NEW ORLEANS REPUBLICAN.

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VOLUME VIII—NO. 48. NEW ORLEANS, THURSDAY, JUNE 4, 1874. WHOLE NUMBER 2199.

AMUSEMENTS.

THE SPEAKING HEAD
Will be on exhibition for one week,
At No. 167 Canal Street, near Dauphine,
FROM 6 P. M. TO 10 P. M.,
COMMENCING ON JUNE 1.
ADMISSION TWENTY-FIVE CENTS. CHILDREN TEN CENTS.
SATURDAY MATINEE. my31 je2 4

ST. CHARLES THEATRE.
Saturday, June 6, 1874,
LADIES' MATINEE
TENDERED BY THE
ORLEANS DRAMATIC ASSOCIATION
FOR THE
BENEFIT OF SUFFERERS BY THE OVERFLOW.
Under the auspices of the following ladies:

Mrs. G. Santini,	Miss E. J. Justus,
Mrs. Wallace Wood,	Mrs. W. J. Behan,
Miss J. Thorn,	Mrs. C. P. Buck,
Mrs. J. N. Folwell,	Mrs. J. J. Mellon,
Miss L. Payro,	Miss C. Hart,
Mrs. T. P. Leathers,	Miss Minnie Holyland,
Mrs. St. Clair Johns,	Mrs. George Bohne,
Mrs. D. Hughes,	Mrs. John Wilson,
Mrs. John Thorn,	Mrs. E. J. Souby.

On which occasion will be presented the pleasing comedietta of
THE MORNING CALL,
and the beautiful drama of
NOBODY'S CHILD.
Tickets fifty cents. For sale at the principal jewelry and book stores, and at the box office on the morning of the performance.
Doors open at 11 A. M. Performance to commence precisely at 12 M. je3 4t

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 H,
To be drawn in public at New Orleans,
On Saturday, June 20, 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
10 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. je3 1y

DRAWING OF THE LOUISIANA STATE LOTTERY FOR JUNE 3, 1874.
CLASS 131.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
3	47	34	68	71	21	49	60	57	23	32	18	56	61

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 third day of June, 1874.
R. PERALTA,
ADAM GIFFEN,
Commissioners.
BEWARE OF BOGUS LOTTERIES. ap12

CAUTION.
NOTICE.—WE WARN THE PUBLIC AGAINST negotiating our notes dated August 21, 1873, payable 1-4 of each month up to October 4, 1875, to P. Tulane, Esq., for $160 each, given for rent of store No. 5 Tchoupitoulas street, which store was partially destroyed by fire on the twenty-ninth of May, as said notes will not be paid at maturity, the consideration for which they were given having failed.
New Orleans, June 1, 1874.
BERCIER & DE SMET,
No. 16 Tchoupitoulas street.
je3 3t

MISCELLANEOUS.

GOOD NEWS FOR BEER DRINKERS.
Having made arrangements with the celebrated BEST'S BREWERY, of Milwaukee, I will be enabled to supply my customers with this famous beverage during the season. This is the only house where the genuine Milwaukee is sold. Price FIVE CENTS per glass. At HUGO REDWITZ',
je1 1m No. 132 Common street.

GRAIN, CORN MEAL AND GRITS.
1000 bushels Carolina COW PEAS.
1000 sacks White and Yellow CORN.
1000 sacks Galena OATS.
500 sacks WHEAT BRAN.
500 bales Western HAY.
500 barrels kiln-dried CORN MEAL.
200 barrels "Hudnut's" GRITS, best in the market and fully guaranteed.
200 sacks Choice SEED RYE.
100 sacks WHEAT, for chickens and pigeons.
For sale in lots to suit by
GEORGE HECK & CO.,
je3 6t No. 32 Tchoupitoulas street.

W. W. M'CULLOUGH,
AUCTIONEER.
NEW AUCTION MART,
No. 522 Camp street,
Opposite Magazine Market, New Orleans.
OUTDOOR SALES ATTENDED TO. my31 1m

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.

AUCTION SALES.

By Charles E. Fortier.
RESIDENCE ON JOHNSON STREET.
BY CHARLES E. FORTIER, AUCTIONEER—Office No. 26 Exchange alley.—SATURDAY, June 6, 1874, at twelve o'clock M., will be sold at the Merchants and Auctioneers' Exchange, without any limit—
A CERTAIN LOT OF GROUND, in the Third District of this city, in square bounded by Esplanade, Kerlerec, Johnson and Prieur streets, and measuring 32 feet 8 inches front on Johnson street by a depth and front on Kerlerec street of 119 feet 7 inch 7 lines. Together with the buildings thereon, consisting of a two-story frame house, containing two parlors, two halls, two bedrooms, kitchen and four rooms, with gas throughout.
Terms—Cash, the purchaser to assume over and above his bid the taxes of 1873 and up to date of sale.
Act of sale before F. D. Seghers, notary public, at the purchaser's expense. my30 6t

THE GRANT PARISH PRISONERS.

