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NEW ORLEANS:
TUESDAY MORNING, JUNE 1, 1869

TRY GEORGE ALCES' CIGARS,
145.....Rampart Street.....145

THE CITY COUNCIL IMBROGLIO.

In the present muddled condition of the city government—involving the claims of two or three diff-rent cliques to seats in the City Council—another example is given of the dangers attending the failure of a strict performance of public duty on the part of those charged with the execution of certain necessary acts. The unsettled condition of our politics, also, together with the frequently unscrupulous system of partisan-ship made use of in order to carry a point in favor, and in the interest, of a political cause, should induce a rigid determination, among those upon whom these duties devolve to throw no loop hole whereby any opportunity may be given to would-be violators of law to carry out their purposes. We doubt if ever, in any city or State government, was shown a more lamentable condition of public affairs than that which marks the course of our local and State conduct. On every hand we find the courts burdened with injunctions and mandamuses, all the result of loose or unnamed, and sometimes corrupt, legislation. Laws seem to be made only to be questioned, if not actually overthrown; and as for the right or the wrong of a thing, at least justice, pure and simple, be the guide, all the Legislatures who ever lived and argued would fail, satisfactorily, to establish the right and to disprove the wrong.

In the question of the contestant claimants for seats in the City Council, the following facts seem indisputable:

1. That the Mayor failed to call an election at the proper time for members of the City Council, to fill the vacancies caused by the expiration of the terms of those members who had drawn the short term.

2. That, in consequence of this failure, the short-term members held over until the election appointed by the Mayor for May 19th.

3. That, on the 19th of May, a regular election was held for four Aldermen and seven Assistant Aldermen to fill the vacancies that had been previously made, and

4. That, anything himself of the Legislative act of August 14th, 1868, which affects, in substance, to confer upon him the right to fill all vacancies in office that may occur, whether State or municipal, Governor Warmoth appointed members to the Common Council to fill the original vacancies caused by expiration of the terms of the short-term members.

Without proposing to enter into any lengthy argument to show wherein the above facts conflict with each other, or to establish the right of the matter—the whole question being left to the courts to decide—it is sufficient, we think, to note a simple truth which entirely disqualifies Governor Warmoth from acting in the manner he has proposed to himself. By the Constitution of the State, the Governor is simply an *executive* officer, and, by the same document, the Aldermen and Assistant Aldermen of this city are law-making or legislative officials. It needs no argument, we believe, to show that the official who is to carry out the law is not capable of appointing those whose duties are are to make law.

Divested of all verbiage and useless encumbrance of words, the case stands in effect, as we have stated it, namely, that the act of the Governor is violative of the Constitution by which he holds his office and through which he draws his monthly salary. If the Constitution have no power, then the legality of Gov Warmoth's incumbency might well be questioned. The act of the 18th of August, upon which Gov. Warmoth assumes to rely, coming in conflict with a strict Constitutional behest, is so much fun into which has not the dignity of law. An *amendment* to the Constitution, which should meet the special case to which Gov. Warmoth somewhat himself, would be law indeed and would not conflict with any fundamental law, because it, itself, would be fundamental law; but until the Constitution be so amended as to place in Gov. Warmoth's hands the power to appoint a class of officers (legislative) who are in the system of all civilized Governments superior to the office executive that he holds—in other words, until the principle that a Judge, for instance, is inferior to a Constable—be plainly acknowledged, it is useless to waste words in order to prove or to disprove the justice of any complication that may arise from a possible over an attempted perversion of a plain, absolute and controlling Constitutional enactment. It is not Gov. Warmoth's fault, perhaps, that an incompetent Legislature should have denied a principle that is the very basis of government in this and every other civilized country, whether monarchical or republican, but until we have reason to cease to vaunt our superiority over the condition of the miserable subjects of the Bey of Tunis, or of the trembling slaves of a barbaric King, it would be as well not to recognize as the sanctity of the instrument which preserves to the people their liberties and their rights. In regard to the other phases of this municipal imbroglio, we say nothing. To acknowledge the opposite of the ground that we have assumed, would be to accept as legitimate any subversion of the popular will—as guaranteed by the Constitution, and to place the power of the land in the hand of one man—a condition of freedom for which our people are not quite prepared. Involved in the first great error are all the others.

PAY THE TEACHERS.—It seems that while other persons who draw their salaries from the city treasury are, as a rule, regularly paid, the teachers of the public schools are almost invariably made to suffer from a delay in receiving their salaries. At least this result may be presumed from the fact that in almost every case of delayed payment, the teachers are prominently the victims of the delay. The teachers have not yet received their salaries for April, and there is much just complaint among them in consequence. If this thing were caused as it would not be so lamentable; but when it becomes a rule of conduct it passes into a wrong. The treasury looks funds. It is said. This is bad for the treasury and the city; but the fact does not relieve the teachers or compensate them for what often takes the shape of patient suffering.

