MUNICIPAL MATTERS.

JUDGE SMITH RECALCITRANT.

He Says That He Wants His Officers Paid.

Judge Smith, of the First Recorder's Court, paid a visit to the Mayor on Friday to ascertain if there were any prospects that the officers of his court would be paid soon—to receive, however, the usual answer that the taxpayers had not come up to the treasury to settle. Judge Smith replied to this that there were laws relating to the collection of taxes, and that it would relieve his officers a great deal if the laws were enforced. An unavoidable interruption put an end to the conversation, and the Judge walked out of the parlor with an air of dissatisfaction, saying something that we did not exactly understand, but which was explained by a visit to the Recorder's court yesterday.

It was then made plain to our mind that that the Recorder contemplated a novel method to secure the relief which he is seeking for his clerks and process servers. It consists in keeping the fines imposed in his court for the purpose, instead of turning them over to the city.

"But," we asked Judge Smith, "is not that in contravention with the law creating the recorder's court, which requires that these fines shall be deposited daily in the treasury of the city?"

"That's so," he replied, "but my men must have something to eat, particularly when it is considered that they have to work so hard for their wages. Why," said he, "they have not made fewer than twenty-five hundred arrests on bench warrants since the 7th of May last, and that's a great many more than the regular beat policemen have made during the same period."

"Yes, but judge," we said laughingly, "are you not afraid of being impeached by the Council?"

"Well," was the answer, "I am going to see Administrator Brown to try and find out whether my men will be paid soon or not. If I don't get a satisfactory answer I am going to make the issue. They can't impeach me. I am a State officer appointed by the Governor. They can impeach my successor, but not me."

"Nevertheless," we again ventured, "on what legal grounds can you assume to collect the fines."

"On the decision of the Supreme Court," said the judge. "I know," he said, "that they will bring up decisions against my position, but I can produce one of the supreme tribunal of the State, rendered in a case of the State against one of the down-town tax collectors, many years ago. It appears that the collector had endeavored previously to retain his per centage on the tax collections before turning them in, but it was decided that he had to take his risk like any other creditor of the State. But the following year he made up his mind to retain his commissions for both years on the collections of that year, and the case upon reaching the Supreme Court was decided in his favor. And I can't see why the decision shouldn't apply to my salary and those of the employes of my court as well as to a tax collector."

Now, let us wait for the issue, as the Judge calls it.

LIQUOR LICENSES.

Chief Boylan Talks the Matter Over with the Mayor.

It having been reported to the Mayor that the keeper of a coffee-stand in one of our markets was in the habit of keeping a private bottle, not only in violation of the license laws and the market ordinances, which forbid the sale of liquors in any of our public markets, but to the detriment of the effectiveness of the police force (it appears that some policemen are fond of strong coffee), the Mayor and the Chief of Police talked the matter over yesterday with the view of removing the temptation from the policemen who pace the beats in the vicinity of the market.

Incidentally, the Chief took occasion to inform his honor that in olden times there existed an ordinance imposing a fine on all vendors of spirituous liquors for every day that they sold spirits without a license, but that as matters were at present, in the absence of the requisite ordinance, the recorders could not assume any jurisdiction over cases of this kind that were brought before them, the violation of law being, the recorders said, a matter for civil action.

The Mayor having suggested the expediency of reviving the ordinance, it was concluded, after further conversation, and in consideration of the intricacies of the statute known as the revenue act, to refer the matter to the City Attorney for his opinion. The existence of an ordinance of the character referred to would, it is thought, do away with the numerous license suits which the city has yearly to put in the courts for collection, at the same time that it would prompt an early collection of these licenses from the fear of arrest which it would create in the bosoms of the liquor dealers.

ASSESSMENTS.

The Clerks to Commence the Index This Week.

Yesterday the experts appointed to arbitrate in the matter of the assessment of the Globe Theatre, hereafter to be known by its original name of National Theatre, reported that they had fixed the value of the building at $30,000, or $10,000 less than it was assessed at by the assessors, and $10,000 more than the company wanted it to be valued at. The Opera House is assessed at $40,000; the three buildings of the Varieties Theatre Association at about $84,000, and the St. Charles at $40,000.

Mr. Renge off thinks that he will be enabled to turn over the assessment books, already bound, to the tax bill clerks by the middle of the week, when they may begin the work of indexing them. The making out of the bills cannot take place until the books are closed, on the 16th inst. As we have already said, it is the opinion at the City Hall that it will be impossible to complete this bill-making by the 1st of January next, without some heavy night work on the part of the clerks.

The assessors are still harping on the revenue law, saying that some other method than that provided for in the law for assessing capital must be resorted to in order that a fair assessment may be made. One of the assessors goes so far as to suggest that the law be so amended as to authorize the appointment of experts to examine the books of merchants and tradespeople in disputed cases. Among the large taxpayers on capital of our city who have not made any recrimination the names of D. H. Holmes and W. H. Letchford, of Canal street, are mentioned, each of whom is assessed at $75,000. This the assessors think is fair and the amount sufficient for these houses to carry on their business, considering their long standing and the consequent high order of credit which they have acquired in their business.