Trial in the United States Circuit Court.

Judge Woods presiding.

District Attorney Beckwith for prosecution; W. R. Whitaker and others for defense.

Fifteenth day's proceedings. William J. Cruikshank, John P. Hadnot, Thomas J Hickman (indicted as Thomas Hickman), William D. Irwin (indicted as W. B. Irwin), Austin P. Gibbons (indicted as Oscar Givens), Clement Penn, Denis Lemoine and Prudhomme Lemoine, on trial for conspiracy and murder in Colfax, Grant parish, in April, 1873, when Alexander Tillman and others were killed.

TESTIMONY FOR DEFENSE.

Defense felt aggrieved because all their witnesses had not been found or brought into court. This was in part remedied by permitting them to introduce the testimony of three witnesses, E. Prewett, Victoria Irwin and Louisa Mackie, who tettified on the first trial. That testimony was given to the jury.

T. L. Railey, formerly clerk of Grant parish district court, now under indictment for obstructing the United States marshal in his attempts to arrest Nash, was placed on the witness stand. He stated that he had heard colored people in Colfax make threats against white folks. The following was drawn out of him by District Attorney Beckwith, on cross-examination:

Saw Brantley, Register and Flowers, and heard that Johnson and Ward went on the steamboat St. Mary to New Orleans; remained there about a month; was present in April when the courthouse was broken open; it was before Hadnot visited Colfax; wrote out appointments for deputy sheriffs; was clerk of the court; remained in that position two or three months; after that was deputy coroner, the same as deputy sheriff; do not know what the income was; can't say how long I was deputy coroner, and can't say how much it paid me; have been idle for some time; I made money gambling since I left the position of deputy.

Direct examination—I was charged with obstructing the process of the United States court when the deputy United States marshal went up to Grant parish last October; I was cleared of that.

Major J. H. Smith—Am an officer in the United States army; was stationed in Grant parish in April, 1873, and remained until May; about the first of May Judge Cazabat asked me for the use of a building I was using; Nash was then claiming to be sheriff; his acting deputy was Torre.

Cross-examination—Cazabat was at my quarters quite often in Colfax; the building spoken of is in front of the burned court house; I was in Cazabat's court an hour; can't say that there was any business transacted; Cazabat asked me for privilege of the building; Register was holding court at the same time in the same building; there was a small partition; had never been in a civil court before; I occupied the whole brick house.

William Beattie—I reported in shorthand a portion of the proceedings of this court; I read the testimony of Ward to Ward, and he made some corrections; I read it all to him; Flowers was present and made some alterations.

Daniel Shaw—In March and April, 1873, I lived in Colfax; I lived there in Mr. Shelby's house; from the first to the third of April was in Colfax; was a candidate for sheriff there in 1872; remember when the courthouse was taken possession of by myself and Register in the end of March; Nash claimed to be sheriff; Cazabat had held court, and Nash acted as sheriff: since the fight, in May, I think, there were two courts held at the same time; I remained in Colfax until the thirteenth of April; on the first of April I appointed twenty deputy sheriffs; Register ordered me to make the appointments, because Hadnot and his party were coming to take the courthouse; Register said he wished to repel force by force; the deputies were commissioned for that occasion; I never gave them orders to make arrests or bring in people; did not give them orders after the first of April; did not order guards posted; tried to leave from the eighth to the thirteenth, but was prevented; when I saw the white men approaching, Easter Sunday morning, I spoke to Levin Allen, when he told me to leave and save myself if I could; before I left I saw Allen, White and another man drill the men in three companies; heard Tillman tell the men not to shoot at the whites until an order was given; heard only one roll call. [*That* letter was shown to witness for him to identify Ward's signature, but he failed. A second letter was shown and witness "thought" it was Ward's writing.] I saw the pipe cannon; I was at a conference when a constable irom Montgomery arrived to take some prisoners for robbing Rutland's house; while we were talking Meekin rode up and said that Jesse McKinney had been killed; he drew a pistol on one of the men from Montgomery, but Flowers persuaded him off; the earthwork was commenced the Friday before the fight and finished next day; Tillman and White told me that I could not go out because I would tell of their condition; they had but little ammunition; I got out of Colfax before the fight began; I stopped at Kearnon's house, on the Mirebeau place, and remained there until near sundown; then returned to Colfax; did not see William J. Cruikshank there, but saw Andrew Cruikshank, who resembles William somewhat; after dark I heard firing; a friend furnished me a horse and I rode off with a lot of men, accompanied by Jim Daniel; before I left Colfax saw Hadnot, badly wounded; his clothing above the abdominal wound was burned; Register, the morning after Rutland's house was robbed, met me and offered some wine; I refused it, saying I did not like stolen wine.

