THE NEW ORLEANS DAILY BEE.

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NEW ORLEANS:

FRIDAY MORNING, MAY 22, 1868.

The Chicago Convention — Grant and Colfax.

Our telegraphic dispatches announce the nomination, by the Chicago Convention, of Grant and Colfax for the Presidency and Vice Presidency, overslaughing Mr. Wade entirely. There is Radical gratitude for you. Wade votes for conviction of the President, contrary to the sense of honor of the more decent of his party and as the bidding of his political associates, and this is the return they make him for his subserviency. But nothing better was expected of them. Mr. Colfax is certainly the better nomination.

The platform for the campaign is briefly set forth and will be found in our telegraphic column. We defer its examination until we shall have read its entire text. There does not seem to be anything remarkable in it. Negro suffrage is to be enforced in the Southern States, but that is nothing new.

The Sanctity of Private Correspondence.

We learn from Washington that the Impeachment Managers have been prying into the private correspondence of persons sent by the telegraphic wires from Washington. Under what authority this was done we know not, but it will surely startle the people of the United States to find that the managers of the Telegraph Companies have submitted correspondence entrusted to their confidence, to the examination of persons unauthorized to demand it by any court of justice. It has always been held that the violation of letters sent through the mail and telegraphic correspondence was a highly immoral if not a criminal offense. The English Post office Department attempted it not a great many years ago, while Sir James Graham was at its head, and such a furor was created in England that the practice had to be dropped. The English people would not suffer it to continue. Had the Government insisted upon doing so, it is very certain that the Post-Office system as conducted by Government would have come to a speedy end. Is the practice to be tolerated here? Will the people of the United States permit such a man as Butler and his villainous associates to carry on an espionage over their private correspondence passing through the Post Office or on the wires? We trust not. A letter is committed to the Post Office in confidence, only to be transmitted to its destination and not to be tampered with. Telegrams are held to be held inviolate. Dispatches are also entrusted to the officers of the telegraph, in confidence, only to be transmitted to their destination and their contents held inviolate. Were it otherwise no confidential dispatches would ever be sent in that way, and if Butler and his accomplices are to be suffered to pry into these sacred messages, it is easy to predict the result. We must believe the Northern people will tolerate such proceedings.

DEATH OF JUDGE VICTOR BURTHE.—We regret to announce the death of this distinguished gentleman, which occurred at New York on Wednesday last, the 20th instant. Judge Burthe had been in bad health for some time, and left our city a few days ago, on his way to Europe, very much depressed by the sudden death of his brother, Mr. Léonce Burthe, which, it will be remembered, took place some weeks since. It is scarcely necessary to speak of the high personal qualities of Judge Burthe in this city, where he was so well known and so much esteemed. A member of an old and distinguished family, he always bore himself with that dignity and sense of honor, which is characteristic of our "ancienne noblesse." He held the office of Judge of the Second Judicial District, including the Parish of Jefferson, where he resided, for some years previous to the war, and his administration in that capacity gave great satisfaction to all with whom his duties brought him in contact. Judge Burthe was a clear headed jurist and a successful practitioner. The State, in his death, loses one of her most worthy citizens. To his family, his removal at this time will prove a severe affliction.

Radical Presidential Platform.

[Washington Correspondence of the Cincinnati Commercial, May]

As to the platform likely to be adopted at Chicago, I can say this much—that I have seen a draft of what I was assured had received Gen. Grant's approval, and was certain to be the platform of the convention. It was in the hands of a gentleman whom I know to be an intimate friend of Grant, and whom I know also to have come to Washington from the West, and been repeatedly closeted with Grant while here, for the express purpose of ascertaining the General's views upon this subject. It may be interesting to the "earnest" wing of the Republican party to know that the person to whom I refer was a Democrat throughout the war, and has never voted a Republican ticket, or even what was called, during the war, a "Union" ticket, in his life. I might not long since returning from Gen. Grant's house. He talked about the political prospects, and especially about the platform to be adopted at Chicago. He produced from his pocket a closely written page of foolscap, which he said was "Grant's platform," and added that Grant was in a condition to dictate to the party, and not the party to him, and that he would run upon no other platform than the one he then allowed me to read. I read it, and never from first to last. My friend asked me how I thought it would suit the convention. I told him it was remarkable, chiefly for the skill with which it evaded the great issues of the campaign—reconstruction, negro suffrage, equal taxation and the mode of paying the national debt. From first to last there was not a line in favor of the congressional policy of reconstruction; not a single endorsement of the fortieth Congress or any of its measures, and no hint as to a financial policy. The whereas was twice as long as the resolved. There were some glittering words about the late war for the Union, a vague hint at equal rights, without any special application, and a glittering generality in favor of maintaining the public credit. It meant everything or nothing, just as you liked to interpret it. I could see nothing in it that the Democratic Convention might not adopt in July without a dissenting vote, and at the same time, I was not aware that the strongest Republican could object to re-asserting towards conservatism.

