New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE DAILY REPUBLICAN

May be had of the following dealers:

George Ellis, opposite the Postoffice.

C. C. Haley, No. 19 Commercial place.

C. G. D. Holle, No. 61 Exchange place.

A. Simon, St. Louis street, between Royal street and Exchange alley (under St. Louis Hotel).

James Ennis, Pontchartrain railroad depot, Third District; also at depot, foot of Lafayette street, First District.

Variety news stand, No. 38 Dauphine street, between Customhouse and Bienville streets.

AUCTION SALES THIS DAY.

BY R. M. & B. J. MONTGOMERY, at 11 o'clock, at No. 37 Natchez street, a general assortment of second hand furniture, etc.

BY SHERIFF HARPER, at 12 o'clock, at Merchants and Auctioneers' Exchange, lot of ground on Chestnut street; lot of ground on St. Andrews street; lot of ground on St. Andrews street, together with buildings—Louisiana Mutual Insurance Company vs. George D. Fisher; all of the right of John T. Michel in a claim against Theodore Judt, deceased, John Kaiser, C. S. Sauvinet, Peter Kaiser, George Merz, Charles Leidig, John Steib and Joseph Krieger—Howard & Preston vs. F. J. Leche and J. T. Michel. At half-past ten o'clock, contents of store No. 93 Royal street, consisting of fancy goods, fixtures, show cases, etc.—Oscar Poincelin vs Henry Bird.

Local Intelligence.

A WARNING.—The young and favorite son of Governor Pinchback, a bright little fellow called Pinckney, after his sire, accidentally shot himself on Sunday. He was playing with a holiday pistol, charged with powder, which, going off prematurely, shattered his hand badly. While very severe and painful, Dr. Smythe thinks the wound will not cripple him permanently.

This first recorded accident should teach other parents caution during the approaching days of fireworks.

Cars on several street lines have resumed their nightly schedule, as the animals have nearly all recovered from the effects of epiooty. The Carrollton line lost only four beasts by death. The Jackson street line was so fortunate as to escape loss by death. The first lines to resume were those which start from the head of St. Charles street.

WHOSE SILVER?—Officer Campbell last evening arrested a man, at the corner of Magnolia and Locust streets, for carrying a concealed weapon. Accused, who gave his name as Henry Harris, had a valise, which contained several pieces of table silver, some marked E. A. H., and some with a simple H., and others with no mark,—supposed to be stolen. The owners of the silver are requested to prove property immediately.

Before daylight yesterday morning Officer Murphy found the shoe store, No. 3 Dumaine street, broken open. Entering and arousing the proprietor, a dark lantern was found, also ten sacks. Only a single pair of gaiters is missing. It is conjectured that burglars had arranged to plunder the place, but as the officer was vigilant, their bad plans were frustrated.

A SOLDIER SHOOTS HIMSELF ACCIDENTALLY.—Sunday evening the report of a musket in the ante-room of the Governor's office, State House, caused a temporary flurry among all in the immediate neighborhood. It seems that Private Clark, battery L, first battalion of artillery, when in the act of drawing water from a cooler handled his musket clumsily, as it was discharged, the bullet passing through one of his hands, shattering it badly. An artilleryman with a musket or a rifle is not as careful with the weapon as is an infantryman. He was sent to the Charity Hospital, where his wound was carefully dressed.

ON THE STAFF.—General Longstreet, to compliment Captain Flanagan, first precinct police, for excellent conduct, honored him with a commission as captain and aide-de-camp of the first division of State militia. The compliment is worthily bestowed, and without doubt Captain Flanagan will prove that the commission was befittingly given. He has signified his intention to accept the post of honor.

GONE NORTH.—The late Administrator of Improvements, John Cockrem, Esq., left for the North last Saturday. He is reported to take Washington in his way, at the request of Senator West.

The Police Commissioners yesterday transferred Captain Boyd Robinson from the second (Pacanier) precinct to the sixth precinct (Fourth District) station—a more important command. Sergeant D. S. Gaster was transferred to and placed in command of the second precinct, the board agreeing not to fill the vacant captaincy. Officer Ryan, of the first precinct, was promoted to corporal.

HIBERNIA BENEVOLENT ASSOCIATION BRANCH NO. 7.—This branch made a public turnout Sunday for the purpose of having its new banner decorated with an uncommonly fine wreath, presented by appreciating friends. The presentation took place at No. 286 Constance street, and the wreath was delivered to the branch by little Miss Katie M. Grant, in the following neat address:

Gentlemen of Branch No. 7—I have taken advantage of this occasion to present you a token of the respect which, in common with all others to whom you are known, I entertain toward the gallant men who are this day assembled in your ranks. It is true that the token which I have selected is but an humble one; it is true I am but a child; yet it is not the value of the gift nor my age which makes the token an acceptable one. It is the regard, the affection, which dictates the action.

You may have friends who have the means and disposition to make a more magnificent offering; you may have well-wishers who are of more advanced years; but there is not one among them all whose heart cherishes for you feelings more warm, more devoted than those which have formed their place within my own.

I feel, gentlemen, that this wreath is placed in the keeping of good and true men—men who will uphold with honor the beautiful banner it is intended to ornament. May your hearts be filled with an honest pride at the contemplation of your country's emblem. May you prove yourselves worthy comrades of the brave Sarsfield, whose image ornaments your banner, and may you, gentlemen, after having done an honor to your country and to your God, receive from his hand a fadeless crown, of which this garland is but a trifling type.

