New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

AUCTION SALES THIS DAY.

BY R. M. & B. J. MONTGOMERY, at 11 o'clock at the corner of Natchez and Camp streets, a general assortment of new and second-hand furniture, etc.

BY THE UNITED STATES MARSHAL, at 12 o'clock, at the Customhouse, an interest in the Grove plantation, below Algiers.

BY CHARLES E. FORTIER, at 12 o'clock, at the Merchants and Auctioneers' Exchange, a lot with improvements, in square bounded by Bordeaux, Lyon, Perrier and Prytania streets; a lot with buildings, on Roman, between Ursulines and Hospital streets; a lot with buildings, on Esplanade, between Craps and Love streets; thirty-nine acres of land, with buildings, in the parish of St. Tammany.

BY NASH & HODGSON, at 10 o'clock, on board steamer Travis Wright, head of Louisiana avenue, boilers, engines and sundries. At 12 o'clock, at St. Charles Auction Exchange, a sugar plantation, with stock, implements and movables, and four tracts of land, on Bayou Barataria, in Jefferson parish.

BY CONSTABLE J. W. JONES, at 12 o'clock, at No. 146 Burgundy street, coal.

BY SHERIFF HARPER, at 12 o'clock, at Merchants and Auctioneers' Exchange, ten lots of ground on New Levee, Front and Gaienale streets; the Merchants' Cotton Press, in square bounded by New Levee, Front Levee, Gaienale and Louisa streets; a lot with buildings, on St. Charles, between Canal and Common streets; a lot with buildings, corner of Goodchildren and Spain streets.

BY HOFFMAN, MARKS & CO., at 11 o'clock, on the levee, head of St. Louis street, twenty hogsheads damaged molasses.

Local Intelligence.

PROBABLE HOMICIDE.—The question of ownership in a cotton hook resulted in a terrible fight between James Turner and Samuel Scott, hands on the steamboat Natchez, just before that vessel reached this city yesterday. Turner had a hook claimed by Scott, and would not surrender it, when the two closed in for mastery. Turner got the worst of it, as Scott drew a bowie knife and slashed it into Turner three times. The worst wound is one in the side of his abdomen—so large that the entrails protruded. The other wounds are serious, and the worst one will undoubtedly cause death. Several deck hands witnessed the fight, but it seems that none of them cared to interfere. When the boat landed here Scott escaped, as no effort had been made to secure him by any one on board. Turner was sent to the Charity Hospital, and it does not seem possible that he can survive.

ATTRACTED ALL EYES.—About noon yesterday the attention of people was attracted toward a queer looking couple walking toward City Hall. The man was particularly noticeable simply on account of his face, which is very peculiar; otherwise, he is commonplace. His companion, whose hand he held, is singular. Evidently she is the man's daughter, her features being so exceedingly like his. She is not more than two feet in height, thick set, and has one of the most singular faces ever seen on a human being. In walking she made slow progress, and it was evident she was a cripple; her attire was poor and odd, so singular that people in the street stopped to look at her wonderingly. Arriving at the City Hall they inquired for Administrator Sturcken, but what transpired there is covered from prying eyes and ears. It is supposed that they are strangers in a strange land, seeking material aid.

FIRST FREE MISSION BAPTIST ASSOCIATION.—The proceedings in this body were routine yesterday, and of such a nature as the general reader would not be interested in. Moderator Winston's annual address will be given in to-morrow's edition, if everything prove favorable.

PERSONAL.—Ex-Governor Warmoth arrived yesterday morning in good health.

Detective J. L. Smith also arrived, looking somewhat healthier for his recent excursion.

Don't wait until it is too late.
Don't wait until it is too late.
Don't wait until it is too late.
Don't wait until it is too late.
Don't wait until it is too late.
To buy your single number tickets.
To buy your single number tickets.
To buy your single number tickets.
To buy your single number tickets.
To buy your single number tickets.

WILL THEY PUT THEM ON?—To-night there will be several balls and parties and the theatres will be filled, so that the pleasure-seekers must remain away from home until a late hour. Will the companies be so agreeable as to place a few extra cars on the rails? Let not the remarks of last Saturday night be repeated, and do not permit hundreds of people to walk home because the few cars are incapable of accommodating a moiety of the would-be passengers.

AT THE GATES OF PRAYER.—The congregation of this sygnagogue, on Jackson street, was last evening edified by their new head, Rev. Marx Moses, who was recently called to preside in the Gates of Prayer. He arrived here last November, but did not assume the duties of his position until yesterday. He was formerly located in Peoria, Illinois. He is German born, about thirty-five years old, middling stature, full face, kind expression and good features. His voice is round and intonation pleasant. On accepting his present position there was no ceremony whatever, and last evening he entered the temple as if perfectly familiar with the duties. Being well advanced in Masonery, he will soon deliver a lecture on that subject, in Grunewald Hall, on invitation on some of the leading lights.

