

BY TELEGRAPH.

THE INSTRUCTIONS.

The Commission to Lay Proposals Before Both Nicholls and Packard.

They Will Propose to Adjust all Pending Difficulties.

To Recanvass the Vote for the Legislature.

Provided Both Parties Consent.

[Special to N. O. Democrat.]

WASHINGTON, April 2.—Notwithstanding the secrecy observed at the White House in reference to the instructions given to the Louisiana Commission, it transpires that the following verbal instructions have been furnished to the members of the commission:

On reaching New Orleans they are to organize at once and lay the following propositions before both Nicholls and Packard for consideration:

That it appears from the examination made by them of the statutes and laws of Louisiana that the power to canvass the gubernatorial vote and declare the result is vested solely and entirely in the Legislature of the State; that it appears from the rolls of the two bodies now respectively claiming to be the Legislature of Louisiana that neither of them has a quorum duly declared and admitted elected under the laws of the State; and that, therefore,

It seems to them from the best information at hand that no legal declaration of the election of Governor has yet been made, since the only body which possesses the power to make such a declaration has not an undisputed legal existence.

The Commission will then state that conflicting representations of the condition of affairs in Louisiana have been made to the President and his advisers by representatives of the two contending governments, which have produced uncertainty at Washington as to which of the two governments is entitled to the respect and recognition of the other States and of the Federal authorities as the true and rightful government of Louisiana, independently of the legal considerations already set forth.

Therefore, and in consideration of these facts, the Commission delegated by the President and the Cabinet, offer to undertake and adjust all the pending difficulties according to the law and the facts, beginning with a recanvass of the vote for members of the Legislature, in order that an indisputably legal body may be organized having the statutory power to declare the election of Governor; provided that, whereas it has not been assumed that the Commission has any legal power in the premises, except what may be conferred upon it by common consent of the parties legally interested. The said consent shall be fully and freely given, and also provided that such consent or acquiescence shall not be deemed by either party to change the statu quo now existing pending the examination proposed by the commission.

MacBride.

[From Our Evening Edition of Yesterday.]

THE COMING COMMISSION.

It Has no Powers Except Those that May be Admitted.

It Will Attempt to Organize a Legislature According to the Vote Cast.

Chamberlain's Jeremiad and Hampton's Triumph.

[Special to N. O. Democrat.]

WASHINGTON, April 2.—The Commission has received its instructions from the Cabinet, and will leave for Louisiana to-morrow. The instructions are in accord with the views of the President telegraphed to you a week ago, and relate entirely to the organization of the legal Legislature.

The Commission will lay its instructions before Gov. Nicholls and Mr. Packard, and ask their mutual consent to its adjustment of pending difficulties.

The Commission does not claim any authority except such as may be conferred by consent of the local authorities.

If one party should accept and the other reject the mediation of the Commission, it is difficult to say what will be done. Probably, in that event, the Commission would ask the privilege of examining the returns for members of the Legislature for the purpose of making a report to the President; but both parties consent, or if Nicholls alone should consent, the Commission will proceed to organize the Legislature on the basis of the vote as originally cast.

Chamberlain has prepared and served

on Hayes a flaming protest against what he calls the "betrayal of the men who made him President." This precious document consists partly of a "jeremiad" by Chamberlain and partly of a bloody-spirt stump speech by Blaine. The effect of it will be to strengthen Hayes' determination to unload the carpet-bag fraternity. Hayes' association with Hampton has done the former a power of good. BUELL.

THE LOUISIANA COMMISSION.

Its Instructions Not to be Made Public.

Full Conferences Held by the Commission with the President.

All the Written Instructions in the Hands of the Chairman for Reference.

[Special to N. O. Democrat.]

WASHINGTON, April 2.—It has been decided at the White House not to give the instructions to the Commission for publication. The members of the Commission now here say that they have had full conferences with the President, and that it has been determined to place all the written instructions in the hands of the chairman of the Commission for confidential reference. I am assured, however, that the general tenor of the instructions will be substantially as intimated in my afternoon telegram.

BUELL.

LOUISIANA MATTERS.

The Commission will Not Attempt to Recanvass the Vote for Governor—The Three Plans of Settlement Proposed.

WASHINGTON, April 2.—There is nothing new in the Louisiana case situation beyond that a recanvass of the direct vote for Governor will not be among the duties of the Commission, as reopening the question might taint the general tenure.

There are three plans: 1. To compromise Packard into abdication. 2. Convene a Legislature which will count him out; and 3. To withdraw support and let him peter out.

