The New Orleans Bee.

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NEW ORLEANS DAILY BEE

GEORGE A. LIMKE, PUBLISHER.

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TERMS OF THE BEE.

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TERMS—PER YEAR: ..... $6.

NEW ORLEANS:

SUNDAY MORNING, AUGUST 13, 1871.

FREEDOM OF SPEECH DENIED.

There seems to be a desire on the part of Governor Warmoth to relieve from blame Capt. Smith, of the United States army, who commanded the two companies of soldiers sent to New Orleans by General Grant to enable the Grant faction of the Republican party to manipulate the State convention in his favor. This is not a matter in which Governor Warmoth alone is interested. Every citizen of the United States has a right to know just what Captain Smith did had said on the occasion, because he acted doubtless on precise written orders from his superior officer, General Reynolds, who must have received from the General-in-Chief of the Army written instructions likewise.

Governor Warmoth seems to desire the public to believe that Capt. Smith had no intention of interfering with the Convention. For what, then, were the two companies of soldiers there! What was the Gatling gun at the Custom-house for? Is it insulting the intelligence of the community to pretend that these soldiers came to New Orleans last Wednesday to protect the property of the United States, for that property was not in any danger. Nor was there any election in progress which might have authorized the President to employ the army, by virtue of the Enforcement law or the Ku-Klux law, in the event of violence being threatened to voters.

What are the facts? Gov. Warmoth being refused admittance to the Court room of the United States, proceeded to Lafayette Square and shouted to the people from the place of meeting. While speaking to the crowd, he was interrupted by Capt. Smith, who said some words in an undertone, whereupon Gov. Warmoth ceased speaking. As at first reported the language used by Capt. Smith was to the effect that "he hoped he would not to have to interfere" but whatever the precise words, the Governor closed his speech suddenly.

What we desire to establish is this: that an officer of the United States Army, acting under orders from President Grant, threatened activism of the United States with arrest because that citizen used strong words not agreeable to the President or his party friends. The Constitution guarantees freedom of speech and of the press, but a paid soldier of the country undertakes boldly to violate the guarantee. It will be said he obeyed his orders. We answer his orders were illegal. If so, he was not only not bound to obey them but he was bound to disobey them. What lawyer does not know that in a country governed by law, Capt. Smith could be prosecuted civilly and criminally without being able to plead "his orders as a defense"? That Gov. Warmoth was the person thus suddenly arrested while addressing the people, should not be allowed to influence the public mind in favor of the captain. If one citizen can be silenced in this manner, another can be, and the step is a short one to silencing everybody who doubts Gen. Grant's fitness for an office which he has so shamefully disgraced. We regret exceedingly that an officer of the U. S. Army should forget that the laws of the land are paramount to the orders of his superior officer.

THE MEANING OF THE CONSERVATIVE DEFEAT IN NORTH CAROLINA.

The Republicans claim to have defeated the Conservatives of North Carolina in their election in that State, on the question of assembling a Convention to frame a new Constitution. The Republicans say they are in the majority in the ground old North State, which has always been conservative and so reliable in the support of sound principles. We understand this claim of the Republicans. An election in Louisiana for a similar purpose would have the same result as in North Carolina, and yet who does not know that the intelligence of our people could speak out freely and their votes be counted fairly, that our present Constitution would be at once set aside? Not for the purpose of undoing what was done as a legitimate consequence of the triumph of the North in the war, but merely to get rid of the men now in office in this State, who, in no sense, represent the inhabitants. The North Carolinians, in desiring to establish a new Constitution had for object only to bring about a vacation of all the offices in the State. They had no intention of acting in opposition to the amendments of the Federal Constitution or to the policy of the Federal authorities. They had in view simply the better regulation of their local affairs and freeing their State of the miserable adventurers and carpet-baggers who swarm through the State sucking the life-blood out of it. It cannot be doubted that if there had been no Federal interference, no threats from Washington that the election in North Carolina would have shown a different result. The vote does not appear to have been a full one, and it is accounted for by the press of the State in this way—first—that many of the voters were prevented from voting by the fear that the Federal Government would interfere as had been threatened by Attorney General Akerman speaking on behalf of President Grant. Secondly—There was a belief on the part of some of the most trusted men of the State that the time was not auspicious for a change of the Constitution.

