New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

AUCTION SALES TO-MORROW.

BY PLACIDE J. SPEAR, at 12 o'clock, at the Cut-off, below Algiers, live stock and a building.

BY CONSTABLE JOHN McCORMICK, at 12 o'clock, at corner of Rampart and Lafayette streets, a cistern, furniture, etc.

BY A. GERARD, at 11 o'clock, at corner of Josephine and Magazine streets, a stock of jewelry, watches, plated ware, fancy articles, etc.

BY SHERIFF WAGGAMAN, at 12 o'clock, at Merchants and Auctioneers' Exchange, seventy-five shares Canal and Claiborne street railroad stock.

Local Intelligence.

FREE LECTURE.—Professor Andrew Jackson Johnson will give a free lecture on temperance and the Bible, at the Bible House, No. 163 Camp street, at three o'clock this afternoon. Professor Johnson is an eloquent and entertaining speaker, and all who attend will doubtless find their time well bestowed. The lecture will be interspersed with songs and declamations. It will be delivered under the auspices of the Washington Total Abstinence Society.

HEALTHY OPERATIONS IN MALT AND HOPS.—Notwithstanding the fact that the would be cunning rascal, domiciled in this city, who attempted to fraudulently obtain unlimited bushels of malt and hops for St. Louis, Chicago, Cincinnati and New York dealers was widely published in newspapers, he continued ty ply his skinny game. The firm of Messrs. Glover & Odendahl, corner of Poydras and Tchoupitoulas streets, only a day or two ago received letters, sent from this city over their signature, asking and promising everything, only so the writer could secure a shipment of malt and hops. Fotunately the last letter was without proper prepaid postage, so was by chance returned to Messrs. Glover and Odendahl. The cheeky rascal is a liberal whelp, making notes, at eight per cent interest, for almost any sum, and signing almost anybody's name almost anwhere. The notes and orders are written by the same hand, evidently the person being either a poor scholar or an adroit swindler, probably the first. The writing looks like that of a schoolboy or of a man who is familiar with heavy bales or boxes on a dray. The style of the orders should have been quite sufficient to awaken suspicion in the minds of the most ordinary dealers, and if any merchants have been taken in by this clumsy fellow, it is plain that they transact business in a careless manner. As far as is heard from, no one has been defrauded by this confidence man. He seems to have considered Glover & Odendahl as his particular "meat," but failed to make his fortune off of them. One thing is certain—he has some intimate knowledge of commercial transactions, but has not the address to carry on a proper correspondence. The police have not obtained a single clue to lead even to a suspicion as to who the scoundrel is, and now it is not likely that search will unearth him; chance may.

DEPOSITORS IN THE FREEDMAN'S SAVINGS BANK.—The depositors in the Freedman's Savings Bank of this city will hold a meeting Tuesday evening, at the corner of Orleans and Claiborne streets, to consider a petition intended to be forwarded to Congress for their relief. There are about 2000 depositors in this city, and by a united action they think they can make a favorable impression.

Mount Carbon coal at sixty-five cents, at No. 138 Gravier street.

CLEAR THE BANQUETTES.—Our police and the Administrator of Improvements have made a praiseworthy attempt to clear the banquettes of the most frequented thoroughfares of all unnecessary obstructions, and if they are unsuccessful, then the fault must rest on petty merchants. All large and sound dealers have already attended to these things.

THE NEW CORONERS.—Dr. A. Chastant, coroner for the upper districts, will to-morrow assume the duties of his office. He will be assisted by a gentleman well known in this community—Mr. S. F. Parmelee. If these gentlemen do not give satisfaction and look well after the affairs of their office then the Democratic party of this city has made a great mistake.

Dr. DeBlanc, coroner for the lower districts, has taken the place of Mr. Grayer.

SELLING LIQUOR TO SOLDIERS.—An attempt has been made to revive a dead law relative to selling liquor to soldiers, and an arrest has been made.

AT OLD POLICE HEADQUARTERS.—The military has leased the building at the corner of Carondelet and Girod streets, to be used as a temporary barracks for soldiers.

THE WRECKED STEAMBOAT EMPIRE.—No bodies were found yesterday, but the wreckers met with moderate success in taking out freight.

GONE DOWN AMONG THE DEAD MEN.—William Hall, author of one of the most remarkable pieces of English composition, entitled "Down Among the Dead," died last week, bereft of reason. His life was somewhat remarkable and his aspirations were almost unbounded. After the war he returned to this city, and for a brief space was employed on the REPUBLICAN, performing good work, but visions prevented him pursuing his profession as closely as duty demanded. We regret his misfortunes as deeply as those who should sincerely mourn his loss.

Mount Carbon coal at sixty-five cents, at No. 138 Gravier street.

COOL ENOUGH.—Gay and festive young men did not call for ice or fans last evening, because the air was sharp and crisp enough.

