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Semi-Weekly Edition.
TERMS—PER YEAR.....$5
NEW ORLEANS:
FRIDAY MORNING, JUNE 10, 1870.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, FRIDAY MORNING, JUNE 10, 1870. 43d YEAR—Vol. XLIII.—Whole—15,082

THE CASE OF MRS. GAINES.

Mr. Justice Bradley, of the Supreme Court of the United States, sitting in the Circuit Court of the United States for the District of Louisiana, delivered yesterday the following judgment in favor of Mrs. Gaines, and for the purpose of carrying into execution the decrees of the Supreme Court of the United States, rendered more than a year ago, in the cases of Mrs. Gaines against the city of New Orleans, Lizardi and others.

As we understand it, every point of law relied upon by Mrs. Gaines has been adjudicated in her favor, and the entering up of the decrees will facilitate the enforcement of her claims without further delay:

Myra Clark Gaines vs. the City of New Orleans and others. Same vs. Lizardi. Same vs. De La Croix.—These cases are before us on mandates from the Supreme Court of the United States, and motion is made to enter the proper decrees, pursuant to said mandates.

The explicit manner in which the views of the Supreme Court are expressed in its opinions, as found in 6th Wallace 642, and 6th Wallace 719, and in Gaines vs. Hennen, 24 Howard 553, (which last is adopted in the present cases,) very little discretion is left to this court. Some questions, however, have been raised, which it is necessary now to determine.

1. First, the complainant claims a decree not only for the lands of which the several defendants were possessed at the time of filing the bills respectively, but for the proceeds of lands formerly belonging to Daniel Clark, which the defendants had previously possessed and sold before the filing of said bills. She claims to hold the defendants as trustees for her of the lands thus previously disposed of, and elects to receive the purchase money, instead of following the lands themselves.

This claim, I think, is untenable. The claim of the defendants is adverse to that of the complainant. There is no privity between them. They stand, and have always stood, at arms length. The defendants claimed the lands to be theirs in one title; she claimed them to be hers by another. There was no privity or trusteeship between them. Had the defendants by any fraudulent practice, or by the fraudulent practice of their grantors or predecessors, (known to them), procured the legal title to the lands, then they might have been held as trustees, and if they had disposed of the same, especially to innocent purchasers, might have been made to respond for the proceeds thereof. In such case the lands themselves might have been placed beyond the complainant's reach, and the proceeds might have been the only fund to which the complainant could resort. But in the present case the defendants never acquired the title of the complainant, but acquired title at all but as adverse to her title; and their conveyance of the lands has transferred no title to the vendees, but the lands still remain subject to the complainant's title and are recoverable by her in whosoever hands they may be. The conveyance thereof by the defendants to third parties has not in the slightest degree had the effect to place any barriers or obstacles in the way of the complainant to their recovery. Her title remains perfect and unimpaired. Had the legal title been transferred, though subject to her right to avoid it, her election to take the proceeds would have confirmed that title in the purchaser, and her remedy would have been exhausted. But her election in the present case does not extinguish her title to the lands. Being the legal title it remains valid; and a further act on her part—by way of release or other conveyance, in addition to the act of election, would be necessary to effectuate justice. And to whom should such release or conveyance be made? The persons that would be entitled thereto have not been made parties to the suit; and the court does not know who they are, and can give no directions on the subject. And if they had been made parties the difficulty would not have been surmounted; because they can never be converted into trustees for her by claiming a title paramount to hers without any actual fraud on their part.

The cases in which a person entitled to the possession of personal property has been allowed to waive his right to the specific property, or to damages for its detention, and to sue the wrongful appropriator thereof for the value of it, as upon a sale, do not bear upon the point in question. For a recovery either of damages for the detention or of the price as for a sale, changes the title of the property, and is itself an election to have the money instead. And the cases of Gaines vs. Chew, 2 Howard, 619; Hallett vs. Collins, 10 Howard, 176; Oliver vs. Piatt, 3 Howard, 333; Lessee vs. Eldridge, 3 Story, 182, and the other authorities relating to real estate referred to by the counsel for the complaint, as far as I have been able to examine them, do not conflict with the views now presented.

The decrees therefore, should continued in each case, to the lands of which the parties respectively, either by themselves or their tenants, were or claimed to be in possession at the time of filing the bill. As to lands which they may have possessed prior to that time, they are only liable for the rents and profits or fruits which that time possession.

1. In fact the bill is nothing but what it sometimes called an ejectment bill, and this court has jurisdiction of the case only on the ground of discovery, and the complainant should be satisfied to recover what she could have recovered in an action of ejectment, or the equivalent action under the laws of Louisiana.

