THE DAILY BEE
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NEW ORLEANS:
MONDAY MORNING, OCT. 27, 1862.

Sales at Auction To-Day.

By R. T. Montgomery, at 9½ o'clock, on Poydras street, between Circus and St. John, corner of 10 o'clock, corner of Julia and Rampart streets—hardware, pork, hams and sides; at 12 o'clock, at No. 57 Camp street, entire stock.

By Mc Cotter & Landry, at 11 o'clock, at the auction mart, Masonic Hall, St. Charles street furniture.

By F. M. Jac be, at 11 o'clock, on the Gentilly road—Bermuda's plantation, dairy.

The Press and Justice in England.

Simultaneously with reports of the eloquent tribute to the Press, made by Victor Hugo, at a banquet given to him at Brussels, we receive reports of a case in England, which shows how infamously its liberty can be mocked and outraged even now in that boasted home of its freedom. The case is one so full throughout of strange and suspicious circumstances, independently of the oppression it illustrates, that we elsewhere give in full the report of it, which we find in the London *Sunday Times* of the 26th ultimo.

It will be gathered from that report, that Mr. Gray, a reporter, has been tried criminally, convicted by a jury, and sentenced to pay a fine of £50, or be imprisoned until it be paid, for writing a report of an alleged murder. Carefully enough he confined himself to entitling the case one of "Alleged Murder." It was not pretended on the trial that he had declared any murder had been committed. It was clear he only had a question that he had received his information from the best possible source open to him—the mother and sister of the lady alleged to have been murdered. There was not a shadow of a pretence that he could by any possibility have been actuated by malice or venality in the matter. Every essential assertion that he made was either admitted or proved to have been justified by the facts as the coroner's Jury, although it does not appear in the report we elsewhere publish, it is a fact that as soon as the Coroner's jury pronounced the allegations against Phillips untenable, an elaborate, long, and deprecatory apology for the publication of the report of the alleged murder was inserted in the journal in which it had appeared. But all this could not satisfy the vindictiveness of "an exceedingly wealthy man," a York shire horse jockey "dealer to the nobility;" all this could not induce a jury of Englishmen to perjure before God and man that Mr. Gray was innocent of any crime, all this could not weaken a thought in the mind of a British judge that to sentence that gentleman to imprisonment until he should pay a fine which it was almost certain he could not pay, was a monstrous mockery of justice, a brutal sarcasm of the pretended liberty of the press, a specimen of despotic oppression worthy of Naples or Warsaw.

It certainly may have been that the statements by Phillips' mother in law were, as the Coroner's jury decided, without foundation, although all the evidence we have seen published—and we believe we have read all that has been published—fails to satisfy us that her suspicions were the mere suggestion of malice, spite, or "execrable temperament." But even if they were so, to hold Mr. Gray responsible for them was a vile outrage. To whom better could he go with the hope of obtaining correct information than to the mother and sister of the alleged murdered lady? Surely not to Mr. Phillips, the alleged murderer! Surely not to that other Mrs. Phillips, who, with what seems to us nothing short of audacious effrontery, was declared by Mr. Phillips's counsel to be in Court on the trial of Mr Gray, to be "entirely above suspicion," and to be ready to prove for herself and Mr. Phillips that the assertion that their association had rendered the alleged murdered lady unhappy in her conjugal relations, was "entire nonsense!" Surely to neither of these, the accused, would he be justified in going for reliable information about the charges deliberately made against them, framed as against them with all a murderer's feeling, all a woman's energy, and all the resolution and perseverance of a profound conviction. No! And he went to those from whom alone he could expect to learn the facts—he gave them as he received them—as he found a mother striving for four months to convince, not him, or malignant gossips, but ministers of the law, that they actually existed. And while fools, rogues, and visionaries are singing praises to the glorious liberty of the press, and freedom of speech and discussion in England, he is put in a criminal dock, and treated like a common felon, for to prison he must in all probability have had to go—his earnings as a reporter not being likely to be such as to enable him to have at command the means necessary to defray the expenses of his defense, and to pay a fine of £50.

