NEW ORLEANS DAILY BEE
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Terms—Per Year.
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TERMS—PER YEAR.....$5.
NEW ORLEANS:
TUESDAY MORNING, MAY 16, 1871.

Amusements This Evening.

OPERA HOUSE — Benefit of Mr. Ducati—"Mignon."

ACADEMY OF MUSIC — Home and Reside" Talented Comedy Company

THE TERMS OF THE TREATY.

Notwithstanding the pressure bought to bear upon the Senate by President Grant and his advisers, we are inclined to doubt that the treaty concluded by the Joint High Commissioners will be ratified by that body. The provisions of the document seem to us exceedingly cumbersome and complicated. Nothing is settled and the end of the dispute may never be reached. It is less favorable to the United States than the treaty made by Mr. Reverdy Johnson with Lord Clarendon. The latter provided for the settlement of the Alabama claims by a short and simple method. The method agreed upon by the Joint High Commissioners is neither short nor simple, and should it prove to work well, the United States gain nothing more than the Johnson-Clarendon treaty contemplated. The British Government were willing to compensate the Alabama claimants by payment of their losses in money, when Mr. Johnson negotiated his treaty. They are not willing to do more now and the new treaty does not exact anything more from them. They do not make any acknowledgment of unfriendliness in recognizing the belligerency of the Confederate States, and they deny any legal responsibility for the captures of the Alabama. They only consent that the question of their responsibility shall be referred to arbitrators. They declare that according to the principles of international law in force when the claims arose, the British Government did not violate the neutrality they had proclaimed, by suffering the Alabama to leave an English port. They are willing, should the arbitrators so decide, to pay the damages caused by the Alabama and other Confederate cruisers built in England, but it is distinctly stated that this is only for the sake of peace and in order to strengthen friendly relations between the two countries. The treaty does not contain what Mr. Sumner insisted upon in his elaborate speech in the Senate upwards of a year ago—that is an apology from Great Britain for her recognition of the Confederacy, nor does it provide for payment of any consequential damages such as Mr. Sumner claimed. It is prospective and not retrospective so far as principles of international law are concerned. It lays down rules for the future, and in that way indirectly acknowledges the wrong done to the United States, not in recognition of Confederate belligerency, but in not preventing the fitting out of armed vessels in English ports to attack the commerce of a friendly power. The treaty also provides for the settlement by arbitration of the dispute concerning the Fisheries, and for the settlement, by the same means, of certain claims of British subjects against the United States for losses suffered by the war, and claims of citizens of the United States against Great Britain distinct from losses suffered by Confederate cruisers. But the members of the commission seem, from the very beginning of their deliberations, to have recognized the fact that an immediate and mutually satisfactory settlement of the vexed questions laid before them was an utter impossibility, and that the best and indeed the only thing that could be done was to place these questions in such a shape as to insure a settlement at some future and definitely fixed time. It is rather an agreement for arbitration than a treaty, the principles upon which the arbitration is to be conducted being specified beforehand. With regard to the Alabama claims there are to be five arbitrators: one to be appointed by President Grant, another by Queen Victoria, the third by the King of Italy, the fourth by the President of the Swiss Confederation, and the fifth by the Emperor of Brazil. And "all questions, including final awards, shall be decided by a majority of the arbitrators." From that decision there is to be no appeal. It is agreed that the arbitrators shall be governed in their decisions by the following rules, and such principles of international law as are not inconsistent therewith:

Rule I. A neutral government is bound first to use due diligence to prevent the fitting out, arming or equipping within its jurisdiction of any vessel of which it has reasonable grounds to believe is intended to cruise or to carry on war with which such government is at peace; and also to use due diligence to prevent the departure from the jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Rule II. Not to permit or suffer either belligerent to make use of its ports or waters as a base for naval operations against the other or for the purpose of renewal or augmentation of military supplies, or arms or accoutrements of war.

Rule III. To exercise due diligence in its own ports and waters, as in all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

The arbitrators are to meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and provision is made for substitution in case of death, absence or incapacity of any of the arbitrators, and in case of any of them declining to act. Copies of the documents, correspondence and evidence in each case to be delivered to each of the arbitrators and the agent of the government against which the claim is made, within six months from the date of ratification of the treaty. The counter case to be delivered six months thereafter, and the arguments or points relied upon within the two following months—that is, the case must be prepared and submitted within twelve months. The decision to be rendered, if possible within three months from the close of the argument on both sides.