2. The next question relates to the accountability of the defendants for the rents and profits or fruits of the lands possessed by them respectively.

The defendants contend that they are not liable for these, because they were possessors in good faith, or if liable at all, they are entitled to compensation for their improvements; and they rely on those provisions of the code which declare:

1. The possessor in good faith is one who has just reason to believe himself the owner of the thing which he possesses.—Art. 341.

2. Such a possessor has the right to gather for his benefit the fruits of the thing, until the possession is claimed by the owners, without being bound to account for them, except from the time of the claim for restitution.—Art. 342.

3. He has also the right, in case of eviction, from the thing reclaimed, to retain it till he is reimbursed the expenses he may have bestowed on it.—Ib.

Whatever might be the views of this court on this point, were it open before it, it is now settled by the decisions of the Supreme Court, that the question of bona fides in the possession of the defendants, is a question of fact, to be determined by the jury, upon the evidence in each case. The court has no discretion in the matter. It is bound by the verdict of the jury, and must enter a decree in accordance with the verdict. The question of bona fides in the possession of the defendants, in the present cases, was left to the jury in the court below, and the verdict of the jury was against the defendants. We are bound by that verdict, and must enter a decree in accordance with it.

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Rendered. That in the future, as in the past, we will cherish and cultivate sentiments of friendship and harmony toward our white fellow-citizens, and will heartily co-operate with them in efforts to promote the material, industrial and educational interests of our parish and State.

Whereas, The public school question in the city of New Orleans is producing agitation and bad feeling between the white and colored races, on account of an effort by 20 male to force the colored children into the same schools with the whites; and whereas, the same unfortunate occurrences are likely to disturb the peace and harmony of other communities in the State, unless the difficulties can be adjusted by compromise; therefore,

Resolved, That we, colored men, are opposed to any and all distinction in the rights civil and political of American citizens, and will use our utmost endeavors to prevent the statute books of our State from being disgraced by such odious and unjust legislation; yet, we are willing, by tacit consent, to make an equal division of the public school funds between the white and colored people, in proportion to the number of children of each class, and to have the white and colored children to attend separate schools; believing such a compromise would promote the interest of all, and secure the success of the free public schools throughout the State.

The Nerve Vote.!

The attitude in which the Democratic party stands, is a party should stand with reference to the negro, is defined in exact accordance with our judgment, after dire experience and long reflection, by the Doylestown (Pa.) *Democrat*, a journal published in the invincible Democratic county of Bucks. This journal says:

If we were to ask them for their votes, we should not get them, and were we thus to demean ourselves, we should receive their contempt as well as our own, and we would besides be the laughing stock of our political enemies. Then, the only course left us to pursue, to be consistent with our principles, ten thousand times proclaimed, is to ignore the negro vote entirely, disclaiming any intention of seeking to control it, and appeal solely to the white men of the country for support. In making out this policy, we would not have a straw laid in the way of the black man exercising the right of suffrage in the fullest and freest manner possible. The negroes are not to blame that the ballot has been put into their hands. They did not ask for it, if we except a few ambitious ones, and now that they have got it, they have as many doubts as ever about their ability to exercise it with judgment. We, then, advise the Democratic party of this State to appeal to the white voter for support. Afterwards, if we will remain the white man's party, and unless we are greatly mistaken, the appeal will not be made in vain.

This counsel is sound to the case. We do not propose to interfere with the right given to the negro to vote. We will not quarrel with him whether he votes for or against us. But we will not demean ourselves by stooping either to beg for his vote, or to conduct the political campaign on the edges of a mongrel platform. The white strength is enough for all the purposes of a complete victory. We demonstrated that strength every time that we put a black streak in our white platform. The true policy is to concentrate the white power on a white basis. As a solid white, power presented to the negro, as a more powerful argument then all the eloquentness that can be made to conciliate him and all the promises that can be addressed to his hand or heart.—*Mobile Register.*

BY TELEGRAPH.

To the New Orleans Bee.

FROM WASHINGTON.

Congressional Proceedings.

Butler's Report on the Indebtedness of Southern Railroads.

The Proposed Naturalization Bill Tabled.

Grant's Talk with Red Cloud.

Flanagan Vindicates the Honor of the Texans.

Proceedings of the National Typographical Union.

A Subterranean Outlet to Great Salt Lake.

FOREIGN NEWS.

The Great Fire in Constantinople.

Miscellaneous Intelligence.

WASHINGTON ITEMS.

