The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, TUESDAY MORNING, AUGUST 22, 1871. [illegible] YEAR—Vol. XLIV.—Whole—15,443.

NEW ORLEANS DAILY BEE

DUPUOY & LIMET, PUBLISHERS.

No. 73 Chartres corner.

TERMS OF THE BEE.

Terms of subscription—Daily, $10 per annum, in advance; $6; half-yearly, $3; quarterly, $2.

Price of the paper—Single copies, 10 cents.

The DAILY BEE is published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.

Rates of Advertising—Transient advertisements having the run of the paper, three insertions, $1 to a square; each subsequent insertion, 75 cents per square.

First or Editorial Page, transient advertisements, each insertion, $2 per square.

A liberal discount is allowed to those who advertise by the week, month or year.

Special or Editorial Page, monthly advertisements, each insertion, $20 per square.

Regular advertisers, who advertise largely, shall be allowed such discounts from the above named rates as may be agreed upon.

In no case shall such discount exceed 25 per cent.

All Business Notices of Advertisements to be charged 25 cents 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 advertisements will be rendered monthly.

Weekly Edition.

TERMS—PER YEAR.....$3.

NEW ORLEANS:

TUESDAY MORNING, AUG. 22, 1871.

THE LOUISIANA ESTATES OF THE LATE MR. JOHN SLIDELL.

At the breaking out of the war, in 1861, Mr. Slidell was possessed of considerable landed property in Louisiana, situated in different parishes of the State, and he owned also a number of valuable buildings in New Orleans, bringing in a large rental. In 1863, or 1864, these buildings in New Orleans were seized as the property of Mr. Slidell, by virtue of the Confiscation acts of Congress of 1862, and were sold to various parties by the United States Marshal, acting under a decree pronounced by Judge Duvall, of the United States District Court. To the purchasers these investments have proved to be very profitable, and, of course, they will be unwilling to surrender the property to Mr. Slidell's heirs, but we see that steps have been taken by the Public Administrator of the Parish of Orleans, Mr. P. B. Fouke, to obtain possession of it on account of the heirs, who are all absent from the State. The Administrator has applied to Judge Duvigneaud, of the Second District Court, for authority to take possession of everything belonging to the succession of Mr. Slidell, and for the appointment of an attorney to represent the absent heirs. He also asks that inventories of the property and effects be taken and that appraisements be made according to law. The Administrator proceeds upon the theory that Mr. Slidell died legally incapacitated to make a will because the right to dispose of his property had been taken from him by decree of court in a confiscation proceeding. He alleges that, so far as the property concerned is concerned, Mr. Slidell must be regarded as having died intestate, because, says he, "since the date of confiscation the deceased could not dispose by last will of the property confiscated."

Judge Duvigneaud, we see, has granted the prayer of the petition and ordered that P. B. Fouke, Public Administrator of the parish of Orleans, be appointed administrator of the succession of John Slidell, and as such be put in possession of the property left by the deceased; a Notary Public has been appointed to make an inventory, appraisers have been appointed to estimate the value of the property, and an attorney to represent the absent heirs.

So far as Mr. Slidell's property is concerned and its distribution among his heirs, this is a private matter with which the public has nothing to do, but the question which it is probable will be raised in the judicial proceeding thus instituted is of public interest, and we therefore propose to inquire into them. We propose the questions as:

First—Was Mr. Slidell incapacitated by the confiscation acts of Congress from disposing of his will and testament, of the property confiscated by the United States, that portion of it which, under the laws of Louisiana, he had the right to dispose of prior to its confiscation?

Second—Did the purchasers of the property confiscated obtain a title in fee simple—that is as absolute title—or did they only obtain the use and possession of the property during Mr. Slidell's lifetime.

The first of these questions is one of some difficulty, but as the determination of the second question may dispose of the first question, or dispense with the necessity of an inquiry into it, we shall consider the second question before entering into the first.

It has been admitted with earnestness and ability in the argument in favor of the confiscation of property authorized by the acts of Congress was not only the life interest of the party proceeded against, but was the fee simple of the property and entirely vested the title of the accused and invested it in the purchaser, so that he had full sell or other disposition of it also.

