NEW ORLEANS REPUBLICAN.

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VOLUME VIII—NO. 38. NEW ORLEANS, SATURDAY, MAY 23, 1874. WHOLE NUMBER 2189.

AMUSEMENTS.

GRAND MAY FESTIVAL

FOR THE BENEFIT OF THE

GERMAN-AMERICAN SCHOOL

ON

Sunday and Monday, May 24 and 25,

AT THE

FAIR GROUNDS.

The Festival commences at one o'clock precisely. The programme consists of Concert on the platform, Dancing in the great Exposition Hall, Popular Plays and Games of all kinds, among them the following:

RUNNING RACES FOR BOYS AND GIRLS,
SACK RACE,
ROOSTER IN THE POT,
WATER RAILROAD,
ROPE JUMPING,
FOOTBALL PLAYING,
SAUSAGE SNAPPING,
THE GREASY PIG.

And a great many other exhibitions of fun and sport.

A GRAND LOTTERY

Will be drawn on MONDAY for prizes amounting to $1500. Each ticket of admission is entitled to a chance in the same. Visitors will please preserve the coupon attached.

REFRESHMENTS OF ALL KINDS
AT MODERATE CITY PRICES.

Admission.....Fifty cents
Children.....Free

The friends of the cause of education are cordially invited.

ERNEST PRAGST, President.
HANNO DRILLER, Secretary. my23 2t

GRAND EXCURSION TO THE LOWER COAST.

The elegant side-wheel steamer ST. JOHN will leave foot of Canal street SUNDAY, May 24, 1874, at 1 P. M., and return by 9 P. M., visiting Belle Chasse and Verbois crevasses, giving excursionists an idea of how crevasses are closed. Music and refreshments on board. Fare for the round trip $1. Children under twelve years half fare. my22 3t

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 G,

To be drawn in public at New Orleans,

On Saturday, May 30, 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 $5000 prize are.....	900

270 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 No. 231 draws the $10,000 prize, those tickets numbered 232, 233, 234, 235, 236, 237, 238, 239 and 240 will each be entitled to $200. If ticket No. 450 draws the $5000 prize, those tickets numbered 441, 442, 443, 444, 445, 446, 447, 448 and 449 will be each entitled to $100.

Whole Tickets, $10; Halves, $5; Quarters, $2 50; Eighths, $1 25.

PRIZES PAYABLE IN FULL WITHOUT DEDUCTION.

Orders to be addressed to
LOUISIANA STATE LOTTERY COMPANY,
Lock Box No. 692, Postoffice,
New Orleans.

Send postoffice money order, or register your letter. ja2 1y

DRAWING OF THE LOUISIANA STATE LOTTERY FOR MAY 22, 1874.

CLASS 121.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
74	2	75	1	48	65	47	60	56	43	31	—	—	—

The above drawings are published in the principal papers, and are drawn in public daily at the rooms of the company.

Witness our hands at New Orleans, Louisiana, this twenty-second day of May, 1874.

S. PERALTA,
ADAM GIFFEN,
Commissioners.

BEWARE OF BOGUS LOTTERIES! ap12

BANKS AND BANKING.

THE CITIZENS' SAVINGS BANK

Is a strictly legitimate bank for savings, modeled upon the plan of popular and successful institutions in New York and London, and incorporated April 24, 1872, under a special and favorable charter granted by the Legislature of the State of Louisiana, with an authorized capital of $200,000.

Interest six per cent per annum.

Deposits of ten cents and upward received.

All deposits are payable on demand.

Open daily from 9 A. M. to 3 P. M., and on Saturday evening from six to eight o'clock.

GRUNEWALD HALL,
No. 22 Baronne Street.

M. BENNER, Cashier. J. L. GUBERNATOR, President.

DIRECTORS.

JOHNSON ARMSTRONG, THOMAS HASAM,
E. W. BURBANK, J. L. GUBERNATOR,
mh1 1y M. BENNER.

NEW ORLEANS SAVINGS INSTITUTION, No. 156 Canal street. Trustees—Dr. W. Newton Mercer, L. F. Generes, George Jonas, Thomas A. Adams, Thomas Allen Clarke, Charles J. Leeds, David Urquhart, John G. Gaines, Carl Kohn, Christian Schneider, Samuel Jamison.

Interest Allowed on Deposits.

L. F. GENERES, President.
SAM JONES, JR., Treasurer. mh28 1y

THE FREEDMEN'S SAVINGS AND TRUST COMPANY,

A NATIONAL SAVINGS BANK

Chartered by the United States March, 1865.

NEW ORLEANS BRANCH,

No. 182 Canal Street, corner of Dryades,

Bank hours from 9 A. M. to 3 P. M.

