The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, WEDNESDAY MORNING, DECEMBER 8, 1869. 43d YEAR—Vol. XLIII.—Whole—14,924

THE NEW ORLEANS DAILY BEE
DUFOUR & LIMET, PUBLISHERS,
No. 73 Chartres Street.

TERMS OF THE BEE:
Terms of Subscription—Daily, per annum, in advance, $16; half-yearly, $8; quarterly, $4.
Price of the paper—Six cents, 10 cents.
The Semi-Weekly is published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.
Rates of Advertising—Transient advertisement having the run of the paper, first insertion, $1 50 per square; each subsequent insertion, 75 cents per square.
For Editorial Page, transient advertisements, each insertion, $1 50 per square.
Advertisements inserted at intervals to be charged as new each insertion.
For the Editorial Page, monthly advertisements, each square, $2 50 per month.
Regular advertisers, who advertise largely, shall be allowed such discount from the above named transient rates as may be agreed upon. In no case shall such discount exceed 25 per cent.
All Business Notices of Advertisements to be charged 50 cents net per line, each insertion.
All transient advertisements must be paid for in advance.
All advertisements not marked for any number of insertions, will be published six times.
All bills with regular advertisers shall be rendered monthly.

Semi-Weekly Edition.
TERMS—PER YEAR.....$5

NEW ORLEANS:
WEDNESDAY MORNING, DEC. 8, 1869

TRY GEORGE ALCES' CIGARS,
185.....Rampart Street.....185

Amusements This Evening.

ACADEMY OF MUSIC.—"Lady Audley's Secret," Mrs. Bowers.
VARIETIES THEATRE.—"Solon Shingle" and the "Victims." Owens and Floyd.
ST. CHARLES THEATRE.—Mr. Chanfrau, "Kit; or, the Arkansas Traveler."
CRESCENT CITY MUSEUM.—Opposite the St. Charles Hotel.

THE PRESIDENT'S MESSAGE.

The feeling with which we have risen from the perusal of Gen Grant's message, is almost one of pity, that the man should have been suffered by the friends around him, to make himself as ridiculous as he does. Certainly there are some persons near the President who know how to compose grammatical sentences, how to present their ideas with some degree of clearness and to avoid falling into stupidities. We did not, it is true, expect the same accuracy and elegance of composition, and the same strength of statement and reasoning, which characterize the communications to Congress of former Presidents, but we did suppose General Grant had sense enough to call to his aid writers, who would faithfully express the opinions he wished to give utterance to, in language that could be understood, even if they could not so represent them as to avoid criticism. The only conclusion we can come to is, that the person who is responsible for the composition of the message, the statesman who penned it for the President to throw it into shape, intentionally made it what it is and artfully committed him to its ludicrous sentiments. The Radical leaders seem to have determined to let their chief say what he pleased and in the manner that suited him, in the hope that he would cover himself with ridicule and thus make it easier for them to cast himself when they had no longer any use for his services. Had he used the soldier's bravery and been guided by the simple good sense and business-like directness of the military man, Gen Grant might have avoided falling into the trap set for him by those who covet his office. But he has had no true friend to advise him either as to matter or style, in preparing the communication to Congress, and we look to see the most merciless criticism applied to it by journals of his own party as well as by those of the party opposed to him.

As to the opinions and recommendations of Gen Grant, it is hardly worth while to pay much attention to them. Congress has already shown that it does not consider them deserving of it. Why should it we? The power of the Government is now wielded by the legislative department, which, as at present composed, entertains very little respect for the Executive, whoever he may be. It is a long time since the recommendations of the President had much weight with Congress. Gen. Grant is the mere instrument of the faction which placed him where he is, and were they to suffer him to advise them, he is not by nature capable of assuming such an character. It would have been the dictate of wisdom therefore had he recognized his true province and confined himself to a brief reference to the leading topics now agitating the country, and to the indulgence of a few generalities. The currency question, the Cuban question, and the reconstruction question, afforded him subjects upon which he might have cut off some passable observations, without going too far into them, or losing himself in their intricacies. But this is precisely what he has done. The message, indeed, is more conspicuous for its avoidance of what ought to have been said than for what it does say. Gen Grant fairly flounders when he attempts to discuss those great questions. He assumes that everything is *rosier de rose*, instead of dealing with those mighty evils, under which the country is now staggering. There is not a word in the message concerning the widespread corruption, in and out of office, which prevails on every hand. The taxation, which is crushing the industry of the country, for the benefit of the foreign and domestic bondholder is touched in the lightest manner. Confidence and harmony between the different sections of the country is assumed when it is quite notorious that neither condition exists. We look in vain through the message for any appeal to Congress in behalf of the Commission of the country, and its violated precepts. The commercial condition of the country and its shipping interest, the President promises to consider hereafter, as if they were matters that could stand, and deserves at length the treatment of the Indians! General Grant's observations on the struggle going on in Cuba, are equally inconsistent. He tells us that it is our duty to practice neutrality between Spain and her insurgent subjects in that Island. He boasts of having put a stop to a number of illegal expeditions, fitted in this country to aid of the Cuban revolutionists, *but he does not say anything touching the illegal expeditions which he permitted to depart from our ports on the same errand.* While on this subject, Gen Grant declares the principle to be that the United States adhere, in determining the question of the belligerent status of nations at War with each other, or of portions of a nation at war with the parent Government. That principle is, that the Government of the United States judges for itself as to the time when such belligerent status should be recognized. This settles the Alabama question with Great Britain for the same principle was applied by that Government during the "Confederate" war. He says distinctly that the United States have no disposition to interfere with existing relations between Spain and her colonial possessions on this continent.

