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VOLUME IX.—NO. 214 NEW ORLEANS, WEDNESDAY, DECEMBER 15, 1875. WHOLE NUMBER 2675.

...ISIANA JOCKEY CLUB RACES.

Fall Meeting—Second Day.

...esterday proved to be as fine a day for ...r purposes as could be wished for. ... the second of a series of races at the ...eeting of the Louisiana Jockey Club ... off according to programme. The ... was in prime condition, free from ... in all parts yet elastic under the pres... of hoofs. The sunlight played with ... clouds, being distinct enough to warm ... atmosphere, retiring enough to hide its ... glare, making a mild gray afternoon. ... grand stand should have been crowded ... fashionable and beautiful ladies, under ...ary circumstances; but it was not. ... attendance was even less than on the ... day of the races. The sport was of ... best order, the management was ...plete, there was no accident to dis... pleasure, no occurrence to mar har...y; but the people were wanting to ...ate the scene. With stand room ... thousands, only a few hundred ...ons were on hand to discuss, to witness ... bet on the speed of the horses. Horse ...g has lost its grip among the refined ... better classes of Southern people. It ... not die out while there are horses to ... and men who will keep up a jockey ...

Every one remembers the glory of ... old Metairie Race Course. Even since ...war, to miss those meetings was to be ... of the fashion; then the stands were ...ded, and the beautiful ladies and ele... toilettes were a sight to see. The ... of old Metairie is dead: it slumbers ... own cemetery, and tombstones are ...up where Lexington made his saltest ... There is sadness in the fall of a leaf; ... but the horses a poorly attended race ...spiriting. If a man laughed yesterday ...e race track it was after betting on the ...against the favorites.

...e first race yesterday afternoon was a ...mile dash, for three year old colts and ...s, engaging Jennie Rowett, George Gra... Verdigris and Pompey's Pillar. Gra... won a race on Saturday against ...ono and Puss Broadnax, and he was ...naturally the favorite. As often hap... in pool selling, the winning horse was ... to the field. Bob Swim, who should ... been in bed, was on hand to ride Ver...s, and he rode him to win. Pompey's ...r got the best start, but failed to keep ...ace, and Jennie Rowett and Graham ...neck and neck by the first half mile ... Jennie running under a strong pull ... her jockey, who evidently doubted ...ability to hold out at the pace for two ...s. Verdigris stuck came up after the ... half mile, and he led the quartette ... that station on, crowded enough by ...am to keep him from going to sleep. ...first mile of this race was made in 1:50. ...two miles in 3:49.

...e second race, a one mile dash, brought ...seven horses, and Graham was again ...on his mettle. He got the start, but ... after Texas stock began to look up. ... Harper, rode by the queer little chap ...as as Texas—who has the judgment ... years of a man, with the body of Tom ...b—put herself as captain of the ...d, and came home winning under a ... with force to spare, in 1:47.

...e third race was for two mile heats. ...sted by Falmouth, Nelligan, Sam ...per—brother to Ella—Kilburn and Ox... At the half-mile post Kilburn and ...re led, and then Texas stock came up ... and Harper galloped neck and neck ... Nelligan, allowing Kilburn to set the ... Nelligan lost ground, and with Fal... and Oxmore had the distance flag ...ped in his face. Harper came under ...line first, Kilburn second. Time of first ...—1:52½; the heat 3:44. The race was ... between Harper and Kilburn, which ...ame up for the second heat, prompt ... the bell, and got the drum tap well ...der. They ran even for the first half ... Harper pulling the bridle all the ... He then opened a gap between the ...s a margin against spurts, took the ...side track, and held on to a good stride ... the end of the race, putting himself ... lengths ahead of Kilburn at the ... The first mile of the heat was made ...59; the two miles in 3:50.

...e races throughout were exciting, the ...ites losing and the field winning. It ... a good day for Texas, and a bad one ...those who had saddled the wrong horse ... their money.

SUMMARY.

...st Race—The Orleans stakes, for colts ...fillies then three years old: $25 en...ce, p. p., with $500 added; second horse ...ive $100 and the third $50; two miles.

...n Jennings' ch. c. Verdigris, by Ver...s, dam Belle Brandon; 100 pounds..... 1
...Mack's ch. c. George Graham, by Rogers, ...n Sunshine, by Engineer; 100 pounds..... 2
...ade's ch. c. Pompey's Pillar, by Uncle ...; dam Amanda Buford, by Revenue; 100 ...ds..... 3
...J. Rowe's ch. f. Jennie Rowett, by Uncle ...; dam Mamouna, by imp. Sovereign; 97 ...ds..... 4

Time—3:49.

...nd Race—Club purse, $300; one mile, ...100 pounds on each three year olds to ...their proper weight; $225 to first, $50 ...nd, $25 to third.

