The New Orleans Bee.

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NEW ORLEANS DAILY BEE.
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TERMS OF THE BEE.
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Semi-Weekly Edition.
TERMS—PER YEAR.....$5.
NEW ORLEANS:
TUESDAY MORNING, JAN. 24, 1871.

Amusements This Evening.

OPERA HOUSE—"William Tell."
ST. CHARLES THEATRE—Engagement of Lotta—"Little Detective."
ACADEMY OF MUSIC—Miss Western—"Curfew."
CRESCENT CITY MUSEUM—Nos. 40 and 42 St. Charles street.

Presidential Elections—Proposed Change in the Law.

Senator Kellogg, on the 20th instant, introduced into the Senate of the United States, a bill which seems to contemplate a change in the manner and form of casting the vote of Louisiana for the candidate of its choice for the Presidency of the United States. The time fixed for the choice of electors by the law of the State is also different from the time fixed by Mr. Kellogg's bill. We subjoin the provisions of the Federal Constitution and of the law of Louisiana on the subject, for the purpose of eliciting some information as to the design of the Senator, whose bill reads thus:

"That the Electors of President and Vice President shall be appointed in the State of Louisiana on the first Monday in the month of November of the year in which they are to be appointed, provided that said State may by law provide for the filling of any vacancies, which may occur in its College of Electors, when such college meets to give its electoral vote:

"The law now governing in Louisiana as to time, manner and form of electing (and appointing) Presidential electors is as follows:

(Ray's Revised Statutes, p. 278.)

Section 1610. In every year in which an election shall be held for electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November, in accordance with an act of Congress of the United States, approved January 23, 1845, entitled "An act to establish a uniform time for holding elections for electors of President and Vice President, in the States of the Union;" and such elections shall be held and conducted in the manner and form provided by law for general State elections.

This law, it will be seen, is in conformity to these provisions of the Federal Constitution.

Art. II. Section 1:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors, and the day on which they shall give their vote; which day shall be the same throughout the United States.

The Sanitary and Fertilizing Law.

In the address to the public of New Orleans, which the Sanitary and Fertilizing Company have published have paid for in the advertising columns of the *Bee* and other city journals, touching the law enacted by the Legislature investing that company with certain extraordinary powers over the premises of the inhabitants of this city, they embody a certificate signed by Dr. C. B. White, President of the Board of Health, which endorses not this odious law, but merely the "dry earth system." They seem to wish the public to understand, however, that Dr. White also approves the monopoly which they have obtained. In their address they also intimate the approval of the Board of Health of New Orleans, not only to the "dry earth system," but also to the law which makes it compulsory on our citizens to patronize this particular company. We are authorized to repudiate and deny on behalf of the Board of Health, and also on behalf of Dr. White, its efficient President, any statement which would implicate them in the remotest degree, by way of approval of the monstrous law or otherwise connect them with it. In evidence thereof we publish the following communication which we have received from Dr. White:

(COMMUNICATION.)

OFFICE OF BOARD OF HEALTH,
State of Louisiana,
New Orleans, Jan. 21, 1871.

To the Editor of the *Bee*:

I send you a memorandum of two or three facts, as there seems to be a misapprehension of the position of the Board of Health in regard to the Sanitary and Fertilizing Company.

1. The Board of Health has nothing to do with the use of their name in the bill; they neither requested nor desired it, nor did the Board receive any official communication on the subject, or take any action in any way before the bill was passed by the General Assembly.

2. The report published in the papers as having the approval of the Board of Health and therefore being its opinion, was a report of a committee, which report was received and the committee discharged *but the report was not adopted*, because it did not express the opinion of the Board of Health.

Mr. Clark, an agent of the Fertilizing Company, was permitted to take a copy of this report for publication, he pledging his word to state that the report was simply *received and not adopted*. He did not keep his word, but published the report as if it had been adopted by the Board of Health.

