# THE NEW NEW ORLEANS DAILY BEE

DUFOUR & LIMET, PUBLISHERS,
No. 73 Chartres Street.

TERMS OF THE BEE:
Terms of Subscription—Daily, per annum, in advance, $10; half-yearly, $6; quarterly, $4.
Price of the paper—Single copies, 10 cents.
The Semi-Weekly is published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.
Rates of Advertising—Transient advertisement having the use of the paper, first insertion, $1 50 per square; each subsequent insertion, 75 cents per square.
Fifth Page Editorial Page, transient advertisements, each insertion, $1 50 per square.
Advertisements inserted at intervals to be charged as new each insertion.
Fifth Page Editorial Page, monthly advertisements, each square, $2 not per month.
Regular advertisers, who advertise largely, shall be allowed such discount from the above named transient rates as may be agreed upon. In no case shall such discount exceed 25 per cent.
All Business Notices of Advertisements to be charged 25 cents not per line, each insertion.
Transient advertisements must be paid for in advance.
All advertisements not marked for any number of insertions, will be published six times.
Bills with regular advertisers shall be rendered monthly.

Semi-Weekly Edition!
TERMS—PER YEAR.....$5

NEW ORLEANS:
FRIDAY MORNING, DEC. 17, 1869.



TRY GEORGE ALCES' CIGARS.
185.....Hampart Street.....185


Amusements This Evening.

ST CHARLES—THEATRE—Benefit of Mr. F. S. Chanfrau—"Tiger and Leader Man."
VARIETIES THEATRE—"Heir at Law."—Mr. Owens in four characters.
ACADEMY OF MUSIC—Benefit of Mrs. Bowers—"Lady Gregorio," of "Hue and Cry."
CRESCENT CITY MUSEUM—Nos. 49 and 42 St. Charles street, opposite the St. Charles Hotel.
MECHANICS INSTITUTE—Robes Saxtlis.

## MISAPPLICATION OF AN EXCELLENT MAXIM.

It is understood that our Supreme Court refuses to reverse its decisions upon the questions of the validity of slave obligations and contracts in Confederate currency. The Court, in so doing, is a late case—that of Sandidge vs. Sandidge—gave in its adhesion to the doctrine that a contract, valid at the time when it was entered into, is always valid thereafter, and cannot be declared invalid by the law-making power, but still, for the sake of consistency, and because it has heretofore denied the sound tenet of this doctrine and refused to enforce many contracts, the consideration of which was slave property and Confederate currency, the Court has finally determined to regard the inhabitants of Louisiana as settled on these subjects. It interposes the law maxim *stare decisis*, a free translation of which, in English, we propose to give by relating, as Mr. Lincoln would say, a little story.

On one occasion during the trial of a suit in some Court of Justice, whether in Louisiana or elsewhere is not material, it became important to establish the height of a certain horse. One of the witnesses was therefore put upon the stand for that purpose, and the attorney propounded the appropriate interrogatory, requiring for answer, that the horse was *sixteen feet* high—the word *feet* by a *legal fiction* being supplied by the witness, instead of the word *hands*. The attorney, of course, was staggered by the answer, but recovering his self possession, called the attention of the witness to the impossibility of such a fact, and he would confess himself immediately, but the well meant admission had no effect upon the witness, who was a *very dense* man. He had no idea of confessing in open court that he could commit an error, and therefore determined to brave it out. His only reply he would make to the attorney was this:—"Well, sir, I said feet, I stick to it."

This individual was evidently a believer in the law maxim "It stands decided," and so did but quite when the decision has been well sifted and tested by receiving dicta—established by everybody—that a very vicious law in which it is employed as a shield to cover up its iniquity, has not received the approval of the legal profession generally, and which has been reversed in by Judges elsewhere, and which in any event are settled by every man possessed of even ordinary judgment.

We do not suppose that the Judges who have decided that slave contracts entered into prior to 1861, and Confederate currency contracts, were corrupt—we believed what they said, or have to believe it, but having to their zeal to that, their iron devotion to the political party which placed them on the bench, elevated the Negro Constitution of Louisiana above that of the Federal Union, they find it impossible to stultify themselves by receding from the position they have taken, and have therefore invoked the maxim referred to. They have determined to adopt the jurisprudence of the Federal Government which forbids a State from relieving the obligation of a contract and to follow the judicial doctrines laid down in a late case decided by the Supreme Court of the United States—a case which affirms the validity of Confederate currency contracts on principles of international jurisprudence. They do not propose to adopt the doctrine of the Louisiana Constitution which forbids the courts of the State to enforce such contracts. This article has not therefore any want of conformity to the Federal Constitution, although that is patent to every one else. They do not seem to think they are bound to give effect to the mandates of the Federal Constitution but advance the idea—a paradox that while a State cannot legally impair a contract, it may do so by withholding or changing the remedy by which it could be enforced. They also say that they do not impair the *object* because they deny that a contract ever existed—this, on the principle that an immoral or prohibited contract is held to have been a contract only in name—that is—never existed. They conclude that a State in the near sovereign power may, according to the instruction of a contract by *indirect* means, do one misrepresent these disputants! Chief Justice Brown, of Georgia, and his colleague, Mr. Justice McCay, have taken this very question in cases of this kind, decided by the Supreme Court of Georgia of which they are members, and the same doctrines are taught nearer home.

