NEW ORLEANS REPUBLICAN.

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VOLUME VIII—NO. 80. | NEW ORLEANS, SATURDAY, JULY 11, 1874. | WHOLE NUMBER 2231.

LOTTERIES.

SUMMER SCHEME.

ONLY 10,000 NUMBERS.

LOUISIANA STATE SINGLE NUMBER LOTTERY.

Three Capital Prizes of $10,000 each.

LOUISIANA STATE LOTTERY COMPANY

(Incorporated August 17, 1868).

CLASS K.

To be drawn in public at New Orleans,

On Saturday, August 1, 1874.

SCHEME.

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

Halves, Quarters and Eighths in proportion.

1 prize of $10,000 is	$10,000
1 prize of 10,000 is	10,000
1 prize of 10,000 is	10,000
30 prizes of 500 are	15,000
200 prizes of 100 are	20,000

APPROXIMATION PRIZES.

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
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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
260 prizes, amounting to	$70,400

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 first $10,000 prize, those tickets numbered 1241, 1242, 1243, 1244, 1245, 1247, 1248, 1249 and 1250 will each be entitled to $200. If ticket No. 231 draws the second $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 third $10,000 prize, those tickets numbered 441, 442, 443, 444, 445, 446, 447, 448 and 449 will be each entitled to $200.

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

PRIZES PAYABLE IN FULL WITHOUT DEDUCTION.

Orders to be addressed to the
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 JULY 10, 1874.
CLASS 162.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
31	53	35	38	54	73	29	19	52	68	59	—	—	—

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 tenth day of July, 1874.

E. PERALTA,
ADAM GIFFEN,
Commissioners.

BEWARE OF BOGUS LOTTERIES. ap13

WANTED.

TO PROPERTY OWNERS—THE ADVERtiser desires to purchase a medium sized two-story DWELLING HOUSE, brick preferred, with commodious yard, in the First District, making monthly payments thereon. Best of references given. Address S. S. S., Republican office, stating location. jy1

LOST.

LOST OR MISLAID—CERTIFICATE NO. 454 for three shares New Orleans Mutual Insurance Association in favor of Mrs. Widow Modeste Gamotis, tutrix, dated February 23, 1872. Application having been made for a reissue parties are cautioned against negotiating for same.
jy10 25 au5 A. GAMOTIS, Administrator.

FOR RENT.

FOR RENT.—IN THE MOST ARISTOCRATIC part of the city, recently thoroughly repaired, that splendid residence, with beautiful grounds, No. 294 Prytania, corner of Third street. Apply to J. H. JENSEN, No. 78 Carondelet street, between 9 and 11 A. M. and 3 and 4 P. M. jy4

MISCELLANEOUS.

P. A. MURRAY,
CISTERN MAKER,
No. 191 Magazine street, between Julia and St. Joseph streets.
(DIPLOMAS AWARDED IN 1872 AND 1873.)

Cisterns made to order and repaired. All work warranted. A lot of cisterns, from 1000 to 20,000 gallons, made of the best material and workmanship, kept constantly on hand and for sale at prices to suit the times. Orders promptly attended to.
mh16 1y

NOTICE..............NOTICE.

OFFICE OF THE CRESCENT EXPRESS AND Transfer Company,
New Orleans, June 29, 1874.

A general meeting of the stockholders of the CRESCENT EXPRESS AND TRANSFER COMPANY will take place on the twenty-ninth of July next, at the office of the Company, No. 114 Gravier street, at 1 P. M., for the purpose of deciding upon the liquidation of the affairs of this Company.
je30 1m J. T. BURDEAU, President.

RAILROADS.

ROUND TRIP EXCURSION TICKETS
TO THE
VIRGINIA SPRINGS,
VIA LOUISVILLE.

Parties leaving New Orleans will find round trip excursion tickets, at greatly reduced rates, on sale at Milan, Humboldt, Memphis and Montgomery, to all of the celebrated watering places of Virginia.

These tickets are good, going East, for thirty days from date of sale, and good returning until November 1.

By this route passengers have the advantage of through Pullman Palace cars from New Orleans to Louisville without change, a delightful trip on the Ohio river between Cincinnati and Huntington, and a daylight ride over the Chesapeake and Ohio railroad, passing through a section of country abounding in scenery of a most beautiful, picturesque and varied nature.

Ask for tickets to the
VIRGINIA SPRINGS, VIA LOUISVILLE.
C. P. ATMORE,
jy7 Su3t General Passenger and Ticket Agent.

NEW ORLEANS, ST. LOUIS
AND CHICAGO RAILROAD COMPANY,
(GREAT JACKSON ROUTE.)

Trains depart and arrive as follows from Calliope street depot.

DEPART. Mail........5 P. M | ARRIVE. Mail........**8:05 A. M.**

Pullman Palace Sleeping Cars through to St. Louis, Chicago and Louisville.

Only one change of sleeping cars to Eastern cities.

Tickets for sale and information given at No. 22 Camp street, corner of Common.
A. D. SHELDON, Agent.
ja12 1y E. D. FROST, General Manager.

THE MOBILE LINE.

On and after May 21, trains will leave depot foot of Canal street, as follows:

Express and mail, daily	**8:00 A. M.**
Coast accommodation, daily (except Sunday)	**3:15 P. M.**
Throught night express, daily	**4:00 P. M.**
Arrive—	
Coast accommodation, daily (except Sunday)	**9:50 A. M.**
Express and mail, daily	**2:00 P. M.**
Through night express, daily	**11:00 P. M.**

The 4 P. M. express train will stop only at regular telegraph stations between this city and Ocean Springs.