RESIGNATION ACCEPTED.—Dr. Clarke, one of the city physicians, has resigned his position as such, and is now doing service at quarantine station.

WILL TAKE CHARGE TO-MORROW.—The new city administration will take charge of the City Hall to-morrow at noon, and it is expected that every patriot who hopes for a small office will be on hand at meridian, promptly, as delays are dangerous. One of the outgoing Administrators yesterday declared that he had a full barrel of applications to bequeath to his successor.

THAT JEWELRY ROBBERY.—Antonio Perez, the Mexican who was arrested as the principal in the Conti Veranda Hotel robbery, has indicated that he is sick of the transaction and has expressed a willingness to tell all he knows about the affair. The mistress of Santa Cruz has been arrested and it is believed she is aware where most of the property is secreted. Santa is dumb concerning the matter and pretends to know nothing of it. Judge Staes will attend to the accused as soon as Captain Montamat completes his part of the business. Only a small portion of the goods has been recovered—that is, $3000 out of $8000.

A FEW PARTING WORDS.—The following letter was written and promulgated yesterday. The reporter is pleased to be able to confirm the sentiments expressed. Our representative has been a constant visitor at the City Hall during the administration just closed, and he willingly adds his vote to the above. He has invariably been treated with kindness and attention, not only from Mayor Wiltz, but from each of the Administrators, and now that the gentlemen have retired he adds his testimony:

MAYOR'S OFFICE, City Hall, New Orleans, November 28, 1874.

Hon. Louis A. Wiltz, Mayor:

DEAR SIR—The undersigned, who have been connected with the department of the mayoralty in sundry capacities during the past two years under your administration, desire, before separating from you, to express our earnest and hearty thanks to you for the personal kindness which you have always shown to us. Your generosity, your consideration for our interest and comfort, your courteous and always pleasant bearing toward us, and your full appreciation of our services have made our duties there always easy and agreeable to us. To the last of our lives it will give us pleasure to remember the days when we were officially connected with one so patriotic, pure and able as a magistrate, and so courteous, chivalric and noble as a citizen and a gentleman.

Wishing you the success and prosperity which you abundantly deserve, we have the honor to remain your friends,

EDMOND W. HALSEY,
E. L. BOWER,
BEN ARMBRUSTER,
ALFRED VEAU,
JOSEPH JACOBS,
ANDREW J. BACON,
GEORGE GOERTZ,
ROBERT McLAUGHLIN,
JOHN BRUGERMANN.

Mount Carbon coal at sixty-five cents, at No. 138 Gravier street.

COURT RECORD.

SATURDAY, NOVEMBER 22, 1874.

United States Supreme Court.

The following cases were submitted on the twenty-fourth instant:

Edward Dupasseur, plaintiff in error, vs. Albin Rochereau.—A. C. Story, counsel for plaintiff in error; Louis Janin for defendant in error.

John W. Cannon, plaintiff in error, vs. the city of New Orleans.—R. H. Marr and P. Phillips, counsel for plaintiff in error; Wheeler H. Peckham for the defendant in error.

James M. Thompson, appellant, vs. W. B. Donaldson et al.—Argued by W. T. Otto and John A. Grow, counsel for appellant, T. J. Durant for the appellees.

First District Court.

PLEADED GUILTY.

Petty larceny—William Haywood, Jane Williams, John Lee, Joe Joseph.

SENTENCED.

Petty larceny—Charles Moore, eighteen months; Victoria Jones, nine months; Robert Brow, six months.

Assault and battery—Laura Taylor, three months.

Second District Court.

Successions of William M. Perkins, Annie Marie Armand, wife of Joseph Land, Ferdinand Malard, Christian August Wiemann, John McGinnis and William J. Taylor opened.

Marie Dupart and Christoph Ricker pray to be emancipated.

Fifth District Court.

Judge Cullom rendered the following decision:

Joseph Chardon vs. Eugene Deffez—This suit is brought by a landlord to recover rent dues amounting to $230, with five per cent interest thereon. He prays for the recognition and enforcement of his lessor's privilege on all the property found on the leased premises. The issue is the general denial. *Arguendo*—Defendant's counsel contended that should plaintiff be found entitled to the judgment he seeks, he would, nevertheless, not be entitled to the enforcement of his privilege on the furniture of the defendant, it having been shown to be worth only $250. The article 644 of the Code of Practice and the amendments thereof were referred to, and relied upon as sustaining this defense. I have carefully examined that article, which reads as follows: "The sheriff can not seize the linen and clothes belonging to the debtor, or his wife, nor his bed, nor those of his family, nor his arms and military accoutrements, nor the tools and instruments necessary for the exercise of his calling, trade or profession by which he makes a living; nor shall he, in any case, seize the rights of personal servitude, of use and habitation, of usufruct to the estate of a minor child, nor the income of dotal property, nor money due for the salary of an officer, nor wages nor recompense for personal service, nor household and kitchen furniture, to the value of $600." See act of February 20, 1874. It is evident from the articles of property herein enumerated, that the object of the Legislature was to exempt them from seizure under writ of fieri facias to satisfy an ordinary judgment. The landlord has no privilege nor right of pledge on some of them, and therefore it is idle to suppose the amendments affect him. The acts amendatory of this article, including act No. 39 of 1872, page 93, were never intended to disturb the rights of the landlord, established by articles 2705-2709 of the new Civil Code.

