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NEW ORLEANS:
FRIDAY MORNING, MAY 7, 1869.

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

THE MUNICIPAL ELECTION.

The official organ of yesterday attempts to show that the election for four Aldermen and seven Assistant Aldermen, ordered by Mayor Conrey to be held on the 19th inst., is not warranted by law, but on the contrary is opposed to the provisions of law enacted for the express purpose of regulating that matter.

The Mayor, in ordering this election, proceeds by virtue of the city charter, positions 4, 5, 8 and 9, which provide for the election of the seats of one-half the Aldermen and Assistant Aldermen when they shall have served for one year, and for the election of their successors on the first Monday of June of every year, after such vacancy has occured.

The "*Republican*" says this law has been changed by the act of Feb. 26, 1866, which declares the election of councilmen shall take place on the second Monday of March of each year, and that the latter law governs the case. The "*Republican*" says, it was entirely competent for the Mayor to order this election to be held on the second Monday of March, but having failed so to do, the time has lapsed and vacancies have occurred in the offices of four Aldermen and seven Assistant Aldermen. They can only be filled says the "*Republican*," under the provisions of the act of August 19, 1868, which authorizes the Governor to appoint for the unexpired term, successors to the incumbents of all offices which shall become vacant, the mode of filling which is not provided for in the Constitution.

The object of this law was to provide for the filling of an *accidental* vacancy—not a vacancy occasioned by the retirement of officers when they have served the term allotted them by law. By an accidental vacancy we mean a vacancy occasioned by death, resignation or inability to perform the duties of the office. This is evident from the words of the act of August 19, 1868, upon which the *Republican* bases its argument. Those words are:

That whenever a vacancy occurs in any office, from death, resignation or from any other cause whatever.

A vacancy caused by the expiring of the term of an officer, is not such a vacancy as is caused by death or resignation or inability, which are the causes contemplated in the law.

We meet the argument of the *Republican* by asserting that there is no unexpired term of any Alderman or Assistant Alderman for the Governor to fill; and if there were, there is a mode recognized by the Constitution for filling such vacancy—that is by an election in the ordinary way, under the provisions of the city charter. But, says the *Republican*, the charter has been repealed in that respect, and the regular time for the election to take place has been fixed to go by. We answer to this that the city charter has not been repealed because it is not competent for the Legislature to repeal that instrument by piecemeal: that it is contrary to the Republican system and to the dispatable principles for the Legislature, in the absence of an express provision of the Constitution, to change the form of the municipal government of New Orleans by investing the Governor if the State with the power of appointing officers.

It is a most violent presumption which takes it for granted that the framers of the Constitution of the Legislature which enacted the act of August 19, 1868, intended to set aside the elective principle in governing the city of New Orleans. And we say it cannot be properly done without an express provision of law. This city charter cannot be repealed in part without doing violence to established principles. It is not reasonable to suppose the Legislature intended to make one portion of the City Council elective and the other appointive. The government of New Orleans is an elective government, and cannot lawfully be changed from an elective to an appointive government without revolutionizing the whole system. The Aldermen of New Orleans are a legislative body: if not in the same sense that the Senate and House of Representatives are a legislative body. Yet they are a municipal lawmaking power, and it would be just as proper for the General Assembly to vest the power in the Governor of filling by appointment vacancies in their own body as vacancies in the City Council of New Orleans. We stand upon the broad principle that the inhabitants and taxpayers of New Orleans have the right to govern themselves, and that this attempt to place the whole State at the feet of the Governor is nothing more nor less than an attempt to centralize all power in him and destroy the republican system of government in Louisiana which the Federal government at Washington is required to guarantee to her.

But if the constitutional argument be erroneous, then we contend that it is only an accidental vacancy which the Governor is directed to fill, and there are no vacancies at the present time in the Council. Those members of the Council who should have retired at the end of one year after their election are still in office, no election for their successors having taken place. They exercise their functions under the law which provides that all officers shall continue in office until their successors have been elected and duly qualified. They are therefore legally in office, and there are no vacancies upon which the Governor can exercise his power.

Section 139 of the city charter says:

"That if at any time the election of Mayor, or of any or more of the Aldermen, Assistant Aldermen, or other public officer of the city of New Orleans, shall be annulled or set aside for any cause whatever, the incumbent of such office shall nevertheless continue to fulfill its duties until a successor shall have been duly elected or appointed and qualified as required by law."

In the present case there has been no election, but a similar contingency has arisen—that is a failure to elect. The law is substantially complied with by these members of Council holding over.

