The New Orleans Bee.

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NEW ORLEANS DAILY BEE

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TERMS OF THE BEE.

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NEW ORLEANS:
THURSDAY MORNING, JAN. 26, 1871.

Amusements This Evening.

OPERA HOUSE—"The Barber of Seville."
ACADEMY OF MUSIC—"Oliver Twist."
ST. CHARLES THEATRE—Engagement of Lotta—"Little Detective."
CRESCENT CITY MUSEUM—No. 40 and 42 St. Charles street.

THE VAGRANCY LAW.

Under the contradictory opinions and decisions of Judges Cooley and Collens, the vagrancy question is a muddle, and the only way out of it, so far as we can see, is by a decision of the Supreme Court or a new legislative act carefully drawn up so as to meet the difficulties which exist under the present law. We understand the opinion of the legal profession to be this—that it is quite competent for the Legislature to pass an act preventive of crime, an act authorizing the taking of bonds to keep the peace from parties suspected of vagrancy and their imprisonment in default thereof. As the law stands now, it is thought there is no power to exact such a bond. The vagrant law of 1871 is construed as creating an offense and providing for the arrest of parties suspected to be guilty thereof, and their trial and punishment by officers who have no judicial power to try such cases and pronounce judgment upon them. In this view of the question it is believed to be unconstitutional, null and void. The old statute quoted by Judge Collens, viz: Article 1016 of Ray's Revised Statutes, is not believed to be applicable to this class of offenders, and if it were, then that is was repealed as to them by the repealing clause of the law of 1871.

Although it is almost impossible and hardly fair to attempt to state the reasoning of the lengthy and able opinions of the Judges of the Sixth and Seventh Courts, we shall endeavor to set forth in a few words, the difference which exists between them, not having the room to publish the opinions themselves, which are well worth reading by all who desire to master the subject.

Judge Cooley, then, holds that the vagrant law of 1871 is unconstitutional, null and void because: 1. It gives jurisdiction to try, convict and sentence an offender, by a court possessing under the laws of this State, no power to summon a jury. 2. Because the act provides for a criminal prosecution otherwise than as required by the Constitution, viz: by indictment or information; and, 3. Because the act was applicable only to a portion of the State, and in that respect violates the Bill of Rights in the Constitution of the State.

Judge Collens, on the other hand, holds that the vagrant law of 1871 is not chargeable with the constitutional objections which have been made against it—that the arrest, trial and sentence pronounced by the magistrate as contemplated in that law do not violate the guarantees of the Constitution against arbitrary imprisonment, but that these processes are had, merely in the way of preventing crimes and not for the purpose of punishing those who may commit them. He holds that an old territorial statute which provides for the arrest and commitment upon the affidavit of a responsible person before a Justice of the Peace of a party who it is alleged contemplates a breach of the peace, is still in existence—that the vagrant law of 1871 does not conflict with the old statute, and that this class of offenders may be held under bond to keep the peace by virtue of its provisions. Judge Collens therefore allowed the party before him an opportunity to give bail for his good behavior, a privilege of which the magistrate who sentenced him to the workhouse had not given him the benefit.

The difference of opinion between these learned Judges, it will be seen, is irreconcilable. If the new vagrant law be not amenable to the constitutional objections which have been urged against it, then as it appears to contain the whole law on the subject and clauses repealing previous statutes and also making the same repeal all statutes contrary to it, it is difficult to see how the old territorial statute which authorizes the binding over of the accused to keep the peace, can possibly apply to an offender when it is manifest that the object of the new law was to put him in the workhouse and not suffer him to be at large at all.

THE FRENCH OPERA.