I reminded me of the tariff plank of the Polk platform—in which the democracy received themselves in favor of a "judicious tariff." In South Carolina this was declared to mean free trade, for the next year—in Pennsylvania, in 1844, where the iron manufacturers are greedy and avaricious, it was translated into a pledge for a tariff of one hundred per cent. You paid your money and you took your choice. On reading the platform carefully I assured my friend that I did not believe it would suit the convention, to which he responded by repeating the assertion that Grant must be nominated on his own terms, or not at all. "There is enough in that," said he, "to suit any reasonable man. Those who don't like it may travel further and fare worse. For every radical who bolts the nomination because it is too conservative, we'll get ten democrats to join us." He wouldn't listen to any suggestion, such as that the fortieth Congress would have to be endorsed, or to all the acts of reconstruction, reconstruction, and the legislation in regard to the Supreme Court; or that something would have to be said as to the national debt must be paid. He insisted, on the latter point, that the mere declaration in favor of maintaining the public credit would successfully bridge the chasm between the greenbackers of the West and the yellowbackers of the East.

Strange to say, the most and lowly platform meets the endorsement, real or feigned, of a great many of the most v olent Radical in the Senate and the House, and though there may be some grumbling and consequent secession because of it at Chicago, still there is little doubt that it will be adopted at Chicago. Many of the most rampant impeachers are willing to nominate Gen Grant without a platform, having adequate confidence, *entirely gay*, in his firm Republicanism. What they will do with the platform after the nomination remains to be seen. I prime as to the existence of them." His Republicanism," they refer to his war record, forgetting that by this same standard Gen. Sherman, Gen. Hancock and Gen. Frank Blair are equally firm Republicans.

Impeachment and Attainder.

[From the Providence Journal—Senator Anthony, radical—Mar. 14.]

The radical distinction between these two methods of procedure seems to be strangely forgotten at the present time. An impeachment is a legal process, in which one branch of the Legislature brings the accusation, while the other branch, sitting in a judicial capacity, and under the sanction of an oath, tries the case. An impeachment implies according to the law and the testimony, tries the case. An act of attainder, on the other hand, is a legislative process, being introduced in either branch and passed through the same stages as any ordinary bill. It is a procedure essentially political and not in any sense judicial. Acts of attainder, though long devised from manifest inability to prove conviction, are still recognized as a part of English law, but are expressly forbidden by the Constitution of the United States. The most extraordinary attempt, disclosed in our columns yesterday, to manufacture public sentiment for the purpose of bringing an outside pressure to bear upon Senators engaged in the performance of sacred judicial functions, seeks simply to convert an impeachment into an attainder, and is thus not only an outrage upon public decency, but in direct violation of the supreme law of the land. As such, it deserves the severest reprobation of all who cherish a love of justice or the least regard for constitutional liberty.

A convention of the "National Manufacturers' Association" is to be held at Cleveland, Ohio, on May 27th, to deliberate with reference to the interests of American manufacturers. Delegations are expected from all parts of the country.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, FRIDAY MORNING, MAY 22, 1868. Vol. XLI.—Whole—14,447

DECISION IN THE "GAINES" WILL CASE AND ITS EFFECT.

We published yesterday an abstract of the final decision of the Supreme Court of the United States in the famous "Gaines" will case. In considering the following pleas put forward by the defendants:

1. That their titles were derived from Myra Clarke, the instituted heir under the will of Mrs. Gaines' father, Daniel Clarke, written in 1811 and known as the will of 1811, and

2. That they purchased the property claimed by the plaintiff, *in good faith and without notice of* the plaintiff's title: the court in answer to the latter plea says, that the real and paramount heir not being Mary Clarke, (the mother of the testator) but Myra Clarke, (the plaintiff) under the later will of 1813, Mary Clarke could not give a title, because in law she had no title to give. To the second plea the court answers that it cannot avail defendants unless accompanied by the plea of prescription, and the title of the plaintiff (Mrs. Gaines) is not barred by prescription.

The decision conveys a lesson and a warning to all purchasers of property. It is one of the most familiar maxims of the law, *caveat emptor* —"let the buyer beware"—but this maxim was disregarded by these defendants. It is a hard case to be ousted from the property they may have bought in good faith, but it is one of the risks that all purchasers run. Of course, if one who offers to sell property has not a valid title, he cannot convey a valid title to another. He only transfers such title as he himself holds. Tested by the principles of eternal justice, whether would it be harder for Mrs. Gaines to lose the property coming to her from her father, or those who acquired that property in despite of her rights? Tested by those principles, was Mrs. Gaines ever divested of the title with which the law says she was invested at the moment of her father's death? Applying those principles to Mrs. Gaines' case, whose claim to this property is the most just? There can be but one answer to this question. Possession, it is true, is nine points of the law, and persons possessing, both in good and in bad faith, are apt to flatter themselves that it is so, forgetting that sometimes the tenth point outweighs the other nine.

