator of Morris, and Harrison, for the year 1861, for the sum of $2,400; the renting to expire on the 20th of December, 1861. About the time of the expiration of the renting, the plaintiff, who resided in Sumner county, came to Nashville and tried to get Swan to deliver to him the possession of the houses, stating to him that he had rented them for the year 1862 to Gilkeson, etc. Swan did not deliver the possession but informed the plaintiff that they could move in; that he would not be in their way. He was told that they would not move in, unless he would move out; several applications were made to the plaintiff to get the possession with like results. Swan continued to occupy one of the houses until the spring of 1862 as a storehouse. In the winter or spring of the year 1862, the roof of the house occupied by McCrory fell in, and he removed his desk to the house in which Swan resided—one of the storehouses was occupied by the defendant Armstrong for the year 1862. There is no proof in the record to show any occupation by McCrory for the year 1862, except he kept his desk in the room occupied by Swan, and was about the premises frequently. The court charged the jury in substance: If the defendants, or either of them, leased the storehouses, as alleged in the declaration, under a special contract, he or they would be liable according to the terms of the contract; that if the defendants, or either of them, went into the possession with the acquiescence of the plaintiff, and used and occupied the houses, they would be liable—if there was no special contract with either defendant—but, if Swan had rented for 1861, at which time his renting expired, and he failed to give possession, and held over by permission of the plaintiff, or if he stated to plaintiff his tenants could move in at any time, yet Swan remained there in one or both of the houses a short time, or used and occupied the same without contract, Swan would be bound for what time he so remained and occupied the houses for reasonable rent; and, if, while he so occupied one or both of the houses, the defendant Armstrong moved in and occupied one or both of said houses for the year 1862, he (Armstrong) would be liable for a reasonable rent for the year, or for the time he used and occupied the same. The plaintiff's counsel requested the court to charge the jury that if the plea of the defendant, McCrory, shows a contract for the renting of the houses for 1862, the replication admits that this being so, no other proof is necessary to prove the contract. The instructions were refused by the court. The court instructed the jury, the plea of non assumpsit being in, throws the onus on the plaintiff proving his cause. That part of his Honor's charge, to which exception is taken is, in which he states to the jury, "If Swan stated to the plaintiff that his tenants could move in at any time; yet, if said Swan remained there a short time, in one or both houses, or used and occupied the same without contract, he would be bound for the house he so remained and occupied for a reasonable rent." This part of the charge we think erroneous. Where the letting is from year to year, or for a year, if the tenant holds over, the landlord may elect to treat him as a tenant from year to year; or, where the renting is for a shorter period, and he holds over, he will be deemed to hold upon the terms upon which he entered, and the landlord is entitled to recover the value of the rent as fixed by the terms of the original contract upon which the lease was made. It is the duty of a tenant, at the expiration of his term of leasing, to restore the possession to the landlord. He cannot impose terms upon him as to the possession of the property. To avoid the liability the law throws upon him, he must surrender the possession.

If he refuses to quit, the landlord will not be justified in resorting to force to put him out. He may either resort to his legal remedy to get the possession, or treat him as a tenant. The tenant must, at the expiration of the term, give the landlord the complete possession of the property, and unless this is done, the tenant's responsibility for rent will not cease, and he will be deemed to hold upon the terms upon which he entered into the possession. Shepperd and Mitchell *vs.* Cummins, 4, Caldwell page 353. Taylor's Landlord and Tenant 382 and 475.

