NEW ORLEANS DAILY BEE,
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TERMS OF THE BEE.
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All transitory advertisements intended to be changed as new, each insertion.
First, or Editorial Page, weekly advertisements, each square, $10 per per month.
Regular advertisements, when operation largely, shall be allowed such discount from the above named transient rates as may be agreed upon.
No one cent shall each discount exceed 25 per cent.
All Business Notices of Advertisements to be charged 10 cents net per line, each insertion.
All transient advertisements must be paid for in advance.
All advertisements not marked for any number of insertions will be published six times.
All bills with regular advertisers shall be rendered monthly.

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

NEW ORLEANS:
SUNDAY MORNING, JAN. 14, 1872.

Announcements This Evening.

OPERA HOUSE.—"Le Cid," and "Le Maître de Chapelle."
ACADEMY OF MUSIC.—"Christine Johnstone, and "Rough Diamond."
ST CHARLES THEATRE.—"Oliver Twist."

THE CONTEST ENDLESS.

We had hoped to have informed our readers to-day of the termination of the unseemly contest which has been going on for the last eight days between Gov. Warmoth and his opponents in the State Legislature, but we are compelled to say that a settlement of the difficulty appears to be as far off as ever. President Grant not only declines to interfere in behalf of Mr. Carter and those members of the General Assembly who follow his lead, but has given to the Governor both moral and material support from the beginning of the struggle up to the present hour the troops of the United States stationed here, have been employed, whether intentionally or not, in the work of subverting the government of the State, and trampling upon its laws and upon the rights of the people. Gen. Emory may pretend as much as he pleases that he was in duty bound to answer the requisitions of Gov. Warmoth, but we take the liberty of telling him that the Constitution of the United States does not authorize the President to answer the requisitions of a State Executive, made *for unlawful purposes*, and the President is the judge of the lawfulness or unlawfulness of the object. Can it be pretended that Gov. Warmoth did not commit the first violation of law when he prevented Mr. Carter from taking the chair of the House of Representatives on Friday, Jan. 5, by surrounding the State House with his armed police and blocking the approaches thereto for the express purpose of intimidating the Speaker and his adherents so that they would refuse to assemble in that building? Undoubtedly under ordinary circumstances the Executive of a State is the medium of communication between the government thereof and the Federal authorities, but he would not be the proper officer to recognize in the event that he contemplated committing a treasonable act. General Emory has taken an entirely erroneous view of the contest between the Governor and the General Assembly. He has assumed that Governor Warmoth had the right to bend the legislative department of the Government to his will. He has acted as if he believed that Gov. Warmoth had the right to resist impeachment by extra-legal and violent methods. We hold it to have been clearly the duty of the President to protect the Legislature against the Governor, otherwise the Governor may do what he pleases, and can prevent his own trial in the manner and for the causes contemplated by the Constitution. This is the very state of things existing at the present moment, and yet the President refuses to take notice of it. The Constitution of the United States expressly provides that the Legislature of a State may apply to the President for support against violence. Art. 4, section 4, declares that, "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence." Here the Legislature is first named, and although it may be answered that the framers of the Constitution could not have had in view aiding one of the departments of a State Government against another department, that argument applies as well to the Executive as to the Legislature.

Suppose Governor Warmoth had been a Democrat and acting in favor of the supremacy of the Democratic against the Republican members of the General Assembly, does any one believe that the President would have hesitated to overthrow him? Would not General Emory have been directed to act under the act of Congress of 20th April, 1871, commonly known as the Ku-Klux law? We have not expected and do not expect the President to use the army in elevating Democrats to power, but we have a right to ask him to cause to cease a rule like that which Gov. Warmoth has established in Louisiana, because it is an intolerable rule, and one which the people of the State are unable to terminate by the usual constitutional means—that is, by impeachment or through the ballot box. If the people could correct the evils from which they suffer by waiting for the operation of the election laws it would be unnecessary to call for martial law or any extraordinary measure, but when elections are made to order in accordance with the wishes of the Governor of the State, rather than with the wishes of the voters, it is adding insult to injury to tell us to wait until we can effect a change of rulers through the ballot box. General Emory may not know the fact that the returns of the last general election in Louisiana were manipulated by the Governor before they were published, and that he boasted he could make the result appear as he desired it to be. The boast was realized, for his Commissioners of Election declared parties to have been elected who had not a majority of the votes. This is undeniable.

