# NEW ORLEANS REPUBLICAN.

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VOLUME IV—NO. 51. NEW ORLEANS, FRIDAY, JUNE 10, 1870. WHOLE NUMBER 993.



## AMUSEMENTS.

**FETE CHAMPETRE**

IN

**CARROLLTON GARDENS.**

The ladies of Emmanual Church, assisted by the ladies of the Sixth District and vicinity, who are now working to obtain a new Church on St. Charles street, have decided to give another

**Festival at the Carrollton Gardens, Commencing on June 7.**

The Grounds will be brilliantly illuminated, a new DANCING PLATFORM laid down and is lighted by the Puroline and Portable Gas Light Company. A splendid band of music engaged for the occasion.

The steamboats departing on the evening of the Fete will bring all who desire to visit the grounds.

The tables will be beautifully decorated with flowers and evergreens, and filled with the rarest viands and the coolest Champagne Punches, Lemonades and Creams.

The grounds will be open at five o'clock.

Tickets fifty cents, to be had at the Music Stores and at the gate of the Gardens, on the evenings of the seventh, eighth, ninth, tenth and eleventh of June.

EXECUTIVE COMMITTEE:

MRS. MORRISON, MRS. COLEMAN,
MRS. GARNER MRS. BRADFORD,
MRS. HODGES, MRS. BODLEY,
MRS. HANNY, MRS. BURBANK,
MRS. JACKSON, MRS. FRYE,
jel And others.

## LOTTERIES.

**DRAWING OF THE LOUISIANA STATE LOTTERY FOR JUNE 9, 1870.**

**CLASS 136**

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 52 | 22 | 31 | 58 | 55 | 11 | 10 | 26 | 36 | 45 | 33 | 2 | — | — | — |

The above drawings are published in all the principal papers, and are drawn in public daily at the rooms of the Company.

Information furnished and prizes cashed by HOWARD, SIMMONS & CO., Contractors, St. Charles street, corner Union, New Orleans.

Witness our hands, at New Orleans, Louisiana, this ninth day of June, 1870.

H. PERALTA,
ADAM GIFFEN,
Commissioners.

BEWARE OF BOGUS LOTTERIES. ap28

**LOUISIANA STATE LOTTERY COMPANY.**

Incorporated August 17, 1868.

CHARLES T. HOWARD.....PRESIDENT.

**SINGLE NUMBER LOTTERY.**

SPLENDID SCHEME—ONLY 20,000 NUMBERS.

**Capital Prize.....$50,000.**

**CLASS H.**

TO BE DRAWN AT NEW ORLEANS ON **Saturday, June 25, 1870.**

HOWARD, SIMMONS & CO., Contractors.

SCHEME:

**20,000 Numbers—Tickets Only $20.**

| | |
|---|---|
| 1 prize of $50,000 is | $50 000 |
| 1 prize of 20,000 is | 20 000 |
| 1 prize of 10,000 is | 10 000 |
| 1 prize of 9,000 is | 9 000 |
| 1 prize of 8,000 is | 8,000 |
| 1 prize of 7,000 is | 7,000 |
| 1 prize of 6,000 is | 6,000 |
| 1 prize of 5,000 is | 5,000 |
| 1 prize of 4,000 is | 4,000 |
| 1 prize of 3,000 is | 3,000 |
| 1 prize of 2,000 is | 2,000 |
| 1 prize of 1,000 | |
| 1 prize of 1,000 | |
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| 1 prize of 1,000 | |
| 1 prize of 1,000 | |
| 1 prize of 1,000 | |
| 1 prize of 1,000 are | 23,000 |
| 1 prize of 1,000 | |
| 1 prize of 1,000 | |
| 1 prize of 1,000 | |
| 1 prize of 1,000 | |
| 60 prizes of 500 are | 25,000 |
| 317 prizes of 200 are | 63,400 |
| 440 prizes, amounting to | $250,400 |

Whole Tickets, $20; shares in proportion.
Prizes payable without deduction.
Orders to be addressed to

CHAS. T. HOWARD,
Lock box 692, Postoffice, New Orleans.

Send postoffice money order, or register your letter. fe

## REMOVALS.

**REMOVAL.....REMOVAL.**

The undersigned has removed his STONE YARD rom the old stand, on Customhouse street, to the

**ARTIFICIAL FREAR STONE YARD,**

on Poydras street, between Locust and Freret streets, and the office to No. 36 Natchez street.