PUBLIC SCHOOL DEPARTMENT.

Superintendent Rogers has appointed Miss Lizzie Bobb as his private secretary, to supersede Mr. Chas. B. Browne, resigned. Miss Bobb, who is a lady of fine accomplishments and the daughter of the late W. P. Bobb, of Jefferson parish, is already installed in her position. We take this occasion to thank the late secretary, Mr. Browne, for many acts of courtesy shown to us during our professional relations and wish him all the success which he anticipates in the resumption of his profession, that of a phonographer. Mr. Browne has located at No. 39 Union street.

POLICE APPOINTMENTS.

The Mayor made the following promotions and appointments on Saturday:

First Precinct—John Sullivan, promoted to patrolman. James Kavanagh, James McGuinn, John McHale, P. J. Harnan, appointed as supernumeraries.

Second Precinct—Paul Berci, M. Gavan, Peter Devine, James Long, promoted to patrolmen. John Kennedy, James Cooney, Adolphe Maraheras, Louis Prechet, supernumeraries.

Third Precinct—Wm. Klingler, Aug. Meteye, promoted to patrolmen; Joseph O'Connell, A. Willett, Joseph Olivier, supernumeraries.

Fourth Precinct—Octave Mayorenne, W. F. Cotta, W. T. Black, John M. Meilheur, as supernumeraries.

Fifth Precinct—H. Hahn, promoted to patrolman; John Motloy, John Dillon, J. E. Mortault, supernumeraries.

Sixth Precinct—Wm. Egan, supernumerary.

Suburban (Seventh) Precinct—U. Pentifils, supernumerary.

Supernumerary clerks and operators—Charles Schumacker, John J. Cronan.

OTHER TOWN HALL TOPICS.

The Bayou Bridge—Drainage—Algiers Firemen—The City Hall Building.

The bridge across the Bayou St. John, at the foot of Esplanade street, has become difficult to turn in consequence of the bending in of its heavy timbers. The surveyor is taking steps to have it repaired by bracing up the parts that have worked with hogchains, etc.

The Mayor has instructed that officer to construct surface drainage pipes to drain the neighborhood of the bridge into Bayou St. John to relieve the location in case of heavy rains.

A delegation of the Algiers firemen waited on the Mayor yesterday to make an appeal for aid, without, however, obtaining any, the backwardness of taxpayers being given as an excuse.

Preparations are now being made to repair the north wall of the City Hall building. We have refrained from alluding to the matter before, but now that all danger is over we are at liberty to say that at one time the City Hall building was in a very precarious condition, the wall in question having been thrown out of plumb, in certain places at the cornice, to the extent of five or six inches, owing to the partial falling in of the roof, that had been originally badly propped. For several weeks workmen have been engaged in repairing the marble front and raising and strengthening the roof, the ridge of which at one time showed a depression of over eighteen inches.

DOWN IN THE HOLD.

Two Negroes Fight, and a Third Becomes the Victim.

At about half-past 10 o'clock yesterday morning a difficulty took place on board the steamer Blue Wing between two negro deck hands, named respectively Fred Jackson and David Reed, which terminated in the former drawing his pistol and firing at the latter. The ball missed its intended mark and took effect in the left breast of a spectator, named Isaac Moulton, also a negro.

The difficulty was caused by Reed teasing Jackson regarding his discharge from the boat on Friday.

The wounded man was taken to the Charity Hospital, where his wound was examined and pronounced dangerous.

Jackson was arrested and lodged in the Harbor Station, charged with shooting and wounding, with intent to commit murder.

A man named Ben Edwards was arrested, charged with being accessory before and after the fact to the shooting.

Reed was arrested, charged with fighting and disturbing the peace.

AT LAST CAUGHT.

A Murderer who has Defied the Law for Six Years.

The facts concerning the arrest of the alleged murderer, Jules Altaziro, as related to a DEMOCRAT reporter, are as follows:

The accused, after having been hunted down for six years, was finally captured Friday evening by Aids McDonald and Peoples, who made him a prisoner and locked him up in the Central Station. It appears that ever since the murder of Garig the deceased's son had been following his father's slayer from State to State, city to city, and from parish to parish, with the intention of killing him wherever he found him. The son was taken sick and was forced to give up the chase.

The cause which led to the murder was that the deceased's wife had forsaken her husband for Altaziro.

The husband discovered Altaziro's assiduous attentions to his wife and had ordered him never to cross the threshold of his door again.

One night, as the injured husband was returning home, he discovered Altaziro coming out of his gate; he immediately moved on him, and as he did so Altaziro, not satisfied with having ruined the unfortunate man's family, threw more gloom over the family by murdering the man, who was only acting in defense of his family. It is said one of Garig's little daughters exclaimed to the murderer as he was firing at her father, "Please don't shoot my pa."

Chief Boylan has telegraphed the authorities at Baton Rouge notifying them that the prisoner is held subject to their orders.