...ch. h. m. Ella Harper, aged; by Rebel, ...M. V. Kimbrow; 97 pounds..... 1
...Mack's ch. c. George Graham, 3 y. o., by ...ter, dam Sunshine; 90 pounds..... 2
...ade's ch. f. Pass Broadnax, 3 y. o., by Dan... Boone, dam Ionoline; 87 pounds..... 3
...B. Summers's bl. c. Battle, 3 y. o., by West ...; dam No a West; 99 pounds..... 4
...Mack's ch. f. Carrie Fish, 3 y. o., by Daniel ...one, dam by Bill Cheatham; 87 pounds..... 5
...Brady's b. f. Mollie B., 3 y. o., by Judge ...d, dam by Lexington; 87 pounds..... 6
...ck's b. g. Pat Logan, aged, by Voucher, ...Franklin; 97 pounds..... 7

Time—1:47.

...d Race—Club purse, $600 for all ...$500 to first, $100 to second; two mile ...

...ck's ch. c. Sam Harper, 4 y. o., by Rebel, ...Mary Kimbrow, by Rapier; 104 ...nds..... 1
...Gibbon's ch. g. Kilburn, 4 y. o., by Bill ...ter, dam Gitana; 101 pounds..... 2
...Hale's b. h. Falmouth, aged, by Planet, ...Rose Rose; 115 pounds..... dis.
...Ayres & Co.'s ch. c. Oxmore, 4 y. o., by Bay ...; dam by Oliver; 104 pounds..... dis.
...Gibbons's ch. c. Colonel Nelligan, 4 y. o., by ...ty of the West, dam Emeline; 104 ...nds..... dis.

Time—3:44; 3:50.

...TING OF THE LOUISIANA STATE ...E—Yesterday the State Grange of ...e of Husbandry met in annual ses... at Grunewald Hall. Nothing of con... was done, except the appointment ...committee on credentials, who made a ... Without any action being taken, ...urnment was had until to-day.

...DONOGH LAND SCRIP—There was ...o bid received at the City Hall yes...for the McDonogh land scrip, and ...d at 47½.

Measures of Municipal Reform—No. 3.

EDITOR REPUBLICAN:

In your editorial of Friday, commenting on "Sale of Wharves and Waterworks" and my previous articles, you have most certainly misunderstood the whole scope of the proposition, or your printer has made sad havoc with your manuscript.

I never thought of proposing the sale of the "public franchises of regulating food, water and wharfage," nor either of them, and, therefore, unless some other evidence is produced than that in the editorial, my suggestion must still be held to be a new one. The power to regulate the wharves was expressly reserved to the city in my suggestion; the ownership of the wharves, the title to the property of the wharves themselves, and the batture or ground in the rear was to be sold. As in all other cities in the United States, the wharves, and warehouses adjoining them which might be built, were to be the property of private individuals, who could collect rent for the use of their property, but under proper port regulations, as might be determined by city ordinances. To this you say you have no objection; yet this was all that was proposed to be sold. I did not "propose to sell property whose value depends in any degree upon taxation, nor can I admit "the right in the corporation" of "this power of taxation." The Supreme Court of the United States has repeatedly, and more recently in the Canon case, denied the right in the city to impose any tax upon the wharves. The city has not the right, under those decisions, "to impose upon the wharves a tax equal to the making and maintenance of this easement of commerce" even. It has only the right which, in the words of the decision, all private owners of wharves and warehouses have, that of collecting a suitable rental for the use of the property owned. It is asked "if individuals were allowed to build these wharves and make no higher charges than remuneration for erecting and keeping up these wharves, what profit would they derive from the purchase?" Just the same profit they now derive from the rental of a store or a lot on Camp street, which they had erected thereon.

The curse upon this city is the notion that these matters can be controlled, conducted and carried on by a municipal corporation better than by private enterprise. Under the lease of the wharves in 1858, the profit, on a five years lease, was $140,000 per annum; not all to the city, it even a half. Supposing the lessees had had, at that time, the ownership in fee of those wharves, and had owned the ground in the rear, back to the street, in front of the first row of buildings, and as necessary, that row of buildings, in which, or in those they might construct, they could, as in nearly all the commercial cities of the world, safely and conveniently store all goods in transit, and without the payment of any other tax or exaction to the city than that on the value of the property itself, would not their rental have been ten times what they received under their lease, even with a mere nominal charge upon vessels lying at their wharves? Most assuredly so. Their profits would mainly have come from the storage and care of the merchandise passing over their wharves.

But when the wharves are sold to individuals and held in private ownership, in small sections, each owner of a wharf becomes the competitor of every other, both in charges and accommodations, and each and all would strive, where now there is no strife, to increase the commerce of the port, whereby their revenues would be increased and their property become more valuable. Is not an increase of commerce desirable, and has it ever been brought about, by the worst of all monopolies, that of municipal regulation and ownership? We need not go to other Spanish cities for examples; this city of New Orleans, still under the rule established here by O'Reilly, in 1770, when he gave all the front of the linen city for the municipality to operate, is the best, because the most familiar example of the trammels upon commerce, through the stupid attempt of municipal ownership and control.

