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All Transient Advertisements must be paid for in advance.
Bills with regular advertisers shall be rendered monthly.

NEW ORLEANS:
WEDNESDAY MORNING, JAN. 23, 1867.

The Sheriff sells at auction, this day, at 10 o'clock, A. M., at No. 12 Crossman street, Second District, one slave case and one lot of railings; and immediately after, at No. 24 Jefferson street, same District, a lot of furniture, &c. See advertisement.

THE NEW ORLEANS, JACKSON AND GREAT NORTHERN RAILROAD.—The advertisement of this road will not escape the attention of our readers, giving, as it does, the rates of fare to the various stations on and after February 1st, prox. There are many things concerning this road of interest to the public, and in to-morrow's paper we shall have something to say about them. On this account we merely call attention to the reduction of fare to-day. The importance of this road to New Orleans is well known to our people, and since the President, Directors and Superintendent are doing all they can to make it advance the interests of the city, the people should feel a strong interest in it. We are gratified at this new evidence of prosperity.

REMOVAL OF DRYADES MARKET.—Important action, as elsewhere reported, was taken by the City Council last night for the removal of Dryades Market. This is in consequence of a judgment for the ground on which it is situated being obtained against the city before the Supreme Court, by the heirs of David and Livaudais.

TRIAL OF A STEAM PLOW.—Messrs. Long street, Owen & Co. have sent us invitations to be present at a private trial of the steam plow which has been attracting the attention of the public the last few days, by its easy movements through our streets. The test will be made to-morrow, between 10 A. M. and 12 o'clock M., at the Fair Grounds.

ALBERT SIDNEY JOHNSTON.

To day is the time appointed for the removal of the remains of General ALBERT SIDNEY JOHNSTON, to the cemetery in Austin, Texas, where the body of this great and good man of this chivalric soldier, this noble and believed hero will thereafter repose. To many of us this will be an important day. The event is well calculated to bring up many, bitter and saddening remembrances, and to a portion of our citizens it will be a day mainly given over to sorrowful retrospection. For four years the last remains of General JOHNSTON have rested in a cemetery near this city, and though unmarked, by either monument or headstone, the little mound that covered them has been a spot of peculiar and loving interest to our people. Tender hands have lain wreaths upon it, fresh flowers have been strewn upon it, and many a tear has been dripped beside it from eyes that turned from weeping over other graves to give a clear to the memory of the dead hero, whose mortal remains reposed here. Many strangers also have visited the spot, and on All Saints Day last the mighty was frequently made where is the grave of Gen. ALBERT SIDNEY JOHNSTON? Strangers, also, we may here remark, have spoken of the want of a memorial stone as if our people were wanting in respect; but those who understand the circumstances of his interment here know that this was not the case. At first, considering the bitter feeling engendered by the war, it was not deemed politic to mark the spot, even much less to make any demonstrations of sorrow or respect. Later it became known that Texas had adopted and much loved Statesman would claim his remains and it was not thought advisable to erect a monument here, although a feeling against their own Government. For instance, if the French Government should obtain control over Mexico, and pursue a counter policy to that now existing, during the existence of such a period, even where the consideration thereof was the currency of France would be refused by the Mexican authorities, after consideration of the French authority. In the case of Orchard vs. Hughes, 1 Wallace, 73, relief upon by plaintiff, the only point in issue was whether the notes of an association not chartered were sufficient consideration to sustain a promise. And the Court decided that they were. There is then no real distinction between the notes of a bank issued without authority, where one is by law required, and the notes of the United States, for though the former be issued without authority of law, it is not illegal to use them, and the issuers are bound for their redemption, whereas, the latter were not only issued illegally, but it is unlawful to circulate them. For the consideration for a promise to pay the contract must have been existing at the time of making the contract, who were, of course legal, as the water was too cold for any human being to exist in it a sufficient length of time to swim ashore.

