The New Orleans Bee.

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THE NEW ORLEANS DAILY BEE

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TERMS—PER YEAR.....$5

NEW ORLEANS:

TUESDAY MORNING, DEC. 14, 1869.

TRY GEORGE ALCES' CIGARS, 185.....Rampart Street.....185

Amusements This Evening.

OPERA HOUSE—Donizetti's grand opera "La Favorita."

ST. CHARLES THEATRE.—Mr. F. S. Chanfrau in "Kit, or the Arkansas Traveler."

VARIETIES THEATRE.—Self-Mr. Owens as "Jim Bludso."

ACADEMY OF MUSIC.—"Snare or, What Can'st Money Do?"—Mr. D. P. Bowers and Mr. J. C. McCollum.

CRESCENT CITY MUSEUM—Nos. 49 and 51 St. Charles street, opposite the St. Charles Hotel.

MECHANICS INSTITUTE—Roller Skating.

MR. TRUMBULL'S ATTACK UPON THE SUPREME COURT.

We made some comments last week upon the bills of Senators Sumner and Drake, which have for their object the curtailment of the powers of the Judiciary Department of the Government. We expressed the opinion that these bills were revolutionary in their character and to affect the cases, which originated in Mississippi and Texas under the Reconstruction laws, the jurisdiction of the Supreme Court over which had already attached, they had come too late, even if they conformed in other respects to the Constitution. It is contrary to sound principle for Congress to enact a law to affect a particular case or to govern a case already in the hands of the Judiciary for decision, even if such laws were otherwise free from objection. But when in addition to its *post facto* character, it attempts to take away a jurisdiction vested in the courts and exercised by them ever since the Government was established and believe the lives of citizens of the United States accused of crime, subject to the mere will and discretion of the President of the United States and the officers of the army under him, we are not yet prepared to believe, that the Judiciary Committee of the Senate will go the length of recommending that either of these bills will be adopted by Congress.

Another bill, with the same object that Messrs. Drake and Sumner had in view, has been introduced in the Senate by Senator Trumbull.

This bill purports to be an amendment to that of Mr. Sumner, but in the nature of a substitute for it.

Its first section is the declaratory part of the bill. It declares, what nobody denies, that the political power of the Government is vested in the political department; that the decision of political questions belongs to that department and must not be exercised by the courts. So far the declaration cannot be disputed. It is the doctrine of the Constitution as affirmed by the Supreme Court in the cases growing out of the Dorr rebellion in Rhode Island and in other cases. But then comes the question, what department is charged, under the Constitution, with determining the character of the dispute and drawing the line between questions political and questions judicial. Congress, every one admits, has the right to determine what territories shall be admitted into the Union and when they shall be admitted, but Congress has not the right to give those territories any other than a Republican form of government. A military form is not a Republican form. Nor can a citizen of the United States, residing in a territory and accused of crime, be tried there for offences than as the Constitution of the United States prescribes.

Mr Trumbull's bill undertakes to draw the line between political and judicial questions, and to say that the imprisonment of a citizen of the United States in an unconstructed State, at the instance of death upon such a citizen by a military commission, is a political question. It also undertakes to construe that part of the Constitution which establishes the Judiciary Department of the Government and vests it with its power. It undertakes further to declare what is not embraced in this judicial power and assumes to instruct the courts as to what they shall and shall not decide upon certain questions it strikes, indeed, at the very substance of the political power, and attempts to make the courts subservient to the will of Congress. It seeks to take away the independence which it has hitherto been our pride that the Judiciary of this country possessed.

The second section of this bill then goes on to particularize those acts of Congress which it pretends are beyond the examination of the courts. It declares that the act passed March 2, 1867, "entitled 'An act to provide for the more efficient government of the rebel States,' and the several acts supplementary thereto are political in their character, *the propriety or validity of which no judicial tribunal is competent to question*, and the Supreme Court of the United States is hereby prohibited from entertaining jurisdiction of any case, growing out of the execution of the said acts in either of said States. Besides this sweeping attempt to deprive the Courts of their constitutional power, it *prohibits* all acts or parts of acts authorizing an appeal by writ of error, *habeas corpus*, or other proceeding to bring before the Supreme Court for review any case or proceeding arising out of the Execution of said acts, or which authorize an appeal or any other form a judgment or decree of the United States in any case to the Supreme Court, or which authorize the Supreme Court I self to issue a writ of any kind to bring before it for review, any judgment of a Circuit or any other Court, or of any Judge thereof.

Finally it assumes to direct the President to disobey the orders of the Supreme Court, and to disregard all civil proceedings or other authority therein.

