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## COURT RECORD.

THURSDAY, MARCH 26, 1874.

### United States Circuit Court.

C. Cavaroc vs. E. H. Chadwick.—Verdict and judgment for plaintiff of $3000.

### Superior District Court.

Crescent City Gaslight Company vs. New Orleans Gaslight Company, State of Louisiana and city of New Orleans intervenors. Arguments continued.

Henry Weisenbach et als. vs. Sanitary Excavating Company —The petitioners, over fifty in number, allege an attempted interference with their vested rights as vidangeurs and their private rights as citizens, by a conspiracy on the part of the corporators of the defendant company; allege an aggregate prospective damage of $10,000, and pray for an injunction.

### First District Court.

PLEADED NOT GUILTY.

Larceny—Katie Shannon.

Embezzlement—E. J. Conner, Peter Hetson.

Wounding, less than mayhem—Lavinia Wilson, Henry White.

Perjury—Eliza Edmond.

Assault and battery—Lizzie Scott.

TRUE BILLS.

Assault, etc.—Samuel Taylor, John Donahoe.

Trespass—Thomas Green, Jerry Wiley, Henry Marcelin.

Obtainining money on false pretenses—John Jones.

Perjury—Thomas H. Duffy, James Gallagher, Mrs. Duffy, William Mattie, George Duffy.

NOLLE PROSEQUI ENTERED.

John P. Short—Obtaining money under false pretenses.

P. P. Sary—Assault with a dangerous weapon.

VERDICTS.

State vs. Henry Ray alias Johnson.—Burglary. Guilty.

State vs. John Gillmore. — Larceny. Guilty.

State vs. William Ward. — Larceny. Guilty.

State vs. Henry Tollman.—Assault with a dangerous weapon. Mistrial.

### Second District Court.

Successions of Richard Jones and Joseph Baumgartner opened.

Thomas P. Borden prays to be emancipated.

### Fourth District Court.

The following were filed:

State ex rel. Milton Robinson vs. I. W. Patton.—Petitioner alleges illegal confinement in the Parish Prison and prays for writ of habeas corpus, which is issued, returnable March 27, at 10 A. M.

Alfred Jourdain vs. Frederickson & Harte. Petitioner, under the civil rights bill, claims $500 damages for refusal to sell to him a glass of Vichy water by defendants.

John F. Clermont vs. John O'Neil.—Same cause of action and amount of damages, plaintiff having been refused a glass of beer.

### Fifth District Court.

Judge Cullom rendered the following decisions:

Charles Zapata vs. Jean Berthen.—Plaintiff bought 275 hides of defendant and shipped them to New York, defendant stating the tare would be no more than eleven per cent, ten to twelve per cent being a fair estimate. Inspection in New York showed a tare of about twenty-five and three-eighths per cent, and being damaged the hides were sold for twelve cents instead of twelve and three-quarters cents. Twenty-five or thirty of the hides were examined by plaintiff's purchasing agent and found sound. Another agent superintended the packing. Defendant was not present and did not select the public weigher. Plaintiff's own agents put in the salt and sand that did the damage. Defendant had nothing to do with the increase in the tare. There is no proof the hides were unsound when purchased, or evidence of fraud on the part of the defendant. Articles 1847 and 2547, relating to artifice on the part of the vendor, do not apply, because all that is complained of is the result of plaintiff's own conduct through his agents. Judgment for defendant.

J. B. Weller vs. W. W. Carre.—The petitioner is the curator of one O. H. Brocklebank, deceased, who lived in the city of New Orleans and practiced his profession of dentist. On his books were found certain entries of charges for dental services performed by him for Mr. W. W. Carre, and others for work done for Mrs. Carre, amounting to the sum of $673, for which the petitioner herein asks judgment with costs.

The defendant denies any indebtedness, and avers that his wife is separate in property from him; that there exists no community between them and that he is in no manner liable for her debts. The evidence shows that these parties entered into an antenuptial contract, by which it was expressly stipulated that their property and liabilities should be and remain separate, and that neither should be responsible for the debts of the other. This agreement was entered into March 26, 1862, before Robert J. Ker, notary public. The evidence futher shows that Dr. Brocklebank was a gentleman of scientific attainments in his profession, which he practiced and studied *con amore*. Coupled with his scientific skill were some eccentricities which are noticeable to some extent in his style of expression in making the entries in his books. His charges were considered extravagant in many instances, but his integrity was never brought in question. It is in proof that both Mr. and Mrs. Carre visited his office for the purpose of having their teeth operated on. The doctor made charge for each and every visit, and it was from his books that the curator made up the amount herein sued on. The court referred an examination of the books kept by the decedent to Messrs. James S. Knapp and J. A. DeHart, two well known and popular surgeon dentists of this city, who reported that they found, from an inspection of the books of Dr. Brocklebank, that W. W. Carre had had work done to the value of $70, and that Mrs. Carre's bill amounted to $101. The evidence shows that while the parties were making these bills Mr. Carre paid the deceased $75. This sum paid all that appears by the report of the above named experts to have been owed by Mr. Carre. As she was not made a party to this proceeding, and as she is separate from her husband in all matters relating to property and liability for contracts, it is evident the husband can not be held responsible for her debts. The report of the experts is hereby homologated and approved, and that no judgment can be rendered against her herein. There must be judgment for defendant, with a reservation of plaintiffs' right to institute suit against and to recover of Mrs. Carre the sum of $101, which the experts report as being due by her to the estate of Dr. Brocklebank.