BRIEF MENTION.—Yesterday morning, when the steamboat Pauline Carroll landed John Burke, a deck hand, attempted to jump to the guards of another boat, but fell short, dropping into the river and was drowned. His body was not recovered. He has a mother and a child in St. Louis.

The roof of Claiborne market, as well as the floor, is in a leaky condition, but that does not matter much, as few people frequent the building.

Thomas Casserly was arrested by the harbor police for shooting Daniel Bigley.

J. S. Phillips is a driver who believes in getting over ground in a hurry, which caused him to be arrested on Tchoupitoulas street.

John Seftane dropped through a hole in the wharf head of Julia street, bruising his body badly.

John Madden was arrested at the corner of Marais and St. Peter streets, at the instance of Mary Dubon, who states that he acted in an "indignant" style toward her.

Emmet Dramatic Club.

To-morrow evening will be devoted by the Emmet Dramatic Club to an entertainment at St. Joseph's Hall, on Common street. The performers are all well known young amateur dramatic aspirants, and have given many entertainments in New Orleans, which are remembered with pleasure by their audiences.

A creditable feature of the performances is the fact that they are devoted to a charitable purpose. Sunday evening they will devote themselves to aiding the exchequer of the new church, and should be encouraged by a full house.

The tickets are issued at a moderate price and no one who purchases one will be disappointed with the equivalent the "Emmets" will return him in lieu of his expenditure.

The Temperature.

The thermometer at Louis Frigério's, No. 50 Chartres street, on February 6, stood as follows: At 8 A. M., 56°; at 2 P. M., 60°; at 6 P. M., 55°. Lowest point during the night of February 5, 49°. Rain during the night of the fifth and morning of the sixth of February, nine-tenths of an inch.

PENITENTIARY MATTERS.

Statement of Colonel James.

POINT PLEASANT LEVEE, February 4, 1874.

EDITOR REPUBLICAN:

I have just seen a lengthy article in your paper headed "Horrors of Prison Life in the Louisiana Penitentiary." Although heretofore it has not been my habit to answer articles in newspapers against the institution, knowing full well the impossibility of giving general satisfaction in its management, as all institutions of like nature in every State have their regular enemies, who will condemn let them be however humanely managed, and particularly so is this the case with convicts who have been compelled to serve a period of years for offenses against the laws; it has never been my intention or desire to make the Penitentiary a pleasant place of resort for criminals, nor have I considered that the convicts confined there were especial pets of the State, to be well fed, allowed to do as they please, and do no work; but as the respectability of your journal and the stress that you lay upon the truth and enormity of the convict's statement are such that it may lead innocent people to imagine me a monster in human form, I have felt it becomes me to speak.

I propose to answer the assertions and show how false, by the admission of Convict, some of his statements are, leaving the community to judge that if part is grossly untrue by his own admission the remainder must necessarily be. For instance, he asserts that men are forced to work sixteen hours, but admits that they are aroused at four o'clock from their cells, and are allowed twenty minutes to breakfast; and as he could have added with truth that it took fully thirty to forty minutes more to get them out of their cells, to wash their face and hands (which, strange to say, they all have wooden basins to wash in and towels to wipe with) this will make five o'clock. Now marching to factory, starting up machinery is fifteen minutes more; he admits thirty minutes at 12 M., for dinner, when, in truth, they get one hour; but take his own statement; he admits they quit at dark or nightfall, which, during six months in the year, is at from five to six o'clock. Now let us see where the sixteen hours come from—from a quarter-past five to twelve o'clock, six and three-quarters hours; from 12:30 to 6 P. M., five and one-half hours, making twelve and one-quarter hours.

In Northern factories the working hours for hired operatives are eleven hours. This one and one-fourth hours per day extra for convict labor seems very hard indeed. Now, as to the hard labor to which they are sentenced, for so says the sentence, Convict says they are compelled to run four looms immediately upon arrival. What an enormity and oppression! Why, in the North women are only running six looms. But even his statement is false as to the four looms, as every practical weaver can testify that no person could possibly run even four looms without from four to six months' practice. But let us see if it would pay the lessees to have new convicts run four looms. Running the factory never paid a profit, even with every economy and good management; and to any reasonable mind it must appear that it would not pay the lessees to have two or three looms to the weaver stopped one-third the time in order to force a new convict to run four looms. It is too absurd.