The Chicago *Tribune* and New York *Evening Post*, two of the abler and most influential journals of the Republican party, denounce these attempts to destroy the Judiciary Department. The former says, Drake's bill ought to be repealed as it is unconstitutional. The other of the bill, it says, would be that we should have no Government of the United States and each State Legislature might, by a simple act of its own, abolish its Constitution.

The *Tribune* deserves to thanks of all honest men for its vigorous protest against this unwarrantable proposal by its party; and we commend to the Radical majority in the Senate its conclusion, that "it is not too much to say that the member of either House who is intellectually capable of introducing such a bill deserves expulsion on the ground of mental imbecility. He is a simpleton or worse."

The New York *Post* says:

"Certain Judges that should presume to regard Mr. Drake's bill would deserve impeachment and degradation before the law and before history. The oath that the Judges take is to give allegiance to the Constitution first and afterwards to the acts of Congress made in pursuance of it only. The bill of Mr. Drake therefore, requires the judges to commit perjury."

We have only a word to add to these quotations.

None of these bills, Drake's, Sumner's or Trumbull's, were tested by the Constitution, constitutionality. The Radicals cannot possibly frame a bill to defeat the Constitution, if the Judges would. Mr. Trumbull is the most comprehensive, and yet it might be so construed as not to interfere with the substantive constitutional powers of the Judiciary Department. The object may be simply to intimidate the Supreme Court. We publish Trumbull's bill below.

The Trumbull's Bill Against the Supreme Court.

Mr. Trumbull reported from the Committee on the Judiciary a bill introduced by Mr. Sumner relating to the appellate jurisdiction of the Supreme Court, with an amendment in the nature of a substitute. The bill as amended is as follows:

A bill relating the jurisdiction of the Courts of the United States in certain cases:

Be it enacted, &c., That under the Constitution the national power of the United States does not embrace political power or give to the judicial tribunals any authority to question, in the decision of the political departments of the Government on political questions, and it is hereby declared that all Courts of the United States in the administration of justice shall be bound by the decision of the political department of the Government on political questions.

Sec. 2. *And be it further enacted*, That it rests with Congress to decide what government is the established one in a State, and it is hereby in accordance with the Constitution declared that no civil State government exists in Virginia, Mississippi or Texas, and the so called civil State government in any of the United States shall not be recognized as a valid or legal State government either by the Executive or Judicial power of authority of the United States until Congress shall so provide, or until such State government is represented in the Congress of the United States, and it is hereby declared that the act of Congress, entitled "an act to provide for the more efficient government of the rebel States," passed March 2, 1867, and the several acts supplementary thereto are political in their character, the propriety or validity of which no judicial tribunal is competent to question, and the Supreme Court of the United States is hereby prohibited from entertaining jurisdiction of any case growing out of the execution of the said acts in either of said States. Besides this sweeping attempt to deprive the Courts of their constitutional power, it *prohibits* all acts or parts of acts authorizing an appeal by writ of error, *habeas corpus*, or other proceeding to bring before the Supreme Court for review any case or proceeding arising out of the Execution of said acts, or which authorize an appeal or any other form a judgment or decree of the United States in any case to the Supreme Court, or which authorize the Supreme Court I self to issue a writ of any kind to bring before it for review, any judgment of a Circuit or any other Court, or of any Judge thereof.

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CITY INTELLIGENCE.

Vigilant Fire Company No. 3.—At an election held last evening the following gentlemen were elected officers of this company: F. Schieber, President; J. H. Beirne, Secretary; G. H. Tardy, Foreman. We thank the company for the compliment paid the *Bee*.

Commercial Club.—At an election held yesterday the following gentlemen were chosen officers for the coming year: President—Mr. Schmidt, of the firm of Schmidt & Zeigler. First Vice-President—Mr. Canfield, of the firm of Keep & Canfield. Second Vice-President—Jno. C. Rogers, of the firm of J. C. Rogers & Co. Third Vice-President—Julius Vairin, of the firm of S. H. Kennedy & Co. Secretary—J Brannon.

Obituary.—We are pained to notice the death of one of our old and worthy citizens, Mr. Moses Ellis, father in law of Sheriff Maxwell. We also regret to hear of the death of Mr. George Cooley, a young man in the prime of life, living in the parish of Pointe Coupée, whose death was announced yesterday by dispatch to his brother, Judge Cooley, of the Sixth District Court.

Owens.—Owens is unique as *Uncle Jim*. Do not fail to see him in this, one of his best characters.