L. H. Gardner & Co. vs. Levasseur & Co.—Defendants owed plaintiffs $4568 51. June 30, 1873, they represented they could only pay one-third and gave seven notes of that date payable to petitioners at their counting house, who surrended the first series of notes except one of $2000 81 now sued on with the balance. The defendants did not pay the new notes and plaintiffs seek to recover on the old. Defendants reconvene for $10,000 damages for illegal seizure, plead that the notes are not due, were settled by the new note and have been novated and extinguished. Novation requires a valid obligation to operate on, C. C. 2186, which must be extinguished, 2187, and a new debt substituted for the old one, 2189, sec. 1. It is not presumed, 2190, and there must be the intention to novate. Union Bank vs. Guice, 2 A., 249. A note renewed by another is not novated, Hobson vs. Davidson, 8 M., 431, unless surrendered releasing the surety, 1 La., 527. If the pre-existing obligation is only modified there is no novation. Rosenda vs. Zabriski, 4 R., 493; Citizens' Bank vs. Tucker, 6 R., 443. In this case there was no surety, the parties are the same, and only the evidence of the debt is changed. It is lessened, but had the same origin. I am, therefore, forced to regard it as a modification of the same debt, because there was no new consideration or cause of debt, no previous obligors released, and no security changed. Some of the original notes were given up, and the remaining one would have been had the payee and and plaintiff been possessed of it at the time.

The evidence of Mr. Gardner goes to show that the defendants being indebted in a sum which they said they could not pay, "offered to compromise and pay thirty cents on the dollar;" that there was an understanding when the compromise was made that the new series of notes should be paid promptly at maturity. These were substituted purely and simply for the old notes, on the condition of prompt payment at maturity. There was nothing said about falling back on the original notes in the event of the failure to pay the new series. The new ones were never paid, and are offered in evidence. Mr. Gardner had no agreement with Mr. Levasseur, but considered that he had the right to fall back upon the old notes if he (Levasseur) did not carry out the compromise in good faith. He (Gardner) considered it a compromise, conditioned upon the payment of the seven notes.

George A. Peete, sworn, stated that he was present when the new notes were signed, and heard the conversation between Messrs. Gardner and Levasseur. He took the compromise to be a conditional one. He was and is book-keeper of Gardner & Co., and made no changes in his book entries relating to the indebtedness of Levasseur & Co.; says it is customary when an account is lost to enter it up in the books to account of profit and loss.

The whole topic of novation is so peculiar to the civil law, and so seldom occupies any space in English, that we are forced to refer to Pothier on Obligations for an elaborate and exhaustive view of the subject. There we learn that it is "a transaction whereby a debtor is discharged from his liability to his original creditor by contracting a new obligation in favor of a new creditor, by the order of his original creditor." See part 3, ch. 2, art. 1.

Our code goes farther, as has been shown by articles 2185, 2186, 2187, 2189 (section one) and 2190, already quoted. Under the definition given by Pothier, no very serious difficulties could arise as to what does constitute a novation, whereas under the code it is sometimes very perplexing to arrive at any satisfactory conclusion. Such is the case here.

In the case of Pierre Aillet vs. James C. Woods, 24 An. p. 193, it was "shown that the note sued on was given, as alleged by plaintiff, in renewal of one having a vendor's privilege on the land described." The defense set up was the general issue, novation and prescription, and the court said, "We do not perceive any force in the pleas of novation and prescription." The lower court had rendered a judgment in favor of plaintiff with recognition of his vendor's privilege on the property described, and the Supreme Court held that the vendor's privilege was not necessarily lost as to the defendant himself. The principal debt seems to have been kept alive, and as no other creditor is before us, we do not see clearly what practical interest the defendant has in the only question which he discusses with such earnestness, namely: Whether the judgment was correct in according a vendor's privilege on the land. The doctrine there decided, it seems to me, goes much farther than I am required to go in this case. Here new notes were taken, but taken, as two witnesses declare, conditioned upon their punctual payment. In that case a new note was taken in lieu of one secured by mortgage. The plea of novation was overruled and the vendor's privilege declared to exist quoad the debtor to secure its payment. There is, however, one difference in the two cases which it is necessary to notice. In that case suit was brought on the new note given, whereas in this it was instituted to recover on the original notes, and the new are surrendered in court. Here it is maintained that the plaintiff's right of action was upon the new notes and not upon the old. I do not think the argument good, because if sustained would tend to subvert certain general and fundamental principles to which the courts must adhere with inflexible tenacity. The taking of these new notes was evidently superinduced by defendant's representations that they could not pay the full amount of the old notes and upon the assurance that they would pay the new as stipulated. The tacit agreement then was that plaintiffs would take thirty-one per cent of the debt, provided it were paid.

Even this was not paid, nor indeed any part of it. To hold then that plaintiffs are bound by their agreement, based alone on punctuality of payment when defendants have not complied with it, would be unfair and consequently unjust. It were equivalent to declaring that a contract broken and disregarded by one party is nevertheless binding on the other. This is not reasonable and, therefore, can not be law. The inducement or consideration offered to take the new notes was the assurance that they would be paid at maturity, and the two witnesses state that that was the only condition on which they were taken. I think that inasmuch as the defendants have entirely failed to comply with the condition upon which the amount of indebtedness was reduced, the plaintiffs have the right to sue for the entirety of the original indebtedness, and that they are entitled to judgment and perpetuation of attachment. Defendants' reconventional demand is therefore rejected.