We sum up his recommendations as follows:

1st. *As to Georgia.* Although a "free" State and populated by a "free" people, as General Grant boasts, he submits whether it would not be wise to compel her to go through the Reconstruction mill once more, as she has not conformed to the requirements of Congress! How? Under the "free" and yet the foot-ball of Congress he does not explained.

2d. *As to Virginia.*—He recommends she be restored at once to her place in the family of States, because Virginia has conformed to the requirements of Congress.

3d. *As to the Currency.*—Gen. Grant advises steps to be taken to bring about a gradual resumption of specie payments. He is not very clear as to the means whereby resumption can be effected. He speaks of funding the national debt in bonds at an interest not exceeding four and a half per cent which is a plain enough proposition, but there is nothing said about repealing the National Bank act and removing the restrictions which now exist upon private banking. He does not seem to think that an immediate retrenchment in the expenditures of the Government is essential to the movement and a contraction precedent. He seems to have a vague idea about redeeming the greenback currency, but he does not indicate where the money is to come from, and he seems to contemplate that when redeemed they may again be issued freely. He wishes a stop put to the destruction of the currency, but sees only one way to reach it, and that is:

"To authorize the Treasury to redeem its own paper, at a fixed price, wherever presented, and to withdraw it from circulation all currency so redeemed, until sold again for gold."

Now we imagine that when once the greenbacks shall be redeemed, no financier who has any reputation will propose to continue the collection of this government paper.

4th. *As to the National Debt.*—Gen. Grant thinks it can be paid off in ten years. It amounts in round numbers to two thousand hundred millions and this is the way he forecasts out. The report of the Secretary of the Treasury shows the receipts of the Government for the fiscal year, ending June 30, 1869, to be three hundred and seventy millions, and the expenditures, including interest on bonds, to be three hundred and twenty millions. Surplus fifty millions. So Gen Grant proposes to pay with seven hundred millions the entire debt. We should like to have an accountant show how that can be done. We fear Gen. Grant is as poor a financier as he is a statesman. On the whole we do not think he will set the river on fire. The message is a radical, bondholder's document and has no other significance.

THE SUN MUTUAL INSURANCE COMPANY.—This company, one of the most brilliant successes, has elected the following excellent Board of Directors for the ensuing year:

Thomas Sloan, Jno. J. Gaines, Richard Flower, Jno. C. Ricks, E. J. Hart, Henry Renshaw, B. Bisson, Hugh Wilson, I. M. Marks, W. E. Seymour, Charles Maresky and R. S. Vance, all gentlemen of the highest character.

THE ALDERMANIC QUESTION.—The contest between the Aldermen of New Orleans last elected, Markey, Kaiser and others, and the Aldermen appointed by the Governor has undergone another change.

The writ of injunction issued a few days ago by Judge Léanmont, of the Fifth District Court, ordering Messrs. Markey, Kaiser and others to desist from acting as members of the Common Council of New Orleans, has been dissolved after argument by Edward Barmudez, Esq., and Judge J. B. Cotton for the defendants to the writ. It was clearly shown that this injunction had been improvidently issued, pending an application for a rehearing, in the Supreme Court, of the same suit, and while another injunction pended against the Governor's appointees.

The City Council were therefore at liberty to meet last night. On Monday next or before the legal delay has expired, an application will be filed in the Supreme Court for a rehearing in this case, and the court will be informed of the points it overlooked in dismissing the appeal taken by these elected Aldermen to that court.

LITERARY LECTURES AT LYCEUM HALL.—The third lecture of the season, and first of the course, will be delivered this evening by Daniel K. Whitaker, Esq., in the Lyceum Hall, and we are sure that his hearers will enjoy their attendance upon these elucidations of English literature upon which he is about to enter. We understand Mr. Whitaker proposes to treat:

1. Of that portion of its history which preceded the art of printing and extended thence to the age of Elizabeth.

2. The period that intervened between the accent of Elizabeth to the throne, and the reign of Queen Anne.

3. The age of Queen Anne, usually styled the Augustan age of English letters.

4. The period that elapsed between the death of Anne and that of George the Third, bringing the history down to the fifth epoch, embracing the reigns of George the Fourth, William the Fourth and Queen Victoria—that is, to the scholars of the nineteenth century in Europe and America.