Appointment.—Mayor Conway has appointed Mr. F. A. Johnson, clerk in his office, to the position of Collector of Levee Dues, from seagoing vessels, for the First and Fourth Districts, the office having become vacant by the death of Chas. H. Noble. It is rumored that the Council will elect an officer for the unexpired term Gov. Warmoth will, however, have something to say in that matter, as he had in the appointment of the Surveyor.

Vegetable Bouquets.—At the supper of Mississippi Fire Company No. 2, given at their engine house late Saturday night, we noticed on the table a large bouquet of vegetables, skillfully and tastefully contrived of beets, carrots, cabbages, turnips, radishes and other vegetables, so as to make a fine imitation of variegated bouquet of flowers. It was the handiwork of Mr. Philip Hoth, chief cook at Tony Vierling's restaurant, on St. Charles street, from which the supper, which was excellent in its way, was furnished, and arranged by Mr. Hoth and another assistant of Tony's, Mr. Wm Trogel. The bouquet, by the way, fell to the share of the Foreman of No. 2, Mr. Gauche.

The Fair.—The vote for the fine engine horse "Wide Awake," donated to the Fair held at the Bladder Building, on Canal street, for the benefit of the orphan girls of the Immaculate Conception Asylum, in the Third District, closed at a late hour Saturday night with the following result: Phœnix Fire Company No. 8, 3750; Mechanics' No. 6, 8; and American Hook and Ladder Company 34 votes. Total 3792 votes, at 50 cents each, thus realizing the handsome sum of $1896.

Our reporter regrets his inability to give the Fair his usual attention during the last few days, owing to sickness in his family.

The Red River Roads.—In the case of the mandamus issued by Judge Cooley against Gov. Warmoth, upon the prayer of A. J. Oliver, contractor for improvements in Red River, to compel the Executive to sign forty eight bonds for said work, the Supreme Court decided that the mandamus could not lie. The Court went quite an elaborate disquisition touching the powers of the three departments of our Government.

U. S. Circuit Court, In Chancery.—Cyrus W. Field vs. H. J. Leavy *et al.* Bill sworn to, argued and taken by the court, Judge Durell yesterday ordered that the demurrers in the above entitled case be sustained, and complainants bill dismissed with costs. The suit relates to the old *Delta* business.

The Ship Island Canal Case.—Associate Justice Wylley yesterday read the decision of the Supreme Court in the matter of the Board of Drainage Commissioners vs. Benj Bloomfield, appointed General Drainage Commissioner by Gov. Warmoth, and enjoining the Sheriff from possession of the drainage fund of the city for the indirect, if not direct, interest of the Ship Island Canal Company. The decision, rendered in pretty general expectation, was against the pretensions of Mr. Bloomfield, and reverses the decision of Judge Collins of the lower court, which was on an application of Messrs. Pitwin and others enjoining Bloomfield from obtaining possession of the drainage fund, as plaintiff in the alleged interest of the Canal Company and in which the defendant sought to make the State a party defendant with him. The Supreme Court held that the proceedings under the injunction act were irregular, and that Mr. Bloomfield could not make the State a party, but must proceed in his own name.

Fourteen Appeal Cases Disposed of—Slaughter House and Stock Landings in the Crescent City Location.—Judge Lesassier has rendered his decision in the case of the State vs. Fagan and others, seeking to eject a slaughter-house, etc., for the Live Stock Dealers and Butchers' Association of New Orleans, on the track of land known as the Hoey plantation, lately purchased by them from Mr. Charles Cavarec. The injunction is made perpetual.

Judge Lesassier also delivered a decision in the case of Jacob Bellecot, contending that the Slaughterhouse bill having created a corporation for a constitutional purpose the Slaughter-house Company, as chartered by the act, was not, as he contends it would be violated, by allowing another corporation to perform the duties and exercise the privileges granted to the Slaughterhouse Company. He contended further that if that company had not complied with all the requirements the State only could take away its functions—so the court seems to think.

The Butchers and the Slaughter-house Company—Decision in Favor of the Butchers.—Judge Cooley, of the Sixth District Court, yesterday rendered an able and elaborate decision, covering fifteen pages of manuscript—legal, explicitly written—in the case of the Live Stock Dealers' Benevolent Association vs. the Crescent City Live Stock Landing and Slaughter-house Company. Want of room compels the publication of the decision, with an abstract of the important features of the decision, as follows:

The plaintiffs ask to restrain the defendants from assenting, setting up, maintaining or endeavoring to maintain, any exclusive rights or privileges within certain parishes, under an act of the Legislature of 1869, and to restrain, to protect the health of the city of New Orleans, to locate the Stock Landings and Slaughter-houses, and to incorporate the Crescent City Live Stock Landing and Slaughter-house Company.