"The lessor has for the payment of his rent and other obligations of the lease, a right of pledge on the movable effects of the lessee which are found on the property leased." "In the exercise of this right the lessor may seize the objects which are subject to it before the lessee takes them away or within fifteen days after they are taken away, if they continue to be the property of the lessee and can be identified." Art. 288 of the Code of Practice declares that "the lessor may seize even in the hands of a third person such furniture as was in the house leased, if the same have been removed by the lessee, provided he declare on oath that the same has been removed without his consent, within fifteen days previous to his suit being brought." In the case of Desban vs. Emma Pickett, M. Stiewell intervenor, 16 An., 350, the Supreme Court held that "article 288 of the Code of Practice may be incorporated into article 2679, (Rev. C. C. 2709) of the Civil Code, and be consistent and harmonious with its provisions." And in that case the court fully announced the law as laid down in the article of the code. The several amendments of article 644, Code of Practice, can not be understood to affect or impair the two articles of the Civil Code already quoted, because, as the Supreme Court very properly says, the law (the courts) "never favor repeals by implication." 16 An. 350; 5 An. 122. Article 644, Code of Practice, and the several amendments of 1872 and 1874, have reference to the execution of judgments, which direct the payment of sums of money, and not to the privilege of the lessor, his obligations ane rights.

"The right which the lessor has over the property of the estate, and on the movables which are found on the land leased, for his rent, is of a higher nature than a mere privilege. The latter is only enforced on the price arising from the sale of movables to which it applies. It does not enable the creditor to take or keep the effects themselves, specially. The lessor, on the contrary, may take the effects themselves and retain them until he is paid." Art. C. C. 3218. "The privilege of the lessor is enforced on the property subject to it, in the manner described in the title of lease." Art. 3219 C. C. There must be judgment, with privilege, as prayed for.

The Weather and Rivers.

OFFICE METEOROLOGICAL OBSERVER, New Orleans, November 28, 1874.

The following is a report of the weather and rivers at 3:43 P. M., local time, to day:

Places.	Ther.	Wind.	Weather.
Cairo	30	N. W.	Heavy snow.
Corsicana	47	N.	Clear.
Cincinnati	31	N. E.	Heavy snow.
Davenport	30	W.	Cloudy.
Dubuque	31	S. W.	Light snow.
Galveston	54	N.	Clear.
Indianola	55	N.	Clear.
Keokuk	33	S. W.	Fair.
Lacrosse	35	N. W.	Heavy snow.
Leavenworth	33	S.	Fair.
Louisville	23	N. W.	Heavy snow.
Memphis	33	N. W.	Cloudy.
Nashville	39	N. W.	Light rain.
New Orleans	61	N. W.	Threatening.
Omaha	35	N. W.	Fair.
Pittsburg	41	N. W.	Light rain.
Shreveport	51	N.	Clear.
St. Louis	24	N. W.	Fair.
St. Paul	25	N. W.	Clear.
Vicksburg	43	N. W.	Cloudy.
Yankton	25	N.	Fair.
Augusta	59	S.	Cloudy.
Baltimore	45	E.	Foggy.
Mobile	69	W.	Clearing.
Montgomery	66	.....	Light rain.
New York	51	S. E.	Foggy.
Savannah	62	S. E.	Cloudy.

RIVERS.

Stations.	Rise. inches.	Fall. inches.	Above low Water mark. Ft.	In.
Cairo	13	..	10	4
Cincinnati	42	..	13	6
Davenport	..	3	3	4
Evansville	..	8	5	11
Dubuque	..	10	4	1
Helena	2	..	7	7
Keokuk	..	2	4	3
Lacrosse	..	25	2	10
Louisville	13	..	5	4
Memphis	5	..	5	6
Nashville	..	13	13	3
New Orleans	1	..	*15	5
Pittsburg	..	24	5	6
Shreveport	4	..	7	2
St Louis	..	..	7	5
Vicksburg	5	..	5	11

*Below high water mark of 1874.

Mount Carbon coal at sixty five cents, at No. 138 Gravier street.

THE SELYE CONTEMPT CASE.

Opinion of Judge Trimble.

