NEW ORLEANS REPUBLICAN.

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VOLUME V—NO. 25. NEW ORLEANS, TUESDAY, MAY 9, 1871. WHOLE NUMBER 1246.

AMUSEMENTS.

ACADEMY OF MUSIC.

Spalding, Bidwell & MacDonough .....Proprietors

Increased attraction for the last week of the season, and of

CHARLES WYNDHAM'S COMEDY COMPANY.

Succession of New and Brilliant Pieces.

Monday and Tuesday, May 8 and 9,

First time in New Orleans of Robertson's comedy and last success,

HOME,

Preceded by the lively farce of

TRYING IT ON.

WEDNESDAY, May 10—The charming comedy of ROSINE, OR THE WIFE OF TWO HUSBANDS, and the farce of TRYING IT ON.

THURSDAY, May 11—Only time of Albert's brilliant comedy of TWO ROSES.

FRIDAY AND SATURDAY EVENINGS, May 12 and 13—First time in New Orleans, Watts Phillips' drama, CAMILLE'S HUSBAND.

SATURDAY NOON—Last fashionable matinee—HOME and TRYING IT ON.

SUNDAY May 14—Farewell bill—THE LANCERS and ROSINE. my9

OPERA HOUSE.

GRAND COMPLIMENTARY TESTIMONIAL

Offered by the Directors of the

FRENCH OPERA HOUSE

TO

MR. AND M'ME BILLON VON HAMME,

Thursday, May 11, 1871.

NOVEL AND ATTRACTIVE PROGRAMME—MUSICAL AND CHIROGRAPHIC.

PARTICULARS IN FUTURE ADVERTISEMENTS.

my7 2t* Box Office Now Open.

LADIES' FAIR

FOR

ST. PATRICK'S CHURCH.

The funds to be devoted to erecting a suitable building for a Parochial Female School, under the charge of the Sisters of Mercy, will be opened at

ODD FELLOWS' HALL,

On Saturday Evening, May 6, 1871.

Friends of the Church are earnestly requested to patronize the ladies. ap30 12t

DENECHAUD'S PAVILION,

Lake End of the Pontchartrain Railroad.

This great institution, and family resort, will make its OPENING TO-DAY (SUNDAY), April 30.

Charles Jaeger's string and brass band has been engaged for the whole summer, and will entertain the public every day, from the arrival of the three o'clock train to ten o'clock every night.

Also, there will be a grand promenade concert and ball every Saturday night, commencing after the departure of the eight o'clock train. On Sunday morning, there will be a steam train, leaving the lake end at three o'clock, which will facilitate the dancing public to return to the city by half-past three.

The Washington Hotel will keep open all night.

ap30 1m DENECHAUD & JARTOUX.

STENT. UNA.

FIRST GRAND FANCY DRESS

AND

MAY QUEEN BALL,

To be given by the

LETTER CARRIERS' ASSOCIATION

Of New Orleans,

For the Benefit of their Relief Fund,

AT THE NATIONAL HALL,

Poydras street, near Liberty,

On Friday, May 19, 1871.

COMMITTEE OF ARRANGEMENTS:

E. Edwin Smith, Chairman;
Harry Cline, L. H. Mathieu,
A. L. Pynchon, R. R. Ray.

MANAGERS:

Hon. James F. Casey, Hon. C. W. Lowell,
Hon. S. M. Todd, Hon. F. C. Antoine,
Hon. P. B. S. Pinchback, Colonel James Lewis,
Major F. A. Ham, Major William Vigers,
Dr. R. T. Creamer.

INVITATION COMMITTEE:

L. Lamaniere, Chairman;
L. H. Mathieu, E. Edwin Smith,
A. Dejoie, Joseph Lavigne,
H. R. McVey, A. L. Pynchon.

RECEPTION COMMITTEE:

George C. Mason, Chairman;
Robert Mogel, Lewis P. Henderson,
Jules Fricke, Joseph Booker,
R. A. Taylor, Joseph Turread.

FLOOR MANAGERS:

James McDonald, Chairman.
E. Edwin Smith, Harry Cline,
A. Dejoie, G. McCune,
R. R. Ray, Charles E. Wheeler.

The May Queen will be selected from among the ladies present.

Ladies' invitations can be procured from any member of the Invitation Committee and at Carriers' Department, at the Postoffice.

Gentlemen's tickets can be procured from any of the managers, and at the Carriers' Department, at the Postoffice.

GENTLEMEN'S TICKETS.....$1 50

my7 14 16 17 18

LOTTERIES.

DRAWING OF THE LOUISIANA STATE LOTTERY FOR MAY 8, 1871.

