# NEW ORLEANS REPUBLICAN.

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OLUME XI.—NO. 5. | NEW ORLEANS, WEDNESDAY, MAY 9, 1877. | WHOLE NUMBER 3052.


**The Flat Market Men.**

...all keepers of Poydras Market ...g the private maket issue to ...hem, made a loud complaint ...he few dealers who occupy the ...ce between Baronne and Penn ... This brought in Administrator ... who claims the control of the ...ection under a thirty year lease ... Carrollton Railroad Company to ... It had been leased with the ... and the lessees were receiving

... Van Benthuysen, president of ... Orleans and Carrollton Railroad ..., in a letter to the *Picayune*, ...e plat was the property of the ..., which was ignorant of the fact ...ity had leased it to the market ... It was not a portion of the two ... to the city in 1826 for the Poy...ket, or the piece forty feet wide ... at the time the continuation of ...et. A strip ten feet wide on the ...e of Poydras street, which pos...y be included in the "Gaines" ..., for the purpose of widening the ...ld for $5. The disputed tract, he ... the depot of the company, and ...lds the title. He also states—

... portions of ground now known ... and South Poydras streets, and ...aronne street, were never expro...d by the city nor donated by ...pany, there being no title vested ...y other than that of long use. ...ed of September 14, 1876, de...is plat, and the company agrees ...ect buildings on it. It has not ...by them, and they have paid ... The company, the stall keepers ...ade such a row, have concluded ...t to have some revenue from it, ...tall keepers hope the rent will be ... high that the hucksters will be ...y. It is a nice piece of dog-in...er tactics, and the city will have ... the question.

...llowing letter contains the claim ...lway company:

NEW ORLEANS, April 26, 1877.

...e Cavanac, Administrator of Com. City Hall, New Orleans:

...ir—On the fourteenth of Sep...836, as per act before J. B. ...tary public, the New Orleans ...llton railroad sold to the city of ...ans lots Nos. 1 and 2, as desig...on accompanying rough plan ..."A" and "B," also a strip of ten ...h on Phillippa and Circus streets, ... feet on North Poydras, marked ...l donated that portion of ground ..."D," forty feet wide directly in ...he lot No. 1, running from South ... street, and now constituting a ...tion of Penn street, all of which ...y appear in said act, a copy of ...nnex.

...ctfully call your attention to the ... that portion of ground fronting ...feet on Baronne street and run...pth of seventy feet toward the ...was never sold by this company ...at the time and subsequently oc...y this company for its depot, and ... subsequently, as appears by the ...nted at various times, and was ... reserved, the company merely ... to put no buildings upon it, as ...er in that portion of accompany...marked E.

...pany also allowed the free use ... and South Poydras streets, from ...of Canal Gravier to the former ...Bayou St. John, and also that ...of Poydras street south of Ba...ward Carondelet, required to ...ydras street of uniform width, ...that portion of ground required ...e street, across the basin, which ... appear upon the accompanying ... of Gravier basin and canal.

...s my surprise, I learn that the ...sting the ground and deriving a ...om its rent, it being designated ...er twenty-six of an ordinance ...December 7, 1875, as neutral ...r market purposes. Your spe...tion is respectfully called to this ...is company being perfectly will...r into any arrangement as will ...ully satisfactory.

...ry respectfully,

W. VAN BENTHUYSEN, President.

...LTER V. CROUCH, Secretary.

**The Police.**

...e Board of Police met on Satur...e purpose of organization, but ...ce of Administrator Diamond ... this.

... the first subjects for considera... they are in working order will ... be the petition of twenty-five ...were dropped from the Fourth ... This petition alleges that they ... two capacities—as individuals ... been wronged, and as residents ...rth District who desire to see ... righted; or, in other words, as ...hers who have been put out, and ...eekers who desire to be put in— ...of things not entirely monopo...residents of that locality. In ...them, they say that fifteen from ...District, represented by Admin... Dismond and McCaffrey, have ...ointed; that against five the ...ade were not made by the cap...y tampering with his list; that ...en from the First District in... the Fourth was not for the good ..., but for the benefit of individu... of the fifteen appointed, two ...r suspension.

... the board elected Mr. Asthur ...retary, and resolved to hold ... Tuesday and Friday evenings.

... the objections to the new police ... requisites of residence and citi...are not been complied with.

