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NEW ORLEANS:
THURSDAY MORNING, APRIL 6, 1871.

Additional Wide Awake.

ST. CHARLES THEATRE—By request "Enoch Arden."
ACADEMY OF MUSIC—"Mary Stuart."

THE PUBLIC FAITH. AN ARGUMENT OF TYRANNY.

In our discussions touching the responsibility of the people for the State debt created by Warmoth and his band of adventurers in the Legislature, we have neither advocated "revolutionary" doctrines nor those of the "higher law," as is charged against us by our contemporaries of the *Times* and *Price Current*, nor we challenge either or both to point to a single line or word printed in the *Bee* which looks to any other kind of resistance to wrong, than that which we are justified in making by the established laws and principles of the Governments, Federal and State. We propose to fight within the constitution, and not outside of it. We believe there are provisions in the Federal and State constitutions, which, *if properly applied*, afford ample protection against legislation springing from fraudulent and criminal motives. The difficulty is in obtaining redress through the Courts, which refuse to listen to any evidence going to show the corrupt motives actuating the Legislatures of Louisiana, under Gov. Warmoth's administration, in their adoption of the majority of the special acts which are now the subject of public denunciation. To deny the constitutionality of legislative proceedings is one thing. To resist the enforcement of bad laws, *because no body* is quite another and a different thing. To question the supremacy of the Legislature, even when it is not restricted by any express Constitutional provision, is one thing, while to resist the operation of acts which are not *legislative* in their nature is quite another and a different thing. To question the binding force of the present Constitution of Louisiana and the legality of the present State Government of Louisiana is one thing, while to refuse obedience, to it is quite another and a very different thing. And we beg our contemporaries will not confound the two ideas. We know of no law or principle, human or divine, which requires we should acknowledge that to be true which we know to be a lie. We may have to submit to a lie because it is wielded by a superior force, but submission is only obligatory while that force exists. Whenever it is withdrawn, truth crushed to earth rises again by its own inherent force, simply because it is truth, and therefore immortal. The people of Louisiana have the right and it is their duty to assert before every court in the country that the tax laws of the State, as now existing, are not binding upon them, because they were not represented in the legislative body. They have the right to plead the fundamental principle that taxation and representation go hand in hand and cannot be separated. The tax-payers of the city of New Orleans have a similar right to question the legality of any tax imposed by the City Council of New Orleans, under the present charter, because that Council is not a *legislative body* and the tax-payers are not represented there. They or some of them have been *appointed* by the king of the carpet-baggers, His Excellency Gov. Warmoth, simply to carry out his personal and partisan schemes. Because by a trick of legerdemain you have succeeded in stifling the voice of the free people of Louisiana by your election laws, your police and constabulary laws, your fraudulent constitutional amendments which enable you to carry elections by unlawful means, we are not to resist by every lawful, the imposition upon us of open sin, because done under the forms of law, is a proposition which we regard as simply *impudent*. It is, if seriously made, insulting to the intelligence of every sensible citizen.

Give us an opportunity to set aside the present Constitution of Louisiana and we will show you what is the will of the people of the State, but while you refuse to go to the people, who, in this country, are at least theoretically, *the source of all power*, you have no right to tell us, "these are your own acts;" "these are your own laws;" "this is your own Constitution," "you have made it;" "you have held it out to the world *and must be bound by it*." This is not true either in law or fact and it cannot be demonstrated to be the truth. Though all the courts in the world were to declare that the acts of these African law-makers were binding, we should refuse to acknowledge the correctness of the judgment.