Cross examination—Went to Grant parish in 1868; lived with one A. Cruikshanks after the fight; know some of the colored men who prevented me leaving Colfax; White and Tillman told me I must not go out; Shelby's house, where I slept during April until the ninth, is one and a half miles from the courthouse, and nothing prevented me passing to and fro; I could have gone away from Shelby's had I desired; Register told me on the eighth of April that I, as sheriff, should see that the peace was preserved, and if any arrests were to be made that I should make them; after the fight I remained away from Colfax over one week; then I acted as sheriff again, continuing until July; I resigned the office in September or October; my letter of resignation was published in the New Orleans REPUBLICAN, and this is the original copy now in my hand; Judge Phillips wrote a portion of it; did not see William Cruikshank in Colfax on the day of the fight; when I met Governor Wells and the district attorney I did not say that I had seen William J. Cruikshank in the fight; never told Smedley so; never made such a statement to any one; I assisted in compiling a pamphlet about the Grant parish trouble.

By a juror—I was commissioned as sheriff in January and qualified shortly after; I demanded the key and books from Nash.

W. M. Robinson—Had charge of the news department of the New Orleans REPUBLICAN in April, 1873; (witness was shown a copy of the REPUBLICAN of that date containing a statement signed by Register, G. D. Brantley, E. H. Flowers and Charles Snowden, and was asked on whose statement he wrote the introductory remarks. The court ruled out the question). The document was handed in by several men, strangers, and I only remember who two of them were; think that Ward was not one of the party.

Defense offered a commission issued by Governor Warmoth to Nash as sheriff. Mr. Beckwith objected.

Messrs. Douglas and Soule were called in as experts to examine some handwriting. Five specimens were shown them, and they gave it as their opinion that the same person wrote or signed them. One of the documents is *that* letter to which the name of Ward is attached. *That* letter was read to the jury, and it purports to come from Captain Ward, asking Parson Johnson to send him men to Colfax.

After offering another document about an agreement between certain (unauthorized) persons in Colfax and Montgomery, the defense rested its case.

REBUTTING EVIDENCE FOR PROSECUTION.

Louisa Steelyard—Knew a girl named Jane Middleton; she was on P. Lacour's place, sick; at the time of the fight on Roe Hickman's place.

Meekin Jones—I know Jim Coute; he looks like an Indian, but is a Spaniard; he is a doctor; he was a guard over us at Colfax when I was a prisoner; saw both of the two Frideaux at Colfax on the day of the fight; one of them kicked a dead man; saw John Lemoine, and he was at the Colfax fight; I spoke to him; Matthieu Charbonneau was there also; I know Coute well.

The cross-examination did not amount to anything in particular, further than to confuse both witness and attorney. Is positive that he saw John Lemoine there with a double-barrel gun; he told me to recognize his Governor; I expected he would shoot me.

Catherine Jones—Saw the two Frideaux at the fight; saw one of them shooting colored men; saw one of them kick her dead brother.

Richard Reed—Was in Colfax on the day of the fight; saw Bill Irwin, Jim Coute, Mat Charbonneaux, Nash, Gus Lecour, Narcisse Frideau and others; saw Charbonneau when I was a prisoner; saw John Lemoine in the fight; he told us we must recognize his government.

Cross examination—John Lemoine took a part in the fight; he had a double barreled shot gun; he shot three or four men who were near me; I saw then fall; he had a pistol; Charbonneau was near the prisoners until sundown; when N. Frideau kicked Jones, the widow was near the body: he said he had fixed Jones; I know Narcisse, and he is always called Narcisse; Jim Coute was there, armed.

Martin Johns—Was in Colfax the day of the fight; saw Bill Irwin, R. Madden, Nash, O. Lacour, Gus and John Lacour, Scarboro, Rutland, John Henry and Henry Lewis, A. Frideau, Langfield, Pertle, Flor Furrier; some of them spoke to me as I lay on a gallery wounded; they were riding and walking about; they told me that I had no business there, and if I had stayed home I would not have been wounded; saw Scarboro and Rutland at the boarding house.

