DAILY DEMOCRAT.

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GEORGE W. DUPRE, H. J. HEARSEY, JOHN AUGUSTIN, ALBERT C. JANIN.

H. J. HEARSEY.....EDITOR.

NEW ORLEANS, OCTOBER 13, 1877.

Whenever his name is mentioned in connection with that of Eliza Pinkston, it is written thus—John's-her-man.

Ohio will make the twenty-fourth State with a Democratic Governor. The Republicans have fifteen States still left them. Of these, six have been carried by Democrats at different times within the past six years, and may easily be carried again. This would leave the Republican phalanx only nine strong, composed of a part of New England and the Northwest.

The article in another column, from the Shreveport *Times*, headed "Insurance on Red River," will be of interest to our commercial community. We also commend the article to our Congressional delegation and those of Texas and Arkansas. A comparatively small appropriation for the improvement of Red river will save the producers of North Louisiana, Southwestern Arkansas and Eastern Texas $113,000 per annum.

The *Times* yesterday morning very justly criticised the assurance of the *Picayune* in denouncing certain public officials for recommending Mr. W. H. Hunt for the vacant seat on the United States Supreme bench. All that the *Times* said about the way in which the *Pic.* had squandered its caresses on Lynch, Hawkins, Billings & Co. is literally true. But what right has the pot to call the kettle black? The Radical party in Louisiana has had more open, but no more efficient organs in days past than the *Times*. Good Lord, what a set of patriotic and virtuous papers we are being blessed with just now!

Day before yesterday was the first of the present season that the receipts of cotton equalled those of last year. The backwardness of the crop caused by the great storm of the 18th ult. has been in a measure overcome, and with the fine weather of the several weeks following that disaster, the picking has proceeded with great activity, and henceforward we may calculate on greatly increased receipts of our chief staple. This will bring great relief to our factors and to the money market, which has been rendered very tight by the backwardness of the crops. Large receipts will soon release the rigor of the situation of our factors and relieve them of the burden of their heavy advances. Already there is a very perceptible animation in commercial circles from the heavy receipts of this week.

The *Picayune* exhibited itself yesterday morning in its real character as the organ of the monopolists. Its editorial entitled, "Well Earned Success," was an ingenious and special defense of the principle upon which the iniquitous legislation of Congress and the Legislature of this State for ten years past has been based. When the Western Union TelegraphCompany was without a rival it taxed the public without mercy, and was insensible or indifferent alike to pleading or denunciation. Its vast wealth, accumulated through its monopoly, has enabled it heretofore to crush out or buy out every rival or competing enterprise, and thus keep up its rates. The Atlantic and Pacific, stronger than its ill-fated predecessors, has succeeded so far in making a fight against the Western Union, and, as far as the competition has extended, the rates of telegraphing have been reduced. Now the Western Union is making a powerful effort to buy out the Atlantic and Pacific, and when it succeeds the old extortionate and oppressive rates will be re-established. And yet this issue the *Picayune* desires and advocates. There is not an iniquitous or oppressive monopoly in Louisiana, or in the United States, that may not find in the *Picayune's* utterance a specious argument for its pernicious existence and perpetuation. The Western Union and many other monopolies have money enough to purchase the property of a thousand papers like the DEMOCRAT and *Picayune*, but none of them have money enough to obtain the publication of such an article as the *Picayune's* in the columns of the DEMOCRAT.

The country press of this State are still earnestly discussing the question of a constitutional convention, and the proposed changes in our present constitution. The subject has already given rise to more suggestions, more plans of improvement than the Georgia constitution did. Among these suggestions are many admirable ones which will undoubtedly be laid before the convention when called, and which ought now to be fully laid before the people as reasons for calling a convention.

The Baton Rouge *Advocate* is well satisfied with our State officials and wants no changes. It proposes accordingly that if a convention be called it shall provide that there be no election for these officials before the regular election of 1880.