The lecture to-night (¼ past 7) will be devoted to the first epoch of English literature.

CREAM ALE.—A very agreeable visitor made its appearance in our office yesterday which we regret we not a little, so seldom have we an opportunity of welcoming such compliments. This visitor was inanimate, and yet animate—dead, yet full of life; dead because it could not come of itself, and alive because it made itself felt when we had taken a good hold of it. For this rare, acceptable present we are indebted to the attention of our friend, Mr. George Merz, of the Canal Street Brewery.

The article was pronounced excellent. It is well named "Cream Ale," and that keg of it which Mr. Merz has favored us with, and to whom our thanks are tendered, we shall find no difficulty in disposing of.

THE FAIR.—We would remind the charitable public of the Fair now going on in the Bluffer Building, and the firemen, especially of the fine engine horse donated for raffle, for the benefit of the Fair, by Mr. Williams of the Third District.

After visiting the fair at a late hour last night the writer returned to the office to tender the devoir of his acknowledgements to the many ladies to whom he was introduced, for their gracious recognition, and to express our obligations to Mrs. Board and Choppin for the compliment of naming there table for the *Bee*. We shall give a more detailed notice to-morrow, and in the meantime advise all who wish to spend an agreeable hour among the elite to pay a visit to the Bluffer Building this evening.

The "Art Gallery" under the direction of Miss Simpson and other ladies will be found to be a novel and interesting feature.

GRAND BALL.—The second grand annual fancy dress ball of the Italian society, "Tiro al Bersaglio," will be given this evening at Odd Fellow's Hall. It will doubtless be a grand affair and we are obliged to the Committee of Invitation for cards of admission.

CITY INTELLIGENCE.

The City Council Controversy—Injunction Against the Newly Elected Members Dissolved.—Yesterday in the Fifth District Court, we argued and dissolved the injunction in the case of the State on the relation of Attorney General Belden vs. Markey, Kaiser et al.

Judge Cotton argued that the appeal involved in the case was suspensive and could not issue until the court had rendered its decree. He was satisfied they would obtain a rehearing on the application to dismiss, and thus bring the case up on the merits. The Supreme Court, he contended, must review their action on the basis of their former decisions. As to the injunction granted by Judge Léanmont in August last, which was bound to restrain the Governor's appointees until the complaints set up in the petition of the city were answered. The amended petition of the Governor's appointees setting forth an irreparable injury, he contended, could not be sustained. It was the Governor's idea which would work the injury in taking away the right of the city to choose its own officers. There was no precedent for the filing of a supplemental petition during the pendency of an appeal. They must meet the appeal.

The Civil Code gave no right to ask for an injunction under such a petition. He spoke of the great evils which would result in the locking up of the business of the Council at this time, when the license, ordinance and market revenues were just about being arranged. He took the position that no injunction could lie against the Council, and that it been issued improperly.

There was no question of jurisprudence better settled than that parties in the possession of an office exercising a public function in the interest of their constituents, were there rightly, and their acts were binding. He contended that the Governor's appointees had no right to the offices claimed, and that the voice of the people could not be stifled by the tricks of the Governor. The law touching the facing day of election was directory. His clients had been in office for six months, performing the duties of their office, and no trick of the Governor, based upon a mere dry technicality of the law, could deprive them of their rights.

Mr. Wooddridge, on the other side, argued that the constituents in office were not legally elected, and that their attempts at legislation were those of an illegal body, which would lead to endless litigation. The injunction he argued in opposition to Judge Cotton should be maintained.

Mr. Bermudez, on the same side with Judge Cotton, brought the action of the Governor's appointees was unprecedented, from the time his clients were relieved the right of a jury on to the grounds that extreme haste was to be taken in the Supreme Court and the decision of that court on the motion to dismiss the appeal that the city had no material interest in the matter. He argued that the city was the first and not third party, and that the defendant's appeal had been overlooked by that tribunal.

He argued that the clients of defendants had applied for and obtained an appeal and furnished the required bond, and that the other class under the provisions of the Code of Practice, which would be pointed out by number and page, if necessary, to the Supreme Court, had joined in the appeal of the city, and that in such cases of injunction no motion order of appeal was necessary.

The very fact that defendants had been injured, proved the Mayor were "in office," and the case of Terry vs. Stauffer, the Supreme Court had decided that an injunction could not issue against an officer in position so as to clog or lock up the machinery of government. He went on to claim that the Attorney General must be joined in the suit, or he would know that in the month of December the licence ordinances, the tax ordinances and other important ordinances must be passed by two bodies, or they would be null and void. He claimed that the injunction first issued by the court restraining the Governor's appointees from interfering in the rights of elected members must hold, but if it was dissolved he and his client appeal from the decision of the court. He argued that it was in order that the irreparable injury would result in keeping in force the injunction issued by the court.

