

BYRRH

VIN TONIQUE et APERITIF

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RECOMMANDE AUX FAMILLES ——— VENTE EN 1912: 11.000.000 DE BOUTELLES
L. VIOLET. - THUIR, FRANCE

BYRRH

LE BULLETIN DU JOUR.

Suite de la 1ère page.

mesures nécessaires pour la défense du camp retranché ont été complétées par la destruction des ponts et des œuvres d'art sur les voies ferrées pouvant servir à l'adversaire, pour le transport de ses troupes et de ses munitions. Le camp retranché de Salonique est en état de résister à une attaque menée par des forces plus considérables que celles dont l'ennemi disposait alors, et les débarquements quotidiens de troupes et de matériel, notamment d'artillerie lourde, font de cette position avancée des Alliés en Orient un réduit des mieux défendus. La maîtrise de la mer permet d'ailleurs aux Alliés d'amener, dans le plus bref délai, si le besoin s'en présente, d'importants renforts en hommes et en artillerie, qui se trouvent en ce moment même, depuis l'évacuation de la presqu'île de Gallipoli, à quelques heures de navigation du port de Salonique. Les menaces de Berlin et de Vienne s'autorisent, il est vrai, de la prise de la capitale du petit royaume de Monténégro, qui succède à l'occupation de la Serbie et aux dévastations de la Belgique. Mais si l'insuffisance de la coordination dans l'effort qui a trop longtemps pesé sur l'action diplomatique et militaire des Alliés, a eu des résultats qui se sont étendus bien au delà des causes dont ils étaient l'aboutissement logique, l'effort pour les réparer n'en fait pas moins sentir son effet. Les résultats évidents de cet effort commencent à se faire remarquer à Salonique. Le prestige des Alliés, si gravement entamé en Serbie et à Gallipoli est en voie de restauration et les Turcs envisagent plus avec la même assurance l'expédition d'Égypte. Actuellement, la présence des Alliés à Salonique est une des causes de l'affaiblissement de l'Allemagne et doit lui porter un coup fatal. Les résultats acquis justifient, dès à présent, leur entreprise et commandent d'en tirer tout le bénéfice qu'elle promet.

P. H. ERMONT.

LETTRÉ D'UN PARISIEN

Suite de la 1ère page.

qu'on devait une réparation au vieux lutteur, le moyen choisi fut, entre les deux tours de scrutin, de trouver une circonscription sûre, dont le candidat consentirait à céder sa place. Tout le monde approuva l'idée, mais quand il s'agit de se dévouer, on ne trouve personne. Ce fut le docteur Chevillon, républicain marseillais qui, ayant son élection assurée, se désista et présenta lui-même M. Henri Brisson à sa place et il le fit élire à une majorité raisonnable. L'ancien président de la Chambre en garde sûrement un souvenir attendri, mais il avait une telle estime pour le caractère du docteur Chevillon, qu'il trouva le geste tout naturel et ne songea ni à en témoigner sa surprise, ni à en manifester sa reconnaissance. Comme ces philosophes de l'antiquité, dont il partageait la doctrine, il estimait que le devoir accompli comporte avec lui sa récompense. Lorsque ce brave père Chevillon mourut sans fortune, il fallut insister pour qu'on donnât à son fils une petite place avec un mince traitement dans un coin du ministère de la marine. Il était là quand il fut élu député de Marseille. Il tint à représenter dignement sa circonscription; non seulement à la Chambre, mais à la tranchée où il est mort glorieusement.

JEAN-BERNARD.

Carabe était très suspect.

Sidney Carabe, alias Rough Top, coureur, a été arrêté par la police. Carabe est un type bien connu de tous les commissariats de la ville et un voleur "émérité". Au moment de son arrestation, il était en train de rouler une brouette. Chacun sait que Carabe ne roulait pas la brouette pour s'amuser, mais tout simplement, pour la soustraire à son propriétaire.

Nomination du Col. de Grange.

Hier, à la réunion régulière du conseil de ville, le maire Behrman a annoncé avoir nommé le Col. J. H. de Grange, membre de la commission des égouts et de l'eau du 1er district en remplacement de Charles Kaufman, démissionnaire.

TEMPERATURE

Thermomètre de E. Claudel, Opticien, Successeur de E. & L. Claudel, 218 rue de Cabot, Nouvelle-Orléans, La.

