NEW ORLEANS DAILY BEE
DUPOUR & LIMET, PUBLISHERS,
No. 73 Chartres street.
TERMS OF THE BEE.
Mode of Subscription—Daily, per annum, in advance, $16; half yearly, $8; quarterly, $4. Price of the paper—Single copies, 10 cents.
Semi-Weekly is published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.
Rates of Advertising—Transient advertisements, for the run of the paper, first insertion, $1 per square; each subsequent insertion, 75 cents per square.
In the Editorial Page, transient advertisements, first insertion, $2 per square.
Subsequent insertions at intervals to be charged each insertion.
In the Editorial Page, monthly advertisements, per square, $20 net per month.
To advertisers, who advertise largely, shall be allowed such discount from the above transient rates as may be agreed upon.
In no case shall such discount exceed 50 per cent.
Business Notices of Advertisements to be charged 20 cents will per line, each insertion.
Persistent advertisements must be paid for in advance.
Advertisements not marked for any number of insertions will be published six times.
Accounts with regular advertisers shall be rendered monthly.
Semi-Weekly Edition.
TERMS PER YEAR.....$5.
NEW ORLEANS:
FRIDAY MORNING, DEC. 30, 1870.

Amusements This Evening.

FRENCH'S THEATRE — Miss Julia Thompson in "Paris, or the Apple of Discord." Debut of Miss Elsie Weatherby.
ACADEMY OF MUSIC—"The Gaiete Comique Troupe." "Robinson Crusoe."

THE ARLINGTON PROPERTY OF MRS. LEE.

It is now stated by the Washington City papers, and we have reason to believe the statement to be correct, that the Arlington property was not "confiscated" as the property of either General or Mrs. Lee. In fact it was not "confiscated" at all, in a legal sense. It was, like many other properties in the Southern States, taken possession of during the war by the Federal Government through its military officers, in pursuance of express orders from Edwin M. Stanton, Secretary of War, to the authorities of the Government, they own it by virtue of a "tax sale." That is to say, the taxes on the property being unpaid during the war, the Government of the United States took a legal proceeding to be instituted against the property to enforce payment of taxes due upon it, and bought it in at a nominal sum, and, because it belonged to the Lee family.

It is the only property in the Southern States owned by the "rebels" which has been so acquired. The Government took possession of it, then, by force, gave them no title otherwise, and the defect, it proceeded, was a sham proceeding to be taken against the property, and now seek to hold it by a title obtained in that way.

But there is no legal difficulty in the way of Mrs. Lee recovering her estate by appropriate action in a court of the State of Virginia—the action of ejectment. The Government of the United States would probably be sued in any court without its own consent, but Mrs. Lee could probably bring into a Virginia court the officers of the Government who have charge of Arlington. And it would be no defense in such action that an order from the War Department placed them there. They would have to produce a legal title to the land they cannot do. What is the Sheriff of the county would be ordered to place Mrs. Lee in possession. Right here would be the conflict—the Lee family wish to avoid. It is this very difficulty that Secretary Stanton saw and provided for, when he ordered that Arlington should be turned into a burial ground for soldiers. Mr. Lee knew that Mrs. Lee would not be able to resume possession of the property while it was devoted to burial purposes. Could there be anything more cruel than this? That we do not misconstrue his motives, we cite the testimony of Mr. Sumner, who said in his speech in the Senate of the United States, during the debate on the McCreery resolution, a few days ago, that he was present when Mr. Stanton issued the order, and, remarking, as he did, so, that the appropriation to burial purposes was made expressly for the purpose of depriving its value and disinclinedness to the Lee family. If there has been anything more devilish than this by officer of the United States we have not learn it.

Mr. Stanton foresaw that houses and lands occupied by the Federal troops in the South, whether confiscated or not by proceedings in the courts of the United States under the act of 1862, would have to be returned to their lawful owners. He was well-read and too clear-headed a lawyer not to know that the proceedings instituted under the act of 1862 not only not regular but were entirely wanting in form, as well as in legal substance, and must be annulled when the frenzy of the times had disappeared. He therefore resorted to a measure which was outside of law and yet more effective than any mere statute or decree of court.

