New Orleans Republican.
OFFICIAL JOURNAL OF THE UNITED STATES
AND
OFFICIAL JOURNAL OF NEW ORLEANS

AUCTION SALES THIS DAY.

E. K. & E. J. MONTGOMERY, at 11 o'clock at No. 80 Camp street, assortment of new and second hand furniture. Also, at 10 o'clock, at No. 190 Canal street, bankrupt sale of dry goods. At 10½ o'clock, at the corner of Carondelet and Gravier streets, diamonds, watches, jewelry, etc.

MATT A. O'CONNOR, at 12 o'clock, at Merchants and Auctioneers' Exchange, Hibernia Bank building.

JACOB J. SPEAR, at 10½ o'clock, at No. 49 St. Louis street, a coffeehouse and contents.

Local Intelligence.

FATE OF BURGLARS TAKEN IN.—Not days ago Captain L. Malone learned, matter how, that Harry Clifford, a noted burglar, was quartering in an old house at the head of Calliope street, and yesterday morning the entire detective force was turned out to capture him and never else might be in his company. The place was surrounded, which precaution was taken because Clifford is a bad man and on some of the party entering the house he was found in bed, but there was no evidences that he had not been there all night. The fellow quickly discovered that escape would be in vain, so quietly submitted to arrest. In the same room was Sears, a "kinch," or lad regarded as a spy by the police. The house, if such it may be called, is one of the meanest and most respect on the levee, low, dirty and villainous, kept by David Lanagan, who is known as a "fence" for robbers. The officers overhauled the rubbish and were repaid by finding burglars' tools, stolen property and dangerous weapons. Clifford and Sears were arrested, as was Lanagan, latter for harboring thieves and having stolen property in his possession. This incriminating trio was placed in the first cabin, in the same cell that inclosed Jack Doyle, one of Clifford's pals. The meeting was a silent one at first, but it is likely they spouted a few sermons on the iniquity of the police when left alone for a few of the goods found in the old shebang were recently stolen from Walters' Tchoupitoulas street grocery. The clothing of Clifford and Sears was wet, showing they had been wandering around in the storm of Sunday night. One of them had a linen handkerchief marked W. The prisoners were remanded to jail by Judge Evans.

PERISHED TO DEATH BY A DUMMY ENGINE.—About nine o'clock Sunday morning Henry Starker, a colored man, was walking on the Carrollton railroad track at Walnut street, just as two of the fireless engines passed. He stepped from one track to the other for the purpose of getting out of the way of the dummy behind him. As he passed from one track to the other, another came unseen by him, dashed up, knocked him down, crushing his breast. His ribs were broken by the concussion, the broken bones penetrating his lungs, causing hemorrhage and death. Coroner Chaetant and Dr. Cooper attended to their duties shortly after the affair, and an inquest will be held to-morrow. The engineer of dummy No. 1 was arrested.

BRIEF MENTION.—National salutes were fired yesterday by navy vessels in respect to the memory of Vice President Wilson.

The Board of Police Commissioners yesterday transferred Corporal Carleton from the first precinct to the harbor; Corporal Richard from the sixth to the first; Corporal Nichols from the harbor to the sixth; Corporal Brennan from the mounted to the sixth; Corporal Gottschalk from the second to the mounted.

Yesterday morning George Donelly, the driver of a baker's wagon, was accidentally thrown out of his vehicle at the corner of Bagatelle and Galennie streets and injured by one of the wheels passing over him. The horses ran away, leaving pieces of the wagon behind anywhere. The lad was sent to his home, No. 36 Felicity street.

Only one more month remains of 1875.

Prosper Chastant will hold two inquests to-day was about as mean a day as the sinner could ask for.

The excuse for Edmund Hynes taking up a position in the first calaboose is accepted for because he fired several shots at Mr. Norton at the corner of Girod and Carondelet streets.

Mademoiselle Descoin forgot all about the solemn vows he subscribed to when he married the woman of his choice, for he attempted to kiss her at the corner of Chartres and Conti streets. Corporal Hearsy took him in charge.

Bernard Gernon will also have something to say against Camille.

Fire at two o'clock yesterday morning at No. 250 Ursuline street, but did not amount to much.

The license ordinance for the next year was read in the City Council to-day.

Firemen are worrying professional beggars not to interfere with professional teachers.

Apparatus for starting street cars is in use here. The machine is intended for mules at the start.