In the matter of Edgar Selye, deputy United States marshal, committed for contempt of order of court.—Eleventh District Court for the parish of Lincoln, State of Louisiana. Edgar Selye, through his counsel, moves for a rehearing for the reasons following:

1. That defendant was tried without being heard by counsel.

2. No sufficient time was granted him to obtain the evidence necessary for his defense.

3. The order rendered in this case imposing a fine and imprisonment for contempt of court is contrary to law, in this, that the honorable court was without jurisdiction to issue a writ of habeas corpus for the discharge of a person held under authority of the United States by an officer of that government, that fact appearing upon the application for the writ.

To the first and second reasons, above assigned, in answer, it is only necessary to state that the defendant, at his own request, was heard in his effort to purge himself of contempt when called upon to so do. He neither requested delay for counsel, nor did he desire that time might be afforded him to procure evidence for his defense, but announced himself ready to answer.

In answer to the third point urged in defendant's motion, it is necessary to refer to the petition in behalf of the parties illegally arrested by Seleye, and in custody of Lieutenant Hodgson, commanding United States troops. The petition, which is verified by affidavit, avers that Richardson, Ramsey and Scott were arrested without any local authority, and were taken by force from the parish of Claiborne; that these parties are now in the illegal detention of one Edgar Seyle and federal troops; that the parties, without authority of law, are being taken from their homes. The petition closes with a prayer that a writ of habeas corpus may issue, commanding said Seyle and troops, and those who held the said Richardson, Ramsey and Scott in detention, to produce their bodies before the honorable court by Tuesday, at 10 A. M., October 27, and that, upon a hearing of the case, they be decreed to be illegally deprived of their liberty, and discharged from confinement. The order appended to the petition reads as follows:

"By reason of the law and the evidence in the case being in favor of the application for a writ of habeas corpus, and by further reason of the affidavit, it is ordered that a writ of habeas corpus issue to the sheriff, W. F. Aycock, to take and bring N. J. Scott, John R. Ramsey and Sterling R. Richardson before me, the judge of the Eleventh Judicial District, in the town of Homer, on or before 10 A. M., October 27, and show any authority, if any, said Selye, United States marshal, has for detaining said parties."

The petition and order were written by James C. Egan, Esq., attorney for and in behalf of applicants. The order was signed officially and the clerk of the court directed to issue in the name of the State of Louisiana a writ of habeas corpus, and further directed that W. F. Aycock be designated to make service of said writ.

The defendant now endeavors to take advantage of technical defects; avowing that no writ issued to him; that only a copy of the order was served upon him; and that this order was not addressed to him. Granting that this be true, does it avail him? Clearly not. By reference to article 805, Code of Practice, the duty of the defendant is definitely set forth. "It is the duty of the person on whom a habeas corpus is served, whether it be directed to him or not, to obey and return the order without delay to the court which issued it." That the writ was served is evidenced by the sworn return of W. F. Aycock made in this matter of the habeas corpus. I copy from the return: "That he served the writ of habeas corpus on Edgar Selye, and Lieutenant Hodgson, Seventh United States Cavalry, on the twenty-fifth of October, 1874, issued by Judge J. E. Trimble, command them to produce the bodies of N. J. Scott, John R. Ramsey and Sterling R. Richardson, before him on or before Tuesday, October 27, at 10 A. M." This service under the provisions of the article of the Code of Practice above refered to was sufficient, and it was the duty of the defendants to obey the writ.

Obedience to the writ might have been made by its return and answering that the parties were held by virtue of a warrant issued by a commissioner of the United States or issued by a federal judge. In either case the authorities seem to incline to the opinion that it was not necessary to produce the bodies of the parties before the judge issuing the writ, when the writ issued by a State judge and the warrant for arrest issued by a federal tribunal. The two jurisdictions, State and federal, are entirely distinct and separate, and a conflict of jurisdiction can not be tolerated by the one or the other. But in this case there is no conflict of jurisdiction. In the present matter it is an inquiry whether or not the order of the court was treated by the defendant with the respect due it. By reference to the sworn returns of the sheriff the following language is found:

"That they (Selye and Hodgson) refused to obey the writ of habeas corpus, and stated to the affiant to give their compliments to Judge Trimble; that they did not obey parish officers, and that they would use the writ to wipe with when they went to the privy, and that Judge Trimble might go to hell."

More insulting language could not be used by a Billingsgate adept. The language is not only in contempt of the court, but it is a libel upon manhood, a stain and defilement upon the character of the parties using it.

That the writ issued properly it is only necessary to refer to the petition to inquire. The applicant put himself wholly within the provisions of law entitling to the remedy he sought, and it was the duty of the court to grant the relief he prayed for. No assignable cause for arrest is apparent on the face of the papers, and the position that a deputy United States marshal can make arrests without legal process in his possession, is too absurd to notice. This dismisses the third point in the motion.