**...ath of W. A. Shropshire.**

...liam Armstrong Shropshire, for ... a prominent merchant of New ...nd a good and well beloved citi...at Mississippi City Friday, May ... born at Augusta, Kentucky, ...30, and moved to New Orleans ... During the rebellion he served ... on the Confederate side. He ... received the esteem of his ...ns, and their regrets follow ... grave. He leaves a wife and

**Inspection.**

The committee of the Merchants' Exchange succeeded in getting Messrs. Judson and Bouligny, of the board of flour inspectors, before them to tell what they knew about flour, and they seem to have acquitted themselves very creditably, according to the report which Chairman J. H. Polhaus makes.

He incloses a communication stating that the board of inspectors took no action on his invitation to be examined and states that Messrs. F. Hathorn, E. Durive and J. W. Quinn did not appear. As they manage these things in France the committee accordingly reported that these gentlemen are not qualified and request their removal. A short essay on the restoration of self-government and a recommendation that none but qualified persons be appointed are included.

The Exchange thereupon passed the following:

*Resolved*, That the flour committee be requested to hold a meeting as soon as possible for the purpose of examining such person or persons desirous of receiving certificates showing proper qualifications to be flour inspectors, in the event of vacancies occurring at any time on the State flour inspecting board, and such action to be posted on the public board of this Exchange, and also to give notice in the newspapers in order to give a chance to all persons desirous of obtaining the recommendation of the Merchants' Exchange, and such examination to last until they prove full and satisfactory to all parties concerned and to satisfy the public interests generally.

**Explosion of the Steamboat Waloon.**

Monday morning at nine o'clock, as the propeller Waloon, a lower coast packet, was endeavoring to push off from her landing at the Delacroix plantation, nine miles from the city, her boilers exploded, and she was almost totally destroyed and sunk in about eight feet of water. Captain De Bouchel was wounded in the knee, and with others was blown into the river. Engineer Barney Donnelly and fireman James McGiff were killed, their bodies being found together. Henry Lee and another deckhand were severely wounded. She had fifteen passengers aboard. Five were slightly injured and proceeded down the river. Several are missing.

The tugboat Ella Wood was sent from the city, but the steamboat Wild Gazelle had rendered all the assistance possible before she arrived. The people of the vicinity aided all that they had power to help. Mr. Dumas Delachez went from the city Monday night to remove the cabin from the wreck and recover any bodies that may be in the wreck.

A passenger who was picked up in the river says he heard a strange sound, and looking around for the boat found himself in one place and the boat in another. His coat was torn off and he had lost two bits of the dollar he had. As he floated on the river he saw the captain on another plank, who called him to save some passengers, but he was too dazed to move. Indeed he is looney yet. He saw a man save three passengers who were in the water.

**An Oriental Fraud.**

Sunday there was registered at the St. Charles Hotel a handsome, elegantly dressed young stranger, who gave the name of S. Selim R. Bey. To the *Picayune* reporter he gave the reliable information that he was a son of Rushtuk Pacha, and came from Egypt to contract for American beef. The beef-eaters of that land are not likely to have many invoices from him, for on receipt of advices from New York, aided by extracts from the papers, the police were made aware that the son of Rushtuk had been a tolerably successful swindler in New York, while stopping at the Windsor and Fifth Avenue hotels. Detectives Pecora and Farrell arrested him on Monday morning that he might not play the same tricks here and his quarters were changed to the central station, where the bills of the guests are settled by the city. He expressed much surprise at his arrest, and had a ready explanation for every charge made. Still there was no telling what he might do if allowed at large, and was, therefore, kept till the public were introduced through the newspapers and everybody posted. As they don't want him in New York the authorities will have to let him go.

**Investigation.**

The Legislature having passed a joint resolution requiring the appointment of an investigating committee, to sit during the interim of the sessions, on the affairs of the various State officers, the following gentlemen have been appointed:

Auditor's office—Senators, Will Steven, of Orleans, and C. B. Wheeler, of Morehouse. Representatives, Jules Aldige, sixth representative district of Orleans; Louis Desmarais, St. Landry, and Charles J. Leeds, first representative district of Orleans.

Treasurer's office — Senators, E. D. White, of Orleans, and T. T. Allain, of West Baton Rouge. Representatives, J. D. Hill, third representative district of Orleans; C. W. Kaeting, Caddo; S. H. Buck, first representative district of Orleans.

