NEW ORLEANS REPUBLICAN.

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VOLUME II—NO. 191. NEW ORLEANS, WEDNESDAY EVENING NOVEMBER 18, 1868. WHOLE NUMBER 501.

AMUSEMENTS.

DEMY OF MUSIC.

ALDING & BIDWELL, Proprietors and Managers.
TREDGE..........Treasurer.
CAVANAUGH..........Stage Manager.
For the Week Commencing
y Evening November 16, 1868,
With Change of Programme Nightly.
nagement announce to the citizens of New the first representation of a grand oper sensational burlesque extravaganza entitled
WHITE FAWN.
new and elegant Scenery, magnificent Cos and Wardrobes, beautiful Music, and ant Tableaux and Effects, presenting the strength of the unrivaled White Fawn t. The Vocal Instrumental and Dramatic of the Mammoth Burlesque Combination, connection with Mlle. TURNOUR, the peer in her incredible mid-air achievements on Swinging Trapeze suspended from the dome e Theatre, and a selected and varied Olio rtainment.
ance every NIGHT and Saturday Noon.
y Evening, nineteenth—The Sensational que entitled UNDER THE LAMP POST.

HARLES THEATRE.
BAR..........Proprietor.
ES POPE..........Lessee and Manager.
ent of the Young, Beautiful and Accomplished American Artiste,
MISS FANNY B. PRICE.
MACARTHY in one of his great characters.
dnesday Evening, Nov. 18, 1868,
presented the thrilling drama of LEAH, FORSAKEN—Leah, Miss Fanny B. Price. conclude with TEMPTATION. O'Bryan, with song Harry Macarthy. earsal, the Great Sensation of the Age, ated from Boucicault's and Reade's OF FOUL PLAY.
ice, for reserved seats, open from ten o'clock till four P. M.
pen at seven o'clock P. M.; the Overture mences at half-past seven P. M.
a charge for reserved seats.
P. GLEASON, Treasurer.

IETIES THEATRE.
Great Success.
UNDER THE GASLIGHT,
NIGHT until further notice.
REHEARSAL—ARRAH-NA-POGUE.
no16

AUCTION SALES.

AND PEREMPTORY SALE OF Furniture, Carpets, Pianos, Etc.
DEJAN, Jr., AUCTIONEER—WILL WEDNESDAY, eighteenth instant, at clock A. M., at his large and spacious n, No. 183 Gravier street, corner Carondelet; e assortment of GOOD FURNITURE. nt reserve on account of departure, par ising house-keeping. nov17 1t

VALUABLE IMPROVED PROPERTY
Eighth street, Fourth District—No. 32,108.
nd District Court of New Orleans—Succes of Mary Elizabeth Galiber, deceased, wife Antoine Galiber.
PLACIDE J. SPEAR, AUCTIONEER. s rooms 36 Bienville Street—SATUR December 12, 1868, at twelve o'clock M., sold at auction, at the Merchants' and eers' Exchange, by virtue and in pursu an order of the Hon. Louis Duvigneaud, of the Second District Court of New Orleans, eptember 30, 1868, the following described belonging to the above succession, to wit: CERTAIN LOTS OF GROUND with all dings and improvements thereon, situated ourth District of this city, in the square No. e Faubourg Lavaudais, said square being d by Eighth, Jersey, Ninth and Laurel measuring each twenty-seven feet four front on Eighth street by one hundred and six feet in depth, between parallel lines, and ated as lots number eleven and twelve.
s and Conditions—One-third cash, the bal a credit of six and twelve months in notes of ers, drawn by them to their own order and indorsed, bearing interest at the rate of per cent per annum from the day of sale eal payment, the sale to contain the five per cent attorney's fees in case of suit recovery of the amount of the notes, the pay which notes and attorney's fees be secured r's lien and privilege, and special mortgage property sold, and until the full and final of said notes, together with clause of non do. The premises to be kept insured for the of the said notes, at the expense of the er, and the policy to be transferred to the and the future holders of said notes. for sale, together with Internal Revenue etc., before E. G. Gottschalk, notary public, expense of the purchaser. no6 14 21 de3 11

TY-ONE LOTS AND IMPROVEMENTS IN THE THIRD DISTRICT.
No. 32,423.
RAYKIN LEE vs. SUCCESSION OF BERNARD DE MARIGNY.
LE TO EFFECT A PARTITION.
THOMAS & SPEAR—PLACIDE J. r, Auctioneer—Sales rooms, 36 Bienville SATURDAY, twenty-eighth November, twelve o'clock M., will be sold at auction at chants' and Auctioneers' Exchange, by vir in pursuance of a judgment rendered Octo 68, and signed October 16, 1868, by the Hon. uvigneaud, Judge of the Second District New Orleans, the following described prop the above matter to wit:
TY-ONE LOTS OF GROUND in the istrict of this city, in the square number bounded by Urquhart, Villere, late Girod, s and Clouet streets, designated by the two to twenty two inclusive on a plan y James N. B. Depouilly Assistant City dated the twenty sixth October, 1866. bers two to eleven inclusive adjoin each d measures each thirty one feet front on reet by a depth of one hundred and seven ten inches six lines between parallel lines; ber eleven forming the corner of Villere et streets. Lots numbers twelve to twenty adjoin each other, and measure each thirty front on Feliciana street by a depth of one and seventeen feet ten inches and six lines parallel lines. lot number twelve forming r of Villere and Feliciana streets, and lot twenty-two forming the corner of Feliciana hart streets.
—Cash on the spot.
sale, together with internal revenue stamps, re O Morel, notary public, at the expense rchaser. oc23 31 no12 20 27