PROBABLE SUICIDE OF J. M. DIRRHAMMER.—This gentleman, a well known and thriving attorney of this city, took a room in the St. Louis Hotel late Saturday night. He had retired about an hour when one of his acquaintances, by chance, noticed the name on the register. He at once ascended, knocked at the door hurriedly, as he heard an unusual sound within. The door was locked, but, with assistance, the gentleman managed to open it. Mr. Dirrhammer was lying on the bed quite unconscious. His friend, unable to fully comprehend the situation, glanced around the apartment, when he found a four ounce vial labeled atrophine, a rank poison, but the vial was empty. It was at once concluded that the sufferer had swallowed the poison.

A carriage was quickly procured, and Mr. Dirrhammer sent to the Charity Hospital, but the skill of all the physicians there could not save him. He died in an hour after reaching the hospital. As there existed no positive testimony that he had taken poison, portions of the stomach and brains were taken for an analysis. Until the physicians make a return of their investigations the matter must remain something of a mystery. Deceased was a German, forty-eight years old, and was a law partner with Judge J. H. Kennard. If he really committed suicide, there is no known cause for the deed. After his death a woman appeared, holding a marriage certificate of very recent date, claiming that she was his wife.

BASE BALL.—The Lottas met and subdued the Morgans—42 to 17.

The newly organized Excelsior nine were neatly captured by the Athletics. Score—20 to 13.

The Lazys beat the Ætnas by a count of 27 to 22.

The Arlington and Orleans clubs played a match game of base ball.—Score 19 to 13 in favor of the Arlingtons.

SHOT ACCIDENTALLY.—About half-past three o'clock Sunday evening, while three young men were out hunting in a skiff at the Company canal, a double-barrel shot gun that was lying in the boat was accidentally discharged, shooting Paul Larstener in the left side, above the hip. He was brought to the city and conveyed to his residence, No. 620 Tchoupitoulas street, where his wounds were examined, and pronounced dangerous.

At the sale of race pools last night at Hawkins' saloon, there were sales made on the third race, mile heats. Village Blacksmith stood the favorite $50, Venus next $40, Pilgrim $30, the field $15.

On the first race, consolation purse, Nick Baker sold for $75, John McDonald $30, the field $15.

No pools were sold on the sweepstakes race for two year old fillies.

CARROLLTON OFFICIALS.—At a meeting of the City Council, held in Carrollton Saturday evening, the following officers were elected to serve in that city during the ensuing year: Controller and secretary, W. P. Green; treasurer and collector, F. Kern; surveyor, W. H. Williams; commissioner, Z. Collamore, city attorney, Judge W. F. Scott; assessor, H. P. Taylor.

If gentlemen wish to visit a fairy-like scene, let them visit Masonic Hall to-night.

Pickpockets are about; therefore, look to your wallets if you have anything more than a counterfeit nickel in them.

The militia armory is still in the possession of the police. Members of the companies have nearly all taken away their private uniforms. Everything inside is out of order, but to-morrow Captain Flanagan will take an inventory, and afterward straighten everything out as well as he can.

PULLING THEM IN.—Soon after dark last evening the police collared fifteen ropers and cappers and thieves from St. Charles street. This gentry has lately been running their rascalities with great freedom and boldness, and so high-handed have been their proceedings that it would seem they have an exemption. Steps will be immediately taken to bring these fellows to a wholesome halt. It is time. Their features will be taken to-day for the rogue's gallery.

OFFICIAL MORTUARY REPORT.—Dr. S. C. Russell, secretary of the board of health, reports that the whole number of deaths in this city for the week ending last Sunday evening at six o'clock, was 100. The causes of death were:

Abscess of liver 2, apoplexy 3, bronchitis 5, cancer 2, cancer of womb 2, congestion of the brain 5, congestion of lungs 1, consumption 10, adult convulsions 1, infantile convulsions 2, croup 1, adult debility 1, infantile debility 1, diarrhea 1, chronic diarrhea 2, dropsy 2, drowned 2, dysentery 1, chronic dysentery 3, diphtheria 1, epilepsy 1, exposure 1, typhoid fever 1, gastro-enteritis 1, hemorrhage 3, disease of heart 5, hooping-cough 2, inflammation of the bowels 2, inflammation of the brain 1, inflammation of the heart 1, inflammation of the stomach 1, inanition 1, injuries 2, intemperance 2, infantile marasmus 1, meningitis 1, old age 2, peritonitis 1, pneumonia 6, premature birth 1, pytria 2, scrofula 1, small-pox 3, suicide 1, teething 2, tris nascentium 3, tabes mesenterica 2.

Nine were interred from public institutions and sixteen on certificates of coroners.

Drummers for Northern Houses.

The drummers for Northern business houses, who happen to be visiting New Orleans at the present time to sell goods or take orders for the houses they represent, have come here when our merchants have surplus stocks on hand, and being unable to obtain large orders are bidding for the sympathy and trade of Southern merchants elsewhere by addressing the people of the North on the political situation in Louisiana.

It is not probable that this address will materially increase the sale of friction matches by one drummer, or the sale of pickles, put up in jars, by another. Detroit matches will continue to be used by "this people," and so will Boston pickles, whatever may be the political character of our State government. Our people, the consumers, pay a profit on these and similar goods, and in return they expect that these political drummers will pay their State and city licenses when they come here to make sales or solicit orders, just as our own wholesale and retail traders do.

The political drummers are careful not to state where they can be found in New Orleans, but the State and city authorities should take the list of their names in the *Picayune*, seek them out and compel them to pay their licenses, just as other people pay them.

Appointments.

Governor Pinchback has appointed ex-Senator John R. Gallup to be tax collector of Iberville parish, vice R. E. Hebert, Esq.

Also, Harvey M. Dibble, Esq., to be recorder of marriages, births and deaths, vice A. W. Walker.

