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TERMS OF THE BEE

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Semi-Weekly Edition.

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NEW ORLEANS:
WEDNESDAY MORNING, APRIL 13, 1870

Amusements This Evening.

ST. CHARLES THEATRE.—A Tale of Enchantment," by the Morlacchi Troupe.

ACADEMY OF MUSIC—Engagement of Rose and Harry Watkins—"Trodden Down; or, Under Two Flags."

THE DECISION IN THE SLAUGHTER HOUSE CASE.

No one has been taken by surprise by the decision rendered on Monday last by our Supreme Court in what is known as the Slaughter-house case. The rise which has been going on for some weeks back in the market value of this stock, was a sufficient indication of what was to be the nature of this decision, and that parties speculating in the stock had some means of obtaining information thereof in advance of the rendering of the judgment by the Court. Of course we would not be understood as [illegible] that the Judges of our Supreme Court had confidential relations with stockholders or speculators in stocks. Such relations cannot be presumed unless the evidence thereof is such as to exclude all other methods of explaining the coincidence to which we have reference. Judges indeed, like other men, are mortal, and sometimes speculate in stocks, dilapidated railroads, and other evidences of property, as well as in legal principles, but they are supposed to keep clear of any transaction which might justify a suspicion of their personal and official integrity. We will therefore credit Mr. Chief Justice Ludling and those of his colleagues of the Bench who concurred in his opinion in the Slaughter-house case, with an honest determination of it, according to the best of their judgment and the light they had. In the observations we propose to make, their error, if error it be, will be attributed rather to matters of the law, than to motives which might not be suggested unless there be positive evidence that such an error had occurred.

Those who were acquainted with the peculiar views on constitutional questions of the leading members of the Supreme Court, particularly with respect to the powers of the legislative branch of the Government, looked for just such a decision as has been given. There is a class of lawyers in Louisiana who have been unanimously educated in constitutional law, and who teach the same doctrine which they were instructed to receive. One of the doctrines is that the power of the legislature is unlimited over all subjects except where there is an express or plainly implied prohibition in the constitution. With such persons the prohibition must be very clear to face they will recognize it. They think the grant of authority to make laws is an unlimited power of attorney, in face of the spirit and letter of the constitution, which, in every article, shows that the power is special and not general. It is useless to argue with such persons, or to tell them that there are certain principles which every man of sense, born in a country constitutionally governed, is supposed to recognize as fundamental principles which it would be absurd and childish to enunciate in a Constitution of Government, because none but perverse persons, or ill instructed persons, deny their binding force. Such principles are supposed to exist in the hearts of the people, and all priests deserving of the name, invariably tender homage to the independent of any declaratory words in the Constitution. For instance there is the principle of obedience which children owe to their parents, minors to their tutors and wards to their guardians. The Constitution says nothing about that but no one, we hope, thinks that the Legislature has power to abolish the filial obedience to his father and mother on those who may have charge of him. Nor does the Constitution say anything about the great social evil, but we do not suppose that the Legislature has power to legalize prostitution, because there is a restriction in the Constitution to that effect. We might cite numerous illustrations showing the absurdity of the doctrine of unlimited power in the Legislature. We might refer to the works of constitutional commentators to support our position on the subject, but to the opinions of very learned Judges, but alas! the opinions of the great men of the past are now of little account. We are living in new era when it is held to be admissable to poison the very fountains of law and justice, and to obtain the enactment of laws, not by showing to the Law-maker the necessity of the enactment, but by the employment of money and like consideration. We are living in an era when those who govern are *copying the Jesuits, how to accomplish their augustous end sans shemus purpose.* Cooley's work on constitutional law, which chief Justice Ludling quotes as an authority, is not looked up by the profession to be a safe guide. Some of his doctrines are dangerous.

The material point in the Slaughter-house case was this and Mr. Chief Justice Ludling puts it over:

Had the Legislature authority, under the Constitution, to exercise their police power in such a way as to take from a certain class a valuable right or a privilege long exercised by them, and which ought to be free to all, for the sole purpose of benefitting a favored few?

