NEW ORLEANS REPUBLICAN.

SINGLE COPIES: FIVE CENTS. OFFICIAL JOURNAL OF THE STATE OF LOUISIANA. TERMS: $12 PER ANNUM.

VOLUME IX.--NO. 217. NEW ORLEANS, SATURDAY, DECEMBER 18, 1875. WHOLE NUMBER 2678.

E DEFINITE AND RELIABLE TESTIMONY.

er from Dr. Kaufmann, Sheriff of West Feliciana.

Sheriff's Officer Robbed in a Respectable Community.

e REPUBLICAN published on the four th instant a report of some high-handed eedings in Feliciana, which the *Pica-* was so indiscreet as to contradict er flatly, without having in its posses any better proofs than the negative ion into which the local country papers been forced. We were even accused determination to ruin the reputation spectable communities * * * with producing some definite and reliable mony." We have already cited proofs me cases, especially in the matter of ing Russell in a pork barrel and firing y bullets into his body and then cutting is head. In the report of the fourteenth ered the following paragraph:

e night last week the sheriff's office was unded, and four bales of cotton, which ad seized for one of the merchants here, taken away by disguised men.

he sheriff of the parish, a worthy Demo- had already notified the Governor that was powerless to execute process of the rts.

e received yesterday morning a letter Dr. Kaufmann, sheriff of West Feli- a, which we publish below. We are of course, to learn that the good doc- has not been killed, and hope he never be. We certainly never said he was. ill be seen that his letter fully confirms report, though he now declares his ty to "execute any and all processes of t," however powerless he may have when the lawless men overpowered his d and captured the four bales of cotton h he had seized by order of court:

WEST FELICIANA, }
Sheriff's Office, December 15, 1875. }

OR REPUBLICAN:

r attention having been called to an le headed "The Flagitious Felicianas," ished in your issue of December 14, I wish to state that, without being d, I will execute any and all processes he courts.

hen my deputy, Thomas E. Ogden, Jr., d four bales of cotton belonging to n Summers, said Summers said to him two bales of this cotton should not be n away, not even with an army of fs and deputies. This threat was n on the second instant.

hen ordered Deputy Sheriff Hammer ard the property under seizure, and g the night of the third instant an d band of lawless men came and or- d him away. Being overpowered, he to run to save his life, and abandoned property, and all the four bales were n or captured. This happened on the plantation, eleven miles from my office.

DR. P. G. A. KAUFMANN,
iff of West Feliciana parish, Louisiana.

e will do the *Picayune* the credit to say we believe it would have condemned cts complained of by Dr. Kaufmann t heard of them when the REPUBLICAN That the cruel pursuers of poor Russell d have merited and received its just rs had the account which appeared in *Bulletin* two or three days before the BLICAN published it come to the notice editor. We shall be glad to hear of mitigating circumstances to soften the edges of bad reports, but can not find hing even in the columns of the per which looks that way.

wever, we are glad to know the sheriff s far got the upper hand as to be able ure us that he can now execute any ss of court.

Real Estate Transfers.

e following are the real estate transfers he week ending Thursday, December opied from the books of the mortgage

t No. 2, fronting on St. Philip street, en Derbigny and Roman streets, with vements; lot No. 18, fronting on al street, between Canal and Custom- streets, with improvements; lot No. ting on Metairie road, all sold for cash $1033 33, mortgage $1666 66, re- n $4000.

lot fronting on Canal street, between part and Burgundy streets, with im- ments, sold for $11,000; cash $3666 66, gage $7333 33.

18, fronting on Bayou road, between rson and Villere streets, with improve- sold for $2100; cash $700, mort- $1400.

4, fronting on Camp street, between mene and Terpsichore streets, with ements, sold for $8022 85; cash 85, reversion $1400.

No. 5, fronting on St. Louis street, en Treme and Marais streets, with vements, sold for $400; cash $200, age $200.

No. 27, fronting on Camp street, be- Girod and Julia streets, with im- ments, sold for $13,480; cash $500, age $12,980.

fronting on Dauphine street, between erille and Spain streets, with im- ments, sold for $600; cash $300, mort- $300.

lots fronting on DeArmas street, be- Lowerline street and Millaudon , with improvements, sold for $3076; age $2076.

No. 11, fronting on Third street, be- Fulton and Rousseau streets, with vements, sold for $1860; cash $600, ge $1200.

No. 2, fronting on Louisa street, be- Craps and Dauphine streets, with vements, sold for $2500; cash $482 55, ge $1500, reversion $517 45.

No. 26, fronting on Rampart street, en Perdido and Poydras streets, with vements, sold for $2375; cash $1187 50, age $1187 50.

No. 20, fronting on Magazine street, n Pleasant and Harmony streets, improvements, sold for $5000; cash , mortgage $2500.

