The New Orleans Bee

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NEW ORLEANS DAILY BEE.

DUFOUR & LIMET, Publishers.
No. 73 Chartres street.

TERMS OF THE BEE.

[illegible]

Weekly Edition.

TERMS—PER YEAR..........

NEW ORLEANS:
THURSDAY MORNING, OCT. 5, 1871.

Amusements This Evening.

ACADEMY OF MUSIC — "Colleen Bawn," with Mr. Murray.

THE GOVERNOR'S POWER TO SUSPEND STATE OFFICERS.

The extent of the Governor's power in the matter of suspending for cause, officers of the State exercising their functions by virtue of constitutional provision, is now before the Eighth District Court of this parish, Judge Emerson, of the Third District Court, presiding in the absence of Judge Dibble. The question has been raised in the case of Geo. E. Bovee, Secretary of State, versus Francis J. Herron, under the Intrusion Act. Mr. Bovee, it will be remembered, was suspended by Gov. Warmoth because he had promulgated as a law of the State, an act of the Legislature transferring to the Crescent City Water Works Company, the Water Works belonging to the city of New Orleans, which act had not been approved by the Governor and had not become a law. Mr. Herron had been appointed by the Governor to perform the functions of Secretary of State pending Mr. Bovee's suspension. The suit now before Judge Emerson is to test the Governor's power to suspend the Secretary and appoint an acting Secretary.

The Governor does not pretend, if we understand the argument of his counsel, Mr. Thomas J. Semmes, that there is in the Constitution of the State any express power authorizing him to suspend an officer who has been elected by the people and who holds his office by virtue of a constitutional provision. The article under which he professes to have acted in suspending Mr. Bovee is that numbered sixty-five, which requires him "to take care that the laws be faithfully executed." The Governor's counsel contends that there is in this article an implied power to suspend any officer who, in his judgment, has violated a law of the State. He argues that the power of suspension must be lodged somewhere, and that, as the Constitution has not lodged it in the Legislature, it must necessarily be vested in the Governor. In support of this argument he cites article 56, which provides for the performance of the Governor's functions in the event of his impeachment or disability, and from the silence of the Constitution as to a like contingency in the case of the Secretary of State, he deduces a suspensory power in the Governor in the event of malfeasance in office by the Secretary and a power to make a temporary appointment to the office in the event of his inability to perform its functions from any cause.

This argument is to our minds very far-fetched, and we do not believe that either the Governor or Mr. Semmes believe that it is sound. We suppose that all the Governor expects to accomplish is to keep Mr. Bovee out of the office until a decision by the Supreme Court in the case, or until the Legislature has acted in the matter. We suppose the proceeding of the Governor was purely political and would not have been taken had Mr. Bovee been favorable to the pretensions of the Executive in the fight he is now waging with the [illegible] of his party. We suppose that the Governor of Louisiana is invested with no other powers than those expressly conferred upon him by the organic law of the State; that he can suspend or remove no officer unless expressly empowered by law, and that article 65 cannot be construed so as to invest him with such power. That article undoubtedly requires the Governor to exercise a supervisory power over all State officers, to the extent of seeing that they perform their duties or in default thereof of reporting their failure to the General Assembly, but we think it does not go beyond that. Any other construction would confer despotic powers upon the Governor, and it is unreasonable to suppose that such powers could be conferred otherwise than by an express law.

The public have very little interest in the suit. Its decision either way will not cause even a ripple upon the surface of our public affairs, but we think that these loose constructions of law which are now so common and these high-handed acts of the Governor, should not be suffered to pass without notice. Such a power as Gov. Warmoth has exercised in the case of Mr. Bovee we can find no precedent for, and we can only attribute it to the revolutionary condition of our public affairs.

CONCERT.—Mrs. Laura S. Webb, author of the "Requiem for Lee" and other compositions, announces that she will give a concert, interspersed with tableaux, in Lyceum Hall, this (Thursday) evening. Several of our most popular musical amateurs have volunteered their services. Among them are Mr. H. Braun, violinist; Mr. A. Miari, flutist; Miss M. May, pianist; Mrs. G. Pearce, vocalist, and Mr. Augusto Davis, vocalist. Miss Eliza O'Connor, the talented young artiste, who has just completed an engagement with the Orleans Dramatic Association and the Shakespeare Club, and who is about to leave New Orleans to enter upon an engagement at the Galveston Theatre, will recite a popular piece, and after the performance a [illegible] will be given.

