NEW ORLEANS REPUBLICAN.

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VOLUME VIII—NO. 206. | NEW ORLEANS, SUNDAY, DECEMBER 6, 1874. | WHOLE NUMBER 2357.

AMUSEMENTS.

ST. CHARLES THEATRE.

BENEFIT OF MISS VIRGINIA BUCHANAN.

BEN DE BAR

IN TWO FAVORITE CHARACTERS.

Sunday Evening, December 6,

NICK OF THE WOODS.

OR, THE JIBBERNAINOSAY.

Telie Doe..................Miss Virginia Buchanan

Roaring Ralph Stackpole..................Ben De Bar

To conclude with

JACK SHEPPARD.

Blueskin..................Ben De Bar

Monday—Little Nell, the California Diamond, in her new society play of "No Name." New songs, dances, banjo solos, etc.

Prices as usual. de6

VARIETIES THEATRE.

Director..................JOHN E. OWENS

Business Manager..........THEODORE HAMILTON

BELLE LAMAR..............BOUCICAULT

Monday, Tuesday and Wednesday and Wednesday Matinee.

Boucicault's new Drama of

BELLE LAMAR.

AN EPISODE IN STONEWALL JACKSON'S PASSAGE OF THE SHENANDOAH.

The scene of the play occurs in the Valley of Virginia, during Stonewall Jackson's memorable campaign of 1862. de6 4t

GLOBE THEATRE.

Corner of Baronne and Perdido streets.

Sunday Evening, December 6, 1874,

GRAND COMPLIMENTARY BENEFIT,

Tendered by members of the leading Amateur Clubs of the city, to

W. HYLAND and C. WEIS,

When will be presented the romantic drama of

DON CÆSAR DE BAZAN,

And the petite comedy of a

QUIET FAMILY.

de6

BIDWELL'S ACADEMY OF MUSIC.

Monday, November 30, 1874, Every Evening during the week, and

WEDNESDAY AND SATURDAY MATINEES.

The Great King of Pantomimic Art and only GEORGE L. FOX, the original Humpty Dumpty in person, with his brother the Famed Pantaleon, C. K. FOX, will appear in his comic Trick Pantomime

HUMPTY DUMPTY AT HOME.

With a full pantomime company and a grand Corps of Specialty Artists, numbering forty-five people; making the largest organization traveling.

Friday, December 2—Benefit of GEORGE L. FOX. no29

GRAND OPENING BALL

AT

ST. PATRICK'S NEW HALL.

Grand Dress, Fancy Dress, Masquerade and Calico Ball,

To be given by the

ANCIENT ORDER OF HIBERNIANS,

Saturday Evening, December 19, 1874,

AT ST. PATRICK'S HALL.

COMMITTEE OF ARRANGEMENTS.

M. Finnerty, W. J. Kelly, James Herron,
Dan Owens, A. O. Boyle, John Fitzpatrick.

Applications for invitations to be left at James Herron's, corner of Claiborne and Gravier streets; at Dan Owens', corner of Perdido and St. Charles streets; at P. Gannon's, corner of St. Louis and Villere streets; at Tom Gilmore's, corner of Mandeville and Victory streets, or H. M. O'Meallie's, corner of Magazine and Terpsichore streets.

Sealed proposals for sale of the bar, restaurant and hat room to be left with W. J. Kelly, corner of Common and Claiborne streets, and Dan Owens', corner of Perdido and St. Charles streets.

no22 td

MISCELLANEOUS.

THE ATTENTION

OF THE

WHOLESALE LIQUOR AND GROCERY TRADE

Is called to the fact that I will have constantly on hand for sale and in quantities to suit—

Neutral Spirits,

New York Gin,

New York Brandy.

And the following favorite brands of Whisky:

CHALMETTE, PALO ALTO, BUENA VISTA, MARK TWAIN, YOSEMITE VALLEY.

Together with all grades of

Bourbon and Rye Whiskies.

J. A. WALSH,

de6 3t Nos. 26, 28, 30 and 32 Notre Dame street.

J. F. DICK,

ATTORNEY AT LAW,

15..............Orleans Street..............15

no28 2w (Near Court Buildings).

H. BONZANO,

CUSTOMHOUSE BROKER,

Office, No. 2 Clinton street,

Between Customhouse and Bienville streets, opposite the Customhouse,

no19 1m NEW ORLEANS.

STEAMER ELECTRIC SPARK.

Owners of goods lost per steamer Electric Spark, from New York, in 1864, are hereby notified that unless their claims are filed ANEW WITHOUT DELAY, they will be barred. Claims recovered with dispatch by J. G. EUSTIS,

United States Commissioner,

no15 1m No. 35 Carondelet street.

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

BANKS AND BANKING.

LOUISIANA SAVINGS BANK

AND

SAFE DEPOSIT COMPANY,

No. 51 Camp Street.

CAPITAL..............................$500,000.

