NEW-ORLEANS BEE.

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Devoted to Independence and Public Instruction

FOR PRESIDENT OF THE UNITED STATES,

HENRY CLAY

NEW-ORLEANS

SATURDAY MORNING, MARCH 25, 1843.

☞ For a list of vessels loading, cleared, sailed and up for New Orleans, at customs and foreign ports, see our first page.

☞ The Mail yesterday, brought dates to the 17th. Three mails due to-day.

CONTESTED ELECTIONS.

If the principles upon which the election of the ten members from this city to the House of Representatives is contested, are adopted by the Legislature and the doctrines of the majority report of the Senate in the case of the Iberville Senatorial election are made a precedent, future elections will be little more than nominations made by the people of members of the General Assembly, to be ratified or not by the majority of either House. The technical objections urged in the case of the city delegation, would distranchise one half of the voters of New Orleans, and the deductions of the Senate Committee, (proclaiming always that votes are not legal that do not appear on the tax roll, and inferring therefrom that such votes were cast by the sitting member,) would place it in the power of the assessor to disqualify any citizen at a election, or annul his vote in case the clerk of the election omitted the formality of annexing the list.

Other objections insisted upon by the New Orleans contestants, such as, that a vote is not good unless the tax has been paid within six months, Delaunchaye in fact, those more punctual tax payers who paid their State dues too early, as well as those upon whom the tax gatherer neglected to call, will swell the list of disqualified persons to such an extent that no election in the State would ever be legal. We might be warranted in saying that there is not a single member of either House, who could hold his seat against the combined effect of the various disqualifications insisted upon in the premises—more especially if the votes so condemned were set down (punctually,) as having been cast for his antagonist. Governor Mouton himself would fall in the rear of Gov. Johnson, if all such votes were carried to the fall of the letter, greatly more than the returns placed him ahead.

It is neither democratic, republican nor just to disenfranchise a citizen by reason of informality or neglect in the officers of election; and every man who is admitted to vote, ought to be held a legal voter until the contrary is proved. It frequently happens that the judges of elections themselves know that a man is entitled to a vote and take his ballot without question. Should such a vote be stricken from the poll because the assessor did not enroll the voter upon his list, or the clerk omitted to mark the record opposite his name with any letter of the alphabet? Surely such a principle can be contended for. Nor is it sound judgement, politic or just to presume that a citizen has broken the law in giving a vote, until the fact is duly established by proof. The returns made by the Judges are the evidence of the people—the majority—the record is their record, and upon it they have to depend to give effect to their will. Now, if his evidence is attacked, it should be by proof more convincing than it is. The returns prove conclusively that the sitting members received an actual majority of the votes cast. This is conclusive and refutting testimony is produced, that leaves no doubt upon the mind, that illegal votes—proved to be so (not inferred such, from the neglect of officers)—were cast for such member in quantities sufficient to overbear the legal majority. The conclusion should be peremptory. It unendo, surmise or inference be allowed to set aside a return, the best evidence the people can produce of their will may be successfully refuted by the weakest and most inconclusive testimony known to the law—indeed the sovereign decree of the people would be annulled upon evidence that is not admissable in a court of justice to establish the ownership of a lost dog or pig. The law provides officers to judge of elections—if these neglect their duty, the penalty ought not to be borne by the people—for what more grievous punishment could be inflicted than that of, *in effect*, disenfranchising a voter? No one can be so disfranchised.—The right of suffrage, as guaranteed by the constitution, should not be taken from a man through the negligence or incompetency of public agents. The doctrine upon which the various contested seats are sought to be vacated, are at war with all established grounds of legislation, constitutional right. They go the length in direction of enabling the subordinate officers of Government, to disfranchise one half of the citizens of the State, and in the other contravene established principles of evidence in order to defeat the will of the people.

JOSEPH TRICOTTI, convicted of the crime of arson and burglary, suffered the dreadful penalty of the law yesterday in front of the Parish Jail, in the presence of an immense concourse of spectators, among whom we are sorry to add were many females. When led to execution, the wretched criminal appeared totally unnerved and harrowed up by mortal terror. In all the sentence of the law was almost anticipated by the pines of nature under the anguish of impending death. He called however a moment prior to execution, and when asked whether he had any thing to say, answered that he was sold he had never entered Mr. HOLLANDER's dwelling or set fire to his house. His sufferings, when suspended appeared to be brief. After hanging some seven minutes, his body was taken down and placed in a coffin for interment.

We have often remonstrated against this public mode of execution, and the scene yesterday was calculated to confirm our convictions of its inexpedency and impolicy for good. The demeanor of the criminal was calculated of a nature to demoralize the benefit—it may there be of performing the law's last penalty in private or an assembled throng, for he displayed more of that intrepidity and firmness, that desire to die game, which so often tend to make a martyr and a hero of a condemned felon in the eyes of the ignorant and thoughtless. Circumstances occurred which plainly proves, that public executions harden the heart, all sensibility and commiseration being stifled by the unnatural and morbid excitement of the hour. While the executioner, the almost inhumane criminal and the Priest of God who attended him, were ascending the ladder leading to the gallows, it gave way, and all three fell with considerable force to the ground. At this moment one universal roar of mockery and derision arose from the countless crowd. Instead of being horror stricken at beholding the helpless and manacled wretch fall like a log upon the earth, the mob seemed to enjoy the spectacle with the greater zest, as if it were a portion of the entertainments provided for the occasion but not mentioned in the programme.