THE TIDAL WAVE HOAX AND ITS SCIENTIFIC RELATIONS.—Dr. Burns will deliver his lecture on this subject at 7 o'clock this (Thursday) evening, in the Lecture Room of the Young Men's Christian Association, No. 82 Camp street.

REFINED SUGAR—MOLASSES—SYRUPS.—The attention of our readers is invited to the advertisement in this issue of Messrs. A. Thomson & Co., sugar refiners of this city. This is one of our first-class houses and a firm with whom it is a pleasure to deal. Every article they sell is genuine and is of the quality as represented. Such a reputation is a fortune in itself, and their customers so regard it. Messrs. Thomson & Co. are wholesale dealers in all the grades of refined sugars, molasses and syrup. They manufacture them at their Crescent City Refinery on Commerce, between Julia and St. Joseph streets.

They also keep on hand Louisiana plantation and Cuba sugars and molasses. The largest stock in the city is held by this house, and we have great pleasure in directing the attention of our readers to it.

NOTICE TO RICE PLANTERS.—In our advertising columns will be found a notice from the President of the Louisiana Levee Company, Mr. A. F. Wilmans, to the rice planters of the State touching their sluices. They are requested to put them in perfect order and to repair the roads. A penalty is announced for a failure to comply. See advertisement.

INFANTS.—The most irritable and restless of these tender little household buds, are charmed as it were into quiet and sweet repose by using Mrs. Whitcomb's Syrup.

[COMMUNICATED.]

The Louisiana Levee Company.

Messrs. Editors: My attention has been called to an article in your issue of the 2d instant, referring to this company, in which you say: "As the United States Government have refused to take part in the construction of levees, it will, of course, be represented on the Board of Engineers, etc."

This is an error. The company have received official notification from the Secretary of War "that an officer of the Corps of Engineers will be assigned to act in conjunction with the engineers constituted by the act of the General Assembly of Louisiana for the determination of the location and dimensions of levees in the State as soon as organized."

Will you please insert this communication, and oblige,

Very respectfully,

THOMAS L. DIX,
Secretary Louisiana Levee Co.

New Orleans, Oct. 4, 1871.

A fossilized oyster has been found in Utah at Llewellyn's Peak.

CITY INTELLIGENCE.

"Arrah Na Pogue" was performed at the Academy last night to a full house. Mr. Murray [illegible] Shaun the Post, [illegible] to the end. To-night "Colleen Bawn" and the "Benicia Boy" will be given.

We learn from a friend who was at Mrs. [illegible] plantation, on the river, in [illegible] parish, during the late storm, that it was so violent that some trees which were uprooted by the wind were blown as much as five hundred feet from where they had been growing. The side of the steamer "Small," belonging to Mr. Valcour Aime, which was moored at the plantation, was stove in.

The case of the State vs. Gov. Warmoth, in which the Attorney General, under the "Intrusion act," seeks to replace Mr. Bovee in the office of Secretary of State, from which he was ousted by the Metropolitan Police, by order of the Governor, was submitted to the Eighth District Court, Judge [illegible] presiding, yesterday, when the [illegible].

Some valuable trinkets and other articles, stolen from the dwelling of Mrs. H. F. Givens, at the corner of St. Charles and Jackson streets, about three weeks ago, have been recovered by special officer J. V. Ward, who says they were stolen by one George Walker, a prisoner under arrest, charged with another larceny.

An infant eighteen months old, the child of Mrs. Mary Ferrquet, residing at No. 231 Chartres street, fell from the second-story gallery of the house yesterday evening, and was dangerously wounded in the head.

The police report a small break yesterday in the levee of the New Canal, at the intersection of Dorgenois street, and the Administrator of Improvements has been notified.

The residence of Mr. Harmon Doane, No. [illegible] St. Joseph street, was entered feloniously on Tuesday evening and a box containing about two hundred dollars worth of silver ware was stolen.