Open Saturday Nights to receive deposits from Six to Eight o'clock.

Six per Cent Interest Allowed.

C. D. STURTEVANT, Cashier.
fe24 1y HENRY BACAS, Assistant Cashier.

NOTICE TO TAXPAYERS.

STATE AND CITY TAXES

For past years settled at LOWEST POSSIBLE RATES by

BARNETT & CAMMACK,
my10 1m Brokers, No. 12 Carondelet street.

COURT RECORD.

FRIDAY, MAY 22, 1874.

United States Circuit Court.

United States vs. W. J. Cruikshank et als.—Conspiracy and murder. On trial.

Supreme Court.

Present—All the judges.

The following decisions were rendered:

BY CHIEF JUSTICE LUDELING.

No. 3427. A. W. Bosworth vs. city of New Orleans, appellant.—From Sixth District Court. A. W. Bosworth, Gabriel DeFeriet, Eugene Waggaman, William McCaleb, and others, claim salaries as commissioners of Waterworks, for adjusting accounts between the Commercial Bank and the city, the court below giving judgment for $50,246. Ordidinance of July 31, 1868, authorizing the commission, fixes no salary. There is no implied obligation on the part of the municipal corporation which obliges them to make compensation unless the right is expressly given. 3 Vt., 284; 13 Gray, 347; 19 N. Y., 37 Mo., 554; Barton vs. New Orleans, 16 A., 317. The member of the board who offered the resolution testified the office was intended as an honorary one only. The plaintiffs have no cause of action. Judgment reversed.

No. 4845. State vs. E. A. Giroux.—From First District Court. Murder. The objection that there is no record that twelve grand jurors concurred in the finding is not tenable. State vs. Kennedy, 3 Rob., 571; 12 A., 862; State vs. Thomas, 26 A., —; R. S., 992. Mr. Braughn properly represented the State. State vs. Donnelly, 26 A., —. The separation of the witnesses is within the discretion of the judge. 1 Green Ev., 479, sec. 432. To rule the killing to be in self-defense if Giroux had reasonable ground to fear a felony upon his wife would be to assume the assault upon the wife was without provocation. Wharton Crim. Law, 1020. The jury was not to consider the crippled condition of the accused, as he was not assaulted. Judgment affirmed.

No. 3388. Mrs. Regina Phillips vs. Louisiana Equitable Life Insurance Company, appellant.—From Seventh District Court. On policy of insurance dated October 4, 1869, on H. F. Moore, who died March 15, 1870. Payment refused, alleging suicide and relying on exception in policy "if he should die by his own hands." These words can not be taken literally, for accidental discharge of a gun in his hands would exempt the company. There is a latent ambiguity, C. C. 1945, 1950. The intent was to exempt a voluntary self-destruction. It does not mean exemption if the insured became insane and killed himself. It was to guard against fraud. The test of the responsibility is the state of the actor's reason, 4 Block 21, 189; C. C. 1738, 1739. The onus of proof is on the defendant. It has not been proved the insured killed himself. It is possible he might have shot himself accidentally. But if proved the plaintiff has shown he was insane. Reynolds on Life Insurance, 105; Mutual Life Insurance Company vs. Mary Terry, S. C. U. S., April, 1873. Judgment affirmed.

No. 4718. Poitevent & Favre vs. B. S. Harrison, appellant.—From Sixth District Court. On a draft of defendant. Judgment affirmed, with ten per cent damages.

No. 5006. James M. Lewis vs. J. Edwards, appellant.—From Sixth District Court. On two promissory notes. The exceptions are mere pretexts. Judgment affirmed, with ten per cent damages.

No. 3327. John Nisson vs. Richard Baxter, Jr., appellant.—From Fourth District Court. There is much conflict in the evidence, but the weight is in favor of plaintiff. Judgment affirmed.

No. 228. Leonard Lasseigne vs. Michael Burroughs Clark, appellant.—From Sixth District Court. Appeal dismissed, judgment not being signed. Justice Howell recused.

No. 4904. Joseph Jocot vs. Catharine O'Brien, appellant.—From Sixth District Court. The order of seizure was based on sufficient evidence. Judgment affirmed, with ten per cent damages.

No. 3803. Manchester, Harriott & Co. vs. Solomon Silverstein, appellant.—From Seventh District Court. On the maxim de minimis non curat lex the judgment is affirmed.

BY JUSTICE TALIAFERRO.