Mr. Justice Waly, whose dissenting opinion we publish today, treats the question before him in a masterly manner and the general opinion of the Bar is that his argument has not been answered by the Chief Justice and cannot be answered by any one. The real point in the case is best stated by Justice Waly and expressed by him in a manner to add to his reputation as a sound lawyer and an honest judge.

NOTICE RESPECTING STATE WARRANTS.—Notice from Mr. James Lindsay, Auditor of the State, will be found upon advertising columns today, respecting a fund of the issue of State Warrants, against which the public are warned.

We acknowledge receipt of cards of invitation to a theatrical entertainment given by the Shakespeare Club, at the National Theatre, on Easter Monday, April 18, for the benefit of the Robert Fund of the Shakespeare Conclave No. 2. W. M.

ARRIVAL OF THE YAZOO.—The steamship Yazoo, Capt. J. Wadsworth, from Philadelphia via Havana, to William Crossy, arrived last night with the following passengers:

FROM PHILADELPHIA—Louis Renoy and H. A. Renoy.

FROM HAVANA—E. Allen, Mrs. Parker, Feb. Cabal, J. Campos, Edward Catalan, Wenceslao Concheta Catalan.

THE SLIME OF THE RIVER NILE—Is not more fitting and mal-odorous than the black sediment of the hair coloring preparations sold in darkened bottles. To contra, PHALON'S VITALIA, OR SALVATION FOR THE HAIR, the only article that will renew the natural color of gray hair, is odorless, and is perfectly transparent. Sold by all druggists and fancy goods dealers. tf

MAXIMILIAN'S WIDOW.—The Paris *Temps*, speaking of the condition of the health of the ex-Empress of Mexico, says:

The physical state of the Empress Carlotta has altered so far the worse that she can no longer pay her visits as usual to the Chateau of Laeken. She has to be closely watched at the palace of Tervueren, where the Queen of the Belgians goes to see her twice a week. Her mental alienation is now accompanied by fever which confines her to her bed in a state of complete prostration.

NEW ORLEANS AND TEXAS RAILROAD.—A contract was signed on Wednesday last at the office of the Chattanooga Railroad Company in this city, by which Messrs. Casement & Co., formerly contractors on the Northern Pacific railroad, agree to grade the Chattanooga road from New Orleans to Donaldsonville. Work will be commenced at once.

Sheridan, the author of the Piegan massacre, has been properly christened the "modern Cayuse." Although beyond the reach of Barclay & Perkins' draymen, his brutal conduct cannot escape the scorn and contempt of every true friend of humanity in the civilized world.

OFFICE 73 CHARTRES STREET.

CITY INTELLIGENCE.

Germania Insurance Company.—The following named gentlemen have been elected directors of this thriving and popular company:

Frederick Del Bondio, A. Eimer Bader, D. Michel, Thomas Schorr, August Koenig, H. P. Klumpp, H. Zuberbier, Charles Bendix, Louis Schwarz, George Merz, A. Marks, J. A. Blaffer, J. J. Weckerling, J. F. Krantz, S. Friedlander, W. Goldenbow, Charles Forhoff, F. M. Ziegler, Phillip D. Mayer, P. W. Dielmann, N. A. Baumgarden, R. F. Theurer, J. Hassinger, A. Gasser.

The Hibernia Bank.—This new bank, which has been organized by Mr. Gleason of a strong board of directors, with Mr. Patrick Irwin as President, and Mr. A. Montagney as Vice President, will, it is expected, very shortly commence operations. Among the gentlemen who have been instrumental in furthering its organization is Capt. O'Rourke, who by the way, we will take occasion to say, would make an exceedingly popular cashier for such an institution, and we would be gratified to see him in such a position.

Supreme Court.—The Fisk divorce suit, in which Mrs. F. M. Fisk claims $300 per month alimony, was being argued yesterday.

The Sulphur Mine case was fixed for argument on the 26th. Mr. W. H. Kontz and J. F. Elliott for the landowners, and Messrs. Ogden and J. D. Hill for the lessees.