S THIS DAY BY MESSRS. MONT- Y.—At ten o'clock, at No. 100 Canal dry goods. At half-past ten o'clock, r of Gravier and St. Charles street, y. At eleven o'clock, at auction No. 60 Camp street, one billiard nearly new. At eleven o'clock, at Baronne street, horses, mules, bug- wagons, etc. At the same time, at Camp street, general household fur- At twelve o'clock, at St. Charles Exchange, real estate. At twelve M., at No. 60 Camp street, un- goods, by order of the Metropolitan Board. At 1 P. M., at No. 60 Camp continuation of statuary and clock At 7 P. M., at No. 60 Camp street, y. At 7 P. M., at No. 100 Canal dry goods. For full particulars see ements.

[Special Correspondence of the Republican.]

NATIONAL POLITICS.

The Protestant Question and the Presidential Election—Impossible to Eliminate it from the Contest of 1876—The Confederate Power will Join the Catholic Party—The Negro the Balance of Power—Neither the Protestant Party nor the Republican Party Can Afford to Array the Negro Power Against It—The Rejection of Mr. Pinchback a Republican Blunder.

WASHINGTON, December 13, 1875.

Notwithstanding the efforts of so called conservative statesmen, the two great radical forces of American politics continue to assert their influence here and throughout the country. These forces are represented in the religious convictions of the people and in the cause of humanity as represented in the life-aspirations and human rights of the liberated Southern negro slave. It matters little whether the religious conviction of which I speak is Catholic or Protestant—it is equally powerful over those who entertain these convictions. The true Catholic believes that the family uniting with the church forms the proper "educational institution" for the education of the children of the church. So long as parents love their children and regard their moral training as a matter of supreme concern, so long will this question of education continue to agitate society. The Protestant, discarding the Catholic idea, and earnestly alive to the moral welfare of his children, will strive for the common school system, either with or without religious instruction, as the best means in education of youth. The Protestant will do this, believing that "creed education" is an evil. As home is, after all, the one sweetest place on earth; as the domestic affections are, after all, the most sacred of earthly things; as the family is the one divine primeval institution from which springs both Church and State, it is clear that this school question can not be suppressed as a potential force in American civilization. Constitutional procedure will not suppress it. The resolutions of political conventions can not suppress it.

The question arises on which side of politics will this religious influence fall in the next presidential election? The answer to this question is self evident. The Protestant idea in regard to the education of the children of the republic will ally itself to the Republican party. The Catholic idea in regard to the education of the children of the Church will ally itself to the Democratic party. The Confederates, whether Catholic or Protestant, will join the Catholic-Democratic alliance for reasons which will be readily understood by all intelligent people. Consequently the issue raised by the Roman Jesuits in New Jersey last summer, coupled with a personal attack on the President, remains and must continue to remain a powerful force in the politics of the country, notwithstanding the efforts of Mr. Blaine (Protestant Republican), Senator Kernan (Roman Catholic) and Senator Gordon (Confederate), to eliminate it from politics. General Grant met the attack of the New Jersey priests by his celebrated speech at the army reunion at Des Moines, last fall. He has followed that speech up by a formal declaration, as chief magistrate of the nation, of his convictions on the school question, in his recent message to the American Congress. In that speech, and in his message, the President takes the Protestant side in this issue. The full meaning and scope of this attitude of the President may be taken in, when I assert that if President Grant were to stand upon his Des Moines speech and the school clause of his message alone, and signify his willingness to become the presidential candidate of the Protestant sentiment of the nation in 1876, that this sentiment would rally around him; that it would form the new or third party, of which so many people have written, and that he would be elected President by the American people over all other parties, and over all other candidates. So much for the strength of the Protestant sentiment, and for the President's personal relation to it.

The next question which arises, equal in importance to the other, is, "Could this Protestant party hold its ground permanently against the Confederate power and the Catholic power thus united against it?" The answer to this question lies with the negro power. If the Protestant party forms an alliance with the negro power and protects that power in its just civil and political rights then the political future of the republic for fifty years to come can be clearly foreseen. If on the other hand this negro power is alienated from the government of the Union and cast off to struggle for itself without recognition—denied the right of representation in Congress—and abandoned to the mercy (or forbearance, if you please) of the Confederate power; then, the balance of power needed to secure the ascendency of the Protestant party will be lost.

What is true of the Protestant party is equally true of the present Republican party. The Republican party can not abandon the negro and live. When it does so it will at once lose its hold upon a million voters at the North, who will immediately leave the party. With the loss of this anti-slavery vote at the North and the loss of the negro power at the South, what will there be left of the Republican party as a Protestant party or as anything else?