E. C. PALMER, President.
JAMES JACKSON, Vice President.

Directors:

E. CONERY, FRED. WING,
J. H. KELLAR, W. H. THOMAS,
DAVID WALLACE, JAMES JACKSON,
E. C. PALMER.

Its capital gives security to depositors. Deposits of Fifty Cents and upward received, and SIX PER CENT INTEREST allowed.

jy7 1y JOHN S. WALTON, Cashier.

THE CITIZENS' SAVINGS BANK

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

Interest six per cent per annum.

Deposits of ten cents and upward received.

All deposits are payable on demand.

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

GRUNEWALD HALL,

No. 22 Baronne Street.

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

DIRECTORS.

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

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

Interest Allowed on Deposits.

L. F. GENERES, President.

CHARLES KILSHAW, Treasurer. mh28 1y

[Communicated.]

Liability of Municipal Corporations.

An impression prevails in some quarters that when local authorities, such as those of counties and cities, fail to provide, either from inability or neglect, for the payment of their moneyed obligations (such as bonds) and refuse, when the terms of the contract or the law regulating it call for it, to raise the money by a tax upon the property of the citizens subject to the same authorities, there is a power in the judicial department of the government which can be exerted to enforce the imposition and collection of a tax upon the property of the citizens by the use of the machinery of the courts—that is to say, by the assessment and collection of the tax by the executive officers of the courts without the intervention of the regular taxing officers of the State, county or city, and without regard to tax laws. This impression is, to some extent, erroneous. The machinery of the courts can only be put in motion for the assessment and collection of a tax in those cases where the law in existence at the time of entering into the contract authorizes it by express provision.

We have before us a late opinion and decree of the Supreme Court of the United States rendered in a case of this character, and the time may nor be inopportune to give publicity to it. It is a full exposition of the law of the equity courts as well as the law courts touching this subject. The case is entitled Rees vs. city of Watertown, decided at the last term of the Supreme Court, but not yet reported in the reports of Mr. Wallace. We find it in the American Law Times Reports, volume one, page 300, and the following are the facts of the case, with extracts from the opinion necessary to an understanding of it.

The plaintiff alleged himself to be the owner of certain bonds issued by the city of Watertown, in the State of Wisconsin, to the Watertown and Madison Railroad Company, and by them sold for their benefit. Judgment was rendered by the United States District Court for the amount of the bonds, and execution was issued thereupon, which was returned unsatisfied. Plaintiff then procured from said court a peremptory writ of mandamus directing the city of Watertown to levy and collect a tax upon the taxable property of the city to pay said judgments, but before the writ could be served a majority of the members of the city council resigned their offices. Subsequently two other writs of mandamus were issued, but with a similar result. He alleged further that in evading the payment of this judgment the city of Watertown had been aided by certain acts of the Legislature of the State of Wisconsin. In these circumstances the plaintiff filed a bill in chancery asking the aid of the court to subject the taxable property of the city to the payment of his judgment, alleging that the corporate authorities are trustees for the benefit of the creditors of the city, and the property of the citizens a trust fund for that purpose, and that it is the duty of the court to lay hold of the property and cause it to be justly applied, and asks that the marshal of the district may be empowered to seize and sell so much of it as may be necessary, and to pay over to him the proceeds of the sale. The court, speaking through Mr. Justice Hunt, says:

This case is free from the objections usually made to a recovery upon municipal bonds. It is beyond doubt the bonds were issued by the authority of an act of the State of Wisconsin, and in the manner prescribed by the statute. It is not denied that the railroad was built and put in operation. Upon a class of the defenses interposed in the answer and in the argument it is not necessary to spend much time. Thus it is alleged that the city of Watertown contains a population of but 7553 inhabitants; that the value of its property is assessed at but little over $1,000,000; that the debt of the city is $750,000; that it is impossible for the city to pay this debt; that it was expected and provided that the railroad company would pay the bonds in question, but the roads have been foreclosed and sold; that the city has compromised and settled a portion of its indebtedness; that it has levied the taxes necessary to effect such compromise, and that it is ready to compromise all outstanding bonds and judgments at as high a rate as can be collected of the people of Watertown; that there is no law to compel the retention of office by aldermen to levy taxes; that the plaintiff took his chance of its being voluntarily done, and that, not being voluntarily done, there is no violation of law.

These theories are vicious. They are based upon the idea that a refusal to pay an honest debt is justifiable, because it would distress the debtor to pay it. A voluntary refusal to pay an honest debt is a high offense in a commercial community, and is just cause of war between nations. So far as the defense rests upon these principles we find no difficulty in overruling it.

There is, however, a grave question of the power of the court to grant the relief asked for. We are of the opinion that this court has not the power to direct a tax to be levied for the payment of these judgments. The power to impose burdens and raise money is the highest attribute of sovereignty, and is exercised, first to raise money for public purposes only; and, second, by the power of legislative authority only. It is a power that has not been extended to the judiciary. Especially is it beyond the power of the federal judiciary to assume the place of a State in the exercise of this authority, at once so delicate and so important.