SION OF MARIE CARRERE, WIFE of Dr. Escoubas—No. 32,456.
GUINAULT, AUCTIONEER—Office r of Exchange Alley and Bienville street— Y, twenty-third day of November, 1868, will at ten o'clock A. M., at the corner of St. and Roman streets, by virtue of an order Honorable the Second District Court of of Orleans, dated November 9 1868: assorted and well patronized DRUG and a small lot of HOUSEHOLD FURNI
—ALSO—
same day, by virtue of the same order, and nt of said succession, will be sold, at twelve on Burgundy street, No. 55, between and Conti streets—
Rich HOUSEHOLD FURNITURE, con Rosewood, Mahogany and Black Walnut such as Bedsteads and Beddings Ar lets, Bureaus, Wash Stands, Looking Extension Table, Sideboard, Chairs, Sofa, Stove, etc. cash. no16 14 22

HOLD FURNITURE, PIANOS AND Office Furniture at Auction.
DEJAN Jr., AUCTIONEER, OFFICE Gravier street, will be sold on FRIDAY, November 20, 1868, at eleven o'clock, A. new Auction Room, No. 183 Gravier street, arondelet— ny and Walnut Bedsteads, Armoirs, Mar Bureaus Washstands, Sofas, Spring Seat arble Top Centre Tables, Marble Top Sideboards Extension Tables, Cane and at Chairs, Hatracks, Double and Single ttresses, Carpets, Paintings etc. t and Square Piano and Office Furniture
—ALSO—
rge invoice of Walnut and Poplar extra ottage Beds, Walnut and Painted Cottage ets.
—Cash in United States Treasury notes.

FURNITURE—FURNITURE
MONTGOMERY BROS & CO. Montgomery, Auctioneer—Will be sold o DAY November 20, 1868, at 11 o'clock, at Old Mart. No. 87 Camp street— ral assortment of HOUSEHOLD FURN such as Rosewood, Mahogany, and Walnu Bureaus, Armoirs, Washstands, Mahoga Walnut Tetes, Sofas, Spring Seat Chairs irs, Marble Top Centre Tables, Marble To s, Extension Tables, Velvet and Brussel French Plate Mirrors, Mattresses, Engrav tings, Cooking Stoves and Utensils, etc e contents of several well furnished house
—ALSO—
invoice of Cottage Beds, Cane and Woo irs, etc.
—Cash

AND PEREMPTORY SALE OF ELE Match and Single Horses, Elegant Saddl Fine Work Mules, Fine Milch Cows, Bu legant Breitts, Harness, Wagons, etc., et tion.
MONTGOMERY BROS. & CO. Montgomery, Auctioneer—Will be sold o DAY, November 20, 1868, at 11 o'clock, at table on Gravier street—
Elegant MATCH HORSES;
Elegant SADDLE HORSES;
Fine WORK MULES;
Fine MILCH COWS;
—ALSO—
Open Buggies, Elegant Breitts, Harness, etc.
—Cash, in United States Treasury notes.

AUCTION SALES.

VALUABLE PROPERTIES IN THE FIRST District—Succession of Peter Williams.

BY CHARLES F. FORTIER, AUCTIONEER—Office No. 48 Exchange Alley.—SATURDAY, nineteenth December, 1868, at twelve o'clock M., will be sold at the Merchants' and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, by virtue of an order from the Honorable the Second District Court for the parish of Orleans, dated August 29, 1868, the following described properties, viz:

1. A CERTAIN LOT OF GROUND, with the buildings and improvements thereon, situate in the First District of this city, and designated as lot No. 1, in the square bounded by Hercules, White, Thalia, and Erato streets, as per plan of B. F. Nichols, architect, on thirteenth April, 1846, and deposited as plan No 75, in the office of J. B. Marks, late notary; said lot forms the corner of Hercules and Thalia streets, and measures in American measure thirty-one feet nine inches and three lines front on Hercules street, by ninety-six feet eleven inches and six lines in depth and front on Thalia street.

2 TWO CERTAIN LOTS OF GROUND, with all the buildings, etc., thereunto belonging, situate in the First District of this city, designated by the Nos. 17 and 18, of square No. 31, bounded by Galvez, Johnson, Palmyra and Gasquet streets, measuring each, American measure, twenty-six feet four lines front on Palmyra street, by one hundred feet in depth, between parallel lines Lot No. 17 forms the corner of Palmyra and Galvez streets.

Terms—For the property first described the sum of $757 50 Cash, and for the balance of the price of adjudication on a credit of one and two years; and for the property second described the sum of $242 50 Cash, and the balance on a credit of one and two years, the purchasers furnishing their notes with special mortgage on the property sold.

Acts of sale before Alcee J. Ker Notary Public, at the expense of the purchasers, including stamps. no13 28 de5 12 19

SUCCESSION OF HENRY S. HALL.

BY CHARLES F. FORTIER, AUCTIONEER—Office No. 48 Exchange Alley.—TUESDAY, first December 1868, at twelve o'clock M., will be sold, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse, by virtue of an order from the Honorable the Second District Court for the parish of Orleans, dated October 24, 1868, the following property:
SCRIP of the Merchants' Mutual Insurance Company for the year 1859, for $7.
SCRIP same company for year 1860, for $495.
SCRIP same company for year 1860, for $10.
SCRIP same company for year 1861, for $290.
SCRIP Sun Mutual Insurance Company for 1860, for $20.
SCRIP Louisiana Mutual Insurance Company, for 1860, for $30.
SCRIP New Orleans Mutual Insurance Company for 1860. for $253.
—Also—
At two o clock P. M., at the store No. 67 Gravier street—
One IRON SAFE and one DESK.
Terms—Cash in United States treasury notes.
no18 25 30

SALE TO EFFECT A PARTITION.
PROSPERE GANEL VS. LAURE GANEL ET ALS.
VALUABLE PROPERTIES IN THE SECOND DISTRICT.
A THREE-STORY BRICK STORE ON OLD LEVEE STREET.
THREE HANDSOME PROPERTIES ON DUMAINE AND VILLERE STREETS.
—AND—
A VACANT LOT FRONTING THE OLD BASIN.
SCRIPS—STOCKS.