Statement of Attorney General Williams.

The attention of our readers is called to the clear, succinct and correct statement of Attorney General Williams in reference affairs in Louisiana, which will be found in our Washington dispatches.

Musical intelligence—A thief lately caught breaking into a song. He had already got through the first two bars when a policeman came up and hit him with a stave.

"THE CONTEMPT CASE."

The Issue of Contempt, Alike with the Motion of Supersedeas, Under Advisement.

Yesterday the United States Court opened proceedings with the case of W. P. Kellogg against H. C. Warmoth, beginning on the issue of contempt, which, at the time of taking process, was fully published in all its points.

Witnesses for the complainant were examined, touching the point of commiting contempt of the restraining order of court forbidding count, compilation, scrutiny or promulgation of election returns *pendente lite*. The date of service was on the nineteenth of November.

Y. A. Woodward, then Assistant Secretary of State, testified that he was engaged in the compilation of the returns under instructions from Mr. Bragden, private secretary of the Governor, but "did not remember" having seen any of the returns since the nineteenth. He attested the original of the Governor's proclamation of December, with his signature; knew of the restraining order by common report. I do not, continued the witness, recollect whether I have seen the returns since the service of the restraining order; I can not say positively; I have seen them so often that I do not recollect whether it was before or after; they were in the Governor's office at the Mechanics' Institute; I have never seen them in presence of Durant DaPonte, Hatch or Jack Wharton; there were several clerks working on them; I worked on them myself, I think, after the issuance of the restraining order; we were working on them of our own accord; we first worked on them under the authority of Mr. Bragdon; of course the Governor was in and out of his office, and I saw him.

Mr. F. W. Glenn testified that he was at work in the Governor's office on the returns sometime in the latter part of November, and he remembered when the restraining order was issued. I think, the witness went on to say, I have worked on the returns since it was issued; there were several persons worked with me; I think Mr. Bragdon, Mr. Calhoun and Mr. Woodward; the Governor was present at times; he said nothing to us; he gave us no instructions; we got our instructions from Mr. Bragdon, who, I believe, is the Governor's secretary; we were engaged, I think, in preparing a tabular statement of the returns; we were putting all the returns from the parishes on one sheet; we had no instructions how to make returns, except to add up the footings and put them on the sheets; after we had finished a sheet we folded it and marked it; I think that our labors ended here.

Mr. B. P. Blanchard, State registrar of voters, testified that the returns of election were on the nineteenth of November last, the date when the order of court was served in the hands of Governor Warmoth, and there may have been counts made by clerks subsequent to the order. Mr. Bragdon, secretary of the Governor, was engaged in the compilation of returns; the returns from the country did not come through his hands.

J. D. Houston's name was called as the next witness, but he was not present.

E. DeBlois, another witness, was not in court.

O. D. Bragdon was called, and testified that he had been private secretary of the Governor since the first of October, 1870.

Question—Were not these returns in the hands of clerks subsequent to the restraining order who were making tabulated statements?

Answer—They were.

Question—By whose authority?

Answer—The general authority of the board!

Question—Some of the clerks have testified that they were making out returns by your direction. By whom were you directed?

Answer—Under instructions of the Governor.

The returns were worked upon, the witness said, after the restraining order; I do not know that the Governor or any of the returning board were aware of the fact, or that they were present when it was going on; I can not swear that Governor Warmoth was unaware of the fact that they were going on; I was acting under the directions first given by Governor Warmoth; I had orders to stop work on them.

The witness answered that the Isabelle board of canvassers, that made the returns, obtained them already prepared; could not swear that the Isabelle board were appointed one day and the returns promulgated on the next; the records of the Secretary of State's office would show; did not know who filled up the commissions, nor did he, as he was aware, ever see them; knew that Jack Wharton was Secretary of State, but did not know where the office was; thought it was at the St. Charles Hotel; Jack Wharton claimed to be Secretary of State, and had no record of transactions since "you have taken possession of the office;" the office should show not only the returns that were made, but the qualifying of those commissioned, but he had not a record of these transactions, if they occurred previous to the time when the office was seized.

Counselor Mott, of Semmes & Mott, attorneys for H. C. Warmoth, filed an admission of the promulgation of the new law. Mr. Robert Mott then read the following:

I am instructed by my client, Henry Clay Warmoth, Governor of the State of Louisiana, to state that he, as Governor of that State, on the twentieth of November, 1872, approved the act No. 98 referred to in his answers filed twenty-fifth of November, 1872; that, as chief magistrate of said State, he appointed G. DeFeriet and others members of the returning board created by said act, and, as chief magistrate of this State, he opened, in the presence of said board, the returns of the election held fourth of November, 1872, and delivered said returns into the possession of said board, where they now are, and have been ever since the third of December, 1872.

By the defense—Have you had anything to do with the returns since the service of the restraining order?

Answer—I have not since that order; I have only been able to guess at the returns.

The complainant filed in evidence the interrogatories and the answers.

Mr. Mott—We submit the case.

By the court—Kellogg vs. Warmoth—Rule for appeal.

Mr. Mott—We beg leave to file a petition in this case (handing up a roll of manuscript to the clerk).

The order to adjourn was given by the judge.

Mr. Mott—Before the court adjourns we would like to know what is the action of the court upon this appeal, so that we may know where we stand.

By the judge, severely—Well you will know where you stand when I give my opinion, and then you will take just such course as the law allows you.

Mr. Mott—Then I understand your honor retains the appeal.

The Judge.—You understand nothing. You presented the petition; I said nothing. That means, I take it under consideration.

(The court adjourned.)

