

LAWLESS LOUISIANA.

Assault on Ex-Gov. Warmoth by the Business Manager of "The New Orleans Bulletin."

The Assailant Receives Fatal Injuries in the Melee.

Warmoth's Statement to a Reporter ---A Case of Involuntary Killing.

Gen. Sheridan Ordered to New Orleans as Chief of Kellogg's Police.

The Legislature As Elected by the Returning Board.

[Special Telegram.]

A FATAL ENCOUNTER.

NEW ORLEANS, Dec. 26.—Some days ago *The Bulletin* newspaper had an editorial on social equality, and among other things urged that negroes should not be permitted to ride in the same cars with white people. Ex-Gov. Warmoth, who is understood to be in the ring for the governorship of Louisiana in 1876, took up the matter on behalf of the freedmen, and tendered to *The Bulletin* for publication a lengthy communication, advocating the claim of the negroes to social equality. The manager of *The Bulletin* refused to publish the article, and stated that if Warmoth published it as all, *The Bulletin* would ruin him. Despite this threat, Warmoth published the letter in *The Picayune*, and on the day thereafter *The Bulletin* made a bitter attack on the ex-governor, assailing his past record, scourging him generally, and charging him with bidding for negro favor, while his motives were stigmatized as corrupt and vicious. In response to this Warmoth inserted in Friday's *Picayune* a card, in which he made several reflections upon Jewell, one of *The Bulletin's* editors, and Byerly, the manager of that paper, alluding to both of them as liars. On Saturday Jewell transmitted a challenge to Warmoth, who promptly accepted it, and it was arranged to fight on Monday with pistols, at 10 paces. It appears that Byerly took another method of resenting the insult. This morning, at half-past 11, he met Warmoth on Canal street, at its most crowded part, and, rushing violently toward him, raised a heavy cane, and, without a word of warning, struck him two fearful blows on the head, laying it open, and causing it to bleed, fearfully. The attack only staggered Warmoth, who quickly recovered, and drew a spring knife, wherewith Byerly clenched with him. In the struggle Warmoth used the knife with terrible effect; plunging it six times into Byerly's side; while the latter, having thrown away his cane, had no weapon but his fists, which he used as best he could. After he was cut, he weakened and fell to the pavement, carrying his opponent with him. At this a policeman came up and separated the combatants. Both were found bleeding profusely, and Byerly, being conveyed to a physician's, was pronounced fatally injured. At 7 this evening it was thought he would die before morning.

Warmoth, who is not seriously hurt, is confined in the parish prison, to await the result of Byerly's injuries.

BYERLY DEAD.

LATER—Byerly died at half-past 10 o'clock to-night.

THE RETURNING BOARD'S WORK.

The members of the returning board skipped away to their country homes on Thursday, leaving the results of their villainous labor to be met by those whom they had insisted into office, and the people, who are determined to make another effort before submitting to the iniquitous work of the board. It appears that the house will have 53 democrats and 53 republicans, and that the senate will have 24 radicals and 12 democrats. The republican programme, based on the probability of their legislature being permitted to go in, is to get rid of Lieut. Gov. Antoine, who will retire for some fat office; let Penn, the conservative, into the vacancy, and, by electing Kellogg to the senate, give Penn the gubernatorial chair. It is thought that this announcement is a dodge to conciliate the White-leaguers, but the race swear that it will be carried out, if nothing happens. The democrats are still dead-set against the peaceful assembling of the returning board legislature.

GEN. SHERIDAN ORDERED TO NEW ORLEANS.

The intelligence conveyed to *THE TIMES* on Thursday that Gen. Sheridan would be sent to New Orleans has been confirmed by Washington telegrams to-day, and Phil will be here next week. The telegrams add that Grant is determined to permit no more violence in Louisiana, if it takes the entire army to keep the peace.

There is a great deal of speculation concerning the probable orders of Sheridan. The shape of future events will depend upon the question of Grant's adherence to his original intention, to hold off his troops until an outbreak occurs. It is thought that Sheridan may have instructions to occupy the state-house at once, to prevent an apprehended disturbance. Should he do that, the White-league programme will be thoroughly checked, as it has been all along understood that they will not fight the general government.

KELLOGG'S NEW CHIEF OF POLICE.

[Special Telegram.]

WASHINGTON, Dec. 26.—It is stated to-night, in administration quarters, that the president has advices from New Orleans that the imminence of serious trouble there is very great, and that, as a consequence, Gen. Sheridan has been or will be ordered there, to take command of the troops, in place of Gen. Emory. Several republican members of congress called on the president this evening to ascertain the truth of this, but he declined to see them or any one else who called.

[To the Western Associated Press.]

WARMOTH IN ARMS.

NEW ORLEANS, Dec. 26.—In a fight between Dan C. Byerly, the manager of *The Bulletin*, and ex-Gov. Warmoth, on Canal street, Byerly knocked Warmoth down with a stick and jumped on him. Warmoth, drawing his knife, stabbed Byerly several times in the abdomen. His wounds are dangerous. Warmoth was arrested.