The Wicklife Frauds.—James Mushaway, who was arrested for all, self complicity with Wicklife in defrauding Mr. Strauss, the broker on St. Charles street, of a large amount of money, as reported in the *Bee*, was arraigned before Recorder Houghton yesterday and admitted to bail in the sum of $15,000 to await future hearing. His bondsman is Mr. Joseph H. Wilson, dry goods merchant, of Canal street, who is also a wine merchant. It is believed that a prosecution cannot be maintained against Mushaway, and that Strauss can have successful recourse against the State for the money $71,000 which Wicklife is said to have received from him for the $150,000 fraudulent State bonds, Strauss having been deceived by Wicklife's forgeries, and standing in law in the light of an innocent purchaser of the bonds, or third possessor who cannot be made to suffer for the frauds of other parties. Now that after all, it is the State only in all probability that has been swindled, and that Strauss, by an accomplished trick, has escaped the loss of his money, it is to be hoped that the ingenious Wicklife will be arrested under the laws, and, it is suspected, embracing not a few influential persons. At all events the lawyers will doubtless have a chance for a drawing to the grand consultation scheme. The case promises some fine legal arguments.

Mr. Jacob Strauss has instituted suit in the Fourth District Court against G. M. Wicklife to recover $7,000 and costs, alleged by defendant from plaintiff in payment of the forged warrants. Plaintiff alleges that Wicklife has secreted himself, and seeks out a writ of attachment against his property. The $7,000 found on Mushaway have been attached under the suit of Mr. Strauss.

The police in arresting Wicklife's accomplice found nothing of stolen consequence. Mushaway had gold in his pocket. Everything indicated a complete defalcation of the parties, though the police suspect he is still in the city.

Injunction Against the Chattanooga Railroad.—Yesterday in the Eighth District Court was tried the petition of John Eighmie and W. P. Healey et al vs. the New Orleans, Mobile and Chattanooga Railroad Company in which plaintiffs allege that they are occupants and owners of property on Peters street, formerly known as Peters street, and that the Legislature, continued contrary to the Legislature, conveying them to a company, proposes to construct a railroad along the Levee from Girod to Spain street; that if said road is constructed it will deprive petitioners of the use of the building in front of their place of business, drive away all trade, and make the adjacent property comparatively of little value; that the act of the Legislature is in the defendants of the right of way along the proposed line of the road is null and void, as it conflicts with the Constitution of the United States and of the state of Louisiana. Petitioners allege that be the grant of right of way valid, it does not deprive their rights and the rights of the inhabitants of Louisiana and the citizens of the United States of the Union, are invaded. The injunction was obtained in the interest of the Mississippi river. Plaintiffs asked an injunction restraining defendant from building a viaduct or in anyway obstructing the river in front of Peters street, between St. Ann and Esplanade streets.

On the space showing Judge Ludden issued an order that defendants show cause on Thursday, the 14th instant, why an injunction should not issue. Clark Rouse & Rochaw of counsel.

The motion in the Eighth District Court to dissolve the injunction issued against Railroad Company vs. Charles Morgan from this court to the United States Circuit Court, was argued and taken under advisement.

BY TELEGRAPH.

To the New Orleans Bee.

FROM WASHINGTON.

Congressional Proceedings.

Miscellaneous Intelligence.

WASHINGTON ITEMS.

Washington, April 12.—The Reconstruction Committee heard Gov. Vance, of Tennessee, finally, this morning. His evidence and statements mostly neither had reason nor application to the Federal soldiers to be placed under his control, whereupon he promises to maintain peace.

The House, after a stubborn resistance from Mr. Schenck, postponed the Amnesty bill, and took up the contested election of Hunt vs. Sheldon, from Louisiana.

The Senate bill to compensate the Washington Gas Light Co. which passed the House, has been referred to the Senate Military Committee.

The joint Indian Committee were up for consideration before the House, and an intimate postponement was defeated.