### Charles S. Heartt.

The community yesterday was startled with the news of the death of Charles S. Heartt. His health has, however, been impaired for some time, in consequence of which he recently retired from the firm of Heartt & Co. Mr. Heartt early entered the hardware store of his father, Jonas C. Heartt (who in early manhood was associated with his father, Deacon Philip Heartt, in the same business), where, for many years after his father's retirement from the active duties of life, he successfully conducted the business and kept up the enviable prestige of this wealthy and long established house. In 1851 Mr. Heartt married Miss Wescott, of Saratoga, who died within two years after her marriage. He leaves but one child, Mrs. Louisa Livingstone, wife of LeRoy Livingstone, Esq.—*Troy Morning Whig, March 5.*

SHERIFF'S SALE, ON A TWELVE MONTHS' BOND OF IMPROVED REAL ESTATE.—Attention is called to the sale at auction to be made this day, at noon, at the Merchants' and Auctioneers' Exchange, Royal street, at twelve months' credit, by the sheriff of the parish of Orleans, of a lot of ground, with the buildings and improvements thereon, situated in the First District of this city, on Triton walk, between Baronne and Dryades streets.

For full particulars and terms see advertisement.

SHERIFF'S SALES FOR STATE AND CITY TAXES.—We are requested to call public attention to the sales at auction to be made this day at noon, at the Merchants and Auctioneers' Exchange, Royal street, by the sheriff of the parish of Orleans, for State taxes for the year 1871, and city taxes for the year 1873, of improved and vacant real estate situated respectively in the First and Second Districts of this city.

For full particulars and terms see advertisements.

**Vermont is beginning to bring out its wonderful fishes and fowls. A sturgeon five and a half feet long, lying on the ice of a lake near St. Albans, and a partridge so tame that the Craftsbury children feed it with crumbs, are the first to app ear.**

### From Carroll Parish.

LAKE PROVIDENCE, March 20, 1874.

EDITOR REPUBLICAN:

Correspondents for newspapers are expected to send in encouraging and flattering letters from the country, dwelling upon the unusual good prospects of the crops, and looking for great prosperity when they are gathered. These letters when read by subscribers in other States have a tendency to induce an emigation of labor and capital, which is always desirable, but at the time I write this our entire parish is in a state of gloom. The Bass and Melbourne levees have already broken and overflowed many fine places, and for a week the levee at Elton has been threatening to give way. This would be a most formidable disaster, as it would inundate the best part of the parish. At one time the water did commence running through at about nine o'clock in the night, but through the great energy of Major James, with his convict labor, a crevasse was prevented. To make matters more cheerless, it has rained almost incessantly for weeks. It is time now to have corn planted, and but very little land has yet been broken up, while most of it is under water. Many planters have no provisions for the making of another crop, and have been for years depending upon their commission merchants for assistance; now in a most trying time, we learn, that the merchants have unanimously agreed to make no advances on the future crop. Should the water fall, and, through struggle and privation, we were to succeed in raising our usual amount of cotton, we shall be really better off than if it were paid for long before it is made, notwithstanding that there would be actual suffering to do this.

A month ago we were a most sanguine people. Our prospects were brighter than ever before. We had received a large immigration from Georgia and Alabama, and contracts had been made to put in a great deal of land that had laid out for years, and now that we are so badly drowned out we still hope that we shall yet see the water run off in time to enable us to carry out our original plans. Should the Elton levee stand the pressure of water, the community will to a great extent be indebted to Mr. W. C. Sanford, of this parish, and Major James, of your city, for their continual exertions and promptness.

Respectfully, JOSKINS.

### Rev. Dr. Taylor's Lecture.

Rev. Dr. Taylor's lecture, on Tuesday evening, at the Second Baptist Church, on "Manhood," or rather on "the coming man," was a very spicy and brilliant performance, full of elegantly turned periods, pointed with wit and abounding in humor. His definitions of man, commencing with Plato's and coming down to Southey's definitions, presented all conceivable plans of the animal and of the thinker to which the intervening ages have given birth; but it was around the "coming man," who is to be a very different kind of personage from what he is at present, that he shed a flood of effulgence that was truly exhilarating. The past and the present offered pictures to the lecturer's imagination that were afflictive, if not appalling, but in the future triumphs of Christianity he saw distinctly grounds of hope for the regeneration of our race, when all evil habits would be abandoned, and rational amusements be substituted for those of a vicious tendency.

In treating this part of his subject, Dr. Taylor indulged in the expression of views of the most encouraging character, and, in delineating his beau ideal of a Christian man and gentleman, often rose to a pitch of eloquence that was both thrilling and captivating. He proved himself to be a moral artist of the highest kind, employing bold and delicate touches, as best suited his theme. When he had done treating man, he introduced the gentler sex in a manner that did full justice to woman's merits and claims, terminating his eulogium with the somewhat startling announcement that the coming man would be a woman! Dr. Nicholson, in his despair, exclaimed: "Then there will be an end of the race!" The lecture was a most felicitous one, and was applauded to the echo.