Under these influences there is nothing strange in the *apparent* Radical victory in North Carolina.

THE SCOTT CENTENARY.—Great preparations are now being made in Glasgow for celebrating the forthcoming of Sir Walter Scott, which occur on Tuesday, the 17th inst. A grand public dinner and banquet will be given upon the occasion, at which a large number of noblemen and gentlemen of distinction, it is expected, will be present. The Duke of Argyle will preside. The occasion will also be celebrated in a similar manner in a large number of the principal cities of the United Kingdom. Scottish societies in many of the principal cities of this country are also making preparations to honor the day appropriately.

The Scottish residents of New Orleans intend to celebrate the occasion at the Carrollton Gardens, and we hear that a talented young lawyer, whose ancestors were countrymen of the great novelist, will deliver an oration on his life and character.

We acknowledge receipt of a polite invitation to participate in the festivities.

The attention of those requiring the services of a competent dentist, is called to the card of Dr. Charles Mermillod, which appears in our advertising column to-day, and particularly to his vulcanized Gutta Percha teeth which he offers to furnish at a moderate price.

The Atlanta *Constitution*, of the 10th inst., announces the death of Mrs. Flinn, wife of the Rev. William Flinn, of the Fourth Presbyterian Church of New Orleans.

This event took place at the Chalybeate Springs, in Virginia, on Tuesday, the 8th instant. Her remains will be interred at Milledgeville, Ga.

We acknowledge receipt of a polite invitation by the hands of First Lieutenant and Adjutant La Branche to be present at the annual encampment of the Regiment of Louisiana Volunteers Field Artillery, which will be held at Mississippi City, from the 12th to the 19th of the present month.

TO TAX-PAYERS.—The tax rolls for 1871 are now open for inspection. Tax-payers are invited to call and examine them at room No. 19, City Hall.

THE ICE-CASE REFRIGERATOR is admirably designed for preserving in a sound condition, meats and other consumables, which rapidly spoil when exposed to the atmosphere in warm weather—It is to be seen at No. 6 Carondelet street.

CITY INTELLIGENCE.

Patrick Brady, who was killed yesterday, was in the Confederate army throughout the war, and is spoken of by his comrades as a very brave and dashing soldier. He had an arm crippled and lost a leg in battle. He was color-bearer of his regiment and after being wounded, was taken prisoner, yet he never left colors. Before the enemy came upon him he bore them forward standard and consoled himself upon his person. He retained that during his imprisonment and, upon being exchanged, restored them to his regiment.

Capt. Rogers, of the Fifth Precinct Police, has added a new disorder to the ills that flesh is heir to. He reports that a man employed on the Chesteanoga Railroad "walks in the state of mental fits out his three senses."

Jim Carter, a colored hand on the steamer Rapides, fell overboard at Norman's Landing and was drowned on Friday night.

Pinny Miller has been arrested on a charge of stealing $100 worth of diamonds, the property of Obed C. Miller.

George Williams furiously driving a wagon at the corner of Adele and Tchoupitoulas street, last evening, ran over and dangerously injured Felix Gerstner, a boy five years old, son of a widow living at No. 96 Josephine street. Williams was arrested.

A man named L. Ostander was picked up at the corner of Amelia and Tchoupitoulas streets, about daylight yesterday, bleeding freely and in a state of insensibility. He was taken to the Charity Hospital, when upon recovering his senses, he stated that he had been assaulted on the high way about four o'clock by three men who were not known to him, one of whom cut him on the arm several times with a shoemaker's knife.

James Hill and Dick Shepherd, colored, have been arrested under a warrant issued by U. S. Commissioner Gerah, upon a charge of conspiring to defraud the United States out of $[illegible] by obtaining the bounty due a U. S. soldier, whom Shepherd impersonated.

A police dance and a display of fireworks are to be given at the Fair Grounds, on Sunday, the 17th instant, by Professor Joseph Fercoulet. He has our thanks for complimentary tickets.