Office Superintendent of Public Education—Senators, H. D. Ogden, of Orleans, and T. A. Cage, of Terrebonne. Representatives, Louis Leonhard, ninth representative district of Orleans; William Hern, fourteenth representative district of Orleans; John Fitzpatrick, third representative district of Orleans.

State land office—Senators, W. A. Robertson of St. Landry, Pierre Landry, of Ascension. Representatives, Henry Tremoulet, seventh representative district of Orleans; George Drury, Assumption; W. H. Peralta, fifth representative district of Orleans.

Executive department—Senators, F. C. Goode, of Terrebonne, and J. H. Grover, of Orleans. Representatives, B. P. Jonas, tenth representative district of Orleans; R. J. Kennedy, Jefferson; E. W. Huntington, fourth representative district of Orleans.

**Court Items.**

In the United States court Charles Nathan has sued the city and School Board of New Orleans and obtained an injunction against the issuance of April school certificates till those of February and March, he being the holder of $10,000 worth, are paid.

Judge Billings has made the following order:

Myra Clark Gaines vs. city of New Orleans.—It is ordered and decreed that the rule be made absolute and the prayer of the petitioner granted, and that Samuel M. Todd and Adolphe Schreiber, trustees, and the city of New Orleans pay over to Maria Hotchkiss, subrogee of Rhoda E. White, or her attorney or attorneys, all sums of money that J. Q. A. Fellows or his transferee, J. H. Oglesby, either for himself or Louis Schneider, would be entitled to receive from them and the said city of New Orleans under order of Mrs. Gaines or said trustees, of the thirtieth of May, 1874, in the place and stead of J. Q. A. Fellows or said J. H. Oglesby, and the legal representatives of said Louis Schneider, all or either of them, the same being the residuum of said judgment heretofore to be paid to said J. Q. A. Fellows.

The indictment against E. E. Norton, found March 10, 1876, for demanding an unlawful fee in bankruptcy, was quashed on the plea filed April 10, 1876, that some of the grand jurors who found the indictment had been engaged in insurrection against the United States.

The following sentences have been decreed in the Superior Criminal Court:

Edward McVey, robbery, ten years; Paul Taylor, same crime, three years; Charles Johnson and Sam Mitchell, carrying concealed weapons, $25.

All cases are continued for lack of a jury.

The Third District Court has issued the following order:

The rule adopted by this court in 1869, extending the time for filing appeal from the justice's court, is abrogated from this date, and the time hereafter will be governed by the provisions of law requiring such appeals to be filed within ten days from the date of the filing of the bond in the lower court.

The following is the opinion in the case of Jumel vs. Johnson on the petition of transfer to the United States court:

The State of Louisiana ex rel. the Attorney General and Allen Jumel, State Auditor, files a petition alleging that Allen Jumel is State Auditor; that his predecessor, George B. Johnson, has possession of certain books, papers, etc., belonging to the office of Auditor, and praying that a mandamus issue commanding the said Johnson to deliver to relator Jumel the said books, etc., or show cause to the contrary April 30, 1877. On the morning of the trial the defendant presents a petition for the transfer of the proceedings to the United States Circuit Court. The application for transfer alleges that Johnson, who had formerly held the office by appointment, was elected last November Auditor for the four ensuing years; that he is entitled to so hold the office, but that Francis T. Nicholls, Governor of Louisiana, and Allen Jumel have dispossessed him of the said office, and continue to deprive him of it; that persons of color who desired to vote for him were deprived of that right on account of their race and color.

The right to an office can not be inquired into or tested under existing laws on an application for a writ of mandamus. 21 An., p. 336. If the relator Jumel is not in possession of the office, he can not obtain it through these proceedings, whatever his rights. The defendant if deprived of possession, even illegally, can not be reinstated through these proceedings, or by the aid of any reconventional demand or counter claim herein. The right of defendant to the office of State Auditor can be tested under the act of fifteenth October, 1868, "an act providing a remedy against usurpations, intrusion into or the unlawful holding or exercising a public office or franchise in this State." The writ of mandamus is a summary proceeding. Article 833, Code of Practice: "It may be directed to a simple individual, as to the heirs or other legal representatives of a deceased officer, or to such officer himself if he be alive or has resigned or been removed, to compel him to deliver to the successor of such officer the papers and other effects belonging to his office."

Article 831. "This order may be issued at the discretion of the judge, even when the party has other means of relief, if the slowness of ordinary legal forms is likely to produce such a delay that the public good and the administration of justice will suffer from it."

