# The New Orleans Bee.

NO. 109 CHARTRES STREET. NEW ORLEANS, SATURDAY MORNING, OCTOBER 20, 1855. {Vol. XVI.—NEW SERIES. {Vol. XIII.—Whole No. 7072


## THE DAILY BEE.

The office of the "Bee" is removed to No. 109 Chartres street, between Conti and St. Louis sts.

Saturday Morning, October 20, 1855.

The Chickasaw Mail failed yesterday from Memphis.

### HOW STANDS THE LAW?

We have heretofore spoken of the lame efforts of the Democratic Committee to obtain a list of legal names in support of their gross assumptions touching the qualifications, and the true intent and meaning of the law. But the subject is one of the law. But the subject is one of importance. The services of the emissaries have been of small benefit to the Democratic party since they have withdrawn completely from the real issue between the two parties. We entertain too much respect for discretion to harbor, for one moment, the thought that leading members of the New Orleans Bar would lend themselves knowingly to any such transaction, without the fact to an impartial decision of whether the questions propounded are a fair point in controversy, or, whether the leading point has not been lost sight of by the Democratic committee, and their legal advisers.

There is a fancy which we unlearned ignorant educated citizens have been taught to consider as paramount to the Mr. Buchanans, of W. W. Kins, or Judge Dunbar. We have been told that the Attorney of the City Council, or the Attorney of the Legislature, was not supreme in the Legislature, and that the opinions of these officers were entitled to confidence, only as they knew that they have examined the matter thoroughly without bias, prejudice or interest; and finally, the Supreme Court of Louisiana has, on many occasions, declared that an act of the Legislature is legally binding when it has been passed in conformity with the Constitution of the State. This Constitution is the supreme law of the land. The Constitution every public servant is sworn to obey. Every Commissioner of Elections is bound by his oath of office to execute the provisions without any regard to municipal or legislative enactments. Now the law of 1855, entitled "An act to regulate elections," contains provisions which are in conflict or inconsistent with the positive language of the Constitution. The Commissioners in the discharge of their duties are bound by their oaths to be governed completely—such provisions are void, and as if not made. There is a proposition which the Democratic leaders themselves who have been the Democratic Committee, or the Legislature. It remains for us to discuss which will determine the question as to whether the law of 1855, entitled "An act to regulate elections," are or are not in violation of the Constitution of 1852?

The first Constitution reads as follows:

"Legislature shall provide by law for the registration of all qualified electors in the city of New Orleans and in each parish, and may provide them with such other regulations as may be necessary to insure the purity of elections, and shall determine by law the manner in which the returns of the same shall be made."

The act of March, 1854, Robert [illegible] being then President pro tempore of the Senate, was not entitled "An act to regulate the registry of the names of all qualified electors in New Orleans" was passed, and unconstitutionally rendered inoperative by a proviso that even [illegible] "shall not have the name placed upon the registry."

This proviso was simply in violation of the very words perpetrated by the Legislature, and was consequently complained of, as the framers of the Constitution had not intended to provide for such a contingency. But, on his own responsibility and without the ceremony of registry, without respect to any [illegible] of his name or residence, [illegible] conclusive proof of the entire want of [illegible] the framers of that law, or, [illegible] their determination to violate [illegible] under the pretense of [illegible] provisions.

[illegible] how eager they were to punish [illegible] and what an effective remedy they [illegible] against it! The following article is the article providing for the [illegible]:

"That when a case occurs as mentioned in the sixth section of this act, it shall be the duty of the clerk less than two years, and also sworn, under the provisions of this act, shall be perjury, and punishable accordingly."

We quote the above textually from page 156 of the Acts of 1854; and we ask if it [illegible] to or an Ethos could extract an atom of meaning from such ineffable trash.

In order to facilitate the execution of the constitutional provision, the Legislature neglected to fix a time for the election of the officers designated in the statute, so that this bungling enactment is in a dormant state, awaiting some honest and Constitution-loving legislator to awaken it with a touch of fire and vitality.

