The New Orleans Bee.

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NEW ORLEANS DAILY BEE.

DUFOUR & LEBEY, Proprietors,
No. 73 Chartres street.

TERMS OF THE BEE.
Terms of Subscription—Daily, per annum, in advance, $10; half-yearly, $5; quarterly, $3.
Price of the paper—Eight cents, 10 cents.
The Semi-Weekly is published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.
Rates of Advertising—Transient advertisements, having the run of one week, four insertions, $1 an square; each subsequent insertion, 75 cents per square.
First or Editorial Page, transient advertisements, each insertion, $1 10 per square.
Advertisements inserted on liner rule to be charged as new, each insertion.
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In no case shall such discount exceed 33 per cent.
All Business Notices of Advertisements to be charged 20 cents not per line, cash invariably.
Transient advertisements must be paid for in advance.
All advertisements not marked for any number of insertions will be published six times.
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Semi-Weekly Edition.
TERMS—PER YEAR.....$5.

NEW ORLEANS:
THURSDAY MORNING, DEC. 8, 1870.

Amusements This Evening.

OPERA HOUSE—"Trovatore."
ACADEMY OF MUSIC—"Delicate Ground" and "Loan of a Lover."
ST. CHARLES THEATRE—"Panchon."

Auction Sales This Day.

By Hoffman, Marks & Co., at 10 o'clock, A. M., at No. 32 Chartres street—Fine seasonable clothing, gentlemen's furnishing goods and fine hats.

THE TRUE EXPLANATION OF THE APATHY TOWARDS ELECTIONS.

We have heard various explanations, more or less satisfactory, given for the apathy displayed in Louisiana and other Southern States at the late elections by the more intelligent classes of the population. The true explanation we believe to be this: that while the elections are conducted by Radical officers and the principal offices of State are held by the same class of politicians, it is simply folly on the part of anti-Radicals to go into an election contest.

Where the Radicals have a negro majority they find it unnecessary to resort to either fraud or violence. Where they have to provide against a Democratic victory (as in Louisiana) they have the counting of the votes and declare the result as they wish it to be. Where the majority is against them and they cannot have the result declared in their own favor in spite of their defeat at the ballot-box, they adopt another very simple plan—they refuse to surrender the office.

Proof: At the late election in Alabama R. B. Lindsay (Democrat) was elected Governor of that State. The votes were counted in presence of a majority of the members of the General Assembly as required by law, and Mr. Lindsay was declared to be the Governor elect, by the President of the Senate, who transmitted to him a certificate of the fact. Mr. Lindsay thereupon notified his predecessor—Gov. W. H. Smith—that he had qualified for the office by taking the oaths required by law, and asked Gov. Smith to give him possession of the executive chamber and records of the office. Gov. Smith refuses to evacuate the apartments in the Capitol, occupied by the Executive and the public property in his possession. We quote from his letter to Mr. Lindsay:

"I base my refusal upon the ground that you are not the lawfully elected Governor of Alabama. In order to test that question I have resorted to the peaceful remedy of a bill filed in the Chancery Court for Montgomery county, for the purpose of contesting with you the right to the office of Governor, and in the bill prayed for and obtained an injunction to the presiding officer of the Senate, which was duly served on him, restraining him from opening, counting and declaring the result of the votes cast on the 8th inst. for Governor, until the further order of the court. If you are lawfully elected, I will at once submit to the law."

Mr. W. H. Smith here constitutes himself the judge of a contest where he has a personal interest. He seeks by a chancery process to prevent the count of the votes for himself and his opponent, the only way in which the result could be ascertained. The General Assembly very properly proceeded to count the votes. An injunction from a court addressed to the Legislature is simply an impertinence, and is a proceeding entirely unknown to our laws. In Alabama the Constitution of the State declares that

"Contested elections for Executive officers shall be determined by both Houses of the General Assembly in such manner as shall be prescribed by law."

In face of this plain and positive language, Gov. Smith seeks to have his claim to the office, determined not by the Legislature but by a chancery court. It will be observed that Mr. Lindsay not only possesses prima facie title, but a title complete and unimpeachable until set aside, after a contest before both Houses of the General Assembly.

Ex-Chief Justice Walker, an eminent legal authority of Alabama, has expressed the opinion that "this injunction is utterly null and void. The Judiciary cannot coerce the Legislature. The two bodies are independent. Smith's remedy was after a count of the votes, by writ of *quo warranto*, or under the section law of 1868, which provides how contested elections shall be conducted."

