

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS NEW ORLEANS, MAY 29, 1873.

A notice of a peal—Lightning. Armorial bearings of the ocean—The crests of the waves. What does a man see in the wild, wild waves? Sea foam. McMahon is sixty-five years of age. There is seventy-six. A sporting party on the St. Lawrence has been shooting the rabbits. George W. Matthews was born in England, and is sixty-seven years old. Mississippi hires out her convicts at \$10 a month and doesn't find them.

The World announces the arrival in New York of W. M. Connor, Esq., of this city. A girl who marries well is said to make a lucky hit, though she is herself said to be a lucky miss. A country paper speaks of a concert by amateur gentlemen. Where were the real gentlemen? Not one-twentieth of the people who gather about Barnum's talking machine are married men. Sea captains should be good natured; it would not be safe to have a cent-anchored man to command a ship.

Kate Field, in telling in the Tribune what she knows about cannibalism, exclaims: "Men of twenty are not bad eating." "State Senator H. L. Swager, of New Orleans," was registered at the St. Nicholas Hotel in New York last Saturday. The grand vocal and dramatic concert of the American Social Club will be given at the Mechanics' Institute this evening.

Why are all washerwomen great tray clerks? Because they are continually crossing the line and running from pole to pole. What is the difference between a Jew and a lawyer? The one gets his law from the prophets, the other his profits from the law. The selectmen of a New England town have agreed not to make any repairs to the graveyard unless the occupants complain.

"I am not myself at all today," said a bore to a wit. "No matter," was the reply; "whoever else you may be, you're a gainer by the change." Men are often capable of greater things than they perform; they are sent into the world with bills of credit, and seldom draw to their full extent. The pupils of the Howard and Derbyshire schools will indulge the weather permitting, in the recreation of a basket picnic at the City Park to-day.

Rev. William H. Hinkley, a clergyman of New Orleans, is announced in the Memphis papers as lecturing in that city on Swedenborgianism. The basket picnic of Derbyshire and Howard schools, which was announced to take place at the City Park to-day, has been postponed on account of the weather. The New York World abused ex-Superintendent Kelso for his general worthlessness. Kelso is a Democrat. The Times denounces Mattell, the new superintendent, as a worse man than Kelso. Mattell is a Republican.

The imports from Havana yesterday comprised about 500,000 cigars, several barrels of cigars, and three packages of "valuable papers." Possibly the latter are Havana lottery tickets. And yet we are not contented. Colonel R. E. Johnston, Captain First Infantry, received two shots in the flesh last Thursday at Buffalo, New York, at the hands of a Doctor Perkins, whose wife, it was alleged, Johnston had become improperly acquainted with.

Jenkins, the author of "Jinks' Baby" and the "Battle of Dorking," and who is now the coming literary sensation in England, spent five years of his life in Philadelphia, where his father was a clergyman. How difficult it is, with the very best intentions, for a woman who lives in the world to steer entirely clear of suspicion or misrepresentation, unless there exists between her and her husband a frank and cordial understanding. The Muscular Benevolent and Protective Association invite their friends to a picnic and musical festival at the Fair Grounds, on Sunday, and Monday, June 1 and 2. Charles Borhe is president of the association and A. Wolf secretary.

Edward Edwards died suddenly in Memphis on Monday, having landed there from New Orleans two days before. He was a lawyer and had on his person \$10, which was devoted to his funeral expenses. His age was fifty, and his death resulted from natural causes. In many towns at the North the young men's Christian associations forward all unopened letters that appear to have been dropped in the postoffice in error. One of the letters so forwarded lately, on reaching its destination, contained the following: "Send me another barrel of that gin." Prince Humbert, the last surviving son of Emperor Augustus I. of Mexico, who was shot in 1872, died in Paris May 9. He was sixty-five years of age. For the last few years—since the death of Maximilian, who was his friend—he was proprietor and keeper of a concert saloon.

Senator Sumner is again free from the "sicken thrall" of matrimony. When God had joined together, a Massachusetts God last week put asunder. It is believed he will not intensify "life's sifful fever" by another experiment of such a kind. He does not appear to possess the capacity to succeed in this branch of business. Colonel S. A. Stockdale, with his family, left the city yesterday for Colorado, where he goes to recuperate his health, which has long been feeble and is now threatening. His many friends wish him a pleasant trip and earnestly hope that the invigorating air of the mountains will soon send him back with restored constitution and buoyant spirits.