### Court Items.

The arguments in the cases of the contending gas companies have occupied nearly all the week, but will probably be finished to-day, Mr. Semmes and Judge Campbell closing for the defendant, and Mr. Gibson for the plaintiff. One of the most forcible and lucid arguments thus far delivered was that of Judge Dibble for the Crescent City Company yesterday morning. It showed a complete understanding of the case and thorough mastery of the law bearing on the points in controversy.

The grand jury have not yet finished attending to the questions the fire at the Cronan foundry brought up. The petty jury having acquitted the accused the grand jury have now indicted five of the witnesses for perjury.

In the Fourth District Court Messrs. Charles H. Luzenberg and T. Morris Chester have filed two more civil rights suits. Mr. John O'Neil, who keeps a coffee house corner of Delord and Annunciation streets, refused Corporal Clermont a glass of beer on March 8, and Messrs. Frederickson & Harte declined to furnish Vichy water to Mr. Jourdain, on account of the color of the applicants. Damages of $500 are consequently alleged.

We publish this morning three decisions of Judge Cullom, one of which, deciding a difficult point on the subject of novation, will be found important, and perhaps novel to many readers.

### Speaker Lowell.

The many friends of the Hon. Charles W. Lowell will be pleased to know that he has so far recovered from his late severe indisposition as to be able to make his appearance upon the streets again. Few men in this State have been more prominent in the Republican party, and done better service for Republican principles than this gentleman; and as he is yet a comparatively young man, endowed with good mental powers, and an experience in public life that are calculated to render him very useful as a public servant, it is safe to say that if his life is spared he is destined to reap higher honors than those already bestowed upon him. He has served two terms as Speaker of the House of Representatives, and during a part of the time was Postmaster of this city. He has proved an excellent presiding officer of the House, and so long as he was enabled to give his undivided attention to the Postoffice, made a most efficient Postmaster. For these reasons, and his devotion to his country in her time of peril, we believe Mr. Lowell deserves the confidence of not only the people of this State, but of the nation.

### The Howard Inquiry.

The court of inquiry presided over by General W. T. Sherman, organized under the bounty act of 1867, has heard the testimony of several important witnesses, Quartermaster General Meigs being the first.

He said the disbursement of public money had become a science; that the Quartermaster General was not primarily responsible, and did not give bond, but that quartermasters proper did; civil agents are not now employed; the officer accounting to the treasury is held accountable for losses on false vouchers.

General Shiras, acting Commissary General, testified the same, and gave a high character to General Balloch.

The Paymaster General said the colored bounty fund was paid by Paymasters Hodge, Eaton and others, to General Balloch, who paid it to the disbursing officers.

General Foster, of the engineers, said his department employed civil agents, not under bond, and the chief officer was not responsible for his subordinates when due diligence had been exercised.

General Benet, chief of ordnance, said military storekeepers only were required to give bond. The chief had no money responsibility. He commended the character of General Howard.

Adjutant General Townsend said the commissioner, on the transfer to the War Department, had no real successor, as the responsibility was distributed. No officer had given bonds.

The second controller, Dr. Broadhead, testified that General Balloch was the disbursing officer appointed and recognized by the War Department; that the requisitions bore this on their face. Every Secretary of War since his (Balloch's) appointment had signed their requisitions placing the money in his hands, and holding him responsible. The commissioner was primarily responsible under the bounty law for faithful and diligent supervision and administration. He could not be held for money in case of default without his neglect. He gave a case in point, where an officer had been relieved of charge on proof of care and diligence. There was but one appropriation—not many—for this bureau. The Secretary of the Treasury, as required by law, designated the heading, so that it was not required to account by items. The statement of General Howard's own accounts had been correctly settled at the treasury.

Second Auditor French's testimony was similar. The commissioner's own accounts were correct. The Secretary of War is General Howard's successor.

Third Auditor Rutherford's testimony was the same. A clerical error left General Howard $32 54 debtor, which he paid when he was told of it. There were no further suspensions against him.

First Controller Taylor regulated the accounts of General Balloch. Disbursing clerks gave bond.

Mr. True, clerk of the Treasury Department, showed the manner of doing business. No charge appeared against General Howard on the books.

The judge advocate here asked further instructions, stating that he was ready to prove certain facts.

General Howard's counsel claimed the evidence was not proper as conclusive against him, and the judge advocate admitted his right to cross-examine.

The evidence thus far seems to indicate that the treasury has suffered no loss by the fault of General Howard.

## AMUSEMENTS.

### St. Charles Theatre.

Mr. Francis Bangs, the reigning star at this theatre, will take his first and only benefit here to-night. Unusual attractions will be presented for the entertainment of playgoers, for, in addition to the spirited drama of "La Marseillaise," two acts of "Julius Cæsar" will be given, when we shall have an opportunity of seeing and judging of Mr. Bangs' remarkable personation of *Marc Antony*. In this character he was as much praised by the New York critics as was Booth and Barrett in the roles enacted by them in the great tragedy as revived at Booth's Theatre. The *World* styled his the finest presentation of a historical man in the piece. In look and action he is the *Marc Antony* of tradition, and the ideal of Shakespeare's conception. He will appear in what is known to the acting editor as the assassination and oration scenes, and will treat his audience to some of the finest specimens of declamation known to the stage. Mr. Bangs has a voice remarkably flexible, ringing clear and strong as occasion demands, and when appealing to the Roman populace, or sinking to low and sweet notes, and like the tremulous tones of organ music, almost expressing tears, when pronouncing the oration over the dead *Cæsar*. He is of fine stage presence and appearance, spirited and graceful, and his style is of the best school of molodramatic and tragic art. A full house on his benefit night would be but a just and fitting recognition of his merits as an actor.

