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NEW ORLEANS:
THURSDAY MORNING, MARCH 11, 1869

THE FREEDOM AND AUTHORITY OF THE PRESS.

The remarkable events which have transpired in the United States since the breaking out of the late war, and the state of the public morality, or rather immorality by which we are surrounded, might have warned us, and in fact did warn us that when all the safeguards and checks embodied in our form of government were overthrown, the wicked men who have entrenched themselves in public office would resist the scrutiny and criticism of the news paper press, and would struggle to escape from its searching investigations and exposures.

The Legislative Department of the Government has long been at the mercy of a godless set of political gamblers. In the seats once occupied by men like Webster and Calhoun and Clay and the other great men of the Republic, sit small and narrow-minded fanatics and charlatans.

The Executive once the strongest Department of the Government has become the weakest and lies at the present moment at his mercy of an unscrupulous faction.

The Judiciary Department intended to be administered by men who were removed by the Constitution from all the rivalries and temptations inseparable from a competition in the legislative forum, and once graced by characters of the stamp of Marshall, Jay, Story, Taney and others, has during the Presidential administrations of Lincoln and of Johnson, been surrounded to the unconstitutional legislation, to the fierce attacks and threats of the same wicked faction who bow control the destinies of the United States.

What is there left? Have the people of America any barrier to interpose against these desperate inroads, these insolent assaults upon their dearest liberties? any refuge or citadel to which they may throw up works and offer resistance to the last approaches, the last onset of their foes? They have. But, as eternal vigilance is the price of liberty, they must, if they wish to come off conquerors, make good use of the only weapon which now remains in their hands. It is a sharp weapon, a sturdy weapon and a sure weapon in the hands of a skillful engineer, but there must be no weakness, no mistake made in the manner of wielding it, if he would make certain his final victory.

That barrier, that refuge, that citadel, that weapon is the free and independent press. Is there such an institution in America, and if so is its mission, its sphere, its authority recognized by the people and do the people do their duty in holding up the hands of the conductors of that press? Do the people strengthen their hands and encourage their hearts in fighting the terrible battle with the legions of corruption which infest all our public offices?

The Press does its duty by exposing and denouncing the frauds and the corruption which now characterize the administration of public affairs. The remedy is in the hands of the people themselves, who ought to organize associations and have the crimes of their agents and servants brought to light. The guilty parties should be prosecuted, and officers who are unwilling to serve the public faithfully should be compelled to resign their places to better men.

If, however, the public continue to manifest the same apathy which has marked their treatment of the frauds and the corruption noto riously ramifying through all departments of their service, and do not back up the Press in its investigations and exposures, they will only have themselves to blame. A republican government rests only upon the virtue and the vigilance of its citizens.

NEW BOOK.—*Recollections of Men and Things at Washington During the Third of Century.*—By L. A. Gobright, Philadelphia, Claxton, Remsen and Haffelfinger, 1868.

The author of this book has resided in Washington city for 25 years, and has been connected with the Press most of that time; of course having the opportunity to become acquainted with the great man who have, during this period, figured at the nation's capitol. Mr Gobright has stored away many a reminiscence and many an anecdote in his retentive memory. Some of these he has in this work, drawn forth, for our instruction and entertainment. He has woven into a narrative many facts and incidents not to be found elsewhere collected. Besides reminiscences of this kind the reader will find matter of a graver nature, which gives some what of a historical character to the work.

For sale by James A. Gresham, Bookseller, 82 Camp street.

THE FRENCH OPERA.—Mr. Caldiron announce he will throw open his doors again this evening, on which occasion A. Thomas beautiful opera the "Midsummer-Night's Dream" will be presented. Miss Hasselman has a fine role in this opera, and the performances will conclude with the "Song of Fortunio," in which Madame Lambele Albaiza will appear. Miss Chanvean, Rogel, Van Hoffen, and Albert Juliea are also in the cast to night. It is to be hoped the weather will prove favorable and that the artists will find their voices in good condition.

