THE NEW ORLEANS DAILY BEE.
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TERMS OF THE BEE
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NEW ORLEANS:
SATURDAY MORNING, JAN. 30, 1869.

ILLEGALITY OF THE LAW RELATIVE TO PUBLIC PRINTING.

The minority report of the Senate Judiciary Committee sets forth two reasons why the law of July 24, 1868, relative to public printing, should be repealed. These are:

First—Because it does not express its object or objects in its title, as required by art. 114 of the Constitution.

Second—Because under art. 41 no Senator or Representative can be appointed to any civil office of profit in this State which shall have been created, or the emoluments of which may have been increased during his term of office. The State printing was conferred on A. L. Lee while he was a member of the House of Representatives. If the law be open to the above stated Constitutional objection, then no rights have been vested in A. L. Lee, and it would not be impairing the violation of a contract for the Legislature to repeal the law, as the majority of the committee are of opinion it ought to be the case.

The minority report, signed by Senators Blackman and Fitch, considers that

It was evidently the intention of the authors of the printing law to evade this provision of the Constitution, and to do indirectly what they could not do directly—that is, confer the state printing on Hon. A. L. Lee, who was then and is still a member of the House of Representatives. The State Printer had always been regarded as an officer, and as such he could not remain as a member of the Legislature and fill the position of Public Printer, which office was created and the emoluments of which were consequently increased during his term of service in the House of Representatives.

Your committee, differing from the majority as to the construction and proper interpretation of the provisions of the Constitution above referred to, would respectfully recommend that the law be repealed, and let it afterward be the subject of judicial investigation. We think the Legislature would, in the case even of doubt in regard to the legality, be justifiable in doing away with such a gigantic monopoly, that certainly operates to the injury of the State and to individuals thereof. No act of the Legislature, even of a pernicious character, has given so much dissatisfaction to the people of the State as the present printing law; and your committee entertain the hope that the members of the Senate, looking to the general good of the State, will repeal a law so odious, so unjust, so oppressive, so subversive of the rights and interests of private individuals, and which involves such an unmerited bounty on a few at the expense of the public treasury.

ST. MARY'S ORPHAN BOYS' ASYLUM, THIRD DISTRICT.—On Sunday next, the 31st January, a charity sermon will be preached in the St. Louis Cathedral, of this city, at the High Mass, at 10 o'clock. The citizens in general, but more especially the Catholics of New Orleans, cannot fail to listen with both pleasure and profit to a preacher of such eminence as Rev. P. Dolphe, and the noble cause he advocates will be an additional attraction to the charitably disposed. We hope to see the spacious Cathedral filled with all classes of our people—the rich with their generous donations, the poor of forking the widow's mite, for the relief of the four hundred fatherless and motherless little ones of St. Mary's Asylum.

BOY'S CLOTHING.—Mr. B. T. Walshe, whose establishment is at 110 Canal street, invites public attention through our advertising columns to-day to his stock of boy's clothing and gent's furnishing goods. Of these articles he keeps a tasteful selection and all well made up.

FRUIT TREES, SHRUBBERY AND STRAWBERRIES.—Mr. F. A. Quinette, of No. 1 Carondelet street, invites public attention, through our advertising columns to-day, to his stock of fruit trees and shrubbery. He has on hand nine of the best varieties of peaches, which ripen in succession, from the 1st of June until October. He has also a large collection of strawberries of the best kind. Apple, orange, fig and quince trees, blackberry, raspberry, grape vines, evergreens, shade trees and shrubbery of all kinds. Those in want of ripe strawberries can be supplied up to the 1st July.

CITY INTELLIGENCE.

Suicide.—Christian Marston, a native of Denmark, and a painter by trade, committed suicide yesterday morning by cutting his throat at his residence, at the corner of Rampart and St. Louis streets. The wounded man was brought to the Charity Hospital, where he died an hour after his arrival. Coroner Bendel held the inquest, and the jury gave a verdict of self-destruction. Liquor is the reputed cause.

Board of Metropolitan Police.—Officers Thomas Monaghan and H. Daggo, (by officers employed at the New Opera House,) were yesterday tried before the Board of Metropolitan Police Commissioners, on the complaint of V. E. McCarthy, (col.) in connection with some evening ago out of the auditorium of the above theatre. The officers proved that Mr. Norman Cole, the Constable of the Opera House, ordered them to remove the complainant, fearing that the excited audience would mob him.