It is insisted the Court erred in refusing the instruction asked for; that the plea in evidence was an admission of the contract, and no evidence was necessary to prove it. These pleas were filed under the provisions of the Code embraced in article 5, which are not repealed by the act passed, 14th February 1860. By that act, the parties have their option to plead as prescribed in the sections embraced in that article of the Code. The defendant having adopted the system of pleading provided by those sections of the Code, we must be governed by its provisions. By section 2913, the defendant may enter a general denial of the plaintiff's cause of action. By section 2915, whenever such a general plea is filed, the defendant shall, unless notice is waived, give notice of all his real defences, whether by way of denial or avoidance, though such defence might have been admissible heretofore under the general issue, or he may plead the matters of his defence specially, in which case he shall state the matters relied upon, purely and briefly, and no matter of defense not pleaded shall be shown in evidence. Under these several sections of the Code the defendant is allowed to plead such defenses as he may deem necessary to the justice of his case. He is allowed in one plea to deny what the plaintiff alleges, and in another to confess and avoid it, which is in law an admission in one plea of what he denies in another; but the admission does not relieve the plaintiff from the burden of proving what is directly denied by the other plea. 1st Chitty on Pleadings, page 515, and the authorities cited: History of a Law Suit, section 237.

We think there is no error in refusing the instructions. It is insisted the court erred in overruling the motion for a new trial as to the defendant, McCrory. This application was predicated upon the affidavits of the plaintiff and the witness, Harris. The plaintiff states, the witness, Harris, had been summoned by the defendants, but they declined to examine him, and he called him to the stand, and he was asked if he had ever had any conversation with the defendant, McCrory, in reference to the renting of these houses. He answered in the negative. He now learned he can prove by Harris that he had a conversation in which he stated he had rented them. Harris in his affidavit states, "He was asked the question, but did not know the question was in reference to the renting in 1862; that he had a conversation with McCrory in which he admitted it; that he unthoughtedly neglected to state the conversation; that after the trial McCrory sifted to him he had rented the houses for the year 1862." The evidence of Harris is cumulative. The fact in issue was the renting to McCrory for the year 1862. Witnesses had been introduced upon that point. Cumulative evidence is that which speaks of facts in relation to which there was evidence on the trial. In such cases a new trial will not be granted. 4 Humphreys, p. 252.

The fact that the attention of the witness was not specially directed to the conversation had with him by McCrory relative to the renting, can be no reasonable ground for granting a new trial. Upon due attention, it might have been brought out in his testimony, and under such circumstances the party cannot avail himself of his own laches. Where a witness inadvertently omitted to state all he knows material to the case, it is no ground for a new trial. Hilliard on New Trials, 411, and the authorities cited.

We think there is no error in refusing to grant a new trial as to McCrory. There is no error in the charge of the court as to Armstrong, of which the plaintiff can complain.

The judgment against Morris & Harrison, executors of Swan, will be reversed, and remanded, and a new trial awarded. As to the other defendants it will be affirmed.

SHACKELFORD, Judge.

DEATH BED CONFESSION OF A GREAT CRIME.

The New Orleans *Picayune* relates that some years ago a respectable young man, the only support of a widowed mother and a sister, was clerk in a dry-goods store in that city. He frequently assisted the cashier, and one day a forged note on the firm for $400, in the handwriting of the young man, was presented at the bank by an unknown person and paid. The young man admitted drawing the check, but had no recollection of the circumstances, and could give no explanation. He was arrested, tried, and convicted. His mother and sister alone believed in his innocence. Bowed down with shame, and unable to vindicate his honor, he died shortly after. In less than a year the bereaved mother died also, and the sister was left to struggle alone for a living, which she obtained by becoming a seamstress. A few days ago a lawyer was called to write the will of a man at the point of death. In this will he bequeathed his property to the sister, and embodied in the instrument a full confession of the forgery committed eight years ago. He was the cashier of the firm, now grown rich. It was by his direction the draft was prepared. Now, after the lapse of eight years, a tardy reparation is attempted to be made. But it will not restore life to the dead, or extract the bitter sting of sorrow and grief so long endured. It is one of the strange events which make up the story of a life.

A NEWSPAPER AGENT ARRESTED FOR BIGAMY.

He Forfeits His Bond and Decamps.