The Supreme Court of the United States or the Supreme Court of the District of Columbia have both decided that property belonging to persons residing within the lines of the Confederate States during the war could not be disposed of to the injury of the owners, by those who had a legal claim to it for advances made. Both of courts have held that a mortgagee could not, during the war, cite the mortgagor to answer in a proceeding for foreclosure. They have held that the executor was suspended the ordinary relation of debtor and creditor between parties residing in the Northern and Southern States and that no suit could be legally prosecuted in the Courts of the United States against a defendant residing within the Confederate States.

It would seem to follow from this doctrine that no proceeding against property belonging to persons beyond the lines of the United States, for taxes or any other claim, could be entertained during the war. Arlington must therefore be regarded whenever Mrs. Lee asks for it, or the value of the property must be paid.

The decision of the Supreme Court of the District of Columbia, to which we allude, is thus reported from Washington:

In the Supreme Court of the District to-day, sitting in General Term, Judge Merrick delivered the opinion of the court in the case of Dull and Benjamin Green vs. Columbus Alexander, involving the validity of the purchase of the Old Capitol property, used during the war and known as the Old Capitol Prison. The suit was entered some time since to set aside the sale made to Mr. Alexander, who has converted the building into residences, and to permit the plaintiff to redeem the property, which was sold under lien of trust while the government held the building in possession. *The Court directed that the sale be set aside and the plaintiff allowed to redeem, and that an account of the improvements, etc., be taken.* The Court held that, as the time of the sale the property was held and used as a military prison and guarded by soldiers, free ingress and egress being prohibited, such sale could not be an open one as required by law, and on this ground alone the court would have been compelled to set the sale aside; *but there is another ground—Congress, the Executive and the Supreme Court, all have held that the war of the rebellion was a public war. Such war suspended the ordinary relations between debtor and creditor*, and in the recent case of Dean vs. Wilson the Supreme Court of the United States decided that the relation of mortgagor of the estate of a person who was absent within the lines of the Confederate States did not extinguish the right to redeem. For these reasons the court directed the sale to be set aside. Judge Wylie announced that, while he concurred with the judgment of the court, he did so for the grounds first mentioned by the opinion, and not for the second reason assigned.

AMUSEMENTS.

THE ACADEMY.—If crowded houses and delighted audiences are any criterion of pecuniary success and personal popularity, then Manager Bidwell must be fast approaching the top notch in both senses, for both of these requisites are fully met every night at the Academy. Besides our lively poly, smiling friend Kit is back—and then old Robinson Crusoe, who, by the way, will stay with us throughout the present year. As to Cool Burgess, Carter, Tooley, and the fair demoiselles—well, if you have not been there go at once, and we warrant you will become repeaters.

THE ST. CHARLES.—Crowded again as usual last night. The blondes are all the rage. Full houses every night, and if so what will it be tonight when Miss Elsie Weatherby, one of the most particular favorites, takes a benefit; and, in addition to "Paris," in that burlesque, the fair beneficiary will appear in the principal role of "Nan, the Good for Nothing." We that has seen her in burlesque would not wish to see her as good for nothing. Look out P. G. for a rush.

Thanks to Mr. H. Conquest Clarke, Secretary of the Mayor, for a pamphlet copy of the annual message of the Mayor.

Thanks to the invitation committee of the German Louisiana Draymen's Association for card of invitation to attend their grand fancy dress and calico ball, at Masonic Hall, on Saturday evening, January 14.

OFFICE 73 CHARTRES STREET.

NEW ORLEANS, FRIDAY MORNING, DECEMBER 30, 1870.

44th YEAR—Vol. XLIV.—Whole—15,264

Auction Sales This Day.

By Hoffman, Marks & Co., at 10 o'clock A. M., at No. 36 Chartres street—Furnishing Goods, Fancy Goods, Clothing, Hats etc.

CITY INTELLIGENCE.

City Council.—At a special meeting of the Council, held yesterday at 2 P. M., the following ordinance was adopted, and the present market leases continued for another month:

An ordinance amending article 1310, Revised City Laws and Ordinances.

Be it ordained by the Council of the city of New Orleans, That the term of forty-eight hours allowed by article 1310, Revised City Laws and Ordinances, for goods, wares, or other articles to remain upon the levee after discharge from vessel or vessels be and the same is hereby reduced and limited to twenty-four hours.

Be it further ordained, etc., That this ordinance shall take effect at and after 12 meridian of Tuesday, January 3d, 1871.

