THE NEW ORLEANS DAILY BEE
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TERMS OF THE BEE.
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The Semi-Weekly is published every Monday and Thursday morning, at $6 per annum, payable in advance.
Rates of Advertising—Transient advertisements, ten lines or less of the paper, 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.
First, or Editorial Page, monthly advertisements, each square, $5 per month.
Regular advertisers who frequently change, shall be allowed each thousand ems for the space actually occupied, as each is inserted upon.
All Business Notices of Advertisements to be charged 20 cents per line, each insertion.
All contracts for advertisements must be paid for in advance, with the publication of the bills.
If bills with regular advertisers shall be rendered monthly.
Semi-Weekly Bee, Editorial
TERMS—PER YEAR.....$6
NEW ORLEANS:
THURSDAY MORNING, JAN. 6, 1870

WHY SMOKE ALLEN CIGARS.
158.....Baltimore Street.....158
Advertisements this Evening.
ST. CHARLES THEATRE—Lydia Thompson Burlesque Troupe—"Ixion; or, the Man in the Wheel," and "Grimalkin and Bombalurina."
VARIETIES THEATRE—"Turkish Night."—Mr. Sam Sidelle and Troupe.
ACADEMY OF MUSIC—Miss Nina Bell and Burlesque Troupe.

CAN THE GOVERNOR OF A STATE BE ENJOINED?

This question has been raised in the Sixth District Court by the defendant in the case of Wirth Ellis against Wardell, the latter denying that the Chief Executive of the State can be enjoined or interfered with in the discharge of his duties.

We presume no lawyer entitled by his professional learning to the name of one, has asserted or will assert that the Governor of a State can be interfered with by the Judiciary in the discharge of his office, independent of the authority and potential power of the Executive of the State. We may not think that the Auditor manifested discretion in his attempt to take possession of rooms in the Mechanic's Institute, a building which is only temporarily the "State House," but he might do so is quite another question. Being now before the courts it may safely be left there. It is a matter in which the public feel very little interest. The other question, we think, is to the important power conferred by Governor Warmoth and his independents of the laws and those appointed to expound and administer them, is a more serious one, and we could have wished that it had come up for determination, in the context of more importance and under a state of facts which would have awakened the interest of the Judges and of the public. Governor Warmoth, is regarded by the most unbounded contempt of the dignity and authority of the Executive office, and one which the pide Dynamiters are not disposed to recognize as even nearly correct. *He thinks he has*, by law, *large discretionary powers*, but we are entirely unacquainted with such law. We have had many able Governors in this State, who labored for these ends Governor Warmoth would not have been worthy to mention. They never entertained any such exalted idea of their office. Such ideas, indeed, are quite new in this part of the country. Our former Governors confined themselves strictly within the line of their Constitutional duties, and always defended in this views of the Judiciary upon controverted questions relating to the performance of these duties. We never thought that Louisiana has ever had, ever should be the unmoist that he was above the law and had the right to resist any order which might be addressed to him by a lawful Judge. The very statement of the question, it seems to us, is sufficient. If the Governor be above the law and can resist it in any case, then it is no law and it becomes unworthy of any body's support. We suppose if the Governor should commit a crime of any kind of degree, or even a trespass against the humblest citizen, he is not as amenable to arrest and legal process as any other person. If the Governor were about to enter the premises of a citizen by virtue of this large discretionary power which he claims, or even by virtue of an act of the Legislature, that citizen would invoke the aid of the Judiciary to prevent the wrong and be entitled to the protection of the court, the same as he would be, were a fellow citizen, not holding office, he about to trespass upon him.

