

ORLEANS REGISTER.

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NEW ORLEANS, FRIDAY, JUNE 20, 1873.

WHOLE NUMBER 1903.

MISCELLANEOUS.

AT WALSHE'S SHIRT STORE.

NEW GOODS - NEW GOODS

REDUCED PRICES FOR CASH.

Men, Boys and Children.

A substantially large and complete stock of GENTLEMEN'S FURNISHING GOODS.

PERFECT FITTING SHIRTS, of the own make, UNBURNISHED and DRAWERS, of low prices, COLLARS, CUFFS and STYLISH STOCKING.

Books for the school large stock of

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Billman & Jany, Proprietors.

The celebrated establishment has been fully re-fitted for the opening of the spring business.

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We offer to the trade of the Mississippi Valley

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THE TRUMPH REFRIGERATOR.

Has taken at the FIRST PREMIUM at every

State Fair since its introduction.

It is the BEST REFRIGERATOR at the last State

Fair in this city and at St. Louis last October.

For sale by

W. H. PETERSON, Proprietor.

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Between St. Charles and Camp streets.

The finest work at lowest prices. my 21

NEW ORLEANS, RED RIVER

LANDING

ALEXANDRIA LINE OF UNITED STATES MAIL

COACHES.

A Coach leaves New Orleans for Red River Landing

at 10 A. M. on the arrival of the packets

KATIE, FRANK PARDON and NATCHEZ from

New Orleans for St. Louis, Moreauville, Manassa,

Marksville, Bogalusa, Cheniereville, Levee, Ac-

cadet at 10 A. M. on the arrival of the packets

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POLITICAL SPASMS.

Letter from a Democratic Politician to a

Leading Republican.

We have been requested by the writer to

publish the following communication:

Dear Sir—Among the names of persons present

at and approving the proceedings of the

conference meeting of June 17 I find yours.

That the meeting was highly respectable

is a fact; that the motives of almost all

the signers were worthy and patriotic I am

willing to believe; that the action of the

assembly was heartily sincere and spontane-

ous I shall not try to doubt; that the

proceedings of the assembly were made

bold and magnanimous must be disputed

by some one more fond of carping and cen-

suring than I happen to be.

As a low down man, to remark a little

upon the fruits produced by this meeting

is, you are an honored representative of

the class of colored men and citizens, and

aside from your interests as a holder of

property, and from your position as the

chief of an important political bureau, aside

from your role as a leader and adviser in

the Republican party of Louisiana, you

have at least an apparent interest in the

welfare of your race, your kin and your

family, and therefore you have a right to

look with critical scrutiny into any scheme

that promises to better the state of

your people. If the movement of June 17

is to thrive and spread until the

whole State is affected; if it is to be

the harbinger and prodromer of reconcilia-

tion; if it is to be a step toward the

existing political difficulties; if it is to be

the author of a new and noble creed that

shall come home to the faith of all voters,

colored or white; if it is to do away with

all party intervention and to make a gen-

eral supervision undesirable and needless;

if it is to create and keep up a sentiment of

community in interest, if it is to cause an

amalgamation of the two races, if it is to

be a step toward the abolition of the

color line, if it is to make the colored man

pride of the friendship of the white man,

if it is to make the colored man proud of

the friendship of the white man, if it is

to make the colored man proud of the

friendship of the white man, if it is to

make the colored man proud of the

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make the colored man proud of the

COURT ITEMS.

Nothing was done in the First District

Court but impanel a jury in the Duffy

and Schonhausen case. They are charged

with forging and uttering a check purport-

ing to be signed by J. J. Daly.

In the Fourth District Court long strides

were made toward a speedy conclusion of

the libel case. The papers on which the

bill of exception of the defendant's coun-

sel will be written will probably amount to

enough to cover Lafayette's square.

Colonel Hill was put on the stand and

testified that all articles had to be sub-

mitted to Colonel Rhett before they were

published. Some of the directors wrote

articles. He did not see this article till

the suit was commenced. The board of di-

rectors had taken no action because the

suit was commenced so soon. In the matter

of the attacks on the lottery the ventilation

was ordered by the old board. The new

board elected in June, 1872, thought the

editor ought not to be restricted in his

discretion, and rescinded the resolution Au-

gust 22, 1872. The old board was not so

harmonious as the new board. Mr. Donnet

was dismissed under a resolution of Sep-

tember 2, 1872, in consequence of an alter-

ation in a telegram from Monroe.

During Mr. Hill's examination he at-

tempted to enter into an explanation before

answering. The court corrected him, and

on his persisting informed him he would be

punished unless he behaved himself. The

question was then answered. A jurymen

asked if an article written by him was sent

to the *Picayune* it would be published, and

was told if the editor approved of it it

would be published.

