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NEW ORLEANS:
SUNDAY MORNING, JULY 4, 1869.

THY GEORGE ALCEN CIGARS,
185 ..... Hampden Street 185

CONTRADICTORY STATEMENTS OF JUNIUS. PRUDENTE.

The disadvantages resulting from the administration of two different legal systems in this State—the system administered in the United States courts which only partially conforms to that of the Louisiana courts, and the civil law system which differs, in many respects, so widely from the other—has been well exhibited by two notable decisions rendered by the Supreme Court of Louisiana, which argue direct conflict with a decision rendered by the Circuit Court of the United States sitting in this State.

In one of these cases, that of Walworth vs. Bridges—the Supreme Court of Louisiana decided that contracts, entered into previous to the late war, whose consideration was slave property, could not be enforced by the courts belonging to the State, being forbidden by the Constitution.

In another of these cases—that of Smith vs. Stewart—it was decided by the same Supreme Court that war and civil commotion and the closing of courts do not suspend prescription, because such a state of things does not form one of the exceptions to the rule declared in the Civil Code that force must be brought within a certain time to prevent their being barred by effluxe of time.

The case in the United States Court, which we allude to as conflicting with these decisions, is that of Campbell vs. Gaines. Judge Durell held in that case that war does suspend prescription and that obligations, based upon property in slaves, entered into previous to the war, are valid, are not prescribed by lapse of time, and may be enforced. He based his judgment as to the point of prescription on the case of Hooper vs. Abbott, decided by the Supreme Court of the United States, reported in the 24th volume of Wallace's Reports and in the authorities there cited.

These rulings of Judge Durell directly contradict the rulings of the Supreme Court of Louisiana, and a strange state of things there upon exists. A citizen of Alabama or New York or any other State in the Union holding an obligation based upon slaves may now enter the United States Court here, and if the time fixed by law, after which he is barred, has not elapsed, he may obtain judgment for his debt. But a citizen of Louisiana, holding such an obligation against another, citizen of Louisiana, has no such redress. He is not permitted to sue in the United States Court, and he will not be heard in the Courts of Louisiana on this question. There is, therefore, in this State, one law for the citizens of Louisiana and another for the citizens of other States. A citizen of New York for instance, can enter the United States Court here with a property basis of a slave, obtain judgment, dated the 1859 or 1860, and date in 1862 or 3, and obtain judgment upon it which five years have elapsed—the time prescribed by our State law for bringing such actions—because *three years have not elapsed since hostilities ceased*. A citizen of Louisiana holding such an obligation cannot obtain judgment for it because he is shut out from the United States Court and he is blocked in the Supreme Court of Louisiana because that court holds that a state of war does not suspend prescription.

This is an extraordinary state of things, and one which shows the necessity there is for a uniform rule or system of jurisprudence which would compel our State Judges to yield to the opinions of the Supreme Court of the United States.

It does not seem reasonable that a litigant should suffer loss only in consequence of the closing of the courts in these States during the war. The theory upon which statutes of limitations proceedly is that there has been *neglect* on the part of those who seek the aid of the courts, and that the law lenely for those who are vigilant and mindful of those who sleep upon their rights.

THE LOUISIANA PETROLEUM AND COAL OIL COMPANY.

We have received a pamphlet entitled "A Prospectus of the Louisiana Petroleum and Coal Oil Company," addressed to capitalists and others, and containing an invitation to join them in the prosecution of their enterprise.

This company was organized in 1866, under an act of incorporation granted by the State. Their capital was fixed at one hundred thousand dollars, in one thousand shares of one hundred dollars each. After having sunk several pipes in boring for oil at the depth of 45 feet, they discovered a bed of sulphur, 205 feet thick, of which 100 feet is the purest and well-crystallized sulphur which has ever been discovered. So say the chemists who have made an analysis of it. According to tests of Mr. Lecoy of the Medical College of this city, it contains 98 50 100 per cent of pure sulphur, according to that of Mr. Cossette, 99 25 100 of pure sulphur. Both declare it to be the purest natural bed that has ever been discovered.

This discovery has induced the company to raise their capital by a new issue of one thousand shares, giving the same benefits to the new subscribers as they themselves possess. They have engaged a first rate engineer, and also a chief miner, both experienced and practical men. The engineer estimates it will cost $25,000 to sink a proper shaft with appliances and in eight months from the day he begins to work with all the engines, machinery, and workmen specified in his estimate, which is in the hands of the Company, and can be seen, he will begin to extract sulphur, and a month after will bring to the mouth of the well, one hundred tons of sulphur per day out of one gallery alone. The value of Sicilian sulphur in New York at the present time is $15 per ton in gold or one hundred tons per day at $50 would yield $750 in gold, or 300 days they would yield $1,500,000. The company have secured by their scheme. The Directors are the most substantial citizens. The officers of the company are as follows: John Brady, President, J. B. Cambes, Vice President, L. B. Pothier, Treasurer, Julian Michel, Secretary, J. D. Hill, Attorney.