ST. MARY'S ORPHAN ASYLUM FAIR.—Our acknowledgments for acceptable attentions are tendered to Miss M. Kane and Mrs. J. G. Egan, the ladies who preside at the orphan's table at the Fair now being held in Odd Fellow's Hall for the benefit of the Third District St. Mary's Orphan Asylum. We understand those ladies have given to the Fair a splendid flag, which is to be voted for and presented to that fire company of the city which shall receive the largest number of votes.

The first number of a new paper published in the city in the interest of the Cuban revolutionists has been laid upon our table. It is entitled "*The Liberty*," and is printed in English and Spanish. The original articles are written with considerable force.

IMPERIALISM.—In publishing to-day the extracts which appear in another column, taken from the last number of the *Imperialist*, the new paper published in New York we are not to be understood as favoring the opinions and doctrines of its conductors. We merely wish to give our readers an opportunity of reading the arguments of those who favor setting up an Empire in the United States.

THE WORRELL SISTERS — THEIR LAST MATINEE.—No one should miss the few remaining opportunities of seeing these pretty and accomplished artistes before their engagement at the Academy of Music expires. Miss Jennie takes her benefit to-night, when will be given the popular comic and remix extravaganza "Union," with its original mode and effects. Miss Sophie Worrell takes the part of *Icon*, and Miss Jennie that of *Mercury*. Their last matinée will be given to-morrow (Saturday) noon, and Saturday night will be the last of their engagement. They are both very deserving in their profession, and Mistress, especially, to judge by the ambition and determination with which she went through with her pleasing and sprightly delineation of the character of the *Grand Duchess*, despite an indisposition which prostrated her several times during the performance and did not fail to enlist the sympathy of the audience in her behalf. Miss Jennie, as usual, sustained her part most charmingly.

The *Independent* now asserts that the friends of the Philadelphia negro, Bennett obeyed Fred Douglass out of the nomination to Hayti, and "dictated terms of the meanest sort of whine in order to deceive the government." It is time that we were to save nothing by being governed by negroes; they are not better than white men. Justice to our Philadelphia negro requires us to add that the authority for the above statement is a letter written by Douglass to the editor of the *Independent*, "not intended for publication," of course not; letters to editors never are.

Judge Cassin, of the New York Marine Court, in declining in favor of a charge requiring for his labor the pay he deserved, remarked, said: "The time of starving professional men of learning and talent has passed away, and it is the duty of courts and juries to compensate intelligence and labor liberally."

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, FRIDAY MORNING, MAY 7, 1869. 42d YEAR—Vol. XLII.—Whole—14,744

CITY INTELLIGENCE.

Trial of State Auditor Wickliffe, Charged with Misdemeanor in Office—Third Day's Proceedings—Evidence of Gen. Field.

*First District Court.—Hon. E. Abell, Judge.—Thursday, May 6th, 1869.—The trial of G. H. Wickliffe, Auditor of Public Accounts, charged with misdemeanor in office, on allegations of having issued warrants without authority of law in favor of J. B. Richardson, jr., one for $588 and another for $1392, each purporting to be in payment of coupons of Levee Bonds of the issue of 1867, was resumed at the usual hour of the opening of Court. District Attorney Lemenney, assisted by W. H. Hunt, Esq., for the State, and Messrs Semmes, Field, Castellanos and Herron for the defense.

Testimony for the State, resumed.—F Dubuclet, sworn—An chief clerk of the State Treasury office. About the 6th to 9th January I received in settlement from Sheriff Hicks and Hays two warrants drawn on the Levee fund, one, I think, for $1392 and the other for $588. They were different from any Levee saw, and it was concluded to consult Mr Lynch and others about them. They were received into the Treasury as so much money. Mr. Lynch took them to the Auditor and brought them back. Mr. Campbell subsequently took them to the Auditor and brought back their amount in money $1980. They were in favor of J B Richardson, jr. I dont remember the numbers of the warrants. Mr. Wickliffe never made any explanation about these warrants to my knowledge.

Cross-Examination.—The warrants were one for $1392 and the other for $588. They were received hurriedly in the settlements alluded when the office was pressed with business. I was in the office the 25th March and was in the same building as the Auditor when he was put out, but I did not see him removed.

One of the warrants passed unperceived in the hurry of business, and the other was properly received. One was received from Sheriff Hicks and the other from Sheriff Hays. The proper steps were made.

To Mr. Hunt—The big book in my office shows the sources and everything relating to the warrants.

The court directed the book to be brought forward.

JUDGMENT.

In this case, the court having duly considered, and for the reasons assigned in the written opinion of the court this day delivered and on file.