After the tragedian will come the singing, dancing and dialect comedians, Baker and Farron. They will play in their piece called "Chris and Lena," and the fun they will make commences Sunday evening.

### Opera House.

Yesterday at the matinee Verdi's grand opera "Rigoletto" was performed. This is the first time, we believe, that M. Devoyod has sung at a matinee. It is altogether unnecessary for us to state that the house was crowded. Last evening Mumet's beautiful opera "Roland a Ronceveaux" was performed. To-morrow at the matinee "La Favorite" will be given, with MM. Gueymard, Devoyod and Mayan in the cast. In the evening "La Fille de Mme. Angot," which has been so popularized by the piquant and charming acting of Mlle. Moisset, will be presented for, perhaps, the last time this season. The one act operetta "Les Noces de Jeannette" will precede Lecocq's sparkling burlesque. Next week being holy week, there will be no performances at the Opera House. We learn it is the intention of M. Canonge to visit Galveston with his troupe and there give four performances.

### Y. M. C. A.

Lyceum Hall was by no means crowded last evening, but despite the threatening weather a very large audience gathered to hear Professor Joseph Jones lecture. The great ability of the lecturer was well known, and public expectation was correspondingly excited. The audience was by no means disappointed. The lecturer showed himself fully equal to the task, and for an hour delighted the hearers by the elegance of his diction and the force of his reasoning.

### The Temperature.

**The thermometer at Louis Frigerio's, No. 50 Chartres street, on March 26, stood as follows: At 8 A. M., 62°; at 2 P. M., 72°; at 6 P. M., 70°. Lowest point during the night of March 25, 55°. Rain during the night of March 25, one inch and two-tenths.**

### Death of G. G. Fisk, Esq.

The announcement of the death of Mr. Fisk, at the early age of twenty five years, will not be a surprise to most of his friends. For over a year he has been failing in health, and though apparently rallying at times, it was evident he could never entirely recover. Since he resigned his position as attorney of the Baton Rouge district he has taken no part in active life, but was prominent in politics all his life previously. He enlisted in the Union army when only fourteen years old, and studied law and was admitted to the bar before reaching his majority. He was attorney for Jefferson City until its annexation and was then appointed by Governor Warmoth district attorney for Baton Rouge. This office he was compelled to resign by illness over a year ago. He was a genial companion, a faithful counsel and had many friends among his clients and associates, and leaves a wife and family. His funeral will take place to-day from his late residence.

### The Vacancy in the Committee on Privileges and Elections.

The New York *Tribune* of the nineteenth says:

The death of Mr. Sumner leaves a vacant place upon the Committee on Privileges and Elections, the filling of which is a matter of considerable importance. Mr. Sumner never met with the committee at all, and his absence caused a tie vote on the question of admitting Mr. Pinchback as Senator from Louisiana, so that the case had to be reported to the Senate without any recommendation. Another important political question is now pending in the committee—the bill of Mr. Carpenter for a new election in Louisiana. Mr. Carpenter, who, himself a member of the committee, has, as president of the Senate, the power to fill the vacancy, and as it is understood that the members are divided upon the bill, just as they were on the Pinchback case, his selection will virtually settle the fate of the measure by making a majority of one either for or against it. The Democrats are not entitled to another member on the committee, having two already, and the selection must therefore be made from the Republicans or Liberals. It is suggested that the appointment of Mr. Schurz would be highly appropriate, inasmuch as the committee is pre-eminently the political committee of the Senate, and as Mr. Schurz is the most prominent Liberal in the body. The appointment is of such importance that Mr. Carpenter will no doubt take the advice of the informal caucus of Republican Senators before making it.

Upon the same subject the Washington correspondent of the St. Louis *Republican* says:

It is not probable that the vacancy in the Committee of Privileges and Elections caused by the death of Sumner will be filled before his successor shall have taken his seat. Then his successor will undoubtedly be assigned to the post. There has been some talk among Senators of the propriety of putting another Liberal Republican in Mr. Sumner's place on this committee, but as this would involve the appointment of either Schurz or Fenton, and as the Louisiana case is now before the committee, and there is a tie on the question, it is not believed that Senator Morton would permit the appointment of either of these Senators if he could help it, because they are both pronounced in their opposition to his policy, and Senator Carpenter, as President pro tempore, feels indisposed to appoint either of them, because it might then be charged that he used his power as President of the Senate to further the interests of his particular measure. He will therefore ask the Senate to elect Mr. Sumner's successor on the committee.

### Funeral Obsequies of the Late Colonel H. C. Ransom.

We copy the following from the Jeffersonville *Evening News* of the nineteenth:

A sorrowful concourse of relatives and friends of the late Colonel Ransom assembled at St. Paul's Church at two o'clock yesterday afternoon to pay the last sad rites of respect to the memory of the departed soldier. The remains were deposited in a beautiful burial casket, the plate upon which bore the following inscription: "Lieutenant Colonel Hyatt C. Ransom, Deputy Quartermaster General, United States army." Upon the casket were appropriately displayed sweet flowers, our national ensign and the sword of the deceased.