The article of the treaty which covers the claims other than those known as the Alabama claims reads as follows:

"Art 13. All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive, not being claims growing out of the acts of vessels referred to in Article I of this treaty, and all claims with the like exceptions, on the part of subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in article 14, one to be named by the President of the United States, one by Her Britannic Majesty, and a third by the President and Her Majesty conjointly. The Commissioners so named shall meet at Washington at the earliest convenient period—a majority to decide. They shall be bound to examine and decide each claim within two years from the day of their meeting."

The Ammonia car will continue to run during this week, and will be daily at Clay Statue on Canal street, at 9½ A. M. and 5½ P. M. Books for subscription to the capital stock of the company are open at the office of G. L. Laughland, No. 125 Common street. 54

☞ GO AND SEE the ICE KING REFRIGERATOR, at No. 6 Commercial street, in operation daily, from 9 A. M. to 5 P. M. Water is frozen in 15 from the low temperature produced. It is the only refrigerator that is a preserver of food for an indefinite time.

☞ Gen. R. E. Lee, writing under date of January 13, 1867, says: "The simple mechanism and the expedition my daughters have had in operating it, make the Wheeler & Wilcox & Gibbs sewing machine a great favorite in my family. For sale by W. S. Hedrick, 115 and 116 Camp st., New Orleans. 1y140 tu th sat nov

BENEFIT OF FRENCH ARTISTS IN PARIS. Our readers will bear in mind the performances of next Thursday evening at the Opera House, for the benefit of suffering French artists in Paris, the proceeds to be distributed by the Dramatic Artists' Association of France. The condition of that country during the last eight or ten months has brought starvation to many of the elite in whose behalf the benevolence of our theatre-goers is invoked. The programme of the evening will consist of the overture and the second act of "Mignon;" the final trio of the third act of Rossini's masterpiece, "William Tell;" the "Pas de Bouquet," a divertissement by by the ballet; the second act of "Charles VI," sung by Mme. Cambier, formerly of the Opera House, and Mr. Dumestre, and the third act of "Faust," by Messrs. Kegbel, Castelmary, and Mesdames Dumestre, Naddi and Bondre. Thus it will be seen that every artist of the opera appears the same night.

Persons who have purchased tickets from the committee can secure numbered seats by presenting their tickets at the box office. Holders of four tickets can secure one of the boxes not already sold. Seats and boxes can be secured by applying immediately at the box office.

☞ Steamer St. Mary will sail for Galveston Wednesday, May 17th, at 5 P. M.
Cabin passage to Galveston.....$10
Deck passage to Galveston..... 5
C. A. WHITNEY & Co., Agents.

☞ Thanks to steamer Wade Hampton for appreciated favors.

About the Treaty.

[Special Telegraphic Correspondence of the Courier Journal.]

Washington, May 11.—The Senate Committee on Foreign Relations, composed of Senators Cameron, Harlan, Norton, Patterson, Schurz, Hamilton and Casserly, were in session some hours to-day on the treaty, but did not finish it, and will hardly be able to report it back to-morrow. So far no amendments have been offered, though some objections have been raised, which the journal of the Commission has been able to explain away. So far it has been the object of the committee to arrive at a full understanding of every article so as to defend it in the Senate. It is doubtful if any amendments are proposed in the committee, though Messrs Patterson and Casserly will submit some in the Senate. Mr. Sumner has already prepared amendments. The British Commissioners here do not think that the treaty ought to be amended, but accepted or rejected as a whole.

(Special Dispatch to the St. Louis Republican.)

THE TREATY WITH THE COMMITTEE.

Washington, D. C., May 12.—The Senate Foreign Relations Committee had another meeting to-day, but did not finish the treaty. They hope to conclude their labors to-morrow and report for ratification on Monday, to which date the Senate adjourned. Thus far not a single amendment has been adopted by the committee, one of an important character. Some members of the committee first by an examination of the protocol that the American Commissioners have received from some pretty important propositions, which they originally submitted on the old claims, but these seem to have been met by corresponding concessions from the other side. Since Senators have been furnished with the journal of the Commissioners showing an insight into the treaty, there has been a growing sentiment in favor of the treaty as it, but thus far it has not been formidable enough to prevent its ratification.

THE LONDON TIMES ON THE TREATY

London, May 13.—The *Times* to-day is advised that the basis and essential propositions of the treaty at Washington will certainly be accepted by the American Senate, and therefore believes the treaty is virtually concluded. As for the treaty itself, the *Times* says it is a mutual concession, and the *Times* finds in it nothing incompatible with the national honor, or that England is not ready to make any sacrifice to restore amity between the two branches of the Anglo-Saxon family.

The True Policy for the South.