Through the noble and brave conduct on Capt. Blake and Mr. Bosco, commander and clerk, all the women and children in the ship were saved. The gentlemen did not leave the boat until every those alive, on her was placed in the steam tugs and yawls. They arrived safely at Anclote Anchorage, Cuscumlatchi. All trunk baggage was lost, and with it a considerable amount of money. The list of cabin passengers, and the fate of the boat and of the passengers are consequently unable to publish the list, which must have numbered over a hundred names.

Our friend, Col Gus Henry, Jr., and wife, were aboard the Platte Valley, who only suffered the lost of baggage which was consider able—Mrs. Henry losing three large trunks of clothing. Capt Cleaves, a well known river man, has $4,000, we are informed, which had been deposited in his trunk. Capt Cleaves has been planting the past season, somewhere down the Mississippi. The unfortunates were most kindly received by Mr. Greene, near whose place the accident to the Platte Valley occurred. He did everything in his power to relieve their condition and make them comfortable. Most of the passengers arrived here last night.

The steamers lying at our wharf, Louisville and Olive Branch, were tendered by their commanders as free transportation to their respective destination for the passengers of the Platte Valley. Many accepted the generous offer, and now on their way homeward.

NUMBER OF LIVES LOST.

We have as yet no definite means of ascertaining the number of lives which perished by this terrible catastrophe, but from the information we get, we feel safe in placing it at fifty-five or sixty. There were counted at least one hundred persons, and the boiler deck was well filled. Several dominant families, composed of ten or twelve women and children, besides gentlemen are known to have been in the steerage. But few, indeed, of those who were on the boiler deck could have possibly survived the water reported that part of the boat plunged beneath the water almost in an instant after the collision.

The steam tug to which reference has been made, rendered great assistance in rescuing the people from the Platte Valley. She had been employed by the steamer Louisville, Olive Branch and Platte Valley, to ply the length of Pleasant Island yesterday, and take the soundings of the channel in that part of the river, and fortunately was near the steamer which the perished on the wreck of the Thompson. She took off much of the survivors, as the condition of the life boats and skiffs rendered them unavailable for prompt action.

A HOPELESS WRECK.

This boat is a hopeless wreck. Nothing will be saved about her save machinery. The force of her speed, when she struck, was so great as to almost shiver the timbers of her hull, and the current is so powerful where she sank that the boat and cargo will be separated and scattered beyond finding. We suppose boat and cargo were covered by whole or partial insurance, but we do not know.

As we have already mentioned, Col. Gus Henry, Jr., and wife were among the passengers of the Platte Valley. They had gone aboard at our wharf, destined for their home at Lacosta Circle, Arkansas, from a trip to Tuscumbia, Ala. But a few hours after the boat left the levee, the wife, daughter of the Colonel, barely escaped with their lives from the steamer Fashion, which was burned some twenty miles above Bayou Sara, in Louisiana.

OFFICE 73 CHARTRES STREET.

CITY INTELLIGENCE.

The Business of Gen. Toledano.—In accordance with instructions to the Committee sent from Texas, for the purpose of removing the remains of Gen. A. S. Johnson from this city to Austin, Mr. T. W. Bothick, undertaker, opened the tomb of Mayor Monroe, in which they had been temporarily placed, and deposited the metallic burial case containing them in a handsome silver mounted velvet coffin, on the top of which is engraved "Gen. Albert Sidney Johnson." The removal of the remains will take place at 3 o'clock this evening.

Another Decision Declaring Confederate Notes No Consideration on Executors Contracts.—Judge Thomas, of the Second District Court, has added another to the numerous decisions of our State Courts to this point.