Certainly where a constitutional law vests the Governor with discretionary power to do or refrain from doing a certain act, he cannot be expounded to do it by the Judiciary or prevented from doing it. For instance the Governor exclusive his discretion in approving or disapproving laws enacted by the Legislative Department. If he approve, well and good, he cannot be enjoined or compelled to be controlled, but he has no sort of right to order the Treasurer of the State, the Attorney General of the State, the Auditor of the State, or any other officer of the State, to do or not to do any act whatever. These officers are all entirely independent of the Governor. The Governor's principal business is to see that the laws of the State and the decrees of the courts are faithfully executed, when obstructions are offered to their execution. But then he must do it in a regular and lawful way. He must use the process of the courts, and must not undertake to act up his own will as the rule of any man's conduct. And he is guilty of a violation of law when he employs his partisan police force or any other auxiliary to interfere with the administration of justice. Had we a Legislature comprehensive intelligence and the worth of the State, Gov. Warmoth would be immediately impeached for crimes and misdemeanors. The evidence of these is known to everybody. That he has succeeded in trampling under his foot a writ of injunction issued from a lawful court is no proof of anything but blackguardism audacity and a desire to cap crimes and misdemeanors. Of course when the executive and judicial departments of the Government are at home, the Government is no longer what the people who established it intended it should be. To the Judiciary Department was confided the duty of declaring what the law was when disputes should arise. That department was established first, and always has been, until late years, a coordinate branch of the Government. Too prominent that the Judiciary has their control and can no longer act as a check, our governmental system is thrown out of order.

We think it must be manifest to every reader that the Governor of a State is as amenable to the laws and legal process as any other person, and that the discretion with which he is invested is not a discretion to do or not to do what he pleases, but that it is a sound legal discretion, even in cases where he may exercise it—that it is a discretion to preserve rights, and not to destroy them, and that he cannot rightfully exist himself of any power he may have to nullify the law or the expenditure of the laws. That would be an extraordinary disease, indeed, and would constitute him an Emperor, governing by his own will, rather than a magistrate governing according to fixed written law.

THE PROCESSION TO-NIGHT OF THE TWELFTH-NIGHT REVELERS.—The first representation of this mystic order will be given to-night in the Opera House. We hear much curiosity has been excited, particularly among the lady friends of the members, to know all about the mysteries of the order, the same as we know it by, were a fellow citizen, not holding office, be about to trespass upon him.

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The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, THURSDAY MORNING, JANUARY 6, 1870. 43d YEAR—Vol. XLIII.—Whole—14,949

LOUISIANA LEGISLATURE.

Wednesday, January 5, 1870.

SENATE—The Senate was called to order at noon by Lieut. Governor Dunn. Twenty-seven Senators present. Prayer by the Rev. Mr. Daly.

The minutes of yesterday's proceedings were read and adopted.

The annual message of the Governor was received and read by the Secretary.

Mr. O'Hara moved that two hundred and fifty copies of the Governor's message be ordered to be printed. Adopted.

Mr. Ogden moved that the discussion of the Governor's message be made the special order for the day for Friday, and offered a resolution that, on cheaper were made in the Governor's message against Auditor Wickliffe, a committee of three be appointed to investigate the matter, to wait on the records of the Auditor's office. Lies over.

REPORTS OF STANDING COMMITTEES.

Judiciary.—Mr. Ray, from the Judiciary Committee, reported favorably on the question referred to that committee whether John Lynch was entitled to retain his seat as Senator while holding the office of United States Surveyor General for the State of Louisiana.

NOTICES OF BILLS.

Mr. Foster gave notice of a bill to repeal the gambling law.

By Mr. Bacon—A bill of a similar nature.

By Mr. Campbell—To organize, arm and equip a militia and to provide means for the same.

Also, relative to licenses; to judicial advertisements; constables; registers and recorders of the first of registered voters of the State; certain officers of the General Assembly; to incorporate the Farmers' and Manufacturing Aid Association.

By Mr. O'Hara—Relative to the Lafourche Drainage Company.

By Mr. Ogden—Relative to carrying concealed weapons.

By Mr. Packard—Relative to the conducting of elections.

By Mr. Wilcox—Authorizing payments of legal tender.

By Mr. O'Hara—Relative to railroads.

By Mr. Lewis—To prevent usury, etc.

By Mr. Pillsbury—To authorize the Governor, in certain cases, to issue warrants for the apprehension of persons charged with murder and other offenses.

JOINT RESOLUTIONS.

By Mr. Campbell—To investigate the charges made by the Governor against the Auditor of the State, and to examine into the records of the Auditor's office. Lies over.

By Mr. Ray—To establish a State bank known as the Louisiana State Bank. Ordered to be printed.

By Mr. Campbell—A joint resolution to amend the 9th article of the Constitution. Ordered to be printed.

By Mr. O'Hara—To provide the Auditor of the State with an office in the State House.

RESOLUTIONS.

