The New Orleans Daily Bee.

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NEW ORLEANS DAILY BEE.

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TERMS OF THE BEE.

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Tuesday Edition.

TERMS—PER WEEK.....50c.

NEW ORLEANS:
THURSDAY MORNING, MAY 16, 1872.

Amusements This Evening.

VARIETIES THEATRE—"La Traviata."
ACADEMY OF MUSIC—"The Brigands," Grand Ballet.
CHARLES THEATRE—"The Octoroon," or, Life in Louisiana."

The Case of Mr. Frank J. Herron.

We desire to do justice even to our political adversaries. So we gave yesterday Mr. Herron the benefit of his denial that he had ever been a defaulter to the United States Government. But we owe to ourselves and to the public to lay down before our readers the facts that have led us to repeat a statement previously made either in public speeches or in print and which we had never seen contradicted. These facts are as follows:

The United States Government instituted in 1871 two suits against Mr. Herron and they are now pending in the courts of the United States. One of these was for $300 which the Attorney of the Government, Mr. Beckwith, charges was owing to the Government by Mr. Herron, the same representing one month's salary as an officer of the army twice drawn from the Paymaster of the army by Mr. Herron. This is a grave offence under the articles of war.

The other suit is for the sum of $50,000 as bondsman for Lewis B. Collins, Collector of Internal Revenue.

To evade his responsibility to the Government as security for Mr. Collins, Mr Herron applied for the benefit of the Bankrupt act, placing on his schedule his liability as bondsman for Collins and other parties. This suit is now pending before the Supreme Court of the United States, the District Attorney of the United States having appealed from Judge Durell's decision that Mr. Herron's liability was wiped out by reason of a judgment of discharge in his favor as a bankrupt.

Besides his liability on the bond of Collins, we find on Mr. Herron's schedule on file in the Bankruptcy Court (Judge Durell's) other debts growing out of security bonds for other officers of the Government. These are:

On bond of W. R. Whitaker.....$50,000
" " of W. P. Benton..... 25,000
" " of J. H. Green..... 20,000

In addition to these debts due to the Government of the United States we find on Mr. Herron's schedule in bankruptcy the sum of $105,000 set down as due to the First National Bank being drafts on notes in excess of his deposits. But Mr Herron is not charged with indebtedness to the United States Government only, he is also charged with defalcation to the State of Louisiana in the capacity as State Tax Collector of the Sixth District of the city of New Orleans.

We find upon inquiry at the State Treasurer's office that Mr. Herron delivered on December 26, 1871, to that officer, on account of tax collections, a cheque for the sum of $8321 49, drawn on the Louisiana Savings Bank, which was protested for non-payment, the answer being that Mr. Herron had "no funds" there. Part of this sum has since been paid by Mr. Herron; viz: $2250. The difference remains unpaid to this day. So Mr Dubuclet, the Treasurer, informs us, and that the cheque was handed to the Attorney General that he might bring suit upon it.

On examination of the records of the Eighth District Court (Judge Dibble's) we find a suit pending at the instance of the State of Louisiana against Mr. Herron and his bondsmen, for monies collected by him for taxes and licenses and not paid over to the State Treasurer. This suit was filed by Attorney General Belden on January 31, 1872. He prays for judgment against Mr. Herron for the sum of five thousand and sixty-eight dollars and fifty five cents ($5068 55). To this suit no answer has been filed and the Attorney General has been good enough to Mr. Herron to delay moving for a judgment as in case of default. We quote from the Attorney General's petition in this case, as follows:

"That Frank J. Herron, C. J. Fox, G. H. Sullivan, J. G. P. Sumner and John T. Michel, all residents of the city of New Orleans, in this State, are indebted to the State of Louisiana in the sum of five hundred and sixty-eight dollars and fifty five cents ($5068 55 for this, viz: That said F. J. Herron, being State Tax Collector of the Sixth District of the city of New Orleans, did in the year 1871 collect State taxes and licenses, and at the close of that year, upon settlement, owed the State of Louisiana the sum of $8321 49, after deducting commission of ten per cent. on collection, and further sum of $1165, amount of fine on collections of state licenses by said Herron, and the further sum of $832 14, commissions forfeited on collections of $8321 49, as aforesaid, by reason of the failure of said Herron to make payment thereof as provided by law, and of his defalcation in the premises as State Tax Collector as aforesaid. Petitioner represents that since said DEFALCATION and service notice of three days, as required by law, on said Herron, he has paid on account of taxes collected as aforesaid the sum of $2250, and the balance remaining unpaid on taxes collected is $6071 14, and the amount unpaid on State licenses collected is $1165, and $832 14 commissions forfeited on collections as aforesaid, making the total sum due of $8068 55 besides interest." Wherefore, the premises considered, petitioner prays that said defendants herein named be duly cited to appear and answer the demands herein contained as the law requires, and, after due and legal proceeding, had, there be judgment in favor of the State of Louisiana, and against said defendants in solido for the sum of $8068 55, with legal interest thereon, from the 5th of January, 1872, with costs of suit and for general relief in the premises.

SIMON SELDEN,
Attorney General of the State of Louisiana.

In connection with this, it is proper to remark that, while against the other parties sued with Herron, (his bondsmen) a default judgment has been taken by the Attorney General, no default judgment has been taken against Mr. Herron. How can he, with justice, be less rigorously treated than his bondsmen?

The Paving Contracts.

The *Picayune* of yesterday exposes a scheme of gigantic proportions involving the expenditure for paving the streets of a larger sum of money by the authorities of the city than the condition of the Treasury will justify for a long time to come. The stamp of public reprobation should at once be put upon it. Says the *Picayune*:

The enormity of this projected draft upon the pockets of tax payers can be readily understood by the following figures, based on the estimated expense upon which the contracts are to be issued:

Contract No. 1.—For paving with square blocks Front, Delta and Water streets, from Calliope to St. Joseph streets; also Thalia, Erato, Gaiennie, Calliope, Delord, South and North Market and St. Joseph streets, about 5000 linear feet.

Contract No. 2.—For paving with square blocks Front, Delta and Water streets, from the lower side of St. Joseph street to Lafayette street; also, Julia, Notre Dame, Girod and Lafayette streets, about 6550 lineal feet.

Contract No. 3.—For paving with square blocks Front, Delta and Water streets, from the lower side of Lafayette street to Canal street; also, Perdido, Gravier and Canal streets, from Front street wharf, except where already square blocked, about 6200 lineal feet.

Contract No. 4.—For paving, with square blocks, Front street from the Custom-house to Conti street, Wells street from Canal to Customs house street, Clay street from Customs house to St. Louis street, also Crossman, Conti, Bienville, Iberville, St. Louis, Toulouse and St. Peter streets to the wharf, about 6000 lineal feet.

Contract No. 5.—For paving, with square blocks, Julia street from Rampart to Platform street, Platform street from Rampart to Claiborne, and also from Rampart to Julia to Dolord street, about 6000 lineal feet.

The sum of "lineal feet" will be computed by multiplying the number of square which adjoining the sidewalks of the streets, will give the number of lineal feet or 22 feet to the square block, which will be found to be about the mark.

The cost of paving Bienville street, was at the rate of $2 25 per lineal foot, at which price the contract paid for the work, amounts to $2 25 per lineal foot for a 5 foot sidewalk and for repairs on the part of the city, for the paving proper, at that rate, for heating the cost of curbing, stone and iron bridges, gutter stones, etc.

Both the contractors and those who contributed their job to the Ring by the contractors, could only be had as one of the results of a triumph in national politics. Therefore Colonel Wharton thought it premature to pronounce an opinion against the Cincinnati Convention. Liquidating from Abbott a fourth of a audience.] The Democratic party of Louisiana was but a small fragment of the great Democratic party. [Partial applause.] He would abide by whatever the National Convention might do, whether it nominated one of the distinguished statesmen of the Democracy, who had been mentioned in connection with the Presidency, or took for a leader, Mr. Greeley. [Hearty applause again.]