It will be seen from all this, that the admission of the negro Senator from Louisiana forms, as stated before in this correspondence, the turning point in the present conflict of parties. Is the negro power to be recognized side by side with the Confederate power in the American Congress or not? Is the negro power to be welded to the Republican cause—to the cause of Protestantism and to the American Union, or not? Let the political leaders of the Republican party beware; there are breakers ahead. The angry roar of these breakers may be distinctly heard above the petty clamor of place-hunting partisans even by the most inexperienced landsman. They are under the very bows of this noble ship of State. This is no time for wine drinking and carousing in the cabin by the officers of this ship. Their place is on deck, and it will take all their courage and coolness and statesmanship to ride with safety the approaching storm. B.

It is well understood that enjoyment must have its moment of rest as well as labor. A five act tragedy will generally give the greatest enjoyment a good long rest.

The Case Against the Auditor.

On the thirtieth of April, 1875, Governor Kellogg, for the use of the State, filed in the Superior District Court a petition which set forth numerous irregularities in the office of the State Auditor, by which the State had suffered losses in money and other ways. A supplemental petition charges further acts of malfeasance. The Auditor defended the act admitted by raising questions of law and relying on advice given by the Assistant Attorney General. The trial of the case was commenced June 29, and ended July 3. At the conclusion, Judge Hawkins refused to hear an oral argument and continued the case to November, when briefs were to be filed. In addition to the Attorney General Governor Kellogg engaged the services of Hon. R. H. Marr, and J. Q. A. Fellows and J. B. Cotton, Esqs.

Their brief is in substance as follows: The suit is on the bond of the Auditor for $10,000, and personally for many times that sum. The first four counts of the petition refer to settlements with tax collectors; with Bentley, of Ascension, where $10 126 21 was retained by him from December 29, 1873, to April 17, 1874; with Anderson, of Catroll, $1437 27, from October 11, 1873, to April 20, 1874; with Hine, of St. Mary, $2916 54, from December 31, 1873, to May 2, 1874; with Herron, of Orleans, $1165, from June 29, 1873, to December 10, 1874. The court refused evidence on these counts on the ground that it was not alleged the State had suffered any loss. The fifth charges a diversion of $47,000 from the school fund; the sixth of $269,969 73 from the interest tax fund; the seventh, a misappropriation of $16,741 36 of the current school fund of 1873. No testimony was admitted on the same ground. The eighth charges a discrepancy of $279,783 83 of tax receipts withheld from the State, and the tenth a further discrepancy of $45 382 55. Ruled out by the court *ex mero motu*. The ninth count charges an illegal issue of $60,300 in warrants to James Longstreet. The issue was admitted and a question of law raised. The eleventh count charges the illegal issue of $138,557 33 to George W. Benham and five others. The supplemental petition charges that Clinton received and did not account for $250,000 of tax funds, and that he issued warrants to J. W. Armstrong & Co. for $10,796 75. Though a jury of merchants was consented to, the court refused to grant it. The brief is, therefore, limited to the charges relative to the amounts of $138,557 33, $10,796 75 and $60,300.

Governor Kellogg alleges there was no specific appropriation for any of these. On the Longstreet warrants Clinton first refused to pay. Suit was brought, August 25, for mandamus, rule returnable August 26, made peremptory the same day, and the warrants, $53,200 and $7100 on act No. 59 for appropriation for militia, drawn the next day. Suit was brought against the Treasurer the same day, service accepted and citation waived by the Assistant Attorney General, answer filed and mandamus made peremptory August 28, the Assistant Attorney General refusing to take an appeal on the twenty-ninth. It does not appear that the Auditor asked for an appeal. Article 104 of the constitution says: "No money shall be drawn from the treasury but in pursuance of specific appropriations made by law." The act of 1855, re-enacted in 1870, Revised Statutes, page forty-three, section 181, is equally simple and explicit: "No warrant shall be drawn by the Auditor nor paid by the Treasurer unless the money to pay the same has been previously appropriated by law." The Auditor knew no appropriation had been made by act No. 59 of 1874. The Assistant Attorney General must have acted with the knowledge and consent of the Auditor. If they differed it was the Auditor's duty to appeal. The judgment must have been rendered by consent. No evidence seems to have been offered. The Auditor did not wish to oppose the issue of these warrants, and he allowed suit to be brought merely to cover with the apparent sanction of a judgment an act which he had determined beforehand to do, and which he knew he had no legal authority to do. Without his consent no such judgment could have been rendered or enforced.