WEEKLY MORTUARY REPORT.—Dr. S. C. Ellis, secretary of the Board of Health, reports the following number of deaths in the city of New Orleans, for the week ending Saturday, November 28, at 6 P. M.: 1 of asthma, 1 of bronchitis, 3 of burns and oil, 4 of Bright's disease, 2 of cancer, 1 of cancer of the womb, 2 of cholera morbus, 1 of congestion of the brain, 12 of consumption, 2 of infantile convulsions, 1 of debility, 2 of infantile debility, 1 of dentition, 1 of acute diarrhea, 2 of chronic diarrhea, 1 of dropsy, 1 drowned, 1 of dysentery, 1 of chronic dysentery, 3 of congestive fever, 4 of scarlet fever, 2 of typhoid fever, 1 typho-malarial fever, 2 of yellow fever, 1 from fracture of the leg, 1 of mile gangrene, 1 of gastro enteritis, 1 of disease of the heart, 1 of enlargement of the heart, 1 of inflammation of the brain, 1 of inflammation of the liver, 3 of inflammation of the lungs, 1 of insanity, 1 of disease of the kidneys, 1 of adult marasmus, 1 of infantile marasmus, 2 of meningitis, 1 of cerebro spinal meningitis, 1 of old age, 1 of paralysis, 4 of peritonitis, 1 of typhoid fever, 1 of paraplegia, 2 of pyemia, 1 of scalds, 3 of softening of the brain, 1 of suicide, 8 of still-born, 1 of tabes mesenterica, 1 of ulceration of the bowels, 2 from gun wounds, and 3 not stated; total 111. Of these 33 were children under five years of age. Number interred from public institutions, 14; on certificate of coroners, 1; on certificate of midwives, 6. In addition to the above 8 stillborn children were buried in the city.

Teacher does not wish to send his autograph to the thousand applicants for it, but thinks it not right to use another for postage stamps. So he keeps them and is honestly unhappy.

COURT RECORD.

MONDAY, NOVEMBER 29, 1875.

United States Circuit Court.

Present—Hon. W. B. Woods, circuit judge.

Shook & Palmer vs. W. B. Cogswell et al. Fixed for December 11.

The new rule reported by the committee, John A. Richard, S. R. Walker and J. R. Beckwith, Esqs., will go into effect February 1.

Hon. J. P. Southworth was appointed United States commissioner and qualified.

A jury was ordered for, and the court adjourned to Monday, December 6.

United States Commissioner's Court.

Before Commissioner R. H. Shannon.

United States vs. Ferdinand Dudenhefer and Jacob A. Hageman; same vs. Jacob A. Hageman.—Affidavits of Louis Schneider, president of the Germania National Bank, against defendants as principal and accessory in the embezzlement of $20,000, and charging Hageman with embezzlement of $1500, under the United States Revised Statutes, 5209, providing, under the national banking act, for imprisonment of from five to ten years.

Supreme Court.

IN CHAMBERS.

State ex rel. William Read Mills vs. Judge of Superior District Court.—Rule to show cause why the rule for a suspensive appeal should not be reinstated, issued returnable Friday, December 3.

Present—All the judges.

The following opinions were read:

BY CHIEF JUSTICE LUDELING.

No. 5778—State vs. Peter Phillips.—From Superior Criminal Court. The defendant, having been convicted of the crime of perjury and sentenced to imprisonment at hard labor for five years, has appealed from said judgment.

It will be necessary to notice only the first assignment of errors, which is in the words following: "The trial and sentence was *coram non judice*, in this, that George H. Braughn, Esq., an attorney-at law, had no legal right to act as judge in the trial of the accused and pass sentence on him; that the order appointing said George H. Braughn as judge of the Superior Criminal Court is null and void; section ten of the act No. 124 of 1874, under the authority of which said order to appointing said George H. Braughn as judge aforesaid was made, is unconstitutional and obnoxious to articles eighty-three, ninety and ninety-four of the constitution of the State." The State assumes the position that Mr. Braughn was a *de facto* judge, and that his right to hold the office can not be questioned collaterally. In his brief Mr. Attorney General says:

"We assume the position that the question of Judge Braughn's authority to act as judge of the Superior Criminal Court on the trial of this case can not be heard and determined by this court on this appeal. That if the court, from an examination of the record, finds that Braughn was a *de facto* officer when he tried the case, the validity of his acts will not be questioned. The position is founded on a rule of law which has been repeatedly recognized by the Supreme Court of this State and of other States, i. e., that the acts of *de facto* officers are binding as to third parties. Whether the appointment of Judge Braughn as judge of said court was or was not legal can only be considered in a suit properly instituted, having for its object the vacation of the office into which he has intruded, or which he has usurped, or which, from any cause, he illegally holds. Any other mode of attacking his powers, or the legality of his acts considered only as a judge, would be subject to the objection that it is done by third parties, and done collaterally in proceedings the issues of which were made for wholly different purposes, to which the judge is not a party and can not be incidentally made a party by plea or exception, and be thus required to contest his *de jure* right to act as a judge in a particular case. He can only be required to defend in any case that he is acting under a color of title. On these points authorities are abundant to sustain what we have said. We refer to 15 Mass., 183, 171; 9 Johnson, 135; 3 Abbot's Dig., 352; U. S. Dig., vol. 2 of 1871, p. 519; 3 An., 633; 10 An., 534; 13 An., 667; 22 An., 33; 16 Peters, 71; 13 An., 404; 25 An., 548, 671."