Peter Myers, who lives on Washington Avenue, near Marais street, was about to throw himself into the Bayou St. John, near the Bridge, to drown himself, yesterday afternoon, when Administrator Lewis happened to be passing, who prevailed upon him to keep himself dry and go home.

The regular monthly meeting of the Board of School Directors, for the city, was to have been held last night, but the number of members present being less than a quorum, no business was transacted.

The Suit of the Slaughter-house Company Against the Butchers of the "Live Oak Slaughter-house District."—Judge Emerson presiding in the Eighth District Court, in place of Judge Dibble, yesterday, rendered a decision in the case of the Slaughter-house Co. vs. F. Pellot and others, as follows:

"Plaintiffs allege the establishment and use by defendants of a slaughter-house on the right bank of the river, and aver it to be in violation of their monopoly and chartered right. They therefore pray for an injunction to restrain defendants from slaughtering in said establishment; to enjoin them from erecting any similar constructions, and from any and all violations of the privileges secured in their act of incorporation.

"This writ will not issue to prohibit the commission or continuance of wrongs or injuries which are not distinctly and specifically alleged; consequently those portions of the prayer which fall under this category must be disregarded. Nor will the writ issue unless the petition is accompanied by an affidavit which sets forth clearly and unequivocally the facts necessary to warrant the interference of the court.

"In this case one of the plaintiffs made oath that the facts, so far as they were within his knowledge, were true, and so far as they were derived from information, he believed to be true, without specifying one fact as being known to himself personally. This is clearly insufficient, and does not warrant issuance of an injunction. Sabourin vs. Bergereau, 17 L. R., 294; Rice vs. Welsh, 4 An. 246."

In the case of John Bertin, James Stafford and Sylvian Moulet, butchers on the right bank of the river, vs. the Slaughter-house Company, seeking to enjoin the company from removing their buildings, etc., from the above location, which case is before the Eighth District Court, Judge Emerson yesterday ordered the injunction to issue.

Thomas Randolph, alias Hill, accused of forging a check on the New Orleans National Bank for $350, was examined before Recorder McArthur, yesterday, and was committed for trial before the Criminal Court.

Mr. Charles Smith, of St. Louis, reports to the police that, on Tuesday night, he was taken into a house on Dryades street, between Gravier and Common streets, and robbed there of about fifty dollars in currency and a draft for $2500. Either from being a stranger or some other cause he was unable to identify the house and a search in his company among the women occupying tenements in the vicinity resulted in nothing. He did not know who had robbed him.

QUEEN VICTORIA'S CONDITION.

The New York *Herald* publishes the following special:

London, Sept. 26.—The Right Honorable Benjamin Disraeli, ex-Premier of England, has succeeded in producing a political and popular sensation in Great Britain which may result in affecting the most serious, if not startling, consequences [illegible].

The learned gentleman has placed himself in direct collision with the Crown [illegible] and [illegible] of Queen Victoria. He has accomplished the act deliberately, willfully and [illegible].

Mr. Disraeli attended a dinner to-day at Hughenden, his country residence and home. [illegible] the health of Her Majesty, the Queen, he took occasion to assure his friends and neighbors that the sovereign lady has become physically, and is morally, incapacitated from performing her public duties.

The assertion was accompanied with sentences of fervent eulogy of Her Majesty personally, concluding with the words that "her duties are excessive, and that no Englishman [illegible] such constitutional [illegible] of the political traditions of the country as the present."

His words have been published. The utterance has produced the most tremendous excitement among the people. It is denounced by the highest of the aristocracy, and talked of among the most humble of the democracy.

Disraeli has overshadowed Gladstone, almost completely, in the eyes of the people, who have been accurately informed of every word of his remarks despite a very vigorous effort which has been made by some of the metropolitan journals to suppress them by non-publication.

What is Said and the Reasons Why.

The subject of the propriety of an abdication of the Queen is spoken of in the clubs and very many of the most extreme loyalists now regret that Her Majesty did not hearken to the advice which was given to her by the late Lord Palmerston [illegible], when he counselled her to [illegible] a part of her ministerial duty—[illegible] to the signing of acts of Parliament—by royal warrant to a member of the Privy Council, and thus begin, of her own free will, to accustom the public mind to her gradual and graceful disappearance from the throne years before her death.

