# The New Orleans Bee.

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NEW ORLEANS:
SUNDAY MORNING, AUG 29 1869.



TRY GEORGE ALCEE'S CIGARS,
185.....Rampart Street.....185


## CHIEF JUSTICE CHASE AND JUDGE McCUNN—A CONTRAST.

Judge McCunn presides in one of the Superior Courts in New York City, and has lately commended himself to all who desire to see the law resume its ancient authority, by his admirable conduct in two *habeas corpus* cases which were brought before him for decision. We mean admirable only in contrast with the reprehensible manner in which Chief Justice Chase and his colleagues of the Supreme Court and some other Judges, have truckled and bent before the Radical mob, in their treatment of similar cases which have been submitted to them for decision. We instance the cases of McCardle and Yerger, the former of which was dismissed on the paltry ground that Congress had repealed the law which gave the Supreme Court jurisdiction in such cases, and the latter of which is yet undecided.

Judge McConn, who did nothing but his sworn duty, was threatened with Radical vengeance if he discharged Pratt. He might easily have found a pretext for dismissing Pratt's application and remanding him to the keeping of his jailors, but he stood up manfully and dared them to do their worst. All honor to him for this faithful and fearless performance of duty. Judge McCunn has had another case of *habeas corpus* before him since that of Pratt. We subjoin his opinion thereupon as a model judgment. The proceeding by *habeas corpus* loses all its virtue unless the application be immediately heard and the prisoner liberated without delay if there be no lawful cause of detention. The Supreme Court of the United States seem to think such petitions need not be heard instanter, but may be postponed for months and years to suit the convenience of the Radical leaders.

Judge McCunn's decision below is in the case of George E. Rotter, an *alleged* fugitive banker from Tennessee, who was arrested in New York on informal and, consequently, illegal documents:

McCunn, J.—The return to the writ of *habeas corpus* by me awarded in this matter, exhibits that the prisoner was arrested and is detained by no authority whatever. The requisition produced from the Governor of Tennessee on the Governor of New York might, if conformable to law, be made the basis of a warrant for the arrest and detention of the prisoner, but of itself and without reserve, affords no authority or justification for his imprisonment. So, likewise, the affidavit of Mr. Hyatt, an attorney in New York, merely embodies a hearsay statement, communicated by telegraph, that the prisoner is charged in Tennessee with the commission of an offense against the laws of that Commonwealth. This paper, which, from being nothing more than the repetition of a rumor, is fatally defective otherwise, in not incorporating an authenticated copy of the charge or indictment against the prisoner in the State of Tennessee.

Thus, as it appears on the face of the return, the prisoner is held without any warrant, process, or authority of law, but simply by the mandatory, as desired by mere physical force, and in violation of all the sacred safeguards of the liberty of the citizen. In this circumstance what is my duty? By the *Habeas Corpus* act it is imposed on the officer before whom a writ of *habeas corpus* is returned to examine into the cause of the prisoner's detention, and if it appears he is illegally confined, forthwith to discharge him; not to remand him, nor to bail him but forthwith to discharge him. By the Government of the United States, as well as of the State of New York, no person shall be deprived of life, liberty, or property without due process of law.

Now, here the party is held without any process. His detention is illegal, and I have no discretion but to discharge him. But the District Attorney, conceding that the prisoner is held without warrant of law, asks that I detain him until a mandate arrives from the Governor of New York. Anxious as I am to facilitate the administration of justice in a sister State, I can not set in violation of my official obligations.

No matter how humble or how reprobate the man may be, he is exempt from arrest, except from a warrant, except by the process of law. Indeed, I am conscious of having dealt already too hardly with the prisoner. He was brought before me Tuesday, and at the instance of the District Attorney I remanded him until Thursday, that the District Attorney might have an opportunity of preparing a return to the writ. Probably it was then the right of the prisoner to be discharged, nothing being shown to justify his detention. Thursday the prisoner was again before me, and with him came a return to the writ. The return was confessedly insufficient to authorize his imprisonment, but solicitors may be easily embarrassed to prevent the escape of a possible criminal.