The proposition that a *de facto* officer's right to the office held by him can not be attacked collaterally, is unquestionable. But the error in this argument is in assuming that Mr. Braughn was a *de facto* officer. Braughn did not pretend to hold the office of judge of the Superior Criminal Court, but on the contrary, he recognized the right of Judge Atocha to said office, or he only claimed to exercise the functions of that office under a delegation of power from Judge Atocha. The right of Judge Atocha to said office was never disputed by Mr. Braughn, and his right to preside in that court would have been acknowledged by Mr. Braughn and the people any day during all the time Mr. Braughn acted under the said delegation of authority. Therefore the question about the validity of a *de facto* officer's acts can not arise in this case.

The question is, had the judge of the Superior Criminal Court the right to appoint an attorney to act in his stead, as he did, by the following general order rendered in chambers:

ORDER.

NEW ORLEANS, February 20, 1875.

The judge of the Superior Criminal Court for the parish of Orleans, ex officio, Atocha, Esq., being temporarily unable to act in his capacity of judge by reason of severe illness, it is ordered, pursuant to the provisions of section ten of act No. 124 of the General Assembly of the State, approved April 9, 1874, and under the power and authority granted, that George H. Braughn, Esq., an attorney-at-law, who is duly qualified, be and he is hereby appointed to preside as judge of the Superior Criminal Court for the parish of Orleans, during the inability of the judge to act as above set forth, and while acting for the time he shall act, have the same powers as the judge of the court. It is further ordered that a copy of this order be further communicated to the Governor, Attorney General, Secretary of State, district attorney, and sheriff of the criminal court.

ATOCHA,

Judge of the Superior Criminal Court of the Parish of Orleans.

It seems to be conceded that the act No. 124 of the General Assembly of 1874 conferred this power on the judge of the Superior Criminal Court, if it be constitutional. Is it constitutional? Article seventy-three of the constitution provides that "the judicial power shall be vested in supreme court, in district courts, in parish courts, and in justices of the peace," and article eighty-three of the constitution declares that "the General Assembly shall divide the State into judicial districts, which shall remain unchanged for four years; that in each district court one judge, learned in the law, shall be elected for each district by a plurality of the voters thereof. For each district there shall be one district court, except in the parish of Orleans, in which the General Assembly may establish as many district courts as the general interest may require," etc.

In 1853 the General Assembly passed an act to provide for the trial of recused cases out of New Orleans, by which the recused judge was authorized to select three members of the bar in attendance from which one should be chosen, by lot, to try the cases. This court held that said act was unconstitutional because it provided a mode for choosing judges different from that prescribed in the constitution.

The act No. 124 is obnoxious to the same objection. It would be obnoxious to an additional objection if the assumption of the State, that Mr. Braughn was a de facto officer, was correct. In that case the statutes would provide for having two judges for the Superior Criminal Court, whereas article eighty-three declares that "for each court one judge learned in the law shall be elected," etc.

However, it is contended that the decisions above referred to, reported in 9 A., 62, 10 A., 642, were made under the constitution of 1852, and that article ninety of the present constitution was not to be found in the constitution of 1852.

This is true, but instead of authorizing the enactment of section ten of act No. 124, article ninety forbids it. In terms of command it directs the judge when and how he shall select another to preside in his place. It provides that: "in any case where the judge may be recused, and when he is not personally interested in the matter in contestation, he shall select a lawyer having the qualifications required for a judge of his court, to try such cases. And when the judge is personally interested in the suit, he shall call upon the parish or district judge, as the case may be, to try the case."

Obviously the article did not confer any power upon the General Assembly; but by indicating precisely how and when the judge shall select another to preside in his stead to try certain causes, it excluded other modes of selection and other causes, and as the manner of choosing a judge provided for in section ten of act No. 124 differs from that prescribed in article ninety, the said section is unconstitutional.

It is, therefore, ordered that the verdict and judgment in this case be annulled, and it is further ordered that the case be remanded to the court *a quo*, to be tried according to law.

No. 5839. State ex rel. Pat Leahy, appellant, vs. third justice of the peace.—From Third District Court. Appeal dismissed.

No. 5294. Georgina Whan, appellant, vs. Jesse R. Irwin, tutor.—From Fourth District Court. Rehearing. Former decree set aside. Judgment annulled, and judgment for plaintiff against Robert Bloomer for $4666 94. Justice Wyly dissents, and Justice Howell concurs in the dissenting opinion.

No. 5851. Louis Malthe vs. the parish of Plaquemines.—From the Second Judicial District. The objections are not well founded. 12 R., 458. Motion to dismiss denied.

No. 5737. Succession of Michael Ross Haggerty.—Opponents appellants. "The original of this judgment having been duly signed in the account, was lost or mislaid. J. G., deputy clerk," is unwarranted by law. It must be proved, like any other fact. The account was homologated, with proof, except that it was advertised. C. P., 1042; 21 A., 511; succession of Dorville, 27 A. Judgment affirmed.