As to corporeal punishment, that was the punishment in vogue when I became lessee, and while I contend that I have very much lessened the punishment and improved the condition of the convicts, I have never felt authorized to prescribe any new mode of punishment. As to the individual cases spoken of by Convict, I can not (owing to some of the men having served their times and left the insitution) get their statements, but two of the men speak for themselves. I here inclose the sworn statement made by them before Captain Ed. Bean and Mr. Woods. Mr. Bean, I believe, is well known in your office, and you can vouch for his integrity and honor; but as to Charles Carroll, the offense was committed while the State had the institution and before I became lessee. I understand he seized a gun from a guard and shot two guards, and that he received all told seventy-five lashes in two whippings. His proper punishment should have been death, as the guards should have shot him at the time he committed the offence; but, however, I am not at least responsible for that offense. I presume, as Convict goes back to give the offenses when the State had the institution, he also refers to the same period when he says the men are not adequately fed. I inclose a statement from the commissary as to the quantity issued daily. You can calculate it, and you will find it equals one and a half soldier's ration, with tobacco as extra. It is so universally known and commented upon as to our feeding so well that that portion hardly needs comment. In fact, a prominent district attorney has told me that my treatment and food was so good that unless I abated in some way I would demoralize his district, as it was no longer a matter of dread in going to the Penitentiary, owing to the glowing accounts of returned convicts to his district of the food, treatment, etc. Where we build levees the colored people are only too glad to get the scraps left from the table of the convicts.

What "Convict" means by "counting brickyard men twice the number used" I can not imagine, unless he refers to the period when the State was running it herself; for since I have been lessee the brickyard was owned by myself and partners, and we could have no interest in charging more men than used; and for the last two years the lessees have presented no account against the State, and when they did they got paid in certificates of indebtedness, worth thirty cents on the dollar. As to the convicts being compelled to steal cloth and shoes for the officers, I am not aware that such was the case, and even now doubt it, judging from Convict's own statements. Of course, every yard of cloth stolen was our individual loss and not the State's; therefore, my interest is to watch and prevent it. But let us see how this statement bears itself out. He says 800 bolts of cloth were stolen in one night. Now, our machinery was so set as to make every bolt of cloth measure within a fraction of forty yards. We manufactured from 8000 to 10,000 yards daily. Now this would make 32,000 yards of cloth weighing nearly 16,000 pounds—eight tons—three days' work of the entire establishment. Now, my dear sir, this is so perfectly absurd and ridiculous that really I am astonished that a journal like yours would allow it published. That the lessees should manage so loosely as to allow themselves to be robbed in one night of over $3000 of cloth, and not know it and stop it, is certainly absurd. Why, this is forty-five bales of goods. It would take ten drays to haul it away. I presume "Convict's" statement of 900 lashes and this 800 bolts of cloth are about on a par—equally false.

Now, sir, I am more than anxious to have the whole matter fairly investigated, and I pledge myself to assist the Legislature in every way possible. As to paying the board of control $250 a piece, my contract calls for me to pay $100, and I pay no more. My contract also allows these men to be worked out on levees and railroads. I so worked them, and as to their working in future, as long as I have charge or an interest in the company they will so work, until a United States court decides that a contract with the State is worthless, and that the lessors have no rights under theirs.

By inserting the above you will very much oblige your obedient servant,

S. L. JAMES, former lessee.

POINT PLEASANT LEVEE, February 4, 1874.

This is to certify that I have been shown a statement, published in the REPUBLICAN of the twenty-fifth of January, purporting to be the statement of a convict of the Penitentiary, where he asserts that I was given, for talking, fifty lashes, and I do, of my own free will, assert that the statement is false in every particular.

his
JACK ✕ TOBEY.
mark.

Witness:
E. N. BEAN.
E. D. WOODS.

POINT PLEASANT LEVEE, February 2, 1874.

This is to certify that I have been shown a statement, published in the REPUBLICAN of the twenty-fifth of January, 1874, purporting to be the statement of a convict of the Penitentiary, where he asserts that I was knocked down with a stick, and beaten fifty blows by the chief warden, and I do, of my own free will assert, under oath, that the statement is false.

J. G. McCOURT.

We, the undersigned, certify that we showed the above named convict the article referred to, and he made the above statement under oath, and we also certify that there is no distinction as to the number of blankets or treatment between white or colored prisoners.

E. N. BEAN.
E. D. WOODS.

A true copy:
A. R. HOLT, Clerk.

POINT PLEASANT LEVEE, February 2, 1874.

This is to certify that I have been acting commissary for the past two years in the Penitentiary, and am still filling that position, under the employ of the lessees, and that in no instance has there been issued to the prisoners less than one-third more than a soldier's rations, and in many instances double that amount, and, in my opinion, a soldier's ration would not be sufficient to supply and give satisfaction to the prisoners. The following ration is now daily issued: Twenty ounces flour, one pound cornmeal, one and a quarter pounds bacon shoulders, one pound potatoes, one gill molasses, one and a half ounce sugar, one and a half ounce rye and two and a half ounces tobacco; two ounces soap weekly to each hand.

GEORGE A. EBBETS.
Late First Lieutenant and Commissary, United States Army.

A true copy:
A. R. HOLT, Clerk.

Meteorological and River Report.

