

THOS. MCINTYRE is our duly authorized agent at New Orleans.

Salutatory.

It is not only customary, but right, as well as expected, that upon the establishment of a Newspaper, the Editor should salute the readers of his journal in an especial article—definitive of his position, future intentions, and reasons therefor.

We are not sufficiently vain to promise, neither is it expected, that the SPECTATOR will anything like equal the original Spectator papers—from whence we take our name—by the learned Addison.

Of course, as it is to our interest more than that of the public, to publish a readable and acceptable paper, we shall endeavor to do so. If we should succeed, we are satisfied we will receive the patronage of an enlightened community.

J. M. SCANLAND.

Our latest New Orleans papers are of the 30th ult., containing dispatches from Washington of the day previous. The most important thing Congress did on that day was to adjourn.

Five of the Congressional Impeachment Committee returned a majority report favoring the impeachment of the President; two reported averse to impeachment, but censuring him, politically, and the remaining two reported more favorably, and asked to be relieved from the Committee.

We entertain not the least fears that the President will be impeached. But if he permits himself to be, it is, as has been rightly said, the best evidence that he deserves impeachment.

During the past two weeks we have had almost every degree of weather imaginable—as changeable as a modern office-seeker and about as uncomfortable.

For the information of the business public, and our friends, generally, we would state that the Spectator Printing Office is in the Prudhomme brick-building, corner Front and Horn streets, upstairs, over the popular Drinking Saloon of Theo. Schuman. Entrance on Horn street.

We are grateful to our cotemporary, Mr. Duplex, of the Times, for the many courtesies extended us.

General, or rather, Colonel Mower, wishing to mow Hay's while the sun of radicalism shone, issued an edict removing Gen. Hays from the office of sheriff of Orleans parish. Not finding a bid, it seems, for the position, as he no doubt thought he would, that officer was reinstated. He was subsequently removed, and Dr. Geo. W. Avery appointed in his stead; who took possession of the office after giving the necessary bond, one of whose sureties, it is said, was sued by the city for taxes.

The "Black-and-Tan" Convention now in disorderly session at New Orleans, refused to pass a resolution—which was introduced by a fraternal member—inviting the highly distinguished members of the self-obliterated Whisky Convention of 1864 to seats in the bar of the House.

Gen. Hancock arrived at New Orleans on the evening of the 28th, and formally took command of this Military District on the morning of the 29th ult. No public demonstration was made on his arrival.

The un-Constitutional State Convention "resolved" that the State Librarian furnish the members of that body with copies of the Revised Statutes of the State, and Acts of the Legislature for the past several years. This officer should, also, furnish some one to read those documents for this intellectual assembly.

The So-Called State Convention.

This irresponsible and somewhat mixed body met in conclave at New Orleans, Saturday, 23d ult. Nothing was done on that day, the same industry was displayed the Monday following, and considerably less the next two days. A negro—who, no doubt, gave considerable color to the extraordinary proceedings—was elected temporary Chairman. No doubt this body is a proper judge of the qualifications of its members, and were aware that, usually, the ablest material is selected for the presiding honors.

The complexion of this Convention is rather mixed, socially, and divided, politically. The extreme Radical wing favor the disfranchisement of their superiors—that is, those whom they are pleased to call "rebels," and, also, declare all State and Parish offices vacant. Their reasons for so doing are obvious. While, on the other hand, the more conservative Radicals disapprove of such unlawful conduct; being actuated either by motives of good intent, or fear of unpopularity in the event of a more thorough reaction in public opinion; or, probably, both.

The men who are to frame a Constitution for the State were not the choice of the people; and that instrument will no more reflect the sentiments of the people upon whom it is to be enforced, than does the odious Military Acts of Congress meet the approbation of the oppressed people of the South.