BREVITIES.

The official letter list will be found in another column.

Duhamel's Fahrenheit indicated a temperature of from 54 to 61 degrees yesterday from 6 a. m. to 6 p. m.

The Canal street stores were brilliantly illuminated last evening, and attracted considerable attention from the crowds of promenaders who thronged that thoroughfare.

Savannah was the warmest and Lacrosse the coolest place reported by the signal service telegrams yesterday; the thermometer at the former point indicating 66 and at the latter point 32 degrees.

Military practice and special off hand shooting at the Crescent City Rifle Park to-day, and at the Orleans Park a dozen or so of the members of the press will go into training for the contest, 500 yards, off hand (shoot-at-word), which takes place on Sunday next.

Referring to an account of the fire Friday night on Palmyra street, corner of Rocheblave, the foreman and assistant of Philadelphia 14 claim that that company was the first to arrive on the ground and had water on the fire three minutes before any other engine.

Yesterday being the last day in which current taxes could be paid, the offices of the various collectors in the city were thronged with those desirous of saving the penalties which accrue. The collectors will, on to-morrow, complete the delinquent lists and present them to the Auditor.

It will be a source of satisfaction to newspaper men to know the welcome fact that there are no counterfeit one thousand dollar notes. Let them be cautious, however, about taking in five hundred dollar notes, as we hear that the country is flooded with counterfeits of that denomination. *Verbum sat.* We are safe.

CITY ECHOES.

Dauphine Windsor was landed in the Third Station on a charge of larceny.

John Cavanaugh, aged 35 years, died suddenly at his residence, No 307 Lafayette street.

J. W. Bibb, also charged by the coroner with manslaughter, was placed under $1000.

A man named Ed. Kinnessey had his hand crushed yesterday by a gin in the Planters' oil works.

Thos. Albemarle, who is recorded at the Central Station as a thief, is charged with embezzlement of $5.

Wm. Reardon, charged on Coroner Roche's affidavit with manslaughter, was yesterday placed under $10,000 bonds by Judge Smith.

A man named Charles White, an employe in Maginnis' oil works, had one of his hands badly crushed while working a gin Friday night.

Cornelius Moseby was yesterday sent before the First District Court under $500 bonds, for wounding John Connors less than mayhem.

The body of a white woman was found floating in the Old Basin, at the intersection of Robertson street, yesterday morning. Coroner notified.

Joseph O'Connor, charged with assaulting, wounding and biting Wm. Gannon, was sent before the First District Court, under $250 bonds, by Judge Smith.

Joe Grason, alias Connors, and Will Stewart alias Geo. Smith, two suspicious characters, after Chief Boylan had their "mugs," were given six hours to leave town. You can bet your life they left.

McCaffrey and Clark Sent Down.

James Clarke, alias James Berry, a deputy sheriff, and Billy McCaffrey, alias the Kid, who committed the outrages in the rear of the city Saturday night week, and who so unmercifully beat three unfortunate women, were sent before the First District Court, under bonds, by Judge Smith. Clarke's bonds, who was on two affidavits, were fixed at $1000, and McCaffrey's at $500.

Alleged Brutality of an Officer.

At 9 o'clock Friday night, as Officer F. Fizzico was conveying a young man named Louis Riberaud to the Third Precinct station, from the corner of Orleans and Burgundy streets, it is alleged that the officer struck the prisoner on the mouth with his club, and knocked five teeth down his throat.

A DEMOCRAT reporter yesterday called at No. 85 Orleans street and saw the unfortunate young man.

He was lying in bed suffering from pains in the breast. His mouth was swollen to such an extent that he could hardly close it; several of his front teeth had been knocked out, and his whole face was swollen and disfigured.

The sufferer stated that Officer Fizzico had knocked his teeth out with his club, while conveying him to prison, and had also struck him in the breast with the club.

This case is being investigated by both Chief Boylan and Judge Miltenberger.

Louisiana Gun Club.

At the regular monthly meeting of this club, held on the 1st inst., the following gentlemen were elected to serve for the ensuing year: Frank Marquez, president; Jeff Senzeneau, vice president; M. A. Calongne, secretary; Armand Leric, treasurer and manager. It was unanimously agreed to postpone glass ball shooting to the 1st of May next; also to extend invitations to the honorary members to the hospitalities of the club room. A committee of three was appointed to confer with the New Orleans Gun Club to take steps to have the game law revised.

CAPITOL GOSSIP.

PEABODY EDUCATIONAL MATTERS—A BOARD OF REGENTS APPOINTED.

Weber Anxious to Close Up His West Feliciana School Matters—Reports of State Officers.

One or two unimportant appointments were made by the Governor yesterday, but beyond that nothing worthy of note transpired. The Governor received during the day the opinion of the Attorney General relative to the legality of any member of the Board of Health holding the position of secretary and treasurer, the substance of which was given in

YESTERDAY MORNING'S DEMOCRAT.

