

# IMPORTANT.

## Injunction Issued by Judge E. H. Durell, Against Gov. Warmoth, Messrs. Wharton, Hatch, DaPonte and others.

United States of America, Circuit Court of the United States, Fifth Circuit and District of Louisiana, November term, A. D. 1872, New Orleans, Saturday, November 16, 1872. Court met pursuant to adjournment. Present, the Hon. E. H. Durell, District Judge—Wm. P. Kellogg vs. H. C. Warmoth et als., No. 6830.

On motion of J. R. Beckwith, counsel and solicitor for complainant, it is ordered that H. C. Warmoth, Jack Wharton, Frank H. Hatch, Durant DaPonte, John McEnery and the New Orleans Republican Printing Company, publishers of the New Orleans Republican, a newspaper, being the official journal of the State of Louisiana, be enjoined and restrained from, in any manner, either directly or indirectly, pretending to consider or canvass any certificate, statement or return of any supervisor of registration, except in the presence of the legal returning officers named in the bill of complaint filed this day, to wit: John Lynch, Jacob Hawkins, James Longstreet and Francis J. Herron; and it is further ordered that the said H. C. Warmoth desist and refrain from submitting to the defendants, Jack Wharton; Frank H. Hatch and Durant DaPonte, or any or either of them, either as pretended members of any board of returning officers of elections of the State of Louisiana, or as individuals, any statements, certificates or returns, or pretended statements, certificates or returns of election, and to desist from assisting, aiding, abetting or permitting any other person or persons whatsoever other than John Lynch, Jacob Hawkins, Jas. Longstreet, and Francis J. Herron, or their duly qualified successors, as returning officers, to inspect, consider, or have custody or access to said statements, certificates or returns of said supervisors of registration, or any other paper, document, affidavit or proof that may come into the hands of said Warmoth, or shall hereafter come into his hands relating to said election; or to the fairness or correctness thereof, and which, by law, it is his duty to submit to the said John Lynch, Jacob Hawkins, James Longstreet and Francis J. Herron, the said legal board of returning officers of elections, and which should be properly considered by them.

And it is further ordered that the said H. C. Warmoth, Jack Wharton, Frank H. Hatch and Durant DaPonte, and each of them, be commanded and enjoined to refrain and desist from pretending to act together as a board of returning officers or as returning officers of the elections, from canvassing, or attempting to canvass or consider any certificate, document, affidavit, return, statement of votes, or any paper whatsoever, properly relating to said election mentioned in the said bill of complaint, and from attempting to make a canvass, to make, declare or publish any pretended deduction, calculation, statement or proclamation based thereon, or pretended to be derived therefrom in any way relating or pertaining to said election mentioned in the said bill of complaint held on the fourth day of November, 1872, or certifying to any candidate for office at said election, any certificate of election, or any statement of the result of said election tending to show any right to office in any person growing out of ballots cast at said election, and from meddling with, altering, suppressing, falsifying, obliterating or destroying any document, paper, voucher, proof, statement of votes or certificates relating to said election. And it is further ordered, that the said John McEnery be commanded, enjoined, restrained and inhibited from in any manner acting or pretending to act as Governor of the State of Louisiana, and from making any pretensions or asserting any claim to the office of Governor of said State by virtue of any pretended evidence thereto under or by virtue of any certificate, document, or count, canvass, or adjudication, now or hereafter made by the said defendant, H. C. Warmoth, and the said defendants, Jack Wharton, Frank H. Hatch, Durant DaPonte, in this bill charged to be unlawfully combined and conspired as returning officers. And it is further ordered that the said New Orleans Republican Printing Company, under whose control and direction the newspaper called the New Orleans Republican, the official journal of the State of Louisiana, is published, whereof W. R. Fish is President, be enjoined and restrained from in any manner publishing any official notice, document or statement relating to any canvass, or statement of votes made or pretended to be made, or in any manner emanating from the said H. C. Warmoth and said Jack Wharton, Frank H. Hatch, Durant DaPonte, or either of them, as a pretended Board of Returning Officers of Election, in any manner relating to the said election held on the fourth day of November, A. D. 1872.

And it is further ordered, that the said defendants, H. C. Warmoth, Jack Wharton, Frank H. Hatch, Durant DaPonte, John McEnery and the New Orleans Republican Printing Company, named in the bill of complaint this day filed, be so commanded, enjoined and restrained until the further order of this honorable court.

Clerk's office—I certify the foregoing to be a true copy from the original record in this office.

Witness my hand and the seal of said court, at the city of New Orleans, this sixteenth day of November, 1872.

F. A. WOOLFLEY, Clerk.

United States Circuit Court, Fifth Circuit, District of Louisiana, Clerk's Office, New Orleans, Nov. 16, 1872.—William P. Kellogg vs. H. C. Warmoth et als. No. 6830.

Let the defendants be cited to show cause, on the 19th inst., at 11 A. M., before this court, why injunctions *pendente lite* should not issue as prayed for in complainant's bill of complaints; and in the meantime, and until further orders of this court, let the restraining orders prayed for in said bill of complaint issue against said defendants in form and to the effect prayed for in said bill of complaint.

E. H. DURELL, Judge.

New Orleans, Nov. 16, 1872.

I certify the foregoing to be a true copy from the original record in this office.

Witness my hand and seal of said court, at the city of New Orleans, this 16th day of November, 1872.

F. A. WOOLFLEY, Clerk.