The New Orleans Bee.

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THE NEW ORLEANS DAILY BEE

DUPOUR & LIMET, PUBLISHERS,

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Semi-Weekly Edition.

TERMS—PER YEAR.....$5

NEW ORLEANS:

THURSDAY MORNING, DEC. 2, 1869.

TRY GEORGE ALCES' CIGARS,
185.....Exchange Street.....185

Amusements This Evening.

OPERA HOUSE—Auber's opera "The Dumb Girl of Portici."

ST. CHARLES THEATRE.—De Walden's comedy, "Sam."

ACADEMY OF MUSIC.—"Sinbad the Sailor" The Worrell Sisters and Miss Millie Turnour.

VARIETIES THEATRE.—Mr. Owens every evening.

CRESCENT CITY MUSEUM.—Opposite the St. Charles Hotel.

THE MEANING OF THE PHRASE "LEGAL TENDER."

There seems to be a misunderstanding, in some quarters, as to the meaning of the words "legal tender." The expression is entirely technical, having originated in the law books. "Legal tender" means in law simply that kind of money which cannot be refused by a creditor from his debtor in discharge of a pecuniary debt, and which when offered by the debtor to the creditor, in the manner pointed out by law, relieves the former from his obligation to the latter. To illustrate: John Smith believes he owes to Richard Roe the sum of—say—one thousand and fifty dollars. Richard Roe claims the sum of eleven hundred and fifty dollars, and applies to the courts of the country for a judgment in his favor. John Smith, satisfied he owes no more than $1050, answers the demand of his creditor and admits the debt to that extent. To relieve himself from the costs of court, he deposits in court the sum of money which he believes and contends is all he owes. That deposit must be in the legal currency of the country, and the sum deposited must be sufficient in law to pay the claim. When such deposit is made in the form and manner provided by law, the creditor, it constitutes what is called a legal tender, because it is a tender which the creditor has no right to refuse.

Thus: If Richard Roe proves to the court that John Smith owes him eleven hundred and fifty dollars, while John Smith has deposited in court or tendered him only $1050, the latter has not made the requisite legal tender, and is mulcted in the costs of the suit; but if, on the other hand, the evidence establishes that the debt is only $1050, then the tender of that sum, if in the legal currency and in coins which counted, amount to $1050, relieves John Smith from the costs of court.

Now comes the question, what is the current money of the United States which forms the tender contemplated by law as forming a discharge of debt? From the day when the Constitution of the United States became the supreme law of the land, until February 25, 1862, the only currency known to our law as forming legal tender was the coined gold and silver pieces of the United States Mint. From the time when the Constitution and the coinage laws enacted in pursuance thereto, were established, every person within the United States was bound, by the express words of the law, to receive these coins at their denominational value, in payment of debt—the twenty dollar piece as the equivalent of twenty dollars, the ten dollar piece as the equivalent of ten dollars, and the five dollar piece as the equivalent of five dollars and so on. On Feb. 25, 1862, Congress enacted a law authorizing the issue by the Secretary of the Treasury of a paper currency—called United States Treasury notes—and made them, *to a certain extent*, legal tender in payment of debts, but not to the extent of dollar for dollar. The words of the law are:

They shall be receivable in payment of all taxes, internal duties, excises, debts and demands due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except interest on bonds and notes which shall be paid in coin; and shall also be lawful money and legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid.

There were other acts, passed after Feb. 25, 1862, authorizing further issues of the same kind of notes, but the legal tender character of the notes remained the same. No one was bound by the express words of any of these "greenback" laws, to receive treasury notes of the United States, dollar for dollar. All they were required to do was to receive them as money, the value of each note being a matter of contract between the parties to the contract. Mr. Chief Justice Chase in his decision of last year in the case of Bronson against Rodes, says:

There were two descriptions of money in use at the time the tender under consideration was made, both authorized by law, and both made legal tender in payment of debts. One denomination of both descriptions was dollars; but they were essentially unlike in nature. The coined dollar was, as we have seen, a piece of gold or silver of a prescribed degree of purity, weighing a prescribed number of grains. The note dollar was a promise to pay a coined dollar, but it was not a promise to pay on demand nor at any fixed time, nor was it, in fact, convertible into a coined dollar. *It was impossible, in the nature of things that these two dollars should be the actual equivalents of each other, nor was there any thing in the currency acts purport to make them such.*

We presume it is clear, from the foregoing quotation that greenbacks are only legal-tender, according to their value at the time and place of the contract which parties may seek to enforce.