As Judge Abbott intimates, it is evident that these Judges are hard pushed for an argument to sustain their position.

We published yesterday a decision of Chief Justice Sollt, of Maryland, in a case involving the Negro Emancipation. He holds that no State can by legislation, or by any other mode, divest vested rights without compensation, and that the emancipation proclamation of President Lincoln has no effect in law. This we understand to be the opinion of the legal profession generally.

GRAND BALL ON THE PORTUGUESE SOCIETY.—Our worthy friends of the Louisiana Portuguese Benevolent Association have our thanks for popular cards of admission to a grand society ball to be given by them for the benefit of their society, to-morrow, Saturday evening, Dec. 18, at Masonic hall, on Bayou Road, between Franklin and St. Claude streets, in the Second District. Among the managers we notice the names of a number of our prominent officials and other gentlemen, calculated to contribute to the success of the occasion, which, we are sure, will be interesting. The society is one of the most deserving character, and we hope the attendance will be large. Our popular enterprising friend, Mr J Cimarelli, we notice, is chairman of the Committee of Arrangements.

BANK OF AMERICA.—The following are the gentlemen selected the other evening to serve as directors of this sterling institution for the ensuing year: A M Fortier, W. B. Spencer, C H Lewis, G Eustis, J J Fernandez, F. W. Tunnard, J Adams, M Pintz, P Maspero, I Seasick, I Caulfield, Ant. Girard and David Jackson. The private Board of the President, Mr I Fortier, was the scene of an interesting convivial reunion on the occasion. The directors are all gentlemen of the finest standing and business qualifications.

MESSRS MAY FIRST CONCERT.—We are indebted to Miss Melanie May, pianiste, for tickets to the first concert to be given by her, assisted by favorite amateur vocalists, on Monday evening, the 20th inst., in the Lyceum of the City Hall. Miss May is not recently from Baltimore, but has made New Orleans her home. We had the pleasure of hearing her some weeks ago, and can assure our music-loving friends that they will be pleased with her performance, especially as she is to have the assistance of some fine vocalists.

CONSECRATION CEREMONY.—We are indebted to the Committee of Arrangements for the invitations to witness the ceremony of the consecration of two new *Sefer Thoras* this Friday evening, the 17th inst., at 7 o'clock, at the Jackson Street Synagogue.

MR. TRUMBULL'S BILL.—The Washington correspondent of the New York *World* says:—Mr. Trumbull left to direct the Supreme Court of all jurisdiction in cases arising under the reconstruction laws, is supposed by some to be aimed merely for Hunter, as the early admission of Mississippi and Texas under Radical auspices will render such legislation altogether unnecessary.

RELIGIOUS BRANDISHMENTS.—We commend to the notice of our citizens who are attempting to Butter Governor Warmoth the following:

The Nashville *Republican* says: It is somewhat remarkable that our distinguished Northern visitors, who took so much trouble to relieve delighted with, who expressed themselves so in every thing and every instance the strong feeling of Radical sympathy for our State, with peremptory decisions that a military despotism be again erected over her.

COAL.—Messrs. W. G. Coyle & Co., 190 Gravier street, announce through our advertising columns that they deliver in all parts of the city Pittsburg, English Cannel, or anthracite coal, screened expressly for family use, and at the lowest market rates.

## OFFICE 73 CHARTRES STREET.

From the Parishes.

EAST BATON ROUGE.—The *Gazette and Comet* says:

We learn that farming lands, under fence, are being rented at from five to ten dollars per acre, in the vicinity of this city.

ASSUMPTION.—The *Pioneer* says:

SUGAR.—It is a daily occurrence to hear complaints from every quarter of this parish. Two months ago it was the general belief that this year's crop would equal that of last year; and some even went as far as to say that more sugar would be made this year than was made last year. These assertions all prove of no avail, for notwithstanding the fact that the standing crop of this year covered one-third more land than that of the past year, still the result will fall short of last year's yield, by a large number of hogsheads. There are not five planters in this parish who have made as much sugar as they did last year. With very few exceptions they have all been badly disappointed. Heretofore we derived our information from a few planters, who, from all appearances, have been more fortunate than their neighbors; but now that rolling is over with the greater number, the result can be seen. From what we can see, the average yield will probably not reach a hogshead to the acre.

FRANKLIN.—The *Sun* publishes this item:

A sale of 300 acres of land, 80 acres cleared, lying about six miles above town, on Turkey Creek, was made on Monday at $10 per acre cash. This is the first sale we have heard of this season, and shows that Franklin lands are beginning to look up.

Great Discovery in Sugar-Making.

[From the Assumption Pioneer.]