Gov. Warmoth, to-day, made the following statement about the difficulty:

"Yesterday, after my card appeared in *The Picayune*, I was called on by a friend of Mr. Jewell, who demanded of me an abject apology for the card, which I declined to make. He then asked me if I would accept a challenge to fight a duel, remarking, at the same time, that it was generally understood I could not fight. I replied that I would not fight if I could as well avoid it; that I was not a fighter, and that it would be time enough to answer the question about a duel when I was challenged. Later in the day, the affair was confided to our respective friends. They met at 8 o'clock last evening, and agreed that Jewell and myself should fight in Alabama on Monday morning—weapons, duelling pistols; distance, 10 paces. The terms having been accepted, I did not, of course, apprehend an attack, especially not from any one connected with *The Bulletin*. My understanding of such matters is that antagonists, pending a meeting, should be courteous, and I was just on the eve of tipping my hat to Mr. Byerly, in front of whom two ladies were walking, the street being crowded, when he struck me with a heavy stick on the head, inflicting the wound you see. [The governor, taking off his hat, exhibited a cut about two inches long, over the left temple, extending back from the forehead.] He struck me three times with the stick when I clinched with him, meantime taking a knife out of my pocket. With my arms around his shoulders, I got my hands together and opened the knife. Just then I felt, Byerly falling on me. Soon after we fell, a policeman took the knife out of my hand, and some of the crowd pulled Byerly away; I understand Byerly has been cut, and I am accused of having done the cutting."

The Bulletin to-morrow will publish the statement of an eye-witness of the Byerly-Warmoth rencontre. The statement differs somewhat from that of Warmoth as to the cutting. This witness states that the knife was open when drawn, and that two or three stabs were made before they fell. Byerly's wounds were in the left side, just over the hip, one of them being over four inches deep, and indicating the length of the knife-blade.

Byerly was aged 48 years. He was a prin-

ter by trade, a native of Pennsylvania, and came to New Orleans in 1847. He served gallantly in Shields' regiment of Louisiana volunteers in the west, during the war, and was wounded four times in one of the fights around Atlanta, one of which wounds deprived him of the use of his left arm, by a resection of six inches of the bone, including the elbow joint. After the war he returned to this city, and was elected clerk of the Third district court for two terms. Some months ago, Byerly, in company with others, commenced the publication of *The Bulletin*.

THE "OFFICIAL" VOTE.

The final compilations of official returns of the late election, which are to be promulgated to-morrow, show a total vote, with the polls and parishes thrown out as mentioned in the report of the returning board, as follows: For state treasurer, Dubuchlet 69,644; Moncre 68,586; majority for Dubuchlet, republican, 958.

The five constitutional amendments recommended by Kellogg and adopted by his legislature are all carried, according to the count of both parties. The vote, as returned by the board, is as follows:

First constitutional amendment, indorsing the funding bill and consolidated bonds issued thereunder—For approval, 60,490; against, 60,070; majority for approval, 2,349. Second constitutional amendment, reducing and limiting the state debt to \$15,000,000, and limiting taxation—For approval, 70,824; against, 59,634; majority for approval, 11,140.

Third constitutional amendment, devoting the annual revenues of the state to the expenses of the same year, and prohibiting the issue of warrants in excess of the revenue—For approval, 70,499; against, 59,995; majority for approval, 10,504.

Fourth constitutional amendment, limiting the debt of the city of New Orleans, and prohibiting a further increase thereof—For approval, 69,750; against, 59,995; majority for approval, 10,110.

Fifth constitutional amendment, changing the day for the state election to the day named by the general government for presidential election—For approval, 67,234; against, 69,528; majority for approval, 7,766.

Counting the votes of all the parishes and polls thrown out as against these amendments, each would still be adopted by several thousand majority.

VIEWS OF THE SITUATION.

[Special Telegram.]

MEMPHIS, Dec. 26.—A letter from a prominent New Orleans merchant says lively times are expected there, and adds that the people are goaded to desperation. Patience has ceased to be a virtue. Louisiana is a volcano, trembling with revolutionary fire, which may burst forth at any moment into a general conflagration of civil war. The letter says also that all conservatives and democrats elected to the legislature from the country parishes have been instructed to come to New Orleans, where they doubtless will be installed by the people, on the day of assembling of the legislature.

MCENERY'S DISPATCH.

[To the Western Associated Press.]

NEW YORK, Dec. 26.—The following dispatch from Gov. McEnery is published here this morning:

NEW ORLEANS, La., Dec. 25, 1874.—The wrong just perpetrated by the returning board against the people of Louisiana, and which virtually threatens the safety and integrity of republican institutions in the United States, is a more crowning infamy than the action of the Lynch returning board, and surpasses even the midnight order of Durell, and would not be submitted to by any free people. Resistance to the national authority represented here by a large portion of the army and naval fleet, sustaining usurpation and stifling the voice of the people, has never been meditated.

JOHN MCENERY.