The New Orleans Bee.

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NEW ORLEANS:
FRIDAY MORNING, DEC. 24, 1869.

TRY GEORGE ALCES' CIGARS,
INS.....Hampart Street.....183

Amusements This Evening.

VARIETIES THEATRE—"D'A."
ST. CHARLES THEATRE.—Benefit of Mr. F. S. Chanfrau—"Kit; or the Arkansas Traveler."
ACADEMY OF MUSIC—Benefit of Mrs. Bowers—"Lucretia Borgia," and "Honeymoon."

THE GEORGIA BILL.

We published yesterday, as telegraphed from Washington, the new reconstruction law, applicable to the State of Georgia, which embodies the answer of the Radical leaders to the action of the Legislature of that State last year in ousting the colored men who claimed seats therein. The bill, as telegraphed, we do not think is the complete text of the law. It does not contain the amendment of Senator Wilkinson, which prohibits the admission in Congress of Senators and Representatives from Georgia, until she has adopted the Fifteenth Amendment to the Federal Constitution. This amendment, we think is a part of the law.

The provisions of this act, which is entitled, "An act to promote the reconstruction of Georgia," cannot have surprised any attentive reader of the previous laws of Congress on this subject, or any attentive observer of passing events. It is quite in keeping with the policy of Congress touching the reconstruction of the Southern States, but still, one cannot read the Georgia Congress employs without giving vent to his feelings of indignation that the once sovereign States of this Union should thus be made the sport, the football of these irresponsible creatures. This Georgia bill, although it might have been anticipated by the people of that State, is not the legitimate consequence of anything they have done in opposition to the wishes of the Radical leaders. It is the work, we are told, of the man who calls himself Governor of Georgia, Executive who performs the duties of his office by burying himself at the Federal capital in the unrepresentative ear of the people over whom he rules, and embracing for his own election to the Senate of the United States. Gov. Bullock it seems is the real author of this bill, although he did not, in its give it form and shape. The debate was a preconcerted adoption as a law, showing Senators of the United States, deliberately and knowingly, proceeded to trample upon the rights of the people of Georgia, violate its Constitution and falsify their own professions. Some of them used such language as:

"Will we have gone so far, let us not look back," and truly there was nothing else for them to do, unless they were prepared to meet their sins and reverse their action. This is not to be expected. The man who imagines the Radicals will let go their grip upon the control of the States, until they are forced to do it, is a lunatic.

The character of the act upon which we comment, stands prominently forth upon the face of the bill. It is a penal act, because it imposes a certain punishment upon him who shall falsely subscribe to the oath which it requires the members of the Legislature to take, and upon "any who shall by force, violence or fraud, terror or intimidation" any person elected to that body, from participating in its proceedings. In the case, the punishment is that imposed by law for perjury, and in the other the punishment is imprisonment for a period of from two to seven years.

It next authorizes the Governor of Georgia to convene the Legislature, and "directs" the President of the United States, upon application of the Governor, to employ the army and navy to enforce the law. In all or words, the army and navy of the United States are to be employed for the coercion of the people of Georgia.

Since the adoption of the 15th Amendment to the Constitution of the United States, and to the election of Governor Bullock of Georgia to the Senate of the United States

We should like to ask those persons in Virginia and the other Southern States, who are so anxious to be admitted to the Union, what they think of this bill and its provisions. A similar law, which has not yet become a law, but which will doubtless be passed at the December session of Congress, is now pending in the House of Representatives. Three years since passed Reconstruction acts, which were to be carried out by Generals over the seceded States. Have they been carried out? Have they been executed in the spirit in which Congress enacted them? Have Republicans with 1200 registers, not fallen into Conservative carelessness. They stopped one day and turned their vessels after hearing of the disaster.

GENERAL THOMAS JORDAN

within a few days has been acting as Chief of Staff to Gen. Quesada. This transfer is said to indicate the capital from the Eastern Department will be under the command of the army and the regular cabinet. It is now Commanded with headquarters in the Cuban Before the capital. Gen. Jordan has assumed the following command of the army

HEAD-QUARTERS ARMY OF CUBA,
November 30, 1869.

