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VOLUME X.—NO. 2.

NEW ORLEANS, WEDNESDAY, APRIL 2, 1876.

WHOLE NUMBER 2777.

AMUSEMENTS.

ST. CHARLES THEATRE.

JAMES PLUM... Sole Proprietor and Manager...

MAK AND ANGIE AND MAGIC TOYS.

Professor DAVIS and his superb Orchestra...

WAIF OF NEW ORLEANS.

With a powerful cast...

VARIETIES THEATRE.

Monday, Tuesday, Wednesday and Saturday...

THE LITTLE SISTERS OF THE POOR.

Having under their care over 150 infirm and helpless old people...

GRAND ENTERTAINMENT.

Will be given at the OPERA HOUSE, ON WEDNESDAY, APRIL 19, 1876.

WENGER'S GARDEN.

No. 11 and 13 Bourbon Street.

BANKS AND BANKING.

LOUISIANA SAVINGS BANK.

SAFE DEPOSIT COMPANY.

CAPITAL \$500,000.

Directors: R. C. PALMER, President.

CITIZENS' SAVINGS BANK.

(A BANK FOR SMALL SAVINGS).

NEW ORLEANS SAVINGS INSTITUTE.

709 No. 33 Canal Street.

STEARNSHIP.

BREMEN.

North German Lloyd.

From Bremen, Southampton or Havre to New Orleans.

The Levee Bond Case.

March 17, 1875, Judge Woods rendered a decision in the case of H. S. McComb vs. the Board of Liquidation.

The question arose on the demurrer filed by the defendant on the injunction granted plaintiff against the funding of the bonds issued to the Levee Company.

Judge Woods' decision concluded as follows:

It is objected to this bill, that in effect the State of Louisiana is a party, and that the eleven amendments to the constitution of the United States forbids such a suit.

This objection is answered by a reference to the cases of Osborne vs. Bank of the United States, 9 Wheat, 738; Davis vs. Gray, 16 Wall, 220.

In the latter case the court says that the cause of Osborne vs. the Bank decided (1) that a circuit court of the United States may join a State officer from executing a State law in conflict with the constitution of the United States when such execution will violate the rights of complainant; (2) that when the State can not be made a party, the court may decree against the officers of the State, in all respects as if the State were a party to the suit; (3) that when the State can not be made a party, the court will not look beyond the record.

This authority seems to answer the objection to the jurisdiction of the court.

The case is this: The State of Louisiana has entered into a contract with certain of her creditors. Certain officers of the State, without authority of any valid law, but presuming to act under law of the Legislature, which is unconstitutional and therefore void and no law (act of February 20, 1875), are about to execute a contract with the State and in doing so will cause irreparable injury upon the complainant.

The authorities cited sustain the jurisdiction of the court, and justify it in interfering to prevent the mischief threatened.

It is insisted by the defense that the Attorney General of the United States is the only proper person to bring suit to have an act of the Legislature declared unconstitutional and void.

The authorities cited to sustain this position (Doolittle vs. Supervisors, 13 N. Y. 15; Rowsey vs. Atwater, 10 N. Y. 311; Joyce on Injunctions, 746), concede that this may be done by a private person when the act complained of involves some peculiar damage to his individual interests.

This case falls clearly within this exception.

My conviction is, therefore, that the demurrer to the bill is not well taken, and that the prayer for injunction pendente lite ought to be sustained.

The Board of Liquidation appealed, and the Supreme Court of the United States amended the decision in some respects.

The decision of Judge Woods was strongly in support of the funding bill, but against the proposition, made under act of February 20, 1875, to exchange consolidated bonds for levee bonds, dollar for dollar, while holders of other securities only received at the rate of sixty cents on the dollar.

Governor Kellogg yesterday telegraphed for an abstract of the decision, and received the following reply, which is almost the same as the report to be found in the court record:

WASHINGTON, April 11, 1875.

Decree of the United States Circuit Court of Appeals for the Fifth Circuit, in the case of the Levee Company vs. the Board of Liquidation, is approved.