Every commercial man will readily call to mind the various charges on merchandise from the time it is landed on the levee until finally disposed of, and how enormous, in the aggregate, these charges are in the course of a year. The same remark applies to all the trade from seaward. But were the wharves owned in small sections by individuals, charges would be greatly reduced through competition, and the more convenient accommodations of storage. These wharf and warehouse owners would have not only their runners out, even in the gulf, in the shape of tugs and towboats, to bring the vessels to their wharves nearly without cost, but their agents in every port, of the world soliciting custom. The remarks here made apply to markets as well, and in regard to them require no further illustration.

But this long reply to your leader, or rather an explanation of the "new suggestions," proposed by me, has, though somewhat germain to the subject, precluded me from a very extended elucidation of the question proposed in my last communication.

Mr Justice Dillon, in his admirable work on municipal corporations, says:

"Municipal corporations are institutions designed for local government of towns and cities; or, more accurately, towns and cities, with their inhabitants, are, for purposes of subordinate local administration, invested with a corporate character. To clothe them with powers to accomplish purposes which can be better left to private enterprise, as, for example, to build markets, is unwise. They should regulate and govern, but not own them. To invest them with the powers of individuals or private corporations, for objects not pertaining to the municipal rule, is to pervert the institution from its legitimate ends, and to confer of it powers it is not adapted satisfactorily to execute." "The powers granted to such corporations, and especially the power to levy taxes, should be more carefully defined and limited, and should embrace such objects only as are necessary for the health, welfare, safety and convenience of the inhabitants." Dillon on Municipal Corporations, section nine, pp. 22 and 23.

"The courts, too, have duties, the most important of which is to require these corporations, in all cases, to show a plain and clear grant for the authority they assume to exercise; to lean against constructive powers, and, with firm hands, to hold them and their officers within chartered limits." Id. p. 25. "The primary and fundamental idea of * * * municipal corporations * * * is an agency to regulate and administer the internal concerns of a locality in matters peculiar to the place incorporated." Pp. 28 to 30.

We do not propose, we protest against, putting any of the duties of the city government into commission. The city, by its own officers, should regulate and govern, but should not own. It should leave commerce, trade, manufactures, all kinds of labor, free indeed, if possible, give encouragement; but not by a system of restriction and exactions foster monopolies and repress labor. Labor should never be taxed; only the net results of labor—property. When commerce and trade are left free there is competition, and competition is the life of trade, and by it only can prosperity be secured to any place or people.

In my next I will, unless there be too many objections to what I have already written, give some instances of municipal monopoly engendering system of license taxation, a system which does not exist in the form it is here found among any enlightened people on the face of the earth. When exposed in all its enormity, the picture presented is simply appalling. This was one of the measures of municipal reform proposed by me, and of this, with your indulgence, I will next treat.

F.

The Temperature.

The thermometer at Louis Frigero's, No. 50 Chartres street, stood as follows December 14: At 8 A. M., 48°; at 2 P. M., 57°; at 6 P. M., 54°. Lowest point during the night of December 13, 46°.

The Resignation of Auditor Clinton.

This being the date selected by Auditor Clinton for his resignation to go into effect at the time of its tender, last July, the following correspondence is republished, for the information of our readers. We are informed that, at the urgent solicitation of the Auditor, Governor Kellogg has granted him an extension of time until the twentieth instant, in order to give him ample time in which to put his office in order to be turned over to his successor:

STATE OF LOUISIANA, Auditor's Office, New Orleans, July 21, 1875.

To his Excellency William P. Kellogg, Governor, etc.:

SIR—I herewith hand you my resignation, to take effect on the fifteenth day of December next. I fix upon that date for the reason that an earlier resignation would compel you, under article seventy of the constitution, to order a new election to fill the vacancy, and this would involve a large expense to the State, which I know you desire to avoid. Some delay is also necessary to enable me to close settlements with tax collectors, square up my books and put the affairs of the office in such shape that my successor may enter upon his duties without embarrassment. As you are well aware, I have long desired to be free from the wearing and most unpleasant duties of this office, having on a former occasion placed my resignation, which you then refused to accept, in your hands.

I trust you will now concede the propriety of my action in asking to be relieved, and in making this resignation peremptory. I considered it a duty to myself to retain my position until at least a portion of the true history of the office had been made public, and my conduct and reputation vindicated. This has been done by the evidence adduced in the civil and criminal prosecutions against me (though, unfortunately, I was not permitted to testify thereupon, and many facts in my favor, only known to me, were not developed), and by the report of the committee of experts, Messrs. Phelps, Gardner and Cockburn, to such an extent as to warrant me in leaving my further and more complete vindication to the future and to that enlightened public sentiment, which I am satisfied will ultimately prove both just and correct. The report of the experts, coming in as it does from gentlemen of known capacity and who enjoy the perfect confidence of the community, vindicates my conduct from charges of corruption, only one instance being found by them in which they intimate anything more than a yielding to undue pressure. The committee did not, I believe, feel called upon as an offset to this to examine into the report upon the almost numberless schemes of plunder which my opposition has defeated.

