THE NEW ORLEANS DAILY BEE.
DUFOUR & LIBBY, PUBLISHERS.
No. 73 Chartres Street.
TERMS OF THE BEE:
Terms of Subscription—Daily, per annum, in advance, $10; half-yearly, $6; quarterly, $4.
Price of the paper—Single copies, 10 cents.
The Semi-Weekly; published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.
Rates of Advertising—Transient advertisements having charge of the pages, first insertion $1 50 per square, each subsequent insertion, 75 cents per square.
First, or Editorial Page Transient Advertisements, each insertion, $1 50 per square.
Advertisements inserted at intervals, to be charged as new each insertion.
Third, or Editorial Page, Monthly Advertisements, each square, $20 per month.
Regular advertisers, who advertise largely, shall be allowed some discount over the above rates; the advertisements thereon may be agreed upon. In no case shall such discount exceed 25 per cent.
All Business Notices of Advertisements to be charged 50 cents net per line, each insertion.
All Transient Advertisements must be paid for in advance.
All Advertisements not marked for any number of insertions, will be published six times.
All bills with regular advertisers shall be rendered monthly.

NEW ORLEANS:
TUESDAY MORNING, MARCH 30, 1869.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, TUESDAY MORNING, MARCH 30, 1869 42d YEAR—Vol. XLII.—Whole—14,711.

JUDICIAL ADMINISTRATION OF LAW—PARTIES IN CONTEMPT.

The Seventh District Court of the parish of Orleans, in which presides Judge Thomas Wharton Collens, and the Fifth District Court of the same parish, in which presides Judge Charles Lemonnier, came into direct collision yesterday in the case of Mr. Wickliffe, Auditor of the State, vs. Mr. Warmoth, Governor of the State, and a colored appointee of the latter named Delassize, and others. We do not propose to pass upon the question of law between Wickliffe and Warmoth, because that will be the subject of judicial examination and decision, and we think Judges Collens and Lemonnier are quite equal to the ones, and will doubtless dispose of it correctly. Our sole object is to point out the anomalous and extraordinary condition of our statutes establishing the courts of the State and regulating the administration of law therein, when Attorneys are permitted to apply to different courts, having concurrent jurisdiction, for writs and orders which bring them into direct collision, the judges of these courts being kept ignorant, so far as the written pleadings are concerned, of the proceedings instituted and orders issued from any other court than their own. This is clearly the fault of the Attorneys or parties who apply for these contradictory orders. They impose upon the courts knowingly and ought to be punished as for contempt. The Third, Fourth, Fifth, Sixth and Seventh District Courts for the parish of Orleans have concurrent jurisdiction. They are to all intents and purposes one tribunal, so far as jurisdiction is concerned. The State is the fountain of justice and these courts represent the State. Of course then it would be absurd for the State, speaking by the mouth of one of these judges, after having issued one order to prohibit a thing from being done to issue another commanding it to be done.

They are divided into five tribunals, solely for the better dispatch of business. When one of these courts issues a writ of injunction, or *habeas corpus*, or *mandamus*, or prohibition, that court is seized of jurisdiction in the particular case, and no other court can properly interfere with it, because it is as if a court were to issue an order commanding a person to do a certain thing, and then to issue another order prohibiting the same thing from being done. The Judges of these courts have no means of knowing what orders are issued by them respectively, unless parties inform them by their pleadings. They take it for granted that parties do not impose upon them, and consequently make orders upon a *prima facie* showing. But the application for such orders, when they do set out forth in their petitions that such and such proceedings have already been taken in the same case in the other courts of the parish, do deceive the court to which their petitions are addressed, by concealing and suppressing the facts, which is worse than in plain language to mis-represent and deny the facts. They do not assert what is untrue in so many words, but they act what is untrue, which is, if anything, more reprehensible.

The collision between Judges Collens and Lemonnier was brought about in this way. Mr. Wickliffe filed in the Seventh District Court (Judge Collens) on Saturday last, through Semmes & Mott, attorneys, a petition setting forth the wrongs to which he had been subjected by Mr. Warmoth, Mr. Delassize and others, in violently ejecting him from the office of Auditor of the State, and claiming damages to the amount of $75,000. He also applied to Judge Collens and obtained a writ of injunction restraining Delassize, the appointee of the Governor, from exercising the functions of Auditor, and interfering with him (Wickliffe) in the discharge of said functions.