To Mr. Loew, reaching out his hand for the petition,

Mr. Mott, retiring—"No, I'll not give it to you! I'll furnish you with a copy during the day." (Sotto voce, to Judge Alexander Walker) "O, it's as long as the moral law!"

*Mr. Mott was right; the petition for supersedeas is as long as the Kellogg chancery bill.

Fair at Masonic Hall.

The fair at Masonic Hall for the benefit of the House of the Good Shepherd, is proving to be a success. Last evening one of our reporters found himself face to face with such an array of beauty that he thought for a moment he was translated into a new world. The tables shine with the radiance of their different prizes; and were arranged with a taste that does credit to the ladies in charge. All our friends are recommended to visit the fair without delay if they wish to enjoy a real treat. The objects of the House of the Good Shepherd are known to the community, and its wants appeal to all for prompt aid.

THE COURTS.

Supreme Court Decisions.

The Supreme Court of the State met yesterday and pronounced a series of opinions, of which the following abstracts are published:

BY CHIEF JUSTICE LUDELING.

David A. Morton vs. Mrs. L. A. Cannon.—Suit for recovery of the succession of Elijah Cannon of certain moneys collected by request of the plaintiff. The allegation is that the defendant, wife of W. B. Koontz, has been put in possession of the property, and judgment is prayed for against her as administratrix. From a judgment of the Second District Court, sustaining the exception that the heir had been put in possession and the administratrix could not be sued, the plaintiff appealed. The court has only probate jurisdiction, and had not jurisdiction to try the suit against the heir who was put in possession of the property. Judgment annulled and plaintiff's action dismissed.

BY ASSOCIATE JUSTICE HOWELL.

Arnold Weber vs. Charles A. Gorsuch.—A suit for $300, and to nullify an adjudication and for recognition of the rights of plaintiff as mortgagee of a piece of property, the suit being brought for an injunction in the Second Judicial District Court of Jefferson, and the court giving judgment dissolving it, from which the plaintiff appealed.

The sale of the property without appraisement was authorized by the third section of the act of 1869, the constitutionality of which is assailed, on the grounds that it is insufficient in title and that its provisions impair the plaintiff's obligation of contracts.

The title, in our opinion, indicates the object of the act.

That the enactment of this regulation in the act subsequent to the date of plaintiffs' mortgage impairs the obligation of contracts as it applies only to the remedy for enforcement of obligations and the appraisement in the interest of the debtor may be waived by him.

We can discover no such defects as to render null the judgment of the justice of the peace, the apparent discrepancy in the number of the court being explained by the statute.

Judgment affirmed.

Paul Bonseigneur vs. Francois Lacroix and Arthur Dejean.—This is a suit for the ownership of two lots of ground, or in default of placing the plaintiff in possession, for $1500, and also for $1000 damages.

Judgment of the Fourth District Court in favor of defendants and rejecting the claim affirmed.

The State ex rel. Adelaide Deblieux vs recorder of mortgages et als.—A suit for a mandamus on the defendant to compel the erasure by him of the inscription in book ninety-two, page 264, a privilege for $731 53, claimed by Fisher & Son on petitioner's property. From the judgment of the Eighth District Court, making the mandamus peremptory, Fisher & Son appealed. Judgment affirmed.

City of New Orleans vs. Jacob Strauss.—A suit for a sequestration of a seven-thirty certificate in the hands of the defendant; that the city be decreed the owner thereof, and in default that the defendant pay $775.

From the judgment of the Fourth District Court in favor of the city against Strauss, and in favor of Strauss against Chapuis and Merle, the latter took an appeal.

Strauss obtained no title, and the city was correctly held to be the owner. Judgment affirmed.

BY ASSOCIATE JUSTICE KENNARD.

Nicholson & Co. vs. Mrs. A H. Jennings.—Suit for $1673 against the defendant, testamentary executrix, privilege on the property. Motion to dismiss denied, and the judgment in favor of plaintiff in the Sixth District Court of Tangipahoa goes on.

Sampson Brothers vs Kate Townsend.—Suit for a sequestration to gain possession of a lot of furniture, and for $3147, with lien on the property. From a judgment of the Sixth District Court, in favor of defendant, the plaintiff appealed.

The defendant seeks to avoid payment of the debt by pleading her own infamy, and invokes the maxim "*contra bonos mores.*"

To permit her to succeed by using a good maxim in so bad a cause would not, in our opinion, work good to the community. The interests of society are better subserved by adhering to plain rules of bargain and sale.

Therefore, the judgment of the lower court, resting on this plea, is reversed.

Edward Thompson vs. Mrs. Rosette E. Grow and John A. Grow, her husband.—Suit for executory process on the property described, vendor's privilege to satisfy a claim of $3454 43. Judgment of the Sixth District Court in favor of plaintiff affirmed.

Edward Thompson vs. Rosette Evelyn Storrs, wife of John A. Grow.—Suit foreclosing a mortgage. Judgment of the Fourth District Court in favor of plaintiff affirmed, and costs for frivolous appeal. The appeal was evidently for delay.

W. P. Van Benthuysen, Jr., vs. R. S. Morse, of the City Hotel.—Suit for $750, the value of a watch and chain. From the judgment of the Fourth District Court rejecting plaintiff's demand he appealed.

Plaintiff's case is without merit. He stopped at the hotel, was assigned a room, which he accepted without protest. The house being crowded, a room-mate was put with him. He made no objection. They were together in the room several days. The plaintiff swears the room was assigned without his wishes. The protest, if made, was mild; his continuing with Scudder several days would indicate it was withdrawn. He hung the watch on his bedpost when retiring at night. Scudder rose before him in the morning. He omitted to get out of bed when Scudder left the room and lock the door, which might have saved the loss of the watch.