Of this I do not complain, as it was not strictly their duty, but I am satisfied that both they and you are well aware of the services I have rendered in this direction, and will, upon all occasions, bear testimony to them. A further reason for my resignation is, that I find it impossible to satisfactorily carry out my views with reference to the proper management of this office, in the interests of the State, owing to the opposition of the Treasurer, supported by a certain class of corrupt men, both in and out of the General Assembly, one of their principal objects being to compel me to issue warrants indiscriminately in excess of the revenue, disregarding the constitutional amendments. I have no hesitation in stating that the prosecutions in the courts and elsewhere were gotten up for the purpose of removing me from the path of those who desire to plunder the State treasury, and while I have been attacked on all sides I have been left practically without aid by some of those from whom I confidently expected support. I trust you will be able to find a person to take my place who will receive a more cordial support, and at the same time will efficiently protect the interests of the State.

I remain, very respectfully,

CHARLES CLINTON,
Auditor.

Governor Kellogg accepted the resignation of the Auditor in the following communication:

STATE OF LOUISIANA, Executive Department, New Orleans, July 23, 1875.

Hon. Charles Clinton, State Auditor, Louisiana:

SIR—I have received your resignation. In accepting it, I desire to state that though in the discharge of my official duty I ordered investigation to be made into your accounts, and directed the law officers of the State to prosecute the charges preferred against you, I have never for one moment believed you to have been personally guilty of dishonesty or corruption in the administration of your office. Before the experts made their report I had examined into many of the charges urged against you, and was satisfied they were, for the most part, groundless. The official report of the experts, whose capacity and disinterestedness no one can doubt, and especially the views and information with regard to your self conveyed to me by these gentlemen, together with the testimony adduced in the civil and criminal cases recently tried, have only confirmed my previous opinion. You have had very difficult duties to discharge. Under the extraordinary circumstances surrounding your office during the past few years, it would have been almost impossible for any one to fill your position without incurring hostility. Possibly a greater amount of political experience and tact might have enabled you to avoid some of the antagonisms and difficulties you encountered, but I have not failed to recognize the fact that your official acts have been mainly actuated by a singleness of purpose to serve the interests of the State. I can well understand that, after this long struggle, you should desire to be relieved of a position which has been a thankless one to you. I, therefore, accept your resignation as you request, and will endeavor to find some one who will take the position when vacated by you and guard the interests of the State. I remain, very respectfully,

WILLIAM P. KELLOGG.

Personal.

Captain Frederick A. Johnson, general superintendent of the Mississippi and Orinoco Company, of St. Louis, a company contemplating direct trade between this valley and that of the Orinoco river and the West Indies, called upon Senor E. Martinez, the lately appointed Venezuelan consul, last evening, and was pleased to find that gentleman well versed and co-operative in the plans of the company.

TRY IT.—Chances for fortunes slip by every day often unknown to us, but when we see the chance and do not avail ourselves, then the negligence is almost criminal. The golden drawing of the Louisiana State Lottery Company, which takes place in the latter part of this month, offers inducements which, if let slip, might never offer again, and we would advise all to take a chance. Lotteries have been objected to on moral grounds, but with one fairly conducted there can be no more objection than in risking one's money in the regular course of business. There will be no scaling of prizes, and the drawing will positively come off as advertised, so those who do not wish to lose this chance to become rich had better come forward and at once secure a ticket. All business is a risk. A lottery is nothing more—nothing less. Every one investing in the golden drawing can calculate his chances. They are one in six for a gold prize certain, and afford the opportunity of winning a splendid fortune. Who would be rich, themselves must strike the blow.

COURT RECORD.

TUESDAY, DECEMBER 14, 1875.

United States Circuit Court.

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

United States vs. E. E. Norton et als.—In chancery. District Attorney Beckwith charges that A. D. Dieter, J. J. Goldstein, J. H. Leovy and A. Descomines were partners in exporting cotton to Liverpool; that March 7 they shipped 1082 bales, which reached Liverpool May 19; that the tax was two and a half per cent; that they conveyed the cotton beyond the jurisdiction of the United States by means of a forged manifest with a pretended affidavit with the name of C. H. Shute; that they obtained from Cessaire Fassy a manifest of staves, which they pasted over the forged manifest to conceal the name of Shute; that by this means the United States was defrauded of $11,897, and that the firm went into bankruptcy, with E. E. Norton as assignee. Prayer for injunction against distribution of the estate till the claim of the United States is satisfied.

United States vs. F. J. Herron.—On motion of the district attorney the compromise proposed was accepted, and the bond as surety for deputy revenue collector canceled.

W. S. Petterkin vs. City of New Orleans. Motion to set aside seizure of city funds in Louisiana National Bank taken under advisement.