No. 5814. City of New Orleans vs. E. V. Fassman, appellant.—From Superior District Court. Money collected by defendant, as wharfinger, can not be extinguished by compensation. His duties are fixed by law. Act No. 7 of 1870, section 50; 7 A., 53, 46; 11 A., 73. Judgment affirmed.

BY JUSTICE TALIAFERRO.

No. 5996. State ex rel. Mrs. M. A. Pike et al. vs. Judge of Superior District Court.—Prohibition to prevent execution of mandamus to compel relators to exhibit the books of the insurance company. This court is without jurisdiction. St. Romes vs. Steam Cotton Press, 22 A., 622; Newgass vs. Friedlander, 25 A., 43; 24 A., 148. Writ discharged.

Justice Morgan dissents.

No. 5882. A. L. Guzman vs. Mrs. Mary A. Pike et al., appellants.—From Superior District Court. See No. 5996. Appeal dismissed.

No. 5989. Mrs. A. McConnell vs. John Pasley, appellant.—From Fifth District Court. Motion to dismiss appeal denied.

No. 5860. Widow E. Le Franc, ex parte, vs. city of New Orleans, appellant.—Rule to have inscriptions of taxes erased. From Superior District Court. The exception should have been maintained. The taxes have become judgments that can not be annulled in this manner. Judgment reversed and suit dismissed.

No. 4035. Bogart Shall vs. P. H. Foley et als., appellants.—From Second District Court. Decree unaltered.

No. 5766. Richard Baker vs. Berwin & Nathan et als., appellants.—From Fifth District Court. Judgment affirmed.

No. 5798. State ex rel. A. A. Milliken, appellant, vs. S. J. Ward.—Intrusion into office. There is no law making a recorder of Shreveport. Acts of March 9, 1869, and March 16, 1870, were repealed by act No. 98 of April 27, 1871, incorporating Shreveport. The relator has no cause of action. The mayor has not interfered. Judgment annulled and suit dismissed.

No. 5637. Mrs. D. A. Taylor et ux. vs. sheriff et als., appellants.—From Thirteenth Judicial District. On rehearing. Decree unchanged. Justices Howell and Wyly adhere to their dissenting opinion.

No. 5920. F. Del Bondio et al. vs. New Orleans Mutual Insurance Company et als., appellants.—From Fifth District Court. The bond is sufficient. Motion to dismiss overruled.

BY JUSTICE HOWELL.

No. 5710. State vs. J. J. Daniel.—Murder. From Second Judicial District. Indictment in the parish of Jefferson of June 16, 1874, for the murder of Joseph L. Coke, August 21, 1873, convicted January 14, 1875. Motion to quash that some of the grand jury resided in New Orleans and could not act in Carrollton; that act No. 71 of 1874 annexed Carrollton to New Orleans as the Seventh District; that the offense being laid in Jefferson, the indictment should have been found by citizens of that parish, and that the bound to be expressed in the title. Judgment set aside and case remanded.

No. 5892. Citizens' Bank, appellant, vs. Board of Liquidation.—From Superior District Court. Mandamus to compel the funding of a promissory note of the Governor. The writ only issues to compel performance of a ministerial duty. Section three of act No. 3 of 1874 only refers to bonds or valid warrants. Sections twelve and thirteen refer to other matters. Relator is not entitled to a mandamus. Judgment affirmed.

No. 4078. Charles N. Prudhomme vs. Salamander Fire Insurance Company, appellant.—From Second Judicial District Court.—On rehearing. Decree reversing judgment remains undisturbed.

No. 4470. Solomon Silverstein, appellant, vs. William Durbridge.—From Sixth District Court. Appeal dismissed.

No. 6000. State ex rel. liquidators of Salamander Insurance Company vs. Judge of Fourth District Court.—The liabilities of the surety in this State exceed his assets, but in Missouri he has a large excess of assets. Only the residence is necessary. Foed.:3k vs. Judge of Sixth District Court, ante, reported. Writ of prohibition made perpetual.

No. 5997. State ex rel. H. Newgass vs. Judge of Superior District Court.—On mandamus to compel the granting of an appeal on refusal to issue an injunction. The relator has mistaken his remedy. No such right has been recognized since State vs. Lewis, 7 M. 459, decided in 1820. The relator is not without remedy; the judge has merely refused to act and grant an *ex parte* order. Writ set aside.

Justice Morgan dissenting, considers the relator entitled to the writ.

BY JUSTICE WYLY.

No. 5764. State vs. George Fritz, alias Fry and Frank O'Brien—Forgery. From Superior Criminal Court. Exception on the appointment of a lawyer to supply the place of the judge during sickness. Constitution of Louisiana, article ninety, authorizing the appointing of a lawyer to try a certain class of cases carries with it the prohibition of selecting for other cases. The appointment was repugnant to the constitution. George H. Braughn had no color of title to the office, held no commission, and set up no adverse title. A judge can not appoint an attorney to act for him during his sickness. Case remanded.