I am at last to leave with the command my old command. During the two years I have been among you I have striven by the practice of war to temper its severities to all others and men. I have endeavored to be just. I expect to bear with you in the future. I am happy to leave you have located Gen Pueblo in his garrison, and Puerto Principe. I promise you that I will soon bring Gen Count Valmaseda, Santiago de Cuba. Gen Marmol has been hard at work in the Eastern Department and I intend together we shall take every town in that department by the first of January.

If we stagger before Santiago de Cuba the Executive Spain will have to build the boy who have work before we within command not a piece of writing. I know you have held the enemy to the ground by the throat. Within a radius of five miles of you rests the capital of the Republic, and headquarters of the Republic, having existed for nine months. The overthrow of the army of Cuba. I arrived on the island was 11,650 To-day, according to the official returns, over 24,000 men, who have good arms in hands. There are 100,000 Cubans within reach of you, who are anxious to secure their liberty. Arms are coming, and are being received, we must augment our numerical strength. But I intended to say farewell to you in a short time, personally. I go to my sword's pride—the young Republic of Cuba. I hope to meet you all some day on the rise of Morro Castle, and in possession of Havana.

THOMAS JORDAN.

The Cuban S-batistqui, Brigade, on the highway Santiago de Cuba, has been the scene of a most terrible struggle between Valmaseda and Marmol's forces. Gen. Jourdan reinforced 3,000 Spaniards there to June Maycte commands the base of which is crossed by the national highway between Santiago, Manzanillo and Bayamo. Valmaseda sent 1600 men against Marmol on the 9th. They endeavored to pass the lines of sentry-works at noon. The Cubans held their fire each time until the Spaniards advanced within a very short distance of their lines. They lost but few men—eighty in all, wounded—when the Spaniards are said to have had 265 men. They returned to Santiago de Cuba on the 11th.

The marvellous feat of telegraphing to England the entire message of the President was accomplished by the British cable on Monday night. The message appeared in the London Journal on Tuesday morning, simultaneously with its publication in the daily papers of this city.

CITY INTELLIGENCE.

The New Steamer Natchez—Short Excursion Trip.—The writer was fortunately one of a party of several hundred persons, including a few ladies who, by invitation, Wednesday night repaired on board Capt Tom Leathers' magnificent new steamer to witness the ceremony of presentation of a fine piece to Capt Leathers by his friends for the use of the boat. Incident to the occasion the boat made a short run up the river and back, under a light pressure of steam, sufficient to test the working of her machinery and indicate her powers of speed when fully exerted. After the presentation, a fine collation was spread, and speeches and toasts were the order of the evening, which, with the lively effervescence of champagne and the bright sallies of the elegant ladies made it an entertainment one of the most delectable that has occurred within our experience for a long time. It was, besides, a novel incident in its character, and one admirably calculated to introduce the new boat to the public.

But to the presentation. After the boat was made ready to receive her guests, all on board repaired back to the ladies' cabin around the new and beautiful instrument to be presented—one of Wm. Knabe & Co's Baltimore Piano Manufactory, from the agency of Mr. Grunewald in this city, and enameled an enameled inscription, "Presented to Capt Thomas Leathers, by His Friends," which we may, by the way, we may add, be counted by legions throughout the great Valley of the Mississippi.

The presentation, as previously announced would be done, was modestly yet talented young citizen and member of our bar, Col. Rubt. N. Ogden, whose address was chaste, pertinent and eloquently expressive of the merits of the occasion, and met a hearty response in as his bearers. He interspersed with his beautiful and touching remarks the following letter which he read, and which speaks in high terms of the beneficiary of the occasion

NEW ORLEANS, Dec. 22, 1869.

Capt. T. P. Leathers,

Dear Sir—In the occasion of adding another floating palace, which is "Natchez," more magnificent than all her predecessors, to the Valley long trade, your numerous friends in this city desire to avail themselves of the opportunity to express to you their high appreciation of your sterling worth as a citizen and as an unsurpassed and skilful, courteous and enterprising steamboat commander.