In extending and consolidating his business with the Frear Artificial Stone Company, he would express his thanks to a generous public, the patrons and friends of a business of thirty-eight years standing in this city, and would solicit a continuance of the same to the Louisiana Frear Stone Manufacturing Company. NEWTON RICHARDS.

Referring to the above, the FREAR ARTIFICIAL STONE COMPANY will furnish their STONE, also, Granite and Marble for all purposes of building, fronts of stores and dwellings, steps, window sills, lintels, tombs, monuments, flagging for banquets, yards, garden walks, etc.

Particular attention of property holders, architects and builders is called to the Artificial Frear Stone, now offered as a beautiful and economical substitute for brick and plastered fronts of buildings, and suitable for cornices, window trimmings, wall copings, front fences, etc

NEWTON RICHARDS, President.
JAMES CLARK, Secretary.
Depot for the sale of RICHARDS' CAPE LIME. ap13

## EDUCATIONAL.

**JEFFERSON ACADEMY,**

No. 123 Conti street, between Dauphine and Burgundy streets.

CONDUCTED BY G. J. LORD.

The establishment, long known to the public as one of the leading institutions of the South, is again open and ready to receive students, either as day scholars or boarders. ap13 2m

**DOLBEAR COMMERCIAL COLLEGE,**

**Corner Camp and Common Streets, New Orleans.**

The oldest and most efficient and successful Commercial College in the United States. There is a full faculty. Citizens and strangers who wish a business education for themselves or sons, are invited to call. Students can enter in any or all the departments of the College and at any time.

N. B. NOT ONE of all the numerous GRADUATES of this College for the past THIRTY-SEVEN YEARS, is now out of profitable employment so far as known. A word to the WISE is sufficient.

For catalogues, etc., address
de8 1y RUFUS DOLBEAR, President.

## BANKS AND BANKING.

**ST. CHARLES LOAN OFFICE.**

15 ST. CHARLES STREET,

**ST. L. DESTEZ,**

SUCCESSOR OF A. MARCHAND.

Money loaned on furniture, clothing, jewelry, diamonds, etc. ap2 1y

**SPECIE AND EXCHANGE OFFICE**

OF

BRUNO & WARNER,

**146 Gravier Street, near St. Charles.**

Pay the highest prices for all kinds of American and Foreign GOLD, SILVER, BULLION and PAPER MONEY.

Buy and sell GOVERNMENT SECURITIES, STOCKS and COMMERCIAL NOTES. Draw SIGHT and TIME DRAFTS on New York, and all the principal cities of Europe, in sums to suit. de19 1y

**RICHARD C. BOND,**

(T. F. FISHER),

**STOCK AND NOTE BROKER,**

**No. 162 Common Street.**

ja11 1y

## FOR SALE.

**TO THE HEADS OF COLORED FAMILIES.**

An opportunity is offered to obtain a Home, on terms so reasonable as to be within the reach of all.

One hundred and fifty lots on Henry Clay avenue, Sixth District of New Orleans, to be sold at $200, payable as follows: $20 cash, balance $5 per month, thirty-six months. The ground is accessable, handsomely situated, well drained and rapidly enhancing in value.

Full description and plan of the property can be seen at my office, 32 Carondelet street.

je7 J. J. ALSTON.

FOR SALE—ABOUT ELEVEN THOUSAND ACRES, in different tracts, of the finest sugar lands in the State. A large portion of these lands is covered with magnificent forests of red cypress, and portions are near the river, Morgan's Texas Railroad, and the line of the Chattanooga and Texas Railroad—contiguous to an inexhaustible market for lumber and wood—and are very valuable. The whole, or an interest, will be disposed of at extremely low rates, as the owner is about leaving the State in consequence of ill health. For full particulars apply to Colonel J. O. Nixon, No. 106 Gravier street, up stairs, corner Bank place, between the hours of 9 and 11 o'clock A. M. my6

FOR SALE.—A BEAUTIFUL COUNTRY RESIDENCE, in Wadesboro, two and a half miles from Pontchatoula Station, on New Orleans and Jackson Railroad, having also, direct water communication with New Orleans, in complete order, well fenced, and can be made self sustaining either as a Fruit or Poultry Farm; well supplied with fruit of all kinds, water and wood, and the healthiest locality in the State, containing about twelve acres. Enquire for terms, etc., at No. 120 Camp street, from 10 to 12 A. M. my22 1m

## FOR RENT.

**TO RENT.....TO RENT.**

FASSMAN'S COTTON PRESS,

Comprising Two Entire Squares of Ground and Entitled to Eleven Shares in the

**Cotton Press Association,**

to Rent from first September, 1870. For further information, apply to G. W. BANCKER,

Nos. 11 and 13 Magazine street,
Corner of Common.