It is doubted by some of the legal fraternity of New Orleans whether the removals and appointments made by Gen. Mower are legal. It is argued that the original Military Reconstruction Act provides that the President shall assign an officer of the army, not below the rank of brigadier-general, to the command of each Military District. It appears that Gen. Mower is only a Colonel in the regular army, a Brig. Gen. by brevet, and was never assigned to the command of this District by the President, but succeeded to it as the highest ranking officer in the Department during the prevalence of the late epidemic.

The general moiver recently issued a more sweeping order than any which has yet emanated from that machine. By this ukase, the Lieut. Gov., Secretary of State, Treasurer, Auditor, Superintendent Public Education, and several city functionaries were removed as "impediments," and "loyal pets" appointed to fill the vacancies. Orders from General Grant induced the patent-reaper to revoke this pronouncement.

Some enterprising burglar, or burglars, made an unsuccessful attempt, several nights since, to enter the Drinking Saloon of Mr. Patrick Ansbrow; a second attempt proved successful. A couple of silver watches and a few bottles of wine were carried off as trophies.

We also hear of several other depredations being committed on unoffending chicken-roosts. Our neighbor of the Times complains that he has also suffered. The meanness of any one who would rob an editor is, by the simple act, fixed beyond the expression of language.

Notice the advertisements of two beautiful Engravings—"From Shore to Shore," and "The Babe of Bethlehem;" specimen copies of which the publishers kindly forwarded us. The publishers desire agents to sell the latter.

We are placed under obligations to Mr. Hill, of the thriving business firm of Hill & Co., at Grand Ecore, for late papers.

The trial of Ex-President Jefferson Davis has been continued until the 20th March, 1868. At which time he will, no doubt, be finally dismissed.

The Tennessee Congressmen elect, with the single exception of a Mr. Butler, were admitted to their seats after having swallowed the "iron-clad."

Our thanks are due Gen. McLaughlin, who has recently returned from New Orleans, for a file of late papers.

The General informs us that the detachment of troops under his command, now stationed at Grand Ecore, has been ordered to Jefferson, Texas.

Those wishing to invest in valuable property, at good bargains, are referred to the Judicial advertisements in this morning's issue.

The Senate, on the 29th ult., confirmed Horace Greeley as Minister to Austria.

District Court.

The 9th Judicial District Court in and for the Parish of Natchitoches, convened last Monday morning. His Honor, W. B. Lewis, presiding; David L. Pierson, Esq., District Attorney. The States' Attorney challenged the venire on the ground that it was illegally drawn; introducing as witnesses the Sheriff and Clerk of the Court, who deposed that the Jury was drawn in accordance with a recent military order from District Headquarters, based upon what is commonly known as the Reconstruction Acts of Congress—omitting the names of those who were disfranchised by these acts, and adding those of the newly enfranchised class, who are registered voters and tax-payers;—which was conclusive to his Honor that this proceeding was contrary to the laws of the State, and he accordingly dismissed the Jury. He briefly stated to the Jury, the members of the bar, and the attending citizens, his reasons for so doing, and caused the same to be spread upon the minutes of the Court, at length, a copy of which we annex:

The act of Congress passed on the 2d day of March, 1867, to provide for the Reconstruction of the States lately in Rebellion against the United States, after making various provisions for the temporary Government of said States by Military Commanders, provides in the 5th section for the call of a State Convention to frame a Constitution—for the enfranchisement of a large class of persons not recognized as voters by the laws of the State, and for the disfranchisement of another class recognized by the law as duly qualified voters. The 6th section gives to the first class and denies to the second, the right of voting at all elections held in these States whose governments are declared to be "provisional only."

An order emanating from the Military Commander of the 5th District directs that the Jury lists shall be taken from the Registry of voters prepared under this Act of Congress, and from the Assessment rolls. Under this order the list of Jurors for the present Term of this Court has been drawn.

The list contains the names of persons who, under the laws of the State, are not qualified voters, though they are tax payers—others who are qualified voters under the law and who are also taxpayers, have been rejected because their names have been excluded from the registry lists.

This places upon the Jury persons not qualified under the State laws and excludes others who are.