A correspondent of the Claiborne *Guardian* throws out the following proposed changes in our constitution: A poll tax receipt to be an indispensable condition to the right to vote; the taking away from the Legislature of the right to order a change of venue in criminal cases—this being an undoubted privilege of the court alone; no persons to hold State and Federal offices at the same time; all acts of the Legislature to become laws unless vetoed by the Governor within twenty days after the adjournment of the Legislature.

The Opelousas *Courier* also proposes this last change, while a correspondent of that paper suggests an increase of the number of district judges, on smaller salaries, however, each district court to hold at least five sessions a year in every parish, and that the judiciary shall be appointed.

Many other valuable suggestions have been already thrown out by the country press that ought not to be lost. There is no lack of interest in this subject of a convention, the entire State is giving its time and consideration to the discussion of the important questions that must come up before it. These questions are now being discussed from every standpoint, and so thoroughly that when the convention finally does meet it will find that the popular will has already decided and passed on all the main reforms needed.

THE WHARFAGE SUIT.

The suit brought in the United States Court by the wharf lessee involves questions of very great interest, materially and legally. The old issues, which have occupied the attention of our courts, ever since the acquisition of Louisiana, to a larger degree than any others that have ever been judicially discussed and decided, relative to the title, use and authority over the levees or batture of the Mississippi, will again come up for review in this case. The vast learning brought to bear by the eminent jurists who devoted so many years to the study of this subject in the great batture cases of former years will have again to be drawn on. Edward Livingston, Etienne Mazureau, John R. Grymes, and others of the distinguished veterans of the bar thirty years ago, and even Thomas Jefferson, when ex-President of the United States, taxed their great abilities to the utmost to solve the mysteries and establish the true principles of law applicable to this most perplexing and vexatious controversy.

In our jurisprudence this great batture case has been regarded by jurists in pretty much the same light as the old Schleswig-Holstein question has been viewed by all the great diplomatists and statesmen of Europe—as a question never to be exhausted or solved, or even comprehended by the profoundest intellects that have been engaged on it. Lord Palmerston was once asked by a young English statesmen to expound this case, which had been under discussion during the whole period of his long connection with the Foreign Office of Great Britain. He replied, "My dear fellow, thirty years ago, there were but two men in Europe who had ever been able to master the points involved in this Schleswig-Holstein question. They were Baron Bulow of Prussia and myself. The Baron is dead, and I have forgotten all about it." Edward Livingston, in one of his private letters, published in Hunt's "Life of Livingston," made a similar remark in reference to the batture question, to wit: That Mazureau and himself were the only two jurists who had ever mastered the issues involved in the batture litigation, adding that he believed that Mazureau understood the subject better than he did.

And now again the main points of this old litigation come up for consideration and adjudication. The party provoking these issues have secured the professional services of one of our oldest lawyers, who has been largely engaged in the previous suits involving the legal points arising in this case, and who is more familiar with the whole history and learning of this batture question than any other member of the bar. We refer to Mr. W. W. King, who is counsel for the plaintiff. The defendant, Mr. Charles Morgan, whilst not a litigious person, is one of the stoutest defenders of what he regards his legal and equitable rights, and spares no expense and energy to resist any infringement thereof. "Millions for defense, not a cent for tribute," is the maxim upon which he has acted throughout his long life.

This characteristic was strongly illustrated by a legal incident which occurred a few years ago, when Mr. Morgan resisted the portwarden tax of five dollars on one of his steamships, for which suit was brought by the State before a justice of the peace, on the ground of its unconstitutionality, and, at great expense, took the case up to the Supreme Court of the United States, and there obtained a final decision that the tax was unconstitutional, and thus arrested its future exaction in this State. The case which has suggested these somewhat discursive remarks arises on this statement of facts.