In relation to the corporation before us, the objection to the liability of individual property for the payment of a corporate debt is presented in a specific form. It is of a statutory character. By section nine of the defendant's charter it is enacted: "Nor shall any real or personal property of any inhabitant of said city, or any individual or coporation, be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city."

If the power of taxation is conceded not to be applicable, and the power of the court is invoked to collect the money, as upon an execution to satisfy a contract or obligation of the city, this section is directly applicable, and forbids the proceeding. The process or order asked for is in the nature of an execution; the property proposed to be sold is that of an inhabitant of the city; the purpose to which it is to be applied is the satisfaction of a debt of the city. The proposed remedy is in direct violation of a statue in existence when the debt was incurred, and made known to the creditor with the same solemnity as the statute which gave power to contract the debt. All laws in existence when the contract is made are necessarily referred to in it, and form a part of the measure of the obligation of the one party and of the right acquired by the other. Cooley's Constitutional Limitations, 285. * * * *

The proceeding supposed would violate that fundamental principle contained in chapter twenty-nine of the Magna Charta, and embodied in the constitution of the United States, that no man shall be deprived of his property without due process of law; that is, he must be served with notice of the proceeding and have a day in court to make his defense. Westervelt vs. Greig, 12 N. Y., 209. * * *

Again, in the case of Emeric vs Gilman, 10 Cal., 408, it is said: "The inhabitants of a county are constantly changing; those who contributed to the debt may be nonresidents upon the recovery of the judgment or the levy of the execution. Those who oppose the creation of the liability may be subjected to its payment, while those by whose fault the burden has been imposed, may be entirely relieved of responsibility."

* * * * * *

It is conceded that there is no chancery jurisdiction where there is an adequate remedy at law. The writ of mandamus is, no doubt, the regular remedy in a case like the present, and ordinarily it is adequate, and its results are satisfactory. The plaintiff alleges, however, in the present case that he has issued such a writ on three different occasions; that by means of the aid afforded by the Legislature and by the devices and contrivances set forth in the bill, the writs have been fruitless; that, in fact, they afford him no remedy. The remedy is, in law and in theory, adequate and perfect. The difficulty is in its execution only. The want of a remedy and the inability to obtain the fruits of a remedy are quite distinct, and yet they are confounded in the present proceeding.

Entertaining the opinion that the plaintiff has been unreasonably obstructed in the pursuit of his legal remedies, we should be quite willing to give him the aid requested if the law permitted it. We can not, however, find authority for so doing, and we acquiesce in the conclusion of the court below that the bill must be dismissed.

We believe there is no law in existence in Louisiana which authorizes the courts to levy and collect a tax upon the property of the citizens in cases where the local authorities of the parishes or cities fail to discharge their bonded indebtedness. The power of taxation in Louisiana is exclusively a legislative power. The department of the judiciary can not exercise it. In this respect our law is similar to that of the State of Wisconsin according to which the case above referred to was decided.

QUILLET.

The City Attorney.

The new Administrators of our city government appear to have inadvertently committed a slight error. At their adjourned meeting yesterday the resignation of George S. Lacey, Esq., the City Attorney, was received and accepted, and Mr. B. F. Jonas elected. This office is not one created by the Council. That body only fixes the salary. The office is created and the duties defined by an act of the Legislature, approved March 16, 1870, and generally known as the city charter. The Council may create an assistant to him if it chooses, but that is all.

The resignation of Mr. Lacey made a vacancy. The City Council has no power to fill it. Nevertheless, it presumed to do so by its unanimous voice. At almost the same time the Governor, who alone had any authority in the premises, issued his commission to H. H. Walsh, Esq., our late assistant city attorney, and the appointment was accepted.

It is to be regretted that the action of the Council was so hasty, but the matter can be easily arranged by a motion to reconsider.

Knights Templar Notes.

But little is left to be said of the Knights Templar, as but few of them are left here other than our own. Providence has certainly smiled on the Grand Encampment, and furnished it with the best weather the season afforded. A few hours since and the streets were alive with plumed and stirring men, and filled with music and marching columns. Last night was silence and darkness; the pattering rain added to the gloom, and made sadder still the reaction which comes from unusual pleasure. So many farewells have seldom been spoken in a day as yesterday, and they were from the heart heartily.

The Grand Encampment made short work at its session yesterday morning. A little routine business was transacted, and the encampment adjourned for three years, to meet again at Cleveland, Ohio.

The Life of Captain Fry.

We have been shown specimen pages of the life of our Captain Joseph Fry, the Cuban martyr, shortly to be issued by the publishing house of J. B. Burr, of Hartford, Connecticut. This memoir is the work of Mrs Jeanie Mort Walker, of New Orleans, and is undertaken for the benefit of the widow and orphans of Captain Fry. The book is to be one of nearly 600 pages, finely illustrated, and in preparing the text the authoress has availed herself of all the personal recollections of friends, private correspondence and authentic official documents that could be obtained to make the work complete. The book is to be sold by subscription only, at $3 per copy.

