THE NEW ORLEANS DAILY BEE,
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TERMS OF THE BEE

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All bills with regular advertisers will be rendered monthly.

NEW ORLEANS:
FRIDAY MORNING, JAN 24, 1868.

INTERESTING REAL ESTATE AT AUCTION BY THE SHERIFF.—Particular attention is called to the sale at auction to be made this day, at noon, at the Merchants and Auctioneers' Exchange, Royal street, of a dwelling house situate on Conti street, between Dauphin and Burgundy streets, Second District. For particulars see advertisement.

We acknowledge the politeness of the St. Andrews Society, through Mr. D. Mackay, Chairman of the Committee on the Celebration Supper of the one hundred and ninth anniversary of the birth-day of the immortal Scottish poet, Robert Burns, which is to be given tonight at the Richelieu Restaurant. Peter Rose, Esq., is the President of this important and useful organization, and if we may judge by the programme of entertainments, interspersed with song, sentiment, poetry and recitation, the Society have provided rare enjoyment for the occasion.

HOLLE'S NEWS DEPOT.—We are obliged to Mr C. G. D. Holle, news dealer and stationer, 61 Exchange Alley, for copies of Godey's Lady's Book, for February, and all the illustrated weekly papers of New York city.

THE FRENCH OPERA.—Miss Andibert personated *Alice*, in "Robert Le Diable," last night with great acceptability, powerfully sustained by Mr Picot as *Robert*, and Mr. Van Huffien as *Bertram*. Mrs Seguin appeared in the character of *Isabelle*, and sang with the sweetness and grace for which she is noted.

On Saturday evening the management announce the comic opera of "La Belle Helene," by Offenbach, in which Miss Lambelé appears as *Helene*, and Mr. Dacré as *Paris*. After the opera the first Bal Masqué of the season will be given, when the artistes will appear in costume in the quadrille "De La Belle Helene."

### Education in Louisiana.

We call the attention of teachers throughout the State to the notice below, calling for information on the subject of education in this State, and we assure all those engaged in this important work that they will promote the cause of education by responding promptly to the request of Mr. Barnard.

EDUCATION IN LOUISIANA.—A circular from Hon Henry Barnard, Commissioner of the Department of Education, established at the city of Washington, requests "accurate but condensed information of the designation, history and present condition of every institution and agency of education in this State and others, and of the name, residence and special work of every person engaged in the administration, instruction and management of the same." That the efforts of the people of Louisiana to promote the cause of education may be properly understood, the reverend gentleman asks teachers, directors and trustees, in charge of schools, public, private or denominational, and of any grade, are requested to forward to the Commissioner, directly or through the Superintendent of Public Education for this State, tabular reports, showing particularly the location, name and character of their respective schools, the number of teachers employed and pupils instructed, the branches taught and text books used, with explanations of the several or special purposes of the schools and their prospects, or the obstacles to their prosperity, and such remarks or suggestions as may tend to show what policy on the part of the State or the General Government will relieve the various schools from their present embarrassments, or promote a more efficient system of education throughout the State. Communications of this character, addressed to the "Department of Education, Washington, D. C.," and endorsed "official," are entitled to be conveyed by mail free of postage.

AN INCIDENT.—We copy as follows from the Selma *Messenger*. The address referred to is that recently adopted by the Conservative Conference at Montgomery, and counsels the people of Alabama not to vote for the new Constitution framed by the Reconstruction Convention:

In the late Conservative Conference at Montgomery, after the matters under consideration had been discussed through three prolonged sittings, subjected to an analysis and investigation never before equaled under similar circumstances, the moment had arrived for final action. The vote on the adoption of the resolutions reported from the committee was then to be taken; and upon the result all felt that the fate of Alabama, and perhaps of the nation, was to depend. Not one in that assembled band felt bowed down by the responsibility under which he was acting. All hesitated. Suddenly an inspired thought prompted Gen. Clanton to ask the unanimous consent of the "Conference" to move that Rev. Tichenor be requested to invoke the guidance and wisdom of God in that moment of peril and doubt. The request was given. And Mr Tichenor did offer up a prayer so earnest and importunate in behalf of the loyal, and faithful men then assembled, that we live as we believe it was heard and answered at that moment. Venerable men, whose voices have been heard in the councils of the State and nation for thirty and forty years, strong and brave men who not long since moved with undaunted eyes and unblanched cheeks, amid the perils and carnage of battlefields, bowed their heads and wept. And all felt then that help had indeed come from Heaven. It was a matter such as liberal in, and under circumstances so solemn and impressive, that the Conference adopted the advice it has given the people of Alabama, and God will bless it and sanctify it for our good.