The transcripts in the cases of Westley Turner alias Degree and Aleck Brown, convicted of murder in the parish of St. Mary, are still in the hands of the Attorney General and will be passed upon during the next day or two.

Turner, it seems, killed a man named Frederick Erhardt, on September 5, 1876, and was tried and convicted, and Brown killed one Wm. Dudley, in the same parish, on January 11, 1877, and his case went through the courts, resulting in conviction.

The State Superintendent of Public Education has issued the following:

OFFICE OF THE STATE SUPERINTENDENT OF Public Education and of the Agent of the Peabody Education Fund for Louisiana. New Orleans, La., November 3, 1877.

Under and by virtue of authority vested in the undersigned by the Rev. Barney Sears, D. D., general agent of the Peabody education fund, the Rev. J. K. Gutheim, Messrs. Paul Capdevielle, Jos. Collins, Louis A. Martinet and Jos. A. Craig, of the

CITY SCHOOL BOARD,

and Wm. O. Rogers, Esq., Chief Superintendent of the City Public Schools, are hereby appointed an executive committee for the establishment of a free normal department for the professional training of such colored graduates of high schools or other institutions of learning, and other advanced students over sixteen years of age and of proper mental and moral qualifications, as shall subscribe a written declaration that it is bona fide their desire and intention to exercise the teacher's vocation for at least two years after their completion of the normal course, to be attested by

CERTIFICATE OR DIPLOMA

granted by the City Board of School Directors or awarded by the officers of the Board of Regents hereinafter constituted.

Said normal department will be under the control and direction of the State Superintendent and the executive committee hereinbefore appointed, constituting a board of seven regents, who shall draft rules for their own government and for that of the department, providing expressly that said department shall include a junior and senior course in its curriculum, and that it shall not admit to its senior course more than thirty competent students, domiciled in the city of New Orleans, and shall be open to at least twenty such students from

THE RURAL PARISHES

of the State.

Said board of regents will meet in the office of the State Superintendent of Public Education for organization on Thursday, November 8, at the hour of noon, and thereafter at such time as shall be fixed by its rules. * * * *

ROBT. M. LUSHER,
State Superintendent of Public Education and Agent of the Peabody Education Fund for Louisiana.

The State Superintendent of Public Education has information that Weber, late school treasurer of the parish of West Feliciana, who has upward of $10,000 school funds charged to him, is now desirous of

MAKING A SETTLEMENT,

but would prefer to present his books and vouchers here rather than to go to the parish and settle with the board. Weber, according to the statement of one of his friends, is willing to defray the expenses of two members of the parish board to this city and return, and will meet them here with two of his advisers, when, if there be any deficit in his accounts, he is ready to settle the balance.

At his request the matter has been referred to the parish board, and a reply was expected yesterday; but none arriving, one of his friends went up to the parish to interview the board upon the subject, and will return early this week.

Several of the State officials have commenced their annual reports to the Legislature, included among the list being the Secretary of State, State Auditor and Superintendent of Public Education, and from present indications each report will be interesting.

AN ARTISTIC GEM.

That Remarkable Work of Art Resurrected in our City.

It may be on account of the cosmopolitan character of New Orleans and the *omnium gatherum* that our metropolis has almost, since its settlement, been the haven for those who, separated from home ties, journeyed thither for respite from political troubles and a place in which to make a livelihood, that the workers in art and those who considered its value resorted thither with whatever of value they possessed in that line.

With this prelude, and with the premise that artists have hitherto made our city a home when all other places failed may be accounted the fact that the recent discovery of a rare work of art was here made. Some twelve years or more ago that well known and thorough artistic genius, Clague, in his wanderings, discovered in a cabaret down in the Third District, by accident, a picture which, from the slight view he had of it, he pronounced at once to be the handiwork of some master.

Happening to drop in the small room in the rear of the sailors' bar-room and noticing in an old frame an oil painting, he with his thumb wiped off at a dash a small portion of the picture, revealing exquisitely wrought a cherub head, which gave evidence of the wonderful skill of the *maestro*, whoever he was, who had composed whatever was behind the covering of blue paint so carefully and evidently with a view at hiding the value of the beauties beneath laid upon almost the whole surface of the picture. Much has already been written and said about the beauties of the

EXQUISITE DELINEATION

of the highest type of beauty so delicately wrought by the unknown artist, but like the crayon in the hands of the puerile artist, words failed to catch the full, truthful grace and expression so richly portrayed on the canvas.

A DEMOCRAT reporter visited not only the picture, but a number of connoisseurs who had already examined it, and the result only confirmed his first views.

The first gentleman waited upon was Mr. Eug. Chassagnac, the fortunate possessor of the painting.

Reporter — Mr. Chassagnac, as undoubtedly this painting will become daily more and more a subject of interest, I called to learn if you would be good enough to give to me its history?

Mr. C. (with a considerable show of feelling). Ah! my dear sir, it has

A VERY CURIOUS HISTORY.