No. 5899. Richard Milliken, appellant, vs. J. B. A. Drouet et al.—From the Second Judicial District. To enforce a mortgage. The separate indebtedness was unequal; testimony was admitted to show the real character of the agreement, and excepted to under Revised Statutes, 2276. It is admissible; 3 A., 230; 13 A., 25; 4 A., 549. The evidence shows the mortgage was to secure the joint indebtedness. The court below was correct except as to amount. Judgment increased to $937 83.

No. 4876. E. B. Benton vs. F. C. Mahan, appellant.—From the Fifth District Court. The security is insufficient. Appeal dismissed.

No. 5192. Thomas McNeal, appellant, vs. Peter J. Kramer.—From the Superior District Court. On rehearing; judgment undisturbed.

No. 4824. J. B. Henry vs. Mayer Goldman and Leon G. Sell, appellant. From the Fifth District Court. On rehearing; former judgment undisturbed.

No. 5988. Benjamin S Harrison vs. Carondelet street railroad, L. E. Lemarie, garnishee and appellant.—From the Fifth District Court. Appeal dismissed.

No. 4335. Heirs of John Slidell vs. F. Gonthier, warrantor, appellant.—On rehearing. From Fourth District Court. Property acquired at confiscation sales reverts to the heirs at the death of the ancestor. Defendants must restore and pay rent. Defendant's right to obtain restitution for necessary repairs reserved. Judgment otherwise undisturbed.

No. 4356. Heirs of John Slidell vs. J. B. Vanderstraeten et al., appellants.—From Fourth District Court. See No. 4335. Defendant's right to sue for repairs reserved. Judgment remains undisturbed.

No. 5774. William Durbridge vs. Job Smith, appellant.—From Fifth District Court. The record is incomplete by fault of plaintiff's attorney, who did not return documents to the clerk. His motion to dismiss denied.

No. 5662. J. A. Howell vs. sheriff et al., appellants.—From Fifth Judicial District. On rehearing. It appears the court had jurisdiction. Injunction dissolved with $100 damages.

Justice Howell recused.

BY JUSTICE MORGAN.

No. 5839. State ex rel. Nicholas Schmidt vs. Joseph Rau and sheriff.—From Second Judicial District. Relator should have appealed from the judgment dissolving his injunction. Rule dismissed.

No. 5629. Succession of Walter O. Winn.—From parish of Rapides. Appeal sustained. Former judgment reversed. Decision of court below reversed. Judgment for plaintiff, and destituting Mary E. Richards from the office of executrix.

a No. 5886. Albin Rocheresau, appellant, vs. Charles P. Bobb et al.—From Second Judicial District. The seizure and sale gave title to Rocheresau, and the property was improperly advertised as the succession of Bobb. Judgment annulled and injunction perpetuated.

No. 2832 State ex rel. William Durbridge vs. F. J. Pratt et al., appellants.—From Sixth District Court. The ground from which this action springs was a fund created for the purpose of corrupting and improperly influencing members of the Legislature in their action on a matter of legislation then before them. We will have nothing to do with it. Appeal dismissed.

No. 5530. City of New Orleans vs. Robert J. Ker, appellant.—From Superior District Court. The defendant is not sued for a license as notary public, but for his income. Judgment affirmed.

No. 4467. G. Henshaw & Sons vs. David Finnerty & Co., appellants.—From Fifth District Court. No answer had been filed by defendants and no default taken when the interrogatories were taken as confessed. There was no issue joined. Judgment annulled and case remanded.

No. 5834. City of New Orleans vs. J. K. Fitzgerald, appellant.—From Superior District Court. See city vs. Finnerty; same vs. Trumbull. Judgment affirmed.

No. 5785. Jean Porte vs. Pierre Gourgant, appellant.—From Sixth District Court. Motion to dismiss denied.

No. 5881. Manheim Berwin vs. Factors and Traders' Insurance Company, appellant.—From Fifth District Court. Motion to dismiss appeal refused.

Superior District Court.

Henry Ellerman vs. New Orleans, St. Louis and Chicago railroad.—Injunction against granting by defendant of rights to moor at wharves leased from the city by plaintiff. Transferred to United States Court.

Robert Ray vs. Antoine Dubuclet—Prayer from F. Newgass for permission to file intervention and dissolve injunction, alleging holding $1500 of warrants of equal value with those of petitioner.

Superior Criminal Court.

INFORMATION.

Robbery—C. H. Shelly, from Pauline Gautre, November 13, of a sewing machine worth $70; James Reed, from P. J. Sullivan, November 2, of a revolver worth $7.

NOT A TRUE BILL.

State vs. Charles Edgar, police officer, assault and battery on Joseph Lucien, November 18.