If the last remedy becomes necessary a change in the Custom-House will precede pacification, as it known Packard relies on that institution, as at present organized, for the sinews of war.

SOUTH CAROLINA.

The Troops to be at Once Removed from the State—Gov. Hampton's Views of the Situation.

WASHINGTON, April 2.—There is nothing this morning to change the programme foreshadowed for South Carolina. Very soon after Hampton and Chamberlain return the troops will be withdrawn from the State House and the Chamberlain government will be allowed to fall to pieces.

At a Cabinet meeting this morning the Secretary of War was directed to prepare an order transferring the troops from the State-House in Columbia, S. C., to their camp.

The President directed the Secretary of War to issue an order for the removal of the troops from the State-House at Columbia, S. C.

Gov. Hampton received this important news very quietly, but expressed his gratification, stating that it was so reasonable a thing for the President to do that he had fully expected it. He said that he hoped the order would be sent to Columbia until he reached there, as he wanted to be present when it arrived, so as to guard against any crowd attempting to go into the building, and wanted also to prevent any demonstrations of an exciting character.

He said he should telegraph to the principal police officers at Columbia to station policemen in front of the State House in order to prevent any crowd from entering the building and to preserve public order.

Gov. Hampton has just gone to see the President to take leave of him. He will leave to-night or to-morrow. This is the first step of the new departure.

A STRIKE IS IMMINENT.

The Engineers of the Philadelphia and Reading Railroad will Stick to the Locomotive Brotherhood.

PHILADELPHIA, April 2.—A general strike is imminent on the Philadelphia and Reading Railroad, in consequence of the order issued to employes to sever their connection with the Brotherhood of Locomotive Engineers. Yesterday a secret meeting of engineers was had, at which over 150 members were present.

There was a determination, not expressed by vote, however, to remain in the brotherhood at all hazards. The next twenty-four hours will determine whether there will be a strike or not. The Reading officials say they are prepared for any emergency, and that the public will not suffer any inconvenience should a strike take place. They further say that the company does not desire to deprive engineers of benefits, but proposes to establish and endow a life and accident fund for engineers.

FIRE: FIRE: FIRE!

A Tale of Three Cities.

INDIANAPOLIS, April 1.—A special to the Journal from Edina, Ind., says: A good portion of this place burned this morning, including Coan's Hotel and Odd Fellows' Hall. Loss probably \$25,000, with a known insurance of \$7000.

The Journal's special also announces the burning of the business portion of Eminence, Ind. Loss \$40,000 to \$50,000; insurance small.

CINCINNATI, April 2.—A fire at Eminence, Morgan county, Indiana, Friday, destroyed thirteen houses, including all the principal business houses and Masonic Hall. Loss 50,000; insurance small.

A dispatch states that at an early hour this morning a fire was raging in Monroeville, Ohio, a town near Sandusky, and as a very high wind was prevailing, the whole town will probably be consumed.

WHY WE ARE SUFFERING.

Effect of the Situation on Business in New Orleans.

Trade Dropping Off and Merchants Wary.

Consumers Will Not Buy But For Tomorrow.

There Must Be An Early Settlement.

That the commercial transactions of this great metropolis have diminished under the baneful influences of the political situation needs but the bare assertion to bring its truth to the mind of every individual, be he engaged in commerce or in the field of industry, no matter which, so long as he has the fortune or misfortune to dwell within the domain of the once proud Louisiana.

From the laboring classes, earning their scant support by the labor of their hands, with the most persistent industry, up to the capitalist, whose wealth has laid idle for so long a time, there are none in our commonwealth upon whom the present distracted condition of affairs has not brought to bear the weight of its monstrous inertia. That the effect of the present situation might be more fully learned and appreciated, and to place before our readers the true situation of our trade and commerce, yesterday afternoon a reporter of the Democrat visited over seventy-five wholesale business houses in the city, and from the proprietors gleaned opinions as to the effect upon business of the present situation.

Realizing the fact that in insurance a true gauge might be found upon whose test a careful judgment might be formed relative to the business of our State, a visit was first paid to the leading insurance agency of the city, and one whose probably more policies are issued per annum than in any other insurance bureau here. The reason for taking the insurance of stocks of goods as a fair criterion was this: Merchants who are the most watchful observers of passing events, political or otherwise, always are careful to secure under the protecting wings of insurance any addition to the stock occasioned by an increase in the demand.