Judgment affirmed.

BY ASSOCIATE JUSTICE TALIAFERRO.

C. Strehle vs F. Pfister.—Suit for dissolution of partnership existing between plaintiff and defendant, and for judgment for as much as due plaintiff, and to compel the defendant to give an account. From the judgment of the Seventh District Court awarding plaintiff $1614 the defendant appealed. Question of facts. Judgment affirmed.

Mrs. Hetty P. Spiller, tutrix, vs. Mrs. Jane Easterly et als.—Suit that a sale made by the sheriff of Livingston parish in the succession of Levi Spiller of a homestead, be annulled, and the defendants' note given for the purchase price canceled, and that Elisha Spiller be ordered to proceed with the sale according to law. From a judgment dismissing the suit the plaintiff appealed.

We see no error in the judgment. The Probate Court was the proper one to bring the suit to annul.

Mrs. Gayarre vs. R. L. Millaudon.—Suit to annul the judgment of Judge Duplantier, and that the defendant pay the petitioners $[illegible].

This court has no jurisdiction in the case, the sum claimed as the amount in dispute not being sufficient, the plaintiff having added $[illegible] costs. Appeal dismissed.

Francois Auguste Chavanne vs. Jacques Fragasse.—Suit for a piece of property sought by plaintiff, a lineal heir, from a judgment of the Fourth District Court decreeing that plaintiff must produce before defendant now answer the origin of his father's title, he appealed.

The allegations are sufficiently clear to enable him to maintain his action, and it is for him to make out his case by sufficient evidence, which the defendant may resist. Therefore the judgment is annulled and the case remanded.

Charles Bell vs. R. H. Short & Co.—Suit that the defendants be compelled to render a true account of thirty hogsheads of tobacco, and that they be condemned to pay the plaintiff $[illegible]. From a judgment of the Sixth District Court on a rule that the defendants should elect which of their defenses they would adopt, the plaintiff reserves a bill of exceptions and appealed.

We think the ruling correct. The pleas are clearly inconsistent. One portion of the answer virtually admits the receipt of the tobacco shipped to them from Kentucky, and the other portion denies having received the tobacco at all.

The defendants' plea of prescription is untenable. The suit is not one on open account, but is one by a principal against his agent.

Judgment affirmed.

Gilbert Lyman vs. Kate Townsend.—A rent suit against the defendant, which applied for a provisional seizure of the contents of No. 276 Customhouse street, and for judgment for an amount over $500. From a judgment in favor of defendant the plaintiff appealed.

The defendant alleges that the building leased was used as a house of prostitution, and intended to be so used at the time the lease was made, and with the knowledge of plaintiff, and therefore is null and void as against public morals (*contra bonos mores*).

Is it unlawful for the owner to lease a house for such a purpose?

The right that persons of the plaintiff's class possess under the law to keep houses of ill-fame, implies a corresponding right to let a house for that purpose. When such contracts are allowed by law, what warrant is there for declaring them null?

Judgment for plaintiff, and the judgment of the lower court reversed.

Chief Justice Ludeling dissenting.

Joseph B. Hubbard vs. Susan D. Moore.—A suit to recover the value of furniture sold to defendant.

The evidence shows the plaintiff to have been aware of the character and business of the defendant, but facts are wanting to show that in supplying her with furniture there was any intent on his part to aid her course of vice.

Judgment for plaintiff, reversing the judgment of the Fifth District Court. Associate Justice Howell dissenting.

R. F. Theurer vs. Mrs. John G. Knorr.—A suit for executory proceeding under a mortgage. The evidence fails to prove that the mortgage in favor of plaintiff by the agent of the defendant was simulated. The objection that the defendant's agent was without authority to contract is devoid of force. Judgment of the Fourth District Court in favor of the plaintiff affirmed.

Chism and Boyd vs. D. E. Scruggs and S. M. Todd.—Suit on account against the steamer Fannie Pearson and owners. Judgment of the Sixth District Court in favor of plaintiff affirmed.

Alfred Isidore Frick vs. Mrs. H. C. Stewart.—Appeal from an order of seizure and sale by the Fourth District Court (on a mortgage). Judgment affirmed.

Felix Forment vs. J. N. Robert.—Motion to dismiss appeal overruled.

John T. Hamlin vs. Samuel Johnson.—Suit growing out of a contract on which judgment is asked from the Seventh District Court for $3691. Judgment in favor of plaintiff for $2540 affirmed.

Dr. E. B. Marmillon vs. E. R. Archimard.—Suit foreclosing a mortgage—a contest between several creditors claiming a priority and preference. Judgment for plaintiff in the Fourth District Court affirmed.

John T. Michel vs. Joseph Kaiser, et als.—Suit to recover the Magazine Street railroad. Judgment of the Seventh District Court in favor of defendants affirmed.

Superior District Court.

The State, through Attorney General Belden and H. C. Dibble, special counsel, has filed in this court, as we have before stated, a petition representing that the laws of the State require that the State Treasurer shall receive only cash in settlement of the taxes payable into the general fund; that it is the duty of the Treasurer to require that the collectors of revenues enforce such payment and such settlement. Nevertheless, petitioner shows that Antoine Dubuclet, State Treasurer, has been receiving and still receives in settlement of the taxes payable to the general fund State warrants from the collecting officers.

Petitioner shows that this is a violation of law, and is calculated to work irreparable injury to the State: that a large number of fraudulent warrants have been issued by James Graham, Auditor, upon payment of which purported to be certificates issued by the State registrar of voters, or at the registration offices; that said certificates were issued in violation of law, and all warrants issued thereon are therefore null and void.