We see, then, by this decision that possession in *good faith* avails nothing against a paramount outstanding title; that a title which has never been divested stands good against all possessors until the lapse of time adds the title which prescribes against the claim of the original owner. We learn from it that no transfers of property can protect the possessor against the superior title of him who has been deprived of his estate. The principle settled in this case of Mrs. Gaines is, that property obtained no matter in what way, if not by the consent of the lawful owner lawfully obtained, can by any trickery, or even by open and public transfer, be alienated and placed beyond the reach of that owner, if he makes his claim within the time prescribed by the law. The property of Daniel Clarke may have passed, since the year 1811, into a hundred different hands, still it is the property of Mrs. Gaines and always has been since the moment of her father's death. The parties holding it have been mere naked possessors without legal title. So much for the principles affirmed in the Gaines case and their consequences.

These principles also apply in transfers of property which the law adjudges to have been *fraudulently* obtained and disposed of to innocent third persons by the fraudulent purchaser. What is *fraud* in law is simply an advantage taken contrary to equity and good conscience. There are persons too whom the law prohibits from entering into transactions with those over whom they exercise influence by reason of the relations subsisting between them. Among such persons are Trustees, Executors, Administrators, Tutors, Agents, Clergymen, Physicians and generally all persons who hold confidential relations with others; even an intimate friend who avails himself of his knowledge of the affairs of another, to overreach him in a business transaction is held to a rigid accountability and his dealings will be closely scrutinized by the Courts. And these persons cannot shuffle off their responsibility by transferring their ill gotten gains to third persons—they cannot purify the title to the goods in law which they never possessed—no more than the instituted heir of the Clarke property under the first will and her vendees could transfer that property beyond the reach of Daniel Clarke's real heir—Mrs. Myra Gaines, who is now entitled to claim and take possession of every part of his estate no matter in whose hands it may be. Such is the law and it is a splendid triumph of law. It is due to the indomitable courage and perseverance of this remarkable woman.

The Eleventh Article—The Effect of a Charge of Misdemeanor.

[From the New York Herald.]

Drowning man clutch at straws, and this eleventh article is the unpretentious straw; but it is the weakest in the entire bundle.

The charges in this forlorn hope of the Radicals are that Andrew Johnson did, in the year 1866, make a political stump speech at Washington, in which he declared "in substance" that the Thirty-ninth Congress was a Congress of only part of the States, and that its legislation was only valid so far as he saw fit to approve the same, &c., and that, in pursuance of that declaration, he proceeded, nearly two years afterwards, in 1868, to attempt to prevent the execution, first, of the Tenure-of-office law, by devising means to keep Stanton out of the War Office, and, second, of the Army Appropriation Act of 1868, by advising General Emory that a clause therein was, in his judgment, unconstitutional. There is not a particle of evidence to connect the foolish speech made by Andrew Johnson in 1866 with the official acts done by him in 1868, as charged in the article; nor was it expected here or knew to be valuable to Fannin. Little would do the necessary forging and Albert the collecting, thus making them all more or less participes in the guilt and crime of forgery and robbing the Post Office. It is supposed that about $6000 have thus been obtained by the accused. The evidence is complete in the business, but their is no knowing to what extent they have carried on their operations.

The Charge of Rape.—The case of the rape shownan Woodworth, charged with violating two little girls, one Mary Ann Shepherd, white, aged 11 years, and the other Mary Jane, colored, aged 13, all within the tent of the show, was examined yesterday before Recorder Gastinel, and the accused sent for trial before the First District Court, on a charge not of rape but of assault and mistreatment with intent to commit rape.

First District Court.—Judge Hoxe.—Francois Jure, charged by Antonio Mase with having, on the 1st of September, 1866, embezzled the sum of $125 entrusted to him by the said Mase, was found guilty.

In the case of George McCulloch, charged by Louis Jones with assaulting a gold watch worth $100, in August, 1867, a *nol. pros.* was entered.

Ursin Leville was found guilty of larceny in stealing $65 from J. J. Adams on the 25th of February, 1868.

A *nol. pros.* was entered in the case of E. F. Allenburg, charged with shooting at Paul Blank, in March last.

Recorder Gastinel's Court.—Henry Franklin, arrested on Burgundy street, charged with being a suspicious character and attempting to bribe the officer, was sent in consideration of the streets for the next 60 days.

Henry McElroy, for being drunk, after having been let off, will assist him for the first half of his job.