Certainly "the public good and the administration of justice" would suffer if an officer in possession of a public office of the State, and exercising all the functions of it, should be compelled, on taking out a writ of mandamus, to recover from his predecessor a certain book or the key of a safe, to litigate in the same proceeding the whole question of right to office.

This proceeding does not and can not involve the right to office, and is not, therefore, subject to transfer.

Application refused.

In the Fifth District Court Jacob Strauss as the possessor of $14,019 29 of certificates of employes of the school board now overdue, has obtained an injunction against payment of subsequent claims for April till these are satisfied.

In the Sixth District Court William J. McCall, administrator of J. P. McCall, has obtained a judgment of $6300.

Mr. C. W. Colton, one of the most accomplished stenographers of the city, has been retained in this court.

**The Texas Central.**

At the annual meeting of the stockholders of the Texas Central railroad, held at Houston yesterday, the following directors were elected:

Charles Morgan, of New York; C. A. Whitney, of New Orleans; A. C. Hutchinson, of New Orleans; George Jordan, formerly superintendent of the Memphis and Charleston railroad; E. W. Cave, of Houston; A. S. Richardson, of Houston; A. Groesbeck, of Houston; John J. Cisco, of New York, and Charles Fowler, of Galveston.

The following officers were elected:

President, C. A. Whitney, of New Orleans; vice president, George Jordan; secretary, A. S. Richardson, of Houston; treasurer, E. W. Cave, of Houston.

The Seventh Cavalry, with 1100 members, has left Fort Lincoln and gone in search of Sitting Bull, who is supposed to be north or south of the Yellowstone with some 500 recalcitrant warriors. The command will hunt him down and bring in the hostiles, when found, to the agencies.

The steam tug Thomas P. May was sold by the United States marshal at Mobile last Saturday for $1300.

## PACIFICATION IN MISSISSIPPI

### The Murdered Republicans of Kemper County.

As the facts of the assassination of the principal white Republicans of Kemper county, Mississippi, are becoming known, the affair is shown to be in keeping with like events at Coushatta when it was thought necessary for the Democracy to rid that section of country of the leaders of the opposition party. The Jackson *Pilot* of last Saturday says:

In our telegrams will be found the particulars of the massacre of Judge Chisholm and other Republicans of Kemper county on Sunday last. That helpless prisoners should be butchered in cold blood in a country pretending to be Christian, seems almost incredible; indeed after reading the details one can but imagine that he has been reading of some atrocity of the Bashi-Bazouks in Servia. The fiendishness of this act of inhuman barbarity reaches its climax when we come to consider that in a civilized and Christian country men should by the officers of the law be arrested under a pretense—disarmed, lodged in jail, and while in this helpless condition, with his wife and children, who go into the dungeon with the father and brother hoping that woman's presence would check the murderous design of the mob, they are butchered, shot down in the presence of wife and daughter—then not satisfied with this atrocity which should bring a blush to the cheek of a Sioux Indian, they then shoot down the daughter, a young girl of sixteen, refined and cultivated as she was brave. The Democratic authorities of this place would not believe it when the first report came that Judge Chisholm and others had been murdered. The Vicksburg *Herald* hastens, as usual, to assure the world that there was no politics in the matter. It is the same old story with which Republicans in the South have become, alas, too familiar.

Every one of the victims was a prominent Republican, and every man of the bloodthirsty mob was a howling reform Democrat. "Still there was no politics in it."

The following will show that should it have been Rush that killed Gully, Judge Chisholm and the other Republicans could in no way be implicated in the killing. To begin with, the Gully and Rush troubles began some six years ago. Rush and the Gullys had a quarrel which terminated in a street fight, in which Gully shot Rush down, and after Rush fell he shot at the Gully who was lately killed and killed another Gully, for which he was acquitted upon a trial before the courts. Since that time, and up to a short time ago, when Rush left the State, Gully has lost no opportunity to attempt the assassination of Rush, and has fired at him several times in the dark, and on one occasion did shoot and severely wound him (Rush). It is not to be presumed that after a man had gone through what Rush had, while he lived in Kemper county, that he would need the instigation of all the white Republicans of that county to arouse him who had been so treacherously driven from his home to seek revenge in the same treacherous way in which Gully had been trying to deprive him of his life. But notwithstanding Rush had just cause to seek revenge on Gully, we do not believe that Rush was the assassin, for when Rush was last heard of he was in Arkansas, and he was known in Kemper county by nearly every man, woman and child, it would be a matter of almost impossibility for him to go and remain in the county long enough to have an opportunity to do this deed without being seen by parties who knew him. But the pretext that he did the killing, and that Judge Chisholm and other Republicans were parties to it, furnished a rare opportunity to get rid of them. "They were mean white Radicals and ought to be killed." Does not everybody know that if Judge Chisholm, Gilmer and the others had been Democrats, and similarly accused, they would not have been set on and slaughtered; they would not, perhaps, have even been arrested. That slaughter was part of the general White League Democratic plan to rid the country of leading Republicans. "Dead men tell no tales" has been the pirate's and highwayman's watchword for ages. Dead Republicans can make no opposition to Democracy, is the watchword of the White League of the South to-day.