By Mr. Wittgenstein—Authorizing the Secretary of State to open the unclaimed baggage in the lobby, now placed for a library. Lies over.

By Mr. Campbell—Allowing the Chaplain $5 per day, the same as members. Lies over.

By Mr. Bacon—To allow the Assistant-Secretary, Clerk and Doorkeeper the same number of daily and weekly papers as members. Adopted.

By Mr. Bacon—That as some ten or twelve Senators are represented as having seats who do not reside in the districts they represent, that the question be referred to the Judiciary Committee whether the said Senators can legally hold their seats or not. Lies over.

By Mr. O'Hara—To furnish each member of the Senate with ten dollars' worth of postage stamps for by session. Adopted.

By Mr. Bacon—To incorporate the Mandeville and Sulphur Springs Railroad. Lies over.

By Mr. Branche—To refer the question to the Judiciary Committee, whether or not Senator Coupland is entitled to retain his seat as Senator while at the same time holding a United States office in Texas. Carried.

By Mr. Campbell—Petition to repeal the Slaughter-House bill. Lies over.

MOTIONS.

Mr. Ogden moved that the Governor's message be made the special order of the day for Friday next.

Mr. Lynch submitted Monday instead of Friday, so as to allow of its being printed. Carried.

Mr. Bacon moved a suspension of the rules in order to take up a bill repealing that section of the Revenue Law licensing gambling-houses there being no objection, the bill was taken up, read by the Secretary and, under a suspension of the rules, passed.

This bill provides for closing forthwith all gambling-houses.

Mr. Pinchback said that the section embodied in the Revenue bill was never law, and that was the opinion of the leading lawyers of the city as the law licensing gambling does not repeal former laws prohibiting gambling, and that the Attorney General was to be consulted for not prosecuting the parties engaging in this business.

Mr. Pinchback was of the opinion that the subject should be investigated, how the section was embodied in the Revenue bill; that the Legislature never passed such a law; that the Senate did not know of its existence in the bill; that it had been inserted in the House after it had passed the bill with the section embodied, but that the section was added after the bill had passed; Mr. Pinchback moved that a committee be appointed to thoroughly investigate the matter.

Mr. Lynch seconded the motion. Tale matter should be thoroughly sifted and the truth ascertained, so that the odium should rest upon those who had engineered the objectionable article through.

Mr. Bacon objected to allowing the section to remain, the Legislature simply declaring it unconstitutional. This would not remedy the evil. The law must be repealed.

Mr. Brougham was of the opinion that the whole revenue law expired on the first day of January, 1870, but to make the objectionable feature in that bill if possible perfectly powerless to do further harm, he was in favor of pending the bill now before the Senate repealing the law. Referred to the Judiciary Committee.

Mr. Ray, under a suspension of the rules, presented a bill to amend and repeal certain sections of the Revenue law relative to occupa. gas and sugar houses. Referred to the Judiciary Committee.

Mr. Brougham moved that the order of the day be fixed for one o'clock, P. M. Carried.

On motion of Mr. May, the Senate adjourned until noon to day.

HOUSE OF REPRESENTATIVES.—House met at 12 o'clock, Lieutenant Governor Wickersham in the chair.

Speaker Carr in the chair. Fifty eight members present. Prayer by Chaplain Satchel.

The Speaker announced the following Standing Committees:

On Judiciary—Messrs. Harper, Fox, Charles, Durnell, Jones, Blanchard, Lott, of Bienville, Pope, Noble, of Orleans; Lee, of St. Mary; Fan koer of Caldwell; Kent, of St. Helena.

On Contingent Expenses—Dawson, of Bienville; Tyler, of Terrell; Bergell, of Orleans; Baptist, Baton, of Jackson; Barnett, of Pointe Coupee; Foute, of Winn; Williams, of St. Martin.

Mr. Dawson introduced a resolution appointing a committee of four, the Speaker to be chairman, for the purpose of revising House rules. Adopted.

Mr. Dawson introduced a resolution to appoint a Special Committee of five, whose duty it shall be to investigate the financial affairs of the Metropolitan Police Board.

A motion to suspend the rule to place this resolution on the calendar was lost, the ayes and nays stood 47 to 32 nays. A two-thirds vote being necessary to suspend.