And by way of contrast to the case, let us see how the same Central Criminal Court, before which he was tried, the same English jury panel, before the same British judicial tribunal, could bring it to their conscientious to treat a wretched murderess of her own infant! By side of the report of Mr. Gray's trial, in the same paper, we find the following

DISTRESSING CASE.—Fiorella Hemming, a lady-like looking young woman, surrendered to take her trial upon an indictment charging her with concealing the birth of a child of which she had been delivered. The accused remained seated in the dock during the whole of the proceedings, with her face buried in a handkerchief, and was absorbed in the deepest grief. The prisoner, who is an actress, had gone to the house of a friend in the Angel Road, Brixton, and, after leaving a strong effluvia arising from the water closet to which she had been, the servant of the house removed the wooden covering to the pan, and there found wrapped in a piece of flannel, the dead body of a child in a very decomposed state, which apparently had been born about ten days. The police were informed of the matter, and they proceeded to the lodgings of the prisoner in the neighborhood of Russell Square, where it was ascertained that about fourteen days previously she had been very ill, but ascribed her illness as arising from a natural cause. She, however, was visited by Dr. Bainbridge, who was her regular medical adviser, and on mention was made of her being enceinte, but certain appearances were observed in the room by the landlady, her daughter, and her servant, which led them to the conclusion that she had been delivered of a child. The witness, in cross-examination, stated that the prisoner was a respectable and very well conducted young woman, and they had not the slightest idea that she was in the family way. Dr. Bainbridge was not called on the part of the prosecution. Mr Sleigh, in a very pathetic manner, said this case was one of a very painful nature. The prisoner, whom they saw in her present miserable position, was the daughter of highly respectable parents, and followed the profession of an actress, having been well educated, and possessing considerable attainments. She had been grossly led by a person under whose management she had been engaged in a vile and heartless manner, a man whose duty it was to have protected her instead of having deceived her—as she was without parents. That, however, had nothing to do with the legal bearings of the case, which he submitted had entirely failed. It was the duty of the prosecution to call Dr. Bainbridge. The prisoner had not refused to see him, but had really directed that he should be called in when she was taken ill, and therefore there was no evidence to show that he was aware of her condition, and that she was about to be delivered of a child, and had confided to him that fact. There were several gentlemen present of the highest standing in the theatrical profession—Mr. C. Mathews, Mr. B. Webster, who were then sitting by his side, Mr. Buckstone and others, and also Mr. Sargood—who were ready to speak to her position and character. It was a most unhappy case, and she was truly a child of misfortune. The jury, having conferred together for a few moments, said they would not trouble Mr. Sleigh to conclude his address, as they were quite satisfied, and returned a verdict of not guilty.

If that is not enough to make thinking men shudder for the chances of the real liberty of the press, or of common justice, being ever attainable among mankind, such men must be far more hopeful than we. In the two cases, we have illustrations of only what all experience teaches us, that ever where there is the most prating and boasting about liberty and justice, there will be found the grossest violations of them. Man never has been, is not now, and never will be perfect, and into such wrongs as these he always will be falling, as he always has been. And philosophers will have to be satisfied, if the perpetration of them be but exceptional and rare.

ARRIVAL OF THE FRENCH REAR ADMIRAL REYNAUD.—The French dispatch steamer Renaudin, Captain Le Cardinal, arrived in our port last evening at 4 o'clock. The Renaudin bore to our city the French Rear Admiral Reynaud, and Comte Mejan, the French Consul at this place, who reached the Balize yesterday on board the frigate La Guerriere. The two French steamers left New York on the 11th inst., and arrived at the mouth of the river in time to escape the heavy blow of Saturday. As the frigate La Guerriere was drawing 21 feet and there was not enough water on the bar, she remained outside, and the French Admiral, accompanied by the French Consul, and Mr. Dupuy de, a merchant of this city, came over on the dispatch steamer.

The Renaudin came to anchor at the foot of Canal street, and exchanged salutes with the English corvette Rinaldo. Several boats left the United States steamer Mississippi and the Rinaldo and boarded the Renaudin. The commander of the United States fleet, and that of the Rinaldo, were, we think, aboard.