No. 3433. J. M. Cass vs. New Orleans Times, appellant.—From Seventh District Court. Action for $100,000 for libel in publishing a charge of embezzlement, taken from an affidavit in the Second Justice's Court. An explanatory card and article was published the next day. No agreement was made that this was sufficient satisfaction. The charge against Cass was withdrawn. The third jury gave $1000. The style of the article is calculated to create the impression that the writer believed the charges true. The manner of manipulation of the belief was calculated to injure plaintiff. The affidavit was false and malicious. Thousands might read the charge that would never see the refutation. Proof of damages is not necessary. 3 A. 69; 11 A. 206; Perrett vs. the Times, 25 A. 174. Judgment affirmed.

Justice Morgan, Justice Wyly with him, dissenting, says if the affidavit had been printed as written, no question could have arisen, and he does not consider the comments libelous. He analyses the difference between liberty and license of the press, and thinks editors should not be compelled to write with handcuffs on their hands.

Nos. 3004 and 3005. J. Q. Packard vs. Ober, Atwater & Co.—From Sixth District Court. On rehearing, the former decree is amended; Ober, Atwater & Co. allowed a credit of $3303 49 on the judgment against them; to retain in their hands $7500 for ninety days, if not paid in that time the amended judgment is affirmed.

Justice Wyly adheres to his former opinion and Chief Justice Ludeling dissents.

No. 3434. State vs. Mr. and Mrs. Jacobs.—From Second Judicial District. Arson. On rehearing. Former decree reversed and judgment affirmed. 12 A. 758; 3 S. and Marshall, 206; 1 Kelly, 574; 1 Zabriski, 347; 3 O., 107; 17 A., 204; 15 A., 501; 10 A., 657; 11 A., 479.

No. 4865. Philip Brown vs. Theophilus W. Kendall, appellant.—From Fifth District Court. The order of seizure on mortgage was regular. Judgment affirmed, with ten per cent damages.

No. 3458. A. L. Bader et als., appellants, vs. Marceline Pouplin et al.—From Second District Court. Judgment affirmed.

No. 4367. Samuel Lee vs. Theophilus W. Kendall, appellant.—From Fifth District Court. On promissory note. Judgment affirmed, with ten per cent damages.

No. 5130. Emily J. Green vs. Mrs. John Rhodes, W. H. Beggs, appellant.—From Fifth District Court. On promissory note. Defense, that six others have claimed payment for one note, paraphed by William McC. Jones, notary, and that they are forgeries. The question is merely, which holds the genuine note. The judge below was correct. Judgment affirmed.

No. 4724. Ball & Lyons vs. F. Schumacher, appellant.—From Fifth District Court. Judgment for $[illegible] affirmed.

No. 4923. Widow Anatole Villere, appellent, vs. succession of Hugues Villere.—From Second Judicial District. On promissory note of $10,366 66, the court below sustaining the plea of prescription. The administrator can not waive or renounce it. 21 A., 573, 743; 23 A., 193; 24 A., 83. Judgment affirmed.

No. 5206. G. Trisconi vs. A. P. Dumas, appellant. From Fifth District Court. On ten promissory notes of $83 33 each. Judgment affirmed.

No. 4799. Union Insurance Company vs. Miss Sarah Ann Stokes, appellant.—From Sixth District Court. Judgment of $1299 affirmed, with ten per cent damages.

No. 4868. Amelie Cammack vs. Mrs. Catharine Roberts, appellant.—Judgment affirmed, with ten per cent damages.

No. 4866. Leopold Boinard vs. Catharine Roberts, appellant.—From Fifth District Court. Delay appearing the only object of this appeal, ten per cent damages are allowed. Judgment affirmed.

No. 4864. Feloise Gosselin vs. Mrs. Catherine Roberts, apprellant.—From Fifth District Court. Judgment affirmed, with ten per cent damages.

No. 4869. Catherine Sagooge vs. Mrs. Catherine Roberts, appellant.—From Fifth District Court. Judgment affirmed with ten per cent damages.

BY JUSTICE HOWELL.

No. 4873. Charles Weishaar vs. Mrs. Anais Bernons, appellant.—From Sixth District Court. Action on a lost promissory note secured by mortgage. Judgment affirmed.

No. 3493. J. R. Wolf vs. Thomas S. Duggan, appellant.—From Sixth District Court. The wall between the parties was demolished and rebuilt by plaintiff, half the wall being on defendant's soil. He can not claim half the expense of defendant. C. C. 632; 17 L. 389. Judgment reversed.

No. 5013. George A. Fosdick vs. George Craman, appellant.—From Fifth District Court. Promissory note. Judgment affirmed, with ten per cent damages.

No. 4929. Page & Moran vs. D. L. & J. Garrett, appellants.—From Sixth District Court. Promissory note. Judgment affirmed with ten per cent damages.

No. 4893. August Obse vs. George Umhaber, appellant.—From Sixth District Court. Judgment on seizure and sale affimed, with ten per cent damages.