It is ordered, adjudged and decreed that there be judgment in favor of plaintiff and against the defendant that Benjamin Bloomfield be recognised as Drainage Commissioner and be regularly inducted into the office of Drainage Commission and authorized to proceed with the discharge of the duties thereof in due course of law.

That the Boards of Draining Commissioners of the several Drainage Districts, whose offices and functions are hereby declared established by the act of 1869, No. 51, cease to discharge the duties and exercise the franchises which were conferred upon them by the act of 1858 (now repealed) creating said Boards, and that the defendants pay costs.

Death of Mrs. S. B. Kennedy.—We are pained to announce the death of this excellent lady, a sister of Gen. Lovell H. Rousseau, which occurred Wednesday evening, at her residence in this city. The funeral will take place to-day.

Inquest.—The jury of inquest, in the case of Roby Richardson, killed while attempting to escape after he had been arrested, yesterday rendered a verdict that he was killed by Officer O'Connell, while in the discharge of his duty.

Imperialism.—Democracy or Imperialism—How the "Imperialist" is Received.

(From the *Imperialist*.)

DEMOCRACY OR IMPERIALISM.

In availing ourselves of this means of escape from the evils of Democracy, we are choosing the lesser of the two evils. We do not claim that an Imperialism should be instituted on the ruins of Democracy, that should be wholly without fault. Perfection is not an attribute of man's nature, and we are apt to find it an attribute of any form of human government. Not that an intelligent Imperialism would ignore the principles of security, instead of the corruption and misrule that now characterizes the government of the country, we do not doubt for a moment. No change from the present condition of affairs in the United States country could be a change for the worse, and no substitution for a free, corrupt government for the irresponsible and despotic sway of a Napoleon would destroy the destinies of the Nation would be to give our country that which it never yet has had—a Government worthy the name. Only intelligent men whose prejudices do not blind his eyes to the truth, can doubt this for a moment.

We have long been in the habit of idolizing our form of government, believing that, of all such social and political systems yet devised, it alone was capable of affording the highest security and happiness to mankind. More than this, we have believed that, under properly constituted and organized, could enjoy order and liberty only under the sage of those political principles adopted as the foundation of our Government and the consequent rights of the citizen depend that, under the influence of Democracy only, could a nation enjoy internal peace and domestic tranquility. And to this day many there are who cherish with enthusiasm the Democratic creed. But experience has shown us that the social condition of this country, more than all others in the world, is so peculiar that the application of the Democratic principles, and that our Government possesses in itself neither the elements of cohesion nor of permanency, and we have had an uninterrupted war of parties from the first, breaking into active hostilities at the slightest provocation, and only temporarily allayed during the intervals, to gather strength for a fiercer outbreak when it must grow constantly more violent. Now opportunity offered for security, we have witnessed desperate and persistent rebellion against the Government, which neither has nor can be wholly suppressed, and which is planned so long as the dismemberment of the Union is no respect has Democracy fulfilled the promise of its youth; while, on the other hand, it has prevented the attainment of those ends by all other means. "When, in the natural course of events, any doctrine becomes hostile to the principles it was designed to serve, it is evident it is done with; and its end or the close of its history is near.

That the Government of the United States is as thoroughly corrupt as the skillful villainy of Democratic and shyster, planted in office by the will of the people, can make it, is a fact that none can deny; that we have reached a crisis in our national affairs when the establishment of a pure, strong government is essential to the perpetuity of our national life is equally apparent. The only question to be decided is, how are the rights of the People? The people will not do it, for they cannot be impressed with a just appreciation for its necessity, nor will they tender themselves to the effort. We cannot hope to change in a year, or in a generation, the great mass of ignorance and vicious sentiment, the high minded and patriotic citizens, nor can we hope they will assist in the choice of "representatives" to the judgment of the intelligent and virtuous minority who, of all the people, are alone capable of bringing the formidable power which has been given into the hands of the masses. There is but one remedy—"An Empire is peace." Amen! "Let us have peace."

We do not hold the theory that an Imperialism would be preferable to a Republic, if a Republic were in fact what it is in theory. The specious and plausible falsehood, we know of none more alluring than the principles of Democracy, when taken and its literature to be, and, on the strength of that supposition, promise all the ideal good which man could imagine or dream. In its practical workings, however, Democracy has proved a failure; it has been weighed in the balance and found wanting, and in the hands of the people we demand that it shall no longer be permitted to hang like a mill-stone round the neck of the nation, prostrating its energies and hindering its progress. Let us abolish the mockery and have at once a monarchy of power. Let us have