The Daily Picayune.

QUADRUPLE SHEET.

SUNDAY MORNING, JAN. 5, 1879.

THE USE AND ABUSE OF ALCOHOL.

Every four years there is a sort of temperance revival. Persons of mature age can remember several of these popular uprisings against the use of alcohol, in any of its various forms of spirituous, vinous and malt liquors. But such persons cannot remember that these movements have been followed by any permanent consequences. The confirmed drunkards who took the pledge in a moment of enthusiastic contrition, almost invariably relapsed into their old habits; those who have a moderate taste for alcohol renounce the burden of a restriction which they consider useless; and there remain in the total abstinence societies only those who would probably, under any circumstances, have never contracted the habit of using alcohol to excess.

Of course there must be some sufficient reason for the periodical total abstinence revivals. It was not without an efficient cause that Father Matthew found it possible to enlist so many hundred thousand recruits; that Gough attracted enormous audiences, and that the crusading women threw great communities into a state of profound agitation. Nor was it without cause that all of these movements failed to accomplish their anticipated results, that the recruits deserted their flag, and that the manufacture and consumption of alcoholic beverages, instead of diminishing, showed, and continues to show, a steady increase.

The cause of the first phenomenon is, of course, to be found in the destructive effects of an excessive use of alcohol; in other words, in its abuse. The cause of the second is unquestionably, the untenable positions assumed by the temperance societies and their supporters, and the ultra methods proposed by them as a cure for the evil which they wish to suppress. It is a fact, beyond dispute, that in spite of their efforts they have failed to enlist the co-operation of any large proportion of intelligent and thinking people. Intelligent and thinking people see and deplore the evils resulting from an excessive use of alcohol; but they also see that the total abstinence societies assert doctrines with reference to the physical effects of alcohol which medical men do not sanction, and make generalizations which observation refutes and science rejects.

In two late numbers of the Contemporary Review, there have been several articles (seven we believe) written by eminent physicians, and devoted to an analysis of the advantages and disadvantages of alcohol, as a beverage, and as a medicine. It will surprise most people to learn that one of the conclusions arrived at in these articles is that alcohol is not essentially a stimulant, but that it is essentially a narcotic and a sedative. Sir William W. Gall says that alcohol is now given to a patient, in acute diseases, not to cure him, but to calm his nerves. He likewise considers it servicable as a narcotic, in cases of fatigue and exhaustion. Dr. S. Wilks declares that the stimulating effects of alcohol are inconsiderable, compared with its narcotic influence. The same writer says that alcohol is of no advantage in intellectual work. It quickens, but does not improve mental operations. In conclusion, he remarks that he is persuaded that lecturers could do nothing better than "go about the country instructing people on the disadvantages of alcohol as it is daily used. People will not," he says, "listen to the temperance societies, because they carry their theories too far."

On the other hand all of these writers reject the doctrine that there is no virtue in alcohol. They maintain that in some of its many forms or combinations it may be advantageously used by persons advanced in life or afflicted with special infirmities. The general conclusion is that in many cases alcohol is beneficial, and Dr. Wilks goes so far as to say that it "soothes a worried nervous system, and by preventing wear and tear, actually supports the frame." Its use as a stimulant is, however, denounced, simply because it has little or no stimulating quality, and it is regarded as essentially pernicious to children and women who feel "low." On the whole, these writers do not encourage the use of alcoholic beverages by persons in health, even in small quantities, and they suggest much greater caution in prescribing them as remedies than physicians have hitherto practiced.

BAD WEATHER.

The weather prophet did not fail, on Saturday morning. He told us that we were to have colder weather, increasing cloudiness, and rain or snow; all of which came to pass. Saturday came upon us like a visitor from polar climes. The sky was covered with threatening clouds, and, toward noon, the predicted rain began to fall. Now we submit to the people in charge of our national meteorological service, that we have had about enough of this thing. For the last two or three weeks our weather has been simply frightful. It has ruined the reputation of our climate with the strangers who have sought our city with previsions of a "Sunny South," of clear skies, and balmy airs. It has dampened the ardor of our holiday festivities. It has cast a gloom upon the merchant; and has dashed the hopes of the shop-keeper, who stands mute and pensive behind his counter, peeping out upon the inclement skies and vainly waiting for the customers who do not come. We confess that we feel very much like adopting Cicero's language to Cataline, and asking Gen. Myers "how long, how long do you intend to abuse our patience" in this unbearable manner? A Roman poet, not unknown to fame, once remarked that persons who made long voyages change their skies, but not their minds, or words to that effect. A modern observer might say with as much truth, that persons who make the long journey from North to South at this time change their minds but do not change their skies to any great extent. When they start they have an idea that they are going to get rid of the hateful winter weather and to bask in the beneficent warmth of a semi-tropical climate. When they arrive they change their notion rather precipitately; for instead of lingering summer, they find a counterfeit winter which is nearly as bad as the original.