Mr. Cotton said he hoped he struck him that the proceedings were irregular. The doctrine of equity could not apply in this case. The Supreme Court had decided that the suspensive appeal would not lie, but it might grant a rehearing, and while that rehearing was pending, the Attorney General could come in and obtain a restraining injunction upon a supplemental petition setting the pending of these proceedings. The Council had rights, and they could not be overlooked, and that the defendants who were occupying seats in the Council were sitting at least under color of office and commissions issued to them by the proper officer, and which have to stand and have effect until otherwise declared by a judgment having the force of sovereignty. The court maintained the doctrine laid down by the Supreme Court in the case of Perry vs. Stauffer, denying the issuing of an injunction against an officer while in the discharge of his duties, as such a proceeding would be destructive of the whole machinery of the Government.

The court added that however much it might be inclined to agree with the counsel for the defendants in the rule that an interregnum at election of city officers in place of the City Hall might be beneficial to the city, still he could not be governed by the law and dissolve the injunction which prohibited them from meeting.

Sale of the Revenues of the Public Markets.—City Controller Landry has sold at public auction the revenues of the public markets for the coming year as stated below. The amounts for which they respectively sold last year are also annexed, considering the fact that the bids last year were based on city money, which was then in circulation, and at a large discount, as compared with greenbacks or gold, the sales indicate an increase of about 20 per cent. on a gold estimate of the bids for each.

Markets.	Purchasers.	Bids 1870.	Bids 1869.
St. Mary,	Wm. Murphy,	$20,100	$26,000
Dryades,	Wm Creppin,	7,600	9,600
Cliborne,	P. Duret,	1,000	1,000
Fills,	N. F. whaux,	9,000	not sold
Bath,	J. F. Fuller,	43,000	50,300
Tivoli,	D. Con o, Jr.,	39,000	49,700
Vegetable,	M. Carroll,	18,000	13,000
Washington,	A. Robinson,	7,000	2,200
St. Bernard,	F. Dalcq,	6,150	5,100
Fort,	A. Boulanger,	9,025	11,100
La Boulos,	Jos. Nagand,	1,000	1,000
Feydras,	J. Ball,	54,300	67,550
Magazine,	O. M. Eudon,	30,350	24,100
Bourgne,	O. M. Eudon,	6,075	8,050
Piety,	O. M. Eudon,	11,000	12,200

First District Court—Judge Abell.—Judge Abell rendered a day or two go the following decision:

State of Louisiana vs. Valasin Fournet, Gustive Fournet, Gabriel Fournet, Zacharie Fournet, Alexandre Fournet, Lucullus P. Bryant, Jules Gard.—Rule to quash indictment against the accused—This is a rule to quash an indictment found against the accused by the Grand Jury of the parish of Orleans for manslaughter, on the grounds that the parish of St. Martin had first taken jurisdiction in the matter, and, that the mortal stroke having been given in said parish, and the death occurring in the parish of Orleans, this court has no jurisdiction. The rule was argued with ability by the Hon. A. Voorhies for the plaintiff in rule, and by S. Belden, Attorney General, for the State.

On the first point, it is conceded, that after the mortal blow was given, and before its consequence was ascertained, the accused had been arrested, and committed in the parish of St. Martin, upon the charge of assault and battery on the person of the deceased.

In the case of the State vs. Cummings, 5th Annual, 339, the Supreme Court held "that although the mortal blow is given in one parish, and the death takes place in another, the accused may be prosecuted in either." This I think is warranted by the English statutes, as adopted by statute and adjudications in this State, and unless the provisions of the constitution of 1864 and 1868, have had the effect to change the law upon the subject, the courts of St. Martin and Orleans have concurrent jurisdiction in the case, and priority is no ground for quashing the indictment; either court on a special showing might stay proceedings, to await the action of the other. Final judgment of either court on the merits would be a bar to further prosecution by the other; but, in the meantime, priority is no ground for quashing an indictment, and if a rule ought not to prevail on that ground.

The second ground is that the mortal injury having been inflicted in St. Martin and death occurring in the parish of Orleans, it is contended that the courts of the parish of St. Martin have exclusive jurisdiction of the offense by the statute of 2 and 3 Ead. and chap. 24, the offender is indictable in the county where the party died. This statute was not in conformity with the common law, but was intended to establish a rule of convenience or necessity; the reason whereof is not apparent at this time, but no doubt was vivid to the mind of Parliament that enacted it. This act was neither explanatory or declaratory of the common law, but, as will be seen, is no derogation thereof.