CLASS 109.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
70	16	30	39	68	59	56	13	19	52	38	47	—	—

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 eighth day of May, 1871.

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 G.

TO BE DRAWN AT NEW ORLEANS ON Saturday, May 27, 1871.

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 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
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1 prize of 1,000		
50 prizes of 500	are	25,000
317 prizes of 200	are	63,400
36 Approximation prizes		12,600
40 prizes, amounting to		$200,400

Whole Tickets, $20; shares in proportion.

Prizes payable without deduction.

Orders to be addressed to

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

Send postoffice money order, or register your letter.

MISCELLANEOUS.

WE PROTEST AGAINST THE SALE to take place on May 11, by C. E. Girardey & Co., of 126 82-100 acres of land in Calcasieu, as part of the bankrupt estate of Allen Thomas. Grounds of protest will be announced at said sale.

A. J. THOMPSON.
my9 3t* P. LEONCE HEBRARD.

FRENCH IMMIGRATION COMPANY,

No. 68 Bienville Street, Corner of Royal.

We announce to the public that subscription books are opened in the following honorable houses in behalf of the unfortunate victims of the war in France, and particularly for those in Alsace and Lorraine, who prefer immigration to annexation.

All those who feel interested in that great act of humanity, and in the prosperity of Louisiana, are requested to accelerate their subscription (which is of free will) so that our State may not be too far behind the others, who have already made great efforts to attract immigration, inasmuch as Louisiana formerly was a branch of France.

The planters and families are also requested to communicate with us to obtain field hands and house servants, before the departure of our agents for Europe, to be next month, as the object is to procure homes for the immigrants at their arrival here.

Every first Sunday of each month will be published the names of the donors and the amounts given.

All those wishing to aid in opening subscriptions at their establishments can apply at our office to get books and instructions.

In a few days our collectors will canvass the city and country.

Every authorized collector will be provided with a book, signed by the direction and with the seal of Mr. Jules Mossy, notary public.

Books of subscription opened at Messrs. P. J. Pavy & Co., No. 61 Carondelet street; C. H. Mouton, No. 12 Carondelet street; Jules Mossy, Gallier Court, No. 3 Carondelet street; A. A. Mouton, No. 196 Common street; E. R. Converse & Co., No. 84 Magazine street; A. Waltz, No. 26 Conti street; Ben O'Connel, New Levee street, corner of Customhouse street; Times Office, Camp street; Picayune Office, Camp street; Republican Office, Camp street, and Commercial Bulletin, Gravier street.

my4 1m

TARIFF OF CHARGES.

OFFICE NEW ORLEANS SUGAR SHED COMPANY, April 27, 1871.

The Board of Directors of this Company have adopted the following Tariff of Charges, to take effect on and after the first day of May:

Per Hogshead.

1. For shelter on sugar not to remain over five days.....25c.
Storage thereafter forty cents per month.
2. For labor.....10c.
3. For charge on sugar, changing hands under the sheds, each transfer, and not to remain over five days.....15c.
Storage thereafter forty cents per month.
4. For removal from any part of steamboat landing to the sheds.....30c.

BARRELS OR HALF BARRELS.

Per Package.

1. For shelter on molasses not to remain over five days.....10c.
Storage thereafter ten cents per month.
2. For labor.....5c.
3. For charge on molasses, changing hands under the sheds, each transfer, and not to remain over five days.....5c.
Storage thereafter ten cents per month.
4. For removal from any point of steamboat landing to the sheds.....10c.

No charges made on day of transfer.

The transfer of barrels into half barrels or kegs is prohibited.

All extra labor shall be at the expense of the owner.

No sugar or molasses sent to the sheds by the Wharfinger shall be delivered without an order from that officer, unless the party or parties claiming the same are responsible parties, well known to the officer in charge of the sheds, and all charges paid.

G. CUCULLU,
ap30 10t Secretary.

CLAIMS COMMISSION.

The undersigned has made ample arrangements with counsel in the City of Washington for the prosecution of claims against the United States under the late act of Congress.

Address Washington, District Columbia, No. 1423 I street, corner of Fifteenth.

ap19 JOHN M. G. PARKER.

THE NEW GAS.....THE NEW GAS.

THE SOUTHERN

PORTABLE GASLIGHT COMPANY

OF NEW ORLEANS.

Carbo Hydrogen Gas Apparatus.

DUNDERDALE'S PATENTS.

Every house occupant his own gas manufacturer.

The simplest, most efficient, and cheapest gas machine in the market.