Mr. Henry C. Miller regretted the Liberal Republican movement, in the North, as heralding the downfall of carpet-baggism in the South. That movement indicated sympathy with the South, in her sufferings, and the presence of Democratic principles. The Democratic party was a glorious party. There was nothing in its history to be ashamed of. Were we prepared to abandon that great standard, which had never been trailed in the dust? Before pronouncing for or against Mr. Greeley let us await the action of the constituted authorities of the party. If the Convention which is to meet at Baltimore nominates a Democrat, Mr. Miller would support him; and if the Convention nominates Mr. Greeley, Mr. Miller thought he could pledge the Democracy of Louisiana for him. The Northern people, Mr. Miller added, could have no feeling for Mr. Greeley, but one of kindness.

Mr. Edward Booth held that every evil suffered from misgovernment, in the last analysis, became a matter of taxation. The form of the evil here was five per cent taxation. (Cheers and laughter.) The question to be determined was, could they continue under taxation at that rate? He had an idea that they could not. (Laughter.) It would not be so bad if the money was used for any good purpose—if it had been used for public buildings, for highways, or anything that might be serviceable. But the money might as well have been thrown into the Mississippi river—in fact, a great deal better. Liberty, he took it, meant that every man should enjoy the fruits of his own labor, and that they should not be taxed, from his wife and children, to be spent upon those who perhaps were not wives. (Great laughter.) Mr. Booth mentioned a case of excessive assessment, and to show the character of the laws framed by late Legislatures, he read the clause of the revenue bill relating to enormous assessments, the first part of which clause indicates the manner in which errors shall be corrected while the last part prohibits any change in assessments! The only remedy for these evils, Mr. Booth observed, was the ballot. The 15,000 non-registered citizens, in this city, must register. It must not be said again that out of fifty-one citizens, selected for a public duty (the Committee of Fifty-One) it is supposed Mr. Booth had reference to—REP.) twenty were not required as voters. When all had voted the next great duty to be seen to was that every vote put in the box was counted and that no fraudulent ballot was thrown in to neutralize the lawful ballot. Mr. Booth did not think the services of His Excellency could be made useful in that way. [Laughter.] He could be dispensed with for that or any other virtuous purpose. Mr. Booth wanted no alliance, no fusion with His Excellency. The people wanted nothing to do with him or his. He had "gone back on them" more than once and they could not trust him. The protection of the ballot-box could be entrusted to the Young Democracy—not to Henry C. Warmoth.

Mr. Ducrosopke but a few minutes, observing that the subjects which interested the meeting had been so fully discussed by those who had preceded him that little was left for him to say. After some remarks from him upon the corrupting influences exercised upon the negro, by carpet-baggers, he resumed his seat, and the meeting was adjourned.

CITY INTELLIGENCE.

The jewelry shop of Mr. M. Stift, No. 47 Rampart street, was burglariously entered at about one o'clock yesterday morning and was robbed of about $300 in gold and silver watches and of earrings, finger rings and breast pins—all valued at over $1000. The shop was entered from the rear, by the use of what is called an "outsider."

David Walsh, section master No. 3 of the New Orleans, Mobile and Texas Railroad, was received at the Charity Hospital yesterday morning suffering from wounds, for recovery from which there was little, if any hope. He was run over by a wood train, at a point, about ten miles from the city, and both his legs above the knees were crushed.

In the case of the State vs. W. H. Letchford, Judge Theard, Fourth Criminal Court, has decided that the tax of one quarter of one per cent. on gross sales, is unconstitutional, because it is not "equal and uniform," inasmuch as the tax is imposed upon those only whose sales during the year exceed $400.

We acknowledge the receipt of an invitation to the christening of the new engine of Phœnix Steam Fire Co. No. 8, which takes place at the hall of the company, on Victory street, at half-past six o'clock this evening.