The French Admiral will transfer his pennant to the Catinat, said measures have been taken to receive him on board. The Catinat is the steamer upon which Admiral Reynaud left France to take command of the French naval force in America.

The French population in New Orleans welcome with pleasure the arrival of their Consul, who accompanies a distinguished superior naval officer. They look upon the arrival of the Admiral with a sense of security, under the critical circumstances which surround New Orleans, at the same time that they accept it as a pledge of the solicitude of the French Government for its subjects residing in this city.

R. T. Montgomery will sell this day, the 27th inst., at half-past 9 o'clock, at No. 3 Poydras street, between Circus and St. John, 200 sacks corn, at 10 o'clock, at corner of Julia and Rampart streets, a large variety of staple hardware, iron, nails, anchors, lead pipe, carved rope, &c., mess pork, hams, bacon sides. The above will be a large and important sale, and worthy the attention of the trade. At 12 o'clock, at the Old Auction Mart, 57 Camp street, 200 barrels extra flour. For particulars see advertisements.

Furniture of all kinds, pianos, stoves, &c., at auction, at 11 o'clock, A. M., to-day, by McCotter & Landry, Masonic Hall.

Central Criminal Court.

[From the London Sunday Times, Sept. 28.]

SINGULAR LIBEL CASE.

Andrew Gray surrendered to take his trial on an indictment found at the last sessions charging him with having written and published a malicious and defamatory libel concerning Henry Richard Phillips, Mr. Metcalfe said the prosecutor was a large dealer, as Knightsbridge. The defendant was a reporter to the public press, and was indicted for publishing in the *Weekly Times* a libel on Mr. Phillips, the prosecutor. The libel imputed to the prosecutor that he had murdered his wife. Mr. Phillips had been married to a lady from Yorkshire, and the most sincere affection existed between them, and up to the moment of her death no jealousy feeling or quarrel of any kind had taken place between them. On the approach of her accouchement Mr. Phillips had retained the services of Dr. Cahill, and he had also engaged Dr. Oldham, at a fee of 20 guineas, to assist in consultation with Dr. Cahill, and besides this competent nurses had been retained, so that it could scarcely be said that a gentleman who made these preparations for the coming event was to be considered neglectful of the comfort and safety of the wife. He, however, unfortunately, allowed his wife's mother to be present at her confinement. That lady was of a very excitable temperament, and undoubtedly from her excitement she had been the cause of the libel now complained of. It existed that she objected to both Dr. Cahill and Dr. Oldham's treatment of her daughter, and insisted first that Dr. Brown, and then that Dr. Martin should be called. Both of these gentlemen approved of the course their predecessor had pursued, and at last the mother became so violent and excited that Dr. Martin, for the preservation of the patient, was compelled to have her turned out of the house. She had taken the patient out of bed, caused her to be washed with cold water, and was in the habit of disturbing her during the night with statements that her child was ill, until at length Mrs. Phillips sank under it and died. Yet by this libel it was charged against the prosecutor, Mr. Phillips, that he had caused the death of his wife by administering to her something that was poisonous, whereas he had only given to her the medicine which was proved to have been prescribed by the medical attendants for the puerperal fever under which she was suffering. After the death had taken place, the mother appealed to the detective police to set on foot inquiries, and their report negatived the notion of any suspicion against the prosecutor. The mother not appeased by Mr. Bedford, the Coroner, to hold an inquest, but that functionary refused, as the cause of death was satisfactorily shown. An application to Mr. Brent, the deputy Coroner, was not more successful from the same cause; but at last Mr. Humphreys not knowing anything of the refusals of his colleagues to institute any inquiry, granted an inquest, and issued his warrant for the exhumation of the body of the deceased four months after the death had taken place. Immediately that the coroner's jury had been sworn in by Mr. Humphreys, the Coroner, Mr. Phillips and his friends were greatly startled by the appearance in the box of Dr. Letheby, of whose name they formed the subject of the present indictment. Of that article it turned out that the defendant was the writer. On the inquiry before the Coroners it had been carefully investigated in each place, every one of the doctors and nurses were examined, and it became conclusive that Mr. Phillips, instead of ill treating his wife, or being the cause of her death, had throughout acted the part of a kind, affectionate and considerate husband. The relief began thus: "Alleged Murder by a Gentleman, Examination of the Body of the Deceased." It then went on to state that Mr Henry Richard Phillips was an exceedingly wealthy man and horse dealer to the nobility, had been married to one of the handsomest women of the day, but that though they had been married four years their union had been rendered unhappy by the introduction of another Mrs. Phillips, who, though of the same name was not a relative, with whom the husband wished his wife to associate, but which his wife, being a lady of the highest purity of course, refused to accede to. Now, though these were alleged to have been ascertained to be facts by the personal inquiries of the reporter of the defendant, there was not the slightest foundation for the assertion, and the lady, who was in court to-day, and who was entirely above suspicion, would prove that this was untrue in the extreme. But the libel went on to say, that on the 28th of January the accouchement of the first child took place, and on the 10th of February, while the wife was reposing in her bed, the husband poured something out of a bottle into her mouth, which took away her breath, and for a time she was unable to call out, but on recovering herself a little, she had in the presence of several witnesses, stated that her husband had poisoned her, and suspected that if she died her body might be opened. The mother and sister of the deceased lady were after that excluded from admittance into her room. She died on the 16th, and the body was speedily buried in the Kensal Green Cemetery, to avoid further inquiries. At this point of affairs the mother said she felt sure that her daughter had been cruelly deprived of life, alleging that the husband had "Palmerized" his wife, and she sought an inquiry by the Coroner. There were other matters in the libel which it was not necessary for him to refer, but he must remind the jury that all this was published with the assertion that the reporter had made inquiries, and ascertained that the rumors were well founded. Evidence having been given in proof of the above statement, and Mr. Gifford having addressed the jury on behalf of the defendant, the jury returned a verdict of guilty, and the prisoner was sentenced to pay a fine of £50, and to the Queen, and to be imprisoned till such fine be paid.