I again accorded the District Attorney twenty four hours within which to file an amended return. I can hardly doubt but my duty was then to discharge the prisoner. Considering these things, and that he has already been imprisoned for a time without the least legal justification, I cannot consent to detain him another moment in illegal custody. The District Attorney suggests a warrant from the Executive will arrive for the arrest and surrender of the prisoner. Very well; under that let him be taken and detained and, if there be apprehensions of his escape meanwhile, upon a proper affidavit, process for his arrest may be procured, and he may be held for extradition to Tennessee. For myself, I cannot lounge be a party to my illegal imprisonment. Let the prisoner be discharged.

## The Abuses of the Credit System.

We have on our table a work "On Public and Private Credit and Banking, and Their Abuses," by Robert M. Davis, formerly President of the Bank of Louisiana, and published by Mr. D. C. Seymour, which we commend to the favorable attention of our readers.

Mr. Davis attributes the late civil war between the North and South to the struggles of manufacturing capital in the interests of protection, against money capital in the interests of free trade, which have been incessant since the Tariff act of 1828, which but little attention was shown by either party to the labor which produced this wealth.

To make the subject plain, Mr. Davis has separated labor into two classes, one he terms the laboring class who receive a stipulated sum in wages, daily or monthly; the other he characterizes as workingmen or middlemen, who stood between capital or labor. He considers the debtor class as workingmen or middlemen. They borrow from capital to pay to labor, receiving nothing for their services until the crops are sold or the products of labor are disposed of for money.

When we remember that all those who employ labor are middlemen or workingmen, and that our planters, merchants, miners, mechanics, dry goods dealers, grocers, retailers and others come under this head. The work of Mr. Davis cannot fail to circulate extensively.

We believe much good will result from the publication of this work; that it will have the effect to harmonize the interests of the different classes; cause them to unite upon some plan of law reform, and do away with the necessity of "strikes and combinations" among working men, which are so injurious to their interests and to those of the community generally.

The rapid growth of the Mutual Aid and Benevolent Life Insurance Association of Louisiana is very encouraging. On the 9th inst. they circulated with our issue a list of members then numbering 1600; to day they have 1200. We are pleased to see this merited confidence by our citizens, and call upon all, both male and female, to make application at once. *Office of the Association, 120 Carondelet street.*

FRENCH AND GERMAN LOOKING GLASSES—Our near neighbor and patron of many years standing, Mr. L. Uter, of No. 49 Royal street, has just returned from the North, where he has been renewing his stock of French and German looking-glasses, French plate and double thick glasses for show windows, show cases, oil paintings, engravings, lithographs in color and plain, chromos of all publications, portrait and picture frames of all sizes and patterns, artists materials for painting in oil, carpets, mats, matting, lace curtains, window shades and all kindred articles.

Mr. Uter has a very attractive establishment—the largest of the kind in the South—and his goods are all of the best quality. He invites an inspection of them. See his advertisement in another column.

COOKING STOVES—We invite the attention of parties in need of a cooking stove to the advertisement of Messrs. Zable and Dalton, 115 Poydras street, between Camp and Magazine, who deal in such articles. They speak in high terms of the stove named "The Times," which has an improved large oven, with extended fire-chamber and feeder top, and is one one of the most effective and economical stoves now in use. Baking can be done in this stove with rapidity. It possesses also the qualities of substantiality and beauty of design.

MAGNOLIA GARDEN—FREE CONCERT.—A grand free concert will be given this afternoon at the Magnolia Garden, Bayou Bridge, by Charles Jaeger's silver cornet band.

Mr. George Merz is the proprietor of the Gardens, and will see his visitors properly bestowed.

# OFFICE 73 CHARTRES STREET. NEW ORLEANS, SUNDAY MORNING, AUGUST 29, 1869. 42d YEAR—Vol. XLII.—Whole—14,842

## MRS. STOWE ON LORD BYRON—HER MOTIVES.

Mrs. Stowe, in her article in the *Atlantic Monthly* entitled "The True Story of Lady Byron's Life," assigns as her motive, a refutation of the slanders of the Countess Guiccioli's book entitled "Recollections of Lord Byron." She does not say she has any *authority* for thus meddling with the private affairs of the Byron family, only that Byron's widow consulted her in 1856 as to the propriety of publishing a statement of the causes of her separation from her husband, so as to counteract the evil influence of Lord Byron's writings, and gave her memoranda to use after her death. She exhibits no evidence in support of this statement.

