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NEW ORLEANS:
THURSDAY MORNING, FEB. 22, 1872.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, THURSDAY MORNING, FEBRUARY 22, 1872. 42d YEAR—Vol. XLV.—Whole—15,600.

The following quotations are taken from Mr. John C. Calhoun's Discourse on the Constitution and Government of the United States, as published in the first volume of his works. It will be seen Mr. Calhoun holds that the clause of the Federal Constitution guaranteeing a republican form of government to every State, authorizes the Federal authorities when the Federal Government is not bound to recognize a Governor of a State, or a Legislature of a State, who are usurpers and who seek the aid of the Federal authorities to crush the people whom they only pretend to represent. Mr. Calhoun is treating of the "guarantee" clause in the Federal Constitution to which we have reference. Says he:

"But the clause in question embraces the protection of the government of each State against domestic violence, as well as the guaranty of a republican form of government to each. Suppose, then, a party should be formed in any State to overthrow its government, on the ground that it was not republican—because its constitution restricted the right of suffrage, and did not recognize the right of the numerical majority to govern absolutely. Suppose that this party should apply to Congress to enforce the pledge of the United States to guarantee a republican form of government—and the State should apply to enforce the guaranty of protection against domestic violence—and Congress should side with the former and yoke to aid them; what reason can be assigned, why the provisions of the act of March 3d, 1833, could not be extended to such a case, and the government of the State, with all its functions, and all their sliders and abettors, be arrested, tried, convicted and punished as traitors to the Union and the United States? And all, who combined to overthrow the government of the State, protected against the laws and courts of the State?

"It may be objected that the supposition, in both cases, is imaginary and "never can occur;—that it is not even to be supposed that Congress ever will so far forget its duty, as to pervert guaranties hitherto entered into by the States in forming a Federal Union to protect each other in their republican forms of government,—and the separate government of each against domestic violence,—into instruments of effecting just the very reverse of those intended. The objection, if it should ever be made, would indicate little knowledge of the barriers which constitutions and plighted faith impose to governments, when they can be transcended with impunity. They are not the only assailed at first. They are usually sapped and undermined by construction, preparatory to their entire destruction. But what construction may fail to accomplish, the open assaults of fanaticism, or the lust of power, or the spirit of party, will, in the end, overwhelm. Of the truth of this, history, both political and religious, affords abundant proofs. Already our own furnishes many examples, of which, not a few, much to the point might be cited. The very act, which the statute of the 3d March, 1833, was intended to enforce, was a gross and palpable perversion of the taxing power; and the movement to subvert the government of Rhode Island, a few years since, threatened, at one time, to furnish, by a like perversion of the guarantee to protect the government against domestic violence, the means of subverting it."

In Mr. Calhoun's letter to the Hon. William Smith, on the Rhode Island controversy, dated July 3d, 1843, contained in vol. 6 of his works, he says, on the same subject:

"Your second question is in the following words: "Where a State has been admitted into the Union, and shall call on the Federal Government for protection, in the manner and for the purpose prescribed in the section quoted, can he pause to inquire and judge whether such State has in fact a republican form of government, and, according to his opinion thereof, decline or withhold the aid demanded?" The question, as I understand it, presupposes a case of domestic violence, within the meaning of the Constitution; and that the State has made application for the form it prescribes, for protection, and that your object is to know if, in my opinion, the Federal Government has a right to determine whether the government of the State is republican or not; and if it be not, whether the fact would take the case out of the guarantee and make it the duty of the Federal Government to withhold the protection.

"Answer as I have to explain the views and principles on which my answer rests, and the restrictions to which the high and delicate right in question is subject, it will be indispensable to enter fully into the nature and object of the section quoted;—and which, for brevity, I shall call the *guarantee section*—with the duties it imposes, and the rights it confers on the Federal Government.