Suppose the community united to resist the execution of judgments for taxes unlawfully imposed, by refusing to attend Sheriff's sales, or to buy the property, regarding the title as invalid. Is that an unconstitutional, revolutionary or higher law act? If not, what are you going to do about it? We do not say this is a practicable mode of obtaining relief, because there are always some wretches who are willing to enrich themselves at the expense of those who are helpless. But the impracticableness of the mode does not prove that it is wrong or unlawful. You cannot cross the Mississippi river, unless you can swim or unless you have some kind of boat or bridge; you cannot rise in the air which encircles you, unless you have a balloon or some other kind of contrivance, but it does not follow there is anything wrong about it. The whole framework and system of republican government presupposes *the consent of the people*, and the moment you supply force to *them*, you destroy the system. Now who will say that it is "higher-law" doctrine to refuse to buy property at Sheriff's sales —property seized for taxes imposed by a prodigate, spendthrift Legislature to provide monies for Warmoth and his vile crew, that they may live upon the fat of the land? Who will say it is "revolutionary" to refuse to supply such men as Warmoth and his associates with unlimited amounts of money, that they may squander among their lemans and other followers the hard-earned gatherings of a worthy population?

You praise of the public faith! Let us see what that philosophic statesman Edmund Burke said about it. In his "Reflections on the Revolution in France." (Bohn's edition of Burke's works, vol. 2, p. 379) we find these passages. He was speaking of the confiscations of property by the French Revolutionists of 1790:

"The arguments of tyranny are as contemptible as its force is dreadful. Had not your confiscators, by their early crimes, obtained a power which secures indemnity to all the crimes of which they have since been guilty, or that they can commit, is it not the effluvia of the lepidam, but the lash of the executioner, that would have refuted a sophistry which becomes an accomplice of theft and murder. The sophistic tyrants of Paris are lead in their declamations against the deposed regal tyrants, who in former ages have vexed the world. They are thus bold, because they are safe from the danger and the scorn even of their old masters. Shall we be more tender of the tyrants of our own time, when we see them acting worse lamentable under our eyes? Shall we not see the same liberty that they do, when we can use it with the same safety? When to speak honestly costs only repairing a contempt of the calumny of those whose actions we abhor?

"The outrage on all the rights of property was at first covered with what, on the system of their conduct, was the most perfect show of *faith*—a respect *paid to national faith*. The enemies to property at first pretended a most tender, timid and scrupulous anxiety for keeping the King's engagements with the most submissive. Those professors of the rights of men are so far from being teachers of those rights, that they have not learnt to learn originally themselves; otherwise they would have known, that it is to the property, and the *possessors*, not to the *demand*, or the *claim*, that the *original faith of every society* is pledged. The *claims of the creditor* are *no property in lands*, the *superior in equity*. The *pensions of individuals*, which are *granted by competitors*, or by *elected*, or by *deputies* of the people, are *debts of a description* which *no state* ever *was bound* to *discharge*. The *pay* and *privileges* of the soldier, *security*, *capital*. They serve no market, nor entered into his head when he took his bounty. He will know that the public, whether king, senate or people, is not to be changed, and you to do nothing but the public conduct; and it can have no public estate, except in what it derives from a just and proportioned imposition upon the citizens at large. This was engaged and nothing else could be engaged, to the public creditor. *No more can mortgage its justice or a power for its stability.*

Was the public estate a sufficient stake for the public debts? Assume that it was not, and that a loss must be incurred somewhere. When the real estate lawfully possessed, and which the contracting parties had in contemplation at the time in which their bargain was made, happens to fail, who, according to the principles of natural and legal equity, ought to be the sufferer? Certainly it ought to be either the party who trusted, or the party who persuaded him to trust; or both: and not third parties who had no concern with the transaction. Upon any supposition, *they* ought to suffer who are weak enough to lend upon bad security, or they who fraudulently hold out a security that was not valid. Laws are acquainted with no other rules of decision. But by the new institute of the rights of men, the only persons, who in equity ought to suffer, are the only persons who are to be saved harmless: these can by no answer be left who neither were lenders nor borrowers, mortgagers nor mortgagees."