That said Dubuclet has paid many thousand dollars of such warrants, and is about to pay other of said warrants to the amount of several thousand dollars.

Judge Hawkins has ordered the writs of injunction to issue, without bond, the State being dispensed from giving bond.

The petitioner shows that it is necessary that Charles Clinton, State Auditor, should be made a party to these proceedings and should be commanded and required to furnish to the said Treasurer a full and complete list of all such fraudulent and illegal warrants, to the end that the State may be protected.

Wherefore, petitioner prays that Charles Clinton, Auditor, and A. Dubuclet, Treasurer, may be cited to appear and answer this petition; that a writ of injunction may issue against said Clinton, commanding and enjoining him to immediately furnish to A. Dubuclet, Treasurer, a full list of all warrants issued by James Graham, State Auditor, upon certificates or orders of the State registrar of voters, or other registrars or supervisors, for and during the year 1872; that A. Dubuclet, State Treasurer, may be enjoined and restrained from receiving any State warrants in payment of the taxes which go to the general fund, and enjoining and restraining the State Treasurer from paying any warrants which may be found upon the list to be furnished him by the State Auditor, as prayed for in this petition. Petitioner prays that said injunction may be made perpetual, and for costs and general relief.

In the same court, in the case of Beauregard vs. Lewis, (relating to the office of Administrator of Improvements), Judge Dibble, of counsel for defendant, has filed an answer, excepting to further proceedings herein, on the ground "that H. N. Ogden, who assumes to represent the State in these proceedings, is not and has never been the Attorney General of the State, and has no right to institute or maintain the suit against the appearer. All suits under the intrusion in office act must be brought in the name of the State by the Attorney General.

Wherefore, the appearer prays that these proceedings be dismissed with costs.

Judge Leaumont has entered suit in this court to recover moneys due him for salary as judge of the Fifth District Court.

Fourth District Court.

Shortly before eleven o'clock yesterday morning Mr. B. L. Lynch, elected to the Fourth District judgeship, entered the room of that court, and directly engaged Judge Bonner in an interview, which being soon concluded, the latter took his place on the bench, and ordered the opening of court.

After the reading of the minutes Mr. Lynch appeared at the bar, and handing to the minute clerk his judge's commission, issued by P. B. S. Pinchback, he requested of the court that the same might be spread on the minutes, and, furthermore, that he might be recognized as judge of the court and given his seat.

To this Judge Bonner replied that he did not recognize Mr. Lynch's authority to claim the bench, and, beside, he (Bonner) insisted that he was the only properly elected judge of the court, and as such was determined to maintain his seat.

By this time the courtroom was fairly packed, when Mr. Lynch addressed the court at some length, setting forth that he was properly returned as judge of the Fourth District Court; that his commission was before the court; that Mr. Bonner had been illegally returned and illegally commissioned, and therefore not entitled to his seat. He therefore made a formal demand, and requested to know whether Mr. Bonner was prepared to vacate.

Judge Bonner—I am satisfied that I was duly elected. The throwing out of poll eight of the fourth ward, polls one and two of the second ward, and poll two of the twelfth ward, whereby you obtained a majority of 372 votes, was illegal.

Lynch—Is that your answer?

Bonner—Yes, sir.

Lynch—Then I call on the sheriff to put me in possession.

The Sheriff—I don't think you have sufficient authority to claim a seat.

Lynch—Have you sufficient authority to refuse to put me in?

After considering an instant the sheriff stated that he was placed in a rather delicate position, having said which he left the courtroom.

Lynch—Mr. Bonner, you may urge any protest, and I will gladly yield to your right to do so. All I want is what I am entitled to.

Bonner—Mr. Lynch, this is a rather sudden demand and I would like to have time to consult my friends.

Mr. Lynch was willing to concede any reasonable time, whereupon Judge Bonner left his seat and entered into consultation with several attorneys present, returning directly to the bench, whereupon Mr. Julien Michel immediately requested leave to state that, in view of the deaths of Mr. E. A. Bradford and Mr. J. M. Dirrhammer, two leading members of the bar, he would move that the court adjourn as a mark of respect to their memory.

Judge Bonner, then stating that the motion would be entertained, ordered the sheriff to adjourn the court.

Mr. Lynch—I do not think this is right, to spring this motion of adjournment, and I protest against the sheriff's adjourning the court.

Bonner—Mr. Lynch, you can contest for your seat legally at any time. I declare this court adjourned.

Lynch—I protest against the right of Mr. Bonner, a member of the bar, to adjourn this court.

Bonner—Mr. Sheriff, adjourn the court until Tuesday at eleven o'clock.

Lynch, turning to Mr. Dick, who had arrived—Mr. Sheriff, I will hold you personally responsible if you adjourn this court. I command you not to obey the order of Mr. J. M. Bonner.

Colonel Dick then conferred with Judge Bonner, and then leaving the court room, soon returned with Major J. H. New.

After Major New had spoken with Judge Bonner, Mr. Lynch again demanded of Colonel Dick to put him in possession.

To this demand Colonel Dick made answer by stepping up to the bench and informing Judge Bonner that he would have to vacate the bench in favor of Mr. Lynch.

Bonner—Do you, as sheriff of the parish, order me to vacate?

Dick—Yes.

Bonner—Then I yield, but I want it distinctly understood that I yield only to superior force. I think I am lawfully entitled to my seat, and now protest against this action. I want it known that I am forcibly turned out, and claim that I have not been deprived of my rights by a lawful count.

Judge Bonner then retired, and the bench was taken by Mr. Lynch.