This is the only line running through Pullman Palace Cars to Louisville, Charlotte and Virginia Springs.

Office corner Camp and Common streets, opposite City Hotel.

E. P. SHUTE,
General Passenger Agent.
S. H. SCRANTON,
my13 General Superintendent.

COURT RECORD.

FRIDAY, JULY 10, 1874.

Superior Criminal Court.

Judge Atocha rendered the following decision:

The State of Louisiana on the relation of Eugene Staes, justice of the Second Municipal Police Court for the city of New Orleans. Mandamus.

This is an application on the part of Hon. E. Staes, justice of the Second Municipal Police Court of the city of New Orleans, for the exercise of the authority of this court to enforce the performance of a duty imposed by law on the sheriff of the criminal courts. The facts upon which the application is based, briefly stated, are: That one Esteban Riguelmy was arrested under the provisions of a law enacted by the General Assembly of the State at the session held in the year 1874, known as act No. 9, which act imposes certain restrictions upon the sale of lottery tickets within the limits of the city of New Orleans and provides that a penalty shall be inflicted upon any one violating the provisions of said act, and the jurisdiction to determine cases arising under said act and to enforce the penalty is given to the police magistrates of the city of New Orleans. After an examination in the customary manner, before the relator, Riguelmy, was adjudged guilty of a violation of the law, and sentenced to pay a fine of twenty-five dollars, and, in default of payment, to be committed to the Parish Prison for the space of five days. The fine not being paid, the said Riguelmy was delivered over to the sheriff of the criminal courts as keeper of the Parish Prison, and he was commanded to hold in custody the said Riguelmy, in accordance with the sentence. Within a few moments after the disposition of the case by the relator, Riguelmy, through his counsel, applied to the judge of the Sixth District Court for a writ of habeas corpus, commanding the sheriff of the criminal courts to produce the said Riguelmy in that court; the sheriff complied with the order, and, upon the party appearing before him, the judge of the Sixth District Court, without hearing any argument on the question, discharged Riguelmy upon the ground that he had, on several occasions, prior to the present, declared that the law under which the relator acted was unconstitutional. The relator, believing that the judge of the Sixth District Court had acted without any jurisdiction, and that a great wrong was being perpetrated by setting at naught the authority of the police magistrates, who, though possessing a limited jurisdiction, to the extent of that jurisdiction, are the representatives of the State, and also believing that the sheriff of the criminal courts had obeyed an illegal order in releasing the party he was commanded to hold in custody, has asked the intervention of this court to compel a performance of duty by an officer who is under the control of this court, more so than under that of the First District Court, because this court has special powers conferred upon it that the latter court can not exercise.

This court has the authority to issue the writ of mandamus. The question is, can that writ be invoked under the state of facts supporting this application. The Legislature, in creating this court, had in view the necessity of a criminal court having all the necessary jurisdiction, and hence, in the first section of the act establishing the court, it is provided "This court shall have all the powers and duties of a court of highest criminal jurisdiction at common law." * * * "This court shall have power to issue writs of habeas corpus for all purposes of said writ; also writs of mandamus, and all other writs and processes necessary or incidental to the exercise and enforcement of its jurisdiction." Hence it is apparent that the jurisdiction of this court is not restricted to the narrow limits within which the First District has been and is obliged to act. Let it not be understood that any extraordinary authority is claimed for the Superior Criminal Court, but that it has all nessary jurisdiction for a court of its character.

We need not go to the common law for a definition of what constitutes the writ of mandamus. The Code of Practice speaks of it in article 828 as an "order directing the performance of some specific act." Article 830 says: "The object of this order is to prevent a denial of justice, or the consequence of defective police, and it should therefore be issued in all cases where the law has assigned no relief by the ordinary means, and where justice and reason require that some mode should exist of redressing a wrong, or an abuse of any nature, whatever." Art. 834. "It may be directed to public officers to compel them to fulfill any of the duties attaceed to their office, or which may be legally required of them."

Article ninety-three of the constitution of this State contains the following provision: "In the parish of Orleans there shall be elected by the qualified voters of the parish at large, one sheriff for the Criminal Court, who shall be the executive officer of said court, and shall have charge of the Parish Prison." Section three of the act creating this court provides, "That the the sheriff of the Criminal Court for the parish of Orleans shall also be the sheriff and executive officer of the Superior Criminal Court." Under sections 3592 and 3593 of the Revised Statutes, the several judges of this State are given general supervisory control over the executive officers of their courts, and these officers may be either fined or suspended by the court having jurisdiction over them, for disobeying not only the orders of the court of which they are the executive officer, but of courts that have the authority to exact from them any duty. It becomes apparent, therefore, from the laws which have been quoted that this court has the power to exercise sufficient control over the sheriff of the criminal courts to compel a proper performance of any duties imposed upon him by law, and that the writ of mandamus can be properly invoked for that purpose. It is erroneous to suppose that there must be some case pending before the court in which the writ is to be availed of. The proceedings in reference to a mandamus are original; they constitute the case; were it otherwise no writ of mandamus could ever issue.