It would appear from these facts that laws are mere cobwebs when they stand in the way of Radical rapacity. We have no doubt Gov. Warmoth, in the event of his contest for a second term, would imitate the conduct of Gov. Smith if he could, in no other way, retain his office. The Eighth District Court was established and Judge Dibble appointed for that, among other purposes.

Benefit for the Varieties Company.

The great misfortune which has befallen Mr. Lewis Baker, manager of the Varieties Theatre, and the company under his direction, has elicited the universal sympathy of our citizens, and already practical expression has been given thereto. Among other manifestations, the Directors of the Opera House have tendered the use of their establishment to Mr. Baker for a performance to be given for the benefit of his company, and Friday evening, Dec. 9th, has been set apart for the purpose. The entertainment will include the laughable comedy of "The Spectre Bridegroom," in which Messrs. Charles Jefferson, T. Hind, Mattie Maddeley and others will appear; the musical comedietta of the "Loan of a Lover;" the comic drama of the "First Night, or a Peep Behind the Scenes," and the musical extravaganza of "Jenny Lind," in all of which the principal members of the Varieties company will appear.

It is only necessary to call the attention of the theatre-going public to the occasion, to induce them to exhibit that generosity for which our people are justly noted. Members of the histrionic profession have a peculiar claim upon the liberality of their patrons in circumstances such as the Varieties Company find themselves in. That claim we are confident will be fully acknowledged on Friday night. Let us give the unfortunate Varieties Company such a testimony of our fellow-feeling as will vindicate the reputation of the people of New Orleans for a hearty sympathy with all who are in distress.

The programme of performances will be found in our advertising columns.

Captain John Glynn, Jr., commanding Battery C, of the Louisiana Legion, has handed over to Mr. V. Séré and Ed. Barnades, committee on the part of the Directors of the Third District Orphan Boys' Asylum, a check for $800, amount collected by the above company at the St. Louis Cathedral on the occasion of the celebration of the festivals of St. Marks. The letter of thanks addressed by the committee to Capt. Glynn contained the following:

"The fine appearance and the soldierly bearing of the gallant men, at the command of the Captain of the Second Ward, and their evolutions, while marching to and from the Cathedral, and while in front of the Asylum, with the splendid manœuvres executed with such precision on the dismounting of four heavy guns, and the subsequent mounting of the same by the men of the other company, but also in the manner of managing the batteries, will in future act with the same privately which prompted them on yesterday."

Dr. Godfrey, Dentist, announces through our advertising columns that his office is at 138 Canal street, next door to Christ Church. The Doctor is a competent and experienced practitioner, and will perform all operations in dentistry to the satisfaction of those who may apply for his services.

MRS. WINSLOW'S SYRUP FOR SOOTHING CHILDREN.—Many sleepless nights of painful wakefulness to anxious mothers might be avoided, by using this invaluable preparation. 1f

For an Irritated Throat, Cough or Cold, "*Brown's Bronchial Troches*" are offered with the fullest confidence in their efficacy. They have been thoroughly tested, and maintain the good reputation they have justly acquired. *As there are imitations, be sure to OBTAIN the genuine.*

THE CORRECT NAME OF GEN. LEE.—The following letter, received by Mr. W. M. Timberlake, of this city, will set at rest all discussion as to the name of Gen. R. E. Lee:

LEXINGTON, 23d November 1870.

It is with pleasure, my dear sir, I write and give you the desired information regarding the name of my husband, which is Robert *Edward*, not Edmund. He was named for my father, Gen. Henry Lee, and Mr. Edward Carter, of Shirley, the old family seat of his mother's family. Many thanks for your kind sympathy. It is a great solace in my mind that a nation mourns with me.

Yours, respectfully,
MARY CUSTIS LEE.

Desperation of the Radicals.

The subjoined circular speaks volumes for the future of the negro:

HEADQUARTERS NATIONAL EXECUTIVE REPUBLICAN COMMITTEE, Washington, D. C., Nov. 30, 1870.

To Chairman Executive Committee of Virginia:

Fearful times are upon us. Another negro in the Senate of the United States and the whole North is lost to the Republican party. We implore you by all the hopes of the future not to nominate a negro for Governor. Should that be exercised by them, and one of their color nominated, then he must be defeated, for we look upon the loss of the State of Virginia than the whole North. Let us save this election this fall at the North at all cost, even by the time the Presidential election take place in '72, we will have, as a party, thrown into the Southern States seven hundred thousand German voters, and by the other emigration that is now commencing the batteries will in future act with the same privacy which prompted them on yesterday.