What Good Measure Will Do.—Thousands of people have had their curiosity excited by the prodigious pumpkin on exhibition at Lilienthal's jewelry establishment, on Canal street, which is five feet three inches in circumference and weighs 85 pounds. It will be interesting to agriculturists to know that this monstrous specimen of the vegetable kingdom owes its extraordinary growth to the use of Stern's raw bone superphosphate, which was the manure used in preparing the soil that produced it.

One Man Killed and Another Wounded—The Dead Man Charged with Both Crimes.—Yesterday morning, between midnight and daylight, a homicide occurred at a place known as "Joe's Coffee House," No. 226½ Poydras street, opposite the Poydras Market—a house which is habitually kept open all night. The man killed was Patrick Brady, an Irishman, 28 years of age, and the alleged homicide is Dominick Byrnes. Both were cabmen and are said to have been about thirty-two years of age. Brady was stabbed in three places, and an inquest held by Coroner Creagh resulted in the jury finding that the wounds received by Byrnes, who was arrested soon after Brady was killed. The annexed testimony taken by the Coroner tells the whole story:

Matthew Gainnie, sworn—Last night, between 2 and 3 o'clock, I was standing in the door of Joe's Coffee-house, and Hanlon, Brady and another young man were standing on the banquette. Previous to this we had gone into the house to play a game of seven-up. I was keeping game. They had played two games, and were playing a third, when Dominick Byrnes came in. He sat behind me on the table, and said, "This is a long time between drinks." Brady said, "It will be longer." Byrnes said, "(—d—d—n you, I don't want anything from you." He said further, "Of course one of these good mornings I'll get off." The first comes gets six, and the next comes gets the leavings." Then they commenced growing at one another until the place was on fire. Brady then got up and walked toward where Byrnes was sitting, and said, "You've said enough; I won't stand this any longer." Dominick Byrnes put his hand behind his back, and Brady grabbed him, saying, "You can't pull nothing on me." Brady then knocked him down, or threw him down. He kicked him once or twice when he was down. Brady then walked out to the bar and got a drink. Byrnes walked out after him. He asked for a glass of whisky to wash his face. It was bleeding. Brady says, "Don't give him a glass, hell hit me with it." Byrnes said, "No, I'll hit you with something worse." Brady said, "You will, you sonofa—?" Byrnes said, "Do you call me a —?" Brady said, "Yes, you're a dirty one." They then walked out on the banquette and had a few words. Then the scuffle commenced, and when they were parted Brady put his hand to his side and said, "He's knifed me." Bantiste said to Byrnes, "Dominick, what have you done?" Byrnes replied, "I don't give a damn; if I've done anything, I'll suffer for it." He then walked away. Brady staggered, fell into Moran's arms and died.

John Baptiste Verger, proprietor of Joe's house, sworn—This morning, about three o'clock, I was awakened by the loud speaking of Mr. Dominick Byrnes in the coffee-house, and came down stairs with the intention of having him arrested, as I had told him fifteen days before not to put his head into my house again. When I got into the bar room I saw Mr. Dispert and Brady drinking. I went across to the market for the purpose of getting a watchman to arrest him, but I had scarcely got to the market when Byrnes stepped out on the sidewalk. I seized him, I returned and that as I got half way back Mr. Brady and Dispert stepped out also. Brady stepped toward Mr. Byrnes and then a scuffle commenced between them, and I heard Brady exclaim "Johnny, do you see the knife?" In less than five minutes Brady staggered toward the door and said, "Billy Moran, who was standing at the awning-post, prevented Brady from falling into the gutter." Mr. Moran took hold of Mr. Brady and laid him on the sidewalk. When Dominick Byrnes saw this he ran toward Tyndale street. Jake Dispert and I after him. When we reached him he made a cut at Jake Dispert with a knife. Seeing the knife I stepped aside. He then started running toward Rampart street. When Jake and I got half way to Rampart street, I asked him if he had a pistol. He said he had. I told him to blow a call, which he did. As Jake and I turned the corner of Poydras and Rampart streets, we overtook a man in his shirt sleeves and bareheaded. The policeman from the upper part of Rampart street took hold of Dominick Byrnes. I told the man that was not the man—not recognizing him, as he had his coat and hat off. I saw Byrnes stab Brady with the knife. I told him give him three blows with the knife; Byrnes used a large pocket-knife with a round handle. He threw the knife in the gutter. The watchman on Rampart street let Byrnes go, and he came back into the market, where he was arrested by the officer coming in other way.