No doubt the deed was perpetrated by Gully's enemies in his own (Democratic) party, and in order to clear themselves and to rid the county of leading political opponents, they trumped up a pretext by which they can lay the assassination on an innocent party, and cause the butchery of innocent parties in the most cowardly and brutal manner. Judge Chisholm and all of the other Republicans that were slaughtered being natives of the State, and Judge Chisholm himself being a citizen of that county for forty years, it can not be said that they were carpetbaggers who came to the county and State for the purpose of plunder, but the crime of being a Republican, in the eyes of the White Leaguers, is sufficient cause for the butchery of any man.

Judge Chisholm being the leading Republican of his county and district, and his being elected to every office to which he aspired, until fall last, when he was defeated for Congress by the White Leaguers through their course of intimidation and violence perpetrated against the men who wished to vote for him, and the knowledge that in the future he would have great influence with the majority of the people, regardless of the changes of the new policy of the administration might bring about was doubtless the greatest incentive for this most foul butchery. And again, the greatest crime in the eyes of the White League was that the Republicans they slaughtered were all and the only witnesses against the leaders of the White Leaguers who had been indicted by the United States grand jury for their acts of violence and intimidation, and as the court meets next week and their cases were likely to come up, no doubt this was as much the cause which instigated the fiendish, foul butchery as any other.

It is most gratifying to know that Mrs. and Miss Chisholm, the wife and daughter, bravely defended the helpless father and son. All honor to the noble women who could, in that moment of supreme peril, overcome the natural weakness of their sex! God's pity they had not more shots, and that more of the Reformers had bit the dust. We are told that no physician of Kemper would attend to Miss Chisholm's wound, and that a surgeon had to be sent for to Meridian, in another county. Why was this? It was because the victims were Republicans and the assailants Democrats.

We know not what became of Rosenbaum and Hopper. They were taken to the woods, and we can guess their fate—wolves never show mercy.

We predict that not one of that band of murderers will ever be indicted by the grand jury, and if indicted, that not one of them will be convicted by a jury, if they ever come to trial.

By this Kemper county horror Republicans are reminded that the South wants and must have local self-government, even if every Radical in the State has to be shot or hung.

The Indianapolis *Journal* says:

We are permitted to copy the following letter from a gentleman in high position in Washington, a Mississippian of unquestioned character, who was well acquainted with the murdered man. It is addressed to Senator Morton:

"You doubtless have seen the dispatch from Meridian, Mississippi, announcing the barbarous murder of Colonel Gilmer and Judge Chisholm at DeKalb yesterday. They were two of the most prominent and responsible native Republicans in the State. Both served in the Confederate army and were brave and gallant. Chisholm had been probate judge before the war, has been sheriff for several years past and was Republican candidate for Congress last fall. He is reported to have been worth at least $100,000. Gilmer has been State Senator four years, and both were large merchants when killed. The charge of assassination was a mere ruse to give shadow of cause for the butchery. The whole trouble was that they were active and uncompromising Republicans and were holding their forces together for future campaigns. DeKalb county is white, but at least 300 white men there—the poorer class—vote the Republican ticket, and these noble fellows were their leaders. This was their only offense. Gully, who is reported to have been assassinated, was a desperado and always in trouble. I do not know the other three men killed with Gilmer and Chisholm, but the latter I knew very well indeed. You may remember them as calling on you together one evening just before the fourth of March. They were witnesses before the Mississippi committee and called to pay their respects as they felt a very warm friendship and high admiration for you. Together the poor victims constituted a party whom the cowardly murderers would not have dared to meet except as they were disarmed prisoners, defenseless and at the mercy of the bloodthirsty mob. Such is the value of Republican lives in Mississippi. It is terrible to contemplate.