Machines for sale by

W. B. BOWMAN, Agent,
No. 53 Camp street.

Also—Agent for Fairbanks' Scales, and Herring's Champion Safes. ap30 1m

A. ROUSSET'S FISHING TACKLE.

The undersigned, having studied the wants of the Southern market in the Fishing Tackle Line for over twenty years, takes pleasure in offering to his country and city customers one of the largest and most varied stock of HOOKS, LINES, RODS, FLOATS and BASKETS, in all their varieties, and would beg your perusal of the following articles:

FISH HOOKS—Limerick Trout Hooks, bowed, 1|0 to 10|0; Sheephead Hooks, all sizes; Redfish Hooks, all sizes; Chestertown Hooks, all sizes; Croaker Hooks, Limerick Snooded Hooks, Wired Hooks, Sea and Catfish Hooks, Sardine Box Knife, Artificial Bait, Artificial Flies, Trolling Bait and Spoons.

ASSORTED LINES—Cotton Cable Laid Trout Lines, 25 to 300 feet; Cotton Twist Trout, Cotton Perch and Croaker, Linen Trout and Fish, assorted colors; Hemp Fishing, Plaited and Twisted Silk, Seagrass Fish, Cork and other Floats, all sizes; Rigged and Furnished Lines, Fishing Rods, assorted; Fishing Baskets, assorted; Pocket Corkscrews and Flasks.

And a complete stock of

HARDWARE AND CUTLERY.

Always on hand the Genuine Bamboo and Japanese POLES.

Soliciting an inspection of my stock, you will find my prices the lowest in the market.

Sign of the "Big Bamboo."

A. ROUSSET, Hardware Importer.
No. 17 Old Levee, opposite the Customhouse.
my7 1m

BUY YOUR FRENCH SHIRTS,

ALL LINEN AND COTTON, LINEN BOSOMS,

AT

LION & PINSARD'S,

151 and 153 Canal street, near Holmes'.

ap18 1m

LUMBER, SHIP TIMBER, ETC.

Now on hand a large supply of choice lumber, wood, etc, namely:

CYPRESS, YELLOW PINE,
CEDAR, WHITE PINE,
POPLAR, ASH,
OAK, COTTON,
GUM, WALNUT,
MAPLE, LATHS,

SHINGLES, HOGSHEAD AND BARREL STAVES and HEADINGS.

Dry Ash and Mixed Wood.

Also, a large stock of ship TIMBER, of square oak, cypress and pine, and cypress mast sticks.

All sizes and lengths sawed to order with dispatch, as usual.

Apply to OCEAN SAWMILL,
ap30 3t* Foot of Bordeaux street, Sixth District.

COW PEAS.....COW PEAS.

2500 bushels for sale low by

TOULMIN & MARTIN,
ap14 1m No. 41 Natchez street.

COW PEAS.....COW PEAS.

CHOICE CAROLINA CLAYED,

For sale by

TOULMIN & MARTIN,
ap2 3m No. 41 Natchez street.

DOVER STAMPING COMPANY,

BOSTON, MASSACHUSETTS.

Manufacturers and Wholesale Dealers in every description of Stamped Tin Goods, Tinner's Hardware, French Tinned Iron Wares, Japanned and Enameled Wares, Ice Cream Freezers Stove Shovels, Waiters, Foundry Supplies, Tinner's Tools and Machines, Coal Hods, Stove Polish, Black Lead, Rivets, Ears etc. aug 17

THE BONNET CARRE CREVASSE

ARREST OF MR. PORCHE

DESTRUCTION AND DESOLATION

The sheriff of St. John the Baptist parish reports to the Governor that the Bonnet Carre levee was cut by the federal forces of Bonnet Carre camp, in 1863, and that almost every year since that time it has been cut by Mr. Edward Porche, owner of the plantation where the crevasse occurred.

Mr. Porche has been arrested for cutting the levee, and has given bonds in the sum of one thousand dollars to appear before the district court in October next.

The St. John the Baptist *Pioneer* of the sixth says:

The crevasse at Bonnet Carre is still running in all its mad fury, and even all efforts to stop the widening of the break have proved fruitless, and the work has been abandoned, and the unchained waters of the Mississippi go tearing over the beautiful fields, carrying destruction and desolation with them. From a point near the break the scene is truly heart-rending, and would move with pity any but a man devoid of human feeling. 'Tis true a little care and watchfulness would have prevented all this ruin, but when we view the terrible retribution, the remembrance of their error is drowned in the milk of human kindness. Where once stood those neat little cottages, the happy homes of many of our most honest and industrious citizens, now rush the fierce and angry waves, dashing to pieces the result of years of toil, uprooting the very trees which once surrounded them.