The signal service, United States army, reports, for the benefit of commerce, the meteorological record, and rise or fall of the rivers, at 3:43 P. M., local time, yesterday, as follows:

Place.	Ther.	Wind.	Weather.
Cairo	42	W.	Cloudy.
Cincinnati	39	N. E.	Heavy snow.
Davenport	31	N. E.	Cloudy.
Dubuque	33	N. E.	Light snow.
Fort Gibson	39	W.	Fair.
Galveston	50	S. W.	Cloudy.
Indianola	49	N.	Cloudy.
Keokuk	35	W.	Cloudy.
Leavenworth	29	N. W.	Cloudy.
Louisville	36	N. E.	Cloudy.
LaCrosse	31	N. E.	Light snow.
Memphis	47	S. W.	Cloudy.
Nashville	47	W.	Light rain.
New Orleans	57	N. W.	Cloudy.
Omaha	29	N. W.	Clear.
Pittsburg	27	N. E.	Heavy snow.
Shreveport	46	W.	Cloudy.
St. Louis	38	W.	Cloudy.
St. Paul	22	.....	Light snow.
Vicksburg	51	.....	Cloudy.
Yankton	25	N. W.	Clear.
Augusta, Ga	52	N.	Threatening.
Montgomery	52	W.	Threatening.
Mobile	60	S.	Cloudy.
Savannah	60	S. W.	Light rain.
Baltimore	24	N. E.	Heavy snow.
New York	24	E.	Cloudy.

THE RIVERS.

Stations.	Rise. Inches.	Fall. Inches.	Above low water mark. Ft.	In.
Cairo	..	12	21	4
Cincinnati	..	23	..	..
Davenport	..	..	7	3
Dubuque	..	..	4	9
Keokuk	7	4	2	4
Leavenworth	..	3	2	1
Louisville	..	7	9	2
Memphis	..	..	25	6
Nashville	..	15	13	2
New Orleans	7	..	..	..
Pittsburg	..	3	8	9
Shreveport	11	..	14	11
St. Louis	..	..	9	11
Vicksburg	7	..	34	1

The river here is four feet seven inches below high water mark of 1871.

Lear, Lawrence Barrett's last triumph, for his last appearance in New Orleans.

Grand Encampment.

The State Grand Encampment of I. O. O. F. met Wednesday night and elected officers for the ensuing year, as follows:

E. Morris, M. W. G. P.
F. H. Drake, M. E. G. H. P.
Ch. Neis, R. W. G. Sr. W.
F. W. Delesdernier, R. W. G. S.
J. Heno, R. W. G. T.
Josh West, R. W. G. Jr. W.
Luther Homes, R. W. G. E.

The M. W. G. P. announced the following appointments:

George Ritter, W. G. M.
— Grierhaber, W. G. S.
— Frankforter, W. G. D. S.
George Muth, D. D. G. P.

The Grand Encampment decided against the proposal made by the Grand Lodge of the United States to consolidate the two branches of the order.

Balls This Evening.

Lovers of the dance will find no lack of amusement and pleasure to-night.

At Grunewald Hall will be given a grand fancy dress, masquerade and calico ball, by the Silver Bell Social Club. This association of young gentlemen was organized March 31, 1871, and the party to-night will be their third annual ball.

At Exposition Hall will be given the first grand soiree of a new association, the Standard Club.

At Concert Hall, the Votaries of Pleasure also announce a complimentary soiree.

Barrett to-night—for the last time as *King Lear*.

St. Patrick's Fair.

The fair for the benefit of St. Patrick's Church still continues at Odd Fellows' Hall, as we were agreeably reminded by refreshments kindly sent by the ladies of the Sanctuary table, who will please accept our thanks for the courtesy.

Proposed Revival of the Grant of Land to Louisiana Railroad.

By an act of Congress, approved June 3, 1856, public land to the amount of six sections to the mile was granted to the State of Louisiana to aid in the construction of a railroad from the Texas State line, via Greenwood, Shreveport and Monroe, in that State, to a point on the Mississippi river opposite Vicksburg, Mississippi. The length of the road when completed will be 190 miles. During the first five years of the ten years allowed by the act for the construction of the road, ninety-four miles, or about one-half of the road, was constructed. The late civil war then intervened, during which time the road as far as built was almost completely destroyed by the military forces of the United States and of the Confederate States. Since the war that portion of the road completed prior to the war has been reconstructed and restocked. An official letter of the commissioner of the general land office, recently transmitted to Congress, shows that more than two-thirds of the land granted by the original act lies opposite the uncompleted one-half of the road, there being comparatively a small amount of public land opposite the completed one-half of the road. The completion of this road will give to the entire system of railroads east of the Mississippi river a direct connection with the railroads of Texas and the Texas and Pacific railroad, of which this is the direct eastern prolongation. The House Committee on Public Lands therefore recommend the passage of the bill reviving the grant of lands heretofore made. The grant covered 353,211 acres, leaving 252,559 acres which have reverted to the United States, and which the bill lately reported by the House Committee on Public Lands would again confer upon the owners of the road.—*Washington Correspondence New York Herald.*

COURT RECORD.