C. Case, F. F. Case substituted, receiver of First National Bank, vs. E. E. Lavilldebeuvre.—Verdict for $5,[illegible].

United States vs. Ferd. Dudenhefer.—Embezzlement. True bill. Bail fixed at $10,000.

Rosalie Maenhaut vs. city of New Orleans.—On trial.

GRAND JURY.

Twenty-two grand jurors reported, and were discharged till December 21.

Owen Boutte, a delinquent grand juror, was fined $50.

Superior District Court.

State ex rel. Louisiana Levee Company vs. Charles Clinton, State Auditor.—Mandamus to issue a warrant for $14,000 for funds in the hands of the State Treasurer, to which relator is entitled, made peremptory.

Mayer Cohen vs. Bank of America.—Sequestration of tax funds deposited with defendant released on bond of $1000.

Nicholas Connell vs. City of New Orleans.—Petitioner alleges that under a contract with the city of Carrollton he laid brick pavements on twenty one streets at $1 30 per running foot, and claims $19,762 29.

Superior Criminal Court.

State vs. George Morris, Murder of Sarah Jones November 30, at No. 256 St. Louis street. Accused pleaded guilty and was almost unrecognizable in his actions in court. Hugh J. Campbell was appointed counsel, and accused remanded to await further proceedings, no plea being recorded.

Mrs. Cessaire, alias Mrs. George Washington, grand larceny.—Stealing $1590 May 12, 1875, from Mr E. Saurey, No. 142 Levee street, where she was employed as nurse. On trial and jury out.

State vs. James Reid, assault and battery on P. J. Sullivan, police officer, November 21, 1875.—Verdict, not guilty.

First District Court.

PLEADED GUILTY.

Albert Ford and Nick Mosquino, of assault and battery; Charles Smith, of petty larceny.

INFORMATIONS.

Assault and battery—William Kane, alias Lotts.

Entering, etc.—Miles Bird.

Petty larceny—John Henry, alias Cora.

NOLLE PROSEQUI ENTERED.

Thomas Monahan, alias Moran, breaking and entering.

VERDICTS.

Assault, etc.—John Hayes and William Leonard, guilty; Mrs. Donahue, not guilty.

Second District Court.

Succession of Joseph Taylor opened.

Fifth District Court.

Pike Barret et al vs. Joseph Hague & Co.—Judgment for $1181 72.

C. E. Girardey vs. Joseph Raymond.—Judgment for $104 8[illegible].

Amusements.

Mr. Barry Sullivan acted *Shylock* last night at the Academy of Music. His representation of the Jew was in all respects a fine performance, and satisfied the most critical. To-night the play of "Hamlet" will be repeated. At the matinee performance to-day the "Two Orphans" will be played.

At the Varieties Theatre Mrs. Chanfrau's first matinee will be given this day. The play of "Parted" still holds the boards.

The Buffalo Bill Combination also gives a matinee performance to-day. Mlle. Morlacchi's benefit will occur on Friday night, and Saturday night performance will be for the joint benefit of Buffalo William and Texas Jack.

The opera bouffe troupe at the Opera House is meeting with good success. To-night "Giroflé-Giroflá" will be sung. The only matinee at the Opera House will be given on Thursday.

A GRAND CHRISTMAS PRESENT FOR WIFE AND CHILDREN.—An opportunity to secure a home, with prospects of great ultimate enhancement, is afforded in the sale of that beautiful square of ground advertised to take place on Saturday next, the eighteenth instant, by C. E. Girardey, auctioneer. It measures 320 feet front on each of Canal and Customhouse streets, and 313 feet front on each of St. John and Cortez streets, with double horse cars on Canal street, the Broadway of the South, and the railroad on Customhouse street to the lake. It is free from Mme. Gaines' claims, and coming from the Pontalba estate constitutes its title one of the best in the State. As a home or safe and promising investment the property popularly known as the "Fanny Sweet's" square is most desirable.

Professor Dimitry at Montgomery.

There was a very refined and intelligent audience at the Arlington Club rooms, on Thursday night, to listen to the lecture of the distinguished scholar, Professor Alexander Dimitry, of New Orleans. It was not generally known that the lecture would take place at the time indicated, and many who desired to hear the distinguished statesman were deprived of the pleasure, because of the uncertainty as to time when the lecture was actually to occur.

Professor Dimitry was laboring under a severe cold, and his voice was not so strong as to permit him to speak at any great length. He opened his lecture with an apology for the condition of his voice; and as it was apparent that he was suffering, the audience sympathized with him, and willingly accorded him their acknowledgments. He then proceeded to discuss the formation of the earth, light, the animals, etc., explaining his theory of the creation and the relation of man to the animals. The professor read his lecture from manuscript, and impressed his hearers with great interest, and they listened to him with the close attention. It would afford us pleasure to publish the lecture entire, but our space is so limited that we are unable to do so. We hope that our literary friends will induce Professor Dimitry to deliver another lecture at an early day, when he shall have recovered his voice.—*Alabama State Journal.*

BY TELEGRAPH.