DISCHARGED.

Charles Casimer, wounding Felice Brown, November 20, in the left hand, corner of Union and Bagatelle streets. Affidavit dismissed.

Ferdinand Dudenheffer, indictment of May 28 for having, May 20, embezzled $15,000 from the Germania National Bank, nolle prosequi entered; Jacob A. Hageman, accessory, nolle prosequi entered.

CONVICTED.

Joe Raphael, of burglary, September 22, at the house of Dr. J. Holt, No. 437 Baronne street, and larceny of a baby carriage and case of stuffed birds.

First District Court.

PLEADED GUILTY.

Assault—Sarah Colbert, Pat Conners, George Lew, Riley Coleman.

INFORMATIONS.

Assault and battery—John Burgoyne.

Petty larceny—C. Waters, Henry Scott, Eliza Hunter.

ACQUITTED.

Robert Hall, assault with a dangerous weapon; Augusta Johnson and Charles Lewis, petty larceny.

Fifth District Court.

Judge Cullom rendered the following decision:

Alabama Gold Life Insurance Company vs. Peter Callery.—Exception that plaintiff is not a corporation; that C. E. Thomas is not president, and has no right to sue. C. P., 112, 333; C. C., 438; 17 A., 277; 21 A., 188; 23 A., 136, 224, 254; 10 A., 149. The point of president must be referred to the merits. 5 L., 405; 7 A., 621; 15 A., 268, 457; 16 A., 121; 18 A., 29, 116. Plaintiff must prove his allegations. 12 M., 709; 12 L., 290; 9 R., 504. There is a difference between this case and Workingmen's Bank vs. Converse, and that decision does not apply. Exceptions overruled.

CITY ORDINANCES---OFFICIAL.

PUBLISHED BY AUTHORITY.

MAYORALTY OF NEW ORLEANS,
City Hall, November 29, 1875.

[No. 3307—Administration Series.]

An ordinance providing for the payment of the several accounts therein named.

Be it ordained, That the following appropriations and are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment of the same, whenever there shall be money in the city treasury to the credit of the appropriate fund for each account out of the revenues of the year 1874, and not otherwise appropriated:

T. A. Martin, late sheriff of the parish of Jefferson, for criminal fees, parish court, from September 12, 1874, to December 19, 1874, approved by the judge of the court and City Attorney, $11 50; for criminal fees, Second Judicial District Court, from October 29, 1874, to January 30, 1875, approved as above, $145 50.

Leon Capas, for salary as commissary of streets of the late city of Carrollton, from March 1 to 27, 1874, omitted on pay roll, approved by the committee of streets and landings and the mayor, $90.

New Orleans Times, for seven months' subscription, ending December 31, 1874, for Bureau of Wharves and Landings, approved, $8 15.

Grand total, $255 15.

Adopted by the Council of the city of New Orleans, November 16, 1875.

Yeas—Bertoli, Brown, Bouny, Burke, Landry, McCarthy.

CHARLES J. LEEDS, Mayor.

A true copy:

J. H. HARDY, Secretary.

ATTORNEYS AT LAW.

G. H. BRAUGHN,
ATTORNEY AND COUNSELLOR AT LAW,
No. 17 Commercial Place.
Practices in all the State and Federal Courts.
Will henceforth give his personal attention to all matters intrusted to him. au22 1y

BILLIARDS.

MILLER'S BILLIARD PARLOR.
The undersigned beg to announce that they have refitted and refurnished their
BILLIARD PARLOR,
Corner of St. Charles and Common streets,
For the winter campaign, and have likewise added TWO NEW BRUNSWICK AND BALKE BEVEL TABLES, so that they are enabled to offer to patrons of the game a resort unsurpassed by any similar establishment in the country.
We are the agents in New Orleans for the J. M. Brunswick and Balke Company, and are prepared to supply tables and other billiard goods from that celebrated manufactory.
no11 MILLER BROTHERS.

SPECIAL NOTICES.

New Orleans, November 29, 1875.—The stockholders of Franklin Temperance Hall Association are hereby notified that the annual meeting will be held in their hall, corner of Rampart and Spain streets, on MONDAY, December 6, 1875, at 8 P. M., for the purpose of electing a Board of Directors to serve for the ensuing year.
no30 de3 5 A. R. MOULIN, Secretary.

Southern Bank, New Orleans, November 26, 1875.—An election for directors of this bank, to serve the ensuing year, will be held at its banking house on WEDNESDAY, December 8, 1875, from 12 M. to 1 P. M.
no30 1d J. GARR, Cashier.

Notice.—Parties having pledges on deposit at the loan office, corner of Royal and Toulouse streets, on which the interest is due since the first of November, 1875, are hereby notified to settle said interest on or before WEDNESDAY, December 1, 1875; otherwise, said pledges will be sold at auction.
no30 3t A. TESTART, Corner of Royal and Toulouse streets.