The Hibernians' Ball.

On Saturday evening, the nineteenth of December, will be given the first ball at the new St. Patrick's Hall on Camp street. It will be a grand dress, fancy dress, masquerade and calico ball, and it is to be given by the Ancient Order of Hibernians, a society benevolent in purpose and deed, and composed of young men who know how to get up an entertainment and enjoy it, and have the faculty of making others at ease and happy in their society.

Appointments.

Thomas McCormack has been appointed police judge at Carrollton in place of Judge A. G. Brice, who was appointed district attorney in place of the late Major Z. McKay.

ELEGANT FURNITURE AT AUCTION.—We refer our many readers to the advertisements in another column of this morning's paper of large and extensive furniture sales by Messrs. Nash & Hodgson, auctioneers. Parties in search of furniture would do well to read the particulars.

IMPROVED AND VACANT REAL ESTATE AT AUCTION BY THE SHERIFF.—We are requested to call public attention to the sales at auction to be made to-morrow at noon, at the Merchants and Auctioneers' Exchange, Royal street, by the civil sheriff of the parish of Orleans. Said sales comprise:

1. Two lots of ground, with the buildings and improvements thereon, in the First District of this city, on Broad street, between Banks and Palmyra streets.

2. A certain square of ground, with the improvements thereon, in the Sixth District of this city, bounded by Camp, Jena, Dryades and St. Denis streets.

3. A certain piece or portion of ground, together with the buildings and improvements thereon, in the Third District of this city, fronting on Elysian Fields, St. John the Baptist and Frenchmen streets.

For full particulars and terms see advertisements.

The Returning Board.

The board met yesterday and was called to order by Governor Wells at eleven o'clock. All the members being present the minutes of the previous day were read and adopted.

Mr. Arroyo arose to make a correction. He said:

My attention has been called to the report of the proceedings of the board in the REPUBLICAN of this morning, and although I am satisfied that the reporter entertains the kindliest feelings toward me, he has done me an injustice in his report of my remarks in allusion to the *Bulletin*. I have been made to say something that I did not give expression to.

What I meant to say, if I did not, was that whether or not the *Bulletin* was the exponent of the Democratic party, I was not, by praise or condemnation or anything it said, to be deterred in my course on the board. I never meant any disrespect to the *Bulletin* or any other paper, Democratic or Republican, and I have been misrepresented, I am confident, unintentionally.

The board was about to proceed with the canvass of the returns from the parish of Natchitoches, when Governor Wells asked to have the following opinion of the acting Attorney General read:

NEW ORLEANS, December 2, 1874.

Hon. J. Madison Wells, Chairman Board of Returning Officers:

I have the honor to acknowledge the receipt of your communication of yesterday (the first instant), asking my opinion upon the matter of the returns of an election for judge and district attorney for the Seventh Judicial District, composed of the parishes of Natchitoches, Sabine, De Soto and Red River. You call my attention to the fact that the Governor in his proclamation for the general election did not order an election for these offices.

There is authority for the opinion that where the constitution fixes the year for election of judicial officers, say every fourth year, no judge can be voted for except at that time. I presume the Governor, acting upon this opinion, omitted advisedly to include in his call the election for judge and district attorney aforesaid.

It would seem to me, however, that the board should canvass the votes cast for the officers so voted for, with the view of transmitting such record to the executive.

No official promulgation, however, should be made, unless upon judicial authority.

Respectfully, H. C. DIBBLE,
Acting Attorney General.

It was ordered to be filed.

Colonel Lowell handed in a portion of the testimony sustaining the validity of the returns from the parish of Carroll and defending Mr. Benham against the charges of having "doctored" and altered them so as to defeat Gla and return himself a member of the Senate from the seventeenth senatorial district. In handing in this testimony Colonel Lowell called the attention of reporters to it, in order that they might have an opportunity of presenting both sides of the Carroll case. As the testimony presented against Mr. Benham and his claims to a seat in the Senate had been given by the newspapers and extensively commented upon he thought it but just that the other side should be heard.

Ten affidavits were submitted by Colonel Lowell, and are of the following import:

F. A. Woolfley certifies to the personnel of the supervisor of election in Carroll parish.

Mrs. F. Pidert testifies that T. S. Bouton called at No. 150 Jackson street on the evening of November 10; that Mr. Benham was at the time in the front room with Mr. Riley, of Morehouse; that this was the only time Mr. Benham was engaged with any gentleman writing at her house.

S. Austin testifies to the vote of the parish for Senator.

Nelson Blackwell testifies to the vote in the third ward.

Richard Fowler testifies to the vote in the first ward.

Joseph Carter testifies to the vote in the second ward.

S. T. Austin, Jr., testifies that R. M. Bagley signed the returns in dark ink.

D. M. Benham testifies that all the data W. A. Blount had of the election in Carroll was the votes cast for Moncure and Spencer.