A dispute having arisen on the meaning

of Colonel Rhett's statement that the libel-

ous article was submitted to no one, he was

recalled. He explained the misunderstanding

by saying he read the article carefully

before it was sent up. Judge Cooley asked

if witness knew who wrote it. Colonel

Rhett said he did, but declined to say who.

On being pressed, the court protected the

witness, and decided he was not compelled

to answer.

The defense then entered the report of

the Senate committee, with the object to

show, under the general issue, that the

committee had found the same state of

facts that the article represented. Objected

and ruled out.

General Longstreet was then put on the

stand. Mr. Ogden said he desired to prove

by this witness, under the general issue,

that the Lynch board had no returns. The

court said that matter had been excluded.

Mr. Ogden suggested that it had been ex-

cluded when the case was presented with

the pleadings intact and before the de-

fendants had been restricted to proof under

the general issue. He desired to offer it

again at this stage. Objected to and ruled

out.

After consulting the defense rested,

and a recess of half an hour was taken.

Mr. Rice opened for the plaintiff. He

stated that his argument would not be as

interesting as some that would follow. The

ground of suit was a certain article pub-

lished in the *Picayune* of February 23, 1873,

charging the plaintiff with committing cer-

tain criminal acts and performing certain

duties for a reward. He then read the ar-

ticle in full. The answer of the defendant

is confined to a general denial. The word

perjury means a crime, as larceny or murder

does. The defense was at liberty to prove

the truth of the charge. He then read the

Revised Statutes on the subject. He de-

fined the difference between the criminal

prosecution as conducted by the State, and

the civil right of the injured party to dam-

ages. He defined libel, and the difference

between slander and libel. Abbott's Digest

says that any words tending to degrade are

libelous. If a person accuses another of a

crime, he has accused him of a thing

which is actionable in itself. Malice

is inferred. Treasa vs. Maddox, 11 An., 296;

King vs. Ballard, 10 An., 500. If the

defendant had not accused the plaintiff of

perjury, then his case falls. If he had,

then he was entitled to a verdict. On the

defense of justification he quoted from

Townsend on Libel and Slander, 357-8.

Where the charge is perjury, the plea must

allege that the plaintiff testified to what

was untrue. The same proof is required as

in a civil case. Townsend, 357, 358; 12 Vesey, 456.

The law of rumor as the defense was quoted

from Kendrick vs. Kemp, 6 N. S., 501; State

vs. Bateman, 15 An., 167; 2 Starke, 219.

Whether the defendant believed the charge

or not was no defense. Townsend, 133, 216.

The proprietor of a paper is responsible for

all that appears in his columns. Percett

vs. Wood, 25 An. The liberty of speech or

of the press has nothing to do with the sub-

ject. They are not endangered by the pun-

ishment of libelous publications. The li-

berality of Judge Hawkins. Hell is paved

with good intentions.

Judge Dibble quoted from 6 An., 314, to

show that even if the communication was

privileged, malice could be shown, and the

parties were responsible. The liberty

of the press does not include license and

licentiousness. Anything that was calcu-

lated to decrease the respect in which the

plaintiff was held was libelous. The di-

rectors were responsible because they had

acted through their responsible agents.

The court then adjourned till ten o'clock

this morning, when counsel for the defense

will have all the time they desire to present

their case.

An interesting habeas corpus case was

decided yesterday by Judge Cullom. T. F.

Neal, a book agent, was arrested under a

license ordinance for peddling without a

license. On being brought before Judge

Geron he was fined \$10. His counsel re-

quested that he be released, but denied

that the defendant could be punished crim-

inally if he did not pay it. Judge Geron

accepted the issue, and sentenced Mr. Neal

to ten days imprisonment. Counsel had a

petition for a writ of habeas corpus pre-

pared, and in a short time all parties were

before the Fifth District Court. Judge Cul-

lom decided the case under that clause of

the fifth amendment to the constitution of

the United States, which says: "Nor shall

any person be deprived of life, liberty

or property without due process of

law." Story on the Constitution, sec-

tion 303, says this is but an enlargement

of the language of Magna Charta: "Neither

will we pass upon him, nor condemn him,

but by the lawful judgment of his peers, or

by the law of the land." Lord Coke says

that these latter words, "by the law of the

land," mean by due process of law; that is,

without due presentment or indictment, and

being brought in to answer thereto by due

process of common law. So that this clause,

in effect, affirms the right of trial accord-

ing to the process and proceedings of the

common law.

Judge Cullom, in a verbal opinion, stated

the law of the case and released Mr. Neal.

This case settles finally and conclusively

the right of inferior magistrates to commit

offenders to the Parish Prison in default of

finer. But when a culprit makes his ap-