As will also Jimmy Dunlap, who was caught under rather suspicious circumstances getting over somebody else's fence.

John Weinhardt, charged with having so far forgot the protestations of his younger days as to savagely pitch Tim his spouse, Kate, gave bail for his future appearance.

William Shults, who has served four terms of three months each in Capt. Nobile's marble works, in the last fifteen months, was struck on his fifth term, notwithstanding his touching appeal for a few days of grace in which to leave the city. He has only finished his last job there on Tuesday.

The case of Jane Lewis and Celeste Thompson, colored fairies, charged by a friend with petit larceny, was continued under bail.

That eternal ordinance 558 cost Margaret Davis and Josephine McCoy, two colored damsels, $10 or thirty days.

Paul Lotapir, alias James Thomas, charged by Rosalia, of St. Louis street, with having assisted entrance to her residence on false pretences, and stolen a bundle of clothes valued at $200, was sent before the First District Court.

WHAT ARE IMPEACHABLE OFFENCES?—This question has been a much discussion in and out of Congress. The Petersburg *Express* gives the best answer we have seen:

"The Constitution contains a clause which dispels all doubt. That clause is the last in the 7th section of the 1st article of the Constitution. It is: 'But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.' If the expression "other high crimes and misdemeanors" is held to include indictable offenses, and not extending to such acts as in the mind of the triers are impeachable, that clause in the 7th section would be inappropriate, when the context of the section is considered, because that context shows that that clause applies to *all* cases of impeachment, in defining the extent of *'judgment in cases of impeachment.'*"

Washington Letter in Baltimore Gazette.

CHIEF JUSTICE CHASE AND THE PRESIDENCY.—The movement to present Chief Justice Chase to the National Democratic Convention is becoming more and more tangible every day. Mr. Wahl, one of the proprietors of the Philadelphia *Age*, and a delegate to the Convention, and Mr. Fraser, the assessor of internal revenue of the first Pennsylvania district, are in town to-day, and avow that the movement is an earnest one, and will be pushed to success.—*New York Times—Washington Letter.*

The New York correspondent of the Philadelphia *Ledger* says: "The committee appointed by the recent Democratic meeting in favor of Gen. Hancock for President to wait on Governor Seymour have just returned from Utica, having had an interview with that gentleman. They say he will, under no circumstances, be a candidate, and that they are as sheepish as they well can be.

CITY INTELLIGENCE.

Academy of Music.—The new mythological burletta, "The Nymphs of the Caribbean Sea," introducing the grand Amazonian March and beautiful tableaux, was repeated at the Academy of Music last night to the admiration of an appreciative audience. Miss Eva Brent, as the Queen, appeared to fine advantage, looking every inch the regal in the part. Miss Evers also acted the part of *Captain of the Amazons*, Miss Howland that of the *Lieutenant*, and Miss Engel that of the leader of the troupe in good style. Cavanaugh, Bloodgood, Parker and Carter were also good, while Novisemo conducted the specialty of the march in a very agreeable way. The merits of the piece rest, however, upon the scenic displays which are highly brilliant rather than in any peculiar force in the play itself.

To night we are to have a repetition of the popular novelty entitled "Impeachment," in which the great Capitol farce at Washington is burlesqued in a very amusing style. Butler, of course, comes in for a full share of taking off in the "deep damnation" for the role he has played before the country against conscience and high Heaven. Apart from the natural interest of the subject, the burlesque of it is highly embellish with an appropriate finish for this latitude.

Sixth District Court—Judge Duplantier.—The case of City Treasurer Howell, on a mandamus sued out by Assistant City Attorney Heistand, to compel him to comply with a judgment of this Court ordering him to collect from delinquent tax payers the tax per cent. allowed the Attorney for collecting, and for alleged contempt of Court in not making the collections, was argued yesterday, Mr. Bermudez appearing as counsel for Mr. Howell. The Judge will probably decide the matter this morning.

The Fête.—The Executive Committee of the Fête Champêtre and Tournament have rescinded the resolution providing for setting apart a portion of the amphitheatre for reserved seats. The whole of the benches heretofore will be open to the public, at twenty-five cents per seat.

The Fair Grounds.—The Secretary of the Mechanics' and Agricultural Fair Association, Mr. Luther Homes, is reissuing tickets of admission for subscribers to the Fair Grounds. The holder of the ticket upon the payment of $25 per year, is entitled to enter the grounds, at any and all times, with his carriages and family.

Special Meeting of the School Board.—There was a special meeting of the Board held last night, President W S Mount, in the Chair.

The case of Mrs. Bigot, of the Bayou Road School, who admits negro children to her school, gave rise to a heated discussion.

The lady in question has been a teacher in the schools for twenty-six years.

Mr. Thiesenan expressed his conviction that the lady would be supported by the Radicals in her intention to amalgamate the pupils, which was strongly denied by Mr. Cronan.