Theis & Sailer vs. Gruhcher & Co. and William Gruhcher.—Defendants, by act under private signature, dated December 7, 1861, agreed for and in consideration of the sum of nine thousand dollars, to deliver to plaintiffs, in good order, within six weeks after the raising of the blockade, two hundred and fifty bales of cotton, at the rate of nine cents per pound, for Liverpool strict middling, or other grades, to be taken at a difference of a cent per pound, at being optional with the purchasers to receive qualities above good middling on below good ordinary and a barrel of cotton to exceed four hundred pounds average weight per bale. Defendants set up the illegality of the consideration of the contract, viz., that the same was paid and received in Confederate notes.

The payment by plaintiffs was made by their check on the Bank of Louisiana, and delivered to defendant at that time when the bank upon which it was drawn was paying out nothing but Confederate notes. Plaintiffs funds on deposit were in that kind of money, which was the sole currency in circulation. Under the circumstances it must be presumed that the plaintiff knew in what funds the check would be paid. The defendants accepted this check, and received the Confederate money which was paid upon it. The payment was made at the time the contract in question was entered into, and formed no mark of part of the original agreement, as the action which was the object of it. The payment by check was merely an assignment of so much of the plaintiff's funds in bank to the defendant upon the contract in question, and this fact cannot disguise the true character of the payment. The fact being established that the consideration and the motive of the contract were of confederate money, the question then arises: Was it a lawful or unlawful contract?

The United States, in all its departments, legislative, judicial and executive, has treated the so called Confederate Government as an unlawful body, having no constitutional or legal existence, but as having the character of a temporary insurrection. The so-called Confederate Government was never recognized as a Government by any nation on earth. All the States which acceded, have since, or during the war, declared that the ordinances of secession were null and void, the States which passed them being restored to the Union by the action of the Congress of the United States, for that Constitution declares that no State shall enter into any treaty, alliance or confederation, or emit bills of credit. Sec. 10, art. 1, Const. U. S. If no State could emit bills of credit, clearly no unlawful confederation of States can do it. For these reasons the Court is compelled to treat Confederate notes as the void pieces of an illegal government. 2 Black U. S. S. C. Rep. 635, 671. De Wutz vs. Hendricks, 2, Binghams 491, 497. C. L. 17.

The contract sought to be enforced by the plaintiff having for its consideration Confederate notes, is null and void, and the court cannot lend its aid to enforce such unlawful contracts, no matter how much either party may lose by such refusal. The principle that contracts tainted in fact or in law with treason or illegal contracts takes no account of profit or loss which may accrue to either party.—Campbell, 17, 18 Am. Dec. 743. The plaintiff claims that himself and defendant were both inhabitants of the so called Confederate States, and that, therefore, as between themselves the contract is lawful and binding, perhaps so far as their personal capacity is concerned this may be true, but a distinction must be drawn between the capacity of the parties to contract and the object of the contract itself. It does not follow that this contract is valid because the parties were of capacity to promise each other. Vatel and the other authorities cited by plaintiff in this point are inapplicable, for the principles there declared refer only to the relations between people of the different nationalities, and not between people engaged in a domestic war. Thompson, which our readers will remember, was a case decided and submitted in 1865, at the fall of Memphis.

The collision took the entire starboard side and bottom out up the engine room, and the boat sank in her bedding a few moments, sweeping the watery grave. It is supposed a large number of those who were on deck, have met their fate as no boats or spars were to be seen after the accident.

The loss of life would have been appalling had it not been for the large number of barrels of cotton on board. These buoyed up the steamer for some minutes after her hull was filled, otherwise her people would not have had time for half the rescued to the shore. Mr. Taylor informs us that he saw several gentlemen, in the highest state of excitement, leap from the roof of the saloon, who were, of course lost, as the water was too cold for any human being to exist in it a sufficient length of time to swim ashore.

Through the noble and brave conduct on Capt. Blake and Mr. Bosco, commander and clerk, all the women and children in the ship were saved. The gentlemen did not leave the boat until every those alive, on her was placed in the steam tugs and yawls. They arrived safely at Anclote Anchorage, Cuscumlatchi. All trunk baggage was lost, and with it a considerable amount of money. The list of cabin passengers, and the fate of the boat and of the passengers are consequently unable to publish the list, which must have numbered over a hundred names.

