Galveston News.

A. H. BELO & CO., Proprietors.

Friday, June 2, 1876.

A NEW postoffice has been established at Smith's Point, Galveston Bay, Chambers county, Charles N. Eley, postmaster, making three offices between Galveston and Sabine on the new route.

THE Kansas City *Times* says the business prospects of that city are better than for the past five years. Leading business men were interviewed, and their opinions published at length to sustain the assertion.

THE St. Louis *Globe Democrat* says it has the assurance of Mr. Sienering, who is himself a delegate from Texas, that the delegation from Texas will be solid for Blaine. This, the *G. D.* says, will insure the nomination of Blaine, of Maine, on the first ballot.

MESSRS. O. & H. DIETZEL, the founders of that popular German paper, the *Texas Post*, are now sole proprietors, having purchased the interest of Mr. Hanschke in the concern. The *Post* was established as a weekly paper in 1869, was made a tri-weekly in 1872, and a daily in 1874, and appears to be constantly increasing in circulation and influence.

THE New York *Herald* thinks that after the Cincinnati Convention has cast the necessary number of complimentary votes, Conkling can be nominated without difficulty, particularly if Gov. Hayes will consent to accept the second place on the ticket. Blaine, the *Herald* says, will exhaust his strength in the first ballot. The *Times*, on the contrary, regards the chances of Blaine as best of any candidate proposed.

AT New York, on Thursday evening, Francisco Paralta, the solitary horseman from California, who had previously failed to make 305 miles in fifteen hours, accomplished his attempt to ride 150 miles in seven hours, with twenty-five mustangs, on the track at Fleetwood Park. He had two minutes to spare, making his last mile in two minutes and twenty-five seconds. By the close of the race the number of spectators was very large, and the successful rider was heartily cheered.

ENGLAND has sent one hundred tons of powder and one million of cartridges to Malta. In the Mediterranean she has the East India fleet, the channel fleet, and the vessels that are usually stationed at Gibraltar and Malta. Hundreds of men have been put to work on iron-clads in the navy yards; insurance has been raised to war rates, and the indications are that, in case a division is to be made of the estate of the "sick man," pending his demise, Johnny Bull will be prepared to gobble his share.

AFTER innumerable falls the New York polo players have discovered that Texas mustangs are not adapted to the business, and complain that these fiery little steeds are unmanageable. The fault is not in the ponies, but the riders. A Texas cow-boy can track a hare on one of them with more ease than a greyhound. They can be checked instantly in mid career, or wheeled on their forefeet as a pivot. They can be so trained as to drive cattle or chase buffaloes on their own volition, wheeling instantaneously to avoid a charge from the quarry. The New Yorkers want some Texas boys to teach horsemanship, and must learn to ride if they wish to keep pace with the fashionable world. Ponies are getting to be pets everywhere, particularly in Paris, which is the center of the fashionable world. A correspondent of an English paper says he counted fifty-seven ladies on horseback in a single alley of the Champs Elysees one morning:

> The rage is for ponies in particular. As to ponies, especially if they have short tails and manes clipped brush-fashion, people fairly fight for them; they are all the rage. To-day it is impossible for a man with the least pretensions to fashion to appear except mounted on a microscopic pony. And the bigger, taller and slimmer the rider, by so much must the pony be smaller and shorter.

THE Baltimore *Gazette* has been interviewing members of Congress on the political situation. Mr. Culberson (of the Red River District, Texas), among others, gave his views, which are reported below:

> The Democracy of Texas will be a unit at St. Louis and for the nominee of the convention. The Democrats of Texas join the Democracy of the entire South in the hope that our Northern Democratic brethern will harmonize their differences and sacrifice immaterial for material issues. Local self-government, purification of the public service, fidelity to all the obligations of the government, and a sound currency will constitute a platform on which Texas Democracy will present a solid majority of over 100,000 votes for the nominee. The Texas Democracy have accepted in good faith the results of the war, and are prepared to unite with the National Democracy in working out the accomplishment of the noble ends of good government above indicated. There are no decided indications of any special choice among the distinguished men who will likely be presented to the convention. We are prepared to go for any good man who may be nominated at St. Louis. He must be a straight-out Democrat. The Texas Democracy will have nothing more to do in an effort to elevate to the office of chief magistrate any one whose desire for office may lead him to renounce affiliation, sympathy and cordial co-operation with the party in its effort to preserve the principles of local self-government, the purification of the public service, and a faithful discharge of all the obligations of the government. The Texas Democracy believe that there are many men belonging to the party whose public services have entitled them to the highest and best interests of the government, in the advocacy of those principles which constitute the Democratic creed, and a hearty and cordial support will be given to any one who may be presented as a candidate by the convention, and indorsed by it as a pure, straight-out Democrat.

Hotel Arrivals.

GRAND SOUTHERN HOTEL.