You remember Clague. That grand fellow who knew Louisiana scenery as well as anybody. He was the one who first called my attention to the picture. You know how he was, strolling about everywhere, and one day he came to me excitedly and said: "Chassagnac, I've found something that's worth all you've got: There's a painting down town; I'll show you the place, that you must buy. If you have to sell your piano, your furniture, your bed, everything; sell it, for you must not lose this chance."

Clague was filled with fervor about the picture, and urged me again and again to make every sacrifice in order to secure the painting. I told Clague that if this picture was for sale, and was so valuable, somebody else would surely find it out. Clague's response was, "It is where no one will ever discover it; I know that." He then went on to say that he had discovered down town in

AN OUT-OF-THE-WAY PLACE

a picture, of which he had only seen a small patch, but which was evidently from a master's hand. Some weeks elapsed before I took Clague's advice and made the purchase. The painting at that time was obscured with a coat of blue paint, which hid the beauties that were beneath. The picture, for this was about twelve years ago, was neglected and placed away in my garret, where the children played wagon with it,

DRAGGING IT OVER THE FLOOR

in its frame.

Rep—You did not then consider it of value, did you?

Mr. Chassagnac—Not at all. It was only about six weeks ago that our attention was called to it. I took it down and let the cistern water run on it for a considerable time, but the painting and outlines were still obscured. I then called in Mr. C. H. Buck, well known here as one our best amateur artists, and asked his opinion. He said with my consent he would attempt to bring out the colors. If the picture was an old one a cobol would not hurt it, but if modern the colors would run.

We took it down stairs, and Mr. Buck worked at it for about three hours. I was standing in the yard when the outlines and figure of the central subject of the picture were developed, and when I saw what it was you cannot imagine my excitement. The blue paint, which had surely been placed over it to conceal its beauties, came off, and "there," said he, pointing to the painting, "is the result."

Rep—After the renovation by Mr. Buck you doubtless had many connoisseurs to view it?

Mr. C.—Yes sir; many, many. In all, now, I think it is sixty-seven, if not more. We have had the well recognized amateurs of our city, and with but one exception all pronounce it from some of the old masters of the art.

Rep.—To whom do they ascribe it?

Mr. C.—Ah! That is a question they could not, and no one could, answer safely, for, as you know, it is most difficult to tell, even from the style and coloring, the works of any artist with exactness.

During the conversation a well known gentleman who was present made an offer of

$2500 FOR THE PAINTING,

and it was refused.

Next Mr. E. B. D. Julio, whose pictures here have attracted so much and deserved attention, was called upon. Mr. Julio said he was under the impression that this Venus was not intended by the painter to be the full delineation of his subject. He thought it was the first study of an artist before he made his more elaborate work. He, however, is satisfied that the picture is one of rare merit, and undoubtedly from a great painter's hand.

The Italian Consul here, upon viewing the work, could not restrain his expressions of wonderment, and at once communicated the discovery to his government.

The picture, as has already been said, represents in a wealth of beauty, radiant in tint and daring in drawing, a Venus seated in quiet grace in a shell, whose path over the waters is attended by Tritons, one of whom, with distended cheeks, is giving in sonorous notes warning of the approach of

THE FAIR GODDESS.

At her feet twin cherubs, with a touch of Raphael in their faces, are seated the tiny pilots of the royal craft.

In coloring and drawing the picture is evidently of the Venetian school, and in some respects speaks of Titian, and in some of the Caracci brothers, if not of Tintorello.

Titian may be called a sort of father of our modern art, and his tones in their warmth and vigor almost always tell of his hand. In softness and management of shadow he was a pioneer in a land where civilization had already made its way, and his freedom from minutiæ gave to his pencil a freshness few artists excelled.

TINTORELLO,

of 1512, Titian's pupil, sought to unite the beauties of the Venetian and Florentine schools, and in high lights opposed by dark shadows—a sort of pre-Rembrandt—he wrought out wonderful effects.

The Caracci of Bologna (1555) were three brothers—Lodovico, Agostino and Annibale. Simplicity and elegance distinguished their designs, and their Madonnas possessed a wonderful grace. The academy they established at Bologna was, from its progressive character, denominated the eclectic school, and art students from all Italy flocked thither as disciples to the Caracci.

Which of these master hands brought into being this wonderful creation no one can now say, but that we have here a gem from some of their hands the best judges agree.

THE HARRIS CASE.

A Statement from Mr. Thos. Devereaux.

There has been considerable mention made in print lately regarding the case of the State vs. Thos. Devereaux, who was charged with the killing of Harris, a well but not reputably known detective. The trial was a very short one, the State, after hearing the evidence of several of its witnesses, abandoning the case. From the interest manifested and comments made, a DEMOCRAT reporter yesterday visited Mr. Devereaux and interviewed him relative to the subject. He stated that he regretted a trial had not been gone into, for he was very anxious to bring out the full facts in the case.

The writer, who was on the *Bulletin* at the time of its occurrence, in his journalistic duties had occasion to publish the record of Harris in other States, which information was learned from Devereaux. This was verified by records, and Harris begged to be let alone, as he stated he had reformed.