3. At the request of Gov. Warmoth, I wrote a somewhat extended communication to him on this bill, and stated that the scheme contemplated was impracticable from the nature of the case; that the small quantity of charcoal which the company represented as being sufficient for the purpose in view, was altogether inadequate, and that the system as proposed at that time (on a limited scale) had proved itself a nuisance. Although I thought it contemplated a monopoly and was therefore unlawful, I had nothing to say to the Governor on that point, as he had merely sought my opinion as a sanitary expert.

The Board of Health, then, is in no manner responsible for this odious law, notwithstanding the contrary statement of the Sanitary and Fertilizing Company.

I am, very respectfully, your obedient servant,

C. B. WHITE, M. D.,
President of Board of Health.

AMUSEMENTS.

THE ST. CHARLES.—Seldom, in the theatrical history of this city, has so crowded a house been gathered as that which thronged to welcome the inimitable and triumphant Lotta. She conquers wherever she goes, and New Orleans is one of the first of the cities which realized her ability, appreciated her talent, and looked with hopes to her future.

No "Star" ever boasted in this city of a larger audience than that which greeted Lotta last night, and the universal satisfaction she gave in her representation of the "Little Detective," is ample evidence that the house, last night, was only a preliminary symptom of the houses for the remainder of the engagement.

The little charmer comes back to us but slightly changed, and she has the satisfaction of finding that the feelings of her old admirers and friends are also unaltered.

Miss Mary Mitchell although as *Stella* was admirable, and upon the whole, the "Little Detective" was a grand success last night.

THE ACADEMY.—Although the St. Charles had the almost unconquerable attraction of Lotta, the Academy came to the front in fine style with the popular favorite, Miss Western, in her new play of "Carlotta." So well is this lady's fine artistic ability appreciated and so confiding are the public, that no sooner can attend her in a part of a play in which she holds the leading role, but the Academy was crowded from top to bottom. Almost immediately after the rising of the curtain had commenced to clear the stage of the audience, every seat in the house was taken up, and the orchestra, from one of the most commodious of locations, was enabled to hide from view the fashion and beauty in the parquette and boxes. Miss Western was in fine form for the exigency, she displayed to the delighted audience.

CITY INTELLIGENCE.

First District Court.—The case of Jerry Donovan, charged with manslaughter, in killing a boy named James Wilson, by striking him with a hose ball on the 21st of August, of which he died at the Charity Hospital some days afterwards, was continued, some of the witnesses being absent, on Monday, January 30. The accused is under $2000 bail. The mother of the deceased boy was in court, and not understanding the proceeding, cried bitterly, thinking, as there was no trial this morning, that the accused had been discharged.

Jerry Pearson, the young man charged with publishing a forged check, plead guilty to obtaining money under false pretences, and was remanded to await sentence. The check was for $650, on the Crescent City Bank, dated September 3, 1870, supposed to be signed by Converse, Duribury & Co., and given to E. W. Herrick.

Wm. Bolger, charged with robbing Mrs. George Kuester, on the 25th of December, in the Bazaar Market of $150, picking her pocket, was continued. This industrious character also stole, a short time ago, $30 out of a still more in St. Mary's Market.

The charge against E. H. Moss, colored, who, when a sergeant of the Sixth Precinct Police, was charged with outraging, on the 6th December, 1869, Constance Courtois, a white girl, daughter of Mr. Courtois, a grocer on the corner of Dryades and Jackson streets, has been fixed by the Attorney General for Monday, Jan. 30.

Sixth District Court.—Judge Cooley delivered an elaborately written decision in the case of Wm. Fitzpatrick, committed to the Workhouse under the vagrant act, and brought before this court on a writ of habeas corpus.

Judge Cooley maintained the same ground taken by him in the Cobler case, i.e., that act 96 is unconstitutional, and discharged the prisoner. The learned judge reviewed the late decisions of Judges Collens and Dibble in similar cases.