"In order to form a true conception of the mode in which the guarantees were intended to act, and to place a correct construction on them, it will be necessary to enquire what are the quarters from which the peace, safety and liberty of the States may be endangered, and against which the guarantees are intended to protect them. They may be, *in the first place*, from force or violence from within; against which, the guarantee of protection against domestic violence is clearly intended. They may be, *in the second place*, from hostile attacks from without; and against which the guarantee of protection against invasion is as clearly intended. And finally, they may be from the ambition and usurpation of their governments, or rather rulers; against which, the guarantee of a republican form of government is intended, as I hold and shall hereafter show as a protection.

"If the rulers should attempt to usurp power, and subvert the republican form of government, under which the State was admitted into the Union, the guarantee of a republican form of government to every State in the Union meets it. Thus every door, through which danger may enter, that can in the nature of things be closed, would be closed, if the Federal Government should faithfully enforce the guarantees. Under no construction, could it be the case, which is proof conclusive of the construction which I place upon the section, is the one intended by the framers of the Constitution. When the government of a State ceases to be republican, it loses its right to protection. Thus, it has been shown, may take place by the usurpation of rulers, or by the voluntary act of the people. It is clear that, in either case, the Government of the United States should withhold it; and of course it must have the right in every case, to determine whether the application of a State for protection, be one of such cases or not. *In the case of the usurpation of its rulers, it would be the duty of the Government, not only to withhold the aid asked, but to raise its power with the people of the State, to suppress the usurpation.*"

TO THE LAWYERS AND JURISTS OF LOUISIANA.—We find on our table the first number of the *Southern Law Review*, edited and published by Frank T. Reid and Neil S. Brown, Jr., Esqs. attorneys, of Nashville, Tenn., for which we are indebted to James A. Gresham, law bookseller, No. 88 Camp street, the agent of the publishers. The work strikes us as one of the best periodicals of the kind ever published. The arrangement of its contents gives evidence of the great labor bestowed upon it, as well as the ability and skill of its editors. It contains a condensed report of leading American and English cases; a Digest of the United States Supreme Court Reports, commencing with 19th Wallace; a digest of select cases from the Reports of the several States; a Digest of the English Chancery and Common Law Reports, and of recent American and English Decisions in full. Attached to the *Review* is also a "Chart of the Southern Law and Collection Union," which, if we take the work invaluable to the profession. It may be had of the agents at the price of $5 per annum. It is eminently deserving of patronage in a Southern enterprise, and should be patronized.

COAL.—The attention of coal vessels is directed to the advertisement of Messrs. W. G. Coyle & Co., coal dealers, 130 Carondelet street. They deliver in all parts of the city at the current market rates and guarantee prompt delivery for cartage Pittsburg coal, suitable for family use, blacksmiths and chestnut size.

CIRCUIT COURT.—His Honor Judge B. Woods, the presiding judge of this court, was in the city yesterday on his return from Texas where he was holding court. He postponed the cases of Mims, to dispose of the opening argument before taking his seat in the Circuit Court in this city.

Amusements This Evening.

OPERA HOUSE—Benefit of Mr. Calabrese—"The Jewess."
VARIETIES THEATRE—"Divorce." Miss Rose Sparks.
ST. CHARLES THEATRE—"The Rising Generation," and "Maid with the Milking Pail."
ACADEMY OF MUSIC—"Schneider, or Det Musical House on the Rhine."
NATIONAL THEATRE—Thomas's Grand Concert.
DAN RICE'S CIRCUS—Magazine street.

SALE OF A FINE SUGAR PLANTATION.—We call the attention of capitalists to the sale which is advertised in this issue of the *Bee*, of the "Valcour Aime" sugar plantation, in the parish of St. James. The sale will take place on the premises, on Friday, February 23, by virtue of an order of court for the purpose of liquidating the successions of Valcour Aime and Josephine Roman, his wife. Parties desiring to bid for the property can leave New Orleans by the train of the N. O. Mobile and Texas Railroad from the foot of Canal street, where a car will be in waiting at 8 A. M. on the day of sale.