Mr. Lewis, of Caddo, introduced a resolution providing for the appointment of a Joint Committee to examine into the books, accounts and affairs of the Metropolitan Police Board, and to report to the House. Adopted.

Mr. Harper offered a resolution allowing each member of the House to claim three daily papers, which was adopted.

Mr. Brown, of Bienville, introduced a bill making an appropriation of the sum of $100,000 out of any moneys in the State Treasury not otherwise appropriate to defray the expenses of the State Government, and the sum of $25,000 to defray the contingent expenses of both Houses. The bill makes it the duty of the State Treasurer to negotiate the Auditor's warrants for the above amounts at a fair market value, and pay the proceeds and employ to the carrying this act into effect.

The bill was then read the first and second times, and a motion made to refer it to the Committee of the Whole.

Mr. Mollie, of Carroll, hoped the House would not go into Committee of the Whole to consider the bill, because he thought the bill a very seductive one, and one that should not be favorably considered. He said he opposed the Committee of the Whole, because the Governor's annual message was on the Speaker's desk, and that it was an act of flattery to the Executive of the State to permit the message to remain on the table without better it come read.

Mr. Dawson wished to be enabled to refer to the Committee of the Whole, when Mr. Mollie had said that he could not do so while he had the floor, and raised the point, when the Speaker ruled that the motion could be that withdrawn. From this Mr. Mollie appealed. The ruling of the Speaker was sustained by 30 yeas to 27 nays.

The bill was referred to the Committee of the Whole.

Mr. Oakey, of Terrebonne, introduced a resolution providing that one of the halls of the House of Representatives be for the Veterans of 1812—15 of Louisiana.

Mr. Mollie offered a substitute for this to the effect that all the Veterans of 1812 had largely increased of late, that the Mexicans and Aroostook Fair Association be requested to tender the use of the Fair Grounds for the use of the war-worn veterans on the 8th of January 1870. This substitute was subsequently withdrawn.

Mr. Gilbert's resolution, providing the use of the hall of the House to the "veterans" on the 8th of January, was then adopted by a vote of 46 yeas to 10 nays.

The Governor's annual message was then taken from the Speaker's desk, read, and ordered to be printed, 1,000 copies, as follows:

PROGRESS OF THE STATE.

The financial condition of the State claims your earnest consideration. It is such as to embarrass my administration, and the credit of the State, as issued by the prior administration by depreciation, is not satisfactory.

We have not strength and the credit of the State for permanently and lasting purposes, but still it need be, be great mischief. Internal improvements, under our present embarrassments, might be easily and unwisely made greater against the State. Has been already done. She is amply able to pay her debts. Why should her credit be depreciated? One vital cause of the depreciation is the high rate of the State. Its bonds are quoted in the market, and when the holders of bonds desiring to realize from the sale of their bonds, find the market low, and have good financial conditions existed, and were compelled to pay the par for $100 in specie, or the equivalent in currency, and in the same proportion of gold for $100 in gold in our currency, and pay the interest in gold or the currency then obtained.

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CITY INTELLIGENCE.

We unfortunately omitted, the other day, in speaking of the late President Board of the Mount City Life Insurance, the name of Dr. T. N. Falwell, as one of the medical examiners. Dr. F. was associated with Dr. Austin during the whole of the year 1869, and is entitled to full share of credit due for the skillful management of the bureau of examination. He still continues as principal medical examiner for the company.

Organization of the New Orleans, Baton Rouge and Vicksburg Railroad Company.—A meeting of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company was held yesterday afternoon in Parlor P, St. Charles Hotel, for the purpose of electing directors. The following gentlemen were elected:

Thos. G. Bates, Geo. W. Cochran, J. V. Ayer, Michael Hahn, D. W. C. Seaford, John Manning, J. T. Tucker, George B. Leany, V. K. Stevenson, A. M. Harman, W. F. Kernan, George H. Ken and John L. Gebenator.

At 7 P. M. the directors assembled for the purpose of organizing. Thomas G. Bates, Esq., was elected President, and Geo. W. Cochran Vice President and General Superintendent.

Board of Aldermen.—Adjourned meeting last evening—Aldermen Shields in the chair, the President pro tem.

Mr. O'Brien, of the Committee on Credentials, reported the Governor's appointees all right.