The power of all courts of competent jurisdiction to issue writs of habeas corpus can not be denied; but that this writ can be issued in all cases and that it can be used for any purpose is distinctly controverted. It is very customary for people who are ignorant of the fundamental principles of all laws to descant more or less oratorically upon the "people's writ," as some are pleased to call it, and to work themselves and their thoughtless hearers into the belief that to undertake to restrict the use of the writ of habeas corpus within the proper limits is an arbitrary use of assumed power; and yet a little reflection and careful examination of the law will convince any reflecting mind that often it is the abuse, and not the use, of the writ that causes all the mischief. Sometimes, though fortunately rarely, courts use the writ so as to arrogate to themselves appellate jurisdiction, in which case a wrong is perpetrated. On this subject Mr. Cooley, in his able work upon constitutional limitations, uses the language:

"In the great anxiety on the part of our legislators to make the most ample provision for speedy relief from unlawful confinement, authority to issue the writ of habeas corpus has been conferred upon inferior judicial officers, who make use of it sometimes as if it were a writ of error, under which they might correct the errors and irregularities of other judges and courts, whatever their relative jurisdiction and dignity. Any such employment of the writ is an abuse." Cooley, C. L., 347.

The proposition that upon a writ of habeas corpus the constitutionality of a law of the Legislature can be inquired into, that being the only question submitted for the consideration of the judge, and a decision be of binding effect, is one which, if assented to, necessarily will bring about chaos in the administration of justice, for if it be true, then one judge can arrogate to himself all the judicial power of the State and make of himself a little judicial autocrat. I do not pretend that at common law, on a writ of habeas corpus, the judge may not go behind the commitment and inquire whether the magistrate had jurisdiction; whether that jurisdiction was properly exercised under the law, and even whether there is a properly defined offense in the statute under which the magistrate has acted, but there is a very great and most important difference between undertaking to determine that the magistrate has not acted within the scope of the law, or that the law does not properly define the offense intended to be created, and determining that the Legislature violated the provisions of the constitution in enacting the law. The question determined in the former case is the capacity of the magistrate to act, in the latter it is the power of the Legislature under the constitution. It seems to me that the simple statement of the question should suffice to convince any unprejudiced mind of the force of the distinction. It is impossible to form a proper estimate of the danger in which a community is placed by a failure to recognize that there are some restrictions to the use of the writ of habeas corpus. When judges hanker and reach after jurisdiction not vested by law then indeed is there dadger to the public peace and tranquillity, and that process which was intended as a benefit becomes a curse. If under a writ of habeas corpus the constitutionality of a law can be the only issue, and the one judge who hears the case can by his decision render the law inoperative as to all other judges and courts, then that state of things has been arrived at which never could have been contemplated. If that view be correct an evil disposed judge can open the doors of all jails, and set the laws at defiance. As an instance of how far this writ may be sought to be abused, an occurrence of only a short time since is in point. Two persons accused of crime under a regular and proper information, filed in this court, applied to the honorable judge of the Fifth District Court for a writ of habeas corpus to be discharged from custody; one of the grounds set up for the discharge being that a verdict of not guilty had been rendered by a jury upon a charge substantially the same as that contained in the information, thereby virtually asking that court to decide a plea of *autre fois acquit*, on a case pending in this court; of course, the application was denied. One judge might easily destroy the usefulness of courts of equal dignity and more jurisdiction, if, in a writ of habeas corpus, the constitutionality of any law can be determined; as another instance, let us suppose that the honorable judge of the Superior District Court should commit a person for contempt, the committment being legal in form and substance, the contempt undenied, and that the person held for contempt should apply to another district judge for a habeas corpus to be discharged upon the sole ground that the Superior District Court had no constitutional existence, and that the law creating the court was unconstitutional; can it be seriously maintained that the decision releasing the prisoner would have any binding force?

It is useless, however, continuing the discussion of this question. The Code of Practice has expressly provided in what cases a judge shall not discharge a party from confinement. Article 832 commences as follows: "If it appear to the judge from the return to the writ or from the accompanying documents, that the party is confined by the order of some tribunal, he can only restore such party to liberty in the following cases: Paragraph seven, 'where there exists no general law, judgment, order or decree of a court of justice, if it be in a civil suit, or sentence of conviction if in a criminal suit to justify the imprisonment.'"

In Riguelmy's case no pretense is made that the commitment was not in legal form; nothing was claimed except that the law is unconstitutional. This the court had no power to pass upon in that proceeding under the provisions of the Code, and hence the order for the release was a nullity, and the sheriff should not have acted under it. It may be pretended that the words "sentence of conviction" apply only to a conviction by a jury. This pretense is an insignificant quibble. It is well settled that these words are as applicable to a summary conviction under a penal statute before a justice of the peace as upon the verdict of a jury.

I conceive it to be my duty to uphold the jurisdiction of the relator as a police justice where it becomes a question as between him and an officer who is under the supervisory jurisdiction of this court, and having a duty to perform I know of no consideration that will induce me to avoid it. Besides the other questions considered it is a question of grave doubt with me whether one court has a right by a writ of habeas corpus to the executive officer of another court to take a prisoner from the custody of the latter; in the case of Sim, 7 Cushing 285, the power was doubted.

It is of great importance to the community that instead of belittling and treating with disdain courts that are created by the Legislature whose jurisdiction is of vital importance through limited, they should be upheld and assisted in the performance of their duties and exercise of their jurisdiction.

Something was said in argument about a conflict of jurisdiction; there can be none where each court confines itself to that jurisdiction that the law has vested in it; and so far as this court is concerned it solemnly avers that every fair means will be adopted, and every exertion made to avoid it. It is furthest from my views and intentions to review the action of any judge, but where the act of a judge affects the action of an officer of the court over which I have the honor to preside, I can not, if I would, avoid the responsibility of deciding. If any way can be suggested in which my action can be submitted to the Supreme Court of the State I shall cheerfully afford every opportunity and extend every facility for that purpose.