This is the worst side of the picture. The better side is the contrast afforded by the temperature of which we complain with the septentrional gales and arctic cold reported at the North. It is only about a week since a polar wave, accompanied by an excessive precipitation in the form of snow, swept over the central region of the continent. Now we have reports of another one, still more severe for its excessive cold, its tempestuous winds, and its downfall of snow. As far South as Memphis the thermometer fell to 6 degrees below zero. At Chicago, in some unsheltered places 22° below zero was indicated; at Pittsburg 21° below; at New York 2° below; at St. Louis 10° below, and in the interior of Wisconsin and other points in the Northwest 30° below zero. At the same time a driving snow prevailed, and the railways in New York and other Northern States are blocked up. When we read of these things we are to some extent soothed and comforted. We begin to think that we can tolerate two or three inches of rain, and a temperature of 35°, disagreeable as these may be. We are even tempted to retract what we said in the beginning and to assert that, after all, lower Louisiana affords a genial refuge from the boreal blasts and arctic temperatures of the septentrional regions beyond the Ohio.

MR. CARLETON'S PRIZE POEM

Mr. Carleton's prize poem gives abundant evidence of a high degree of poetic talent. As a literary work it is successful more as an earnest of the author's powers than as a satisfactory response to the demand which was made upon him. Yet it has intrinsic merits of a high order. Its *technique* is admirable. In ease of versification and correctness of rythm and merit it leaves nothing to be desired. The writer has adopted a style which reminds the reader of Milton, and in which only a Milton could escape criticism; but he has dealt with it successfully and has accomplished what few persons can achieve—a triumph over the difficulties of English blank verse.

Besides this he has shown a fine poetical talent in this grouping of words, in the correctness of his similies and the strength of his metaphors. More than this we cannot sincerely accord to him. We regard his choice of a subject so far removed from his point of illustration, as that which he has selected, to be a great, even a fatal mistake. Classical scholars may take an interest in Greek tragedy; but they can find it in all its grace and glory in the pages of the Greek dramatist. As a rule, the readers of this day understand it very little, and care for it not at all. The sympathies, and passions, and emotions of modern days should be expressed by modern methods. There is an incongruity, fatal to literary art, in seeking to illustrate them by classical methods and by stories and incidents which, however strongly they were rooted in the minds of the ancient Greeks, have no place in the life or the intellect of this age. Any attempt of the kind must necessarily result in a cold and formal work, which may be beautiful enough to look upon, but which cannot arouse our sympathy or identify itself with our emotions. This is precisely what Mr. Carleton has done. Instead of giving us a poem expressive of the abounding gratitude which we feel toward our fellow-countrymen, for their swift and ready charity in the hour of our danger and distress, a poem all alive with the fire of enthusiasm, and the glow of sentiment, he has presented us with a Greek statue, graceful in outline, and correct in proportion, but cold and dead as the materials out of which it is wrought.

[By Telegraph.]

MEMPHIS, Jan. 4.—To J. B. Woods, 104 Common street: Anchor Line steamer Annie P. Silver leaves here this morning; will arrive Thursday night.
D. H. SILVER, Master.

SHREVEPORT, Jan. 4.—To Gardner, Gillespie & Co., New Orleans: General snow storm will retard movement for next ten days. Eight inches, and still snowing hard.
BLAKE & MINGE.

BATON ROUGE, Jan. 4.—To Geo. D. Hite, Agent, 54 Gravier street: Steamer J. M. Campbell will arrive this evening. Leave Tuesday, 7th inst, for Bayor Teche.
ABE SMITH, Master.

A Letter of Andrew Jackson.

We are indebted to Mr. Wm. Mumford, one of the courteous proprietors of the City Hotel, for the following letter addressed by Gen. Andrew Jackson, then a member of Congress, to Gen. Daniel Smith. The letter is characteristic of the man, and is worthy of perusal:

PHILADELPHIA, Dec 18, 1796.

Sir—At this early period of our session you cannot expect from me much news of a legislative nature. I only now write to show you with what pleasure I embrace every leisure moment to communicate to my friends and fellow-citizens what news I may be in possession of that may be useful or grateful to receive.