Mr. Baker wished to know the cause of the meeting.

The President informed him that a complaint had been made to Superintendent Rogers, who had visited the school and found several children who were opposed to be colored, and two about whom there could be no mistake.

Mr. Sambola moved that of Mrs. Bigot was so very anxious to educate colored children, that she be transferred to a colored school.

Mr. Thiesenan, after declaring that satisfaction of the military authorities to these admissions had been made for the colored children, and that the Freedmen's Bureau had turned over its pupils to the colored schools, moved the discharge of the teacher, and that the pupils of the colored children to the Rampart street colored school.

Mr. Cronan contended that it was the business of the Superintendent to turn out the said children.

Mr. O'Neil moved to lay Mr. Thiesenan's motion on the table. Motion not put.

A resolution passed requiring the members of the Second District to visit the schools of that District and ascertain whether the colored children were admitted, and report at the next meeting of the Board.

A communication from Gen. Buchanan suggests the appointment of Miss Caroline Smith, the daughter of a deceased old army officer.

The Committee on Teachers reported the following teachers for Bienville street school:

Miss Duffy, vice Miss Dana, resigned; Miss Schriver, vice Miss Duffy, promoted; Mrs. Hubert, vice Miss Schriver, promoted; Miss Anna Beecher, vice Miss Hubert, promoted; Miss M. A. Thompson to the new department; Miss Zengel to the Rue Ann School.

The report was adopted unanimously.

The report of Prof. Alex Dimitry, on the colored schools, states them to be in a fine condition, with the exception of a lack of room.

The Board then adjourned until next Wednesday evening, at 7 o'clock.

Charter of the Bank of Louisiana Forfeited.—The charter of the Bank of Louisiana has been declared forfeited by the Legislature, under the laws of Louisiana, and in accordance with the petition of the Bank itself, three receivers are to be appointed, unless the Bank should be further contested before the Supreme Court.

Systematic Robbery of the Post-office Detected.—Ever since the arrest, some time ago, of several young men, on this city, charged with forging and obtaining money on U. S. revenue certificates for cotton, which certificates were transmitted through the postoffice, the Chief of Police has continued to suspect that the post office was being robbed possibly in still some other way, and probably by the cotton certificate speculators, as they had been admitted to bail by U. S. Commissioner Holland, before whom the case was brought. Accordingly the Chief set officer R. L. Bradley to work in the matter, and the result is the arrest of four young men, or youths, rather, from 18 to 20 years of age, named Wm. Little, alias Sullivan, Thos. Newman, Miles Fannin and Johnson Albert. Little was arrested on Gravier street by the Chief, Fannin by officers Myers and Brown on St. Thomas street, and Albert by Chief's clerk and Lyons, on Race street, all Wednesday night. Newman, who is a messenger, or in some way employed in the postoffice, so that he has the run of the letter delivery, was also arrested yesterday by officer Bradley, also an aid to the Chief, deserving special mention for the manner in which he has worked up the case, and will be examined before U. S. Commissioner Weller this morning, before whom a regular affidavit has been made. Little and Albert, if we remember rightly, have been also implicated in the cotton certificate business, and a charge, we learn from the Chief of Police, is still pending against Little in connection with the name of Webster & Co., to a draft for $285, drawn by some party in Georgia on Wood, Low & Ludwigson, of this city.

The manner in which these thefts or robberies have been perpetrated appears to have been in about this way, if the charges made are correct: Newman as messenger would learn of a supposed new or knew to be valuable to Fannin. Little would do the necessary forging and Albert the collecting, thus making them all more or less participes in the guilt and crime of forgery and robbing the Post Office. It is supposed that about $6000 have thus been obtained by the accused. The evidence is complete in the business, but their is no knowing to what extent they have carried on their operations.

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The Attempted Assassination of Prince Alfred.

The following items from the Australian papers, with reference to the trial of O'Farrell for his attempts on the life of Prince Alfred, show that he avowed himself a "Fenian" and that the act was done at the bidding of that Association:

O'FARRELL IN COURT.—The day after the pic-nic Henry James O'Farrell was arraigned before a special court in the debtor's prison, Darlinghurst jail, Mr. H. H. Vose presiding as Magistrate. Most of the members of the suite of the Prince, together with the Governor and several of the ministry, were present.