The performances at this Theatre are better attended now than they were at the beginning of the season, and the management have just made an addition to their troupe by which additional interest in the performances will be created. We allude to Mr. Lefranc, the new tenor of the troupe, who made his first appearance on Friday night last in the character of *Arnold*, in the opera of "William Tell," which is regarded as one of the most difficult personations. He was greeted by a large and brilliant audience, whose expectations had been excited to a high pitch. Mr. Lefranc had many marked compliments paid to him during the evening, and his efforts in the last act were most warmly applauded. It is hardly fair to pronounce judgment on a single performance, given, it may be, under disadvantages, but so highly pleased were the audience, it was the general remark that the company had lpen much strengthened by their acquisition of the new tenor, who, to a fine stage appearance, adds artistic talent of no ordinary character. The impression was that Mr. Lefranc would, in future personations, come up to the high praises that heralded his advent in New Orleans.

The proprietor of the *Picayune*, Mr. A. M. Holbrook, announces in yesterday's issue of that journal, the completion of its 34th year, and takes occasion, in introducing the 35th volume, to indulge with legitimate pride and satisfaction, in a retrospect of its profitable and useful career, as largely due to his sagacious management of the paper. The past course of our valued contemporary furnishes to its readers a guarantee that, while the pilot who now so skillfully steers the ship, is spared to guide her, the same conservative prudence, the same rules of journalism, the same policy of non-partisan editorial conduct to which the steady success of the *Picayune* is to be attributed, will continue to shape its course. We avail ourselves of the interesting occasion to offer our neighbor our hearty congratulations upon its having attained its 35th birthday.

Meeting of the Bar of New Orleans for the Relief of the Daughters of the Late Chief Justice Taney.

UNITED STATES CIRCUIT COURT,
ROOM, New Orleans, Jan. 26.

Pursuant to a call, a meeting of the members of the Bar of New Orleans was held in the court room of the United States Circuit Court, this day, when Judge Duell briefly stated that he had been requested to call the meeting, which was for the purpose of initiating a subscription in behalf of the daughters of the late Chief Justice Taney.

Christian Roselius was then nominated as President, and M. M. Cohen as Secretary.

On motion of W. H. Hunt, seconded by John Duell, it was resolved that a committee should be appointed, to which the President of the meeting should be Chairman, to prepare an address to the Bar of Louisiana and of the United States in furtherance of the object of the meeting.

The chair appointed the following gentlemen as such committee: John Duell, John Ray, John J. Campbell, Logan Hunter, C. E. Fenner, Thomas J. Semmes and W. H. Hunt.

On motion of John Duell, a committee was appointed to wait upon Judge Bond, next court, and invite him to join the Bar of New Orleans, viz: U. B. Chaffe, Court Room, Jno. Ray, Office, Washington, President.

M. M. Cohen, Secretary.

AVENT VS. FISHER.—If mediums would give Mr. Wilkinson's spirit a good shaking, three when drawn, would, undoubtedly, result in fun among them. It rests only 10 cents.

To Insure Patients Relief, advice in the administration of the Celebrated Hostetter's Stomach Bitters, prepared from the purest vegetable gums, and twelve years experience, and sold by druggists and wine merchants everywhere, which is the guarantee of unmerited success. Jan 1 eod

Dr. Tutt's Sarsaparilla is a powerful alterative in cases of Scrofula, Syphilis, Rheumatism, Gout, Dropsy, Dyspepsia, Liver Complaint, Dry Skin, Eruptions, Pimples, Tetter, Salt Rheum, Scald Head, Ulcers, Sores, Swellings, Mercurial Diseases, Mercury in the bones, Blotches, Boils, Tumors, Tumors in the Glands, Nodes, Blotches, Mercurial Eruptions, Venereal Affections and all diseases arising from the use of Mercury, Minerals or Poisons. Jan 1 eod

Dr. Tutt's Pills are a Specific for Dyspepsia, Constipation, Liver Complaint, Piles, Dizziness, Nausea, Costiveness, Pain in the Side, Dull Pain in the Head, Loss of Appetite, Jaundice, Dry Skin, Nervous Irritability, Low Spirits, Blotches, Boils, Tumors, Tumors in the Glands, Nodes, Blotches, Mercurial Eruptions, Venereal Affections and all diseases arising from the use of Mercury, Minerals or Poisons. Jan 1 eod

LOUISIANA LEGISLATURE.

NINETEENTH DAY.

WEDNESDAY, January 25, 1871.

Senate.