FRIDAY, FEBRUARY 6, 1874.

First District Court.

INFORMATIONS FILED.

Wounding less than mayhem—George W. Nash, Jack Hannigan.

Assault and battery—M. Monroe, Billy and Mike Niel, Sam Wilson, alias Buck, John Gousley.

Carrying concealed weapon—Sarah Gordon, Sam Wilson.

Larceny—M. J. Mones, David Allen, Johonna Johnson, Frank B. Parker.

Malicious mischief—Thomas King.

NOLLE PROSEQUI ENTERED.

Larceny—James Clark, Charles Mooney, Mary Jane Burk, James Nolan.

ARRAIGNED.

Assault and battery—William Darby; plea of guilty of assault.

VERDICTS.

State vs. J. B. Williams—Larceny; guilty, with recommendation of mercy.

State vs. Dick Morton alias Johnson—Larceny; guilty, with recommendation of mercy.

State vs. Joseph Miller—Larceny; not guilty.

State vs. Honora Carmody—Larceny; not guilty.

Second District Court.

Successions of Amelia Schall, Mary Della Dolin, Henry Edward Dolin and Eugene A. Gay, were opened.

Fifth District Court.

The following decisions were rendered by Judge Cullom:

N. Thodore vs. New Orleans Mutual Insurance Company.—Policy was taken out April 6, 1872, for $1500 on property injured by fire December 30, 1872. The fire was not in the building, and the damage is alleged to have been caused by heat, water, falling walls and exposure. The inventory is building $500, tools and implements $2540. Part of the property was damaged by lime kept on the premises, and lime water, and some portion stolen—chains, jack-screws, etc. The defense argued that there was concealment of the fact of lime being on the premises. The company should have examined the premises. Lime was necessary to plaintiff's business. Matters tending to show the transaction void must be pleaded specially. Pino vs. Merchants' Mutual Insurance Co. 19 A., 214. The answer is a general denial. The ground on which the building stood is not required by the policy contract to belong to the plaintiff, 2 Gray, 155; 2 Pars. Cont., 433, as he owned the building. Lime is mentioned as extra hazardous, but if there was lime in the building at and before the time the policy issued, the simple renewal of the supply, exhausted by use, would not be such a placing of it there after the policy as would make it void. N. Y. Ins. Co. vs. Langdon, 6 Wend., 623; 1 Hall, 226; 8 Conn., 459; 3 Har., 480; 31 Me., 225; 2 Md., 125; 20 Conn., 139; 6 Wend., 188. The company is not responsible for the stolen articles. Judgment for $1604 72.

Charles T. Howard vs. William B. Schmidt.—Miss Mary E. Borden purchased certain property for $16,000, giving $4000 cash and three notes $4000 each to her own order, the one in suit being the first, dated March 17, 1871, at one year's time, secured by special mortgage and vendor's privilege. Suit was entered in the Seventh District Court. Defendant was the owner of all the notes, and April 27, 1872, transferred the first to plaintiff. Defendant subsequently instituted suit on the second note, alleging the existence of the third and ignoring the first, and obtained an order of seizure and sale April 15, the sheriff advertising it May 23, 1873. The terms of the sale were not advertised as prayed for. Schmidt purchased the property May 28. Howard alleges concealment and fraud, and therefore Schmidt and Mrs. Borden and the property are liable for the payment of his note; that the sale to Schmidt was illegal, and that having assumed to pay the third note he is bound to pay the first. Schmidt answers that he made no warranty; that the proceedings were regular; that Howard should have prosecuted the suit in the Seventh Court; that the property did not sell for enough to pay all the notes; that the mortgage has been canceled; that he was the original vendor and retook the property to pay his own notes; that one of them is transferred to the New Orleans Mutual Insurance Company, and he assumes the payment; that the pro rata is $1990 80, which he will pay Howard, and the same to the Insurance Company.

Howard's note was transferred by him with full subrogation.