The consequences of the anticipated decision of the Supreme Court of the United States as to the constitutionality of the "greenback" laws, we shall speak of in a succeeding article.

PROPOSITION FOR A GREAT EDUCATIONAL ESTABLISHMENT.—We have received from the author, Mr. A. C. Rinck, a pamphlet developing the conception of the mind of that gentleman, having for its object "the wealth, freedom and happiness of the inhabitants of Louisiana." Mr. Rinck proposes the establishment of a large educational institution to promote belles-lettres, sciences, arts and trades in the South. One of the principal branches of the training he desires should be given in this school is the study of the theory and practice of agriculture and horticulture, as they are taught in the best schools of both continents; the cultivation of fruits and vegetables; drainage and irrigation, manures, construction of roads and levees; the knowledge of the best implements and labor-saving machines; the study of all the useful plants cultivatable in Southern countries and kindred learning. The general purpose of the association is to call "home all the live forces of the State, in order to render her past misfortunes and prepare for her a prosperity, the more solid that it would be founded on the immovable basis of wisdom, knowledge, and true social principles. The locality suggested for the establishment is that portion of the parish of Orleans, called the English Turn. Although Mr. Rinck has projected this scheme, he informs us he is perfectly willing that it should be carried into effect by others, being satisfied with the honor which attaches to the conception itself.

FAMILY GROCERIES.—The attention of our readers is invited to the advertisement in another column of Messrs. W. H. Henning & Co., wholesale and retail grocers, Nos. 95 and 97 Camp street. The choicest qualities of flour, sugar, coffee, tea, preserves, pickles, canned fruits, sauces, wines, brandies, whiskies and malt liquors, will be found at this establishment, the stock having been selected expressly for the use of families.

As the holidays are approaching, such goods as are advertised by Messrs. Henning & Co. will doubtless be in demand. Parties purchasing are recommended to examine these.

Messrs. A. Poindexter & Son, dealers in flour, 31 Tchoupitoulas street, announce through our advertising columns that they are agents for favorite brands of flour, such as Texas, Dixie, ostrich, Saxony, Bates street, Western star, Chouteau and Edward's Peerless, and Postel's original Mascoutah star.

THE OPERA.—To-night will be presented at this house Auber's opera "The Dumb Girl of Portici," in which Messrs. Michot, Dumestre and Ketter, and Miss Minvet will appear.

Brown's Bronchial Troches.—From the Medical Director of the General Hospital, Benton Barracks, near St. Louis, March 8, 1862.

Surgeon John I. Brown & Son, Boston, Mass.—Use of your far-famed and most serviceable "Troches" is being made in the hospital of which I have charge, and with very beneficial and decided results in allaying bronchial irritation." For Coughs and Colds the Troches give prompt relief.

The announcement of the failure of A. Binninger & Co., wine importers, of No. 92 Liberty street, New York, produced a false impression concerning the house of A. Binninger & Co., No. 45 Water street. The latter house, which was established in 1778, is entirely solvent.

Apparatus for Propelling Street Cars.

The *Scientific American* of New York, in a late number, publishes an article setting forth the progress of invention in the Southern States, and referring in a tone of appreciation to the more recent and prominent inventions for which patents have been obtained by citizens of the Southern States. We publish it in another column. Among those named, is a contrivance for propelling cars and other vehicles on land, devised by our distinguished fellow-citizen, Gen. Beauregard, which we have been informed will shortly be tested on the New Orleans and Carrollton Railroad. Should the new motive power be adopted, the company hope to effect a considerable economy in the labor they now employ.