After hearing several witnesses on the Commissioners took the case under advisement.

Suit for Damages.—The Dennis brothers, Kentucky, have brought suit before Judge Dorsey, of the United States Court, against the authorities of the parish of St. Landry for $15,000, alleged damages claimed to be consequence of the destruction of their paper, the St. Landry Progress and other property, by an armed mob in September, 1868, and in consequence of their being compelled to leave the State in Opelousas in St. Landry.

Shop Lifting.—Thursday forenoon two well-dressed young men, representing that they were detectives from Shreveport, and stopping in the city at the St. James Hotel, ordered $900 worth of goods at Mr. Leon Dreyfus' store, No. 36 Chartres street. After they left, the proprietor discovered that a pair of carriage and harness, etc. all valued at $900, were missing. The young men were shortly after arrested by officers Beaudist and Rampert, who found them in a public house playing cards. They will be bound before Recorder Gaudiet.

Verdict Against the New Orleans City Railroad Company.—In the Ninth District Court, Judge Cooley, the jury in the case of *F. F. Maddox* against the Company, have on the trial of the case, rendered a verdict for $12,000 in favor of plaintiff for damages, in consequence of the latter having run over and crippled his son. The verdict, about a year ago, was for $20,000 for the one and $1000 for the other. Some change in the wording of which, the sum has died of yellow fever. The Judge charged the jury as how to the deceased child and three-fourths as much as the four half brothers of the deceased.

A sooth, who had applied for a place in a subscription book, was advertised to call on said ticket; and, having passed a satisfactory examination, was offered a position. He accepted it, however, and frequently inquired when they had wine on the table every day. Our quiet man was the reply. "Then," said the other, "I can't work for you." "I've always been used to a glass of wine at dinner, and unless I have it, as I'm troubled with the dyspepsia."

The Killing of Fernandez by Martin.

Further Examination Yesterday.

Abstract of Previous Testimony.

Letters of Deceased to Mrs. Martin.

Strange Story of Illicit Love and Intrigue.

Accused Admitted to Bail.

The case of Mr. Louis Martin, charged with murder in the matter of the killing of Mr. Salvador Fernandez, Jr., in this city, the evening of the 13th January, on St. Claude street, previously partially examined before Recorder Gastinel, was resumed yesterday. In order to keep up the connection in the evidence, we give a brief *résumé* of the previous testimony, together with that elicited yesterday.

ABSTRACT OF PREVIOUS TESTIMONY.

Testimony of A. Casenel.—On the night of the 13th instant I heard the report of a firearm, which I at first took to be a firecracker. Shortly I heard a second report, and then several. *As accurate, as accurate, as I assert* uttered in a loud tone, followed by a prolonged cry of agony, and then I heard a third report as loud as the two previous ones. I ran towards the place of the firing and met a man running towards me, whom I might not to be the guilty party. I pursued him, and when he fell recognized him as Mr. Fernandez. From causes subsequent to me I suspected Martin and ran to the gentleman's store, corner of St. Claude and St. Philip street, where I saw the accused, and the following words: as well as I can recollect, were spoken by the latter: "Martin, you have killed my son-in-law, and I come to arrest you." "Not-ir, it is not I," replied Martin. "It is useless to deny it, Mr. Martin, I saw you shooting at Mr. Fernandez." "No, sir," said Martin, "I shot no one."

It was too dark for me to see what happened in the alley, and what I said to Martin was for the purpose of getting at the truth, and again insisted to Martin that he had killed Fernandez, and that I knew when him shooting. He again replied, "No, I did not the shooting since it was the other man who shot at him, but I have the knife, and I used it." At that moment Martin showed me a slight flesh wound in the palm of the hand, which he stated he had received from Fernandez' pistol. "These are," I said to him, "you confess having used your knife against the other party." "Yes," said Martin. "Well," I replied, "you have killed a man and I arrest you." "By what authority do you arrest me?" asked Martin, "you are not a police officer." I answered that I, as a citizen, was a citizen in presence of whom a crime is committed, especially when the proper party is not present to perform such a duty." "Well, I surrender," said Martin—and he ordered some other person present to close his grocery. Afterwards came the police and took Martin in charge. Casenel then returned near Mr. Fernandez, and finding that no one had yet gone in search of a physician, I immediately repaired to Dr. Castellanos, who hastily passed and declared that there was nothing to be done. Mr. Fernandez had died.