Directors: L. B. Pothier, Julien Gaudet, Dr. J. A. Thurber, Alex. Hill, E. Sabourin, John Brady, A. P. Aiken, J. D. Hill, W. K. Kelly, Jas. Lenes, J. F. Calloway, N. Avegno, J. F. Camors.

MERCANTILE AGENCY—COLLECTION OF CLAIMS.—The attention of our readers—mercantile and those outside of business circles—is directed to the advertisement which appears in our columns to-day, of the mercantile agency of Messrs. R. G. Dun & Co., at No. 70 Canal street.

One of the objects of this agency is the collection of claims of all kinds throughout the United States and British America. The business is effected by means of its branch establishments and correspondents located in all parts of the country. In places where business men have no correspondent, the agency supplies the want. Persons not connected with commerce, who have claims in a distant State and who are at a loss to know how to have them collected, can obtain all necessary information from Messrs. Dun & Co.

The convenience furnished by such an agency is obvious. It has existed in New York city for 28 years and for 20 years in New Orleans. Bankers, lawyers, merchants and others have constantly been in the habit of availing themselves of the facility thus afforded for the rapid and faithful transaction of such affairs as they have intrusted to its management. Our fellow-citizen, D. Webster, Esq., a gentleman of established reputation in this community, has for many years had charge of the responsible interest entrusted to the care of the house in this city. All persons may communicate with him in the confidence of having their business dispatched with promptitude and fidelity. The office of Messrs. R. G. Dun & Co., is at No. 70 Canal street, opposite.

We continue to receive evidence of the rapidly increasing business of the Piedmont Company of Richmond, Virginia. We do not think there are many companies engaged in life insurance that have equalled the progress made by the Piedmont.

We are informed by the General Agent that on the first day of February last the Piedmont had issued but little over 1000 policies; while on the first day of July (last) it had issued over 4000 policies!

On one day in June, 29 applications for policies amounting to $465,000, were received by the Home Office in Richmond. The premiums due on the applications received that day amounted to $10,000, of which $17,000 in cash was received on the issue of seven policies!

Wishing success to the Piedmont, we will submit a few extracts from the advertisement and refer interested persons to D. Webster, 24 Canal street, opposite.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, SUNDAY MORNING, JULY 4, 1869. 42d YEAR—Vol. XLII.—Whole—14,794

The New Orleans Bee.

THE BERWICK'S BAY AND TEXAS RAILROAD.

We published a few days ago the prospectus of the Berwick's Bay and Texas Railroad Company, and its proposed charter of incorporation. The object of the parties having the scheme in charge is indicated by the name they have assumed. It is to construct a railroad *from* Berwick's Bay to some eligible point in the State of Texas—doubtless as near to Houston as practicable. A branch or branches, running into the Red river country, is contemplated in the scheme. The route has not been determined.

This project originates with Mr. Charles Morgan, who subscribes two millions of dollars toards the stock, which is fixed at four millions. But Mr. Morgan is willing, in the event that the subscriptions which he now invites, exceed two millions, to relinquish his subscription to an extent sufficient to satisfy the public demand, his chief object being to effect an organic union of this company. Associated with Mr. Morgan are citizens of wealth and standing and energy: Lafayette Foiger, William M. Perkins, William B Schmidt, John J. Adams, Samuel Smith, L. F. Goddin, A. Carriere, W. T. Hepp, Jules A. Blanc, John Davidson, David McCoard, Henry Hayes and others.

These parties have in view to purchase from the New Orleans, Opelousas and Great Western Railway Company, the property, rights, franchises and appurtenances of that part of their track which is situated beyond Berwick's Bay—that is to obtain a transfer of the charter of the Opelousas Company and succeed to their rights in that charter. The track beyond Berwick's Bay is already graded and ready for the iron, a distance of some eighty miles.

Another opportunity is thus afforded to our monied men to invest their surplus capital, in an enterprise which undoubtedly will be a paying one, whatever the connection with Texas shall be made. The original projectors of the Opelousas Railroad never expected to be able to pay back the money they borrowed to build it, until the entire line had been completed. That they were sold out, is no reason why this enterprise should languish, why the road should stop at Berwick's Bay. Had the war not come upon them, the probability is we should now be in rail connection with the city of Houston. The advantages of railroad communication with Texas we need not dilate upon. All of our citizens recognize its importance. And the fact that the Chattanooga Railroad Company intend to construct a road from New Orleans westward in the same direction need not deter any one from taking an interest in the extension of the line from Berwick's Bay. There will be business enough for both, and more than they can easily manage.