STATIONERY AND LITHOGRAPHING.—We observe the establishment of a new firm, at No. 72 Camp street (Three Buildings) Messrs. Steel and Company, stationers, printers, blank book manufacturers and lithographers. They will execute all kinds of steamboat, railroad, Mercantile and theatre printing in the best style. Our mercantile readers will doubtless find it to their interest to encourage this new house.

The 832 shares of the New Orleans Gas Light Company's stock, sold yesterday at auction by Messrs C E Girardey & Co., realized the following prices:

100 shares N. O. G. L. Stock at	$1-16	$157 50
100	"	1-4	15.100
100	"	1-2	15.000
100	"	13-16	15.150
400	"	15-16	45.525
132	"	1-2	20.064
			$126.089

The share averaging $151 55 100 per share, and yielding the above handsome amount.

Can it be possible that over Five Million Bottles of PLANTATION BITTERS have been sold during the past year? It is almost incredible, nevertheless it is absolutely true and is the most convincing proof of their wonderful medicinal and health-restoring qualities. Every family should be supplied with these Bitters, at whatever cost or trouble it may be, to obtain them. Be careful that you get the genuine, and that you are not imposed upon by a spurious article.

MAGNOLIA WATER—Superior to the best imported (German Cologne, and sold at half the price.

AUCTION SALES THIS DAY.

By O. de Ferret, at 11 o'clock a. m., at No. 86 Bienville street, a large assortment of Furniture.

SAILING OF THE SHERMAN.—The steamship Sherman, Capt. Henry, sails this morning at 8 o'clock, for New York direct, with a full freight and the following named passengers:

Miss C Brewer; Mr H W Smith; Mr S L Smith; Mr J H Smith; Miss J Smith; Miss E Smith.

THE TONE OF THE SOUTHERN PRESS AND THE SOUTHERN PEOPLE.—We find in an editorial from the Nashville Union and American, a change from past observations on the Southern people and press, from a Northern source

It is pleasant in these deplorable regions to read the Southern press. Amid many difficulties its tone is so moderate, so sensible, at times even so eloquent with an eloquence that answers to the golden age of journalism, and above all so consistent in its devotion to principle that the calumny trade of the day, is really refreshing. And chief among these journals it is cheering to read the little up country papers. In cities the tone is generally given out by the wealthier and most wealthier printed at the Court House or in some large country town, one gets nearer to the people and to the tone of the editorials and temper of the occasional communications, one sees where, whilst the bulk of the community think and feel and mean.

This fine, firm and generous, so full of hope and good sense, and unyielding opposition to tyranny that one may well linger great things for a people so scored and so true at heart, under the pressure of much despotism, and in the face of many alluring temptations. Wendell Phillips says the "rebels" stand and stand like as many rocks, receiving approvals, without any results, the most tremendous blows, given on the Southern people do. They are as firm and stanch as the deep seated cliff which no storms shall straighten, and still mighty, when the wild waves have subdued and surged out against their Lizzie strokes. Long may it remain! Persistency has been the great instrumentality by which the North has done so much, and it would be an almost incredible retrobation if the South should yet beat it at its own game.

The Lexington (Ky.) *Journal* says that one cause of the scarcity of labor in that section is from the enough of the negroes for planting "on shares" this year, hoping, on account of the present high price of cotton, to get rich in one season. One of these, would-be planters was found in a store a few days ago trying to get a pair of shoes for a bale of cotton yet to be raised.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, THURSDAY MORNING, MARCH 11, 1869. 42d YEAR—Vol. XLII.—Whole—14,695.

Gold Contracts.

DECISION OF CHIEF JUSTICE CHASE IN THE CASE OF THOMAS C. BUTLER AGAINST BENJAMIN F. HORWITZ.