Possessing, in an eminent degree, all the requisites for the position of so much responsibility, your wonderful career in that capacity can well challenge comment. For thirty years you have been identified with steamboating in the Vicksburg trade and some twenty-five years ago took command of the first "Natchez." During all the time, extending over nearly an entire generation, while in command of some of the best and fastest packets on the river, the vast extent to which you have benefited the trade of country is fully endorsed by the general sentiment of our citizens. We believe there can be no question but you are very equally in error of any other party ever engaged in the steamboat trade, in the number of passengers and amount and value of produce and merchandise of all kinds carried to and from New Orleans.

The records of our insurance offices will prove that all this has been are mirrored with but little loss of property, which is above and beyond all else to your credit, in all that long time, not a single life has been lost on any boat while under your charge.

Your friends can properly point to your long career, as the best proof that perfect safety is attainable in steamboat traveling on our Western Waters, and with the assurance that safety by the most vigilant care and constant attention at all times on your own part, and by your skilful selection and retaining only the most faithful, faithful and sober caretakers to fill every position on your boats.

Few men have the true and devoted friends than yourself and, it can well be said, few better deserve them; just in all your dealings, generous to a fault, you have always been ready to aid, and to all assurances made to you in the name of charity you have ever promptly responded.

We are of those who have known you longest and best, and regarding the "Natchez" to be the nearest approach to perfection among steamboats, we feel called upon to procure the finest piano in New Orleans as a testimonial to your worthy commander, which we now tender to you, with our most cordial wishes for many successful years to your beautiful packet and prosperity, long life and every blessing for yourself. Yours truly, Etc., Etc.

Capt. Leathers bowing to the complimentary tribute introduced Mr. M. F. Bagley, of the *Times*, to whom had been delegated the duty of a more formal reception which duty Gentleman made in an off-hand manner, highly complimentary to the veteran commander whose river service, extending over thirty years, he elaborately reviewed. Capt. Bagley humorously, in response to a toast and calls on him, alluded with much effect to the career of Capt. Leathers as one of the earliest and most successful navigators. After special toasts to the *Bee*, *Bulletin*, *Picayune* and *Times* and a complimentary toast to the press, and some others perhaps in different parts of the cabin, the boat backing by general, the festivities of the evening closed and the guests bastened home. There was a band of music from Natchez on board during the trip.

The Natchez, a description of which we have before given, is the sixth boat of that name, all having been commanded by Capt. Leathers. She carefully runs smoothly and easily through the water, cutting it like a knife, and, when loaded, bearing a fine carrying capacity. She leaves Sunday.

Accident—A young man named Henry Cline, while assisting in erecting the frame of a house on Broad avenue, yesterday morning, was struck on the head and shoulder by a falling scantling and so seriously injured that it is not believed he can survive. He was taken to the hospital.

Robbery at Lone Office—The law office of the three engineering members of the legal frater Messrs. Hughes & Dejean, No. 51 Toulouse street, was entered yesterday morning and robbed of a fine clock, some promissory notes in their hands for collection, and a box of building contracts valued at $1,000 belonging to Mr. Hughes, which Mr. D. had purchased for his family. We pity the thief if such accomplished lawyers get the least clue to his identity, for they know how to give him the full benefit of the law.

Died of His Wounds.—Peter Black, who was concerned in the robbery of Mrs. Walsh's store, in the Second District, some days since, and who was afterwards ascertained had received a shot in the leg in the encounter, and who afterwards received two wounds from officers Cannone and Wigers, who were attempting to arrest him, died last evening in the Charity Hospital, whither he had been conveyed after his encounter with the officers.

National Tax on State Banks.

Washington, Dec. 15.—No. 30.—December Term, 1868.—The Farmers' Loan and Trust Company of the Vezzie Bank vs. Jeremiah Kenno, Collector of Internal Revenue.—Dissenting opinion of Justice Nelson, concurred in by Mr. Justice Davis.

I am unable to concur in the opinion of a majority of the court in this case. The Vezzie Bank was incorporated by the Legislature of the State of Maine in 1858, with a capital of $200,000, and was invested with the customary powers of a banking institution, and among others, the power of receiving deposits, discounting paper, and issuing notes or bills for circulation.