The solemn services of the Episcopal Church were conducted by the Rev. Dr. Totten, and the tears and sorrowful faces of those assembled unmistakably evinced the deep and universal feeling of regard at the loss of this most estimable man, and profound sympathy for the bereaved relatives.

Upon conclusion of the services the funeral train was formed, the following named brother officers of the deceased acting as pall bearers: General David McClure, General C. L. Kilburn, General James A. Ekin, General W. J. Sloan, Colonel W. B. Rochester, Captain J. G. C. Lee, Captain J. H. Costar, Captain Addison Barrett.

Upon reaching Walnut Hill Cemetery, that beautiful rest of the dead, the remains were deposited in the family lot of and beside those of the late Judge Read, and the impressive burial service for the grave read by the rector of St. Paul's Church.

After closing the grave, and placing thereon appropriate floral emblems, those present slowly and sadly left the grounds.

The arrangements for the funeral of the late Colonel Ransom were carried out in a highly commendable manner, and it is due to General James A. Ekin, the officer in charge at this place, to state that his efforts were appreciated, and that he deserves and receives the thanks of the relatives and their numerous friends.

### Accident to Madame Camilla Urso.

A bottle of kerosene exploded at No 23 Beacon street yesterday, and seriously burned Madame Urso, who narrowly escaped receiving permanent injuries. The explosion was caused by a lighted candle, which was placed in too close proximity to the bottle. The fire at once spread to Madame Urso's clothing and to the contents of a closet, and in endeavoring to extinguish it, her left hand and wrist were severely burned. Her hand was gloved, and this saved it in some measure. The burning liquid was also dashed into her face to a slight extent. A seamstress who was in the apartment had the presence of mind to envelope Madame Urso with a blanket. She will probably be incapacitated from playing the violin for some weeks.—*Boston Advertiser.*

### Railroad Robber Caught.

A few months since a box car was broken open at Byram, and rifled of its contents. But, until a few days ago, no one had the least idea who committed the robbery. Detective Pearson, of New Orleans, was working up the case, however, and finally, by putting several bits of evidence together, he concluded one Bristo Barksdale, of Byram, was the rogue, and he was arrested. A part of the stolen goods were found buried a short distance from Byram. Deputy Sheriff Steele, on Saturday, brought Barksdale to this place and lodged him in jail to await trial. Steele is prompt and efficient.—*Jackson Pilot.*

**Already are heard notes of preparation for summer retirement and recreation. Nice young men are beginning to plan for pleasure excursions, and are looking over last season's fishing tackle. Even firemen are canvassing the subject of making trips to near points. Dan Malone, of Louisiana Hose, has taken a house over in Biloxi, and will look after the wants of firemen generally.**

# BY TELEGRAPH.

## CONGRESS.

### House.

WASHINGTON, March 26.—The Committee on Naval Affairs, upon motion of Mr. Hunton, directed an inquiry as to the expediency of moving the navy yard from Washington to Alexandria.

Mr. Sener introduced a bill in bankruptcy allowing appeal to the Supreme Court when amounts exceed $2000.

A resolution was introduced directing the Committee on Expenditures to investigate the alleged irregularities and frauds in expenditures in the judicial districts of Alabama and Illinois.

The cheap transportation bill was passed by a vote of 121 to 116.

Mr. Butler, of Massachusetts, presented a new set of credentials for Mr. Pinchback. Referred to the Election Committee.

The finance bill was discussed to adjournment.

### Senate.

Senator West called the morning hour. The House bill appropriating $30,000 to continue the dredging at the mouth of the Mississippi river was passed.

Mr. Wright, from the Judiciary Committee reported unfavorably on bill to remove the political disabilities of John C. Cabell, of Texas. Mr. Gordon said this bill had once been favorably reported upon by the Judiciary Committee, but was recommitted at the request of the chairman of the Committee (Edwards), now absent, for the purpose of fixing dates as to when he resigned his commission in the army, etc. As the chairman of the committee had no doubt the bill would be favorably reported upon, he (Gordon) had telegraphed to Cabell that he could accept the nomination for an office, and the election would take place next week. He, therefore, asked the Senate to pass the bill.

Mr. Morrill, of Maine, objected, and the bill went over.

Mr Wright also reported unfavorably on the bill to remove the political disabilities of Thomas Hardeman.

At the request of Mr. Gordon, the bill was placed on the calendar.

The West and South vote solid on the $400,000,000 provision of the finance bill.

Mr. Spencer's bill to facilitate and reduce the expenses of taking testimony in behalf of claimants, to be used before the commissioners of claims, provides that the special commissioners appointed under act of May 11, 1873, shall have authority, under the direction of the board of Southern claims, to take the depositions of witnesses in behalf of claimants and the government in all cases pending before commissioners where the amount does not exceed $20,000.

The rules forbidding remarks upon the presentation of memorials and petitions in the Senate are to be hereafter enforced.

The territorial bill, with amendment that its provisions should not apply to cases pending in the Supreme Court, passed the Senate.