BY S. GUINAULT, AUCTIONEER—Office Exchange Alley and Bienville street—SATURDAY, December 12, 1868, will be sold at twelve o'clock M., at the Merchants' and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, by virtue of a judgment from the Honorable the Second District Court of the parish of Orleans, rendered on the second November, 1868, and signed on the seventh November, 1868, the following Landed Properties and Stocks belonging to the aforesaid succession, to wit:

REAL ESTATES.

1. A LOT OF GROUND, situated in the Second District of this city, in the square bounded by Old Levee, Chartres, St. Louis and Toulouse streets, designated as No. 67, on a plan drawn by A. Sampson, deposited as plan No 17, of book of plans No. 6, in the office of H. P. Caire, late notary. Said lot measures 22 feet 9 inches front on Old Levee street, 86 feet 9 inches in depth, and 23 feet in width on the rear line, with the use, in common to other properties, of a back yard and an alley way opening on St. Louis street, together with a three-story brick store, No. 113, leased to Mr. J. B. Pelotte, up to the thirty-first of October, 1869, at the rate of $ 60 per month.

2. A LOT OF GROUND, situated in the same district of this city, suburb Treme, in square bounded by Dumaine, St. Philip, Villere and Robertson streets, designated by No 1 and forming the corner of Dumaine and Villere streets, measuring 27 feet 7 inches front on Dumaine street by 95 feet 11 inches in depth, and fronting Villere street; together with a two-story frame house No. 239, on Dumaine street, having on the ground floor, hall, double parlors with sliding door, dining-room and pantry under staircase, three rooms above, two cabinets and balcony on the street, a two-story frame building in the yard of six rooms, paved yard, cistern, waterworks, privy, etc., etc.

This property is sold subject to a lease ending ———, at the rate of $83 33 1-3 per month.

3. A LOT OF GROUND, contiguous to the preceding, designated by No. 2, measuring 26 feet 4 inches 3 lines front on Dumaine street by 95 feet 11 inches in depth, together with a two-story frame house No. 241, in which gas is introduced, and having on the ground floor, hall, double parlors with sliding door, dining-room and pantry under the staircase, three rooms above, two cabinets and balcony on the street, two two-story frame buildings in the yard containing seven rooms, cellar, bath room, wash shed, paved yard, cistern, waterworks,

4. ANOTHER LOT OF GROUND, adjoining the rear line of the above described two properties, designated by No. 3, measuring 31 feet 11 inches 5 lines front on Villere street, by 95 feet 11 inches in depth, together with a two-story frame HOUSE No. 193, having on the ground floor hall, double parlors, with sliding door, dining room and pantry under the staircase, three rooms above, two cabinets and balcony on the street a two story frame building in the yard of six rooms, paved yard, cistern, waterworks, privy, etc. The whole of the above properties are slate-roofed.

5. A LOT OF GROUND, situated in the Second District, suburb Treme, in square bounded by Toulouse street or Carondelet Walk, St Louis, Villere and Robertson streets, designated by No. 3 and measuring 31 feet 11 inches 5 lines front on Toulouse street and Carondelet Walk by 100 feet in depth, together with two sheds, one being two-stories high, and used as carpenters' shops.

STOCKS AND SCRIPS.

Five shares in the capital stock of the Carondelet Canal and Navigation Company of New Orleans of $100 a share.
A certificate, No. 405 for $10 in the invested funds of the New Orleans Mutual Insurance Company for 1861.
A certificate, No. 435, for $10 in the invested funds of the same company for 1861.
A certificate, No. 412, for $50, in the invested funds of the Merchants' Mutual Insurance Company for 1861.
A certificate, No. 292, for $70, in the invested funds for the same company for 1866.
A certificate, No. 412, for $50, in the invested funds for the same company for 1867.
Terms and Conditions—For the Stocks and Scrips, cash.
For the Real Estate, one-half cash and the balance at six and twelve months' credit, the notes or coupons of the purchasers to be made to their own order and by them indorsed, bearing eight per cent interest per annum from date of sale until final payment, with clause of five per cent Attorney's fees to be paid by the purchasers, in case of suit for the recovery of any of said notes or coupons; the buildings to be kept insured by the purchasers to the amount of the notes, and the policies to be transferred to the vendors, or reinsuring at the expense of the purchaser, should the latter fail to do so; the whole to be secured by vendor's privilege and special mortgage on the property sold, with the clause of non alienando, and the taxes for the year 1868 to be paid by the purchasers for the unexpired portion of the year.
Acts of Sale before S. Wagner & Gotschalk, Notaries Public, at the expense of the purchasers, including the United States stamps.
nov12 19 26 de3 8 11

PROPERTY ON LIVE OAK STREET, FORMING the corner of Dufossat street City of Jefferson—Succession of Theogene Dalon.

