Louisiana Democrat.

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ALEXANDRIA, LA.

Wednesday,.....July 1, 1874.

THINGS ABOUT HOME.

A fall of nearly five feet marks old Red's decline since our last—less and fewer boats fork over five dollars to the Corporation—a few stray showers, leaving but good behind them, have wafted by us poor mortals of Rapides—merchants and everything in the swopping line still on the old cry of hard times and no greenbacks—weather hot, awfully so, and cool retreats scarce—but you find one when you go to Levin's Saloon, where you receive frozen draughts cheap for cash—we can but advise everybody hereabouts to try for themselves.

If ordinary doings be of the same monotonous dullness, a fresh one, and with extra touches sprung up some day last week, which bangs anything in our local experience, and one which our people should put down or burst in the attempt. It is very well known here that negro radicalism has been on a family rampage for some time past and striking each other dirty blows, but so long as the filth was kept within family doors and a home scandal alone, it was not our funeral and could be passed over.—But in this instance all barriers have been broken over and the decent community, male and female, wantonly insulted and shocked beyond all endurance. Written cards, to the number of ten or fifteen, were found in the front yards of several residences in the First and Second Wards, and several were even conspicuously pasted to the gate posts of the residences of the most respectable ladies of the Town, couched in language of the most foul, obscene and scandalous character, and all by some of these leading negroes, who are participants in their family jars. The like never was seen here before, and as a judicial fiasco failed to give us redress, we hope our people will take the matter in hand and mete out justice to the ones guilty of this wanton insult to women and young girls. Suspicion, well grounded suspicion, points to two certain notorious and petted young negroes, who can read and write, and the matter is too serious to be allowed to rest where the judicial farce shunned it. We hope to see the proper move in the matter inside of twenty-four hours, for this is only the beginning of what we may expect, if we sleep over the present obscenity and insult.

PERSONAL.—We have had the pleasure of meeting our old friend, Bill Cruikshank, once more free, and giving him a double hand shaking with old time joy, and find him well, very well indeed, considering his long and unjust confinement. A strange fellow-feeling comes over old friends and companions when meeting under such peculiar circumstances, and we felt sincerely glad to meet our old friend once more on his old stamping ground, the sacred soil of old Rapides. Among many good words spoken to us of kind treatment to him and his companions, he was peculiarly eulogistic of and grateful to Captain Dick Sinnott, of the Bart. Able, for many long to be remembered favors, and he desires the Democrat to be the public medium of his heartfelt expressions.

☛ Thanks, as usual, to George C. Hamilton, of the Bart. Able, for late papers. The Able reached here, early Monday on sharp time, with the "Star Spangled Banner" waving from her jack staff, and gently wafting the fair breeze of glad tidings to her many friends and patrons. This writer, we are free to confess, never noticed the "old flag" kiss the breeze before for many years, and sacredly looked with reverence upon the old banner, for it waved again in true liberty's cause, and announced the result of freedom's boon. Long may she always wave such pleasurable sensations to Southland!

☛ We have received the People's Vindicator, the new Journal just started in Natchitoches, as the organ of the true people of that Parish, edited by J. H. Cosgrove, and are pleased to place it on our exchange list; and welcome it heartily as a sound co-laborer in a true and holy cause.

RIPE FRUIT.—We hear of peaches, figs and cantelopes being passed freely around, and in many instances, sold from the country. We only give it as a rumor, a pleasant one, for we have neither seen nor tasted of such luxuries.

HOME.

We are sure we can find no more dear, sacred or appropriate caption for our leader, this issue of the Democrat, to give utterance to our feelings and to announce the glad tidings, that Cruikshank, Hadnot and Irwin are once more free, unfettered and at home! This welcome and truly good news was brought to us early Monday morning, by the Bart. Able, our released fellow-citizens and friends being on board. We cannot find words adequate to the importance of the subject to give a true state of the feelings of our people, our own true people, on the reception of the decision. One and all surrounded and gave them hearty and sincere congratulations on their new birth of freedom, and two good old Anvils, no pieces of artillery being here, were brought out and over two hundred rounds were pealed forth to join in the glorious rejoicing. The Democrat too must be put down as experiencing feeling and sensations favorable to our friends, which words now fail to express, and welcome, thrice welcome are we to see them home again. Their cause, their persecutions, from first to last we have regarded as ours, and now that the whole machinery and flood gates of the vilest and basest persecution, radical persecution for the negro's sake and the negro alone, have at last been checked by the even and well poised hand of long delayed justice, and the palladium of our true rights asserted by a Judge, fearless, bold, impartial, we pause on the brink of this new MAGNA CHARTA and utter our solemn and sacred thanks for this just result.