A THEATRICAL MONOPOLY.—We are informed that a bill is now before the Legislature and likely to go through that body, incorporating an association entitled "The Comique Variété Association of New Orleans," the provisions of which are opposed to common right and contravene the regulations established by our city authorities for exhibitions of this character. We have not seen the bill because its authors have taken pains to conceal it, but we suppose its object is to give to the incorporators certain exclusive rights in carrying on the theatrical amusement business in the city of New Orleans, without interference from the municipal authorities. Judging by the names of the incorporators we infer that the bill authorizes exhibitions of a low character, such as we have seen on St. Charles street and which were so offensive to good order and the morals of the population. The regulation of such establishments belongs to the authorities of the city. It is outside of the province of the Legislature. No scheme of this kind ought to be entertained by our lawmakers, and we trust will be voted down at once.

The *National Republican* appeared on Tuesday last as a four-page paper with its news and reading matter presented in a condensed form. We think this a great improvement on the part of our cotemporary, and that our newspaper readers generally will appreciate the reduction in size of the other dailies of the city. Eight and sixteen pages contain too much matter for readers in these fast times. Nor can advertisements be presented as prominently as in four-page papers.

We acknowledge the courtesy of the Washington Literary Society of Pass Christian College in forwarding to us an invitation to attend a literary and musical entertainment, to be given to them at the College Hall, this (Thursday) evening.

Thanks for polite attentions to the Committee in charge of the Festival to be given this evening at the Stonewall Jackson Hall, Elysian Fields, for the benefit of Onward Mission Sunday School.

THE MARYLAND DEMOCRACY IN FAVOR OF THE REPUBLICAN POLICY.—*Washington*, Feb. 15.—The Democratic members of the Maryland Legislature, together with their Senators and Representatives in Congress, held a conference at Annapolis yesterday afternoon, for the purpose of discussing the present political situation, and also the part to be taken by the Democratic party in the approaching Presidential campaign. Among those who made speeches on the occasion was Montgomery Blair. All the remarks advised the Democrats to pursue the passive policy and were enthusiastically endorsed. It is stated that most of those present privately expressed their preference for Judge David as the forthcoming independent nominee.

DELAYS ARE DANGEROUS.—Mothers as you love your children don't fail to use Mrs. Whitcomb's Syrup for soothing children.

THE LOUISIANA CONGRESSIONAL COMMITTEE.

The Washington correspondent of the New York *Herald* says:

The Committee and Their Report—State Strength and Hopes of the Louisiana Factions.

The Committee of the House of Representatives, appointed to inquire into the cause of the recent troubles at New Orleans, returned to the Capital this morning. It is understood that Mr. McCrary, of Iowa, is decided in favor of Gov. Warmoth in his judgment of the conflict between the Republican factions in Louisiana, and that Mr. Schenck, of Pennsylvania, the Chairman of the Committee, though less decided in his views, leans to the same side. Mr. Shellabarger, of New York, on the other hand, favors Casey and Packard and the Custom House wing. The Democratic members of the Committee—Mr. Archer, of Maryland, and Mr. Speer, of Pennsylvania—are against both factions, and in their report to the House it is likely they will so report. The reports will not be made for some weeks yet, and it is expected that in the meantime the republican members of the committee will arrive at something like a unanimous understanding among themselves and with the administration. The Casey and Packard men in New Orleans declare if not if Warmoth is sustained in this matter by Congress and the administration, the Governor will at once begin a movement against Grant which may sweep over the whole South. Warmoth can carry with him conservative republicans like Senator Alcorn, of Mississippi, and Senators Hamilton and Flanagan, of Texas, and a strong pressure is being brought to bear upon him to induce him to take this step. He is constantly in receipt of letters from Senator Schurz and other recalcitrant republicans, urging him forward in this movement. It is asserted that Warmoth is so strong in his own State, at least, that he can throw the Presidential majority on which ever side he chooses, and the Legislature is completely in his power. That body will adjourn in about two weeks, the constitutional limit of sixty days having expired. So far it has passed no money bills, not providing even for the per diem of the members, this being done, or rather, not done, at Warmoth's dictation, and the effect of it will be to make him stronger at home and better able to command the situation in other parts of the South. Another element of Warmoth's strength is in the failure of the Legislature to repeal the Registry laws, which in itself practically leaves the State in Warmoth's hands. This, it is thought, will incline the President to his side, and induce the administration to withdraw its favor from the Custom-house wing. Even Lieutenant Governor Pinchback favors this course. Pinchback is a strong Grant man. He says if Casey is removed from the Collector's and Packard from the Marshal's office, so that Warmoth may have full swing, the Governor will not dare to go against the administration, and Grant can carry the State. The Young democrats incline to the Custom-house side, and members of the Democratic State Central Committee, who have no sympathy with the "old bankers" of the party, are openly for Casey, and promise to support Grant if he puts down Warmoth and the "old Hunkers," with whom Warmoth is acting. The colored people are a unit for Grant, and some way must be found to accommodate the interests of the factions to this sentiment.