Late Homicide.—In the Supreme Court, yesterday, two cases of public interest, in their time, came up for consideration. The appeal taken by Vincent Simondelli from the decision of Judge Abell, sentencing him to five years in the Penitentiary for the killing of Rosario Dimichelli, in Congo Square, was dismissed.

The appeal of John Vandergraff, convicted of killing his cousin, Robert Allen, Jr., on Common street, from the seven years' Penitentiary sentence inflicted by Judge Abell, was also dismissed.

Immoodest Car.—Dr. Lemme is preparing to remove all the immoodest gas apparatus cars on the Canal street line.

Incendiary.—An unknown party concealed himself in the grocery of Joseph Matz, corner of Marigny and Gentilly streets, on Saturday night, and attempted to fire the building after the store was closed. The incendiary escaped and the fire was extinguished without damage.

Burglary.—A tea party of burglars broke into the warehouse corner of Lafayette and Magazine streets and applied seven boxes of tea into two stacks. They must have been alarmed while pursuing their nocturnal employment, for nothing else was discovered missing, and the two stacks of tea were found in the center lot, the site of old 'Odd Fellows' Hall, where the thieves had thrown them. Corporal Gaston and his stacks brought to the First Precinct Station.

More Shooting.—Officer Hill, of Jefferson, reports that he fired five shots at two men, and thinks he hit one, Sunday night. The officer says he arrested one, thinking he was a thief, when the man's friend rescued him and both ran. Then the officer fired. The policeman is still at liberty, as it did not make it necessary for the Coroner to appear in the case.

Dangerous Fall.—Yesterday morning, about seven o'clock, Joh Conner, one of the crew of the ship Frisco, was brought on board that vessel suffering from the effects of a fall from a piece of timber, at Peck Slip. The poor man was attended by a physician, who pronounced him to be in a dangerous condition.

Bitten.—A dog bit no. 2 Mr. L. B. Flower, bitten by a dog, cor. of the corner of Carondelet Walk and Marais street. The dog was killed.

Death by Drowning.—The following is a report of the death in the city of New Orleans, from 6 o'clock p. m. on the 16th day of January, 1871, to 6 o'clock p. m. on the 23d day of January, 1871:

Number inferred from public institutions, 29; on certificate of Coroners, 16; on certificate of midwives, 3; on certificate of Sexton, 0. Of these 38 were males and 8 females; 30 were white, 16 black, 17 were born in the United States.

Left the Stage.—A person who attempted to break into the house of Mr. Allen, corner of Amelia and Prytania streets, Sixth District, on Saturday night, left the premises and fired at twice. No job in business.

Supreme Court.—Yesterday, the bill in the case of Gustave Cruzat, who sued the Board of Commissioners of the Orleans Levee District, for the price of a lot of land, the property of the plaintiff, taken for the purpose of constructing the levee, and for which he claimed $1,000 per front foot, the Supreme Court reduced the price to $500 per front foot.

Eighth District Court.—Michael Lemon, Mayor of New Orleans and Mm. Elizabeth Ferrari.—The plaintiff sues a house in Orleans street, adjoining a vacant lot, the property of defendant. In the month of October, 1869, defendant demolished to the mentioned authorities that the wall of plaintiff's house, which had been place was in a ruinous condition. The Deputy Surveyor of the city made an examination and certified that the wall, governing the lot of said defendant at least six inches, and was dangerous.

Upon this the aforesaid notice to plaintiff, saying she wished to build upon her property, and called attention to the fact that the wall in question laid over on her property. She gave notice to plaintiff that if he did not commence the reconstruction of said wall within ten days, she would have it done at his expense, and hold him liable for all damages she might incurre from such delay.

No attention seems to have been paid to this demand, and in the following month the defendant applied to the Mayor, to cause a notice to be served upon the plaintiff, stating that the Surveyor had reported that it is expedient to be in a ruinous condition, and plaintiff was ordered to cause the danger to cease within ten days, and was notified that if he failed to do so, the building would be reconstructed or demolished at his expense.