When trade is brisk and where ventures are many, dealers have no hesitancy in making large additions to their stock, and naturally these additions are indicated by an increase in their policies.

When interviewed, one of the oldest and most experienced insurance agents gave expression to the following views on the

CONDITION OF THINGS IN OUR STATE:

Reporter.—"Would you be kind enough, Colonel, to give in brief your opinion on the effect upon trade and commerce in general, of the present unsettled condition of affairs in Louisiana, that is to say, why it is that there seems to be such a falling off in business here when crops and other industrial prospects look bright?"

The Colonel, who is a man of high attainments, responded: "I suppose you want my opinion only so far as it may go with reference to insurance, and that I will very cheerfully give you. As you know, there are three classes of insurance—river, fire and marine. Now, what affects one of these does not in the least affect the other. A foreign war might have a very strong influence on marine insurance, when it would not in the least be felt in fire. So it is with politics. What affects domestic—that is to say State insurance—is very different from what affects life or marine policies. In regard to fire policies, which are divided again into city and country, I can safely say that owing to the present unsettled condition of our State government there has been a shrinkage of fully 35 per cent on merchandise, stocks and building policies.

"In large houses at the commencement of the fall trade it has always been the custom to insure for what is called a short policy, that is for four to six months, the increase in their stock to meet the demand for such a trade. This year there has been but a very few of these policies issued and it shows that our merchants, no matter in what trade, have not been willing to take risks and increase their stocks during the present complications. This rule applies to the heaviest dry goods, grocery, boot and shoe and furnishing goods, and particularly to the fancy goods trade, which furnishes the luxuries, and therefore show how far the people have reduced their expenditures to the bare necessities.

"Outside of these general stocks, the insurance on cotton in the various presses has diminished remarkably, and the ratio warrants the opinion that it is due to the complexities of politics here."

After a pleasant interchange of views, the reporter left, and next met

MR. JOHN L. ADAMS,

whose long and busy life in the wholesale grocery business here gives to his opinion a weight second to none. Mr. Adams said, in answer to the inquiry as to the effect exerted upon trade by the political complications in Louisiana, that he could safely say that it was most damaging. Country buyers now purchase only sufficient goods to meet present demands, and dare not take risks, so uncertain were they of the future. "There can be no doubt," said he, "but that if our State government was settled, and Gen. Nicholls placed in power, we would have a brisk summer trade here."

In the grocery line, he remarked, there has been a most marked diminution within the last few months, and our country trade holds off, waiting for a settlement of affairs.

Mr. Adams further expressed his opinion that it was due entirely to politics that this depressed condition of trade was so general.

The next merchant visited was Mr. A. Wolf, who is the proprietor of that large crockery and general furnishing establishment at the corner of

Common and Magazine streets. Mr. Wolf stated that he could only say what

UNMASKED!

The Picayune as a Gouger.

Bids for the City Printing Opened on Saturday at the City Hall.

Under a call for sealed proposals the following bids, received at the City Hall, were opened on Saturday by the Mayor and City Administrators. The bids will be placed before the Council to-day:

For printing proceedings and ordinances of City Council and official notices of the several departments of the city government, per square of 100 words, solid matter:

The New Orleans Picayune—forty cents, solid matter, and twenty cents for additional insertions.

N. O. Democrat—twenty cents, solid matter, and fifteen cents each additional insertion. Alternate insertions to be charged as new advertisements at same rate as first insertion, say twenty cents.

New Orleans Times—30 cents first insertion, as above; each additional insertion, 15 cents.

New Orleans Bee—45 cents, solid matter.

TABACCO TRADE.

A detour was made to the large and extensive store of Louis Meyer & Sons on Common street, near Camp. Mr. Meyer stated that he had examined and compared his books of this year with those of last, and the falling off in the amount of purchases made by those who were still his customers was remarkable. His trade is very extensive in North Louisiana, and in every parish there he has a strong and early buyer, but this spring, owing entirely to the

POLITICAL SITUATION.

most of those who have hitherto made heavy purchases now buy only sufficiently to meet present demands. A careful comparison with last year's business is sufficient to show what a fearful effect the complex situation at present disturbing the State has upon trade in general.

FOLGER & CO.

whose large hardware establishment is so well known, and which is situated on Magazine street, opposite St. James Hotel, was next visited. Here, as at all other wholesale depots, there was a reiteration of the old story, "Unless this thing is closed, trade will be surely paralyzed here. Gov. Nicholls must be our Governor or business is gone. You can't get over the fact that people are now buying only from hand to mouth, simply because they don't know how the cat will jump. Satisfy them and we will have a brisker summer trade than we have had for many a long day."