For many years it has been a great object with us of the sugar region of Louisiana to introduce or adopt some plan by which the greatest advantage could be derived from the product of our fields. Year after year has rolled on, and still, on this subject, comparatively little has been attained. Sulphur is now extensively used; but it would be difficult to find five sugar makers to agree as to one particular sulphur machine. The fact of it is that no one has been able to reach perfection in the sulphur apparatus. From this state of things naturally results that everybody experiments as if he was the one about to discover the secret. Thus it is that many planters have undergone heavy losses from the irregularity of operation of sulphur machines.

In our last issue we mentioned the name of a gentleman who has directed his whole attention to this subject and who, for years, has been engaged in the study of the sugar cane.

Mr. Jos. Noyle, of Tuskaloosa, Ala., is a noted chemist, and the conclusion he has arrived at is, beyond a doubt, what is needed by our planters. It is with pleasure that we see the efforts of this gentleman crowned with success.

We have had the pleasure of seeing samples of sugar made by this new process, invented by Mr. Noyle. We find it in every way equal to the best, and superior to much of the sugar made by sulphur or bisulphite. In this process, the impurities are not bleached and then left in juice; but the juice is thoroughly purged of all foreign matter, and then is left clear and white. This may be done either in the juice boiler or in the kettles, as may be most convenient. We have also seen the sugar after defecation; it was perfectly clear and white. This juice having been cleansed has no longer any fermenting properties, and can be boiled into sugar several days after being in the boxes.

The sample of sugar presented to the was a first trial, and the inventor is confident that it is not the best that can be made by his process, which is cheap, certain and simple. It is the result of a chemical research into the nature of the impurities of the sacchariine liquid, to be removed before boiling into sugar.

No impurine material of any kind is used; the impurities are coagulated and then either precipitated or floated to the surface as may be most convenient. We regard it as simply the old lime process, improved, retaining all its advantages with none of its objections.

Senator Drake's Argument Against the Supreme Court

What Senator Drake may say as to the Constitutional power of the Judiciary Department of the Government is of no great consequence, but as some of our readers may be curious to know what his reasons are for wishing to curtail the jurisdiction of the Supreme Court and the inferior Courts, and the grounds upon which he advocates his bill, we publish the following abstract from his speech in the Senate. He had spoken long enough to Missouri and stay there:

APPELLATE JURISDICTION.

On motion of Mr Drake, the Senate took up the bill limiting to a date and regulating jurisdiction and powers of the courts of the United States. The bill prohibits any court created by an act of Congress, or judge thereof, from holding any act of Congress void except for any supposed repugnancy between such act and the Constitution of the United States, or for any supposed want of authority in the Constitution for the same, and also requires that the appellate jurisdiction of the Supreme Court of the United States shall not be interpreted to authorize that court to any case now pending, or hereafter brought before it, or to affirm any judgment or decree of a lower court, which shall appear to have been based upon such indictment, nor shall any judge of said court, in further case of the exercise of said appellate jurisdiction, make any order based upon any such indictment by judge or by said Supreme Court.

Mr. DRAKE proceeded in a minute speech in support of the bill. In the course of his remarks he said that prior to 1857, the practice of passing judgment upon the constitutional validity of an act of Congress was unknown in the federal courts. If the claim of the federal judiciary was established, then a veto power more potent than the veto of the President, a power to veto, not a bill, but a law, was created. This power would virtually far exceed that of Congress in point of supremacy. The Government, by its existence, must be warranted by the Constitution, and if not granted there, its existence can only be regarded as an usurpation, which to minority of judicial conviction in its favor could uphold, and which could desire no rightful force, because of long continued silence on the part of Congress. If the exercise of this power had been tolerated because of a misinterpretation of the Constitution, or without consent on the part of Congress, accordingly, had been exercised for years, it was no less the duty of Congress to apply the remedy that it would be if the assertion of the power had just been broached for the first time. Sixty-six years ago the Supreme Court of the United States, under the head of Chief Justice Marshall, without having heard any argument on the question, asserted its right to hold an act of Congress unconstitutional, and from that day to this it had passed into a professional dogma that such a right existed, which dogma had been accepted without investigation or inquiry. Not a single judicial decision had been questioned it, nor had it been questioned in the halls of Congress until the speaker delivered his truth in February. The error was one which urgently needed attention, because of late years the Supreme Court had been beset by parties to declare null and void acts of Congress, among others, those in which Congress had exercised the power of declaring a tax on cotton grown in this country, of taking State lands, of disposing of military lands, and declaring military government over subjected rebels. If this claim of the judiciary was conceded, it would be wasted in such a successful effort to overthrow Congressional action would lead to others, until the judiciary would loom up as the great central power of the Government.

It was the purpose of the bill to reach the root of this threatened evil, to place Congress where the Constitution places it—above, and not below the judiciary. It was not the object to take from the Court any constitutional right, for that was a right, not the power of Congress, but to prevent it from passing the limits of its rightful authority under the Constitution. It was not intended to assail the Court, but to shield the representatives of the people in their legislation from unauthorized judicial interference. The power of Congress to pass this bill was beyond dispute.