Washington, Monday, March 1.—The Supreme Court of the United States to-day decided the Russell, Major & Co.'s Floyd acceptance to be illegal. The Court also delivered an opinion sustaining the gold contract case from Maryland, on the same principle as that involved in the case of Bronson against Rhodes. Chief Justice Chase delivered the opinion of the Supreme Court to-day in case No 70—Thomas C. Butler vs. Benjamin J. Horwitz—in error to the Court of Common Pleas for the State of Maryland. The following is a careful report of the opinion:

Chief Justice Chase said—The principles which determine the case of Bronson vs. Rodes will govern our judgment in this case. The record shows a suit for breach of the covenant for payment of rent in a lease of certain premises to the City of Baltimore, made in 1791 for 99 years, renewable forever, upon an annual rent of fifteen pounds current money of Maryland, payable in English golden guineas, weighing five penny weights and six grains, at thirty five shillings each; and this gold and silver at their present weight and rate established by act of Assembly. The obvious intent of the contract was to secure payment of a certain rent in gold and silver, and thereby to avoid the fluctuations to which the currency of the country, in the days which preceded and followed the establishment of our independence, had been subject; and fluctuations incident to arbitrary or uncertain measures of value, whether introduced by law or usage. It was argued in the court below that the rent due upon the lease reduced to currant gold and silver coin was, on the 1st of January, 1866, $40, and judgment was rendered on the 27th of June, 1866, for $59 17. This judgment was rendered on the legal result of two propositions—first, that the covenant in the lease required the delivery of a certain amount of gold and silver in payment of rent; and second, that damages for non performance must be assessed in the legal-tender currency. The first of these propositions is, in our judgment, correct. The second is, we think, erroneous. It is not necessary to go at length into the grounds of this conclusion. We will only state briefly the general propositions on which it rests, some of which have been stated more fully in Bronson vs. Rodes. A contract to pay a certain sum in gold and silver coin is in substance and legal effect a contract to deliver a certain weight of gold and silver of a certain fineness to be ascertained by count. Damages for non performance of a contract may be recovered at law for the breach of performance of a contract to deliver bullion or other commodity, but whether the contract be for delivery or payment of coin or bullion or other property, damages for non performance must be assessed in lawful money, that is to say, in money declared to be legal tender in payment of all debts and dues public and private, within the United States. *It was not necessary in the case of Bronson vs. Rodes, nor is it necessary now to decide whether the acts of Congress of United States notes legal tender are warranted by the Constitution. We express no opinion on that point. We only say that, in our judgment, the Constitution allows no other construction.* Proceeding upon this assumption, we find two descriptions of lawful money in use at the time of the acts of Congress, in either of which damages for non performance of contracts, whether made before or since the passage of the Currency acts, may be properly assessed in the absence of any different understanding or agreement between parties. But the obvious intent in contracts for payment of coin or grand squirrel distinctions in the medium of payment warrants the inference that it was the understanding of the parties that damages should be assessed in coin whether before or after the judgment, only by tender of coin, while the absence of any express stipulation as to description in contracts for payment of money generally, warrants the opposite inference of an understanding between parties that such contracts may be satisfied before or after judgment by the tender of any lawful money. This inference as to contracts made prior to the passage of the acts making United States notes a legal tender is strengthened by the consideration that those acts not only do not prohibit but by strong implication sanction contracts made since that time for payment or delivery of coin, and consequently, taken in connection with the provision of the act of 1792, concerning the assessment of damages upon such contracts to be assessed in coin and judgment rendered accordingly, leaving the assessment of damages for breach of other contracts to be made and judgment rendered in lawful money. It would be unreasonable to suppose that the Legislature intended a different rule in regard to the ascertainment of the Currency laws, from that sanctioned by them in respect to contracts since the passage of the acts. We are therefore to assess damages, whether in coin or lawful money, severally, that judgments upon such assessments should be in conformity to the stipulation of contracts in regard to the medium of payment. It follows then, that in the case before us, the judgment was erroneously assessed. The damages should be assessed at the sum agreed to be due with the interest in gold and silver coin, and judgment for the amount with costs. The judgment of the Court of Common Pleas must, therefore, be reversed, and the cause remanded for further proceedings.

Mr. Justice Miller dissented, for reasons given by him, in Bronson vs. Rodes.