The Senate, after some discussion, at 5:30 P. M., on motion of Mr. Wright, and by a vote of 31 to 26, struck out the first section of the bill reported by the Finance Committee and inserted another section fixing the maximum amount of legal tenders at $400,000,000 in lieu of $382,000,000. A number of amendments were offered, but the Senate adjourned without taking any further vote.

## WASHINGTON.

### Nominations To-Day.

WASHINGTON, March 26.—William J. Taylor, collector second Texas district; Alexander Lewstrom, appraiser of merchandise at the port of Charleston; and A. B. Hall, postmaster at Galveston.

### The South Carolina Taxpayers' Delegation.

The delegation of South Carolina taxpayers this morning held brief interviews at the capitol with a number of Republican Senators, who expressed sympathy with their wrongs and their willingness to extend any practicable relief. At three o'clock they called by appointment on Secretary Fish at his residence. Mr. Fish received them with great courtesy, and informed them that he was authorized to say that President Grant would receive them to-morrow morning at eleven o'clock. The Secretary will present them at that time.

### Hebert, Forshey and Eads before the Senate Committee.

The Senate committee heard Messrs. Hebert, Forshey and Eads in the parlors of Senator Windom last night. The committee was full. The committee had visited the field of discussion and the questions of the members were pertinent and pungent, and the discussion was elaborate and exhaustive.

Captain Eads opened by reading and commenting upon his letter recently published in the *Picayune*. Professor Forshey followed, closely analyzing the theories of Captain Eads. The professor was closely questioned, and it is thought his argument convinced the committee that the views of Captain Eads were not practicable, as they were not founded upon the true basis of the delta. Governor Hebert followed, reading his letter to Senator Windom, already published, and gave a searching resume of the question of jetties and deltas, as presenting themselves to him in Europe and Egypt.

Professor Forshey then read a paper covering the whole ground, basing his statements upon personal experience, a synopsis of which has been telegraphed, and his running comments covered many of the most interesting points.

Captain Eads followed by a rejoinder, reading many letters from the great bridge building engineers of the upper Mississippi and Missouri approving his plan and predicting the success of his jetties, and he insisted upon a literal current disputed by Governor Hebert, and disproved by examination by Professor Forshey, who said the river maintained its current twenty to forty miles to seaward. Professor Forshey had showed that the river thins out over the gulf and loses all current, except as driven by the wind. Salt clear water was close here with the surface. The committee questioned Captain Eads as to bonds or guarantee, which he thought ought not to be demanded. Senator West pushed the question and insisted on a reply: "Will you give bond that you will commence in six months and get your twenty feet water in a year, or spend a $1,000,000 trying?" Captain Eads, after some hesitation, replied: "If I do so give bond will you support my proposition by a bill?" Another Senator replied that members of this committee were not here to pledge themselves to contractors, but to investigate a great question relating to the commerce of half the nation. He should like to hear an answer to the Senator's question. Eads said at last he would like to have the proposition in writing, and Mr. West agreed to send it to him and give him time for a reply.

Professor Forshey said the opinions of engineers that had not examined the subject had no value and were unprofessional. He yielded to the reputation of each of the writers of these letters, but thought that reputation not enhanced by volunteer opinions on so vast a subject unexamined; that even Captain Eads must yield some of the prestige he justly claimed as an engineer for the same reason, and especially when he was under the tremendous influence of a ten million contract in prospect; that no living man had ever had such a contract; that engineers, philosophers, statesmen, Senators and judiciary might tremble in the presence of so grand an amount of money. Possibly it might unperceived shadow Captain Eads' opinion. After much questioning by the committee, Governor Hebert closed by an energetic and eloquent appeal to the committee not to be swerved from respect for their able corps of engineers by the hazardous propositions of enthusiasts unskilled in the speciality. The amenities of this discussion were worthy of the distinguished contestants and of the statesmen moderators of the committee.

## NEW YORK.

### Riot of the Strikers at Hoboken.

NEW YORK, March 26.—At about 11 A. M. between fifty and sixty Italians went from this city to Hoboken for the purpose of working on the new tunnel of the Delaware, Lackawanna and Great Western railroad. Before arriving at the tunnel they were attacked by about 200 strikers, who had been lying in wait, and put to flight. The leader of the Italians, it is thought, is fatally wounded.

## FOREIGN.

### More Returning Troops.

LONDON, March 26.—The troop ship Himalaya has arrived at Portsmouth from the Gold Coast with the royal marines and rifle brigade.

### Home Rule.

Prominent Irish members of Parliament have resolved to press home rule this season.

### Wreck of the Ship Burman.

The bark E. Carlton, at Bremen, from Mobile, reports that on the thirty-first ultimo she passed the abandoned wreck of the ship Burman, from Pensacola, Florida, for Liverpool.

### Small Pox in Montreal.

MONTREAL, March 26.—There are 200 cases of small pox in the city, and several deaths occur daily.

### A Desperate Fight at Bilboa.

MADRID, March 26.—A desperate engagement took place yesterday before Bilboa. The Republican army, under command of Marshal Serrano, attacked the Carlists at 6 A. M., and met with a stubborn resistance. The engagement was kept up all day, and was only stopped by the approach of night, when the Republicans encamped on the positions they had captured from the royalists.

The loss of national troops was 470 men. General Loma commanded the centre and General Primo de Rivera the right.