Nouvelle-Orléans, 8 février, 1916.
Fahrenheit Centigrade
7 heures du Matin... 59... 13
Midi... 68... 18
3 P. M... 70... 19
8 P. M... 70... 19

SUPREME COURT OF THE UNITED STATES

New Orleans, February 3, 1916.
To the Editor of the New Orleans Bee, City.

In connection with the suggestion that President Wilson should have appointed Ex-President William Howard Taft to the vacancy on the Supreme Court of the United States caused by the death of Justice Joseph R. Lamar, a short account of the political condition of the Court for the last forty years may prove interesting at this time.

The first time when the political complexion of the Court figured to any extent was in 1876, when such great doubt existed as to whether a majority of the electors chosen at the Presidential Election of that year were Democrats or Republicans. At that time the Court consisted of:

Morrison H. Waite of Ohio, Chief Justice; Nathan Clifford of Maine, Noah H. Swayne of Ohio, Samuel F. Miller of Iowa, David Davis of Illinois, Stephen J. Field of California, William Strong of Pennsylvania, Joseph P. Bradley of New Jersey and Ward Hunt of New York, Associate Justices. Of these, Justice Clifford was appointed by President Buchanan; Justices Swayne, Miller, Davis and Field by President Lincoln, and Justices Strong, Bradley, Hunt and Waite by President Grant.

No appointments to the Supreme Court were made by President Johnson, Congress having passed, a law while he was President, (July 23, 1866) providing that if vacancies occurred in the Supreme Court no successors should be appointed, unless the Court was reduced to less than six members, and when President Grant came into office, the Court consisted of but eight members, Justice J. M. Wayne of Georgia dying in 1867.

On April 10th, 1869, Congress passed an Act repealing the Act of 1866, and providing for an additional Supreme Court Justice, thus restoring the number to nine, but President Grant made no appointments until February 7th, 1870, when Justice Grier, who was appointed in 1846 by President Tyler, after three others had declined the appointment, having retired), Joseph P. Bradley and William Strong were appointed. The appointment of these two Justices had the effect of changing the position of the Court regarding the "legal tender laws." Chief Justice Chase as Secretary of the Treasury, fathered, if not originated the legal tender idea, but the Court held (he being the organ) in the case of Hepburn vs. Griswold Eight Wallace, United States Supreme Court Reports 603) on February 7th, 1870, that the laws were unconstitutional, "so far as they applied to debts contracted before their passage;" with the Chief Justice, concurred Justices Nelson, Clifford, Grier and Field, while Justices Miller, Swayne and Davis dissented. After the appointment of the new Justices the entire legal tender question was reopened and exhaustively reargued in what are known as the "legal tender cases." (Reported in twelfth Wallace United States Supreme Court Reports 457). In the opinion pronounced by Justice Strong, Hepburn vs. Griswold was overruled and the full constitutionality of the legal tender laws maintained; the opinion being concurred by Justices Miller, Swayne and Davis, who dissented in the earlier cases and by Justice Bradley one of the newly appointed, and dissented from by the Chief Justice and Justices Nelson, Clifford and Field, who with Justice Grier constituted the majority when the Hepburn case was decided. It was charged at the time that the opinions of Justices Bradley and Strong on this important question were

known before their appointment and that President Grant held back the appointments under the Act of 1869, until it could be seen how the Court stood on the legal tender question.

In order to settle the disputed election of 1876, there was created by Act of Congress (Chapter 37-1877, approved January 29, 18 Statutes at large page 227-229) what was known as the Electoral Commission; and as the Senate was Republican and the House was Democratic, the two Houses agreed that from the former body there should be three Republicans and two Democrats; from the latter body three Democrats and two Republicans, and the law designated (though not by name but by number of circuits to which each was assigned) Justices of the Supreme Court, Clifford and Field, Democrats, and Miller and Strong, Republicans, and these four were to choose the fifteenth member of the Commission, Chief Justice Waite and Justice Swayne being both from Ohio, and Justice Hunt from New York, were excluded, at least tacitly, because the Presidential Candidates were from these States, Hayes, the Republican from Ohio, and Tilden the Democrat from New York, each being at the time of the election the Governor of his respective State.