It might be urged that to give Congress a right to judge of the constitutionality of its acts made it, in effect, the tribunal, but the objection had no force, inasmuch as it was based upon the hypothesis that a majority of Congress would be regardless of the oath of office, and their fealty to the Constitution in their duty to the people. Congress was empowered to make its judgment effectual against that of the Executive, and the Senate must not quit till it changes that judgment at the ballot box. If the judiciary claimed the right to reverse, that judgment by the mere force of its opinions. If there was to be omnipotence anywhere in the Government, it had better be in the representatives of the people than in the judges.

The Dover Strelitz Bridge Project.

The project of connecting England with France by means of a bridge over the Straits of Dover, is now under serious consideration, and, it is said, is regarded with much favor by the French Government. For many years the plan was deemed impracticable, but the success attending the suspension bridge, recently completed within the past five years, it seems, has prepared the minds of men for still more extraordinary triumphs. M Boutet, a French engineer, after devoting years of labor to the subject, has perfected a plan by which the desired object is to be attained. In a pamphlet *Boulogne-sur-Mer*, he has, we find a description of the general details of M. Boutet's plans. M Boutet proposes two plans, either of which, he believes, may be adopted. The second is to construct abutments on the Shakspeare Cliff on the English and upon the Cape Blanc Nez on the French side. These promontories, it is thought, will offer sufficient resistance to the whole weight of the structure.

The bridge will be composed of ten spans. Each span will consist of five vertical frames or trestles, fastened firmly together in such a manner as to form but one, presenting the appearance of a network of X's. Upon this M. Boutet proposes to lay the flooring of the bridge, subdivided into railway tracks, roadbeds, foot paths, etc. Near the escarpment the platform will be sixty feet in vertical dimensions and suspended fifty-two feet above the sea. The bridge will be strong enough to sustain twelve full trains. Its breadth, multiplied by its weight, will give a resistance thirty six times greater than the force of the greatest gale. The trestles are to rest upon pillars of iron and heavy truss-work, the bases of which will be open, in order to oppose the least resistance to tide and current. These will be towed and sunk at the proper point in fair weather, the entire labor partaking of the character of work accomplished in the construction of light-houses. M Boutet's system is said to revolutionize the whole science of bridge building. He has succeeded in gaining the good will of Napoleon III, he has formed a joint stock company embracing some of the first engineers and manufacturers in France, and has already made a model one hundred feet in length, exhibiting all his appliances, and with which he proposes to conduct his experimental trials.

It is now proposed to discontinue the practice of making treaties with the various Indian tribes, and attempt to bring them under legislation. This is certainly an improvement on the old plan, provided always that legislation be of the right kind.

## CITY INTELLIGENCE.

*The Collectorship of Levee Dues*—Mr. F. A. Johnson has obtained from the Fifth District Court an injunction, based on grounds set forth in his petition, which sets forth that he is the lawfully commissioned Collector of Levee Dues on Wharf Revenues for the First and Fourth Districts of New Orleans, on sea-going vessels. That he is duly commissioned as such *pro tem.* by Jno. R. Conway, Mayor.

That J. O. Landry, Controller, and John Daley are unlawfully and illegally interfering with and hindering petitioner in the discharge of said duties; that they are unlawfully molesting petitioner in collecting said dues and in receiving the emoluments of said office, which are largely in excess of $500 per annum; that, unless enjoined and restrained, they will cause petitioner irreparable injury.

Wherefore petitioner prays that they be cited; that a writ of injunction issue restraining and prohibiting said Landry and said Daley from interfering with petitioner or molesting him in the performance of his duties as collector of said dues; and that they be restrained and enjoined from, in any manner, attempting to collect said dues, except through petitioner as the proper officer therefor; that said injunction be perpetuated, with costs and for general relief, etc.

*Vaccine Experiments*—Dr. Delery, of this city, has made some interesting experiments with the view of obtaining proper vaccine matter from cows. The matter, we believe, is very often obtained in this way.

*Interesting Case.*—An interesting case is pending in the Sixth District Court touching the ownership of a negotiable piece of paper, found or captured by a Federal detachment during the war with other assets of the Bank of South Carolina.

The paper was drawn by Messrs. Bradley & Wilson, of this city, who, under the supposition that the paper was lost, compromised by paying the bank the principal. The suit is brought by holders for heirs of a party, who, it is alleged, came into possession of the paper through the regular course of business, though it is doubted that they can prove that a proper consideration was given.

The council for the present holders contend that there is no evidence to show that the note was in bank, that it is not incumbent on them to show any consideration further than is *prima facie* on the note itself, and the fact that they are possessors, and they consequently claim the amount with interest. Judgment for them will certainly be had on Messrs. Bradley and Wilson.

*Board of Aldermen.*—*The City Budget*—The Board held a special meeting of this Board last night. President Wiltz in the chair, and a quorum present.

The meeting, although called for six o'clock, did not convene until half past six, the usual hour.

