The New Orleans Bee.

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NEW ORLEANS DAILY BEE

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NEW ORLEANS: TUESDAY MORNING, JULY 4, 1871.

TO OUR READERS.—That our employés and compositors may take part in the celebration of the national holiday, the Wednesday issue of the Bee will this week be omitted. Our advertising patrons will please take notice of the fact. Advertisements intended for Wednesday appear in this issue.

Suit Against Auditor Graham.

Mr. E. E. Norton, General Assignee in Bankruptcy, lately obtained from the District Court of the United States a writ of mandamus against James Graham, Auditor of Louisiana, requiring him to issue certificates of indebtedness to parties whose bankrupt estates are in Mr. Norton's hands as General Assignee.

The allegations of the petition are to this effect: That certain taxes were imposed and paid to the State by these bankrupts under act of the Legislature of April 4, 1868, and that under a subsequent act—that of April 19, 1871—said taxes were declared to have been unlawfully imposed. The act also authorizes the same thus paid to be refunded, the Auditor being required to issue certificates of indebtedness to the parties. It is also alleged that the Auditor refuses to issue these certificates although demand upon him has been made.

The Auditor sets up a number of reasons for refusing to comply with petitioner's demand, the principal one being that the issue of these certificates would necessarily constitute an increase of the debt of the State, which has, by an amendment to the State Constitution, been limited to twenty-five millions of dollars, and that the law authorizing the refunding of this money was passed subsequently to the adoption of the said constitutional amendment.

J. W. Graham has asked for and obtained a writ of error—to operate as a suspension of the order—which removes the case from the District to the Circuit Court of the United States, and the bond having been fixed at $65,000, the following citizens became the securities of the Auditor: John I. Adams, John B. Hood, A. Chispely Ja. H. Gally, James Jackson, L. F. Generes, E. Rigues, E. A. Tyler, A. Carriere, C. H. Slocomb.

CIRCUIT COURT OF THE UNITED STATES.—Previous to the departure of Judge Woods he appointed to the office of clerk of the Circuit Court of the United States Mr. F. A. Woolley, in the place of Mr. D. Urban, resigned. The new appointee has had considerable experience about the courts, having occupied similar positions before and for some time acted as a Deputy Marshal of the United States under Mr. Packard. Mr. Woolley has always proved himself capable and accommodating to persons having business with him, and we are glad to learn that he has retained as his Chief Deputy Mr. F. B. Vinot, who acted in the same capacity for the late clerk Major Urban. Mr. Vinot is known to the members of the Bar and those having business in the Circuit Court as an officious officer and a courteous gentleman. The junior clerks of the office are also popular, and we take this opportunity of thanking them for repeated favors.

In another column will be found the advertisement of that flourishing Company, the "Loan and Pledge Association," situated at the corner of St. Charles and Perdido streets, under the management of that genial and courteous gentleman, Mr. E. B. Benton, the President of the Association, who, by his tact and liberality, will make the Loan and Pledge Association one of our most popular institutions. With a capital of eighty thousand dollars to loan on pledges of all kinds of property, and at their remarkably low rates, should be an inducement to parties desiring to pledge their furniture, diamonds, etc. This speaks volumes for the stability and management of this enterprising institution.

The Railroad to Opelousas.

We copy the following from the *Planters' Banner* of the 28th ult.:

Judge Boyce, President of the new railroad company, to take the name of the Old New Orleans and Great Western Railroad Company, has commenced active measures to secure the building of this road, which is to extend from Berwick's Bay to Opelousas, and on to Washington, uniting Berwick's Bay and Bayou Cortableau by an iron chain.

The plan is first, to complete the link between New Iberia and Washington, a distance a little more than fifty miles, and put it in complete running order in as short a time as possible. There the link between New Iberia and Berwick's Bay will be speedily completed in like manner.

The road is already graded between Berwick's Bay and Opelousas. The only grading not completed is a few small gaps in the road and the part between Opelousas and Washington, a distance of six miles.