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Proclamation by the President.

OUR RELATIONS WITH JAPAN.

Whereas, in virtue of the power conferred by the act of Congress, approved June 22, 1860, sections fifteen and twenty-four of which act were designed by proper provisions to secure to the full extent of the jurisdiction of the United States residing in or visiting the Empires of China and Japan, a notification was issued on the 1st day of June last by the Legation of the United States in Japan, through the Consulate of the open ports of that Empire, requesting the appearance of the Consuls of Leeds and Magato, pending the then contemplated hostilities between the Tycoon of Japan and the Daimios of the said provinces; and whereas authentic information having been received by the said Legation that such hostilities had actually commenced, a regulation pursuant to the act referred to, was issued by the Minister Resident of the United States in Japan, forbidding American merchant vessels from stopping or anchoring at sales at the Board. In case of war, except the three opened ports, viz: Kanagawa, (Yokohoma,) Nagaski and Hakodadi, unless in distress or for repairs, which regulation was assented to by the consuls of the several treaty powers, and whereas, the said hostilities have been carried on in the most destructive manner, to the great injury of foreign commerce, and the said regulation has been violated by the firing upon an American vessel by the Daimio of Satsuma, and the bombardment of the open port of Simonoseki by the combined squadrons of the Treaty Powers, and whereas, the said hostilities have been terminated by the submission of the Tycoon to the demands of the Treaty Powers, and the said regulation is no longer necessary for the protection of the interests of the United States and its citizens in Japan, and whereas, it is desirable to restore the relations of amity and commerce between the United States and the Empire of Japan, now therefore, I, Andrew Johnson, President of the United States of America, with a view to prevent acts which might injuriously affect the relations existing between the Government of the United States and that of Japan, do hereby call public attention to the aforesaid notification and regulation of which are hereby sanctioned and confirmed in testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-seven, and of the independence of the United States the ninety-first.

ANDREW JOHNSON.

By the President:
W. H. SEWARD, Secretary of State.

BY TELEGRAPH.

[To the New Orleans Bee.]

Washington, Jan. 22.—Brevet Brigadier General H. C. Gillem has been assigned to the command of the military district of Mississippi.

The Chief Justice of the Supreme Court has announced to the bar that on the first Monday of March the Court will adjourn to the first Monday in April.

The South Carolina Murder Committee has been instructed to inquire about the whipping of citizens of the United States in North Carolina when confined in jail.

Hon. T. B. Holbrook, of Idaho, and ex Governor Cumming, of Idaho, had a personal rencontre at Willard's, yesterday, without serious results.

Dawes, of Tennessee, who is contesting Arnell's seat, is required to furnish the grounds on which the contest is based, within eight days.

Washington, January 21.—Assistant Surgeon H. T. Tilley, chief medical officer of the Freedmen's Bureau of Arkansas, and Col. M. K. Hogan, who is filling the same position in North Carolina, are both to be mustered out.

Washington, Jan. 22.—*Senate.*—Petitions, memorials and protests were presented, none of which are of any importance.

A message from the Chamber of Commerce, of Memphis, was presented, asking aid for the Southern Pacific Railroad, which was referred to the Committee on Pacific Railroad.

A petition from Maryland was read against the bankrupt bill, which was tabled.

The Tariff bill was then speed, and after a short executive session, it adjourned.

House.—Leave of absence was granted to Washburne, of Illinois, for the balance of the session.

A bill to punish obstructions on railroads and to carrying the mails, was referred to the Post Office Committee.

A bill to sell the Hot Springs, Arkansas, reservation, was referred to the Committee on Public Lands.

The Secretary of the Interior is to be called on for information relative to the Hot Springs reservation.