Mrs. Stowe's real motives, we take to be these:

1st. A partizanal hatred of Lord Byron, in return for his detestation of puritanism and puritans.

2d. A desire for notoriety, and to associate her name with persons of celebrity.

3d. And chiefly for the money she received from the publishers of the *Atlantic Monthly* for writing the article.

Mrs. Stowe says in the opening sentence of her article:

"The reading world of America has lately been presented with a book, which is said to sell rapidly, and which appears to meet with universal favor. The subject of the book may be thus briefly stated: the mistress of Lord Byron comes before the world for the sake of vindicating his fame from slanders and aspersions cast on him by his wife."

Now the fact is, as we have been informed by our booksellers, the Countess Guiccioli's book is dead stock upon their hands. The secret of the matter, so far as Mrs. Stowe and the publishers of the book are concerned, seems to be that they wanted to get up a sensation so as to create a demand for the book. If this be their real motive they have succeeded admirably in their advertising dodge.

Passing yesterday evening on Tchoupitoulas street we were glad to shake hands with our old friend Mr. Jerry Hogan, of the well known hardware firm of Keep & Hogan, who has been unwell for a couple of weeks, but is now at his post ready to welcome his many friends.

We acknowledge the attention of Messrs. Paytons & Co., of the White Sulphur Springs in Virginia, in forwarding to us an invitation to attend a grand fancy dress and mask ball to be given at the Springs on Tuesday next in honor of the Press.

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

E Turn & G W Smith, Mrs Lavelee and 2 children, Capt C Harrison and servant, W H Molers and wife, S Sage and 15 in the steerage.

SAILING OF THE SHERMAN.—The steamship Sherman, Capt Quick, sailed last evening for New York, with a full freight and the subjoined list of passengers:

Mr N Ste. Th ma M Donald, Capt Albert Torres, McCarthy, and 11 in the steerage.

Passengers to arrive per steamship Gen. Meade, from New York, August 31st:

Miss E Woods, Mrs G E Jones, S P Morse, Mrs J A Walker, Chas Gross, Mrs N A Gee, A G Wheeler, Mrs O asst, son, daughter and infant, J Baker.

### A Louisiana Home.

Our friend Bennett, of the St Mary *Planters' Banner*, has been enjoying himself in the delightful Atakapas country. He thus describes a charming home near St Martinville:

At about sunset we came to a halt at Gen De Clouet's, in a drenching rain, which continued for several hours. There we found everything planned, laid out, and put upon a broad and liberal scale. A noble two-story house, fitted with spacious halls, galleries and passages, a dining room and table large enough to seat the patrons of a large hotel, high ceiling, large windows and doors, and airy, convenient and pleasant mansion of a large hearted and whole-souled Creole gentleman "all of the olden time."

The lands fronting on the Bayou Teche, and on the main road on the prairie side, are equally spacious. A broad avenue sixty or seventy feet in width, flanked by one hundred and four times that length, with tall and beautiful China trees extending nearly to the bayou, shades a large surface on that front, and twenty or more place forty or fifty feet high, with its branches and extended branches, make a fine avenue and shade for the house and the grounds in front, stables, fine and other trees covered with rich and abundant foliage are growing, at intervals, in the rear of the house and Chinese conifers abound. Gen De Clouet keeps up, more than any we have seen, the best original style of Creole life, in a beautiful table, in abundance of everything, excellent wines, a cordial and welcome to strangers, and a delicate attention to all their wants and comforts. He has the happy faculty, almost universally known to the old Creole planters, of making even the great strangers feel at their ease, and perfectly at home.

The General has about ten thousand acres of the finest land in Atakapas, enough to accommodate a hundred families with such a farm of a hundred acres.

ERNEST LAGARDE, ESQ—The Petersburg *Express* thus speaks of the gentleman, who has become a Professor in Mount St. Mary's College, Maryland:

With this issue Professor Lagarde's connection with the Petersburg *Express* ceases.