It is urged by the plaintiffs that this act is unconstitutional, because it creates a monopoly, etc. And subsequently to the oral argument of the case, on motion of defendants to dissolve the injunction, that the act was not a law of the State, having been signed by the Governor after the adjournment of the Legislature which enacted it, and more than sixty days after the commencement of the session of the Legislature.

"It, therefore, becomes necessary," says Judge Cooley, "to ascertain whether the act invoked by the defendants has become a law; for that question being resolved in the affirmative, it would be entirely now to discuss the constitutional objections which have been so ably urged on both sides."

The first argument urged by plaintiffs is based on article 66 of the State Constitution, the effect of which Judge Cooley, after analyzing the article closely, interprets as follows:

"It is quite evident from the text of article 66 of our present Constitution, that, unless the Legislature be in session the Governor cannot disapprove an act, nor can an act become a law by the presumptive evidence of his approval, afforded by his silence during the five days mentioned. When the session is over he cannot disapprove, because the measure in which his disapproval shall be made known by him is indicated in article 66; and the method prescribed requires the Legislature in session—"he shall return it with his objections to the house in which it originated." The bill cannot become a law after the adjournment by the silence of the Governor, because art. 66 expressly declares that it shall not."

As to the question, can the act become a law, after the adjournment, by the signature of the Governor? the judge, after further analysis of the art. 66, says: "But independent of the meaning of art 66, which the above discussion of its different parts clearly points out, would it not be considered singular in a system laying claim to sense and some scientific adjustment of its details, that the Executive should be given the power to veto a law by his signature during the recess, but not to possess the power of disapproval. If the Governor can sign a bill, and thus make it a law during the recess, it is because he can act; and if he can act, why is it that the presumption of acquiescence which applies when the Legislature is in session, and he has allowed five days to expire, without objecting, is not also made to apply to his silence for five days after the adjournment? There is sound reason why one should exist without the other, and the only logical deduction from the positive exclusion of the one, is that it was never contemplated the Governor possessed any but executive powers during the recess of the Legislature."

Judge Cooley carefully reviews the case of The People vs. Bowen, 21 N. S., Rep. 517, decided in 1860 under the N. Y. Constitution of Nov 31, 1846, in which the power of the Governor to sign bills after adjournment was maintained, and contends that this is contrary to all the decisions of the Constitution of the United States, and that the N. Y. court is the first and only one that has applied such doctrine to the Governor of a State. The power of our Governor, he says, "is fortunately measured by another rule a little more republican perhaps, but, none the less safer for the liberties of the people. The Supreme Court of California with a Constitution precisely similar to that of New York unanimously decided that the Governor could not sign a bill after the adjournment of the Legislature. Fowler vs. Pierce, 2 Cal., Rep. 172." The New York decision too was by a unanimous court, all the judges of the Court of Errors and Appeals.

Judge Cooley cites the facts that the Constitution of 1864 of Louisiana was similar to that of N. Y., under which the Bowen decision was rendered, and that a court of this State having based a decision here under the reasoning in the Bowen case in consequence of the similarity of the two constitutions, the Convention of Louisiana changed the language of the corresponding article in the Constitution of 1864, and added the clause which was in the Constitution of 1812, 1845 and 1852 to the effect that the Legislature might give the Governor before the adjournment should go over to the next meeting of the Legislature, and unless returned disapproved on the third day, should then become law. The only change made was in giving the Executive only the first day of the next session to return a bill with his objections instead of three days.

"It was thought," says Judge Cooley, "that the reasoning the article as it existed in these Constitutions would do away with the power which it was supposed the Governor possessed under that of 1861, because until that period no one ever believed the Governor could sign a bill after the adjournment of the Legislature. And the people of the State having approved the present Constitution with a knowledge that had been interpreted by the practice of fifty odd years, must be supposed to have intended to deny that which was thought deducible from the different language of the Constitution of 1864."

But continues Judge Cooley, "Without the argument which the language of article 66 so obviously furnished, there is another provision of our Constitution which excludes the power of the Executive to sign bills during the recess. I refer to article 39. Speaking of the duration of the legislative session, it says: "No session shall extend beyond the period of sixty days, to date from its commencement; *and any legislative action had after the expiration of said period of sixty days shall be null and void.*"

This article is discussed by Judge Cooley with the most thorough research of authorities of England, France and the United States, showing that the action of the Governor in signing bills is legislative as well as executive, and therefore prohibited both by articles 39 and 66.

Judge Cooley concludes his decision with the following decree:

"The act of the Legislature giving defendants exclusive privileges having been signed by the Governor when he had no power to approve acts, and his approval having been given in violation of a prohibitory clause of the Constitution is simply an absolute nullity, and the act not being a law the rights of the plaintiffs are unimpaired. The injunction issued in this case must therefore be perpetuated."