BY CHARLES E. FORTIER, AUCTIONEER—Office No. 48 Exchange Alley.—TUESDAY, December 1, 1868, at 12 o'clock M., will be sold at the Merchants' and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, by virtue of an order from the Honorable the Judge of the Parish Court for the parish of Jefferson, dated twenty ninth October, 1868 the following described property, viz:
A CERTAIN LOT OF GROUND, situate in the Faubourg Avart, City and Parish of Jefferson, designated by the No. 10, in the square bounded by Live Oak, Magazine, Belcastel and Dufossat streets. Said lot measures thirty feet front on Live Oak street, by a depth of one hundred feet, American measure, between parallel lines. Said lot forms the corner of Liveoak and Dufossat streets.
Terms—Cash in United States Treasury notes.
Act of sale before P. E. Laresche, notary public, at the expense of the purchaser, including United States Internal Revenue stamps.
oc31 no7 14 21 30

VALUABLE LOT ON FULTON STREET, BEtween First and Second streets—Succession of F. Fahrenholz—No. 30,133.

BY G. DE FERIET, AUCTIONEER—OFfice No. 16 Bienville street—SATURDAY, December 5 1868 at noon, at the Merchants' and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, will be sold by public auction, by virtue of an order from the Hon. Louis Duvigneaud, Judge of the Second District Court of New Orleans, dated October 30 1868, the following described real estate belonging to the said succession:
A VACANT LOT OF GROUND, in the Fourth District of this city, in the square bounded by Fulton, First, Chippewa and Second streets, measuring twenty eight feet one inch and three lines front on Fulton street, twenty-eight feet one inch and three lines on the rear line, by a depth of one hundred and sixteen feet five inches on the side line toward First street, and one hundred and fifteen feet ten inches and four lines on the side line toward Second street.
Terms—Cash in United States Treasury notes.
Acts of sale, with United States internal revenue stamps attached, before Octave Morel, Notary Public, at purchasers' expense. no3 7 14 21 28 de4

BY TELEGRAPH.

THE WAR IN ARKANSAS.

KU-KLUX ATTACK STATE MILITIA

The Killed and Wounded.

LATEST NEWS FROM WASHINGTON.

CONDITION OF SOUTHERN FORTS.

THE TAX ON DISTILLED SPIRITS.

Present Condition of Affairs in Florida.

A TIGER "OUT ON THE LOOSE."

Proclamation by the Lieutenant Governor

From Cuba and Mexico.

LATEST NEWS FROM EUROPE.

THE ELECTIONS IN ENGLAND.

TROUBLE WITH INDIANS IN CALIFORNIA.

Interesting Miscellaneous Intelligence.

Morning Dispatches to the Associated Press.

WASHINGTON.

Restoration of Forts on Southern Coast—Payments to the Government by Southern Railroads—General Grant Goes to Boston—Tax on Distilled Spirits—No Protection at the Polls in Georgia.

WASHINGTON, November 17.—The Chief Engineer of the Army reports that the restoration of forts on the Southern seacoast continues, and that a large portion of the defenses at New Orleans, Pensacola and Mobile have been placed in a condition for use. He asks for an appropriation of $641,000 for the forts on the Southern coast, and $100,000 for Fortress Monroe, and also, for the improvement of the mouth of the Mississippi, $375,000.

The aggregate asked for rivers and harbors is $6,500,000.

The Quartermaster General states his expenditures through the year at $36,-500,000.

The payment by Southern railroads toward settlement of their accounts to the close of September last, had amounted to $4,000,000, while the total debt of the roads is $8,500,000. Sixteen roads have paid in full. Of the total amount unpaid nearly two-thirds is the debt of four roads in Tennessee.

Admiral Farragut has been detached from the European squadron and placed on waiting orders

Supervisors appointed to-day: Alexander Fulton, for Delaware, Maryland and the District of Columbia, and W. T. Bennett for North and South Carolina.

The *Star* says McCulloch has determined to appoint Joseph R. West for Louisiana, and John Olney for Illinois.

General Grant visits Boston and other Atlantic cities before returning.

All disposable mounted recruits at Carlisle Barracks are ordered West to fight Indians.

Attorney-General Evarts decides that if liquor is redistilled to obtain some other article than proof spirits, it is liable to the tax on distilled spirits. If it has not reached the grade of proof spirits, and is redistilled to bring it to that grade, it is not liable to the tax. Whether the article is distilled twice in the same still or in different ones, makes no difference in regard to liability to tax.

A special to the New York *Times* says Messrs. Clifland and Prince, Republican members of Congress from Georgia, called at army headquarters to-day to represent the condition of things in that State. They assert that there was no protection at many of the polls for loyal men at the recent election, and that no fair expression of the people can be had at the election for Congressmen, in February, without the presence of additional troops.

VIRGINIA.

Important Law Case at Richmond—Question of Ineligibility of a Judge.

RICHMOND, November 17.—In the United States Court this morning the trial commenced of a habeas corpus case, in which the counsel for Cæsar Griffin, sentenced to the Penitentiary for shooting a white man, ask his release on the ground that Judge Jeffrey, who held the court, was ineligible under the fourteenth amendment. The decision of this case will affect nearly all the Judges in the State, and make void or confirm all the legal business transacted by them since the adoption of the amendment.

FLORIDA.

A Tiger in the Field—Lieutenant Governor Gleason's Proclamation.

TALLAHASSEE, Fla., November 17.—A circular of the "Unterrified Tiger Committee" published to-day, indorses and recommends Colonel William H. Saunders as the people's candidate for the Forty-First Congress, as a representative man of his race, and of the people of the South. Saunders takes the stump at once.