The able correspondent of the Baltimore *Gazette* writes thus to that paper:

Washington, April 27, 1871.—A few days ago it was intimated that the States would not have to wait long before they had yet in their power to make *their influence* FELT, at least negatively. Some sanguine person, writing for an Ohio Radical newspaper, has seen fit to suggest this suggestion as "advice" calculated to stimulate fresh sectional animosity. If the letter commented upon by the Wisconsin were worthy of being criticised at all, it at least merited being read throughout, and thoughtfully and *intelligently* dealt with. What was said went directly to the conclusion, that, for the *sake of peace* the States referred to ought, and will, as a *dernier ressort*, voluntarily isolate themselves from National politics, rather than encourage general anarchy—leaving the momentous national political wire-pulling issues to be settled in the North, East and West. Is this treason? Is it a fourth disloyalty? Still further, is it even an indication of any lack of loyalty to the reigning dynasty? The general political logic, as *it now stands*, must needs lead to the same results one way or the other. The Conservatives South (please "conservative") have had enough of war. *The people there*, *as a whole*, *want peace*, upon, perhaps, the best practicable terms, and are *decidedly not to have it or generalize despotism*. What is the remedy prescribed by the professed and *officious* friends of that unfortunate section of the country? Is it, more or less, than placing it in the condition of the poor Irishman when Lord Mayo Duke in England, who was obliged to stand a dozen stripes for every letter of the alphabet, when his Highness got into his noddle?

The Southern States, I learn, have pretty much come to the sensible conclusion, for the present, to wait patiently, and "shuffle the cards." A jack may come up. Who knows? They have at least the choice of evils and have been placed in line to accept or reject offers from any body of men calling themselves political parties.

☞ STATES TO BE CALLED "LOCALITIES".—The Memphis *Appeal* thus notices a significant omission in the late Ku-Klux proclamation of President Grant:

As an indication of what he is driving at, the Montgomery (Ala.) *Advertiser* calls attention to the significant fact that Grant, in his late proclamation, does not use the word "States" but alludes to them as "localities." No State mentioned as such in a proclamation that relates politically and geographically to the States.

THE KU-KLUX LAW.—Nothing would more clearly show the Northern idea as to the nature of the Federal Government than the fact that the New York papers publish without other comment than a general indication of approval, the statement that the first persons arrested under the Ku-Klux law were several young men in North Carolina who had been frightened into going into swamps. The Ku-Klux law purports to be an act to enforce the Fifteenth Amendment. This amendment secures to negroes the right of suffrage. Yet the first case under the law is what we have stated! The Democrats in Congress told the Radicals that the Federal officials wouldn't have sense enough to distinguish between real and supposed offences, but these latter protested that nobody would be disturbed by Federal officials who had not violated the Fifteenth Amendment.—*Ex.*

Unconstitutional Rehearings of Causes by the Supreme Court.

[From the N. Y. Star.]

Rehearings and appeals of causes are common before all the English tribunals but one. That one is the House of Lords. The Privy Council, the Court of Chancery, the Supreme Court of the United States, never reconsiders its own judgments. No matter how important it may seem to the Lord Chancellor of the House of Lords may be, the Lords never suffer it to be called in question. "If" they say, "it is of any value in our decision the political and legal rights and interests of the country, you have the remedy in your own hands. Alter the law by the proper authority; but we will never stultify ourselves by overruling to-day what we decided yesterday." It is plain that precedent is destroyed, and authority will cease to have any value if a court is not bound by its own decisions.

Yet the Supreme Court of the United States, after having decided that the Legal Tender act was unconstitutional, nevertheless have permitted the question to be reopened, and have actually reversed their former decision. This puts an end to all certainty in the law. If they reconsidered their own past judgments on legal questions, why may they not with equal propriety remodel and reverse every single case, both civil and criminal, that has been decided? Appeals to cancel the decision already given by their own tribunal on the effect of a legal tender, why should not the same question be brought forward, again and again, as soon as a new judge sits in the Court. Litigation thus can be protracted indefinitely without even being faithful to the usual result of a law suit in setting the law.

Inferior tribunals in England only allow a case to be reargued when some change has taken place in the circumstances of the parties, or some fresh point not available at the first hearing of the question. But no court in England or in Scotland would ever put the query whether the rehearing of judgments by the Supreme Court of the United States is constitutional? To suppose it is not, is given to the Presidential vetoes. The power not only to interpret the Constitution, but even to reverse every rule of law that is well established at present.

BY TELEGRAPH.

To the New Orleans Bee.

FOREIGN NEWS.

The Bombardment Continues.

Several Breaches Made in the Wall.

Insurgents Expelled from the Trenches.

A Battery Erected in the Tuileries Garden.

Conspiracy Against the Commune in Paris.