### Debate on the Reconstruction Bill.

*Washington*, Jan. 17.—The House at half past 1 resumed the consideration of the bill reported from the Committee on Reconstruction, on which Mr Boutwell, who entitled the floor, yielded 20 minutes to Mr. Garfield, who addressed the House in advocacy of the bill.

He defended the section vesting the General of the Army with the powers now exercised by the President. Various acts of Congress have authorized subordinate officers to perform certain duties. The President of the United States himself was a subordinate of Congress. If Congress could pass laws controlling subordinates, what law could stay the time that it might not give its orders to the General of the Army. The President and his associates were obstructions in the way of the restoration of the States recently in rebellion. He proposed to remove that obstruction by transferring the power into the hands of one who had shown loyalty to the laws, and willingness to obey the laws of the United States. He (Mr Garfield) wanted it distinctly understood, and he (he believed) had a right to for the party to which he belonged, that the party intended to take no step backward. They had inaugurated a policy in the 39th Congress, and were in the process of carrying it out.

The gentlemen on the other side were manifestly arrayed with the President in endeavoring to obstruct the work of reconstruction. Without charging on them rebel sympathies, and without using any harsh terms concerning them, he would say their conduct was pleasing to every more, entent, patriot, unchanged rebel in the South. The whole mass of the rebel population were in favor of obstructing the reconstruction policy of Congress. That there was one man who went into the rebellion, not a guerrilla, who shot down Union soldiers in ambush; not a man who burned Northern cities or steamboats; not a man who starved Union prisoners, not a man who made raids into Northern States, not a rascal of the rebellion, who was not with that party in attempting to obstruct the reconstruction laws and policy of Congress. With such a hostile combination, did any body expect that the vice-President Republican party would now retire? Did anybody pretend it should move a step backward? Much less, did any body expect the Congress would permit a subordinate to go back as he listened and tell Congress what it should be and what ought not to be?

Mr. Bonwell had addressed the House in support of the bill. When the people complained of Congress they should take notice of that. For twenty-four months Congress had struggled for the reorganization of the Southern States, struggled with a man whose heart and whose purposes were in the rebellion, and who was likely to be a candidate of the opposition, for he was by far the most formidable ally that the rebels had to expect; a man that when, in November next, the States lately in rebellion, and which he proposed should be restored to the Union, shall black men went to the polls they would be driven from there by white men, and there would come up in Congress in February next contested elections for the candidate of the opposition. The country would then be brought again to the extremity of cruel war, or else Congress would be compelled to surrender at discretion to the "unfortunate rebels." He knew of but one way, and the country would yet see that there was no other way out of those difficulties. The President would thwart this law as he had thwarted others. Whether the future were to be for weal or for woe, the duty of Congress was still the same, to maintain the authority of the people as represented in Congress, and to enforce by every constitutional power the rights of the "loyal" people of the country.

The Georgia Convention is thus described by a spectator:

Amongst the members are forty negroes, half a dozen of whom are about as intelligent as the generality of carriage drivers, and table servants in Kentucky; the balance are low, dirty, and ignorant in the last degree, and the whites, with exceptions, of course, are no better. These as far as the negroes go, are sent pell-mell together, and all hands seem to like it. A more disgusting spectacle never met my eye.

SHERMAN ON STANTON.—Lieut. General Sherman, it is said, expressed himself very strongly today in regard to the reinstatement of Stanton. I am informed that a conversation with a high official he alluded to the subject pretty much in this style: "If a dismissed staff officer of mine were to be forced back upon my staff during war, by action of the Senate, I should give him all the messages to carry to the front." To have him shot off I suppose," said the official. "Certainly, sir," replied the General, very emphatically. The conversation was related to night to the President, who smiled and remarked: "The trouble is, in this case, I can't send Stanton to the front."—*Washington Correspondence New York Herald.*

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, FRIDAY MORNING, JANUARY 24, 1868. Vol. XLI.—Whole—14,346.