Washington, June 9.—In his report from the Judiciary Committee on the indebtedness of certain Southern railroads, Butler says most of them, especially those which made moderate purchases, have settled. Several roads, mostly largely indebted, have set up counter claims which are in liquidation. Suits are pending against the following roads for the following amounts: East Tennessee and Virginia Road $292,929; East Tennessee and Georgia Railroad $385,351; Nashville and Northwestern, $47,104. These roads, the report says, came before the committee, and while protesting against Legislature designed to affect the proceedings in court, expressed a desire for an equitable settlement without litigation, and ask that the Secretary of War, or some competent tribunal, be authorized to compromise the difference. The committee consents to this, and proposes to abandon the suits.

The bill proposes to do it in accordance with this recommendation.

Internal Revenue receipts to-day $716,000.

Assistant Attorney General Pike has resigned.

Delano will be absent until Saturday.

The following nominations were made by the President to-day: Rear Admiral G. S. Gibson; Commodore Wm. Reynolds. Hoar is expected to report from the Judiciary Committee to establish a uniform system of naturalization, with a proviso positively prohibiting the exercise of the right of naturalization for six months after the judgment of naturalization. The bill was denounced by Mr. Elbridge as the very embodiment of partisan malignity, religious bigotry and intolerance.

Mr. Sargent, of California, opposed the bill because it was directed against the Chinese. The bill was further opposed by Republicans as being cumbersome and calculated to cripple American naturalization.

After further discussion, the bill was laid on the table by a vote of 102 to 62.

Sargent, in explanation of his vote, said he was in favor of a bill to allow all Indian nations and tribes having rights under existing laws and treaties, to sue in the United States Courts, with the right of appeal to the Supreme Court.

The bill to regulate the length of spans and bridges over the Ohio river was debated informally, upon a motion to make it a special order.

Messrs. Morton, Cameron, Drake and Scott favored the motion, on account of its importance to the Mississippi Valley in protecting the navigation of the river. Morton read a long argument bearing upon a compromise already made between the Pennsylvania coal interest and the Baltimore and Ohio Railroad as to the length of spans.

The House appropriation bill was considered and the Senate Committee amendment to make the salaries of representatives three hundred, was adopted and then laid over until next week.

The bill to abolish the fourteen per privilege was discussed. Flanagan opposed it because it would deprive the Republican party of a great lever of which they now had control of. He said he would use the franking privilege to disseminate political light among the people of Texas. Replying to the former speaker of his colleague, Mr. Hamilton, he maintained that the people were not the set of cut-throats they seemed to be in Texas, but were a high-toned community. He said he was as good a Republican as any man dare be, but he did not feel called upon to prove the fact by jumping up and proposing to cut men's throats.

Washington, June 9.—Red Cloud had a final interview with the President to-day, and reiterated petitions for the removal of Fort Fetterman, for powder, rations, etc., varying but little from his former speeches, and concluding by a request from his speech at the grand council on Tuesday. The President, in responding, said: "Your attorney would also be removed; that it was needed as much for the protection of the Indians against the encroachments of the whites, as to protect the whites against the Indians; and as far as he had the power, he would protect both.

The Secretary of the Treasury sent to Senate to-day a copy of the Treasury circulars opinion and draft of proposed bill, of land sold for taxes, in the Southern Federal tax, in the Southern States. The Attorney General recommends that the defendants be required to pay the amount of taxes, etc., paid the United States for the property.

MISCELLANEOUS INTELLIGENCE.

Cincinnati, June 9.—A man named George Jayne fell from the steeple of the St. Paul M. E. Church, to the alley, over one hundred feet, and was crushed to death. He was engaged in covering the scaffold with the rope which supported the scaffold broke.

Memphis, June 9.—G. L. Abrens, a confidential clerk of Edward Warburg, cotton buyer, has been arrested for embezzling several thousand dollars.

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CITY INTELLIGENCE.

U. S. Circuit Court.—Judge Woods rendered a healthy decision yesterday in the case of Wm. Hawver, in bankruptcy, in which the Citizens' Bank appealed from the decision of the District Court. The appeal, the Judge held, had been made out two days too late, and it was therefore dismissed. This case involves the ownership of those two valuable estates known as the Carrollton and Whitehall Plantations, in Concordia parish, and validates the title obtained by the purchasers at the bankruptcy sale.

Judge Bradley announced that he would deliver opinions to-day in the Morgan vs. Chattanooga Railroad Company case, in the Live Stock Dealers' and Butchers' Association case, and would also make some disposition of the contraband cases.

Judge Wheeler announced that hereafter the criminal cases on the docket would have precedence.

