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THE STATE HOUSE.

Senate.

The first business after prayer was that introduced by Mr. Blunt, who rose to a question of privilege. Somebody had attacked him in the *Daily Democrat*. The Senator thought the letter had been written to prepare the way to have him assassinated when he returns home. His ... serted that he had packed juries' denied, ish; this the member emphatically refused, and not only that but had ... for certain when applied to, to name ... used his in- cases, also denied ever ... church to save a fluence in the Baptist ...es. He had heard convic charged with pleading a case in that ... attorney ... Blunt should be put court had said t... All the charges out of the ... are untrue, and can not made against ... substantiated. He has done possibly be... Senate, and at home through his duty ... twenty-three years, and there- a period ... changed the world to point to a fore ... an action on his part. That letter single ... are not come out with his name. It write... tended to kill him (the Senator) last was ... tmas and keep him from standing on ... Senate floor. He had invariably voted ... reform measures, which any member ... testify to for him.

Mr. Stamps asked for a clerk for the committee to investigate the charges against United States Senator West.

Mr. Whitney added a proviso, that the committee shall not sit more than five days, and that the clerk, or shorthand reporter shall not receive more than $8 per day for his services.

Mr. White— ...can not allow the amendment. As Mr. Whitney wished to put ... Democrats on record as to reform, ... the ... look at the record. The request is ... done, and the subject is a very grave ... fraud and corruption; it has a wide ... and requires time, certainly more ... five days. If the broad statements made in the press about the manner of Mr. West gaining his seat should be proved true or false.

Mr. Whitney—I wished to see the ... ditb, ... Magee, Nunez, Pascal, Pi... Richardson, Smith, Self, ... Sibilski ... the Democratic members on record as to reform measures, not that I oppose the investigation, because I wish to have the case rigidly scrutinized, but the committee can obtain a clerk that is already employed.

Mr. Burch—This committee grew out of a newspaper paragraph; therefore the foundation is an unsubstantial one.

Mr. Brewster—I am a member of the committee, and I want every word to be taken down carefully and published, which will have the effect to elicit the pure truth; and besides, we have but a short time in which to work.

Mr. Pollard—I believe that my humble name has been in some way connected with the charges against Senator West, and as I know nothing of that bribery and corruption business, as it is called, I am anxious to see some results brought about.

The request of Mr. Stamps, with Mr. Whitney's amendment, was adopted.

Mr. Anderson's bill to repeal the act compelling the vendors of large tracts of land to divide the same into lots of say fifty acres or thereabouts, came up in special order, when Messrs. Anderson, Burch, Young, Wharton, George, Cage and Blunt spoke on the subject. Messrs. Anderson and Wharton did not like Mr. Young's proposal to postpone indefinitely, but loud talking on the part of persons present prevented the reporter understanding what was said by the Senators.

Mr. White stated that in his law practice he had found that the law worked against the interests of all people—those who wished to purchase and those who wished to sell. He had seen instances where the creditor drew serpentine lines on a plantation that was to be sold by order of court. One parcel of land was laid out only ten inches wide, and other lines were made so torturous that nobody but the creditor would dare to purchase. Portions in the far rear were thus rendered quite worthless.

Mr. Burch expressed surprise that a Senator who assisted and advocated the law now wishes to have it repealed. The act was written by a native of Louisiana, one who understood the necessities of sellers and purchasers. The advocates for repeal have as yet used no arguments, but they have made plenty of suggestions. The man who actually owns a tract of good land feels that he has a deeper interest in the welfare of the country, consequently is a better citizen. Strangers who come here to procure small farms in the country, on finding that they are unable to purchase ten, twenty, thirty, or fifty acres, say that this is no place for them and they seek homes elsewhere. He had heard no sound reason why this act should be repealed. The opposition say that the time for Radical rule is about at an end, and when that time comes we may expect to see all such laws as the above, including the educational bill, struck from our statutes.

Mr. Landry did not wish to see the law abolished, but would be satisfied to see it changed for a still wider range. He wished to see a poor man purchase a single acre.

The exemption bill, one taking the place of several others previously introduced, was taken up, and a proposition to indefinitely postpone it was lost.

Pending the question the Senate adjourned.

House.

The call of the roll showed ninety-two members, and all seemed expecting something to come up. It did, but was delayed by corrections of the journal.

Mr. Matthews called attention to the fact that bill No. 304, introduced by Mr. Young from the Judiciary Committee, as a substitute for bill No. 39, to protect voters who were unable to read or write, had been passed, but the journal did not so state.

Mr. Young, although not addressing the Speaker at the time, confirmed Mr. Matthews' statement, and the correction was directed without objection.

Mr. Keeting corrected the journal by the insertion of the fact that the bill relative to the passage of the bill to authorize the city of Shreveport to levy a "fire tax," passed.