This is the true doctrine and we propose to apply it to the public debt created by Warmoth and his gang. What do they are what the taxes upon property in Louisiana are? They make enough to pay with great ease all they can be made to pay. They are therefore saved harmless, and the debt falls upon the worthy laboring class and the property-holder who has no opportunity to save himself, because not in the "ring" with Warmoth. The proposition of our cotemporaries is this—that while Warmoth and his associates who are the creators of this immense debt, gather up their gains and take them to some other state, we are left to hold the bag. This debt will not mature for say 20 or 30 years, but in the meantime we are taxed to meet the annual interest, and long before maturity of the debt, those who have profited by it, will have taken themselves and their ill-gotten gains away to some less taxed land.

Now besides some few prominent citizens of New Orleans have joined this "band of iniquity" which links the officers of our State Government, the majority of the people of this State, who have had no hand in these schemes, are to be impoverished for the next half century for the benefit of men who are the partners and sharers in these swindling projects, we can never submit. It is a *monstrous proposition*. We bring you, Gov. Warmoth and company, to the Constitution you have framed and established over us and in its footing we find these words, which we demand of you, have you regarded, in burdening us with the debt you have created?

"We, the people of Louisiana, in order to establish justice, insure domestic tranquility, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution:

"Art. 1. All men are created free and equal, and have certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just power from the consent of the governed."

We demand of you, Governor Warmoth, have you promoted the general welfare of this people? As for the holders of the bonds you have unlawfully issued in the name of the State, every honest jurist will tell them that they were bound to inquire into the authority of the Legislature which pretended to give them validity, and if they acted upon acts of legislation there is no principle of law or equity which binds the people of Louisiana to pay them.

THE FIGHT AT DANE EUROPA'S SCHOOL. We have received from Mr. A. Eytich, publisher, 130 Canal street, a *brochure* bearing the title of "The Fight at Danie Europa's School: Showing How the German Boy Thrashed the French Boy, and How the English Boy Looked On." This is a reprint from the London edition. In that city 80,000 copies of this little work were sold. The story of the war just ended is related by the author in a very humorous manner, and we dare say it will be popular in this city.

Thanks to the Southern Express Company for appreciated favors.

CITY INTELLIGENCE.

The Switzer-Everitt Homicide.—Coroner Jackson resumed the investigation of this case at 10 o'clock yesterday. But two witnesses were heard, Mr. Charles Sidney Mercier, who happened to be in the vicinity of the scene of the bonrreide when it occurred, and Mr. Ernest Steinhardt, brother of the wife of deceased. There was nothing in the evidence of Mr. Mercier to throw any more light upon the case than was thrown upon it by the witnesses previously examined. Hence it is unnecessary to publish his testimony. The statement of Mr. Steinhardt, however, is the most comprehensive made. It embraces every material fact and circumstance connected with the tragedy, and it is appended in extenso:

Ernest Steinhardt sworn—I reside at 423 Royal street. On the evening of the 31 inst., about 6½ o'clock, my brother-in-law came to my place of business and asked me to go home with him. I at first hesitated about going, telling him that the store was not closed yet. We went toward Canal street; had some meat at McClunkey's. When we got as far as Royal street, I started down Royal street, our usual route for going home, when my brother-in-law remarked to me: "Let us go up Canal street, it is a beautiful night, we can go down Rampart street. We then walked up Canal street together very leisurely toward Rampart street. In passing O'Neil & Gleason's place on Canal street, between Burgundy and Rampart streets, we passed Dr. Everitt standing on the banquette, talking to a negro. Mr. Switzer, the deceased, turned around to me and said: "Ernest, who is that consummate genius?" meaning Dr. Everitt. I answered: "Harry, that's Everitt." Switzer said: "Ernest, I want to see him." I said: "Don't make a row, Harry." He replied: "I am going to keep perfectly cool; I know I have a wife and child, and I intend to speak to him as one gentleman should speak to another. We then stepped up to Dr. Everitt. Switzer tapped the Doctor gently on the shoulder, asking him if his name was Dr. Everitt. The Doctor responded in the affirmative. Switzer then said, "Doctor, I'd like to see you for a moment," at the same time pulling a package of papers out of the inside of his coat. He took this letter (Steinhardt showing a note to the jury) from his papers and opened it, and asked Dr. Everitt, "Doctor, is this your handwriting?" The Doctor looked at it, studied and appeared very much confused, and after a good deal of hesitation, denied that it was his handwriting. We then walked to the O'Neil & Gleason's window. I then happened to see the negro man listening who was conversing with the Doctor at the time, and I immediately told him to go away, as this was no place for him. He went back a few steps, keeping an ear open. I then asked Dr. Everitt, "Doctor, do you deny that this is your handwriting?" He again examined for a little while, and then denied having written the letter, saying it was probably a forgery, forged by some body else. I laughed when he made this remark, and said, "Doctor, no man in God's world can imitate your hand successfully. I have seen your orders too often at the Republican Office." He then looked at me for a moment with a fixed stare, and in a stuttering and confused manner, said that he had found a note, shoved under his door, purporting to come from the same lady, to whom this letter was addressed. I then said, "Doctor, let's walk to your office and show me that letter, and I will have no more to say. We are both peaceable men and gentlemen, and here is my card with my name and where I work." Switzer said: "Here is mine, Doctor." Dr. Everitt again examined the card, and then said he had destroyed that letter, and that he was positively not the writer of that one, shown him by Switzer, I then said, "Doctor, you are prevaricating, or in plain words, you lie if you say you are not the writer of this letter; you are a libertine and a scoundrel."