The court-room was crowded with persons evidently waiting a decision in the Slaughter-house case.

Eighth District Court.—Mr. J. B. Beckwith, sitting as Judge of the Eighth Court by request of Judge Dibble, yesterday delivered an elaborate opinion in the case of Sheridan vs. Madian, involving the State Tax Collectorship in the Eighth District. The opinion sustains the claim of Sheridan to the office, on the ground that the act under which Madian was elected, and under which he was elected, has been repealed, and that the Legislature has the right to make such a change in its revenue laws as it seems fit and proper.

Fourth District Court—Judge Theard.—In this court was being argued the case of the Louisiana Petroleum and Coal Oil Company vs. the Calcasieu Sulphur Mining Company, the plaintiffs claiming that under an article of the Civil Code, they have a right to cut the timber on the premises. Messrs. Rodhus & Phillips, Koontz & Elliott, and Albert Voorhies for defendants, and Messrs. Semmes & Mott, A. N. & H. N. Ogden, J. D. Hill and T. H. Kennedy for plaintiffs.

Seizure of Meat.—Mr. Rusch, Inspector of Meat in the Poydras Market, on Wednesday morning last seized the meat at the stall of Zachariie Destouets, stall No. 10, on the ground that the meat was unsalable, being of too dark a color, and very poor. Yet the owner of the stall was in possession of a certificate from the Inspector appointed by the Governor, under the act incorporating the Crescent City Slaughter-House Company.

The Slaughter-House Damage Suit.—In the numerous suits for damages against the Slaughter-House Company and others, filed in the Fourth and Seventh District Courts, the counsel for plaintiffs yesterday dismissed all the claims against Judge Dibble, of the Eighth District Court.

Ejected and Beaten.—Mr. Schwab declared by the Supreme Court to be Sheriff of Jefferson parish, applied for possession of his office and was ejected and violently beaten by the deputies in the office whom he threatens to prosecute criminally.

The Spoiled Meat.—Capt. Edgeworth, of the Sanitary Police, yesterday requested the Sanitary Inspector, Dr. Jackson, to send him all the carbolic acid he could spare to put into the spoiled meat, which has been seized and carted to the Charity Road, to counteract the intolerable stench which it has created.

There was scarcely any beef in the markets yesterday, and nearly all of it of poor quality.

Justice Bradley is to render his decision this morning in the controversy between the Butchers' Association and the Slaughter-House Company.

Abduction.—A child seventeen months old, daughter of Mr. Dugley, residing at No. 181 Howard street, was kidnapped from the neighborhood last evening by a colored woman, apparently with the purpose of receiving a ransom, through some accomplice, from the father.

Fire.—Last evening a fire occurred in the photograph gallery of Mr. Seligman, No. 181 Poydras street, causing slight damage.

The Fete Champetre.—The fête at the Carrollton Gardens will be continued this and to-morrow evening, when it will terminate. It commences each evening at 8 o'clock.

The Baton Rouge, Grosse Tête and Opelousas Railroad was sold Saturday, June 4, under foreclosure of the mortgage of Mr. Wm. S. Pike, and was bought in by that gentleman for the city of Baton Rouge and individual stockholders. Thereby the bond, $80,000, at which price the road was adjudicated. Should all arrangements be perfected satisfactorily, the road will be resold in New Orleans, Baton Rouge and Vicksburg Railroad Company within the next thirty days. With its sale will dawn the new era of Baton Rouge.—*Baton Rouge Advocate.*

GRANT'S GRAMMAR.—The New York *Herald* thus speaks of the criticisms upon the late proclamation of Grant on the Fenians:

Who can deny the modesty of Grant? Not those who affirm his grammar. To the committee on the Steuben celebration our noble President writes: "I regret that my invitation, and thus contribute in a feeble manner to the ceremony," etc., etc. What! "contribute" to it. Which is probably true, and certainly modest. And why should not Grant agree with contribution when, as all experience shows, contributions agree so well with Grant?

MOVING OF THE WATERS.—The Conservative papers in Indiana are full of names of Republicans who come out against their party on account of their adoption of the Fifteenth Amendment and its extravagance and corruption generally. Some of them are prominent and influential men, and the number of bitterness Republicans who have published their purpose to vote against the Republican party seems to be upward of 2000.

Another significant indication, is the announcement of Capt. G. R. Webber that he has resigned his position as Chairman of the Republican State Executive Committee. He is reported to have published that his party having accomplished its mission, is now in the hands of plunderers and thieves, not worthy of further support.—*Indian Chronicle.*

Young thousand women operatives in a factory at Lyons, recently, assembled and demanded higher wages and but eight hours' work.