Dr Harn and lady, Grimes county; E Healy, S S Hanscomb, city; John H Frazelman, Austin; Jos M Medina, New York; J Meyer, New Orleans; G C A Rodgers and lady, Waco; D D Sellers, Houston; L J Powell and lady, Corsicana; B W Heiskell, Jefferson; John Clough and wife, New Orleans; W Z Reed, New York; W Duxbury, Texas; S Holland, Bellsville; H Chase, Chicago; H Y Sheldon, Harrisburg.

WASHINGTON HOTEL.

T Weldon, Clinton; G F Wordworth, Cuero; G W Phelps, Hempstead; J G Williams, city; M C Wellborn, Houston; T Wood, Jr, Texas; J A Baker, Houston; J M Claiborn, city; S Clements, Harrisburg; M E Close, Texas; G Murry, Louisiana; A H Ridley, Hempstead; J S Foulkes, wife and daughter, Hempstead.

GIRARDIN HOUSE.

L Pincers, New York; J M Stevenson, Mrs A Oliver, R Oliver, Victoria; S Klein, city; S H Wildy, N T Davis, Texas; D Feltman, Rhode Island; Hugnes, city; C Wormsley, New Orleans; C C Gibbs, Texas; W H Williams, Texas.

COSMOPOLITAN HOTEL.

M F Ladd, F C Stanwood, city; F J Brown, D D Mead, Texas; O Heyworth, E S Flint S Weinberg, Galveston.

THE CITY.

DIOCESAN COUNCIL.

Second Day's Proceedings.

The Council reassembled at 9.30 A. M. and was opened with morning prayer, Rev. H. J. Brown and Rev. W. G. W. Smith officiating.

A call of the roll showed the clergy and delegates present the first day in their seats.

The following member arrived since the first day's session and took their seats in the Council:

Clergy—Rev. T. B. Lee, Austin.

Laymen—J. H. Raymond, ex Gov. E. M. Pease, Geo. Hancock, Austin; J. H. Harris, G. B. Finlay, O. Steele, A. W. Andrews, Grand Bluff, Galveston; D. Wakefield, Trinity Church, Galveston; F. D. Brown, Huntsville; A. S. Richardson, Houston; Capt. Demaret, Navasota.

The President announced the following

STANDING COMMITTEES:

On State of the Church—Rev. S. M. Bird, Rev. W. W. Patrick, George W. Jackson.

On New Parishes—Rev. T. J. Morris, Ex Governor Pease, Capt. Demaret.

On Finance—H. Raymond, J. S. Sellers, A. S. Richardson.

On Canons—Rev. L. P. Rucker, Rev. E. G. Benners, S. R. Bernard, J. W. Harris, W. J. Darden.

On Unfinished Business—Rev. A. Lyon, L. K. Tarver.

The secretary read an answer by telegraph from the Diocesan Conventions of New Jersey and Western Michigan to messages from the Texas Council, offering fraternal greetings.

The Committee on New Parishes reported Grace Church, Galveston, as having been properly organized, and recommended that it be admitted to union with the Council. Adopted.

Bishop Alexander Gregg then read his annual address.

Resolutions by J. S. Sellers, that the part of the Bishop's address urging the reading of parochial reports, be referred to a committee of three clergymen; by A. S. Richardson, that the part in reference to the death of Right Rev. Bishop John be referred to a like committee, to draft suitable resolutions; by Rev. S. M. Bird, that the part relating to discipline and revision of the constitution and canons, be referred to a committee of three clergy and four laymen, with Rev. L. P. Rucker as chairman, to report at the next Council, were adopted.

A resolution by Rev. J. J. Clemens that a Board of Missions, consisting of two clergy and three laymen, be elected annually, to receive and disburse moneys collected for missionary purposes, and to assist the bishop in obtaining men and means for missionary work and sustaining the church in his diocese, was made the special order for this morning in Committee of the Whole.

The President announced the following Committee on Discipline and Constitutional Revision: Rev. L. P. Rucker, Rev. J. J. Clemens, Rev. S. M. Bird, Rev. W. Jackson, J. H. Raymond, A. S. Richardson and J. H. Hutchings.

The treasurer, G. W. Jackson, and secretary, Rev. J. J. Clemens, submitted their annual reports, and reports were also made by various committees.

Rev. J. J. Clemens offered a resolution providing for alternate deputies to take the place of such deputies as may be unable to attend the general convention. Referred to Committee on Canons.

Resolutions: One by J. S. Sellers, that the Committee on Canons report a canon on the proper way of taking or receiving title deeds to church property, adopted; and one by G. W. Jackson, that all arrearages upon Episcopal contingent and insurance funds be remitted up to May 7, 1875, was referred to the Finance Committee.

ELECTION OF OFFICERS.

G. W. Jackson was re-elected treasurer by acclamation, and, on motion of Rev. S. M. Bird, the thanks of the Council were unanimously voted Mr. Jackson for the faithfulness and zeal he had evinced in the discharge of the duties of his office.

A motion of Mr. Hancock that the present Standing Committee be declared re-elected was carried. The committee is as follows: Rev. L. P. Rucker, president; Rev. S. M. Bird, Rev. J. J. Clemens, Col. W. J. Hutchins, Judge G. E. Mann.

