THE NEW ORLEANS DAILY BEE.
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The New Orleans Bee.

NEW ORLEANS, WEDNESDAY MORNING, JUNE 9, 1869.

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Louisiana Items.

The Iberville *South* of the 5th says:

CROPS.—We left town on last Sunday and drove to Bayou Goula in order to look at the scene and to meet the planters and farmers in order to ascertain the condition of the crops. We were happy to meet a good number of the most intelligent planters and farmers, and from all we obtained the same information, namely: That although the crops were backward for the season, still every one was satisfied and all hoped to reap a good harvest this year. Some parties were asking for a shower or two; but said that they could wait yet a while. We fear that they will be more than satisfied now. On Tuesday, there was a heavy rain at Bayou Goula and in the vicinity. On Wednesday night and Thursday morning, a heavy rain fell at Plaquemine and in the adjoining districts. The weather still indicates rain. It is to be hoped that the planters will not have a long rainy spell. Their crops would certainly get greatly injured by too much or much rain during the week as was needed for at least three weeks to come. Upon the whole, up to this time the prospects are good.

We have heard a good deal of friendly and pleasant boastings among the planters, those of the left bank boast that they have the best crops of the parish—those of the Bayou Goula section would bet on theirs—whilst those of the Grosse Tête and Marlapoula will not give in to any section. The small farmers who work with their own hands, do not say much; but they look smiling and contented. This is all well.

The Mississippi has continued to recede slowly but steadily, and is now about twenty-five inches below the highest mark of the year. The streams above are all falling, and in a few days the river will be within its natural banks. The fall has not been sufficient as yet to stop the rise in the overflowed districts, the running crevasses still furnishing water enough to continue a slow swelling; but there is no longer any fears of greater damages than have already taken place. As we have before stated, those damages are comparatively very small. We have just heard from the Grosse Tête and Maringouin and we are assured that the cultivated lands are perfectly secure.

The Thibodaux *Sentinel* of the 5th says:

About ten days since we took a trip to New Orleans via Opelousas Railroad, returning by the river. All along the route the crops were looking well, although not far enough advanced for the season. Rain corn and cane had a good healthy color. On the river the crops were not so well green as they are on the Bayou. The river, we found to be falling, the decline being over a foot up to yesterday week. A great deal more land was perceptible along the river and bayou that is not cultivated, than we had any idea of, and it certainly is strange that a soil so productive of wealth as are these lands, should be idle. Many of the larger plantations are only partly tilled, whilst the remainder is growing up in weeds and brambles. The desire to hold on to large bodies of land is so great that the owners will never consent to part with any portion sold put under the Sheriff's hammer, is one reason for this fact and another consist in the fact of the mortgages that cover these plantations prevent the disposal of the land in smaller lots. These will soon remedy these things when Low Lousiana will again be the garden spot of the world.

We have had plenty of rain this week. The water in the Bayou falls slowly. The water from the Roman crevasse continues to rise in the swamps opposite this place. The whole Chacbay, Boeufon Pilon, Bayou Sec, and other inland settlements are inundated, whilst the plantations along the Bayou Lafourche begin to be approached by the water but steady advance of the water. Many planters are erecting draining machines in order to give battle to their enemy.

The Opelousas *Journal* of the 5th says, in relation to the shooting of Mr. J. C. Tucker:

We made a passing notice last week relative to the shooting of Mr. Jno. C. Tucker, U. S. Internal Revenue Assessor, because at that time the matter was undergoing a rigid judicial investigation before Judge Porter, and we hoped this investigation would throw some light on the mystery which seemed to hang about this affair.

The examination continued two days, but nothing satisfactory was elicited.

Both Judge Garrigues and Mr. Jno J. Morgan, who were the first persons that saw Tucker after the shooting, say he was intoxicated. Other parties testify that he was drunk just before the shooting. Tucker himself swears he was sober; and the officers of Co. H, 25th Infantry, testify that he was sober when he left camp. He drank, however, after leaving camp.