The funding of the debt due the Louisiana Levee Company in the consolidated bonds issued or to be issued under the funding act of January 1874, is reversed as to so many of the bonds as to be subject to the provisions of any valid law, or other bonds or obligations of the Levee Company in payment of its debt.

It will be seen that this decree protects the interests which have accrued to the State and its creditors under the funding act, prevents the unjust discrimination proposed under act of February 20, 1875, but does not prevent the State from settling its debts due to the Levee Company by bonds issued in accordance with the law.

Appointments.

Governor Kellogg has made the following appointments:

For St. Landry—A. Hayes, justice of the peace, and W. F. Stokes, constable of the twelfth ward; S. Cart, justice of the peace, and D. Dionis, justice of the thirteenth ward; Dionis, justice of the peace of the second ward; Lucien Darby, notary public.

For West Feliciana—L. B. Jenks, recorder.

For Ascension—R. H. Bloomfield, parish surveyor.

State Superintendent W. G. Brown has appointed Messrs. James Longstreet, T. G. Tracy and H. L. Ray members of the School Board for this division.

Complimentary.

In recognition of Governor's Hahn's exertions in the House of Representatives in pursuing to final passage the joint resolution requesting our Senators and Representatives in Congress to aid in the passage of a pension bill, a resolution of thanks was passed unanimously by the Louisiana Associated Veterans of the Mexican War, at a late meeting.

Political Matters.

The Republican Parish Committee of Iberia will meet in the town of New Iberia on the twenty-second instant, to choose delegates to the State conventions.

A parish convention will be held in Franklin, parish of St. Mary, on the twentieth of May, for the same purpose. Delegates will be chosen from the clubs in the parish on a basis of one for every seventy Republican voters.

The Temperance.

The Temperance at Louis Frigero's, No. 50 Chartres street, stood up as follows April 11: At 8 A. M., 72; at 2 P. M., 77; at 6 P. M., 76. Lowest point during the night of April 10, 62.

IMPORTANT CHANGE OF SCHEDULE ON THE EASTERN DIVISION OF THE MOBILE LINE.

Will be in effect on the 15th inst., the sixteenth instant, when the following trains, carrying the United States mail and Great Southern express, will leave the foot of Canal street at 6:45 A. M. and 5 P. M., with place cars running through via Atlanta to Washington and Baltimore, and via Nashville and Louisville to Cincinnati, making but one change, with double daily connection to the Centennial Grounds, New York, Boston and other Eastern and Western cities.

Second golden drawing, Second golden drawing, Louisiana State Lottery Company, Louisiana State Lottery Company, Opera House, April 29.

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COURT RECORD.

TUESDAY, APRIL 11, 1876.

United States Supreme Court.

The following was rendered April 10.

The Board of Liquidation, State of Louisiana, et al., appellants, vs. McComb—Appeal from the Circuit Court of the United States for the district of Louisiana.

Justice Woods' decision in the opinion of the court, affirming the decree of the said Circuit Court so far as it prohibits the funding of the debt due to the Louisiana Levee Company in the consolidated bonds issued or to be issued under the funding act of January 24, 1874, and reversing the said decree as to so much thereof as prohibits the funding of the debt due to the Louisiana Levee Company in liquidation of its debts. The costs to be paid by appellants.

Justice Field did not sit in this cause, and took no part in the decision.

United States Circuit Court.

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

United States vs. Paul Bruce—Two cases. Bond signed by James Lewis and Joseph L. Montoye, sureties.

United States vs. T. W. Eaton—Released on own recognizance.

Superior District Court.

John C. Ballentine vs. Pontchartrain railroad—D. B. Robinson, receiver, authorized to receive bonds of the railroad, deposited in bank, and the State National Bank directed to pay them over, to be accounted for under orders of the court.

H. Boutwell vs. Richard Flower, et al.—Plaintiff seeks to have the title set aside in favor of defendant and give possession on bond to defendant and also the restraining order, all dismissed, which ends the case.