The prisoner, who was dressed in the prison uniform of white canvas, presented a very horrible and repulsive appearance. The left side of his face was frightfully swollen and the right side cut and bruised in several places. His right eye was black, protruding and closed, and his left livid with bruises and only partially opened. His nose was considerably swollen and distorted, and the skin down the front of that feature cut open. His lips were also swelled. A few of his bruises were examined, and their evidence gave the same account of the affair as that detailed above. The Superintendent of Police testified that after he had been taken into custody the prisoner had said, "I've made a mess of it, and all for no good, but it can't be helped now," adding subsequently, "I am a Fenian; I've done my duty, and am not afraid to die; and may God save Ireland." It was also testified that in addition to the revolver with which he shot at the Prince, and which was found on the pic-nic ground, another six shooting revolver, loaded, was found upon him after his capture. The weapon which he fired was an American revolver, bearing the names of Smith & Wesson, Massachusetts.

After the testimony had been taken the prisoner was ordered to stand up, and was then asked if he had anything to say. He replied, without hesitation, "I have nothing to say but that the act for which I am waiting was sent out and allotted to me." The Crown Solicitor asked him to repeat what he had just said, and he then added, "The task of executing the Prince was sent out to me, but I failed, and am not very sorry that I did fail. This is all I have to say."

O'Farrell was then formally committed to take his trial before a special court.

Sydney, April 1.—The full history of the attempted assassination of the Prince has now been fully sifted out. The conspiracy completely recovered, as O'Farrell himself predicted, while the latter has been already tried, found guilty, and is under sentence of death. But one final scene has now to be enacted—the execution of the intending murderer.

The trial has been extremely short, and, in fact, somewhat hurried. The prisoner has been tried while the public excitement is at fever heat against him, and while he could not have retained sufficient composure to allow of their taking fairly into account any extenuating circumstances which may exist in his case. Or rather no one can say that this is unjust; but at the same time it is not very magnanimous.

O'Farrell's counsel rested their defence upon the plea of insanity and the insanity of the prisoner, declining to dispute the fact that O'Farrell really attempted the life of the Prince. The jury, however, did not think the crime possessed any palliating features. In support of the theory of insanity, his sister and several of his Ballarat acquaintances were called, but their evidence was not conclusive. O'Farrell had been a very hard drinker, that he had been in a state of *delirium tremens* on two or three occasions, and that he suffered from a form of epilepsy. The Judge, in summing up, entered at length into the evidence presented to show that the prisoner was insane, and charged the jury that, inasmuch as it believed that O'Farrell at the time he fired at the Prince, was unconscious that the act he was committing was criminal, they were bound to acquit.

The jury were absent about an hour, and then returned with a verdict of "guilty."

GEN. GRANT ON THE TEST OATH.—According to a Washington telegram in the New York *Herald*, Gen. Grant has instructed Gen. Meade that the oath prescribed by the reconstruction acts to be taken by all persons "elected or appointed" to office in the "so-called States" of the South, is not to be taken by those elected or appointed under provisions which may be adopted unless the Constitution itself so provides. This is the only conclusion at which any fair-minded man could arrive, and we were surprised when we first learned that General Meade had decided to apply the iron clad oath to members of the Georgia Legislature just elected.

IMPEACHMENT.—The most authentic information obtainable last night, based upon careful inquiry, indicated that the counsel for the President on Saturday, should the vote be taken then, is certain. Thirty six Senators are counted as certain suffrage to the Southern loyalists in their minds to vote for conviction, and there may be two more than this number. It is certain that the President, in consultation at the White House, the confidence of acquittal which was felt a few days ago having given place to a supervisory one. Should the counsel admitted those who favor conviction is based on a thorough canvass of the Senate, and we think it is likely to be justified by the event.—*Forney's Chronicle.*

THE OTHER SIDE.—*Washington*, May 14.—I have an important announcement to make today. The leading Radicals here have given up all hope of convicting the President under the present articles. The Managers, therefore, held a meeting this morning in the basement of the capitol with a view of preparing new articles, to be submitted, probably, after Congress shall have admitted a sufficient number of bogus Southern Senators to effect their purpose.—*Baltimore Gazette.*

It turns out that Forney's resignation is a mere preconcerted sham. It is observable that he makes his retirement dependent upon the appointment of Grant, and seems to base his assurance that no "appointment" would be made His missive was accordingly tabled, and there it will remain.

I have it from trustworthy authority that Washburne, in argument, distinctly told Mr. Trumbull that Grant would decline the Chicago nomination if the President was impeached. The conversation occurred, I learn, on Tuesday. Mr. Trumbull made no reply. A round reason will be for the desperate vindication of a man's oath! *Washington Letter in Baltimore Gazette.*

It may interest such of the readers of the *Dispatch* as live in farmerville localities to be informed that a farmer in Southampton has just sold his strawberry crop of ten acres for $10,000. He has picked and sold over 1,000 bushels per day. Eight quiet colored girls were employed in the business and receives the fruit on the spot. The place is on the Richmond and Petersburg railroad, where it was considered that the strawberry requires but little more culture, if any, than cotton or tobacco, and that the demand early in the season is always in advance of the supply. It is said that a poor white landholder living on railroads or navigable streams devote a portion of his farm to the production of this and other small fruits. It will be many years, if ever, before the business can possibly be overdone.