New Orleans, June 5, 1870. je10 8t

FOR RENT—A SUITE OF ROOMS ON THE first floor, elevated from the ground, in one of the coolest, driest and healthiest houses in the city; also, two or three single rooms, at moderate prices. Apply at No. 212 Carondelet street, immediately above Julia. je3 1w

ROOMS AND BOARD—A NUMBER OF pleasantly situated and well furnished rooms to rent, with or without board, at No. 177 Lafayette street, between Baronne and Carondelgt streets. my31 3m

SPLENDID DWELLING FOR RENT A RARE CHANCE.—The second and third floors of that splendid brick dwelling house, No. 17 Dauphin street, will be rented, furnished or unfurnished, until the first October next, on very reasonable terms, to a good tenant. The furniture is elegant and the location one of the most desirable in the city. There are ten rooms, besides bathroom, wash-room and kitchen, with both hydrant and extra large cisterns. The ground floor is detached from the balance of the house and occupied by a popular dentist. For terms, apply on the premises. jan14

ROOMS, WITH OR WITHOUT BOARD—For families or gentlemen, at 298 Gravier street, between Franklin and Liberty. je9

## WANTED.

WANTED—A WOMAN TO COOK, WASH and iron in a small family. Also a woman to do house work. References required. Apply at No. 697 Magazine street, second door above First. je10 1t*

WANTED.—INFORMATION OF MARY MILLER, who resided with her aunt, Mary Durant, on the corner of St. Peter and Royal streets, New Orleans. When last heard from, in 1861, was about leaving for France. Any information concerning her whereabouts will be thankfully received by her brother, BERNARD MILLER,
Wood River, Hall county,
je7 eod3t* Nebraska.

WANTED—AGENTS—$75 to $200 per month, everywhere, male and female, to introduce the GENUINE IMPROVED COMMON SENSE FAMILY SEWING MACHINE. This Machine will stitch, hem, fell, suck, quilt, cord, bind, braid and embroider in a most superior manner. Price only $18. Fully warranted for five years. We will pay $1000 for any Machine that will sew a stronger, more beautiful, or more elastic seam than ours. It makes the "Elastic Lock Stitch." Every second stitch can be cut, and still the cloth can not be pulled apart without tearing it. We pay agents from $75 to $200 per month and expenses, or a commission from which twice that amount can be made. Address SECOMB & CO., PITTSBURGH, PENNSYLVANIA; BOSTON, MASSACHUSETTS, or ST. LOUIS, MISSOURI.

CAUTION—Beware of all agents selling Machines under the same name as ours, unless they can show a certificate of agency signed by us. We shall not hold ourselves responsible for worthless Machines sold by other parties, and shall prosecute all parties either selling or using Machines under this name to the full extent of the law, unless such Machines were obtained from us or our agents. Do not be imposed upon by parties who copy our advertisement and circulars and offer worthless Machines at a less price. ap29 3m law

AGENTS WANTED EVERYWHERE to sell the AMERICAN KNITTING MACHINE, the only practical Family Knitting Machine ever invented. Price $25. Will knit 20,000 stitches per minute. Address AMERICAN KNITTING MACHINE COMPANY, Boston, Massachusetts, or St. Louis, Missouri. ap29 3m law

## LOST.

LOST—SPECIAL NOTICE—ALL PARTIES are warned not to purchase our certificate of salary for the month of August, signed by Mrs. J. B Prados, to the order of Mr. Hughes and transferred to A. CASSARD.
je8 3t

LOST OR MISLAID—A CERTIFICATE of STOCK, No. 155, issued by "La Variete Association," to H. L. Spotts, dated April 1, 1861. The public are cautioned against negotiating therefor, as application has been made for a duplicate of same.

A. ADNET,
Curator of the Succession of H. J. Spotts.
New Orleans, May 25, 1870. my26 je2 9 16 23

LOST OR MISLAID.—A CERTIFICATE of STOCK, No 26, issued by "La Variete Association," to James H. Donegan, dated November 29, 1855. The public are cautioned against negotiating there or, as application has been made for a duplicate of same.