We confess that the "true intent and meaning" of this act would never had occurred to us, had it not been set forth in section 12 which provides, that it is "to carry out the provisions of art. 11th of the Constitution." Had we not read this section we should certainly have entertained very different notions. We would have considered that every section of this act proves that its true meaning and intent is to violate and set at defiance the 11th article of the Constitution—to foster and cultivate perjury at our elections, and to protect the infamous system of desecrating the ballot-box by fraudulent voting. This, we regret to say, is the true intent and meaning of an act of the Legislature of Louisiana. But this law, such as it is, cannot be repealed by the Legislature, except for the purpose of substituting another law in conformity with the provisions of the Constitution—that is, a registry law. The Constitution, in requiring imperatively from the Legislature the passage of a law providing *that the names and residences of all qualified electors of the city of New Orleans shall be registered, in order to entitle them to vote*, has established a *standard*, a measure, a rule from which the Legislature cannot deviate, directly or indirectly, and from which, as a logical consequence, it cannot authorize any one to deviate. We contend that the law of 1855 does establish a standard and a rule for the qualification and voting of electors, which is in direct *contradiction to the language and spirit of the Constitution*, and to any *statute which the Legislature has the constitutional power to enact*. We contend that in so far as it does conflict as aforesaid, its provisions are unconstitutional, and consequently null and void. It is in the power of a partisan and corrupt Legislature to dodge and shuffle off the duties imposed upon them by the Constitution. It is in their power to violate their oaths by enacting a law pretending to carry out the provisions of the Constitution. It is not in their power to violate the Constitution, and, thank Gon, they have no power to enforce its violation, or to compel any public officer to violate it.

What are the provisions of the law of 1855?

Section 15 provides that should any person offering to vote refuse to take the oath or affirm to it, as prescribed in the foregoing section, the vote of such person shall not be received; and that it *shall be the duty of the commissioners to receive the vote of all persons taking said oath.*

The oath of the party offering his vote is the standard of qualification, according to the statute. The commissioners have no discretion, according to the opinions of some of the learned jurists. They are bound to receive the vote of every man willing to take the oath. This section, and every other section of this law, completely ignore the existence of any constitutional provision on this subject. But this disparity, this contradiction, cannot affect or alter the Constitution, which is the supreme law of the land. It simply renders the provisions of the statute null and void. We maintain that the Legislature could not substitute the qualification test of the oath of the voter in the parish of Orleans, for that of the registry of his name and residence, as set forth in the Constitution. The attempt of the Legislature to violate the Constitution indirectly, by the passage of the inoperative law of 1854, and then undertaking to violate it directly, by the passage of the law of 1855, which repeals that of 1854—which position is maintained by Mr. HYAMS, in his answer to the committee—is one of those acts which cannot be too severely condemned. It is a bold and barefaced blow at the purity of the ballot-box—it was intended to perpetuate the reign of fraudulent majorities—it is in keeping with the electioneering movements of the Democratic party in its palmiest days; but its very enormity has lead to its detection; and it is to be hoped that, by their total disregard of the odious and unconstitutional provisions of the law, the commissioners of election will prevent our opponents from robbing the people of Louisiana of a free and fair expression of their will.

We believe that any sober-minded and reflecting citizen must, after an examination and comparison of the Constitution, and the various election laws, arrive at the conclusion, that the commissioners possess and may exercise all the powers vested in such officers previous to the adoption of the present Constitution; that they have a right to call for the best evidence in cases of doubtful votes, and fully to satisfy their consciences before admitting a challenged voter to the privilege of suffrage.

Had the Democratic Legislature performed their manliest duty—had they passed a law deserving the name of registry law—all this discussion about the rights and duties of commissioners of election would have been avoided.—Let the naturalized citizens bear this in mind. The Democratic party had it in their power, and their representatives in the Legislature had sworn to pass a law, according to the provisions of which every man, at a fixed period before the elections, could register his name and residence, and qualify as an elector. After complying with this formality, he could present himself to the polls, and his vote would be received without a single question being addressed to him. The Democratic party violated the Constitution by refusing to pass such a law, and are thus the authors of the very embarrassments which now exist.

☞ Thanks to the Purser of the steamship Nautilus for late Texas papers.

☞ The Clerk of the steamer Sultana has our thanks for late Louisville papers.

☞ The steamship Nautilus was detained at the Brazos bar and at Galveston two days, on account of heavy weather.

TELEGRAPHIC.—The Southern Telegraph Line is at last in fine order between this city and Mobile, a submarine cable having been successfully laid across Lake Borgne, within the last few days. The portion of the line beyond Mobile has worked well for a fourth and a half and it is now confidently expected that the line will work with great regularity between this city and New York.

HEALTH OF VICKSBURG.—There were 18 interments in Vicksburg for the week ending on Monday last. The city is rapidly improving in health.

AMERICAN POWDER.—The Albany Journal says that the powder used by the Allied armies in battering down the almost impregnable fortifications at Sebastopol, was made at Hazard's and Dupont's mills, in Connecticut and Delaware. Two clipper ships belonging to Grinnell, Minturn & Co., were despatched during the summer, with full cargoes of powder for the Crimea.