There were other corrections, one involving an interchange of understandings of the proceedings of the previous day between Messrs. Walker and Meredith, but finally the journal was settled to the satisfaction of all, and the order of the day was called.

This was Mr. Jeffries' revenue bill, which was passed without debate.

...calling of the rolls under Mr. Booth's amendment of the rules also proceeded without discussion, a much smaller number of bills and resolutions being introduced than on ... Monday.

On the call of the roll for committees, reports, which ... Messrs. Dupre and Aldige submitted two of the day. ... which were the important events

Mr. Dupre, ... tigate the affairs ... submitted a long ... from the committee to inves- testimony, certain ... of the Metropolitan Police, the committee, the ... report, with a mass of hand writers, and ... showing great labor of

Mr. Dupre, reading ... witnesses and the short- the names of himself ... was ordered printed. and also submitted the ... the signers, announced that Mr. Hall, who ... and Mr. Hammond, agreed in the conclusion ... statement in writing doubt sign the report ... had been called away, said, before making ... sion, and would no tion, that the report ... if present. He also on the testimony, a ... motion for its adop- partial. ... was founded entirely

Mr. Lowell, seconded ... was just and im- adopt, desired to su... port, but not in ... ending the motion to report, to which M... submit a supplemental re-

Mr. Souer asked ... the nature of a minority committee, and ... Dupre at last consented. there were five. ... how many were on the the report sign... was told by Mr. Lowell be considered ... Then Mr. Souer asked if

Mr. Dupre ... by two members was to that Mr. Ha... majority report. of himself ... said yes, because the fact was

Mr. Souer ... agreed with the conclusions fact alleg... and Mr. Hammond. had nev... said he was not questioning any

Mr. ... but was it true that Mr. Hall would ... read the report as presented?

Mr. ...re—Yes, sir; but the fact is he any ... ee to it.

... er—As I said I am not disputing that ... alleged, but do you not assume ... would sign this report which is now ... ed as signed by only two members?

... Dupre—Yes, I assume it as stated in ... the fact that he would ... report but ... sign it if able to be present.

The report then went over.

Mr. Aldige's report, signed also by Mr. Voorhies, was from the select committee to investigate the accounts of the State Auditor and Treasurer, and was ordered to be printed in full in the journal. It concludes by recommending the impeachment of Governor Kellogg and State Treasurer Dubuclet, the addressing out of office of Assistant Attorney General Dibble, the direction of Attorney General Field to prosecute Alfred Shaw and J. H. Oglesby for violation of section seven of the funding act No. 3 of 1874, and the forcing of the latter to return $6696 67 illegally retained as commission on a loan of $85,000.

Mr. Souer submits a minority report in which he says he does not ... that the acts alleged call for such me... as are recommended. He refers t... r acts that preceded them that cause... s of life and also to those intended to overthrow the government, and that these more flagrant violations of law caused those complained of. The loan advanced was at a time (October 1874) when the collection of the police tax was virtually suspended, and was used for the purpose of preventing the absolute disbanding of the police force and consequent entire unprotection of the citizens. The State has not lost a single dollar. At the very worst the showing is that the Governor and Assistant Attorney General, and other State officers, simply approved the act of the Treasurer, affording temporary relief to the police, taking care that the State's interests were not jeopardized.

In addition to this business Mr. Wiltz' bill relative to privileges to taxes, Mr. Young's amendment allowing the Governor to appoint a sufficient number of justices and constables in St. Landry, and also the bill itself finally passed.

Property Holders' Central Council.

The regular meeting of the Property Holder's Central Council was held last night at Grunewald Hall, with Mr. A. Mitchell in the chair.

Mr. Bartlette entered his protest against the action taken by the council at its last meeting in indorsing Mr. White's bill on premium bond scheme.

On motion of Mr. Scanlan the protest was received and spread upon the minutes.

Judge Handlin tendered his resignation as a member of the legislative committee, and it was accepted.

Judge Duvigneaud presented a bill drawn by Mr. Wiltz, which authorizes the city of New Orleans to purchase certain rights and property of the Mississippi and Mexican Gulf Ship Canal Company, and their transfer. The council indorsed the bill. It has passed the House, and is now with the Senate.

Mr. Thompson inquired what had been done with Mr. Scanlan's assessment bill.

Dr. Thebault called up the proposition that had been made to Messrs. Farrell, Boylan and Manning to police the city for a period of two years for $300,000 per annum.

The council was ordered to have the propositions published and presented to the Legislature.

The meeting then adjourned.

Legal Fine Cut.