The first thing that took up the attention of the House after our meeting and receiving the President's communication, was to draft an answer to it, the discussion of which * * * view and with it introduced a considerable debate and warmth, in which British influence showed itself in plain colors and the dislike to the French nation was discovered. I cannot help remarking that it appears evident from the President's speech (which I here inclose and also the answer) that the President has greater attachments for the British Government than that of the French nation. It would appear from his answer that Britain is perfectly at peace with us, committing no depredations on our commerce, impressing none of our seamen, and that France is the only depredator; when every day's paper proves the fact that Britain captures twenty American vessels for one captured by the French. I cannot help remarking to you the delicate situation into which we are brought by the Administration of the American Government for these four years past, but on the eve of war with the French nation on the one hand, or a breach of treaty with Great Britain on the other. To prove this I will only remark that a decree of the convention of France has been officially transmitted to our Secretary of State, declaring that she will treat neutral flags in the same manner neutral flags will suffer themselves to be treated by Great Britain. This is to be the last official communication from the French Minister, as the functions of his office has been suspended by the Directory of France, and will not be restored until the American conduct is changed with respect to France. That great and illustrious chieftain of America has forgot the services of the French nation rendered in the American revolution; he has forgot those arms that aided in an eminent degree in bringing about that event that immortalized the name of Washington—the American independence and the capture of Cornwallis. I view the present as a solemn crisis in the American history. I am also of a belief that nothing can ward off the horrid scene of war unless Jefferson should be elected President, of which I have but very little hope. Did I say war? In that I may be premature, but at any rate I may say if war should not ensue, our commerce will become the prey of all nations or be shut up in our own ports. Thus we see the benefit resulting from the treaty with Great Britain and the whole cause of our present gloomy situation; there we saw American dignity humbled at George Rex's throne. View the answer to the President's speech; you will see the majesty of the people prostrate at the feet of their servant, George Washington, annointing him with the most fulsome adulation for no other merit than performing the constitutional duties of his office. I never like to see the creator worshiping the created.

You will, I hope, pardon the writing, diction and spelling of this letter. I have no time to correct it.

I have just to name to you that Mr. Allison has not forwarded you any money by Mr. Tark. He says he will send it by me, but of that I doubt very much. The business of * * * campaign and New York will be brought before the House next week. My compliments to your lady and Mr. George Smith. Please to tell my fellow-citizens in your quarter that I cannot write every person without neglecting the interest of my country, but whenever time will admit I will give the news of the place.

I am, sir, with sentiments of esteem,
Yours, sincerely,
ANDREW JACKSON.

Gen. Daniel Smith.

[Communicated.]

The Health of New Orleans Must Be Preserved.

The Legislature of Louisiana, the City Council of New Orleans and the people, must make up their minds to lose a large portion of their trade, or to bear the expense of hygienic measures to preserve the health of New Orleans, at any cost. If you do not provide the Board of Health with the means to keep in repair the fumigators at the quarantine stations, which they have shown to be perfectly adapted to the disinfection of vessels without injury to cargoes or serious detention to commerce, you may at any time expect the introduction of contagious diseases from abroad.

Whatever may be said touching the possibility that yellow fever may originate here, it is agreed on all hands that it can be imported and transported. Pensacola, Galveston, Shreveport, Selma and other places learned from New Orleans that yellow fever had been controlled, had been restricted to small areas, had been arrested by short quarantine and disinfection. They profited by our lessons, neglected by ourselves. From parsimony or poverty, or perhaps improvidence, we last year saved a few thousand dollars to the public treasury by our neglect of the hygiene of the city, and have lost thousands of lives, millions of dollars and a large portion of the trade of a great city, never to be recovered so long as you disregard the advice of your Boards of Health.

So long as the city from imbecility or poverty cannot, or do not remove from a large portion of the city the feculent matter which festers on the streets, or that they continue to spread the garbage scraped up on one street to be spread upon others, and will allow its gutters and canals to be so choked as to impede drainage; and so long as there is not energy enough to utilize our river and lake waters to flush our gutters and draining canals, just so long may we expect New Orleans to decline, and its trade be diverted to wiser communities. We may be told that our soil is alluvial and that the land lies low, and that filthy streets are a necessity, and that no material can be had for their improvement; I should reply that fully one-half of Boston has been elevated above tide water by a depth of 20 feet of earth; that Chicago has been elevated above the lake six feet by earth brought from a distance. The Isle of Malta is covered with a soil from abroad, and so might every street in New Orleans be covered with gravel, which a thousand vessels would bring here for ballast, if the city would discharge it from the ships.

This city can be made the healthiest city on the Atlantic slope; and, but for the folly of its people, may become one of the largest; to do which the people must have the patience to bear the burdens which the Legislature and City Council must have the nerve to impose, for the preservation of the lives of its citizens, the value of its real estate, for the preservation of its trade and the increase of its population.
E. W. P.

CORN IN THE EAR.—Mr. W. D. Hardwick advertises that during February, March, April and May he will deliver to planters at their various landings corn in the ear from his flatboats. Parties wishing to make contracts will address him, care of Howard & Preston, or lock box 2678.

THE LOCAL MISCELLANY.

