The New Orleans Bee.

OFFICE 73 CHARTRES STREET.

XLV.—Whole—15,611.

CITY INTELLIGENCE.

George Jackson held an inquest yesterday at No. 176 Galvez street, on the body of Mrs. Sarah A. Stewart, a native of Philadelphia, aged 18 years, who died yesterday morning in consequence of injuries received by falling down stairs in the house mentioned above a few days before. The deceased was the wife of Mr. Stewart, and gave birth to a stillborn child, one week before her death.

Coroner Crosby held an inquest yesterday in the case of one Edward Cody, colored, who died on Friday last, whose death was brought by falling off a pile of cotton on the morning of the 4th inst.

A gentleman called upon us with the name of Angelo Coffin, and attired as a female, accused of assaulting a policeman, when sent to prison by Recorder McArthur, on Monday, was discovered to be a young man, who, though detained for examination, was compelled to put on clothing suitable for his sex.

City Council.—A full Board met this evening, President Mayer in the chair.

The Council was informed, by the Mayor, that applications had been made to him to allow the plaisance on Lafayette Square to remain as it is. The Mayor, Mr. Shaw stated that application had been made to him to allow the thing to remain for St. Patrick's day celebration. The matter was left to the discretion of the Mayor, with power to act.

The committee on the subject of the Insane Asylum reported that they had not selected any of the properties proposed to be sold to the city for an asylum, and recommend that Mr. Sauvinet be detailed to fitted up for the purpose. A resolution to carry out the report was adopted.

The ordinance granting for twenty years the right of way to J. H. Keller, L. Sepell, E. S. Wattenberger and others for a railroad, for passengers and freight cars, the freight cars as far as the Poydras Market and New Basin, was passed, the route to be as follows: Commencing at the common starting point of Canal street, near the river, with such station and turning point as may be assigned by the City Surveyor, and running thence by the common trunk along Canal to Dryades street, connecting at the intersection of Dryades street with a double track road, running along said Dryades street to Triton Walk, along Triton Walk on the Neutral Ground, along the New Basin to Locust street, in front of the Keller Market, thence continuing the route along Locust street to Harmony to the lower line of Carrollton. The city gets nothing for the franchise.

The ordinance granting to C. E. Girardey and others the exclusive privilege of supplying Algiers with gas, for public use, for twenty-five years was called up. It appears that the proposed grantees have already commenced to light that district, which contract was made with the Police Jury before consolidation with New Orleans. There is also a contract with Col. Behan for lighting Algiers with oil, which contract does not expire for a year and a half. It was mentioned that there were parties ready to light the place with gas for $40 a lamp, whereas the proposition of Mr. Girardey is for $60. The question was discussed at considerable length, as to whether it was most advisable to accept the lowest offer, which might be the lowest in name, or take the highest offer with the assurance that there could be no legal impediment to the immediate execution of the contract. The word "exclusive" was struck out of the ordinance, because the Legislature only can grant an exclusive privilege, and the ordinance was amended so that the contract should be for ten years with the city. Thus amended the ordinance was referred to the Committee of the Whole, which will further consider the subject next week. Adjourned.

The Great Contempt Case in the Sixth District Court.—At the opening of the Sixth District Court yesterday morning Judge Cooley directed that an order issue to the Sheriff to bring into court, within an hour, the body of W. Van Norden, who, for contempt of court, had been sentenced on Monday to imprisonment for ten days and to pay a fine of fifty dollars, but who, by the clerk of the Governor, expressed in the form of a pardon, after paying the fine was released from the custody of the law, at about half past o'clock the same day. The Sheriff brought Mr. Van Norden before the court, when the Judge remarked:

I sentenced Mr. Van Norden to pay a fine of fifty dollars, and to be imprisoned for the space of ten days, because I believed that he was guilty of a contempt of this court. I am bound to say that he had not pardoned the Parish Prison, when his message of executive clemency to the Judge in Chambers came from the Penitentiary Institute to Orleans, that the pardon was released, and that the prisoner was released. Under the circumstances I will not detain the prisoner longer than the Eighth District Court, here and the order of the Sixth District Court, here and the order of the Eighth District? It is the only remedy provided. I am not one of those judges who believe that there is a limit to the extent of the power of the Governor to pardon. I think the law which limits it applies only to cases of misdemeanor in the presence of the court. The time of imprisonment depends not only upon the imprisoned person, who may terminate his period of incarceration at any time by doing what he is ordered to do.