Decision Touching the Eleventh Judicial District.—The Supreme Court yesterday in the case of *Judge Jno. L. Lewis*, of the Eleventh Judicial District, rendered a decision declaring Judge Lewis, the appointee of Gov. Warmoth, ineligible to the office, on the ground that the evidence showed he had at one time taken the oath to support the United States Government, as a member of the Georgia Legislature, and that subsequently he had engaged voluntarily in the late war against said Government. This decision leaves a vacancy in the judgeship of the Eleventh Judicial District.

Sale of Contracts.—City Controller Landry yesterday sold contracts as follows:

SHELL ROADS.

Second District, Thomas Duffy, $[illegible]
Third District, Thomas D. Ry, $[illegible]
Fourth District, R. Co. dan, $[illegible]
First District, not sold.

BRIDGES.

First District, T. Fisher, $[illegible]
Second District, M. Flynn, $[illegible]
Third District, T. Duffy, $[illegible]
Fourth District, Wm. Hoey, $[illegible]

For the above prices, old bridges. The new bridges were sold at the following prices:

First District, Mac. per foot—new bridges.
Second " " " " "
Third " " " " "
Fourth " " " " "

Attempted Assassination and Robbery.—John Black Jack Kaisen, Hugh Kennedy and Rufus Aswel were arraigned before Recorder Gastinel yesterday, and held for hearing on the charge of having entered Mr. Thomas Walsh's grocery, on Franklin, near Bienville street, and attempted to murder the proprietor, with the intent to murder him and rob the premises.

The statement given by Mr. Walsh is that at the door of his store he had a difficulty with the first entrance to his store, and he advanced to meet them one of them approached up a pair of tongs and dealt him a blow. As Mr. Walsh dodged the tongs he pulled up a revolver and fired one shot which passed, as he said was his intention, over the heads of the intruders, and they rushed out of the store. A second shot was fired, which took effect in the side of Black The wound is not considered dangerous. Mr. Walsh surrendered to Capt. Rey.

City Mortality.—There were 133 deaths in New Orleans last week, of which number 32 were under five years of age, and 12 miliatres. There were 16 stillbirths, 2 deaths of consumption and 17 of small pox. Of the deaths by suicide 3 were white and 3 colored per sons. Fifty were above 40 years of age.

Cutting and Stabbing Affair.—A difficulty occurred on Saturday night at the corner of Barracks and Gallatin streets, between Frank Cowan and John Shepard, resulting in a boarding house runner and John McGowan. In an affidavit made by Townsend, the latter says that on Saturday night he was drinking in company with the two men, when he was suddenly struck by one of them. All parties thereupon went out of doors to settle the matter, Shepard and Cowan then set to on him. It was while they were thus engaged that Townsend suddenly received a blow on the arm, and on turning he saw a knife in Cowan. The receiving of this blow, however, saved his life, as it would have otherwise penetrated the region of the heart. Townsend then ran across the lips and another over the temple. After the cutting was done, the knife was thrown into the gutter. Cowan and Shepard Both of them were subsequently arrested by officers King and Malone.

Attempt at Arson.—Between ten and eleven o'clock Sunday morning an attempt was made by an unknown person to set fire to the bakery of Jacob Kaiser, No. 115 Moreau street. A quantity of hay was placed in the store room and ignited, but considerable of it was and a large lot of wood. The fire was discovered by the workmen and extinguished before any damage resulted.

Shooting Affair Near Jackson.—On Saturday evening a Chinaman named Wm Alleale, while on his way to his home, Mr. Leo Fremodman street, was assaulted in a murderous manner, by a negro named Wm. Jones, and robbed of $[illegible]. It is said the negro was employed for another Chinaman, with whom he had had a difficulty, to assassinate him. The fellow was taken to his residence, where he would no deep death in the head, was dressed by a physician.

Released.—Mr. Pine, charged by Captain Schreiber with the murder of Augusta Marquez, was arraigned last night by Deputy Recorder Gastinel, and released. The Grand Jury, having yesterday failed to find a true bill against him. He was sent to the Parish Prison.

From the Parishes.

ST MARTIN.—The New Iberia *Times* says:

Messrs. Sprouls and Graff, who recently purchased the Grand Coteau place, are making above [illegible] acres of land. Mr. McChester, who bought the plantation of Mr. Mouton, is now at work, preparing for extensive planting next year. Messrs Sprouls and Graff have also purchased the place Mr McChester is renting like half that quantity.