It was commonly expected that David Davis of Illinois, known as an Independent would be the fifteenth member, and but for this belief it is doubtful if the Democrats would ever have agreed to the Commission. However, pending the final passage of the Bill Justice Davis was elected Senator from Illinois, it being generally considered that this was largely the work of Oliver P. Morton, the War Governor of Indiana, and then a member of the Senate and one of the leading Republicans of the United States; be this as it may, the election of Davis to the Senate, of course, eliminated him from the Commission and there was no one left except Justice Bradley of New Jersey, who while a Republican was not distasteful to the Southern members of Congress on account of his decision while sitting in the Circuit Court of the United States in the city of New Orleans, in the case of the United States vs. Cruikshank, known as the "Grant Parish Case," with Circuit Judge Woods (afterwards appointed to the Supreme Court by President Hayes) where he differed from Judge Woods and held that the judgment of conviction should have been arrested for the reason that the so-called "Enforcement Bill" under which the prosecutions were had was insufficient to justify the indictments and this judgment was subsequently affirmed by the Supreme Court of the United States. (22 United States Reports 512).

However, it is a matter of history that Justice Bradley decided with the Republicans on every issue and the final decision of the Commission was in favor of the Hayes electors in every State where there was a contest, (these being principally Florida and Louisiana) by a vote of eight to seven.

During the administration of President Hayes, Justice Strong retired under the seventy year age provision and Justice Davis, of course, resigned, and John M. Harlan of Kentucky, and W. B. Woods of Georgia, both Republicans, were appointed to succeed them.

President Garfield, as is well known, was in office but a short time and Justice Swayne retiring in 1881, Stanley Matthews, of Ohio, who had been a member of the Senate was appointed his successor. When Justice Clifford died later in 1881, President Arthur appointed as his successor, Horace Grey of Massachusetts, a Republican, leaving but one Democrat on the bench. President Arthur also appointed Samuel Blatchford of New York, also a Republican, as successor

to Ward Hunt, who retired (under special Act of Congress) owing to physical disability.

In President Cleveland's first term he made two appointments, L. Q. C. Lamar of Mississippi, and Melville W. Fuller of Illinois appointed Chief Justice respectively on the deaths of Judge Woods and Chief Justice Waite; this made the composition of the Court, six Republicans and three Democrats, and so it remained until the appointment of Edward D. White of Louisiana, by President Cleveland during his second term on February 19, 1894, to succeed Justice Blatchford, the composition of the Court then being five Republicans and four Democrats.

President Harrison appointed four members of the Court, three Republicans, D. J. Brewer of Kansas, Henry B. Brown of Michigan, and George Shiras, Jr., of Pennsylvania, Republicans, and Howell E. Jackson of Tennessee, Democrat, in succession to Justices Miller, Matthews, Bradley and L. Q. C. Lamar; Judge Jackson (who had been appointed United States Circuit Judge by President Cleveland, August 12, 1886 served in the Senate with President Harrison, where they became close friends, and his selection was considered more a personal appointment of President Harrison than a political appointment; though it was stated at the time, that the Republicans were more anxious to have a Circuit Judge in the Sixth Circuit over which Judge Jackson presided than to have another Justice of the Supreme Court, and that was why President Harrison gave Justice Jackson the higher honor; President Harrison immediately appointed a Republican to the Circuit Court but the Democrats in the Senate prevented his confirmation until after Mr. Cleveland again came into office when he appointed Horace H. Lurton.

In Mr. Cleveland's second term besides Justice White, Rufus W. Peckham of New York was appointed to succeed Justice Jackson.

Soon after William McKinley became President, Justice Field retired and Joseph McKenna of California, a Republican, was appointed as his successor, thus reducing the Democrat membership of the Court again to three where it has ever since remained up to the death of Justice J. R. Lamar. Justice Field was long past the retiring age but it was said he refused to retire during Mr. Cleveland's administration because he thought he should have been appointed Chief Justice in 1888, when Mr. Fuller of Illinois was given the honor.

Justice Field was a member of the Supreme Court longer than any other Justice serving over thirty-four years, exceeding the term of Chief Justice Marshall by a few months, but these tenures long as they were, have been exceeded by the continuous judicial career of Chief Justice Frank A. Monroe, who has been on the bench of this State since January 9th, 1877, now over thirty-nine years.

President Roosevelt made three appointments to the Supreme Court, Oliver Wendell Holmes of Massachusetts, W. R. Day of Ohio and W. H. Moody of Massachusetts, all Republicans, to succeed Justices Grey, deceased and Justices Shiras and Brown, retired.