He has accepted position in a more congenial and congenial sphere of usefulness in the adjoining State of Maryland, and the people of Petersburg will no longer enjoy the benefit of his usefulness in the relationship he has hitherto enjoyed towards them.

We likewise, shall greatly miss his presence and friendly companionship, as well as his efficient cooperation in the many good works which we were wonted to engage, the good of the State and the prosperity of this city.

We refer to the relationship he sustained in our local columns, and part with our confrere with feelings of regret, as do the many friends he has made during his brief sojourn in Petersburg. Success attend him and his.

SUGAR SCANDAL IN HAVANA.—Information from Cuba reflects upon high officials, who are charged with filling their own pockets and bellies in the midst of the war. Men have done such things before, and it was strongly suspected that something of the sort was done in this country during the late unpleasantness. In the Havana case it is stated:

"In respect to confiscated sugars, the Roberts family are now the idols of Havana. Mr. Lopez Roberts, will be the civil Governor, and charge of the business of confiscation, has a brother who is a broker, and to whom the sugar is turned over to be sold. The amount of confiscated sugars is now very large, and they are all sold by the brother of the civil Governor. No one knows what they bring. A large lot coming from the estate of Senor Mora (San Joaquin) has been lately sold to Perez and Meyers, Spanish speculators. These gentlemen would not report the price at which the sugars were bought, even when pressed for an answer by some of their friends and other brokers. Bills of exchange to the amount of $500,000 are reported as having been drawn recently in favor of Lopez Roberts, the civil Governor."

"It was a million is a most respectable loaf of sugar!"

CRAWFISHING.—Of all the bare faced, down right, ignominious political crawfishing that ever was accomplished, says the Atlanta, Ga. *Constitution*, the Radicals are doing the flattest of it right now. After fighting State rights and the Democratic theory of a proper balance being necessary between the State and Federal governments, after advocating and practicing the most shameless centralization for eight years; after claiming unadulterated Federalism as the true and only theory of this government, they now, amid the wreck they have caused, deliberately turn around and try to push the Democracy off its own plank, and claim it for their own.

We gave some extracts from Governor Palmer's speech a day or two ago. We now give a comment by the *Sun* on the same speech:

Whether it is really the destiny of the Republican party to regain for the country a just balance of power between the government of the States and the government of the nation, is a subject on which opinions will be certain to vary, and which it would be of little use now to consider. It is indispensable, however, that the distinction between these great elements of our political system should be restored through the agency of one party or another; and the Republicans have done good throughout public men, like Governor Palmer, who bring the question up for debate, and thus expedite its final settlement.

THE TEST OATH—THE CABINET.—We had information by telegraph a few days ago, says the Jackson, Miss., *Clarion*, that the Secretary of War had stated positively to Virginians that General Canby would not be permitted to require the members elect of the Virginia Legislature to take the ironclad oath. The Western press of the 20th publishes the following dispatch purporting to explain the views of each member of the Cabinet on the subject:

Boutwell and Creswell will sustain Hoar, in favor of administering the oath; but Fish, Robeson and Rawlins will oppose him, holding that the act of Congress does not require the lees oath of the Virginia Legislature. Cox is regarded as uncertain, though many claim that he will coincide with Fish and Rawlins. It is also understood that Attorney General Hoar has not prepared any opinion, which accounts for the delay in definite Cabinet action relative to this most important subject.

Col George L. Catlin, formerly of the New Orleans press, and special correspondent of the Cincinnati *Enquirer*, has fallen into pleasant places. Commodore Fisk of the Erie Railroad discovered his merits only recently, and the result is that the Colonel has been placed in charge of the newspaper and advertising department of the railroad—a position for which he is eminently fitted, and which brings him in contact with nearly all the newspaper men of the country. He brings to the position a thorough knowledge of newspaper life, and an aptitude for the rapid and delicate duties of the office. Fisk is a sagacious man, and in selecting the brave little Colonel has displayed good taste.—*N. Y. Evening Telegram.*

Under the law creating the bonds they can be taxed by the United States. If the tax was imposed, similar in amount to that which other property pays, we should derive a revenue of forty million dollars a year, enabling us to dispense with the income tax, that yields about twenty.