The events given below followed shortly afterwards.

MR. DEVEREAUX'S STATEMENT.

I published the record of Harris in the *Bulletin*, having given it to Mr. Whitney in 1875, for the purpose of keeping him (Harris) off the police force and being reappointed as a detective, in pursuance to an agreement between myself and other detectives not to go to work on the force should he be retained. There was a strong influence behind the throne to keep him, and it was so strong we deemed it necessary to take this course.

In pursuance of his business, Mr. Whitney interviewed Harris and informed him who the author of the published charges was, and Harris then made threats. Shortly after this he began persecuting me by false charges; for first, blackmailing; second, larceny, and then the murder of a thief; all of which fell to the ground without the necessity of any introduction on the part of the defense. It was then I preferred charges against Superintendent Loan before the Police Board, but nothing came of it, and there was no full hearing.

About this time the whisky cases came up, and an attack was made upon a United States detective in St. Bernard parish, in which the officer was stabbed and thrown into the river.

He called upon me to assist him to bring the parties to justice, and I acted in the capacity of a detective.

The matter was placed before the Grand Jury of the parish and a true bill found against one J. Ward for laying in wait, etc., and against Robt. Harris as necessory before and after the fact.

From this time Harris made open threats against my life to various persons and at various times, to all of which I paid no attention.

The night of the first Wednesday in February, 1876, on returning from a meeting about 11:30 p. m., a noise as if the caps of a pistol or gun were snapped on the opposite side of the street, inside of a wood yard, attracted my attention.

There was a high wind blowing, and I thought that I might be mistaken, and attributed it to falling wood, or the settling of the same. Next morning I examined the lot and discovered foot-prints. Several times between that night and the 25th of the same month I received at various times hints to look out for myself and to be careful. On the night of the 25th, as I was entering the door of my residence, a report of a firearm sounded from the same lot. Upon close examination the fragments of a shotgun, one barrel loaded, the other bursted, with clots of blood and pieces of flesh, were found, and the traces were followed, and the party seen and spoken to as he climbed the rear fences, and who fired the shot.

Next morning a person was found in the Charity Hospital, who had presented himself about 1 a. m. for admittance, his left hand shattered and burned from powder, the right side of his face burned with powder also. This man gave no explanation as to how he received his injuries, and refused to do so.

Upon examination he was recognized as the same person who had attempted to assassinate the United States detective in St. Bernard parish, and it was Ward.

After this Harris was interviewed, and parties stated that it was the public opinion that he was the instigator of the act, and on each occasion he made repeated threats against my life, and expressed his regrets at my escape from Ward's attempt.

I was warned on the 27th of the same month by three different reporters of the press as to Harris' interview with them and his threatening language, etc.; on the 28th again by some of the police; on the 29th by several citizens and by an officer of the mounted police, who stated Harris was out there target shooting, and stated that he (Harris) had something to do and wanted to make sure work of it.

On the morning of the first of March I was at the State-House and was informed that Harris and Jim Smith, a detective, had inquired whether I was seen around the building, and again warned, etc.

The afternoon of the 1st, about 4 o'clock, I was walking out Common street, between St. Charles and Carondelet, and a party met me and paid a few dollars loaned money. I asked them to walk to Hawkins' to take a drink. When crossing Carondelet street, on the north side of the same, about half way, I saw Harris coming down Carondelet street, on the west side of the same. About the same distance, crossing Common street as I was crossing Carondelet, he was walking and looking directly at me. When about ten feet apart he changed a walking cane from his right hand to the left. He crossed over toward me, and I stopped still when about five or six feet apart. I stated to him as follows:

"Harris, I have every reason to believe that you are the instigator of the attempt upon my life."

I hardly had uttered the above when he put his hand under his coat, on the right side, and remarked:

"*I'll make it good.*"

I saw the butt of what I considered a pistol. I drew a pistol, wheeled half way to the left, levelled and fired. When about to fire the second time he fell. He fell with his right hand on his pistol.

As he fell I uncocked the pistol, which I had, and handed it to a gentleman who was standing on the banquette, and requested him to accompany me to the station. He refused, and said, "Walk up the street; I will be with you in a moment." I walked out Common, and when about Gallier's Court, I saw a gentleman standing there and requested him to accompany me to the station. He refused, and another said, "Walk into my office." The crowd was getting large; then I walked into Gallier's Court; the crowd followed. I recognized several, and requested them to go with me to the station, but they refused. Col. French came up, and I asked him to go with me, and, along with Capt. D. Kilpatrick, we walked to the station.

The body of Harris was conveyed to the station, and a large sized English Tranter and a spring dirk knife were found upon his person. I have tried every way to get a trial and have a hearing, knowing that if all of the facts were known there would be no doubt as to the reason or justification of my action at the time of the shooting. Harris had one eye. His right was out; his left was good.