The Senate Committee on Commerce have agreed to report in favor of directing the Secretary of War to have a survey made of the James River and Kanawha Canal.

The President has signed the bill removing Mr. Sheldon's political disabilities and he will now be seated as a member of Congress from Louisiana.

Washington, April 12.—Gen. Pope will probably succeed the late Gen. Thomas in command of the Pacific Division.

Internal revenue receipts to-day $186,000; receipts of the month to date $6,000,000.

The Senate continued expunging Gordon this morning, without any action.

A dispatch received by the Spanish Legation from Havana says assents that the Spanish Bank of Havana has loaned $6,000,000 without any interest.

The President has appointed S. T. Day of Florida, as Consul at Paris, vice Ward Johnson, of Arkansas, at Ghent. He also nominated Alonzo B. Long as U. S. Assistant Treasurer at New Orleans, vice Judge J. H. Morgan, resigned.

The Treasury disbursements for the month, to-day, exceed by more than four hundred thousand dollars those for any other month during the last ten years.

Washington, April 12.—SENATE.—The Georgia bill was taken up, and postponed to 26, and discussed by Mr. Tipton in favor of Bingham's amendment; and by Mr. Howe against the admission of the State and in favor of a provisional government.

The latter argued that the State constitution allowed the legislature to perpetuate itself indefinitely, which was not republican in form, and that where two parties in a State voted each other well, and the other, causing outrage and outrage, neither should be allowed the ascendancy. The question did not reach a vote, but promises to again be resumed.

HOUSE.—The contested election case of Hunt vs. Sheldon occupied all day. The vote was postponed to-morrow.

Three thousand dollars were appropriated to the Committee for the investigation of Gen. Howard's alleged corruptions.

Mr. Stevenson made a minority report, supported by four of the Election Committee, in favor of seating Sugar as the member at large from Virginia.

In the contested election cases, Mr. Stevenson made a report in the majority report that Mr. Sheldon was entitled to the seat, and Mr. Kerr supported the minority report, favoring Mr. Hunt.

Mr. Sheldon, who is a sitting member, advocated his right to the seat. Mr. Stevenson closed the discussion, and it was agreed that a vote be taken to-morrow.

Mr. Aspell introduced a joint resolution on appropriating $5000 to defray the expenses of the Committee on Education and Labor in investigating the charges against Commissioner Howard, of the Freedmen's Bureau. Passed.

Mr. Stevenson, from the Election Committee, made a minority report of four members of the committee in favor of the right of Mr. Sugar to a seat as a Representative at large from Virginia.

The House adjourned.

Washington, April 12.—The Georgia question drags slowly along. The home seems as remote as ever.

Only Mr. Blodgett, of the various Georgia delegations, remains here watching the progress of events. The best opinion is that the present Executive and Legislative officials will go out at the expiration of the terms for which they were elected, and that the election for their successors will be conducted under military auspices. It seems certain to-day that whatever relief may be reached the present officials will not be allowed to hold over, except by a vote of the people or by executive appointment.

The Louisiana election case of Hunt vs. Sheldon was elaborately argued to empty benches. The issue is forgone. Sheldon will retain his seat by nearly a partisan vote.

Washington, April 12.—Members of Congress from the gulf States met to-night to consider the question of the Southern Pacific Railroad. They agreed to support a charter making the Southern terminus at Marshal, Texas, with the right of other roads to connect, and of Marshal. Connecting roads shall carry freight and passengers under arrangements mutually satisfactory, and the trunk connecting lines to be five feet.

The Gulf delegations will unanimously support the company most likely to build the road from Marshall to San Diego.

A committee was appointed, composed of Messrs. Sheldon, Sherrod, Pearce and Clarke, to take charge of the matter.

Chicago, April 12.—In the billiard match last night Frank Parker defeated John W. Conn by 250 points in 15th.

By the advice of the Judges of the Circuit and Supreme Courts, Deputy Sheriff Bradley and Jailor Foltz decline to respect the decision of Judge McAllister, of the Recorder's Court, declaring Coroner Cleaves Sheriff ex officio of this county, and refuse to give up the Sheriff's office and the jail to the Coroner.