Thomas Johnson—Besides those names I before spoke of, I saw Sylvester Dubois in the Colfax fight.

Dubois was called for, but he was not found, whereupon an attachment was issued for him.

The court adjourned until nine o'clock this morning.

Relief.

The following contributions were received at the Mayor's office June 3, 1874

J. V. Luvigne's collections, third return—	
N. J. Perche, Archbishop.....	$5 00
Rev. J. C. Ferec.....	2 00
Rev. H. S. Mignot.....	2 00
Eug. Staiss.....	1 00
J. Lanabere.....	1 00
Cash.....	1 00
M. Elliot, Jr.....	1 00
F. D. Seghers.....	2 00
F. Lebesque.....	1 00
Cash.....	1 00
Cash.....	1 00
Cash.....	4 50
Manuel Adam.....	5 00
J. E. Dutillet.....	1 00
Economy Society, Ursulines street.....	50 00
C. Moynihan.....	1 00
Antorin.....	1 00
J. B. Jobert.....	2 00
J. Subilean.....	1 00
P. Lafon.....	5 00
L. T. Delassize.....	5 00
J. V. Lavigne.....	6 50
William Wallace.....	2 00
A. Borias.....	2 00
L. Golis.....	1 00
G. A. Rouxel.....	2 00
Cash.....	1 25
J. V. Lavigne.....	1 05
Economy Society—	
List of A. Luciana, member.....	21 60
List of L. Hewlett.....	25 00
List of J. Sepero.....	9 00
List of J. P. Dufau.....	6 60
List of L. Sylvain.....	3 50
List of J. E. Dutellet.....	25 00
List of D. Azzaretta.....	9 50
List of H. J. Wiltz.....	1 00
List of L. Sylvain.....	75
List of E. Pizero.....	3 40
List of G. Bedont.....	1 00
List of J. M. Amant.....	6 55
List of J. St. Aurin.....	50
List of O. Rey.....	5 00
List of R. Dufau.....	1 00
List of P. T. Levigne.....	5 00
St. Clothilde Society, through L. Hewlett.	17 00
Bartlette Benevolent Association of New Orleans, through G. H. McConnell, secretary.....	4 00
Grunewald Hall concert, given May 21 by the young ladies of New Orleans, under the direction of Mlle. Octavie Romey, net proceeds.....	870 00
Boston, Massachusetts, Banner of Light office, Montgomery place, through Colby & Rich, publishers.....	4 25
Baltimore Corn and Flour Exchange collections, through Sprigg Belt, president	715 00
Total.....	$1593 25

Total contributions to date, $162,679 05.

New Orleans University.

The educational meeting held at Lyceum Hall last evening was largely attended by the students and friends of the New Orleans University. This institution, founded and nursed by the Methodist Episcopal Church, and now scarcely more than two years old, has its school building at the corner of Camp and Race streets, is in a flourishing condition, with more than three hundred pupils. Professor J. S. Leavitt is president of the university, and is assisted in instructing by J. B. Willis, A. B., R. T. Stevenson, A. B., and Miss A. Fisher and Miss L. J. Dosson, and Mrs. L. W. Morris and Mrs. L. S. Hunser.

The audience last night was entertained by Dr. R. S. Rust, of Cincinnati, who delivered an address on the importance and benefits of education, followed by Bishop Haven, an able representative of the Methodist Church. The bishop has a happy way of talking to young folks, and for half an hour he delighted his hearers with an address full of good sense, practical advice and anecdote, delivered in simple language, readily understood by all.

This evening the annual exhibition of the New Orleans University will be held at the Wesley Chapel, on Liberty, between Perdido and Poydras streets.

The Louisiana Famine and Mayor Havemeyer.

Immediately after receiving the dispatch from New Orleans, on Thursday, announcing that 45,000 citizens of the State of Louisiana were likely to die of famine, by reason of the overflow of the Mississippi, if immediate aid was not furnished, Mayor Havemeyer threw the telegram carelessly on his desk, and subsequently directed his clerk to hand it to the reporters of the various journals. A colored waiter from Nash's restaurant then entered his chamber with a tray laden with viands, to which the chief magistrate did, as usual, ample justice. A tall young gentleman next appeared in the outer room. The moment he approached the sergeant-at-arms opened the door leading to the mayor's sanctum, and he was instantly in the presence of the chief magistrate. The last visitor (Mr. Bogart) has been in the habit of making daily calls on the mayor to inform him of the condition of his lead stock, whether it had suffered from the manipulations of bears or increased in value under the influence of the bulls. Mr. Bogart's story seems to have been so important that the mayor has not said one word about the sad telegram since.—*New York Times.*

A New York paper remarks, as an evidence that the passion for collecting postage stamps which raged so furiously a few years ago, has cooled down, that several albums containing a variety of stamps, and which must once have been valued at a high figure, were lately offered at an old bric-a-brac shop at a nominal price.