The first appointment by President Taft was of Justice Lurton of Tennessee, with whom Mr. Taft had served as Circuit Judge, he being appointed to succeed Rufus W. Peckham, both Democrats. President Taft also appointed Justices Charles E. Hughes of New York, Willie Van Devanter of Wyoming, Mahlon Pitney of New Jersey, all Republicans, and Joseph R. Lamar of Georgia, a Democrat in succession to Justices Harlan and Brewer, and Chief Justice Fuller, deceased, and Justice Moody retired, thus leaving the political Division still six to three, and on the death of Judge Lurton, President Wilson appointed James C. McReynolds of Tennessee, another Democrat.

It was hardly likely that President Wilson would have changed the political complexion of the Court again to seven to two by appointing Mr. Taft to succeed Justice J. R. Lamar, though if a vacancy should occur among the Republican Justices during Mr. Wilson's term of office, doubtless he will give the appointment to Mr. Taft.

President Taft in one term appointed six members of the Court, one more than any President except Washington, this number including in the person of Edward D. White of Louisiana, the first member of the Court, elevated from the position of Associate Justice to Chief Justice.

President Washington in 1796, appointed William Cushing of Massachusetts, then an Associate Justice to be Chief Justice, but he declined the appointment preferring to remain as an Associate.

Of the Chief Justices, Washington

appointed three, John Jay of New York, John Rutledge of South Carolina, and Oliver Ellsworth of Connecticut. Jay resigned to become Special Envoy to Great Britain, Rutledge was not confirmed by the Senate, and Ellsworth resigned to become Envoy to France, and was succeeded by John Marshall of Virginia, appointed by President Andrew Jackson; Salmon P. Chase of Ohio, by President Lincoln; and Chief Justice Waite and Fuller as above set forth, respectively, by Presidents Grant and Cleveland.

John Pay was first appointed Chief Justice by President Washington in 1789, and served for six years, and was again appointed Chief Justice by President Adams in the year 1800, but declined the appointment.

After the death of Chief Justice Chase, President Grant sent to the Senate, the names of George H. Williams of Oregon, his Attorney General, and Caleb Cushing of Massachusetts, but both names were withdrawn before action by the Senate. Of course, President Washington appointed the most members to the Supreme Court, fourteen in number; President Jackson and President Lincoln each made five appointments and President Grant, President Harrison and President Cleveland, each made four appointments.

As the Court is now constituted there are two members from the South and six from the North, East and West, but no two from any one State, though at times, Massachusetts (Holmes and Moody from 1902 to 1910) and Ohio, Swayne and Waite from 1871 to 1881, each have had two members of the Court at the same time.

The appointment of Louis D. Brandeis by President Wilson on January 28, 1916, if he is confirmed by the Senate will again give the Democrats three members of the Court with seven members from the North, East and West and two from Massachusetts. A contest against the confirmation of Mr. Brandeis has already begun and he may shape the fate of eminent men of the past, for instance, when a vacancy in the membership of the Court occurred by the death of Justice Blatchford, two eminent lawyers of New York City, William B. Hornblower (after Judge of the Court of Appeal of New York) and Wheeler H. Peckham (well known in New Orleans), now both deceased, were res-

pectively appointed by President Cleveland and rejected by the Senate through the opposition of David B. Hill, then a member of that body from New York, these rejections were followed by the appointment of Edward D. White of Louisiana, then a member of the Senate and who was immediately unanimously confirmed. During the administration of President Fillmore he appointed Mr. E. A. Bradford of Louisiana to the Court, but he too was rejected by the Senate shortly before the expiration of Mr. Fillmore's term of office and on March 22, 1853, his successor, President Franklin Pierce appointed John A. Campbell then of Alabama, but well known in Louisiana where he frequently came and where he permanently settled after the close of the War between the States; Justice Campbell was appointed by the Court to the Fifth Circuit which then embraced the States of Alabama and Louisiana, and resigned from the Court on May 1st, 1861, and became Assistant Secretary of War of the Confederate States, and Roger B. Taney afterwards appointed Chief Justice, December 1855, was first appointed an Associate Justice by President Jackson in January 1835, but was then rejected by the Senate, and there doubtless have been other similar cases.

Very truly yours,
W. O. HART.

Paillet demande nouvelle audition de cause.

Herman D. Paillet, qui a été trouvé coupable du meurtre de son père, en juin dernier, a fait une demande hier devant la cour criminelle présidée par le juge Christian, pour une nouvelle audition de cause. Il paraît que la sœur de Paillet, Mme Henry Gerson et son époux, déclareront en cour avec l'entendu M. Paillet père, le même jour qu'il a été tué, menacer de mort son fils Herman.

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