Above and below, as far as the eye can reach, the fields so lately covered with a wealth of sugar cane, are covered with a vast sheet of water, the cabins deserted, while far beyond an occasional sugar-house lifts its head above the surface. Most of the planters for some distance have left their houses and found shelter with some of their more favored neighbors. The water has already reached some of the low lands in the rear of Joseph L. Bourgeois' plantation, at the upper line of this parish, and we are informed that it is some distance below Kennerville. Many of the planters in the upper portion of the parish have put up draining machines in order to save their crops. The only hope we have is a continued fall of the river, and the prospect for the same is quite favorable at present, but we hope that the severe lesson we are now receiving will not soon be forgotten by the people of this parish.

WOODHULL, CLAFLIN & CO.

Rich Developments by Affidavit.

NEW YORK, May 5.—A morning paper has the following: A curious case came up yesterday afternoon, before Justice Ledwith, in the Essex county Police Court. It was an application for the issue of a warrant for the arrest of James H. Blood, alias Dr. J. H. Harvey, the "Co." of the firm of Woodhull & Claflin. The application was made by Annie Claflin, mother of Mrs. Woodhull. Mrs. Claflin says in her affidavit that Blood, otherwise known as Dr. J. H. Harvey, occupies the same bed with her daughter Victoria, and that the said Blood has been in her family for the last six years; that since his entrance into her family he has made every effort to corrupt and has corrupted not only her daughter Victoria, but through his machinations and intrigues have excited her daughter Tennessee, and entirely weaned them from deponent; and deponent says that during the time she resided in said house she has often heard said Blood insist that her daughter Tennessee should make efforts to secure the attendance of different married gentlemen, in order that said Blood and said Victoria and Tennessee might combinedly make money out of such persons; and deponent says that she has known such married men who have been taken in and blackmailed at said house. She has often heard Blood, who is the receiver of all moneys that came into possession of the firm of Woodhull, Claflin & Co., say that no books of any account have been kept by said firm until very recently, and that in case any trouble should arise between dealers with said firm and themselves, a great trouble would come upon said firm, and that Broad street would be too hot for them. She further says she believes Blood is endeavoring to ruin her daughters, especially Tennessee, and that as he has threatened her life, she does not feel safe from Blood, and prays he may be arrested and dealt with according to law.

The affidavit is supported by others, and signed by Mr. and Mrs. Sparr, daughter and son-in-law of Mrs. Claflin.

Mrs. Woodhull indignantly denies these assertions, and says it is merely an attempt to levy blackmail. Her mother is old and weak-minded, and has been induced by some means to make the affidavit, which is a black and infamous lie.

Bagasse Paper.

The New Iberia *Sugar-Bowl* says:

We learn from Mr. H. Crawford, near Centreville, that the bagasse of the Chinese sugar cane has been successfully used in the manufacture of paper in the North, where a good price is paid for it. This he learned from personal observation. If the woody fibre of the Chinese cane can be used to make paper, there can no longer be any doubt as to the adaptability of the bagasse of our Southern cane to the same purpose; and as immense quantities of paper are annually imported from the North, we can conceive of no better place for the establishment of paper mills than in the sugar region of Louisiana. We hope that Colonel W. H. Brown, who has a fine water power and the clearest water, on the old Canal plantation, three miles this side of St. Martinsville, will yet carry out his idea of establishing a bagasse paper mill there.

Another All Rail Route Open.

The following dispatch was received yesterday morning from Charles L. Fitch, general passenger agent of the Mobile and Ohio railroad:

MOBILE, May 8.—To William Be Dell, agent: Our road repaired, and through trains commence running to-day.

This is welcome news to the traveling public, who regret that the other all rail route, via the Jackson railroad, is temporarily obstructed, but for only a short time longer.

Through Without Detention.

Mr. S. E. Carey, general ticket agent of the New Orleans, Jackson and Great Northern railroad, announces that passengers leaving via this line go through without detention many hours ahead of any other route, and that it is the only direct route to the North, East and West.

The Corsicana, Texas, *Observer* says:

We learn that a surveying party, belonging to the Texas Pacific, are now on the other side of the Trinity, on their line from Tyler west, expecting to cross the Trinity river at the mouth of Cedar creek. This will bring them direct to Corsicana, on one of the best natural routes in the world, there being no hill between Corsicana and the Trinity at the mouth of Cedar creek.

Up to the fifth instant, fourteen and a half millions of the fifty-four millions of newly authorized national bank currency had been issued. Only about five millions more have been awarded. The banks which are to receive the latter are not yet completely organized.