The question was settled by the Supreme Court of the United States two years ago in the case of Forrest. Forrest, son of Commodore French Forrest, who was an officer in the navy of the United States prior to the war, and during the war an officer in the Confederate States navy, instituted a proceeding in one of the courts of Virginia, the object of which was to obtain possession of certain landed estate in Virginia which had belonged to his deceased father and had been sold under the confiscation laws. The question was raised by the defendants that the land had been sold—belonged to the entire title or only Commodore Forrest's personal interest in the property. The case was decided in favor of Forrest and an appeal was taken to the Supreme Court of the United States, which court affirmed the decision of the State Court and ordered the property to be delivered to the plaintiff—Mr. Forrest. The court in its decision on the joint resolution adopted by Congress on July 17, 1862, and statutory of the confiscation act of that date, said the court, per Mr. Justice Strong:

"That it was not intended the mere act of seizure should vest the property seized in the United States, is plain from the provisions of the Seventh Section, which enacted that to secure the condemnation and sale of any such property, after the same shall have been seized, proceedings as in admiralty shall be instituted in the District Court, and that if it should be found to have belonged to a person engaged in rebellion, who had not since given satisfactory proof thereto, it should be condemned as enemy's property, and become the property of the United States, and might be disposed of as the court might decree. Coincidently with the passage of this act, Congress also adopted a joint resolution explanatory of it, in which it was resolved that no punishment or proceedings under the act should be so construed as to work a forfeiture of any estate of the offender beyond his own life. The act and the resolution must be taken together, and they admit of no doubt that all which could, under the law, become the property of the United States, or could be sold by virtue of a decree of condemnation and sale, was a right to the property existing only during the life of the person whose act it had been declared. It follows then, that the estate acquired by the purchaser at the Marshal's sale expired on the 3rd day of November, 1865—the day of French Forrest died. Under the acts of Congress the District Court had no power to order a sale which should confer on the purchaser any right outlasting the life of French Forrest."

And the doctrine of this decision has been affirmed by the Supreme Court of the United States. Mr. Slidell's heirs and assigns will manifestly be situated must recover the property and enjoyment of their ancestor.

As to the allegation of the public administrator that Mr. Slidell could have disposed by last will and testament of the property confiscated as his estate cannot be admitted at all. There is not in the acts of Congress, known as confiscation acts, which incapacitates in any way divests those offenders of the power of making a will. Congress did not undertake to make heirs for any person. It had no right to interfere with the personal laws of the States. It had no authority that the property confiscated should be heir-at-law of the offending party. Grant that the property was vested in his death to his heirs. Congress could not say whether those heirs should be or not. Congress did not by any precise words and these were needful in a statute, take away the right of succession from that portion of the estate which the State law permitted the deceased to bequeath. According to the averments of the petition of the public Administrator, if Mr. Slidell's life interest in all his Louisiana property were confiscated and he could not make a will, then there is no estate to be opened, because he left no heirs. The only persons interested in the matter are the purchasers of the property and Mr. Slidell's heirs, who may or may not wish to open the succession in Louisiana. They have the right to contest a claim of the property, if they choose, should none proper to them appear. If Mr. Slidell's creditors—if there be any—might also proceed against the property, but so far as is known he has no creditors.

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The stockholders of the company are justified in placing entire confidence in a management composed of the gentlemen we have named. We think they may anticipate that success will wait upon the efforts of their new agents, two of whom at least have had a long experience in the journalistic profession. The cultivated intellect, polished style and sound judgment of Mr. Jenkins in the editorial department; the commercial acquirements of Mr. Punch, and the business tact of Mr. Blessey, form an excellent combination in a newspaper enterprise. And that their most sanguine anticipations may be realized we take occasion to express our hearty good wishes.

THE BREAK AT BONNET CARRÉ.—Our attention has been called to the fact that so far nothing has been done to reconstruct the levee at Bonnet Carré, the breaking of which did so much damage to the plantations in the neighborhood and to the Jackson Railroad. Now is the time to rebuild, so that the new levee can have time to become solid before the next annual flood shall come.

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Theodore Hardwick is charged before Recorder McArthur, by Daniel Kane, with shooting him with deadly intent, at his residence, on Bolivar and St. Louis streets, and Charles Campbell accuses Kane of assaulting him with a dangerous weapon.

Mr. Bonzano, Administrator of Assessments, is absent at Bladon Springs, and Mr. Remick of the Department of Commerce is performing the duties of both offices.

The number of deaths in this city last week, was 122; 64 males, 58 females and 6 not classified by sex; whites 75, blacks 32, mulattoes 14 and 1 not classified. 7 of the deaths were of persons aged from 60 to 70; 1 from 70 to 80 and 1 from 80 to 90.