The law is justly jealous of the deprivation of the liberty of persons, and unless the deprivation is legal, and under due process of a competent tribunal of justice, no officer, whether he be State or federal, can be maintained in depriving the citizen of his inestimable right of liberty and freedom of his person. The writ of habeas corpus was invoked to determine by what, if any, authority the parties, Richardson, Ramsey and Scott were deprived of their liberty. This writ was served upon Edgar Selye, deputy United States marshal, and Lieutenant Hodgson, Seventh United States Cavalry. It was treated with gross contempt.

Under the authority vested in the court, by article 131, Code of Practice, the defendants are sentenced to imprisonment in the parish jail for a period of ten days, and pay a fine of fine of $50 each and costs of court.

J. E. TRIMBLE,
Judge Eleventh District of Louisiana.

The Sunken Steamer Empire.

Messrs. Flanders and Moffett, the local inspectors of steamboats, have been for several days engaged in a careful and laborious investigation of the causes which led to the sinking of the lower coast packet Empire at her wharf, in this city, on the morning of the seventeenth of November. Of the results, so far, the inspectors make the following report, although we are promised that the investigation will be reopened at a future time:

OFFICE OF BOARD OF UNITED STATES LOCAL Inspectors of Steam Vessels, District of New Orleans, Louisiana, New Orleans, November 26, 1874.

William Rogers, Esq., Supervising Inspector, Tenth District:

SIR—We herewith submit the following report in regard to the sinking of the steamer Empire at the levee, in this city, on the morning of the seventeenth instant, resulting in the known loss of twenty-four persons, as follows: Fourteen passengers, viz: Eight adults and six children, and ten of the crew.

The Empire was built in this city in 1862, of 203.66 tons burden, and considered of unusual strength and employed in the lower coast trade. She completed her cargo on her return trip on the sixteenth instant by taking in, about thirty miles below this city, forty-nine hogsheads of sugar and 100 sacks of rice, and her whole freight upon her arrival was as follows:

One hundred boxes of oranges, 169 hogsheads of sugar, 4 barrels of sugar, 79 barrels of molasses, 219 barrels of clean rice, 785 half and three-quarter sacks of rough rice, 6 sacks of cotton seed, the weight of which was 228 tons.

Several examinations were made by the officers of the steamer on her way up, one only about half an hour previous to her arrival, to ascertain whether the boat showed any signs of leaking, and none were discovered. She made her landing safely about midnight, with a list of passengers and crew consisting of sixty persons.

Soon after the boat landed, several of her passengers and the first engineer went ashore, and the residue of passengers and crew retired to rest on board without the slightest apprehension of danger. The steamer was left in charge of the watchman who observed nothing worthy of note until about half past one o'clock, when a fresh breeze sprung up blowing on shore; some time afterwards, two steamers made a landing near by; the waves made by the wind and the landing of the boats, caused a swell under the guards of the Empire, but not sufficient to excite apprehensions of danger.

About half-past four the steamer suddenly heeled to starboard and began rapidly to sink; the watchman immediately gave the alarm, but she sank so rapidly that many of her passengers and crew were unable to escape and were carried down with her and drowned.

Although the boat's freight was twenty-five tons in excess of her register, it can not be considered an overload for one of her class and condition.

A careful investigation has failed to indicate any adequate cause for this sad and melancholy disaster, and we are left to vague conjectures to account for it. These conjectures can only be put to rest by an examination of her hull, which now lies about fifty feet under the water, with a possibility of being raised, in which case, or after a reasonable time, our investigation will be continued and the result duly reported.

W. C. FLANDERS,
J. A. MOFFETT,
Local Inspectors.

Mount Carbon coal at sixty-five cents, at No. 138 Gravier street.

Important to Importers.

It appears that importers at some of our ports have been in the habit of making protests and appeals in reference to the liquidation of entries made by them, such protests and appeals having no other basis than mere statements and formal papers. The following extracts from a letter from the Treasury Department to the collector at New York, have been kindly furnished us by Mr. E. P. Champlin, deputy collector of this port.

The directions contained in the letter are clear and precise. They plainly demonstrate the futility of frivolous appeals and groundless protests.

Our importers as a general rule are not given to such devices, but as items of information the main points of the letter are given.

Collectors of customs are instructed to refuse such protests and appeals as do not distinctly and specifically state what the goods are, and what provisions of law are claimed to be applicable to the case, rejecting obsolete citations and merely formal papers presenting no point for the consideration of the department; and will require the setting forth of material facts in writing, if the form be printed.

Appeals must be sent to the Secretary of the Treasury within thirty days from liquidation.

All appeals lodged with collectors of customs should be immediately transmitted to the department. The law requires that the party protesting shall appeal to the Secretary of the Treasury within thirty days from the time of liquidation of the entry.

In order to receive consideration at the department, this provision must be actually complied with by the importer within the time allowed by law, after due notice to him of the liquidation of his entry.