THE NEW SECRETARY OF STATE.—Elihu B Washburne the new Secretary of State, was born in Livermore, Oxford county, Maine, Sept. 23, 1816, served an apprenticeship in the printing office of the Kenebec *Journal*, studied law at Harvard University, and, removing to the West, practiced law at Galena, Illinois. He was elected a Representative to the thirty third and re-elected to the thirty-fourth, thirty fifth, and thirty sixth Congresses, and for the two occasions as Chairman of the Committee on Commerce. He was also elected to the Thirty seventh Congress, serving as Chairman of the Committee on Commerce, and re-elected to the Thirty eighth Congress, serving again as Chairman of the Committee on Commerce, and as a member of the Joint Committee on the Library. He was a member of the Fortieth Congress, and, from having served so many terms, was considered as the Father of the House.

Mr. Washburne is a plain, shrewd, practical man, with strong prejudices and a clear head. He is to the Republican party what George W Jones, of Tennessee, was to the Democratic party, the "Watch Dog of the Treasury. He is eminently a self made man, and the best of his name. Great maid of him. "Washburne was my friend when I was poor and needed friends," and this appointment is the appointment in the best position in his friend's cabinet. Mr. Washburne is by no means a violent or extreme politician, and his sound common sense and sturdy love of fair play will carry him through almost any diplomatic affair, and will meet all the questions which may come before him in our foreign affairs without perturbation or bravado. He is a decided improvement upon Mr. Seward.

The Late Lucien J. Dupre.

The sudden death of one of our most eminent citizens has cast an unusual gloom over our city. Lucien J. Dupre, the affectionate husband, the genial companion, the sympathetic neighbor and friend, the able lawyer, and the public favorite, has passed away. The Hon. Lucien J Dupre is no more. After a sudden and unexpected attack of apoplexy, and a brief illness, he expired at his residence, in the town of Opelousas, yesterday morning, in the 47th year of his age. We have time, on going to press, to pay but a brief tribute to the lamented deceased

Judge Dupre was a native of St. Landry, and died at home, surrounded by his family, and troops of friends, who had been companions of his childhood, and the associates of his riper years. He belonged to a large, respectable, and influential family, some of whose members have been identified with the public history of our parish for more than half a century. His father, the late Cyprien Dupré, was a prominent citizen, and has frequently represented the parish in the Legislature. The grandfather, the late Jacques Dupré, was one of the pioneers of the country, was noted for his wealth, his energy and his extensive influence, and was for many years the lovincible exponent of the public sentiment of St Landry, and on the death of one of our governors, because, for a short time, the Governor of the State.

The deceased was no unworthy representative of his sires. The native energy of his character, and intellectual training, gave him marked advantages, and added ornament and brilliancy to his quiet and energetic mind. He was a distinguished lawyer, and stood in the front ranks of his profession. His business habits corresponded with his intellectual accomplishments, and he was rewarded with an extensive and lucrative practice. He was for several years Judge of the District Court; he was a member of the Secession Convention from this Senatorial District, he volunteered as a private in the army, from which he was promoted to the position of Quarter Master of the 18th La Regiment, and from the latter post, he was transferred by the suffrages of his fellow-citizens, to the Confederate Congress; and in all these positions his ability, energy and integrity, won for him the confidence and esteem of the public

But for want of time, we must close. He has gone to that bourne from whence no traveler can return. His death has created a melancholy void in our midst. His friends and neighbors will long mourn his untimely demise His family have been smitten with an overwhelming calamity. Their loss is irreparable May He who tempers the wind to the shorn lamb, give them fortitude to bear this afflicting dispensation, and shower upon them in their bereavement, His choicest blessings—*Opelousas Journal*, March 6.

"Little Phil"

HIS RIDE BACK TO LOUISIANA.

[From the Chicago Times, 22.]

It is to be hoped that the rumor that Gen. Grant will send Sheridan back to command in Louisiana will prove untrue. It is difficult to understand how Grant, if he be really a Conservative man, and wishes for peace in the Southern States, can approve of the administration of Sheridan as District Commander. He was insolent, tyrannical, malevolent, and insolent in preserving order. If he did not derive profit from meddling, as District Commander with the Senates of New Orleans and of the State Government, he has been slandered in such an ingenious way that Phœbus was as to pose a general conviction that he did not keep his hands clean.