The Political Contest in New York.

We published on our last issue a condensed extract of an article in the New York *Post*, upon the political contest in Pennsylvania speculating upon the prospects of the candidates, &c. We now give an article of the New York *News*, touching the local politics of that city. Says the *News*:

Under the manifestations of leaders and committees, parties are actively preparing for the ensuing election, which is likely to be unusually spirited and exciting in this city. The Republicans believe that the ordinary large Democratic majority will be found greatly reduced in many districts, from the absence of Democratic voters who are in the army. The Democratic leaders having, by a compromise of the Metropolitan and Tammany Hall General Committees, effected a fusion of the rival factions that have long distracted the Democratic party, are quite confident that they can sweep the city and roll up a vote like that of Wood and Gunther combined at the last municipal election. As the Congressional Districts are nearly the same as they were when Wood, Gunther and Opdyke ran for the Mayoralty, although they were numbered differently by the Act of the last Legislature, it is very important to local politicians to note the results of the canvass referred to. We therefore present the following abstract taken from official sources:

In the Fourth Congressional District (formerly 4th Congressional District, consisting of the 1st, 2d, 3d, 4th, 5th, 6th and 8th Wards), the vote cast for Wood and Gunther was 9659, while only 2182 votes were cast for Opdyke, showing a Democratic majority of 6433 votes.

In the Fifth Congressional District, (formerly 4th) composed of the 7th, 10th, 13th and 14th Wards, there were 8531 votes cast for Gunther, and only 3331 for Opdyke. Democratic majority, 5195.

In the Sixth Congressional District, (formerly 5th) composed of the 9th, 15th and 16th Wards, there were 5787 votes cast for Wood and Gunther, and 1967 for Opdyke. Republican majority, only 230.

In the Seventh Congressional District, (formerly 6th,) composed of the 11th and 17th Wards, there were 5610 votes cast for Wood and Gunther, and 2381 for Opdyke. Democratic majority, 3229.