The following is from the Louisville *Courier-Journal* of yesterday:

It is doubtless still well remembered that Harry Keys, Esq., ex-agent of the *American Odd Fellow*, etc., was a few days ago held in a bond of $1,000 to answer the charge of bigamy, he having in April last married a Miss Bulkley, of this city, while owing marital allegiance to another wife in Hamilton, Ohio. The disloyal Keys was to have been tried before Judge Craig yesterday morning. When the euphonious name of Harry Keys was called once, twice, thrice by the Marshal, there was no response, save the echo that reverberated along the dingy walls and over the sea of stringy and wooly heads in the auditorium. Few were surprised that the bigamist came up missing, for he is an exceedingly old bird, not to be caught with chaff. His Honor mechanically declared the bond forfeited and ordered a capias for the rearrest of Keys. But there isn't the remotest danger of this order being executed. Harry Keys *non est*, will so remain, much to the discomfiture of justice, yet far more so to his respected mother-in-law, who is left to pay the amount of his bond.

The bill introduced by Mr. Wilson on the 13th instant in the Senate to "regulate the elective franchise in the District of Columbia" provides for striking out the word "male" in the first section of the election laws of the District now in force, and that every word in said acts applicable to persons of the male sex shall apply equally to persons of the female sex, so that hereafter women who are inhabitants of the District of Columbia and citizens of the United States may vote at all elections and be eligible to all civil offices in said District on the same terms and conditions in all respects as men.

SOME three years ago a lady named Mrs. Elizabeth Errickson, lost her life in consequence of a boiler explosion on board the steamer Arrow, while on the way down the Hudson from Yonkers. Suit was brought by her husband for damages, and the jury at the time gave him a verdict for $3,000. The owners of the boat then appealed the case to the New York Supreme Court, general term, and that body on Tuesday affirmed the decision of the court below, so that the money will have to be paid.

A CARD from Commodore Meade is published in the New York papers thanking the public and the press for aiding to secure his release from a living tomb. He refers to the domestic trouble which was the occasion of his incarceration as a lunatic only to say: "As the pieces of silver given to Judas explained the motives for the betrayal of the Saviour of mankind, so did the marriage of my daughter the morning after my entrapment shed all the light needed upon this atrocity."

Columbia Cotton Market.

The Columbia *Herald* of Saturday gives the transactions in cotton at that place during the week as follows:

Harris, Frierson Co., have bought 236 bales, at prices ranging from 21 to 21½c.
Martin & Pickard, 53 bales, at 21 to 21½c.
John Frierson & Co., 99 bales, at 20 to 21½c.
Col. Voorhies, 103 bales, at 21 to 21½c.
R. H. Jamison, 104 bales, at 21 to 21½c.
D. A. Davidson, 21 bales, at 21 to 21½c.

A contract for building a railroad bridge across the Mississippi river at Keokuk has been closed with the Keystone Bridge Company, of Pittsburg, for ten million dollars. The bridge is to be of iron and like the one at Dubuque, and is to be commenced in the spring and completed within the year.

ARKANSAS HORRORS.

Atrocious Outrages by Clayton's Militia.

Fiends Robbing and Murdering Defenseless Citizens.

From the Memphis Appeal, Dec. 19.

From every quarter of unhappy Arkansas from which we are in receipt of news, the reports show a most deplorable state of affairs. The militia, composed of negroes and the very lowest order of whites, led by men who are the very scum of the earth, convicted felons, thieves and murderers, are holding a carnival of brutal outrage and cruel oppression that supasses belief. We have already laid before our readers details of Upham's conduct in Augusta and that neighborhood, and by late arrivals we are able to give a few more details of the doings of other gangs—if anything, more devilish even than Upham's—in the adjoining regions and in the extreme Southwestern portion of the State.