It is moved to set aside the list of Jurors so drawn, because, juries must be selected under our own laws, Congress having no power or authority to regulate the mode of drawing or empanneling juries, nor to fix their qualifications within any of the States—that in attempting to do so they have exceeded the authority conferred on them by the Constitution, and consequently, the act referred to, and all orders and proceedings under its provisions are null and void, and should be so declared by the Courts.

There is no dispute as to the facts which are admitted as stated above, and proved. The laws of Louisiana require that a Juror shall be, both a voter and a tax-payer. This act of Congress makes voters of persons to whom this privilege is denied by the State, and thus qualifies them to that extent to serve on juries—it also excludes from the right of suffrage, others who are entitled to this privilege under the laws of the State, and thus disqualifies them as jurors.

This state of facts raises the question whether the State Courts are bound to proceed under their own laws or under those passed by Congress. The provisions of the two being antagonistic and irreconcilable, the alternative is presented of adopting one and rejecting the other.

The Constitution of the United States and the laws and treaties made in pursuance thereof are declared to be the supreme law of the land. Our first enquiry then is, whether the Act of Congress referred to has been passed "in pursuance" of the Constitution of the United States; if it be so passed, Courts of Justice are bound to obey it—if not, it becomes a solemn duty so to declare and to refused to obey it.

Is the act then passed in pursuance of the Constitution of the United States? In the investigation of this question I shall not refer to specific articles of the Constitution, a general reference to its well known and universally recognized provisions being deemed sufficient for the purpose. The act referred to purports to provide for the Reconstruction of the States lately in Rebellion against the authority of the United States. This clearly recognizes Louisiana as a State—it does more, it recognizes her as a state in the Union, for she is characterized as a state lately in Rebellion against the United States. Now it is a self evident proposition that Rebellion cannot exist between two independent states; it can only exist on the part of a portion of the people who rise in armed resistance to the Government of which they form a part. The term "lately," used in the act shows that Rebellion, if it ever did exist, is now at an end. It follows therefore that Louisiana is now a state in the Union and is no longer engaged in Rebellion. She is therefore under the protection of the Constitution of the United States, and may invoke its provision to protect her against all unjust or oppressive Legislation. Indeed it is difficult to understand how a state can be peaceably in the Union and still not entitled to all the rights of the other states of the Union.

If these conclusions be sound, and I cannot see how they can be doubted, then Louisiana being a state peaceably in the Union, not engaged in armed Rebellion against the United States, still

has all the rights guaranteed to the other states. These are all such rights of Government as are not delegated to Congress by the Constitution—one of which is to establish Civil Government with all its departments, Executive, Judicial and Legislative subject, to the sole condition that her Government shall be Republican. She may establish Courts; provide for the appointment of the Judges; regulate their proceedings; elect the state officers; regulate contracts and in fine do and perform any and all acts which any Sovereign state may do, being restrained only by the provisions of the Constitution of the United States. Among the many duties devolving upon state Governments is that of fixing the qualification of voters, which is done in the organic law or Constitution. It is also a duty to fix the qualification of Jurors by Legislative enactment. All these duties have been performed by this State, and her action in so doing is as much entitled to the respect—may, the protection of the Government of the United States as is that of any other State in the Union. Unless this protection be afforded, Congress fails in that preemptory command of the Constitution, which requires it to "guarantee to every State a Republican form of Government."

These truths ought to be admitted by every one on their simple statement—they are axiomatic. Under ordinary circumstances, their statement would not be necessary, for, from the foundation of our Government, to the termination of the late unhappy Civil war, they were never doubted, and were uniformly acted on in all the States. Even now, all the States, except those said to have been "lately in Rebellion," are acting on them and no one has ever questioned their right to do so. There is no warrant in the Constitution, for any interference with the exercise of these powers by the States.

It has been said that the States lately in rebellion, are not under the protection of the Constitution; that they are outside of it, and that Congress is not restrained by any of its provisions in legislating for them.