William Langham, a young man employed in the house of Messrs. Jackson, Kilpatrick & Henderson, and who resides on Greatness street, near Fifty street, was accidentally shot in the store yesterday afternoon, by another young man, an employé also, who was cleaning his pistol. The ball passed through both legs. The wounds are not considered dangerous.

The Refrigerator in Merz's Brewery.—The old Canal Brewery of Mr. George Merz, at the corner of Villere and Toulouse streets, was visited, yesterday, by quite a number of citizens, who went there to witness a process of refrigeration, by which a very great improvement, in the brewing of malt liquors, in this climate, is effected. The most graphic description of the mechanical and chemical means by which refrigeration is obtained, would be tedious, and, without the aid of diagrams, unintelligible to the general reader. That which interests the public in the result. The apparatus is a Tellier Patent Refrigerating machine, improved and rendered more economical by Mr. F. V. de Coppet, the engineer in the Brewery. The machinery, made by Mr. F. Johnson, of this city, is necessarily of complicated and ingenious workmanship, since it has to undergo contraction by the extremes of procured cold, as well as expansion by the extreme of procured heat. The refrigerating agent used is Ammoniacal gas. The thermometer, in a cool, exposed place, when we were at the brewery yesterday, was 88, but in the "cellar" for storing the beer, where the refrigerated air is used, although the room is not perfectly air-tight, the thermometer stood at 65. At that temperature, good ale, perhaps as good as the average domestic and foreign ales, can be brewed, and common beer is greatly improved, compared with the beverage which is obtained in a higher temperature. The idea of Mr. Merz is, when he has everything in readiness, to make lager beer, of which nearly one-half is now imported here from the West. Lager can be made to keep in good condition, at a temperature of 65 degrees Fahrenheit, but Mr. De Coppet says his apparatus can produce a temperature of 32, which is the freezing point, or lower. In nothing the improvements which our German fellow citizens are bringing to bear upon the brewing business in this city, we are not directing public attention to individual enterprise which merely results in individual profit. The manufacture of lager beer here would modify considerably to the demand for labor, skilled and ordinary, in that department of industry. The industry once successfully established, it would be, so far as the supply of New Orleans and vicinity is concerned, a monopoly, as against brewers elsewhere, because of the heavy duty set for by the spelling of their beer on the passage to this latitude and the high prices they are, consequently, forced to put upon the article. There are quite a number of people, engaged in retailing lager, who are interested in the early success of Mr. Merz's enterprise, for it will be a considerable saving, in their business, if they can, every day, as they want it, get a fresh cask from a cellar as cool as the brewers' caves, at St. Louis, and cooler, if need be.

First District Court—Wednesday, May 15. The motion for a new trial in the case of Earle and Garvey, convicted at the time of the murder of Mrs. Sallinger was overruled.

Nolle prosequi was entered in the case of Sarah Jane, charged with larceny.

Josephine Taylor, alias Sarah Gordon, alias Mariette Tigre, charged with assault and battery on Sarah Williams and assault and battery on George Thompson, was acquitted in both cases.

Steamboat Explosion.—As the steamboat Bee, of the Mississippi Valley Transportation Company, was leaving port last evening, for St. Louis, her steam pipe burst, when she was opposite Fort Jackson. The chief engineer, James Connelly, was so badly scalded that he died in a few minutes. He was the only person injured. He was a resident of St. Louis, about 35 years of age, and leaves a family in that city. The Bee was brought back for repairs.

Work of Politicians.

The most serious consequence of the Cincinnati Convention, is that it is a political. For months past there has been a feeling, daily growing stronger, that politicians of the lower and base entirely too much to do in the management of parties. This feeling, it should by the better class of Democrats as well as by Republicans, and many honest Republicans, tending Eastward from Illinois and all manufacturers thereof, all kinds and all manufacturers of iron, all manufacturers of all kinds of machinery, all manufacturers of all kinds of all descriptions, all manufacturers of all kinds of all kinds, etc., and all manufacturers of all kinds of all kinds, etc., and all manufacturers of all kinds of all kinds, etc., and