We see no solution to the state of affairs now existing but by the interference of the Federal authorities. We consider that the anarchy which prevails in Louisiana at the moment would amply justify the President in establishing a stable government here. Otherwise he will be compelled to be prepared at all times to give support to those who now hold the reins of power in the State, no matter how flagrantly they may violate the laws or trample upon the rights and liberties of the people.

LETTER FROM CONSTANTINOPLE.—We call attention to the interesting letter of our correspondent at Constantinople, who furnishes a graphic sketch of the corruption and intrigue of Turkish officials, from which it would seem that our officials in Louisiana are far ahead even of the Turks.

SCHIEDAM SCHNAPPS.—Mr. A. Walz, of No. 26 Conti street, calls the attention of our readers to his agency in New Orleans for the celebrated Schiedam Schnapps, an invigorating tonic and medicinal beverage well known in this community. Mr. Walz warrants the article as perfectly pure. See advertisement in another column.

SUGAR-CURED HAMS.—Mr. S. P. Churchill, of No. 40 Magazine street, announces through our advertising columns that he has on hand, and will sell at retail, 10,000 pounds Sugar-Cured Hams at 10c per pound; 10,000 pounds Green Shoulders, at 6c per pound, and 2000 pounds Breakfast Bacon, at 10c per pound. See advertisement.

ANDERSON'S PHOTOGRAPHIC STUDIO.—Among the most attractive photograph establishments of New Orleans is that of Mr. Anderson, at 169 Canal street, where will be found all the latest improvements in the art. His pictures are certainly as fine specimens as can be seen anywhere, and that called the "Pearl Point" is very much admired and sought after by those who seek to possess true likenesses of their relatives, and at the same time handsome ornaments for the parlor.

LOOK TO YOUR CHILDREN.—Diarrhœa, Dysentery, and Summer Complaint, are cured by Mrs. Whitcomb's Syrup, which is sold for 25 cents a bottle.

Bishop Pertelé says that "the practice of a Homœopathist is a crime, no bounds; it poisons the national pulse of Gallic life; it demoralizes the public traffic into the hands of ignorant pretenders, conceitedness, hypocrisy, and charlatanism; it is a dishonest practice of the science; to those its trade is poison, and the pouch is death."

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, SUNDAY MORNING, JANUARY 14, 1872. 46th YEAR—Vol. XLV.—Whole—15,568.

LETTER FROM CONSTANTINOPLE.

Abuses in the Ottoman Empire—Banishment of High Officials by the New Grand Vizier—Intrigues, Bribery and Corruption—A Plot of Sauvere Pashas—Description of Hussein Avni Pasha, the Minister of Police, and Husni Bey, Late Secretary to the Sultan—Diversity of Feeling Among the Turks, etc., etc., etc.

[Special Correspondence of the New Orleans Bee.]

CONSTANTINOPLE, Nov. 21, 1871.

By the late files of American papers, including the wisdom N. O. Bee, received here, one would infer from the accounts of the stupendous frauds committed by the officials of the Federal, State and city Governments in the United States, that corruption and demoralization reigned supreme throughout our country. The effect should be very humiliating and mortifying to American citizens, who have so long boasted of the honor and integrity of our people; and foreign nations sneer with contempt at the weakness, miserlin and degradation, which seem to have overcome the "best government on earth," while they are conscious that they themselves are not free from taint.

A late political change in the government of the Ottoman Empire, followed by an outrage of the greatest tyranny and oppression, even for the Turks, has produced the most profound sensation and excitement here, causing no little alarm, and proves that Turkish politicians are not far behind us in corruption and intrigue, as the following will prove.

During the administration of the late A'ali Pasha, the Grand Vizier, or the Sultan's Premier, who died some three months ago, Hussein Avni Pasha was the Minister of War, and Husni Pasha was the Minister of Police, who had acquired great reputation for their zeal, ability and honesty. After the death of A'ali Pasha, Mahmoud Pasha, a most vindictive and unprincipled intriguer, succeeded as Grand Vizier. He soon found that Hussein Avni Pasha, and Husni Pasha were men of incorruptible integrity, and could not be used as his pliant tools, while he was also anxious to get rid of them to make places for his army of corrupt followers. This could not be done, however, while Emin Bey, the Chief Secretary and favorite of the Sultan, kept a watch over the intrigues of the new Grand Vizier. Emin Bey is well known as a man of great learning and ability, and of irreproachable character, and who wrote the Sultan's celebrated message of August last.