Since the acquisition of the Opelousas railroad by Mr. Morgan, he deemed it his interest that his numerous steamships should be moved on the right bank of the river, then within the corporate limits of the town of Algiers, instead of landing at the wharves in this city. So he constructed expensive and substantial wharves, and abandoning the city, his ships were laid up at these. But, in the meantime, Algiers, by an act of the Legislature was annexed to New Orleans, and the levee and batture front of the former have become subject to the same laws and control as those of the left bank, in the old city proper. Now, Mr. Ellermann has a contract with the city to collect all the wharfage dues incurred within the limits of this city. He claims that, if ship owners can be allowed to construct wharves on the other side of the river and refuse to pay him the wharfage dues, it would be a serious infringement of the rights under his contract, and would greatly damage him. On the other hand Mr. Morgan recurs to the ancient rights so firmly established by the treaty of cession, by the law and by a long course of judicial decisions that all navigators of the Mississippi have the right to moor and fasten their vessels to the levee, and to load and unload them, to dry their nets and to occupy the same for other like purposes, and that no fees or dues can be exacted from them for such use of the banks of the river, and that it is only when the police authorities having the administration of the river, construct wharves which are used by said vessels to moor and land at, that a fee can be legally required of the owners thereof. Then he avers that the wharves at Algiers have been constructed at his own expense, for his own use and convenience, and that the city cannot in law and equity, demand any fee for their use.

To which the plaintiff and probably the city will respond that Mr. Morgan had the right and should have resorted to it, to compel the city to construct the wharves he needed and, until he put the city in default therein, he had no right to appropriate the batture and construct wharves thereon for his own use and refuse to pay the city the fees exacted of all others using the levee front within the corporate limits.

These are certainly very interesting questions in which both parties present themselves in attitudes of strong apparent equities, and indicate their desire and purpose to abide by the judicial arbitration of questions of law and equity, which it is to the interest of both of them, and of the public as well, should be speedily and finally determined.

PERSONAL TO MR. HAYES.

The dispatches inform us that Hayes affects not to be at all annoyed by the result in Ohio declares that he has lost no sleep in consequence, assumes none of the responsibility to himself, and gives the world to understand that it will not cause him to alter in the slightest the policy of the Administration. So far as to his being indifferent, that, of course, is the merest affectation, and such a paltry one that we are astonished that he should be guilty of it. Of course, everybody knows to the contrary, and that he feels it just as much as John Sherman does, who, we are told, is fearfully cut up. But, are we to infer that the President proposes to go on during the remaining three and a half years of his term in the weak and vacillating policy, or rather lack of policy, which has marked his Administration so far? He could not possibly adopt a course that would more surely compass his own destruction and the pitiable failure of his Administration. Already he finds himself without any reliable support from either party. In his own party he has developed a hostility which he can never hope to conciliate, and from the Democrats he can only expect support in such measures as are in accord with the general policy of the party.

Whatever else may be inferred from the result of the Ohio election, it is quite certain that Hayes has been repudiated by his party in his own State, and that he has no refuge to which he can fly outside of the Democratic party, and this he can gain only by removing his present Cabinet and giving his Administration, without reservation, to those from whom he asks succor. We doubt if he will do this. But we think we read a sign in this election of far greater moment to the people than the personal fortunes of Mr. Hayes can ever involve, and that is the total, final and irretrievable disruption of the Republican party. We find the party divided into just twice as many cliques and personal followings as there are States, between each and all of which exist the most intemperate feuds and jealousies. But, even if it were possible for these various rivalries to be reconciled, still it would be impossible to rehabilitate a great national party upon the basis of personal hostility to the Administration. The enemies of Mr. Hayes, the old representatives and apostles of Grantism, can never recover their lost ascendency in the government, and by attaining it in the party they can only reap a measure of vengeance in a contemptuous repudiation of him whom they choose to call a traitor to his party. His treason has merely consisted in an abandonment of the policies and practices by which the party has been so far perpetuated, and this was done only at the imperious dictation of a popular sentiment which he dared not resist. It mattered very little what course he pursued, the Republican party had already received the condemnation of the people, and by the very act which secured him the Presidency, it committed self-murder and secured eternal damnation. There was scarcely another man than Grant, the cold, selfish, imperious, insensible and ignorant soldier, who could have held it together through the last canvass, and he did it only by nerve and a discipline that was absolutely military. About all that Hayes has done is to demonstrate that the party was a fraud and a crime that was bound to go to pieces at the first manifestation on the part of its leaders of any sensibility to the criticism of just and upright men, or of anything like a conscientious regard for official duty and integrity. The corollary of it all may then be stated in these three propositions, viz:

1. In as much as Hayes is a good enough, concientious sort of man, he has incurred the responsibility of the ruin of his party, which he does not deserve, however.