ENFORCING THE RIGHT TO VOTE.

Decision by Judge Woods.

The United States vs. John Hall, Jr., and William Pettigrew—Fifth Circuit and Southern District of Alabama, April term, 1871.

This case was heard by Woods and Busteed, J. J., on demurrer to the indictment. Woods delivered the opinion of the court.

This is an indictment for a violation of the sixth section of the act of Congress, approved May 31, 1870, entitled an act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes. It contains two counts. The first count in substance charges that the defendants did unlawfully and feloniously band and conspire together with intent to injure, oppress, threaten and intimidate Charles Hays and others, naming them, citizens of the United States of America, with intent to hinder and prevent their free exercise and enjoyment of the right of freedom of speech, the same being a right and privilege granted and secured to them by the constitution of the United States.

The second count charges in substance that the defendants did unlawfully and feloniously band and conspire together with intent to injure, oppress, threaten and intimidate William Miller and others, naming them, good and lawful citizens of the United States, with intent to prevent and hinder their free exercise and enjoyment of the right and privilege to peaceably assemble, the same being a right and privilege granted and secured to them by the constitution of the United States.

A demurrer is filed to this indictment, based on the following grounds:

1. That the matters charged in said counts are not in violation of any right or privilege granted or secured by the constitution of the United States.

2. That they are not in violation of any provision of the act of Congress, on which the indictment is based, or of any statute of the United States.

3. That each of said counts charges the commission of several and distinct offenses.

Article one of amendments to the constitution provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people "peaceably to assemble and petition the government for a redress of grievances."

It is not claimed by counsel for the United States that freedom of speech and the right peaceably to assemble are rights granted by the constitution, but it is asserted that they are rights recognized and secured.

On the other hand, counsel for defendants assert that while the constitution recognizes the existence of these rights, it does not secure them. That the constitution only inhibits Congress from impairing them, but that no such restriction applies to the States.

In the case of Permoli vs. First Municipality, 3 Howard, 600, it was held by the Supreme Court that "the constitution makes no provision for protecting the citizens of the respective States in their religious liberties. That is left to the State constitutions and laws; nor is there any inhibition imposed by the constitution of the United States in this respect upon the States."

This language may well be applied also to the rights of freedom of speech, and the right peaceably to assemble, which are referred to in the same article of amendment as the right of religious liberty.

So in Barron vs. Baltimore, 7 Peters, 243. The same court held that "the provision in the fifth amendment declaring that private property shall not be taken for public use without due compensation" is intended solely as a limitation upon the exercise of power by Congress, and is not applicable to the legislation of the States.

In Purveyer vs. the Commonwealth, 5 Wallace, 476, the Supreme Court held that the provision in the eighth article of amendment that "excessive fines" shall not be "imposed nor cruel and unusual punishments inflicted," applies to national, not to State legislation.

The result of these and other authorities to the same effect is that the rights of freedom of speech and the right peaceably to assemble, and other rights enumerated in the first eight articles of the amendment are protected by the constitution only against the legislation of Congress, and not against the legislation of the States.

Nevertheless it is true that these rights are secured to the people of the United States. The security may not be perfect and complete. These rights may be impaired by State legislation, yet they are secured against the action of Congress. Can it be said, with truth, that the right of trial by jury, the right of the accused to be confronted with the witness against him, the right not to be deprived of life, liberty or property without due process of law, are not secured by the constitution of the United States? We think that all rights which are protected against either national or State legislation may fairly be said to be secured rights.

If we assume, then, that the right of freedom of speech and the right peaceably to assemble are rights secured by the constitution of the United States, then the first two grounds of demurrer must be overruled, for the indictment alleges that the defendants did conspire together to injure and oppress the parties named with intent to prevent and hinder their free exercise and enjoyment of rights secured by the constitution, to wit: The right of freedom of speech, and the right peaceably to assemble, and this the statute declares to be an offense.

The argument of the demurrer has taken a wide range, and the questions not distinctly presented by it have been submitted to our consideration. As this discussion has called in question the power of Congress to pass the act in which the indictment is founded, we will proceed to consider this objection to the indictment.

It is claimed that when Congress is prohibited from interfering with a right by legislation that does not authorize Congress to protect that right by legislation, that as the States are not prohibited by the constitution from interference with the rights under consideration, Congress, although prohibited itself from impairing these rights, has no grant of power to interfere for their protection as against the States; that the first eight articles of amendment were passed as limitations upon the power of Congress, and that the history of the constitution shows that in the adoption of these articles it was not the purpose of the people to enlarge, but to restrain the power of Congress.