Elsewhere we give full publication, from the New Orleans Picayune, to a full and complete synopsis of the whole, commencing with the hearing of a new trial and ending with the final acquittal of the prisoners, and are certain our readers will be pleased that we give up so much space to this grand release of our persecuted friends. And we know their exultations will be like ours to know, that at last, a Judge of the United States Supreme Court, has reached forth the mighty and strong arm of that tribunal of last resort, rose high above party, with unstained ermine and construed the constitutional enactments of the land with impartiality, fairness and boldness. We think the end is reached at last, and our rights have been vindicated before a tribunal, we have long desired them to reach, and we now hope that white men may have yet some rights left them, and hence forth we may have an equal chance, before the law, with the negro.

ANOTHER OUTRAGE.—Another characteristic radical outrage, equal to Durell's midnight infamy, has been perpetrated on the New Orleans Bulletin. The forms of their Sunday edition, when being taken to their press room, were violently seized, taken possession of by Kellogg's Police and actually locked up in a cell. The whole matter was without shadow or pretext of law, and simply was done to injure and damage that sterling Democratic Journal, and strike another blow at the liberty of the press. We are glad, however, to know that it was all of no use, and the Bulletin still lives, and will now more than ever deal heavy blows to Louisiana'a infamy.

☛ The Caucasian issued an Extra on the strength of the news of the release of our Colfax boys. We can but admire this timely rejoicing of our ally, and know the whole office feels like the Democrat ones, gushing all over with good feelings and full of white men's noble instincts.—Them's the licks, Caucasia; we are on a fresh move and our race can now breathe freely and shout aloud!—Hurrah! a thousand hurrahs for Judge Bradley! He sits well on the Bench once occupied by Marshall and Taney!

☛ Among the young gentlemen, who have graduated at law and received their sheepskin at the hands of the Supreme Court, recently in session at Opelousas, we are pleased to see the name of our young Parishioner, Edwin G. Hunter, who has already "hung out his shingle," and entered actively into the many duties of his new and honorable profession.

☛ Milton S. Peeler, known to some of our folks here, some time since Tax Collecto,r in Grant Parish, and who was arrested at the instance of Clinton, the State Auditor, and bailed, was again arrested in New Orleans, on last Friday, on the charge of burglary, and lodged in the First Precinct Station.

☛ The Caucasian office has treated us to a good helper this week, for which they shall be remembered in our prayers.

☛ Congress has adjourned at last; the old carcass will now see some peace and a little rest.

A BLUNT PENCIL.

The Gazette, the official organ of all the chicken pies Kellogg can spare in these benighted regions, and whose editor is not at the wheel, has a plausible policy communication, which has the old hackneyed, suicidal, dirt-eating ring about it, which has lead our people, the white taxpayers and owners of the soil, nearly to eternal perdition in their State and Parochial affairs. We only give it a brief notice in order to direct attention to the same old false footprints of a wrong and killing policy doctrine, and to enter our solemn protest and opposition to all such proved nonsense, and to warn the advocates of such opinions to pause and reflect, and if they be anti-radicals and have a desire to help the true people of Rapides strike from their limbs the fetters that bind them, they are far, very far off from the right path.—Facts, stubborn, self-evident facts are far more crushing than fine words and false logic, should be heeded, and above all should be our talismanic guerdons to the true and right road, and now more than ever our people should not countenance, with the least hearing, old and bad doctrines, indoctrinated with the virus of a false policy. We consider it our duty, and that of the true Press of Louisiana, to go at all such with ungloved hands and turn them back from another road of perdition and to the right one, the only one which must and can lead us to our old haven of safety and prosperity. This road is plain, and though not strewn with roses, we can easily trample down the briars in our path and make it a passable one. With ample material at hand, with justice and sound political doctrines to guide and back us, we should go into the fight with a clean record and not fall into the errors of the past. We have nothing to expect of the negro or his allies, can better spare him altogether than continue in our present hell, and alone as a race, the Caucasian race, Democrats and bone and sinew of the land, we must face the music, marshall our clans and give battle on principle, principle alone, no entangling alliances, and nothing is more certain in the short future than our complete victory in November next.