Upon the opening, Mr. Shields moved to adopt the budget as a whole, as read by title, upon its first reading.

The rules were suspended, and the budget placed upon its second reading and adopted unanimously.

We present the following synopsis of the budget in a form more convenient for the general reader than if the long columns of figures were given.

The probable receipts of the city for 1870 are placed at $4,153,906.

The expenditures are estimated at $6,330,968, which includes bonds past due and to fall due during the year 1870, and the interest on the same, which together will reach $1,919,635.

The outstanding warrants and approved bills are set down at $1,42,581; of these, $82,588 are warrants on the Treasury, the balance being approved bills not warranted for.

In the estimate the interest on the $5,000,000 seven per cent bonds, as well as the ten per cent bonds, has been provided for.

It will be seen that the revenue of the city is $2,167,561, but it is expected that the actual receipts will exceed the estimate made in the budget, the same being based on the receipts of 1868.

Out of these receipts the licenses amount to $634,380, but it is expected that they reach $800,000.

In the estimate of receipts no account is taken of the assets of the city in the matter of the balance of the seven per cent. bonds on hand, which cannot at present be disposed of.

The estimate for the public schools is fixed at $300,000, against $150,000 for 1869.

The taxes just due and estimated as reliable for collection, are $530,000 in the hands of Mr. Hermudas and $980,000 in the hands of the Assistant City Attorney.

The Levee due on lease of wharves are expected to amount to $250,000. The markets figure for $598,000, the amount for which they were sold at auction.

The bills receivable amount to $37,000.

In the expenditure there is a sum of ten per cent. drainage $170,000, Fire Department $220,000, levees $275,000, lighting the streets with gas and oil $269,000, opening streets, principally Claiborne street, for the Chattanooga Railroad $100,000; salaries of city officers $193,000, Parish Prison $75,000; Work House $29,000, Hospitals provided for any supposed repugnancy between such act and the Constitution of the United States, or for any supposed want of authority in the Constitution for the same, and also requires that the appellate jurisdiction of the Supreme Court of the United States shall not be interpreted to authorize that court in any case now pending, or hereafter brought before it, or to affirm any judgment or decree of a lower court, which shall appear to have been based upon such indictment, nor shall any judge of said court, in further case of the exercise of said appellate jurisdiction, make any order based upon any such indictment by judge or by said Supreme Court.

Mr. DRAKE proceeded in a minute speech in support of the bill. In the course of his remarks he said that prior to 1857, the practice of passing judgment upon the constitutional validity of an act of Congress was unknown in the federal courts. If the claim of the federal judiciary was established, then a veto power more potent than the veto of the President, a power to veto, not a bill, but a law, was created. This power would virtually far exceed that of Congress in point of supremacy. The Government, by its existence, must be warranted by the Constitution, and if not granted there, its existence can only be regarded as an usurpation, which to minority of judicial conviction in its favor could uphold, and which could desire no rightful force, because of long continued silence on the part of Congress. If the exercise of this power had been tolerated because of a misinterpretation of the Constitution, or without consent on the part of Congress, accordingly, had been exercised for years, it was no less the duty of Congress to apply the remedy that it would be if the assertion of the power had just been broached for the first time. Sixty-six years ago the Supreme Court of the United States, under the head of Chief Justice Marshall, without having heard any argument on the question, asserted its right to hold an act of Congress unconstitutional, and from that day to this it had passed into a professional dogma that such a right existed, which dogma had been accepted without investigation or inquiry. Not a single judicial decision had been questioned it, nor had it been questioned in the halls of Congress until the speaker delivered his truth in February. The error was one which urgently needed attention, because of late years the Supreme Court had been beset by parties to declare null and void acts of Congress, among others, those in which Congress had exercised the power of declaring a tax on cotton grown in this country, of taking State lands, of disposing of military lands, and declaring military government over subjected rebels. If this claim of the judiciary was conceded, it would be wasted in such a successful effort to overthrow Congressional action would lead to others, until the judiciary would loom up as the great central power of the Government.

It was the purpose of the bill to reach the root of this threatened evil, to place Congress where the Constitution places it—above, and not below the judiciary. It was not the object to take from the Court any constitutional right, for that was a right, not the power of Congress, but to prevent it from passing the limits of its rightful authority under the Constitution. It was not intended to assail the Court, but to shield the representatives of the people in their legislation from unauthorized judicial interference. The power of Congress to pass this bill was beyond dispute.

It might be urged that to give Congress a right to judge of the constitutionality of its acts made it, in effect, the tribunal, but the objection had no force, inasmuch as it was based upon the hypothesis that a majority of Congress would be regardless of the oath of office, and their fealty to the Constitution in their duty to the people. Congress was empowered to make its judgment effectual against that of the Executive, and the Senate must not quit till it changes that judgment at the ballot box. If the judiciary claimed the right to reverse, that judgment by the mere force of its opinions. If there was to be omnipotence anywhere in the Government, it had better be in the representatives of the people than in the judges.