A Handsome Contribution.

The concert given at Grunewald Hall on the twenty-first ultimo, under the direction of Miss Octavie Romey, was, as we recorded at the time, one most successful in all respects, and it resulted in placing a large sum of money in the Mayor's hands for the benefit of sufferers, as will be seen by the following correspondence:

Hon. L. A. Wiltz, Mayor of New Orleans:

SIR—Enclosed you will please find the sum of $870, the net proceeds of a concert given on Thursday, May 21, at Grunewald Hall under my superintendence, by some of the young ladies of New Orleans, for the benefit of the sufferers by the overflow. I beg leave to request that you will kindly add this mite to the general fund, and thus enable us to accomplish the object we had at heart. Respectfully your obedient servant,

OCTAVIE ROMEY.

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

Mlle. Octavie Romey:

DEAR MISS—It was with very great pleasure that I received this morning your letter, enclosing check for $870, being the net proceeds of the concert given at Grunewald Hall, on May 21, by the young ladies of New Orleans, under your direction, for the benefit of the sufferers by the overflow. For this large and well timed addition to our waning relief fund, I return many and most earnest thanks to you, to the young ladies who assisted you, and to all who contributed their services, time and influence toward making the concert brilliantly successful. Your exertions merit and they will receive the gratitude of the unfortunate and destitute victims of the great inundation.

Commending the benevolent spirit which prompted this beneficient entertainment, the graceful display of remarkable amateur talent, and the ability with which the concert was prepared, arranged and conducted, I have the honor to remain your obedient servant,

LOUIS A. WILTZ,
Mayor and Treasurer of the Relief Fund.

COURT RECORD.

WEDNESDAY, JUNE 3, 1874.

United States Circuit Court.

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

Superior District Court.

State vs. H. C. Warmoth.—Verdict for defendant.

Judge Hawkins issued the following order:

State vs. Charles Clinton.—Ordered that the injunction against the item of $20,000 for the State militia, and the item of $3000 for rewards for the apprehension of criminals, be dissolved, and the Auditor is directed to draw his warrants for the amounts on the Treasurer and charge the same to the current expenses of the State government for the year 1874, and the Auditor is prohibited from drawing any warrant under any of the items of the appropriation bill not against the current funds and which are enjoined in this suit, and the Auditor is further prohibited from drawing any warrant under the appropriation act against any anticipated fund to be derived from the collection of back or delinquent taxes. And it is further ordered that under act No. 3 of 1874, known as the funding bill, no warrant drawn under act No. 39 can be funded or received for back or delinquent taxes, and the Auditor is prohibited from drawing warrants with a view or intention or design of having such warrants received in payment of back or delinquent taxes.

Service accepted by the Auditor and a copy served on the Treasurer.

The Attorney General immediately filed a motion to appeal.

Superior Criminal Court.

INFORMATION FILED.

Embezzlement—John McMahon.

ARRAIGNED.

State vs. H. S. Latourette.—Extortion in office. Two cases. Plea of misnomer entered and indictment amended. Plea of not guilty.

State vs. E. J. Conner.—Plea to jurisdiction overruled and plea of not guilty entered.

State vs. Mrs. R. Boylan.—Resisting an officer. Plea of not guilty.

Judge Atocha delivered the following opinions:

No. 76. The State of Louisiana vs. W. W. McCullough.—Indictment for, first: Oppression, under color of office; second: False imprisonment. The foregoing is the indorsement on the indictment in the above cause, but on examining the body of the indictment, I find but one count, and one offense set forth therein, viz: Oppression, under color of office. I doubt very much whether the indictment could stand under a demurrer to it, but the defendant has seen fit to rely upon a plea in bar, in which he admits having committed to prison, the prosecutor, J. D. O'Connell, but avers that such imprisonment was for a contempt of the authority of the defendant, as a police magistrate of the city of New Orleans, and describes the contempt as follows: "Did commit a contempt of court in the presence of the said court, by refusing to obey the reasonable rules and regulations of the said court being then in session." To this plea the district attorney filed a demurrer, thereby admitting all the facts set forth in the plea. The authority of the defendant, in his capacity as police magistrate, to commit for a contempt of court, can not be denied. Any violation of the rules and orders of the court in its presence is a contempt, and where such misconduct is admitted, it would be a novel proposition to maintain that the defendant could be tried for "oppression under color of office" when the act upon which the accusation is based was a perfectly legal one, and the power exercised entirely within the limits of the law.