The *Scientific American* thus speaks of this latter invention:

Gen. G. T. Beauregard, of New Orleans, recently obtained letters patent through the Scientific American Patent Agency, for improvements in apparatus for propelling cars and other vehicles on land, and boats on canals or rivers, by means of overhead wire rope, operated by stationary engines or other power placed at intervals along the route.

His invention comprises novel and ingenious clamping devices and spring attachment for the same, attached to the car, for engaging and disengaging the propelling rope, in a manner to avoid shocks and jars to the cars or boats.

In a recent letter to us on the subject, he says: Thanking you for your prompt attention in obtaining my patent, I would state that this improvement of mine is destined, I believe, to create a rapid increase in the number of street railways in and about cities, and of canals in the country, by materially diminishing their current or running expenses. Moreover, in northern latitudes, where, owing to the ice, canals remain idle part of the winter, they will be used in connection with the stationary engines and endless wire ropes of my system, as are many railways for properly constructed cars and boats. When these arrive at any locks they will be easily transferred from one level to the other by a lifting platform.

We are happy to chronicle these signs of growing prosperity among the Southern people.

CITY INTELLIGENCE.

The St Andrew's Society.—We gave yesterday the programme of the anniversary celebrated by this society, named in honor of Scotland's tutelary saint. The celebration, as we mentioned, consisted of toasts and sentiments, elaborated with songs and speeches and a fine supper at Richelieu's, on Camp street, well sprinkled with good old Scotch whisky punch; the whole constituting a most delectable *sans ceremonie*, but orderly entertainment. The occasion was graced with the attendance of a number of elegant ladies, and every body essentially stood upon the conventional proprieties, as being suited to such distinguished presences as that of the fair sex. Of course, we would not assume that it could have been otherwise than that the gallant sons of old Scottish friends, especially with so genial and chivalrous a gentleman as Mr. Alexander Hay as the presiding genius of the occasion. Still the rare presence of ladies at such festivities is a feature worthy of special mention as a compliment expressive of their confidence that the utmost decorum would be observed by the gallant gentlemen present, who evidently know how to behave themselves under all circumstances and especially in ladies society.

Among the entertaining features of the evening were a number of Scottish songs finely sung by Mr. McKenzie, assisted by Misses Chaffee and McBryde, Mrs. Bigney and, other ladies, with gentlemen of the society and some of the guests joining in the choruses of chorus. A beautiful address teeming with the poetry of Scottish literature, the beauties of Scottish scenery and the glories of Scottish history, all interwoven with elegant similes by the speaker, and rewaled with the graces of rhetoric, was read by Mr. Roy, just returned from his native land and now living in the bosom and city adopted by his subject, "Scotland." It was decidedly the literary relish of the evening, at least to our personal enjoyment, with an original, impromptu tation by Mr. W. D. Taylor, too marked with the Scottish accent for us to judge of its merits further than that it sounded like an Irish one, composition and as very gracefully delivered, elicited the most marked approbation. A very entertaining feature, aside from the programme, was the singing of Miss Bella Bigney, after a toast to the ladies, of very complimentary character, as well as the fogs of our confounded ignorance of the subject-ladies permitted us to understand it, was prevailed upon to give us one of those old fireside ballads for which the Scottish bards are famous. It was delightful to sing with exquisite effect, and, together with the toast, was rapturously applauded by all present.

A toast to the press was handsomely responded to in a brief, pithy, sparkling, off-hand address by Mark F. Bigney, Esq., of the *Times* Another, which we did not catch, elicited a very good response to the historical career of the Scottish achievements from Mr. Dimitry, of the same paper, after which the festivities terminated with a song, character unknown to us, by Mr. McKenzie as *Mrs Pinkerton*, a surprise to the very ingeniously and agreeably improvised for the occasion. Mrs. Pinkerton, as the incomparable, theatrical partner, literally brought down the house, and as the "wee small hours" were now upon us, everybody retired rather delighted.