Rev. L. P. Rucker and W. S. Delaney were re-elected trustees of the General Theological Seminary, and Rev. E. G. Benners and Rev. J. C. Wardell were chosen trustees of St. Paul's College.

On motion of Rev. S. M. Bird, Judge J. W. Harris was appointed a committee of one to investigate the titles to lands belonging to St. Paul's College.

Rev. S. M. Bird, Rev. E. G. Benners, Rev. L. P. Rucker and Rev. J. J. Clemens were elected delegates to the General Convention.

A resolution by Rev. J. C. Waddill that each mission station shall be allowed one delegate to the Council, who shall exercise all rights of a delegate save that of voting, said delegate to be a communicant, appointed by the missionary in charge, was referred to the Committee on Canons. A resolution by Rev. A. Lyon, that if a parish has for three years neglected to elect a vestry or to pay its quota as assessed by the Council—if the aggregate amount for the three years does not equal the indebtedness for the first year, then no delegation shall be received from such parish—the Council shall have power to cancel all, or a part of the indebtedness, or to declare such parish no longer in the union, was referred to the Committee on Revision of Constitution or Canons.

A motion of Rev. J. J. Clemens, that no new business be introduced in the Council after this evening, was carried.

The hour for adjournment, 3 P. M., having arrived, the deliberations of the Council were declared at an end till this morning at 9.30 o'clock.

EVENING SERVICE.

Rev. W. W. Patrick preached at the evening service, from the text, "She hath done what she could." He was assisted by Rev. Dr. Trader and Rev. J. C. Waddill.

The choir sang with more than usual spirit, filling the church with noble passages of sacred praise.

PERSONAL.

The venerable minister who was shown distinguished consideration by the Council on the first day, is Rev. Dr. Cross, not Cruz, as the types had it, of New York.

Local Paragraphs.

The bell ringer at the First Ward market has a faculty of striking the bell as the market-house double, so that when a wakeful East Ender counts twenty-four peals of the bell he turns over and mutters, "Only twelve o'clock; I thought it was a fire."

Chief of Police Atkins reports there were three hundred and ten lodgers at the station during May, the most of whom were minors.

The announcement is made that on the 16th of June the usual summer distribution of the "citizens' sausage" will commence, and the yellow pup foes up will go it under after that date.

There is considerable complaint of the condition of the gulf beach. At present it is made the place of deposit for dead cattle carcases and felines, while the earthly tenements of the barnyard fowl is more frequently met with than is agreeable to the many pleasure seekers who, at this season of the year, flock to that delightful resort.

Policeman Burke reports he lost his police fire axe Wednesday night in walking his beat, and thus far has been unable to find it.

Another Breakwater.

The NEWS is in receipt of a communication giving a plan for a gulf breakwater not altogether new, as several suggestions of the same nature have been already published. The writer, Capt. Boyce, thinks an embankment covered with Bermuda grass could be established and at a cost of about $3000 per mile.

Local Personals.

Mr. H. F. Sproule left for the North at 3 P. M. yesterday.

Mr. Henry Greenwall and wife and son left on the 3 P. M. train yesterday for New York.

L. K. Tarver, of the Belton *Journal*, is in attendance on the Episcopal Council, and will be in the city several days.

Visitors to Cotton Exchange yesterday: W. & R. Watson, Houston; M. D. Cole, Bryan; Chas. Brooks, Marshall.

Lieut. S. B. Quinn, late Engineer in charge of the Harbor Improvements, and family, left on the steamer at 3 P. M. yesterday. A number of gentlemen attended him to the steamer to pay their farewell respects.

Departures for the Summer.

The following were passengers by the State of Texas, which left for New York yesterday: Mr. J. G. Dickinson, Mrs. J. Ripley, Mr. and Mrs. J. J. Allen, Mr. Benford, Mrs. R. F. Bunting, nurse and two children, Mr. and Mrs. Hardy, Mrs. Stager and two children, Mr. J. A. Ziegler, Mrs. McCraven, Dr. Armstrong and wife, U. S. N.; Mr. and Mrs. P. B. Durfee and child, Mr. and Mrs. A. B. Homer and child, Mrs. Hill and child, Mrs. Schoonmaker, Mrs. C. C. Sweeney, Mrs. Wharton, Mr. John Sweeney.

Addition to the Bayland Picnic Committee.

The following names from the Fire Department have been added to the General and Executive Committee for the benefit of Bayland Orphan Home. The entertainment will probably come off during next week if the weather permits, it being desirable to take advantage of present moonlight nights: M. A. Davey, Chief of Fire Department; C. G. Clifford, Frank D. Harrar, James Johnson, D. Jordan, H. J. Lawson, H. Journey, Chas. Custer, P. Barry, Thos. Barnes, Wm. Moffat, F. Gardone, Louis Feayla.

Singular Piece of Fortune.