The constitutional authority of the State to create these institutions, and to invest them with full banking powers, is hardly denied by counsel, and it may be useful to recur for a few moments to the source of this authority. The tenth amendment to the Constitution is as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." On looking into the Constitution, it will be found that there is no clause or provision which either expressly or by reasonable implication delegates this power to the Federal government which originally belonged to the States, nor any which prohibited it to them. In the discussions on the subject of the creation of the first bank of the United States in the first Congress, and in the Cabinet of Washington in 1790 and 1791, no question was made as to the constitutionality of the State banks. The only doubt that was raised, which divided the opinion of the most eminent statesmen of the day, many of whom had just largely participated in the formation of the Constitution of the government which they were then engaged in organizing, was whether or not Congress possessed a concurrent power to incorporate a banking institution of the United States. Mr. Hamilton in his celebrated report to Congress, as the manager of the House of Representatives, discusses at some length the question whether or not it would be expedient to establish a bank, and the first one was created in Philadelphia, and which had accepted a charter from the Legislature of Pennsylvania, and which was subsequently adopted by the United States as the fiscal agent of the government.

Although he finally came to the conclusion to organize a new one, there is not a suggestion or intimation as to the illegality or unconstitutionality of the State banks. The act incorporating this bank, passed February, 25, 1791, prohibited the establishment of any other by Congress during the charter, but not of banks in the States. The like prohibition is contained in the act incorporating the Bank of the United States of 1816. The constitutionality of a bank incorporated by Congress, was first posited by the judgment of this Court, in McCulloch vs. the State of Maryland, in 1819 (4 Wheaton, p. 316.) In that case both the counsel and the court recognize the legality and constitutionality of banks incorporated by the States. The constitutionality of the Bank of the United States was again discussed, and decided in the case of Osborn vs. United States Bank, (9 Wheaton, 738), and in connection with this was argued and decided a point in the case of the United States Bank vs. The Planters' Bank of Georgia, which was common to both cases. The question was, whether the Circuit Courts of the United States had jurisdiction of a suit brought by the United States Bank against the Planters' Bank of Georgia, incorporated by that State, and in which the State was a stockholder (ibid, pp. 804, 904. The court held in both cases that it had. Since the adoption of the Constitution down to the present act of Congress, and the case now before us, the question in Congress, and in the courts, has been, not whether the State banks were constitutional institutions, but whether Congress had the power conferred on it to establish a national bank. As we have said, that question was settled by the judgment of this court in the case of McCulloch vs. the State of Maryland. At the time of the adoption of the Constitution there were four State banks in existence and in operation, one in each of the States of Pennsylvania New York, Massachusetts and Maryland. The one in Philadelphia had been originally created by the Confederation, but subsequently took a charter under the State of Pennsylvania. The framers of the Constitution were therefore familiar with these State banks, and the circulation of their paper as money; and were also familiar with the practice of the States which was so common, to issue bills of credit, which were loaned by the State exclusively on its own credit, and intended to circulate as currency. Two grand objects in view induced the people against the evil of this practice of the State governments by the provision in the tenth section of the first article, "that no State shall emit bills of credit" and in the same section guarded against any abuse of paper money of the State banks in the following words: "Nor make anything but gold and silver coin a tender in payment of debts." As bills of credit were time entirely abolished, the paper money of the State banks was the only currency, or circulating medium, to which this prohibition could have had any application, and was the only currency except gold and silver left to the States. The prohibition took from this paper all coercive circulation, and left to stand alone upon the credit of the bank. It was no longer irredeemable currency, or the bank relieved her obligation, and including frequently that of its stockholder, to redeem their paper in silver coin in gold or silver at the counter. The State banks were left in this condition by the Constitution, notwithstanding any other provision in the instrument. They were gradually established in most, or all of the States, and had not been encroached upon, or legislated against, in any case which has come before this court or Congress, for more than the space of a century—from 1787 to 1865. But in