Carrie T. Benham testifies that Mr. Riley, of Morehouse, was the only caller Mr. Benham had at No. 159 Jackson street on the evening of November 10, and that no election returns of Carrell parish had ever been in that house.

F. Schultz testifies that Mr. Riley, of Morehouse, and Mr. Benham, of Carroll, called at the Auditor's office November 11 and left a bundle of paper to be deposited in the vault, and it was turned over on the twentieth.

Colonel Lowell asked if it was the understanding of the board that all testimony in the Carroll case was to be handed in to-day (Saturday), and upon Governor Wells answering "yes," Counselor Chester interposed an objection, saying it might be necessary for Mr Gla's counsel to offer rebutting testimony.

Governor Wells expressed the opinion that the board would give all parties a hearing in the case.

The returns from Natchitoches were then taken up and canvassed. This is a parish that in a free and fair election, such as the law guarantees, the Republicans would poll at least 1000 majority; but the reign of terror inaugurated throughout Northern Louisiana last spring, and kept up until after the election, has cut down this majority to about twenty six. While this is sufficient to prevent a defeat of the Republican ticket in that parish, so far as parish officers and members of the Legislature are concerned, yet it must be remembered that this reduction of the Republican majority in that parish, by means of intimidation, seriously acts against Mr. George L. Smith, the Republican candidate for re election to Congress from the the fourth congressional district, and Mr. Dubuclet, the Republican candidate for State Treasurer.

The canvass of the returns of this parish disclosed many irregularities, making it very apparent that the board will have to give much careful attention and time to enable it to arrive at a just canvass and compilement of the same.

In canvassing the returns of poll one, ward five, Mr. Cavanac called the attention of the board to the fact that Mr J. Ernest Breda, candidate for parish judge, is accredited with five more votes on the tally list than there were names on the list of voters.

The error was corrected by the board.

It appears that the election is very close between Mr. Breda and his opponent for that office, thereby rendering a very careful canvass of the returns necessary. It also appears that in consequence of some informalities in the returns from poll nine, the supervisor of election in the parish of Natchitoches, P. W. Holmes, did not embrace said returns in his consolidated statement. He advises the board of that fact in order that it may determine what shall be done with said returns.

The board concluded to canvass the returns from poll nine, notwithstanding the objection of Supervisor Holmes to the informality in the list of voters, the board taking the tally sheet and the statement of votes as sufficient authority to authorize it to canvass the returns from the poll in question; and if the board should finally conclude to have the returns from poll nine compiled, the parish of Natchitoches will be carried for a portion of the Republican ticket by a majority of about twenty-six votes.

Before the canvass of the returns of this parish was completed Counselor M. J. Cunningham, of Natchitoches, give notice that he would enter a protest against the compilement of returns of certain polls in that parish.

When the board had finished the canvass of the returns from Natchitoches it agreed that time should be allowed counsel making protests to examine papers in possession of the board.

On suggestion of Colonel Lowell the board resolved to request the chief supervisor of this district, Colonel Woolfley, clerk of the United States District Court in this city, to furnish the board with copies of all statements in regard to the late election in this State made by the United States supervisors of election. He said a great deal had been said in regard to these statements, and thought it would be well, for the information of the board and the public, to have them.

The board then took a recess until six o'clock in the evening.

The board met last evening and canvassed the returns from Ouachita and Pointe Coupee parishes.

In Ouachita parish Dubuclet received, for State Treasurer, 1694 votes, and Moncure 766. Dubuclet's majority, 928. The returns were regular in this parish, and no protests were entered against them.

In Pointe Coupee parish Dubuclet received 2051 votes, and Moncure 640. Dubuclet's majority, 1411. There were no protests against the returns from this parish.

On motion of Mr. Anderson, the board, at half-past nine o'clock, adjourned until Monday at eleven o'clock.

The next parishes in order for canvass are Rapides, Richland and Red River.

Mixed.

Vicksburg has had a "glorious uprising" of the people. A crowd met at the theatre, a crowd calling themselves taxpayers, which probably means tax resisters, and passed resolutions to demand the resignation of the county officials. The resignations did not come in rapidly, and the crowd went out office hunting. Such officers as were found resigned, and one of the crowd was designated to take charge of the sheriff's office, which he did, placing a guard around the courthouse. Vicksburg went Democratic last summer, and is "color line" all through. There is no need for law and courts and sheriffs there; "the people" are running the machine, and probably run it to their own satisfaction.

The motive for noticing this broil at the present time is to vindicate New Orleans. The Vicksburg revolution occured on the second instant, and the telegraph men played sad havoc in transmitting the news. Three St. Louis papers locate the uprising in as many different places. The *Globe* fastens it on to Vicksburg where it belongs. The dispatch to the *Times* is dated at Mobile, and that innocent city is made to suffer. The *Republican*, which is Republican only in name, has the news from New Orleans, and under the heading "Louisiana," informs its readers that the people of New Orleans met at a theatre, and afterwards put the sheriff out of office. How basely are we slandered! Such reports going abroad injure a city commercially. We are a peaceful and law-abiding people, we are, and have no taxpayers—at least none who would take the law into their own hands after the manner of the dramatic performance at the Vicksburg theatre.