Colonel John Cockrem, collector of internal revenue, first district of Louisiana, has issued a circular which is of interest to dealers in and manufacturers of fine cut tobacco. It says:

By a late decision of the honorable Commissioner of Internal Revenue, all tobacco cut by manufacturers of this city, heretofore known as natural fine cut chewing tobacco, will be considered and classed as fine-cut smoking tobacco, and as such can only be packed and sold in packages of two, four, eight and sixteen ounces, and not in bulk as formerly.

The trade at large is hereby notified that from and after March 1, 1876, all such tobacco, if found in packages other than the law prescribes, will be seized for violation of the internal revenue laws.

The Temperature.

The thermometer at Louis Frigero's, No. 50 Chartres street, stood as follows February 15: At 8 A. M., 46°; at 2 P. M., 59°; at 6 P. M., 59°. Lowest point during the night of February 14, 45°.

KERNINE.—As soon as fever manifests itself begin the use of this remedy, and in a few hours it disappears and you are well.

SEDINE—The substitute for quinine.

[Special Correspondence of the Republican.]

SAN ANTONIO LETTER.

The Situation as it Really is in Mexico—Lawlessness and Crime—Our Railroads and Other Prospects.

SAN ANTONIO, February 12, 1876.

The disturbed condition of the Mexican political cauldron is beginning to attract universal attention. A few days ago I had an interesting conversation on the probable causes of the present Mexican crisis with a French gentleman, who has lived in Mexico for a number of years, and is thoroughly acquainted with trans Rio Grande politics. I first inquired if the popular impression that the revolution was inaugurated by the priesthood to regain their lost supremacy was not correct? He replied: "Not altogether; Lerdo de Tejada is no doubt opposed by the great majority of the priests, and it is very probable that the clerical party expect to obtain great advantage in case Porfirio Diaz is successful, but that is not what's the true cause of the revolution."

"Well, what is the cause," I inquired.

My informant then went on to explain: "The revolution is put in motion by those petty guerrilla chiefs throughout Mexico, not so much from a desire to see Lerdo seated, as to have an opportunity or pretext by which they can plunder the merchants by means of forced loans. The commerce of Mexico is to a great extent in the hands of foreigners, mostly Germans. These merchants have not only large stocks of goods on hand, but from the nature of the trade, they are obliged to keep on hand large sums of money in silver coin, which is sent from the interior to the coast, and guarded by large escorts. It is a common occurrence for these foreign merchants to have hundreds of thousands of dollars stored away, and it can not be gotten out of the country in a hurry, either. To levy forced loans, and make the merchants disgorge, is the real object of the uprising against Tejada. In Mexico the great majority of the people have no regular way of making a living. The *haciendas* are ruined, the stock is all killed off, and the *peons* demoralized by revolutions. The wealth of the country, principally the products of their mines, is in the hands of a few, and these revolutions are gotten up for the purpose of bleeding them."

"Don't you think the clerical party will resume its old time supremacy in case Diaz is successful?"

"Nonsense! The Catholic Church has no real strength in Mexico. Nobody goes to church but the women and the peons. Everybody who is anybody is a Free Mason. I went one day during some grand ceremonial to the cathedral at Monterey, and I was actually the only man there who had a coat on. As far as restoring the order of things is concerned, the clericals will be treated as they are at present, no matter who gets into power."

The view of the Mexican situation, as contained in the foregoing dialogue, is the correct one. It is a great mistake to imagine that religious bigotry is the great feature of the Spanish or Mexican character. It is popularly supposed that bigotry was at the bottom of the persecutions of the Spanish Inquisition, but it is a mistake. The Jews and Moors were extirpated, not really because they were unbelievers, but because they owned money and lands. And the revolution in Mexico is not gotten up to restore to the Church her plundered treasure and forfeited privileges, but to satiate that thirst for gold which has ever been the distinctive mark of the Spanish national character.

Until recently there have been but few Indian raids to chronicle. There were several large bands of Indians from the reservation encamped on the Staked Plains, but these bands were broken up and dispersed by scouting parties, and Texas has thus been preserved from the raids which the Indians intended to make on the frontier settlements. The Indian question, as far as the Indians on the reservation are concerned, is a thing of the past. It is the Mexican Kickapoo Indians that give us trouble. There are only a few hundred of them in Mexico, but they will continue to depredate on our frontier with impunity until another raid, *a la Mackenzie*, is made across the border. I have to-day sent you a special dispatch, announcing that they were robbing within eighty miles of our city, but there is not much hope of overtaking them before they get safely into Mexico. A few weeks ago a band of Indians were pursued to the Rio Grande, which they crossed a few hours before their pursuers came up. The military, United States troops, refused to cross over without orders, and the pursuers were too few in number to attempt it alone. The Mexicans and Indians knew this, and their Mexican protectors traded for the fine American horses the Indians had stolen, almost in sight of their owners.