In relation to the punishment for contempt, there are two kinds of contempts. The first is in the instance of misbehavior in the presence of the court, which impairs the dignity of the tribunal. In this case the power to punish is clear, yet it might be hardly possible that the Governor, if he thinks the dignity of the Constitution pardon the convicted person.

The second class is where the process is used as a means of the enforcement of the execution of a money judgment against a party. In the second instance there are two parties, the plaintiff and the defendant, for whose benefit the order has been issued. In that case it would not only be a stretch of power, but a usurpation of power, for there to be no party to the proceeding for the executive to extend a pardon. It would be an attempt to emasculate the judicial power of the Governor to be permitted to exercise such functions, we might as well abolish the courts entirely for them could be executed under such circumstances. We might be fortunate enough to have the Governor to back him.

Barely supposing that the under act 48 of the Constitution, the Governor has in this case a right to pardon, that that right is not, as with the President, absolute, for if he has the right at all it is conditional, and not operative until confirmed by the Senate.

Art. 48 says:

"The Governor shall have the power to grant reprieves for all offenses against the State, and to grant, in conjunction with the Senate, shall, with the consent of the Senate, have power to grant pardons, remit fines and forfeitures, after conviction, in cases of treason, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardon shall be vested. In cases where the punishment is not imprisonment at hard labor, the party upon being reprieved by the Governor, shall be left to the criminal custody, until final action by the Senate.

Here it will be seen that a distinction is made between the power to pardon and the power to reprieve. The pardon must be approved and confirmed, or remanded to a pardon until confirmed.

It appears that because certain men occupy high positions they do not consider the laws as binding on them, and do not respect it. If such feeling be allowed to spread, we spread it great, if the people, individually, by the violence in this case, and the people at large will cease to respect the laws which they have ordained for their protection and well being.

In this case it was the chief duty of the Governor to lend to the Court his assistance, and the enforcement of the dignity of the law. It is not in his province to say whether the client has erred in the action, but he is bound to accept as correct the conviction of a court, if it be a tribunal of last resort.

The former, more than anyone else, ought to respect the decisions of the courts; for he is of them an executive member. In this case he has so far forgotten his duty, as not only to not assist in the execution of the law, but he has compelled to defeat it. Such conduct cannot be tolerated in any country where the laws are respected, and it must be put down—it shall be put down. What makes the matter still worse, is that it is well known that the Governor is allied to be a party to the very suit out of which this case has arisen, although he has kept shield from sound, and he attempts to screen himself behind those who have been writing in his interest.

Then, if the Sheriff to convey Mr. Van Norden to the Parish Prison, there to be treated according to the process of the original sentence, and I will hold the Sheriff responsible, under the act of 1855, for the proper execution of this order.

In obedience to this order Mr. Van Norden was conveyed to the Parish Prison and was there placed in confinement.

Fire.—Yesterday morning a fire broke out in the kitchen of a one-story house, owned and occupied by M. Frank Mallen, at the corner of Dauphine and Bagatelle streets, which consumed the premises and, spreading, also consumed the following property. Mr. Mallen was insured.

A one-story frame house adjoining, owner not known, occupant Mme. Abbaine.

A two-story frame house, owned by Mr. Geo. Sandenbath, and occupied by him and Mr. Geo. Fyfinke. The former was insured, the latter was not.

Three double frame cottages, on Dauphine street, between Bagatelle and Burgundy streets, owned respectively by Mr. Ernest Kohler, Jack Brown and Mr. Ernest Kohler, jun., the latter occupant, but the former were occupied and the tenants had removed their furniture in time.

Criminal District Court.—Tuesday, March 5.—Arraignment of James Gordon, of murder of Wm. S. Brown. Trial adjourned.

Sixth District Court.—Tuesday, March 5.—Arraignment of Wm. A. Brown, trial adjourned.

Fire.—Yesterday morning a fire broke out in the house of Mr. Wm. Mallen, at the corner of Dauphine and Bagatelle streets, which consumed the premises and, spreading, also consumed the following property. Mr. Mallen was insured.

A one-story frame house adjoining, owner not known, occupant Mme. Abbaine.

A two-story frame house, owned by Mr. Geo. Sandenbath, and occupied by him and Mr. Geo. Fyfinke. The former was insured, the latter was not.

Three double frame cottages, on Dauphine street, between Bagatelle and Burgundy streets, owned respectively by Mr. Ernest Kohler, Jack Brown and Mr. Ernest Kohler, jun., the latter occupant, but the former were occupied and the tenants had removed their furniture in time.

Sixth District Court.—Tuesday, March 5.—Arraignment of James Gordon, of murder of Wm. S. Brown. Trial adjourned.

*Criminal