In Conway county, which our special dispatch of yesterday morning informed us, had been placed under martial law, a man named Matthews, at the head of a band of negroes is marauding and laying waste the country around Lewisburg, and has committed several most inhuman and unprovoked murders. On Saturday, two weeks ago to-day, he and his band murdered in cold blood, on the high road near Lewisburg, two men named Robert Perry and Thomas Hooper—the latter seventy years old. The circumstances, as we learn by a gentleman direct from Lewisburg, were nearly as follows: Perry, in company with another man named Jackson, was driving a wagon loaded with cotton into Lewisburg, and when near the town they were overtaken by Matthews and his gang and taken from their teams. A squad of negroes was ordered by Matthews to take Perry to one side of the road and another squad to take Jackson in another direction, and if they would not tell what they knew about the Ku-Klux to kill them. By some means Jackson made his escape, and gave the alarm to the citizens of Lewisburg, some of whom, after several hours, reached the spot, to find Perry lying in a thicket by the roadside, wounded terribly about the head, apparently by blows from the stock of a gun, and also from a gunshot wound. He was still alive, and survived long enough to give the names of the negroes who had shot and beat him.

Matthews, it appears, as soon as his men could cut the horses loose from the wagon, and plunder the body of Perry, went with his whole gang to the house of an aged and infirm man named Thomas Hooper, and took him prisoner. They plundered the house and then left, carrying Hooper off with them mounted bareback on a mule, with his feet lashed under the mule's belly. The next morning his dead body was found in the road between Springfield and Portland. A gun had apparently been placed at the back of his neck and discharged, the load tearing his head almost completely off his shoulders.

Meanwhile the citizens, under the guidance of the Sheriff, who is a Radical, and who originally sent Matthews out on his murdering expedition, are organized for defense, and at last accounts quiet had been restored.

In the Southwest, in Sevier county, a "Gen." Catterson, with a militia force from the adjoining counties of Pike, Scott and Polk, has been raiding between Belleville and Paraclifta, murdering men, women and children, indiscriminately. About the first of this month he and his men murdered eight men at Center Point, and robbed their premises. Since then he has committed numberless outrages, but the region is so remote that we have not been able to obtain authentic information as to how matters stand.

Meanwhile, will the United States authorities stand idly by and allow these infamies to continue? Shall the country be converted into a howling wilderness, its people murdered or driven away, and their property taken from them, only to gratify the hates and satisfy the desire for plunder of these wretches who call themselves "the loyal men"—men with whom to be "loyal" is but the synonym for license to gratify every vile passion that they, the scum of the earth, possess? We shall see.

Special Telegraphic Correspondence Memphis Avalanche.

LITTLE ROCK, Dec. 19.—Reliable information states that on the morning of the 16th inst., at eight o'clock, four companies of militia, commanded by Gray, Williams, Roane and Matthews, the latter company composed of negroes, entered Lewisburg, Conway county, yelling and shooting in every direction. They marched to the store of Bruden & Casey, fired through the door and set fire to the building, pouring coal oil on the floor. Howard & Well's store was also burned; Eagan's store being saved by great exertion.

During the fire Casey, of Bruden & Casey, was shot down by the militia, and his pockets and trunk rifled, the body being afterwards thrown into the flames. All this time the militia were engaged plundering. The town is still occupied by the militia, who shout, shoot, and curse through the streets. No one is allowed to get out without a pass.

A few days before the raid the citizens had organized a company to keep the peace. It was sworn in by the Sheriff, who notified the authorities of his action, and assured them he could execute the law without military interference.

All is quiet at Augusta. It is said that prominent citizens are engaged in preventing an attack upon the militia by the outraged people, fearing misinterpretation of their motives abroad. The people desire an interference by the United States troops in their behalf.

There was a large meeting at Batesville to-day. Five hundred persons of all parties participated in declaring for peace under all circumstances, promising support to the civil authorities, deprecating violence, and calling on other counties to hold a similar meeting.

The arrest of William Meriwether, a prominent Radical of Independence county, by Gen. Upham, at Augusta, on the charge of discouraging the enlistments of militia, created quite a sensation.

Respectable members of the Radical party are denouncing the Governor for his course with the militia.

The Little Rock *Gazette* publishes a lengthy letter from a highly respectable citizen living near Belleville in the southwestern part of the State, giving a full account of outrages committed by Catterson and his band of lawless marauders. We extract a portion of the letter.