The Senate was called to order at 12 M. by Lieut. Gov. Dunn.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor inclosing the report of the Board of Public Works.

On motion of Mr. Ray the report was ordered to be printed.

REPORTS OF STANDING COMMITTEES.

PARISH AND PARISH BOUNDARIES.

Favorably upon a bill relative to the location of the country seat in the parish of Plaquemine.

NOTICES OF BILLS.

By Mr. Lewis—Of a bill for the inspection of fuel in the parishes of Orleans and Jefferson.

By Mr. Ray—Under a suspension of the rules, a bill to amend articles 574, 581, 584 and 585, and to repeal article 588 of the code. Referred.

By Mr. Beckman—Notice of a bill to incorporate the Louisiana Savings Bank and Safe Deposit Company.

By Mr. Keagan—By consent, a bill to establish an institution for the instruction of the blind and a home for the blind at Baton Rouge.

RESOLUTIONS.

By Mr. O'Hara—To pay certain sums to Julius Socha and others, amount due them for attendance as witnesses in the case of Sambola vs. Campbell. Referred to the Committee on Claims.

A resolution was offered authorizing the committee to send for persons and papers in contested election cases at the request of either contestant and provided not more than two witnesses shall be summoned to sustain or oppose any one point.

Laid upon the table. Yeas 26, nays 11.

Mr. Ray introduced a bill for the relief of John L. Lewis, of Claiborne Parish, allowing him the sum of three hundred and fifty dollars for organizing the militia in 1868. Referred.

Mr. Ray stated that the House had refused to concur with the Senate in the passage of the Appointment bill, and that a Committee on Conference be appointed. Adopted.

The bill to create the Parish of Warmoth, to be composed from portions of the Parish of De Soto, Bienville, Natchitoches and Caddo, was postponed until Friday.

The bill subdividing the parishes of East and West Feliciana into three parishes was taken up and amended.

Mr. Jenks moved that the bill be printed and made the order of the day for Wednesday next. He was not prepared to discuss the bill to-day, and he had an interest in it.

Mr. McMillen asked him "how much" provoking the laughter of the Senators.

After some debate and filibustering the bill was postponed until Tuesday next at 1 o'clock.

A motion to adjourn was lost.

Mr. Pinchback and another member moved to go into Executive session.

Considerable debate ensued as to the power of two members to order the Senate into executive session, the rules of the present session being silent. Mr. Ray maintained that the "rules," saying nothing on the subject, Jefferson's manual was the guide, as specified in the rules, and this manual provided that on motion of a Senator, seconded by another, the Senate should go into executive session.

The chair finally decided that according to rules and usages the rules were silent, two Senators could call the Senate into executive session.

Mr. Campbell here exhibited a little feeling towards the chair, expressing his dissatisfaction of his manner of deciding. Mr. Campbell did not wish the chair to decide whether he (Mr. Campbell) was right, but whether the point taken by him, Senator Campbell, was well or not well taken, and that he had a right to such a decision.

The President remarked that he recognized the right of Mr. Campbell, but one point of pushing words into his, the President's mouth.

After more desultory debate the President declined to decide the question and left it to the Senate. The yeas and nays being called, 29 yeas to 3 nays decided that two members had the right to call for executive session.

The Senate then went into executive session.

The House.

House was called to order at 12 M. Ninety members present.

Speaker Carr in the chair.

Prayer by the Chaplain.

The following committees were announced:

Standing Committee on Militia—J. H. Burch, of East Baton Rouge; Harry Lott, of Bienville; W. H. Barrett, of Orleans; Schuyler Marion, of Catahoula; Chas. W. Riggold, of Orleans; Henry J. Hyams, of West Baton Rouge; J. J. Harrow, of West Feliciana.

A special committee to consider that portion of the Governor's message relative to insurance, was appointed as follows: Messrs. Sourer, Dewees and Bryan.

A resolution authorizing the printing of the Journal of the House in front of property which had *State Register* was reported in favorably by the Printing Committee. The *German Gazette* was reported on unfavorably.