THE SITUATION AT WASHINGTON.

The game which the President and Congress have been for many months playing for a stake of such inestimable value, as the possession and control of the Executive Department of the Government, progresses rapidly to its conclusion. On one side it is being carried on with all the bold determination and devilish coolness which, stocking the cards and vast odds, enable the holders to display, and on the other with all the prudence and skill which conscious rectitude of purpose, great political experience and a perfect knowledge of the reckless wickedness and unlimited resources of the adversary enables him to wield. It must be admitted that the odds are fearful against the President. Congress is not only intrenched by law but treats with contempt the ordinary rules of political warfare, resorts to the most despicable tricks to accomplish its designs, and does not hesitate to create the means of removing obstacles to its success, as fast as the necessity arises. The President, however, has the next move in the game, and it is upon the nature of that move his fate and that of Constitutional government must turn. Move he must or yield the contest. Inaction on his part will be but their responsibilities of that kind. Mr. Trumbull did not expect or desire the Court to shrink from its duty, but he believed that it should not go aside from its regular course to seek occasions for deciding questions like this.

Judge Black replied. He denied that this was a political case. It was purely judicial. "It has come," said he, "in the form of a legal appeal from the Circuit Court for the District of Mississippi, and it comes here with technical regularity. I represent nobody but my client, and ask for the vindication of no rights except his." The Attorney General makes no opposition. If Mr. Trumbull comes in to take up the case for a political party, I submit that he is out of his proper place, for the Senator should know that in the courts of the country we practice law, not politics. A glance at the record will show you that the relator was accused of a criminal offence, arrested without any judicial warrant, held for a long time in close custody and then brought before where they call a Military Commission, organized to convict him. He could not foresee his doom, for if they could try him they could hang him. His friends got a writ of *habeas corpus*. He was brought before the Circuit Court and was remanded, but the Judge, manifestly in doubt, facilitated the appeal in a way which showed his own desire to have it decided by the court of last resort. Yet you are told this is not a criminal case.

Mr. Trumbull—I did not say so. I said the *habeas corpus* was not a criminal proceeding.