The Commission on the Fort St. Philip Canal.

Six members of the commission have just returned from Europe, where they made personal examination of many of the works of improvement, undertaken at the mouths of rivers obstructed by bars.

Much valuable information was collected, which will probably be embodied in the report of the commission. Coming from such high authority, and moreover, being based on personal examination, it is thought this will definitely settle the question as between canal and jetties at the mouth of the Mississippi, so far as precedent may be relied on.

The commission designs proceeding, in the course of a few days, to the mouth of the Mississippi, where it is proposed to spend several days in making examinations, which, together with those made by Captain Howell, by Professor Mitchell, of the coast survey, and a member of the commission, and by Captain Eads (!), will enable its members to decide on the best plan for improvement. The collector of the port has placed the revenue cutter John A. Dix at the disposal of the commissioners.

The members of the commission will give their views and conclusions in their official report, and this we await with confidence, feeling that whatever is recommended will be the best, be it canal, jetties or some other plan.

We are satisfied that our people and the people of the whole valley should unite in the effort to carry out what the commission may recommend.

Mount Carbon coal at sixty-five cents, at No. 138 Gravier street.

Concert at St. Patrick's Hall.

On the seventeenth of next month a grand concert will be given in St Patrick's Hall for the benefit of St. Vincent's Infant Orphan Asylum. All of our leading amateurs have volunteered, and the concert will be a musical treat of rare excellence. Apart from the fact that the proceeds of the entertainment are to be given to hundreds of poor, helpless, little children, who are entirely dependent on charity and the fostering care of the good Sisters of Charity, the event marks the formal inauguration of the new hall.

St. Patrick's Hall is said to be the largest hall in the country, but we hope that it will be found not large enough by half for the crowd that will throng it on Thursday evening, December 17.

Postoffice Statistics.

We are indebted to Assistant Postmaster J. A. Wright for the following interesting statement of business done in the New Orleans Postoffice in a single day last week—Friday, November 27: Received from money order offices in Louisiana and Mississippi, being their surplus money order funds, deposited in this office, $9552 50; money orders issued, $2110 54; money orders paid, $6018 32; registered letters received, 401; delivered, 182.

The Temperature.

The thermometer at Louis Frigerio's, No. 50 Chartres street, on November 28, stood as follows: At 8 A. M., 62°; at 2 P. M., 68°; at 6 P. M., 55°. Lowest point during the night of November 27, 58°. Rain November 28, one-tenth of an inch.

Mount Carbon coal at sixty-five cents, at No. 138 Gravier street.

The Returning Board.

The Returning Board, yesterday, was called to order at half-past eleven o'clock, by President Wells, who instructed the secretary to call the roll. Messrs. Anderson, Wells, Casanave and Arroyo answered roll call. The minutes of the previous day were read and approved.

Mr. Wells read a note from Mr. Ray asking a further continuance of the Carroll case, in consequence of his being compelled to attend the Superior District Court. Mr. Ray stated in his note that he desired to be present when the Carroll case was taken up, as he was counsel in the case.

Mr. Arroyo opposed the further postponement of the case. He said there were a number of witnesses present, and unless they could be examined at once the parties in whose behalf they are to testify might be deprived of their testimony.

Mr Kenner appeared and took his seat.

President Wells decided to take up the case at once. Counsel for Mr. Gla, as well as Democratic counsel, were anxious to have witnesses examined by the board before taking up the returns from the polls, but as the president had already ruled in the matter differently, on motion of Mr. Anderson a vote was taken to determine how the board would proceed with the case.

The result of the vote was that the board determined to pursue the course suggested by the president, namely: To commence by taking up the returns from the polls in Carroll parish, beginning with poll No. 1, and canvassing them.

Mr. Kenner asked if there was any one present to represent Mr. Benham. He said he did not see either Mr. Ray or Mr. Lowell.

Upon further inquiry the board was informed that Mr. Lowell was attending the funeral of Major McKay, and that Mr. Ray was compelled to attend the Superior District Court.

Mr. Kenner was opposed to proceeding in the matter in the absence of counsel for Mr. Benham.

Mr. Arroyo still persisting in his efforts to have the case taken up immediately and counsel present insisting upon that course, the board decided to pursue it, and commenced with an examination of the returns of poll No. 1.

Judge Sloanaker, General Chester, Colonel Zacharie and Mr. Whitaker appeared and opposed the compilement of the returns from Carroll. There are five polling places in this parish, and the returns of each, as they were canvassed, are pronounced fraudulent and "doctored" in favor of Mr. Benham by Judge Sloanaker, the leading counsel in behalf of Mr. Gla.

In substantiation of these charges, a number of sworn statements were submitted—some of them read to the board—and one of the commissioners of election testified that his signature to the returns from poll No. 3 was a forgery.