Mr. East, whose authority is not to be rashly questioned, thus states the common law, and gives Hale, Coke and Hawkins: "Regularly, by the common law, in this, as in other matters of criminal jurisprudence, the offence must be inquired of and tried in the same county in which it was committed." Again he says, "where the stroke and death are in different counties, it was doubtful at common law whether the offender could be indicted at all, the offence not being complete in either; though the more modern opinion is, he might be indicted where the stroke was given; for that alone is the act of the party, and the death is but the consequence." Hale says by statute 2 and 3 Ead., Chap. 24, it is enacted "that where any person shall be feloniously striken or poisoned in one county, and die of the same stroke or poisoning in another county, and indictment thereof found by jurors of the county where the death shall happen, shall be as good in law as if the stroke or poisoning had been committed and done in the same county where the party shall die, or where such indictment shall be so found. By this the fact is now settled to be in the county where the death happens."

This statute must have been dictated by a policy or necessity, which does not exist in Louisiana at the present day. It has been moved as a part of the Common law, by the Supreme Court, and turnished a rule that has little or no application, and, consequently, has worked but little mischief. The question has frequently arisen in cases determined in our Supreme Court, especially in the cases of the State vs. McKay & Co., 5th R. R. 549, the State vs. Cummings, 5th R. R. 339, and the State vs. Foster, 7 A. R. 225; and although the exact point was not raised in either, the court appears to have considered the statute 2 and 3 Ead. as governing cases like the one at bar. The statutes of the State, especially the act of 1855, has limited the jurisdiction of courts in this State, in criminal matters. But it appears unnecessary to discuss the modifying influence of the statutes or the decisions of the Supreme Court, as the Convention of 1868 was so competent to confine the venue to a parish where the mortal stroke was given, as the Parliament of England was to confine the venue to the place where death occurred, and to say mind the Constitution of 1868 has dispensed with the 24th article, which is incorporated in the Revised Statutes, in these words: "Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an impartial Jury of the Parish in which the offense was committed unless the venue be changed." This article is drawn from the common law as it was at the date of the adoption of the Constitution of 1868 and is reasonable as the common law itself. It is reasonable that an accused party should be tried where the offense was committed; for that alone, says Mr East, is the act of the party, and death is but a consequence. It is reasonable that the trial should proceed where all to the witnesses of the homicide is, or may be, but that parties should be dragged hundred miles far to be tried in a county of which, the law presumes them to be innocent, is unreasonable that witnesses should be forced to attend trial hundreds miles from their abodes, and that a party charged with the parish of Orleans, should be taxed with thousands dollars for the trial of the people of St. Martin, for the misdemeanor or crime, and vice versa. From the plainness of the words of the Constitution, and the inconvenience of a different construction, I am of the mind that the law established by 2 and 3, End. 6th, which fixes the venue where the death happens, has been changed by the convention of 1868, that which where the mortal stroke is given, and that this court has no jurisdiction, unless the venue be changed from the parish of St. Martin to the parish of Orleans, as permitted by the constitution. Let the rule be made absolute, the indictment found in the parish of Orleans be quashed, and the accused discharged from their bonds.

Board of Aldermen.—Regular meeting last evening, President Wilz in the chair.

A resolution from the Lower Board was concurred in directing six lots of ground as a cemetery for the St. Anna's Asylum.

Also for from the Lower Board authorizing the late Fiscal Agent, Mr. Southern Herald, to issue seven per cent bonds to redeem all outstanding certificates given to parties who have deposited city money in the Bank for the purpose of funding, which was concurred in.

The resolution to engage the services of Messrs Bermudez, Cotton and Hunt in defending the members of the City Council from the pretensions of the Governor's appointees, having been returned with an amendment from the Lower Board, the amendment was concurred in.

The appointment of J. W. Patton as chief clerk in the Street Commissioner's Department was confirmed.

A communication from G. de Ferrier, City Auditor, giving his reasons for declining to pay into the City Treasury the sum of $5,525 received as a deposit from Mr. Wells, purchaser of the right of the proposed Bazar Market in the Second District, was referred to the Finance Committee.

Mr Kaiser presented a resolution, which passed, to re-enact the ordinance authorizing the Jackson Railroad Company to extend their track to the Levee, the object being to avoid legislation based on technical objections made by property holders along the route of the proposed extension.

Mr Kaiser offered an ordinance with similar purpose, which also passed, to re-enact the ordinance authorizing the Carrollton to construct a branch track to the Gas Works.

Mr. Harrison's resolution to appropriate the three cents exclusive to paying for previous on the city wharves was adopted. Mr. O'Brien was active, however, that he would move for a reconsideration at the next meeting.

Mr Prados introduced a resolution directing the City Surveyor to widen the banquettes on Rampart street, from Canal to Esplanade street, and to take twenty inches on each side from the central ground to maintain the road wave at their present width on both sides.

Mr Harrison argued that the work would cost $3000, and work of that magnitude should be and at action.

Mr Healy moved to refer to the Committee on Streets and Landings, which motion prevailed.

A resolution was offered looking to the temporary appointment of a physician to fill the place of Dr. Nicholson, who is absent from the city, and to allow the appointee in the meantime to receive the fees of the office.

Public discussion a resolution was received from the Lower Board accepting the resignation of Dr. Nichols. This was immediately laid on the table, and the resolution above was adopted instead and sent to the Lower Board.