A message was received from the Senate informing the House that a Senate bill was referred to House bill No. 3, to change the venue in the case of Fisher and others, (Donaldsonville riot), with instructions to amend the same so as to concur in Senate bill No. 11 to fix the terms of the District Court in the 14th Judicial District.

After the receipt of the above message the report of the Committee on Printing was voted upon by ayes and noes, and lost by a vote of 41 yeas to 52 nays.

The Committee on Enrollment reported a number of bills as having been engrossed.

On motion of Mr. Dewees the rules of the House were suspended in order to take up and act on its third reading the Appointment bill. The House refused to put the bill on final passage by a vote of 41 yeas to 51 nays.

Mr. Stevens, from Jackson, before the vote was taken, asked if there was to be no chance given to fight the bill. The Speaker said that he did not know of any chance.

Adjourned.

GERMAN SCHOOLS.—The movement inaugurated by a number of our leading German citizens looking toward the establishment of independent schools, in which, in addition to the English branches, German and French are to be taught, is now progressing under more favorable auspices than it did when at first brought to public notice. The gentlemen at the head of the movement are determined to secure its early realization, which is so much more probable that they are mostly men of large means. We learn that several teachers have already been engaged for the contemplated schools.—*N. O. Picayune.*

THE TEHUANTEPEC SURVEY.

Progress of the Expedition Under Captain Shufeldt and Lieutenant Commander Bartlett.

Captain Shufeldt, United States Navy, and the exploring expedition under his command, were at Tehuantepec on December 20. Up to that date their explorations and surveys had only been preliminary. The natives are extremely anxious for the coming of the party under Mr. Simon Stevens, of New York, anticipating great results from the report of their explorations; but, as many boxes of reports on the isthmus now lumber up the departments at Washington, it is feared that Mr. Stevens' will be but an addition to those heretofore made.

The Kansas encountered a terrible hurricane in sailing out, and had to remain a short time in Key West to land the instruments, which were all water-soaked. They were fully replaced while the Kansas was undergoing the necessary repairs.

The tug Mayflower proved rather a drawback to the expedition, having been sent from Norfolk with her boilers in such bad condition that about half the time has been spent in repairing her. She has also been a source of great anxiety, causing delays and stoppages at Minatitlan which were very vexatious.

On the 26th November the surveying party, in charge of Capt Shufeldt, started up the Coatzacoalcos in four canoes, towed by the steam launch, for La Puerta, on the Jamapam River, forty miles up the river by the engine of the launch broke down and the party had to proceed in the canoes. Having so plied, Captain Shufeldt had to return to the ship with the launch. Captain Shufeldt overtook the party again in a light cayuca, and on the 8th December took horses for Chivila, where the party arrived on the 11th December. Mr. Julian Machoe, the owner of the hacienda at this point, placed the house and all belonging to it at Captain Shufeldt's disposition, who here established his headquarters. After a day's rest work was commenced by the civil engineers, who are men of undoubted ingenuity, and the chief of them speaks the Spanish language perfectly.

The surveyors are now on the mountains to the east of Tarifa, a region hitherto unexplored, except hurriedly by Brevet Morro in 1849. Here the whole source of the problem of an interoceanic canal lies hidden. It is estimated that if water can be obtained for the supply for the summit level a canal can be built at a less cost than by any other known isthmian route. But, as the engineering difficulties in the way that cannot be guaranteed, and it is believed that harbors must be constructed at either end of the canal at a proportionately small cost.

A party of officers of the navy, under Lieutenant Commander Bartlett, are working down at the lower end of the Mandayo river and the other rivers of the west of Tarifa. The surveying the second route of the isthmus and the canal on the Pacific shore for the present remains in abeyance. The engineering officers of the Kansas, Lieutenant Commander Bartlett, and Commander Parker, in conjunction with the Commission of the Commissioner of Navigation, are anxious for the completion of that and efficient report, which, when completed, will be the first ever made by another party subsequent to the old one, for astronomical purposes. The work, as an engineering enterprise, and the work, as an engineering enterprise, and the work, as an engineering enterprise, and the