The resolution relative to letting aside revenue of the markets to sufficient extent to settle with the Southern Bank, was referred to the Finance Committee.

Several resolutions and communications were referred.

On motion, the Board elected Mr. Pethoff President, who requested Mr. Sibleig to consent to preside during the remainder of the session.

The resolution to repeal all bond sales or finances was postponed.

Vacancies in the several committees were filled.

A number of resolutions from the Lower Board, including those for the adjudication of the contract for furnishing the markets and those for repairing bridges, were referred to the proper committees.

The Board then adjourned.

Board of Assistant Aldermen.—The Board met last night pursuant to adjournment. Mr. Pandely in the chair.

The Committee's report for the week ending December 31st, 1869, shows the receipts at $14,522 19; expenditures $16,448 14; Balance on hand $5287 44.

The Board of Trustees of the Water Works reported a balance on hand of $9891 10.

Mr. Camp moved that the Board proceed to reconsider the action of the Board at the last meeting of order. Mr. Camp appealed from the decision, and the Chair was sustained.

Mr. Camp moved that the Board suspend the rules in order to reverse the motion, and defended his position.

Mr. Pandely seconded a suspension of the rules, and preferred that such vacancies as existed should be filled.

Mr. Camp's motion was lost, and Mr. Camp gave notice that at the next meeting he would move to repeal the rules.

A communication from the Street Commissioner, asking for the appointment of a committee of four to confer with the Board in repairing streets, bridges, etc., and asking the Council to disapprove certain contracts, was referred to the Streets and Landings Committee.

Mr. Pemberton moved that the Board proceed to the consideration of the committees.

Mr. Camp opposed patching, he wanted the whole thing made even.

The motion carried, and after a protracted session the committees were formed. Mr. Camp renewing his motion to organize carried with the following result: President—W. B. Pub. Secretary (General—W. Tabb; Sergeant-at-Arms—Chas. Fonda; Chairman of the Finance Committee—W. H. Pemberton; Streets and Landings—Geo. Ray; Water Works—G. Camp; Railroads—G. Pandely.

The committees were filled, after which the Board adjourned.

The Que Wagnate Case.—State ex rel G. de Feiter vs. J. R. Guy et al. This case was called for trial yesterday morning. The petition sets forth that defendants have no right to decide in a competition between this city and Kenosha, the railroad centre of Texas.

The respondents, through their attorney, John Ray, filed a peremptory exception, to the effect that the relator is not a proper party to bring this suit, and the provision of the city charter giving the right to any citizen to test the legality of the proceedings of the municipal authorities of the city claim, have been repealed by the "Insurrection Act," and are no longer law.

Mr. Bernadez for the defendants, argued that the city charter was a special law, and the Insurrection Act being general in its terms, could not be held that it repealed. He cited the decision of the Supreme Court in the case of Hayden to that effect.

Mr. Bernadez having concluded his argument, the Judge said that the question is hear and argued, and the case must go over until the morning.

The case of the State ex rel Manuel Blanco vs. the State Treasurer was assigned for Friday, the 14th inst.

Sudden Death.—About 3 o'clock Tuesday a colored woman, named Jane Morris, about 22 years of age, was found dead in the yard attached to a house on Julia street, between Magazine and Tchoupitoulas. She had been in the hospital, but was which a day or two discharged. A report prevails that the woman was starved, but this is not generally credited. She had expired some time before the other occupants of the house, (colored people) were aware of it. Coroner Roche has been notified to hold an inquest over the body.

A Fallen Building.—About twelve o'clock Tuesday night a two-story brick building at the corner of Dauphine and Conti streets, owned by Mr. Aristide Marie, and occupied by John Trosclair, as a grocery store, gave way, sashing a gallery. The fall was prompt, and proves fatal to some of the building, which is undergoing repairs.

Fire.—About ten minutes to eight o'clock yesterday morning a fire, originating from a defective chimney, was discovered in the two-story frame building at the corner of Moss and Magazine streets, occupied as a grocery and by a family as a residence, it cannot be surpassed and is recommended by the most eminent physicians. Physicians in prescribing, and the public in purchasing, should be particular to specify Hegeman's, as there are many inferior articles in the market, purporting to be of the same combination. Prepared only by the Hegeman & Co., chemists and druggists, New York, and sold by all respectable druggists.