A ADNET,
Curator of the Succession of J. H. Donegan.
New Orleans, May 25, 1870. my26 je2 9 16 23

LOST OR MISLAID—A PROMISSORY note for the sum of One Thousand Dollars, dated August 10, 1863, subscribed by Michael Rohrbacher, to his own order, and by him indorsed, payable one year after date, and secured by mortgage, according to an act passed before Octave Morel, notary, on the tenth August, 1863. All parties are notified not to negotiate the said note, payment of the same having been stopped, and the finder of said note will confer a favor by leaving it at Frank Vatter's, No. 80 Magazine street. je2 1m

## BOOKS---BOOKS.

**A BOOK FOR THE MILLION.**

**Marriage Guide**, a Private Counselor to the Married, or those about to marry, on the physiological mysteries and revelations of the sexual system, with the latest discoveries in producing and preventing offspring, preserving the complexion, etc.

This is an interesting work of two hundred and twenty-four pages, with numerous engravings, and contains valuable information for those who are married or contemplate marriage; still it is a book that ought to be under lock and key, and not laid carelessly about the house.

Sent to any one free of postage for Fifty Cents

Address Dr. Butts' Dispensary, No. 12 North Eighth street, St. Louis, Mo.

NOTICE TO THE AFFLICTED AND UNFORTUNATE.

Before applying to the notorious quacks who advertise in public papers, or using any quack remedies, peruse Dr Butts' work, no matter what your disease is, or how deplorable your condition.

Dr. Butts can be consulted, personally or by mail, on the diseases mentioned in his works. Office, No. 12 North Eighth street, between Market and Chestnut, St. Louis, Mo. my13 1y

**JOHN ARMSTRONG'S**

FOUNDRY AND BOILER MANUFACTORY,

**Corner of Erato and New Levee Streets,**

NEW ORLEANS, LOUISIANA.

Manufacturer of Vertical and Horizontal Steam Engines, Sugar Mills, Draining Machines, Saw Mills, Cotton Screws and Gearing, Iron Columns and Fronts of Buildings, Furnace Mouths, Grate Bars, Bone Black, Revivifiers, Gas Retorts Railroad Frogs, etc.; Low Pressure, Locomotive Flue and Cylinder Boilers of all kinds; Filters, Juice Boxes and Clarifiers, etc. ap15 6m eod

TO SAVE LABOR —AND— INSURE LARGE CROPS.

Use Stern's RAW BONE SUPER-PHOSPHATE and FINE GROUND BONE, the great Fertilizers. LOUIS STERN & BROS., manufacturers, office No. 6 Chartres street, New Orleans, Louisiana. Bone Black of all grades constantly on hand. no3 1y


## A WORK OF INTERNAL IMPROVEMENT

### The Mississippi and Mexican Gulf Ship Canal

### INSPECTING THE LINE OF ROUTE

### What Has Been Done, and What Remains to Do.

Yesterday, a party of gentlemen, upon the invitation of Dr. J. O. Noyes, President, visited and inspected the works of the Mississippi and Mexican Gulf Ship Canal Company, now in progress about twelve miles below the city. The party consisted of Governor Warmoth, Duncan F. Kenner, lessee of the New Canal and Basin; Dr. J. S. Copes, President of the New Orleans Academy of Sciences; General J. R. West, Administrator of Public Improvements, and Mr. Millaudon, and six of the directors of the company; Dr. J. O. Noyes, General C. Bussey, Mr. Lafayette Folger, Judge W. W. Howe, Mr. J. L. Gubernator, and Mr. Charles E. Slayback.

Starting from the city at seven o'clock in the morning, the party proceeded down the river road in carriages a distance of twelve miles, until they reached a point at the head waters of Bayou Dupres, navigable for skiffs. In these contrivances the voyage was continued until we came to Lake Borgne, and returned in the same manner.