The wily new Grand Vizier, therefore, in order to remove Emin Bey from the influence of his position with the Sultan, had him unexpectedly promoted to a position in the Council of State. The way being thus clear, Mahmoud, the Grand Vizier, preferred some groundless charges against the Minister of War, the Minister of Police and Emin Bey, had all three arrested, and without trial or examination, ordered them summarily banished, and in four hours afterwards, torn from their families. The two latter, Husni Pasha and Emin Bey were embarked on a steamer and sent to the Island of Cyprus! Could Seward or Stanton beat this?

This high-handed outrage is censured by all civilized governments, and public opinion will, no doubt, soon have its weight to open the eyes of the Sultan, and it is certain that he will force the Vizier will soon receive the proper punishment he deserves, while he is already denounced throughout every province of the Empire.

Emin Bey is about 40 years of age; is tall, very slender, of easy manners, slight built, with hair and beard cut short, and partially gray; he has a fresh rosy complexion, is rather reticent in speech, and not in any way demonstrative. He comprehends the French language very well, and is really an intellectual man.

His Excellency Husni Pasha is nearly sixty, of medium height, slightly inclined to corpulency, has a keen penetrating eye, is inclined to be jovial, and is remarkably courteous and affable. He speaks French fluently, and is highly cultivated.

This is the season of fasting with the Turks, which is called "Ramagan," and lasst about a month. Their mode of fasting is very peculiar. They do not let a drop of water pass their lips during the day, but at sunset a gun is fired, at which signal they are permitted to take refreshments and smoke their pipe or cigar. Before this, however, the ceremony of a short prayer is made, and after their refreshments, a most interminable one is performed. They do not touch wine, night or day, during the month of fasting, and generally sleep during the day, and sit up all night. But I will not weary you with further details at this time.

Adieu, R.

CITY INTELLIGENCE.

Tom McAlpin, a New York rough, who is known there as "Soap McAlpin," and who made his first appearance here as a worker in the Sixth Ward, and said more recently in connection with the Metropolitan Police, appeared to them to be guilty of a breach of the peace and asked them to follow him to the Osmopolitan Club House, which they did, the number on the ground then being about ten thousand.

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The discussion was continued by Messrs. Worrell, Pontalier, Harper and Hunter, resulting at last in a controversy about a bet was drawn on Thursday, the 4th inst., when the attempt was made to remove the Waters forcibly into the Speaker's chair. A gentleman, supposed by Mr. Worrell, to be voting all members entitled to occupy the floor to return and proceeding to inquire respectfully, any message from the people, was stopped and then the committee adjourned till 10 o'clock on Monday morning.

The Blackford Homicide Again—The Mr. Carpenter and McCormack Admitted to Bail—Judge Cooley Holds the Prisoners to Bail.—Judge Cooley, in the Criminal Court, has made to the First Criminal Court for a writ of habeas corpus in behalf of Mr. Carpenter, who is held by Coroner Creagh, charged with the killing of John G. H. McCormack, and for John G. H. McCormack, charged with the alleged murder of W. R. Blackford, both of whom are imprisoned, and the writ was issued, returnable at 1 o'clock in the evening, the object being to have the prisoners admitted to bail, upon the grounds that the proof was not clear nor the presumption strong against them, there being the circumstance under which the law provides persons accused of capital offences may be bailed.

At about a quarter of an hour after the time appointed for trying the writ, Judge Cooley, of the Sixth District Court, appeared and opened the court, when he caused to be read a note addressed to himself by Judge Abell, requesting him to preside at the hearing of this application, in consequence of the illness of Judge Abell, who was so indisposed that he could not leave home.

The prisoners, who were in court, were represented by Messrs. Castellanet and Snow, and the Attorney General appeared for the State.

Mr. Castellanet briefly adverted to the character of the inquest held by Coroner Creagh, and informed the court that he had evidence to offer to show that the accused were not accountable for the homicide. The Judge stated that he had already read a report of the evidence, published in the papers, and he was of the opinion that if that report was correct, it was unnecessary to go over the testimony again. The Attorney General said the report was correct, and at the suggestion of Mr. Castellanet, admitted that the stenographic report of the evidence, in relation to the homicide of the 19th of May, by Coroner Carter, and published in the *National Republican* was accurate—in fact the report was made by Mr. T. Wharton Collens, Jr., who had been employed for the purpose, the Attorney General said, at his instance.