CHICAGO, October 11.—Accounts from Northern Wisconsin, in the neighborhood of Lake Winnebago and Fox river, represent the country as suffering from a tremendous inundation, caused by severe rains. Thousands of tons of hay had been swept off, and considerable grain in stacks. Apprehension were felt for the safety of the whole property of that section.

☞ Our country exchanges all concur in stating that a white frost was experienced on the 9th inst.

☞ Judge Thomas Clemmons, of Carroll county, Mo., a widely known and highly respectable old citizen, was murdered on Tuesday, in his field. His body was found yesterday, and his negro, George, confessed to murdering him with a hoe. The citizens assembled en masse, and hung him on a tree by the road side.

ANTI-RUSSIAN DOG.—The following account of the exploits of a dog in the Crimea is translated from the Gazette of Trieste, and surpasses every thing heretofore recorded of the devotion and bravery of this noble animal:

"A great sensation has been caused in the camp of the Allies by the heroic deeds of a dog belonging to Colonel Mestmans, of the 72d Regiment of the Line, 1st Brigade, 1st Division of the 4th Corps. During the battle of the Tchernaya, the quadruped broke his chain, fought in the ranks of the army, saved the life of a sergeant and a gabber, and took three Russian prisoners. A ball struck his foot, but the wound only embittered the animal the more. He threw himself upon a Russian officer, flung him to the ground, and dragged him prisoner by his coat collar to the French. A physician has bound up the wound, and the 5th fractured leg is now in bandages. He will probably receive some mark of honor, as another dog in the English army has been rewarded with a medal for his devotion to his master."

THE PROPHECY.—The American *Advocate* holds the following sneering language:

For the information of our friends in other parishes, we can announce to them with certainty that Madison parish is all right—she will give a majority for the American State ticket of from eighty to one hundred votes. This will be done remarkably well in a parish where six months ago some of our opponents boldly asserted that we could not elect a constable. In 1853, when the parties were Whig and Democrat, the average majority for the Democratic State candidates was about forty votes, while the majority for Pierce over Pugh and Scott over Pierce, in Pond's majority over Davidson will not be less than eighty, and if the other parishes succeeding as Madison—Louisiana! Does not matter anything what this change, we shall elect Col. Pond by a handsome majority.

The same paper says: In the parishes of Tensas, Concordia and Catahoula, the change in favor of Pierce as compared with his vote in 1852 against Perkins, will be much greater than in Madison—in Tensas alone, where Perkins received a majority, he will beat Davidson from one hundred and fifty to two hundred votes.

From Catahoula all our information is to the same effect. The Americans will carry the parish by a very large majority.

### Mass Meeting To-Night.

The AMERICAN PARTY will bear in mind that a *MASS MEETING* will be held THIS EVENING on Washington Square, Third Duplet. Distinguished speakers will be present to address the assemblage. Let our friends of the First, Second and Fourth Districts respond to the zeal of their noble brethren of the Third who are in the field, and working with tireless energy.

RALLY! RALLY!! RALLY!!!

## By Telegraph!

*Transmitted to the New Orleans Bee.*

[By the National Line.]

### RIVER INTELLIGENCE.

LOUISVILLE, Oct. 19.—The river continues falling, with 5 feet 6 inches water in the canal. The steamer Anchor arrived yesterday from New Orleans, and the Empire departed for that port.

### CINCINNATI MARKET.

CINCINNATI, Oct. 19.—Flour remains firm at $7 45 @ $7 50 per bbl. Sales of red Wheat at $1 45 per bushel. Whiskey is selling at 30½c. per gallon.

### NEW YORK MARKET.

NEW YORK, Oct. 19.—Our markets are quiet to-day. Sales of Ohio Flour at $8 68¾, and Southern at $9 37½ per bbl. Wheat is lower; sales of Southern White at $2 20, and Red at $1 97 per bushel. Pork is unchanged; sales of Mess at $23 25 per bbl. Whiskey is firm.

### FROM THE RIO GRANDE.

By the arrival of the *Nautilus*, we have received advices from Brownsville to the 14th instant.

The *Nautilus* was detained four days at the Brazos and two days at Galveston, on account of heavy weather.

The ship *Gutenberg*, Capt. Peterson, from Hamburg, was lying off the Brazos, waiting for an opportunity to land her passengers. The *Gutenberg* is bound for this port.

The schooner *Emma Norton*, Capt. Williamson, bound for Mobile, went ashore between Bayou Chico and the mouth of the Rio Grande, on the 10th instant, and became a total loss.

The *Nautilus* brings intelligence of the surrender of the city of Matamoras to the revolutionists, without a battle. The troops were allowed to retain their arms, and marched out of the city without any disturbance. Tranquility reigned when the *Nautilus* sailed.