We do earnestly invoke the Legislature to pass a law requiring all executions to be conducted in private. We have never known one that did not blunt the feelings of humanity, and indirectly pander to crime.

THE REMAINS of the late GEO. A. WAGGAMAN, were yesterday transported to their earthly resting place by the members of both Houses of the Legislature, a numerous military escort, and a large concourse of citizens. The body was interred in the Protestant Cemetery, and the funeral service pronounced by the Rev. MEWHATOS, with much fervor and solemnity. As one of the defenders of Orleans in 1814—15, the deceased was buried with military honors.

INFAMOUS AND BLOODY OUTRAGE.—Yesterday afternoon, about 4 o'clock, as an interesting boy, some eight or ten years old—a nephew of Mr. PRIAULT, the schoolmaster—was playing in the vacant space situated in the rear of the new three story brick buildings in St. Charles street, near the corner of Canal, he was attacked by a monster in human shape, armed with a knife. This wretch pursued the child, who endeavored to take refuge in one of the privies attached to the buildings, and forcing open the door, seized his little victim, and cut his throat, mangling him most horribly. Immediately after consummating the cruel deed, the assailant fled and up to the present moment has not been traced. The child, though bleeding profusely and dreadfully wounded, will probably survive. Imagination is at a loss to conceive what motive could have prompted any being wearing the semblance of humanity, to attempt the assassination of a harmless and unprotected infant.

DAN MARBLE takes a benefit to-morrow evening at the St. Charles Theatre. It will be the last appearance of this inimitable "delineator" of Yankee character for some time to come. He appears in seven pieces, embracing several of those in which he has made himself known to fame. See his card, and then go to see him.

LOUISIANA COURSE.—The races over this course commence to-morrow, with every prospect of fine sport. The sweepstakes with which the meeting opens, will be a very exciting contest between Kentucky, Mississippi and Louisiana bred nags. There are an unusual number of horses in attendance.

☞ We are glad to hear that Messrs. ROBINSON & FOSTER, the managers of the National Amphitheatre, have offered, in the most generous manner, their co-operation in favor of the Guadalupe sufferers. We trust our citizens will attend the entertainments that will take place at their house on Monday night in behalf of this philanthropic object.

The Mobile *Herald* thinks the Comet is nothing more than Venus with an extraordinary bustle on.

Correspondence of the Journal of Commerce.

LIMA, Nov. 8, 1842.

The yellow fever broke out in Guayaquil early in October, and has been raging with great violence.—Many of the principal inhabitants, amongst them Mr. Charles Lukens, an American merchant, had already fallen victims. Our dates from thence are up to October 22d.

We yesterday received the news of an outbreak in Cuzco and Puno, which departments have formed an independent federation, and appointed Gen. San Roman President. Gen. Vidal it is said will march against them with all the disposable force. It is very probable however that he will be unsuccessful, and that this is the commencement of another civil war.

[COMMUNICATED.]

CONCERT.—On this evening, Mr. WALLACE will give a concert, and that occasion will afford to the lovers of music the last opportunity of hearing Mr. W., as he is on the eve of his departure for Europe.

The very exalted position which this gentleman enjoys in his profession is an evidence that, though shadowed by reserve, true merit may languish for a season in obscurity, yet it will ultimately win its way to fame and the enjoyment of adequate record. Mr. W. came among us, not preceded by noisy rumors telling of his success, nor flaming announcements burning with his praise; but alone, he came, unheralded and unknown.—He courted no applause, until he had first deserved it; asking encouragement, not from charity, but from justice. The people heard him, and he was once declared to possess over his two favorite instruments a more complete mastery than any artist who had ever preceded him. The efforts of genius, of whatever stamp they may be, are never so truly worthy admiration as when accompanied by *modesty*. This rare feature, which is always discoverable in Mr. W.s. performance, imparts to it a charm which will be remembered long after his magic strains shall be forgotten. Another artist of such skill we may not soon expect; so all whose souls are awake to music's charms, should by no means miss this, the farewell concert of Mr. WALLACE.

☞ WASHINGTON.—The President told a gentleman the other day that Mr. Webster would go to Europe as minister; for that he had some business connected with his department to finish, which might keep him in it a short time. Upon the new organization of the Ministry, Mr. Cushing will probably be called to the head of a department.

A worthy officer of the army told me that upwards of a hundred persons were in the passages and anterooms of the Executive mansion today, pressing for audiences to the President. Nearly all of them are applicants for office; and they so continually and perseverently occupy his time, that gentlemen do have seriously occupy his time, that gentlemen do have seriously occupy his time, that gentlemen do have seriously