## BY TELEGRAPH.

(By the New Orleans Bee.)

### FROM WASHINGTON.

Rumors of Coldness Between Boutwell and Grant.

More Seizures by Revenue Officers.

Delano Opposed to Repeal of Income Tax.

Completion of the Iron Railway Bridge at Wilmington.

Stay Law Extended in Virginia.

The Spanish Gunboats Closely Watched.

### FROM EUROPE.

Comments on the Boat Race.

Movement to Make Serrano King.

Miscellaneous Intelligence.

WASHINGTON ITEMS.

*Washington*, August 28—Internal Revenue receipts to-day nearly half a million.

T C Fletcher, and Dwyer & Co's distilleries, New York, and Senator J H Henderson & Co's tobacco factory at Keokuk, Iowa, have been seized by the revenue officials.

There are ugly rumors of a coldness between Boutwell and Grant.

Senator Osborn, of Florida, has furnished lists of the persons he desires removed from usual and army employment in Florida.

Official circles discredit the reported rejection of the Ottoman treaty.

Fractional currency shipments for the week amount to $175,000, including $10,000 to Charleston and $10,000 to New Orleans.

*Washington*, August 28—Rawlins is better, but his physicians forbid business.

It is stated that Delano opposes repeal of the income tax, preferring rather to relieve many small amount of thirty days' sight ($9000) at 1 discount.

Nothing reported in Stocks. In bonds we note a sale of $2000 City ten per cents at 101¾.

Metropolitan Police Warrants were in active request and rates showed a still further advance. The sales included $1000 at 85, $7000 at 85¼, $1200, $3250 and $3500 at 86, and $2000 at 86½. We heard of other transactions at from 87 to 88, the particulars of which were not reported.

There was a moderate demand for State Warrants for tax paying. The dealers quote them 79 to 82 buying and 80 to 84 selling, according to size of warrant.

The sales of City Treasury Notes included $1,500 at 25 per cent discount, $3,700 (a resale) at 25¼ and $3,700 at 25¾. The dealers bought small sums at 26½ per cent discount and sold at 25½.

## COMMERCIAL.

OFFICE OF THE BEE,
SATURDAY EVENING, August 28, 1869.

COTTON—The market was at almost a complete stand still today and not a sale was reported; but we hear of 16 bales having changed hands, which we could not authenticate. Of the bales of 1868 only delivered, from the wreck of the steamer Gen. Quitman, sold at auction (by Messrs Nash & Hodgson) at $71 50 per bale. There were six bales of new crop offered to-day, making the total to date 109 bales, against 421 to the corresponding time last year.

COTTON STATEMENT.

| | |
|---|---|
| Stock on hand September 1st, 1868, bales | 3 944 |
| Received today | 16 |
| Received previously | 829 |
| Additional from samples, etc., to date | 3 |
| Total | 4,792 |
| Deduct—Sales previously | 4,575 |
| Deduct—Sales today | 16 |
| Deduct—Shipped previously | 201 |
| Received from wreck of Pantheon | 689—849 |
| Cleared to-day | 671 |
| Cleared previously | 42,416—42,087 |
| Stock on hand and on shipboard | 705 |

The exports to-day were to New York. Receipts yesterday since last evening 24 bales, against 23 same time last week.

FREIGHTS—There is very little tonnage on the berth for foreign ports, and scarcely any doing afloat. Cotton for Liverpool, by the steamer obtain fair engagements, but there is nothing on for Boston or Philadelphia. A considerable quantity of tonnage is in the way to the port, but will not probably be put on the berth for some time. We quote:

By steam—Cotton to Liverpool 5/8 per lb; flour 2s 6d to 3s 6d per bbl; corn 20c per sack; tobacco $5 per hhd.

By sail—Tobacco to Liverpool 5/8 per lb; flour 2s 6d to 3s 6d per bbl; corn 20c per sack; tobacco $5 per hhd.