The Queen refused Palmerston's advice, and has since held on to a rigid assertion of every essential of the royal prerogative, with that spirit of tenacity or obstinacy which has been ever characteristic of the reigning members of her family.

[illegible]

Serious Character of Queen Victoria's Illness.

[From the London Lancet.]

We are most glad to be able to state that Her Majesty is now rapidly recovering from her recent illness. The public are probably not aware of the fact that this illness has been of a serious character, so much so, indeed, as to have given rise at one time to considerable anxiety in the minds of those about the Queen. [illegible] a few days since that a gathering had formed in her Her Majesty's arm and had been opened, was, it not to the public, at least to medical minds, not a little disquieting, inasmuch as it signified, under the circumstances, that serious disturbance of the general health had occurred. The Queen's illness began at Osborne, early in August, with entire loss of appetite, headache, disturbed nights, general depression and slight inflammation of the left tonsil. [illegible]

[illegible]

BY TELEGRAPH.

To the New Orleans Bee.

FOREIGN NEWS.

Court-Martial for Military Offenders.

Eminent Officers to be Arraigned.

2,000,000 Francs Appropriated to Repair Damages Done the Public Buildings.

Late and Important from Mexico.

HOME NEWS.

New York Democratic State Convention.

Illinois Democratic State Convention.

Arrest of Stage Robbers.

Triennial Convention of the Protestant Episcopal Church of the United States.

Miscellaneous Matters.

FOREIGN INTELLIGENCE.

Versailles, Oct. 4.—Another court-martial has been ordered for trial of the military offenders arrested during the late war or since under charges resulting from operations during its progress. Eminent officers who surrendered their forces to the Germans will be brought before the court.

Versailles, Oct. 4.—The municipality of Paris has voted 2,000,000 francs for repairs to the monuments and public buildings damaged during the siege and reign of the Commune.

London, Oct. 4.—Dr. Wines, who was appointed by the last National Convention of Prison Reformers in the United States as delegate to Europe, to make arrangements for holding an international congress on prison reform in London in 1872, has arrived at Berne to invite the Swiss Government to send delegates to the proposed congress. He bears a letter from President Grant commending the objects of the mission.

London, Oct. 4.—Advices from Australia report the safe arrival of the shipwrecked crew of the ship Magenta.

[illegible]

FROM MEXICO.

City of Mexico, Sept. 30, via Havana, Oct. 4.—Elections complete and [illegible] a majority of 18 in Congress. [illegible] Confidence is restored in all parts of the Republic.

FROM HAVANA.

Havana, Oct. 4.—Arrived—Steamer Saxoney, New York for New Orleans.

FROM WASHINGTON.

Washington, Oct. 4.—Extensive preparations are making by the Navy Department to meet the Grand Duke Alexis [illegible] naval fleet, under command of Vice Admiral Rowan, who receives the Russian off Sandy Hook. [illegible]

The Grand Duke will be saluted with an admiral's salute. [illegible] respects to the Government.

WEATHER REPORT.

PROBABILITIES.

[illegible]

MISCELLANEOUS INTELLIGENCE.

New York, Oct. 4.—The annual Convention of the National [illegible]

[illegible]

HOME NEWS.

After a recess the Convention reassembled at 5 o'clock. It was announced that McQuade, the contesting delegate from Oneida, in the interest of harmony, had withdrawn his claim to a seat. [illegible]

The Committee on permanent organization, resolutions and contested seats were appointed, and a recess taken till [illegible].

It is generally believed the convention will complete its business and adjourn to-night.

The proceedings are most orderly and harmonious. Ex-Governor Seymour would have been tendered the permanent chairmanship, but business engagements prevent his remaining in Albany. Lieut. Governor Beech will probably be chosen.

Rochester, N. Y., Oct. 4.—After the recess the Convention organized permanently by adopting the report of the committee making Clarkson N. Potter President of the Convention.