The cap of the climax, the Chicago *Times*, of the third instant, treats the matter editorially, and this is the way Chicago looks at us:

The taxpayers of New Orleans held a meeting yesterday at which they invited the officers recently elected to resign. The reason was that the officers had not filed any bond for the faithful performance of their duty. The sheriff and one of the magistrates—all the officers pointed out who could be found—deemed it expedient to resign, and did so. Other officers who have not complied with the law will be called upon by a citizens' committee, and will probably throw up their hands to avoid trouble.

If the *Times* editor had reflected he would have been convinced of the absurdity of fastening such a tumultuous story upon us; but the telegram read "New Orleans," and the fatal mistake of trusting to the Associated Press dispatches is made. Such blunders call for reform; and this city is greatly interested in the matter.

Personal.

Among those who registered at the St. Charles Hotel yesterday, was Colonel S. B. Holabird, deputy quartermaster general, United States army. The colonel has been for a long time stationed at San Antonio, Texas. In other days he was an important personage in conducting army affairs in the Department of the Gulf, and he has many warm personal friends here.

Mr. Robert E. Rivers, who was seriously injured by the fall of his horse, while riding in the procession on Friday, is still suffering from his bruise. His ankle is badly sprained, and the prospect is that he will be confined to his room for some weeks.

An Item for Our Detectives.

A special dispatch from Nashville, Tennessee, December 2, to the Louisville *Courier-Journal*, says:

Last Thursday night an old gentleman named G. J. Hopkins, of Giles county, was roped into a gambling hell by three "sports" named Trailor, Dunn and Kittrell, and played out of stamps to the amount of $1040. Hopkins had the sportive trio arrested and arraigned before a magistrate, and the investigation was postponed until Saturday. Before the hour had arrived for the trial they compromised the matter by paying Hopkins $550 of the money and all costs, lawyers' fees included. Saturday night they left for New Orleans. On reaching Pulaski they were taken off the train by a crowd of citizens, and were about to be re-tried, but escaped this second ordeal. After they had been turned loose they were again beset, but were not harmed. They were finally allowed to quietly proceed on their way to the Crescent City.

BY TELEGRAPH.

WASHINGTON.

Letter Carriers.

WASHINGTON, December 5.—Postmaster General Jewell forbids letter carriers to solicit gifts by New Year's address or otherwise.

Illegal Grand Jury.

The court in general term decided that the grand jury which indicted Harrington and others for safe burglary was illegal, and quashed the indictments. This decision it is understood relieves Harrington and those indicted with him from further trouble.

The Printers' Tournament.

The printers' tournament, being a contest in type setting, took place to-day, with the following result:

There were eight entries in the first class; the type nonpariel; time three hours. The prize, a solid gold composing stick, was won by S. N. Bennerman, who set 5070 ems; R. A. McLean, second prize, solid silver composing stick, full newspaper size, who set 4998 ems; W. W. McCullum third prize, Menamin's Encyclopedia of Printing, 4720 ems.

Second Class—Time, one hour and thirty minutes. W. W. Maloney, silver composing stick, newspaper size, 2278 ems, and Frank A. McGill, German silver compesing stick, full size, 2251 ems.

Long Primer Class—Time, one hour and a half. J. R. McBride, first prize, solid gold composing stick, breast pin size, 2128 ems. G. J. S. Hunnicutt, American Encyclopedia of Printing, 2037 ems. H. H. Tarleton, a thermometer, 1988 ems.

The tournament took place in the *Republican* office. The decision was in accordance with the rules previously established, and none were present except the judges, referee and proof readers. The tournament was closed with a banquet to-night.

Judge Durell's Resignation and the Candidates for the Place.

Durell's resignation is not accepted. It is stated in judiciary circles that the resignation will not relieve him from impeachment proceedings by the House, unless accepted. Among the prominent applicants for the succession are Billings, Sheldon, Hawkins, Lacey, Pardee and Walker Fearn. It is stated the resignation has not yet formally reached the Attorney General's office, where the routine of office requires it to go before Judge Durell will be released from his functions and responsibilities.

The Southern Pacific.

On Monday, or soon thereafter, Representative Houghton, of California, will introduce in the House of Representatives a bill to aid the construction of the Southern Pacific railroad, which has been prepared by the parties directly interested. A copy of the bill will also be introduced in the Senate.