Mr. Castellanet having read the report, or rather the testimony, of Coroner Creagh and the examination of the wife of the deceased, and of the brother of the deceased, he informed the Judge that other witnesses were in court at the time the Carter case was inquired into, who would have given similar testimony, had it been deemed necessary, and added that, since then, more witnesses had been discovered whose statements corresponded with those already given. Mr. C. concluded with the observation that he did not think it necessary, however, to adduce additional evidence, and signified his willingness to submit the matter without argument, to which proposition the Attorney General assented.

The Judge remarked substantially that he had read the evidence taken before the Coroner carefully, and the impression left upon his mind by the perusal of it, was, taking into account any rebutting testimony, that it was a very doubtful case. The doubts left upon his mind by the Coroner's report were such that if he were on a jury trying the case, being, as a juror, bound to give the prisoners the benefit of a reasonable doubt, he should acquit them. If, while he was perusing the report all doubt was removed from his mind, The prisoners were not only entitled to a verdict of not guilty; their innocence was clearly and fully established. If a Grand Jury was now in session he would discharge the prisoners on the spot, for, he repeated, they were perfectly innocent; but as, if he discharged them now, some Grand Jury, influenced by bad motives, might cause them to be re-arrested and imprisoned, the most practical good he could do for them was to admit them to bail.

The amount was fixed at $15,000, the same as that required of Colonel Carter, and Messrs. H. F. Sturcken, W. F. Murphy, Richard Wallace, Jr., Lally and David Hughes having signed the bonds, the prisoners were released from the custody of the Sheriff.

Second District Court—Daniel Scully vs. The Canal and Claiborne Street Railroad Co.—The following are the reasons, in full, of Judge Collens for his decision in the above entitled suit: On the 3d September, 1867, Daniel Scully, with others, agreed to form the Canal and Claiborne Street Railroad Company, and "that of six thousand shares (each of one hundred dollars each) into which the capital stock is divided, only *five thousand shares are to be subscribed for*, and of the remaining one thousand shares, five hundred are to be transferred to C. A. Labenne & Co. (of which firm Scully was a member for one-fifth) as a bonus for the purchase of the contract of the right of way, and five hundred shares are to be retained by the contractors for the benefit and advantage of the *original subscribers hereto, to be issued* to them at the rate of *fifty cents* on the dollar, in regard to the five thousand shares of subscribed stock, it is stipulated, "that five per cent. of each subscription shall be payable in the signing of these articles, and the balance *shall be paid* at such times and in such amounts and installments as the Board of Directors may order, etc.

It is clear to my mind that this contract contemplated and stipulated, that the shares to be issued to the subscribers for their right of way, should be equal to subscribed shares upon which payments of five per cent. dollars each were to be really and truly paid. This is also shown by the 4th and other articles of the contract, subsequently obtained by the company.

Besides his hundred shares of bonus stock, Scully also took one hundred shares of subscribed stock.

On the 19th May, 1868, at a meeting of the *Board of Directors*, it was "resolved that the installments of five per cent. be called for, payable as follows: five per cent. on the 25th instant, five per cent. on the 5th of June, and five per cent. on the 25th of June; and it was resolved further that *whenever* any stockholder shall have paid the above mentioned and specified installments, certificates of stock, as *fully paid*, may be issued to them."

It is admitted that these last payments made the amount actually paid on each share of subscribed stock only *seventy-five* dollars.

By this resolution, and the issuing of certificates agreeably thereto, the company certainly violated their contract with the plaintiff.

It is contended that, by virtue of the words stipulating, the certificates are to be issued to the shares "*fully paid*," the right was reserved—firstly, of issuing certificates of stock as full paid, before the subscriptions were actually paid; secondly, of giving to such shares premature and fictitious declaration not only the effect of determining the time for issuing certificates, but also of compelling the creditors of the stock premised as a *bonus*, to receive the certificates issued, at their nominal figure, in full payment.

I cannot adopt these inferences, for they are expressly contradicted by the clause of the contract and charter which provides that they were actually for just! Would he be right in taking these as equality with those who had paid only five? Could the company, if it took a contract for the purchase of a right of way, so to Scully? Would they not be bound to refund that purchase? It seems to me that the right of way, if it be not a very important one, and if it be not, it can be obtained for a well at a cheap and the present one, the company should have been entirely free from obligation to pay for it. The company should have been entirely free from obligation to pay for it. The company never asked it, and yet the contract made a condition of the present one. They were premised in lieu of money, for a valuable consideration given and received, equal to one hundred dollars per share, actual money. The number of shares and their value to be equivalent to cash, in reality paid, was expressly stipulated, in the only other form for their issuance which was proposed.