Even the Texans, quick as they are on the trigger and rough in their riding, are ashamed of the cowardly method of the Kemper county Democrats. The Houston *Age* says:

Mob violence is never excusable, under any circumstances, in a country like our own, where all law is lodged with the people. It is on every statute book in the land that he who sheds man's blood shall die. The life of the murderer being thus forfeited to his neighbor, we have, as citizens and civilized beings, agreed to proceed to taking it in a regular way, so that no mistake may be made, and those who would avenge a murder become murderers themselves.

But this Mississippi tragedy is a reflection upon the people of the South. They had repeatedly pledged their word to the government and to the President that if the military was withdrawn no such bloody scenes as this should occur. We insisted upon the right of self-government, and claimed we were competent to enforce civil law without help from the army. And further, that there should be no persecution and killing for political causes. The hot-bloods of Kemper county have contradicted it all.

We insist, however, that these men only represented themselves. They have no sympathy with any considerable portion of the Southern people. They represent no other community. Doubtless if the real fact was known they are condemned by a majority of the people where they live. This tragedy shows the rancorous hatred engendered by partisans in the United States. It shows that the killing of a leader on one side may quickly lead to a massacre.

We trust for the sake of the good name of the South the details of this horrible affair will soften that now upon the surface. Doubtless they will, but we can not see how. To kill a woman in the manner Miss Chisholm was, is repugnant to every feeling of Southern manhood and Southern honor. Their lives are sacred under these, and under almost all other circumstances. Surely, the shot which laid her low must have been accidental, or fired by a coward unworthy of citizenship.

**Death of St. Clair Johns.**

Yesterday, hardly in the prime of life, St. Clair Johns died of consumption. He had been very feeble for more than a year, but always hopeful. Till within a few months he entertained strong hopes that he would master his malady, as he had before recovered from wounds that would have destroyed one of less vitality. He insisted on being made aware of his exact condition by his physician, and even when he knew death was inevitable, lost none of his cheerful temper.

He was born in Concordia parish in 1843, but resided nearly all his life in New Orleans. He received a collegiate education at Emmettsburg, Frederick county, Maryland. When only seventeen years old he entered the Confederate army, and served with great credit throughout the war, rising to the rank of captain. He was severely wounded at Chancellorsville, and supposed to be killed, but was rescued by his comrades. During the days of the *Crescent* he was a valued member of its staff, and for a few years of that of the REPUBLICAN.

He was a man of warm heart and fine feelings, generous and true to his friends, and would have been forgiving to his enemies if he had any. But his character won all who knew him. Possessed of cultivated talents, he easily mastered any subject that his attention was directed to, and with favorable circumstances and better health would have been distinguished. He was at one time an active and prominent member of the Orleans Dramatic Association. His death will cause more regrets than can be expressed, and all who knew him will have a tender word for his memory. He leaves an estimable wife and two lovely children to mourn him.

The Maine Republican State Committee, on the first instant, chose Senator Blaine as chairman, making the eighteenth consecutive year of his chairmanship.

**The Extra Session.**

A Washington dispatch of the fifth instant says:

It having been understood for several weeks that an extra session of Congress would be convened on the fourth of June, the military authorities anticipated no trouble, having taken it for granted that the army appropriation bill would be passed by the beginning of the next fiscal year, and business would proceed as usual, therefore no difficulties were anticipated nor mentioned. The postponement of the extra session was a great surprise to them, and nearly every bureau chief in the War Department sees some difficulty ahead; all of which they mentioned to the Secretary of War this morning. Secretary McCrary has directed the Paymaster General to prepare a statement showing the number of men whose terms will expire between July 1 and October 15. Such a statement will be submitted to the President, and the subject of an extra session of Congress will again be considered by the Cabinet Tuesday next.

Objections to the postponement of the extra session of Congress have all been waived, and the following was issued this afternoon by the President of the United States:

A PROCLAMATION.

Whereas, the final adjournment of the Forty-fourth Congress without making the usual appropriations for the support of the army for the fiscal year ending June 30, 1878, presents extraordinary occasion requiring the President to exercise the power vested in him by the constitution to convene both houses of Congress in anticipation of the day fixed by law for their next meeting;

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this and in me vested by the constitution, convene both houses of Congress to assemble at their respective chambers at twelve o'clock, noon, on Monday, the fifteenth day of October next, there and then to consider and determine such measures as in their wisdom their duty and the welfare of the people may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifth day of May, in the year of our Lord 1877, and of the independence of the United States of America the one hundred and first.