Lieutenant Governor Gleason issued to-day a proclamation, dated yesterday, in which he states that in the late special session of the Legislature a quorum of both Houses was present; that Governor Reed recognized them by sending them a message and transacting business with them; that twelve members of the Senate were present; that impeachment of an officer is in no sense legislative business, but is exclusively judicial in its character, and such as may as well be transacted at a special as at a regular term, and that the Constitution declares that an officer when impeached, shall be deemed under arrest and disqualified from performing any of the duties of his office until acquitted by the Senate.

That Harrison Reed, in gross contempt of the people of the State, their Assembly which impeached, and their Senate, the only tribunal, under the Constitution, which has jurisdiction in cases of impeachment, and in violation of the Constitution of the State, refuses to deem himself under arrest and disqualified from performing the duties of his office until acquitted by the Senate, or submit himself to the judgment of the Senate, but arrogates to himself the right to pronounce impeachment void; and proceeds in his office as if no impeachment had been preferred.

That no citizen charged with crime can set up his private judgement as to the regularity of his impeachment or for his arrest, and the law in this respect makes no difference between one who is Governor and one who is not, but requires all to submit to arrest and go before the tribunal appointed by the Constitution to make their defense.

He therefore proclaims that the said Harrison Reed, Governor of Florida, is deemed by the Constitution under arrest, and disqualified from performing any of the duties of his office until acquitted by the Senate, and that his powers have devolved upon him, and calls upon all citizens to aid him in exercising the powers and discharging the duties devolved upon him by the Constitution, and to put down the lawlessness and anarchy which will inevitably ensue if any man impeached or indicted, however exalted his station, refuse submission to arrest imposed by the Constitution.

The document is signed by W. H Gleason, Lieutenant and Acting Governor, countersigned by George J. Alden, Secretary of State, and bears the impression of the seal of the State.

Governor Reed also has a State seal, said to be a duplicate of the original.

CUBA.

Wreck of a Steamer from New Orleans—Rosecrans at Havana

HAVANA, November 17.—Intelligence has been received here that the steamship Star of the Union, from New Orleans, for Havana, was totally wrecked near Bahia Honda. Crew and passengers saved.

Admiral Hoff has ordered the Penobscot to Bahia Honda, to assist the passengers and crew of the steamer Star of the Union.

General Rosecrans visited Lersundi and departed for Mexico this afternoon.

MEXICO.

Romero Returns to Washington—Earthquakes at Iturbide—Vera Cruz and Mexico Railroad.

HAVANA, November 17.—The French steamer Panama, from Vera Cruz thirteenth arrived to day. The English brig Champion was wrecked at Arenas island. It is stated hat Romero soon returns to Washington; Riva succeeds him in the treasury. Earthquakes were felt on the third and sixth at Iturbide, fourteen leagues from San Luis Potosi. Congress approved the contract for a Vera Cruz and Mexico Railroad.

EUROPE.

Bismark and Vesuvius.

BERLIN, November 17.—Bismark resumes his functions in December.

NAPLES, November 17.—Vesuvius is in violent eruption.

MISCELLANEOUS.

Erie Railroad Injunction—The Cuban Revolution Breaking Down.

FORTRESS MONROE, November 17.—A heavy easterly wind prevails. A large fleet is in the Roads for harbor.

NEW YORK, November 17.—August Belmont and others have applied for an injunction against the Directors of the Erie Railroad from using the funds of the company for further stock speculation. It was reported that Jay Gould was appointed receiver for the company. It was reported, also, that seven millions in gold was taken from the Exchange Bank to Jersey City by the Erie officers.

It is believed that the Government sold gold largely to-day. The bull clique were also heavy sellers.

Lersundi telegraphs the Spanish Consul here that the revolution is breaking up.

Evening Dispatches to the Associated Press.

ARKANSAS—The Ku-Klux Attack the State Militia—The Killed and Wounded—Governor Clayton's Martial Law Proclamation.

ST. LOUIS, November 18.—A Little Rock special to the *Democrat* reports that General Catterson's command was attacked by the Ku-Klux in Sevier county.

Three of the attacking party and one militiaman were killed and several wounded on each side.

MEMPHIS, November 18.—Governor Clayton's martial law proclamation says: "The time has come when the State government must maintain itself, at the point of the bayonet if necessary. We ask no help from abroad."

WASHINGTON—Admiral Radford Succeeds Admiral Farragut.

WASHINGTON, November 18.—Rear Admiral Radford succeeds Farragut in the European squadron.

FROM THE PLAINS—General Sheridan with a Large Command—He is on the Indian War Path.

FORT HAYS, November 18.—General Sheridan has left for Canadian River, 150 miles south of the Arkansas River, to assume command. He has 2700 troops. The warriors number 7000. Hard fighting is expected.

SAN FRANCISCO—The Arizona Indians on the War Path.

SAN FRANCISCO, November 18.—The Arizona Indians have commenced a vigorous warfare. The people implore Halleck to send them troops.

ENGLAND—Defeat of John Stuart Mill—Rioting at the Elections.

LONDON, November 18.—In 342 constituencies the Liberals gain forty-five and the Tories twenty-two. John Stuart Mill is defeated.

There has been considerable rioting at various points.

MOUNT VESUVIUS—The Lava Overflowing.

NAPLES, November 18.—The lava from Vesuvius has filled and overflowed the Fosse Veniltian, and is still flowing. The upper cone is discharging columns of flame.

River Intelligence.

SOUTHWEST PASS, November 18, 11 A. M. Barometer 30.10. Wind north and fresh.

Arrived: steamship Yazoo, Hedges, from New York, to Harris & Bidwell. No departures.

VICKSBURG, November 18.—Passed down: Dexter, at 9 A. M. River rising slowly.

Domestic Markets.