Notice.—No. 145 Common street, New Orleans, Louisiana, November 14, 1875.—Parties having pledges at the St. Charles Broker's office, No. 145 Common street, upon which interest is due up to August 31, 1875, are hereby notified to settle the same on or before the 30th of December, 1875, otherwise the said pledges will be forfeited and sold.
R. H. WOODS, Proprietor
M. JOSEPHSSON, Manager.
Opposite St. Charles Hotel. no14 ed1m

Office of the Bienville Oil Works Company, New Orleans, November 16, 1875.—A general meeting of the stockholders of this company will be held at this office, No. 35 Carondelet street, at 7 P. M. SATURDAY, December 11, 1875, to vote upon a reduction of the capital stock and upon other matters.
By order of the Board of Directors.
no17 1 de11 A. BENJAMIN, Secretary.

LOTTERIES.

DRAWING OF THE LOUISIANA STATE LOTTERY FOR NOVEMBER 29, 1875.
CLASS 284.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
7	30	46	55	54	75	66	71	68	3	57	9	—	—

The above drawings are published in the principal papers, and are drawn in public daily, at the rooms of the Company.
Witness our hands at New Orleans, Louisiana, this twenty-ninth day of November, 1875.
R. FERALTA,
ADAM GIFFEN,
Commissioners.
BEWARE OF BOGUS LOTTERIES. ap12

HOTELS AND RESTAURANTS

A CARD.....A CARD.
I beg to respectfully inform my friends and patrons, and the general public, that I have taken the BAR attached to the Varieties Theatre, and that during the season it will be provided with the same quality of Wines and Liquors dispensed at the St. Charles Exchange.
no31m CHARLES LACOUME.

STEAMSHIPS.

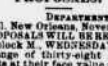
BREMEN.
North German Lloyd.
STEAM BETWEEN BREMEN AND NEW ORLEANS, VIA HAVRE, SOUTHAMPTON AND HAVANA.

The Steamships of the North German Lloyd will run as follows:

From Bremen.	From New Orleans.
HANNOVER.....September 15	.....October 24.
FRANKFURT.....October 13	.....November 21.
HERMANN.....November 17	
FRANKFURT.....December 15	

Further days of departure will be advertised hereafter.
The steamers touch outward at Havre and Havana, and on their home trip at Havana and Southampton to land and receive passengers and freight.
PRICES OF PASSAGE.
From Bremen, Southampton or Havre to Havana or New Orleans:
Cabin.....$150 gold
Steerage.....36 gold
From New Orleans or Havana to Southampton, London, Havre or Bremen:
Cabin.....$150 gold
Steerage.....45 gold
From New Orleans to Havana:
Cabin.....$35 gold
Steerage.....15 gold
Passage tickets from Bremen, Southampton or Havre to New Orleans issued by the undersigned.
For further particulars apply to
ED. F. STOCKMEYER & CO., Agents.
au31 1y No. 42 Union street.

FOR HAVANA VIA CEDAR KEYS AND KEY WEST.
United States Mail Line.
Steamships
WILLIAM P. CLYDE, WILMINGTON,
MARGARET, EMILIA.



The New Orleans, Florida and Havana Steamship Company will dispatch one of the above first class steamers from New Orleans to Havana

Every Wednesday.
Touching at Cedar Keys and Key West, and connecting with steamers for Apalachicola, St. Marks and Tampa.
RATES OF PASSAGE.

	To Key West.	To Cedar Keys
Cabin	$40	$25
Steerage	20	13

Through bills of lading issued to all points in Florida, including Tampa, and to New York, Charleston and Savannah.
None but the company's bills of lading signed, and none signed after the sailing of the steamer.
Splendid passenger accommodations, and through tickets given to above points.
No freight received without permit from the office.
For freight or passage apply to
L. K. ROBERTS, Agent,
ja1 No. 130 Common street.

CONSTABLES' SALES.

E. Roger & Co. vs. J. Estoup; Same vs. same—Third Justice Court for the Parish of Orleans. Nos. 1017 and 1019.

BY VIRTUE OF TWO WRITS OF FIERI FACIAS to me directed by the Hon. John LeMonnier, third justice of the peace for the parish of Orleans, in the above entitled causes I will proceed to sell at public auction, at my warehouse in Bienville street, between Royal and Bourbon streets, on MONDAY, December 6, 1875, at twelve o'clock M., the following described property, to wit—

ONE CASE CONTAINING TWENTY-FOUR PAIRS BOYS' SHOES.

ONE CASE CONTAINING NINTY-SIX PAIRS CHILDREN'S SHOES, assorted.

Terms—Cash on the spot.
no24 3t de5 JOSEPH DEMORUELLE, Constable.