Yesterday Mr. Delassize through Mr. W. H. Hunt, Attorney, applied for and obtained from Judge Lemonnier a writ of injunction restraining Wickliffe from exercising the functions of Auditor, or interfering with him (Delassize) in the performance of the said functions. So here we have the State of Louisiana, through its ministerial officer Judge Collens, commanding Delassize to desist from interfering with Wickliffe in the Auditor, and through its ministerial officer Judge Lemonnier commanding Wickliffe to desist from interfering with Delassize as Auditor. Subsequently to the issue of the writ of injunction by Judge Lemonnier ordering Wickliffe to desist, the Attorney of Delassize (on showing to the Court that Wickliffe had violated its order, moved that Wickliffe and G. W. Sadler and A. H. Plaisance and W. T. Dean, who it was alleged were aiding him in violating the order, be arrested and imprisoned until the further action of the Court.

Now this to our view is a very absurd and unsuccessful piece of business and a state of things calculated to bring courts and judges and law into contempt. We do not express any opinion on the merits of the dispute between Warmoth and Wickliffe. That we have nothing to do with and do not wish to concern ourselves with it. But the orderly administration of law is a thing which the press is justified in demanding. Certainly the manner in which the courts carry on their business and administer the laws of the State is a legitimate subject of inquiry and criticism by the press and by every citizen. We publish in our local column the order of Judge Lemonnier, and have no hesitation in saying that it is worded in the *most extraordinary manner*. We are at a loss to know where Judge Lemonnier derives his authority to bring the Sheriff of Orleans in this dilemma, six that he must either disobey Judge Collens or disobey Judge Lemonnier. He cannot obey both. Judge Collens requires the Sheriff to maintain Wickliffe in his office, and Judge Lemonnier requires the Sheriff to maintain Delassize in the same office. *Public opinion will not tolerate such a condition of things* and the sooner one of these Judges recedes, the better. We need not say which one ought to recede, and we think the party who applied for the second writ of injunction is guilty of a contempt of court. He would in our judgment be guilty of clear contempt had the Judge of the Fifth Court not shown by the terms of his order, that it was his intention to defy the orders of the Judge of the Seventh and that he knew a previous writ of injunction had been issued by him.

Let us suppose that Judge Collens orders the Sheriff to restore Mr. Wickliffe to duty, or, rather, to place him in possession of his office and it seems to us that it is the duty of Judge Collens to protect a party who has been improperly ejected by a writ of injunction issued by a court of competent jurisdiction. What is the Sheriff to do? It is a very pretty dilemma as it stands.

THE FRENCH OPERA.—The opera of the "Martyrs" was performed last night to a very good house for Monday—for Mr. Pecot's benefit. The beneficiary asked the indulgence of the audience on account of the hoarseness from which he was suffering. Madame Cambre carried off the honors of the evening. Mr. Pecot and Mr. Van Heffen rendered their parts as they always do with correctness and taste.

To-night the "Bridge of Sighs."

Many years ago the writer of this notice and an invalid physician, while visiting the Island of St. Croix for their health, experienced and witnessed many surprising and beneficial effects of the Rum there produced upon many of the invalids who were, like ourselves, seeking health, and upon inquiry and investigation, obtained a full history of its medicinal virtues. He was delighted, and surprised, and determined to make it the basis of a *Tonic and Restorative Medicine*. The result of his labors was a preparation known for blood and enfeeling debility. The celebrated PLANTATION BITTERS was then made known to the world. Being an article of real merit, founded on new principles, and relying wholly upon the vegetable tonic alone for its medicinal effects, it worked a rapid revolution in the treatment of physical debility.

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

THE POLKA.—An advertisement appears today in our columns announcing the opening of this gaming house, No. 66 St. Charles street.

Our readers will find in our country column the chance of a comfortable lady, so long a resident of our parish that she may be looked upon as one of its citizens, the widow P. G. Lamy, a native of St. Domingo, who left the island during its late convulsion, went to Cuba, and thence, in 1803 came to New Orleans and ever since has resided in Algiers.