AT FINLAY & CO.'S.

who are our heaviest drug dealers, the same opinion was expressed. They reported that sales had dropped off amazingly under the pressure of politics, and that country dealers hesitated about buying in large stocks, for people were holding back their money, not knowing what to expect and feeling uncertain whether or not they might not have to emigrate, as Packard's success would surely force them to do. As was said, people will have medicine even when they can't get anything else, but now, under the political pressure, they are afraid to invest even in medicines. If Gov. Nicholls was recognized there could be no question but what they would send forward their orders freely. "Even now," as the leader of this extensive concern expressed himself, "after all this delay, if Gov. Nicholls is recognized, we can safely count upon a brisk and unusual summer trade."

It was the same story everywhere. In factories, in foundries, in machine shops, in retail stores and in little corner stores, came the re-echo of this opinion, and in the long and extensive tour of the reporter not a single opinion in the least contradictory to those given above could be gleaned.

IN THE COTTON TRADE.

dependent as it is on the solution of the Eastern question and the consumption of the spinners of Manchester, singular to say, Louisiana's troubles have wrought their effects there. Buyers have become more wary and hesitate about sending out their capital so long as the present condition of things last, and consequently the trade fell off.

Our largest cotton factors have a very natural hesitancy about making advances to their clients in the country parishes until such a time as the government may have been settled. In other years the merchant felt safe

UNDER THE LAW.

in his security on the crop of his planter; now there is a disposition to look well before sending forth funds that may never come back if the true State government be not recognized. This prudence and care is not exceptional here, and shows how urgent is the early adjustment of our affairs. As the situation is at present the banks are full of exchange, and they find considerable difficulty in negotiating sight on British banks, as the financiers on the other side are on the lookout as to how

LOUISIANA MATTERS WILL END.

In the cotton market this unsettled condition of things has brought about with the representative buyers here a hesitancy, and some of those who have orders for 2000 bales a week hold off, awaiting a solution of the question.

After the above and the many other interviews held with the most prominent business men of the city, there can now be no doubt but what capital, labor and skill need, and most hungrily need, the speedy recognition of our government and its fullness of power. Business house after business house was visited, and from every where came the same story. The wrongs, the disasters and the direful sufferings wrought upon this people were never more clearly depicted, and the millionaire and the poor man were one in their petitions for a clear sky and an early recognition of Gov. Nicholls.

In good old times importations of Piper-Heidsieck one year reached \$3,000,000 bales.

BURNETT'S FLAVORING EXTRACTS.—The superiority of these extracts consists in their perfect purity and great strength. They are warranted free from the poisonous oils and acids which enter into the composition of many of the factitious fruit flavors now in the market. They are not only true to their names, but are prepared from fruits of the best quality, and are so highly concentrated that a comparatively small quantity only need be used.

We have received from A. P. Harrington, bookseller and stationer, No. 115 Canal street, Arid's reply to the Rev. John A. Geiss and defense of the Mosaic account of the creation and of the flood.

The Crescent City Oil Company has for sale pure and freshly ground cotton seed meal. Let interested parties call at No. 23 Union street and be satisfied.

BURNETT'S FLAVORING EXTRACTS.—Are used and endorsed by the best hotels, confectioners, grocers and the first families in the country.

UNMASKED!

The Picayune as a Gouger.

Bids for the City Printing Opened on Saturday at the City Hall.

Under a call for sealed proposals the following bids, received at the City Hall, were opened on Saturday by the Mayor and City Administrators. The bids will be placed before the Council to-day:

For printing proceedings and ordinances of City Council and official notices of the several departments of the city government, per square of 100 words, solid matter:

The New Orleans Picayune—forty cents, solid matter, and twenty cents for additional insertions.

N. O. Democrat—twenty cents, solid matter, and fifteen cents each additional insertion. Alternate insertions to be charged as new advertisements at same rate as first insertion, say twenty cents.

New Orleans Times—30 cents first insertion, as above; each additional insertion, 15 cents.

New Orleans Bee—45 cents, solid matter.

BREAKING UP.

Two More Representatives from the St. Louis Hotel Come Over to the Legislature.

Mr. Heath, of Webster, Refuses to Serve Any Longer in the Ramp.

Messrs. Frederick Fobb, of Ascension parish, and N. A. Durden, of Bossier parish, who have, up to this time, affiliated with the Packard conclave at the St. Louis Hotel, appeared yesterday at Odd Fellows' Hall, and were sworn in as members of the Legislature.