H. J. Koppers vs. Mrs. Leontine Girodot; same vs. same—Third Justice Court for the parish of Orleans. Nos. 554 and 555.

BY VIRTUE OF A WRIT OF FIERI FACIAS TO me directed by the Hon. John LeMonnier, third justice of the peace for the parish of Orleans, in the above entitled causes I will proceed to sell at public auction, at No. 45 Bank place, on SATURDAY, December 4, 1875, at twelve o'clock M., the following described property, to wit—

One Mahogany Sideboard, one Japan Punch Bowl, one Parlor Table, one Mahogany Table, one Walnut one Cupboard, two Chairs, and thirty Framed Engravings.

Terms—Cash on the spot.
no23 3t de4 JOSEPH DEMORUELLE, Constable.

William Karhoff vs. Joseph Bailey—Fourth Justice Court for the Parish of Orleans. No. 3634.

BY VIRTUE OF A WRIT OF FIERI FACIAS TO me directed by the Hon. John Cain, Fourth Justice of the Peace for the parish of Orleans, I will proceed to sell, at public auction, on MONDAY, December 13, 1875, at twelve o'clock M., at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, the following described property, to wit:

A CERTAIN LOT OF GROUND, together with the buildings and improvements thereon, and all rights, ways, appurtenances thereunto belonging, situated in the Third District of this city, designated by the No. 11, in square No. 118, bounded by Hope, Annunciation, Dante and St. Anthony streets, on a plan drawn by J. Pilie, dated the 14th day of May, 1870, and deposited in the office of Carlisle Pollock, late notary in this city, by act dated the eighteenth of the same month; which said lot of ground measures 60 feet front on Annette street, by 120 feet deep, all French measure. Which property was purchased by Karhoff from George Pirt, per act executed on the eighth of July, 1869, before said notary, Breyfus, and purchased by Joseph Bailey, July 30, 1874.

Seized in the above entitled suit.

Terms—Cash on the spot.
no13 3t de12 JOSEPH CONTRERAS, Constable.

LOST.

LOST OR MISLAID.—A PROMISSORY NOTE for $742 63, payable one year af er date, with six per cent interest, drawn to the order of Mrs Maria Carney. The public are hereby cautioned not to negotiate for said note, as payment on the same has been stopped.
no30 1t* MRS. ELIZA JANKWAY.

LOST OR MISLAID—A CERTAIN PROMISSORY NOTE for $742 63, drawn by John Ruel to the order of Mrs. A. Ca., payable March 26, 1874, with interest at the rate of eight per cent per annum thereon from maturity until paid. The public is cautioned about negotiating for the same.
no27 de2 5 C. MARIE & CO.

WANTED.

WANTED—BY A YOUNG LADY OF THIS CITY, a situation in a variety, machine or hair store, as saleswoman or worker; is willing to make herself useful in either capacity. Address S. Y. S. at this office. no17

WANTED.—A POSITION AS GOVERNESS, BY a young lady capable of teaching English, French and Music. References exchanged. Address Miss C., at this office. no9

AMUSEMENTS.

BIDWELL'S ACADEMY OF MUSIC.
For one week only—SUNDAY, November 28, the bewitching little beauty and talented protean actress, MISS MINNIE PALMER, Lotta's great rival, will present during her short engagement, Sunday, Monday, Tuesday, and Wednesday noon and night, November 28, 29, 30, and December 1, her new American comedy drama, written expressly for her by Charles E. Callahan, Esq., entitled
LITTLE SILVER.
THURSDAY, December 2, and SATURDAY MATINEE, December 4, the beautiful play,
SATAN IN PARIS.
Friday, December 3—Benefit of Miss Palmer, when will be produced the comedy entitled THE LITTLE TREASURE. Ballade by Miss Jennie Wolfe. To conclude with the farce called
SEEING EUROPE.
Saturday, December 4—Last night of Miss Palmer, MIAMI, or the HUNTRESS OF THE MISSISSIPPI.
Next Week—The eminent tragedian, HARRY SULLIVAN. no30

MRS. CHANFRAU'S
VARIETIES THEATRE.
EMPHATIC SUCCESS OF
DALY'S FIFTH AVENUE COMPANY.
A crowded house in spite of rain. Incessant applause. Score Complete.
This Evening at eight o'clock,
Augustin Daly's charming conceit, the
BIG BONANZA.
A great comedy hit, brilliant acting, exquisite toilettes, splendid scenery, an atmosphere of radiant mirth.
MATINEES WEDNESDAYS AND SATURDAYS.
PRICES—Evening, $1, seventy-five, fifty and twenty cents. Matinee, fifty cents. Doors open at quarter past seven, commence at eight o'clock. no30

ST. CHARLES THEATRE.
GREAT STOCK NIGHT
MR. JOHN W. NORTON
WILL APPEAR AS D'ARTAGNAN
Supported by MR. LAWRENCE BARRETT,
THE THREE GUARDSMEN.
D'Artagnan.....Mr. John W. Norton
Monday.....Mr. LAWRENCE BARRETT will appear as CASSIUS in JULIUS CÆSAR.
Doors open at seven; performance at eight o'clock.