The Fire Record.

Tenth Annual Report of the Chief of the Fire Department—Suggestions in Regard to Needed Improvements.

The Chief Engineer of the Fire Department, Mr. Thomas O'Connor, has submitted to the Board of Delegates of the Firemen's Charitable Association the following interesting report:

OFFICE CHIEF ENGINEER FIRE DEP'T,
NEW ORLEANS, Jan. 4, 1879.

To the President and Members of the Board of Delegates Firemen's Charitable Association:

Gentlemen—Conformably to law and custom, I respectfully herewith submit to you, and through you to the City Council, my annual report, with such comment and suggestions as occur to me.

As now organized, the department is composed as follows:

Nineteen steam engines and nineteen hose carriages.

Four hook and ladder trucks.

One hand engine at Milneburg.

One chief engineer and four assistants.

Twenty-four foremen, forty-eight assistant foremen and 835 active members.

It is needless to describe the trying ordeal through which the association has passed during the past year, and I propose to record only that for the first time in its history it has been compelled to appeal to departments abroad for aid to enable it to discharge its obligations toward its widows and orphans.

The generous responses of our brethren abroad are registered, and will be preserved in our archives while the department endures. Its whole duty has been performed, and but for the inability of the city to meet its obligations under the fire contract, no foreign aid would have been needed. The department has encountered all trials with firmness, and discharged its duties as one man, ordinary or extraordinary, whether among its sick, or at the more stirring call to the scenes of fire.

Number of Fires.

The great diminution in the number of fires during the past year—the actual fires reaching but 140, involving loss to about $339,935. I ascribe this falling off in fires chiefly to the rigid investigations into causes by the Board of Underwriters, and their prudence in accepting; while coupled with these considerations is the alacrity with which their chemical engines and salvage corps, which is a valuable adjunct, respond to duty, and their instantaneous action and wonderful efficiency when at the scene, often checking fires before under way; while harmonious co operation between them and the department renders the whole as complete and effective as could be desired; presenting at the same time a gratifying spectacle to all who feel an interest in the good name and reputation of the Fire Department of New Orleans.

New Apparatus.

During the past year a new extension ladder patent roller truck, built by Joseph Schwartz, of this city, for Hope Hook and Ladder Fire Company No. 3, was placed in service. The hose carriage of Crescent No. 24 was rebuilt, and new suctions purchased for Volunteer No. 1, Mississippi No. 2, Vigilant No. 3, Eagle No. 7, Louisiana No. 10, Philadelphia No. 14, Jackson No. 18, Orleans No. 21, and Louisiana Hose Company; also 10,000 feet 2½ inch rubber hose for steam engine use, and 500 feet 2½ inch Boyd cotton hose for hand engine Milneburg No. 1.

Loss by Fire.

The statement herewith submitted (marked A) shows the number of fires and losses incurred.

Apparatus.

The statement marked B exhibits in detail the apparatus used in the department.

Water Supply.

It continues to be my duty from year to year to direct your attention to deficiencies in the water supply. In many parts of the city there is little or none to be had, and in others we are compelled to rely entirely on the supply furnished by the tug Protector. During the past year the Water Works were transferred by the city to a stock company, and I am led to believe that changes will be made in the laying of the water mains that will materially improve the facilities for fire purposes.

Fire-Proof Buildings.

There are gross violations of the building law taking place within the fire limits daily, against which some measure should be taken by ordinance with penal provisions, or otherwise. Fire-proof buildings are the most reliable means to trust to for the permanent abridgement of fires, and its infringement aught to be dealt with summarily by the authorities.

Storehouses for Oils.

There are many parts of the city in which the ordinances against storing oils and combustibles are contravened. Many buildings are stored with oils of the most inflammable character. It is quite needless to do more than make brief mention of this fact. The importance of the danger requires no comment, nor the necessity for a remedy on my part, it being sufficient, as I deem, to submit the subject for your attention.

Iron Shutters.

In my last annual report I referred to the embarrassment imposed on the department by the use of iron shutters on the fronts of buildings, so secured on the inside as to prevent the ingress of firemen, which constantly results in heavy losses. The annoyance has not been abated. I would therefore recommend the adoption of some one of the various devices used in other cities for opening these shutters instantaneously, or a patent iron shutter opener invented and exhibited here, which is simple and cheap, and by its use will secure complete control from the ground floor of all windows of the building.

Engine Houses.

Perhaps the most important matter to which it becomes my duty in this communication to call your attention, is the continued ill condition of our engine houses, some of which have become wholly untenable. Such are the houses occupied by Milneburg No. 1, Columbia No. 5 and Washington No. 20.