NEW YORK, November 18.—Money easy at 6@7 ₽ cent; sterling 109; gold 134¼; 5-20s of '62 109½; North Carolinas 64¾; new 64; Virginias ex-coupon 54; do. new 56; Tennessees ex-coupons 69; do. new same.

Flour dull and 5@10c. lower. Wheat declining. Corn a shade lower. Pork nominal at $28 75. Lard dull; steam 16¼@16½. Turpentine quiet at 47½@48. Rosin firmer; strained common $2 45@2 50. Freights quiet.

Foreign Markets.

LONDON, November 17, Noon.—Consols 94. Bonds 74½. Tallow 51s.

LIVERPOOL, November 18.—Markets closed.

From an Ex-Reb.

We publish in another column a communication from a gentleman of standing and repute, an old resident of Louisiana, in which he ventilates the swindles of the rebellion, and gives some wholesome advice to his fellow-citizens.

THE POLICE INJUNCTION CASE.

R. E. DIAMOND VS. SUPERINTENDENT CAIN.

Argument of Counsel before Judge Cooley

The case of Robert E. Diamond vs. Superintendent George T. Cain came up for final argument in the Second District Court at five o'clock last evening. The chief features of this case are well known to the public. Mr. Cain, by virtue of an appointment of the Board of Metropolitan Police, holds the office of Superintendent of Police, into which has been merged the duties of Chief of Police, abolished by law. Mayor Conway, however, issued to Robert E. Diamond a commission as Chief of Police, thus disregarding the new police law, and his appointee applies to the court for installation. We copy a report of the case from the *Times:*

For plaintiff, R. N. Ogden and Alfred Phillips.

For defendent, E Fileul and J. Hawkins.

Mr. H. J. Leovy said that additional court counsel had been employed in the case, which met with the assent of the court.

Mr. Phillips, on the part of Robert E. Diamond, read the petition praying for a writ of quo warranto and a writ of injunction to issue.

Two rules nisi—one to show cause why an injunction should not be made perpetual, another by what right he held the office of Chief—were read.

The supplemental petition of Diamond was then read, upon which is based the real issue of the case, and answer of Cain denying everything in general and particular.

The reading of these petitions and answers having been accomplished, the commission of Robert E. Diamond from the Mayor, and the information from the counsel of Cain that his commission would be forthcoming at the proper time, were received in evidence. The filing in evidence having been concluded, the argument for the plaintiff, Robert E. Diamond, was opened by R. N. Ogden, Esq., who confined his argument to the unconstitutionality of the police bill. After congratulating the people upon the peace and order which now reigned, he went on to say that it was difficult to find in all the records of class legislation a law more nefarious in its designs than the present. The law bore in itself the poison which would wreak its own destruction. Admitting that the bill was constitutional in any of its features, the provision of the law by which the Chief of Police wes made subordinate to the Superintendent would be sufficient to destroy the law, as there is no mention of the city charter being repealed, and a charter can not be repealed by implication. By the decisions of the Supreme Court the charter—a special law—must be repealed by a special law. The office of Chief existing under the charter, and which has existed for a number of years, remains still an office under the charter, which is still law, and the nomination of Diamond to fill the office was made under the charter, and all the behests of that law were fulfilled. Cain must be either a State or a municipal officer; if a State officer, it does not necessarily conflict with the functions of the municipal office; if a municipal officer, he is a usurper, as the only means to fill the office of Chief is by appointment of the Mayor. Another point in the unconstitutionality of the bill is, that it levies a special tax; and "all bills for raising revenue must originate in the House of Representatives," when the truth is, this law originated in the Senate. He cited the point again, that, admitting the bill to be constitutional in all its provisions, it is unconstitutional in those provisions wherein it applies to the city of New Orleans.

E. Fileul, one of the counsel for the defendant, proceeded to set forth why the plaintiff has no right to the writ of *quo warranto*, and his position was to show cause why the writ of *quo warranto* should not issue. Defining the writ as it was laid down in the Code of Practice, he said that the office of Chief had been merged into the office of Superintendent by authority of the Legislature. According to act No. 153 the petition or prayer of the plaintiff was informal, as the prayer should have been introduced by the Attorney General, not by private parties. The injunction, according to articles 308 and 304 of the Code of Practice, can not be granted. There is no principle better settled than that the later laws repealed the former laws with which they were in conflict. From this principle as announced, he deduced the fact that the Metropolitan Police law repealed the laws with which it was in conflict. Besides municipal corporations were, according to the well understood principle in practice within the States, the creatures of the Legislature and the objects even of their practice. Quoting the case of Joshua Baldwin, he cited its opinion. In the Constitution of 1868, there was not a single protective clause regarding the powers of the corporation of the city of New Orleans. These principles were well understood.

The Judge: Do I understand that the proposition is denied by the opposition?

Mr. Ogden: By no means.

Mr. Fileul proceeded to quote act No. 1 in answer to the principle of the counsel for the plaintiff that laws are not repealed by implication, because this law, forbidding the Mayor to appoint any more policeman, was repealed by the Metropolitan Police law. According to the theory of the plaintiff, the special law was not repealed.

Mr. Phillips: That act (No. 1.) as it passed before the ratification of the amendment, is unconstitutional.

Mr. Fileul: We'll see about that.

All the evidence required of the defendant, to show that he is no usurper, is to file his commission, and this the defendant has done. (Here Mr. Fileul asked a great many questions and answered them himself.) If the Board of Police gave Cain his commission, it is against the Board, not with the subordinate. The first article of the Code of Practice, that an action is the right given to any party to ask what is due to him, the plaintiff could not seek what was due to him through the unconstitutionality of the law. The plaintiff must have some of his rights invaded. Did Cain invade any of the rights of the plaintiff? He quoted the act No. 153, again laying stress upon the provision by which the Attorney General of the parish of Orleans is to bring suit *via quo warranto*.