THE GRAIN MOVEMENT.—The Chicago editors, it is said, are "in the dumps" over the progress of the movement for the exportation of grain via St. Louis and New Orleans. They have relied upon the outlet for the grain of the Northwest by the way of the Erie Canal and New York, and only begin to understand the importance of the effort now being made to control the grain by the cities along the Mississippi. Three of the largest steamers on the Mississippi have been chartered by the St. Louis Company, and the grain shipped on the upper Missouri and Mississippi will not break bulk until it reaches this city. Omaha, also, is beginning herself to open direct trade with New Orleans. Chicago has hitherto been a vast monopoly emporium for the West, and it would seem that her respite, in view of the grain movement, is passing from her grasp.

IMPORTANT TO CLARET DRINKERS.—An official publication devoted to the evolving of chemical facts—the Boston *Journal of Chemistry*, to wit—has made a nauseous discovery in the matter of claret, of which it is important that the lovers of this beverage should be informed. It said that what is sold under the name of "claret" is often dangerous and is usually a vile mixture, made by allowing thousands of gallons to soak through shavings and the adding thereto due proportions of logwood and tartaric acid and a little alcohol. If this statement be true, it is remarkable how well the secret of shavings, when mixed to logwood, tartaric acid and a little alcohol, agrees with the stomach.

A QUEER EXHIBIT.—No bonds having been issued to the Pacific Railroad during the month of May, the result will be, as we learn from Washington dispatches, that the public debt will be reduced about seven millions of dollars. The only fault that we can see in this is, that every dollar of the General Government is an additional sum added to the debt, and every dollar saved is a decrease thereof. All of which is as clear as mud.

THE JEFFERSON PRIZE CASE.—The Shreveport *Southwestern* of the 25th contains the following:

Court Log of the Exhumation, informs us that the examination of J. H. Cross was quite boastful of the result of the trial of the prisoners, which is now pending on. This hope is based upon the fact that these officers are investigating the charges are contained and are disposed to dispense simple justice to those accused by partisan animosity. We would hail with pleasure the return to their senses of the contemptuous character of the men who have been manufacturing testimony against the unfortunate prisoners, and when the character of these officers conducting the trial, we can but be apprehensive of the result.

Recently Johnson, late Minister to England, sailed from Southampton for Baltimore on the 22d inst.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, TUESDAY MORNING, JUNE 1, 1869. 42d YEAR—Vol. XLII.—Whole—14,765.

Grant's Cabinet and the Complications with England.

The patched up Cabinet with which Grant has surrounded himself has already proven itself an incongruous and unreliable affair. Commonplace men, it was clear, in the beginning, to every thoughtful mind, could never be the proper advisers of a President whose chief requirement is that his official family should be counsellors of enlarged views and approved good patriotism. Enough has transpired in reference to the doings of Grant's Cabinet to show that the elements of discord are at work among the different members thereof, and that the few *known*, himself, is worried and aggravated to a painful degree. Hence poor Grant's purpose to go away from Washington, and to wander aimlessly during the summer. To be bored with Borie and to have boats with Boutwell upon financial questions is bad enough; but to be obliged to conform to Fish's sooty foreign diplomacy is infinitely worse. Grant clearly angled in trouble's waters when he secured his Secretary of State. In the matter of the "Alabama" question Grant, it is said, desired to adopt a "firm" policy and therefore overruled Fish who was not in favor of adopting Sumner's terrible programme of vengeance against England. We have fallen upon queer times, truly! With Sumner vaporing in the Senate, Fish temporizing in the Cabinet and Grant stumbling into the belief that the people desire a war with England over the "Alabama" indemnity claims, it is hard to say what will be the result. With a bully at one end of the Avenue, discussion in the Cabinet, and a distracted country at the back of all, the harvest will be either a rash venture upon war or a humiliating retrogression. England is clearly aroused and means to have fight or fair play. There is no alternative.

Passengers per steamship George Washington, from New York, arrived Saturday night:

Mr. Hebenstein, lady and child; C. H. Davis, Eugenia Miller, D. Donovan, F. O'Reilley, D. McDonald, John Atkinson, C. L. Nevin, O. Lawchride, K. T. Hewens & Co. and 7 in the steerage.

The steamship Sherman, from New York, arrived at her wharf on saturday night, bringing the following passengers:

Mr. Wentworth, wife and son, Robt. J. Smith, Mr. and wife, Frank Lamon and lady, Mr. and Mrs. Tarbott and 5 in the steerage.

CITY INTELLIGENCE.

Firemen's Festival—One of the most pleasant evenings spent by the writer for sometime, was at the F. C. Hyundai Saturday night. The occasion was the festival given by Mississippi Fire Company No. 2 and Pelican Hook and Ladder No. 1, for the benefit of the relief funds of those two companies.