POINT COUPEE.—The gin house of Messrs. Hunt & Wilson, on the Point Coupée, was consumed by fire on the 24th ult. The fire is supposed originated from a match in the gin.

IBERVILLE.—The *South* of the 11th says:

Up to this writing, the weather has been settling fine during the week—clear and cold, but not too cold. While rain has been falling, followed by the genial heat of an unclouded sun. Taking the season as a whole, it has been quite favorable to the planters. The sugar planters have been fortunate. Their crops are short, but are all, with a few exceptions, safely harvested. Two or three plantations in the parish have still some sugar to make. They will soon be through with the work. We have repeatedly said before, the sugar crop has fallen very much short of what was every reasonably expected during the summer. The yield of last year was so great, that planters placed their estimate of the yield of this year at too high a figure. They did not consider that the yield of 1868 was unusually large, and that it was not to be considered an average yield to be taken as a basis for future calculation. The sugar crop of Iberville is fully up to figure. They did not consider that the yield, in 1868 was an unusually large one, and that it was not to be considered an average yield to be taken as a basis for future calculation. Taking past sugar crop statistics in Louisiana, we find that such abundant yields come only about once in three or four years. This year's yield has fallen below the usual average of old times. This may be accounted for by remembering that the spring weather came late, and that the season which followed was not favorable to the rapid growth of the cane. But we think that the want of a sufficiency of active and efficient labor had also a great deal to do with the shortness of the crop. The yield is quite short of labor during the whole of this year. The sugar crop of 1869, in this Parish will not quite equal in quantity that of 1868—in quality it is superior.

Pecksniff, Forever,

[From the Macon (Ga.) Telegraph and Messenger.]

There are certain phases of Northern character that must have presented themselves with peculiar force to Dickens when he painted his celebrated picture of the saintly but hibulous Pecksniff. We have been reminded of this time and again, but never more forcibly than in the allusions of certain Northern editors when discussing the dealing of the government and people of the South with Jeff. Davis. Here, say they, was a man, a most wicked and traitorous man, who endeavored to destroy the government that had made him, and sent millions of men to bloody graves—who, in short, compressed within his person and character all the enormities that ever shocked civilization and degraded mankind; who at last, being captured, was neither immediately shot, nor hung, but was kept a year in irons, and then released, as his crimes deserved, but only chained and starved a little, and at last turned loose because nothing could be proved against him. What mercy, what magnanimity, what transcendent generosity, and straightway a chorus of self-gratulation rises that such a Pecksniff might have smiled freaks upon the ear. We believe such a people and such a government to forfeit the flood or place, about they, and sometimes we almost think Jeff. Davis half believes what they say.

Now, we are willing to go as far as anybody to endorsing their paper, but really, we can't quite see the force of the argument. Indeed Mr Pecksniff was not quite such a brute as Jonas Chuzzewit, and that he had impulses which were not altogether entirely evil, but we can't by in Mr. Hickens's face and say Pecksniff was a Christian and an ornament to society. His tears and plum talk with Mrs. Todgers are very affecting, and we are almost tempted to believe in his religion despite its evident basis of rum, but even these moving scenes do not move us to altogether condone his other iniquities. We still hold Pecksniff in abhorrence as a mean, canting, self-landing, abominable hypocrite.

And so of the class of Northern people who pretend that they or the Government deserve any special credit for not taking Jeff. Davis' life. That he would have been tried and convicted, right speedily, if conviction had been possible, is beyond dispute. All this stuff about mercy and magnanimity does very well to conceal this confusion, but it hardly deceives the people. We know the mercy and magnanimity of a jury who want to hang a man, but lack the law and the evidence to accomplish their purpose.

This subject is neither a new nor a pleasant one, nor should we have recurred to it had it not been for certain comments found in some of the Northern papers, and provoked upon the announcement that Mr. Davis had taken up his residence in Memphis. Conspicuous among them is the New York *Times* which gushes as follows. May it be long before the man it assails shows "a single mark," of what it calls or means by "patience!"

"We are ready to say with the King in "Hamlet," "Wherein serves mercy, but to confront the visage of offence?" Our treatment of Jefferson Davis, perhaps, moderation, supreme magnanimity. Were anything wanting to its impressive force, it would be supplied by the fact that he could not have come above a single mark of penitence or of gratitude. This adds as much to our glory as it does to the shame of the culprit. In all its aspects it is a splendid example that we have given the world. Resistless and yet moderate—firm as adamant in the struggle, and open to every benign sentiment in the victory—the example will long stand as the crowning proof of what self-government can do for a people."

BY TELEGRAPH.

[To the New Orleans Bee.]