Another example may illustrate this. Suppose the company had unanimously, by an amendment of their corporate articles, divided their stock into shares of fifty each, but had previously promised to pay a creditor five hundred shares of fifty each. Is it not plain that they would, after the change, be bound to issue one hundred shares of fifty dollars each? Is it not plain that they would, after the change, be bound to issue one hundred shares of fifty dollars each? Is it not plain that they would be bound to pay the creditor? Nothing is more evident than this; for the resolution of the Board of Directors previously only for the redemption of the claims of subscribed stock, and not the issue shares. It expressly includes only the shares on which installments were to be paid in money by the subscribers to the 50,000 portion of the capital.

It does not touch or mention the other element of shares. It does not profess to change these or reduce them in any manner; yet the company, by virtue of this resolution, claim that by delivering these surplus shares at their fictitious nominal figure, to one who is entitled to real shares of one hundred dollars each, they have earned their contract with Scully.

The wrong proposed by the defense finds no support in the import and effect of the resolution of the 19th of May. In consequence of the subsequent attempt to extinguish the debt due plaintiff, by issuing to him shares for the promised bonus, on equal and indiscriminately with the subscribed subscription stock.

Scully could not have supposed, from the terms of the resolution, that it would be used to the effect of also refunding the shares due for the bonus.

Indeed, every view of this case only reveals that the defense rests wholly on a semblance or shadow, created by the defendants themselves. This being removed, and the matter being divested of every false appearance, the plaintiff's right to recover becomes manifest.

Judgment as prayed for.

Horter & Benedict for plaintiff. H. D. Ogden for defendant.

BY TELEGRAPH.

To the New Orleans Bee.

FROM WASHINGTON.

Nothing Done About Louisiana Affairs.

The President and Attorney General on the Situation.

A Congressional Commitee Probable.

Miscellaneous Intelligence.

FOREIGN INTELLIGENCE.

Paris, Jan. 12.—The tariff bill imposed on 100 kilogrammes of wool 80 francs, on cotton 4, on ready, 4½ to 7.

Grenier, charged with shooting a Prussian officer, has been acquitted.

The Committee on Military Reorganization adopted a rule that soldiers whose conduct has been good, shall be permitted to marry.

Rome, Jan. 12.—A meeting is progressing in opposition to the new import tax on breadstuffs.

London, Jan. 12.—The *Times* this morning, points out to the admiralty the case of the Florida. Served, says the epistle, says: Admiralty by the light of Spanish gun-boat experience must see that the suppression of illegal equipment by England depends, first of all, on the Spanish being diplomatically difficult. A hint is thrown out that the Florida made on Canada were fitted out in precisely the same officially checked as they might have been by the United States authorities.

London, Jan. 12.—The tenants of the Pavilion Theatre, at Bandringham, in a body congratulated him on his escape.

Frankfort, Ky., Jan. 12.—The vote on the Cincinnati Southern Railroad in the House to-day stands 50 to 34, 36. The prospect is favorable in the Senate.

FROM HAVANA.

Havana, Jan. 12.—The Tornado, which has lately been watching the Virginia, has arrived here.

Cuban General Figueredo, with fourteen armed men, surrendered at Bayamo yesterday.

FROM WASHINGTON.

Washington, Jan. 12.—The Russian fleet has been ordered to Pensacola, whence Grand Duke Alexis will embark after his Western and Southern tour.

Caleb Cushing, who has nearly closed the duties of the Mexican Commission, leaves on the 27th for Geneva.

The Senate Committee on Indian Affairs, to-day, heard Colonel Carter as a Delegate from the Choctaw Nation in behalf of their land. As the body advanced the people became excited, and, when it halted at Dryades street, a great cheer filled the air. The crowd pressed closely upon the procession that Colonel Carter and and other members had to ask the people very earnestly to keep back and to preserve order. Some minutes elapsed before quiet was obtained. Then Captain Rey, who was in command of the outer line of police, was informed that two committees of the House of Representatives desired admission to the State House, and they were admitted.

One of the committees consisted of Messrs. Stevens, Wands and Burch, and the other of Messrs. Monoure, Lynch and Gaddis.