A careful estimate has been made by an engineer who has examined the present grading between Berwick's Bay and Washington, meaning and finishing up the road bed, making the brick culverts, constituting the bridges, and putting on the cross ties, and the whole expense falls a little short of $[illegible],000, between New Iberia and Washington, or, for the whole distance $[illegible].

When this is completed, the company then issue first mortgage bonds bearing interest, and with these bonds they can obtain money to iron the road, and equip it ready for service.

And all this may be easily done in one year, and in less than one more year the road may be completed between New Iberia and Berwick's Bay.

The only work to be done to secure the early completion of the road is to finish up the road bed, make the culverts, put down the cross ties, and build the bridges. The first mortgage bonds will do the balance of the work.

Mr. Morgan is to put in the old road bed, and all the franchises of the road west of Berwick's Bay, as the stock in the new road, at valuation of $270,000; but he requires that the road be commenced by the first of next November.

The President of the new company, Judge Boyce, proposes to raise the means to finish up the road bed, build the culverts and bridges, and put down the cross ties, through parish warrants for the six parishes, most interested in the road, each parish to issue bonds in proportion to the value of its property, these bonds payable in twenty years, interest payable yearly.

The quota of the bonds of each parish would be as follows:

Pa.	Bonds.	20 years, int. 5 per cent
St. Mary	$[illegible]	$[illegible]
Iberia	132,000	32,100
St. Martin	27,000	7,000
Lafayette	48,000	2,400
St. William	54,000	14,700
St. Landry	210,000	10,500
Capital	$570,000	$60,300

The interest would fall due at the end of the first year, when it is presumed the road would be early in running order. The work could be let out in short sections and completed with great rapidity.

But half the bonds of the parishes would be needed the first year, or until the New Iberia and Washington link may be completed, so only half interest would be demanded the first year.

Every dollar of the taxes that every man pays entitles him to that much stock in the road.

When the Police Jury proposes to issue bonds in such cases, they cannot make such bonds valid, election of the property holders of the parish is called, and the vote of the Police Jury ratified by the majority of the taxpayers.

INTERESTING LIFE INSURANCE CASE.—In the Second Court yesterday Judge Barnard delivered an interesting opinion in the case of Sands vs. the New York Life Insurance Company. The plaintiff's husband, a resident in Mobile, was insured by the defendants in 1860, and paid the premiums regularly to the company's agent in Mobile up to 1866, in which year he died. The civil war breaking out in 1861, and the last premium being paid in 1863, the defendants claimed that that alone, or at any rate, the President's proclamation of emancipation, ended the contract with the assured, he becoming an alien enemy, and outlaw to us, and the agency of their agent in Mobile. The plaintiff obtained judgment and the defendants appealed.

The court held, Judge Barnard delivering the opinion, that the benefits out of the war, we did not consider, the agency for the defendants, as we violate the theory of Judge Barnard, would be the agency of Morgan if the assured should be detained at the Island of Nassau. Money sent to the policyholder to act or half of his of his benefit of his policy. It should be the duty of the defendants to issue an agency to Mr. Morgan, legally insurance with them.

CITY INTELLIGENCE.

Philip Wagner, a boy nine years old, fell off a flatboat into the river, at the head of Barracks street, at 7 o'clock last evening, and was drowned. The body has not been recovered.

The city of Carrollton was on Saturday night first illuminated with gas, which the works at Jefferson City (Sixth District) supply.

Mrs. Perry, residing at the corner of Mandeville and Robertson streets, was severely burned on one of her hands on Sunday afternoon, by a coal oil explosion.

A fire broke out in the store of Pollock, Knight & Co., No 96 Camp street, a few minutes after four o'clock yesterday morning, but was extinguished before any damage of consequence was done.

Places to go to To-day.—Those who, either from choice or necessity do not leave the city to spend the Fourth, will find abundance of recreation in the suburbs, at the festivals get up for the occasion, by different associations.