The report of the committee will probably elucidate the relations of parties in Louisiana, whether clear up or widen the breach. The present indications are that matters will be triumphant, but it remains to be observed what action will be taken by the administration.

The correspondent of the New York *Tribune* says:

The New Orleans Investigating Committee, composed of Schenck, McCrary, Smith of New York, Archer and Speer of Pennsylvania, returned to Washington this morning. Some conversation with the members of the committee, in which Messrs. Schenck and McCrary seem favorable to the Warmoth side of the New Orleans controversy, while Mr. Smith, the only Republican, leans toward the Casey-Custom-house side. The two Democrats (Speer and Archer) will probably agree with all the others, and submit very specially the deplorable condition of the Republican party and of public affairs in that city. The committee have been gone more than three weeks, and while engaged in the investigation spent from four to six hours a day in examining witnesses, etc. The reports, for it is probable there will be two, and possibly three, will not be presented for two or three weeks.

Louisiana Congressional Investigation.

[Washington Correspondence New York Times.]

Washington, Feb. 16.—The special committee to investigate the New Orleans troubles reported to the city this morning, but the report is in the form of an interrogatory, and has not yet been arranged or written out. It will, however, be from two to four weeks before I can be able to prepare and present their report.

On one point they have made the difficulty between the Warmoth and Casey factions, by the enactment of an act repealing the existing Registry laws, which in itself practically leaves the State in Warmoth's hands. This, it is thought, will incline the President to his side, and induce the administration to withdraw its favor from the Custom-house wing. Even Lieutenant Governor Pinchback favors this course. Pinchback is a strong Grant man. He says if Casey is removed from the Collector's and Packard from the Marshal's office, so that Warmoth may have full swing, the Governor will not dare to go against the administration, and Grant can carry the State. The Young democrats incline to the Custom-house side, and members of the Democratic State Central Committee, who have no sympathy with the "old bankers" of the party, are openly for Casey, and promise to support Grant if he puts down Warmoth and the "old Hunkers," with whom Warmoth is acting. The colored people are a unit for Grant, and some way must be found to accommodate the interests of the factions to this sentiment.

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THE STATE LEGISLATURE.

Wednesday, February 21, 1872.

SENATE.

The Senate was called to order at 12 M. Mr. Todd called up the bill levying a tax of five-eighths of one per cent. upon the taxable property of the city of New Orleans for the support of the public schools of the city of New Orleans, and moved that the Senate adopt the report of the Committee on Conference and strike out the amendments.

Mr. Blackman objected that a tax of six or seven hundred thousand dollars an authorized simply to provide coal for the use of the public schools of the city. Mr. Blackman did not understand such a bill. Let the report be printed; let the Senate then take up the report and bill, and legislate understandingly upon such an important question.

Mr. Todd said the adoption of the report required no further legislation upon the bill.

Mr. Barber moved that the report be adopted.

Mr. Blackman hoped the Senate would not adopt the report in the absence of Mr. McMillan, who opposed the bill, offered the amendments and appeared to have thoroughly investigated the several points of the bill.

The chair said that Mr. McMillan did not offer the amendments.

Mr. Todd said the Senate had no business whatever with Mr. McMillan's absence. If Mr. McMillan was not in his seat at 12 o'clock, when the Senate was called to order, that was his fault, not the Senate's.