ERROR IN THE CONCLUSION. There is a reflection in connection with the verdict of the Senate Committee on Privileges and Elections, which seems never to have suggested itself to our pious Democracy. We will state the verdict in substance, from memory:

We find, said the committee, that the returns and evidence as presented to us, if they show any legal result at all, disclose that Kellogg was not elected, and that McEnery was elected by fraud. To be elected by fraud is of course equivalent to not being elected at all, for fraud vitiates everything in favor of the state that employs it. Now while the returns, as presented to the committee, unquestionably showed exactly what is stated above, it does not follow that either the committee, the Senate, or the State of Louisiana is to be concluded by such a showing.

Without any reference to what the three trunks full of falsified returns may have shown, it is absolutely certain that an election was held in this State according to law. The result of that election must have been the choice by the people of one or the other of the candidates, unless there was a tie, which nobody alleges. Either Kellogg was elected, or else McEnery. But the friends of the latter, who had entire charge and unlimited control of the ballot-boxes, tally sheets, etc., were unable to satisfy an impartial tribunal that he had a majority of legal votes. On the contrary, it appeared conclusively that the reported majority was signed up by resorting to various illegal practices, the details of which are not given. There is no doubt that McEnery received many thousand legal votes, and that he is entitled to the full benefit, and has a right to have them counted, and if they outnumber the legal votes given for Kellogg, he should have the office. But as his friends found it necessary to resort to fraud to show that he had a majority at all, they have raised a very strong presumption that without the accession of the fraudulent votes for McEnery, or the rejection of legal votes for Kellogg, the latter would have been elected. This presumption can only be rebutted by direct evidence that there was no necessity for cheating, and that it was only done for gain or from force of habit. However this may have been the honest voters of Louisiana repaired to the polls on election day and cast their ballots. That the result was not known within a reasonable delay, long enough to count the ballots, was no fault of theirs. Those of both parties had a right to have a proper count; and if the officers charged with the duty were too corrupt or incompetent to do it, they should have been set aside and others appointed in their places. In no event, except a case of tie, ought the people of a State be called upon to do their work over again. The whole question should have been sent back to this State by Congress with directions that the count should be made over, and that all honest ballots should be counted and none others, and that the returns should be made from the actual number of votes legally cast. Congress, or rather the Senate Committee on Privileges and Elections, should have assumed that a legal result had been accomplished by the people at the election, and that nothing remained but to find out what that was. As the pretended returns that were offered in evidence showed that it was necessary to resort to fraud to beat Kellogg, and show the favorite of the supervisors of registration, commissioners of election and all others who had a hand in making them up, was ahead, the committee would have been fully justified in the conclusion that, without this extraordinary resort to illegal practices of all kinds, Kellogg would have come out ahead. And as no suspicion of fraud in the matter attached either to Kellogg or his friends, it would have been quite proper to declare that he was elected, reserving to McEnery the right of contest.

In such a case the Fusionists would have the privilege of coming forward and proving that their ticket was elected without counting the fraudulent votes, if they could, in which case they could either claim the office, or by their case before Congress. Then, too, they would have the advantage, which before they lacked, of coming into court with clean hands. But they have further damaged their cause by favoring the idea of a new election, thereby showing that they have no great confidence in their chances for success under the law. If they were satisfied they had elected their ticket they would hardly ever incur the risk and expense of another contest in the face of the well-known odds against them. Some of the wiser of the Democrats openly declare they do not want a new election at all, but profess to prefer martial law. The theory upon which they proceed is, incidentally, the fact that their ticket was fairly elected, and that success for them in a future contest would be impossible. As they can not obtain the prize themselves they are willing to compromise on any plan that will deprive the successful party of it.

We conclude, therefore, that as the returns prove that it was necessary to resort to fraud to make a majority appear for the Fusion ticket, they show that the Republicans carried the State. Otherwise, the parties who contested the election being all Fusionists, and determined to win a victory if possible, would never have incurred the risk of cheating to secure it.

SOME OF THEM CHANGE. The Fusionists indulge in this mournful reflection. It is a novel thing in the administration of a free government, that upon a man expressing merely apprehensions that no good might be hurt, a United States commissioner should issue warrants for the apprehension of a dozen white men, and a United States marshal, with the soldiers of the government of the United States, should execute them, and bring these men hundreds of miles to be tried as malefactors.