First is the encampment of the First Regiment of Louisiana Volunteer Infantry at the Metairie Race Course, which is accessible either by the new shell road or the Canal street line of the City Railroad Company. The regiment has been in camp since Sunday morning and crowds have visited the course to witness the races and matches announced in the programme and the military exercises of the well-drilled and disciplined battalion; many of the members which are veterans of the civil war. At ten o'clock this morning there will be target shooting by each company; at half-past three a base ball match between the Crescents and the Lone Stars; a parade and review of the whole second brigade during the afternoon; horse races also in the afternoon, and at night a grand ball, the music by Schneider's Cornet Silver Band.

At the Fair Grounds also there will be great attractions. There the Clerks' Benevolent Association will have its annual festival. The programme embraces a pony race, a horse race, a sulky race, a buggy race, a velocipede race and a foot race, a base ball match between the R. E. Lee and Pelican Clubs, a display of fire works, surpassing, we are assured, anything of the kind seen here in years, and a ball. The dancing will begin at five o'clock in the evening and the music will be given by Frank Fortuna's Silver Cornet Band. Besides these entertainments a lottery is connected with the festival, tickets of admittance being also tickets for the lottery, the prizes in which consist of silver-plated ware, on exhibition at Lilienthal's, No. 93 Canal street.

At the Oakland Riding Park the Hibernian Benevolent and Mutual Aid Association have their first pic-nic and festival, which commenced on Sunday and will close to-day. We have not been furnished with a programme, but learn that the entertainments consist of a base ball match, athletic exercises, races, and at night a "hop."

A Compliment to a Veteran Soldier.—We have inadvertantly omitted to mention a compliment paid a few nights ago to an attaché of the *Bee*. We refer to Captain Frank C. McElroy, the messman of this office, who as sonmmander of Company C First Louisiana Regiment of Volunteer Infantry, has been the recipient of a gold mounted sword, of fine material and workmanship, bearing the inscription "Presented to Captain Frank C. McElroy as a mark of esteem from the members of his Company." It scarcely needs to be added that one who went through the late war, from beginning to end, and served in the field, throughout, with a high reputation for conduct and courage as an officer, is in every way worthy of the compliment paid to him by his present command.

The Hebrew Charitable Associated Festival.—The Hebrew Charitable Association had their annual pic-nic on Sunday, at the Magnolia Garden, Bayou Bridge. Besides the festive pleasures of the re-union, the interest of the entertainment was enhanced by the distribution of prizes to those ladies who had been most successful in disposing of tickets. The prizes distributed were as follows: Miss Rebecca Davis, sold 643 tickets, a gold watch and chain; Miss Leonie Benhamed, sold 375 tickets, a gold watch and key; Miss Sarah Long, sold 351 tickets, a pair of gold bracelets; Miss Bertha Bodenheimer, sold 325 tickets, a set of earings and a brooche; Miss Emma Kramer, sold 150 tickets, gold chain and locket, and Miss Emma Levy, sold 100 tickets, a silver card case.

The Contempt Cases.—The Court of Third Municipality.—Mr. William L. Evans, Second Justice of the Peace, appeared before the Sixth District Court yesterday, to answer the charge preferred against him of committing a contempt of said Court, and Judge Cooley sentenced him to imprisonment for six hours and to pay a fine fifty dollars. McManus, the policeman, sentenced to ten days imprisonment, was released after spending a day in jail.

Anniversary of the Y. M. B. A.—The Young Men's Benevolent Association celebrated their thirteenth anniversary on Sunday. They marched in procession through several of the streets, to the house of Captain Robinson, on Gasquet street, where a handsome flag was presented by his daughter, Miss Orleana Robinson, which was received by Mr. F. Schumacher, Vice President of the society. Speeches on both sides were neat and appropriate. At the dwelling of Mrs. Snell, corner of Mandeville and Carondelet, the flag was decorated with a fine wreath, presented by Miss Mary Richards, with a few pertinent remarks. The association in the afternoon banqueted at the Deutsche Company Hall, where Mr. Charles Keller, one of the oldest members of the association, made his maiden effort as a public speaker, and acquitted himself greatly to the gratification of his friends as the orator of the day.