FROM NEW ORLEANS TO NEW YORK.—The great through line between this city and New York, known as the New Orleans and New York Express, conveys passengers through in 75 hours, with only one change of cars, and that change at Louisville, where there is no waiting or detention whatever—the trains running right along as soon as the connections are made with the elegant silver palace cars, of the Woodruff patent. These facts, now well known to the travelling community, thousands have already availed themselves of the advantages of this quick line, which lands passengers in New York seven hours earlier than all other routes—a great convenience, indeed, during this heated season of the year. By this Express Line, there can be no missing connection, as the train at Louisville awaits the arrival of the train from the South, no matter how much behind time, a circumstance that seldom occurs now, over our Southern railroads—that of being behind time, and this New Orleans and New York Express last line, which leaves the Jackson railroad depot, at 5 P. M., every day, has never failed to make connection since its organization.

COURTESIES OF FRANCE AT NEW ORLEANS.—We learn that an order was issued on the 9th of June, which appoints Mr. Dejardin, Deputy Consul (chancellor) of France at Richmond, to the same office at New Orleans in place of Mr. Meynie, who is removed.

THE STEAMER CREOLE—CHANGE IN HER MONDAY TRIPS.—We would call the attention of the public to the fact that the hour of departure of this fine steamer for the watering places on Mondays has been changed from 4 o'clock P. M. to 12 o'clock M.

The Creole is commanded by that popular and veteran officer in the Lake trade, Captain Charles Walker, and is provided with every reasonable comfort. She runs to Bay St. Louis, Pass Christian, Mississippi City, Biloxi, Ocean Springs, Ship Island and Pascagoula. Ship Island, it should be remembered, to avoid mistakes, being included in her Monday trips only, and not Wednesday and Saturday trips, only, extending as far as Pascagoula.

Capt. Peter Maroy, 175 Common street, is the agent for the Creole.

We are informed to Mr. P. F. Herwig, Special Deputy Collector, for the following statement of the exports of domestic commodities to foreign countries during the month ending 30th June, 1869:

Breadstuffs	$229,428
Cotton, 26,219 bales, weighing 12,... 108,808 pounds	7,059,317
Hides	6,350
Oil Cake	21,062
Provisions and Tallow	28,210
Tobacco Leaf, 2,...	1,500,925
Staves, Lumber, etc.	16,342
Sundries	7,996
Total	4,944,408

POSTOFFICE.—The following note was directed to us by Postmaster C. W. Lowell:

POSTOFFICE,
New Orleans, La., July 5th, 1869.

To enable the clerks to celebrate the National Anniversary, the Postoffice will close at 12 M., to-morrow, Monday, July 5th.

CHAS. W. LOWELL,
Postmaster.

SAILING OF THE GEO. WASHINGTON.—The steamship Geo. Washington, Capt. Gager, sailed last evening for New York direct, with a full freight and the following list of passengers:

W T Wilson, H G Hayes, Jas B Stephenson and wife, J Postlethwaite, wife and child, Mrs Rosenbach and servant, F B Saxe, Geo E Brewster, Chas Cheney, Miss A Lessinger, J B Putnam, Miss T Lessinger, F E Dedrick, Mrs Wadsworth, Miss M Linwood, Miss H Linwood, Miss J Russell, Jno Tierra and wife, Miss A Hatch, Mrs J Woods, Miss E Whitlar and sister, Dr A H Mainey, R Hulett, Mrs J de St Ouar and children, Miss K Mellaughlin, Wm Mallory, Miss McKay A Priestley, and 16 in steerage.

SAILING OF THE SHERMAN.—The steamship Sherman, Captain Henry, sailed last evening for New York direct, with a full freight and the following passengers:

J Fletcher, Wm Hunter, Mrs G Harren, G W Cline, Miss Muller Houston, Capt Ed A Freeman, U S A, Mrs Freeman and child, Capt Arbuckle, Mrs Cutchem, Sam Henderson, Ben Wheaton, John C Dawkins, Jas H Lanier, Jas Brown, Henry Morris, Benjamin Bryant, and 3 in steerage.

SAILING OF THE JUNIATA.—The steamship Juniata, Captain Catharin, sailed last evening for Philadelphia, via HAVANA, with a full freight and the following list of passengers:

For New York—Mrs and Miss Mell-auld and child, J Mathews, J.

For Philadelphia—Mrs McGuire and daughter, Father Meiners, Miss Clark, Henry Wright, Miss Laura Ashton, Miss Ellen Ashton, Mrs Abrew, 2 children and servant, Miss Carmen, Miss Emma Carmen, Miss Josephine Alonzo, Wm Boyle, Mrs Constantine Boyle, Miss Maggie Boyle, E Fitzsimons.

Atlantic Cable Rates.