Fire Department.—Monday, Aug. 20.—The District Attorney entered a nolle prosequi in the case of Louis O'Grady, charged with assault with intent to murder Mr. Squibb, the present Chief of the Department.

Israel Trenchs, on information of entering the dwelling house of George Nichols with intent to steal, and also of larceny, was tried and found guilty.

Albert Johnson, colored, charged with stealing a gold watch and chain from the establishment of Ben Leggett, 52 Dryades street, was convicted.

Complaints About Bakers' Bread.—Citizens are complaining of the smallness of the loaves sold by most of the bakers, at the prices of five and ten cents, and the *Times* suggests as a remedy the enactment of city ordinance on the subject, that families combine and have bakeries of their own. The latter would be found a very expensive mode of getting bread, and the proposition may be regarded as impracticable. As to the city ordinance, it is in violation of economical principles, because it fixes the price of bread, and seeks to establish a rule in regard to the baking business, which is not attempted to be applied to any other business. The correct remedy is to apply the same law to bread that is applied, either by statute or by usage, to any other commodity, and that is uniformity of measurement. Groceries and provisions are sold by the pound, clothing by the yard, lumber by the foot, liquids by the gallon, and all the legislation necessary in regard to bread is that it shall be sold by the pound. The ordinance provides that every Monday morning the Mayor shall publish a tariff saying how much bread a baker shall sell during the next seven days for five or ten cents, the price of flour on the previous Saturday being the basis of the tariff. Such a law is founded upon the theory that the cost of flour is the only outlay the baker has, whereas he has labor, rent, fuel, his domestic expenses, all liable to fluctuations in cost as flour is. It is impossible that any law, such as is proposed to fix the price of a commodity can operate justly. Hence such laws always fall into disuetude, as in the case of the brass ordinance. The surveyor who would use as his chain would not be more inaccurate in his measuration than the legislator who adjusts the price of bread for a week, according to the price of flour, or any other commodity or service needed by a baker, on a given day or at a given hour. In European cities where is the greatest necessity for inspection laws, in regard to articles universally needed, good governments do not attempt to fix the price of bread or the price of anything else, but bakers are required to sell by weight. Price is left to be regulated by the law of supply and demand. The buyer, who is the best inspector, must exercise his own judgement as to the quality, but the government takes care that he gets the quantity he pays for. That is the extent of governmental supervision—most, and government supervision cannot further can only be injurious, because to justice is a utopian impossibility.

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The first of these questions is one of some difficulty, but as the determination of the second question may dispose of the first question, or dispense with the necessity of an inquiry into it, we shall consider the second question before entering into the first.

It has been admitted with earnestness and ability in the argument in favor of the confiscation of property authorized by the acts of Congress was not only the life interest of the party proceeded against, but was the fee simple of the property and entirely vested the title of the accused and invested it in the purchaser, so that he had full sell or other disposition of it also.

The question was settled by the Supreme Court of the United States two years ago in the case of Forrest. Forrest, son of Commodore French Forrest, who was an officer in the navy of the United States prior to the war, and during the war an officer in the Confederate States navy, instituted a proceeding in one of the courts of Virginia, the object of which was to obtain possession of certain landed estate in Virginia which had belonged to his deceased father and had been sold under the confiscation laws. The question was raised by the defendants that the land had been sold—belonged to the entire title or only Commodore Forrest's personal interest in the property. The case was decided in favor of Forrest and an appeal was taken to the Supreme Court of the United States, which court affirmed the decision of the State Court and ordered the property to be delivered to the plaintiff—Mr. Forrest. The court in its decision on the joint resolution adopted by Congress on July 17, 1862, and statutory of the confiscation act of that date, said the court, per Mr. Justice Strong:

"That it was not intended the mere act of seizure should vest the property seized in the United States, is plain from the provisions of the Seventh Section, which enacted that to secure the condemnation and sale of any such property, after the same shall have been seized, proceedings as in admiralty shall be instituted in the District Court, and that if it should be found to have belonged to a person engaged in rebellion, who had not since given satisfactory proof thereto, it should be condemned as enemy's property, and become the property of the United States, and might be disposed of as the court might decree. Coincidently with the passage of this act, Congress also adopted a joint resolution explanatory of it, in which it was resolved that no punishment or proceedings under the act should be so construed as to work a forfeiture of any estate of the offender beyond his own life. The act and the resolution must be taken together, and they admit of no doubt that all which could, under the law, become the property of the United States, or could be sold by virtue of a decree of condemnation and sale, was a right to the property existing only during the life of the person whose act it had been declared. It follows then, that the estate acquired by the purchaser at the Marshal's sale expired on the 3rd day of November, 1865—the day of French Forrest died. Under the acts of Congress the District Court had no power to order a sale which should confer on the purchaser any right outlasting the life of French Forrest."