Mr. Black—Certainly it is not, but the nature of the case does not depend on the form of the writ, neither is a writ of error a criminal proceeding, but a writ of error like *habeas corpus* may bring a criminal case into the Court. Judge Black continued, we ask that you hear the case now. It is not at the foot of the list. By the Statute law of the land, by the immemorial custom of the Court, and by your own written rules made so lately as last year, it stands at the head of the docket and claims your immediate attention. As a criminal case, the act of Congress says you shall hear it in preference to others that are pending, but the preference always was conceded to such cases. A criminal cause was never allowed to be put off or put by on the ground that civil causes, whether older or later, should be heard first. Such has been the universal practice of this Court for more than three quarters of a century. It is the practice everywhere else. In all the Courts, State and Federal, the rule is to give criminal cases the preference. Your administration of criminal justice cannot afford to wait. If the accused party is guilty, and the proceeding against him is legal, the highest interest of society require that he should be punished without delay. If he is lawlessly prosecuted by a tribunal that has no jurisdiction, or if he is suffering from the false imprisonment of a tribunal which has authority to try him, he must be immediately relieved. Relief postponed is not relief at all. In no case can any Court permit the sword of public vengeance to be doubtfully suspended over the head of a citizen for an indefinite time. But there is another reason why it would injure you to take this case up immediately, even if it were at the foot of the docket. In the exercise of your great power you do not merely decide cases, you lay down rules for the conduct of others who may find themselves in like condition. You never give a naked judgment. You accompany it with the reasons for it, that all may know how far they are within the principles you sanction. You are the great teachers of the people in regard to those things which concern their temporal salvation, and in proportion as you perform that duty, well or ill, in that proportion are you fit or unfit for the high place which you fill. Here is a subject which your lessons are most especially needed. This is not the only Military Commission that has been set up. In all that large region of country from the Potomac to the Gulf of Mexico, Military Commissions have become so much the fashion that they have almost entirely superseded courts and juries. They inflict all manner of punishments. Three men are now held by them under sentence of death, and hundreds are languishing in jail awaiting their trials in various kinds of imprisonment. Every officer who is or may be engaged in carrying out these proceedings is deeply interested in knowing, as soon as possible, how the law regards them. From the President and the General of the army down to the lowest Jack Ketch in their service, it is the interest of everybody that they should know when they hang a man, whether their act is justifiable homicide or felonious murder. If they are engaged in the perf rmance of a lawful duty they will surely feel bound to stand to be assured of it by a decision of this Court. The juries ought to know it, too, so that they may learn to submit quietly to evils which can not be cured. The people have a right to the blessings of liberty they will at least have the repose of despotism, which is perhaps the best thing in life. But if there is no law for these commissions are all wrong and void it is horrid cruelty not to say so at once. Would my learned friend, from a mistaken sense of politeness, encourage public officers to rush on in heedless ignorance at the risk of being branded as criminals in the future? If you do decide hereafter that their acts are illegal, shall you them against the charge of kidnapping, robbery and murder, how will they feel toward those who prevented a decision that would save them from those crimes. If the blood he suffered to accumulate upon their heads for two or three years more, there will not be rain enough in the great Heavens to wash them white again. This question no doubt seems a very clear one to Mr. Trumbull, and he can, doubtless, make it so clear to the Court as it is to him. We know that the Constitution makes a court and jury the exclusive judges of guilt or innocence in every criminal case, and we know also that the Constitution was the fruit force which made the Court and jury. Perhaps it may be conceded that this Court then said so in very plain and unmistakable language. But Mr. Trumbull and other jurists supposed themselves to have discovered an act of Congress passed since the decision referred to, by which the Constitution is repealed, or at least they have learned that the American people have in some way lost the right of trial by jury. Now the presumption is a strong one to be seen that Mr. Trumbull is mistaken. I am wrong, if he comes with his act of Congress, and I propose him with the Constitution and the principles of public liberty, the odds will be against me. Still, he cannot say that the point is absolutely free from doubt, when he remembers that the Attorney General, who stands officially at the head of the profession, and deserves to stand there, is against him *toto cœlo*. The question cannot be clear in his favor, when the conviction of a lawyer like Mr. Stanbery is clear the other way. 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In the course of the debate, Mr. Attorney General Stanbery defined the relator. He said that a case had been laid before the President in which a military commission had sentenced a person to death. The question had been propounded to him by the President whether the condemnation and sentence were legal. He had, in accordance with his convictions, answered that they were illegal and void, and had advised the President not to approve them. This being his opinion, he could not, of course, take the other side of the question. Therefore he had declined to argue it here. He had left it to be argued by those who believed in the doctrine. He had given notice to Gen. Grant, in consequence of which other counsel had been employed.

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Pinchback, colored, of Orleans, also spoke in a manly conservative tone on the same side of the question, and his speech evidently had a good effect. The cry for so much proscription, he found, came from office seekers.

Pending discussion the Convention adjourned till 10 A. M., Friday.

### SUPREME COURT

THE CASE OF COL. W. H. MCCARDLE—ARGUMENTS OF JUDGE BLACK AND SENATOR TRUMBULL

[Special Dispatch to the New York Times.]

In the Supreme Court of the United States, in the case of McCardle, this morning, after the transaction of some other business, Mr Black, the counsel of McCardle, called the attention of the court to his motion in this case to fix an early day for the argument. He said that Senator Trumbull, who had some objections had been waiting to make them, and he (Mr. Black) desired to hear them. Mr. Trumbull said he knew no reason why the cause should be advanced, and an early day assigned for the hearing of it. The relator had been brought before a Military Commission for trial; but the *habeas corpus* had suspended the proceeding, and he was now out on bail. No harm could come to him or any one by letting the cause stand without a decision for a year or two. Mr. Trumbull took up the written reasons filed with the motion and answered them severally. He said this was not, properly speaking, a criminal case; it was a *habeas corpus*. The other two reasons, instead of being grounds to sustain the motion, were strong against it. They allege that the United States are interested in the question, and that it concerns the rights and liberties of every American citizen. This shows that it is a political case, and the Court should not voluntarily take upon itself responsibilities of that kind. Mr. Trumbull did not expect or desire the Court to shrink from its duty, but he believed that it should not go aside from its regular course to seek occasions for deciding questions like this.