In the Eighth Congressional District, (formerly 7th,) composed of the 18th, 20th and 21st Wards, there were 8824 votes cast for Wood and Gunther, and 2556 for Opdyke. Democratic majority, 3616.

In the Ninth Congressional District, (formerly 8th,) composed of the 12th, 19th and 23d Wards, there were 7496 votes cast for Wood and Gunther, and only 5431 for Opdyke. Democratic majority, 1962.

This would show a Democratic majority of 21,604 in the city, and if it is alleged that many Republicans voted for Gunther, it may on the other hand be said that the whole vote at that election was not cast.

Under the compromise effected between Tammany and McCarty, the latter is to have the Congressional nominations in the 4th, 5th and 6th districts, and the former the nominations in the 7th, 8th and 9th districts. Under this arrangement Tammany considers her districts certain, if faith is kept under the bargain that neither section shall countenance a stump ticket of any kind in the district of the other section. Under this programme it is reported that the Hon. Fernando Wood is to be the Congressional candidate in the 4th, and the Hon. Fernando Wood, who now makes his home at the Metropolitan Hotel, is to be the Congressional candidate in the 5th district.

In the Sixth District it is reported that a Mr. Russell, a relative of Mr. F. Wood, is likely to be nominated for Congress. Two years ago, the Hon. Elijah Ward carried the Sixth District by 2500 majority, while Opdyke had only 200 majority in it; and he (Ward) is very anxious to run again on his merits, as in Congress he voted in every war measure, though sustaining in other cases Democratic policy.

If the bargain with Mozart is adhered to, as it very probably will be, Mr. Ward will have to take his time. In the Seventh Congressional District the Tammany section will undoubtedly nominate John W. Chanler, Esq., who ran two years ago when Hon. John Cochrane and Hon. Frederick A. Conkling were the other candidates. Conkling will almost certainly be renominated by the Republicans in this District, as his course in Congress has given them general satisfaction. In the Eighth District the Hon. John J. Bradley has been a prominent candidate for the candidacy, and until recently the chances seemed all in his favor, as he is a good Tammany man, has been a shrewd and active member of the City Council and is very popular in the ward; but it is now generally stated that Hon. August Belmont has discovered that it would be a nice thing to go to Congress and would ask, as Tammany Hall needs money to carry on the election, and as Belmont, the agent of the Rothschilds, has much money and Bradley not near so much, the chances are that Belmont will be nominated. David B. Codlington, Esq., and several other gentlemen have also been mentioned in connection with this nomination.

In the Ninth Congressional District, Anson Herrick, Esq., regards his nomination as fixed, as he has the committee. Of course the men to have the general committees all right will succeed, as it is well understood that the action of primaries in nominating is only formal. They do as the general committee desires. Herrick will probably be opposed by Hamlin Bushnell. He has been in the Common Council, has been in the army, was a graduate of the West Point Academy, and is very popular. The Republicans regret that Bushnell's name has not been appointed, their action, except as we have indicated, can scarcely be guessed at. The Hon. Hockley Vanderlaan, though still a member of the Tammany General Committee, will probably be nominated to run against Ben Wood in the First District. The Hon. Benj. F. Manniere and Washington Smith may be pushed forward in the Sixth District.

Hon. Owen W. Brennan is a standing candidate in the Fifth District, and if Mr. Controller Mawes is not likely to get the Controllership, he may be brought forward for Congress. Under the arrangements made, the big prize of his election to the Controllership is in the fall in Tammany Hall. At the last meeting the Boole ring fly be said that a gentleman who made these preparations for the coming event was to be considered neglectful of the comfort and safety of the wife. He, however, unfortunately, allowed his wife's mother to be present at her confinement. That lady was of a very excitable temperament, and undoubtedly from her excitement she had been the cause of the libel now complained of. It existed that she objected to both Dr. Cahill and Dr. Oldham's treatment of her daughter, and insisted first that Dr. Brown, and then that Dr. Martin should be called. Both of these gentlemen approved of the course their predecessor had pursued, and at last the mother became so violent and excited that Dr. Martin, for the preservation of the patient, was compelled to have her turned out of the house. She had taken the patient out of bed, caused her to be washed with cold water, and was in the habit of disturbing her during the night with statements that her child was ill, until at length Mrs. Phillips sank under it and died. Yet by this libel it was charged against the prosecutor, Mr. Phillips, that he had caused the death of his wife by administering to her something that was poisonous, whereas he had only given to her the medicine which was proved to have been prescribed by the medical attendants for the puerperal fever under which she was suffering. After the death had taken place, the mother appealed to the detective police to set on foot inquiries, and their report negatived the notion of any suspicion against the prosecutor. 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Office, 73 Chartres street. NEW ORLEANS, MONDAY MORNING, OCTOBER 27, 1862. Vol. XVII—New Series. Vol. XXXVI.—Whole No. 12,517.