Witness did not know who cried *As accurs*.

Francis Bauer—I was in doors and heard the word "murder" twice; there was an interval of time between each repetition of the word; heard a policeman's rattle and some one say, "He is dead." I was reading and did not see who killed Fernandez. Deceased was in the habit of coming in the neighborhood about the hour of o'clock in the evening.

The attorney for the State, Mr. Howard, objecting to the manner the examination was taking, the Recorder stated that the Legislature in 1860 even gave to a magistrate the power to hold a man accused of murder, but he could not do so unless the evidence was fully heard on both sides.

Evidence Resumed—In the evening the deceased usually passed alone. Witness never saw the deceased going into any house in the neighborhood. I was out of hearing to witness to speak of certain matters.

Being asked why they were distasteful, an argument followed between opposing counsel as to whether the question should be answered. Mr Castellanos said that he wished to show that it was a matter of common notoriety that the deceased had been in the habit of beating the wife of the accused. The question was asked and answered in the affirmative.

Mrs. Fernandez—On the 13th of January I saw Mr. Fernandez sitting on the steps opposite Mrs. Laviolle's as he was accustomed to sit every night. At the sound of the shots somebody running towards Dauphine street, crying murder; heard some one shooting after or behind him; saw Martin shoot. Mr Martin was running after Mr. Fernandez. The shot fired by accused was at deceased I saw no pistol in the hands of any one except Mr. Martin; saw one in the hands of Mr. B. some after the shooting occurred; I heard 3 shots and saw two; don't know who fired them.

Alice Veillere testified—I was giving my children supper in my dining room; heard three shots; did not see accused shoot evening I was alone with the children in the house. Mrs. Laviolle was absent. I saw accused that day at dinner I heard talking outside after the shooting, but recognized no voice.

Cross Examination—I knew the deceased; would recognize his picture. Being shown one, says that is the picture of Fernandez; he had it in her head before. In Mrs. Martin's house; was seen in Mrs. M's hands. Witness being shown some hair, says it was given by Mrs. Fernandez as a present to Mrs. Martin about five months ago, on her birth day, at the same time that he gave her his picture. They were given to my possession. I had another, then with a knife; on a piece of newspaper Mrs. Martin put the hair in her armoir. I saw it there since Mr. F.'s death.

A few letters exchanged from Mr. F. to Mrs. M. and from Mrs. M. to him; I can't read. Deceased was in the habit of passing before the house frequently; accused and Mrs. Martin had ordered me when he gave a certain kind of cough to let him in if the door was locked. Mrs. Martin used to meet deceased in a house adjoining that of the accused Mr. Pierre kep. the house. Mrs. Martin used to meet the deceased through a private door in the storeroom leading to the room in Mrs. P.'s house. Deceased said to me while alone, "Mamselle Veillere, you see how well that pistol will blow Mr. Martin's brains." Mr. Martin did not know of the intimacy between Mrs. Martin and deceased. The hair was given to me by Mrs. Martin, but I knew it was deceased's. Mrs. Martin kissed her husband; he asked her if she was satisfied with what he had done on her account, saying: "I have killed Fernandez." I heard two shots only and saw the flash of three others; I do not know who fired them; there was in the grocery a colored lady, whom I have now, and was there the night of the killing; don't know whether Mrs. M kissed Mr. M. or he kissed her; they kissed each other. Witness did not hear Mrs M. make any reply to her husband.

Raymond, colored, testified—Heard the shooting and the cry of murder, in the direction where he had seen a man coming on the door steps. Saw two men in 3 feet of each other; was afraid and heard a third shot and cry of murder as I was left. I saw one of the men firing and the other stooping, trying to get under him; can't tell which was which. I saw no one else coming the street or about where the shooting occurred; I heard 3 shots and saw two; don't know who fired them.

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