Four prisoners convicted by a recent female jury in Wyoming, passed through here to-day en route to the Michigan penitentiary.

The Mississippi river is open to St. Paul, two steamers having passed through Lake Pepin yesterday. The water is over the Upper Mississippi and Minnesota rivers is higher than it has been for 19 years. It is begun to fall a little.

Another break has occurred in the St. Anthony dam.

Washington, April 12.—Among the matters that engaged the attention of the Cabinet to-day were official reports concerning the progress of the Darien Ship Canal expedition.

MISCELLANEOUS INTELLIGENCE.

New York, April 12.—The reading of letters at the McFarland trial today was listened to with breathless attention; some of them were very curious; several of the witnesses swore that McFarland was a monomaniac.

Columbus, O., April 12.—The Senate today amended the Appropriation bill so as to provide nearly $600,000 for the payment of the Morgan raid claims. The bill as amended failed to pass.

Cincinnati, April 12.—The constitutionality of the law in aid of the Cincinnati and Southern Railroad is to be tested in the courts. Some time ago the City Council issued a loan of $900,000 to the trustees of Southern Railroad, under the authority of a supplementary act of the Legislature, to pay for surveys.

Today, the City Solicitor, by virtue of his office, and also as a taxpayer, filed a bill of application to an injunction restraining the payment of the loan, on the ground of the unconstitutionality of the act authorizing the loan, and also that such authorizing the loan would be a misappropriation of the corporate funds.

The Republican Convention of the Fourth Congressional District of Indiana, which was held at Terre Haute, nominated Hon. B. F. Claypool.

A friend of Mr. Fabius Fitzgerald, of Fayette, presented a letter from him dated Washington, April 10, in which he writes from the center of the Republican party harmony, and pledging the nominee, Hon. B. F. Claypool, of Wayne county, and Mr. Fabian, therefore moved that the Hon. Jeremiah M. Wilson, of Fayette, be declared the nominee of the Convention, which was received with applause. Resolutions were adopted denouncing the frauds which were adopted by the recent Democratic Convention, and recognizing the fidelity of Mr. Fabian.

The Convention was very harmonious.

San Francisco, April 12.—The fire still burning in the north shaft of Amanda Mine, and there is a panic among the stockholders. The stock declined from 40 to 250.

New York, April 12.—The first charter election under the new law, consolidated City of Jersey City, held yesterday, and the entire Democratic ticket was elected in Hoboken the Democratic ticket was elected.

The Newark Board of Trade has received communication from merchants of Nassau, asking it to cooperate in averting foreign consular officers from leaving and representing that the recent agitation has caused many to suspend orders for supplies until the question is settled.

San Francisco, April 12.—The majority of the city are discussing the question of entering at the New York custom-house goods from Liverpool, sailing to San Francisco. A committee has been appointed to investigate the matter.

FOREIGN INTELLIGENCE.

London, April 12.—The Mayor of Tipperary Screwn, from Nenagh, reports the prevalence of heavy rains, especially in Ireland, and unusually high tides, which have caused the greatest alarm. Many more of the inhabitants have protested to Mr. Gladstone against the sectarian character of the Education bill.

Capt. Lyon publishes a comunication in the *Pall Mall Gazette* to-day, wherein he defends the action of the American consuls, and says he does not regard the action of the Council of August 4th, 1869, as a violation of the rule of the road.

Lucania, C. S., April 12.—Preparations for the expedition to the Red River are being progressing, and will depart about 15th in May.

St. Johns, N. B., April 12.—The new pilot boat, John Mouler, was lost, is feared to have been lost with all on board.

Rome, April 12.—The report that the first schema of the dogma of Papal Infallibility will be voted upon today, opponents of the dogma will be reported to be in waiting.

Paris, April 12.—An unarmed man was arrested during the review yesterday, for shouting "Vive Amnesty" and "Down with the Emperor."