The question is, could William B. Schmidt, the vendor, foreclose his special mortgage, so as to pay all of two mortgage notes and not half of the third, which he himself had sold for its full face value, with interest? To this it may be replied, that, as by the deed, he is compelled to make a pro rata distribution of $8000, deducting costs, among the three creditors, he realized only $1990 86⅔. But this is not the correct view to take of it. The insurance company, by the terms of the advertisement, and the proces verbal of the sheriff, will and must inevitably receive, at the maturity of their note, independently of the price of adjudication, $4960, which is still secured by mortgage on the property. When property is sold by the sheriff, subject to the payment of the mortgage, the purchaser is necessarily liable and responsible for the lien. 7 N. S. 383. But, aside from this, Schmidt is indorser on the note held by the company, and is, therefore, obliged to pay it at maturity, regardless of the mortgage and vendor's lien. Selling the property as he did, subject to the payment of said note in full, was not sanctioned by law or equity, because he had not the right to discriminate between the unpaid notes, and further, because he profited by that discrimination. The stipulation in the terms of the sale that the insurance company should retain their mortgage on the property and be paid in full at the maturity of their note secured them independently of the price realized by the sale, and left the seizing creditor free to purchase without a competitor among the parties interested in the amount bidden. By the terms of the sale, Schmidt gave to the insurance company a decided preference over Howard. This he had no right to do. They stood as creditors of equal rank, the only difference being that Howard's note was the first due, the company's the last. Howard is to get $1990 86⅔, and the company $4960. As Schmidt is obliged to pay the company the entirety of their note, independently of the purchase price of the property, if he be obliged to pay Howard but $1990 86⅔ the property will have cost him $5333 33⅓, instead of $8000. It is no argument to say that he must pay the company $1990 86⅔ of the purchase price, for by his indorsement he is compelled to pay it, whether the mortgage exists on the property or not. Schlatre vs. Greaud, 19 A. 125. Aside from this, Howard being the transferee of Schmidt, who was first vendor, and afterward the purchaser of the mortgaged property at a sale provoked by him to satisfy a note secured by the same mortgage, can not be permitted to come in competition with Howard, if the property mortgaged be not sufficient to pay both. See the case of Ventress vs. his creditors, 20 An. 359. The court in that case says that the ruling therein is sustained by the principle recognized in the case of Salzman vs. his creditors, 2 R. 241. And such is the fact. It can not fairly and reasonably be otherwise. Schmidt warranted the existence of the claim, and it were contrary to good faith for him to prevent Howard, to whom he sold and transferred it, from recovering its amount. This is what he is virtually and in fact endeavoring to do. He has received the price in full for the note Howard holds, and now proposes to prevent him from realizing its full amount by interposing his own claim, forming a part of the same mortgage debt. Whether intended or not, there is a want of fairness in such transactions which the court can not justly sanction. There is an appearance of legality about them, which no doubt leads to conviction, an honest one too, that, such is the rule of right, but a close analysis of them can not fail to show that the principle if adopted would not be consonant with right reason. A vendor would have precisely the same right to prevent the purchaser of any other property from realizing the benefits of its value. The law relating to warranty, if such a doctrine were established, might just as well be obliterated from the books. I am of opinion that the defendant Schmidt should be ordered and adjudged to pay, in solido the plaintiff the full amount of his note, say $4000, with interest that has accrued and the costs of these proceedings. Had he not provoked the sale of the property subject to the payment of the note held by the insurance company, the judgment would have been for one-half of the proceeds of the sale, but I can not permit him to discriminate between his transferees, nor can I make his obligation to the insurance company less onerous, for the purpose of making a reduction in the sum due to Howard.

THE PEOPLE'S COLUMN.

[Brief Communications Published—Long Ones Invariably Rejected—The Editor not Responsible for the Sentiments Expressed in the Communications.]

Another Plea for Equal Taxation.

NEW ORLEANS, February 6, 1874.

EDITOR REPUBLICAN:

In the communication of the "People's Column," "A Case in Point," your correspondent "Justice" has hit the nail on the head. Every taxpayer is complaining about the high taxation, from the poorest to the rich. Why should not churches, temples, synagogues, convents, cloisters, chapels, masonic, and all benevolent societies' property be taxed? It is high time. Let ministers of every denomination pay a license. I think, Mr. Editor, they are more able to do so than our doctors. If exempted property should be taxed, then the State could afford to do something again for charitable institutions; but now we have sisters begging for assistance every day for the poor orphans. Let them build less costly churches, and sustain the sisters a little more. I hope that soon one of our able Senators will bring in a bill. Every taxpayer will thank him. True, there will be for a little while more cursing done than praying, but it will turn out for the best.

POOR TAXPAYER.

Grand drawing fourteenth February.
Grand drawing fourteenth February.
Grand drawing fourteenth February.
Grand drawing fourteenth February.
Grand drawing fourteenth February.
Capital prize twenty thousand dollars.
Capital prize twenty thousand dollars.
Capital prize twenty thousand dollars.
Capital prize twenty thousand dollars.
Capital prize twenty thousand dollars.

AMUSEMENTS.

The Opera House.

To-day, at the matinee, Lecocq's comic opera, "La Fille de Mme. Angot," will be performed. There will, no doubt, be a great rush for seats, as the opera itself has been made a great favorite, and then the ladies have an opportunity of going whether cavaliers are at hand or not. And then the dear creatures rather like the idea of dispensing with masculine protection and its concomitant assumed superiority. The players and singers, too, like these matinees. The idea of playing to an audience almost entirely of ladies, is one that eminently suits the chivalric French spirit. So what wonder that the matinees are so successful.