By a singular piece of fortune, Dr. Blunt has secured the fine diamond ring which Dr. Peete wore, and which he had on when he was drowned. The ring was purchased by a negro from another, and the latter, from the description given of him, is thought to be the one who found the body of Dr. Peete.

Dr. Blunt thinks he may recover other valuables on the person of the late Health Physician when drowned at his post, as the proper steps have been taken.

Engagement Broken Off.

Yesterday, on the Strand, on account of a slight misunderstanding, a limb of the law saw fit to tackle a cotton clerk. A blow or two passed; friends interfered, and the only attempt at excitement in that quarter during the day was nipped in the bud. More than one man was heard to remark that the elevated station of the mercury, together with the painful promptness of grand juries, would have prevented a cross look, much less a formal opening of an engagement.

First Car of New Wheat.

A NEWS reporter yesterday obtained the following telegram:

DALLAS, June 1, 1876.

C. W. Hurley & Co.:

Have shipped you this day first car of new wheat, crop of 1876.

T. C. HAGGART.

The wheat is expected in a few days, and will be the first received in this market this season. And so cotton goes out and wheat comes in.

Old Lone Stars in Council.

At a meeting of the Old Lone Star Rifles last night, it was determined to compile the records, roll and incidents and facts in connection with this veteran company of the late war. This is done in order to keep the history of the company intact. When compiled, it is to be turned over to the junior company of their name, to be placed among their archives.

Y. M. C. A.

Literary meeting will be held this evening at 8 o'clock at rooms of the Young Men's Christian Association. Rev. E. Werner, of Cincinnati, Ohio, will read an essay on "The educational advantages of the present age."

Appointment of Grain Weigher.

Mr. William Crooks has been appointed by the Chamber of Commerce Public Weigher of Grain, and enters immediately upon the duties of his office.

Curtailing Hours.

Insurance agents and local companies of this city have agreed to close their places of business from date to August 20 at 4 P. M.

Enterprise on Foot.

Some interest is being taken among business men in a movement to establish a Grain Exchange.

THE COURTS.

U. S. District and Circuit Courts.

Justices Bradley and Morrill presiding.

The courts met yesterday morning at 10 o'clock, pursuant to adjournment.

The minutes of Wednesday were read and approved.

In re J. C. Robertson & Co., bankrupts. Set for Monday, 5th June.

In re J. B. Harris & Bro., bankrupts. Set for Monday, 5th June.

C. L. 924. United States vs. A. B. Hall. Leave granted defendant to amend. Case set for Wednesday next.

Francis Astugal, a native of France, was duly naturalized and took the oath as a citizen of the United States.

Ch. 199. John W. Wicks vs. Stevens, was set for to-day.

C. L. 887. The City of Brownsville vs. Maria Josefa Cavazos et al. Trial resumed. Plaintiffs rest in their testimony. Defendants commence their introduction of testimony, but pending this the court adjourned to this morning at 10 o'clock.

The following cases are on the trial calendar for to-day:

Ch. 199. John W. Wicks vs. Stevens.

C. L. 937. Martin A. Davey and H. J. Lausen, libellants and appellants, vs. barkentine Mary Frost and cargo.

C. L. 927. United States vs. steam vessel Bonita.

District Court.

The court met yesterday morning, at 9 o'clock, pursuant to adjournment.

The minutes of Wednesday were read and approved.

The arguments in the case No. 6681, Esther Y. League et al. vs. John C. Watrous, were resumed and concluded. Judge Stewart then charged the jury and they went to their room to begin their deliberations. The result will be announced on the assembling of the court this morning.

The court then adjourned to this morning, at 9 o'clock.

Criminal District Court.

The court met yesterday morning at 9 o'clock, pursuant to adjournment.

The minutes of the term were examined and signed by Judge Masterson.

Sheriff's and clerks' accounts were also approved and indorsed, after which the court adjourned, to meet according to law.

The next term of the Criminal Court will meet in this city on the first Monday in July.

Recorder's Court.

James Wilson, for disorderly conduct and committing a nuisance on the Central Wharf, was fined $5 and costs, or seven days in the city jail and to labor on the streets.

Unknown, d. d., was discharged.

Mrs. Hammer, drunk and unable, was discharged.

James R. Dixon, d. d., was fined $1 and costs.

A. Sporleder, charged with doing business as a commission merchant without a city license, was discharged.

Paul Clifton, charged with bathing in a nude state on the beach, was discharged.

Joe Johnson, charged with bathing in a nude state on the beach, was discharged.

Henry Moore, same charge, was fined $2 and costs, or three days in the city jail, and to labor on the streets.

James R. Dixon, d. d., second offense, was fined $2 and costs, or three days in the city jail, and to labor on the streets.

C. H. Lawson, charged with abusing, insulting, and threatening Louis J. Hasselmeyer, had his case continued.

James Sibley, for disorderly conduct in the Central market, was fined $1 and costs, or three days in the city jail and to labor on the streets.