For the reasons I have given I am constrained to decide that the sheriff had no valid reason for releasing the party until the sentence imposed by the police magistrate was complied with, and I must therefore order him to rearrest Esteban Riguelmy and hold him under the original commitment issued by Hon. E. Staes, justice of the Second Municipal Police Court, until the sentence in said commitment set forth be complied with. Let the order be made accordingly.

ARRAIGNED.

Burglary—John Hick. Plea of not guilty.

NEW TRIALS GRANTED.

Bartholomew Touro, murder; Jesse Woods, murder; L. S. Latourette, extortion in office, etc.

CONVICTED.

Grand larceny—Dorsey Wilson, alias Lightning Duffy.

Carrying concealed weapons—A. P. Oslage.

SENTENCED.

D. C. Coplin, grand larceny, five years in the Penitentiary.

Dorsey Wilson, grand larceny, four years in the Penitentiary.

A. P. Oslage, carrying concealed weapon, thirty days in the Parish Prison.

Charles Stanbury, twelve years old—Convicted of burglary and grand larceny, five years on first count and four years on second count in House of Refuge.

Monroe Ross, thirteen years old—Convicted of burglary and grand larceny in same indictment, five years on first count, three years on second count in House of Refuge.

First District Court.

PLEADED GUILTY.

Assault and battery—Stanley Thomas.
Larceny—Arthur Randolph.

CONVICTED.

Assault and battery—William Brilfinger, Jake Wilson, William Burns, Wallace Lindsay, John Elmore, Jules Hughes, William Baker, Henry Woods, Robert Clay.

Second District Court.

Successions of John A. Miller and Frederick W. Sonnschein opened.

Martha A. Mussard and John Valery Gaudet pray to be emancipated.

St. John Rowing Club.

The skies lowered all day yesterday, and rain was expected momentarily. Many anxious eyes were turned toward Crescent Hall to note if the blue pennant was floating, and rejoiced when, at three o'clock, no azure symbol was displayed. The weather at four o'clock was still gloomy, and drops of rain began to fall, but the St. John Club is plucky, and was resolved that no further postponement should be made.

A crowd of some two thousand persons assembled to witnes the contests. A large proportion of the spectators were ladies—friends and relatives of the young gentlemen of the club. The members of the press, in order to obtain a better view of the races, chartered the fine sailing yacht John Mahoney from Mr. Louis Habens.

The first race for pair oared boats, course one mile and a quarter, had a favorable start, but was declared null, owing to a collision between the boats, the result of pure accident. The crew of the leading boat, the Lulu, declined to press a claim of foul, and it was arranged that the race should be run over at an early date.

The second race, single sculls, one mile and a quarter, was won by Mr. Robert Day, who rowed the Witch in 9:44½. The Fairy, rowed by Mr. R. G. Musgrove made the remarkable time of 9:49½, when it is remembered that Mr. Musgrove had just rowed stroke in the first race.

The third race was as follows:

Four-oared barges, one and one-quarter miles.—Boat Emma—C. C. Tracy, 1; A. Lesseps, 2; E. B. Musgrove, 3; R. G. Musgrove, stroke; Ad. Hebbler, coxswain. Boat Abby—A. K. Brown, 1; Thomas Toby, 2; R. L. Day, 3; H. W. Brown, stroke; Ben. Bridges, coxswain.

This was by far the best contested and most interesting race of the day. It was won, after a gallant struggle, by the Abby crew in nine minutes and forty-five seconds, beating their opponents four seconds. It is to be regretted that this race was not placed first on the programme. Both crews had been represented in previous races, Mr. Day having rowed in the single match and Mr. R. G. Musgrove having rowed in both the first and second races.

The fourth race was somewhat delayed, the bad weather and mizzling rain preventing the judges from promptly making a start. Below are the names of the members of the crews contesting:

Four-oared gigs, for Slocomb plate; three miles (one and a half and return).—Eclipse crew boat—J. R. De Fuentes, 1; C. L. De Fuentes, 2; George H. Dunbar, 3; T. R. Richardson, stroke; Charles Vautier, coxswain. Light Weight crew, boat C. H. Slocomb—Henry Denegre, 1; John Glynn, Jr., 2; Paul Robelot, 3; John J. Haydel, stroke; A. Caron, coxswain.

The race for the first mile was very close and exciting. Viewed from the press boat, which occupied a position quite near the first stake-boat, the men were working in good form, rowing a steady thirty-three to the minute. The clouds about this time began to thicken, and for the usual Southern twilight was substituted black night. Arrived at the spot where the outer stake-boat should have been located, the Light Weight crew, who were then slightly leading, discovered that the stake-boat had been removed. They accordingly returned to the home stake-boat, but the Eclipse crew remained looking for the stray stake-boat. Of course they didn't find it, as the individual who had charge of that flag skiff had undoubtedly pulled up his anchor and gone home to supper. So the Eclipse crew came in, and it was decided by the judges that the race was null. By common consent it was agreed that the race should be run over some time during the present boating season. It is proposed that the renewal of the contest shall take place on the New Basin from the Half-Way house straight away. However, it is all left to the choice of the respective crews and their captains.

The regatta, taking all things into consideration, was a decided success. The large concourse of people who turned out, despite the miserable weather, to witness the prowess of the gallant oarsmen, should be sufficient evidence to them of the esteem in which they are held. After the regatta an impromptu hop was organized at Denechaud's Hotel, and for several hours ladies fair and boatmen brave, and all their friends and guests, disported gaily. Then a short ride to the city in the Pontchartrain palace cars, and everybody went home happy.