R. B. HAYES.

By the President:
WILLIAM M. EVARTS,
Secretary of State.

Upon this subject the correspondent of the Cincinnati *Enquirer* writes:

Postmaster General Keys says to-night with reference to the postponement of the special session: "I fancy the Cabinet is as much surprised as are you newspaper men. Until we met to day we supposed; or at least a majority of us did, that it was all settled. In fact, it has been understood all along that it was settled that Congress should be called to meet June 4, and we expected to have the proclamation subbmitted to-day calling it on that day." To a question how the sudden change came about he said: "The President, you know, has been opposed to an extra session all along; so has Secretary Evarts; so has Secretary Schurz. Mr. Wheeler has been particularly adverse to having an extra session called. The rest of us all thought it could not be avoided. The Secretary of War has been decidedly of this opinion, and, as his department was the one most interested, all of us, including the President, have rather deferred to him. The President, however, has never entirely given up the idea that somehow it could be avoided and has broached the subject at each Cabinet meeting. McCrary, however, has always replied at once that he could not run his department without an appropriation, and the matter has always dropped there. To the surprise of us all, the Secretary of War announced that he was convinced that he could get along until October, should Congress be called then. As soon as he announced this the idea struck the President favorably at once, and the change was effected in a twinkling. It was done almost before we knew it. Secretary Sherman opposed the change most strongly, but finally yielded." Concerning the cause of McCrary's sudden change of opinion the Postmaster General said: "It came out that before the Cabinet meeting McCrary, who was anxious to carry out the President's desires if he could, called his heads of bureaus together, and held a sort of Cabinet meeting of his own. During his discussion with them he asked the Paymaster how it would be about pay. The Paymaster replied that it was customary to pay the troops once in two months. There would be one pay day before the close of the present fiscal year, June 30; that if Congress was called in October only one pay day would have to be passed; that that was not an unusual event, either in time of peace or war. The result would be that if Congress met in October, and passed the appropriation bill, the soldiers could then be paid four months at once, as was not unfrequently done. Meanwhile, if any officers or men absolutely need money, there are plenty of bankers in New York willing to discount their pay vouchers, a not uncommon occurrence in the army. From the heads of the bureaus of transportation, subsistence, etc., the Secretary learned what he knew before, that the law allowed the department to make contracts for clothing, subsistence and transportation in advance of an appropriation. Being satisfied on the pay question, and believing the service would not suffer if a number of officers should take umbrage and resign, he finally made up his mind that he could get along until October, and so announced to the Cabinet." To a query as to whether this decision settled the matter, Key replied, laughingly: "O, a law can always be repealed, you know, but I guess this will stand." Key reports Hayes as much pleased with this decision, which is in accordance with his earnest desire; and Key adds that it is in accordance with the urgent request of many Congressmen and business men throughout the country. His attention being called to the fact that the session was put off until just after the Ohio campaign, Secretary Key said: "Yes, that point was mentioned in the Cabinet, but the reply was made that we can not consider that—we must be above party politics. So," said Key, "we made it the fifteenth, so that Ohio men would not have to come here in the heat of the fight."

The following special dispatches relating to this subject appeared in this morning's *Democrat:*

WASHINGTON, May 8.—An effort will be made in the Cabinet to-day to have the call for an extra session reconsidered and changed to the original time, June 4 or 15. It is generally understood that the Secretary of War declines to undertake to carry on the department without due legislation. He holds that our army exists upon the same principle as the British army, and that there is no law warranting its existence except the annual law of the appropriation for its maintenance, and hence the failure or refusal to pass the appropriation bill is a constructive abolishment of the army, for the time being at least. He has intimated that he can see no course open for him except to resign at the end of the present fiscal year, in case the thirtieth day of June finds the army establishment still unprovided for by law. His intention to present these views to the Cabinet to-day is announced.

The discussion in the Cabinet on the subject of the extra session, to-day, was somewhat less important than had been anticipated. The objections of Secretary McCrary to the October programme were conceded to be of weight, but without giving any particular reason, or without offering anything to overthrow the legal and constitutional position taken by the Secretary, the President and four members of the Cabinet quietly put a stop to the discussion by insisting that their determination to adhere to the terms of the published proclamation was unalterable.