TARIFF IN GOLD TO ANY POINT IN GREAT BRITAIN AND IRELAND.—From all points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan and Wisconsin, from St. Louis, Mo., and from Western Union Company's offices in Florida. For 20 words or less, counting address, date and signature, $11 50; for each word over ten, $1 15.

TARIFF TO PLACES BEYOND GREAT BRITAIN AND IRELAND, TWENTY WORDS OR LESS:

Belgium	$ 63
France	84
Holland	1 41
Denmark	1 25
Switzerland	1 41
Prussia, Austria, German States	1 50
Channel Isles	1 67
Norway and Sweden	1 75
Italy, Malta, Portugal, Sweden	2 00
Turkey in Europe and Greece	2 50
Russia, Europe, and Ionian Isles	2 50
Algeria and Turkey in Asia	4 60
Egypt	4 25
Russia in Asia	5 83
Bengal	5 88
Alexandria	7 50
Cairo and Suez	8 50
Stations on Suez Canal	9 00
India	14 25
Ceylon	15 25
China, Hong Kong	15 50

CHINESE INTELLECT.—In a recent public meeting at Boston by Hedge quoted a remark of Sir Frederick Bruce to Senator Sumner, to the effect that the Emperor's Ministers at Paris, when he was English Ambassador there, were the superiors of any European Cabinet. "What," said Mr. Sumner, "do you mean to say that Lord Palmerston, Lord Derby and Mr. Gladstone have their superiors in the Chinese Cabinet?" "No, I do not for me to make such a personal comparison," said Sir Frederick, "but I repeat what I said, that I have not met European statesmen who were the equals of the Chinese Minister." Dr. Martin, Professor in the college at Pekin, and translator of Wheaton's work on International Law into Chinese, corroborated the anecdote by saying that Mr Frederick told him, in regard to the Emperor's Prime Minister, that he had never met a man that was fairly his superior in intellectual ability.

A New York hat is "velopeda lunatic asylum," called a "Gymnasyldidium."

CITY INTELLIGENCE.

The Slaughter House Controversy.—Yesterday, in the Sixth District Court, Hon. Randell Hunt, of counsel for the Slaughter-house Company, in its controversy with the Butchers' Association, delivered a lengthy and, of course, able argument for that side of the question. We have only room to allude briefly to some of the principal points of his argument as taken down verbatim by Mr. John O'Leghlen, the accomplished official stenographer of the court.

Mr Hunt commenced by thanking the court for its indulgence on account of his indisposition, which had served to impress him with the importance of health as one of the essentials of happiness. And if so important to an individual how important to a community at large, how necessary that health should be protected by law, and how essential is law for the protection of the people. He loved liberty, as she exhibited herself in the free States of Germany and in England, or as she is described in the classic pages of Grecian and Roman history; but he honored our own peculiar American liberty, which, he said, was not the savage right claimed by every individual to do what he pleases and when and where he pleases, regardless of the rights of others. That may be a savage independence, but American liberty is liberty regulated by law, so that it could be properly enjoyed by all. He was a demagogue who would appeal to the people in the face of an act of the Legislature, and say, "If you do not get redress, either through the people or the courts, violence and revolution are justifiable." That was not American constitutional liberty.

Now, as health is so necessary to the happiness and enjoyments of the people it is necessary to make regulations concerning the food that is to be received, the water we are to drink, or the air we breathe, to remove from the city all noisome and noxious vapors, un-wholesome trades and manufactures, and every thing that tends to destroy the health of the citizens. This was the law the world over, and is it not the exercise of police powers for which governments are established in all free countries?

Mr. Hunt here alluded to the course of argument of his colleagues, Messrs Rozelius and W H. Hunt, which, he said, had cleared his path of many difficulties, and, so far, had not been refuted. He then indulged in an elaborate historical review, alluding to the act of incorporation of the city of New Orleans in 1804, the subsequent establishment, as this city grew, of a point for slaughtering cattle, below the city, known as Slaughter-house Point, for the very purpose of preserving the health of the people. As the city continued to grow the butchers thought it necessary to remove their place of butchering, and somehow the people of all cities, living on great streams, move upward, as if to meet the following commerce.

Accordingly in 1847 an effort was made for the convenience of the butchers, however inconvenient to the people, to remove a portion of their slaughter houses to 19th Upper portion of the city. And the very ordinance which was then passed was entitled "An ordinance to prevent nuisances, and to provide for the security of the public health of the city of New Orleans." It was an admirable, a perfect ordinance, and it gave the city police powers, power to protect the health of the city against all nuisances. In one instance, it gave the power to determine where tanneries, bone black factories, oyster and fish stands should not be established, and prohibited the driving of cattle through the streets, etc.