Personal.

Mr. J. Ross Stewart, an ex-member of the Louisiana Legislature, is in the city, looking very much improved by a visit to the Hot Springs, in Arkansas. He assures us he has entirely recovered his health and feels as vigorous as ever, and that it is his intention to accompany Senator Pinchback on a trip into some of the parishes for the purpose of opening the political campaign that is before us, prior to the convening of the State Convention in this city on the fifth of next month.

IMPROVED AND VACANT REAL ESTATE, ETC., AT AUCTION BY THE SHERIFF.—We call public attention to the 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. Three lots of ground, with the buildings and improvements thereon, situated in the Sixth District of this city, on Apollo street, between Napoleon avenue and Jena street. One of said lots forms the corner of Apollo and Jena streets.

2. A lot of ground, with all the buildings and improvements thereon, situated in the Fourth District of this city, at the corner of Jackson and White streets.

3. A lot of ground, with all the buildings and improvements thereon, situated in the First District of this city, on Melpomene street, between Nayades or St. Charles and Prytania streets.

4. Two lots of ground, with all the buildings and improvements thereon, situated in Faubourg Treme, Second District of this city, No. 374 Ursulines street, between Galvez and Miro streets.

5. Five lots of ground, with the buildings and improvements thereon, situated in the same district, in the square bounded by Galvez, Barracks, Johnson and Hospital streets, and fronting on Galvez and Barracks streets.

6. **And an interest in and to a community of acquests and gains, etc.**

For full particulars and terms see advertisements.

Court Items.

Judge Atocha yesterday ordered the sheriff to rearrest Reguelmy, the prisoner committed by Judge Staes for violation of the lottery act, and immediately released by Judge Saucier, of the Sixth District Court, on a writ of habeas corpus. In the opinion which Judge Atocha rendered the court proceeds to consider, somewhat at length, the relative jurisdictions of the First District and Superior Criminal Courts and the object of the Legislature in giving to the latter more extended powers and more perfect machinery for carrying its decrees into effect. After showing that while the former court, as a criminal court, can not exercise the special powers invoked in the case, Judge Atocha proceeds to logically array the statute law relative to the writ of mandamus, and to show conclusively that it may be directed against the sheriff. It is made apparent also by his reasoning that the sheriff has neither the power nor the means of resisting it.

Diverging for the time from the consideration of the effect of the writ, the court proceeds to consider the jurisdiction of courts having power to issue writs of habeas corpus, and in dealing with this subject the language of the court suggests an abuse in the law untouched by the decision, as, indeed, it ought to have been. Judge Atocha says:

Sometimes, though fortunately rarely, courts use the writ so as to arrogate to themselves appellate jurisdiction, in which case a wrong is perpetrated.

This is correct in every respect. It is strictly in accordance with the law of this State and the theory upon which it was created that the right of appeal should be restricted. In civil cases wealth only can secure the decision of Cæsar, and in public wrongs aristocrats in crime appear before their peers uncrowded by their meaner brethren. The debtor who has delayed his creditor by owing him over $500 can further prolong his probation on an indisputable point, but he who has a lesser judgment against him, though the record may reek with mistakes in law, can never have them corrected, except by a court of law. The hardened criminal who seeks life or money has all the chance in the world to quibble before a jury, but when a justice by mistake, or believing false testimony, fines an innocent man, his error can not be corrected except by the outrageous practice of an interview in his private office.

To correct this abuse by the writ of habeas corpus, is illegal, and, as Judge Atocha says, perpetuated a wrong, although his words apply to a different question, which is the propriety of testing the constitutionality of a law upon the writ of habeas corpus, when that is the sole question before the court.

Nothing can be clearer or more satisfactory than the reasoning on this point. Time was when the possession of $12 and a quick-witted attorney secured the discharge of any criminal on such grounds. One, indeed who had stolen $25,000 was turned loose because his bail, fixed at the same amount, was deemed excessive. This might have gone on without limit had not the police by rearresting every felon on the instant, on one pretext or another, made it a profitless experiment.

Leaving the writ of habeas corpus the question of jurisdiction is considered, and here the language of the court must meet with approval from careful students.

Returning to the main question of the discharge of Reguelmy, it is shown that its cause is not within those prescribed by the law, and the authority of the justice who committed him is maintained in unequivocal terms. The phrase "little judicial autocrat" applied to a judge who "hankers and reaches after a jurisdiction that does not belong to his court," and the assertion that a conflict of jurisdiction would be avoided if possible, suggests that if this court's jurisdiction is invaded it well knows where the remedy lies.

The mandamus was made peremptory.

Judge Cullom sat again in the Superior Criminal Court, prepared to try the cases of Earle and Garvey, and of Hickey. The first case was continued after argument to July 23, and bail was refused. In the case of Hickey the court was compelled to continue it. The *Picayune*, with its usual accuracy in getting the exact opposite of the truth, said against the certificate of the City Physician. On the contrary, Dr. Schumacher filed a certificate that Hickey was too sick to be removed from the prison to the court-room.

Counsel of Roger Murphy argued a plea of autrefois convict, and Judge Cullom promptly overruling it, the case went on the docket.