Mr. F. E. Heath, of Webster parish, also of the Packard conclave, appeared on the floor of the House for the purpose, he stated, of resigning all claims to a seat in the Legislature. He had been returned elected, he said, by the Returning Board, but was satisfied that the government of which Gov. Nicholls was the head was the only one capable of securing peace and order in the State.

SUPREME COURT DECISIONS.

MONDAY, APRIL 2, 1877.

Present: All the Justices.

BY CHIEF JUSTICE MANNING.

No. 9551—Charles Maduel, testamentary executor, et al., vs. P. H. Monseaux et al. Rehearing refused.

No. 5399—Josephine G. Briard vs. The Mechanics and Traders' Insurance Company. Rehearing refused.

No. 6455—Rhoda E. White vs. Myria Clark Gaines. Rehearing refused.

No. 5393—State of Louisiana, ex rel. A. Merchand, The Judge of the Superior District Court et al. Rehearing refused.

No. 6546—Robert Worrell vs. James H. Vickers. Rehearing granted to ascertain if payment of \$300 should not be impeded to the rent.

No. 6547—Succession of Francois Escroix. Rehearing refused.

No. 6542—Interdiction of Mrs. Pauline Landreaux, wife of Justus Franke; Mrs. Franke, appellant. Appeal from Second District Court, parish of Orleans.—Proceedings for the interdiction of a person of sound mind of medical men who have examined the proposed interdict must be weighed with other evidence, and cannot, alone, guide or influence the court, which should examine all the facts in the case, and especially the motives of the person praying for the interdiction. Judgment reversed.

No. 6545—Marie L. Beebe, appellant, vs. Jas. P. Guinault et al.—Appeal from the Sixth District Court, parish of Orleans. The fact that citation of appeal was issued and served before the filing of the bond is not a good ground for the dismissal of the appeal. The discretion granted in some cases to the judge is a sound legal discretion, and this court will revise the judgment of the judge below refusing an injunction on a rule nisi, to ascertain whether this discretion was properly exercised. Motion to dismiss refused.

No. 6537—Jacob Stranas vs. M. S. S. et al., appellants.—Appeal from the Fifth District Court, parish of Orleans.—The sheriff, signed by a deed, and two witnesses, is of itself a deed and sufficient proof of the purchaser's title. Judgment affirmed.

No. 6418—Mrs. Eliza McCormick, appellant vs. M. O. Sullivan et al.—Appeal from the Superior District Court, parish of Orleans. The Third District Court has exclusive jurisdiction to enjoin seizures made under judgments of justices of the peace, when the value of the property exceeds \$100. Judgment amended so as to allow damages to defendant.

No. 6096—Amory L. Slawson, appellant, vs. Robert J. Ker. Appeal from the Sixth District Court, parish of Orleans.—Plaintiff in attachment agreed with an intervenor, who has afterward decreed the owner of the property attached, that said property be sold to avoid the expense of keeping, and that the proceeds be deposited in the sheriff's hands. Plaintiff subsequently, during the pendency of the suit, withdrew the funds from the sheriff, furnishing a bond in lieu thereof. Held: That the intervenor can recover from the surety on the bond. Judgment reversed.

No. 6511—Hibernia National Bank of New Orleans vs. M. Watson, appellants.—Appeal from the District Court, parish of St. James. Judgment was rendered against defendant, the endorser of a promissory note, by confirming a default. Plaintiff should have proved that the postoffice to which the notice of protest was mailed was the nearest to the endorser's domicile. Judgment reversed, and case remanded.

No. 6510—Turner, Wilson & Co., appellants, vs. W. W. McMain et al.—Appeal from the Fourth District Court, parish of Orleans. On rehearing. Where prescription has been interrupted by citation, it does not again begin to run until the suit is finally disposed of in some manner. Former decree set aside, and judgment rendered as to Mrs. Friserson.

BY JUSTICE MARR.