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CITY INTELLIGENCE.

The Libermann Concert.—The friends of Miss Albertine Libermann, a young lady of indisputably fine musical talent, have tendered her a complimentary benefit, to be given at the hall of the Dolphin Company, at the corner of Stamville street and Exchange Alley, on next Wednesday evening, Dec. 14th. The object of this concert, for which a number of our most popular artists have volunteered their services, is to enable Miss Libermann to employ the best masters to assist her in developing the rare musical ability she has displayed, and will no doubt meet with a hearty response from the lovers of sweet sounds in curiosity.

The Sheriff's Office Difficulty.—The matter of Seyriest vs. Mayer et al. came up for trial. Mr. Dick, Chief Deputy of Mr. Maxwell, on the stand, said:

He was making every effort to deliver over to the incoming Sheriff the property of the office and found it impossible to do so until an inventory had been made.

Judge Dibble remarked that Mr. Maxwell should turn over all the effects and money belonging to the office.

Mr. Alfred Phillips said there was no intention to commit a contempt of the authority of the court.

Mr. Dick, in continuation, said that he did not know where the money of the office was. There is money in bank, deposited on account of litigants, but he did not know how much. He took from the Sheriff's office only such papers as were necessary to complete the unfinished business. He had delivered over to Mr. Sauvinet more than $300,000 worth of property belonging to the Sheriff's office. He thought he had not had time to deliver the money belonging to the different litigants.

He had devoted all his time to carrying out the order of the court. He thought the 10 o'clock rule he had taken away were not public. Second, If this incoming Sheriff had shown a disposition to have the business settled, it might have been done long ago.

Mr. Wurzburger, on the stand, said: He was a long time deputy sheriff. It was the custom of the outgoing sheriffs to retain the papers for the purpose of settling up the business. The money was retained by the outgoing sheriffs for the purpose of settling up. Each case had to be settled separately. Turning over the effects in bulk would make the outgoing Sheriff responsible.

Mr. W. E. Murphy on the stand—Was Deputy Sheriff in the parish of Orleans from 1834 to 1848. The custom was for the Sheriff to retain the papers for the purpose of settling up the business.

Judge Dibble said that Mr. Maxwell was preparing a list of the property, and did not appear to be in contempt.

The matter was then considered and then the question of contempt would come up. Mr. Dibble said the inventory could be taken in fifteen days. The motion was postponed until Saturday next.

Eighth District Court—The Hunsacker Habeas Corpus Case.—In the case of D. S. Hunsacker, applying for a writ of habeas corpus, Judge Dibble this morning decided that he could not discharge the prisoner. He had come to this conclusion reluctantly, but such was the law. As to the objection that Judge Marks had no right to issue the writ of arrest, because his successor as Parish Judge had been elected, he was still Parish Judge until his successor (Dr. Smith) should be qualified. With regard to the exception that O'Maher, Deputy Sheriff, was not empowered to execute a writ of arrest in the parish of Orleans, that ground was untenable, as criminal process may be executed anywhere in the State.

Mr. Brickell said that as the court had placed Dr. Hunsacker under bonds for his appearance, he would like to know whether the party was in court, and if so, that he be committed to the custody of the Sheriff. He asked that Mr. W. H. Toy, surety on Dr. Hunsacker's bond, be ordered to bring the party into court, or that the bond be declared forfeited. Mr. Toy asked for time, and his request was allowed until to-morrow morning to produce the body of Hunsacker.

Chinaman Shot near Gretna.—Sergeant Duncan, of the Eighth Precinct, reports that about 2 o'clock this morning a serious difficulty occurred on the Milliaudon plantation, above Gretna, between Elijah White, the overseer, and Chin-Gee, one of the laborers, named Chin-Gee. The latter was employed in leading a cane cart, when White seized him and pulled him away from the cart. Chin-Gee drew a cane stalk and struck White with it, when the latter drew a revolver, firing three shots, one of which took effect, entering Chin-Gee's right arm and passing through the body of Chin-Gee. White fled to his house pursued by the Chinese laborers who expressed their determination to kill him with their corrade. Officer Herzog, however, arrested White and succeeded in quieting the Chinese. White is now lodged at the Gretna Station. Some very exciting reports were sent to police headquarters of Chinese insurrections, several persons killed and the like, but the above is the whole story.