He then put his cane down on the banquette, and I said to him, "Doctor, don't be afraid; for I have too much respect for old age to strike you. You thought probably there was only a widow and daughter, and no protector. I am that lady's brother, and this is her husband (pointing to Switzer). We were then walking down toward Victor's. I was on the right, Switzer on the left and Dr. Everitt in the middle. Dr. Everitt got asleep, and Switzer and myself were still in the same position. Switzer then said: Doctor, you certainly owe me an apology; the Doctor constantly declaring that the letter was a forgery. The Doctor then said to Switzer: Harry, I am sorry for you, as a married man and I, a single man, and that caused a great deal of the smiling at me at the time. I expect an apology from you, and unless you make it in forty-eight hours I shall consider you a coward, and publish you to the world." He then put his hand into the left side of his vest, and I then spoke consolingly, and asked as an excuse to draw something, on the impulse of the moment, I threw my card back, as if to deal for a weapon, although I never carry one, and then said to Switzer: "Harry, save yourself, for God's sake, we are not armed; he is going to shoot." Before the last word had left my mouth, Dr. Everitt fired, as I thought, at me. I had only had off at the moment when the ball struck me in the head, just above the left ear. We then walked to Dr. Anderson's Photographic gallery. I stood there irresolute for about three or four seconds until I heard the report of a pistol from the middle of the street, looking back I could see Switzer. Dr. Everitt was then endeavoring to draw the bead of his pistol on Switzer, who was at that time about 15 feet from him. I then ran to Switzer, and as I approached him he fell. I then ran to Dr. Everitt, who was standing on the corner of Canal and Carondelet streets, and said: "Doctor, no man in this world can stand such treachery as you have practiced upon me and my family. You have killed my brother-in-law, and I will have your life." I then struck at him with my fist, and he ran down Carondelet street. I then returned to Switzer, who was lying on the banquette, and becoming alarmed for my own safety, I ran down Carondelet street, thinking that Switzer had run after me. As I was looking for him, Officer Wall met me, and told me that Dr. Everitt had been arrested for firing at two men, and that the police were looking for me. I then gave myself up to the officer.

I rushed through the crowd that had gathered at Victors', and saw Switzer lying on the ground on his back, weltering in his blood. With white envelopes in his hand, (I observed a white envelope with blood spots on it) and I cried out, "My brother, who is dying for me?" The letter in the envelope? Somebody picked it up for me, and said, "Here are the letters." I then took them, and I then went to the station house, and gave them to Officer Talbot, who was present at the time. I then went to Dr. Everitt's house, and gave information of the affair to the servant girl, who was standing at the door. I then went to Dr. Tillis' drug store, and gave information to the clerk, and then went to Dr. Everitt's house, and gave information