THE NEW ORLEANS DAILY BEE,
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TERMS OF THE BEE.

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NEW ORLEANS:
FRIDAY MORNING, MARCH 29, 1867.

LADIES SALE OF FURNITURE—This day, 29th instant, G. de Feriet, auctioneer, sells, at No. 349 Goodchildren street, between Kerlerec and Esplanade streets, a large quantity of furniture from Mr. Mallard's housekeeping. The furniture is superior, and needs no recommending. We will only remark, that this is a rare chance, which dealers and housekeepers should not fail to avail themselves of, and to which we call the attention of parties desirous of purchasing elegant and artistically finished furniture.

Thanks to the steamship Liberty for Havana papers.

DEATH OF HON. R. J. PREAUX.—Hon. R. J. Preaux, the able and indefatigable Chairman of the Enrolling Committee of the House, and Representative of this city, died very suddenly about half past 4 o'clock last evening, while engaged in giving directions as to the enrollment of an act of the Legislature. His death was occasioned by an affection of the heart. Mr. Preaux was unmarried, about 30 years of age, and a lawyer by profession. Appropriate resolutions were adopted, expressive of the sympathy of the Legislature and the character of the deceased, whose death will be generally regretted.

RE-APPEARANCE OF MR. BANDMANN.—Mr. Daniel E. Bandmann, the distinguished German tragedian, will make his re-*entrée* on the boards of the National Theatre this Evening, in the select drama, entitled: "Urial Acosta." The lovers of a fine acting will hail Mr. B.'s reappearance with high satisfaction.

THE NEW LAW AND THE SUPREME COURT.

We observe that some of our cotemporaries in outer cities are still holding out the hope that the Military law may be resisted by an appeal to the Supreme Court, and are advising a recourse to that tribunal before committing ourselves to the new policy. We are told also that Judge Sharkey has received permission from the Governor of Mississippi to file a bill in the Supreme Court in the name of the State, to enjoin proceedings under the Military bill, and that he has telegraphed back that the prospects are good. The point made from this is, why should public meetings be held and urge resistance of measures which overturn our State governments, in advance of the mode prescribed by the Military law, when that law may be set aside before the oppressive requirements of the law are consummated? In this argument there is some truth and some sophistry, but, taken as a whole, it is a fallacy, and we fear that it is calculated to do mischief. It is exceedingly hard to define our exact position on this point, because in doing so we have to speak of one grave error in Southern character. We are too impulsive. We rush to extremes, and from one extreme to another without giving sufficient thought. This element in our national character may do very well in peace or in war, but at a time like this, when we have to cope with a cool, sober, scheming, diplomatic antagonist, we want nothing so much as cool dignity and diplomatic reserve. The best advice that our leading men could give would be to keep cool, be obedient to the laws that are in force until able to resist them successfully, and to say little one way or the other. But we must admit that for the past few weeks we have been going too fast, and in a seeming eagerness to reorganize under the Military law, have forgotten its oppressive features and whether or not it may be resisted.

Here, then, are two parties in the South, one anxiously hurrying the people on to reconstruction under the Military law despite its odious features, and advising complete submission without a word of protest or expostulation, the other advising the people to obey the laws, to keep their compact made at the surrender, to stand ready in silence to vote if necessary, and to make an effort to sustain the President in his decision that the law is unconstitutional. While there may be little difference between the two we have to decide in favor of the latter, although we can see no hope in the proposed appeal to the Supreme Court. At any rate it seems to us the more dignified course, and it is not one that will lead us astray by over haste. The Montgomery *Mail*, from which the above extract is taken, thinks that the Supreme Court could be made to assume jurisdiction over this question, but it is generally understood that the Court has already taken its stand upon the ground that this is a political question merely, and that it can take cognizance of judicial questions only. Thus, we feel assured, would be the answer returned upon the writ were the attempt made. Not that good ground does not exist for such an argument in ordinary cases, for we recognize the truth of the assertion that the Supreme Court does have jurisdiction in all cases that arise between the States and the general Government, and that the constitutionality of the Military law could be tested before it upon a writ of *quo warranto*—a writ of right for the sovereign against assumption of power in office and, in this case, of the sovereign people against the unlawful use of power by Congress. Indeed, we believe this to be the only tribunal for the trial of such cases, and intended to be such by the founders of the Government. But this has very little to do with the present state of affairs. As we have shown in a previous article upon this subject, the times are sadly out of joint, and all offices and just powers are subverted and made the tools of a party. It cannot have escaped attention that the Radicals have all along been trying to enlarge the sphere of Congress, to extend the limits of its jurisdiction, and to concentrate in it all the power of the Government. The prerogatives of the Executive have been confiscated one after another, until the President is little better than a dead letter and the office a barren honor, without power, and with little influence when in conflict with Congress. Other offices have fared the same, and even the Supreme Court has become the mere tool of this body, and stands ready and willing to do its bidding. Such is the state of affairs as we find them, and not as they were intended to be, or as they were when these States entered into the Union.

Now, supposing a determination to test the constitutionality of this Military law, and to reach the Supreme Court by a writ of *quo warranto*, what would be the result? In all probability the reply would be that this is a political question and without the jurisdiction of the Court. It would be referred to Congress as the only power competent to deal with such cases, and there is no third power.

To sum up in a few words, it will be seen that we advise implicit obedience to the law—not with unreasoning subjection to obey it, but with a dignified protest against its harshness, and an appeal to the Supreme Court against it as soon as it can be done with some chance of success. Above all we wish to impress upon our people the folly of pinning any dependence upon such relief. Even processing the decision was to be in your favor the issue could not be brought on for many months, perhaps more than a year, and meantime the military would have accomplished its purpose, gained a strong hold upon the country, and the settlement would certainly be upon the *ex parte* order and without the benefit to the South that is hoped. It must not be forgotten that we are now governed by party laws and not national laws. We have seen that an appeal to right and justice does no good, and we can only confront to the present order of things as best we may, being powerless to resist, until some course offers by which we can better our condition. But let us not set in haste, cherish delusive hopes, or talk too much about our opinions and intentions.

The following is a list of passengers per steamship Liberty:

From Bataria—Mrs. J. B. Claverie, M. Fromaget, Miss J. Fromaget, Mrs. F. Fromaget, Miss Fromaget, Miss Fromaget, Miss