General Ord is exactly the right man in the right place, and if the government would only furnish him with the requisite number of troops, he would speedily make it unsafe for Mexicans to raid on this side of the river. The colored regiments on the Rio Grande are not the right kind of troops for that kind of service. Besides, there are so few of them. The colored soldier never reenlists, and consequently some of the companies have been so depleted as to contain only half a dozen privates, and there is no colored population from which to obtain good recruits. The most expedient method of obviating this difficulty, which impairs so greatly the usefulness of the troops on the Rio Grande, would be to consolidate the companies, and then refill those having officers with white recruits, which can be obtained in abundance. This is the plan General Ord suggests, and if carried out our bleeding frontier would receive to some extent at least that protection which General Ord can not possibly give it with the inadequate forces at his disposal.

Never before in the history of Texas has there been such an epidemic of murder as now prevails throughout the length and breadth of the State, and this thirst for blood does not show any signs of abatement. In Milam county a negro under sentence of death is roasted to death by a mob, while in Mason in several recently committed murders the victim was deliberately scalped. In some localities, such as in Mason, DeWitt and Coryelle counties, the reign of terror may be accounted ... the prevalence of local feuds of ... the standing. In other portions ... for explanation is found in the ... the El several years past Texas. Arkan- Dorado of the riffraff of ... this is to sas and Indian Territory ... new consti- all end it is hard to see ... by a large tution, which will ... for the purpose majority, seems to ... the frontier coun of securing ... immunity ... ties immunity from ... nio, the metropolis

The future of ... assured. The Secre- of Western T... ered the Chief Quarter- tary of War ... proceed at once to erect master Gen... ings for a military depot. the requisite department headquarters This means ... they are. In fact, the will ... threatening condition of affairs in present on the border makes it impera- Mexico ... should remain here. ... there is every reason to hope that ... a year, at the outside, San Antonio ... be connected with Galveston, by the completion of the Galveston, Harrisburg and San Antonio railroad, to which purpose our citizens have donated $300,000, an amount believed to be amply sufficient for the purpose, Colonel Peirce, the owner of the road, having been successful in negotiating a loan in Europe sufficient to enable him to push the road forward without delay.

Yours, BEXAR.

The Von Bulow Concert.

Grunewald Hall was well filled last night with an intelligent audience gathered to hear the great master's piano recitals. Dr. Hans Von Bulow is probably the most thorough musician who ever visited America. He is an epitome of music; its spell has taken complete possession of the man. At the piano he appears a part of the instrument; a living end of tuned wires. Female pianists, those who compass the fullest capacity of the instrument, are as rare as female violinists. They are not wanting in strength, in sympathy, in soul for harmonies, but they do not become unconscious of self. There is the back hair and the trail of the dress to be thought of. The fancy and brilliant playing of Thalberg and Gottschalk was effective, but they left impressions of themselves more than of the composers they interpreted. Dr. Von Bulow is a modest little man. He is not handsome; he is a musician. His music comes from the tip ends of his fingers. He appears as if he was an electric battery charged with melody, which a touch telegraphs along the wires of the grand piano. The piano is his pet and servant. He sometimes bends over it gently and it sings to him softly and sweetly; or he toys with the keys, striking sharply with an unerring finger as the expression of his theme requires. If his hands tell a musing nocturne of Chopin, a sonata of Beethoven, or a fantaisie of Bach, of 200 years ago, for the language of music is universal and for all time, his body will sway with the waves of the song, and he seems a part of what is heard. The most wonderful part of what is seen is that Dr. Von Bulow plays entirely from memory, as if page after page of the writings of the great masters were clearly photographed on his mind. There is no music before his eyes; it is in him. This accomplishment makes him king of the piano, reigning over all players who improvise according to their moods, or those who read as they interpret. He has perfectly learned the lessons of the masters, and he recites them with confidence, knowing his power. Dr. Von Bulow is assisted at his concerts by Miss Lizzie Cronyn, a young lady with a most pleasing mezzo-soprano voice. She is a native of Buffalo, has received instruction at the Conservatory of Music in Milan, and this is her first professional tour. Her voice is fresh and clear, and she sings as true to the scale as a tuned piano. She gave Rubinstein's song, "Thou'rt like unto a Flower," with an effect that lingered pleasantly with her hearers. To-night an entirely new programme will be offered.

A Famous St. Louis Lecturer.

It has been announced that Mr. L. U. Reavis, of St Louis, contemplated delivering a lecture in this city. He has written and telegraphed to Fred A. Johnson, Esq., requesting the necessary arrangements to be made. The subject will be one of great interest to our community, viz: "The Commercial Destiny of the Mississippi Valley." St. Patrick's Hall has been engaged for Friday evening, the third of March. Mr. Reavis' new historical and biographical work, entitled "St. Louis, the Future Great City of the World," has just been published by a subscription of $25 per copy, each plate for the engravings costing $125. A visit and a lecture from Mr. Reavis can not fail to be of advantage to New Orleans, as he will bear with him on an extended lecturing tour personal evidence of our delightful climate and natural facilities open to enterprising immigrants.