Mr. Blackman moved to lay the motion of Mr. Barber (to adopt the report of the committee) upon the table. He was opposed to acting upon the bill at this time.

Mr. Harris was in favor of the report being adopted, and hoped the motion of Mr. Barber would prevail and the amendments stricken out.

Mr. Blackman called for the yeas and nays upon his motion to lay the motion of Mr. Barber upon the table, which was lost by 16 nays to 6 yeas.

Mr. Blackman called for executive session.

The President then ordered the hall and lobbies cleared.

Executive session being raised, the question recurred on the motion of Mr. Barber that the report be adopted and the Senate do now recede from its amendments.

The motion was adopted.

The bill to liquidate the indebtedness of the State to J. O. Nixon, under his contract of March 22, 1866, passed.

PETITIONS AND MEMORIALS.

Mr. flerwig presented a petition from the Chamber of Commerce of the city of New Orleans, praying for the passage and amendment of certain registry laws. Referred to the Committee on Judiciary.

ORDER OF THE DAY.

The Printing bill came up as unfinished business.

Mr. Lynch renewed his motion to strike out section eleven of the bill creating the Printing Commission, consisting of the Governor, Lieut. Governor and Speaker of the House.

Mr. Barber (who held the floor from last evening) moved to indefinitely postpone further consideration of the section.

The President—"That is equivalent to striking out the section."

Mr. Barber—"Then, Mr. President, I move to indefinitely postpone the motion to strike out.

The President—"That motion is out of order."

The Senate then voted to strike out the section by 15 yeas to 13 nays.

Mr. Lynch offered as an amendment for section eleven, "That in any of the parishes of the State, other than the parish of Orleans, the Police Jury shall be authorized to select a newspaper, etc., giving the contract to the same for one year, which paper should be the official journal of the parish. "Every publication and advertisement in any other paper," of an official character, to be declared null and void for all legal purposes.

Mr. Ingraham offered, as a substitute for the section offered by Mr. Lynch, the following:

"That the Governor, Lieutenant Governor and the Auditor of Public Accounts shall compose a commission for the purpose named in this act, to be styled the Printing Commission."

The substitute was laid upon the table by a motion made by Mr. Thomas, by 15 yeas to 15 nays.

Mr. Harris moved to amend the substitute offered by Mr. Campbell by striking out the words "Speaker of the House of Representatives and the Secretary of State," and insert in lieu thereof "State Treasurer."

The amendment was adopted.

Mr. Lynch moved to reconsider the vote just taken, as he had voted for the adoption of Mr. Harris' amendment by mistake.

The Senate refused to reconsider by a vote of 15 yeas to 15 nays.

The Senate then took a recess until half past 7 o'clock this evening.

Evening Session.

A quorum present.

Mr. Thomas offered the following concurrent resolution:

Be it resolved by the Senate and House of Representatives of the General Assembly convened, That in the view of the general demand of the people of the State of Louisiana for reform in the following laws, to wit:—printing, supplies, contingent expenses, salaries, police, militia and other bills over-appropriation laws; that no be considered or acted upon until the final report of the General Assembly of these laws, in the joint committee.

The S. rules refused to suspend the rules to take up the bill.

The bill providing for the sale to Charles Morgan of that portion of the Bayou Fields Street Railroad between Olivet and Elysian Fields streets was taken up.

On motion of Mr. Blackburn, the rules were suspended to take up the bill relating to the New Orleans, Baton Rouge and Vicksburg Railroad.

A substitute for the original bill, with a title the same as the original, was received by the Senate, read and received.

Under a suspension of the rules, Mr. Lynch introduced a general revenue bill to provide for the deficit in existing the Appropriation bill, providing for the payment of the salaries, per diem, and expenses of the members of the Legislature, now before the Governor. The bill was read.

Mr. Lynch, from the Committee on Finance, reported a report of the Committee on Ways and Means, on the bill providing a fund to meet the floating indebtedness of the State which seemed prior to the first of January, 1869, so that current taxes received may be applied the payment of current expenses.