Governor Kellogg proceeds to show that the appropriation bill of 1874, making provision for "the necessary amount" for "warrants, vouchers and checks for 1870, 1871 and 1872," against which the $138,557 33 was drawn, was not a specific appropriation any more than if it had read, "the sum necessary to pay the debts of the State of Louisiana is hereby appropriated." The case of Judge Howe is referred to, where the Supreme Court denied the constitutionality of the second section of act No. 59 of 1874 as not expressed in the title, and asserted that the debt of the State was over $25,000,000, 27 A., 40. The means taken by Governor Kellogg to prevent the issue of warrants under this section are fully detailed from the time of his conferences with the Attorney General, the agreed absence of the Auditor for a week after promulgation of the law, and the bringing of the injunction. During the absence of the Auditor George C. Benham induced his chief clerk to fill out the warrants about March 17 or 18. They were worthless without his signature, and on his return he dared not put his name to them in the face of the injunction issued in his absence. August 26 he wrote to Assistant Attorney General Dibble:

On the fifth of March last, and some time prior to an injunction obtained by Attorney General Field, warrants on the State Treasurer were issued in payment of legislative vouchers to Mr. George C. Benham, amounting to twenty-two thousand and some odd dollars. Before they were signed I was compelled to leave the city, and upon my return demand was made upon me to sign and deliver said warrants; but in view of an injunction being obtained against said appropriation during my absence, I declined to do so.

I am again importuned to deliver said warrants, and respectfully request your opinion as to my duties in the premises.

Governor Kellogg's brief alleges the "Armstrong" warrants to have been dated March 5, and the Benham not to have been signed before March 27 or 29. They purport to be on act No. 59 of March 16, 1874. Surely the Auditor did not intend to tell the Assistant Attorney General that on the fifth of March, before the passage of the act, in advance of any appropriation, he had audited and approved and filled up warrants for claims in favor of Benham, to be paid out of the appropriations of that act. Benham did not want $22,000, but $138,000, which he got, his share being $31,500. The case stated by the Auditor is supposititious.

To explain the matter more fully the Governor refers to act No. 3 of 1874, creating the board to fund all valid bonds of the State, and valid warrants outstanding at that date. The board met Monday. Wednesday, August 26, it was in session, but it does not appear how or by what authority it was convened. Four were present, the Auditor presiding. August 27 it was again in session, and resolved to receive the application of W. Sanford the next day. August 28, no meeting. August 29, the warrants were exchanged. Sanford was an employe of Benham. Whether the Auditor should sign them or not was discussed August 26 or 27. Acting Attorney General Dibble gave a verbal opinion that he had authority to sign them. The board did not see the warrants. The Governor received no notice of the meeting, and when he heard the warrants had been funded, thought it was a mistake. The letter of the Auditor was prompted by his determination to bring these warrants before the board. Dibble's answer says: "where an auditing officer has examined and approved a claim presented, his discretion is exhausted;" and

The signing and delivering of a warrant is a mere ministerial act, the performance of which the person whose claim has been audited and settled has a right to demand.

Upon a statement of facts contained in your communication it would seem that the warrants could be properly and ought to be delivered.

The "$22,000 warrants" have not yet appeared. The Assistant Attorney General was evidently misled by the Auditor, thinking he had audited and passed on the claims, when in fact a clerk, ignorant of the duties of the office except the mere routine, had merely distributed the amounts and filled up the blanks. If the warrants had been audited March 5 the case would have been different. It is far from certain that the acts were not subsequent to the injunction and in contempt of court. Dibble says nothing of the injunction, and it would have been an abuse of power for him to raise it without the order of the Governor. The funding board had nothing to do with the signing of the warrants, and Dibble was not asked as to the right to fund them. The letter did not remove the injunction, and the Assistant Attorney General could not authorize the defendant to violate it. In a letter to Clinton, Attorney General Field said:

The answer is clear that you can not issue warrants for claims of this kind under any of the provisions of the appropriation bill of the last session of the Legislature unless the injunction issued by the Superior District Court is raised. No part of said injunction do I propose to suspend until compelled to do so by the decision of the highest court in the State!

Governor Kellogg further sets forth that the Auditor was unaccountably anxious to free himself from the injunction; to place these claims, not worth five cents on the dollar, on a par with valid obligations, and that a complete answer to importunity was their unconstitutionality. The meeting of the funding board was not a regular one. The Governor, Lieutenant Governor and Fiscal Agent were absent. Speaker Lowell, who was present, was directly interested to the amount of $14,278. The only obligations to be funded were those outstanding January 21, 1874. The Auditor and Lowell should be prosecuted under section three of the funding act, for they knew on what class of vouchers the warrants were drawn.

In regard to the Armstrong warrants dated March 5, 1874, for contingent expenses of 1873 Governor Kellogg says if it had been a valid debt no warrant could have been drawn after December 31, 1873. No such firm as J. W. Armstrong & Co. was ever heard of. The claim was divided into small amounts and $7000 got into the treasury. One of them for $796 75 was used in the settlement of the accounts of Houston, who testified he received no warrants from taxpayers and paid none to the Auditor or Treasurer, but only in money or check. He was sent for, and in the Auditor's office, on request, and having no interest in them, indorsed an unknown amount of warrants, and November 3, 1874, the Auditor wrote the Treasurer he accepted from Houston for settlement of 1872, valid Auditor's warrants amounting to $3722 87. The indorsements of J. W. Armstrong on the warrants are in three different handwritings, came in settlement with tax collectors, and must have passed through the Auditor's office.

