THE NEW ORLEANS DAILY BEE.
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TERMS OF THE BEE:
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All Business Notices of Advertisements to be charged 20 cents not per line, each insertion.
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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:
WEDNESDAY MORNING, MARCH 31, 1869

PUBLIC OFFICERS NOT SHIELDED BY ORDERS IF ILLEGAL.

We see by paragraphs in two of our cotemporaries, which are of the same tenor, that Capt. Cain, the Superintendent of Police, who doubtless inspired them, has a notion that Mr. McDuff, a member of the Metropolitan Board, and Gov. Warmoth can shield him from punishment for executing an illegal order. Well, there is one thing Capt. Cain has yet to learn (and some other parties also) viz: That no public officer or private person can justify the doing of an illegal act by throwing, or attempting to throw, the responsibility on a superior officer or other person. We are aware this notion has been entertained—and in good faith—by many officers and private; in the army, but it is too well settled for dispute, that all persons, high or low, rich or poor, official or otherwise, are bound to know the law and are responsible in their own persons for the commission of an illegal act. If a General orders, in time of peace, and perhaps in time of war also, an inferior officer to execute a man of woman, not subject to the articles of war or to rob a house, that inferior officer as well as the general is guilty of murder and ought to be hung in the one case and in the other he is guilty of robbery and ought to be imprisoned. His orders are no protection, wherever the courts of law are open and the judges have the moral courage to administer the law.

Gov. Warmoth has not the right by law to issue any order whatever to the Superintendent of Police, and no member of the Police Board has the right to order the Superintendent to arrest anybody without a magistrate's warrant, or to enter the house or office of any citizen for the purpose of ejecting him and placing another gamen therein. These are high-handed proceedings, which should not be tolerated under any well ordered government.

Section 15 of the Metropolitan Police law fully recognizes that it is only a magistrate who can issue warrants. The power granted in sections 41 and 42 are clearly contrary to the Constitution of the United States and well settled doctrines of law. They are elementary doctrines—plain principles which ought to be known to persons assuming to act as Governors of States, and Superintendents of Police.

THE OPELOUSAS RAILROAD DECISION

The decision rendered by Judge Durell, of the United States District Court, in the cases of Tucker *et al.* vs. the Opelousas Railroad—an attempt to put that institution into bankruptcy—was mainly based upon the very able argument and authorities submitted to the court by the Attorney of the Company, M. M. Cohen, Esq. The argument consisted of four propositions and Judge Durell sustained three of them. These points were:

I.—That a Railroad Company—such as the Opelousas—is not embraced in the United States Bankrupt Law of 1867.

II.—That the Opelousas Railroad Company is not and was not insolvent and therefore its acts are not subject to judicial enquiry under that law.

III—That the evidence does not show that the defendants had recommitted an act of bankruptcy, nor made a fraudulent payment fraudulently or with the intention to give a preference over one creditor over another.

In the course of his opinion Judge Durell sustained another proposition advanced by Mr. Cohen, viz: That interest coupons on bonds are not commercial paper in the sense of the law and that a suspension of payment on them is therefore not an act of bankruptcy, and there is no evidence in the case, said the Judge, of any suspension of payment by the Company, except on the coupons of interest on her bonds

The Judge

It was expected that Judge Collens would proceed yesterday morning to hold all parties responsible to him, who were engaged in contemning his order, and to vindicate the dignity of his Court. We believe he was only prevented by the illness of Wickliffe and his counsel to move for the Street of Delaissie and his counsel. A Judge has no knowledge of the contempt put upon him or her issued from his Court, unless that order be returnable before himself. Judge Collens therefore has no official knowledge of the violation of his writ of injunction against Delassize. Whether he will take any steps to compel information remains to be seen. There ought to be some method of reaching the matter.

What the reason for this neglect on the part of Wickliffe is we can only conjecture. His attitude in this suit at the present moment is certainly not enviable. We have heard that his proceeding before Justice Sadler by affidavit to obtain the arrest of the parties who had ejected him from the Auditors office, was not advised by his principal counsel, who preferred to confine themselves to pecuniary and civil matters. Delassize and his counsel, members of the bar say, violated the injunction issued by Judge Collens, by the mere act of applying to another Court for an injunction to enable them to act in contravention of Judge Collens' writ. They were bound to obey the latter in spirit as well as letter.

DEATH OF JAMES P. FERRET.—One of our oldest, best known, and best loved citizens, has been taken to his rest. James P. Ferret died yesterday morning at the age of 69, at his residence, in this city. He had been confined to his bed for several months by a painful disease, but it has been observed by his friends, and deserving of the exercise of humanity under the circumstance of being a prisoner. Judge Montamat and Mr. Gerodias accordingly protested against such treatment.