It is perhaps a little hard on the Southern white man of this generation that they should be disturbed in the enjoyment of a freedom that has been handed down to them for generations. It will always excite their wonder and astonishment to find themselves arraigned before a criminal court for violence to colored people, and we doubt whether any of this generation will ever be able to conquer their feelings of disgust at being confronted with their colored accusers. But the practice has obtained, and its novelty is no reason for its abrogation. It is no new thing in the administration of any government for one white man to "swear the peace" against another white man on account of threatening words or acts. In such cases the accused is arraigned and put under bonds to keep the peace for a term, generally for three or six months, and occasionally

for a year. This is no new thing in even a free government. The novelty consists in extending this precautionary right to negroes. But such is the law and the practice, and though it is no news to the Republican and its readers, we are glad the Fusionists have at last been forced to find it out. It will be well for the political friends of that journal to bear it constantly in mind. It is the law of the land and likely to remain so, not only until the novelty wears off, but until the necessity for its enactment has ceased to exist. The best way to dodge this disagreeable regulation is to live so that no one will have reason to apprehend violence. The fears of the timid sometimes lead them to raise the cry of danger when there is nothing about but a little harmless bluster. This is taken for the genuine article by the frightened colored man, and he feels as badly scared as though the playful white were really in earnest. The best thing the addressable playful white can do is to let the colored man alone, and turn his energies to frightening such of his neighbors as are able to take such jokes, or are not protected by the federal laws.

We think the law a very good one, and one of the best evidences we could have of a free government. Occasional hardships may arise under it; a man may now and then be arrested against whom nothing can be proven, and who is possibly quite innocent; but the latter cases we think it will be as rare as executions of innocent people charged with murder. They will never be numerous enough to make it worth while to change a good law. The novelty of the thing will wear off in time.

THE LOWER LAW—A CASE. There were many conscientious citizens to whom the obligation imposed by the constitution to recover and return persons held in bondage was so abhorrent that they resorted to means of evasion and of resistance. There was then a kindred theory that a State might at its pleasure vary a federal law. This was called nullification. These were measures of higher law—that is, a law under which a citizen held himself responsible in conscience for the equity of a law or decree adopted by the government of which he is a part and to which he is a party. We have heretofore demonstrated that the abstract or intrinsic justice of a public act is an affair for which the legislator or judge is to account. The citizen is bound to obey or enforce that law, just as the private soldier may take life under the order of his superior officer, without liability to punishment in law or conscience.

These doctrines were, no doubt, intended for the justification of the patriotism and intelligence of the higher orders of statesmen North and South. It was never considered that the right of the citizen to regulate his obedience to law by his conscientious convictions of its morality, involved the right of any citizen to pay or evade taxes imposed by law, or deny the jurisdiction of a court in a case of larceny or homicide. Evidences continually occur to show the mischief resulting from this relaxation of public decision to private approval. The wise and pure mind perhaps would not allow this power of review claimed by the Professors of the two schools stated. Others, not so acute or, perhaps, so disinterested, may use this right of personal judgment with less discretion. We chronicled one case yesterday.

DOWN WITH—THE THERMOMETER. In the blood and fever that prevailing in our burg for some months past, it is important there should be an increase of refrigeration. We alluded yesterday to an experimental operation of an ice machine built in Berlin, and put up at the brewery of Mr. Metz, on the old Carondelet canal basin. The principle on which this invention operates is as simple as nature itself. The air, admitted into a strong iron cylinder, is compressed by the piston-heads of a sixty-horse-power engine. The air parts with its caloric, and, condensed into a perpendicular cylinder is as hot as if warmed with fuel. Passing from this into another perpendicular cylinder, containing tubes filled with water, this caloric disappears, and the temperature of the air, further reduced by admission and steam pressure within another compartment, rushes through an outlet tube into a large room hermetically sealed. Entering this room, we found the thermometer standing at forty degrees, and rapidly descending to the freezing point of thirty-two degrees. The rush of cold air at the aperture was such that the atmospheric moisture had been condensed into snow, which covered some dozens of Champagne, thus trapping, in a delightful manner.

There can be, we suppose, no doubt the ice machine will congeal water rapidly, and in sufficient quantities to render it profitable. We trust its enterprising proprietors will realize satisfactory returns for their care and outlay. As this process of ice manufacture requires no chemical agent or motion whatever, but acts upon the air alone, it certainly surpasses all others in economy of material and simplicity of operation. It is such scientific agencies, relieving New Orleans of natural inconveniences, tend to make a residence here more agreeable as well as more advantageous. May such enterprises be always successful.