In the *Federalist*, article eighty-four, Mr. Hamilton, in replying to the objection that the proposed constitution of the United States contained no bill of rights, says: "I affirm that bills of rights in the sense and to the extent they are contended for are not only unnecessary to the proposed constitution, but would be even dangerous. They would contain various exceptions to powers not granted, and on this very account would afford a colorable pretext to claim more than were granted; for why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained when no power is given by which restrictions may be imposed? I will not contend that such a provision will confer a regulating power, but it is evident it would afford to men disposed to usurp a plausible pretense for claiming that power."

The debates in the communities of the several States upon the adoption of the constitution and bill of rights proposed, especially in Massachusetts, New Hampshire and New York, show that the purpose of the people in the adoption of the first eight amendments was to limit, and not enlarge the powers of Congress. See Elliott's Debates, vol. 1, pp. 322, 326, 328.

We are of opinion, therefore, that under the original constitution and the first eight articles of amendment, Congress had not the power to protect by law the people of a State in the freedom of speech and of the press, in the free exercise of religion, or in the right peaceably to assemble.

Jealousy of the power conferred on the Congress by the original constitution suggested and accomplished the adoption of the first ten amendments to the constitution, and we entirely agree with counsel for defendants that it was the purpose of the people by these amendments to reserve to themselves and the States the power to secure the rights enumerated therein against the action of Congress, and not give Congress power to enforce them as against the States.

We have thus far considered this demurrer, and it seems to have been argued for the defense without reference to the recent amendments to the constitution. As we are of opinion that the fourteenth amendment has a vital bearing upon the question raised, it is well that we should look to its provisions.

It declares that "all persons, born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside."

By the original constitution citizenship in the United States was a consequence of citizenship in a State. By this clause this order of things is reversed. Citizenship in the United States is defined, it is made independent of citizenship in a State, and citizenship in the State is a result of citizenship in the United States. So that a person born or naturalized in the United States, and subject to its jurisdiction, is, without reference to State constitutions or laws, entitled to all the privileges and immunities secured by the constitution of the United States to citizens thereof.

The amendment proceeds: "No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States."

What are the privileges and immunities of citizens of the United States here referred to?

They are undoubtedly those which may be denominated fundamental; which belong of right to the citizens of all free States, and which have at all times been enjoyed by the citizens of the several States which compose this Union from the time of their becoming free, independent and sovereign. 4 Wash. C. C. R. 380.

Among these we are safe in including those which in the constitution are expressly secured to the people, either as against the action of the federal or State governments. Included in these are the rights of freedom of speech and the right peaceably to assemble.

To recur now to the first ground of demurrer. Are these rights secured to the people by the constitution of the United States? We find that Congress is forbidden to impair them by the first amendment, and the States are forbidden to impair them by the fourteenth amendment. Can they not, then, be said to be completely secured? They are expressly recognized, and both Congress and the States are forbidden to abridge them. Before the fourteenth amendment, Congress could not impair them, but the State might. Since the fourteenth amendment, the bulwarks about these rights have been strengthened, and now the States are positively inhibited from impairing or abridging them, and so far as the provisions of the organic law can secure them they are completely and absolutely secured. The next clause of the fourteenth amendment reads: "Nor shall any State deny to any person within its jurisdiction the equal protection of the laws." Then follows an express grant of power to the federal government: "Congress may enforce this provision by appropriate legislation."

From these provisions it follows clearly, as it seems to us, that Congress has the power, by appropriate legislation, to protect the fundamental rights of citizens of the United States against unfriendly or insufficient State legislation, for the fourteenth amendment not only prohibits the making or enforcing of laws which shall abridge the privileges of the citizen, but prohibits the States from denying to all persons within its jurisdiction the equal protection of the laws. Denying includes inaction as well as action, and denying the equal protection of the laws includes the omission to protect, as well as the omission to pass laws for protection. The citizen of the United States is entitled to the enforcement of the laws for the protection of his fundamental rights, as well as the enactment of such laws. Therefore, to guard against the invasion of the citizen's fundamental rights, and to insure their adequate protection, as well against State legislation as State inaction or incompetency, the amendment gives Congress the power to force its provisions by appropriate legislation. And as it would be unseemly for Congress to interfere directly with the State enactments, and as it can not compel the activity of State officials, the only appropriate legislation it can make is that which will operate directly on offenders and offenses, and protect the rights which the amendment secures. The extent to which Congress shall exercise this power must depend on its discretion in view of the circumstances of each case. If the exercise of it in any case should seem to interfere with the domestic affairs of a State, it must be remembered that it is for the purpose of protecting federal rights, and these must be protected, even though it interfere with State laws or the administration of State laws.