Mr Hunt next alluded to the police laws of other cities. In New York no man is allowed to kill a beef in the limits of the city, the nuisance of carting it there. Nor can you kill one in Philadelphia or London; or in the corporate lines of Paris, or Chicago or other large cities in this country. The courts have always upheld such exercises of police powers.

In 1853 or '54 the butchers were obliged to remove their slaughter-house in the neighborhood of Jackson street to within a mile or two, or perhaps more above, to the neighborhood of Jefferson City, where they remained for a time a nuisance to the people, complained of time and again by the Grand Juries, by the City Councils and by the Legislature. The Legislature of 1857, moved by the complaints assembled as it remained, kept things in that condition until 1862. But as the city grew the lessing of wild cattle there became a serious inconvenience to the people. Think of the damage resulting from two hundred cattle driven from the steamboats and tearing through the streets threatening life and limb in their course through the city, and the increased population, and following the natural law of growth of population in this city, moved up till it more seriously encountered the filth and culture from these slaughter houses.

You Honor will perceive that some remedy was necessary. It may place one your trade or profession your right to labor, but you must do so with regard to the rights of others, and without exposing their wives and children and old men to danger from your wild cattle. What was the remedy? In 1862, the City of Jefferson passed an ordinance for the express purpose of relief; these slaughter houses pledging to Messrs Hepp and Richerson the identical rights and powers given here. But why was nothing done? Counsel have it that it grew up and persisted, that it took root, so to speak. But was it a time for inertness? Does the counsel not know that General Butler then governed this city, and that it was no one to say not hundreds of thousands of dollars necessary for such improvements—that the city was under martial law—that New Orleans, so far as free intercourse was concerned was beleaguered, and that there was no power in the city to procure food for the city. Therefore the ordinance of 1862 was inoperative, and the projectors could do nothing beneficial to themselves or the community.

The matter was brought to the attention of the Legislature in 1866. No law was passed that year, but a city ordinance was passed to prohibit cattle being thrown into the river above the Water Works, which supplied the city with water from the river. But in 1867 the Legislature, finding that the people of New Orleans would not submit to the latter nuisance, the combination of butchers was too strong in opposition for the ordinance to be enforced. The Legislature, whose duty it was to look to the police and health of the entire State, passed law No 141 to compel compliance with the ordinance in question. In accordance with the act consolidating Lafayette and New Orleans the Legislature passed an act which was approved, forbidding cattle, etc., being thrown into the river above Slaughter house Point.

In 1869, peace returned, and with it an increase of population, and the Grand Jury presented these slaughter houses as a nuisance. The act of 1867 was put in play. And why, sir, it was for the very inconvenience thought it was inconvenient to the butchers, who handed themselves into an association to prevent this thing.

Here Mr Hunt commented with sarcasm up on the act incorporating the Butchers' Benevolent Association, passed in January, 1869. This was a charter which they found insufficient to withstand the power of the Legislature. So we find in the same act that but five days after the passage of the law they presented an additional article of association which the District Attorney pronounced in accordance with law.

No sooner did the Legislature of 1868 meet than they found it necessary to act upon the case. Grand Juries and City Councils were acting to preserve the police and health of the city. The act of 1868 was referred to the Committee on Public Health, and they reported it back as essential to the health of the city. It aims to influence the act failed to become a law. It was then that the act of 1869 was passed.

Here Mr Hunt reviewed and interpreted the provisions of the act at some length.

Judge, said he, does it not require some degree of effrontery to say that this is not a law to regulate the public health? That it is not a law to regulate matters within the police powers of the city. Sir, the thing is good; every object of the act is good.

Here Mr Hunt attempted to ridicule the interpretation put upon the act by opposing counsel, and the professed benevolent objects of the Butcher's Association, indulging in a severe vein of sarcasm, which, though rather amusing, does not, in our opinion, amount to argument.

Your Honor will remember the extraordinary argument of the last counsel for the Butchers' Association that the Slaughter house act conferred the world "sole and exclusive," and that this made it a monopoly. Why, sir, is this so? Has not the slaughter houses been created? Cannot the butchers go there and do everything there essential to prepare their meat for market?

Mr. Hunt concluded with a flaming panegyric on liberty as regulated by law and distinguished from licentiousness or lawlessness, through which we cannot attempt to follow him in justice to his peroration in an abstract. He will resume on Tuesday.

The Bell River Improvements—The Mandamus on the Levee Board.—*Bode's Peremptory.*—In the Sixth District Court, yesterday, in the case of the mandamus taken on the Governor to compel him to sign certain bonds for the improvement of Bell river, Judge Cooley delivered a lengthy opinion, from which we make a few interesting extracts, touching the powers and duties of the Governor:

The present proceeding was to compel the Governor to sign the bonds, so that they may be in due course of business reach the Auditor of Public Accounts, and be delivered to the taxators according to the evidence of title produced by them.