Mr Tucker has been here some two years. He has mingled freely in our society, and was well received. In politics he was a Democrat, rather an extreme one, and during the campaign was a member of all the Democratic organizations. We merely mention this to show that politics could not have caused any one to attempt his assassination. According to Mr Tucker's own testimony, the would-be assassin failed him to the ground in an insensible condition with a blow on the head, but did not bruise the skin in the least where he struck him; he then took Tucker's own pistol and shot him as he was prostrate.

Correctly or incorrectly, right or wrong, public opinion is fixed on one fact: that Tucker shot himself. In this opinion, we believe nine-tenths of the intelligent people of this parish, regardless of race or color, are confirmed.

There may be further investigation of this case. The examination was not closed, but adjourned by Judge Porter, for further inquiry, and witnesses will be found, who could throw any light on the matter.

The Ouachita *Telegraph* of the 2d says:

CROPS OF BAYOU DE SAIRD.—We took occasion during the past week to look at the crops on the De Saird. As a general thing, though backward, they are promising, and if no unfavorable circumstances occur, we may expect a good yield of cotton and corn.

The best crop that we have anywhere seen is that of H. B. Holmes, Esq. His cotton is larger and looks better than that of his neighbors. This is Mr. Holmes' second year's experience in planting, and he has already acquired the reputation of a skillful planter.

His cotton is just beginning to feel the influence of the fertilizers, which he liberally used. We noticed a very poor strip of land, which last year produced nothing. This year it has growing on it the finest in the field. This is owing to the fertilizers which Mr Holmes has used, and the skillful manner in which he has cultivated his crop. With a favorable season he will reap ample recompense for his expenditure for fertilizers.

The *Intelligencer*, of Monroe, of same date says:

WEATHER AND CROPS.—The weather during the past week has been warm and pleasant. We had a few slight showers sufficient to lay the dust about the streets.

The crops of corn and cotton are growing finely.

The Bossier *Banner* says:

The crop prospects in this section are indeed unfavorable. This is the worst season upon our planters that they have experienced for, perhaps, the past ten years. Corn is generally stunted, and in many places is yellow and hard. Cotton fares even worse. The heavy rains and cold weather we have had has damaged stands considerably.

A correspondent of the New Orleans *Times* says:

St. Charles, June 4, 1869.—I write to say that the crops in this parish are doing well, and all thought many fields have a bad stand on a part of the land planted. I am satisfied that the crop of the parish will be a third more than the last crop. These are my lowest figures. The water from the crevasse from the Roman place, in St. James, was not yet reached us, nor do we much fear it. We had a fine rain yesterday, just enough and none to spare.

The Opelousas *Journal*, of the 5th says, in relation to the crops in St. Landry:

After a fortnight's dry weather, we have had during this week heavy showers of rain, which will prove beneficial to gardens and growing crops of every kind, should such weather not last too long a season. Our planters are hopeful of success, notwithstanding the fact that crops of all kinds are at least one month behind, owing to the long-continued wet weather in the spring. Cotton, cane, and corn are smaller than we have ever known at this time of year, and are just beginning to revive from the blighting effects of the cold weather. We have had all the spring up to within ten or twelve days past. Much more cotton, as well as cane, has been planted this year than usual, and we think there is a feeling of hope everywhere throughout the parish that the season will, from this time, prove a propitious one, and that the yield of our great staples will at least equal that of last year.

The New Iberia *Times*, of the 4th, says:

RAIN AT LAST.—After some weeks of almost unmerciful dry weather, on Wednesday night and Thursday morning, we had a very heavy rain, and to-day, though the sun is shining, it is evident that the weather is not settled, and we may have more rain at any time. All our farmers look cheerful. The season makes the crop prospects very flattering in the portion of the State.