IMPORTANT TO DELINQUENT TAXPAYERS. State of Louisiana, Executive Department, New Orleans, May 29, 1873. Mr. N. C. Folger, Tax Collector, First District, Parish of Orleans, New Orleans, La. Sir—Very many taxpayers have this day presented themselves at your office and professed to pay their taxes for past years, in compliance with Act No. 46 of 1872, but upon your prodding notice of Saturday last, calling their attention thereto, your action in refusing to receive these taxes, and referring said taxpayers to the sheriff's office where, by advice of the Attorney General, you had placed the tax bills, is hereby disapproved. You are required to receive all payments of delinquent taxes from those who prefer to pay them in compliance with Act No. 46 of 1872, which reads as follows: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the delinquent taxpayers of the State are hereby relieved from the payment of interest and penalties imposed upon them for non-payment of taxes which they are liable to pay, provided the same are paid within thirty days from and after the passage of this act in default of which all penalties and interest shall be lost forever. Sec. 2. Be it further enacted, That this act shall take effect from and after the 1st day of June, 1873. In all doubtful cases relating to the collection of the revenue it is hereby made compulsory to apply for information to this office direct. Very respectfully, CHARLES CLINTON, State Auditor.

EXECUTIVE ORDER. State Officers Ordered to Military Duty. State of Louisiana, Executive Department, New Orleans, May 29, 1873. Under the provisions of the militia law of the State of Louisiana it is hereby directed that all employees in the several offices of the State of Louisiana, in the city of New Orleans, who are in military duty, forthwith enroll themselves in some military organization in the First District, immediately from military companies, to be assigned to that district. Banks and necessary information can be obtained at the office of the Adjutant General of the State. WILLIAM P. KELLOGG, Governor. HENRY STREET, Adjutant General. MAY 29 1873.

ACT NO. 46—DELINQUENT TAXES. TO THE PUBLIC. State of Louisiana, Executive Department, New Orleans, May 29, 1873. I desire to call the attention of all citizens paying delinquent taxes to the fact that Act No. 46 of the last session of the Legislature expires by its own limitation on the fourth day of June next, and that time it will be impossible for them to avail themselves of its provisions relieving interest and penalties. After that date the stringent provisions of Act No. 46, under the revenue law of 1871, will be applicable, and the revenue officers of the State will have no choice but to enforce the law, even though it may be their duty to distribute and pay on every case, which will involve not only the payment of the tax and the heavy penalty of fifty per cent, but the costs of court, which, in very many cases will be greater than the principal sum due on the tax. An act is hereby passed, providing for the payment of the amount of delinquent taxes due before the fourth day of June, and I would respectfully urge all persons owing such taxes to avail themselves of the privilege of the law by complying with its terms. CHARLES CLINTON, Auditor. MAY 29 1873.

ONE THOUSAND DOLLARS REWARD. State of Louisiana, Executive Department, New Orleans, April 21, 1873. Information having been received by the Sheriff of the Parish of Orleans, Louisiana, that a reward of one thousand dollars had been offered for the apprehension and conviction of the murderer or murderers of the said William P. Kellogg, said reward to be paid on the certificate of the sheriff and district attorney, and of the independence of the United States the twenty-seventh.

WILLIAM P. KELLOGG, By the Governor: F. G. DEBONNE, Secretary of State. MAY 29 1873.

PROCLAMATION. FIVE THOUSAND DOLLARS REWARD. State of Louisiana, Executive Department, New Orleans, April 21, 1873. Whereas official information has been received by the Sheriff of the Parish of Orleans, Louisiana, that a reward of five thousand dollars had been offered for the apprehension and conviction of the murderer or murderers of the said William P. Kellogg, said reward to be paid on the certificate of the sheriff and district attorney, and of the independence of the United States the twenty-seventh.

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WILLIAM P. KELLOGG, By the Governor: F. G. DEBONNE, Secretary of State. MAY 29 1873.

PROCLAMATION. FIVE HUNDRED DOLLARS REWARD. State of Louisiana, Executive Department, New Orleans, May 17, 1873. Whereas, it has been made known to me that a small boy named EDDY KATZMAN, aged about nine and a half years was kidnaped in the city of New Orleans about the sixth of May, and no tidings of his whereabouts can be obtained.

Now therefore I, W. P. Kellogg, Governor of the State of Louisiana, in conformity to the power vested in me, do by these presents, offer a reward of FIVE HUNDRED DOLLARS to any person or persons who may arrest the person or persons who may be guilty of said offense, or give the necessary information on which may lead to the arrest and punishment of the offender. And I do hereby engage upon all sheriffs and police officers to maintain diligent search and inquiry for said boy, so as to restore him to his father. W. P. KELLOGG, Governor. F. G. DEBONNE, Secretary of State. MAY 17 1873.