Evidently One of Them.—Officer Caughlin yesterday afternoon attempted to arrest a man named Chas. O'Brien, (with an alias) on Lafayette street, as a dangerous and suspicious character, when the belligerent O'Brien turned upon the officer, and drawing a revolver whacked him over the head, bringing the claret. First blood for O'Brien; but Officer Williams coming to the rescue, the fellow was hustled to the Central Station and duly disposed of. In addition to the revolver, a skeleton key was found upon him. He is also charged with being a fugitive from justice from Missouri, and is evidently one of 'em.

Collision on the River—One Man Dangerously Injured.—At about six o'clock yesterday evening, the tug Reliance, with the brig Adele McLaod, of Rockland, Me., in tow, ran into the steamboat John Kyle opposite Julia street, tearing away the forward guard of the latter boat back to the wheelhouse; also knocking her chimneys overboard. Immediately after the collision several of the deck passengers jumped overboard and swam ashore. One unknown deck passenger, while in the water, was seriously injured by scattering timber falling on him, and was fortunately rescued by the Harbor Police boat No. 2, which was cruising in the vicinity at the time of the disaster. Dr. Cooper attended to his injuries and pronounced his wounds dangerous, and ordered his immediate removal to the Hospital. The Kyle was run ashore on the right bank of the river, opposite Poydras street. She sustained no further damages than the above.

BY TELEGRAPH.

[To the New Orleans Bee.]

THE FRANCO-PRUSSIAN WAR.

An Engagement Imminent Near Balbac.

Dijon Hastily Evacuated by the Prussians.

Attempt of French Prisoners to Escape Frustrated.

Prussian Victory at Noyelles Officially Denied.

Prussian Object in Attacking Fort Avron.

HOME NEWS.

Settlers to be Removed from the Miami Reservation.

Arrest of a Fraudulent Revenue Officer.

Miscellaneous.

FOREIGN INTELLIGENCE.

Bordeaux, Dec. 29.—The entire population of the eastern department are fully aroused, and assist the troops in all battles and skirmishes. The Government is taking measures to arm all the people.

M. Gambetta arrived here to-day from Lyons.

It is asserted that the Prussians are greatly increased with the correspondents of foreign papers, and have sent many outside the lines of occupation.

It has been officially announced that the Prussians hastily evacuated Dijon. This is the first result of the movement ordered by the War Department, which was hastened by Gambetta's efforts at Lyons.

Versailles, Dec. 28.—Mont Avron has been silent to-day, but the forts in the neighborhood reply to the Prussian guns.

The Prussians on Monday occupied Balaruse, four miles southeast of Arras.

Lisaque, Dec 27.—Advices by balloon say that operations have been suspended since the 20th, in consequence of the intense cold weather.

Lille, Dec. 27.—The reported Prussian victory at Port Noyelles is officially denied.

The Prussians have lost heavily in battles and from sickness. The villages are encumbered with German wounded.

Eighteen thousand sick and wounded Germans are at Charleville-Marne.

The advance guard of Garibaldi's army entered Dijon this morning.

London, Dec. 29.—The Prussians on Wednesday occupied the line between Corbain and Piar. They are apparently concentrating their forces behind Balbac, where an engagement is imminent.

London, Dec. 29.—Baron Von Beust's reply to Count Bismarck's circular, declaring the treaty of Luxenburg abrogated, is couched in terms similar to that of Earl Granville.

The following dispatch received to-day from Madrid gives some further particulars in regard to the attempt to assassinate Gen. Prim:

London, Dec. 29.—The order of accusation against Mr. Noel Temple, charged for alleged complicity in the massacre outrages, and Greek brigands has been countermanded.

Hong Kong dispatches of December 13th have been received. Quiet prevailed in the north of China.

It was expected that the river Tesso would soon be frozen up, in which event communication by water with Tien Tsien will be suspended.

Montevideo (South America) advices to November 19th report continued fighting, and trade quiet.

Berlin, Dec. 29.—The Government organs say that Mont Avron was first attacked by the Prussians, in order to obtain a point from which to operate against the adjacent outlying forts of Paris. A provincial correspondent adds that the bombardment of Mont Avron may be considered an introduction to the general shelling of Paris.

London, Dec. 29.—The French Government formally protests to the Vienna Cabinet against Prussia using Austrian railroad stock.

Land communication between Cherbourg and Calais is interrupted.

London, Dec. 29.—The Germans in the eastern departments are retreating. They have already evacuated the town of Gray, in the valley of the Savone.