The survey of the canal begins at the intersection of Bayou Dupres and the lake, and follows the course of the bayou for about four miles, when the canal turns to the right, and continues in a straight line toward the river, which is about two miles and three-quarters from the point of this latter intersection. Along this route the company is building one of the most important works of improvement of the kind in the State. A canal 12 feet deep and 120 feet wide is to be constructed, and is already well on the way to completion. There are now at work six of the most powerful dredge boats we have ever seen, two derricks that are used as tenders for two of the dredges, and one pile-driver in line, and all but two of the dredges are actively at work throwing up mud, roots, stumps and everything else that lies in the way. Beginning at Fort Dupres and going toward the river, we find now a channel ranging from eighty to one hundred and twenty feet wide, and from six to seven feet deep, for a distance of four miles. We believe that there are but six hundred feet more of dredging to complete this distance. Of course, the dredges will again pass over the route thus far completed, widening in some places and deepening in others, until a uniform and proper channel is fully achieved. There is a bar at the mouth of the bayou, on which there is a depth of five feet of water. This bar will receive proper attention in due season. Two rows of piles have been driven out into the lake, forming a gateway for vessels passing in and out.

In carrying on the work, nature has been of great assistance to the company, but the main reliance has been and yet will be upon art. The tireless arm of steam that, at the bidding of one man, sets the wheels and chains of the powerful dredges revolving, is constantly in motion, throwing up immense loads of sand, etc., and depositing them carefully on the shore. Four of the dredges are employed in the bayou, and the other two have been carried inland, and will be set to work on the two and three-quarter miles of new ditching. They are now nearly ready to begin. A large pit, of the width and depth of the canal, and of proper length, has been dug by hand, and water let in from the Mississippi sufficient to float the dredge-boats.

The canal will be completed so as to admit boats drawing six feet of water in about six months. In three more, it is expected, the lock will be finished, by which boats will be let out and into the river from the canal. The dredges will be kept at work until the latter is of the depth and width first above named. These powerful machines were built by Messrs. Atkins & Burgess, a Chicago firm, and go ahead of anything we have ever had here. Mr. Kenner, who has had some experience with these canal-diggers, was very much attracted by the strong machinery, and complimented their performance in unstinted terms.

If the reader has followed the simple statement of what has been done by the company, he will discover that the canal, of which we have all heard so much and really understood so little, is to be a reality. It is not one of those paper projects which are built up on Carondelet street and never seen anywhere else. We are satisfied that Dr. Noyes, the president of the company, is in earnest in the undertaking, and will certainly accomplish what he has undertaken.

To the polite superintendent of the works, Captain Merrill, the party is indebted for highly appreciated attentions. On their way back from the lake, the gentlemen were invited to land in a pretty shady grove, where a table had been set under an oak covered with moss. Fish, recently caught, and still smoking hot; spring chicken, boiled ham, and all the etceteras were artistically served up, away out in the swamp, miles from anything resembling civilization. The guests fell to with a will, and all ate as though they had not had a square meal for a week.

[To Dr. Noyes, General Bussey, and Mr. Folger, we are under special obligations for information and personal attention].

When returning home the party halted at the Barracks, where they were hospitably received by General Charles H. Smith, and witnessed a dress parade from the spacious gallery of his delightful quarters.

## FAILURE IN THE COTTON TRADE.

### A Boston Firm said to be Bankrupt—5000 to 10,000 Bales of Cotton Not to be Paid For—Gorham Grey and His Partnership with Colonel Fisk.

We copy the following from the New York *Sun*. The failure referred to has been reported by telegraph:

Considerable excitement was created yesterday upon the cotton market and among the brokers of and dealers in that article by a rumor that a well-known house, located in Boston, but doing business in this city, had become bankrupt, and was unable to meet its liabilities.

It was afterward said that the man who had failed was Gorham Grey, a well-known dealer in cotton. It may be remembered that some months ago Mr. Grey was unfortunate in cotton speculations, and that he then called upon James Fisk, jr., to assist him in meeting his liabilities.

Mr. Grey represented on the market that a partnership existed between himself and Colonel Fisk, and that upon the expectation that he would be backed by Fisk, he had operated more largely than he otherwise should have done. Shortly after this occurrence, Mr. Grey removed his office to Boston, but still continued to operate in this city. It was understood that he was backed by some wealthy spinners in Massachusetts, and his credit was always good.

Recently, it is said, Mr. Grey became a heavy purchaser of cotton "on short" at about twenty-three cents per pound. The market shortly afterward declined, and the price has since continued lower than at the time of his purchase. The gentleman was called upon to meet his margins, but was unable to do so, and hence arose the reported failure. The exact amount of liabilities can not be ascertained, but it is variously estimated that he will lose from five thousand to ten thousand bales of cotton.

Mr. Grey is described as a very genial, whole-souled man, and great regret is expressed at the rumor of his failure.