SUGAR AND MOLASSES—Louisiana Sugar continue to come in very slowly, only a little good one having been sold at 12½c per lb. Receipts to-day 35 hhds. A round lot of Louisiana Molasses came in and we quote prime—nothing else of any consequence. Refinery is selling from store at 60 to the per gallon. City refinery Sugar is selling at 16½ to 18c per lb for yellow clarified; 19 to 19c for white, and 17½c for unclarified and refinery refuse Molasses 50 to 55c, and Syrup at 90c to $1 per gallon.

ARRIVALS FROM THE WEST—The steamers Lizzie Bell and W H Arthur, from St Louis, have arrived since our review of yesterday.

FLOUR—We have spoken to note a dull market, with a scarcity of double extra and the higher grades. The demand for the lower grades was fair. Superfine is selling at $6 50, double extra $6 50, treble extra $6 75 to $7 50 per bbl. The principal sales to-day are confined to superfine, fancy and choice family. Imported glues range at $7 75, 100 and 150 double extra at $8 50, 100 do at $9 50 to $10, 50 do at $9, and 50 do at $9 50. We quote at prices large.

CORN—In dull but prices are nominally unchanged. Some 3000 sacks were sold to-day, of which 500 inferior at 70c. Sound 1 43 white at 75c, 1 000 do at 76c, and 500 white at $1 per bushel.

OATS—The demand is limited, and the sales to day are confined to 600 sacks, of which 100 sold 10 days since, 121 at 65c, 100 and 300 at 66c per bushel.

BRAN—In good demand and prices have further advanced. 11,600 sacks were sold to-day, 1000 at 65c and 600 at $1 02½, and 250 at $1 05 per 100 lbs.

HAY—In fair sight supply and moderate demand. 100 bales were sold, of which 50 only Western Prairie at 90c per 100 lbs, and 50 do at $1 00, 5 choice at $1 25, and 61 do at $1 per bale.

POTATOES—Are in fair demand at $3 50 per barrel, and $1 50 per half barrel.

BACON—Meats in fair request. We note a sale of 10 hhds, clear rib sides 16½c, clear sides 16½ to 17c.

LARD—A lot of 50 tierces refined sold at 20½c per lb. The stock is light and prices are firm. Keg is quoted at 22½ to 23c per lb.

DRY SALT MEAT—Some plantation offered, and we hear of a sale at 16½c per lb. They are selling at 16½c.

BREAKFAST BACON—Is selling at 22 to 23c per lb for Western and N Tier.

BUTTERS, CHEESE—Are a tolerable supply and fair request, but other kinds are plentiful and dull. We quote choice Goshen 42 to 45c, common to good 35 to 40c, prime N Y 37½c, choice Western 35c, inferior 30 to 32½c per lb.

CHEESE—Continues extremely dull, the demand being confined to small lots for the city trade. Western Reserve is quoted at 19 to 19½c, and Goshen at 22 to 23c per lb.

SALT—There is very little demand for Liverpool Salt. The dealers raise a $1 50 to $2 per bbl, Liverpool Fine, and $2 to $2 25 for coarse. We quote Kanawha at $3 per sack, and Turks Island Salt at 65c per bushel.

WHISKEY—The market is quiet but firm at $1 25 to $1 30 per gallon for rectified. Domestic spirits are quoted at 65c per gallon.

LOUISIANA RICE—Some 100 bbls new Rice sale on the market offering at 8½ to 9c per lb. We hear of no sales to day. Prices show no prime.

INDIA BAGGING—The market is firm, with holders asking 29c to 30c per yard. The retail demand is active, at 27c per yard in bale, and 32 to 35c in retail.

Cattle Market.

NEW ORLEANS, August 28, 1869.

Arrived yesterday via Texas Express, 50 Cattle and 7 Calves. Total 57 Cattle and 7 Calves.

Arrived yesterday via Texas Express, 50 Cattle and 7 Calves. Total 57 Cattle and 7 Calves.

Sales of Texas Cattle yesterday, 50 head.

| | |
|---|---|
| Texas Steers, average 700 lbs | 2 00 |
| Texas Heifers, average 500 lbs | 2 00 |
| Texas Cows, average 700 lbs | 2 00 |
| Texas Cows, average 700 lbs | 2 00 |
| Texas Cows, average 700