If the evidence as stated by the *Item* were facts they had ample time to place them in the hands of the District Attorney as the case was set regularly and publicly published for a certain day, and on that day continued and again published. When the examination was before the committing magistrate the State was represented by a learned counsel. My reason for not making a statement before was by the advice of my counsel.]

THE COURTS.

[Merchants and others interested in cases in the district courts, as principals or as witnesses, can be notified by telegraph when to appear in court, thus avoiding the necessity of a constant attendance.]

Fifth District Court.

In this court the rule for mandamus against the Auditor on the relation of Henry C. Dibble, to compel the issuance to the relator of a warrant for an unpaid balance of salary claimed to be due him as Assistant Attorney General, came up for consideration. The relator claims a balance of $676 due him on his salary as Assistant Attorney General from January 1 till March 22, 1877, when his successor was qualified, and he asks for a mandamus against the Auditor compelling him to warrant in his favor for that sum against the appropriation for the year 1877, as made in act No. 47 of the extra session of the General Assembly.

The Auditor, by the Attorney General, for answer, denies that relator

WAS EVER LEGALLY APPOINTED

Assistant Attorney General of the State, and specially that he occupied or discharged any of the duties of that office from January 1 to March 22, 1877, but he averred that he had been during that time in actual hostility to the legal government of the State. Moreover, instead of discharging any of the duties of that office, by his neglect he has permitted a large accumulation of labor which had to be performed by Judge Egan, the present Assistant Attorney General.

THE INTERVENTION

on the part of Assistant Attorney General Egan sets up that relator's term of office had expired on January 9, when the Kellogg administration ceased to exist, by the express terms of act No. 35 of 1874, under which he held. Relator, it is averred, was in open hostility to the legal government of the State, and by reason of said contumacy could not be considered as one of its officers. The intervenor further claims that the appropriation of $3000 made in act No. 47 of the extra session of 1877, for the year's salary of the Assistant Attorney General, was meant

SOLELY FOR THE OFFICER HOLDING UNDER ACT NO. 10

of the same year, under which the intervenor holds. He alleges that relator Dibble has no claims to any portion of said appropriation, all of which the intervenor is entitled to, for which he asks judgment in full.

Upon these pleadings the case came up on rule, James C. Lingan, Esq., appearing for relator, and Henry C. Miller, Esq., for defendant and intervenor.

ON BEHALF OF RELATOR

evidence was adduced by which it was made to appear that he had been appointed and commissioned by C. C. Antoine, Lieutenant Governor, to the office of Assistant Attorney General, under act No. 35 of 1874, and that he was duly installed in that office and performing its functions at the date of the inauguration of Gov. Nicholls, on January 9, 1877. It was also made to appear that he

HAD NOT RESIGNED OR BEEN REMOVED

from office till his successor, the present incumbent, was appointed and qualified under the same act No. 35 of 1874, on the 22nd of March, 1877; that he had not drawn pay for any portion of the year 1877; that an appropriation had been made by act No. 47 of 1877 to pay the yearly salary of the office, and that he had made amicable demand for a warrant for the sum of $676, the balance he claims as due him from January 1, 1877, till his successor was appointed, and the same had been refused him by the Auditor. Upon this showing the relator closed his case.

ON BEHALF OF THE DEFENDANT

and intervenor a number of witnesses were introduced, the substance of whose testimony was that all the actual work that had been done by any person in the capacity of Assistant Attorney General during the year 1877 had been performed by the present incumbent, Judge Egan.

ATTORNEY GENERAL OGDEN WAS THE FIRST WITNESS

examined, and he testified to the circumstances of Judge Egan's appointment and qualification under act 35 of 1874 on the 22d of March, 1877, and of his subsequent qualification on March 24th under act No. 10 of the extra session of 1877. He also testified to the immense accumulation of cases in the Superior Criminal Court, which he attributed to the negligence of his predecessors in office, all of which cases had been attended to and disposed of by his assistant, Judge Egan. He also testified that he found all the affairs of the office of Attorney General connected with the collection of taxes very much involved.

RELATOR HAD PERFORMED NO OFFICIAL ACTS

as Assistant Attorney General since the 9th of January, 1877. Witness gave it as his legal opinion that the present incumbent was entitled to the whole of the $3000 appropriated by act No. 47 of 1877 to pay the salary of the Assistant Attorney General, although he had not qualified until March 22 of that year. He thought that the appropriation was intended solely for the salary of the office created by act No. 10 of 1877.

JUDGE WHITAKER, THE NEXT WITNESS,

substantiated the testimony of Mr. Ogden as to the accumulation of cases in the Superior Criminal Court, and the further facts that these cases had all been prosecuted to judgment by the present incumbent, and that the relator, Dibble, had not appeared in his court as the representative of the State, at any time from January 9 to March 22, 1877.

ASSISTANT ATTORNEY GENERAL EGAN

took the stand and substantiated the evidence of the preceding witnesses. There was a great deal of irrelevant testimony in the shape of opinions, legal and personal, adduced, but these were the substantial facts established by the defense and intervention, viz: that the relator had never performed any official act as Assistant Attorney General after January 9, 1877, and that Judge Egan had performed all such acts after his appointment on March 22, including the discharge of labors that had accumulated prior to that date.