In conclusion, we have to thank the gentlemen of the society for having made us participate in such agreeable festivities.

The Will of the Late Dominique Lanata.—Below we give a translation of the last will and testament of Dominique Lanata, recently deceased in this city, and who leaves an estate valued at over one million of dollars. The will, as written in French by another party, and signed by the testator, was yesterday filed and probated in the Second District Court. It will be found in the original text on the French side of our paper:

"This is my testament: I give and bequeath to Félicité Robert, the daughter of Victoire Bonnecase, $20,000. I give and bequeath to Marie Rosalie Lanata $4,000. I give and bequeath to my niece, Antoinette Lanata, Pauline Lanata and Eugénie Lanata $5000 each. I give and bequeath $1000 to the child or children of which my sister Angèle Lanata is executrix. I give and bequeath to my brother Jean Lanata $1000 each. I give and bequeath $500 to Henriette Bonnecase, wife of Marie Rosalie Lanata. I give and bequeath to my brother Francisco Lanata one-half of the portion of my succession, to which he would have been entitled had I died intestate. I give and bequeath to my sister Marie Lanata, wife of Leonard Bonnecase, one-half of the portion of my succession, to which she would have been entitled had I died intestate. I institute my brothers Antoine, Angelo and Jean Baptiste Lanata my universal legatees in equal shares.

(Signed) DOMINIQUE LANATA.

The will is attested by the following witnesses: Carlton Hunt, Oscar Gelpi, Baltasar Blardone, Gabriel Fernandez and Alfred Phillips.

The will is what is known in this State as a noncupative will by private act, and was signed by the testator one of the presence of the witnesses before whom it was subsequently acknowledged by the testator after being read by one of the witnesses as his last will and testament.

Mr. Angelo Lanata has applied to the court to be appointed dative testamentary executor.

Board of Assistant Aldermen.—An adjourned meeting was held last night. Mr. Breen in the chair.

The Mayor sent in a communication in which he quietly reviewed the expenses devolving upon the controlling of the Metropolitan Police, and in a magisterial manner referred to the amount assessed by the Board against the city for the year 1870. The Mayor seemed to have some doubt about the city lasting that long. The communication was referred.

Likewise the City Attorney informed the Council that he had appealed from certain decisions in different courts, and winding up with the announcement that about half of the members of the Council had been seated by a decision of the Supreme Court.

The Water Works, reports a balance on hand of——

A resolution to appoint a committee to report upon the new Digest was adopted. Messrs. Harper, Pandely and Rose were appointed.

A resolution enforcing the prompt payment by the Civil Sheriff of all taxes or other dues which may accrue to him on account of collections, on pain of forfeiting the advances which gave him the power. Adopted.

The Controller made a report, accompanied by a resolution to the effect that the contract for taking up the old water-pipes and laying down new ones. The resolution was referred to the Street and Landing Committee.

By Mr. Sturcken—A resolution to allow the Street Commissioner to rent an office for the transaction of the business of the department, provided the same cost no more that $50 per month. Referred.

The contractor for the erection of stalls and table tops was authorized to construct nineteen additional stalls, etc., in Poydras Market, in consequence of a deficiency in the specifications upon which the contract was sold. The price was limited to $20 per stand. Adopted.

A resolution to pay damages to the Economy Hall Association for losses sustained to the amount of $1694 during the election troubles.

This brought Mr. Barnes to his feet, who stated that the case of Mr. Michael was already before the courts on a similar question, and upon motion of Mr. Stringer the matter was deferred.

A resolution authorizing the late Fiscal to issue bonds for the payments of city currency. (The 7 per cents are meant.)

Mr. Campbell reiterated that a week or so ago he thought the Council had elected several Fiscal Agents. Mr. Barnes explained, and the resolution passed its second reading.

The Board then adjourned.