Mr. Sohier offered a resolution to repeal the 25th and the 30th sections of the Health Ordinance creating City Health officers, and providing for their payment. The resolution proposes to repeal the ordinance, which provides the Health officers upon the city physicians. Mr. Sohier stated that these duties could easily be performed by the city physicians, thus saving the city an expense of $6000. The resolution was finally adopted.

A resolution from the Lower Board inviting a joint session to elect a back to discharge the duties pertaining to the Fiscal Agency, was read. On motion, Mr. Kaiser was appointed a committee of one to proceed to the Lower Board and ascertain and report back what is the information of the body on the subject.

Mr. Kaiser reported that the Lower Board had no information except what was in the possession of this Board, but presented a resolution that that body postpone action in the matter till next Tuesday, further than the temporary appointment of the City Bank, in the meantime, as a means of enabling to receive from the Schoolboard all funds of the city without being liable to pay interest and other liabilities of the city beyond the amount of funds in hand, except the seven per cent bonds.

The resolution was concurred in finally, and sent to the Lower Board.

Messrs Fisher and Davis, as the committee from the Lower Board to confer with a committee of one from this Board to arrange for the election of city officers in place of Dr. Nicholson, resigned, appeared, and were received together with their report, upon which, however, no action was taken.

The License ordinance, as proposed with the amendments of the Committee of Conference, was taken up for action.

It was taken up by sections, many of which were adopted, among them those relating to factors, insurance companies, express companies, brokers, hotels, boarding houses, restaurants, etc., too numerous to mention, when, on motion of Mr. Shields, the ordinance, with the amendments proposed by the Conference Committee, was adopted as a whole, and ordered to be sent to the Lower Board, which has but few amendments, for their concurrence.

As amended, the tax on cotton, sugar and tobacco factors and brokers ranges from $50 to $150 each partner, according to amount of business. The tax on theatres and other places of amusement is $300.

On motion the Board adjourned till 6½ o'clock Thursday evening.

Board of Assistant Aldermen.—The Board met in regular session last night—Mr. Breen in the chair.

The Treasurer's report for the week ending Saturday, Dec. 4, shows the receipts $12,077 53; expenditures $29,987 15; balance on hand $5734 22. Bills receivable deposited in the Southern Bank $28,907 22. Proceeds six series Market notes in Southern Bank $196,100.

The rules were suspended to take up business from the Upper Board.

A resolution relieving the City Attorney from prosecuting the suit against the Governor's appointees, and substituting Messrs. Bermudez and Cotton, concurred in.

Resolution to sell a contract for a bridge over Bayou St. John at Dumaine street, concurred in.

One for a bridge across New Canal, at Claiborne street, was recommitted to the Streets and Landings Committee.

An ordinance making it penal to receive, store or sell the article known as the "Young America Torpedoes." Referred to the City Attorney.

Resolution authorizing extensions of the Orleans Railroad Company, was recommitted.

Ordinance allowing additional privileges to the Jackson Railroad in extending their road to the river; the portion of the road nearest the river to be run by horses or mules, also to build depot buildings at the foot of third street, was finally concurred in.

The weekly Water Works statement shows a balance of cash on hand of $16,583 64.

Ordinance authorizing an extension of the Jackson Railroad from the depot to the Gas Works, was concurred in.

A communication from the Mayor announcing that all of the Banks had officially refused to accept the Fiscal Agency.

The resignation of Dr Nichols as City Physician for the First and Fourth Districts, was received, and a joint session provided to elect a successor.

Mr. Pasley wished to elect at the same time a Fiscal Agent under the resolution offered by him at a previous session—and a resolution to that effect passed.

A resolution providing for the extension of the main pipes of the Water Works to the upper line of the Fourth and lower line of the Third District, the sum to be paid for by $600,000 of the Water Works Bonds, was opposed by Mr. Barnes on the plea that the bonds would not bring more than 50 cents on the dollar, and would just add to the difficulties under which the city already labored.

Mr. Pasley also opposed the putting of bonds on the market.

The resolution was referred to the committee on Water Works.

Resolution authorizing the contraction for repairs to the Engine House of No. 13 to use the Frear Stone for the front was passed.

A communication from the Mayor appointed in regard to the resignation of Dr Nichols, it was reported that the Upper Board had not accepted said resignation, and that a substitute had been appointed to act temporarily.

The Controller reported the following adjudications of the market: St. Mary to Wm. Mavlie, $20,150. Dryades to Wm. Creppel, $2100 per month; Clairborne to P. Duret, $800 per month; Fills to N. Hermann, $9,000; Bath to J. Fernandez, $45,200; Tivoli to D. Conroy, Jr., $39,000; Vegetable to M. Carroll, $59,000; Fort to M. Carroll, $12,650; Washington to A. Robinson, $7,000; St. Bernard to P. Dalcq, $6,150; Port to A. Boulanger, $9225; La Boulos to E. Naraznx, $1050; Feydras to J. Ball, $54,300; Magazine to O. M. Eudon, $30,250; Bourgne to O. M. Eudon, $6075; Ninth Street Market to O. M. Eudon, $11,000; Piety, $12,200.