Unfortunate Orphan—A short time ago, a poor young widow, named Mary Rogers, born Hynse, a native of Galway, about 30 years old, entered the Charity Hospital. She had been sick for seven months, afflicted with consumption, and her case was hopeless. With her she had her little daughter, bearing the same name as herself. In a brief time—for medicine, alas! seconded by impositions to the contrary notwithstanding, knows no care, yet, for both diseases as here—she died, not withstanding all the care bestowed on her. Then her little child was taken charge of by a party who professed a desire to adopt her; but on Saturday poor little Mary was taken back to the Hospital. For what, or with what fate before her, remains to be seen.

Hurt by a Fall—Philip Daffey was taken to the Charity Hospital, on Saturday, badly hurt about the hip, by falling from the gallery of the second story of a house on Felicity Road, between Magazine and Constance streets. He is an Irishman, about 38 years of age, and has been in this city for about 39 years.

The Battle—A couple of drunken women took it into their heads to shew themselves off before the gates of the Charity Hospital on Saturday. One of them was taken to the guardhouse, and the other was taken in and put into one of the cells of the institution, "made and provided" for cases of delirium tremens.

No License—Bridget Hanly was arrested in the First District on the charge of selling liquor without having a license.

Mrs. Kane was arrested in the Fourth District, on suspicion of selling liquor without having a license.

Smuggling—Ephraim Fray was arrested in the Fourth District, on the charge of smuggling whisky on board of his vessel, the *Pet* Lafitte. He was discharged by the Provost Court on Saturday, on his merely carrying a gallon to present to a friend.

Picking Pockets—John Doyle and Thomas Collins were arrested on the levee, in the Second District, on the charge of picking the pockets of William Wilson.

Old Hands—John Kelly and Jem Crnize were brought to the Twenty sixth Regiment of Massachusetts Volunteers, encamped at the Lake end of the Pontchartrain railroad on Saturday, on the charge, preferred against them by Adjutant A. Davis, of having robbed an officer at the Park Hotel of $120. The accused are noted thieves, who had enlisted in this city. They went to the hotel and took lodging there, to enable them to commit the robbery to the better advantage. Officer Jacobs made the arrest.

Stores at Merchant—Sophia, a slave belonging to Mrs. Kearney, was arrested on St. Charles street, on Friday, on the charge of being accessory to the robbing of Mr. Clegg's house, 182 St. Charles street, reported some days since.

Mary, a slave belonging to Mrs. Vennard, was arrested on Jackson street, on the charge of assaulting her mistress.

The slave Mary, whom we mentioned as not having been arrested at the corner of Prytania and Second streets, charged by Mr. Lazard with being found in Mr. Gilmour's yard under suspicious circumstances.

Charles, a slave belonging to Mr. Woodruff, was arrested at the Barracks on the charge of being a runaway.

Officers in Trouble—Officer Goodman, of the Second District, was reported by Sergeant Holley for setting down and asleep on his beat.

Officer Wiehenduff, of the Third District police, was suspended on Friday night by order of the Chief of Police, for not answering his call. He was also ordered to report at the Mayor's office on Saturday morning.

Mr Leon Her, of the corner of Spain and Greatmen streets, reported officer J. Sedgewick, No. 456, for standing talking for hours with his slave girl, while ostensibly on duty, on Spain street.