The Governor concludes by saying the case is one of flagrant disregard and violation of official duty by an officer placed between the funds of the State and all who pretend to have pecuniary demands. He allows $60,300 to be withdrawn without an appropriation under a judgment obtained through his consent and with his approbation; he issues warrants in violation of the injunction for which there was no appropriation on fraudulent vouchers; presides at irregular meetings of the Funding Board, and allows a member to sit who is directly interested in funding warrants before they are signed, and lastly, issuing warrants to a fictitious firm for a fictitious debt, and receiving them in settlement with a tax collector.

If the Auditor and his sureties are not liable on the facts proven in this case, then there is no such thing as civil responsibility for the violation of official duty, and the people are at the mercy of the office holders, who should be their servants. If legal liability is not established in this case it never can be established in any case of official misconduct; for it is to be hoped that no case will ever occur, in Louisiana, of malfeasance in office attended with circumstances of greater aggravation.

The Temperature.

The thermometer at Louis Frigero's, No. 50 Chartres street, stood as follows December 17: At 8 A. M., 44°; at 2 P. M., 54°; at 6 P. M., 51°. Lowest point during the night of December 16, 43°. Rain during the night of December 16, one-fourth of an inch.

Somebody
Must win
$100,000
At the Golden Drawing, December 27.
Recollect, there is one chance in six
To win a splendid fortune in gold.
3580 prizes—in all, $502,500.
Capital prize $100,000.
Tickets only $50.
No scaling.

Amusements.

Mr. Barry Sullivan appeared at the Academy of Music last night as *Beverly*, in the old time tragedy of the "Gamester." This play was written by Edward More; it was acted at the Drury Lane Theatre more than 120 years ago, with Garrick in the leading part. It is as cheerful as a funeral in yellow fever times. It was first produced at an immoral stage era, and was then considered as a new departure, aiming to show the misery resulting from gambling. It is a sermon in five acts. It gives a leading lady scope for forcible action, and the tragedian a good chance to die dismally to violin accompaniment. The plot of the "Gamester" is simple enough. *Beverly* is a weak husband, made the tool of the villain *Stukely*. The villain reveals the fact that he is rich and powerful, that he loved *Mrs Beverly* before her marriage, and that to humble her he will ruin her husband; and he keeps his word, alluring the husband to gambling, to losing his means, his wife's jewels, his self-respect, and friends, and at last becomes a prisoner, takes poison, and finally dies after hearing, as an aggravation, that a rich uncle died and left a fortune to him. Mr. Sullivan's personation of the gambler must be considered as an artistic performance. He carries the character skillfully through the play, and works up the death climax with realistic effect. He was the attraction which drew a full house last night. It can be imagined that Mr. Cathcart was in the original cast. He played *Stukely*, and was a very stiff villain. He has the old time stage mannerisms. He appears to walk on stilts, to take exactly three steps at a time, to stop, bend forward and stand for a picture, then to go on and repeat as before. He is a hard-faced villain, and when he says to the wife, "I'll make a widow of you and court you honorably," he looks capable of attempting such action. Miss Louie Lord was overweighted with the part of *Mrs Beverly*. It is a character made famous by Mrs. Siddons, and it is safe to say Miss Lord did not come up to the standard of the great original. She has not had time to study the character, and she did not dress it rich enough, nor according to the period. The contrast between *Beverly*, in the elegant court suit of the past century, with its frills, ruffles and silk stockings, and *Mrs. Beverly* in a faded purple silk, of modern make and style, is too great. Mr. Sullivan finishes his engagement to-night with "Richard III."

At the Varieties Theatre last night "London Assurance" was played well to a poor house, Mrs. Chantrau appearing as *Lady Gay Spanker*. For the matinee to-day "Parted" will be acted for the last time.

Lieutenant Governor Antoine and the Centennial.

We are permitted to copy the following dispatch, received some days since by Lieutenant Governor Antoine, inviting him to visit the Centennial Grounds at Philadelphia on the occasion of the proposed visit of the President and party. Not only is it an evidence of the high esteem in which our Lieutenant Governor is held abroad, but a recognition of his active services in aid of the greatest national enterprise of the century:

PHILADELPHIA, December 13, 1875.

To Lieutenant Governor C. C. Antoine, New Orleans:

DEAR SIR—The United States centennial commission and board of finance invite you to visit Fairmount Park, Philadelphia, and view the buildings of the industrial exhibition on the occasion of the visit of the President of the United States and Congress, who will arrive Friday afternoon, December 17, leaving the Continental Hotel Saturday morning for the park.

Very respectfully, your obedient servants,
JOHN WELSH,
President of the Centennial Board of Finance;
JOSEPH R. HAWLEY,
President of the United States Centennial Commission.

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 Cortes 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 sale and promising investment the property popularly known as the "Fanny Sweet's" square is most desirable.