Resolution appropriating $2500 for the payment of John Webber's judgment against the city—Adopted.

Resolution allowing Dr. Ashton to remove the small pox hospital to Dillmont street, between Gentilly and Clark—passed finally.

Board then adjourned to 6½ this, Wednesday, evening.

The Bakers.—Some fifteen or twenty bakers were yesterday fined $50 by Recorder Genius for not having a loaf of bread weighed for application, and, consequently, has worked but little mischief. The question has frequently arisen in cases determined in our Supreme Court, especially in the cases of the State vs. McKay & Co., 5th R. R. 549, the State vs. Cummings, 5th R. R. 339, and the State vs. Foster, 7 A. R. 225; and although the exact point was not raised in either, the court appears to have considered the statute 2 and 3 Ed. 6th, as governing cases like the one at bar. The statutes of the State, especially the act of 1855, has limited the jurisdiction of courts in this State, in criminal matters. But it appears unnecessary to discuss the modifying influence of the statutes or the decisions of the Supreme Court, as the Convention of 1868 was so competent to confine the venue to a parish where the mortal stroke was given, as the Parliament of England was to confine the venue to the place where death occurred, and to say mind the Constitution of 1868 has dispensed with the 24th article, which is incorporated in the Revised Statutes, in these words: "Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an impartial Jury of the Parish in which the offense was committed unless the venue be changed." This article is drawn from the common law as it was at the date of the adoption of the Constitution of 1868 and is reasonable as the common law itself. It is reasonable that an accused party should be tried where the offense was committed; for that alone, says Mr East, is the act of the party, and death is but a consequence. It is reasonable that the trial should proceed where all to the witnesses of the homicide is, or may be, and that parties should be dragged hundred miles far to be tried in a county of which, the law presumes them to be innocent, it is unreasonable that witnesses should be forced to attend trial hundreds miles from their abodes, and that a party charged with the parish of Orleans, should be taxed with thousands dollars for the trial of the people of St. Martin, for the misdemeanor or crime, and vice versa. From the plainness of the words of the Constitution, and the inconvenience of a different construction, I am of the mind that the law established by 2 and 3, End. 6th, which fixes the venue where the death happens, has been changed by the convention of 1868, that which where the mortal stroke is given, and that this court has no jurisdiction, unless the venue be changed from the parish of St. Martin to the parish of Orleans, as permitted by the constitution. Let the rule be made absolute, the indictment found in the parish of Orleans be quashed, and the accused discharged from their bonds.

Board of Aldermen.—Regular meeting last evening, President Wilz in the chair.

A resolution from the Lower Board was concurred in directing six lots of ground as a cemetery for the St. Anna's Asylum.

Also for from the Lower Board authorizing the late Fiscal Agent, Mr. Southern Herald, to issue seven per cent bonds to redeem all outstanding certificates given to parties who have deposited city money in the Bank for the purpose of funding, which was concurred in.

The resolution to engage the services of Messrs Bermudez, Cotton and Hunt in defending the members of the City Council from the pretensions of the Governor's appointees, having been returned with an amendment from the Lower Board, the amendment was concurred in.

The appointment of J. W. Patton as chief clerk in the Street Commissioner's Department was confirmed.

A communication from G. de Ferrier, City Auditor, giving his reasons for declining to pay into the City Treasury the sum of $5,525 received as a deposit from Mr. Wells, purchaser of the right of the proposed Bazar Market in the Second District, was referred to the Finance Committee.

Mr Kaiser presented a resolution, which passed, to re-enact the ordinance authorizing the Jackson Railroad Company to extend their track to the Levee, the object being to avoid legislation based on technical objections made by property holders along the route of the proposed extension.

Mr Kaiser offered an ordinance with similar purpose, which also passed, to re-enact the ordinance authorizing the Carrollton to construct a branch track to the Gas Works.

Mr. Harrison's resolution to appropriate the three cents exclusive to paying for previous on the city wharves was adopted. Mr. O'Brien was active, however, that he would move for a reconsideration at the next meeting.

Mr Prados introduced a resolution directing the City Surveyor to widen the banquettes on Rampart street, from Canal to Esplanade street, and to take twenty inches on each side from the central ground to maintain the road wave at their present width on both sides.

Mr Harrison argued that the work would cost $3000, and work of that magnitude should be and at action.

Mr Healy moved to refer to the Committee on Streets and Landings, which motion prevailed.

A resolution was offered looking to the temporary appointment of a physician to fill the place of Dr. Nicholson, who is absent from the city, and to allow the appointee in the meantime to receive the fees of the office.

Public discussion a resolution was received from the Lower Board accepting the resignation of Dr. Nichols. This was immediately laid on the table, and the resolution above was adopted instead and sent to the Lower Board.