It will hardly be denied that the Constitution extends its protection to all of the people who are subject to the government; for if this be not true, it is mere usurpation on the part of Congress to meddle with the affairs of such portions as may be beyond the pale of its protection—protection and government are inseparable. Congress is the creature of the Constitution; the qualifications of its members, their duties, rights, powers and privileges are all detailed in it. It limits their term of office, and they have no power, whatever, except such as that instrument confers upon them. Outside of its provisions, they have no more power, or authority, than any private assemblage of gentlemen of equal number. Again, if Louisiana be a State out of the Union, it can only be by virtue of her Ordinance of Secession which she could rightfully adopt. If, then, she is a State out of the Union, she is a foreign State and Congress cannot rightfully legislate in reference to her affairs. But Louisiana cannot be out of the Union, for her Ordinance of Secession has been repealed, and this upon the demand of Congress. Her status is therefore, just such as it was before her attempted secession. This Act of Congress, punishable by its provisions, a large class of our citizens, for offences alleged to have been committed before the Act was passed. This is an ex post facto law and void as forbidden by the Constitution. It punishes for an alleged infamous offense without "indictment," "presentment," or "trial by jury." These are rights sacredly guaranteed by the Constitution of the United States. It places Military Commanders as governors over the States, centers on them extraordinary powers, such as the removal of all the civil officers, and the appointment of others in their places—thus subordinating the civil to the military authority. All these provisions are in direct violation of the spirit, and many of them, of the letter of the Constitution under which Congress is called together and obey. I omit all discussion of the legality of the present Congress, as composed of Representatives from a part of the States whilst ten of them are deprived of their "equal representation in the Senate" which is a right specially guaranteed to all the States under the form of a prohibitory clause. All action against its provisions are therefore null and void. Nor is it necessary to notice the question of equality of taxation and representation. I have tested the Act of Congress upon the hypothesis, that they are a legal and constitutional body, and my conclusions are as follows:

First. The Act above referred to was not passed "in pursuance of the Constitution."

Second. The States have the exclusive right to regulate the elective franchise and to fix the qualifications of jurors.

Third. If the people of Louisiana are guilty of rebellion, there was no law to punish by disfranchisement, for that offense, prior to the passage of the Reconstruction Act, and that law, having been passed after the offense, if any was committed, is ex post facto, and therefore void.

Fourth. Every one charged with an infamous crime, (and rebellion is infamous,) is entitled to a fair and impartial trial by a jury, upon indictment or presentment of a grand jury, as provided by the Constitution. The Act violates this provision, by assuming guilt and punishing the parties charged, without any trial whatever.

Fifth. This Act was, and is intended, as a punishment for an alleged infamous crime.

Sixth. The said Act of Congress is therefore unconstitutional and void.

Bound by the solemnities of an oath, as I am, to support the Constitution of the United States, and of the State of Louisiana, and entertaining the opinions above stated, my duty is plain and cannot be avoided. As a private citizen I may submit to unconstitutional legislation, however oppressive; but as a

Judge, I dare not enforce it on others. It is, therefore, ordered, adjudged and decreed, that the list of Jurors returned to the present Term of this Court, be set aside and annulled, as not having been drawn according to the laws of Louisiana. The Civil Docket—upon which there are some four or five hundred cases—was then taken up. It is supposed Court will adjourn sometime during next week.

The New Orleans Tribune was selected as the organ to print the extraordinary proceedings of the State Convention by a vote of 46 against 45 for The Republic.

We are indebted to Maj. Cromie and Dr. J. K. Walsh for kindly furnishing us late papers.

The other day we noticed exposed in the show-window of the Drug Store of Mr. Lacoste, on Front street, a beautiful and exquisitely modeled miniature Man-of-War (32-guns,) Ship. It is an excellent piece of artistic workmanship, and reflects credit upon Mr. Chas. D. Castex, the architect.

A new parcel of 26 white jurors has been drawn to try Surratt.

Sheridan's reception at Boston cost that city \$50,000. Folly!

The cotton crop of Rapides parish will not exceed 500 bales. The sugar made in that parish will exceed 1200 hogheads.