NOTICE TO TAX COLLECTORS. State of Louisiana, Executive Department, New Orleans, May 29, 1873. To Mr. Tax Collector, Orleans Parish. You are hereby required to enforce immediately the collection of all overdue unpaid taxes by placing the same, not later than the 30th of June, in the hands of the Attorney General for collection. Up to and including the last day of June proximo, you are authorized to receive all of the four fifths of the general fund for current taxes, in Auditors warrants bearing date subsequent to January 1, 1873, and after July 1, 1873, you will comply strictly with the requirements of Circular No. 5, and collect two mths of said general fund in United States currency. Very respectfully, CHARLES CLINTON, Auditor. MAY 29 1873.

MEMORIAL DAY. The steamboat BRADSHAW JOHNSON will leave the foot of Bienville street for Chinthee National Cemetery, on FRIDAY, May 30, 1873, at 10 A. M. and returning from the Cemetery at eleven P. M. and on one, three, and five o'clock P. M. Tickets for the round trip, Fifty cents each, can be secured by applying to the members of the Post on board the boat. W. G. JAMES, Commander of Post No. 1, Department of Louisiana, Grand Army of the Republic. MAY 29 1873.

JOHN W. MADDEN, STATIONER, LITHOGRAPHER, JOB PRINTER, AND BLANK BOOK MANUFACTURER. 73 Camp street. Executes all orders with promptness and dispatch. MISSISSIPPI VALLEY TYPOGRAPHICAL INK WORKS, COLLINS & SORRAN, Proprietors and Manufacturers. We edit the trade of the Mississippi Valley, quality of Southern prices. Manufacturing works, Natchitoches, Louisiana. Business office, No. 415 Gravier street, New Orleans. MAY 29 1873.

NEW ORLEANS PURCHASING BUREAU. 95 Canal Street. SHOPPING. Of every description for Ladies and Dealers on orders from Louisiana and the Southern States. Constant familiarity with the market and low prices insure a great saving to customers. CIRCULARS AND SAMPLES SENT FREE. Mrs. H. MOGRIDGE. apr 1873.

INSURANCE. MERCHANTS' MUTUAL INSURANCE COMPANY OF NEW ORLEANS. 104 Canal Street. EIGHTEENTH ANNUAL STATEMENT. In conformity with the requirements of this Charter, the company publish the following statement: Premiums received during the year ending March 31, 1873, including unearned premiums of 1872: On fire risks, \$1,200,000; On marine risks, \$1,200,000; On other risks, \$1,200,000. Total premiums, \$3,600,000. Less unearned premiums, \$1,200,000. Net earned premiums, \$2,400,000.

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INSURANCE. LOUISIANA MUTUAL INSURANCE COMPANY. NINETEENTH ANNUAL STATEMENT. In conformity with the requirements of this Charter, the Company publish the following statement: Total premiums for the year ending February 28, 1873, \$1,000,000. Less unearned and returned premiums, \$200,000. Net premiums, \$800,000.

The company has the following assets, estimated at the lowest market value: Cash and other funds, \$500,000; Bank and other stocks, \$100,000; Stock and scrip of insurance companies, \$200,000; Real estate, \$100,000; Bills receivable on mortgages, \$100,000; Bills receivable on other accounts, \$100,000; Premiums in course of collection, \$100,000; Cash on hand and in Europe, \$100,000. Total, \$1,300,000.

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SUCCESSION NOTICES. Succession of Catherine Groom—No. 1000 DISTRICT COURT FOR THE PARISH OF ORLEANS—Whitney Robert H. Stanton has petitioned the court for letters of administration on the estate of the late Catherine Groom, deceased, intestate. Notice is hereby given with a copy of said petition to all persons who have claims against the estate of the said Catherine Groom, to file the same with the clerk of the court, within thirty days of the date of this notice.

Succession of Jacques Whitton—No. 1000 DISTRICT COURT FOR THE PARISH OF ORLEANS—Whitney Robert H. Stanton has petitioned the court for letters of administration on the estate of the late Jacques Whitton, deceased, intestate. Notice is hereby given with a copy of said petition to all persons who have claims against the estate of the said Jacques Whitton, to file the same with the clerk of the court, within thirty days of the date of this notice.

MARSHAL SALES. Notice is hereby given that the undersigned, Marshal of the Parish of Orleans, Louisiana, will sell at public auction, on Thursday, the 30th day of May, 1873, at 11 o'clock A. M., the following real estate, to-wit: A certain lot of ground, situate in the Parish of Orleans, Louisiana, bounded as follows: On the north by the lot of John J. Mack, on the east by the lot of John J. Mack, on the south by the lot of John J. Mack, and on the west by the lot of John J. Mack. The above real estate is the property of the late John J. Mack, deceased, and is being sold in pursuance of a decree of the court in the matter of the estate of the said John J. Mack, deceased. Terms of sale, cash.

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