## BY TELEGRAPH.

[To the New Orleans Bee

### FROM WASHINGTON.

Congressional Proceedings.

Agreement of Counsel in the Yerger Case Called for.

Proposition to Repudiate the National Debt Repudiated.

Sharp Contest over the Georgia Case

Resolutions of the N. Y. Chamber of Commerce.

A Seducer Killed in Virginia.

Revenue Assessor Shot in Tennessee.

### FROM EUROPE.

Miscellaneous Intelligence.

WASHINGTON ITEMS.

*Washington*, Dec. 16—Internal revenue receipts to day $250,000.

There was a special meeting of the Board last night. President Wiltz in the chair, and a quorum present.

The meeting, although called for six o'clock, did not convene until half past six, the usual hour.

Upon the opening, Mr. Shields moved to adopt the budget as a whole, as read by title, upon its first reading.

The rules were suspended, and the budget placed upon its second reading and adopted unanimously.

We present the following synopsis of the budget in a form more convenient for the general reader than if the long columns of figures were given.

The probable receipts of the city for 1870 are placed at $4,153,906.

The expenditures are estimated at $6,330,968, which includes bonds past due and to fall due during the year 1870, and the interest on the same, which together will reach $1,919,635.

The outstanding warrants and approved bills are set down at $1,42,581; of these, $82,588 are warrants on the Treasury, the balance being approved bills not warranted for.

In the estimate the interest on the $5,000,000 seven per cent bonds, as well as the ten per cent bonds, has been provided for.

It will be seen that the revenue of the city is $2,167,561, but it is expected that the actual receipts will exceed the estimate made in the budget, the same being based on the receipts of 1868.

Out of these receipts the licenses amount to $634,380, but it is expected that they reach $800,000.

In the estimate of receipts no account is taken of the assets of the city in the matter of the balance of the seven per cent. bonds on hand, which cannot at present be disposed of.

The estimate for the public schools is fixed at $300,000, against $150,000 for 1869.

The taxes just due and estimated as reliable for collection, are $530,000 in the hands of Mr. Hermudas and $980,000 in the hands of the Assistant City Attorney.

The Levee due on lease of wharves are expected to amount to $250,000. The markets figure for $598,000, the amount for which they were sold at auction.

The bills receivable amount to $37,000.

In the expenditure there is a sum of ten per cent. drainage $170,000, Fire Department $220,000, levees $275,000, lighting the streets with gas and oil $269,000, opening streets, principally Claiborne street, for the Chattanooga Railroad $100,000; salaries of city officers $193,000, Parish Prison $75,000; Work House $29,000, Hospitals provided for any supposed repugnancy between such act and the Constitution of the United States, or for any supposed want of authority in the Constitution for the same, and also requires that the appellate jurisdiction of the Supreme Court of the United States shall not be interpreted to authorize that court in any case now pending, or hereafter brought before it, or to affirm any judgment or decree of a lower court, which shall appear to have been based upon such indictment, nor shall any judge of said court, in further case of the exercise of said appellate jurisdiction, make any order based upon any such indictment by judge or by said Supreme Court.

Mr. DRAKE proceeded in a minute speech in support of the bill. In the course of his remarks he said that prior to 1857, the practice of passing judgment upon the constitutional validity of an act of Congress was unknown in the federal courts. If the claim of the federal judiciary was established, then a veto power more potent than the veto of the President, a power to veto, not a bill, but a law, was created. This power would virtually far exceed that of Congress in point of supremacy. The Government, by its existence, must be warranted by the Constitution, and if not granted there, its existence can only be regarded as an usurpation, which to minority of judicial conviction in its favor could uphold, and which could desire no rightful force, because of long continued silence on the part of Congress. If the exercise of this power had been tolerated because of a misinterpretation of the Constitution, or without consent on the part of Congress, accordingly, had been exercised for years, it was no less the duty of Congress to apply the remedy that it would be if the assertion of the power had just been broached for the first time. Sixty-six years ago the Supreme Court of the United States, under the head of Chief Justice Marshall, without having heard any argument on the question, asserted its right to hold an act of Congress unconstitutional, and from that day to this it had passed into a professional dogma that such a right existed, which dogma had been accepted without investigation or inquiry. Not a single judicial decision had been questioned it, nor had it been questioned in the halls of Congress until the speaker delivered his truth in February. The error was one which urgently needed attention, because of late years the Supreme Court had been beset by parties to declare null and void acts of Congress, among others, those in which Congress had exercised the power of declaring a tax on cotton grown in this country, of taking State lands, of disposing of military lands, and declaring military government over subjected rebels. If this claim of the judiciary was conceded, it would be wasted in such a successful effort to overthrow Congressional action would lead to others, until the judiciary would loom up as the great central power of the Government.

It was the purpose of the bill to reach the root of this threatened evil, to place Congress where the Constitution places it—above, and not below the judiciary. It was not the object to take from the Court any constitutional right, for that was a right, not the power of Congress, but to prevent it from passing the limits of its rightful authority under the Constitution. It was not intended to assail the Court, but to shield the representatives of the people in their legislation from unauthorized judicial interference. The power of Congress to pass this bill was beyond dispute.