A proclamation has been issued by the Prussian Government, placing under blockade all posts in France now occupied or hereafter captured by German forces.

The harbor of Kiel is closed by ice.

The Paris press is opposed to the participation of France in the Congress on the Eastern question.

London, Dec. 29—Evening. Consols closed 91¾. Bonds 89¾. Tallow easier. Bullion in the Bank of England decreased £131,000.

Madrid, Dec. 28.—This evening, while Gen. Prim was proceeding from the Cortes to his residence, some individuals in *Calle Nuevo* fired into his carriage, wounding both this General and his Adjutant, but not dangerously.

No serious disturbance occurred, as the authorities took prompt measures to prevent an outbreak and the arrest of the assassins.

Great popular indignation is manifested at this dastardly attempt to murder General Prim, which so happily failed of success.

Berlin, Dec. 29.—An attempt of the French prisoners confined on the Rhine to escape was discovered and frustrated.

Constantinople, Dec. 29.—The declaration of independence in the Danubian Principalities has been announced here and causes profound sensation.

FROM NEW YORK.

New York, Dec. 29.—*Herald's* special:

London, Dec. 29.—A dispatch from Versailles, dated the 27th, states that the bombardment of Mont Avron is ineffectual. The French fire causes considerable damage to the Prussians.

New York, Dec. 29.—*Tribune's* special:

London, Dec. 29.—The English Government, upon the application of Count Bernstoff, stopped a ship chartered by the French Government to lay a sub-marine cable between Dunkirk, Cherbourg, Brest and Bordeaux.

The ship was given in charge of the custom-house officers on the River Thames, and the cable on board seized. Three hours after the seizure, the application was made for a release, which was refused.

FROM HAVANA.

Havana, Dec. 29.—Advices from San Domingo to December 20th contain the following: Caleral was in the neighborhood of San Juan with eight hundred half starved men, emerged in spreading false reports of the death of Baez.

The Government of San Domingo accepts its notes at Customhouse at 70 per cent, but a law has been promulgated that all duties shall in the future be paid in gold.

American provisions are plentiful.

U. S. steamer Yantic ran ashore at the entrance of the harbor of San Domingo with full head of steam, on. It will be necessary to discharge armament and coal to get her afloat.

Col. O'Sullivan has arrived from France, accompanied by an Englishman, for the purpose of making an examination of the coffee beds in San Domingo.

FROM WASHINGTON.

Washington, Dec. 29.—Gilbert G. Ferris, late Deputy Revenue Collector, third Mississippi district, has been arrested on a charge of representing himself a revenue officer after his dismissal, whereby he obtained money, and also for the embezzlement of $300 worth of stamps.

Gen. Pleasanton will assume the Commissionership of Internal Revenue Tuesday next.

Mrs. Belknap, wife of the Secretary of War, is dead. She was a Miss Tomlinson, of Kentucky, sister of Lieut. Tomlinson, who served the Confederacy as aid to General Sam. W. Ferguson.

Washington, Dec. 29. — Ex-Deputy Collector Ferris of Mississippi has been held in $6000 bail. He protests his innocence.

Washington, Dec. 29.—Several members of the North Carolina Legislature have arrived here to-day, state that Gov. Holden contends his impeachment, and that it is doubtful whether he will attempt any defense or that he will have any eminent counsel to conduct the case for him. It was proposed to submit the services of some prominent Conservative lawyer to defend him, but the Democratic journals of that State influence him so member of the bar of any respectability would dare to do so.

MISCELLANEOUS INTELLIGENCE.

Elizabeth, N. J., Dec. 29.—Michael Donogan while gambling with his mother lost her bond and mortgage.

St. Louis, Dec. 29.—The military authorities have received orders to remove all settlers from the Miami reservation immediately. The settlers number three or four thousand with a thriving town of 1200 inhabitants. The reservation embraces 70,000 acres of the finest lands in Kansas, much of which is well improved with houses, barns and growing orchards.

New York, Dec. 29.—Judge Blatchford gave a decision to-day whereby nearly $60,000 will be refunded for excess duties paid under the Collectorship of Augustus Schell. The decision involves the refunding of several million dollars.

Nashville, Tn., Dec. 29.—Arrived—Sloop Kate Henry, Captain Wilmont, with her mainsail blown away.