FROM WASHINGTON.

Congressional Proceedings.

The Georgia Case Undecided.

Butler Favors the Admission of Virginia.

Dictation to the Supreme Court Further Considered.

State Bank Circulation Taxable.

The Alabama Legislature.

FOREIGN NEWS.

Miscellaneous Intelligence.

WASHINGTON ITEMS.

Washington, Dec 13.—In the case involving the Federal taxation on the circulation of the State banks, the Supreme Court decides the notes are taxable.

On the point that the tax is excessive, the Court declares it has no power to restrain the taxing power as regards rates.

The canvass of Congress shows that any action towards Georgia will be withheld until after the meeting of the Legislature of that State, and if the negroes are repeated the matter will be taken up and carried to the measures foreshadowed in Carpenter's bill and Martin's amendment will be enforced. Governor Bullock argues immediate action.

Senator Trumbull, at the meeting of the Reconstruction Committee, opposed the whole movement. He is alone, however, in this opposition.

The President withdraws the nomination of Paul D Snyder for Internal Revenue Assessor of the 5th Kentucky District, and of W. H. Jones for Receiver of Public Monies at New Orleans.

Judges Davis and Nelson dissented from the opinion of the Supreme Court, declaring the taxation of State bank notes constitutional.

Internal Revenue receipts for day $700,000.

The Judiciary Committee will report unfavorably upon the nomination of Yeaman, for Circuit Judge of State District, unless the President withdraws the nomination.

The State Department has official information that 21 States have adopted the Fifteenth Amendment.

Hoxsey—Among the bills introduced is one to build a Federal Court House at Raleigh, N. C., and to authorize the payment of loyal citizens for quartermaster and commissary stores taken by the Federal troops during the war; a resolution endorsing the President's views on the Alabama Claims, which was Canada, and a resolution adjourning from the 23d to the 5th of January.

Ashley introduced a resolution directing the Committee on Ways and Means to report a bill taxing incomes from the interest on Federal Bonds, and the Committee on Commerce was ordered to report on the gold fluctuations.

A petition signed by 52,000 citizens of New York, asking the appointment of a Commercial agency, was referred to the Committee on Foreign Relations.

A bill relieving three persons from political disability, passed, and gone to the President for his signature. During the discussion it was announced that the Reconstruction Committee would report a bill for general amnesty.

The Census bill was resumed, and under consideration to adjournment.

Senator Pomeroy, with commendatory remarks, presented the petition for the recognition of Cuba.

The Board of Trade of Mobile have petitioned for money to deepen their harbor.

Boston, Dec. 13.—Returns from 35 counties give Hamilton a majority in 14 counties, and Boutwell a majority in 21 counties (13,022). Davis gains 2 in 35 counties, 33,2. Forty counties to hear from Registered vote—Boston, 15,541; colored, 925. Ten colored Democrats vote in Boston. Democrats friends claim his election by not less than 200. The vote falls off largely. Davis leads the colored Democrats. Wilson's friends claim future vote stands—Anti Radical, Senate, 15, House 41. Radical, Senate, 12, House 31. Five districts doubtful. Anti-Radicals partly claim the Senate as certain by 2; and the House by 11 majority. Entire Radical State ticket, except for Governor, is elected. Dewey and Conner Conservative, and Clark, Radical, are elected to Congress. The contest between Hayes, Republican, and Dwyer, Radical, is very close. Both sides claim the election.

Memphis, Dec. 12.—E. M. Mahon, recently elected President of the Memphis and Little Rock Railroad, has resigned, and the company presume against buying bonds, paying money or making contracts with any of the old officers, or those who now have possession of that road.

New York, Dec 12.—Advices from Panama of December 1, say that the celebration of the independence of the Spanish Colonies was attended with unusual demonstration.

Valparaiso reported quiet. British recognition apparently satisfied. Financial situation improving.

Three several propositions were referred to the Committee on Reconstruction, who will report to-morrow—they were ordered to be printed.

MISCELLANEOUS INTELLIGENCE.

New York, Dec 13.—The *Commercial* says: There is considerable excitement over the large amount of federal bonds altered from 1000 to 10,000. The firm implicated is Wm Gray & Co.

The Stock Exchange offer $5000 reward for the arrest of Gray.

Montgomery, Ala., Dec 13.—The Senate consumed the morning discussing bills allowing negroes equal privileges in railroad cars, steamboats, etc.

An amendment was offered to provide equal and separate accommodations. Royal was the only colored Senator who favored the amendment, and said the sensible negroes did not ask social equality, and he denounced the bill as a piece of demagoguery—it was postponed.

The Mobile Car bill was put off.