First District Court—Judge Abell.—Taylor Harris, c., indicted for burglary and larceny, prohibited a plea of not guilty, and pleaded guilty of entering a dwelling (the house of E. Brosnak) in the night time with intent to steal. He was sentenced to five years imprisonment in the State Penitentiary.

Joseph Bart was convicted of burglary, in entering the premises of S. Bilyeraseli, on Poydras street. Sentence postponed.

Wm. Lacey, Robt. Holmes and Thos. Reed were sentenced each to one day's confinement in the Parish Prison.

Ben Hudson, c., plead guilty of assault and battery, and was sentenced to the same punishment as the above.

The bail of Auditor Wickliffe was fixed at $1000 each in the seven charges against him of misdemeanors in office. Bursey, Mr. Chas. T. Howard.

The bail in the cases of John Arnheim and A. Carpenter, charged with subornation of perjury, was reduced to $2000, but has not been furnished.

A Fugitive.—A man named Albert Sherman, a fugitive from Leavenworth, Kansas, was arrested yesterday, charged with having defrauded the Hartford Mutual Life Insurance Company of $1500. Two photographs of the accused were sent to the city, both of which exactly resemble him. A letter was found in his possession, from Louis McGraighton, of Kansas City, who seems to be his partner. He will be remanded to a wait a requisition from the Governor of Kansas.

The Races—Buggies Wrecked on the Road.

There was a moderate attendance at the Metairie Course yesterday, including some ladies, but it seems, could not resist the fascinations of the sport despite the fact that the day was rather raw. The track was in comparatively tolerable order, and the horses in fine spirits. The betting, however, was anything but animated, the odds being in the first race decidedly in favor of *Morgan Scout*, entered by Mr. Summers, and in the second in favor of *Helmbold*, entered by Mr. Babcock.

The first race was a three mile dash for all ages for a club purse of $500, and the entries were *Matt Griffin*, entered by S. M. Westmore; *Chalmette*, by W. C. Lipscomb; *Coquette*, by H. B. Foley, and *Morgan Scout*, by A. M. Summers.

The following is the summary:

Morgan Scout	1
Coquette	2
Ma't Griffin	3
Chalmette	4
Time	

The second was a two-mile race for 3 year olds; mile heats, $25; entrance p. p., three or more to fill the stake; club to add $100, and $100 to go to the second horse. The entries were *Jeff Jessamine*, entered by D. A. Wilson; *Demisonde*, by D. F. Kenner; *Deringer*, by E. Warwick; *Versailles*, by Gen. A. Buford; 3 year olds, by Ed. Haven; *John Kilgour*, by Richards and Kilgour; *Josephine*, by A. K. Richards, and *Helmbold*, by W. R Babcock.

Helmbold	1 1 1
Kilgour	2 2 2
Demisonde	3 dist.
Whale Colt	4 dist.
Deringer	5 dist.
Jeff Jessamine	ps. forfeit.
Versailles	"
Josephine	"

Time—1.51 1.47 1.48½.

As we were returning in a buggy with our young friend, Mr. Horner, we passed one which had been smashed up ahead of us. We saw only the body of the buggy the wheels having been removed, and could not ascertain the particulars at the time. Further along we witnessed a collision between a couple of vehicles, near the corner of Canal and Claiborne streets. In one was a lady and child who were evidently returning home from a visit in the city. The driver had halted the horse when the other vehicle in which were some parties who had been to the races was checked up by its driver. As soon as the latter imagined that the way was clear they drove up, and at the same time the horse in the other vehicle backed a little, and the result was that one of the wheels of the vehicle coming from the races caught in one of the wheels of the other vehicle, a buggy, and completely wrenched it off, not without having one or two of its own spokes broken, as well as we could determine, but without preventing its proceeding as soon as it was discovered that no body was hurt, further than that the lady and child were badly scared and made a narrow escape from the heels of the horse in their buggy. The parties in the buggy coming from the races were nearly thrown out by the force of the collision, and were doubtless badly scared.

Further along still towards the city we saw another buggy which was a perfect wreck, but could not hear at the time that anybody had been hurt. At the police station, however,