[illegible]

Springfield, Ill., Oct. 4.—The Democratic State Convention met to-day, Hon. Mr. Skinner President. Resolutions were adopted adhering to the principles of Jefferson; protesting against the arbitrary acts of President Grant, his disregard of the equality of States, and the use of the military force in Louisiana and other States against the will of the people; recognizing the Constitution and amendments as the supreme law of the land, and pledging the party to maintain the rights of all men, without regard to previous distinction of race or color [illegible].

Milwaukie, Oct. 4.—A special to the *News* from Green Bay says the fires in the woods between Green Bay and Michigan have extended from Fox river and cover a strip of territory in Shawanee and Oconto counties.

The large lumbering towns of Marquette and Peshtigo were threatened with destruction.

Fires are now raging over 300 square miles of territory. About 100 families are burned out of home and homes. Farm buildings, bridges and fences have been swept away, and thousands of square miles of standing pine are destroyed.

[illegible]

INTERMARRIAGE OF WHITES AND BLACKS—THE FOURTEENTH AMENDMENT.

The question of the validity of State laws, forbidding the intermarriage of the white and black races, since the adoption of the Fourteenth Amendment to the Constitution of the United States, has just been adjudicated by Hon. John Erskine, Judge of the United States Court for the District of Georgia. His Honor held that the statute of Georgia, forbidding such intermarriage, is not violative of the first section of the amendment, and that all such marriages, [illegible] in the State of Georgia, are void. That section is as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

[illegible]

Mr. James E. Harvey, a practiced and spirited political writer, retires from the Washington *Patriot* on account of failing health.

[illegible]

MONETARY AND FINANCIAL.

WEDNESDAY EVENING, Oct. 4, 1871.

[illegible]

COMMERCIAL.

OFFICE OF THE BEE,
WEDNESDAY EVENING, Oct. 4, 1871.

COTTON.—[illegible]

[illegible]

The Exchange reports: [illegible]

Receipts [illegible]

TOBACCO—There have been sales in the last few days of [illegible]

FREIGHTS—[illegible]

SUGAR AND MOLASSES—[illegible]

NEW SYRUP—[illegible]

FLOUR—[illegible]

CORN—[illegible]

OATS—[illegible]

BRAN—[illegible]

HAY—[illegible]

PORK—[illegible]

DRY SALT MEAT—[illegible]

BREAKFAST BACON—[illegible]

BACON—[illegible]

HAMS—[illegible]

LARD—[illegible]

CORN MEAL—[illegible]

[illegible]

Sugar, Molasses and Syrups.

A. THOMSON & CO.

LOUISIANA MOLASSES.—Various grades of plantation [illegible] — A. THOMSON & CO.

CLARIFIED SUGAR—Various grades [illegible] — A. THOMSON & CO.

LOUISIANA SUGAR—Various grades [illegible] — A. THOMSON & CO.

FOREIGN SUGAR—Cuba, Demerara and Porto Rico, in hogsheads and boxes. — A. THOMSON & CO.

Pelican Job Printing Office, Nos. 112 and 114 Poydras Street, NEW ORLEANS.

St. Louis Hotel Association. [illegible] E. F. MIOTON, President.

BEALS & LAINE, DEALERS IN [illegible] NEW ORLEANS, LA. Orders received at double place.

Notice. [illegible] JULES MARTIN.

Wanted, A SMALL COTTAGE HOUSE [illegible]

Dissolution of Partnership. [illegible]

Liberal Cash Advances [illegible]

Locquet Institute, UNDER THE DIRECTION OF MISS M. A. BURR, [illegible] St. Charles Street. DAY AND BOARDING SCHOOL for Young Ladies.

Carriages, Buggies, Jersey Wagons and Harness. [illegible]

ON MARRIAGE. [illegible] HOWARD ASSOCIATION, Philadelphia, Pa.

JUST PUBLISHED. MANHOOD. [illegible]

RAMPART ACADEMY, DIRECTED BY Mrs. E. H. Matthey, [illegible] Rampart Street. THE above Academy reopens on MONDAY, September [illegible].