And the doctrine of this decision has been affirmed by the Supreme Court of the United States. Mr. Slidell's heirs and assigns will manifestly be situated must recover the property and enjoyment of their ancestor.

As to the allegation of the public administrator that Mr. Slidell could have disposed by last will and testament of the property confiscated as his estate cannot be admitted at all. There is not in the acts of Congress, known as confiscation acts, which incapacitates in any way divests those offenders of the power of making a will. Congress did not undertake to make heirs for any person. It had no right to interfere with the personal laws of the States. It had no authority that the property confiscated should be heir-at-law of the offending party. Grant that the property was vested in his death to his heirs. Congress could not say whether those heirs should be or not. Congress did not by any precise words and these were needful in a statute, take away the right of succession from that portion of the estate which the State law permitted the deceased to bequeath. According to the averments of the petition of the public Administrator, if Mr. Slidell's life interest in all his Louisiana property were confiscated and he could not make a will, then there is no estate to be opened, because he left no heirs. The only persons interested in the matter are the purchasers of the property and Mr. Slidell's heirs, who may or may not wish to open the succession in Louisiana. They have the right to contest a claim of the property, if they choose, should none proper to them appear. If Mr. Slidell's creditors—if there be any—might also proceed against the property, but so far as is known he has no creditors.

The State of Louisiana has no interest in the question. We think the probability is that Mr. Slidell has left a will and that the document will be recorded in the Probate Court of Orleans parish in due time. Until then it is probable nothing can be done, towards the winding up and distribution of the estate.

The Commercial Bulletin Printing Company.

The *Commercial Bulletin*, in its issue of yesterday, announces that the administration of the paper has gone into new hands, that the morning edition will be resumed in a few days and that "it will henceforth stand studiously aloof from political parties and will judge the men and measures of such parties, according to their merits as tested by the single touchstone of the public interest." In other words, the paper will no longer be an organ or representative of the Democratic party, but will henceforth be conducted as an independent journal. Mr. Emanuel Blessey is announced as the President of the Company, Mr. D. C. Jenkins as the managing editor, and Mr. P. J. Punch the business manager.

The stockholders of the company are justified in placing entire confidence in a management composed of the gentlemen we have named. We think they may anticipate that success will wait upon the efforts of their new agents, two of whom at least have had a long experience in the journalistic profession. The cultivated intellect, polished style and sound judgment of Mr. Jenkins in the editorial department; the commercial acquirements of Mr. Punch, and the business tact of Mr. Blessey, form an excellent combination in a newspaper enterprise. And that their most sanguine anticipations may be realized we take occasion to express our hearty good wishes.

THE BREAK AT BONNET CARRÉ.—Our attention has been called to the fact that so far nothing has been done to reconstruct the levee at Bonnet Carré, the breaking of which did so much damage to the plantations in the neighborhood and to the Jackson Railroad. Now is the time to rebuild, so that the new levee can have time to become solid before the next annual flood shall come.

THE MECHANICS' AND TRADERS' INSURANCE COMPANY.—The election of Directors of this company was held yesterday, and we find in the list the names of some of our staunchest business men—such as T. H. Hunt, John A. Lane, A. Eimer Hader, R. C. Oglesby, A. J. Aiken, C. W. Allen, R. H. Noble, John D. Cobb, Geo. W. Logan, R. L. Moore and others. And at a meeting of the Directors subsequently held, Lloyd R. Coleman was elected as President of the company and James A. White Secretary. We are informed that the annual statement of the company's affairs, shortly to appear, will show how well the same have been conducted.

BY TELEGRAPH.

(To the New Orleans Bee.)

FOREIGN NEWS.

Arrival of Troops at Versailles.

Strong Discussion in the Assembly Caused by Expressions in the School at Lyons.

Parliament was Prorogued To-day.

The Queen's Speech.

$20,000,000 American Bonds Taken in Advance of the Opening.

HOME NEWS.

Conway as Bearer of Dispatches to the President.

Attempted Suicide of H. T. Helmbold.

Suits for Damage by the Westfield Explosion.

Miscellaneous Matters.