The house of No. 5 has been condemned by the three preceding Councils, and the necessary ordinances repeatedly passed for the erection of a new building which owing to financial embarrassment have not been carried out. The company has been compelled to vacate the house and is quartered with Mississippi No. 2, where both are inadaquately supplied with room and with the comforts required for occupation. I beg leave to urge that measures be taken for their relief, if possible, by the prompt erection of the building contemplated by existing ordinances.

Fire Alarm Telegraph.

Under its recent management this department has worked as well as its known lack of needful improvements will admit of. All irregularities have been met and adjusted with so much exertion and such watchful attention by the force in charge, that all mishaps and grounds of complaint have been prevented. I respectfully call your attention to the need of extending its lines to such sections of the city as are unprotected, and for that purpose to increase the number of alarm boxes. There are now 84 in use, which I think should be increased to 125. There is too, the most urgent need of discarding the old crank box and in its place adopting the improved automatic box. Only the long experience of the operators and their thorough familiarity with the office instruments save the Fire Department from often being the victims of mischance through the various shapes into which a signal turned in from these boxes may be made to take, sound a wrong alarm and denoting a wrong locality, which, notwithstanding all the care used during its late administration, sometimes happened.

All experience here, and in other cities, admonishes us that the crank box is wholly unreliable.

In all cities where a perfect fire alarm system prevails the automatic box has been adopted. It is the most perfect instrument yet invented for the use required. It seems to me that delay can no longer be justified by any cause in discarding the old system. In the great usefulness of the fire alarm telegraph there is too much importance, and in the interests which are guarded and served by it there is too much at stake to excuse our failure to employ the best means which can be obtained in machinery for the accomplishment of its objects.

Tribute to the Dead.

It may be that my inability to speak in becoming eloquence or effect will not excuse me for passing wholly by the mention of our gallant brothers, Joseph W. Hartnett and M. H. D'Lehr, who were killed on the 15th of July at the Madison School fire while in the discharge of duty. Thus, year by year, the long scroll of our martyred dead grows longer. The fireman, like the soldier, with his life in his hand, braves danger, and deserves when he falls, not for his own sake, but for that of the department, memorial honors. I would hope that some tribute to the memories of these gallant men be suggested in which the people may share.

Give me leave, in closing my tenth annual communication, to repeat again my thanks to the Board of Fire Commissioners and members of the Fire Department for relieving duty of all embarrassment by their ever ready assistance and uniform courtesy toward me in my discharge of official duty.

Very respectfully,
THOS. O'CONNOR, Chief Engineer.

There were in January nine fires and two false alarms with an estimated loss of property of $12,275. In February, nineteen fires, three unnecessary alarms and an estimated loss of $29,600. In March, twelve fires, one unnecessary alarm, one general alarm, loss $32,160. In April, eighteen fires, with a loss of $74,490. In May, ten fires, two false alarms, loss $2920. In June, ten fires, two false alarms, loss $39,300. In July, ten fires, one general alarm, loss $46,965. In August, five fires, loss $32,200. September, eight fires, two false alarms, loss $18,815. October, twelve fires, loss $28,830. November, nine fires, loss $8900. December, seventeen fires, three false alarms, loss $13,480. Totals: one hundred and forty fires, four unnecessary alarms, eleven false alarms, two general alarms, and an estimated loss of $339,935.

Redon vs Spearing.

Important Decision in Election Case

Chief Justice Manning yesterday rendered the following decision:

The State ex rel. M. H. Redon vs. J. H. Spearing, et al. The relator alleges that he was elected to the lower house of the Legislature last November, and that the respondent Spearing intends to contest his election, and has served due notice thereof, and has also presented a petition to the Judge of the Sixth District Court of this city, praying that the testimony of witnesses be taken in support of his (Spearing's) claim. He further alleges that the Judge has issued an order to the Clerk of the Superior Criminal Court to produce the ballot boxes containing the votes cast at the election at five several polls, and has also ordered those boxes to be opened and the ballots therein to be counted.

The Clerk of the Criminal Court is the legal custodian of the ballot boxes. The relator charges that the Judge is exceeding his jurisdiction in granting this order for the production of the ballot boxes and for counting the ballots, and he therefore prays a writ of prohibition.

It would seem that a judge acting under this law is not sitting in his judicial capacity, but merely as a commissioner, before whom witnesses are to be brought, and that it is only the depositions of witnesses that he is empowered to take, for the law is special, and no power should be exercised under it that is not specially conferred. Whether the production of a ballot box and the breaking of its seals and the counting of the vote therein deposited, can be legitimately included, under an authorization to summon witnesses and take their depositions, is a matter for the judge, who is acting under this special law, to consider. We can only observe that more than caution and hesitancy should be observed in determining to do an act which does not appear to have been expressly authorized. The act of Congress relative to the same subject gives a more enlarged authority than our statute, in this, that it specially provides for the production of papers. U. S. Revised Statutes, sec. 123.