Officer Jno. McCartney said he arrested Byrnes after Brady had been cut. He knew something personal had occurred at Joe's coffee-house, but not the exact nature of this difficulty. Byrnes was running away at the time he caught him. The officer told him not to say any thing concerning himself. He said at first he did do it, but afterwards he asked the officer if he would get it out of a man struck him in the face.

Officer Patrick Ronans arrested Byrnes on Rampart street, and he released when he told he was not the right man. He afterward picked up his knife in the gutter.

Edward Hughes, another witness, is lying at the Charity Hospital with two stabs in the right side, neither of which are regarded as dangerous. Hughes's statement was that the stabs were inflicted by the same Dominick Byrnes, who about two hours before the homicide above described, being intoxicated, got into a quarrel with him (Hughes) at the cab stand at the Clay Statue; that he knocked that he (Hughes) was down and was holding him, without intending to harm him, and while in this situation, the stabs were given. It seems strange that, after this affair, resulting in a man being sent to the Charity Hospital bleeding from two cuts, Hughes should have been permitted to leave the house without hindrance, have been allowed to go to the house, where, soon after, he was to place a bloody bandage.

First District Court—Saturday, Aug. 12. Larkin Preval was indicted by the Grand Jury for murder, alleged to have been committed in Lafitte's Grove.

Ilonis Swan, for carrying concealed weapons, was sentenced to pay a fine of $50.

Iera Fisher, for a like misdemeanor, was sentenced to pay a fine of $20 or be imprisoned for two months.

Lucien Cojoo, for larceny, was sentenced to ten days in the Parish Prison.

The Boston papers of all parties heartily approve of the selection of Charles Francis Adams as United States Arbitrator at Geneva under the treaty of Washington. The *Transcript* says that Mr. Adams as Geneva is the 24 complement of Mr. Thornton in London during the war for the Union. It will be a pleasing duty for him to enforce at the present time the international propositions which he advocated abroad, when the country's future was shrouded in doubt, and when the responsibility weighed upon him that the issue of peace or war with Great Britain was necessarily in his hands. His education as regards personal fitness and his requisite experience, has overpaying to possessed him."

The through shipments eastward on the Pacific Railroad during the first six months of 1871 amounted to 1,000,000 tons, 19,000 more than. Among the leading articles of merchandise transported were 3,637,000 pounds of tea, 1,000,000 pounds; silk, 350,000 pounds; leather, 377,000 pounds, and wine, 1,000,000 pounds, making a total weight of 6,000,000 pounds. The value of the and wool is given at over four millions of dollars.

Perhaps the greatest boon which the lovers of literary men, taken as a whole, will ever have—until Rogy sets up—is the Lotos Club, of New York. Not in literary education, but in conversation and fellowship and reason, always ready when the occasion comes to say to meal to the occasion.

BY TELEGRAPH.

(To the New Orleans Bee.)

FOREIGN NEWS.

Opposition to Prolonging Thiers' Term of Office.

The Proposition to Prolong the President's Term Declared Urgent by the Assembly.

Duties of the President Defined.

Trial of Communists Progressing.

HOME NEWS.

Opening of the Campaign for Governor of Ohio.

Arrest of a U. S. Express Messenger for Robbery.

Miscellaneous Matters.

FOREIGN INTELLIGENCE.

Paris, Aug. 12.—In the Assembly today M. Kirot, of the left centre, moved that the title of President of the Republic be considered upon M. Thiers; that all the powers of the Executive be exercised by Chief Executive be prolonged for the period of three years; that he moreover be authorized to promulgate laws which he may deem urgent in the interest of the execution of the laws; that he be authorized to receive Ambassadors, that his ministers be responsible to the Assembly, where the Assembly may sit; that he may be lodged at the expense of the Republic; that he be lodged at the Elysee Bourbon; that he shall have the right to appoint members of the Council of Ministers diplomatic agents, and military and civil officers of the State, and that Ministers appointed by him shall be responsible for their acts to the Assembly.

Rivet Hughes, another member, made certain motions, expressing confidence in M. Thiers and continuing his present powers.