2. In that it is an absurd impossibility, he will never build up a new party in its stead.

3. Finally, in that he is not resolute and sagacious enough to take the bit in his teeth and come straight into the Democratic party as the acknowledged leader of a certain element that is leaving the Republican party, and which in the next twenty years will make up the great Democratic majorities of the country, we must write him down a failure, who will go out of office despised by many and reverenced by none.

THE ST. PAUL CONVENTION.

The resolutions of the St. Paul convention will command general attention and approval throughout the great valley. The Federal Government must regard them with serious and favorable consideration as the expression of the sentiment, which is unanimous throughout the vast empire, which depends for its prosperity and its intercourse with the other States and with the foreign nations on the free passage of the Mississippi for its productions. It is no question of the application of the Federal revenues to the improvement of local or State streams and harbors. But it expands into the mighty proposition of securing a right of way for a vast empire composed of more than sixteen great and productive States of the Union, the richest in the world in the production of the means of subsistence.

These States, including a population of at least seventeen millions, demand the free use of the only cheap and safe route by which they can possibly convey to the peoples of the Eastern States and of Europe their vast supply of the food and other essentials of civilized life. They are prevented and impeded in the enjoyment of this, so felicitiously styled by our able fellow-citizen Louis Bush, "easement," by certain natural obstructions, the removal of which can only be effected by the power and wealth of the Federal government. The required depth for free navigation of the Mississippi has been clearly indicated by the convention at St. Paul, and to secure that depth it has been shown by Mr. Bush that the maintenance and solidification of the levees in the delta of the Mississippi is necessary. Hence the nationality of the work. Hence the vindication of the proposition of these most sagacious and comprehensive of all our Southern statesmen, Thomas Jefferson and John C. Calhoun, that the Mississippi river possesses the peculiar character of a great internal sea, whose free use is common to some fifteen States, and must be protected, guarded and secured by the Federal government, which alone has the jurisdiction and power to discharge these duties of a General or National government.

In the convention at St. Paul we are greatly indebted to our fellow-citizen, Mr. Louis Bush, for the zeal and ability with which he so successfully maintained that the two propositions of removing obstructions in the tributaries of the Upper Mississippi and of the more solid and permanent construction of the levees of the Lower Mississippi are inseparable, and must stand together on the same principle and the same equities.

The Democrats in some portions of Mississippi seem to be "borrowing trouble." They are in full accord on all the questions of 1877, but have fallen out over the possible issues of 1881.

Senator Bruce's term expires in 1881. The members of the Mississippi House elected at the coming election do not, therefore, participate in the vote for his successor, but the State Senators, who hold over for four years, do. This fact is causing some ill-feeling in the Yazoo Senatorial District. The regular Democratic candidates for State Senator in this district, Major Perry, is an earnest supporter of Gen. Walthall for United States Senator; his district, however, is said to be equally earnest for Gen. George for the same position. This fact has caused some difference and opposition to Major Perry.

It certainly looks like borrowing trouble for the Mississippi Democracy to quarrel and divide on something that may or may not occur four years hence. In all, probably the Senatorial question will be settled by the popular will long before that year arrives.

The Vicksburg cut-off, which occurred some months ago, has finally begun to tell on the river in front of that city, and the Vicksburg wharfboat will have to be moved from its present position. When the Natchez and Pargoud, in their late down trips, refused to land at the wharfboat, they aroused a great deal of ill-feeling and prejudice thereby, until the river was sounded, when it was found that the present depth of water at the outer guard of the boat was five feet five inches, and that heavily freighted steamers could not land there without great danger.

A meeting of the Citizens' Wharfboat Association was accordingly held, and a change of the steamboat landing decided on. On Wednesday a second meeting was called to reconsider this action, and at this meeting a great deal of feeling was exhibited and much heated discussion indulged in. A compromise was finally agreed on, by which the steamboat landing was changed, on the understanding that it was to be moved back to its old location whenever the depth of water permitted it.