The plea of the Governor is, that he is not amenable to the power of the Courts, as the duty imposed upon him by the act in question, is an executive one, for the performance of which he is not responsible to the judiciary.

He also pleads that the works contemplated by the act of the 8th of September, 1868, was not performable by the relators, and also that the act is null and void, as controverting an article of the Constitution.

The relators in this case have appeared in behalf of the State, alleging the unconstitutionality of the statute upon which relators rely.

There are fairly two questions to be decided in this case—that raised by the Governor on the score of his executive prerogatives and consequent immunity from judicial control, and that presented by the Attorney General as to the validity of the law.

To sum up, nothing in the present situation could disquiet a firm and resolute Government. Behind the voting bullotins which have astonished Europe, there is not an idea, for no settled thought can possibly be discovered in that collection of passions, capriciousness and anger, which we have before our eyes.

In the midst of a Democratic society like ours, with the infinite division of property and the powerful organization of the country, that coalition could not, without the most signal folly, brave the forces of the Government. In this world, there is, in reality, nothing redoubtable but the shock of ideas, because they alone can produce devotedness, sacrifices and heroism of mind. But at the epoch at which we have arrived, after a century of struggles for the same cause, and when the principles of the revolution have at length penetrated all minds and molded all consciences, there are no longer any ideas in presence. The Emperor has, therefore only to persevere resolutely in the liberal path which he has opened, but in summoning to his side, as a generation, young, strong, intelligent, and, above all, courageous and convinced.

These, my dear sir, are the sentiments expressed in me by existing circumstances. I have explained them at length because I was anxious not to allow any false impressions to subsist in the mind of a man of your value. If some of your friends had been mistaken like yourself as to the real tendency of one of the oldest servants of the Empire, and if you see any interest whatever in disabusing them, I leave to your discretion the case of doing so, to the extent you may consider advisable.

Accept, etc.,

F. DE PERSIGNY.

The fact only proves that, up to this time, the State has had the good fortune of having Governors who believed in the Republican Doctrine that every one was bound to obey the law, and that even the Governor was not above its influence.

The Judge here cited the case of Marbury vs. Addison, 1 Cranch Rep., page 170, in which Chief Justice Marshall laid down the doctrine, as follows: "It is not the office of the person to whom the writ is directed, *but the nature of the thing to be done*, that the propriety or impropriety of issuing a mandamus is to be determined."

In the case of Kendall vs. United States, 12 Peters 525 the Attorney General of the United States admitted that Congress could invest courts with the power to issue writs of mandamus, even to the President himself. In that case Mr. Justice Thompson, in delivering the opinion of the court, said: "The theory of the Constitution undoubtedly is, that the great powers of the Government are divided into separate departments, may be regarded as independent of each other; but beyond that, all are subject to regulations by law, touching the discharge of the duties required to be performed. The executive power is vested in a President; and so far as his powers are derived from the Constitution, he is beyond the reach of any other department."

He also cited the case of Watt vs. Whitman vs. the Governor of Ohio, 5th Ohio Reports, pages 534 and 535, and 7th Ohio Reports, 372; and the Pacific Railroad vs. Governor of Missouri, 23d Missouri, 353; Bonner vs. Pitts, Governor of Georgia, Georgia Reports, 173; Cotton vs Ellis, Governor of North Carolina; Cantwell's Law Reports, 386.

The claim of entire immunity put forth by the Governor can only result from ignorance of our system of government, or from habits and traditions connected with military camps. As it is axiomatic in the science of government that the safety of republican institutions depends upon intelligence, and as it is a corner stone of the republican edifice that the military shall be in subordination to the civil power, it is difficult to determine which of the above two causes has a most baneful influence on the prosperity of the present institutions of the country.

Upon the plea set up by the Governor that the work had not been performed, the Judge went on to show at length that the Legislature had laid down specially the manner in which the work was to be passed upon, and the Governor had nothing to do with it. He also went on to refute the plea that the act providing for the work was unconstitutional, because it did not make special provision for the payment of the interest of the bonds and the principal, and in concluding this branch of the subject, showed that there were sundry other acts of a like character passed by the Legislature of 1868 and 1869, has been signed by the Governor. The mandamus is made peremptory.

U. S. Court Cases.—District Attorney Morgan, in behalf of United States, has brought suit for the forfeiture of three export bonds, and against J. C. Forbes individually and as a member of the commercial firm of J. C. Forbes & Co., as principal, and Edward Barkman, Thos F Fisher and Wm C Graham as sureties, in the penal sum of $2,000, and against the amount of the aggregate penal sums of said bonds, of $21,000 the aggregate value of the merchandise, and for $3000 as liquidated damages.