By an ordinance relative to dangerous buildings, it was ordered that when complaints were made the Mayor should instruct the City Surveyor to make examination, but the owner of said property was given right to contest the decision of the Surveyor, and appeal as exact who should be sworn by the Mayor. After said examination by the Surveyor, plaintiff appointed Thomas Mahon, who reported that the wall was not in a dangerous condition, and that there was no danger of its falling; furthermore that the erection of another building against it would strengthen it. Upon this report being made it seems that the Mayor took no action in the matter, but shortly after defendant served a notice upon plaintiff that he must reconstruct the wall or it would be done by her at his expense.

It having been shown by the evidence of five experienced builders that the wall is not in a dangerous condition, the injunction as prayed for by the plaintiff is granted, and the defendant is enjoined from reconstructing or demolishing said wall, but it having been shown that the wall does bulge several inches upon the property of the defendant, Ferrari, she must seek redress from the law provided in such cases.

The Homicide on the B. L. Hodge No. 2.—Capt. John Heinn, of the Hodge No. 2, has been arrested as accessory, after the fact, to the killing of John E. Donovan. The Captain was released, on $2000 bonds. He claims that the testimony against him is all *ex parte*, and denies all the statements of witnesses regarding his actions.

A Real Affair.—At 10 p. m., January 23d, G. W. Mongrief, who is stopping at the "Age," on St. Charles street, was robbed of $25 by one of the women performers at 66 St. Charles street. He says he was enticed up stairs by the woman and had the money taken out of his pocket. Yesterday morning Mongrief was requested by an attache of 66 to call at that place, and when he arrived there the woman who had robbed him returned the pocket-book empty. The case is in the hands of the police.

BY TELEGRAPH.

To the New Orleans Bee.

FOREIGN INTELLIGENCE.

Paris, Jan. 17.—Jules Favre had a consultations with the Mayors of Paris prior to his trip to London. The Mayors are divided in opinion and no decision has yet been made.

Lille, Jan. 22.—Gambetta, in reply to popular call, made a splendid speech today; the substance of which was that France prefers eternal war to the surrender of any territory.

The Army of the North is rapidly completing its organization.

Lille, Jan. 23.—Gen. Faidherbe issues a hopeful order of the day saying that after a short interval of rest the army of the north will again confront the invaders.

Bordeaux, Jan. 23.—Dijon was attacked by a large Prussian force yesterday and there were several engagements in the neighboring villages. The Prussians commanded by Menotti and Ricotti Garibaldi were in action and behaved splendidly. The French maintained all their positions.

The advanced posts of both armies were close together last night, and it was expected that the battle would be resumed to-day.

The Prussians occupied Dole after the bombardment.

Versailles, Jan. 23.—The bombardment of St. Denis is progressing favorably. The fort is almost silenced, and several fires in the town of St. Denis and also within the walls of Paris, were plainly visible.

Versailles, Jan. 23.—The Emperor William, in an order of the day, announces to the army his acceptance of Imperial dignity and acknowledges that its bravery and endurance have hastened the unification of Germany. He solemnly charges his army ever to remain the strong arm of the Fatherland.

Arlon, Belgium, Jan. 23.—The Prussians suffered a repulse at Longwy on Saturday. Their guns were silenced and they were forced to place their batteries at a greater distance from the walls. The batteries at Hersberge and Montry replied feebly to the fire of the besieged. The Prussians are waiting for heavier guns. On Sunday the bombardment became more vigorous.

Brussels, Jan. 23.—The *Independance Belge* says there is danger that Bourbaki's line of retreat will be cut.

London, Jan. 23.—10:30 P. M.—Advices from inside of Paris to the 21st have been received. Great dissatisfaction and despondency prevailed in consequence of Gen. Trochu's failure in his last effort to break through the lines of the enemy. It was reported that a large and available force of artillery and infantry reserve took no part in the action. Trochu's policy was loudly denounced as weak and temporising.