Fortress Monroe, Dec. 29—7:15 P. M.—A severe northwest snow storm set in last night, and continued till noon to-day; about 6 inches of snow fell.

The steamer Gen. Terry, from Newburn for New York, put in here for a harbor.

The United States steamer Pawnee dropped down from Norfolk to the buoys, and is now adjusting her compasses.

The pilot-boat Maryland reports passed in for Baltimore—Barks India and Yaloden from Rio, and brig Clara Brown from Havana. Passed out—Steamer Ottawa for Liverpool.

St. Louis, Dec. 29.—A dispatch from Fort Scott, Kansas, says, Col. Morrill received orders from the War Department yesterday, instructing him to remove all settlers from the Miami Indian reservation in this State at once. There are from 3000 to 4000 settlers upon these lands.

Lacygona, a thriving town of 1200 inhabitants, is also on the same lands, and must share the same fate.

The reservation embraces 70,000 acres of the finest land in Kansas, and much of it is well improved with good houses, farms and growing orchards.

This order has evidently been secured through fraud and misrepresentation by a number of the Indian ring, who are known to be interested in having the settlers removed in order that they may sell the lands and pocket the proceeds.

Col. Morrill goes up to-night, and will be followed by one company of United States cavalry to-morrow.

Reddick, who killed young Likens, near Leavenworth, Kansas, a short time since, was found guilty of murder in the first degree at Leavenworth, yesterday.

On Monday evening Napoleon Brown and Frank Dorsey were riding together on the same horse, in Platte county, Missouri, when a quarrel took place between them, which resulted in Dean stabbing Brown twenty-one times, killing him instantly. Brown was 19 years old and a son of Judge Thomas Brown, of Buchanan county.

Boston, Dec. 29.—United States Revenue officers have recently made several important seizures of tobacco and cigars. Twelve hundred thousand cigars were seized. Similar seizures have been made in other places in this vicinity.

New York, Dec. 29.—At the conclusion of the billiard match between Dion and Rudolph the score stood: Dion 2001, Rudolph 1592. Once behind, Rudolph became more and more nervous and shaky. At the game stood: Dion 1397, Rudolph 1263. At the close of a brilliant run of 141 made by Dion, an announcement was received that the greatest applause ever heard was made in the 63d inning. So far, the average had been about 21½ for each player. At the end of the 66th inning Dion was awarded the game, having scored 2001 to Rudolph's 1562.

Cincinnati, Dec. 29.—A mill was commenced today against Allen W. Sanner, and Charles M. Buchanan and Jeremiah Working, sureties, for the faithful performance of their duties as distillers, the conditions, it is claimed, having been broken by Sanner.

Suits have also been commenced against G. L. Smith, G. M. Taliafero, for the recovery of $22,000 penalty, for failure to fix stamps to performary sold.

A suit against the Treasurer to Washington from the Chamber of Commerce, to urge the removal of obstructions to Western importation under the part revenue.

FOREIGN MARKETS.

Liverpool, Dec. 29.—Evening. — Cotton closed quiet; uplands 6d; Orleans 9½d; sales to-day 12,000 bales, including 3000 for export and speculation.

DOMESTIC MARKETS.

New York, Dec. 29 — Evening.— Money closed at 7 current. Gold closed at 110¾ at this rate: Sterling heavy, 9½ 9¾. Gold closed at 110¾@110¾. Government very active and firm. 5-20s of 1862, 107¾.

Southern securities dull: Tennessees, 63¼; new, 63½; Virginias, 66½; new, 63; Louisianas 65, 70; new, 64; Levee 5s, 69; 8s, 83; Alabama 5s, 70; 8s, 70; Georgia 6s, 81; 7s, 91; North Carolinas, 45; new, 23; South Carolinas, 83; new, 66¾.

New York, Dec. 29—Evening.—Money was very stringent at 7 to 8 c., and very brokers were compelled to pay ¼@½ commission. After 3 a prominent broker appeared in the market, offering to carry any part of 5000 shares of northwestern at 7 currency. A large number of borrowers gathered around him, when this broker finally loaned nearly a million dollars on different stocks.

Some bankers are drawing in their loans preparatory to paying dividends, which adds to the stringency. The indications are unfavorable to any relief this week.

Gold opened at 110¾, fell to 110¼, rose to 110¾, fell to 110¼, rose to 110¾, fell to 110¼, rose to