Dufaure, Minister of Justice, was present asked for a vote of "urgency" on both propositions and said great excitement they were desired urgent decision.

The Chiefs spoke half an hour long and existing machine daily, and the trial of leading Communists is progressing as rapidly as possible. Two hundred and twenty-five witnesses have been summoned. The evidence for the past two days contained nothing of a novel character.

The fires set by the insurgents continue to rage in the forests of Algeria.

Paris, Aug. 12.—The opposition to a prolonged term of the Presidential office is said to be growing rapidly in the Assembly and among the people.

Paris, Aug. 12.—President Thiers replied to a deputation of the Paris Council, in a speech delivered at the Elysee, that the question rested with the Assembly unrammeled by his action.

London, Aug. 12.—It is reported Sir Alexander Cockburn, Lord Chief Justice of England, has been appointed arbitrator under the Washington treaty.

A dispatch from Rome states that reports of killed and 9 missing, supposed to have perished by the gun cotton explosion.

London, Aug. 12.—It proves to have been the Spanish steam frigate Guerriera which was wrecked off Cape Palos, near the Gulf of Lechorn. The British iron-clad Warrior has not been ashore.

The Spanish fleet has returned from a port on position several days ago and towed to Spezzia for repairs.

The *Times* money article to-day states the amount of funded United States bonds taken by bankers here will be offered in the public next week by Cooke, McCulloch & Co.

The report that Lord Chief Justice Cockburn had been appointed arbitrator for Great Britain under the Treaty of Washington, is confirmed.

The drawing up of the case for the British Government in the case has been entrusted to the Lord Chancellor, with Lord Tenterden and Professor Montague Bernard as assistants, and Sir Randal Palmer as counsel to act as counsel for Great Britain before the Board of Arbitration.

Morris.—The cable telegram of last Saturday's dispatch announcing the appointment of Earl Russell as British arbitrator, was a special dispatch to the New York Herald from the London correspondent, and so credited.

London, Aug. 12.—Commodore Ashburn, in consequence of the victory of the Peoria, has decided to remain in Havana instead of sailing for the former to America. She is to be docked to-day for the alteration of her keel. Her spars will substituted for those which were lost off shortly for New York in the place of the Cambria.

The remains of the Royal Yachts squadron came off yesterday morning. The yachts which started was Mr. Ashburton's yacht, and the Prince of Wales, by the Gertrude, which took the side Garrison. Vera second taking the prize of money, and Levinia sixth after the race. Levinia went into dock for alteration.

Berlin, Aug. 12.—Bismarck, acting as Chancellor of the German Empire, stated that the school system of Alsace shall be non-sectarian.

FROM WASHINGTON.

Washington, Aug. 12.—Two laborers were killed by the caving in of a bank.

Dr. J. M. Gillis, President of the Columbia College.

WEATHER REPORT.

Washington, Aug. 12.—Synopsis for the past 24 hours:

The barometer remains without any material change at the Rocky Mountains. The high area in the north of Missouri Friday afternoon now extends from northern Michigan eastward into Canada. The low barometer is in New England and central Massachusetts, with thunderstorms and rain southward. The barometer has fallen very generally throughout Minnesota and in the Gulf States. The temperature is lower than yesterday on Lakes Erie and Ontario, but has risen somewhat from Louisiana to Georgia. Rain has been reported from the Southern Lakes to Gulf States and from the lower lakes to Tennessee. Partially cloudy and clear weather now prevails west of the Alleghany Mountains and Blue Ridge. The smokey haze continues at Detroit.

MISCELLANEOUS INTELLIGENCE.

Columbia, Aug. 12.—General Thomas Ewing, Jr., delivered the opening campaign speech for the Chio Democracy in the Congressional district of Ohio.

The speech mainly discusses financial issues. He says: The Democracy of Ohio propose that the Government of Ohio shall furnish all the money at the disposal of the State, and that the Government shall be equally with coin for all public and private dues, and that the Government shall pay for the bond issued in gold coin, and into which the legal tenders may at the option of the holders at any time be converted.

New York, Aug. 12.—A dispatch from Memphis to the Herald says that the Ku-Klux Klan is not dead, but only sleeping, and that the Klan is not dead, but only sleeping, and that the Klan is not dead, but only sleeping, and that the