New York city spends \$7,000,000 a year for amusements.

The number of colored pupils attending school throughout the country, is, as reported to Gen. Howard officially and unofficially, 400,000; distributed as follows: In regular schools at the South, 200,000; in plantation and family schools, 200,000; in schools at the North, 100,000.

While Beast Butler was in Norfolk, recently, a hackman, named Adams, refused to let him ride in his hack. A subscription has been started among the citizens to purchase a new hack for him.

Lieut. Bernard Carney, of the 20th U. S. Infantry, has been ordered to Grand Ecore, La., for the purpose of inspecting the Government property at that post. [N. O. Times, 26th ult.]

Mrs. Lincoln's share of her husband's estate is \$36,765.30. Congress gave her \$25,000. The stock of "gifts" she is selling through a New York pawnbroker, is valued at \$24,000. How much of such "gift" property she has reserved, we are not informed. The private contributions raised for her benefit soon after the late president's death, must have amounted to a very considerable sum. Hon. Marshall O. Roberts gave her \$10,000, and at this time at least as much more must have been obtained from other individuals. The items we have enumerated show her to have been in possession of the comfortable estate of at least \$105,765.30. This, at the low rate of six per cent, would yield an income of \$6345.92 per annum; enough, one would think to support respectably a woman without a soul dependent upon her for support. Her two sons are provided for amply out of their father's estate. She is a grand humbug, or a monomaniac concerning money. [N. O. Crescent.]

Gov. Isham G. Harris is at his home in Tennessee under parole to appear in the Federal Court in March.

OHIO.—The official majority against negro suffrage in Ohio was 50,692. The increase in the vote is about 60,000 over that of two years ago. The Conservatives gain 40,000 of that increase, and the Radicals 20,000.

It is stated that the President will recommend to Congress a reorganization of the Executive Departments, with a view to securing the efficient management of the details of business in each.

The garrison at Washington has been considerably increased within the past week or two, and now forms a military post of more imposing strength than it ever did before in time of peace. Anxious inquirers learn it is because the troops can be furnished better winter quarters there than elsewhere.

The National Intelligencer calls the cotton tax "an adroit scheme of partial confiscation—a sort of penalty put upon property and labor in the South, enough to paralyze a great branch of agriculture, and enough, if carried out, seriously to cripple the resources of the Government itself." It insists that we must have a national industry, sustained by a national policy, which shall sink the individual in the State, make all burdens uniform in their application and advantages, and their benefits accessible to all.

The Boston Post says it must be pleasant for Thad. Stevens to know that the Washington city papers have his obituary in type.

Some one in Mobile, recently, says the Times, while under the influence of wine, attempted to kiss two young ladies, who fled for refuge to their room. They were pursued, and the man's leg getting in the door the ladies closed it, and saved the leg off with the dexterity of an army surgeon. This would be horrible, but the leg was a wooden one.

The complete returns of the Maryland election are now reported, and are: for Governor, Bowie, Democrat, 68,602; Bond; Republican, 18,890; Democratic majority, 41,712, in total vote of 86,492.

The railway carriage in which the Emperor of Austria came to Paris was lined with mirrors. We'at an opportunity he must have had for reflection.

How It Was Done!—The extraordinary result of the registration in this State, which gives an excess of colored over white voters of two to one, out of a total population which includes some eight or ten thousand excess of whites, may be accounted for in various ways. In addition to the effect of the grossly unjust and inequitable rules prescribed by Gen. Sheridan to the Registrars, in direct opposition to the interpretation of the Act of Congress by the Attorney General, we have well established facts of the gross irregularity and indiscriminate registration of the blacks, that ought to invalidate and set aside the whole registration. From many of the planters, indeed all with whom we have had any communication on the subject, we learn that a very large number of the negroes who have been registered are under twenty-one years of age. Many of them were doubtless ignorant of their real age, and the registrars were generally satisfied with their appearance and assumed that they were of the legal age. Others falsely stated their age, imagining that they were to receive special favor and advantage from their registration. There is not a plantation in the State from which there were not a number of these illegal voters registered. There is also another source of illegal and fraudulent voters. This is the duplicate registration. A large portion of the negroes have been re-tered more than once. These live near the borders of the several parishes generally registered in both parishes. Those who had registered in the county would come to the city or the near town and register again. Many of the registered in different names, and carry double certificates.