The question of jurisdiction, however, is the vital one for our consideration. The House of Representatives is the judge of the qualifications, election and return of members, but a contested election shall be determined in such manner as may be prescribed by law. Constitution, art. 34. The law has not provided any special manner in which the contested election of a Representative shall be determined, and, therefore, the House is the exclusive judge of such elections and the returns thereof. To facilitate it in the performance of this function permission is accorded to all parties claiming the seat to take the depositions of witnesses, which are required to be transmitted to the Secretary of State, who must lodge them with the Clerk of the House.

There is no law providing for a judicial scrutiny of the votes cast for Representatives. The Judge of the Sixth Court is not hearing and determining a cause, but merely sitting as Commissioner to take depositions. The writ of prohibition only issues to courts of inferior judges, which exceed the bounds of their jurisdiction. Code of Practice, Art. 845. It is an order rendered by an appellate court of competent jurisdiction and directed to the Judge and to the party suing in a suit before an inferior court. Ibid., Art. 846.

There is no suit here, and no judge acting in his judicial capacity, and therefore there is nothing upon which the writ can operate. It may be that the Commissioner is about to exercise a doubtful or undelegated power. It may be that the exercise of such power is wholly unnecessary, since ultimately the House of Representatives can and will do (if it be necessary) what the Commissioner proposes to do, viz.: break the seals of the ballot boxes and count the votes; and therefore the Commissioner will have done a supererogatory act, but we are without jurisdiction to issue a writ to him, which shall prohibit him from doing that act. And since the determination of the election contest of a Representative is a matter wholly delegated to the legislative department of the Government—of co-ordinate and equal dignity and authority with the other departments—it is becoming in the judiciary to abstain from even an appearance of trenching upon a domain exclusively appropriated to others.

The writ is refused at the cost of the relator.

Printing Board.

A Discussion as to What Constitutes a State Office—The Board Develves Upon the Governor the Duty of Selecting a State Printer—A Communication from the Attorey General.

The Printing Board met at 12:45 P. M.; present, the Governor, Lieut. Governor, Senators Garland and Zacharie, and Representatives Leonhard and Lamare, Mr. Bush being detained at home by sickness.

The Governor said he had thought over the question of whether the State Printer was a State officer; and he had come to the conclusion that he was not.

He regarded the board simply as agents appointed to select a contractor, and provide for the execution of the public printing. He considered the bond as a part of the contract; it made no difference who accepted the bond—the Auditor or a member of the board. The Auditor had notified the board that there was a default; that the bond had not been accepted; and, hence the same effect was produced as in the case of any other contract; and the board, as agents of the State, should take the proper action in the premises.

He looked upon the state of affairs as the same which would exist if Mr. Dupré had come forward at the time he was elected and informed the board that he could not obtain a bondsman. The Governor said he would not feel authorized to make any appointment to fill the vacancy which would be caused if the State Printer were regarded as a State officer.

Mr. Zacharie held that the Printing Board was like the Board af Health, or Board of Engineers, and could exercise only such powers as were delegated by statute.

He was strongly of opinion that the State Printer was an officer of the State. The law required him, before entering upon the discharge of his duties, to take a certain oath, make a contract, and give a bond. He contended that the Governor would have a right to advertise for bids and give out the contract and exercise all the functions of the Printing Board, and cited the laws controlling *quasi* corporations.

Gov. Nicholls remarked that the law provided, in the case of State officers, that they should file their bonds within thirty days after the date of their commissions, and in the case of the State Printer no commission was issued. From what time should the period of thirty days date?

Mr Zacharie thought the thirty days should date from the day of election.

Mr. Garland moved that it was the sense of the board that the board had no right, in the condition of affairs existing, to go into another election for a State Printer, but that the duty devolved on the Governor to fill the vacancy.

Mr. Zacharie seconded the motion.

Mr. Leonhard said it was a question in his mind whether the board did not owe it to the other bidders for the public printing to consider their proposals. By advertising for new bids an injustice might be done to the former candidates for the printing who had made proposals.

After some further discussion and an appeal to law books, a vote was taken on Mr. Garland's motion, which was adopted, the Governor and Mr. Leonhard voting in the negative.

Mr. Garland said the State Printer, Mr. Dupre, was present and had asked for permission to make a few remarks to the board.

The permission being granted, Mr. Dupre made a statement to the board relating to the old printing contract, and complaining that the State had not complied with the contract.

He said he had $42,000 of warrants, and had received only $1500. Farther, that he had expended $35,000 of his own capital in State printing, and had suffered damages by a violation of contract. He claimed that all of his warrants should have been paid in cash, but that owing to the injuction issued in the Benjamin suit the Treasurer would not pay any of his warrants. He wished the board to do something for his relief in the premises.