I am a Justice of the Peace, said Judge Montamat, and it is my duty to interfere when I see the law transgressed; but I do not, I only ask you, as a citizen, not to beat and drag the woman, especially as she is already beaten to what she cannot bear, but go on a cab and take her to the station, and I'll pay for it."

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Justice Montamat contended that Mr. Gerodias, as an officer of his court, had a right to carry weapons. The Recorder said he would rebuke a policeman for carrying concealed weapons. The case was continued.

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The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, WEDNESDAY MORNING, MARCH 31, 1869 YEAR—Vol. XLII.—Whole—14,712.

AMUSEMENTS.

ACADEMY OF MUSIC.—Treasurer Kittridge, as might be expected, had a splendid house for his benefit last night. We have not the announcement before us for this evening as we write, but presume the grand burlesque "Barbe Bleue" (Blue Beard) is to be repeated, with other selections.

That excellent and very lady-like artiste, Miss Engel, has selected for her benefit celebration Friday evening, the 2d April, the pieces entitled "Robt. Macaire," "White Fawn" and "Nymphs of the Caribean Sea." See the French side.

VARIETIES THEATRE.—Miss Alice Gray, the leading lady of the Varieties company, and an excellent and most deserving artiste, has her benefit at the Varieties this evening. She has made a fine selection for the occasion in choosing Brougham's remarkably amusing comedy "Playing with Dice," which will be given with the full caste of the company.

ST. CHARLES THEATRE.—Mrs Scott Siddons, who has created such a furore at the St. Charles, appears to-night in Shakspeare's great comedy, "Much Ado About Nothing." Those who miss seeing this superb artiste during her engagement, now drawing to a close, will miss a treat of rare delicousness in the way of genuine acting.

CITY INTELLIGENCE.

United States Circuit Court—In the case of Terrill & Co., Baker and others, creditors of the First National Bank, vs. C. Case, receiver, et als, his honor, Judge Durell, decided to reject the claim of the United States, predicated upon the check of T. P. May, for $315,7 9 11, and also that the government should be charged with amount of debt of the Carrollton Railroad, partnership assumed by the United States, $112,005 09, thus rejecting claims to priority of payment set up on behalf of the government to the extent of $427,788 20.

For plaintiffs, Messrs. Henry B. Kelly, and Campbell, Spofford & Campbell. For the United States, Messrs. Case & Rouse, and District Attorney Morgan.

The Auditorship Wrangle—Messrs J. M. Wickliffe, State Auditor, G. W. Sadler, Justice of the Peace, A. A. Plattemier, Constable, and W. T. Dean, Deputy Constable, whose arrest for alleged contempt of the Fifth District Court we reported, were yesterday arraigned on the charge before Judge Lemmon, who ordered that they be considered under arrest till this in the morning at 10 o'clock. The parties are out on parole in the meantime. Judge Lemmon further ordered that Sheriff Maxwell deliver the keys of the Auditor's office to Delassize and place Delassize in possession of the office

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A Suit to Recover at the City on City stock—The City Attorney has filed answer for the city in the case of R. P. Smith suit in the Fifth District Court to recover of the city to the amount of $600 city notes held by him. Defendants claim that it is the city's intention to pay off all legal as well as moral obligations, and for that reason the city has adopted the act of the Legislature authorizing a city issue $5,000,000 in bonds, but this she is determined to prevent any class of creditors from receiving undue preference. By way of defense such coercion defendant alleges that even if the State had attempted to authorize the city to issue paper to the nature of bills of credit or money, the act would be void, being illegal, null and void, because the late is prohibited, by section 10 of the first rule of the Constitution of the United States, from issuing bills of credit, and could not delegate to another a power she could not herself exercise.

And defendant further alleges that all the ordinances of the city of New Orleans, relative to the issue of notes or paper intended for circulation, are illegal and void, because they contravene the prohibiting clause contained in said section ten, article seven, of the United States Constitution, which prohibits States and political corporations exercising any of the sovereign powers of a State from emitting bills of credit or paper intended for use as money.

Wherefore defendant asks or judgment in her favor, and for costs, and for general and equitable relief

Appealed—City Attorney Leovy has appealed from the decision of the Fifth District Court, in the *mandamus* cases of the State on the relation of John P. Merrill and Ed Pinac, in which the interests of the city in funds in the State Treasury are involved to the amount of about $10,000.