DIVORCES IN CONNECTICUT.—The statistics of divorce in Connecticut are startling. During last year the divorces numbered 473, or more than one-tenth of the number of marriages. President Woolsey, of Yale College, has lately been calling attention to this subject in a series of able articles in the *New England*, and the new Governor of Connecticut has recommended to the Legislature a modification of the existing divorce laws—the provisions of which are so lax that there is hardly any application for divorce which the judges could legally refuse. The Norwich *Bulletin* speaks forcibly on the question, saying:

"It is a worse admission of rottenness and corruption than appears upon its face. All the marriages celebrated in the State during the year are included in the total of 4734. A large proportion of these are marriages between foreigners, communicants of the Roman Catholic Church, who, except in very rare cases, never trouble the Courts. The twenty five or twenty couples whose names adorned the Superior Court docket for this county at its last term, are, without exception, native citizens. Add to this the number who are positively divorced, but who from family or other considerations hesitate to obtain a legal separation, and the extent of the evil will be made apparent."—*New York Times.*

The Rev. Dr. Fowler, of Chicago, calls the theatre "the gallinaceous of the soul." He probably means that it cuts off the head and leaves the legs.

Mrs. Motley is a sister of the late Park Benjamin. One of her daughters is the widow of Colonel Ives, of Providence—one of Sprague's "friends."

The widow of Mr. Cole, of postal fame, has an income of $400,000.

Victor Emmanuel recently visited Naples, and his arrival was hailed by a position storm of pieces and groans.

CITY INTELLIGENCE.

The City Council—Question—Decision of Judge Collens—The Mondamus Mode Prevails—The Boards Ordered to Decide for Themselves or Stand Legal Consequences—Judge Collens, of the Seventh District Court, yesterday morning, rendered the following decision in the matter of the newly elected members of the City Council, praying for a mandamus to compel the Council to pass upon their claims for seats by virtue of the election of the 19th of May:

Seventh District Court—The State of Louisiana, on the relation of L. A. Wiltz vs Thos. Marbry, et al., Board of Aldermen of the Common Council of the city of New Orleans.

The term for which certain members of the Board of Aldermen were elected having expired, the Mayor issued a proclamation calling an election for their successors.

The election was held, returns made, the result declared, and certificates issued in the usual manner. The relator, with others, received a certificate stating forth that he was duly elected, and proclaimed himself to be admitted to a seat in the Board, in place of L. Pecora, to succeed whom he had been chosen; but Pecora denied the validity of the election, and the Board refused to decide the contest, suggesting that the matter should be "decided by the courts by an amicable suit, by quo warranto, or otherwise."

The city charter, section 18, enacts that "each Board shall be *judge of the election returns and qualifications of its own members*."

It is, therefore, perfectly clear and certain that the Board of Aldermen were wrong in refusing to decide the question. They alone should do so. The law makes them the only *judges*.

The courts to whom they refer the parties have no jurisdiction in this matter. The right and duty of deciding the controversy is a corporate function that must be performed by the Board. It declares the law, and no our Supreme Court have adjudged (7 N. S. p. 1).

Unless the law affords the relator the means of compelling the Board to perform this duty, the denial of justice would be absolute and final.

But the law does provide a redress. Articles 829, 830, 831, 835, *et seq.*, provide for the writ of mandamus addressed to an individual or corporation, directing it to perform some certain act belonging to the place, duty or quality with which it is clothed. "The object of this order," says article 829, "is to prevent a denial of justice or the consequences of a defective police, and it should therefore be issued in all cases where the law has assigned no relief by the ordinary means, and where justice and reason require that some mode of redressing a wrong and abuse of any nature whatsoever."

Also it may be issued "even when a party has other means of relief if the business of ordinary legal forms is likely to produce such a delay as may prejudice the rights and the administration of justice will suffer from it."

"It may," says art. 835, "be directed to all corporations established by law to cause them to make elections and *perform the other duties* required by their charter." It is not surprising that a writ so amply and searchingly remedial should be frequently resorted to in times when attempts to usurp and retain power or to usurp emoluments of office have become so common.

It seems clear that the relator should have the benefit of this prompt and liberal remedy, and, indeed, the only remedy which will, or has, relates not to the writ itself, but to the difficulty which would arise in the practical enforcement of the mandamus should the courts make it peremptory, and should the defendants refuse to obey.