As the proceedings had before the board in regard to this case have been thus far entirely *ex parte*, it is hard to say what counsel for Mr. Benham will have to say in answer.

When the board had finished the canvass and received such testimony as counsel, in behalf of Mr. Gla, were ready to give the further consideration of the case was postponed in ordered to allow Mr. Gla time to have the testimony of witnesses now in the city taken in writing before some person authorized to administer oaths and take testimony.

When counsel for Mr. Gla have completed their case, it is possible that counsel in behalf of Mr. Benham will have something to say. Then, and not till then, can the public expect to hear both sides of the Carroll contest, and not until both sides have been heard can a decision of the Returning Board be reasonably looked for in the matter.

Shortly after the board had determined to suspend the further consideration of the Carroll contest in order to allow written testimony to the taken, Mr. Ray appeared and tooked over the testimony already submitted.

In consideration of the suspicions that had been aroused in the public mind regarding the returns from Lafayette—said suspicions being very naturally engendered by the supposition, in the absence of any knowledge of their whereabout, that they were being tampered with—the board determined to travel out of its prescribed course of taking up the parishes alphabetically, by taking up these returns, and canvassing them at once.

The returns from the parish of Lafayette were then taken up and canvassed. This work consumed a good deal of time, occupying the attention of the board from one o'clock until four. The number of registered voters in this parish is 1730; vote polled 1511, of which Mr. Moncure received 976 and Mr. Dubuclet 530.

On motion the board adjourned until Monday next at eleven o'clock.

The Theatres.

Mr. John McCullough last night closed the first week of a most successful and remarkable engagement. He came a stranger to the most of us, without parade of the best things ever said about him, without an advance agent to "work him up" and disgust editors, without flaming wood cuts and loud posters to convince people the greatest living actor was about to show. Mr. McCullough relied entirely upon his merits; he played the best he knew how, earnestly, and he has conquered. He has been admirably supported, and crowded houses have been the result. He has appeared as *Virginius, Othello, Hamlet, Iago, Richard III.* and *Spartacus*. The representation of the last named character, in the "Gladiator," has given the greatest satisfaction, and for that reason it will be repeated on Monday and Tuesday evenings. The success of the "Gladiator" is due something to the novelty of the piece, as it was the property of Mr. Forrest, and has not been worn out. In this play it is due Mr. Thorne to say that as *Phasarius* he displayed excellent acting, especially at the point in the play where he represents a man who has suffered, been terrified and crazed at sight of an army crucified; here his declamation was most touching and vivid.

At the St. Charles Theatre the play tonight will be the "Marble Heart," and to-morrow evening Mr. De Bar will appear in his great performance of *Falstaff*, in "Henry IV." A few years since he made a special study of this character, and the favorable criticisms then made of his acting can not now be revoked, and need not be. There is no living actor to dispute his superiority as the fat knight, and students of Shakespeare will find new beauties in the text at Mr. De Bar's reading, for he thinks as well as acts.

The queer Samuel Davere closes his engagement to-night at the Academy of Music. On Monday evening the original George L. Fox, with the original "Humpty Dumpty," puts in an appearance. No more need be said, except to mention that Mr. Fox has with him several specialty artists, excellent in their acts, who have never appeared here. "Humpty Dumpty" will make a merry week for the little folks.

Staub.

Staub has on his counters, at Goldthwaite's bookstore, No 60 Canal street, such a well selected stock of magazines and newspapers that the store will be thronged the coming week with eager purchasers. Hardly an important city in the country but has its journals represented on his shelves, and, more than all, he sells at home prices. Incidentally it may be well to remind our visitors that a better selection of standard works of all kinds, ancient and modern, may be found at the same establishment, which Mr. Goldthwaite will take pleasure in showing to those who call upon him, whether they purchase or not.

Eels are packed in seaweed and sent alive to the Boston markets, but it is a good eel of trouble to supply the slippery customers.

The Independent Thanksgivers.

Louisiana has an abnormal class of patriots. The President having indicated the twenty-sixth instant as a day of national thanksgiving, they resented the suggestion as an arbitrary interference with local culinary concerns, and through a turgid "Committee of Seventy" proclaimed the nineteenth instant as the orthodox period when the loyal Democracy of that State should chew its independent turkey. Governor Kellogg, however, persuaded that the symbolic fowl would keep a week later, and that his fellow Republicans would prefer to wrestle with it simultaneously with American freemen generally, issued his proclamation for the twenty-sixth. Such a token of despotism must have galled the proud Democracy, and we marvel they did not reassemble at Clay statue and dispatch an armed detail to the State House to demand that he should either revoke his proclamation or vacate his chair. We must confess their forbearance in this regard, however. They sat down to their turkey calmly, and were too amiable afterward to do more than arm themselves with heroic toothpicks and exult that they had forestalled both a President and a Governor. We question whether this untowardness will mar a freeman's thanksgiving dinner elsewhere or excite more than a smile that Louisiana Democrats exhibit so successful a persistence at being idiotic in their miserable spleen.