FOREIGN INTELLIGENCE.

Paris, Aug. 21.—In the Assembly to-day, a strong discussion was aroused by irreligious expressions used by some deputies in their speeches in the school at Lyons. M. Jules Simon, who was present, made a speech in which he declared he should ever uphold the principles of morality.

Versailles, Aug. 21, a. m.—A dispatch from Algiers announces the arrival of a large number of troops.

London, Aug. 21.—Parliament prorogued to-day.

The Commons were summoned to the House of Lords, where they listened to the Queen's speech; but a second time failed to attend, and only a few ladies present.

The speech was read by the Lord Chancellor, as one of the members of the Royal Commission.

The following is a verbatim copy:

My Lords and Gentlemen—The time has now arrived when I am enabled to release you from your attendance in Parliament and to commend your unwaried labors for the public good. I acknowledge with satisfaction the loyal readiness with which you have made provisions for my beloved daughter, the Princess Louise and Prince Arthur.

The great events and important changes which have recently occurred on the Continent of Europe will not compromise the friendly relations existing between the Crown of the United Kingdom and foreign Powers. Whatever part I may take in those international questions, which from time to time may arise, will continue to be taken with no other view than to the maintenance of general concord and public rights.

The Conference, which was sitting in London at the commencement of the session was joined during its deliberations by the French Plenipotentiary. It considered and agreed upon the revision of those stipulations of the treaty of 1856, which concerned the Black Sea and Bosphorus.

I trust the unanimous decision left the powers which has been recorded in the new treaty may assist in securing the tranquility and welfare of the East.

With special satisfaction, I refer on the present occasion to our relations with the United States by the treaty of Washington. The modes of settlement have been fixed for several questions which have long remained in dispute. My communication with the American government not having without the promise advantage of other countries.

The President has concurred with me in the application of Hanover to the Germanic Confederation, which is proclaimed by the Treaty of Paris, which I rejoice to have the opportunity of recommending by example; and we have also agreed on the adoption of certain rules for guiding the maritime conduct of neutrals, which may, I trust, are hope obtain general recognition and form a valuable addition to the code of international law.

I place full reliance upon the disposition of the Americans to carry forward with cordiality and see that the subsidiary arrangements which have been determined on for the execution of the treaty.

I shall apprise the Parliament of Canada that the provisions which the measure has conserve are, in my view, highly conducive to the interests of the dominion; on these provisions, however, that Parliament will pass independent and final judgment.

The Government of France has signified a desire to alter some of the provisions of the commercial treaty of 1860, which are now terminable upon a notice of twelve months by either of the contracting States. I am anxious to meet the wishes of a friendly power and to give a desire to alter some of the provisions of the commercial treaty of 1860, which are now terminable upon a notice of twelve months by either of the contracting States. I am anxious to meet the wishes of a friendly power and to give scope for any measures calculated to meet the fiscal exigencies, but I should witness with concern any change of a nature to restrict commercial intercourse between the two countries, which has done so much for their mutual union.

Gentlemen of the House of Commons—I thank you for the liberal supplies which, under the circumstances of the year, I directed my Government to ask from you, and for the sum of money you have voted in order to meet the charge and consequences required by the abolition of the system of purchase in the army.

My Lords and Gentlemen—I observe with concern that you have not been able to bring to a definite issue the arrangement of some of the subjects which I recommended to you in my speech from the Throne at the opening of the session. Several important laws have been added to the statute book.

By the sitting regulation bill you have made a liberal provision for those officers who, on retirement, will no longer be permitted to sell their commissions. The bill sanctioned the transfer of the Electric Telegraphs to the Executive Government the powers in respect to the auxiliary forces which hitherto have been vested in the Lord Lieutenants, of countries you have laid the foundation for measures calculated to effect a closer union among the various land forces of the kingdom. The act by which, after full examination of the facts, you conferred extraordinary powers on the Viceroy of Ireland for the suppression of the Ribbonite outrages in Westmeath, has fully answered its purpose. There is every likelihood that for a long time to come the great and varied interest of the united kingdom of the Empire at large, benefited by the wise and liberal policy of modern society, may prevent any lightening of the honorable legislation.

The condition of the country, the revived activity in trade, and the prospects of the harvest are subjects for congratulations. I trust these and all the other blessings of Providence will ever continue with fitting acknowledgment on the part of a grateful people.

At the conclusion of the Queen's speech, the Lord Chancellor declared the session of the session of Parliament until November 7th, and the members soon after