Mr. Sohier offered a resolution to repeal the 25th and the 30th sections of the Health Ordinance creating City Health officers, and providing for their payment. The resolution proposes to repeal the ordinance, which provides the Health officers upon the city physicians. Mr. Sohier stated that these duties could easily be performed by the city physicians, thus saving the city an expense of $6000. The resolution was finally adopted.

A resolution from the Lower Board inviting a joint session to elect a back to discharge the duties pertaining to the Fiscal Agency, was read. On motion, Mr. Kaiser was appointed a committee of one to proceed to the Lower Board and ascertain and report back what is the information of the body on the subject.

Mr. Kaiser reported that the Lower Board had no information except what was in the possession of this Board, but presented a resolution that that body postpone action in the matter till next Tuesday, further than the temporary appointment of the City Bank, in the meantime, as a means of enabling to receive from the Schoolboard all funds of the city without being liable to pay interest and other liabilities of the city beyond the amount of funds in hand, except the seven per cent bonds.

The resolution was concurred in finally, and sent to the Lower Board.

Messrs Fisher and Davis, as the committee from the Lower Board to confer with a committee of one from this Board to arrange for the election of city officers in place of Dr. Nicholson, resigned, appeared, and were received together with their report, upon which, however, no action was taken.

The License ordinance, as proposed with the amendments of the Committee of Conference, was taken up for action.

It was taken up by sections, many of which were adopted, among them those relating to factors, insurance companies, express companies, brokers, hotels, boarding houses, restaurants, etc., too numerous to mention, when, on motion of Mr. Shields, the ordinance, with the amendments proposed by the Conference Committee, was adopted as a whole, and ordered to be sent to the Lower Board, which has but few amendments, for their concurrence.

As amended, the tax on cotton, sugar and tobacco factors and brokers ranges from $50 to $150 each partner, according to amount of business. The tax on theatres and other places of amusement is $300.

On motion the Board adjourned till 6½ o'clock Thursday evening.

BY TELEGRAPH.

[To the New Orleans Bee.]

FROM WASHINGTON.

Congressional Proceedings.

The New York City Election.

Fire in Philadelphia.

The Alabama Legislature.

Excursion of the Board of Trade

FROM HAVANA.

The Spaniards Repulsed With Heavy Loss.

FROM EUROPE.

The Pall Mall Gazette and the Alabama Claims

Miscellaneous Intelligence.

WASHINGTON ITEMS.

Washington, Dec 7.—In the Senate to-day a bill was introduced regarding the contest pointed International Exhibition of 1871.

The Senate adjourned while the President's Secretary was en route to it with nominations.

In the House Butler introduced a bill to repeal the Tenure of Office act.

Stevenson, of Ohio, introduced a bill for the removal of political disabilities, providing two-third of both Houses concurring, upon the adoption of the 15th amendment.

In the Senate, Sumner, in the case of Farrington vs. Saunders, from the District of West Tennessee was heard, and the decision below was reversed, the case in which the tax imposed under the Internal Revenue law of 1866.

In the case was taken from the Court of Error, the plaintiff in error contended that the tax is invalid, because it was unconstitutional, as being a direct tax without an apportionment, and being a tax on business, not income.

The Committee on elections reported favorably on the credentials of Hollin, Dox and Sherrard, of Alabama, and they were sworn in.

The Reconstruction Committee will meet on Thursday.

The admission of Virginia is expected on Friday or Tuesday next.

Cuban letters to the New York *Tribune* contain accounts of three engagements on the 11th and 13th of the ult.

The Spaniards attacked the Cuban position at Macaura in large force, and were repulsed with heavy loss.

A heavy column of Spaniards were subsequently routed at Augusda del Sonto, near Trinidad, and were pursued by the Cubans to the suburbs of that city.

A detachment of Catalans were annihilated upon the line of the Puerto Principe Retiroad.

Washington, Dec. 7.—Mr. Gaines, by the advice of her counsel, will leave for New York on the 10th inst.

MISCELLANEOUS INTELLIGENCE.

Philadelphia, Dec 7.—The Merchants' Building, corner of Third and Walnut streets, is burning.

The chandelier fell within ten minutes after the very of the fire. The whole building is in flames.

Havana, Dec. 7.—Capt. Ford, of the ing Notice-Jones, was acquitted at Helena, Arkansas, of the charge of complicity in the murder of one by lynching to Dr. Stocker of Cheyenne in the course of four and five weeks, refused a gentleman of his pocket book containing $200 in U. S. Treasury notes, and $20 in Arkansas on the Governor Hooper, about a year since.

Colonel Sneed, an old and respected citizen of Arkadelphia, committed suicide last Tuesday.

Montgomery, Dec 7.—In the State Senate to-day a message from the Board of Regents of the State University, was read; it asked for heavy donations from the State, and acknowledged that it was nearly as at present control