This evening the grand opera of "Faust" will be repeated. On Sunday night will be presented Dumas' celebrated drama, "La Dame aux Camelias," and Donizetti's pleasing opera, "La Fille du Regiment."

Next Monday evening the benefit of M. Momas takes place. Unobservant persons may not be aware of the strong claims possessed by this great artist on their thanks for the superior excellence that has marked the various performances during this season. The recognition of his great ability as a maestro has been signified at the two representations of "Faust" by an enthusiastic encore of the "Soldiers' Chorus." Such incidents, however, are in no way proofs of the rare ability of M. Momas, only in so far as they demonstrate that the effects which his master hand produces are promptly recognized. For his benefit M. Momas announces the performance of Meyerbeer's grand opera, "Le Prophete." Mme. Devoyod, the wife of the great baritone, has kindly consented to appear in the role of *Fides*. M. Gueymard will appear as *Jean de Leyde*, and Mme. Fursch-Madiere as *Bertha*. Messrs. Mayan, Gadilhe, Feitlinger and Dupin are also in the cast.

Varieties Theatre.

A large audience of most intelligent and refined people assembled at the Varieties Theatre last night to witness the representation of Shakespeare's noble tragedy of "Julius Cæsar," the occasion being the benefit of Mr. Lawrence Barrett. This fine young actor appears in no character with such entire satisfaction to an audience as he appears in the character of *Cassius*, when his performance is confined to that part. He is the perfect embodiment, in speech, look and action, of the Roman conspirator as drawn by Shakespeare, a man who read much, a great observer, looking through the deeds of men, loving no plays, hearing no music, smiling never save in mockery, and being never at heart's ease while a man greater than himself lived; a man with a lean and hungry look; a dangerous man. Mr. Barrett completely identifies himself with the part, and standing the test of the most captious critics of New York and other cities, has been pronounced the *Cassius* of the American stage. There is nothing better in colloquial acting than his management of the celebrated street scene with *Brutus*. If Mr. Barrett would be content to rest the honors due him for an evening on his perfect and rounded personation of *Cassius*, we could leave the playhouse with a most pleasant impression of a great actor. Instead of this he makes the absurd and profitless innovation of appearing in the third act in another character for the sole purpose of declamation, and to rob a good actor of the speech set down for *Mare Antony*.

It is true that we lose none of the eloquent and rich language of the great dramatist when *Cassius* delivers *Mare Antony's* oration over *Cæsar's* body, and if we could shut our eyes and let the play go on all would be well. But seeing the dual performance, done simply for questionable effect, we see a great play marred in the representation of two characters. All other characters in the tragedy were generally well performed. Mr. J. W. Norton was the *Brutus*, and gave a careful and correct personation of the character. Mr. H. Meredith was a dignified looking *Cæsar*, and wore the toga nobly. What little remains for *Portia* was well performed by Miss Louise Hawthorne.

For the matinee to-day "Rosedale" will be performed, and in the evening Mr. Barrett will make his farewell appearance, and as *King Lear*.

St. Charles Theatre.

Lotta's benefit performance last night consisted of her drama called "Heart's Ease, or What is Money Without It?" a drama depicting life as it was in California, in the first two acts, and after that the scene is transferred to London. The little *May Wildrose*, the pet of the miners, played by Lotta, becomes an heiress, and her change is dramatically made from rough to finer life, and gives scope for the gamut of her acting. The same play will be performed for the matinee to-day.

A VALUABLE SUGAR PLANTATION AND LANDS AT AUCTION THIS DAY.—Messrs. Nash & Hodgson, auctioneers, sell the celebrated "Drouet Brothers" sugar plantation, in the parish of Jefferson, at 12 M., to-day, at the St. Charles Auction Exchange; also, several fine tracts of land, live stock, agricultural implements, etc. See the advertisement.

Concert at Grunewald Hall.

The concert given last night at this hall for the benefit of the widow of the late Theodore Von La Hache was not so well attended as the merits of the entertainment and the beneficiary deserved, although the audience was by no means a small one. The German quartette gave a number of their best glees, Mr. Reusch rendered exquisitely a violin solo, which, with the performance on the piano of Mme. L. Herr and Miss M. W. Wilson, and the singing of Mr. F. W. Bremer, made a most enjoyable evening for the lovers of good music who were present.

SPECIAL NOTICES.

BATHURST.