## THE GREAT GAINES CASE.

### Decision of Judge Bradley.

In the United States Circuit Court, yesterday, Judge Bradley delivered the following opinion:

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 by 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 land 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, nor legal title at all but as spurious title; and their conveyance of the lands has transferred no title to 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 possessor, 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 her's 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 price 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 case of Gaines vs. Chew (2 Howard, 619); Hallett vs. Collins, (10 Howard, 179); Olivier vs. Piatt, (3 Howard, 333); Jenkins vs. Eldridge, (3 Story, 182), and the other authorities relating to real estate referred to by the counsel for the complainant, as far as I have been able to examine them, do not conflict with the views now presented.

The decrees, therefore, should be confined, 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 while thus in possession.

1. In fact the bill is nothing but what is 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 the 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 he who has just reason to believe himself the master of the thing which he possesses.—Art. 3414.

2. Such a possessor has the right to gather for his benefit the fruits of the thing, until it is claimed by the owners, without being bound to account for them, except from the time of the claim for restitution.—Art. 3416.

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 incurred on it.—Ib.

Whatever might be the views of this court on this point, were it open before us for discussion, is of no consequence. It seems to be entirely covered by the judgment of the Supreme Court.

To understand that judgment it is necessary to premise that the lands in dispute belonged to Daniel Clark at the time of his death, in August 1813; that the said Clark left behind him a will dated in 1811, making Richard Relf and Beverley Chew his executors, and Mary Clark, his mother, his general legatee, which will was admitted to probate; that this was not his last will, but that he made another will shortly before his death, in which he acknowledged the complainant to be his legitimate and only daughter, and made her his universal legatee, giving to his mother an annuity and to other persons certain legacies, and making Francois Dussuau de la Croix, James Pitot and Joseph D. D. Bellechasse, his executors; that this will was suppressed, and did not, nor did her paternity come to the knowledge of the complainant till about 1834, when she applied for probate of said will, which was at first refused; that, nevertheless, probate was granted in December, 1855; and this suit was therefore commenced in December, 1856. That, in the meantime, in or about 1820, Relf and Chew, claiming to act as executors of the will of 1811, and as attorneys of Mary Clark, the legatee under it, but without any authority from the proper court, undertook by action and private sale, to sell the lands of Daniel Clark, and did sell the same to various purchasers, from whom, mediately or immediately, the defendants claim title to the lands. That even after the complainant came of age, and discovered her paternity, and the fact that her father had made the will of 1813, she commenced various suits to recover the said lands, both against the city of New Orleans and others, and her claims became universally known.

These suits met with various fortune, but finally, in the case of Gaines vs. Hennen, reported in 24th Howard, 553, a decree was made by the Supreme Court of the United States, which has been reaffirmed and adopted by the same court in this case, and which it is necessary to examine in order to understand fully the form and effect of the decree to be entered now. It seems to me that the decree of the Supreme Court in the case of Hennen, thus reaffirmed and adopted in this case, has fully answered the question as to the claim of good faith on the part of defendants, as bearing both on the matter of rents and profits, and on the matter of reclamation for improvements.

The decree in the Hennen case declares: "That the said Richard Relf and Beverley Chew, at the time and times when, under the pretended authority aforesaid, they caused the property so described and claimed by the defendant, Hennen, to be set up and sold by public auction, on the nineteenth day of December, 1820, and when they executed their act of sale aforesaid, of the twenty-eighth day of December, 1820, to the said Azelie Lavigne, had no legal right or authority whatever, so to sell and dispose of the same, or in any manner to alienate the same; that the said sale at auction, and the said act of sale to Azelie Lavigne in confirmation thereof, were wholly unauthorized and illegal, and are utterly null and void; and that the defendant, Hennen, at the time when he purchased the property so described and claimed by him as aforesaid, was bound to take notice of the circumstances which rendered the actings and doings of the said Beverley Chew and Richard Relf, in the premises, illegal, null and void; and that he, the said Hennen ought to be deemed and held, and is hereby deemed and held to have purchased the property in question, with full notice that the said sale at auction, under the pretended authority of the said Richard Relf and Beverly Chew, and their said act of sale to said Azelie Lavigne were illegal, null and void, and in fraud of the rights of the person or persons entitled to the succession of the said Daniel Clark." The court further decreed that the complainant was justly and lawfully entitled to the property claimed and held by Hennen, together with all the yearly rents and profits accruing from the same from the time he went into possession, and they remanded the cause to this court with directions.