BY TELEGRAPH.

[By the New Orleans Bee.]

FROM WASHINGTON.

Adjutant General's Order No. 1.

Georgia Remanded to Military Rule.

Message of Governor Geary of Pennsylvania.

FROM EUROPE.

Regent Serano to be Invested with Supreme Power.

Prim's Downfall Deplored.

Miscellaneous Intelligence.

WASHINGTON FIGURES.

Washington, Jan. 5.—Internal Revenue receipts to-day $284,000.

Minister Low will depart on Saturday for China.

Washington, Jan. 5.—By a general order, Maj. Lyle, issued from the Adjutant General's office, to-day, publishes directions for the execution of orders No. 103 dated Headquarters of the 21 Military District, Atlanta, July 28th, 1869, and an order dated Headquarters of the Army, July 28th, 1868, as refers to the State of Georgia is hereby countermanded. The Lieut. Gov. Gov. is ordered to execute said further orders, within that state, the powers of a Commander of a Military District as provided by the Act of March 26, 1867, under his assignment by general orders No. 53, dated Washington, December 9th, 1869.

MISCELLANEOUS INTELLIGENCE.

Harrisburg, Pa., Jan. 5.—Gov. Geary in his message to the Legislature favors the recognition of Cuba, and says it geographically belongs to the United States and advocates the adoption of the currency by the establishment of new National banks.

FOREIGN INTELLIGENCE.

London, Jan. 5.—It is rumored that the Regent Serrano will be invested with supreme power but not the title of Dictator.

London, Jan. 5.—The Times in an editorial on the Spanish crisis, deplores the downfall of Prim, and earnestly hopes the Regent will be enable prolongation of the provisional regime.

FOREIGN MARKETS.

Liverpool, Jan. 5.—Evening.—Cotton closed greatly upland 11¾ to 11¾. Orleans 11¾ to 11¾. Sales to-day 12,000 bales, of which 2000 were for export and speculation. Breadstuffs dull.

London, Jan. 5.—evening.—Consols closed at 92¾. Bonds 87. Tallow 36s 6d.

Paris, Jan. 5.—evening.—Bourse closed quiet. Rente 74 f. 15.

Havre, Jan. 5.—Cotton opened irregular.

DOMESTIC MARKETS.

New York, Jan. 5.—Evening.—Money easier at 7 to 7 per cent. Sterling dull at 109¾ to 109¾ for 60 days and 110¾ to 110¾ for sight. Gold 110¾ to 110¾. Government securities closed steady. Southern securities dull.

New York, Jan. 5.—evening.—Cotton closed heavy and lower; sales to-day, 2100 bales; middling uplands 25¾c. Flour dropping; some sales for extra $5 to $6 50. Wheat in small demand for export; winter red Western $3 24 to $3 27. Corn declining; new mixed Western $1 05 to $1 07. Pork $29 25 to $29 50. Lard heavy. Whisky 90¾c to $1.

New York, Jan. 5.—evening.—Louisiana, new, 66¾; old, 68. Lavron 65¾.

New York, Jan. 5.—evening.—Wool steady. Hides firm and quiet. Freights active, nominal.

Mobile, Jan. 5.—Cotton demand fair; market closed quiet; sales to day 1000 bales; middlings 25¾c; receipts 1394; exports 135.

RIVER NEWS.

Pittsburg, Jan. 5.—Passed down—Belle Creole at 10 a. m., W. B. Dunn at 3 p. m. River falling rapidly.

SHORT SOUTHWEST PASS.

Southwest Pass, Jan 5.—6 P. M.—Barometer 30.39. Wind east, light. No arrivals. Sailed—Steamship St. Mary.

SHORT PASS—ALGIERS.

Pass a l'Outre, Jan. 5.—6 P. M.—Arrived—Schooner Cecelia, Gladewood, master, from Rondel, with fruit to J. Rathbone; schooner Joe Bell, Beyes, from Turk's Island, with salt to Goldsborough & Kelly.

No departures. Wind east, light.

[Previous Dispatches.]

Louisville, Jan. 5.—Noon.—Cotton market firm; sales of 1000 bales; Middlings; Uplands 11¾ to 11¾; Orleans 11¾ to 11¾.

LATER.—Cotton market unchanged.