Instances of such practical difficulties are cited, Claiborne's cases 17 M., p. 51, Barrett's 9th A. 513. At first sight they appear to be formidable, but upon reflection I am inclined to think they are more imaginary than real; mere phantoms evoked to deter the judge from pronouncing the judgment the law unquestionably authorizes and requires; an mere pretext of which the judge might avail himself to avoid deciding the merits. To say that the law mandamus rights and remedies, is a remedy in name that right is denied but that the remedy so given is impracticable, is to argue against the law itself, and to ask the judge, as it were, to repeal the law by declaring it of no effect—that if and the court both impartial against parties who may refuse to submit to the authority of judicial adjudications.

I must, therefore, dismiss the consideration of any fear of fancied refusal of obedience to the judgment of the court, and of the complicated and extraordinary process it might be necessary to resort to in order to vindicate the supremacy of the law. C. C. 21, 1. P. 621, 629, 786, 150.

For the present it suffices that the right of the plaintiff and the duty of the defendant is clear, and it therefore becomes my imperative duty to pronounce whatever difficulties might be anticipated in the execution of the judicial decree, to which the relator is undeniably entitled.

"Sufficient unto the day is the evil thereof," and I do not see why I should imagine, or presume that the defendants will resist the process of the court. Such an assumption seems wholly gratuitous and idle.

When they do actually refuse to comply, it will then be time enough to consider what should be done under the circumstances, that is the time to consider what the judiciary to enforce its decrees may prevail.

The other grounds urged on behalf of the defendants cannot be entertained in this tribunal. They would require this court to judge "of the election returns and qualifications" of the members of the Common Council, and this is precisely what the courts cannot do for the Common Council. Each of the Boards must do this for itself, must decide for itself, and the action of the 19th of May was a valid election—whether such an election can be held 30 days after the time prescribed by the city charter—whether the Mayor after letting the appointed day pass, had not the power of calling the election on a subsequent day—whether the term of any member had expired, and the right for electing a successor had arrived—whether there was a successor for a new term, or an incumbent for the remainder of an unexpired term to be elected or not?

These and the like questions each Board by law is required to answer for itself, and they cannot cannot confer jurisdiction on any other judge to take cognizance of that matter. Let the mandamus be made peremptory.

In the case of Mr Pasley vs Board of Assistant Aldermen, the same ruling was made.

Board of Aldermen—The Board met last evening—President Markey in the chair.

A petition was read from Pitts, praying (concurred in by Lower Board) for a joint session, Tuesday night, to elect two School Directors to fill vacancies of members recently dead.

A resolution was adopted for the appointment of a Committee on credentials to pass upon the claims of contesting members. Messrs. Heinlein, Breslin and Fayrot were appointed. The last declining Mr. Fredos was appointed in his place and stead.

The Committee, after a few minutes absence, reported in favor of seating the newly elected members. The Chairman reported that some of the Committee were of the same opinion as expressed in previous reports. At that time (last meeting) the Committee expected the courts would, as courts refusing to interfere these members make no application to seat the new members, but do so without assuming any legal responsibility.

The report was adopted, amid much confusion, motions to seat the new members, to adjourn, etc. The Board finally adjourned by a vote of 75 to 4, till Tuesday.

Board of Assistant Aldermen—Meeting last evening, President Kenny in the chair.

The Treasurer's weekly report showed, receipts, $69,440 57; expenditures, $62,156 03; balance on hand, $119,861 34. Referred.

A message was received from the Mayor, transmitting a communication from the Board of Health relative to a remedy for nuisances in health on the beature now at the Texas Steamship Landing. Referred.

A communication was received from the Street Commissioner, stating that in obedience to a certain ordinance he had been engaged in clearing out the several canals in the city, and lumber had, under the same authority, been removing the dirt taken from these canals, but while doing so he was enjoined by the City Railroad Company, and restrained from further removal of said dirt, etc., and stated by said company for damages of $1000 for such removal. Referred to the City Attorney and Streets and Landings Committee.

An ordinance offered by Mr. Pandely was adopted, declaring inoperative during the months of July and August the ordinance requiring all loose dirt and offal to be dumped in Bathurs, etc.