The Secret Frauds.—The Parties Implicated in New Orleans.—Yesterday in the offices of the customs were engaged yesterday in weighing, classing and invoicing the large lots of sugar seized on account of alleged violations of the revenue laws, the charge being that the government is a large amount, and the possible, and so far as the revelations go, very probable confession of the property seized.

These frauds seem to have been perpetrated through the connivance of the Government weighers, gagers and appraisers, and through collusion with Mr. Kellogg, Senator from this State in Congress, and other politicians of the State and City. The weighers of the sugar under suspicion, the sugar-gagers and appraisers, are Martin, Gouverneur & Co., the frauds in question are said to have occurred while Sandford was appraiser, who received his appointment through the influence of Senator Kellogg, then Collector of the Port.

Collector Casey, it is stated, has ordered the seizure of the schooner Andromeda, from Havana, on a charge of smuggling, with a large consignment of sugar on board for Messrs Coutourie & Co.

The Cincinnati papers speak of a consignment of 100 hogsheads shipped to Messrs Adolph Wood & Co., of that place by Messrs F. W. Perkins & Co., of this city, having been seized at Cincinnati, but we believe the transaction has been proved to be regular. There have been immense frauds here, no doubt, in coffee as well as sugar.

Disturbed France.

MR. PERSIGNY'S LETTER—LIBERALISM AND IMPERIALISM NOT INCONSISTENT.

The following letter from the Duke de Persigny to one of his friends, and by the Pr. Ernest Emile Ollivier appears in the Paris journals:

PARIS, June 3, 1869.

My Dear Sir—You have been misled as to my real sentiments. I certainly did not advise the Act of the 19th January, and I saw better than any one. I must even say that my conception of the form to be given to liberty was quite different from that which prevailed. In my conversations on the subject, I am too much devoted to the country and to the Emperor not to place public feeling before my personal opinions. I have hesitated never believed, and never shall, that a Government which bears the name of Napoleon cannot support freedom under any name whatever. If the greatest principle of authority known in the world had anything to fear in the solidity of its foundation, there would be reason to abandon all hope for France. According to my ideas, it is neither to the law on the Press (that on public meetings, nor to the other measures complained of) the Empire is to be attributed the moral disorder which has recently manifested itself. Under the new regime inaugurated by the Emperor, the soil, in my opinion, arises from the mind and not from things.

For example, it is not the law on the Press that has improvised the popularity of M Gambetta, but is the inevitable weakness which, in permitting a young advocate to brave the whole Empire, under the very eyes of the law, procured for him, with the people, the benefit of his audacity. Neither is it the law on public meetings that has improvised a part of the electoral body, but the attitude of the authority, which, in permitting in public gatherings outrages on the Sovereign, on religion, family ties, and property, instead of energetically causing the law to be respected, has transformed an instrument of liberty into one of license.

The fact must therefore be recognized, that those men who accepted the liberal programme of the Emperor without having the will or the courage to assist in carrying it out, that those who confined themselves to remaining passive and indifferent spectators, as if looking on at a chemical experiment. In fine, that those who at each spluttering of the matter in fermentation cast the responsibility on the Emperor, instead of accusing their own weaknesses, those men, I repeat, were unconsciously bearing liberty into the hands of the promoters of the disorders themselves.

But it is not in that way that liberty is founded. At a medium reaction exists in consequence of the law without degenerating into license, and as this last always ends by bringing on convulsions fatal to all free institutions, there is a necessity that where right ceases and where repression ought to commence, authority should be always ready, always present, always immovable; that it should not tolerate a single fault or abbreviation, nor show a moment of weakness, in fine, that it should rise by the vigor of its acts to the height of the aspirations of liberty itself. The experience of free States in all ages, in all climates, proclaims this lesson. Without the terrible severity of Brutus and the indefatigable courage of Publicola, Roman liberty would have been extinguished in its germ; and the severity which was to become the greatest nation in the world might have remained forever unknown to history.

In reality, and whatever may be said on the subject, there is no country more easy to govern than France, but on one condition, namely, that the Government should possess all political virtues. It must be honest, upright, courageous and resolute; in two words, just and firm. If it is honest, firm and resolute, it can do everything with facility. It can easily tolerate all liberties, brave all perils, recover from all checks. For in the eyes of the French people, who esteem character more than intellect, there are no errors, no mistakes that may not be redeemed by a great heart.

Well, then, my dear sir, this is the explanation of all that we have recently witnessed. The Government seemed to be weak, irresolute, pusillanimous, and a portion of the people have lost all confidence in it. Hence the success of ideas of no intrinsic merit, but daring enough to brave a great Government, appealed to the light of heroes, and the multitude, which honors nothing but audacious success, admired them. The Parisians may, indeed, have made a strange mistake, but its feelings, at any rate, took its origin in the chivalrous character of the whole nation.