Judge Cooley: It is my impression the act was subsequently amended so as to permit any one interested to bring the action of *quo warranto*.

Mr. Fileul: You are in error, Judge.

Judge Cooley. "Or any other person interested"—(reading from the copy of the act.)

Mr. Fileul: Nevertheless, it is the duty of the Attorney General to bring the action via *quo warranto*. It is his duty, and no person interested whatever can bring the action without being joined by the Attorney General. Mr. Fileul proceeded to repeat himself the points mentioned in the abstract above in the way of summing up. "It is only for the party whose rights are invaded to plead the unconstitutionality of the law." (12 Ang.) It is clear, proceeded Mr. Fileul, that the Mayor had no right to appoint Mr. Diamond. Cain, then exercising the functions of Superintendent, was the party whose rights were invaded, if this principle of our jurisprudence is to be followed out. Having read the police act he was unable to see that any judicial power was conferred upon the official under that law, yet such power could be intrusted by the Legislature. (Art. 94 Con.) As to the point that "no person shall hold at one time more than one office of honor or profit," it can not apply to Mr. Cain, but probably Lieutenant-Governor Dunn, the person to whom allusion is made. (Art. 117 Con.) It had been decided in New York that the ex officio position was only an extension of his duties.

Judge Cooley: Does the Lieutenant Governor receive any salary?

Mr. Fileul: If he should, that would make no difference from the principle. He could not perceive in what manner article 118 had to do with the case; it was the provision referring to taxation, and the law, according to his interpretation, did not levy a tax upon the people. The provision making Lieutenant Governor Dunn ex-officio President of the Board of Police, even if it were void, would not vitiate the law. A portion of the statute being void, that does not necessarily affect or make void the remaining portions of it; that is, if the balance of the law be not unconstitutional.

The following is the summary of the above argument:

1. An action for *quo warranto* cannot be brought in the parish of Orleans except by the Attorney General.

2. There is no vested right in an individual to office.

Mr. Fileul then spoke of the duty of good citizens to obey all laws, bearing the marks of its passage, and not question its constitutionality. "What would become of society if every one should take it upon himself to disobey the law because there had been malpractice in the Legislature? Should the law divest me of all my rights, strip me of everything, I would be bound to submit, because every law must stand until a judgment pronounces it unconstitutional."

Judge Hawkins, associate counsel for Mr. Cain, proceeded to say that the whole question is: Does Mr. Cain exercise the office of Chief of Police? In his answer to the petition of Diamond, who asks by what right he usurps the office of Chief of Police, that he (Cain) is not the Chief of Police, hence the writ must fall for this reason. The Legislature, in their wisdom or their nonsense—it is not material which—saw fit to pass the police act, and alter the whole system of policing the city of New Orleans, a power which they had a clear right to exercise. By the same logic with which the ears of Courts are now inflicted, the constitution itself is unconstitutional. The action in the present instance was brought against the law, which was a party on one side. The Supreme Court of the United States had decided in a certain case appealed from the State of Mississippi, that the law itself could have no standing in court; the law being made a party, could be no party, and hence the Supreme Court could have no jurisdiction. The theory upon which the counsel for plaintiffs proceeded to question in this reckless manner every law, because we do not like the instruments who make it, is a false and baneful doctrine, subversive of the true principles of government. So long as such a spirit runs rampant in the community there never will be peace or order. The better class of the community are constantly teaching the public these doctrines. It has become a favorite idea that the Legislative enactments have no binding force until the Judiciary shall have pronounced upon them; but it is a false idea. The Government is the law-making power—there are reposed the rights of the people, of every one, and the courts themselves derive their powers from the same power. He styled the case of the plaintiffs a "made case," and in the history of this country "made cases" are particularly unfortunate, and he had referred to the theories of the Constitution merely to combat the theory that the constitutionality of the law was in question—it was out of the record, was not involved. In the way the case sets there is no need of pronouncing upon the constitutionality of the law. Suppose it is said Mr. Diamond is Chief of Police. We hold there is no such office. The police are appointed by the Board of Police. [An interruption.] On the pleadings your honor must pronounce that either Mr. Cain is a usurper or that he isn't. You may believe the law to be impolitic or bad: but that has nothing to do with the question. The constitutionality has nothing to do with the question under the pleadings, nothing whatever to do with it.

Judge Cooley: Suppose the police act is unconstitutional, what will become of the defendant?

Judge Hawkins: He don't hold the office.

The counsel proceeded to touch upon the same points about the bad policy of pronouncing upon the unconstitutionality of a law when it was not brought in question; a court who would go so far out of the record tending to excite to a greater degree the public mind, would act to the prejudice of the public.

Mr. Phillips, on behalf of the plaintiff, closed the case. Referring to the argument of Judge Hawkins as a dissertation on the theory of the American Government, and referring to the argument of Mr. Fileul as one to which he could not consent—that is, that everything under color of law, whether constitutional or not. He touched upon the petition, which said that Cain, the defendant, had interfered with the functions of the office which Diamond held. Cain says there is no such office as Chief of Police.