Rex.

His majesty, king of the carnival, has issued a mandate to cause his favored subjects to attend his reception at Exposition Palace on Mardi Gras night, when and where he will hold court, surrounded by his faithful followers and members of the royal household. Lord High Chamberlain Bathurst intimates that guests should come into the royal presence in full dress, and it is to be hoped this regulation will be willingly observed by all subjects of the realm. For twenty-four hours Rex will reign supreme, and his glittering retinue, his troops and the processions in his honor will be worth a journey to see. Even now visitors are arriving to indulge in the pleasures of the carnival, and all things portend a lively week.

The Knights Templar Ball.

The Knights Templar reception to the grand officers, followed by a ball, at St. Patrick's Hall, on Friday evening, promises to be a pleasant and brilliant affair. About 2000 invitations to the reception have been issued. The full band of the Thirteenth Infantry, consisting of twenty-four pieces, has been engaged to furnish the promenade music.

FLORINE.—Send for circular containing description of this remarkable emmenagogue, a discovery from the cotton plant. M. B. Morrison & Co., corner Canal and Magazine streets.

COURT RECORD.

TUESDAY, FEBRUARY 15, 1876.

United States Supreme Court.

J. H. Kennard, plaintiff in error, vs. the State of Louisiana, ex rel. Philip Hickey Morgan.—In error to the Supreme Court of the State of Louisiana. October term, 1875.

Mr. Chief Justice Waite delivered the opinion of the court.

The sole question presented for our consideration in this case, as stated by the counsel for the plaintiff in error, is whether the State of Louisiana, acting under the statute of January 13, 1873, through her judiciary, has deprived Kennard of his office without due process of law. It is substantially admitted by counsel in the argument that such is not the case, if it has been done "in the due course of legal proceedings, according to those rules and forms which have been established for the protection of private rights." We accept this as a sufficient definition of the term "due process of law" for the purposes of the present case. The question before us is not whether the courts below having jurisdiction of the case and the parties have followed the law, but whether the law if followed would have furnished Kennard the protection guaranteed by the constitution. Irregularities and mere errors in the proceedings can only be corrected in the State courts. Our authority does not extend beyond an examination of the power of the courts below to proceed at all.

This makes it necessary for us to examine the law under which the proceedings were had, and determine its effect.

It was entitled, "An act to regulate proceedings in contestations between persons claiming a judicial office." Section one provided that "in any case in which a person may have been appointed to the office of judge of any court in this State, and shall have been confirmed by the Senate and commissioned thereto, * * * such commission shall be prima facie proof of the right of such person to immediately hold and exercise such office."

It will thus be seen that the act relates specially to the judges of the courts of the State, and to the internal regulations of a State in respect to its officers.

The second section then provides "that if any person, being an incumbent of such office, shall refuse to vacate the same and turn the same over to the person so commissioned, such person so commissioned shall have the right to proceed by *rule* before the court of competent jurisdiction, to have himself declared to be entitled to such office, and to be inducted therein, such rule shall be taken contradictorily with such incumbent, and shall be made returnable within twenty-four hours, and shall be tried immediately without jury, and by preference over all matter or causes depending in such court, * * * and the judgment thereon shall be signed the same day of rendition."

There is here no provision for a technical "citation," so called, but there is in effect provision for a rule upon the incumbent to show cause why he refuses to surrender his office and for service of this rule upon him. The incumbent was, therefore, to be formally called upon by a court of competent jurisdiction to give information to it, in an adversary proceeding against him, of the authority by which he assumed to perform the duties of one of the important offices of the State. He was to be told when and where he must make his answer. The law made it the duty of the court to require this return to be made within twenty-hours hours, and it placed the burden of proof upon him. But it required that he should be called upon to present his case before the court could proceed to judgment. He had an opportunity to be heard before he could be condemned. This was "process," and when served it was sufficient to bring the incumbent into court and to place him within its jurisdiction. In this case it is evident from the record that the rule was made, and that it was in some form brought to the attention of Kennard, for on the return day he appeared. At first, instead of showing cause why he refused to vacate his office, he objected that he had not been properly cited to appear, but the court adjudged otherwise. He then made known his title to the office, in other words, he showed why he refused to vacate. This was, in effect, that he had been commissioned to hold the office till the end of the next session of the Senate, and that time had not arrived. Upon this he asked a trial by jury. This the court refused, and properly, because the law under which the proceedings were had, provided in terms that there should be no such trial. He then went to trial. No delays were asked except such as were granted. Judgment was speedily rendered, but ample time and opportunity were given for deliberation. Due process of law does not necessarily imply delay, and it is certainly no improper interference with the rights of parties to give such cases as this precedence over the other business in the courts.