When Mr. Everett was here he spoke of the Susquehanna canal as destined to prove an invaluable blessing to the South, saying there was no grape equal to it for making a light wine. The fact is, we of Eastern Virginia but little appreciate the extraordinary advantages we enjoy, both of soil and climate.—*Petersburg Correspondence Richmond Dispatch.*

A CIVIL RIGHTS CASE IN BUFFALO, NEW YORK—AN IMPORTANT DECISION.—Some time ago a colored man was refused in his claim to the possession of his child, by the Superintendent of the Poor, on the ground that the law which provides separate schools for colored children. A little girl entered one of the public schools—No. 11, we believe—and was allowed to remain by the teacher. Complaint was made to the Superintendent, and he decided that the child must leave. On this case was made up which involved the important question whether in a case of this kind, the Civil Rights bill overrides the Legislature of the State and the city charter. The case came before a general term of the Supreme Court, on appeal from a special term, and the decision was prepared by Judge Johnson, which confirmed the right of colored children to attend any school except those designated for them exclusively. This decision comes from a learned and able source, a Democratic judge.—*New York Commercial.*

MR. HARLAN'S OPINION ON THE RIGHT OF REMOVAL.—The following is a copy of an open letter addressed by Hon. James Harlan, when Secretary of the Interior, to a prominent gentleman who remonstrated with him against making a removal in his department:

Washington, May 3, 1865.

Dear Sir, That a committee of three be appointed by the Senate to examine into the matter and ascertain the parties who have been appointed to office in this city, and that the committee have power to send for persons and papers and employ a stenographer.

Resolved, That the Committee on Retrenchment inquire into the expediency of abolishing the office of Collector of Customs from May 11th to the 16th, $3, 00,000.

Washington, May 21.—The President has nominated Alfred T. Lacy Collector at New Orleans, vice Steadman.

The Treasury Managers from Baltimore were before the Impeachment Managers to-day.

NATIONAL REPUBLICAN CONVENTION.

Chicago, May 21.—The Committee on Resolutions reported. They congratulate the country on the assured success of the Congressional plan of reconstruction; Congress must guarantee adequate protection to the Southern loyalists; denounce repudiation as a national crime; national obligations must be paid in letter and spirit; favors the reduction of taxation; favors the extension of the time for redemption of the debt to the latest day, reducing the currency as rapidly as possible; favors amendment should be administered with strict economy, the corruption and extravagance fostered by Johnson should be reformed; Lincoln's death is deplored; deploring Johnson's assassin, denounces him as an usurper, violator of laws, obstructor of reconstruction, and justly impeached for high crimes and misdemeanors; no citizen, native or naturalized, must be imprisoned when abroad, except for violations of the laws; pledges the faith of the nation, and states that their bounties are obligations never to be forgotten; their widows and orphans are the nation's wards; immigration should be encouraged; a liberal and just policy; the Convention sympathizes with all oppressed people who are struggling for their rights. Adopted, with two or three dissenting votes.

Logan nominated Grant, who was unanimously nominated as candidate for President. Governor Brown, announcing the Georgia vote for Grant, and the delegates of the Georgia Republicans was: "Enemies in war; in peace friends."

On the first ballot for Vice President Wade received 147½ votes; Colfax 119½; Lapham 1; Harlan 16, Kilby 6, Creswell 14 and Pomeroy 1.

On the fifth ballot Colfax was nominated receiving 552 votes. The Convention adjourned subject to the call of its President.

MISCELLANEOUS INTELLIGENCE.

Baltimore, May 21.—A number of hogs have died in various parts of the State, caused, as is supposed, by eating corn from the burnt fields.

The General Assembly of the Southern Presbyterian Church was organized to-day. J. Leighton Wilson was chosen Moderator, and H. Howdie, of Nashville, Clerk. There is 100 delegates present. D F. Moore, of Richmond, preached the annual sermon.

Richmond, May 21.—The Republicans of Danville District to-day nominated L. C. Thayer, a member of the late Convention, for Congress.

There was a riot to-day in the city jail so serious that the military were sent for and the leaders arrested. The prisoners asserted that the prison fare was insufficient.

Savannah, May 21.—Lieut. Chas E. Moore, U. S. A., was shot in the street to-day by his mother in law, Mrs. Marshall. The ball passed through the neck. His recovery is doubtful.

EUROPEAN INTELLIGENCE.

Paris, May 21.—In the Corps Législatif today, during the debate on interpretation in regard to commercial treaties, M. Rouher made an important speech, in which he defended the policy of the Government. He declared that the commercial crisis raised in this Chamber was now ended. France would not renounce the treaty of 1860 with Great Britain, nor forego the advantages of other commercial treaties of a similar character, nor would she destroy the good effects of the rule of the Ultra Liberals in the course of commercial reform, for the tendency of the Government was to refer questions of reform to the Legislature.