Forgery and Embezzlement.—John F. Richardson, clerk of the steamboat San Nicolas, has been arrested on the information of the captain of the boat, T. A. Enderle, who charges him with forging the signatures of Messrs. Bouny & Guyotman, and Dejan Bros., on the receipt book of the boat, and obtaining thereby letters containing money from the parties appointed to his own use; also, with collecting several freight bills and embezzling the money. The accused gave bonds for his appearance before Recorder Stace to answer to the charges.

Gortschakoff's Reply to Earl Granville.

The *Tribune's* correspondent at St. Petersburg telegraphs the full text of Gortschakoff's reply to Earl Granville, which, however, contains little that has not been touched upon by the regular cable dispatches. Russia declined, as is already known, to discuss the propriety of her former note, to recal any precedent, or cite any example, as such controversy would in no way promote the good understanding which is desired. After referring to the invariable failure of the attempts made at different times to assemble the powers in general conference, with a view to remove the causes of difficulty which disturb the general peace, Gortschakoff continues:

"The abrogation of the treaty at the present crisis, and the absence of a regular Government in France, will postpone still further the possibility of such an agreement. Meanwhile the position in which the treaty left Russia has become more and more intolerable. Can Europe fail to agree that Europe of to-day is very far from being the Europe which signed the treaty of 1856. It was impossible that Russia should agree to remain the only power bound indefinitely to an arrangement which, onerous as it was at the time when it was signed, has become daily weaker in its guarantees. Our argument has to deep a sense of what he owes to his country to force it to submit any longer to any obligation against which the national sentiment protests. We cannot admit that the abrogation of a purely theoretical principle, followed by the immediate application, and which visibly restores to Russia a right of which no good power could be ignorant to be imprisoned, ought to be considered as a menace to peace, nor that in avoiding one part of the treaty of 1856, the abrogation of all is implied. The Imperial cabinet never had any such intention. On the contrary, our communication on October 19th, in most explicit terms, declares that his Majesty the Emperor, maintains his adhesion to the general principles of the treaty of 1856, and that he is ready to come to an agreement with the signatory powers of that treaty, either to confirm its general stipulations or to renew them, or to substitute for them any other equitable arrangement which may be thought suitable to secure the repose of the East, and the equilibrium of Europe.

"There seems, then, to be no reason why the Cabinet of London should not, if it please, enter into explanation with the signatories of the treaty of 1856. For our part we are ready for any deliberation having for its object the settlement guaranteed for continuation of peace in the East."

The following is the conclusion of Gortschakoff's note:

"We are persuaded that fresh guarantees would be found in a renewal of the permanent cause of irritation existing between the two powers, which are equally directly interested. Their mutual relations would be more firmly established on a basis of good and solid understandings. You are desired, Monsieur le Baron, to read this dispatch and leave a copy, the particular, to Earl Sings of Her Britannic Majesty has expressed to us the regret that he would feel if this discussion should threaten the harmony which the Queen has striven to maintain between the two countries. He good enough to express to His Excellency her entirely sincere regret. We shall be shared by the Imperial Cabinet. We believe that friendship between the two governments is essentially useful to the two countries as well as to the peace of the world. It is with lively satisfaction that we have seen this friendship during late years grow more and more close and cordial. Grave circumstances, in which we find ourselves at this moment, seem to us to make it most desirable that it should continue.

"[Signed] GORTSCHAKOFF."

GERMANY, FRANCE AND ENGLAND.—The article on this subject, attributed to Mr. Gladstone, the English Prime Minister, in the London Edinburgh *Review*, is published in Liverpool *Journal of Com.*, 1st, for the week ending November 26. The same number of the *Review* also contains: "The Pause in the Siege of Paris;" "Gentlemen and Players;" "The Abbe Edgeworth;" "Lord Macaulay;" "Oliver Twist;" "The Foreign Policy of Russia;" "Past Mail Services;" "Christianity in China;" "Recollections of the Peninsular and the Revolution;" "The Jupiter;" the continuation of "Sir Gilbert Heathcote;" by the author of "Stanley Thorn," and "Notices of Books."

The preceding numbers contain Professor Huxley's "Lessons in the Origin of Species;" "Lessons on the Early Revolutions of the Nineteenth Century;" a review of Ruskin's Lectures on Art;" John Sullivan's "Lessons on the Influence of Religion on the Progress of the Social Sciences and Prosperity of Nations;" "Lessons on Political Economy and Financial Science;" "Lessons on Political Economy and Financial Science;" "Lessons on Political Economy and Financial Science