The board did not see what they could do, and no action was taken.

The Governor said he had received from the Attorney General a communication relating to the State Printer; he had not read it, and did not know whether the contents required his action or that of the board.

It was determined to hold an executive session to determine that question.

After a few minutes' consultation the doors were opened and the board adjourned until Monday, at 3 P. M.

The communication referred to above is appended:

To his Excellency Francis T. Nicholls, Governor, etc:

Dear Sir—In obedience to your request that I should investigate and report to you the facts and the law in the matter of the charges pending against the State Printer, I determined to submit the question of fact to experts, and therefore selected two printers, one supposed to represent the idea opposed to the State Printer and the other understood to represent the views of that official. These two I requested to name an umpire. They readily agreed upon Col. Gerard Stith, the present foreman, as I am informed, of the New Orleans Daily Picayune. I now forward to you as part of my report the three reports made by these experts. The reports of the two printers originally selected by me are widely variant, while that submitted by Col. Stith does not agree fully with either, and concludes with a statement that among printers there is much difference of opinion as to what constitues one and a half price matter. According to this report of Col. Stith there is not a great difference in the number of pages chaged for and that actually printed. Upon this point the report will speak for itself.

As to the question of law at issue in the matter I think that the interests of the State demand that I should not decide but submit them to the courts for determination, and in the meantime I shall instruct the Treasurer to withhold the payment of all warrants issued upon the account under discussion. As these warrants are subject in the hands of third persons to all the defenses that could be made against them in the hands of the payee, the State will be secured from loss in this way.

Finally, I have concluded that the questions of law arising in this matter upon the construction of statutes and contracts are of such a character that no criminal blame could properly attach to the State Printer, who is not a lawyer, for an error as to their construction, and, further, that the report of the umpire does not diclose such a state of facts as would warrant the State in charging this officer with crime. After a careful examination of the whole case I do not feel justified in taking, or directing, any criminal proceedings in the matter.

Very respectfully,
H. N. OGDEN, Atty. Gen'l.

The note was accompanied by the report of the umpire, the substance of which is contained in the communication of the Attorney General.

School Affairs.

Meeting of the Board of Directors—Report of the City Superintendent—Committee Service—Appointments and Transfers—Financial Matters.

A meeting of the School Board was held last evening at their rooms, No. 39 Burgundy street, Hon. Thos. J. Semmes in the chair.

A quorum present.

Mr. Rogers, Superintendent of the City Schools, read his report showing the average attendance to be 15,721, out of 18,728 on the roll and 19,584 on the annual register.

The Superintendent reports the condition of the schools for the past month as far from being in a satisfactory condition. The cause assigned for non-attendance is the inclemency of the weather and the uncomfortable condition of the school buildings. The teachers are represented to have faithfully performed their duty. The Madison School accommodations are represented as having relieved the schools of the Second District. Two of the departments of the Bienville School have been removed, owing to their dangerous condition, and two primary divisions have been dismissed.

The school year, according to the rules of the State Board, commences January 1st, and the financial year the same day.

A communication complaining that the schools of the Second and Third Districts are mixed, was ordered returned, investigation showing that the charges have no foundation, or are not sufficiently specific to verify the complaint.

The report of the Superintendent was received and adopted.

Committee on Teachers.

The Committee on Teachers report the following resignations since the last regular meeting: Miss Curry, Miss Urban and Mrs. Babee. In consequence thereof Miss N. Parr, First Assistant of the Beauregard School, is transferred to McDonogh No. 8, Miss E. Wagner to the Beauregard School, Miss N. Phillips to the Roberson School, and Miss Hathorn to Jefferson No. 2.

Nominations will be made to fill the vacancies of Second Assistants in the Greenville and Elmira Schools, and the Third Assistant in McDonogh No. 34.

A resolution having been adopted that an examination take place of candidates for natural science, Miss T. A. Golden, M. C. Wilson and J. V. Calhoun passed. Seventeen additional out of thirty-five other applicants also passed and will be given certificates. Out of fifty-nine graduates in the primary grade, three passed.

A resolution was adopted authorizing each director to send to the Committee on Teachers the names of teachers, from which the committee will fill vacancies.

A resolution was adopted fixing the school term from January 1st until December 4th, and making the annual examination in December instead of June. Mr. Rogers observed that this rule would make up for the time lost and allow the pupils an opportunity to recover lost ground.

Messrs. Bartley, Gutheim and Coleman were announced as the directors to designate one each of three appointments. The former reserved his nomination until Monday. Mr. Gutheim nominated Miss Alice Frank and Mr. Coleman Miss Larkin.

Mr. J. V. Calhoun was elected to the Professorship of Natural Sciences.