In matters of contempt, where the jurisdiction of the magistrate is not disputed, the nature of the contempt can not be inquired into.

A police magistrate can be indicted for misdemeanor in office, and for oppression or extortion in office, but essential ingredients of these offenses are evil intent, malice and corrupt motives. Under the admissions in the pleadings these ingredients are shown not to exist; on the contrary, the facts are that the defendant acted strictly within his jurisdiction, and the power conferred upon him by law as a police magistrate.

Let the indictment be set aside, and the defendant discharged from his bond.

No. 26. The State of Louisiana vs. W. W. McCullough.—The charge in this case is false imprisonment of one Theodore Ottendorf. A plea in bar is interposed, to which the district attorney has demurred. The undisputed facts are that Ottendorf was charged with assault and battery on John Knutzen, under oath properly made before the defendant as police magistrate. He was arrested under a warrant and brought before the court. The defendant, be ore going into an examination of the charge pending, took upon himself the responsibility of believing, "from the personal appearance and incoherent remarks and behavior" (the language of the plea) of Ottendorf when under arrest, that he was insane, and instead of immediately admitting him to bail, ordered him to be confined until an examination could be made by the city physician to ascertain if he was insane, and for that purpose kept him imprisoned for several hours. When the examination was made it resulted in Ottendorf being declared a harmless person, and he was then admitted to bail.

The statement of facts in the plea does not go far enough to warrant me in determining whether or no the defendant was protected by the law in assuming the responsibility he did.

To constitute false imprisonment there are two requisites: 1. The detention of the person. 2. The unlawfulness of such detention. In order to sustain this accusation, it is not necessary to prove malice or wrongful motive. If there is an arrest and detention without authority of law, the offense is complete. "Archbold C. P., Vol. 2, p. 91, et seq., and authorities there cited."

I am not prepared to say that a police magistrate, or any magistrate, no matter how high his station, has the authority, of his own volition, without justifiable cause, to imprison a citizen for the smallest particle of time. The questions of fact involved in this case are too grave to be lightly treated. The powers and duties of police magistrates are circumscribed within the limits of the law creating the office; they have no common law powers save as expressly conferred upon them by statute. These officers assume a terrible responsibility when they undertake to act beyond the strictest limits of their jurisdiction.

I do not undertake to express any opinion on the facts in this case, but I think there is sufficient for a jury to pass upon, and I prefer such should be the course adopted.

Let the plea in bar be overruled, and the accused notified to appear and plead over to the indictment.

First District Court.

PLEADED GUILTY.

Larceny—Louisa Smith.

Assault and battery—John Fitzgerald.

MISTRIAL.

State vs. Josephine Schneider.—Knowingly receiving stolen goods.

SENTENCED.

Henry Smith, larceny, two years in Penitentiary.

John Bush, assault and battery, one day in Parish Prison.

Superior District Court.

John Burke vs. city of New Orleans.—Action for fees as clerk of court. Judgment for plaintiff rendered, and on it the city is restrained from paying any claim, and the sheriff from paying over any taxes collected until the claim in this case be paid.

Court Items.

In the United States District Court, in bankruptcy, a suit has been filed against the New Orleans, Mobile and Texas Railroad company by some of the contractors, and a rule to show cause why they shall not be declared bankrupt has been taken, which will be heard June 8. The petition is signed by Lyman J. Dodge and the affidavit made by William H. Roberts. They declare that they are the owners of certain certificates of indebtedness and bonds to a large amount; that this company have thus far refused payment; that protest has been had by reason of this default, and that this failure to pay accruing obligations constitutes of itself an act of bankruptcy.

In the Superior District Court the suit against Governor Warmoth was ended by the verdict of the jury in his favor. The petition was filed last August, and alleged that he had disposed of $5000 worth of bonds at fifty cents on the dollar and placed the proceeds to the credit of his contingent fund.

The theory of the defense was that there was no such action on his part, and if there was any irregularity it was caused by the error of a clerk—not of the Governor, but of a predecessor of Auditor Clinton. The very intelligent jury, as all our juries now are under the new law, took this view of it, and entirely exonerated Governor Warmoth from any responsibility in the matter.