We think, therefore, that the right of freedom of speech, and the other rights enumerated in the first eight articles of amendment to the constitution of the United States, are the privileges and immunities of citizens of the United States, that they are secured by the constitution, that Congress has the power to protect them by appropriate legislation.

We are further of opinion that the act on which this indictment is founded applies to cases of this kind, and that it is legislation appropriate to the end in view, namely, the protection of the fundamental rights of citizens of the United States.

But it is alleged for further ground of demurrer that this indictment charges the commission of several and distinct offenses. It charges that the defendants did band and conspire together with intent to injure, oppress, threaten and intimidate, etc. The well settled rule of criminal pleading is that the operative words of a criminal statute may all be inserted in the indictment, connected by the conjunctive "and," and that proof of any one of the acts charged will sustain the indictment. This indictment is framed under this rule, and we think this objection to it not well taken.

We are of opinion, also, that this indictment is sufficiently definite and certain. The law describes particularly the offenses created by it, and the indictment follows the language of the law.

Our conclusion is, therefore, that the demurrer to this indictment must be overruled. Busteed, J. concurred.

At a late hour last night the compliments of Mrs. Markey and Mrs. Murphy, of the "Hibernia Table," at the St. Patrick's Fair, Odd Fellows' Hall, were tendered to the REPUBLICAN, with a bowl of strawberry champagne punch.

We thank the ladies and wish them abundant success during the fair, which they are now gracing with their presence and assistance.

Mr. J. Y. Gilmore, of the New Iberia *Sugar-Bowl*, is in the city and will remain here several days soliciting advertisements and subscriptions for his paper. Mr. Gilmore knows how to do it, and he wins a success.

The Bay St. Louis *Gazette* says:

On Tuesday night, May 2, about eight o'clock, a violent rain storm passed over the gulf coast, which lasted for several hours. It did some damage in several places; among others, it threw down the hotel buildings in course of erection by Messrs. Murdock and Durbridge, in the western portion of the bay. These enterprising people have not been disheartened, however, by this mishap, but are hard at work again, erecting a stronger and more substantial building, to be ready, as originally proposed, by the first of June.

BY TELEGRAPH.

LATEST NEWS FROM ALL POINTS

THE HIGH COMMISSION TREATY SIGNED

PROVISIONS OF THE TREATY

Arrest of Gold Counterfeiters

IMPORTANT COURT OF CLAIMS DECISION

TOBACCONIST MAKING FALSE RETURNS

Heavy Verdict Against Him

WHAT THE GERMANS DECLARE

Insurrection Suppressed or Merciless War

RUMORED ENLISTMENT FOR NAPOLEON

WASHINGTON.

Mixed Spanish Commission—The High Commission—The Treaty Signed—Its Details—Death of Secretary Belknap's Child—Weather Synopsis and Probabilities—Arrest of Five Dollar Gold Counterfeiters in Florida—Important Decision by Court of Claims—Farm Animals of the United States—Corcoran's Condition Unchanged.

WASHINGTON, May 8.—The mixed Spanish commission consists of Otto, arbitrator, and Cushing, attorney, in behalf of the United States; Potistoa, arbitrator, and Carlisle, attorney, in behalf of Spain.

The high commission takes no cognizance of contracts between British subjects and the confederate government.

Assistant Commissioner Douglas acts during Pleasonton's absence.

Secretary Belknap's child is dead. The child's mother died recently. Doctors were constantly in attendance.

The treaty was signed to-day by the high commission at the State Department. The gentlemen, after this was done, exchanged congratulations on the result of their labors, expressing the belief that they had done the most they possibly could for the peace and honor of the two countries. Although the commissioners have been cautious in talking to persons outside of their own circle, the following points will be found to be correct.

First—There are to be two boards of arbitration or commissions. To one will be referred the Alabama claims, and to the other similar claims which are recognized as national, and to be settled on the principle of responsibility for such depredations where the government has not exercised the utmost diligence and possible precaution to prevent privateers from being fitted out in its ports to prey upon the commerce of a power with which it is at peace.

The other board is to take cognizance of miscellaneous claims, British and American, confined principally to the period of our late civil war. Among these are the St. Albans claims, for damage to property in that town by the Canadians, but no claims for the Fenian invasion of Canada are to be admitted. As to the claims of British subjects for seizures of their cotton, Great Britain, through its commissioners, does not recognize them in cases where such subjects took up their domicile in the South, as thereby they subjected themselves to all the risks and contingencies of war.