Paris, April 12.—In the Corps Legislatif today it was announced that M. Segris, Minister of Finance, and the Duke de Rouher resigned, and that M. Mangin and Richard would assume the portfolios of Finance and Public Works. The resignation of Public Works of M. Richard is closed.

It is certain that the other ministerial resignations will be accepted. The *plebiscite* is called for the 8th instant, and the ministers will ask the Chamber to postpone the *plebiscite* which will be submitted to the nation between the 1st and 15th of May.

The International Society of Workmen will take charge of the families of the men who have been imprisoned, to impeachment for taking part in the riots at La Ciotat.

The workmen at La Ciotat show no signs of returning to work.

A gang of 500 men from Fourchambault have gone to Fourchambault to Fourchambault, and attempted to put a stop to the work, but attempted no violence.

The Emperor has appointed a commission to consider the political status of Roman telegraph cables, and to report what, if any, obstacles there may be to their absolute neutrality.

Rome, April 12.—The Archbishop of Baltimore has published a short reply to the pastoral letter of the Bishop of Orleans.

Queenstown, April 12.—The steamer City of Brooklyn, Manhattan and Siberia have arrived.

Madrid, April 12.—There were 19 insurgents killed and 10 wounded at the Barcelona barricades. Besides these many were wounded and taken home to their houses. The loss of the troops was 5 killed and 13 hurt.

It is officially stated that partisan accounts of the outbreak.

Paris, April 12.—Several Carlist chiefs have succeeded in entering Spain. Fresh insurrections are anticipated.

FOREIGN MARKETS.

Liverpool, April 12.—Evening.—Cotton closed quiet: uplands 12½d; Orleans 12¾d, sales to-day 8000 bales, of which 1000 were for export and speculation.

Paris, April 12.—Evening.—Bourse closed tone: rentes 73 and 72.

London, April 12.—Evening.—Consols closed at 92¾ for money, 92¾ for account. Tallow quiet and steady. Sugar quiet, both on the spot and afloat.

Frankfort, April 12.—Bonds opened firmer at 78¾@78½.

DOMESTIC MARKETS.

New York, April 12.—Evening.—Sts. 111½@112 of 1862, 111½@112 of 1864, 108½@109 of 1865, 108½@109 of 1867, 108½@109 of 1868. Tennessees 58¾; new 57¾@58. Virginias 50; new 49. Louisiana 75½; new 72. Levee 68, 70½; 68, 92. Alabama 88, 95½; new 90. Georgia 68, 85. Missouri 90½; new 91. North Carolina 46¾; new 22. South Carolina 87; new 81.

From the Parishes.

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

THE CROPS, ETC.—Several of our farming friends report to us that the cool weather and nightmare have experienced during the past two weeks, together with the usually dry weather, have operated to some extent to retard the growth of the crops. Planting operations are progressing, and with the exception of the drawback mentioned, the prospects for an abundant yield are very encouraging. Upon the whole, the prospects may be regarded as favorable as can reasonably expect. A large quantity of land has been planted in sugar cane, and we hear that last year, though the planting crops have by no means been neglected, and if there is a season for operations, the harvest in the fall will be ready to our every hope. We received unofficially the following from Baton Rouge:

WEST BATON ROUGE.—The Bayou Sara says:

We learn from Major R. H. Gray, the chief engineer of the Black Bayou Railroad Company, that the company has completed the purchase of the Grosse Tête railroad, and will at once commence the work of the Grosse Tête Railroad, connecting the Bayou Sara with the Iberville and Opelousas Railroad. We have not learned the exact terms of the purchase, but we understand that the Grosse Tête Railroad is in good condition, and will be used for the present in connection with the Black Bayou Railroad. The Grosse Tête Railroad is about 20 miles in length, and connects the Bayou Sara with the City of Baton Rouge. Last year it was worked to its full capacity, and it will be the shortest route for the cotton crop of the Iberville and Bayou Sara, which will be shipped to this city, and thence by the Mississippi River to New Orleans. The Black Bayou Railroad is now in good condition, and will be used for the present in connection with the Grosse Tête