The next section provides for an appeal. True it must be taken within one day after the rendition of the judgment and is made returnable to the Supreme Court within two days. The proceeding on appeal was given preference over all other business in the appellate court and the judgment upon the appeal was made final after the expiration of one day. Kennard availed himself of this right. He took his appeal and was heard. The court considered the case and gave its judgment.

From this it appears that ample provision has been made for the trial of the contestation before a court of competent jurisdiction—for bringing the party against whom the proceeding is had before the court and notifying him of the case he is required to meet; for giving him an opportunity to be heard in his defense; for the deliberation and judgment of the court; for an appeal from this judgment to the highest court of the State, and for hearing and judgment there. A mere statement of the facts carries with it a complete answer to all the constitutional objections urged against the validity of the act. The remedy provided was certainly speedy, but it could only be enforced by means of orderly proceedings in a court of competent jurisdiction in accordance with rules and forms established for the protection of the rights of the parties. In this particular case the party complaining not only had the right to be heard, but he was in fact heard both in the court in which the proceedings were originally instituted and, upon his appeal, in the highest court of the State.

The judgment is affirmed.

Superior District Court.

William C. Bertus vs. B. F. Flanders, liquidator of the New Orleans Mechanics' Society.—Petitioner alleges he is a creditor of the company as holding a note of April 8, 1872, signed by John McIntyre as president, secured by mortgage on all the property of the society; gives a full description of the property; alleges the original debt was $11,637 74, and asks judgment for $6637 74.

H. Mehnert vs. G. Defarges et al.—The parties were partners with C. G. Rebentisch, under that firm name. Petition alleges the firm has gone into liquidation; that defendant attempts to interfere with the settlement and prays that he be restrained. Injunction issued on bond of $1000.

Citizens' Bank vs. W. C. Madden et al.—On note of $1250. Provisional seizure on 700 bales of cotton in the hands of Allen & Co., on bond of $1000.

Judge Hawkins being unable to sit because of sickness, Judge Lynch opened and adjourned court.

Superior Criminal Court.

INFORMATIONS.

Carrying concealed weapons—H. Flederman, John T. Tannehill.

Grand larceny—Liza Johnson, Mary Ann Haley.

Embezzlement—Henry Williams.

Shooting with intent to murder—J. B. Jacobs.

Robbery—Bill Williams, alias Brandy.

GRAND JURY.

Carrying concealed weapons—John J. Dowling, true bill.

Manslaughter—John J. Dowling, not a true bill.

Embezzlement—P. N. Benachi, not a true bill.

CONVICTED.

Mary Francis and Frank Paul of grand larceny.

SENTENCED.

William Dixon, grand larceny, two years.

NOLLE PROSEQUI ENTERED.

W. S. Calhoun, for forgery.

First District Court.

INFORMATIONS.

Petty larceny—Mary Rector, James Western.

Entering, etc.—Frank Bradley.

SENTENCED.

Petty larceny—Alexander Mitchell, two months.

Assault and battery—John Duffy, one day; Josephine Melvin and Joseph Pierson, one hour each.

Second District Court.

Doris Siekfort prays to be emancipated.

Successions of Mathieu Coig, Louise Marcelin, Georgette J. Appollon, Anthony Duggan, John J. Wheeler, Thomas Markey and Jacob Hansel opened.

Judge Tissot decided the following case: Succession of Donnella, Harrison and Adelaide Donnella vs. Minnie Scott.—There is nothing to retract in the decision of October 11, 1875, in favor of petitioners. The testimony is sufficient to prove the handwriting of the olagraphic will. C. C., 1588; 1641; 1655.

"All evidence of handwriting, except where the witnesses saw the document written, is presumptive." In this case, besides the evidence of Mrs. Crane and of Leary, who saw the will and recognized it as entirely written, dated and signed by Donnella, who showed it to them, and the testimony of Clara Pinet, who saw it written by the testator. This case finds its application only where the will is presented to the court; otherwise it would be impossible to prove a will that had been suppressed and destroyed.

It is shown by the witnesses that Donnella made a will. * * That will is traced in the possession of one of the legal heirs, who took possession of the papers of the deceased without causing the seals to be affixed, as required by law. It is certainly a case where the maxim, *omnia præsumuntur contra spoliatorem* should find its application. The question of proving of wills otherwise than as required by article 1655 of the Civil Code was raised in the case of Lucas, wife et al. vs. Ellen Brooks, 23 An. page 120.—The Supreme Court there said: "It seems to be well settled that in case of the loss or destruction of an olographic will the legatee may establish it by secondary evidence," and referred to 11 An. In the Shepherd will case Mr. Justice Taliaferro dissented, recognized the validity of the maxim, and applied it. Hence, I take it that this is such a case where the maxim should be applied. * * * The facts disclosed in the record warrant me in following the words of Mr. Justice Taliaferro.