As long as they are thus perverse at their own expense simply, nobody cares; but when they poach for "niggers" rather than for turkeys, put pistols in their belts rather than good capon under them, thirst for blood rather than claret, rend a local government rather than a fowl, they will continue to find the same national interposition, chagrin at which explains their thanksgiving of the nineteenth. "Grant's proclamation is for next Thursday, the twenty-sixth, and with that we have nothing to do," sayeth the New Orleans *Bulletin*. Inasmuch as the President's official suggestion of observance was addressed, we believe, to "all good citizens," the *Bulletin* tells a pungent truth, perhaps not quite complimentary to its partisans. For men to "give thanks to the Almighty Ruler" for His mercy, with folded hands that have just brutally denied mercy to colored citizens, is to affront Heaven, and, on the whole, we are glad those for whom the *Bulletin* speaks did select a day of their own. It reminds one of Louis XI., who, while directing the death of certain foes, crossed himself at the sound of a church bell, mumbled a prayer and then concluded his wicked instructions. The same day that the *Bulletin* declared as above stated, the Shreveport *Times* gave the Returning Board frank notice "that unless they return the elections Democratic, they and those they seek to count in will pay the forfeit with their lives!" This is a meek and devout temper, surely. The next day the stately old *Picayune*, of New Orleans, remarks, as to the nineteenth and the elections: "On such an occasion we can pardon the wildest enthusiasm of the patriot. Let the voice of New Orleans unite with that of Shreveport." This is not the religion of even a third-rate pagan; it might serve, however, for a Kaffir or a Modoc. Yet, completely parenthesizes the *Picayune*, "in the midst of disasters we (its following) have learned moderation"—an assurance that many colored families who will lament vacant chairs on thanksgiving day at Colfax, Coushatta and New Orleans will be base enough to forget. Moderation that finds expression from gunbarrels is inconvenient and liable to misinterpretation, even though it be a good.

The Southern Democratic press need not attempt to dupe the Northern mind. Murder is not justice, laws are not jests, mobs are ruffians, not good citizens; hatred, envy and all uncharitableness are not Christian virtues.—*Washington National Republican.*

Coal for the cold, coal for the poor and for all, can be obtained from John D. Machin, No. 31 Carondelet street. He has the various kinds, such as Pittsburg, anthracite and cannel coal, all furnished at the lowest market rates.

CITY ORDINANCES---OFFICIAL.

PUBLISHED BY AUTHORITY.

MAYORALTY OF NEW ORLEANS, City Hall, November 25, 1874.

[No. 2864—Administration Series.]

Resolved, That the sum of $309 87, due T. J. Coleman under his contract of August 15, 1871, for one third of the square block paving on the northeast side of Customhouse street, between Burgundy and Dauphine streets, joining Burgundy street, in front of the property of J. H. Millet, be paid in street assessment bonds to be issued by the Administrator of Finance, on the warrant of the Administrator of Public Accounts, at the rate of seventy-five cents on the dollar, as provided in said contract, and that a lien and privilege be recorded against the property according to law.

Adopted by the Council of the city of New Orleans, November 24, 1874.

LOUIS A. WILTZ, Mayor.

A true copy:
DANIEL SCULLY, Secretary.

SPECIAL NOTICES.

Depositors of the Freedman's Saving Bank are invited to attend a meeting which will take place TUESDAY, December 1, 1874, at 7 P. M., at No. 162 Rampart street, corner of Orleans, in order to present a petition to Congress in their favor. no29 2t*

The annual meeting of the stockholders of Franklin Temperance Hall Association will be held in their hall, corner of Rampart and Spain streets, Third District, on MONDAY EVENING, December 7, 1874, at 7:30 P. M., for the purpose of electing five Directors to serve for the ensuing year.

By order, A. R. MOULIN,
no25 29 d5 5* Secretary.

Grand Council of R.·. and S.·. Masters, State of Louisiana, New Orleans, November 26, 1874—Ill.·. Compan.·. of this Jurisdiction and Sojourning Companions—Yous are notified that an adjourned assembly of the Convention of the R.·. and S.·. Masters of the United States will be held at the Grand Lodge Hall, on MONDAY, November 30, 1874, at twelve o'clock, M.

By order of the M.·. P.·. G.·. M.·.
no29 1t G. SONTAG, Grand Recorder.

Office Firemen's Charitable Association, New Orleans, November 26, 1874.—Board of Delegates, adjourned special meeting, MONDAY EVENING, November 30, at seven o'clock, in the Hall of Louisiana Hose Company.

no28 C. C. FLANAGAN, Secretary.

Notice—The annual election for directors of the Louisiana Canal and Land Improvement Company for the year 1875 will be held on MONDAY, December 7, 1