Lily Jewell, charged with violation of the fire ordinances. Case tried by a jury. Major O. M. Watkins, appearing for the prosecution, and Major R. M. Tevis for the defense. The jury, after due deliberation, returned a verdict of guilty, assessing the penalty at a fine of $100 and cost. The case was afterward taken to the District Court on a writ of certiorari.

A Good Thing For Galvestonians.

Mr. J. J. Allen left yesterday for Philadelphia, where he intends to establish a convenient boarding-house for the first class travel of this city, to be called the Galveston Headquarters. He will notify by advertisement in the NEWS as soon as he locates.

New Goods at Low Prices.

Ladies' box-toed gaiters and shoes and gentlemen's low-quarter summer shoes, at I. Neffler's, 173 Market street.

The Centennial Exhibition

Costs an admission fee, but the exhibition of Loeb Bros.' dry goods, cassimeres, cloths, doeskins, furnishing goods, notions and fancy goods is open to all free of charge. To ladies and the public are extended an invitation to inspect the stock, and the lowest prices are guaranteed.

LOEB BROS.
177 Market street.

PERSONS whose blood is thin and watery can not stand the least exposure, and are extremely liable to be attacked by malaria, by coughs and colds, which are easily aggravated into bronchitis and consumption, and by those derangements of the stomach, bowels and sensitive organs, which are caused by abrupt changes of weather. The sure way to avoid the danger is to enrich the circulation with that admirable blood fertilizer, Rudolph Wolfe's Schiedam Aromatic Schnapps.

Friday, June 2d, 8 o'clock P. M.

We take pleasure in informing our lady friends and customers that the grand raffle of the Lace Shawl and twelve other prizes will take place on above day, and every lady is respectfully invited to attend. Please bring your tickets along. Respectfully.

A. & S. LEVY.

P. S.—By last steamer we have received a great many new goods, and are offering same at very low prices.

A. & S. LEVY.

Meeting of Trustees.

The regular monthly meeting Bayland Orphans' Home was held at the office of G. S. Longcope, in the city of Houston, on Saturday, May 27, 1876. Ashbel Smith, President. Present—T. W. House, Treasurer, E. H. Cushing, G. S. Longcope, H. F. Gillette, Secretary.

Minutes of the last meeting read and approved.

The treasurer then made the following report of moneys received during the months of March, April and May:

March 9—From J. S. Sellers, monthly collections, citizens of Galveston	$71 00
April 16—From J. S. Sellers, monthly collections, citizens of Galveston	51 00
May 15—From Thomas Cox, monthly collections, citizens of Galveston	51 00
February 26—Hutchins House, Houston	1 16
March 18—J. C. Lord, per J. C. Lord, Houston	3 00
April 28—Mrs. Dr. Jenkins, Houston	2 50
May 18—J. Sandler, Galveston, per E. A. Shepperd	120 00
May 27—T. W. House, donated cash	138 73
Total	$417 29

Respectfully submitted.
T. W. HOUSE, Treasurer.

To which the Superintendent adds: April 5—From Mrs. Cotter & Co., Houston, medicine, $7 00; from Sydnor McNair, one small bundle second-hand clothing. May 1—R. Cotter & Co., medicine, $1; from R. T. George & Co., medicine, 25c. May 9—From Messrs. Baumgarden & Langles, New Orleans, exhibited at State Fair, Houston, 11 large boxes crackers, ginger snaps, etc., 14 small boxes vermicelli, lozenges, cream, pearl, oysters, crackers, etc.; from Miss Lottie Brown, Galveston, one bundle second-hand books; from Mrs. J. M. Brown, one small bundle second-hand clothing; from Galveston Railroad, one box second-hand clothing.

Adjourned to meet in Galveston, the first Saturday in July, 1876.

H. F. GILLETTE, Sec'y.

HOUSTON LOCAL ITEMS.

Simeon Martin, a colored tonsorial artist, was, at the instance of brother barbers, arrested yesterday and fined $10 and costs for violation of the Sunday law. An appeal was taken.

Trip to a late hour yesterday (Thursday) the brothers DeMorse had not given bond for appearance in the mule theft case, but it was expected they would.

Rev. J. B. Link, editor of the *Baptist Herald*, made his appearance Thursday among his numerous friends in Houston, after an extended trip to the Southern Baptist Convention at Richmond, Va. Mr. Link also visited the opening of the Centennial, which he says is equal to a good many State fairs all crowded into one.

It is understood the City Council will, at its meeting this evening, consider various matters relating to the public health.

The Street Commissioner is having some ditching and drainage done in Second Ward.

The restoration of the morning trains on the Galveston, Houston and Henderson Railroad is productive of much public satisfaction.

As regards the effect of the Judge Bradley decision on the fortunes of the Texas and New Orleans Railway, now building between Houston and the Sabine, public opinion here is much divided. Vice-President Crosby, however, keeps a stiff upper lip, and says his end of the line will be built anyhow. Whatever becomes of the Louisiana section.