School Finances.

A report was read of the special committees appointed to investigate the financial condition of the schools, who submitted their estimate at $262,000, exclusive of the State apportionment.

Administrator Isaacson stated that the sum of $200,000 would be placed in the budget to the credit of the city schools for the ensuing year, and that this sum was the extreme limit that could by any possibility be allowed. Mr. Isaacson stated, however, that the Mayor and other Administrators were anxious to do all in their power to assist the schools, and for this purpose had exceeded the appropriation of last year by $17,000.

A resolution was offered, declaring that the sum of $320,000 was the minimum amount at which the schools could be run in this city per year, as they are administered at present.

The resolution was adopted.

The Chair was authorized to appoint a committee of three, with a view of conferring with the Mayor and the Administrators of Finance and Accounts, for the purpose of appearing before the Legislature and represent to that body the necessities of the occasion and to advocate the passage of a bill, asking for an appropriation to the amount required for running the schools of the city of New Orleans.

The Chair appointed Joseph Collins, H. B. Ferguson and R. H. Bartley.

The board then went into executive session and adjourned.

Fatal Accidents.

A Man Crushed to Death by a Float—Another Killed by the Bursting of a Mill Stone.

Yesterday two fatal accidents occurred, the victims of which being almost instantly killed. The first took place at 1 o'clock, at the corner of Girod and Tchoupitoulas streets. A man named Henry Schladau, who was driving a float loaded with cotton, accidentally fell from the vehicle as he passed the corner above. Before he could recover himself both wheels passed over his body, killing him instantly. Coroner Markey took charge of the body and had it removed to the residence of the deceased, corner of Montegut and Moreau streets, where he held an inquest, the jury rendering a verdict in accordance with the circumstances.

Killed by a Mill Stone.

At half-past 3 o'clock, while work was going on at Thompson's Rice Mill, No. 61 Peters street, the mill stone flew to pieces, and striking one of the hands, a colored man named Alexander Peyroux, in the breast, crushed the breast bone, killing him instantly. The body was removed to Peyroux's residence, on Claiborne street, between Esplanade and Kerlerec streets.

An Adventurous Sneaf Thief.

A sneak thief succeeded yesterday afternoon, between 1 and 2 o'clock, in effecting an entrance through a side door into Remos Roux's restaurant, 203 Bienville street, and stole from the money drawer $41 50, besides 22 packages of cigarettes, which were lying on the desk. The door through which he entered was usually locked, but had been opened a few minutes before for some purpose, and the thief, taking advantage of the absence of the proprietor from the dining-hall, entered and ransacked the money drawer.

A Love Feast.

At which the Stalwarts Take in Considerable Wine, Apologize for all their Misdeeds and Promise to do Better in the Future.

On Wednesday and Thursday last considerable excitement was created among the several heads of departments in the Custom House and among the white and colored leaders of the Republican party, at the receipt of a neatly embellished envelope which was presented to them personally or sent to their residences by that inevitable master of ceremonies, Appraiser Louis J. Soner.

Upon opening the envelope the eyes of the recipient were greeted with a page of glittering gold letters, which were so placed as to read as follows:

NEW ORLEANS, La., Dec. 31, 1878.

Complimentary Dinner Tendered to Gov. Wm. P. Kellogg by the Union Club.

The pleasure of your company is respectfully requested on the above mentioned occasion at Antoine's Restaurant, 65 St. Louis street, on 2d day of January, 1879, at 6 P. M. BY THE COMMITTEE.

At first the invitations were supposed to have been issued for a joke, as there is no Union Club in this city, having become merged in the organization known as the Grand Army of the Republic, nearly every one was at a loss to understand what the Union Club and its committee meant until it became noised abroad that Marshal Wharton represented the Union Club and that Col. Jack was "doing the honors" of the dinner, or in vulgar palance, would foot the bill.

The gilded letters of the invitation were not more gorgeous than the upstairs dining-room of Antoine's restaurant on the evening of the "second day of January, 1879," when the table, set with 54 dishes, looked like the scriptural extravagance of the rich man's son before he became a prodigal. It was evidently a preparation for a feast, and by half-past 5 o'clock the feasters began to assemble.

It soon became evident that "the color line" was not very finely drawn, the descendants of the Anglo Saxon race presenting a marked contrast to the ebony features of the pure African or even the lighter shades of color which were more numerously represented.

Here were assembled the grand sachems of the Republican party of Louisiana, who have ruled or roared during a period of fifteen years. Ex-Gov. Wells was not there because he was absent from the city. Postmaster Badger gave as a reason for his non-appearance, that wine did not agree with him—the next day. A. H. Leonard, though "bidden to the feast," begged to be excused. But there were present, except Wells, all the