☛ A negro man named Lewis Garaty, living on the old "Lamoth Place," was killed on Bayou Rapides, in the public road, three miles from Town, on Saturday morning last. We have not been informed of any particulars attached to this unfortunate homicide, except that the person accused of committing the act is Hull Nestor, a young man 18 years of age and of good parentage, and a resident of Grant Parish.—From the good antecedents of the young man there must be some more serious excuse for the deed than flying rumors give to the public. As the matter must undergo strict judicial examination, we trust public opinion will rest till the accused has this proper examination.

A GREAT RACE.—The Pacific Jockey Club of San Francisco has offered the greatest purse ever given in the racing world. The purse is $25,000 for a running race, four mile heats, open to all horses in the world—to come off on the Central Park Course, on the 7th of November next. The first horse is to receive $13,000; the second $5,000; the third $4,000; the fourth $3,000. Three years old are to carry ninety pounds; four, one hundred and four; five, one hundred and ten, and six and over, one hundred and fourteen pounds.—All horses from east of the Rocky Mountains are allowed $1,000 each, and all horses from Europe are allowed $1,500 each.

☛ The District of Columbia has been reconstructed, being now under some sort of Board of three Commissioners. Grant appointed the defunct Boss Shepherd as one of the new rulers, but the Senate did not see as Grant did, and dropped his head in the charnel basket. He then appointed A. G. Cattel, of New Jersey, who was confirmed. The other two appointed and also confirmed are ex-Post Master Dennison and Henry T. Blow.

☛ A decided improvement in the reception of the mails occurred during last week. Though we have a daily line, that is the contaactor receives pay for running one, we received three mails, though each one was twenty-four hours behind time, and had its pickling on the wharfboat. Still this is an improvement and a help, and we thank the management for this much.

☛ We miss our New Orleans correspondence this week. We fear "Eugene Gossip" was palsied with joy at Judge Bradley's decision on Saturday, and could not write. We know he will be himself again next week.

☛ Charlie Drown, on the down trip of the Lessie Taylor, remembered the Democrat.

DASHES HERE AND THERE.

—Look here, friend Caucasia, no one in the Democrat made any sidewipes at you, and least of all this Dasher, and he is at a loss to conceive how you can begin to construe his shindig jot in that light. Read it again, and you will easily perceive that he meant what he wrote as a simple endorsement of your shindig local, and Pineville was brought in, not to divine which one of your Editors wrote it, but merely as a comparison for the awful lungs of that figure caller, and to particularly point at him as the head nuisance. So to wind up Dash No. 1, "nary" side wipe was intended, but real straight forward talk.

—With Dash No. 2 we start with the emphatic endorsement of the trite and impressive saying of the *Court*: the law is perfectly plain and reads for itself. By this, Caucasia, we mean that Enquirer is also perfectly plain and lays down his points freely and with no hesitation, and so you need not "hold up your horses" for any further explanation from this Dasher, for that Communication being of the "right stamp," needed no surprise on your part. We always give place to such communications coming from respectable parties and allow them unendorsed on their own merits, and of course the aggrieved parties, if they be considered decent and have any claims to a hearing, can have their rebutting testimony ventilated and circulated in our columns.

—And Chicken-pie, certainly a fine, nourishing, sustaining diet, which this Dasher is a stranger to for many long years, has dashed up and struck oil with both Caucasia and the Official Organ, and we fear, more in sorrow than in anger, has *touched* only where it was not intended. To the victors belong the legitimate spoils, was old Marcy's doctrine, and we acknowledge a keen hankering for the same tenets, hence we were appealing for and defending old Official's rights, when we dashed against the P. M. for flying the track and grabbing the crumbs from the old one. This and this alone was this poor Dasher's sinning.

—The Gazette, under its new dispensation, certainly merits a favorable Dash, which we freely give. The tout ensemble of its last issue is certainly a very creditable and readable sheet, and evinces journalistic ability, which with extended practice and a better field would meet with decided success; and we certainly admire the new one's pluck and good sense, when with a *sacre foutre*, he puts his heel down on all dictation from outsiders. That's sound doctrine and smacks of real independence, which every Editor now-a-days, should have in his composition.