After an absence of about a quarter of an hour the committees returned. A few words having passed between them and Colonel Carter, the latter announced that the House had deputed the first named gentlemen to call upon the Governor and demand the removal of the Metropolitan Police from the State House and its vicinity, as a body put there for intimidation, and had appointed the other committees to call upon the body over which Mr. Brewster presided, demand free admission to the Chamber and the reinstatement of the organization of the House of Representatives as it stood on Thursday, the 4th inst. Colonel Carter added that he and his colleagues would adjourn to the Metropolitan Club House, on the opposite side of Canal street, and there receive the reports of the committees, and the people would be informed of the tenor of the conv of that house of the nature of the reports and the action of the House thereon.

This was said in a loud voice and audibly to thousands and was uttered right beside the outer police line, up to which the multitude was closely pressed. Men in the vicinity hoisted that Colonel Carter and his colleagues should immediately proceed to the Street of the Dryades by the people. With this cry taken up by and echoed from all parts of the crowd, the police, in front, showed signs of serious apprehension, but did not give way. Colonel Carter, again addressing the people, appealed to them to permit no breach of the peace and asked them to follow him to the Cosmopolitan Club House, which they did, the number on the ground then being about ten thousand.

The Attempt of the House of Representatives to Enter the State House.—In consequence of the announcement made by Col. Carter at the popular meeting, at the Clay Statue, on Friday night, that as Speaker of the House he and the members who recognized his authority, would proceed, in a body, and demand admission to the State House, there was an immense gathering of the people on Canal street, in the vicinity of Dryades street, as early as 11 o'clock yesterday morning.

Preparations for the visit had been made at the State House. It is supposed that six or seven hundred policemen were present. A line of two ranks was formed at the north wing of the Institute, facing towards Canal street, and a similar line was formed at the south wing, facing towards Common street. Both lines were armed with rifles. The Captains of police were present, and Inspector Badger, the latter wearing a sword by virtue, it is supposed, of his recent appointment to a Brigadier Generalship in the militia. At Canal street a considerable force of policemen was arrayed across Dryades street, armed with revolvers and clubs and the Metropolitan street then was another line similarly disposed and armed. The house in front of the State House, known as Warmoth's club house, was held as a fortress, overlooking and commanding the street. So was the State House itself. General Longstreet, to whom the Governor's military illegalities are credited, was seen several times in the upper part of the building, at the southeast corner of Canal street, in a position to command a view of Canal street from which communication was open with the State House, within the police lines.

The multitude, in which were citizens of every class and of both races, kept increasing until a few minutes before 12 o'clock, when a mounted burnish passed up Canal street, in the direction of the river, heralded the approach of the members of the Legislature, with Colonel Carter at their head. As the body advanced the people became excited, and, when it halted at Dryades street, a great cheer filled the air. The crowd pressed closely upon the procession that Colonel Carter and and other members had to ask the people very earnestly to keep back and to preserve order. Some minutes elapsed before quiet was obtained. Then Captain Rey, who was in command of the outer line of police, was informed that two committees of the House of Representatives desired admission to the State House, and they were admitted.

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Mr. Davidson made a speech on the subject. He also adhered to the Senate being invited to the course of Judge Carter and of the members of Wheelland, and was delighted at the course of the Judge.

The discussion was continued by Messrs. Worrell, Pontalier, Harper and Hunter, resulting at last in a controversy about a bet was drawn on Thursday, the 4th inst., when the attempt was made to remove the Waters forcibly into the Speaker's chair. A gentleman, supposed by Mr. Worrell, to be voting all members entitled to occupy the floor to return and proceeding to inquire respectfully, any message from the people, was stopped and then the committee adjourned till 10 o'clock on Monday morning.

The Blackford Homicide Again—The Mr. Carpenter and McCormack Admitted to Bail—Judge Cooley Holds the Prisoners to Bail.—Judge Cooley, in the Criminal Court, has made to the First Criminal Court for a writ of habeas corpus in behalf of Mr. Carpenter, who is held by Coroner Creagh, charged with the alleged murder of W. R. Blackford, and for John G. H. McCormack, charged with the alleged murder of W. R. Blackford, both of whom are imprisoned, and the writ was issued, returnable at 1 o'clock in the evening, the object being to have the prisoners admitted to bail, upon the grounds that the proof was not clear nor the presumption strong against them, there being the circumstance under which the law provides persons accused of capital offences may be bailed.