Passengers to sail for Mexican ports in the steamship City of Havana:

H. P. Ward and wife, Charles De Roi, W. Park, William Nelson and wife, Miss N. C. Ogden, Miss C. Manseat, Mrs De Alas, W. G. Higgs, Mrs. B. Mayfield, C. Funez, S. Moroni, J. Divergni, Dr. G. M. Gronden, C. Smith, Mrs. C. H. Cooper, J. Woodside, M. Phillip, A. A. Chizzola, G. De Querey, E. Smith, E. Duplan, C. Darcy, E. C. Zimmerman, L. Benedeck, A. Valter, A. Cartel, C. Van Ghele, J. Van Ghele, E. Predegam, B. Ludovic, L. Duvallis, John Scotto, J. Guerra, A. Lerclere, J. Kremer, C. Adorcy, H. Burkhardt, J. Gerard, J. Frinsse, R. Marrois, J. Jackart, J. Buffino, A. Grarini, A. Thuillart, E. Callardini, L. Zanhirri, Miss C. Geoffroy, Miss F. Duparc, Miss M. Duplan, Miss A. Rodon, Miss M. Mardijrie, Miss L. Faye, Miss E. Isaacs, Mrs. M. Duplan, Mrs. M. Huberi, Mrs. M. Julien, Miss F. Curran, Miss S. Noe, Mrs. M. Kandelet, Miss J. Englieberg, Miss M. Lemarie, Miss V. Neley, Miss J. Hartman, E. Buckley, M. Marzan, B. Sanchez, Miss Emma Deriderpre.

Golden Drawing. Golden Drawing.
Golden Drawing. Golden Drawing.
Golden Drawing. $50 Golden Drawing.
Can win
A splendid fortune
In the Golden Drawing,
Monday, December 27.
Purchase at
Golden Drawing. Once. Golden Drawing.
Golden Drawing. Golden Drawing.
Golden Drawing. Golden Drawing.

The language of Ralph Waldo Emerson leaves its impress upon the humblest scientific men of Massachusetts. A citizen was robbing a hen roost in Concord, and the proprietor called out: "What are you doing there?" The answer came through the stillness of night: "Darkness encompasseth me, O transcendental mortal; yet, gropingly, I am reaching out after the undiscernable."

It is said Wisconsin bears are not going into winter quarters as usual. By that it is thought we shall barely escape a severe winter.

COURT RECORD.

FRIDAY, DECEMBER 17, 1875.

United States Circuit Court.

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

United States vs. C. Brel et al.—Violation of customs law. Judgment of $335 19 in coin for duties.

Same vs. A. T. Bennett & Co.—Judgment for $257 94.

Same vs. Prats & Pizzat.—Judgment against A. De Ben for $486 75.

Same vs. P. Rabin.—Judgment against A. C. Prevost for $1365 04.

Same vs. N. Bruchman.—Violation of steamship regulations. Judgment for $500 penalty.

Same vs. C. Zarnowski.—Same offense and judgment.

Same vs. John T. Yates.—Judgment on bond as postmaster of Coushatta for $233 37.

Superior District Court.

Elizabeth McKay vs. city of New Orleans.—Judgment for $491 on bonds due the late Zuinglius McKay for services while district attorney.

George William Randolph vs. F. E. Dumas, tax collector of the Third District.—Injunction against sale of property dissolved.

Same vs. A. S. Badger, tax collector of the Fourth District.—Injunction dissolved.

Same vs. A. J. Redmond, tax collector of the Fifth District.—Injunction made perpetual.

Henry W. Soares vs. A. Dubuclet, State Treasurer.—Reopened for further testimony.

New Orleans Savings Institution vs. Mrs. Widow Barthelmy Fleitas.—Petition on three notes for $15,000.

Same vs. Alphonse Cortin.—Petition on note of $5000.

Louisiana Levee Company vs. Charles Clinton and sureties.—To the honorable the Superior District Court for the parish of Orleans: The petition of the Louisiana Levee Company, domiciled in New Orleans, respectfully shows: That your petitioner was duly created a body politic and corporate, under and by virtue of an act of the Legislature of this State, approved on the twentieth of February, 1871, with the powers, privileges, franchises and immunities contained in said act.

The said act and the acts of the Legislature amendatory thereof, to-wit: Act No. 42, approved March 6, 1873, and act No. 56, approved March 9, 1871, form a contract between your petitioner and the State of Louisiana for the construction, maintenance and repair of certain levees in this State, and provide for the levy and collection of the taxes therein mentioned, as compensation to your petitioner for the construction, maintenance and repair of the levees aforesaid; as the whole will more fully appear from the clauses, conditions and stipulations contained in said acts, which are prayed to be taken and considered as a part of this petition, in the same manner and to the same extent as if specifically set forth and reiterated herein.