Capt. Thomas B. King, Galveston, with his vessel, had received a thousand dollar charter to take some Mexican officers and families down to Vera Cruz. Capt. King and the divers failed to recover the treasure lost by the wreck of the Yacht.

Major Loomis, of the army, and James H. Durst, came up on the Nautilus.

Several officials of the defunct Government of Santa Anna, are passengers on the Nautilus.

According to the Brownsville Flag of the 29th ult., San Luis Potosi, about which so much has been said of late, seems not to be in the hands of the insurgents, after all. From the best accounts we can learn, it seems that the insurgents were invited to the city, and that eight hundred of them had presented themselves near the plaza, when one of the commanders, Geo. Garza, entered the city for the purpose of conferring with the pronunciados. But that gentleman had no sooner entered the city than he was seized upon and compelled to subscribe to such terms as were dictated to him, with the pleasing alternative to "sign or die."

Gen. Garza signed, and was allowed to retire. He hastened to rejoin his troops, under whose cover he absolved himself from his forced obligations, and proceeded, *vie et armes*, to force his enemies to terms. A bloody fight is said to have taken place, which lasted three days, and resulted in no other advantage to either side than that leaving Garza in possession of the field. Then matters are said to have rested at the last accounts. When Vidauri is reported to have despatched from Monterey reinforcements both for Matamoras and San Luis Potosi.

We have likewise received Texas papers to the 17th, but they contain little of moment. The San Antonio *Ledger* says:

Gen. Smith has ordered three companies of mounted riflemen from the Rio Grande to San Antonio, and they are to be placed at points where depredations have been recently committed. Another company will also be added to these, and all of them will be filled up by recruits, who are now on their way to San Antonio. Col. Johnson's regiment is expected in about a month, so that Gen. Smith will soon have sufficient force to afford ample protection to the frontier.

Major Neighbors, Indian Agent, arrived in San Antonio, about ten days ago, from Fort Belknap. He reports the Indians on the Reservation as being universally at work improving and cultivating the soil. They have cultivated over four hundred acres in corn, and are put up a larger number of houses. They have, thus far, surpassed the expectations of the most sanguine. Their crop of corn will be short this season, owing to the excessive drought during the spring and beginning of summer.

### THE ROTHSCHILDS.

The Messians which—it would not be proper to say who—were bought by the British ministry to perpetrate the subjection of the colonies, but who—here whose becomes inadmissible—generally managed to desert and contribute to the welfare and prosperity of the country they had been sent to destroy—were a better bargain in several other points than ever proved to the English government. The elector of Hesse received a fine sum for them; the corner stone of a colossal private fortune which has since made the house of petty tyrants one of the richest families in Europe. The operation also benefitted one Major Joseph Rothschild, a Frank Jew, then domiciled in London. Born in 1742, and deprived of both his parents at the age of eleven, this individual had received the odious law of a tender, but despotic and unskrupulously entered by those members of the Hebrew persuasion who lack the capital necessary to a spectacular pursuit. He reared and trained other channels, and after a probationary service in a banking house at Hanova, he found himself in the commercial capital of the world scrambling, should he get in a small way, on the road by which he ultimately obtained such splendid successes. He received the moneys paid for these Hessian recruits, and had time to turn them advantageously, before being obliged to pay them over to his principals.—Three years after the transaction, he began to operate in specie. His warrant for this branch of business was his connection with the Landgrave's court, whose treasurer he was, and whose domains were unassailed by the last measure related thereupon at Berlin and Vienna, principally at the latter place; Nathan, born in 1777, has lived in London since 1796; Charles, born in 1774, is at Naples; and James, born in 1792, at Vienna. The three last named are now acting members of what may be called the five Europeon position on the, downfall of Napoleon, and have done much, perhaps, to undermine the dynasties of Europe, by the loy-like support they accorded to the Holy Alliance, and the impecuniosity of their great predecessor would have effected had he been granted to hold his position. In twelve years, from five hundred millions of francs were raised by the bankers for different powers by way of loan or subsidy, which were distributed in nearly the following proportion: for England, two hundred millions; for Austria, fifty millions; for Prussia, forty millions; for France, eighty millions; for Naples, fifty millions; for Russia, twenty-five millions; for several German courts, four millions; for Brazil, twelve millions; exclusive of various other loans and subsidies, which have greatly enhanced the original fortune.

The general control of their fortune is, of course, known only by themselves. It is well known, however, that they have repeatedly run down small personal property, consisting of other real estate, cash, jewels, &c., to seven hundred millions of dollars, or a little over two thousand millions of francs, or a little over two thousand millions of francs, or a little over two thousand millions of francs