Has anything been said about the writ of injunction? Nothing. The defense in this case is based upon the police bill, which, if it has no existence in law, the defendant must go out of office, and it has no existence in law if it is unconstitutional. The counsel went on to prove the unconstitutionality of the act as being the main question. The first section set forth that, for the purpose of carrying out the act, the parishes of Orleans, Jefferson and St. Bernard are territorially united for that purpose. Now, in order that the law may comply with the terms of that article in the Constitution of the State, which says that 'taxation must be uniform;' if the tax levied to carry out the act is not uniform, it violates the article in the constitution. Proceeding to inquire in what manner the tax was assessed, the counsel read the section of the act which provided that the Board of Administrators should make an estimate and assess an amount to be paid for the expenses of the police. The apportionment, the counsel went on to say, was correct and constitutional. Section 29 of the act said that the Councils of the cities and the Police Juries of the remaining part of the Metropolitan District. The collection of the tax fails upon the cities and towns of the Metropolitan District, while the apportionment of the money is divided in a uniform manner, but the collection of the tax was not uniform, and violated the article of the constitution. Mr. Phillips held that the act being unconstitutional in this particular was void, and null and void throughout. This "tax" was the secret, the mainspring of the law, for (though he did not wish to call names) the dollar was the only object of the law, and the officers who "served their country for their country's good," only sought the office for its emoluments and the inevitable something else goes with it. Putting the most liberal construction upon the act, and calling the motives of the Legislature good, yet the act was unconstitutional, as it violated article 118.

The case was then submitted, and will be decided in a few days.

THE DEMOCRATIC STATE CONVENTION.

After our report closed yesterday, the Democratic State Convention adopted rules for the organization and government of the State Committee.

The following resolutions presented by ex-Senator E. L. Jewell, the great pacificator, were read at his request:

Resolved, That the President of this Convention be authorized and requested to appoint a committee to be composed of the legal profession, to whom shall be referred the legal question involving the term of existence of the Legislature last elected in this State.

Resolved, That the report of this committee shall be made to the State Central Committee, who shall be authorized to take such steps as may be deemed necessary in order to carry out the recommendations of the Special Committee.

Resolved, That in the event this committee decide adverse to the further existence of the Legislature, the Democratic members thereof are requested by this State Convention to abstain from any further participation in the proceedings of the next session, in the event of any attempt to organize the same.

We copy from the *Bulletin* a report of the action of the convention on the resolutions:

Mr. Jewell spoke warmly on the resolutions, and was followed by Mr. Mouton in a similar strain, who moved for their adoption

Mr. A. W. Walker was in favor of reference of the resolutions, together with others which he offered, touching on the same matter, without asking that they be read.

Colonel Fuqua spoke in support of Mr. Jewell's first two resolutions, in their essential features, but opposed the third of the series.

Mr. Jewell said he was satisfied that the term of office of the members of the Legislature expired at the end of the one hundred and twenty days they were in session, and that legally an election should have been held for other members on the third day of the current month.

Mr. W. F. Blackman, in speaking on the resolutions, said that as a member of the State Senate he would willingly shake the dirt from his feet and leave that polluted assemblage, if properly instructed, but he considered the present State government a fixture till legally overthrown by the constitutional means of the ballot-box. He would have retired from the Senate long ago had he been satisfied that it would have been for the interest of the State and the Democratic party, and argued that he and his fellow members could not have retired, however anxious to upset the legislation of the last session, without jeopardizing the interests of the people. It was not a question for the Convention but for the courts to decide.

And if, said Mr. Blackman, you appeal to the courts to decide upon the constitutionality of the acts of this Legislature, organized under the same Constitution which organized the courts, the courts must answer that their organization is not legal, and they are not, therefore, competent to determine questions of constitutionality.

Mr. E. Howard McCaleb, of Orleans, argued that the acts of the Legislature were usurpations of the rights of the people, even under the Constitution, and the presence of Democratic members, in a minority in the Legislature, could have done no good, and could do nothing except to lend a sort of quasi consent of the party they represented.

Mr. James B. Eustis said he had always been of the opinion that the Legislature had no legal or constitutional existence. He agreed, however, as a matter of expediency, with the views expressed by Mr. Blackman relative to the propriety of the Democratic members having retained their seats, looking to an increase of their strength by the expiration of the short terms of members of the majority.

Mr. Jewell said that so far as he was concerned, he had no disposition to remain in the Senate; that if he had, he should not have denounced carpet-baggers as he did, and that if he was kicked out, it was because he had himself kicked out rather than neglect to use every opportunity and means to denounce their corruptions and usurpations of the rights of the people.

The first two resolutions were finally adopted and the third lost.

Mr. Fabre offered a resolution that when this convention adjourns it does so subject to reassemblage on the call of the President. Referred.

Resolutions of thanks to the Deutsche Company for the use of their hall were adopted, and the Convention adjourned sine die.

Isabella and Eugenia.

Henry Rochefort, of the *Lanterne*, has admitted a terrible cut on these two crowned women, as follows:

If a woman of the people publicly lives in a state of adultery, the houses of honest folks are closed against her, and respectable mothers keep out of her way. Only a criminal judge in France can possibly decide that this statement is offensive to public morality. A few days ago a woman landed on the shores of France who had her husband on one side and her lover on the other. And who was this woman, think you, who did not turn her eyes away from the disgusting sight, but threw herself into the arms of the adulterous wife, offered to her her own palace and a bed for two? It was Eugenia, the Empress of the French. She even took her own son down to the landing, and when he asked who was that tall, broad-shouldered gentleman with the heavy whiskers, for whom the dethroned queen had still a smile, his mother probably answered him: "My son, this is her lover. In a few years you will fully understand what that means, and how attractive such a person is for a married queen and for the nation which is ruled by her." Suffice for the present, that this class of men are exceedingly expensive!

Rochefort publishes his *Lanterne* at present at Brussels. Upwards of 100,000 copies of it are smuggled into France. A little item like the above every week is worth a regiment to the impending revolution.