It might be urged that to give Congress a right to judge of the constitutionality of its acts made it, in effect, the tribunal, but the objection had no force, inasmuch as it was based upon the hypothesis that a majority of Congress would be regardless of the oath of office, and their fealty to the Constitution in their duty to the people. Congress was empowered to make its judgment effectual against that of the Executive, and the Senate must not quit till it changes that judgment at the ballot box. If the judiciary claimed the right to reverse, that judgment by the mere force of its opinions. If there was to be omnipotence anywhere in the Government, it had better be in the representatives of the people than in the judges.

*Washington*, Dec. 16—Internal revenue receipts to day $250,000.

There was a special meeting of the Board last night. President Wiltz in the chair, and a quorum present.

The meeting, although called for six o'clock, did not convene until half past six, the usual hour.

Upon the opening, Mr. Shields moved to adopt the budget as a whole, as read by title, upon its first reading.

The rules were suspended, and the budget placed upon its second reading and adopted unanimously.

We present the following synopsis of the budget in a form more convenient for the general reader than if the long columns of figures were given.

The probable receipts of the city for 1870 are placed at $4,153,906.

The expenditures are estimated at $6,330,968, which includes bonds past due and to fall due during the year 1870, and the interest on the same, which together will reach $1,919,635.

The outstanding warrants and approved bills are set down at $1,42,581; of these, $82,588 are warrants on the Treasury, the balance being approved bills not warranted for.

In the estimate the interest on the $5,000,000 seven per cent bonds, as well as the ten per cent bonds, has been provided for.

It will be seen that the revenue of the city is $2,167,561, but it is expected that the actual receipts will exceed the estimate made in the budget, the same being based on the receipts of 1868.

Out of these receipts the licenses amount to $634,380, but it is expected that they reach $800,000.

In the estimate of receipts no account is taken of the assets of the city in the matter of the balance of the seven per cent. bonds on hand, which cannot at present be disposed of.

The estimate for the public schools is fixed at $300,000, against $150,000 for 1869.

The taxes just due and estimated as reliable for collection, are $530,000 in the hands of Mr. Hermudas and $980,000 in the hands of the Assistant City Attorney.

The Levee due on lease of wharves are expected to amount to $250,000. The markets figure for $598,000, the amount for which they were sold at auction.

The bills receivable amount to $37,000.

In the expenditure there is a sum of ten per cent. drainage $170,000, Fire Department $220,000, levees $275,000, lighting the streets with gas and oil $269,000, opening streets, principally Claiborne street, for the Chattanooga Railroad $100,000; salaries of city officers $193,000, Parish Prison $75,000; Work House $29,000, Hospitals provided for any supposed repugnancy between such act and the Constitution of the United States, or for any supposed want of authority in the Constitution for the same, and also requires that the appellate jurisdiction of the Supreme Court of the United States shall not be interpreted to authorize that court in any case now pending, or hereafter brought before it, or to affirm any judgment or decree of a lower court, which shall appear to have been based upon such indictment, nor shall any judge of said court, in further case of the exercise of said appellate jurisdiction, make any order based upon any such indictment by judge or by said Supreme Court.

Mr. DRAKE proceeded in a minute speech in support of the bill. In the course of his remarks he said that prior to 1857, the practice of passing judgment upon the constitutional validity of an act of Congress was unknown in the federal courts. If the claim of the federal judiciary was established, then a veto power more potent than the veto of the President, a power to veto, not a bill, but a law, was created. This power would virtually far exceed that of Congress in point of supremacy. The Government, by its existence, must be warranted by the Constitution, and if not granted there, its existence can only be regarded as an usurpation, which to minority of judicial conviction in its favor could uphold, and which could desire no rightful force, because of long continued silence on the part of Congress. If the exercise of this power had been tolerated because of a misinterpretation of the Constitution, or without consent on the part of Congress, accordingly, had been exercised for years, it was no less the duty of Congress to apply the remedy that it would be if the assertion of the power had just been broached for the first time. Sixty-six years ago the Supreme Court of the United States, under the head of Chief Justice Marshall, without having heard any argument on the question, asserted its right to hold an act of Congress unconstitutional, and from that day to this it had passed into a professional dogma that such a right existed, which dogma had been accepted without investigation or inquiry. Not a single judicial decision had been questioned it, nor had it been questioned in the halls of Congress until the speaker delivered his truth in February. The error was one which urgently needed attention, because of late years the Supreme Court had been beset by parties to declare null and void acts of Congress, among others, those in which Congress had exercised the power of declaring a tax on cotton grown in this country, of taking State lands, of disposing of military lands, and declaring military government over subjected rebels. If this claim of the judiciary was conceded, it would be wasted in such a successful effort to overthrow Congressional action would lead to others, until the judiciary would loom up as the great central power of the Government.