No. 4678. Carrollton Insurance Company vs. F. C. Hester, appellant.—From Second District Court. Judgment affirmed. No claim for damages.

No. 5212. Succession of E. Cordeville et als. vs. John Dawson, appellant.—From Sixth District Court. A registration is necessary to give effect to a donation. Code of 1825, 1541; 20 A., 5711. Judgment affirmed.

No. 5165. Thomas Mils vs. L. A. Burthe, appellant. From Sixth District Court. Judgment of seizure and sale affirmed with ten per cent damages.

No. 5289. James J. Irby vs. Ker & Co., appellants. From Fifth District Court. Promissory note. Judgment affirmed with ten per cent damages.

No. 4638. George Cronan vs. J. O. Belknap & Co., appellants.—From Fifth District Court. On promissory note. Judgment affirmed with ten per cent damages.

No. 4818. Succession of Tobias Drum.—From Second District Court. Judgment amended by deducting homestead allowance of $1000 and $355 received by the widow.

No. 4897. Mrs. A. E. DeBlanc vs. Firmin Levasseur, appellant.—From Second District Court. Judgment amended by increasing it to $1699 04.

BY JUSTICE WYLY.

No. 5467. State vs. A. A. Maginnis, appellant.—From Superior District Court. Whether the taxes are excessive or not can not be examined in this action. The Auditor merely calculates the proportion in fixing the rate of taxation after the assessment rolls are returned. The building of levees concerns directly one-half, and indirectly the whole of the people of Louisiana. The General Assembly is the exclusive judge of the propriety of constructing levees. No citizen has the right to resist the power. The acts Nos. 4 and 27 of 1871 are constitutional. Levee Company vs. Clinton, 25 A., 401. It is no ground to resist a tax because the State debt has reached the constitutional limit, unless the object of the tax is unconstitutional. The most important points are settled in State vs. Graham, 23 A., 622; State vs. Louisiana and Texas railroad, 25 A., 25; State vs. Clinton, 25 A., 401. There is no proof in the record that the Levee Company has not complied with its contract. Judgment affirmed. Justice Howell dissenting.

No. 4819. Succession of Hampton Elliott.—From Second District Court. The demand of Samuel M. Davis, claiming by deed, is rejected, and the property declared to belong to the succession of Elliott; that of Mrs. Mary E. Risly, claiming by will of November 29, 1871, is rejected, and the will declared null and void, as the court below decided; judgment giving Mrs. Virginia C. Burke, claiming under will of May 29, 1869, made in Mississippi, the whole property, amended by dividing the property equally between her and Mrs. Letitia C. Elliott, the surviving widow, and, thus amended, affirmed.

No. 5128. K Rocherear & Co. vs. H. D. Delacroix, appellant.—From Fifth District Court. The preference of intervenor against creditors was properly disallowed, the mortgage not being recorded. Knowledge is not equivalent to registry, 21 A., 425; 22 A., 402; 23 A., 433; 24 A., 73. Article 123, constitution of Louisiana does not impair the obligation of a contract. 24 A., 25.

No. 5045. Octave Reggio vs. Blanchin & Giraud, appellants.—From Fourth District Court. On order of seizure and sale. The mortgagor not being made a party to the mortgage, containing no alienation clause, the judgment is annulled. The plaintiff's remedy is in an hypothecatory action. C. P. 68 69, 270.

No. 4739. Higgins & Maurer vs. James E. Wilner, appellant.—From Fourth District Court. On the leased premises being destroyed by fire, defendant, tendering the balance of rent for that month, asked annullment of lease and return of notes. Judgment in his favor and against plaintiff's demand for entire rent affirmed. R. S. 2697.

No. 4317. M. Soye et al. vs. Widow L. Cormin, appellant.—From Sixth District Court. Seizure and sale. Judgment affirmed, with ten per cent damages.

No. 3349. John G. Spearing vs. Mary Spearing et als., appellants.—From Sixth District Court. Suit for settlement of partnership. The exception that the plaintiff never was a partner was improperly overruled, as there is no contract out of which it could arise. Judgment reversed.

No. 5293. A. Rochereau vs. Matilda E. McCray, appellant.—From Fifth District Court. Seizure and sale. Judgment affirmed, with ten per cent damages.

No. 3375. Henry Wade, appellant, vs. D. W. Evans.—From Fourth District Court. The plaintiff being a party to the act of donation is estopped from disputing the title of defendant. Judgment affirmed.

No. 4962. Julius Socha vs. Mrs. Louisa Renardo, appellant.—From Fifth District Court. Order of seizure and sale amended by striking out allowance for attorney's fee and affirmed.

No. 4348. Edward Ranquetal vs. Widow Gustave Tournade, appellant.—From Sixth District Court. On promissory note. Judgment affirmed.