addition to the above recognition of the State banks, the question of the constitutionality of such banks has been repeatedly before this court in the case of Briscoe vs. The Bank of the Commonwealth of Kentucky (11 Peters), and the constitutionality of such banks declared, both by the counsel and the court. The court, after the fullest consideration, held that the State banks were not within the restraint clause of the Constitution, and that the power was incident to sovereignty and that there was no limitation in the Federal Constitution on its exercise by the States. The counsel argued that the Bank of North America, of Massachusetts, and some others, were in operation at the time of the adoption of the Constitution, and that it could not be supposed the notes of these banks were intended to be inhibited by that instrument, or that they were considered as bills of credit within its meaning. All the judges concurred in this judgment except Mr. Justice Story. The decision in this case was affirmed in Woodruff vs. Trapnall, 10 Howard, 190, and in Curran vs. State of Arkansas (15 Howard, 304). Chancellor Kent observes that Mr. Justice Story, in his commentaries on the Constitution (Vol. 3, p. 12) seems to be of opinion that, independent of the long continued practice from the origin of the Government, the Constitution, the act would not, on a sound construction of the Constitution, if the question was res integra, prohibit the States from creating banks, with a power to circulate their paper for currency, inasmuch as they are expressly prohibited it including money. He cites the opinion of Mr. Webster of the Senate of the United States, and of Mr. Dexter, formerly Secretary of War, on the same side. But the Chancellor observes that the question is not thus open, and that Mr. Hamilton, the earliest Secretary of the Treasury, may be cited in support of a different opinion. The constitutionality seems also to form practice of the nation and the decisions of the question. He further observes the jurisdiction of both courts and Congress not to be disputed by individuals singly or collectively, or by any associated under a private agreement for banking purposes, as was the case in this is Bank of New York, for the Bank of Commerce, and the Manhattan, these notes are also exempt. We are not complaining of this. Our purpose is to show how important it is to the proper protection of the reserved rights of the States, that their powers and prerogatives should be exempt from Federal taxation, and how fatal to their existence if permitted. It is true, that the present opinion strikes only at the power to create banks; but no person can fail to see that the principle involved affects the power to create any other description of corporations through the medium of taxation, manufacturing companies and others. This taxation of the powers and faculties of the State governments, is subversive of the whole theory of our system and to the efficient and independent management and administration of their internal affairs, is, for the reasons given, a violation of the attitude of Federal authority. It finds no support for its evidence in the early history of the government, or in the opinions of the illustrious statesmen who framed it. They could not have contemplated or abstained from any encroachment upon the reserved rights of the States, and within these limits sanctioned and supported their sovereignty States. We say nothing as to the propriety of this heavy tax of some sixteen per centum per annum upon the banks, ten of which we cannot but regard as imposed by the power of the State to create them, though the purpose is scarcely concealed; in the opinion of the County Judge, to encourage the national banks. It is sufficient to add that the burden of the tax, while it has encouraged these banks, has proved fatal to the banking system of the States; and if we are at liberty to judge of the intention of an act from the consequences that have followed it, it is not, perhaps, going too far to say that these consequences were intended.

An individual who wished Chief Baron Pollock of the British Court of Exchequer to resign his seat on the bench, hinted to him that he had a step-son who greatly coveted the office. The old Judge arose and said, with dry gravity, "Will you dance with me?" The would-be visitor standing surprised, he repeated up to him and said, "Well, if you won't dance with me, will you box with me?" And with that he squared up to him, and half in earnest, fairly forced him out of the room. The old Chief Baron had no more visitors anxiously inquiring after his health, and suggesting his retirement.

A case of much importance is now being argued in the United States Supreme Court, which involves the constitutionality of the cotton tax, twenty millions of dollars having been paid by certain dealers under protest, which would have to be returned by the Government if the tax is declared to be unconstitutional.

A piece of Mendelssohn has lately entered the Leipsic Conservatoire. She is said to exhibit great musical talent.

BY TELEGRAPH.

To the New Orleans Bee:

FROM WASHINGTON.

The Legislature of Georgia to be Called Together.

Should the Negroes be Reseated the Georgia Act to be Repealed.

The Election in Texas.

Vessels to Join the North-Atlantic Squadron.