All legitimate claims for cotton will be considered. It has been reported that they will amount to thirteen or more millions, but this is considered to be a great exaggeration; they will probably not amount to $1,000,000. There will be no difficulty in ascertaining all the particulars, as the Treasury Department has full data of all the seizures of cotton, the name of the owners thereof, and all the particulars concerning the seizures.

Among the claims which will also come before this board will be that of our government, growing out of the purchase of saltpetre in the East Indies during the war, and which was seized by the British authorities. This government is aware that a full list of British claims was recently published in that country, but it also has information that many of them have already been adjusted, while others will not come within the provisions of the treaty.

There are other miscellaneous claims which will come before this second board. The San Juan question will be referred to the arbitration of a friendly sovereign, probably the Emperor of Brazil. From one of the documents which will accompany the submission, it is believed that the decision can not fail to be in favor of the United States. The treaty provides for the free navigation of the St. Lawrence by vessels of the United States, and for the use of the Canadian canals upon the payment of regular tolls.

There are also provisions regulating the privilege of fishing in Canadian waters, but these have not been ascertained with sufficient accuracy to justify their statement. The London *Times* of to-day mistakes in saying that the treaty must be ratified by both houses of Parliament. Legislation will however be required only to carry some of its provisions into effect.

Weather Report.—Synopsis for the past twenty-four hours: The barometer continues high on the Pacific coast, with pleasant weather. The lowest pressure still remains in Maine. The thermometer has risen somewhat, only to fall again, west and south of Pennsylvania. Fresh northeasterly winds have prevailed during Monday on lakes Michigan and Superior; southerly winds from Georgia to Texas; cloudy weather, with easterly winds, in the Ohio valley. The temperature is very low on Mount Washington, with a westerly gale. The falling of the barometer reported Sunday evening in Virginia and the Ohio valley passed eastward during the night, with light rain in Southern Illinois and Maryland.

Partially cloudy and clear weather will probably prevail, on Tuesday, on the lower lakes and the Atlantic coast; northeasterly winds on the upper lakes, and threatening weather west of the central Mississippi valley.

The Supervisor of Georgia and Florida reports the arrest of counterfeiters of five-dollar gold pieces, at Lake City, Florida. The machinery was seized.

The Court of Claims to-day decided the case of Slawson vs. United States in favor of the government, being a suit brought for the recovery of proceeds of a steamboat captured at Charleston, which had been used by the confederate authorities and was afterward, on a verbal agreement with Slawson, employed by the United States Quartermaster department, then turned over to the treasury agent and sold.

The judgment against the claimant is rendered on the ground that the court has no jurisdiction of suits to recover proceeds of any captured property which had been used for the purpose of carrying on war against the United States, and also for reasons that said boat having been appropriated by the federal army for military purposes, is exempted from the jurisdiction of this court by the act of July 4, 1864.

An investigation of the condition of farm animals of the United States, recently made by the Department of Agriculture, shows that fewer losses, either from disease or winter exposure, have resulted during the past season than for several years previously.

Losses amounting to millions of dollars have been heretofore reported yearly, but no epizootic has lately prevailed in any portion of the country. Restrictive laws and the practice of gathering Texas herds in the frontier depots has reduced the ravages of splenic fever.

The foot and mouth disease, which spread through a portion of New York and New England, was not fatal, and has nearly disappeared. Pleuro-pneumonia has been reduced to a few cases near the cities of the middle States. Charbon is now almost unknown in the South. Horses have been comparatively healthy. Swine have exhibited the greatest comparative mortality, but less than in former years. Sheep have suffered slightly from disease.

Farm stock of all kinds is almost uniformly reported in good condition. The hay crop was short last season, but of excellent quality. The corn crop was very large, and was fed liberally, and better care than usual was bestowed upon farm animals. This improved condition is attributed to abundant feed, more humane treatment, and the mildness of the past winter.

It has transpired that it is the emperor of Germany instead of Brazil who is to arbitrate the San Juan affair.

Mr. Corcoran's condition is unchanged.

NEW YORK.

Heavy Verdict Against a Tobacconist for False Returns of Sales—Caisson for East River Bridge Launched—Governments Firmer—The American Dramatic Fund.

NEW YORK, May 8.—A verdict for $104,000, the full amount claimed, was returned for the government against Lillienthal, tobacconist, for false returns of sales.

The caisson for the New York East river bridge was successfully launched to-day; it weighs 23,000 tons.

Arrived: Cortes and Princess Alice.

Evening—Money closed easy at 4@5; exceptions 3. Sterling firm. Gold 111