London, Jan 23, 4:30 p.—The number of deaths from small pox weekly in Great Britain are said to average 150.

London, Jan. 23.—Bismarck, replying to Jules Favre's application for a safe conduct to the conference, says: Presuming that the authority of the Provisional Government had not been recognized by the French nation, the military government forcibly followed Paris fell without prejudicing the question of recognition. It is now impossible to give Favre a safe conduct because of his declaration that an invitation to take part in the conference would be a recognition of the Republic. In conclusion, Bismarck pointedly inquires whether it is advisable for Favre to proceed to London since the interest at stake at Paris for Germany and France completely overshadow the Eastern question.

London, Jan. 21.—The conflagration at Longwy is confirmed.

The country around Valenciennes has been inundated on account of the approach of the Prussians.

The mobilized guard behaved badly at St. Quentin; fully 15,000 of them panicked.

A Cambrai despatch dated 20th, says there is a panic among the people, as the Germans are approaching.

Gen. Faidherbe has gone to Doual and Gen. Favre to Lille. The whereabouts of the division of the army is unknown. Gambetta is at Lille.

A dispatch from Lille 21st, reports the utmost consternation. Women and children are fleeing from the operations and troops arriving are in a pitiable state.

Gambetta spoke advising resistance to the bitter end; denounced the partisans and coward cry of peace on any terms; repudiated any desire on his part to form a Dictatorship, and urged the people and army to duty, promising them final triumph.

Paris news of the 17th, says Jules Favre is very sick.

The victims of the bombardment, killed and wounded, number 49 women, 39 children and 80 men.

London, Jan. 22.—Gambetta made another speech in which he expressed confidence in Faidherbe. He announced fresh arrivals of troops and reported that Cambrai has been summoned to surrender.

The Germans are entering the Departments of Calvados and Arna.

Bismarck declines to enter upon negotiations for Jules Favre's safe conduct to the conference.

Advices from Paris say General Trochu, at the Council on Friday, stated that all the hope of outside assistance failed, it would be his duty to surrender the city before the Germans destroyed the public buildings and fired the centre of the city.

The Emperor William's Imperial Argument on the 21st: "The enemy yesterday entirely withdrew into Paris. The total French loss at Dijon is 15,000. The enemy has withdrawn to Valenciennes and Doual. We have recaptured Cambrai.

London, Jan. 23.—Bark Volunteer, from Mobile, arrived from Amsterdam. She was obliged to throw her deck load overboard during a heavy gale.

London, Jan. 23—9 a. m.—The attempt by the French from Lyons to surprise the Germans at Dijon has miscarried.

Gen. Trecow, who has advanced from Besançon, is reported to have sustained severe loss at Villers, Dorbey and the Villages of Person, in which five officers and 60 men were taken. German loss was considerable.

London, Jan. 23.—The Emperor telegraphs from Versailles to the Empress as follows: "The latest estimate of the French loss at St. Quentin is 15,000 men, including 11,000 prisoners.

The Germans refused the request of the French for a cessation of every shell from Paris, because the French fire was mostly verbal. The Germans have, therefore, materially facilitated the entrance of the victuals.

London, Jan. 23—9 a. m.—Paris newspapers of the 20th have been received. They contain the news that the Germans have taken possession of Montmedy in Lorraine and the French garrison, 1000 men, surrendered. Prussian forces are in Dole. A powerful force of artillery, with cavalry and infantry, left Besançon the day which contained the battle. All hospitals as we could have reached, and the wounded were all first occupied, but subsequently indiscriminately cared for. Of artillery, 11 pieces, 4 of which were captured, the remainder, 7, were disabled. The total loss of the French is 1500 killed and wounded. The Prussians lost 2000 killed and wounded. The Prussians lost 2000 killed and wounded. The Prussians lost 2000