CONGRESS.

Senate.

WASHINGTON, December 14.—The Senate passed a bill to extend the duration of the Court of Commissioners of Alabama Claims. The Secretary of War submitted the report of engineers upon improvements at South Pass. The report is made by Major C. B. Comstock. The Secretary of War asks for a further appropriation to continue examinations.

Senator Patterson presented a memorial of the Chamber of Commerce and the mayor of Charleston, for an appropriation for the improvement of the harbor of that place.

The resolution calling for the report of unsettled accounts and delinquencies was referred to the Committee on Finance.

The resolution to allow Mr. McMillen to withdraw his credentials was taken up. A motion to refer to the Committee on Elections and Privileges was lost, and permission to withdraw passed by a strict party vote except Mr. Hawes.

Incidentally Louisiana affairs were ventilated, except as they bore upon Pinchback, to whose case no allusion was made. During the discussion Mr. Howe said he did not believe there was a man in the country, or on the floor who did not believe the McEnery government a sham.

Mr. Bayard said he believed in his soul that McEnery was the legal Governor of Louisiana, and had been kept from his place by usurpation and federal power. [Slight applause in the gallery, but it was promptly checked.]

House.

In the call of States the following are among the vast number of bills offered:

By Mr. Blaine, of Maine—Proposing an amendment to the constitution, providing that no State shall make any law respecting the establishment of religion, or prohibiting the free exercise thereof, and that no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, or any public lands devoted thereto, shall ever be under the control of any religious sect, and that no money or lands so devoted shall be divided among religious sects or denominations.

By Mr. Hale, of Maine—To provide for United States vessels, hailing from the places where they are owned. Making the presidential term six years and afterwards ineligible.

By Mr. Darrell, of Louisiana—To amend the act of the third of March, 1871, incorporating the Texas Pacific Railroad Company. This bill is similar to Senator West's, introduced in the Senate.

By Mr. Morey, of Louisiana—To remove the political disabilities from all the citizens of the United States, and to prescribe an oath of office.

By Mr. Davis, of North Carolina—To repeal the law forbidding the payment of accounts, claims and demands of Southern citizens for quartermasters' stores, etc., and appropriating $200,000 to pay for the same.

Mr. Fort, Republican, of Illinois, introduced the following resolution, and demanded the previous question on its adoption:

That in all subordinate appointments under any of the officers of this House it is the judgment of this House that wounded Union soldiers who are not disabled from the performance of duty should be preferred."

A standing vote on seconding the previous question showed ninety seven Republicans voting in its favor, and 101 Democrats against it. The vote was taken by tellers with the like general result, the report of the tellers being: Yeas 97, nays 126. So the previous question was not seconded.

Mr. Cox, of New York, then offered the following as an amendment to the resolution, moved the reference of both resolutions to the Committee on Accounts, and demanded the previous question.

Resolved, That inasmuch as the Union of the States has been restored, all the citizens thereof are entitled to consideration in the appointment to offices under this government.

Mr. Hale, of Maine, inquired whether Mr. Cox's resolution was offered as a substitute to Mr. Fort's?

The Speaker replied that he understood it to be offered as an amendment.

Mr. Starkweather, of Connecticut, made the objection that, as the State of New York had been already called, the gentleman (Mr. Cox) could not put in a resolution now.

The Speaker ruled that it was too late to make the objection.

Mr. Fort said that he had tried to make the objection as soon as the resolution was offered.

Mr. Hale, of Maine, inquired whether the House had acted on the amendment.

The Speaker—It has not, but would be acting on the subject matter of the resolution now, which is not the purpose of the gentleman from New York. His purpose is to refer both resolutions to a committee.

Mr Cox—The original resolution was an *ex capitanum* affair. My resolution is in the nature of amnesty. [Laughter.]

Mr. Reagan, of Texas, made a point of order that neither the original resolutions nor the amendments were in order; neither of them proposed anything which the House was authorized or required by law to do.

The Speaker overruled the point of order, stating that if it was ever tenable, it came too late.

The vote was taken by yeas and nays and resulted in, yeas 168, nays 102—a strict party vote. So both resolutions were referred to the Committee on Accounts.

The Speaker appointed as regents of the Smithsonian Institute Messrs. Clymer, of Pennsylvania, and McCrary, of Iowa.

WASHINGTON.

Confirmations.

WASHINGTON, December 14.—Riley, consul to Zanzibar; Daniel S. Richardson, of California, secretary of legation to Mexico; Volney V. Smith, of Arkansas, consul, etc., St. Thomas; C. P. Lincoln, of Mississippi, consul to Canton, China; Brady and Chamberlin, supervisors of internal revenue; Andrew Clarke, collector second Georgia district; and William F. Green, eighth Tennessee district; J. M. G. Parker, gauger at New Orleans; Ringer, Clarke, Tennessee; Bidwell, Yazoo City, Mississippi, and Cox, Farmville, Virginia.

In Cabinet.