HIS MAJESTY'S LORD HIGH CHAMBERLAIN,

fe4 2w **Postoffice Box No. 703.**

Office Chief Engineer Fire Department, New Orleans, February 5, 1874.—The foremen of the various companies composing the Fire Department, are hereby notified to attend a meeting of the Board of Firemen, to be held at the office of the Firemen's Charitable Association, Room No. 8, City Hall, on SATURDAY, the seventh instant, at 7 P. M. Punctual attendance is requested, as business of the utmost importance will be transacted.
By order: THOMAS O'CONNOR, Chief Engineer.
fe6 2t

Office Patent Tile Roofing Company, New Orleans, February 3, 1874.—The stockholders of the Patent Tile Roofing Company are hereby notified that a general meeting will be held at the office of Mr. B. J. West, No. 117 Magazine street, on TUESDAY, February 10, 1874, at 6:30 P. M., for the purpose of taking the sense of the stockholders on a change of the par value of the stock, and an increase of the capital stock of the company.
By resolution. J. BOWLING, Chairman.
A. C. MUERPEL, Secretary. fe5 5t*

Hall Third Ward Radical Republican Mother Club.—In accordance with the constitution of the club, there will be an election held for president and other officers of the club, at Clay Hall, on Perdido street, between Liberty and Franklin streets, on SATURDAY, February 7, 1874. The polls will be open from 6 A. M. to 6 P. M. The following are the commissioners: J. W. Quinn, Charles Montaldo, W. L. Evans, L. D. Herbert, Edward Keating, Paul W. Dunbar, John L. Davis. GEORGE DEVEZIN,
fe6 2t President Third Ward Mother Club.

Office Mutual Aid and Benevolent Life Insurance Association, No 19 Camp street, New Orleans, February 3, 1874.—Members of this association are hereby notified of the death of George McD. Burke, who died in this city July 6, 1873, and Bernard Buscker, who died in this city July 9, 1873, and are called upon to come forward without further notice and pay at the office of the Mutual Aid and Benevolent Life Insurance Association, of Louisiana, No 19 Camp street, $1 25 on each, on or before 4 P. M., March 12, 1874. R. W. YOUNG, Secretary.
fe1 7t

Notice.—Metropolitan Savings Bank, No. 14 Camp street, January 29, 1874.—A sale of all pledges to this Bank, upon which the interest has not been paid, will be made by R. M. & B. J. Montgomery, auctioneers, on FRIDAY, SATURDAY and MONDAY, February 13, 14 and 16, 1874. All persons interested will take due notice, and govern themselves accordingly. T. D. VAN HORN, Cashier.
ja30 10t

Southern Bank, New Orleans, July 12, 1873.—Notice is hereby given that the unredeemed notes issued by the old "Southern Bank" must be presented for payment within one year from the first publication of this notice, at the office of the Auditor of this State, who, on receiving satisfactory proof of the publication of this notice for one year, as aforesaid, will surrender any funds he may hold for the payment of the said unredeemed notes. J. GARR, Cashier
jy13 eowly

Notice.—On and after this date all applications and contracts for transfer of live stock to or from steamboats and railroads by steam ferryboat Trade Palace must be made on board or at the office of C. MEHLE & CO. ja31 1m

Special Notice.—Accommodation Bank, corner of St. Charles and Perdido streets, New Orleans, La., January 21, 1874.—All persons having pledges at the Loan and Pledge Association, now called "Accommodation Bank," are hereby notified that no extension of time for payment or redemption will hereafter be given, and that all such pledges must be redeemed on or before the TWENTY-EIGHTH DAY OF FEBRUARY, 1874, otherwise they will be forfeited to said Accommodation Bank, and sold at public auction.
D. URBAN,
Receiver of Loan and Pledge Association, now called Accommodation Bank. ja22 1d

LOTTERIES.

SPLENDID SCHEME.

ONLY 10,000 NUMBERS.

LOUISIANA STATE SINGLE NUMBER LOTTERY.

Capital Prize.....$20,000.

LOUISIANA STATE LOTTERY COMPANY

(Incorporated August 17, 1868).

CLASS B.

To be drawn in public at New Orleans,

On Saturday, February 14, 1874.

SCHEME.

10,000 Tickets.....Tickets only $10

Halves, Quarters and Eighths in proportion.

1 prize of $20,000 is		$20,000
1 prize of 10,000 is		10,000
1 prize of 5,000 is		5,000
40 prizes of 500 are		20,000
200 prizes of 100 are		20,000

APPROXIMATION PRIZES.

9 approximations of $300 each for the nine remaining units of the same ten of the number drawing the $20,000 prize are	2,700
9 approximations of $200 each for the nine remaining units of the same ten of the number drawing the $10,000 prize are	1,800
9 approximations of $100 each for the nine remaining units of the same ten of the number drawing the $5,000 prize are	900
279 prizes, amounting to	$80,400

EXPLANATION OF APPROXIMATION PRIZES.

The nine remaining units of the same ten of the numbers drawing the first three full prizes will be entitled to the twenty-seven approximation prizes. For example: If ticket No. 1246 draws the $20,000 prize, those tickets numbered 1241, 1242, 1243, 1244, 1245, 1247, 1248, 1249 and 1250 will each be entitled to $300. If ticket