He concluded by expressing the conviction that free trade constituted the basis of the future greatness and commercial prosperity of the country.

Vienna, May 21.—The Reichsrath has imposed a heavy tax on the coupons of the general debt, and on lottery prizes.

Madrid, May 21.—The Queen has prorogued the Cortes.

Lisbon, May 21,—Farragut's fleet is still in Fagno.

London, May 21.—Rio Janeiro advices represent that American Minister Webb urges the belligerents to accept the mediation of the United States. It is said he told the Emperor of Brazil that unless the war was soon ended the United States would interfere.

The steamer Wasp carried important dispatches from Webb to the U. S. Minister at Paraguay.

Eyre, late Governor of Jamaica, is held for trial.

The Queen has gone to Scotland. Her absence during the present ministerial and parliamentary crisis is widely censured by the press.

FROM HAVANA.

Havana, May 21.—A severe storm prevailed yesterday. Several lives were lost in the harbor and many ships and steamers dragged their anchors

The *Diario* states that the Bishop of Havana will not return; that he has been appointed Bishop of Bigorre.

Havana, May 21.—Sugar very dull; sales light; offers made at 8¾ to 8¾ reals.

The steamship Bienville sailed to-day for New York.

FOREIGN MARKETS.

Liverpool, May 21—Evening.—Cotton dull, Sales 4000 bales. Uplands 11½ Orleans 11¾. Common Rosin 6s 6d.

London, May 21—Evening.—Increase of bullion in the Bank of England £498,000. Consols 94¾. Bonds 71¾ to 71¼.

Frankfort, May 21.—Bonds 76¼ to 76½.

DOMESTIC MARKETS.

New York, May 21—Evening.—Cotton dull and lower. Sales 336 bales middlings at 30 to 30½. Flour—Sales 8500 bbls; $10 40 @ 10 60; Southern $10 to $14 75. Wheat dull and 1 to 2c lower. Corn favors buyers, and some sold at 90c. Pork nominal. Lard steady at 18½. Whiskey dull at 25c. Coffee steady at 13½ to 14½. Sugar easier—large receipts. Muscovado 11¾ to 12¼c. Turpentine 50 to 54c. Rosin $3 to $7. Freights quiet —Wheat 6. Gold 139¾. Sterling nominal at 10¾.

New York, May 21—Evening.—Money very easy. Call loans 5 to 6. Prime paper wanted at 6 to 7. Stocks firmer and more doing. Subtreasury balance $103,500,000 Governments 5-20's of '62, 107½; of '64, 108¼; of '65, 108¾; of '67, 110¾. 10 40's, 104¾. 7-30's, 108.

Charleston, May 21.—Cotton market nominal—no sales. Receipts to-day 257 bales; exports coastwise 903; exports for the week coastwise 1249; receipts for the week 773; sales 1097; stock 9313, of which 2685 are on shipboard

St. Louis, May 21.—Tobacco—lugs to leaf $6 50 to $16. Flour—superfine $7 50 to $8. Wheat—fall $2 80 to $2 85. Corn 88 to 92c. Pork $28 50 to $28 75. Bacon—clear sides 17½; shoulders 13½c. Canvassed hams 21. Lard 19c.

Louisville, May 21—Sales 245 hhds tobacco. Prices advancing; logs $6 75 to $9; leaf $10 to $17; common to fine selections $19 50.

Savannah, May 21.—Cotton dull and declining; prices nominal; middlings 29c; gs orally held 1c higher; receipts 303; receipts for the week 2487; exports coastwise 1310; none foreign; stock 181 Sea Island and 7729 uplands.

Cincinnati, May 21.—Flour dull; family $10 75 to $11. Wheat dull at $2 50. Corn 97 to 98c. Oats 80c. Eggs 18c Coffee and Sugar steady. Potatoes $2 75 to $3 90. Pork $28 50. Hogs 8½ to 8¾c. Sugar-cured Hams 19 to 20c. Lard 18½c.

FROM SOUTHWEST PASS.

Southwest Pass, May 21.—Barometer 29.40. Wind west, light. No Arrivals.

Sailed, brig Wilhelmina. Revenue cutter Wilderness at anchor. Outward bound, bark Ocean Phantom.

RIVER NEWS.

Louisville, May 21.—River falling, 14½ feet in the canal. Weather clear and pleasant.

[Previous Dispatches.]

Southwest Pass, May 21—11 A.M.—Barometer 29.50. Wind southeast and fresh.

Arrived, steamship Dudley Buck, Pendleton, Arkansas, to G P Deshon.

Sailed, steamship United States, St. Louis and