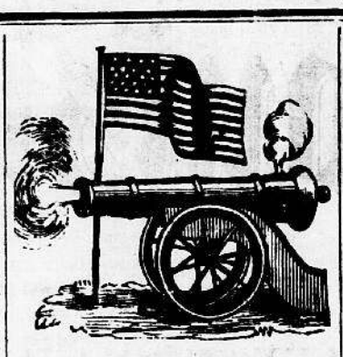
—Our honored, democratic sister, old Natchitoches, has at last shaken off the dew-drops of lethargy from her mane, and once more proclaims herself free and unfettered, that is she is going to be so, and is now on the muster roll of Louisiana's entry for white Supremacy and States' Rights. All hail to the glorious old Creole Parish, once the brightest gem that glittered in the diadem of the fierce democracy, and Rapides' true ones give her a good old fashion hug, and gladly endorse her noble sentiments as published in the Caucasian.

—"Roughcast" we give you a parting Dash and affirm there is plenty of sound sense and equitable justice in your article, and sincerely trust we both may see just such a day dawn, for if on the score of self-interest alone, certainly a good friend, this Dasher goes for your new issue and endorses it—for it is high time the people of the South should receive some remuneration at the hands of those who have robbed them.

BLOOD STOCK.—Alexander's great annual sale of thoroughbreds and trotting colts, came off at Lexington, Ky., on the 24th ult, and the first day's sales are before us. Col. D. McDaniels bought the finest animal sold, full brother to Harry Bassett, for $4750. Thoroughbred yearlings were sold at an average of $628 each. Each trotter sold for about $400; total sales amounted to about $40,000.

MORE LAWYERS.—At the recent term of the Supreme Court, at Opelousas, seven applicants for admission to the Bar were examined and passed with honor. These gentlemen were: Robt. Martin and Raphael Deblanc, of St. Martin; J. J. Ducote, W. G. Waddill and J. M. Murph, of Avoyelles; E. G. Hunter, of Rapides; S. Lanaux, of St. Mary; and E. P. Veazie, of St. Landry.

☛ Our Colfax boys found no trouble in procuring bail; New Orleans' solid and best citizens, stepped forward like true men and vouched for our friends. The Democrat wants these names, and intends holding them sacred, and publishing them forth to the world.



Grant Parish Prisoners!

The Rule for a New Trial.

Judge Woods returned to the city, after about a week's absence, to hear argument on the motion for a new trial in the case of Hadnot, Cruikshank and Irwin, the three prisoners convicted of conspiracy.

Mr. Marr filed nunc pro tunc, exceptions taken by him during the course of the trial to the introduction of testimony on certain points. Mr. Marr further filed additional grounds on the motion for a new trial, announcing that the facts stated therein had been discovered subsequent to the filing of the original motion.

The District Attorney excepted on the ground of surprise. The Judge, however, allowed the admission of the additional grounds.

The substance of the new grounds was that the jurors had been allowed to separate and discuss the matter apart from each other; and, secondly, that the Judge had charged them in such a manner as to mislead them, and give them a false idea of their duty.

Mr. Whitaker then produced the docket in case 17,029 of the First District Court vs. Timothy Kelly alias Hanley, (one of the jurors) for perjury. The docket shows that Kelly was arraigned on April 26, 1866, plead not guilty, was tried, found guilty and sentenced to five years in the penitentiary.

Col. Roy testified that Kelly had served in the 21st Indiana.

Emile Ruiz testified that he had seen Kelly in the Parish Prison under conviction for some infamous crime; afterwards had carried him up to the penitentiary.

Charles Chalmers testified that he was in the First District Court when Kelly was tried for perjury, and that the latter was convicted and sentenced.

E. Wood Perry was foreman on the jury that tried and convicted Kelly of perjury in the First District Court.

A. Peyrolles swore that he was one of the principal witnesses against Kelly on the trial for perjury, and that Kelly was convicted.

All the witnesses fully identified Kelly.

Mr. Mulvey (another of the jurors) testified that his name was Joseph P. Mulvey; that he was cited as John Mulvey, appeared under that name, and rendered a verdict in the case.