After business established the St. Ann street property, which he died, he left his widow with a large family to rear, which her energy and industry have accomplished to their general and the widow of the surviving, acting as guardian to the orphans, through her intelligence and motherly care, as many useful and valuable citizens.

We can also a model of charity for the poor, the sick and afflicted, and to the day of her death was noted for her charitable acts.—*B. D. Sentinel.*

AMUSEMENTS.

ACADEMY OF MUSIC.—Mr. Kittredge, who has so long and satisfactorily discharged the duties of the ticket office of the Academy, is to have a benefit this evening, when the public, we do not doubt, will attest their appreciation of his uniform courtesy by filling the Academy from dome to purgoeta. The great musical burlesque "Barbe Bleue" (Blue Beard), together with a variety olio, and the uproarious farce of the "Two Buzzards" will constitute the entertainment.

Friday evening is fixed for the benefit of that industrious, pleasing and lady-like artiste, Miss Jennie Engel, who really deserves an ovation.

VARIETIES THEATRE.—"Masks and Faces" is the play at the Varieties this evening. Tomorrow evening that excellent artiste and leading lady of the Varieties troupe, Miss Alice Gray, has her benefit. Brougham's comedy "Playing with Dice" is the selection for the occasion.

FOR CAMPAND LITTLE RIVERS.—We call the attention of our mercantile readers in the Red River trade to the advertisement, in another column, of Messrs. Labauquière, Duplaix & Co., 55 Peters street, and E. P. Eppler, 4 Tchoupitoulas street, Agents of the steamboat "Feolie," Capt. John Heinz, a weekly packet plying in that trade. They will notice that freight for this boat will be received on the levee every Friday morning by a clerk stationed there for that purpose.

LAKE PARK HOUSE.—Mr. W. Miller announces to-day, through our advertising columns, the re-opening of the Lake Park House and Restaurant on Sunday last.

THE NEW EL DORADO.—An advertisement appears elsewhere in this issue announcing the opening of this gaming-house, No. 50 St. Charles street.

MATTING AND OIL-CLOTHS.—Messrs. L. Ellis & Co. are now receiving at their warehouse, 108 Canal street, new Canton matting, of best quality, new cocoa matting, floor oil-cloths, window shades, cornices, curtain goods, etc., etc. See their advertisement in this issue.

The following is a list of passengers per steamship United States from New York:

Mrs Perkins, W P Belmpin, Frank Velezet, W Mollaland, B Fridge, J Mulz and 5 in steerage.

The following is the list of passengers per steamship Geo. Cromwell, Capt. Watt, from New York:

Mrs John Lapsey and child, Mr A Fremble, Mrs J Fremble and child, Paul Langer, Chas Hoyt, Thos Farrell, Mrs Sedge, Miss M Jones, Geo A Freyburgh.

CITY INTELLIGENCE.

Reportorial Repository.—The school teachers were paid off Saturday.

The anniversary of the "Young Men's Catholic French Society of St. Patrick" of New Orleans was celebrated Sunday. A beautiful banner worked for the Society by the "Ladies of the Holy Cross" was consecrated. There was a grand banquet at Miller's Saloon, on St. Charles street.

The fair for the benefit of Rev. Jeremiah Moylan's church is now going on in Odd Fellows' Hall. A splendid firemen's trumpet is one of the features of the fair.

The fire-alarm office in the Heffer Building, on Canal street, is for the benefit of the St. Vincent's Infants Asylum.

The Engine Championship—A Mistake.—A vast crowd assembled on Canal street Sunday, watching the movements of the parties interested in the contest for the championship between the respective engines of Volunteer Company No. 1 and Mississippi Company No. 2. Both engines were duly on hand; Volunteer's being one of Neafie & Levy's first class Philadelphia manufacture, and Mississippi's, made in 1866, while Mississippi's was their celebrated new engine, the "Lady Blessing," lately manufactured at the Amoskeag Works.

The wager was the regular one agreed on by the protocol between the two companies of $50 a side, the $5000 deposited with Messrs Nah and Hincken to be marked on No. 2's winning not having been taken, as was afterwards explained, by Major Hodgson Bullitt, who was some betting on the ground, the best natural betting 1 to 2 or 3 to 1, and on No. 1 or No. 2 winning according as the confidence of the friends of the two companies prompted.