No. 5524. J. N. Canteron, Sr., vs. J. N. Canteron, Jr., appellant.—From Fourth District Court. Judgment amended by reducing it from $3202 40 to $2831 40.

No. 3647. Francis C. Mahan vs. Simeon Belden, appellant.—From Seventh District Court. Promissory note. Judgment affirmed, with ten per cent damages.

No. 4965. John H. Hayward vs. Edward Rigney, appellant.—From Sixth District Court. On accepted draft. Judgment affirmed, with ten per cent damages.

No. 4989. A. Reichard vs. T. Michinard, appellant.—From Fifth District Court. Judgment of seizure and sale affirmed, with ten per cent damages.

No. 4633. Teutodia National Bank vs. Kloppenburg & Maury.—Bill of exchange. It was not proper to admit evidence of damages when no reconventional demand was pleaded. Judgment affirmed with ten per cent damages.

BY JUSTICE MORGAN.

No. 5182. Job Smith vs. William Durbridge, appellant.—From Fifth District Court. An incorporated company is subject only to the jurisdiction of the Superior District Court; but that is as original parties. As to a garnishee the rule does not hold. The judgment on the rule compelling the Crescent City Live Stock Landing and Slaughterhouse Company to transfer the shares of defendant, sold by the sheriff to the purchaser, is affirmed.

No. 5144. John Phelps vs. New Orleans Printing and Publishing Company, appellant.—From Sixth District Court. There is no return showing the bond to have been sold, and the judge could make no order compelling its delivery. Judgment reversed as of non-suit.

No. 3189. Society of St. Louis vs. J. B. Alexis, appellant.—From Fourth District Court. Judgment that the property held by defendant was that of the society affirmed.

No. 5119. Joseph Billgery vs. Jacob Schnell and Martin Joachim, appellant.—From Fifth District Court. The sale was not a fraudulent one or simulated as far as Joachim was concerned. Judgment reversed as to him.

No. 5137. Urban Theurer vs. E. M. Lambert, appellant.—From Fifth District Court. Seizure and sale. Judgment affirmed, with ten per cent damages.

No. 4616. Moffit & McNabb, appellants, vs. O. Marionneaux.—From Fifth District Court. The plea of res judicata was well founded. Judgment affirmed.

No. 5117. William Collinon vs. a certain piece of land, Henry Tabory, appellant.—Defendant purchased a piece of ground, at a sheriff's sale, for $800, and paid $300. He appeals from a rule to compel him to pay the balance. It being only $500, is unappealable. Appeal dismissed.

No. 4744. Henry Smith vs. J. C. Harris, appellant.—From Fourth District Court. Judgment affirmed, with ten per cent damages.

No. 5545. Mrs. M. E. Irwin vs. J. F. Spearing, appellant.—Judgment affirmed, with ten per cent damages.

No. 4694. Alfred Marchand vs. Spencer Field et al., appellants.—From Fifth District Court. On an accceptance. Judgment affirmed with ten per cent damages.

No. 4845. Samson Brothers vs. Mrs. C. Rice, appellant.—From Sixth District Court. Promissory note. Judgment affirmed with ten per cent damages.

No. 4896. Paul Fourchy vs. Mrs. A. Oriol, appellant.—From Sixth District Court. Seizure and sale. Judgment affirmed with ten per cent damages.

No. 4741. City of New Orleans vs. François Lacroix, appellant.—From Superior District Court. For reasons of City vs. Burthe et al. (May 18), judgment affirmed.

No. 5094. James M. Lewis vs. Fairbanks & Gillman and D. & J. Edwards, appellants.—From Sixth District Court. On promissory note. The answer being a general denial, and the note having been passed without objection, it was not necessary to prove the signature. Blum vs Salis, 24 A. 113, does not apply. Judgment affirmed with ten per cent damages.

No. 5095. Same vs. same.—Judgment affirmed with ten per cent damages.

Superior District Court.

State ex. rel. J. W. Madden vs. Charles Clinton, Auditor.—Petition for mandamus to have warrants issued for $4612 12 for nine certificates for stat onery, etc., for House of Representatives, 1874. Rule nisi ordered returnable the twenty-eighth instant.

George D. Pritchett vs. Mechanics and Traders' Insurance Company.—Plaintiff alleges defendant has funds in its possession amounting to between $2000 and $2300, the sum not being exactly determined; that it is for a policy of insurance on buildings on Oak Grove plantation, destroyed by fire, and prays for a writ of sequestration, which is issued on bond of $3000.

Superior Criminal Court.

PLEADED NOT GUILTY.

Grand larceny—Hattie Russell, Annie Hall.

MANDAMUS.