Among the old settlers of Houston there is a legend that the spot on which the City Mills stand was cursed by an Indian sorceress of the Cenci tribe, who were there slaughtered and their wigwams burned by the Comanches, long before the founding of Houston. She is said to have prophesied that none should prosper who there settled. The fate of various enterprises undertaken in that locality might, to the superstitious, be proof of the fulfillment of the prophecy and the imprecation.

A rather singular prosecution is pending before the authorities, wherein a citizen is accused of the theft of a dog or dogs.

COMMISSIONERS' COURT.—The Harris county commissioners yesterday approved the jail account of Sheriff Noble, $644 00; also ordered draft to issue for ex-Sheriff Ashe's jail account to April 18, 1875, $759 25. The petition of S. W. Allen, to establish a ferry at the new town of Clinton, or the Ship Channel wharves, below Harrisburg, Sims bayou, was granted. The ferriage to be from 5 cents to $1 00.

A bill of $494 50 was made out against Robertson county for keeping the following prisoners: C. Anschicas, from July 24, 1875, to April 18, 1876, $202 50; J. Chenoweruth, $105 75; Joseph Wharton, $185 25; Turnkey fee $1.

STATE TAX COLLECTOR.—The report of ex-Sheriff Ashe to the State Comptroller, of State taxes collected from December 1, 1874, to April 18, 1876, has just been completed and ready to forward. The following are the total items:

Taxes collected on account of State revenue from Dec. 1, 1874, to April 18, 1876 ..... $100,189 03
On account of State frontier bonds 125 91
On account of State poll tax 1,003 00
On account of penalties 152 41
On account of other counties outside of Harris county 11,874 98
Commission of taxes due the State collected within the period mentioned ..... 101,$114,335 93

Major General Hancock as the St. Louis Nominee.

AUSTIN, May 31, 1876.

Edit. News—Your timely article published in your issue of the 30th, advocating the gallant and distinguished gentleman whose name heads this article, has been read this morning at the capital with the greatest satisfaction. It could not be otherwise when we remember the noble effort he made for the release of our State from the oppression of military rule when all necessity for it had ceased to exist. To every patriot in the land familiar with his record, civil as well as military, your course in urging his claims can but prove an earnest of better things to come.

To the good work begun so auspiciously by you, I desire to add my mite in furtherance of this one great object—the nomination of a candidate by the National Democratic Convention who possesses the confidence of the people, whose integrity is beyond question and whose democracy is of the strictest orthodoxy. In the essential particulars of merit, ability and availability, no name can claim superiority over that of Winfield Scott Hancock. Gallant in the field, proving himself a foeman worthy of any steel, courteous as Sidney and brave as Bayard, a knight *sans peur et sans reproche*, he commands the respect of the men everywhere, whether they are those who followed his lead or opposed his front, whether they are these who wore the blue or those who wore the gray. But if his devotion to the cause in which he fought challenges our admiration, how much more is he entitled to it as we remember his course since the carnage of blood has ceased, and the echoes of hostile cannon are heard no more? He fought for the Union because he was a soldier and educated to believe it was entitled to his first allegiance. He loved the flag of the nation as only could a noble and generous soul, who regarded it as the ensign of his country. But when the permanency of the one was established, and the integrity of the other was vindicated, he sheathed his sword, and with lips touched with a live coal from off the altar of his country, not only yielded his submission to, but advocated, as something to be maintained at all hazards, the subordination of the military, and the supremacy of the civil authority of the government. It is his course since the war that commands for Gen. Hancock the highest encomiums of praise, which most conspicuously impresses his greatness upon the people who are familiar with his career, and proves the universality of the truth—universal because applicable to individuals as well as nations—that "peace hath its victories no less renowned than those of war."

But at the outset we will doubtless be met by the objection that we want no military man for President—that such are unfit for civil rulers. However true in theory this may be, and however axiomatic it may sound and appear, has it proved, so far as the history of our Republic shows, practically correct? A calm review of the administrations, commencing with the first, that of Washington himself, and contemplating those of Jackson, Harrison, Taylor and Pierce, will disabuse our minds of all danger, and dispassionately considered, produce the conviction that it is a shadow, not a substance—a theoretical dogma, not a practical truth. Besides, we of the South can not, with any show of consistency, urge it as an objection. For look where we will, in gubernatorial chairs, in halls of legislation, and even on the bench, that conservative branch of the government, and from one end of our section to the other, military efficiency has been rewarded by civil promotion. Have we suffered? Who proclaims such to be fact? Has constitutional government been imperilled from the training in the field of such senators as Gordon, Ransom and Maxey, and that large number of gallant soldiers in the lower House of the American Congress, who fought on one side or the other in the late conflict? The history of current legislation does not so show; but, on the contrary, we find, with a few notable exceptions, that those who have done, and are doing, most to restore the government to the "practices of the fathers," and bring it back to the rule of their standards, are the men who fought conscientiously for what they believed to be the right, and who, since the issues of the contest have been decided by the arbitrament of battle, have labored to repair the damage done the material interests of the country, and for the re-establishment of fraternal intercourse and brotherly love.