EDITORS GAZETTE: Gen. Catterson, with his militia from Pike, Polk, Scott and elsewhere, after killing eight men at Center Point, taking all their horses and tearing all their goods to pieces, left them and struck the old Fort Townson road, took the west end of it to Allen Pettus' old farm, where they encamped. About midnight they sent a scout to Bear creek and Rolling Fork. Next morning, after foraging on Robert, brother to that good old man, Allen T. Pettus, they took all the horses and mules belonging to the widow, and the General and his staff and command took the south end of the road, leading to Paraclifta from the old line road. I had been living in Belleville for the last two years, and on the morning of the 19th I believe, I took my little nephew, Harvey Martin, and the only two horses I had. I rode a large, fine bay mare, for which I had been offered $200. My nephew rode my roan horse, for which I paid $100 last spring, and went to Belleville after some cattle. I had just moved my family to this place, which is situated on the road the command is travelling. We had not been in Belleville more than fifteen minutes when I saw them coming. Thinking we could get a little off to one side unobserved, we started in a moderate gait; but my nephew's horse refused to go. We were mistaken about being unobserved, for they dashed up, and the first thing I knew I was shot at. Looking back I saw two men coming after me at full speed, with their pistols presented at me. Having been fired at, and having also heard so many bad reports from them, I quickened my gait. They fired upon me about six times, two balls passing through my right lock of hair, one passing through my old coat and shirt, over my right shoulder. Conscious of having never committed any offense against my country or any else, I repeatedly told my pursuers that if they would not kill me I would surrender. They made no promises. I, however, seeing my chances very bad, surrendered. Each one of them presented their pistols cocked upon my temples, and with the most bitter oath I remember of ever having heard, I was ordered back to Belleville, where the General and his regiment had stopped, a distance of about three hundred yards. One of my pursuers took off my spurs, dismounted me and mounted my nag and saddle, saying she was a d——d good mare, and she belonged to him. Two or three of them guarded me up to the General, who asked me what I run for. I told him I had run for my life and property; that if I had done anything worthy of punishment to punish me. They had taken my other horse and my nephew's saddle. I told them that he was a poor widow's son and her only boy, and they consented at last to let him have his saddle and go, he being only a boy thirteen years old. My friend Wesley Tood begged them to let me go; that he had known me a long time; that I was a good, honest citizen; that I was no politician, and was only trying to save my horse, etc. But it did no good. They went in and took his gun and pistol and one of my guns that I had left there, both of them very small rifles. They had mounted me upon a mule, which they had taken from a traveler by the name of Spencer. I had no bridle or saddle, only a small plow-line around his neck, and told me I had to go with them. Between Belleville and Paraclifta we saw but four horses. They took all of them. When we arrived at town the citizens received them as kindly as they could. I heard Lewis Norwood and William Wallis, the only two merchants there, tell them that they would divide with them. * * * * *

Late next morning I was released from prison.

On arriving home my wife then informed me that the militia had surrounded my house the day they passed, presented their pistols at her, and demanded how I had voted; she then ran out and begged them for two horses, saddles and bridles they were in the act of taking, telling them that her two brothers had arrived there on their way moving, and that they were all they had in the world, but they took them after returning to the house. She found that they had taken my gun and many other things, together with a fine gold watch chain.

I have just learned that the negroes are committing outrages upon the citizens about Paraclifta. A number of them went to the house of Thomas Brooks and stripphd it of everything, scaring his wife so badly that her recovery is doubtful. At the house of old Mr. Giles they did even worse—not only took the last horse, but even the coat off of his back. It is all done by order of Gov. Clayton. Through his officers I learned that Gen. Catterson was a gentleman. I hope that no person will again have the audacity to say so. I tried him every way for one of my horses, as the loss of them had broken me up, but it all did no good.

I have been receipted by Quartermaster Hawkins for $174 when I prove my loyalty. I have learned by a very known Radical that favoring reconstruction, voting at the civil polls for the constitution, alone constitutes loyalty.