The preamble recites that the Texas and Pacific Railway Company has been heretofore authorized to construct, furnish, maintain and enjoy a continuous railroad and telegraph line, with the appurtenances, from a point at or near Marshall, in the State of Texas, to the ship canal in the Bay of San Diego, along or near the thirty-second parallel of latitude, and that the Atlantic and Pacific railroad has been authorized to construct, furnish, maintain and enjoy a continuous railroad and telegraph line, with the appurtenances, from the town of Springfield, Missouri, along or near the thirty-fifth parallel of latitude by the most practicable route to the Pacific ocean, and further recite the condition of these roads at the present time, showing that the Texas and Pacific Company has 325 miles of road completed, and the Atlantic and Pacific Company has 368 miles of road in operation, and that the government has reserved the alternate sections of public lands on each side of both lines of roads, in accordance with their congressional land grants, through to the Pacific coast.

The preamble also asserts that the interests of the country will be promoted by a connection of these roads so as to secure the completion of a Southern line to the Pacific, and restore to the government about thirty million acres of land heretofore granted to the companies. The bill therefore proposes to authorize the Atlantic and Pacific Railroad Company to extend its road southwestwerly to a point of junction with the Texas and Pacific railroad, not further west than the hundred and fourth meridian, and the two companies shall together enjoy all the benefits acquired by their original charters except that the land grant shall not be duplicated. Both lines from the junction east shall be put on an exact equality as to all consigned business over the main trunk line. The Texas and Pacific Company is also authorized to acquire by purchase, consolidation or otherwise, the property and franchise of any other corporation now authorized to construct a railway over any part of the route from the Colorado river to San Francisco. The bill requires, on pain of forfeiture of franchise, that the Texas and Pacific railroad shall be put in operation from its eastern terminus to the point of junction within three years, and the Atlantic and Pacific within six years from the passage of this act, and that the main trunk line shall be put in operation to the Pacific coast within six years from the enactment of this bill.

The bill further provides that the government shall guarantee the payment of the interest on yearly five per cent bonds to be issued by the respective companies to the amount of $40,000 per mile of road constructed, and acquired and equipped by each as aforesaid, but the amount of $5000 per mile of these bonds shall be retained in the United States Treasury to be sold if necessary to make up the amounts to be deposited as hereinafter provided for the payment of the guaranteed interest. The bill proposes to secure the government against loss and insure the prompt payment of the interest on the bonds and the creation of a sinking fund to discharge the principal at maturity by the execution of a first mortgage to the government by each company on all its property and franchises, and by paying into the Treasury the entire proceeds of sales of lands granted by Congress all amounts earned for government transportation of any kind; and such amounts from the net earnings of the roads as may be necessary to make up any deficiency on its interest and sinking fund accounts not thus provided for. The bill finally provides for a similar extension of government credit to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and the Vicksburg, Shreveport and Texas Railroad Company, to enable them, respectively, to construct lines between Shreveport and New Orleans, and Shreveport and Vicksburg.

NEW YORK.

Havemeyer's Funeral.

NEW YORK, December 5.—All the public buildings, and many other buildings, have their flags at half mast in honor of Mayor Havemeyer, whose funeral takes place this afternoon.

Claflin and Woodhull Arrested.

Tennie C. Claflin and Mrs. Woodhull were arrested this morning at the instance of Mrs. Freeman, on the charge that their bail was not up in the suit she had against them. It being shown that their bail had been duly furnished, the charge was dismissed.

Bank Statement.

The following is the bank statement: Loans increased $3,875,000; specie decreased $2,900,000; legal tenders decreased $3,000,000; reserves decreased $5,125,000.

Personal.

President Grant, Postmaster General Jewell, Senator Conkling and Henry Ward Beecher have accepted invitations to attend the anniversary dinner of the New England Society, December 22.

Rev. M. Postlethwait, lately rector of the Church of the Intercession, Washington Heights, has formally retired from the Protestant Episcopal Church, and entered Bishop Cummins' church.

Mr. Walker Fearn not Wanted.

A Washington special says the Attorney General declares Walker Fearn will not be appointed successor to Judge Durell, of Louisiana.

The Longshoremen.

At the Longshoremen convention this evening it was stated that Walsh Brothers, employing stevedores, had inserted advertisements in Boston and Chicago papers offering advantageous wages to men from those cities to supply places to those on strike, and a resolution was passed instructing the secretary of the meeting to insert counter advertisements warning men in those places that the longshoremen were on strike and asking them not to comply with said notice.

FOREIGN.

Excitement in the Reichstag—Bismarck's Speech.

BERLIN, December 5.—In the Reichstag to-day a letter from the Chancellor of the empire, Prince Bismarck, was read. It announces in the name of the Emperor, and in accordance with the decision of the Federal Council, that the sum for the maintenance of the German legation to the Vatican is struck out of the budget.

The deputies from Alsace and Lorraine sent a written notice to the president of the Chamber that in view of the condition of their country they can not serve on the committee of the Alsace-Lorraine budget and loan bill. Both communications were referred to the committee.

In the course of the debate on the estimates for committees of the Federal Council, Herr Joerm, one of the Bavarian deputies, and a member of the clerical party, made a vehement and bitter attack on Bismarck's foreign policy. He remarked that in consequence of Russia holding aloof the Chancellor had made a fiasco of his attempt at intervention in Spain. He wished to know whether the committee of the Federal Council, which, according to the constitution, existed for the consideration of questions of foreign policy, performed any functions.