State ex rel. Charles Albert vs. Auditor George B. Johnson—Relator alleges holding a voucher for \$120, issued to him as a clerk in the House of Representatives in 1875, and asks the auditor to be compelled to warrant for it. Alternative writ of mandamus issued for April 13.

Superior Criminal Court.

H. C. Castellano, Esq., presiding, in the absence of Judge Richard Flower, William J. Frisner and Edmond P. Legendre, opened.

Ernest Spied prays to be emancipated.

Fifth District Court.

LaVette's Fire Insurance Company vs. Peter H. Thode—Judgment for \$359 for plaintiff.

The Jockey Club Races.

The first race of the spring meeting of the Louisiana Jockey Club will commence on Saturday next. The ball opens at three o'clock in the afternoon with a two mile hurdle race, followed by an engagement for three year olds, mile heats, and concluding with a contest for all ages, two miles. It is believed that by Saturday the weather will have settled down to steady, clear business, and that the track will be in excellent condition. The races leading to the course have been greatly improved, and the prospect for a large attendance is good. Those who do not own conveyances will be quite in fashion by taking the street cars, as was the case at the fall races. Subscribers to the privileges of the Fair Grounds are reminded that to gain admittance during the races they must exhibit the tickets issued for 1876, and all should go provided with the proper cards, that no disappointments may occur.

Parish of Iberville.

At a meeting of the Republicans of the fifth ward of the parish of Iberville, the following preamble and resolutions were adopted:

Resolved, That we, the Republicans of the fifth ward in club meeting assembled, deem it contrary to party usage, and in violation of the rights of the Republican party, for the executive committee to elect delegates to the conventions of the Republican party, and that the selection of delegates rightfully belongs to the Republican voters of the parish, to whom the question should be referred.

Resolved, That we are in favor of calling a convention of the Republican voters of this parish for the purpose of electing delegates to the different conventions, and for such other business as may be brought before them.

Resolved, That a copy of this preamble and these resolutions be sent to the president of the State Central Executive Committee of the Republican party, and also to the president of the Executive Committee of the parish and the New Orleans Republican and Iberville Republican.

Resolved, That we insist that the election of delegates to the said conventions be referred to the Republicans of the several wards of the parish.

Resolved, That we endorse the resolutions adopted by the State committee calling for an election of delegates to represent the Republican party in the national and the State conventions to be held in the city of New Orleans respectively on the thirtieth day of May, and on the twenty-seventh of June, 1876.

Resolved, That a copy of these resolutions be forwarded to each of the president of the State committee, the president of the parish committee of this parish, and the New Orleans Republican.

WILLIAM A. SCOTT, Vice President, presiding. J. HUBBARD, Secretary.

Will attend on all the ticket buyers in the second

G. Grand Golden Drawing, U. C. Opera House, April 29.

O. Grand Golden Drawing, U. C. Opera House, April 29.

D. Grand Golden Drawing, U. C. Opera House, April 29.

Capital price, \$100,000. One chance in six. Tickets only \$50.

How the Postal Law Works.

A Detroit clerk recently moved six and a half sacks of his catalogue to Windsor, Ontario, and there mailed them to persons in the United States, saving \$3170 by the transaction, or cheating the United States revenue, as some call it, out of that amount. The charge for what is known as a "third class matter" in the city of New Orleans is four times as much as is charged for the same class in Canada. Under the late postal arrangement between the two countries the United States and Canada each agree to take charge of the other's mail without charge; hence the Detroit transaction.—Toronto Globe.

BY TELEGRAPH.

THE BORDER BATTLE.

COLONEL MERRIAM'S REPORT.

HIS ACTION IS APPROVED.

Washington.

Consular and Diplomatic Bill.

WASHINGTON, April 11.—The Appropriations Committee agreed to non-concur in the amendments to the consular and diplomatic bill, and ask for a conference.

Nuevo Laredo Captured by Revolutionists.

THE LATE COMMANDER A FUGITIVE.

ALL IS NOW QUIET.

(Special to the New Orleans Republican.)