It was the purpose of the bill to reach the root of this threatened evil, to place Congress where the Constitution places it—above, and not below the judiciary. It was not the object to take from the Court any constitutional right, for that was a right, not the power of Congress, but to prevent it from passing the limits of its rightful authority under the Constitution. It was not intended to assail the Court, but to shield the representatives of the people in their legislation from unauthorized judicial interference. The power of Congress to pass this bill was beyond dispute.

It might be urged that to give Congress a right to judge of the constitutionality of its acts made it, in effect, the tribunal, but the objection had no force, inasmuch as it was based upon the hypothesis that a majority of Congress would be regardless of the oath of office, and their fealty to the Constitution in their duty to the people. Congress was empowered to make its judgment effectual against that of the Executive, and the Senate must not quit till it changes that judgment at the ballot box. If the judiciary claimed the right to reverse, that judgment by the mere force of its opinions. If there was to be omnipotence anywhere in the Government, it had better be in the representatives of the people than in the judges.

*Washington*, Dec. 16—Internal revenue receipts to day $250,000.

There was a special meeting of the Board last night. President Wiltz in the chair, and a quorum present.

The meeting, although called for six o'clock, did not convene until half past six, the usual hour.

Upon the opening, Mr. Shields moved to adopt the budget as a whole, as read by title, upon its first reading.

The rules were suspended, and the budget placed upon its second reading and adopted unanimously.

We present the following synopsis of the budget in a form more convenient for the general reader than if the long columns of figures were given.

The probable receipts of the city for 1870 are placed at $4,153,906.

The expenditures are estimated at $6,330,968, which includes bonds past due and to fall due during the year 1870, and the interest on the same, which together will reach $1,919,635.

The outstanding warrants and approved bills are set down at $1,42,581; of these, $82,588 are warrants on the Treasury, the balance being approved bills not warranted for.

In the estimate the interest on the $5,000,000 seven per cent bonds, as well as the ten per cent bonds, has been provided for.

It will be seen that the revenue of the city is $2,167,561, but it is expected that the actual receipts will exceed the estimate made in the budget, the same being based on the receipts of 1868.

Out of these receipts the licenses amount to $634,380, but it is expected that they reach $800,000.

In the estimate of receipts no account is taken of the assets of the city in the matter of the balance of the seven per cent. bonds on hand, which cannot at present be disposed of.

The estimate for the public schools is fixed at $300,000, against $150,000 for 1869.

The taxes just due and estimated as reliable for collection, are $530,000 in the hands of Mr. Hermudas and $980,000 in the hands of the Assistant City Attorney.

The Levee due on lease of wharves are expected to amount to $250,000. The markets figure for $598,000, the amount for which they were sold at auction.

The bills receivable amount to $37,000.

In the expenditure there is a sum of ten per cent. drainage $170,000, Fire Department $220,000, levees $275,000, lighting the streets with gas and oil $269,000, opening streets, principally Claiborne street, for the Chattanooga Railroad $100,000; salaries of city officers $193,000, Parish Prison $75,000; Work House $29,000, Hospitals provided for any supposed repugnancy between such act and the Constitution of the United States, or for any supposed want of authority in the Constitution for the same, and also requires that the appellate jurisdiction of the Supreme Court of the United States shall not be interpreted to authorize that court in any case now pending, or hereafter brought before it, or to affirm any judgment or decree of a lower court, which shall appear to have been based upon such indictment, nor shall any judge of said court, in further case of the exercise of said appellate jurisdiction, make any order based upon any such indictment by judge or by said Supreme Court.

Mr. DRAKE proceeded in a minute speech in support of the bill. In the course of his remarks he said that prior to 1857, the practice of passing judgment upon the constitutional validity of an act of Congress was unknown in the federal courts. If the claim of the federal judiciary was established, then a veto power more potent than the veto of the President, a power to veto, not a bill, but a law, was created. This power would virtually far exceed that of Congress in point of supremacy. The Government, by its existence, must be warranted by the Constitution, and if not granted there, its existence can only be regarded as an usurpation, which to minority of judicial conviction in its favor could uphold, and which could desire no rightful force, because of long continued silence on the part of Congress. If the exercise of this power had been tolerated because of a misinterpretation of the Constitution, or without consent on the part of Congress, accordingly, had been exercised for years, it was no less the duty of Congress to apply the remedy that it would be if the assertion of the power had just been broached for the first time. Sixty-six years ago the Supreme Court of the United States, under the head of Chief Justice Marshall, without having heard any argument on the question, asserted its right to hold an act of Congress unconstitutional, and from that day to this it had passed into a professional dogma that such a right existed, which dogma had been accepted without investigation or inquiry. Not a single judicial decision had been questioned it, nor had it been questioned in the halls of Congress until the speaker delivered his truth in February. The error was one which urgently needed attention, because of late years the Supreme Court had been beset by parties to declare null and void acts of Congress, among others, those in which Congress had exercised the power of declaring a tax on cotton grown in this country, of taking State lands, of disposing of military lands, and declaring military government over subjected rebels. If this claim of the judiciary was con