The existence of the instrument is proved—that its destruction or loss by the act of Mrs. Clarke is clearly established; that its detention by Mrs. Clarke is a badge of fraud; that the foundation has been laid for proving its contents; that the character of its contents is sufficiently shown to constitute it as the will of Donnella, and that it should be so taken.

Judgment for claimants, and the will asserted by them should be recorded and ordered executed.

Mr. Hambleton's Case.

The following is from the Albany *Journal*:

Our readers will remember an article copied in these columns from the *Tribune* charging that the Democratic Ways and Means Committee of the House of Representatives had appointed as its clerk one James P. Hambleton who had named his boy John Wilkes Booth, in honor of the assassin of Abraham Lincoln.

The story was denied and there has been considerable controversy over it. It is claimed that the boy's name was only John Wilkes, and that he was so called in honor of the English agitator. But the *Tribune* now settles the question by reproducing the notice of the death of the child from the Washington *Patriot* of July 8, 1872, as follows:

DIED.

Hambleton—At the Exchange Hotel, Washington, D. C., on the morning of July 3, 1872, at ten minutes past seven, of inflammation of the brain, John W. B. Hambleton, aged six years three months and seventeen days, youngest son of James P. and Martha L. Hambleton, of Atlanta, Georgia.

This seems to be decisive. The death notice came from the family. It was as they prepared it and as they knew the fact to be; and it shows that the name of the boy was not John W. but John W. *B.*—not John Wilkes, but John Wilkes Booth. He had been born shortly after the assassination of Mr. Lincoln, and had been named in honor of the assassin.

In itself it is a small matter; in what it signifies it is very suggestive. As the *Tribune* puts it: "In the month of March, 1866, nearly a year after the assassination of Mr. Lincoln and the close of the war, this person perpetuated his hatred for the Union, his murderous hatred for the memory of Mr. Lincoln, his strange admiration for the assassin's deed, and his unaccountable reverence for an assassin's infamy, by giving his child the assassin's name." And the Democratic Ways and Means Committee takes this infamous character up and makes him its clerk.

The Washington correspondent of the Chicago *Inter Ocean*, February 12, says:

Dr. Hambleton, the father of John Wilkes Booth Hambleton, clerk of the Committee on Ways and Means, sent his resignation to Chairman Morrison this evening. In the letter he says it is not because of his own sentiments on the truth of the charges against him, but he fears that the party may be injured by this constant attack upon him. The resignation was asked for by Morrison because, as the latter told him, he had received letters from all over the country protesting against the employment of the man.

Following is Morrison's letter demanding Hambleton's removal:

WASHINGTON, D. C., February 10, 1876.

Dr. J. P. Hambleton, Clerk Ways and Means Committee:

SIR—The charge so often made and so often denied by you that you had named a son after the assassin of Mr. Lincoln, I have until now wholly disbelived. Recent developments, which show your son to have been named or recognized by the name of John W. B. Hambleton, gives at least a semblance of truth to the charge. With but the slightest appearance of the truth of such a charge, I have but one duty to perform, that is to accept your resignation offered some time ago, which I do hereby.

Respectfully yours,

W. R. MORRISON,
Chairman Committee on Ways and Means.

KERNINE, SEDINE AND FLORINE.—These recent discoveries from the cotton plant, in the treatment of fevers and diseases of females, are far ahead of any other known and are pronounced by physicians who have used them to be what their discoverers claim—certain specifics. Send for circular to M. B. Morrison & Co., corner Canal and Magazine streets, New Orleans.

Goethe, in his seventy-eighth year, said there were three things he desired to see—a canal connecting the Gulf of Mexico with the Pacific, another connecting the Rhine and Danube, and lastly, the English in possession of a Suez canal. "I should like to live to see these great things," said he, "and for them it would be worth while to endure another fifty years." The English came into possession of a Suez canal just within the half century.

BY TELEGRAPH.

NO ACTION ON PINCHBACK'S CASE

ELLIS' LABOR FOR THE LEVEES

MEETING WITH DEMOCRATIC OPPOSITION

The Texas Pacific and Its Branches

[Special to the New Orleans Republican.]

WASHINGTON, February 15, 1876.

One-third of the Republican Senators were absent to-day, so Pinckback's case was not called up.

Mr. Ellis asked unanimous consent of the House to tack the levee appropriation to the river and harbor bill. Mr. Reagan objected. He then asked permission for the committee to visit the region subject to inundation at their own expense, to which Mr. Holman objected. All opposition to this measure comes from Democrats.

Tom Scott assured Mr. Morey to-day that the New Orleans Pacific and the new North Louisiana Company would be recognized as branches of the Texas Pacific in the bill soon to be reported to the House.