And your petitioner further shows that by the acts approved February 20, 1871, and March 6, 1873, it was made the duty of the Auditor of the State to assess upon the taxable property thereof the taxes therein mentioned, which taxes were to be collected at the same time and in the same manner, and by the same officers as the ordinary taxes of the State are collected, and to be paid into the treasury of the State, and set apart as special funds for the benefit of your petitioner.

Your petitioner further shows that by the terms of the act approved March 6, 1873, it is provided that a commission of one per cent on the amount collected shall be allowed as a compensation to the officer on whom should devolve the collection of the taxes imposed by said acts, to be deducted and paid out of the funds of your petitioner. And petitioner avers that no other or greater commission could be allowed said officers out of the funds aforesaid.

Nevertheless, your petitioner represents that Charles Clinton, Auditor, whose duty it is by law to audit, adjust and settle the accounts of said tax collectors, disregarding the express provision of the act of the Legislature aforesaid, fixing the compensation of said collector at one per cent on the amount collected and paid into the treasury, and notwithstanding the repeated objections and remonstrances on behalf of your petitioner against his action in that behalf, both allowed said collectors a commission averaging six and six-tenths per cent on the amounts of the taxes collected by them for account of your petitioner, and five per cent to assessors, in violation of said contract, and audits, adjusts and settles their accounts accordingly.

Whereby a large portion of said funds have been, by the illegal acts of the said Auditor, diverted from, and lost to your petitioner, to its injury and damage in the sum of $195,192 19, as will more fully appear from the tabular statement filed herewith as part of this petition. And for which sum said Charles Clinton, and the sureties on his official bond, Charles Hemard, Charles E. Slayback, William Dillon, J. M. Schwartz and George C. Benham, are in solido, liable and indebted to your petitioner. Wherefore your petitioner prays that said Charles Clinton, Charles Hemard, Charles E. Slayback, William Dillon, J. M. Schwartz and George C. Benham, who reside in the city of New Orleans, may be severally cited to answer this petition, that after all due proceedings they be condemned in solido to pay your petitioner the sum of $195,192 19, with legal interest and cost of suit.

Superior Criminal Court.

MOTIONS.

Grand larceny—State vs. Mrs. Cesaire, alias Mrs. George Washington, convicted December 15 of grand larceny. Motion for a new trial. Taken under advisement.

State vs. E. W. Dewees et als.—1. Offering and promising money with intent to influence members of the House of Representatives in their votes; 2. Bribing members of the House of Representatives, with intent to influence their votes. Motion to quash information and discharge accused, because the Attorney General was without authority to institute this prosecution by way of information, the statute creating and defining the offense charged in the information, directing that prosecution in such cases shall be by indictment.

ON TRIAL.

State vs. Th. J. Newhouse.—Indicted December 11, 1874, for the murder of William Lucas, foreman of Columbia Steam Engine Company No. 5, whom he shot at a fire near the corner of Gasquet and Prieur streets, on the morning of November 26, 1874, shortly after midnight.

First District Court.

PLEADED GUILTY.

Assault—Ed. Bermudez, Peter Brown.

VERDICTS.

John Bourgogne, not guilty of assault and battery; George Hunt, not guilty of petty larceny; Jacob Jacobs, guilty of assault and battery.

Second District Court.

Successions of John G. Benson, Sarah George, widow of Thomas Alonzo, and James Noggarth, opened.

Fifth District Court.

Bayly & Pond vs. Paul Fourchy et al.—Given to the jury.

The Chances of the Texas Pacific.

A special dispatch from Washington to the Philadelphia *Press* says:

There has been considerable private canvassing among Southern members in the matter of subsidies. There seems to exist great unanimity on this subject. The construction of a Southern line of railroad communication between the Southern ports on the Atlantic and the Gulf of Mexico and the Pacific is an enterprise which, judging from the conversation of Southern members in both houses of Congress, might be characterized as a specially Southern measure. As they wield a strong influence numerically in the House, with the aid of their friends from the North they may be able to carry through a subsidy bill for a Southern road.

BY TELEGRAPH.

CONGRESS.

Senate.

WASHINGTON, December 17.—To-day, Mr. Thurman suggested that Mr. Morton's resolution for investigating the Mississippi election be laid over until Monday, as it would be impossible to dispose of it without an all night session.

Mr. Morton consented, saying that he hoped it would be disposed of on Monday.

Mr. Edmunds submitted a resolution to elect a president pro tem. on the seventh of January. He did this because of the importance the subject had. After a brief discussion, the resolution was referred to the Judiciary Committee. Very little doubt exists of the re-election of Mr. Ferry.

House.

A large number of bills of a private nature were introduced in the House.

Mr. Slemmons, of Arkansas, introduced a bill for the improvement of the Saline river, Arkansas.

Also, to repeal the tax on leaf tobacco.

Also, to repeal the law making restrictions in the dispositions of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas and Florida.