The Judiciary Committee has reported, recommending the passage of a bill declaring valid certain acts and proclamations of the late President Johnson. It shields officers from acts committed in the discharge of their duty, and declaring that officers shall be presumed to have acted under orders. The bill has been recommitted to the committee, with the privilege to report at any time. The same committee have reported a bill declaring the sale of United States Courts that persons guilty of treason, murder, bribery and other felony, or had given aid, comfort and encouragement to the rebellion, shall not be allowed to practice in said courts.

Mr. Brotwell spoke in favor of the bill, saying that as five Judges of the Supreme Court did not have sufficient self-respect to resign when they found they could no longer exercise the functions of their office, it was time for Congress to step in and make rules for them. A regular debate ensued. Every device of the minority to delay the bill was resorted to. The House was still in session.

Washington, Jan. 22.—The Secretary of the Treasury has submitted a report to the House, which shows the issues of 5-20 bonds under the act of March 3d, 1865, to amount to $514,760,000.

Washington, Jan. 22.—The Senate has confirmed twenty-five nominations among them William R. Whittaker, Assistant Treasurer at New Orleans; Daniel Sickles, Collector at the Port of the Custom House at Boston; Archibald Hutcheson, Jr., Collector of the Internal Revenue for the Second District of Kentucky; John S. McFarland, Assessor of Internal Revenue for the Second District of Kentucky; Benjamin F. Prescott, Assessor, Sixth District of Kentucky; Benjamin Hardin, Collector of the Sixth District of Kentucky; Thomas J. Carlisle, Collector for the Third District of Kentucky. Among the twenty-seven nominations rejected are E. S. Cockrell, Collector for the Eighth District of Kentucky; H. H. Hardy, Collector for the Seventh District of Tennessee; Reed Stanley, Assessor for the First District of West Virginia; Thomas A. Stalliford, Collector of the Ninth District of Kentucky; Asa Faulkner, Collector for the Third District of Tennessee.

The Mayor of Georgetown has issued a notice to all qualified voters, regardless of color, to come forward and register, otherwise they will not be allowed to vote at the approaching elections.

General Leach and Colonel Brown, of the North Carolina delegation, have referred Messrs. Boyden and Haines remain in charge of the Tar States' interests.

Washington, Jan. 22.—The bill making rules for the Supreme Court was read a third time and passed, Democrats, by strong majorities, voting the yeas and nays on all kinds of questions. At half past 6 o'clock most of the members left the Senate chamber. During the evening the calls of the House showed less than a quorum, when the neighboring restaurants were visited and the members were induced to return. Many, however, did not leave. A point of order was made on Ingersoll that smoking was out of order in the hall.

10:15 P. M.—A motion to adjourn has been made, with two adjournments. The yeas and nays have been ordered. The House is still in session. Three votes will occupy the House until 1 o'clock.

Morton has been elected United States Senator from Indiana. Morton 84 votes; Coffee 81 votes; one absent.

None of the Crosby Opera House prizes go South.

Fort Laramie advices report continued Indian outrages. The weather is too cold for offensive operations against them.

New York, Jan. 22.—Arrived Steamer Emily Lee, from Galveston.

Forty arrests have been made for violation of the excise law.

A large scheme to circulate counterfeits was frustrated by timely police discoveries.

James B. Freeman, an Internal Revenue officer, has been arrested, charged with betraying black mail.

Vera Cruz advices say 500 negroes and Africans formed the nucleus of Santa Anna's Cuban Colonists. Maximilian was contemplating heavily in the city of Mexico. Diaz, leading Juarez republicans, who reported in the neighborhood of City, awaiting reinforcements.

A New Orleans special says the blockade Mary, at Mobile, is ready for sea, with a large cargo on board. The steamer Rebel has been recommitted to the committee, with the privilege to report at any time. The same committee have reported a bill declaring the sale of United States Courts that persons guilty of treason, murder, bribery and other felony, or had given aid, comfort and encouragement to the rebellion, shall not be allowed to practice in said courts.

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Memphis, Jan. 22.—The Grand Jury of