P. Gravois, for many years connected with the First District Court, and without whom it is a mystery why that court has not perished from atrophy, has been appointed deputy clerk of the Superior Criminal Court by Chief Clerk Fitzpatrick, and the appointment was confirmed by Judge Atocha. What Mr. Gravois is away from his office his family may tell, but in it every one who has seen him can testify that he is the most assiduous, conscientious and laborious clerk that ever signed a subpena.

EXCELLENT IMPROVED AND VACANT PROPERTY AT AUCTION TO-DAY, WITHOUT LIMIT, FOR PARTITION.—J. B. Walton, auctioneer, will sell to-day peremptorily and without limit, at the Merchants and Auctioneers' Exchange, Royal street—

1. Two two-story stores and dwellings and two one-story double tenement small dwellings on the corner of Dryades and Third streets and on Third street.

2. The Fourth District Pound and three lots of ground corner of Dryades and Third streets.

3. The double tenement one-story frame dwelling on two lots of ground, on Euterpe street, between Baronne and Carondelet streets. Two vacant lots corner of Baronne and St. Andrew streets.

4. Two lots in the Sixth District, on Coliseum street, between Robert and Soniat streets.

5. An excellent two-story frame dwelling and two lots of ground corner of St. Denis and Third streets.

6. **That splendid building site, six lots of ground, corner of Esplanade and Gayoso streets, running through to Washington street.**

To-day, July 11,
To-day, July 11,
The Louisiana State Lottery,
The Louisiana State Lottery,
Will be drawn.
Two hundred and sixty prizes,
Two hundred and sixty prizes,
Amounting to $70,400,
Amounting to $70,400,
Payable without reduction.

BY TELEGRAPH.

WASHINGTON.

Death of a Telegraph Operator.

WASHINGTON, July 10.—Frank Chase, a well known telegrapher throughout the Southeast, is dead.

No Bids Yet.

No bids have as yet been received by the Treasury Department, in response to the circular of Secretary Bristow issued to the banks, requesting bids for subscription to the balance of the new five per cent loan, aggregating upward of $179,000,000.

The bids are to be opened at twelve o'clock M. on the twenty-third instant, and inasmuch as the loan requires that bidders shall deposit with their bids an amount equal to two per cent of the sum subscribed, those contemplating investment prefer to realize the interest on the deposit moneys required until the last moment.

NEW YORK.

Storm.

NEW YORK, July 10.—A violent rain storm passed over the village of Pearsolls, Long Island, this morning. A school house and six other buildings were struck by lightning and badly damaged. Mrs. J. M. Eggleston and a Miss Smith were killed.

Investigating the Secret Service.

Solicitor Wilson continued his investigation of the correspondence and records of the United States secret service division in this city yesterday. As before the matter was conducted privately. Mr. Wilson finds it necessary to go to Boston to-day to pursue his investigation on an important point in that city. He will return again on Sunday, and probably reach the end of his labors here by the middle of next week.

Cholera.

Mrs. Mary Ann Hannon, aged sixty-three years, died to-day from genuine Asiatic cholera, at her residence in Brooklyn. She was attacked by the disease Wednesday night.

Hydrophobia.

William McGinnis, aged seven years, died in Bellevue Hospital to-day of hydrophobia. He was bitten some weeks ago.

Important Decision of the District Court.

A Washington dispatch says: "The United States court for this district has decided the action of ejectment in favor of G. W. C. Lee, the devisee of the late G. W. Park Custis. The estate is mill property, on Four Mile run, and is a part of the Custis estate, which was sold during the war by the United States for taxes. It would seem that this decision may effect the government title to the entire Arlington property, as the title to the two estates is practically the same."

No Clue, After All.

It has been conclusively ascertained that the bloody shirt found at the Nathan mansion was that taken off Mr. Nathan after he was found murdered.

The Russian Mission.

A special dispatch to the *World* says the vacant Russian mission will be filled on the President's return to Washington by the appointment of a distinguished ex-Confederate General, whose name is as yet withheld. Ex-Senator Nye is a candidate for the place, with Senator Jones pressing his claim.

THE TURF.

The Races at Indianapolis.

INDIANAPOLIS, July 10.—The attendance at the races to-day was 10,000. Weather fair; track heavy.

First Race—Two thirty-eight class; three in five to harness.

Lady Morrison	4	3	1	1	1
Granville	1	1	2	2	2
Little Sam	3	2	4	3	3
Russell	2	5	3	4	4
St. Vincent	5	4	5	dis.	

Time—2:41¼, 2:42½, 2.39¾, 2:35¼.

In the second race, free for all, three best in five, the first heat was closely contested between Goldsmith Maid and Red Cloud till the home stretch, when both horses were held up to save Judge Fullerton, who broke badly, his distance. Time, 2:26. The second heat was very exciting between Red Cloud and the Maid, both horses coming in under the whip. The Maid won by a head, Fullerton barely saving his distance. Time, 2:25½. A rainstorm coming up, the balance of the race was postponed till to-morrow.

FOREIGN.

How MacMahon's Message was Received.

VERSAILLES, July 10.—At the conclusion of the President's message, M. Raoul Duval argued that the Assembly was powerless to constitute a definitive government, and moved that it dissolve after having voted upon the financial bills, the bill on military organization, and the bill providing for a general election October 25. He demanded that his motions be delared urgent.

The demand for urgency was supported by the left and the Bonapartists, but was rejected by a large majority. The left centre voted with the majority, thinking that MacMahon's message increased the chances of Casimir Perrier's bill. The motion was afterward referred to the committee on parliamentary initiative, in which the left predominates. A favorable and speedy report upon it is, therefore, certain.

The committee of thirty approved the bill favoring the personal Septennate, and the debate upon it will probably occur within a few days.