Prince Bismarck replied that all important diplomatic dispatches were communicated to the committee, which met whenever summoned by the President. Nothing was concealed from any of the federal government. He emphatically repelled the insinuation that federal representatives did not adequately protect the rights of various States. There had never been any ida of intervening in the affairs of Spain. When apprised of the murder of Schmidt, he said to himself such a thing would not have happened to a British, French or American citizen. He remembered the humiliations formerly imposed on Germans and considered the time had arrived to avenge such wrongs. The only way of helping Spain was to recognize those elements in the country which were disposed to restore public order. Russia was less affected by Spanish concerns than Germany. He respected the decision of Russia as a power with which Germany had lived on intimate terms of friendship for a century. "If," continued Bismarck, "your darts are directed against that friendship, they will miss their aim. I can quietly bear the charge of fiasco."

Referring to the assertion of Joerm, that Kullmann was a madman, Bismarck replied: "He was not a madman. You don't want to have anything in common with Kullmann; that I comprehend; but he clings tightly to your coat tails. I asked Kullmann why he attempted to kill me; he answered on account of the church laws, and because you injure my party. I asked which party; and he replied, the Centre or Ultramontanes." Alluding to Kullmann, who confessed he attempted his assassination in the interest of his church, addressing the Ultramontanes, he said: "You may thrust Kullmann away; he nevertheless belongs to you."

Here the House burst into cheers, which were loud and long continued. When this applause subsided cries of "pfui" were heard from the Ultramontane benches. The President declared the exclamations unparliamentary. Bismarck said: "I have no right to censure such a exclamations. 'Pfui' is an expression of disgust and contempt. I myself am no stranger to these feelings, but I hope I am too polite to so express them."

Windhorst (Ultramontane), rose and said that in his speech from the balcony in Kissengen, after Kullmann's attempt, Bismark gave the signal for the attack of the center, and it was wrong to incite one party against another. They were drifting without that towards war.

Bismark repelled the accusation; he pointed to the continued incitement in the Ultramontane press to events to lead to the attempt of Kullmann on his life and added, "Were I to believe half of what Ultramontane papers say against me, who knows what I should do."

Lasker declared Windhorst's remarks about inciting to war unworthy of a representative of the people. The President called Laskar to order.

It is reported the deputies from Alsace and Lorraine were so incensed at Bismarck's speech of the thirtieth ultimo that they threatened to withdraw from the Reichstag and quit Berlin, but their friends remonstrated with and induced them to stay.

The Reichstag was to-day engaged in a discussion upon the estimates of the foreign office. Ultramontane Deputy Windhorst spoke at length. He assailed the government for suppressing the legation at the Vatican, and declared that such action would not estrange German Catholics from the Pope.

Bismarck also spoke. He said that upon reading the report of the last debate in the Chamber he discovered that he had expressed conciliatory sentiments, which he must now withdraw, because he did not desire to expose himself to misrepresentation that the imperial government sought peace with Rome upon any terms. Germany recognized the Pope as the head of the Catholic Church, but required no legation at the Vatican. If negotiations with the Pope are necessary, they can be conducted through the ambassador to Italy. So long as the Pope urged the Catholic clergy to break the laws of States in which they live, diplomatic relations between himself and Germany were useless. The Vatican desired victory for France in the late war. That could be proved. In conclusion Bismarck said he would meet Windhorst in discussion on the subject again in the Prussian Diet.

Governor of Feejee.

LONDON, December 5.—Sir Arthur Gordon has been appointed Governor of the Feejee Islands.

Excitement in Berlin.

The *Daily News* correspondent in Berlin telegraphs that the debate in the Reichstag continued until a late hour, amid scenes of great excitement. The evening papers issued editions, a sign of unusual enterprise, giving reports of the proceedings down to the adjournment.

Congratulations.

A deputation of Roman Catholic ladies from England has arrived in Munster. They come to congratulate the Westphalian Countesses who were recently fined for a serious address to the Bishop of Paderborn, sympathizing with him in his imprisonment for his resistance to the ecclesiastical laws.

Dr. Livingstone's Journals.

The Foreign Office has received a dispatch from Aden, dated November 28, stating that Dr. Livingstone's journals have reached Zanzibar in safe hands.

Arrests in Madrid.

A telegram to the *Standard* from Madrid says thirty arrests have been made in connection with the recent meeting.

Burned at Sea.

A ship supposed to be the Pontiac, from Sunderland to Bombay, has been burned at sea, and twenty six of her crew perished.

Small Pox.

Fresh cases of small-pox are reported at Liverpool workhouse among the steerage passengers of the steamer Abbottsford.

San Gerosimo Captured by the Insurgents.

NEW YORK, December 5.—A Havana letter states that Puerto Principe advices

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