This is not all; for, by a singular instinct, and one which may serve as a lesson to Europe, it has shown itself full of disdain for the rhetoricians, those thunderbolts of war in words, and those nullities in action. Any one would say that it had meditated on the history of the times of Philip of Macedon, on the misfortunes of that illustrious people lost by its orators, on the charming manner of Demosthenes, the most celebrated among them, on the exile of the first to fly from the battle-field of Cheronea, abandoning his arms, and who was driven from Athens as a prevaricator.

To sum up, nothing in the present situation could disquiet a firm and resolute Government. Behind the voting bulletins which have astonished Europe, there is not an idea, for no settled thought can possibly be discovered in that collection of passions, capriciousness and anger, which we have before our eyes.

In the midst of a Democratic society like ours, with the infinite division of property and the powerful organization of the country, that coalition could not, without the most signal folly, brave the forces of the Government. In this world, there is, in reality, nothing redoubtable but the shock of ideas, because they alone can produce devotedness, sacrifices and heroism of mind. But at the epoch at which we have arrived, after a century of struggles for the same cause, and when the principles of the revolution have at length penetrated all minds and molded all consciences, there are no longer any ideas in presence. The Emperor has, therefore only to persevere resolutely in the liberal path which he has opened, but in summoning to his side, as a generation, young, strong, intelligent, and, above all, courageous and convinced.

These, my dear sir, are the sentiments expressed in me by existing circumstances. I have explained them at length because I was anxious not to allow any false impressions to subsist in the mind of a man of your value. If some of your friends had been mistaken like yourself as to the real tendency of one of the oldest servants of the Empire, and if you see any interest whatever in disabusing them, I leave to your discretion the case of doing so, to the extent you may consider advisable.

Accept, etc.,

F. DE PERSIGNY.

BY TELEGRAPH.

(To the New Orleans Bee.)

FROM WASHINGTON.

Bismarck Refuses to Recognize a U. S. Consul.

George Peabody Gives Another Million Dollars for Southern Education.

Great Storms and Loss of Life in the West.

FROM HAVANA.

The Cubans Have Commenced Offensive Preparations.

The Island Full of Cholera.

FROM EUROPE.

Important from the Great Eastern

Miscellaneous Intelligence.

WASHINGTON ITEMS.

Washington, July 3—Internal Revenue receipts to day over $1,250,000.

Solomon Poole, Assessor 4th North Carolina District, has resigned.

Bismarck refuses to recognize Emel Horchter, of Chicago, recently appointed Consul at Bremen.—Hotchwell asks Hoar whether Supervisors of Internal Revenue are entitled to informers' moieties.

Cubans here have an official account of the recent attempt to relieve Las Lunas. The train guarded by 1500 to 2500 Spaniards was attacked by a squadron of Marmol's cavalry, and a large portion of the train was captured. In the confusion the Spaniards lost over 200 men, but succeeded in reaching Las Lunas with a portion of the train, and found the garrison almost helpless from cholera and yellow fever. Some hour attacked the reinforcements. Their encampment was vacated and after severe loss they succeeded in retreating. Lesca was repulsed with severe loss in the Cinco Villas District and the Cubans regained by the Cubans. Quesada has commenced offensive movements, has regained several important positions, and is now master of the north-western portion of the island. Inquiries made of the Cuban Commissioners, all agree earnestly with the Cubans. The dispatches state that the Cubans are well organized and armed with improved weapons, well provisioned, and in good condition.

There is the best authority for stating that no present Cabinet changes are contemplated.

Washington, July 3.—Admiral Hoff, reports Havana quiet. A brigade sent to reinforce Puerto Principe was met by a guerilla ambuscade, lost 40 men. The Spaniards were repulsed with loss. Cuban Commissioners are not at all. It is stated authoritatively that "President Grant has accepted Mr. Hoar's opinion as good law, and approved the sentence of death of a man named Weaver in Texas, condemned in 1868 by a court-martial composed of negroes, and white judges. The opinion referred to is to the effect that there is some sort of war now being waged between Texas and the United States Government. It is quite superfluous to say that our political authorities in proof of the unconstitutionality of such an opinion. To argue such a question is to accord to the Government all it desires and to concede to the Government the right to pass upon the validity of the laws, and that, even in the last resort, the Government may, if it pleases, do as it may be pleased to do, and yet be justified in so doing. The banks will be open as usual.

Gold opened at 137 to 137¼, (against 137 at New York) and after a very small business closed at 137¼ to 137⅛. The sales included $3000 at 137, $1000 and $4000 at 137⅛, and $6000 at 137¼, and $5000 (late yesterday, deliverable to-day,) at the same. Nothing reported in Bills of Exchange. Sterling is quoted nominally at 130¼ to