No. 5335—Hunt & Moseley vs. Mississippi Central Railroad Company, appellant. Appeal from the Fourth District Court, parish of Orleans. Plaintiffs received from their correspondent in Mississippi bills of lading for 33 bales of cotton shipped by defendant's road, and made advances thereon. It appears that only 23 bales were received and delivered by the company, a duplicate bill of lading having been issued by their station agent in error. Plaintiffs now seek to recover from the railroad the value of the 10 bales, for which the receipt was thus erroneously given. This case is not like that of a stranger making a claim in kind; that the indorser only takes it with the rights against the carrier as it conferred on the original consignee. As

No. 150, of 1868, making bills of lading negotiable in the same manner and to the same extent as bills of exchange and promissory notes issued on bills. He who advances money on the faith of a bill of lading is bound to know the extent of the authority of the one professing to be the carrier's agent, and a party signing a bill of lading for goods not received subjects himself personally to all the consequences of the act, but cannot bind the carrier. Judgment reversed. Justices DeBlanc and Spencer dissent.

No. 6532—John L. Adams & Co. vs. T. J. Danna.—N. W. Casey, co-ventor, appellant. Appeal from the District Court, parish of Lafourche, Section 37 of the National Bank act is merely declaratory, and was not intended as an abridgment of the jurisdiction of State Courts, and except where exclusive jurisdiction is given to the Federal tribunals by the constitution and laws of the United States, the laws of the State govern the jurisdiction of its courts, and the receiver of a National Bank is amenable to the jurisdiction of the State Courts.

There is no notice of knowledge of a mortgage by which a third person can be affected other than that which is afforded by the inscription in the proper office. The ten years during which the mortgage remains in force date from the day of its inscription—not from the date of the act by which it is secured. Judgment affirmed.

No. 6555—John Osborn, appellant, vs. Michael Legras.—Appeal from the District Court, parish of Ispahan. Plaintiff, a judgment debtor of Mrs. Maria Gore, sets on annul a mortgage granted by his debtor to the defendant in satisfaction of a judgment rendered in the latter's favor by her, on the ground that the judgment in satisfaction of which the mortgage was granted is an absolute nullity, the court which rendered it being without jurisdiction *ratione personarum*. The judgment complained of was rendered by the plaintiff, who then occupied the bench, and a judge cannot, for his personal, pecuniary benefit, invoke the nullity of a judgment rendered by him in his private capacity. Judgment affirmed.

No. 6563—Halusto Mare vs. Wm. B. Kessick, Sheriff, et al., appellants.—Appeal from the District Court, parish of Avoyelles. The fact that the property belonged to the community does not affect the right of homestead in the surviving husband, and the requirements of the law, and the property cannot be seized and sold. Judgment affirmed.

No. 6573—Onieu McCaskey vs. J. J. B. Chaney et al., appellants. Appeal from the District Court, parish of East Baton Rouge. Judgment affirmed.

No. 6459—Blaise P. Adol, Sr., vs. Blaise Pradel, Jr., appellant; Mrs. E. Pradel, intervenor. Appeal from the Fifth District Court, parish of Orleans. Appeal dismissed.

BY JUSTICE DE BLANC.

No. 6584—F. Aurenkoff vs. Pierre Monthegut et al., appellants.—Appeal from the Fourth District Court, parish of Orleans. No. 10,712, under a judgment obtained against the deceased husband served on the surviving wife as widow in community and natural tutor before letters annex are issued to her, is good. Judgment affirmed.

No. 6578—Succession of Hardesty.—On rehearing. Decree dismissing appeal reaffirmed.

No. 4885—La Societe de Bienfaisance des Arts et Metiers, appellant, vs. Wm. B. Morris & Co., et al.—Appeal from the District Court, parish of Orleans. Judgment affirmed.

No. 6501—Edward Meyer vs. G. Desforges, H. Mehnert, garnishee and appellant.—Appeal from the Fourth District Court, parish of Orleans. Appeal dismissed.

No. 6432—Heath, Pippey & Lars, appellants, vs. E. F. Herwig, chairman, et al., J. W. Maddox and John Kiehl & Co., intervenors. Appeal from the Superior District Court, parish of Orleans. Judgment affirmed.

No. 6569—Auguste Voichne vs. A. A. Voichne, administrator, appellant, and A. A. Voichne, Appellant, vs. Auguste Voichne, consolidated, appeal from the District Court, parish of Avoyelles. Judgment reversed, and case remanded.

No. 3328—Christine Schwaab vs. The Crescent City Railroad Company, appellant.—Appeal from the Seventh District Court, parish of Orleans. Where plaintiff in an action for damages for injuries received has contributed to the disaster, he can not recover, even though the defendant be partly in fault. Judgment reversed.

BY JUSTICE EDWARDS.

No. 6417—Lafayette Fire Insurance Company vs. H. E. Hemmers, appellant.—Appeal from the Fifth District Court, parish of Orleans. Rehearing ordered *ex proprio motu*.

No.