It is probable the battle will be renewed to-day.

## MISCELLANEOUS.

### Ballot for Sumner's Vacancy.

BOSTON, March 26.—The first joint ballot to-day resulted: Dawes 92, Hoar 82, Curtis 74, Adams 14, Banks 6, scattering 4.

The second ballot resulted: Dawes 92, Hoar 81, Curtis 74, Adams 5, Banks 6.

### Policeman Killed by an Editor.

VICKSBURG, March 26.—Thomas Calkin, an ex policeman, attacked John W. Lavins, local editor of the *Vicksburger*, this morning, cutting him in the neck with a knife. Lavins then shot Calkins twice, killing him instantly.

### Lumber Yard Burned.

LUDDINGTON, Mich., March 26.—A $60,000 lumber yard fire occurred here to-day.

### General Burnside for Senator.

PROVIDENCE, March 26.—Seven of nine wards voted for Burnside for United States Senator.

### Loss of the Steamer Economy.

MEMPHIS, March 26.—The little steamer Economy, hence for St. Francis river, with miscellaneous cargo, valued at $3000, struck a draw railroad bridge at Madison, Arkansas, on Monday night, and capsized. The boat and cargo are a total loss. The boat was owned here by Matt Fremmel, and is valued at $3000; no insurance. No lives lost.

### Accident to the Longworth.

The Longworth ran through herself just below Helena, breaking both cylinder heads. She was towed here by the Pauline Carroll, and transferred her passengers to the Baum.

### The Races at Macon.

MACON, GA., March 26.—The second day of the races at Central City Park afforded the following:

*First Race*—One and one-quarter mile dash, for all ages, was won by Revenge; time 2:22, beating Fire Ball, who came in second, and Nashville Harry.

*Second Race*—Three-quarter mile dash; won by Quits; time 1:26¾, beating Belle of Australia, second, and Pretty by Night.

*Third Race*—One mile heats, two in three; won in two straight heats by Tabitha; time 1:54, 1:55; Chief Engineer second. Joe Johnston was distanced the first heat. It rained all morning. Track was heavy.

### Fire.

PITTSBURG, March 26.—A large woolen factory and warehouse of Goodhull & Udener and the residence of William Pollock, at Kittanning, Pennsylvania, burned this morning. Loss estimated at $100,000, principally covered by insurance.

### Steam to Brazil.

ST. LOUIS, March 26.—The Board of Trade held a meeting to-night, and considered the question of establishing the Mississippi Valley and Brazil Steamship Company. Several speeches were made favoring the project, and a committee appointed to consult with a similar committee from the Merchants' Exchange, and report at the meeting to be held to-morrow.

### The Temperance Crusade Reached the Pacific.

SAN FRANCISCO, March 26.—At Portland Oregon, this morning, the temperance women visited most of the saloons of the city, among them the lowest dens. One saloon keeper refused them admittance, but on hearing that the other saloons were making a good paying visit of it, sent an invitation for them to visit him, which they did. No converts have been made among saloon keepers yet.

### Hammond, the Revivalist.

GALVESTON, March 26.—The Rev. R. S. Hammond, the revivalist, assisted by a number of ministers from St. Louis, is holding a series of meetings in the city and services in the Baptist and Methodist churches. Street meetings are being held. Much interest is manifested.

### Centennial Affairs.

PHILADELPHIA, March 26.—Subscriptions to the centennial are rolling in to-day. Plans are being completed to thoroughly canvass the entire city to obtain new subscriptions and increase those that have already been made. Centennial clubs are being formed among the workingmen of the foundries and manufacturing establishments. Subscriptions amounting to $49,730 were received to day. It is expected this sum will be added to daily, and the committee on city subscriptions request active measures on the part of all trade committees to secure immediate subscriptions.

### A Pensylvania Railroad in Trouble.

SUSQUEHANNA DEPOT, Pa., March 26.—Nine hundred workmen left the machine shops to-day. The march from the shops was made amid the ringing of bells and screaming of whistles.

The turning table has been coupled, also engines. Only mail trains can leave, and the stock trains go only East to deposit where the feeding yard is located. By order of the men the saloons are closed.

### A Murderer Lynched.

LEAVENWORTH, Kansas, March 26.—At Jacksonville, Neosho county, Tuesday, an old man named Amed was killed by his son-in-law, named Pierce, in a quarrel growing out of family troubles. Pierce was arrested and confined in the calaboose till one o'clock yesterday morning, when a mob took him out and hung him.

### Probabilities.

WAR DEPARTMENT, Office Chief Signal Officer, Washington, March 26, 1874, 4:35 P. M.

For the Southern States, northwesterly and southwesterly winds, slightly higher pressure, and unchanged temperature, with partly cloudy and clearing weather.

### River and Marine News.

SOUTHWEST PASS, March 26, 6 P. M.—Barometer 30:05. Wind west; very light. Arrived—Ship Emma, Oliver, master, forty-nine days from Havre. Sailed—Bark Kalstad.

PASS-A-L'OUTRE, March 26, 6 P. M.—Weather calm and clear. Arrived—Steamship George Cromwell, Crawford, master, at 12:45 P. M., from New York, to A. Moulton; steamship Lavaca, Cooksey, master,

[CONTINUED ON FOURTH PAGE.]