1 To cause Hennen to surrender all the property claimed and held by him into the hands of complainant.

2. To cause the amount to be taken of the yearly rents and profits accrued and accruing from the property since it came into Hennen's possession, and to be paid to the complainant; such account to be taken subject to the laws of Louisiana in cases of such recovery as is now decreed in favor of the complainant.

Such was the decree in the Hennen case.

In the case now before us, the Supreme Court, in its opinion, says that the sales made by Relf and Chew (under whose conveyances the defendants claim title), whether made as executors or attorneys of Mary Clark, were void and conveyed no title (6 Watt, 711 and 712); and after adverting to the fact that the defendants say they are purchasers in good faith for value without notice, or have acquired titles from those who were, add (page 716), "We cannot see, in view of the discussion already given to this case, how this plea can be true, but as it cannot avail the defendants, if true, it is unnecessary to discuss the evidence further in order to ascertain whether it is true or false. For the question at issue is only on the legal title."

The court further holds that the plea of good faith can only aid the defendants on the plea of prescription. They then add: "But the title of the complainant is not barred by prescription, according to the law of Louisiana. This defense was made in the case of Gaines vs. Hennen, and disposed of adversely to the defendant, and is no longer an open question in this court. The prescription relied upon by the defendants in this case is the same that was relied upon by the defendant in that, and as the proofs are common to both, it follows, as the plea of prescription was not available in the one, it is not in the other." The court, in conclusion, says: "The questions of law and fact applicable to those rights (the rights of the complainant) were determined in the case of Gaines vs. Hennen. After argument by able counsel, and mature consideration, we have reaffirmed that decision."

Thus, taking the opinion and decree of the Supreme Court in the Hennen case, and their opinion in this case, together, it is very manifest that the Supreme Court has adjudged against the plea of good faith set up by the defendants.

It is true that, in this case, the court considering the legal title as the question involved, seem to regard the fact of good faith, except as bearing on the question of prescription, as not material; but they also, in conformity with the views expressed in Gaines vs. Hennen, say that they do not see how the plea of good faith can be true, and they expressly adopt the decision in that case against the plea of prescription in reference to which they admit that the plea of good faith is pertinent, and I also understand them to adopt the definitive decree made in that case, which awards rents and profits to the complainant and against the defendant.

And this (as we have seen from the Code) could not be done if the defendants were purchasers in good faith.

The whole effect of their decision, therefore, is against the plea of good faith for any purpose whatever.

The judgment is that the titles attempted to be created and passed by Relf and Chew were bad—not only bad, but void—and that the defendants, claiming under and through them, ought to have known it. This judgment we are bound to carry out. We cannot inquire whether it is right or wrong. We are to presume that all the questions involved in it were duly and fully discussed, as we have no doubt they were.

The decrees presented to me seem to be in conformity with the views and mandate of the Supreme Court except that against the city of New Orleans, which will be so modified as to embrace only the lands which were in possession of the city at the time of filing the bill in this case.

A New York dispatch of the sixth, to the Louisville *Courier-Journal*, says:

Colonel Joseph Warren, of the Cuban army, left Puerto Principe on the twenty-fifth of May, and arrived here to-day. He does not credit the story of the capture of the steamer Upton, for the reason that at the point where she is said to have been captured the Cubans have always a large force, quite sufficient to repulse or capture the one hundred and fifty Spanish soldiers who are said to have taken the expedition, aided by two Spanish gunboats. He states further, that the patriots were fighting away, and that Colonel William A. Ryan had killed eight Spaniards with his sword a few days before. But fifteen or sixteen of the Americans who joined the Cuban army remain, the rest having either been killed or returned to the United States.

At a meeting of the Cuban ladies held this afternoon, Mrs. Vilaverbe proposed that the ladies practice shooting at a mark, in order to become acquainted with the use of firearms. After she has sufficiently drilled her recruits, if she can not induce the Cuban gentlemen, whom she saw promenading Broadway and writing letters to the papers, to go to Cuba and fight, she will lead her army of amazons there and drive every Spaniard off the island.

We learn this from the Monroe *Intelligencer:*

A man by the name of G. Gordon was arrested, on the last trip of the Governor Allen, by the Sheriff of Catahoula parish, on a warrant issued by Judge Crawford, for the murder of an Irishman, named McFee, in Morehouse parish, over two years ago. The first indictment found against Gordon was destroyed by the burning of the Bastrop courthouse, but at the last term of the District Court held there another indictment was found against him. Gordon and McFee are reported as desperate characters, and a good deal of feeling is said to exist in relation to the killing in Morehouse parish, both for and against the accused.