HOME NEWS.

Peace Procession in Philadelphia.

Death of Commodore James Flynn.

Fast Railroad Time.

Miscellaneous Matters.

FOREIGN INTELLIGENCE.

Paris, May 15.—Afternoon.—The Versaillists are under the walls of Paris exchanging shots with the Communists, who line the ramparts from Porte de la Muette in the Bois de Boulogne to Porte d'Issy. The insurgents have been expelled from the trenches between Fort Vanvres and d'Issy.

A battery has been erected in the Tuileries Garden to pour a flank fire into the Champs Elysées.

Evidence is indubitable that a widespread conspiracy exists in Paris against the Commune.

Versailles, May 15.—The bombardment continues. A breach somewhat has been made in the wall. Auteuil gate has been entirely destroyed.

London, May 15.—The Congress of municipal delegates called by the partisans of the Commune at Bordeaux is a failure.

Lunenburg is closed and occupied by the military in satisfaction of a rising on the part of the population.

The trial of Bonicon and Park, implicated in the wrong-persuading masquerade, resulted in their acquittal.

London, May 15.—In the House of Commons to-night the Secretary of Foreign Affairs said the Government had not received an exact copy of the Washington treaty, whereupon Mr. Disraeli postponed questions.

Mr. Gladstone promised the treaty should be submitted immediately upon the receipt of an authentic copy.

In the House of Lords Earl Russell gave notice of an address to the Queen praying that a treaty, upon the arbitrators were bound by conditions after the manner of the Geneva award, and the English principal has existing during the civil war.

Earl Granville defended the Queen's criticisms of Lord Strathedan, the result of the recent conference of the great powers in London, which he affirmed a reasonable settlement of the questions in dispute, had been secured. Russia was fully satisfied, and all the powers concurred in the new policy under which Turkey still retained a preponderating naval power in the Euxine than Russia had acquired.

The Marquis of Salisbury replied to Earl Granville, and said he was glad to find the Government, which, he said, like *American in the Alabama question*, should have waited until the end of the pending struggle, and then dictated settlement from Russia for its course in reference to the treaty of Paris.

London, May 15.—The *Echo* of this evening has a dispatch from Berlin which gives some additional particulars of the treaty which has been negotiated at Frankfort. The document contains seventeen articles and three supplementary clauses. The French are to restore all ships captured during the war, or refund their value in cases where the vessels were sold.

The navigation treaty of 1859 is to be maintained.

Toronto, Canada, May 15.—The Government press here are rather equivocal support to the treaty of Washington. While the opposition papers, on the contrary, are very decided in their expressions of disapproval, holding that to grant to the citizens of the United States the right to fish in Canadian waters may make it necessary for the American Government to ask for reciprocity.

Nova Scotia and Brunswick, and journals that represent the French speaking people of Ontario are in favor of rejecting all parts of the treaty affecting Canada. The *Globe* thinks self interest should direct the people of Canada in any consideration of the treaty, while at the same time it recommends that a difference of opinion be avoided in the matter between Great Britain and the Dominion should be avoided.

St. Johns, May 15.—The Assembly is debating the Washington treaty which meets with great opposition.

FROM HAVANA.

Havana, May 14.—Arrived—Steamship City of Mexico, from New York; steamship City of Merida, from Vera Cruz.

FROM WASHINGTON.

Washington, May 15.—The Court of Claims adjourns Thursday to November.

The Committee on Foreign Relations reported the treaty. Mr. Morton made a speech explaining its provisions when the Senate adjourned.

Washington, May 15.—Stationary, temperature 70, cloudy weather followed by light rain has prevailed on the Pacific coast. The pressure has fallen somewhat at the Rocky Mountain stations, and on the lower Missouri it has risen over the gulf and south Atlantic and remains stationary on the lakes and eastern States. Cautionary has been given from Michigan to West Virginia and threatening weather for a short time prevailed in the middle States. Clear weather with light and fresh winds have generally been reported last of the Mississippi.

PROBABILITIES.

Washington, May 15.—No material change in the lower weather, no serious disturbances are indicated as probable for Tuesday.

MISCELLANEOUS INTELLIGENCE.

Rochester, N. Y., May 15.—Henri Drayton, baritone singer, is paralyzed.

New York, May 15.—Delegates to the Insurance Convention may report to Gen. Sickles, at Fifth Avenue Hotel, where quarters will be provided.

At the Methodist Preachers' Assembly Dr. Curry held that the General Assembly could control the Bishops, and even abolish that office altogether. In reality there are only two classes of Christians—the "saved" and "unsaved." Singing-masquerade resulted in judicial acquittal.

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