The Republican Press.

PARIS, July 10.—The Republican papers conclude from Marshal MacMahon's message to the Assembly Saturday that he recognizes the republic.

Coming to the Point.

In the Assembly this afternoon, Bertould, moderate republican, asked leave to submit the following question to General Cissey, vice president of the council, whether it is claimed for the President of the Republic, that he denies the right of the Assembly to determine whether the law of the twentieth of November, 1873, is irrevocable, or not, and also if it is denied that the President is responsible to the Assembly. On motion of General Cissey, debate on this interpellation was postponed until the constitutional bills came up for discussion.

No Passports Required.

It is officially stated that citizens of the United States will be permitted to enter France from any direction without showing their passports, but they must be prepared to prove their nativity when required.

The Carlist Leader Justifies his Massacres.

MADRID, July 10.—The Carlist General Dorregary has issued a manifesto addressed to the civilized nations, in which he calumniates Republicans, and admits and justifies the shooting of fifteen of them.

The Vote on Duval's Motion.

LONDON, July 10.—A Paris dispatch to the *Times* says: Duval's demand for "urgency" on his motion for the dissolution of the Assembly, after voting upon the bills named, received 186 votes. It seems certain that if Perrier's bill be rejected, which is probable, the centres will submit either a fresh proposal for dissolution or for a protracted prorogation, but most probably the former, which will then obtain a large majority.

Prosecuting the Bonapartists.

A special dispatch from Paris to the *Pall Mall Gazette* says that M. Fourcade Laroque, the Duke de Padona and General Fleury have been summoned to appear before the court at the same time with M. Rouher, for connection with the Bonapartist propaganda.

Charges and Countercharges.

It is stated in a dispatch to the same paper, that France proposes to submit to the Brussels Congress serious charges against the German government, for acts committed by the army which lately invaded France, and that Germany contemplates presenting a countercharge.

The Canandaigua.

ST. THOMAS, July 4.—The United States man-of-war Canandaigua arrived here last week, from Tamana, for provisions, and returned on the second instant.

News from San Domingo.

SAN DOMINGO CITY, June 28.—The republic is tranquil. Business dull.

The commissioners sent to Hayti to conclude a treaty of peace and commerce have returned without fulfilling their mission, being accredited to the President, who had vacated his office in favor of General Dominique before they arrived. This irregularity will cause a delay in the conclusion of the treaty.

MISCELLANEOUS.

A Dairyman Shoots his Little Boy.

CINCINNATI, July 10.—Israel Elias, a dairyman, living in the suburbs, had a difficulty with his son this morning. The boy attempting to run, his father seized a musket, and fired at him as he ran; the buckshot striking the boy in the thigh, severed an artery, and produced a wound which will probably prove fatal. Elias was arrested.

Marine Item.

BOSTON, July 10.—The Oriental, from Boston for Savannah, which was ashore in Vineyard sound, will be towed back to Boston for examination.

The First Bale.

GALVESTON, July 10.—The *News'* Brownsville special says: The first bale of new cotton was shipped to New Orleans to-day from the ranche of J. Hynes, at Santa Maria.

The Steamer Faraday.

PORTSMOUTH, July 10.—The cable steamer Faraday is here all right.

Direct Trade Union.

ATLANTA, July 10.—The directors of the Direct Trade Union met to-day. The Liverpool and Savannah agents were present and made the final arrangements. They are now ready to ship cotton or wheat. The Liverpool agents sail immediately for that port.

Yacht Capsized and Passengers Drowned.

ATLANTIC CITY, N. J., July 10.—About half-past three o'clock this afternoon, while the yacht A. B. Thompson, Captain Frank Steelman, was returning from a trip, and in the act of crossing the bar opposite this city, a heavy sea struck and capsized her, and the following named persons of Philadelphia drowned: Daniel Affley Sharpless and Esther H. Sharpless, his wife, Caroline Sharpless, Master Alfred H. Sharpless, and Anna M. Roberts, daughter of E. Roberts, proprietor of the Chalfonte House, of this place. The body of Miss Sharpless was recovered by the crew of the surfboat. The remaining three, Mrs. Bettle, Captain Frank Steelman and Kit Clarke, of Forepaugh's menagerie, were rescued, and are doing well. The surfboat is searching for the rest of the bodies.

This is the first instance of life being lost by a sailing party since Atlantic City has been a watering place.

The yacht drifted on the shoals of Brigantine, and it is supposed will be dashed to pieces.

Iron Moulders' Union.

RICHMOND, July 10.—The Iron Moulders' International Union to-day elected the following officers for the ensuing term: President, William Laffin, of Cincinnati; vice presidents, James Carroll, of New York; Thomas Casey, of Montgomery, Alabama; John Nolan, of Toronto, Canada, and E. A. Steiger, of St. Louis; recording secretary, M. F. Hayburn, of New York; assistant, D. E. Foley, of Milwaukee, Wisconsin. The union will be in session for several days yet.

Probabilities.

WAR DEPARTMENT,
Office Chief Signal Officer,
Washington, July 10, 1874, 4:35 P. M.

For the South Atlantic and Gulf States, areas of rain, south or west winds, slight changes in temperature and slowly rising barometer.

River and Marine News.

SOUTHWEST PASS, July 10, 6 P. M.—Barometer 29:80. Wind west, light. Arrived—Spanish bark Rosario, from Malaga. No departures.