The New York *World* says:

A Texas beef factory boasts of condensing a bullock into twelve pounds. That's nothing; we've frequently seen three or four cows condensed into one pound in the Eastern rural districts.

## BY TELEGRAPH.

LATEST NEWS FROM ALL POINTS

INDEBTEDNESS OF SOUTHERN RAILROADS

UNIFORM SYSTEM OF NATURALIZATION

Fearful Fall from a Church Steeple

WOMAN'S SUFFRAGE CONVENTION

GEARY ON RESTORING OUR LOST COMMERCE

Proposed Eviction of Land Purchasers

MAELSTROM DISCOVERED IN UTAH

Subterraneous Outlet to Great Salt Lake

THE AWFUL FIRE AT CONSTANTINOPLE

RAVAGES OF CHOLERA IN INDIA

Loss of Three Hundred Lives

DOMESTIC AND FOREIGN MARKETS

## WASHINGTON.

### Indebtedness to the Government of Southern Railroads—Internal Revenue Receipts Yesterday—Naval Nominations. Bill to Establish Uniform System of Naturalization—Denunciation of the Bill—It was Laid on the Table—Bill Authorizing Indians to Bring Suits—Length of Spans of Bridges—Senator Flanagan on the Franking Privilege—Governor Geary on Recovering Our Lost Commerce.

WASHINGTON, June 9.—*House*—In his report from the Judiciary Committee on the indebtness of certain Southern railroads, Mr. 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 litigation. Suits are pending against the following roads for the following amounts: East Tennessee and Virginia Railroad, $258,829; East Tennessee and Georgia Railroad, $365,331; Nashville and Northwestern, $47,104. These roads, the report says, came before the committee, and while protesting against legislation designed to affect the proceeding in court, expressed a desire for the equitable settlement without litigation, and ask that the Secretary of War, or some competent tribunal, be authorized to compromise the differences. The committee consents to this and proposes to abandon the suits. The bill reported is in accordance with this recommendation.

Internal revenue receipts to-day $716,000.

Assistant Attorney General Field has resigned.

Delano will be absent until Saturday.

The following nominations were made by the President to-day: For Rear Admiral, O. S. Glesson; for Commodore, William Reynolds.

*House*—A bill was reported from the Judiciary Committee to establish a uniform system of naturalization, with a proviso postponing the exercise of the rights of naturalization for six months after the judgment of naturalization.

The bill was denounced by Mr. Eldridge as the very embodiment of partisan malignity, religious bigotry and intolerance.

Mr. Sargeant, of California, opposed the bill, because it would serve no useful purpose.

The bill was further opposed by Republicans as being cumbersome, and calculated to embarrass naturalization.

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

*Senate*—Notice was given of a bill to allow all Indian nations and tribes having rights under existing laws and treaties, to sue in United States Courts, with the right to go to the Supreme Court.

The bill to regulate the length of spans of 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.

Mr. Bowman opposed it as infringing upon a compromise already made between the Pennsylvania coal interest and the Baltimore and Ohio Railroad, as to the length of spans.

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

The bill to abolish the franking privilege was discussed. Mr. Flanagan opposed it, because it would deprive the Republican party of a great lever, of which they now had control. He said he would use the franking privilege to disseminate political light among the people of Texas. Replying to the former remarks of his collegue, Mr. Hamilton, he maintained that the people were not the set of cut-throats they were represented, 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.

Governor Geary has addressed the following letter to Vice-Admiral Porter:

HARRISBURG, PENNSYLVANIA, May 31, 1870.

MY DEAR SIR—Having, with much satisfaction, received your letter of the twelfth instant, to Hon. James S. Negley, on the subject of recovering our lost commerce, and restoring to the country advantages which a well organized steamship service is capable of giving, when properly directed, between maritime nations, I take pleasure in expressing my views upon a subject of such vast importance to the honor and prosperity of our nation.

A most important crisis has arrived in the history of the commerce of the United States, which demands action on the part of the government, as prompt as it should be energetic. In the suggestions which have been made, and the views expressed upon so important a question of national policy, it is to be hoped that motives will not be perverted nor objects misconstrued.

For my own part, I can truly say that I am actuated only by a sincere desire to subserve public interests, and to effect the greatest possible good of that country which every true American proudly calls his own.

The guard