At about a quarter of an hour after the time appointed for trying the writ, Judge Cooley, of the Sixth District Court, appeared and opened the court, when he caused to be read a note addressed to himself by Judge Abell, requesting him to preside at the hearing of this application, in consequence of the illness of Judge Abell, who was so indisposed that he could not leave home.

The prisoners, who were in court, were represented by Messrs. Castellanet and Snow, and the Attorney General appeared for the State.

Mr. Castellanet briefly adverted to the character of the inquest held by Coroner Creagh and informed the court that he had evidence to offer to show that the accused were not accountable for the homicide. The Judge stated that he had already read a report of the evidence, published in the papers, and he was of the opinion that if that report was correct, it was unnecessary to go over the testimony again. The Attorney General said the report was correct, and at the suggestion of Mr. Castellanet, admitted that the stenographic report of the evidence, in relation to the homicide of the 19th of May, by Coroner Carter, and published in the *National Republican* was accurate—in fact the report was made by Mr. T. Wharton Collens, Jr., who had been employed for the purpose, the Attorney General said, at his instance.

Mr. Castellanet having read the report, or rather the testimony, of Coroner Creagh and the examination of the wife of the deceased, and of the brother of the deceased, he informed the Judge that other witnesses were in court at the time the Carter case was inquired into, who would have given similar testimony, had it been deemed necessary, and added that, since then, more witnesses had been discovered whose statements corresponded with those already given. Mr. C. concluded with the observation that he did not think it necessary, however, to adduce additional evidence, and signified his willingness to submit the matter without argument, to which proposition the Attorney General assented.

The Judge remarked substantially that he had read the evidence taken before the Coroner carefully, and the impression left upon his mind by the perusal of it, was, taking into account any rebutting testimony, that it was a very doubtful case. The doubts left upon his mind by the Coroner's report were such that if he were on a jury trying the case, being, as a juror, bound to give the prisoners the benefit of a reasonable doubt, he should acquit them. If, while he was perusing the report all doubt was removed from his mind, The prisoners were not only entitled to a verdict of not guilty; their innocence was clearly and fully established. If a Grand Jury was now in session he would discharge the prisoners on the spot, for, he repeated, they were perfectly innocent; but as, if he discharged them now, some Grand Jury, influenced by bad motives, might cause them to be re-arrested and imprisoned, the most practical good he could do for them was to admit them to bail.

The amount was fixed at $15,000, the same as that required of Colonel Carter, and Messrs. H. F. Sturcken, W. F. Murphy, Richard Wallace, Jr., Lally and David Hughes having signed the bonds, the prisoners were released from the custody of the Sheriff.

Second District Court—Daniel Scully vs. The Canal and Claiborne Street Railroad Co.—The following are the reasons, in full, of Judge Collens for his decision in the above entitled suit: On the 3d September, 1867, Daniel Scully, with others, agreed to form the Canal and Claiborne Street Railroad Company, and "that of six thousand shares (each of one hundred dollars each) into which the capital stock is divided, only *five thousand shares are to be subscribed for*, and of the remaining one thousand shares, five hundred are to be transferred to C. A. Labenne & Co. (of which firm Scully was a member for one-fifth) as a bonus for the purchase of the contract of the right of way, and five hundred shares are to be retained by the contractors for the benefit and advantage of the *original subscribers hereto, to be issued* to them at the rate of *fifty cents* on the dollar, in regard to the five thousand shares of subscribed stock, it is stipulated, "that five per cent. of each subscription shall be payable in the signing of these articles, and the balance *shall be paid* at such times and in such amounts and installments as the Board of Directors may order, etc.

It is clear to my mind that this contract contemplated and stipulated, that the shares to be issued to the subscribers for their right of way, should be equal to subscribed shares upon which payments of five per cent. dollars each were to be really and truly paid. This is also shown by the 4th and other articles of the contract, subsequently obtained by the company.

Besides his hundred shares of bonus stock, Scully also took one hundred shares of subscribed stock.

On the 19th May, 1868, at a meeting of the *Board of Directors*, it was "resolved that the installments of five per cent. be called for, payable as follows: five per cent. on the 25th instant, five per cent. on the 5th of June, and five per cent. on the 25th of June; and it was resolved further that *whenever* any stockholder shall have paid the above mentioned and specified installments, certificates of stock, as *fully paid*, may be issued to them."