But to the contest which, as it was decided to be a material, we shall notice but briefly. Time being called, Mississippi won the advantage, for the "last throw," and, as a consequence, Volunteer went to work. By the proceeds such engine had forty-five minutes in which to raise steam and throw water, the distance thrown to be the test of the competing machines being for some time necessary for preliminaries No. 1 got into operation, and within ten minutes time after, by our reckoning, raised steam and threw water, and for a portion of the time quite Niagarean showing that she is a very powerful engine. Still her throwing, which was something in the neighborhood of three hundred feet, being regarded by her friends whether conceded or not by her competitors, as not attesting her full capacity, and some defect developing in her pump, she was necessarily withdrawn from the contest and the matter left for the determination of the judges under the third clause of the protocol relating to accidents. The result was that it was pronounced a "material," and No. 2 was debarred the privilege of testing her powers in competition, that high friendship offered to beat the best throw of No. 1 in the space of twenty-five minutes, thus allowing from five to ten minutes upon the time occupied by No 1 before the accident occurred, and offering to double the wager on the result, the winner of the stakes to donate the money to the Firemen's Charitable Association for the benefit of the Widows and Orphans' Fund.

The venture, however, was not taken, and No 2 adjourned—after a friendly invitation to No. 1 to join them, which the latter did not accept—to Hawkins' Saloon, where the company and numerous invited guests were hospitably entertained, and where friendly toasts and appropriate speeches, too numerous for us to recall, were the order of the entertainment.

As the matter now stands the contest remains undetermined, and wagers bond on the decision of the judges, for the present remain in the hands of stake holders, unless voluntarily withdrawn by the betting parties. The judges are Messrs Chas. Granjean, of No. 5, Ed. Reynolds, of No. 7, and Geo Nisbet, of No. 14, on the part of Volunteer Company No. 1, and Messrs Saml Barnes, of No. 9, Ed Flood, of No. 12, and E. P. Ransdale, of No. 13, on the part of Mississippi No. 2. "Referee" Frank Rawle, of Pelican No 4. Timer, Mr. Charles Hénsel, of Vigilant No. 3.

We think the championship may yet be determined in a fair and friendly manner.

Supreme Court Decisions.—The Court yesterday rendered a number of decisions, of which we noticed the following of interest:

Decision was rendered in favor of plaintiff in the case of Louis Chapman vs. the New Orleans and Jackson Northern Railroad Company for the value of a lot of sugar shipped on the road and freight paid, and the sugar carried as far as Hammond Station, on the way to Mobile. It was buried at Hammond Station, by Col. Dumontiel of the Confederate forces to keep it from falling into the hands of the Federal forces under General Banks and others, touching the Auditorship, Mr Wickliffe being been removed or attempted to be removed by Gov. Warmoth, who appointed Delas ze to the office. Wickliffe having secured Injunctions in the Seventh District Court, Delassize yesterday filed a cross injunction in the Fifth District Court against Wickliffe, and an injunction having been granted in both cases, there arises not only a conflict of authority between Judges Lemonnier of the Fifth, and Collens of the Seventh District Court, but the question becomes pertinent "Who, if anybody is Auditor of the State of Louisiana?" as may be seen by reference to the order of Judge Lemonnier as follows:

"The Court in this case, considering the answered commission of the Governor of the State of Louisiana appointing L. T. Delassize, Auditor of Public Accounts, and considering that the presumption of law is that all officers of the government are presumed to have done their duty until the contrary appears, and considering further the prayer of petitioner, and the fact that the public interests require that the State should not remain without an Auditor, it is ordered that a writ of injunction do herein issue as prayed for by the plaintiff, upon his giving bond, with good and solvent security, in the sum of $2000, conditioned as the law directs, commanding and prohibiting G M. Wickliffe from performing or attempting to perform, from exercising or attempting to exercise, either directly or indirectly, the functions and duties of Auditor of Public Accounts of the State of Louisiana; from molesting and interfering with Delassize in the discharge of said functions, and that he do desist and refrain from molesting and interfering with the said Delassize in the discharge of said functions, until the further order of this Court, and that the Sheriff of Orleans do execute this order, and that the Sheriff of Orleans do take the said Delassize into his possession, and place him in the said office of Auditor of Public Accounts