The Cabinet considered several appointments.

Going to Philadelphia.

The President, with the Secretary of the Navy, the Postmaster General and Attorney General, will visit the centennial grounds, Friday, the seventeenth.

The House Committees in Suspense.

The programme now is to postpone the announcement of the House committees to January 6.

The Spanish Question.

The present distinctive point at issue between the United States and Spain is stated in non official but usually well informed circles as follows: The United States—

First—That in future all American citizens in Cuba accused of violations of law shall be tried by the civil courts, and not by military tribunals, with all the rights in such cases as are secured by the seventh article of the treaty of 1795; and,

Second—That all sentences, where American citizens have heretofore been tried by military tribunals, shall be annulled.

Spain, to some degree, concedes the claim of the United States to the first proposition, agreeing that in future American citizens accused of violations of law shall be tried by the ordinary tribunals, with the right to be heard by counsel, to summon witnesses and to employ all other necessary safeguards, on with the reservation that all such trials shall be according to the law of 1821, which provides for more expeditious proceedings than those of civil courts for common crimes in time of peace. She also offers to revise all sentences by the court-martial on American citizens where it shall be satisfactorily shown that such sentences were in violation of established law.

NEW YORK.

Arrest of a Lawyer for Embezzlement.

NEW YORK, December 14.—Adolph Livinger, attorney for an uptown savings bank, has been arrested, charged with having failed to turn over $28,735 collected, which, it is said, caused the failure of the bank.

Protest of Alabama Bondholders.

A meeting of the Alabama bondholders is being held this afternoon to protest against the proposition of the State commissioners of Alabama, for the adjustment and liquidation of the State debt. Hamilton Blydenburg presides. A committee was appointed to draw up a remonstrance for presentation to the Alabama Legislature against the propositions of the commissioners.

WHISKY RING.

Matters at a Stand Still in St. Louis.

ST. LOUIS, December 14.—No new grand jury will be impaneled until next May. No new indictments until then.

Counselor Brodhead.

A dispatch from Attorney General Pierrepont to District Attorney Dyer says the commission of Colonel Joseph D. Brodhead as special counsel in the whisky prosecutions has been forwarded on a retainer of $1000.

Another dispatch says the President desires that ex Governor Thomas C. Reynolds be engaged to assist Colonel Brodhead. Mr. Reynolds has been proffered the appointment, and has declined, but for what reason has not transpired.

Bingham's Testimony at Indianapolis.

INDIANAPOLIS, December 13.—The entire morning session of the court was occupied in hearing the evidence of John W. Bingham, whose appearance on the witness stand was the signal for some interesting revelations regarding persons and matters directly connected with the Indiana whisky ring, of which he was the leading spirit and prime mover. Referring to Mr. Hill, witness observed that he had known him as a revenue officer for about two years, and had told Lewis and others of his employes not to fear the defendant in the capacity of a government official, as he was all right. Witness paid the defendant regularly on the first of every month for not poaching on him, and his average assessment for keeping the government officials was $2000 per week. These bribes were given to Hill at Bingham's office, in Evansville. Bingham also related in detail the circumstances of his having given Simon T. Powell, revenue supervisor, a gold watch and chain on the occasion of the latter's visit to Louisville. He said that when he presented the watch and chain he did it for a purpose, knowing the character of Powell, and that such a gift might benefit him some time.

Bingham stated that he had received occasional letters from Hill with reference to whisky irregularities, but could not produce any of them. He also observed that about one third of the whisky he manufactured was "crooked," and even then he had lost so heavily as to necessitate the "shuffling down" on the St. Louis distillery. Hiram M. Brownlee was given $600 by witness on the occasion of his attending the marriage of Henry Veatch at Evansville.

With reference to Charles E. Marsh, railroad agent, debating a whole day as to whether he would accept the bribe for making false entries of whisky shipped, witness said that Marsh did not hesitate thirty seconds.

General Veatch was then recalled and examined at considerable length.

Philip Givens testified to the shipment of a number of barrels of whisky from Paducah without stamps, and when the matter was reported he said he could not make a case out of it.

With the latter witnesses the evidence for the prosecution closed, and the evidence for the defense was commenced.

General Veatch, Joseph H. McNeallie, formerly postmaster at Evansville, and several gentlemen from Evansville and Rockport, were examined, and testified to the good character of the defendant before this indictment.

FOREIGN.

Failed.

LONDON, December 14.—A. A. Mortel, merchant, has failed. Liabilities, $550,000.

The Detectives Baffled.

DRESDEN, December 14.—The police have made a domiciliary visit to the abode of Thomas in Strasbiten, but failed to discover anything throwing light on the terrible crime in which the man is implicated. His wife has gone to Bremerhaven. A dispatch from Bremen states the man Thomas is an American.

The Amended Penal Code.

BERLIN, December 14.—In the Reichstag to day the clauses of the penal code amendment bill, directed against offenses similar to Von Arnim's, passed a second hearing.