Mr. Michel then arose and said that, as *amicus curiæ*, he protested against the right of the sheriff to consider himself the proper person to pass on the qualifications of a claimant for the disputed judgeship.

Judge Lynch then ordered the clerk to read his commission, and ordered that the same be spread upon the minutes. Mr. Arroyo had got as far as "I, P. B. S. Pinchback, Governor," when some person yelled out, "He's no Governor."

The Court—Who was that, Mr. Sheriff? find out who is creating the disturbance, and I will have him punished.

No person responding, the reading of the commission was gone through with, quiet reigned, the assemblage dispersed, and the court immediately adjourned.

Louisiana in the United States Supreme Court.

The Associated Press agent at Washington, in one of his eccentric moods, sends us a paper furnished by a distinguished practitioner at the bar, whose name is not given, discussing the decision of the Supreme Court yesterday on the Warmoth-Kellogg case. Contrary to the general policy of the REPUBLICAN, we publish this anonymous document.

The writer says that in the present case it is supposed to be intended that after the court had obtained jurisdiction by appeal, they would use the writ to prevent any further proceedings, so as to preserve the rights of parties pending the appeal.

But then he very sensibly closes with this sentence: "The decision, however, affords no relief to the applicant, for before a final decree can be made the controversy must find a solution in another quarter."

Assessments of Real Estate.

We have received from Mr. A. D. Doricourt, secretary, a copy of a memorial drawn by the property holders which will be presented to the General Assembly, asking a revision and modification of the laws relative to the assessment of real estate and the collection of taxes in the city of New Orleans for both State and municipal purposes. The memorialists request the appointment of a committee of the Legislature to confer with a committee of the memorialists.

The Races To-day.

The last day of the fall meeting of the Louisiana Jockey Club has come. There will to-day be three capital races—the consolation race, one mile, for beaten horses; sweepstakes for fillies two years old, one mile; the third race, mile heats for all ages, will close the meeting.

The Strakosch Concerts.

The first Patti-Mario concert, at Exposition Hall this evening, has attracted the attention of our music-loving people generally. The St. Louis *Times* says of some of the artists in the second concert in that city:

The bolero from "Les Vespres Siciliennes" is perhaps as arduous a piece as can be rendered by a vocalist, but Mlle. Patti fairly reveled in its difficulties, as if exulting in the pride of conscious power, and brought forth continued and rapturous applause from the audience. Subsequently, in the second part of the concert, Herr Strakosch came forward and excused her from singing the Swiss echo song, on account of a slight indisposition, adding that she would sing a duet with Signor Evasio Scolara. But in the rendition of her part she evinced no lack of power, singing with her accustomed energy and purity of tone the most difficult roulades.

The violin performance of Mons. Emile Sauret was characterized by the same exceeding brilliancy of execution we noticed yesterday, but there was a material difference noticeable in some passages, especially in the sympathetic chord of the fantasia on Hungarian airs, where the effect on his hearers was in the acutest degree pleasurable, and had he concluded with the last delicate appeal to the feelings of his audience the applause which he received would have been much greater. He preferred, however, to finish with an exhibition of his wonderful skill as a violinist, in the more mechanical parts, and the enthusiasm had sensibly diminished, while the admiration may have increased by the time he reached the last chord.

The piano, under the fingers of Mlle. Teresa Carreno was a striking part of the performance. Power is the principal characteristic of this lady, but power so regulated and modified by art as to become harmony of the most thrilling nature.

It is difficult to speak of Miss Annie Louisa Cary. Her powers have not yet met with the recognition they will undoubtedly command before long. Though we have heard more powerful voices, never did one of greater truth and feeling vibrate in waves of perfect harmony over a delighted audience. Tender, rotund and governed with exquisite skill, her tones reach every ear as the very spirit of music. In fine, the voice of the critic must be hushed in her presence, yielding to the higher power of enthusiastic admiration.

The Concert To-night.

The programme for the first Strakosch concert, at Exposition Hall to-night, is as follows:

Part First—First, duet for piano and violin, fantasia on themes, from Osborne and DeBeriot's "William Tell," by Mlle. Teresa Carreno and M. Emile Sauret; second, aria from Rossini's "Miei Rampolli Cenerentola," by Signor Scolara; third, violin solo from Ernest's fantasia on themes, from "Othello," by M. Emile Sauret; aria, "Caro Nome," from Verdi's "Rigoletto," by Mlle. Carlotta Patti; piano solo, from Mendelssohn's "Rondo Capriccioso," by Mlle. Teresa Carreno; duet from Rossini's "Mira la Bianca Luna," by Miss Annie Louisa Cary and Signor Mario.

Part Second—First, violin solo, Wieniawski's fantasia on "Russian Airs," by M. Sauret; airs from Mercadante's "Il La Sua Onda," by Miss Annie Louisa Cary; romanza, from Flotow's "M'Appari," from "Martha," by Signor Mario; variations, from Proch's "De Bravoure," by Mlle. Carlotta Patti; piano solo, from Gottschalk's grand fantasie on themes, "Il Trovatore," by Mlle. Teresa Carreno; quartette, from Flotow's "Martha," by Mlle. Carlotta Patti, Miss Cary, Signor Mario and Signor Scolara.

Conductor, Signor Marzo.

The most beautiful woman in Europe is said to be Princess Thyra of Italy

SPECIAL NOTICES.