On behalf of the prosecution, Mr. Beckwith, the District Attorney, introduced a reprieve, granted by Gov. J. Madison Wells to Kelly, in July, 1867, and the affidavit of Mulvey that he thought he was doing his duty when he answered to the name of John Mulvey.

Mr. Whitaker opened for the defense, being too unwell, however, to do anything but quote authorities. This he did liberally.

The verdict was manifestly wrong in one point, at least; the prisoners were found under six, seven, fourteen and fifteen, upon which not a word of evidence was admitted; these counts charged that the prisoners conspired against Tillman and Nelson to prevent them from voting.

A pardon, and a pardon only, can restore a man's rights. By the 99th section of the constitution of Louisiana, a man convicted of perjury can neither vote nor hold any office. As Kelly was a convict, the prisoners had been tried by a jury of eleven men, and the verdict was consequently perfectly worthless.

Mr. Whitaker then went rapidly over the other grounds on the motion for a new trial—the instruction of the Judge to the jury that it could not find the law in the case; the fact that the jurors had been separated from each other, and that the Judge had recalled the jury from their jury-room after the case had been submitted and given them further charges out of the hearings of the defense.

Mr. Beckwith made but a short reply. He thought that the fact that the jury had found the prisoners guilty on certain counts was good proof that evidence on these counts had been offered; and that the incapacity of Kelly on account of his conviction and the wrong name given to Mulvey were causes for a challenge, but not for a new trial.

Mr. R. H. Marr finished for the defense, denying Mr. Beckwith's comparison of a convict's incapacity to that of an alien, as a proper one. It was not supposed that men's lives were to be put at the mercy of a man proven a perjurer, and whose oath to serve as a good juror was worthless and perjury.

Mr. Marr then fully investigated the questions as to the power of the jury to decide the law, quoting from Magna Charta, Coke and Justices Kent and Jay, and showing that the jury had consideration both of law and fact.

Judge Woods took the case under advisement, and promises a decision in the matter next Saturday morning.

At the same time Justice Bradley's decision, on the motion in arrest of jungment, testing the constitutionality of the Ku-Klux act, will be read.

A NEW TRIAL REFUSED.

W. B. Woods, Circuit Judge, again returned to the city to render a desicion on the motion for a new trial. The Judge's decision was quite lengthy, reviewing the whole case, law and facts at length. The Judge's decision, in brief, was:

The first seven grounds of the motion for a new trial are the same. They charge that the proofs—the evidence introduced did not warrant a conviction on the first sixteen counts—proved no intent to prevent the negroes from voting.

There is no material difference between the evidence as given on the first and second trials.

(The Judge then reviewed the facts at great length.)

As to the 6, 7, 14 and 15 counts, it is claimed by the defense that there was no proof introduced. However, the jury could properly draw an inference from the facts brought forward. Nor, will the court grant a new trial because there was no proof on four counts, when there was good and sufficient proof on the other twelve. A verdict of guilty on these counts will not increase the sentence, and it would be foliv to overturn twelve counts, because there was no evidence, or little evidence introduced on four others, that in nowise affected the verdict or sentence.

The eighth ground was that one Timothy Kelly, one of the jurors, was a convicted perjurer. No misconduct is charged against Kelly, no prejudice—but simply that he was unqualified. There is much difference of opinion on this point; but the weight of decision seems to be that disqualification is a good ground for challenge, but not for a new trial. It is evident, too, that the counsel for defense were aware of Kelly's disqualification before the rendition of the verdict It was their duty to have informed the court of these facts; the case would then have been retired, and a new jury empanneled. But, certainly, if the jury is good enough to acquit, as it did Penn and others; it is good enough to convict.

The ninth ground is that one of the juror, by name Joseph J. Mulvey, was summoned by the name of John Mulvey, I think the law is plain that where there is no mistake in the identity of the juror, a slight difference in the name will be no good grounds for a new trial.

The tenth charge is that the law was laid down to the jury by the judge, whereas the jury were judges of the law as well as of the fact. After long study of the cases cited I am still more convinced than ever that I was right in charging the jury as to the law. The authorities on this point are numerous.

The eleventh ground is that the judge recapitulated the facts to the jury. This is so, but when the defense objected, I charged the jury that they were to pay no attention to this.