The correctness of this conclusion can not be doubted. And, if true of any one, how eminently so of General Hancock. Ignoring the behests of power, and despising its patronage and favor if purchased at the cost of principle, inflexibly determined to maintain the truth and vindicate its majesty, his order on assuming command of this military district, and his celebrated letter to Gov. Pease while in authority in this department, assert his purity on the one hand, and evince a statesmanship on the other, that made him as wise in council as he was brilliant in war. Such men as Hancock appear at intervals of long periodicity in the history of any country. A soldier, who led to victory as gallant a corps as was mustered in his entire army, supplying by his genius the want of it in his commander, yet, with such a record in the field, with exhibition fired by the prestige of success, with nothing to gain but the approval of his conscience, when the time of battle was over, stood, and proudly stood, as a rock on which the waves of party strife vainly beat, an uncompromising advocate for the government of our fathers.

But suppose we are incorrect, and that a thirst for power was begotten by the discipline of army life, we proudly point to Gen. Hancock as an exception to this rule, and urge that, being one, he should not fall beneath its exactions. In future articles, we propose to review his career; until then, let it suffice for us to say that in the present crisis, in view of the foe we will have to meet, and the issues we will be obliged to combat, we believe there can be found no one who will be able so likely as he to lead us on to victory. J. P. C. W.

A Live Chamber of Commerce.

The St. Joseph (Mo.) *Gazette*:

> An earnest call is made on all who have the interest of St. Joseph at heart, to join in organizing a live Board of Trade. A number of our live and enterprising citizens, seeing the necessity of concert of action, have taken the matter in hand and are reorganizing the Board of Trade, in order to make it an effective body. A call is made on all our merchants, mechanics, manufacturers bankers and business men generally to join this body, and give their voices and assistance toward accomplishing all the good possible for our city, and her commercial and manufacturing interest. A committee of four gentlemen has been appointed to solicit membership.
>
> We hope to see every business man of St. Joseph subscribe to the organization, for, upon its success depends, in a great measure, the future prosperity of St. Joseph.

What are the merchants of Galveston doing individually towards a like end? In every city of its size, East, North or West, there is a strong, active, working *de facto* Chamber of Commerce. It is true that the Galveston Chamber has one of the "liveliest" men in either city or State for its president, but there is more than a president wanted. He can not do it all, and others ought not to let him do it, even if he did want to do it, or was even willing to do it all. A proper commercial exchange wields a large and powerful influence. Our merchants are lost without it. Transactions now are made by means of personal calls on individual firms. This should not be. There ought to be a place where merchants having goods to sell, or trade or traffic, could meet their fellow buyers, traders and traffickers. The "retail" dealers will it be believed outside of our city? have a positive, rented, usable, and not mythical place of meeting, and the wholesale dealers are behind them in energy.

Merchants! Put your hands in your pockets and move (in this matter,) or else get up and move out of the way for other more enterprising, go-ahead and live merchants. The time has come. Galveston is going to be a wheat market. ENTERPRISE.

Synopsis of the Opinions of the Supreme Court of Texas.

Delivered at the Austin Term, 1876.

Reported for the News by A. M. Jackson, Jr.

A. BYLER vs. W. R. JENNESON. Appeal from Caldwell.

IN 1857, plaintiff sold land to defendant's vendors, and made to them an absolute deed, which recited a consideration of three promissory notes. In 1862 they conveyed the land to defendant, but continued to occupy the land as his tenants until 1866, when plaintiff brought a foreclosure suit against them, without making defendant a party thereto, and obtained a decree for sale of the land, under which he became the purchaser himself; and on such purchase plaintiff brought this suit against defendant for the land. It was in evidence that defendant had put his title upon record soon after his purchase, and long before his vendors were sued by the plaintiff.

Held, that the defendant can not be affected by the judicial proceedings in the foreclosure suit against his vendors; and the court below correctly excluded those proceedings as evidence of title in the plaintiff. If, however, plaintiff has equities as against the defendant, they are not now considered or passed upon.

Judgment affirmed.

Per Gould, Justice.

STEINBECK vs. STONE. Error from ——.

A citation in error cited the defendant to appear at a term of the Supreme Court to be holden in Travis county at the court-house thereof. Held, on motion to dismiss, that the citation in error sufficiently directs the defendant in error where he is to appear in obedience to the citation. The direction that he shall appear at the court-house, will be intended to refer to the court-house where the Supreme Court is held.

Motion to dismiss overruled.

Per Roberts, Chief Justice.

WALLACE ET AL. vs. KELLER ET AL.

The appeal in this case was duly perfected, but the appellant failed to file a transcript of the record within the time prescribed by law, the appellee filed a certificate in due form and the judgment was affirmed without reference to merits.

Per Roberts, Chief Justice.

T. C. THOMPSON vs. J. E. BLACKBURN.

The record in this case was filed March 5th, 1874. In April, 1875, the case was submitted by defendant in error. In April, 1876, defendant in error moved to dismiss upon the ground (among others) that the citation in error was directed to be served on the attorney of defendant in error, without showing that the defendant in error could not be found.