The Drainage and Ship Canal Injunction—A Grayson, who have been allowed to intervene on the side of the defense, in the suit of the New Orleans and Ship Island Canal Company vs the Drainage Commissioners of New Orleans, pending in the Fifth District Court, claim $100,000 damages, alleged to have been inflicted upon them by the stoppage of drainage resulting from the injunction sued out by the Ship Island Canal Company. The intervenors are very large property holders. Judge Alexander Walker is their counsel.

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Board of Aldermen.—Meeting last evening—President Markey in the chair.

Resolution authorizing the Superintendent of Water Works to have ten suitable wells established for the use of the Fire Department, was concurred in;

Also resolution appropriating $6000 to the Mechanics and Agricultural Fair. Messrs. Brady and O'Brien thought the city had no money to spare and voted against it;

Also resolution to repair engine house of Eagle Co. No. 7;

Also resolution approving the purchase by the city at auction, through Girardey & Co., of thirteen lots of ground on Franklin street, for $6800 00 so as to enable the city to open this street.

A petition from draymen about the contractors closing Lafayette street, was referred.

A resolution instructing the Finance Committee to report what levees ought to be imposed on the licensed gambling houses, was referred.

On motion, Messrs. Shields, Kaiser and Pessou were appointed a permanent Committee on Railroads.

A resolution allowing the City Attorney 3 per cent on amount of suits, provided he employ all necessary assistance and his allowance be thus not over $10,000, and provided this extra compensation shall cease at the close of Mr. Leovy's term of office, was passed finally.

After some mine business the Board adjourned.

Board of Assist Aldermen.—Meeting last evening, President Kearney in the chair. The Treasurer's Weekly report showed: Receipts $7891; expenditures $40,[illegible]; balance on hand $490,470 [illegible]

Surveyor Ho[illegible] reference to the opening of Orleans street; that the draining machine was out of order, and that $3000 would be required for its repair.

A communication from Gen. Bragg on the subject of the flows of the city, and a message from the Mayor proposing the same to be published in pamphlet form, were referred.

A complication from citizens requesting the establishment of 100 hydrants was referred.

A resolution to repair the drainage machine of Berle street was adopted on second reading.

The Controller's report showed checks drawn on the treasurer to the amount of $68,022 98. Refer.

The Finance Committee reported an ordinance to facilitate the conversion of the city indebtedness into bonds authorized by the Legislature and providing an appropriation of $[illegible] to pay for the expenses of the bonds and notes. Adopted on second reading and sent to the Upper Board for concurrence.

The ordinance was concurred in by the Upper Board.

The ordinance allowing the Jackson Railroad Company to extend their track to and down the centre of Gird street, was being adopted when that they be considered under arrest till this in the morning at 10 o'clock. The parties are out on parole in the meantime. Judge Lemmon further ordered that Sheriff Maxwell deliver the keys of the Auditor's office to Delassize and place Delassize in possession of the office

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BY TELEGRAPH.

[To the New Orleans Bee.]

FROM WASHINGTON.

Congressional Proceedings.

Butler's Georgia Bill Indorsed by the Committee.

Conference Committee on the Failure-of-Office Squabble.

The Virginia Postoffice Robbers Discharged.

Texans Before the Reconstruction Committee.

Miscellaneous Matters.

WASHINGTON ITEMS

Washington, March 30.—HOUSE—The bill authorizing one, three and five cent nickels, passed.

The Tenure-of Office law came on the Senate with request for a conference. A motion to concur in the Senate amendment lost, by 60 to 106. Finally a conference was agreed to, consisting, on the part of the House, of Butler, Bingham, and Washburne of Louisiana.

The resolution to adjourn, April 6th was adopted

The Election Committee report. Read, to the Third South Carolina District, incapable taks the seat. The Committee reported a bill removing Reed's disabilities, which was referred to the Reconstruction Committee.

A bridge over the Ohio river at Paducah was authorized. It is to be 400 feet span.

The bill extending the time for withdrawal of whisky from bond to the 30th April, was lost.

Adjourned.

SENATE.—An ineffectual attempt was made to pass the House bill granting the right of way to the Memphis and El Paso Railroad

The currency bill and supplement thereto were discussed by Sumner.

Washington, March 30.—Grant has recovered. There was a full Cabinet meeting to-day.

The only nomination made to-day was C. B. Hamilton, Collector, W. W. Accomb.

The debt statement will show but a slight decrease, owing to the heavy pension disbursements.

The Reconstruction Committee voted seven to four to report Butler's Georgia bill