Movements of the Spanish Fleet.

FROM EUROPE.

Miscellaneous Intelligence.

[Previous Dispatches.]

Washington, Dec 22.—Mr. Kellogg, from the Committee on Commerce, reported a bill to provide for the extension of the port of New Orleans. The Senate unanimously favor the bill.

Washington, Dec. 22.—The executive session of the Senate to-day was very long, and at times stormy. The debate on Hunt's nomination to the Supreme Court bench was participated in by many. The nomination was finally confirmed. Finally it became apparent that a majority of the Senators present were opposed to his confirmation, and his friends moved that further consideration of his nomination be postponed. This motion was received, as was also the next one—that the Senate adjourn; and another, that the nomination be laid on the table.

At this point a caucus of the Senate showed that there was a majority of twelve in favor of rejecting the nomination, and it is understood that several New England Senators thereupon pledged themselves that it a majority would allow the nomination to be simply tabled, the name of Hoar should be withdrawn; with this understanding the nomination was accordingly laid on the table.

Paris, Dec 22.—The following was received from a well informed source in Madrid:

"It is asserted that the Provisional Government, at the next sitting of the Cortes, will fix a period of thirty days, within which it will persist in advancing the candidature of the Duke of Genoa for the Spanish throne, if before the expiration of that time Amadeus of Italy does not officially accept the crown for the Prince.

It is rumored that a reconciliation has taken place between Montpensier and Isabella. A son of the Duke was ill, which gave occasion for an exchange of dispatches between Isabella and the Duchess, and reconciliation followed.

This gives rise to much speculation, and should the reconciliation prove to be true, new political combinations may be looked for. A plan is already talked of for placing Prince Amadeus on the throne under the regency of Duke Mont pensier. A government with Duke Montpensier and Isabella at the head, and Topete and Olozaga as chief Ministers will embrace again with the Progressionists in case this news is confirmed.

Madrid, Dec 22—A crowd gathered yesterday in the streets in front of the Palace of Seville, and gave cheers for the Republic. One man was arrested and the disorder suppressed.

An immense Republican meeting was held in Cadiz. Perfect order prevailed, and there was no interference with the meeting by authorities.

Paris, Dec. 22.—Senator Bixio, Prefect of the Rhone, formerly Commissar of State, and at one time connected with the Ministry of the Interior, has been committed to Paris. It is rumored that he will enter the Ministry.

It is noticeable that the French Government made overtures to Prussia, Austria and Russia, for a general disarmament. France has taken no steps whatever in the matter at present.

Régnault de Saint Jeand'Angely, Marshal of France, died to-day, aged 74 years.

M de la Guerronnier Governor-General of the Court of Cassation, is dead.

London, Dec 22.—The newly appointed Bishops of Exeter, Bath and Wells, and Peterborough, have been consecrated.

Troops in Ireland are hereafter to be more generally billeted on the inhabitants.

Paris, Dec 22.—The French journals submit to Banks's interview with the Emperor, but in the absence of authentic information, abstain from comment.

London, Dec 22.—The tenor of the Liverpool advices from Rome indicates that the attempts of Papal infallibility are being ground in the Council.

London, Dec 22.—Evening.—Consols 92¾ to 93 for money and account.

Liverpool, Dec 22.—Noon.—Cotton quiet; sales 10,000 bales, including 2,000 for export, and 1,000 for speculation; middling orleans 12½d; fair 13½d; good ordinary 11½d. Breadstuffs quiet.

Receipts of cotton for the week, 70,000 bales (13,000) of which were American.

Sales of the week, 70,000 bales; 9,000 of which were for export, and 5,000 for speculation; 30,000 were American.

Stock on hand 400,000 bales, 80,000 of which are American.

Liverpool, Dec 23—Noon.—Cotton 92⅝ to 92¾; 5,000 of the sales were for export, and 1,000 for speculation; middling orleans 12½d; middling uplands 12½d; fair 13½d; good 11½d.

Liverpool, Dec 23—Afternoon.—Cotton may get heavier. Estimated sales to-day 10,000 bales. Prices unchanged.

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