Death and Burial of Capt. P. R. O'Rourke.—Capt. Patrick R. O'Rourke, formerly Clerk of the Second District Court, died in the parish of St. Mary on the 30th ult., of a lingering and painful illness, and was buried here on Sunday last. Captain O'Rourke left the city in command of a company of the First Regiment of Louisiana Infantry, which served in Virginia during the war, and upon the reorganization he became Adjutant of the regiment, which position he occupied until he lost an arm at Sharpsburg, when he was placed on detached service. The funeral ceremonies were performed at the Jesuits' Church. The services were performed by Father Hubert, who was Chaplain of the First Louisiana, and who eulogized the conduct of the deceased as a Christian and a soldier, and spoke in high terms of his patriotism and gallantry.

New Orleans Typographical Union.—On Sunday the semi-annual election of the New Orleans Typographical Union was held, and the following officers were elected for the ensuing term:

President—John C. Murray.
Vice-President—George S. Cooper.
Recording Secretary—Phil. A. Vandercoos.
Corresponding Secretary—James McCarthy.
Financial Secretary—M. M. Wootan.
Treasurer—Robt. F. Ball.
Doorkeeper—Robt. H. Risk.

Intemperance Self-Destruction.—Mr. Charles Testut, Jr., a young man just arrived at his majority, son of Dr. Testut, editor of the *Courrier de la Louisiane*, put himself in the temple, on Sunday morning, with a revolver, in the connecting room of his father's printing office, and is suffering from the effects of the wound, which is considered a very dangerous one. The youth says that disappointment in his love led him to wish to end his existence.

In Re Alabama and Chattanooga Railroad Company, vs. W. A. C. Jones.

We regret not to be able to present to our readers the copy of the decree of Judge Woods, of the United States Circuit Court, in this case. Upon application to the Judge, we failed to obtain a copy.

After the Judge decided on Thursday last in favor of his own jurisdiction over the subject matter in controversy, in the Bankrupt Law, we were morally satisfied that the proceedings had by the District Judge in Bankruptcy would be reversed. We have felt little or no interest in the case, not being able to see what Werner gained to Mobile by the action of the Alabama and Chattanooga road be now thrown into bankruptcy, as has been threatened by a New York court.

We understand that the Circuit Judge assumed jurisdiction in the case principally on the ground the Judge Busteed, as Judge in Bankruptcy, held a *Court alongside Bishner and separate* to the *United States District Court for Alabama*. There is no appeal from the District Court, but Judge Busteed, we understand, there is an appeal from the decree of the Bankruptcy Court. The opinion of the Judge involves a very nice distinction, and is unquestionably a doubtful construction of the bankrupt act. It may hold water, but it certainly seems to us that much may be said on the other side of the question.

Judge Busteed's decision, we are informed, was reversed in toto, and, among other grounds, on that suggested by the *Advertiser*, as to the regularity or locality of the service of the petition and citation. The association in the Hermson banquet at the Deutsche Company Hall, where Mr. Charles Keller, one of the oldest members of the association made his maiden effort as a public speaker, and acquitted himself greatly to the gratification of his friends as the orator of the day.

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A SLAP AT GRANT.—One night a crowd came down to the hotel to serenade Andy. The Ex-President attempted to excuse himself from making a speech, but the crowd would not hear to that, a man jumped up and called the speaker to "give Grant a slap." "Yes, give Grant a slap!" was echoed from all sides. He was asked to give Grant a slap, "with Mr. Johnson." "Well, I should like to do that, but the fact is there is not enough of him to slap."

A LARGE GOVERNMENT CLAIM SETTLED.—*Portland (Oregon) Oregonian*, says the Portland *Advertiser* of yesterday, the 13th inst., the papers have explained to people public the result of a suit of long standing, decided in favor of Mr. J. G. Miller against the Court of Claims at Washington. The Court adjudged the sum of $[illegible] to Messrs. Miller and Lownsdale, for furnishing to the Government, during the Indian war, a quantity of lumber, which was used in erecting the Government Stockade, at the mouth of the Yamhill, in Yamhill county, and for the use of