Judge Hawkins has released two items from the effects of the injunction on the appropriation bill. One of them, the $20,000 for the current militia expenses, was not enjoined in the original petition, but was effected by the supplemental petition, which denied the validity of all items in the second section of the appropriation bill. The other item, of $3000 for rewards for apprehension of criminals, stood on its own merits, and there was no intervention in regard to it. Judge Hawkins allowed it because of its absolute necessity. The order also restricts the Auditor in other matters.

But two briefs have been filed in the case. One of them, that of the Metropolitan Brigade, simply details the claim, which is one of the most just and equitable under consideration by the court; and the other is that of the Charity Hospital. In this, the counsel, Alfred Shaw, Esq., discusses the whole question of taxes, appropriations and the powers of the Legislature. The following points are presented, the language of Mr. Shaw being quoted:

The appropriation is simply one of outstanding revenues for back years. It is only to be represented by warrants payable out of the revenues or receivable for the taxes of back years. The State is not a cent the poorer by issuing them; it incurs no debt in doing so; they are only payable in or out of those back taxes, and the holder has no other claim.

A warrant is a check for money only if there be money in the treasury to pay it. If not, it is a mere assignment of outstanding revenues. As such it is known to the use and legislation of the State for many years. Its wisdom or unwisdom is a legislative and not a judicial question.

A fallacy on the subject of warrants is that their depreciation is caused by the existence of the warrants themselves. Their tangible and easily assignable form is really the cause of their maintaining the value they have.

Mr. Shaw proceeds to show that there was a large amount of uncollected revenue, and says:

Can any one gainsay that these outstanding taxes are within the appropriating power of the Legislature, especially when exercised in the innocent form of warrants receivable for those taxes, and encouraging their payment, or payable only out of proceeds collected, thus not adding in anywise to the liabilities of the State.

If we concede that the State limitation of debt is reached, the answer is—the extent of its levies. The Legislature may appropriate whatever it has made a levy or setting apart for.

His main argument is that the Legislature has this power, and while exercising it can not be interfered with by any other branch of the government.

New Clerk in the District Court.

There has been a change in the clerkship of the United States District Court, Judge Durell, Mr. Charles Claiborne having retired from the desk. This vacancy was filled by the appointment of Colonel T. W. De Klyne, late a deputy marshal under Marshal Packard. The event was yesterday celebrated in a quiet way, the new clerk informing his most intimate friends by inviting them to partake of some delicate refreshments in his private office, said seasonables being manipulated by smiling William Murphy, the people's postmaster, of Decatur street. The Colonel, though a young and modest gentleman, has made thousands of warm friends by his excellent conduct, no matter where business called him, and he, as deputy marshal, has been placed in numerous trying situations. Having successfully passed through considerable hard work he is now rewarded with a position which will not so often bring him before the public. Marshal Packard's loss is Judge Durell's gain. The appointee has assumed his new position, receiving the hearty congratulations of hosts of friends. The occasion was improved by two of his daily companions presenting him with neat tokens of their regards.

Mr. Packard has not filled the vacancy made by the resignation of Colonel De Klyne, he, for the present, performing the duties of that office himself.

The Great Sale of Real Estate Situated in the First, Second and Third Districts, by Auction.

The most extensive and important sale of real estate since the war will be made, beginning to-day and continuing from day to day until completed, by J. B. Walton, auctioneer, at the Merchants and Auctioneers' Exchange, Royal street. This great sale embraces eligibly located stores, dwellings, building sites and squares of ground subdivided into lots, in the First, Second and Third Districts.

The sale is to be made positively without reservation or limit, to liquidate an indebtedness, by an agreement between the parties concerned. Capitalists, speculators and persons wanting homes will doubtless find this the best opportunity ever offered in this city for investment. For full and accurate descriptions of each property and for terms and conditions of the sale the reader will please refer to the long advertisement on our auction page.

The Temperature.

The thermometer at Louis Frigerio's, No. 50 Chartres street, on June 3, stood as follows: At 8 A. M., 80°; at 2 P. M., 87°; at 6 P. M., 86°. Lowest point during the night of June 2, 71°.

School Board.

The regular monthly meeting of the board occurred last eveing.

Present—Hon. H. C. Dibble, president; Superintendent Boothby, and Messrs. Russell, Shaw, McCarty, Rey, Glaudin, Carey, McConnell, Clark, Billings, Ingraham, Tracy, De Klyne and Gaudet.