H. C. DIBBLE WAS NEXT EXAMINED

in rebuttal. He said that under the act of 1874, under which he held, it was not his duty to appear in criminal cases except in case of illness or absence of the Attorney General. His duties were specific and related solely to the collection of the revenue. He stated he was not responsible for the accumulation of work the witnesses for the defense had described. He had performed all his duties as laid down by law. During the period spoken of no legal business in the courts had been performed by any one because of the

PECULIAR CONDITION OF AFFAIRS,

the very legality of the Superior Criminal Court being assailed, the same not being decided till April, and after his removal. He had never had occasion to pass on the question whether or not he recognized the Nicholls government prior to his removal. He had been among those who believed that Packard was *de jure* Governor, but since January 10, 1877, he had practically recognized Gen. Nicholls as the *de facto* Governor. Had he been ousted by him from the office of Assistant Attorney General he would have bowed in submission, but he felt grateful for not having been removed before he was.

THE ARGUMENT OF COUNSEL

turned mainly upon the point as to whether the office of Assistant Attorney General, created by act No. 35 of 1874, was a continuous office, the duties of which were to be performed by the actual incumbent until the appointment and qualification of a successor, or whether the official character of an incumbent ceased, *ipso facto*, by the vacation of the Governor making the appointment. The express declaration of the act is that "he shall hold his office during the term of the Governor, unless sooner removed by the Governor." Mr. Lingan, counsel for relator, contended that this provision of the act

MUST NOT BE CONSTRUED LITERALLY,

but must be interpreted under article 123 of the constitution, which expressly declares that "all officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office, except in cases of impeachment or suspension." Relator had neither been impeached nor suspended. The mere fact of the non-performance of the functions of office did not imply the vacation of office, nor was it a legal bar to the payment of the salary allowed by law. Relator was Assistant Attorney General when the Nicholls government came into power, and under the constitution he remained in that office till formally removed and supplanted by the appointment of his successor. He demanded the balance due him on his salary, and not as a *quantum meruit* for services rendered.

Mr. Miller, for defendant and intervenor, argued that the office was not continuous and that it was vacated by the mere expiration of the term of the Kellogg administration, under the express provisions of the act of 1874. The relator has had no successor under that act, the office remaining vacant, and the only claim he could advance would be an equitable one for services actually rendered, and he had rendered none. The salary of the present incumbent was for another distinct office, created by act No. 10 of the extra session of 1877. It was plain that the appropriation made in article No. 47 of the same session was solely for the salary of this new office.

Mr. Lingan, interrupting Mr. Miller, attracted his attention to the fact that Judge Egan had first qualified under act No. 35 of 1874 on March 22, 1877, and was therefore literally the successor of relator. Mr. Miller thought this made no difference. The appropriation was evidently for the office created under the act of 1877, and it was intended that the present incumbent should receive the whole sum. He had performed the duties of the office, and in equity was entitled to the full salary for the year.

After argument of counsel the case was taken under advisement.

Superior Criminal Court.

ARRAIGNED AND PLEADED GUILTY.

Daniel Webster (c), John Ross (c), Wm. Green, Jr., (c), and Eugene Villarubia, all charged with carrying concealed weapons.

SENTENCED.

Daniel Webster (c), having pleaded guilty of carrying a concealed weapon, was fined $30 or thirty days in the Parish Prison.

Wm. Green, having plead guilty to the same charge, was given $5 or five days.

Eugene Villarubia, same, was fined $2 50 or twenty-four hours in the Parish Prison.

ARRAIGNED AND PLEADED NOT GUILTY.

R. B. Rowley, false imprisonment.
Thomas Killlea, assault on a police officer.
George Allen, breaking and entering.
R. Montgomery, carrying concealed weapons.

APPLICATION FOR COUNSEL.

State vs. Jack Toby, charged with breaking and entering.—The defendant, Toby, yesterday applied to the court for the appointment of counsel to defend him. The court appointed Wm. Reed Mills, Esq.

This is the third application made by the accused; on the first Hy. C. Miller, Esq., was appointed, and on the second application E. W. Huntington, Esq., was appointed, but both gentlemen declined to act.

CONTINUED.

State vs. James White, charged with the murder of W. P. Carter—On application for a change of venue. Argument continued to Wednesday next at 11 o'clock a. m.

JURY FOR NOVEMBER.

The time of the court was yesterday busily occupied in impaneling a petty jury for the present month. The court has ordered a book to be kept open, and each juror has to sign his name after being impaneled. The jury, after being impaneled, were discharged until Monday at 10 a. m.

First District Court.

The District Attorney will file

INFORMATIONS

against the following parties on Monday:

ASSAULT AND BATTERY.

Philoman Darden, Adam Warebeim, John Price, Jas. A. Doures, Henry and Mary Lamond, Marie Arnstead, Joseph