A. CARRIERE & CO., COMMISSION MERCHANTS, IMPORTERS OF WINES, BRANDIES, ETC., No. 21 Bienville Street. CONSTANTLY on hand Claret in cases and barrels [illegible]

Money—Money. $25,000 TO LOAN. THE LOAN AND PLEDGE ASSOCIATION [illegible]

St. Louis University. [illegible]

River Planters. NOTICE [illegible]

College of the Immaculate Conception. [illegible]

J. E. MERILH & Co., POYDRAS STREET, Leather and Shoe Findings. [illegible]

St. Charles College, GRAND COTEAU, LA. [illegible]

GROVER & BAKER'S WORLD RENOWNED Sewing Machines. [illegible]

Special Notice. [illegible]

For Rent. [illegible]

GEO. MERZ, OLD BASIN BREWERY. [illegible]

Removal. [illegible]

A Rare Chance. [illegible]

JOS. BRANDNER, MERCHANT TAILOR, 34—Bourbon—34 Between Customhouse and Bienville, NEW ORLEANS.

IRISH ROOFING FELT. [illegible] NEW PREPARED ROOFING [illegible] F. G. LINGHAM, Agent.

Notice. [illegible] ALEX. BONNEVAL, Secretary. New Orleans, Sept. 28, 1871.

Charter Oak Wood Co., Office: No. 23 Exchange Alley. DELIVERS Wood to all parts of the city [illegible] FULL MEASURE IS GUARANTEED. G. M. DUNN, Agent.

Louisiana Mutual Insurance Company. Seventeenth Annual Statement. [illegible]

Office of the Sun Mutual Insurance Company of New Orleans, 88 CAMP STREET. [illegible]

RAILROADS.

New Orleans, Mobile and TEXAS RAILROAD. Change of Schedule. ON and after MONDAY [illegible] [illegible] W. BLOSS, Ticket Agent.

Pontchartrain Railway. SUMMER ARRANGEMENT. EXCURSIONS TO AND FROM THE LAKE SAME DAY, 25 Cents. ON AND AFTER JULY 2nd, 1871, the trains on this Road will be run as follows: [illegible] G. PANDELY, General Superintendent.

Morgan's "Louisiana and Texas Railroad." [illegible]

TRAVELERS ATTENTION!! The New Orleans, Jackson and Great Northern — AND — Mississippi Central Rail Roads [illegible] VICKSBURG, MEMPHIS, ST. LOUIS, CHICAGO, LOUISVILLE, [illegible]

Merchants' Mutual Insurance COMPANY OF NEW ORLEANS, 104 CANAL STREET. SEVENTEENTH ANNUAL STATEMENT. [illegible]

LEEDS'S FOUNDRY, [illegible]

Armstrong's Foundry and Boiler Manufactory, [illegible] STEAM ENGINES, SUGAR MILLS, DRAINING MACHINES, SAW MILLS, etc. [illegible]

Drs. Jordan & Davieson. [illegible]

STEAMSHIPS.

For New York. [illegible] CRESCENT CITY, SHERMAN, GEN. MEADE, UNITED STATES, MISSISSIPPI, WESTERN METROPOLIS, EMILY B. SOUDER [illegible] ROB. D. LUDWIGSEN.

For New York Direct. [illegible] ALFRED MOULTON.

For Philadelphia, via Havana. [illegible]

WATERING PLACES. MORGAN LINE STEAMERS. [illegible] CHAS. A. WHITNEY & CO., Agents.

MOBILE. [illegible]

$20 ONLY—ONLY $20. [illegible]

Dr. CHAS. E. KELLS, DENTIST. [illegible]

MEDICAL. LOOK TO YOUR CHILDREN. The Great Soothing Remedy. MRS. WHITCOMB'S SYRUP. [illegible]

Office Louisiana Branch MOUND CITY Mutual Life Insurance Company OF ST. LOUIS, MO. [illegible]

The Salamander Fire Insurance Company. [illegible]

JEFFERSON ACADEMY, [illegible] BOURBON STREET. [illegible] G. J. LORD. [illegible]

Louisiana Savings Bank AND SAFE DEPOSIT COMPANY. [illegible]

M. ELIE, ROYAL STREET. [illegible] PIANOS [illegible]

Brown's Lumber Yard, [illegible]

Dr. J. B. Pares. [illegible]