The amendment to provide separate accommodations was voted down in the House.

The Judiciary Committee has been instructed to report a bill to abolish all lotteries. During the debate on this bill bribery was much talked of.

The Legislature has been in session 30 days at an expense of over $40 000, and only 8 bills have been sent to the Governor for his approval.

FOREIGN INTELLIGENCE.

London, Dec 13.—The Government has determined to send 5000 troops to Ireland, and upon the meeting of Parliament a bill will be introduced expunging the writ of *habeas corpus*

Paris, Dec 13.—The annual report of the Minister of Finances reports them satisfactory.

Madrid, Dec. 13.—There is great rejoicing over the release of the Spanish gunboats.

FOREIGN MARKETS.

Havana, Dec. 13.—Sugar unchanged; business checked for want of tonnage. The stock on hand here and at Matanzas is 71,000 boxes and 2000 hhds.

Liverpool, Dec 13.—Evening.—Cotton closed steady and unchanged. Sales 12,000 bales, of which 2000 were for export and speculation; uplands 11¾d; Orleans 12¼d.

London, Dec. 13.—Evening.—Consols 92¾. Bonds 87¾; Tallow 46s 3d for new. Sugar quiet.

Liverpool, Dec. 13.—Afternoon.—Cotton sales won't exceed 12,000 bales. Pork quiet.

DOMESTIC MARKETS.

New York, Dec. 13.—Cotton closed quiet and rather heavy; middling uplands 25½c; sales of 1000 bales at 25c; futures 10c lower; superfine State $4 50 to $4 80; Southern unchanged to fair extra $5 45. Wheat slightly favors the buyer; winter red Western 1 [illegible] to $1 [illegible]; amber winter red Western 39 to 33c. Corn a shade firmer; mixed Western $1 11 to $1 [illegible]. Pork heavy $32 to $32 75. Lard heavy; kettle rendered 19¾ to 20c. Whisky $1 02¼ to $1 03½. Rice quiet and dull. Turpentine 43 to 44c. Rosin $2 08. Freights quiet. Cotton by steam ⅜c.

New York Dec. 13.—Evening.—Money active at 7 for currency to gold. Sterling dull, 8½. Gold dull, 132¾. Governments closed heavy. Sixes of 1862, 11[illegible]. Southern securities generally steady. Stocks unsettled, closing with a downward tendency.

New York, Dec. 13.—Evening.—5-20s of 1862, 11[illegible]; 64s, 11[illegible]; 65s, 11[illegible]; 10-40s, 110¼; Louisiana 70; Levees 68.

Mobile, Dec. 13.—Cotton closed quiet but firm; middlings 23⅜ to 23¾c. Sales 1500 bales. Receipts 2387; exports 302.

Charleston, Dec. 13.—Cotton closed active with a partial improvement of ⅛ to ¼; middlings 24¾ to 24¾c. Sales 800 bales. Receipts 387 bales.

Savannah, Dec. 13.—Cotton closed with an active demand; middlings 24¾c. Sales 1000 bales. Receipts 4173; exports 10,192 bales.

Memphis, Dec. 13.—Cotton quiet and firm at lower prices; middlings 23¾c. Receipts 3518; exports 2682.

St. Louis, Dec. 13.—Flour dull, fall superfine $3 87¾ to $4. Wheat dull and unchanged. New mixed Corn 80 to 83c. Oats 51 to 56c. Rye 80 to 81c. Whisky $1. Sugar 12 to 13¾c. Molasses 75 to 80c. Pork $31. Bulk meats—shoulders 12¾c; clear rib and clear sides 15¾ to 16¼c. Bacon—shoulders 14½c; clear sides 18¾c. Lard held at 17¾c. Hogs $10 25 to $10 80. Butter and Eggs unchanged. Cheese 17¼ to 18¼c.

Chicago, Dec. 13.—Flour—spring extras $3 50 to $5. Wheat 85¾ to 86c. Oats 42c. Rye 73c. Barley 78 to 79c. Highwines 95 to 96c. Sugar 12 to 14¼c. Pork $31 50. Lard 18¼c. Bulk Meats—clear rib and clear sides 14¼ to 14¾c. Hams 16¼c.

Louisville, Dec. 13.—Tobacco—sales 21 hhds; lugs $8; leaf $12. Bagging 26c. Cotton firm; middlings 23¾c. Family Flour $5 25.

RIVER NEWS.

Memphis, Dec. 13.—Passed up—Grand Era, Lubarger, Clara, Colorado. Down—Kate Kearney, Kate Kinney, Silver Spray, Kellogg and barges. River rising. Weather cool and raining.

Pittsburg,