The resolution of the Upper Board to allow the City Attorney to employ a legal assistant at $125 per month, was referred to a select committee.

The ordinance from the Upper Board to grant the Livandais heirs five years revenue of the Dryades Market, in consideration of the heirs furnishing the city a clear title to the property, was laid over.

The committee appointed to examine and report whether the Pontchartrain Railroad Company had trespassed on the public grounds in Elysian Fields street, reported that the company had been guilty of no trespass. Report received.

An ordinance was adopted and sent to the Upper B ard for concurrence, declining on the part of the city to intervene in the controversy between the Ship Island Canal Company and the Board of Drainage Commissioners, but proposing that the city shall bear its private share of the expenses of the litigation, and the work yet to be completed in carrying out the plans of the Drainage Board, which is a corporation itself, independent of the city.

A resolution to sell the Orleans draining machine was adopted.

The ordinance fixing the water rates was made the special order for Tuesday.

The Board adjourned without transacting further business, not touching the controversy between the old and newly elected members.

First District Court—Judge Abell.—Jamin H. Conteno, convicted of manslaughter in killing Frank Myers on the 13th November, 1868, in the Third District, on Goodchildren, between Annette and St. Anthony streets, was yesterday sentenced to the Penitentiary for ten years.

The case of Mrs. Walpool, charged with unnecessarily maltreating the little son and daughter of an old man named Friendly, who went to Texas, leaving them in her charge, was partially examined and continued till this morning.

Fourth District Court.—The mandamus before the Fourth District Court, prayed for by the Metropolitan Board, to compel the City Treasurer and Assistant City Attorney to receive police warrants, was argued yesterday and submitted to the court. Messrs. Leary and Blackmard for defendants, and E. Pillsel for plaintiff.

Seventh District Court—The case of L'ambias vs. Pepes, in which the former contests the seat of the latter, as a member of the Board of Aldermen from the Third District, came up yesterday before Judge Collens, of the Seventh District Court, but was continued until Tuesday next.

Lafayette Potato.—Among those to whom patents have been lately issued, we note the following: A. Barbarin, New Orleans, for apparatus for lighting gas, and L. W. Brandreth, New Orleans, for gun earrings.

Appointments.—Mr. Wm. McDuff, of the Police Board, having been appointed tax assessor, Mr. James Graham has been appointed in his place, but so far Mr. McDuff has not assumed the position in the Board.

FOREIGN MARKETS.

London, June 8—Evening.—Consols 93¾.

Liverpool, June 8—Evening.—Markets unchanged.

DOMESTIC MARKETS.

New York, June 8—Evening.—Discounts nominal at 7 to 9. Money in increased demand at 7. Sterling 109¼ to 109⅝. Gold touched 139 this afternoon, closed strong at 138¾. Southern Securities weak. Los. 72. Stocks generally weak and unsettled. Sed Treasury balances $20,500,000. 5-20s of '62, 112¼; of '64, 117¾; of '65, 118⅜; do. new, 119⅜; of '67 and '68, 119⅜; 10-40s, 109⅛.

New York, June 8—Evening.—Flour 5 to 10c lower; superfine $4 90 to $5 25; common to fair extra $5 40 to $6 25. Cotton firmer and more active; middling uplands 31c; sales 3000 bales. Wheat firmer and in fair demand. Corn scarce and firm. Pork firmer—$31 62. Lard steady. Whisky 96½ to 98c. Groceries quiet and firm. Freights declining. Cotton—steam 14; sail 9-16.

Memphis, June 8.—Cotton firm; prices unchanged, receipts 90 bales; exports 300 bales.

Louisville, June 8—Flour—superfine $4 75. Corn 66c. Oats 70c. Groceries unchanged. Pork firmer, 300 bbls at $6 to $13 50. Pork $31 50. Bacon—shoulders 13¾c; clear rib sides 17½; clear sides 17½c. Hams 19c. Lard 19c. Bagging 21½c. Hightwines 93c.