Held, that the objection, if made in time, would have been fatal, but will not now be considered, the case having been submitted on behalf of defendant in error a year previous to filing the motion to dismiss.

Motion overruled.

Per Roberts, Chief Justice.

J. L. L. MCCALL vs. D. O. SULLIVAN. Appeal from Parker.

1. Defendant's demurrer to plaintiff's petition not appearing to have been called to the attention of the court below, this court might consider it waived, but for the fact that the defendant, by motion in arrest of judgment, called in question the sufficiency of the petition, and assigns for error the overruling of the motion.

2. From a very early period in the jurisprudence of this State, it has been uniformly held that a general demurrer goes only to the substance of the cause of action, and not to the manner or form in which it is pleaded. If the pleading suffices to show in the court that there is a good cause of action or ground of defense, though defectively stated, its defects can not be reached by a general demurrer, but must be made the ground of exceptions, pointing out specially wherein the defects exist.

3. Plaintiff's petition substantially alleged that in April, 1872, the defendant proposed to trade him a note for $200 on one H. for certain personal property; that plaintiff knew nothing of said H., or of his solvency or circumstances, but that defendant represented to him that said H. was good, and that the money could be made out of him; that the note was not present, and that plaintiff, relying solely on said representations of defendant, both as to the character of the instrument and the solvency of H., made the trade and parted with his property to the defendant; that the said representations were false and fraudulent, and were made by the defendant for the purpose of deceiving the plaintiff; that the instrument was not a note, but an accepted order on H., and that H. was not good and solvent, but the contrary; and that plaintiff has been damaged the amount at which the instrument was estimated in the trade.

Held, that the petition was good on general demurrer, and on motion in arrest of judgment.

4. Fraud, to be actionable, must directly and materially relate to the essence or substance of the contract or transaction, and must have resulted in an actual injury to the plaintiff. In the present case the misrepresentation as to the character of the instrument is considered material, inasmuch as H. was equally liable on the accepted order as on a note; but the false representation as to his solvency is deemed material, and as directly relating to the essence and substance of the transaction.

Judgment affirmed.

Per Winkler, Justice.

HARDIN vs. MALOY & WILKES. Appeal from Navarro.

1. The same rule regarding the granting of new trials does not pertain in the Court of Appeals, as in District Courts. The District Courts should grant new trials when it clearly appears that verdicts are against the weight of evidence, but the Court of Appeals will not disturb the findings of juries or the judgments of the courts below, unless it clearly appears that they are not supported by any reasonable amount of evidence.

2. Appellant entered into a contract with the appellees to the effect that the appellees, who were stable keepers, should take appellant's horse, and work and use it for its feed. Held, that this contract constituted a bailment for hire, and the liability of the appellees for the death of the horse is to be determined by the law of bailment.

3. The law recognizes three classes of bailments: First, where the bailment is for the sole benefit of the bailor; second, where the bailment is for the sole benefit of the bailee; and third, where the bailment is for the benefit of both bailor and bailee. Of the first class, only slight care is required of the bailee, and he is liable only for gross negligence; of the second class the greatest care is required of the bailee, and he is liable for slight negligence; of the third class ordinary care is required of the bailee, and he is liable for ordinary negligence.

4. The bailment in this case belongs to the third class, and the bailee is liable only for damage resulting from ordinary negligence, which is the want of ordinary care and prudence.

5. Ordinary care, in this case, would be that degree of care and attention that men of ordinary prudence would exercise in using and attending to their own horses.

6. The only error assigned in this case was the overruling by the court below of a motion for a new trial, which charged that the verdict was against the law and evidence. There being evidence to sustain the verdict, the judgment is affirmed.

Per Ector, Presiding Judge.

JOSEPH BENSON vs. THE STATE OF TEXAS. Appeal from Burleson.

An indictment under article 3347, Paschal's Digest, after laying time and venue, charged that one Benson "did then and there unlawfully, willfully and wantonly shoot and wound a certain [illegible] with intent to kill and murder, against the peace and dignity of the State."

Held, that the indictment under the statute evidently in the form of the statute, and the words "willfully and wantonly" are surplusage, and must be rejected as such.

Held, further, That it was not necessary to allege that the animal was the property of another, or negative it being the property of the defendant. Article 3315, Paschal's Digest, was intended to prevent cruelty to certain animals, whether by the owners or by any one else.

If these points are clearly set at length in the opinion, and a full review of authorities made.—J. Jr.

The judgment is affirmed.

Per Ector, Presiding Judge.

POLLY BELL vs. THE STATE. Appeal from Milam.

1. To an indictment the accused pleaded in abatement: First—That the grand jury was an illegal body, in whose selection none of the requirements of the law had been complied with; and, second, that the petit jury impannelled to try the case was not so impannelled to try the case. Held—That under the express provisions of the Code of Criminal Procedure, the matters thus alleged are not good either in ab