These facts are sufficient to account for the extraordinary result that the proportion of negro voters in this State is one to three of the total population, whilst of the whites there is only one voter for every nine. The ratio of one to six has been considered the usual proportion of voters to total population in the States of the North.

In view of such facts as these can it be possible that any honest man or party will justify or defend the organization of a State on such a registration? Can there be any doubt as to the duty of those who are charged with the administration of the Act of Congress and the fair and just reconstruction of the States to set aside the whole proceedings in regard to registration, the election of a convention, etc., and have the thing done over again? [N. O. Times.]

BOUQUETS.—The following may be of interest to the ladies:

When you receive a bouquet, sprinkle it with fresh water; then put it in a vessel containing soapuds, this will nourish the stem and keep the flowers as bright as new. Take the bouquet out of the suds every morning and lay it sideways (the stock entering first) into clean water. Keep it in there a minute or two, then take it out and sprinkle the flowers lightly by hand with water, replace it in the soap suds and it will bloom as fresh as when first gathered. The soap suds need changing every three or four days. By observing these rules a bouquet may be kept bright and beautiful for at least a month, and will last still longer in a very passable state, but attention of the fair creatures, as directed above, must be observed, or all will perish.

Washington city has a population of 100,000, and Georgetown 15,000.

A philosopher has discovered that men don't object to being over-rated, except by the assessors.

The National Republican Executive Committee will meet at Washington on the 11th of December to decide upon the place of holding the next Presidential nominating Convention.

A Troy (N. Y.) editor is in jail for calling a young lady an old maid. Served him right.

THE ELECTORAL COLLEGE.—The N. Y. correspondent of the Mobile Register says that shrewd calculators on both sides apportion the electoral vote of the represented States as follows:

Democratic—California, 5; Connecticut, 6; Delaware, 3; Kentucky, 11; Maryland, 7; New Jersey, 7; New York, 33; Ohio, 21; Oregon, 3; Pennsylvania, 26; West Virginia, 5. Total, 127.

Republican—Illinois, 16; Indiana, 13; Kansas, 8; Maine, 7; Massachusetts, 12; Michigan, 8; Minnesota, 4; Missouri, 11; Nevada, 3; Nebraska, 4; New Hampshire, 5; Rhode Island, 4; Tennessee, 10; Vermont, 5; Wisconsin, 8. Total, 112. Democratic Majority, 15.

IMPORTANT DECISION.—Alien property in France.—The Civil Tribunal of Paris has decided that the foreign funds, shares and bonds of a deceased alien, who had not obtained legal authorization to reside in France, are not subject to the payment of legacy duty, no matter how long he may have been a resident of France.

Blot says the ladies should do the marketing. Young ones are very apt to be in the market.

Some of the Australian miners shoe their horses with gold, and put gold collars on the necks of their dogs.

New Orleans Market. Cotton—Ordinary, 14@14 1/2; Good Ordinary, 14 1/2@15; Low middling, 14 1/4@15; Middling nominal, 15 1/4@15 1/2. MONDAY—Gold, 138 1/2@138 3/4; SUGAR, 11 1/2@11 3/4; MOLASSES, Choice, 80a83c @ gallon; FLOUR, \$10 50@11 1/4 @ 50 lbs; CORN, \$1 10 @ bushel; OATS, 79c @ bushel; HAY, \$27 50 @ ton; PORK, Mess., \$22 @ 23 @ bh; Bacon—Clear sides, 15 1/2 @ 16; Ribbed sides, 15c; Shoulders, 9@10c; Ham (sugar cured), 20c @ yard; BALT ROPE, 10c @ lb.