Reinforcements.

SAN SEBASTIAN, December 14.—Reinforcements 3000 strong have arrived here.

MISCELLANEOUS.

Lively Times at Matamoras—The Election.

GALVESTON, December 14.—Advices from Matamoras state that during the municipal election in that city, on Saturday, fighting occurred. It is reported that Morgan and Fuentez, the two candidates for mayor, were wounded. Three men and one boy were killed.

Later information states that Senor Fuentez, the Cortina candidate, was elected mayor. The city is now quiet.

Texas Politics.

Lieutenant Governor Davis has issued a call for a Republican State Convention to assemble in Houston January 12.

Active preparations are being made for the Democratic State Convention, to assemble in Galveston January 5.

Civil Rights Case in Arkansas.

LITTLE ROCK December 13.—A colored woman named Laporte, who sued the St. Louis and Iron Mountain Railroad Company some time ago for $2000 damages for refusing her a seat in the ladies' car, obtained judgment before the Circuit Court of Pulaski county to-day for $100.

Another Moiety.

NASHVILLE, December 14.—Commodore Vanderbilt has given an additional $100,000 to the Vanderbilt University, making $700,000.

Marine.

BALTIMORE, December 14.—The schooner Philadelphia, from Richmond for Philadelphia, loaded with granite, capsized and sunk off Poole's island. The crew were picked up.

Baltimore and Savannah Steamship Company.

The stockholders of the Baltimore and Savannah Steamship Company appointed a receiver for the benefit of creditors. Liabilities about $57,000, and the assets the steamers of the line—the America and Saragossa. The steamers stopped running about a week ago.

A Missing Schooner.

PORTLAND, Me., December 14.—The schooner Deborah, hence for Springfield, twentieth November, is unheard from, and it is feared she was lost.

A Criminal Railroad.

BUFFALO, N. Y., December 14.—The coroner concluded his inquest in the case of the two men whose death was caused by the recent collision of the Central Railroad at East Buffalo. The following verdict was rendered: "That A. Wood and Joseph Doty came to their deaths through the contemptible false economy practised by the New York Central and Hudson River Railroad Company, in not having sufficient employes on the road."

The Great Race Fixed for Christmas.

SAN FRANCISCO, December 13.—It is now considered certain that the great $30,000 race will come off Christmas day, the weather permitting. All the horses are in good condition, except Wildidle and Grinstead. The former will not run, and Foster is coming from Oregon to take his place. Grinstead will, no doubt, be all right in time for the race. It is probable that not less than six horses will start.

An Attempt to Burn a Church.

PROVINCETOWN, Mass., December 14.—While the Universalist Church was in session, with 800 people assembled, an attempt was made to burn the church. The flames were soon extinguished, but quite a panic ensued.

The Virginia Senatorship.

RICHMOND, Va. December 14.—The Conservative caucus to nominate a United States Senator, met at 10 A. M., and proceeded to ballot. Seven ballots—thirty-three in all—were taken, with no result. Flournoy was dropped. Tucker, Smith and Stewart were dropped twice each, and Johnston, Goode and Letcher once each. The last ballot resulted as follows: John W. Daniel, 65; ex Governor Smith, 52—the Goode men mostly voting for Smith or not at all. An adjournment then took place until after the session of the General Assembly, at which a formal ballot will be taken for Senator as required by law. Previous to adjourning, the caucus adopted a resolution that in voting for Senator in the joint Assembly, the Conservatives so scatter their votes as to prevent an election till nomination be made by the caucus.

At noon a vote was taken in both Houses for Senator with no result, the members scattering their votes so that the highest number for one person did not exceed 15.

Imediately after adjournment of the Legislature the caucus again met, and the thirty-fourth ballot resulted—Daniel 69, Letcher 30. The latter was finally dropped, and Goode renominated.

Thirty-fifth ballot—Daniel 61, Goode 63. Daniel was dropped, and Johnston renominated.

Thirty-sixth ballot—Goode 63, Johnston 65. Goode was dropped, and Judge Christian nominated. A recess was then taken until four o'clock.

The caucus reassembled at 4 P. M. Christian was withdrawn, and Cochrane renominated.

Thirty-seventh ballot—Johnston 62, Cochrane 66. Johnston was dropped the second time.

Thirty-eighth ballot—Judge W. R. Staples renominated. Cochran 50, Staples 49. Staples was finally dropped.

A spirited but unsuccessful effort was here made to reconsider the rule under which the caucus has been acting since yesterday. After some discussion, looking to the adoption of a new rule placing all candidates not finally dropped in nomination and dropping the lowest on each succeeding ballot until a choice is made, the caucus adjourned until 10 A. M. to-morrow, the new rule being withdrawn.

Eleven eligible candidates still remain, to wit: Goode, Daniel, Johnston, Tucker, Smith, Stuart, Robertson, Cochran, Coghill, Christian and Sheffey. The seven first named are only entitled to one renomination. The friends of Goode, Daniel and