State ex. rel. Gallatis & Robert vs. Justice Staes. Writ of mandamus made peremptory. The justice, after the expiration of three days to go on with the examination and to cease whenever the grand jury makes a report.

GRAND JURY.

State vs. George Graver and Frank Page.—Burglary, etc., and assault with a dangerous weapon. True bill.

VERDICTS.

State vs. John Martinez.—Manslaughter. Not guilty, without leaving the jury seats.

State vs. John Smith.—Grand larceny. Guilty.

First District Court.

PLEADED GUILTY.

Assault and battery—Charles Scott.

VERDICTS.

Larceny—James Davis alias Alexander, Prosper alias Diddy White, guilty; John Driscoll, James Mac and Frank Lyons, not guilty.

Assault and battery—Eugene Washington alias Caillon, not guilty.

Fourth District Court.

George Washington vs. Hugh McCloskey.—Action for damages of $500 under the civil rights bill. Given to jury.

The wheel of fortune
The wheel of fortune
The wheel of fortune
Will turn on the thirtieth of May.
Will turn on the thirtieth of May.
Will turn on the thirtieth of May.
$80,000 in prizes.
$80,000 in prizes.
$80,000 in prizes.
$80,000 in prizes.

VALUABLE IMPROVED REAL ESTATE IN THE SECOND DISTRICT AT AUCTION BY THE SHERIFF.—Particular attention is called 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. Said sales comprise:

1. A lot of ground, with the buildings and improvements thereon, situated in the Second District of this city, at the corner of Chartres and Conti streets.

2. And a lot of ground, with the buildings and improvements thereon, situated in the same district, on Chartres street, between St. Louis and Conti streets.

For full particulars and terms see advertisements.

The Temperature.

The thermometer at Louis Frigerio's, No. 50 Chartres street, on May 22, stood as follows: At 8 A. M., 76°; at 2 P. M., 89°; at 6 P. M., 85°. Lowest point during the night of May 21, 67°.

THE GRANT PARISH PRISONERS.

Trial in the United States Circuit Court.

Fifth day's proceedings in the case of W. J. Cruikshank and others, charged with conspiracy and murder, in April, 1873, in the parish of Grant.

Judge Bradley, yesterday morning, in answer to Mr. Marr's motion to quash several counts in the indictment, said that the subject was too grave to be considered during the hearing of this case, and he did not feel it right to stay proceedings. In the event the prisoners shall be acquitted, it will be unnecessary to discuss the subject; in case of conviction the court would decide the question. It it becomes necessary the matter can go to the United States Supreme Court.

Mrs. McKinney, widow of Jesse McKinney, was the first witness. She related the circumstances of her husband's murder. In the crowd of men who killed Jesse she recognized Denis Lemoine, Oscar Gibbons and William Irwin; her husband was hard at work when he was murdered, giving offense to no one; she was unable to say who the man is who fired the fatal shot.

Eliza Smith—Jessie McKinney was killed on Saturday; next day saw a lot of armed and mounted white men; they booted at me as I was moving my things away; I went to the Mirebeau plantation; some white men visited that place and said to us women, "Go and beg off your sweethearts," calling us bad names; can't say who the man who said that was; when we returned home after the massacre we found our home had been ransacked and some things stolen away.

Cross-examination—I saw the man when he shot McKinney with a pistol; at that time all the men leaped their horses over a fence; somebody asked if McKinney was killed; somebody replied "Yes, he's as dead as hell;" when Jesse was shot he cried like a pig; after they shot him they dismounted; they remained about two hours and danced like mad; I went to the other side of the bayou and watched the men; when the white men killed Jesse he was at work making a fence; we took the body to the house and laid it on the house floor; I got a coffin at the Mirebeau place; do not know who robbed our place; that next day, Sunday, Bill Irwin rode past our house, and he asked some questions which we did not answer; another man was with him.

Mary Sadler testified—I lived in Grant in April; was on the Ferenzi place at the time of the fight; saw twelve mounted armed white men three days before the fight; I knew none of them; they were the ones who killed Jesse McKinney; saw armed white men every day at that time; saw Denis and Prudhomme Lemoine on the morning of Easter Sunday in Colfax; I went there because I heard my two sons had been killed; when I got there I saw plenty of dead colored men; saw white men; recognized Irwin in the town; he was armed; saw the white men shooting wounded colored men; do not know who the white men were, except Oscar and Gus Lacour; did not hear what was to be done with the prisoners; heard the white men call out names of colored men; next morning saw some of the men whose names had been called dead on the ground; also saw some wounded colored men; saw Hadnot, wounded; saw white men that morning driving off horses of colored people; Prudhomme Lemoine was among them; he asked some women had they seen horses; am very well acquainted with Denis and Prudhomme Lemoine; was at the house of Jessee McKinney at the funeral; when McKinney was killed all the colored people were badly frightened, and we went to Colfax; when we got to Colfax saw only about twenty colored men there.