The weather was auspicious, and the attendance large. There must have been fully three hundred people on the grounds. The scene presented was certainly a lively and picturesque one. The ladies with their many colored toilets, moving about and chatting together in groups of carpet of the earth, or gathered in vivacious coteries under those grand old live oaks, where a night's breeze is tempered. Then the music of Jaeger's incomparable band, floating upon a balmy breeze added something of delicateness to the enjoyments of the scene.

The programme of amusements had been well prepared, but the ongline races and the game of Roquette attracted the greater attention. The ongline race for half a mile with hand engine drawn by not more than thirty members, the engine to take suction and throw water in the shortest space of time, each company using the same engine. The result of the race was as follows:

Hockinp No 2, of Algiers—Running time, 3.21½. Water time, 3.39½.

Lad Ferry No. 12—Running time, 2.50½. Water time, 3.08½.

Jeffer son No. 22—Running time, 3.16. We heard that something happened to the proper working of the engine, which preventing this company from taking the lead.

Our old friends, the boys of Orleans No 21 have entered, but not having thirty of their members present, withdrew from the contest.

The prize offered by Mississippi No. 2 and Pelican No. 4 was a beautiful pair of silver horses, fine field and bed. Cupids handsome silver, tastefully engraved and was awarded to No. 12. It is certainly a beautiful prize.

The game of Roquette for defiance, and between the Bayou and La Ville Clubs, and the prize, a small wick blue silk flag, after a spirited contest for two hours and a half was awarded to the Bayou Club. It was presented in behalf of Mississippi No 2 and Pelican No. 4 by Judge G. H. Brangtn in his usual felicitous manner, and received by Captain John McClelland for the victorious Club in a handsome manner.

After this, and as the sun with golden splendor touched the tops of the western horizon, the dancing commenced in good earnest, and was kept up until a late hour.

Mr. Richardson was most active in perfecting and carrying out the programme of the exercises on day and yesterday, was that popular and liberal Fire Chief of the Fire Department Mr. Emanuel Bussey. The exercises yesterday were of an equally interesting character, and elicited a large display.

We congratulate the boys of No. 2 and Pelican No. 4 both fine sets of fellows, on the success of their very agreeable festival.

A Sad Incident—There were many deplorable cases of distress in the city of Jefferson during the conflict brought about by the unwarrantable interference of Gov Warmoth with the municipal regulations of that place which will probably never be made public, but which have brought sorrow to once happy households, and throw a pall of grief around hearts that but a few hours before were beating with brightest anticipations.

On the night previous to the occupation of Jefferson City by the Metropolitan police, and when the most intense excitement and indignation prevailed among the citizens and old police force upon an unprincipled attack, a young lady just eighteen years of age, on a visit to a neighbor, who was about taking her departure to complete with a lady friend, when there was a flash, a loud report, and she saw, as she supposed, a gentleman to whom she was engaged to be married, fall dead before the door of her father. During a scene she sank back fainting, and was borne back within the house.

She was afterward taken to the residence of relatives, but never spoke again, having ruptured a blood vessel. She died next evening of hemorrhage, and was borne back to her dying mother corpse. Her self-sacrificing mother died in a few days previous, little dreaming that she should never speak to her again. Such are an instance of that narrow tabernacle which never seems more dreadful than when occupied by the young and beautiful, the pure petals of whose spirits have fanned into eternity just as they were unfolding amid an atmosphere of love.

What the young lady was mistaken and that her lover still lives, we are glad to add a sadder tinge to the melancholy incident.—*Picayune.*

The Water Works Appraisement—The following is a condensation of further testimony regarding the Water Works appraisement adjusted by litigation in the Fifth District Court and taken in short hand by Col. Tennison, to whom we are indebted for the condensation.

Mr. Richardson testified that at a meeting of the Board, held May 18, 1868, a sub committee was appointed, of which he was a member. On the 27th of June following, this sub-committee, on the part of the city arbitrators, reported a valuation of $838,985 98 either by aforewards, to some gentlemen, a fee of $3000 on account for the company, and that Mr. Mount, the City Treasurer, was paid $500, a month or two ago, for working at night, signing and filling up the two millions in bonds which paid for the Water Works.

Sixth District Court—Judge Cooley—Judge Cooley yesterday rendered a decision against the city of New Orleans in the suit of John Henry, a contractor, for keeping in repair the unpaved streets of the Second District. Mr. Henry sued for $20,286 damages and some $4000 of certificates past due. Judge Cooley, after an elaborate review of the facts, gave judgment for plaintiff in the sum of $16,497 14. Judge Cotton attorney for plaintiff.