Mr. Page, of California, offered the following:

WHEREAS, The constitution of the United States, as formed by the fathers of the republic, imposes no limit on the eligibility of any citizen to the office of President further than that he must be native born and of a certain age and time of residence; therefore, be it

Resolved, That, in the judgment of this House, the right of selecting candidates for the office of President can only be lawfully exercised by the people under the existing constitutional restrictions, and has never been delegated by the people to the House of Representatives or to any of the members of the same, and that any attempt by the House of Representatives to limit or forestall the public will on a question of such importance is an invasion of the power reserved to the people at large, to be freely exercised by them without any interference from any legislative body whatever.

The reading of the resolution was greeted with laughter on both sides of the House, and the House refused to second the previous question.

The following was then introduced:

Resolved, That the Committee on Foreign Affairs inquire into and report upon the expediency and justice of giving to the German empire the notice required by the fifth article of the treaty with the North German empire, signed on the twenty-second of February, 1868, for the termination of said treaty, or so much thereof, and the protocol of June 12, 1871, as relates to citizens of the United States, their naturalization and their political condition in Germany, under the said treaty and protocol.

WASHINGTON.

The Centennial Excursionists.

WASHINGTON, December 17.—The centennial excursion to Philadelphia left here this afternoon. The party numbers about 150, including the President, several members of the Cabinet, members of Congress and newspaper men. Arrangements have been perfected to give them a grand entertainment in Philadelphia.

Confirmed.

William F. Prosser was confirmed by the Senate as United States marshal for the middle district of Tennessee.

F. W. Lamar was also confirmed as postmaster at Sherman, Texas.

Nominations.

The President to-day nominated George F. Seward, of California, to be minister to China, and James Birney, of Michigan, to be minister to the Netherlands.

NEW YORK.

The Lawrence Case.

NEW YORK, December 17.—In the United States Circuit Court, criminal branch, to-day, counsel for Charles L. Lawrence, indicted and extradited for complicity in the great silk smuggling frauds, moved that pleas of not guilty to counts in the indictment charging him with passing false papers, ordered to be entered by the court, be expunged from the record, on the ground that a person extradited for one offense could not be tried for another; and further, that President Grant and Attorney General Pierrepont had ordered that Lawrence be tried only for forgery. Judge Benedict denied the motion, on the ground that the court, in ordering the pleas to be entered had complied with the provisions of the statute, and no instructions, no matter from what source, if in violation of law, could be entertained, and that the responsibility for the counts in the indictment charging other offenses than forgery rested solely with the grand jury.

O'Conor Out of Danger.

Charles O'Conor is considered out of danger. He ate heartily yesterday, and his stomach has recovered its tone and functions. His physician states that he has conquered the disease, and now, if no relapse takes place, his patient will soon be well again.

Hanged.

William Ellis, Charles Weston and William Thompson, the three negroes who followed peddler Abram Weissburg into Lydig's woods, in Westchester county, and beat his brains out with stones in order to rob him of $14, were hung at ten minutes past nine this morning. One of them clung to the rope with both hands and screamed in terrible agony.

Arrest of a Murderer.

The detectives have succeeded in weaving a strong chain of evidence around P. N. Rubenstein, accused of murdering the young Jewess in East New York. Rubenstein admitted to-day to his fellow prisoners that an intimacy existed between him and the unfortunate girl.

Dolan's Case.

A writ of error and stay of proceedings in the case of John Dolan, who was also to have been hung to-day, was ordered last evening by Judge Donohue. The writ and stay calls for an argument before the general term of the Supreme Court in January.

FOREIGN.

The Wife of the Suicide—The Loss by the Explosion.

BREMEN, December 17.—Thompson's wife has returned to Dresden. She appears to be innocent of any complicity in her husband's crime. The total number of killed and wounded by the explosion is now estimated at 200.

A Relief Society.

A dispatch says the Empress Augusta has started a benevolent association, composed of ladies of Bremen, in aid of the survivors of the dynamite explosion.

A Ministerial Crisis.

VERSAILLES, December 17.—The ministerial crisis caused by the intended withdrawal of M. Leon Say, the Minister of Finance, continues, inasmuch as M. Say persists in his determination to resign.

Another Senator.

In the Assembly to-day General Cissey, Minister of War, was elected to the Senate.

South American Affairs.

PANAMA, December 7.—The news from Peru to the twenty-eighth ultimo is quite disheartening. Business is absolutely stagnant. Gold and silver are on the rise, and merchants refuse to sell goods, as no exchange can be procured on Europe for remittance.

The election disputes have not yet ceased at Huanta, a town in the district of Agacacho, and a serious conflict took place on the sixteenth ultimo between the rival parties. For twelve hours the battle raged among the polling booths, to obtain possession of them, and when night fell and am-

[CONTINUED ON EIGHTH PAGE.]