It is admitted that these last payments made the amount actually paid on each share of subscribed stock only *seventy-five* dollars.

By this resolution, and the issuing of certificates agreeably thereto, the company certainly violated their contract with the plaintiff.

It is contended that, by virtue of the words stipulating, the certificates are to be issued to the shares "*fully paid*," the right was reserved—firstly, of issuing certificates of stock as full paid, before the subscriptions were actually paid; secondly, of giving to such shares premature and fictitious declaration not only the effect of determining the time for issuing certificates, but also of compelling the creditors of the stock premised as a *bonus*, to receive the certificates issued, at their nominal figure, in full payment.

I cannot adopt these inferences, for they are expressly contradicted by the clause of the contract and charter which provides that they were actually for just! Would he be right in taking these as equality with those who had paid only five? Could the company, if it took a contract for the purchase of a right of way, so to Scully? Would they not be bound to refund that purchase? It seems to me that the right of way, if it be not a very important one, and if it be not, it can be obtained for a well at a cheap and the present one, the company should have been entirely free from obligation to pay for it. The company never asked it, and yet the contract made a condition of the present one. They were premised in lieu of money, for a valuable consideration given and received, equal to one hundred dollars per share, actual money. The number of shares and their value to be equivalent to cash, in reality paid, was expressly stipulated, in the only other form for their issuance which was proposed.

Another example may illustrate this. Suppose the company had unanimously, by an amendment of their corporate articles, divided their stock into shares of fifty each, but had previously promised to pay a creditor five hundred shares of fifty each. Is it not plain that they would, after the change, be bound to issue one hundred shares of fifty dollars each? Is it not plain that they would, after the change, be bound to issue one hundred shares of fifty dollars each? Is it not plain that they would be bound to pay the creditor? Nothing is more evident than this; for the resolution of the Board of Directors previously only for the redemption of the claims of subscribed stock, and not the issue shares. It expressly includes only the shares on which installments were to be paid in money by the subscribers to the 50,000 portion of the capital.

It does not touch or mention the other element of shares. It does not profess to change these or reduce them in any manner; yet the company, by virtue of this resolution, claim that by delivering these surplus shares at their fictitious nominal figure, to one who is entitled to real shares of one hundred dollars each, they have earned their contract with Scully.

The wrong proposed by the defense finds no support in the import and effect of the resolution of the 19th of May. In consequence of the subsequent attempt to extinguish the debt due plaintiff, by issuing to him shares for the promised bonus, on equal and indiscriminately with the subscribed subscription stock.

Scully could not have supposed, from the terms of the resolution, that it would be used to the effect of also refunding the shares due for the bonus.

Indeed, every view of this case only reveals that the defense rests wholly on a semblance or shadow, created by the defendants themselves. This being removed, and the matter being divested of every false appearance, the plaintiff's right to recover become manifest.

Judgment as prayed for.

Horter & Benedict for plaintiff. H. D. Ogden for defendant.

To the New Orleans Bee.

FROM WASHINGTON.

Nothing Done About Louisiana Affairs.

The President and Attorney General on the Situation.

A Congressional Commitee Probable.

Miscellaneous Intelligence.

FOREIGN INTELLIGENCE.

Paris, Jan. 12.—The tariff bill imposed on 100 kilogrammes of wool 80 francs, on cotton 4, on ready, 4½ to 7.

Grenier, charged with shooting a Prussian officer, has been acquitted.

The Committee on Military Reorganization adopted a rule that soldiers whose conduct has been good, shall be permitted to marry.

Rome, Jan. 12.—A meeting is progressing in opposition to the new import tax on breadstuffs.

London, Jan. 12.—The *Times* this morning, points out to the admiralty the case of the Florida. Served, says the epistle, says: Admiralty by the light of Spanish gun-boat experience must see that the suppression of illegal equipment by England depends, first of all, on the Spanish being diplomatically difficult. A hint is thrown out that the Florida made on Canada were fitted out in precisely the same officially checked as they might have been by the United States authorities.

London, Jan. 12.—The tenants of the Pavilion Theatre, at Bandringham, in a body congratulated him on his escape.

Frankfort, Ky., Jan. 12.—The vote on the Cincinnati Southern Railroad in the House to-day stands 50 to 34, 36. The prospect is favorable in the Senate.

FROM HAVANA.

Havana, Jan. 12.—The Tornado, which has lately been watching the Virginia