Judge Black replied. He denied that this was a political case. It was purely judicial. "It has come," said he, "in the form of a legal appeal from the Circuit Court for the District of Mississippi, and it comes here with technical regularity. I represent nobody but my client, and ask for the vindication of no rights except his." The Attorney General makes no opposition. If Mr. Trumbull comes in to take up the case for a political party, I submit that he is out of his proper place, for the Senator should know that in the courts of the country we practice law, not politics. A glance at the record will show you that the relator was accused of a criminal offence, arrested without any judicial warrant, held for a long time in close custody and then brought before where they call a Military Commission, organized to convict him. He could not foresee his doom, for if they could try him they could hang him. His friends got a writ of *habeas corpus*. He was brought before the Circuit Court and was remanded, but the Judge, manifestly in doubt, facilitated the appeal in a way which showed his own desire to have it decided by the court of last resort. Yet you are told this is not a criminal case.

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A Southern writer says that the Bermuda grass will renovate old worn out lands in time, stopping gullies, and covering the galled and scarred spots of earth with its mantle of green, where all other things refuse to grow. He also says it can be controlled and subdued by proper cultivation.

Wendell Phillips says, "to correct high constitutional courage of the Republican party would be as absurd as to try to move a dish of skimmed milk with an honorable action." We don't see the cream of the joke. Wendell isn't as funny as he used to be, although more people laugh at him.—*Boston Post.*

## BY TELEGRAPH.

[To the New Orleans Bee.]

### FROM WASHINGTON.

Reconstruction Bill in the Senate.

Doolittle's Noble Opposition.

Death of Hon. M. Hamilton, of Ohio.

Treaty for a Ship Canal Across the Isthmus of Darien.

The South Carolina Convention.

The Georgia Convention.

The Mississippi Convention.

### FROM EUROPE.

Foreign and Domestic Markets.

### From Southwest Pass.

### Miscellaneous Intelligence.

*Washington*, Jan. 23.—HORSE—The bill relative to additional bounties passed.

Bill providing for the sale of the arsenal grounds at St. Louis and Liberty, Missouri, passed. Among the provisions of this bill is one authorizing the Secretary of War to establish an arsenal at Jefferson Barracks, Mo., for the storage and repair of arms, at a cost not exceeding two hundred thousand dollars.

The death of Hamilton, of Ohio, being announced the House adjourned.

SENATE.—The Reconstruction bill was read the second time. Doolittle spoke in opposition. Various petitions were received Doolittle was allow to proceed by 30 to 17.

The Cotton Tax Conference Committee reported, agreeing to the House bill with an amendment exempting foreign cotton from import duties after April 1st. Senate concurred.

Doolittle resumed. During his speech he said "When Latium, a Roman province revolted and the revolt was suppressed, the citizens were all made Roman citizens, and shall be done with Latium and the people of Latium. There were some who cried disfranchise them, others said confiscate their property, others said sell them into slavery, sell to vassalage to their slaves. But as Camillus, in that speech which revealed his greatness and gave him the surname of the Roman, "Shall we make them your fellow citizens, and thus add to the power and glory of Rome. Mr Doolittle added: "In this high place, in the Senate of the United States, I feel it my duty to speak for the civilization of ages—cannot we, Senators, rise to the height of that great argument."

At 5 o'clock Doolittle was in the Senate adjourned in honor of Hon M. Hamilton, of Ohio, whose death was announced.

The Reconstruction Committee, this morning, agreed to report a bill as follows:

*Be it enacted, etc*, That the appellate jurisdiction of the Supreme Court of the United States shall not be affected by the act approved March 27, 1867, or by any proceeding had, or which shall be had, under and by virtue of the act entitled an act to provide for the more efficient government of the rebel States, approved March 2d, 1867, or of the several acts supplemental thereto, and all such cases now pending in said appellate jurisdiction of prior date, and all such cases now pending in said appellate jurisdiction of prior date, and all such cases now pending in said appellate jurisdiction of prior date