London, Jan. 5.—Noon.—Consols 92¾ to 92¾. 5-20s of 1862, 87¾; ditto 1864, 87¾; ditto 1865, 88¾; ditto 1867, 88¾.

The Stock Board declines to quote Erie Railroad bonds, unless stamped by the Protective Committee, and has appointed to guard the interests of shareholders.

Liverpool, Jan. 5.—Noon.—Corn 29 9d. Breadstuffs quiet; Pork flat; Lard heavy at 70s; Bacon 47s 6d.

San Francisco, Jan. 5.—The *Bulletin's* annual statement makes the imports of San Francisco $18,500,000, the exports $58,000,000.

The total coinage, $20,000,000; coining at the mint, $14,000,000.

Receipts from customs and United States revenue, $11,300,000.

It states that the population of San Francisco is 170,000, and that the State is fast filling up with industrious and permanent population, the capital is accumulating, and the prospects for 1870 are encouraging.

The Growing Power of Congress.

[From the New York Sun.]

There exists in our Government a remarkable tendency to diminish the authority of the Executive by enabling Congress to exalt the position of supreme power. We have so constantly called the public attention to unequal instances in which this increasing move which has been made, that we have not been developed marks a clear observation that it seems to have generally received.

The Indian Commission Trumbull of Illinois offered a resolution asking the President to furnish the Senate with all the recommendations in his power, relative to the appointment of the New Circuit Judges. The proposition was followed by a lively debate, and finally the resolution was modified so as to ask for the recommendations of the gentlemen who were nominated by the President, and was then passed by a close vote. The documents furnished by Gen. Grant, and the gentlemen nominated have since been confirmed.

It was understood that the President had no objection to evil in the Senate, but he was unable to find form; though he did not wish to send to the Senate the recommendations of those who were not nominated for the judgeships. But it could not have been thought wrong if he had expressed a disinclination to furnish the information required by the resolution which was passed.

When a nomination is sent by the President to the Senate, the ordinary course is to refer it to the proper Committee, by which all necessary inquiries are made as to the satisfactoriness of the proposed appointment. The members of the Committee can examine such evidence as it is within their power to procure concerning the person whose name is before them. They report to the Senate whatever they learn of the facts; and their suggestion is usually followed.

But it is going too far to assume a right to know what were the influences which led the President to nominate any particular person or persons. The duty of the Senate is to inquire merely into the propriety of the nomination, and the qualifications of the person named, and that to determine whether the President's selection should be confirmed or not. This surely can be done without any investigation into the motives which prompted the choice; and certainly due without the assumption of a right to be told what those motives were, and what was the character of all the accompanying influences, by the person whose legal duty it was to make the selection for the Executive.

General Grant, when he became President, possessed largely the confidence of the people, and was strongly backed by his party. In that time Congress was in accord with him on all important questions, and prepared cordially to co-operate with the President of the Government. Never was anything more needlessly thrown away than that trust and confidence, which was so full of promise for the country. The President made bad appointments after bad appointment. Men have been allowed to hold office in direct defiance of the laws of the United States, and the President, though aware of the fact, declines to dismiss them from the public service. In fact, so distrustful has the Senate become of the judgment which actuates the nominations by the President, that it has taken the action we have mentioned in reference to the Circuit Judges. Although we regret this, it is only the natural result which the character of General Grant's appointments has justified us in expecting. And it serves to confirm that tendency to the growth of which the Secretary of Congress which it was hoped General Grant would arrest and restore.

CHANGING HIS LIEN.—A gentleman, inquiring of Jack Bogdator respecting a man who had been hanged, was told that he was dead. "And he was hanged, was he?" said the inquirer. "Oh, no," replied Jack; "he was quite in a different line when he died."

AMUSEMENTS.

St Charles Theatre.

CONTINUED LAST NIGHT OF ITION UNPRECEDENTED PROGRESS OF THE LYDIA THOMPSON & BLACK BURLESQUE TROUPE.

Production of the celebrated burlesque of ICION OR, THE MAN AT THE WHEEL, to be nightly played by the New York Burlesque Troupe, including the following celebrities: Lydia Thompson, Alice Atherton, Ada Harrison, Sophie Worrell, Ada Lee, Lizzie Wilmshaw, Lizzie Wilmshaw, Lizzie Wilmshaw