PASS-A-L'OUTRE, July 10, 12 M.—Wind southwest, fresh. Weather cloudy and heavy. Arrived—Schooner Excelsior, from Ruatan. Sailed—Steamship W. P. Clyde.

VICKSBURG, July 10.—Passed up—Julia, twelve o'clock. Down—Katie, 7 P. M. Weather rainy. The river fell five inches in the last twenty-four hours.

MEMPHIS, July 10.—River stationary. Weather cloudy and stormy. Arrived—Ella and Quickstep, from White river; Fort Gibson, from Arkansas river. Departed—Capitol City, for St. Louis.

EVANSVILLE, July 10.—Heavy rain and light showers all day. Weather cool. The river is rising slowly.

CINCINNATI, July 10.—River four feet nine inches and stationary. Weather cool and rainy.

ST. LOUIS, July 10.—Arrived—Atlantic, from New Orleans. The river is rising slowly. Weather clear and cooler.

CAIRO, July 10.—Arrived—John B. Maude, from St. Louis, at 9 A. M.; Great Republic, from St. Louis, at noon; Mary Miller, from Cincinnati, at 8 P. M.; Departed—Future City, for New Orleans, at midnight; Maude, for New Orleans, at 11 A. M. River twelve feet and falling. Showery this afternoon; weather cool.

PITTSBURG, July 10.—River sixteen inches, and falling. Weather clear and warm.

LOUISVILLE, July 10.—River stationary, with four feet in the canal. Light rain all day. The Champion took the Bodmann and barges to Cincinnati.

Cotton.

NEW YORK, July 10.—The following is the comparative cotton statement for the week ending this day:

	Bales.
Receipts of cotton for the week at all United States ports	9,722
Receipts same time last year	15,309
Total receipts of cotton since September 1, 1873, to date	3,719,601
Total same time last year	3,512,165
Exports for the week from all ports	15,478
Exports same week last year	12,426
Exports since September 1	2,741,667
Exports same time last year	2,480,029
Stock at all United States ports	220,504
Stock same time last year	212,838
Stock at all interior towns	32,004
Stock at interior towns last year	32,756
Stock at Liverpool	999,000
Stock same time last year	918,000
American cotton afloat for Great Britain	55,000
Afloat same time last year	115,000

MARKETS.

Domestic Markets.

NEW YORK, July 10.—The Post's financial article says the stock market opened weak, and declined ¼@1 from the closing quotations of last evening. There was a great pressure to sell at the opening, particularly in Lake Shore. After the first call the market improved sharply, the advance from the lowest point being ½@3. The greatest advance was in Lake Shore, which rose from 70⅛ to 73½. Gold sold at 109⅝@109¾, with a dull market. On gold loans the rates have been 1@2 for carrying.

Foreign exchange was weak and business was at a still further decline in rates; nominal asking rates remain at $4 87½@4 90 for prime bankers' sterling, actual selling rates are $4 86½@8 86⅞ for good to prime bankers' sixty day sterling to $4 89½@4 89⅞ for demand; one mess of £100,000 sixty day bills sold at $4 87 less ⅛, which is slightly below $4 86½. Money continues easy at 2@3 for call loans and 5½@7 for prime mercantile paper.

Government bonds are slightly firmer than yesterday. State bonds at the board were exceedingly dull and without much change.

Sugar is steady at 7¾@8⅛c for fair to good refining; 8⅜c for prime; 7 7-16c for molasses; 8c for muscovado; 8½c for clayed. Molasses quiet at 40½@42c.

Sixes of 1881 116⅝; five-twenties of 1862 112⅛; of 1864 115⅛; of 1865 116⅜; new 116; of 1867 116⅛; of 1868 116⅝; new fives 112⅜; ten-forties 112⅜.

Cotton closed dull and lower; middling uplands 17⅜@17⅝c; sales to-day 1429 bales; net receipts 43 bales, gross 123. Futures closed steady; sales today 19,600 bales, as follows: July 16 13-32@16 15-32; August 16 23-32@16⅞c; September 16 15-16c; October 16⅝c; November 16 9-16c; December 16 9-16c.

Southern flour steady. Wheat a shade firmer, moderate supply and fair export demand; $1 32@1 34 for winter red Western. Corn a shade firmer; moderate demand at 75@77c for Western mixed. Coffee quiet and firm. Rice steady; fair jobbing demand. Tallow quiet at 8⅛c for prime city, 8⅛c for country. Rosin steady. Turpentine steady. Pork steady. Lard heavy at 11⅝@11¾. Whisky a shade lower at 98½@99c, closing at inside price. Freights without material change; cotton by steam 11-32d.

CINCINNATI, July 10.—Cotton quiet; middling 16½c. Flour dull and unchanged. Wheat steady; new red $1 10@1 15; new white $1 15@1 25. Corn—Demand fair and market firm; No. 2 mixed 63@67c. Oats—Demand fair and market firm at 47@56c. Pork—Demand fair and market firm; $19 bid; held at $19 25. Lard scarce and firm; summer 10¾@11c; kettle held at 12⅛c. Bulk meats—Demand fair and market firm; shoulders 6¾@7c; clear rib sold early at 9⅝@9.40c, held higher at the close; clear 9⅞c. Bacon—Demand active and prices advanced; shoulders 8c; clear rib 10⅜@10½c; clear 10⅞c. Whisky steady; demand moderate; 94c.

ST. LOUIS, July 10.—Cotton dull and prices declined; middling 16⅜@16½c. Flour dull and unchanged. Wheat—Demand fair and market firm.

[CONTINUED ON FOURTH PAGE.]