[Witness pointed out Denis and Prudhomme Lemoine.]

Kit Smith—I live in Grant parish; was not at home when Jesse McKinney was killed; I lived near him; after Jesse was killed I returned to the house, but the stench was so great that I could not go in; buzzards were in the house; saw about fifty white men there four days after Jesse was killed; several of the accused were there, feeding corn to their horses from Jesse's crib; saw dead colored men in Colfax after the fight; knew some of the dead; Shack White's body was burned; Lank Whitman had been eaten by dogs; two mounted men chased me on the day of the fight, but my horse was too fast for them, and I escaped.

Cross-examination—Green Brantley left word for me to go to Colfax; I took my gun there to protect myself, as the others did; this was before Jesse was killed; we went there to take care of public property, as it was said that Hadnot and others intended to enter the village; did not remain in Colfax all the time, but stayed in the canebrake part of the time; do not know if anybody more than Levin Allen was in command at Colfax; I did not report to anybody; saw no drilling; Captain Ward was in Colfax, sick; saw no guards.

Baptiste Elzie—Was appointed deputy sheriff in Colfax on the thirty-first day of March, 1873, by Mr. Shaw; was in Colfax the day Hadnot and party visited the town; John Hadnot, now at the bar, was in that party; there were twenty-one deputies; was in Colfax when the earthwork was made; only a part of our men were armed; saw the women and children when they left on Easter Sunday; can't say how many white men attacked us; I remembered that they fired three shots out of the cannon; when the courthouse was fired we surrendered; as we went out the white men shot us; some colored people ran down the road pursued by the whites, who shot one man that I saw; we surrendered because the courthouse was burning; most of those who went out of the courthouse were shot; I was wounded in seven places; I returned to the courthouse and got under the floor with others; when I went out again Gus Lacour told me to put out the fire in a warehouse, and I obeyed; after that I was put with other wounded prisoners and kept until eight o'clock at night, when white men began shooting us; Bill Cruikshank, Clement Penn and John Hadnot were the only ones I saw that I knew; can't say how many more white men were there; my brother Etienne was murdered that night; his name was called by Clement Penn and Marsh; saw him next day and his head was mashed; saw many other dead men on the ground; all of them had been prisoners the night before; I managed to escape when they were shooting our people.

Annie Elzie—Was on the Ferenzi place on the day of the fight; saw armed white men, mounted, on the morning of that day; saw John Hadnot, Clement Penn and Bill Irwin among them; Etienne Elzie was my husband; I saw him when he was a prisoner in Colfax, but did not dare to speak to him; Clement Penn was one of the men who shot at and killed my husband; I was a little distance off and saw them kill him; I heard him beg for his life.

Counsel for defense succeeded in confusing two or three of the United States witnesses by asking them such questions as would mix the memory of well educated people. However, the discrepancies amounted to but little, and that little arose from the fact that the witnesses did not fully comprehend the interrogatories.

The court adjourned until this morning.

Louisiana single number lottery.
Louisiana single number lottery.
Louisiana single number lottery.
It will be drawn May 30.
It will be drawn May 30.
It will be drawn May 30.
Capital prize $20,000.
Capital prize $20,000.
Capital prize $20,000.
Capital prize $20,000.

The following is the passenger list of the steamship Cortes, hence for New York:

Mrs. Grace and three children, Miss O'Kane, Mrs. Bartley and three children, Mr. Bruckner and wife, Miss Brincker, Mrs. H. Riehl, Captain Delano and wife, Captain D. M. Kingsbury, A. Marchand, wife and two children, S. Delano, and eleven in the steerage.

Death of Mr. George Wood.

We were pained to learn of the death of Mr. George Wood, which event occurred yesterday at his residence in this city. Mr. Wood was a native of Ireland, and, at the time of his death, about forty-two years of age. Coming to this city early in life, he at first was engaged in commercial pursuits; but subsequently entering the business department of the *True Delta*, he for many years filled the responsible position of manager, and earned, by his unswerving integrity and devotion to his duty, an enviable reputation in the community. Subsequently Mr. Wood served throughout the official career of Administrator Alfred Shaw as his chief deputy, and brought to bear in that capacity his usual administrative tact, affability and honesty. Later he took charge of the business departments of the *National Republican* and the *Herald*, in both of which positions he maintained his high character for talent and probity. But he was even then admonished that his earthly career was well nigh finished, being attacked by an incurable disease. He has since lingered, a great sufferer, and none that knew him well were surprised when the final event came. Of Mr. Wood it may be truly said that he was never known to do a mean or dishonest act, and that he had not an enemy in the world. By his death the press of New Orleans has lost an able and useful member, and the community a citizen faithful in every duty.