FOREIGN INTELLIGENCE.

London, June 9.—The alarm among the farmers over the continued dry weather continues to spread.

Telegraphic communication with Communa is complete.

The Times is about retiring from politics, he will be raised to a peerage.

London, June 9.—The ship Regina will follow the Magdalia, with material for the Pacific Transcontinental Railroad.

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Paris, June 9.—The Pope has written a letter to the Bishop of Tarbes, sustaining in positive the infallibility dogma.

Paris, June 9.—The Emperor attended Long Champ races.

Deputy Lambetta is sick.

The counsel for the regicides were allowed to see their clients for the first time to-day.

General Mellinet declines the Grand Mastership of the Masons.

Constantinople, June 9.—Loss of life yesterday was great, and it was fearful. Whole families were hemmed in and burned in vows. Some, in the spirit of fatalism, resolved to bear their fate, shut themselves up in their houses and awaited the worst. Two hundred and fifty are known to be dead, many more missing.

Paris, June 9.—The Empress Eugenie sent 10,000 francs to Constantinople.

Madrid, June 9.—The question as to who shall be the future Monarch of Spain occupied the Cortes yesterday.

A motion was made that a King be elected by a direct vote of the people. After a long debate this was rejected.

A proposition requiring the candidate to receive a majority equal to one-half of the whole number of Deputies was carried by a vote of 128 to 124.

This is regarded as having utterly destroyed the chances of the Duke de Montpensier, as well as of all other candidates who have thus far been named. Nominations will be made to-day. Espartero, the Regent, is expected to be nominated.

The Cortes will adjourn to-day, and the Regent will be called upon to make a proclamation to the people of Spain.

Bates, of Memphis, said it was undeniable that the Senate had no power to be admitted to any union south of Mason and Dixon's line.

The resolution was lost; so this subject remains as left by the action taken yesterday.

A resolution was passed encouraging female compositors to co-operate with male printers whenever employed together.

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Comparison Between the Old and New French Constitutions.

The Paris correspondent of the New York *World* furnishes to that paper the following translation:

THE OLD AND NEW CONSTITUTION.

One of our newspapers has published in parallel columns the more important difference which distinguish the new from the old constitution. I think it interesting enough to give a place in your columns.

Old Constitution.	New Constitution.
The Emperor alone could introduce laws.	The Emperor and legislative chamber can introduce laws.
The right to ask questions of the government did not exist, and the right to ask questions of the government, and limited.	Every Deputy has the right to ask questions of the government, and there is no limit to the right to amend bills.
Ministerial responsibility was abolished.	Ministerial responsibility has been re-established.
Deputies were ineligible as Ministers.	Deputies are eligible as Ministers.
The Emperor, in the event of a dissolution of the Legislative Corps, could reelect members of the Legislative Corps.	The Legislative Corps cannot be dissolved without the consent of the people. Legislative Chamber has the right to elect its President and Vice President.
The President and Vice Presidents of the Legislative Chamber were appointed by the Emperor.	The Legislative Chamber has regained the right to elect its President and Vice President.
Algeria and the colonies were governed by Senatus-consultum.	Algeria and the colonies are governed by the common law of France.
The 57th article of the constitution reads: "The Emperor alone has the right to appoint all magistrates, persons not members of the senatorial or legislative councils."	The repeal of the 57th article of the constitution gives the Chambers the right to appoint all magistrates, persons not members of the senatorial or legislative councils.
The Judicial, General and military establishments at the disposal of the Emperor.	The Judicial, General and military establishments are at the disposal of the Emperor, in conformity with the wishes of the Senate.
No one had the right to petition the Legislative Chamber.	The repeal of the 54th article of the constitution established the right to petition the Legislative Chamber.
The Kings or Emperors made public meetings illegal.	Public meetings are made legal.
Public meetings were made under commercial interdiction.	Public meetings are at liberty.
The Press and the press did not exist.	The press is free to the law.

MONETARY AND FINANCIAL.

THURSDAY EVENING, June 9, 1870.

There is still quite a good demand for discounts at the banks, but with an ample supply of capital for the accommodation of all borrowers, the Money market continues easy. On Change there was little movement, and the rates are without any quotable change. At notes there is quite a good demand. At the banks there is no change in the rates, which are quoted at 9 @ 10 per cent. Commercial paper is in good demand, and there is a fair supply. We quote prime names at 11 @ 12 per cent. Short notes are quoted at 9 @ 10 per cent. Common for A1, and 11 @ 12 for second grade.

Gold opened at 113 @ 113 @ 113 @