Duping the Sick.—In shape, color and smell the toadstool closely resembles the mushroom, yet the one is a poisonous fungus, the other a wholesome vegetable. Many of the advertised and unadvertised slops which unscrupulous speculators are trying to persuade the credulous are "as good as Hostetter's Bitters," bear a like superficial resemblance to that inestimable vegetable restorative. Quite a number of this dangerous fungi have started up within the last two years, and doubtless many worthy people have been poisoned by them. Some of these wolves wear the sheep's clothing of pretended morality, and inveigh against medicinal stimulation as they vend their acid poisons; while others offer their liquid compound of "forty rod rum" and condemned drugs under the slang names of "Eye Openers," "Morning Glories," "Cobweb Cutters," and the like. Beware of them all, for they are deadly and detestable. del7 3t eod W

Knights of Pythias.—Ivanhoe Lodge No. 1, Knights of Pythias, will meet This Evening, at seven o'clock sharp, at No. 60 Canal street, for conferring degrees and electing officers. All members attend.
del7 1t H. W. CANNEY, W. C.

The Louisiana National Bank, New Orleans, December 15, 1872.—The annual meeting of stockholders for the election of Directors to serve the ensuing year will be held at the banking house on TUESDAY, January 14, 1873, between the hours of 10 A. M. and 2 P. M.
del7 1t A. LURIA, Cashier.

On Marriage.—Happy relief for young men from the effects of errors and abuses in early life. Manhood restored. Impediments to marriage removed. New method of treatment. New and remarkable remedies. Books and circulars sent free, in sealed envelops.
Address HOWARD ASSOCIATION, No. 2 South Ninth street, Philadelphia, Pennsylvania—an institution having a high reputation for honorable conduct and professional skill. del3 3m eod

Notice.—All persons owing the late firms of Reynolds & Garber, or Garber & Hubert, will call and pay the same, and persons holding claims against them will present them for settlement.
LOUIS HUBERT, Liquidator.
No. 217 Water street, between Sixth and Washington.

New Orleans, December 10, 1872.—A general meeting of the stockholders of the Barbarin Gas Lighting Company of Louisiana will be held at No. 107 Canal street, up stairs, on FRIDAY, December 20, at 6 P. M., for the purpose of voting and deciding upon the expediency of dissolving the said corporation, and in case of such dissolution for the further purpose of appointing three commissioners to liquidate the affairs of the said corporation, agreeably with the provisions of the charter.
By order of the Board of Directors,
C. CAVAROC, President.
AUG. WILLIAM BARTHE, Secretary. del8 9t

New Orleans Mutual Insurance Association.—New Orleans, December 5, 1872.—The annual election for twelve Directors of the New Orleans Mutual Insurance Association, to serve during the ensuing year, will be held at its office, No. 102 Canal street, on the FOURTH MONDAY IN DECEMBER, twenty-third instant, between the hours of 10 A. M. and 2 P. M.
de5 1m G. LANAUX, Secretary.

Notice to Consignees.—New Orleans, Jackson and Great Northern Railroad Company, New Orleans, La., November 27, 1872.—Consignees of sundry freight and cotton received per New Orleans, Jackson and Great Northern railroad, having claims against this company for loss or damage, are requested to render a bill, attaching thereto the freight bills or memorandums made at this office, also the bill of lading for the shipment. All claims for loss or damage on shipments of freight from New Orleans should be accompanied by the receipt, bill of lading, or copy of same. Conformity with these requirements will secure prompt investigation and adjustment of claims.
no30 E. A. BURKE, Freight Agent.

Notice—Meeting of Stockholders.—New Orleans Mutual Insurance Association, office No. 102 Canal street.—A general meeting of the stockholders of the New Orleans Mutual Insurance Association will be held at the office of said association, No. 102 Canal street, on the TWENTIETH DAY OF DECEMBER, 1872, between the hours of 10 A. M. and 2 P. M., for the purpose of taking into consideration and voting upon the adoption of amendments proposed to the act of incorporation of said association. C. CAVAROC, President.
G. LANAUX, Secretary.
New Orleans, November 19, 1872. de3 1m

Special Notice.—New Orleans, Jackson and Great Northern Railroad Company, New Orleans, Louisiana, November 30, 1872.—All consignees of [illegible] to this office at once a list of all consignments [illegible] ceived per New Orleans, Jackson and Great Northern railroad. E. A. BURKE, Freight Agent.

Batchelor's Hair Dye.—This splendid Hair Dye is the best in the world. The only true and perfect dye. Harmless, reliable and instantaneous; no disappointment; no ridiculous tints or unpleasant odor. Remedies the ill effects of bad dyes and washes. Produces immediately a superb black or natural brown, and leaves the hair clean, soft and beautiful. The genuine, signed by W. A. Batchelor. Sold by all druggists.
CHARLES BATCHELOR, Proprietor, New York.

CIGARS.

JAVIER MAGI, [illegible]

Southeast Corner of St. Charles and [illegible] Street.

[illegible] stock of the best known brands [illegible] at moderate prices.

COAL.

COAL. COAL. COAL.

B. D. MACLIN,

No. 35 Carondelet Street.

PITTSBURG, ANTHRACITE AND AMERICAN CANNEL COAL DELIVERED AT THE LOWEST MARKET RATES. de15 3t

CONSTABLES' SALES.

G. J. Cook vs. E. Masson—Second Justice Court for the parish of Orleans.

BY VIRTUE OF A WRIT OF FIERI FACIAS [illegible]

M. Huber vs. Stephen Bauchmeyer—First [illegible]

BY VIRTUE OF [illegible]

DANIEL CROWLEY, Constable.

Charles Adams vs. J. W. Harrison & Co.—Second Justice Court for the Parish of Orleans.

BY VIRTUE OF A WRIT OF FIERI FACIAS [illegible]

A. J. DAVERN, Constable.

LEGAL NOTICES.

THE STATE OF LOUISIANA,

SIXTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

[illegible]