The Relief Committee.

The general relief committee met pursuant to adjournment, Hon. Louis A. Wiltz presiding.

The treasurer submitted his weekly statement, of which the following is a recapitulation:

Collections to date	$140,912 66
Disbursements	58,228 49
Balance in treasury	$82,684 17

The report was received and referred to the auditing committee for examination.

An interesting report was read by the chairman of the purchasing committee.

Subscriptions, we are informed, are coming in slowly and in small amounts. The appeals for aid are of the most urgent character, and the sufferings of thousands of our people are represented as indescribable. Unless additional help from abroad, and that in large amounts, shall be at once forthcoming, the funds on hand, in the course of fifteen or twenty days, will have been exhausted, and thousands of our people will be left without subsistance. It is hoped that the sympathies of the large cities of the Union may be awakened, that the terrible condition of the sufferers by the flood may in some measure be alleviated.

Court Items.

The Hickey case was to have come up yesterday in the Superior Criminal Court. In this case Judge Atocha has recused himself and called upon Judge Cullom to sit in his court. On the case being called and sufficient reasons being presented the case was continued.

To-day Judge Atocha will render a decision in the lottery habeas corpus cases.

In the Superior District Court of the special venire drawn were two of a trade, Messrs. S. N. Moody and B. T. Walshe. The first served on the jury, but the latter made oath that he was a British subject.

Lieutenant Governor Antoine at Baton Rouge.

A dispatch from Baton Rouge informs us that Lieutenant Governor Antoine arrived there yesterday morning. He was received by a large concourse of citizens, and was honored with a salute of ten guns. He was visited by a large number of citizens of the place, and was announced to address a mass meeting during the day.

The Club Dramatique Louisianais.

To-night this club will perform at the St. Charles Theatre for the benefit of the sufferers by overflow. This association of young gentlemen early offered its services in the good cause of charity, and following this we publish the Mayor's letter of acceptance, naming the night and the committee who are expected to serve the public upon the occasion:

MAYORALTY OF NEW ORLEANS,
City Hall, May 3, 1874.

Messrs. J. L. Bajac, L. N. Baquie and J. M. Cressy, Committee:

GENTLEMEN—Your esteemed letter offering on the part of the "Club Dramatique Louisianais" a representation for the benefit of the victims of the inundation, is received, and your generous proposal is accepted with many thanks. The performance will be at the St. Charles Theatre on Saturday, the twenty-third instant. The following named gentlemen are respectfully requested to act as chairman and members of a committee of arrangements and conference:

Hon. A. L. Tissot, chairman; Charles T. Howard, Joseph P. Hornor, H. Peralta, L. H. Gardner, Albert Baldwin, G. de Feriet, Felix Limet, John McPhelin, George H. Braughn, A. Hoffman, Jules Tuyes, Paul Fourchy, J. B. Camors, A. Poincy, H. T. Lawler, Simon Mellieur, E. F. Del Bondio, W. H. Letchford, D. Lopez, Numa Avegno, Ernest Puech, E. D. Willett, and J. H. Oglesby. I have the honor to remain your obedient servant,

LOUIS A. WILTZ,
Mayor and Chairman General Relief Committee.

Relief.

The following contributions were received at the Mayor's office May 22, 1874:

Mount Pleasant Congregation, Presbyterian Church, Harrison county, Kentucky, through R. B. Forman	$24 75
Waco, Texas, Baptist Association, through Rev. V. G. Cunningham	27 00
Waco, Texas, proceeds of an entertainment, through G. Ad. Blaffer	68 00
E. O. Tarrant, Dallas, Texas, through Mayor Cabell	75 00
Collections by Citizens' Bank from S. N. Moody and other citizens	153 00
R. R. Pierce, of Holden, Johnson & Co., Missouri, through Rev. B. M. Palmer	20 00
Total	$367 75

Total contributions to date, $140,912 66.

The Agricultural and Mechanical College.

Superintendens Brown has addressed the following circular to the school boards of the several parishes in this State:

STATE OF LOUISIANA,
Office State Superintendent Public Education,
New Orleans, May 20, 1874.

SIR—You are respectfully informed that the Board of Control of the Louisiana State Agricultural and Mechanical College has announced the organization for a summer session, to commence July 1, 1874, of a school of drawing and designs, also a school of practical and agricultural chemistry, in the University Buildings, corner of Common and Baronne streets, New Orleans, and as pupils from all portions of the State are entitled to the privileges of this institution, you are requested to announce in the schools under the control of your board, also to the citizens of your parish, that pupils desiring to enter this college are instructed to report for the present to Dr. James Burns, for examination,