Of all the many men who described the Democratic party to gain by it preferment during and after the war, Sheridan has made the worst record. He went beyond the requirement of the reconstruction infamy to enhance his profit. The letter of the law commanded him to the what is lawful, but Sheridan must win the name position, but he had a relish for the unseemly and infernal, which gave the letter an interpretation worse than his brethren dared to express. He is an insolent Irishman, and Grant ought to shake him off.

MARINE NEWS.

The Marine News will be found on our inside page.

Cheese gave satisfaction to a very beautiful thought when he said—"I go from life as from an inn, not as from home."

CITY INTELLIGENCE.

Reportorial Repository.—The commencement exercises of the New Orleans School of Medicine will take place Tuesday, March 16th, at 1 P. M., in the Lyceum Hall.

Mr. Stevens has a benefit at the St. Charles Theatre, Sunday night. Mrs. Xander, who stands at the head of the profession, is the grand attraction at the St. Charles every evening.

The "Female Forty Thieves" and "Brave Girls of the South" continue to attract crowded houses at the Academy. Miss Maude St Lose, one of the troupe there, is an interesting actress. Miss Belle Boyd, the Confederate Spy, is also one of the Academy troupe.

American Union Club.—We are indebted to the association for polite invitations as issued, a "series of sociables" to be given under the auspices of the club, at their rooms, 116 Carondelet street, on Wednesday evening of each month, beginning the 10th instant. We could not attend last evening, but shall certainly do so another time.

The United Laborers' Association.—This association celebrated their sixtenth anniversary yesterday, by a turnout of about 900 of their members in procession with music and banners. The officers of the society are: President, Wm. Crotty; Treasurer, John Grainger; Secretary, P. Manning; Grand Marshal P. Hetherman; Aids, C. Woolrich, James Dobson and T. Connell.

New Orleans School of Medicine.—At the commencement exercises of this institution which take place at 1 o'clock P. M. on the 16th inst., degrees will be bestowed on the graduates by Dr. D. W. Brickell, Dean of the Faculty. The valedictory address on the part of the Faculty will be delivered by Professor Samuel Logan, and on the part of the class by Alfred S. Gaines. There will be music on the occasion.

Literary Entertainment.—We are obliged to Mr. Lazar L. Webb for complimentary tickets to a reading which he will give by hat, Lyceum Hall, on Saturday, the 13th inst. for which occasion she has chosen for her subject, "The Beauties of Hope and the Victories of Life." Mrs Webb, well known in the South during the war as Mrs. Dr. Webb, comes to us with high reputation as a literary lady, and as one half of the "Webb Sisters," of New York. Time will not permit us to be present on the occasion, but we hope the attendance will be full.

Accident to Vigilant No. 3.—The following facts we have been requested to lay before the Street Commissioners of the Second District, as copied from the police report. The bridge at the corner of Bourbon and Bayou St. John was taken away by some persons, and has not been replaced by any new bridge, or any light or barricaded left there to warn people of their danger. Several vehicles were precipitated into the chasm, and among other sufferers was Vigilant No. 3, whose engine, horse and driver all fell in, and were all huddled together in an indiscriminate mass. The neglect was outrageous on the part of the person who left it with the obstructions, and of those whose duty it was to take charge of it.

Fire.—A fire is reported by Corporal McCann to have broken out at half past 9 o'clock Tuesday night, at No. 8 St. Philip street, which was occupied by Mr. Lagrasse, and which was caused by the explosion of a coal oil lamp. The fire was extinguished by officer T. O'Connor and by Steamer Mississippi No. 24, and when we were at the time returning from the fire on Bourbon and Customhouse. The house (a paper box factory) was damaged, and the loss amounted only to about $50.

About 4 o'clock yesterday morning a fire was discovered in the rear of No. 67 Union building on the corner of Julia and Tchoupitoulas street. It originated in an ash pan, near the kitchen stove, and burning a hole through the flooring fell to the lower floor, where the accidental was gained before an alarm became necessary.

Dungeons and Suspicions.—A man named Charleston alias Smith, alias Jones, and half a dozen more, are held for burglary and larceny. The first was found guilty, and the other not.

The case of John Moore, colored, charged with the murder of Betty Preskitt, colored, in Mayor Monroe's office, on the 23d November, at the residence of Mrs. Burrell. The goods stolen were found at the house