It is to be hoped that Vicksburg will be able to retain the wharf at its present position in front of the city, where it is convenient to business. The *Herald*, however, appears to doubt whether this can be done.

The remarks of the Springfield (Mass.) *Republican* on our great national river are the greatest piece of impudence we have ever seen. Commenting on the demand of the Mississippi Valley, which contains two-thirds of the arable lands of the Union, and over half the population, for the improvement of the "father of waters," it styles that mighty river "an altogether local institution," and winds up with the declaration: "The Mississippi has always seemed us to run the wrong way;" that is, to gratify the North and give it more business, the Mississippi ought to have its course changed so that it can empty its waters into Boston harbor or the icy realms of Hudson bay.

The manner in which the Federal government has, for the past two decades, built all its railroads for the North, and improved Northern harbors and rivers alone, has so filled the minds of these people with the idea that their section composes the whole Union, that they actually find fault, like the *Republican*, with the Creator for not making this world and laying out its rivers so as to do the greatest good to New England and the North.

Gambetta has been caught in a trap. About the beginning of this year Paul de Cassagnac made a Bonapartist speech at Belleville that was regarded as revolutionary and rebellious. For this he was prosecuted by the government. Cassagnac was then a deputy, and the government, under the law, could not prosecute a deputy without the permission of the chamber. This was accordingly asked for.

"Take care," Cassagnac said to the Republican majority in the Assembly, "if you give me up to the government for prosecution you will be establishing a precedent that will be turned against you some day. My remarks at Belleville were a political offense, and hence I demand a trial by jury."

But the Republicans hated Cassagnac too much to heed his warning. Gambetta himself rushed to the tribunal and denounced any attempt to screen his enemy, to save him from his deserved punishment.

Cassagnac's warning has proved prophetic. Gambetta is now condemned out of his own mouth. His offense is identical with Cassagnac's, and like Cassagnac he now calls for a trial by jury, and hopes to appeal to the Assembly to protect him from the prosecution of the government. His own acts and speeches, his very words and arguments are now being used against him by the government as reasons to refuse his request.

The great French Republican is the victim of inconsistency.

The Ohio election is probably the first one on record in which the majority of the successful party was greater than the estimate of its party papers. The Cincinnati *Enquirer*, after studying the figures closely, worked out a Democratic majority in the State of 12,400 and of fifteen in the Legislature. This is somewhat higher than the average claim of the other Democratic papers, most of whom were satisfied with 10,000 majority. One indeed claimed 20,000 majority, but accompanied it with so many "ifs" that it was quite apparent it placed no reliance on its own figures. The Republican majority looked forward to by the Republican papers of Ohio and New York was about 10,000.

What is repudiation will soon become a very dubious question. The independent candidate for Governor of Virginia wants to get rid of very nearly all the State debt so as to protect it from the dishonor of repudiation; but Mr. Samuel Leece, of the same State, who is a candidate for the State Senate, goes a step or two beyond this.

"I am opposed," he says, "to the payment of a single dollar of the public debt as ascertained by the pending bill. I deny that Virginia is legally bound for the sum so ascertained. I am not a repudiationist."

Mr. Leece's remarks certainly smack of repudiation, but his word ought to be enough to convince all that this is a mistake—they call it "forced adjustment" in Virginia.

DIED.

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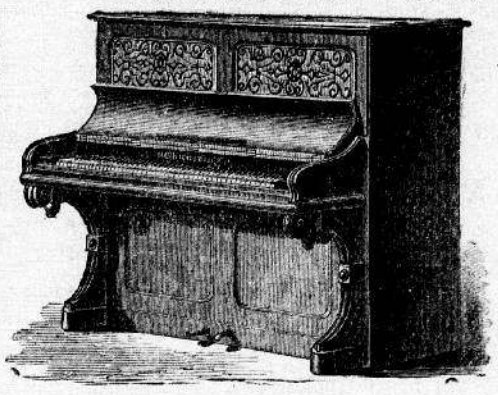

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