The Custom House—The building was thronged with applicants for office yesterday, it being rumored that Col Casey, the obliging Collector of the Port, had resigned or more desirable appointments to make, with salaries ranging from one to two or three hundred thousand dollars.

Supposed Infanticide—About 5 o'clock Saturday morning, officer Peterson found the body of an infant floating in the river, at the foot of Magazine street. The Coroner was notified and ordered it to be buried, there being nothing to show how the little one came to its death, fearfully robbed of its little life, no doubt, to cover the shame of its parents, whose guilt in such cases is rarely ever exposed.

Laying of a Corner Stone.—The L. W. Verstiner, German society, on Sunday laid the corner-stone of their new cemetery. The society proceeded from their hall to the cemetery, the procession being preceded by a band of music, and bearing the banners of the society. The corner-stone was borne upon a decorated truck, drawn by a pair of horses and bore the inscription: "L. W. V. May 30th, 1869," on one side; and one end, the names of the committee, as follows:

"Ban Comitte Vorsitzer.
C. H. Woolrich.
H. Schmidt, P. Steber,
J. Schoner. J. Jacob."

City Mortality.—There were 159 interments in the cemeteries of New Orleans during the week ending Sunday, May 30th. Of this number there were seven caused by stillbirths; 18 died of measles; 15 of consumption; 15 of pneumonia; 9 of infantile convulsions; 8 of whooping cough; 8 were drowned; 6 died of teethjoni; 9 of secretion of the brain; 5 debility; 5 of scarlatina; 4 of cholera infantum; 4 of diarrhœa; 4 of dysentery; and 56 of other diseases.

Of the above 83 were males, and 76 females; 107 were white, 36 black, and 16 mulattoes.

Fire Sunday Night—About 7 o'clock Sunday night a fire broke out in the shoe store of A. Hesse, No. 93 Baronne street, between Union and Perdido, damaging to no inconsiderable extent his entire stock of goods, and inflicting a good deal of damage to the building, owned by Charles Smith. Mr. Hesse is insured for $2500 in the Queen's Insurance Company. The fire was suppressed before doing any other injury.

Attempted Arson—About 12 o'clock on Sunday, a man named Khun, nearly seventy years of age, attempted to commit suicide at his residence, No. 101 St. Ann street, by locking himself up in his room and starting two fires of charcoal. He placed them at the side of his bed, in furnaces, and then undressing, laid down. The intention of the inmates was observed by his groans in the first agonies of suffocation, and broke in the door of his room and rescued him. A physician was sent for, but for some unexplained reason refused to attend him. He is, however, slowly recovering.

Another Inspection Against the Slaughter-House Company—Messrs. Isham & Aycock, dealers in smoke and stock and part proprietors of the Stock Landing building, have taken out an injunction, in the Sixth District Court, Judge Cooley, enjoining the Slaughter House Company from interfering with them and the buildings, and the injunction was made perpetual at one point in the suit, which was reported at length in our columns last week. It was served last Saturday.

Cigars Seized.—The revenue officers yesterday morning seized a lot of 4000 home-manufactured cigars for non-payment of the revenue tax. They were found at the corner of Baronne and Delord streets.

Breaking Ground for the New St. John's Church—The ceremony of breaking ground for the new church of St. John, on Dryades street, was celebrated Sunday afternoon. The children of the school attached to the Convent and those of the parochial school, together with delegations from several religious associations, were present. The band of the Christian Brothers were in attendance, and marched from the Convent to the site. The assemblage was then addressed in appropriate and touching terms, embracing their appreciation of the esteemed pastor of the church, Father J. B. Moynithan. Father Keany, of St. Theresa's, and Father Leydon, of St. Joseph's Church, delivered addresses appropriate to the occasion, and were followed by Father Moynithan in his usual eloquent and touching style.

Among those present we noticed Rev. Cornelius Moynihan, Col. Gormley, and Mr. Patrick Irwin, to all whom the enterprise is indebted largely for success

The Circus of A Carnival—Some time ago we noticed the arrival of A. Carlos, Indian, and no doubt assumed the name of Carrizos, as that of one of our oldest, wealthiest and most respectable Creole families in the State for this purpose, had been used in the Fourth District Court as an absconding debtor by Messrs. Hubbell, Swasey & Co. of Wyoming. The suit was instituted by Sam. C Reid, Esq., and seized about $5000 worth of whisky in the Boozier Warehouse on the 27th of March, which Carrizo obtained from Messrs. H., S. & Co., and shipped to this city. Mr. Reid was assisted in the suit by Messrs. Campbell, Spofford & Camp bell. A Robert, Esq., appeared for defendant, and Cooley and Phillips for G. B Pritchett, who intervened, claiming the whisky seized

Judge Theard yesterday rendered judgment for the plaintiff.

Anticipated Mob—A gentleman reported to the Chief of Police, last evening, that he was rumored that a mob of Italians should be formed