The minutes of the previous meeting were read and adopted.

The treasurer's report showed a balance of $11,469 53, and of the tax of 1871 and 1872 a balance of $5797 09.

A communication from the treasurer informed the board that the school tax collected by the sheriff for two weeks had been retained by him, in consequence of an injunction from the Superior District Court in the case of John Burke vs. city of New Orleans. The matter was referred to the president with power to act.

The reports of the district visiting committees were read. In each of them are detailed, with great minutia, the condition of each school, and show careful attention on the part of the committees to the duties assigned them under the new law.

Mr. Ingraham, from the committee on teachers, reported the following forty names selected from the seventy-three who, of the 110 who presented themselves for examination, persevered to the end. The figures following the names indicate the percentage:

First grade—Miss Harriet Dolan, 99; Miss Caroline Hubbard, 99; Miss Lucy Stamps, 98; Miss Bessie Hanna, 95; Miss M. Flanagan, 93; Mrs. Katie Lawrence, 93; Miss Ida Monroe, 93; Mr. John McLean, 92; Miss Isabel Armstrong, 92; Miss Rosalie Frye, 91; Miss Sallie E. Salomon, 91; Mrs. Mattie J. Alexander, 90; Miss Fanny De Lacy, 90; Miss Georgie Kiern, 89; Miss Emma Swettenham, 88; Miss Emily Brooke, 88; Miss H. J. Crowell, 88; Mrs. Anne Macken, 88; Miss Anna Stokes, 88; Miss Sarah J. West, 87.

Second grade—Miss E. J. Clarke, 86; Mrs. S. J. Stephens, 85; Miss M. J. Henderson, 85; Miss Ida Davis, 84, Miss Mary McCarty, 83; Miss Ida Bennett, 83; Mrs. M. T. Cochran, 82; Miss Ella Carr, 82; Miss Julia White, 82; Miss Julia E. Cotton, 81; Miss Mary Somerville, 81; Miss Julia Chevillon, 81; Miss Ada Seymore, 81; Miss Jennie Dickson, 80; Miss Rosa Schneider, 80; Miss Alice Sheehan, 79; Miss Fanny Wardle, 78; Miss Fanny Armstreng, 77; Miss Mary E. O'Donnell, 77; Miss Kate Mitchell, 76; Miss E. Martin, 76; Miss Kate Stanton, 76.

The committee further say that under the law the board is restricted in its appointments to this list and that of 1873, which is nearly exhausted. The names of Mrs. Koeppinger, Miss Mary W. Crean, Miss Olive Woodworth and Mrs. Grayson are recommended to the board. Miss Kate Kelly is transferred from Marengo to Antoine School.

On the report of Mr. Shaw of the committee on finance, the president was authorized to draw on the treasurer for the salaries and expenses of January, pro rata as the amount of cash will warrant.

The committee on schoolhouses recommended some slight repairs, and that on furniture some supplies to be furnished.

Other committees reported on minor topics.

The committee on music reported, recommending certain changes, and were requested to embody their views in a detailed form.

Superintendent Boothby reported that on Friday last the builder of the De Soto School turned the building over to the Mayor, who had delivered the keys over to him, and he presented them to the board. He recommended the school be not used till September.

Various communications were read and referred to appropriate committees.

The following resolutions, offered by Mr. Tracy, were adopted:

Resolved, That the Secretary be authorized to make up pay rolls for July and August in advance, and when such rolls are properly approved it shall be his duty, upon application by the proper party, to give certificates of credits to the teachers as soon as practicable, in the form prescribed by the rules.

Resolved, That the principals of the several schools be authorized, in their discretion, to dismiss their primary departments, in whole or in part, until vacation, at any time after one o'clock that they may deem necessary.

Resolved, That the public schools of this city be closed for summer vacation on the twenty-sixth day of June.

It was also resolved that all music teachers should be discharged July 1.

On motion of Mr. Tracy, the board then proceeded to consider the rules, which were adopted.

The chair announced the following visiting committees for the month of June:

First District—Messrs. Russell, Glaudin and Shaw.

Second District—Messrs. DeKlyne, Gaudet and Carey.

Third District—Messrs. McCarty, Longstreet and McConnell.

Fourth District—Messrs. Tracy, Rey and Billings.

Fifth District—Mr. Ingraham.

Sixth District—Messrs. Clark and Dibble.

Seventh District—Mr. Thompson.

The board then adjourned.

Republican Parish Committee.

Pursuant to the resolutions adopted by the late parish convention the delegates to the parish committee assembled yester