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CONGRESS.

Senate.

WASHINGTON, February 15—In the Senate Mr. Hitchcock, from the Committee on Territories, reported favorably on the bill to enable the people of New Mexico to form a State government and constitution, and for the admission of said State into the Union, or on equal footing with the original States. Placed on calendar.

The merchants of Baltimore petition for the repeal of the bankrupt law.

The pension appropriation bill which passed the House was adopted, and, with unimportant amendments, passed.

After the passage of the pension bill there was a widespread consultation between Morton and Clayton, when the latter returned to his seat and moved to take up the land bill, and the Pinchback case again went over.

The bill to remove the restrictions on the sales of public lands in several Southern States passed. It will go into effect on its becoming law. It provides that public lands affected by the act shall be offered for sale as soon as practicable from time to time, according to the provisions of the existing law, and shall not be subject to private entry until so offered. The Senate went into executive session and adjourned.

House.

Twenty-one hundred and twenty-eight bills and sixty-nine joint resolutions have been introduced during the present session.

Mr. Jones, of Kentucky, offered a resolution reciting that the act of March 18, 1869, to strengthen the public credit, and providing for the payment in coin of the interest on the five-twenties was virtually a violation of the various acts under which these bonds were issued, and at variance with the platform of the Democratic and Republican parties in 1868, and that such act of 1869 was passed without consideration and was, therefore, repealable at the will of any subsequent Congress; that it was unjust, unequal and oppressive legislation, greatly increasing the amount to be paid by the government and inuring to the benefit of bondholders and capitalists, and to the positive detriment of the people, therefore resolving that the act of the eighteenth of March, 1869, be repealed. Referred to the Banking and Currency Committee.

By Mr. Saylor—That the Secretary of the Treasury report the amount of gold owned by the government available for the resumption of specie payments. Adopted.

The fortification bill was reported. It appropriates $15,000.

Mr. Darrall, of Louisiana, offered a resolution instructing the commissioner of public lands to inquire whether an extension of time should be allowed for the completion of the railroad from New Orleans to Shreveport or whether the land grant should be declared forfeited to the government. Adopted.

The Secretary of War transmitted to the House for the information of the Committee on Commerce a copy of the report of Colonel Simpson, of the Engineer Corps, in his survey in connection with the improvement of the Mississippi river between St. Louis and Cairo. From this report it appears that three several systems are suggested as probably effective. The first suggestion is made by persons living at Cairo, and contemplates the construction of a dyke so as to force the channel to the right of Eliza Towhead. This is objectionable on the ground that it involves a radical change which can not be secured by a dyke. The second plan is to protect the bank by a series of short spur dykes, and the third to be the same by a continuous revetment. The experience gained from the work at Sawyer's bend, above St. Louis, affords the means of comparing the merits of these systems—two methods of bank protection. Both having been tested, and both being successful, the choice may probably be left to the consideration of the cost of construction and repair, so far as the portion of the bank above the ordinary mean stage of the river is concerned. Below the level of the mean stage no dependence is to be placed upon any work which is not continuous. The length of the bank, the protection of which is necessary immediately above Cairo, is 11,500 feet, which would cost a total of $497,500, and $200,000 of this sum could profitably be expended during the season of 1876.

Mr. Tucker, from the Committee on Ways and Means, reported a bill relating to the execution of customhouse bonds. The bill provides that wherever a bond is required of a firm for payment of customs on goods imported for their use, and the bond is executed by one member of the firm in the name of such firm, it shall be equally binding on all the members of the firm. After some discussion the bill was passed.

Mr. Walker, of Virginia, from the Committee on Education and Labor, reported back the bill to apply the proceeds of the sales of public lands to the education of the people. Referred to the Committee of the Whole.

Mr. Ellis' resolution to make it in order to move an amendment to the harber and river bill for an appropriation for rebuilding the levees, was objected to by Mr. Reagan; also, the resolution that the Committee on Levees should visit the States of Louisiana and Mississippi to inspect the levees, etc, was objected by Mr. Holman, of Indiana. So neither of the resolutions are before the House. Adjourned.

WASHINGTON.

The Levee Committee.

WASHINGTON, February 15.—The Levee Committee resolved to ask, under a suspension of the rules, to add the levee appropriation bill as an amendment to the river and harbor bill when that bill shall be reported; also, for permission for the sub-committee to visit at their own expense the flooded district, to leave about the twenty-fifth instant.

The Spencer Case.

The Committee on Privileges and Elections had up the Spencer case. General Morgan was before them. No conclusion reached.

The West India Mail Service.

The Cuba and New York steamship line will dispatch the steamer King Arthur on the nineteenth with mails for Havana, Ma

[CONTINUED ON EIGHTH PAGE.]