McCrary still holds that he can have no authority, and that the War Department can have no legal existence except as a nominal part of the administration after the tenth of June, which is the close of the fiscal year. In this opinion, to wit: that the failure to provide for its maintenance is a negative abolition of the army, McCrary is supported by four justices of the Supreme Court—Miller, Field, Clifford, and Bradley—and by the Attorney General.

One of these authorities goes so far as to hold that the refusal of Congress to provide for the maintenance of the army is constructively a positive exhibition against its remaining in organized existence; but the President holds that if the officers and men see fit to remain in the service, and trust to the coming session to make up the deficiency, there is no law by which he can be restrained from accepting their services.

**The Truth about Paul Morphy.**

The New York *Sun* of a recent date contains the following communication of an authoritative character:

NEW ORLEANS, April 28.

The *Sun* of the twenty-fourth instant contains a repetition of that oft-told lie about the insanity of Paul Morphy—that he has not played chess for a long time, and so forth, *ad nauseam*. Will you have the kindness to publish the following, which contains all of the facts concerning Paul Morphy with which the public have anything to do?

He is now practicing law in this city, and has never been insane, or spoken of in that relation by his family or friends.

As to chess, he is unquestionobly to-day the best chess player in the world, although he does not play often enough to keep himself in thorough practice. He gives the odds of a knight to our strongest players, and is seldom beaten, perhaps never when he cares to win.

His disappearance from public view as a chess player has just this explanation—no more, no less:

The publicity and lionizing which attached to him for a time, both in this country and in Europe, was always distasteful to his family, and especially so to his mother.

On his return from his European triumphs, he entered into an engagement with his mother never again to play for a money or other stake; never to play a public game or a game in a public place, and never again to encourage and countenance any publication of any sort whatever in connection with his name.

This last clause in the agreement has heretofore been so strictly construed as to prevent any denial by him or his family, of the numerous silly publications that have been made concerning him. It is now time, however, that the thing should be stopped.

Will you have the kindness to inform the public at large, and newspaper paragraphers in particular, that Paul Morphy is engaged in a strict attendance upon his own affairs, and that his family and friends do not at present adjudge him in need of any assistance therein?

Very respectfully, M.

**A Caving Levee.**

Last Wednesday night a large portion of Marengo levee caved off into the river, and much ppprehension is felt, should the river rise, of the whole levee giving way. Yesterday several of the leading planters in this vicinity visited it, and report the levee, for a distance of 400 yards has gone in to the crown. At the most dangerous point there is but ten feet, and that is momentarily caving off. There are from six inches to two feet of bank along this front, but the ridge upon which the levee is built is very narrow, only about thirty feet between the base and a deep slough which connects with the lake. After they returned, a meeting was held in the courthouse to consider the subject. The meeting was addressed by Mr. Francis S. Shield and General J. Floyd King. Both gentlemen were of the opinion that it was not necessary to go to any great expense at present, but that some one should be hired to watch the levee, and report when there is danger of it breaking. This should be done by all means. It will cost but little, and may be the means of preventing a great disaster.—*Concordia Eagle.*

**Rifled Cannon for the Navy.**

During the past eighteen months the ordnance bureau of the Naval Department has had thirty-one of the old smooth bore eleven-inch guns converted into eight-inch rifled guns, by lining them with steel tubes, but the work will soon be suspended for the want of funds. These guns will be placed on the largest ships which may be fitted out during the next fiscal year. None can be fitted out this year, as there is no money available for such purpose. The government has nearly 1000 of old smooth bore guns on hand, many of which can be converted into efficient rifled guns if Congress will make the necessary appropriation. The work of converting those above mentioned has been done at the Cold Spring Foundry, opposite West Point, New York, and at the South Boston Iron Works. The only American vessel now armed with rifled guns is the Trenton, flagship of the European squadron.—*New York Tribune.*

The *Two Republics*, of the City of Mexico, says that the report that Colonel John W. Foster, the United States minister, was to be superseded was received with universal regret, and that the leading American residents, without exception, at once prepared and sent to President Hayes a memorial bearing testimony to the merits and usefulness of Colonel Foster, stating the unsettled condition of the country and respectfully asking his reappointment. Subsequently came news that the report was without foundation, and the intelligence was received with great pleasure, not only by the Americans, but by citizens of all nationalities, while the newspapers were unreserved in their expressions of satisfaction.