Cincinnati, June 7.—Family Flour $5 50 to $5 75. Corn 60 to 62c. Oats 69 to 70c. Whisky 93c. Pork held at $32. Bulk shoulders held at 13½c; sides 15½c. Loose Bacon—shoulders held at 14c, clear rib sides 17½c, clear sides 17¾. Lard 19c. Groceries unchanged.

St. Louis, June 8—Flour $450 to $5. Wheat $1 30 to $1 15. Corn 65 to 66c. Oats 50 to 52½c. Rye 96c. Whisky 94c. Groceries dull and unchanged. Pork held at $31 25 to $31 50. Bulk rib sides 16½c. Bacon—shoulders 13¾c; clear rib sides 17½c, clear sides 17¾c. Lard 18 to 18½c.

Chicago, June 8.—Flour $4 75 to $6 00. Wheat $1 06 to $1 08. Corn 68c. Oats 50½ to 50¾c. Rye 86c. Barley $1 45 to $1 50. Hightwines 94 to 95c. Molasses 95c to $1. Sugar 12 to 16½c. Short rib middles 16 to 16½c. Short rib sides 15 to 16c. Loose bulk shoulders 13¾c; clear rib sides 17 bs, clear sides 17½c. Lard 18 to 18½c.

Mobile, June 8.—Cotton quiet but firm; low middlings 27½c. Sales 300 bales. Receipts 123 bales. Exports 549 bales.

RIVER NEWS.

Vicksburg, June 8.—Passed up: Mollie Able at 9 last night; Peytona and barges at 10 this a. m. Down: Lucinda Wood and Ida May. Ames at 6 p. m. River 12 feet below high water mark and rising slowly.

St. Louis, June 8.—River falling rapidly.

Louisville, June 8.—River falling, with 8 feet 4 inches of water in the canal.

Memphis, June 8.—Weather clear and warm. River rising. Departed—Belle Memphis for St. Louis; Ben Lee, Pittsburg.

Passed down: R. R. Rhea with a big trip of tobacco.

Cairo, June 8.—Passed down: Metamora and Alaska. Up: Commonwealth. River fall two inches. Weather clear.

FROM PARIS-A-L'OUTRE.

Southwest Pass, June 8—6 p. m.—Barometer 29·75. Weather rain. No arrivals or departures.

[Telegraphic Supplement.]

London, June 8—Noon.—Consols 93⅝. Bonds 80⅝.

London, June 8—Afternoon.—Consols 93⅝. Bonds 80⅝.

Liverpool, June 8—Noon.—Cotton a shade firmer, holding uplands 11¾d, middling Orleans 12¾; sales 14,000 bales. Red Western Wheat 8s 6d.

Liverpool, June 8—Afternoon.—Yarns and fabrics at Manchester firmer; prices better. Breadstuffs dull. Flour 21s 6d. Lard 71s 6d. Naval Stores dull.

Paris, June 8—Cotton unchanged.

New York, June 8—Noon.—Stocks weak and feverish. Bonds steady. Gold 137½. Sterling 109⅛. Gold 138⅜. 5-20s of '62, 112¼.

FOREIGN NEWS.

London, June 8.—Flour 40s to 45s. Wheat 8s 6d to 8s 9d. Corn 66s. Oats 50½ to 52½c. Rye 56s. Barley 34 to 36s. Hightwines 94 to 95c. Molasses 95c to $1. Sugar 12 to 16½c. Short rib middles 16 to 16½c. Short rib sides 15 to 16c. Loose bulk shoulders 13¾c; clear rib sides 17½c, clear sides 17¾c. Lard 18 to 18½c.

Chicago, June 8.—Flour $4 75 to $6 00. Wheat $1 06 to $1 08. Corn 68c. Oats 50½ to 52½c. Rye 86c. Barley $1 45 to $1 50. Hightwines 94 to 95c. Molasses 95c to $1. Sugar 12 to 16½c. Short rib middles 16 to 16½c. Short rib sides 15 to 16c. Loose bulk shoulders 13¾c; clear rib sides 17½c, clear sides 17¾