As for the other grounds, they are not founded either on law or fact.

I therefore conclude that there is no cause for a new trial. The prisoners have had a fair and careful trial before a patient and intelligent jury; there has been great liberality shown by the prosecution. I, therefore, cannot grant a new trial.

MOTION IN ARREST OF JUDGMENT.

The motian in arrest of judgment will be tried and a decision rendered by Justice Bradley to-day, at 12 M.

ANOTHER TURN IN THE TIDE!

Justice Bradley Orders an Arrest of Judgment, and Releases the Prisoners on Bail!

Judge Bradley returned to the city yesterday. At 12 o'clock he took his seat on the bench with Judge Woods and announced that he had prepared a decision upon the points raised by Mr. Marr, in arrest of judgment and testing the constitutionality of the Ku-Klux act.

Justice Bradley then read his decision, a most lengthy, exhaustive and intelligent one.

Under the indictment, the prisoners were charged with: 1. Conspiracy to take away certain rights from citizens of African descent. 2. The commission of murder whilst engaged in this conspiracy; and found guilty of sixteen counts.

That Congress has the right to pass laws to carry out the provisions of the thirteenth, fourteenth and fifteenth amendments, no one will deny. The question is, how far this right extends.

The thirteenth amendment declares that all persons in the United States shall not be disqualified from voting on account of race, color or previous condition. The United States is given no power to pass laws relative to elections or voting, but simply to see that the States do not interfere with these rights. The United States has only the power to see these rights enforced. The moment the State fails to comply with the duties enforced upon it, the United States is called on to interfere; and the interference of Congress, when the State is ready to punish violations of these rights, is unnecessary, injudicious and illegal.

To constitute an offense of which the United States has jurisdiction, it must be shown that a conspiracy was formed to take away certain rights from a person on accoount of his race, color or previous condition.

The fifteenth amendment declares that the right of every citizen of the United States to vote shall not be denied by the United States or any State on account of his race, color or previous condition. When a State refuses this right, Congress has power to pass laws to enforce the amendment. Congress has also the power to secure these rights against violence and outrage on the part of individuals; therefore, I am unwilling to affirm the unconstitutionality of this act.

But, let us examine the counts of this indictment:

The first count charges the prisoners with conspiring to prevent certain persons of African descent from peaceably assembling. The constitution of the United States declares that Congress shall not interfere with the right of peaceable assemblages. Does this amount to an affirmative law, giving the United States the jurisdiction over all persons who shall interfere with the right of peaceable assemblage? Clearly not.

The second count is the same as first.

The third count declares that a conspiracy was formed to take the lives of certain citizens of African decent, and without due process of law. All murderers do this Has the United States jurisdiction of all murders?

The fourth count is too vague and general; so are the fifth and eighth. Their vagueness is such that they cannot stand.

The sixth and seventh counts charge the prisoners with conspiring against certain persons because they had voted, or were going to vote. Not a word is said that this was done because of race, color or previous condition. This is vitally necessary. The mere interference with the right of voting is no offense under the jurisdiction of the United States.

The following eight counts are literal copies of the first eight, and must fall with them.

I am accordingly of the opinion that the indictment is fatally defective.

Judge Woods then in a few words announced that he differed in opinion with Justice Bradley, and that they had resolved to certify to a difference of opinion so that the Supreme Court of the United States could pass upon the question.

As, however, the Superior Judge had decided against the validity of the indictment, it could not stand—for the present, and the prisoners were therefore entitled to bail.

Bail in the sum of $5000 for each prisoner was furnished, and Hadnot, Cruikshank and Irwin set at liberty, and surrounded and congratulated by their friends.

☛ Post Master General Creswell has resigned, and as a matter of course Grant writes him a regretful letter thereat. Judging him by his mail service lettings in Louisiana, we are glad he has vacated. and know that Grant can't procure a worse failure, even if he tries a star bid.

☛ The Picayune State of Rhode Island has been ballotting for a U. S. Senator, in place of Sprague, for the last ten days and can't come to any conclusion in the matter.

☛ Hon. Eugene Hale, of Maine, has received the appointment of Post Master General, and to-day will be sworn in as one of Grant's cabinet.

☛ The new horse disease is on the increase in the Attakapas Parishes, and we hear reports of some cases on Bayou Bœuf, in this Parish.