Mr. Lynch said the bill would place the State in a condition to pay the salaries of the Legislature, and that the Legislature did not remain after the secession of Cantrell's clique. The quorum was only finally obtained by the return, one by one, of quite a number of the absentees. It is doubtful whether the report of the committee will contain any recommendations regarding the State officers, or endeavor to judge as to the right and the wrong which may reside in the case of either faction of the Republican party there. They do not anticipate that there will be any further trouble in the Legislature, but it is probable that the breach will continue to exist until it can be settled by another election. There will be a minority report from the two Democrats on the committee. It is not probable, however, that they will attempt to make any point against the United States officials or the administration. It will simply be the usual Democratic outcry against reconstruction. They will be obliged, however, to deal with the disagreeable fact, abundantly sustained by the evidence, that however much corruption may exist in Louisiana, the Democrats are as deeply steeped in it as the Republicans. The committee say that on examination there is no division, and that is, that notwithstanding Mr. Sumner's leadership the colored men are unanimous for President Grant.

[Washington Correspondence Baltimore Gazette.]

Washington, Feb. 15, 1872.—The New Orleans Investigating Committee have just returned. It consists of two Democrats and three Republicans. The Democrats say that the Government of Louisiana is not Republican; it is an oligarchy of Reconstruction, and an utter failure. The Radicals are not in accord. McCrary contains Warmoth, and thinks that the Custom-house party should be removed. Schenck is inclined to that same opinion, but is not positive as to the removal of the Custom-house officers. Smith opposes Warmoth and sustains the Custom-house party. The report will be voluminous, and will not be presented to the House for about two weeks.

[Correspondence N. Y. World.]

Washington, Feb. 15.—The Select Committee of the House sent to examine the condition of affairs at New Orleans, returned this morning. It will be some time before they are able to make a report, as they have not had time to go through the large mass of evidence taken. The members of the committee are very much divided in opinion, and it is evident there will be at least two reports. Judge Schenck, the chairman, thinks Governor Warmoth is a man more sinned against than sinning. The general opinion is that as between the Republican factions the turmoil was nothing more than a squabble over the spoils of office. Collector Casey (Grant's brother-in-law) and the other officials are blamed by all sides for their unwarrantable interference in the affairs of the State government. It appears that their policy was to drive out the adherents of the President's fortunes; men who were pledged for his renomination and re-election, so as to secure Grant delegates to the Philadelphia Convention. This was the secret to their opposition to Warmoth, who is not considered sound on the question of the succession. As the two Senators from Louisiana were mixed up in the fight, each one taking opposite sides, it is possible that the committee will examine them before making their report.

CITY INTELLIGENCE.

A building on the right bank, at Harvey's Canal, occupied by Sergeant Chapman, the Superintendent of Canals at Harvey, was destroyed by fire on Tuesday. Loss $1,000.

Catalina Blanco, colored, night Henry Thomas and Euphim Fisher, colored men, had a difficulty in the house No. 200 Gravier-house, in which Fisher was stabbed dangerously in the abdomen. The assailant has been arrested.

Mr. W. W. McCullough, indicted for the alleged murder of Mr. Wm. Abell, on Monday was arraigned and pleaded not guilty. Abell, The bond was fixed at $10,000, and Mr. McCullough furnished the bond, so that somewhat he was released from dungeon of imprisonment.

Adam Kelling, a seaman on the schooner Quincy, fell overboard, on Friday last, as the vessel was on the passage of the day and was drowned.

Catalina Blanco, a woman sixty years of age, threw herself into the river, at the head of Common street, yesterday morning, to drown herself. She was rescued by the officers of the steamboats and a young man named Morgan. No reason is assigned for the act, or destroy herself. She was sent to the Charity Hospital.

Catholic Militant Union of the Cross.—Such is the title of an organization which was inducted on Wednesday night, at St. Patrick's Hall, Baronne street, by laymen from the various Catholic Societies in the city. The organization is a local branch of a society whose constitutions will embrace its members in all parts of the Union. The initiation fee will be $1, and the dues will be $1 per month