

NEW YORK HERALD

BROADWAY AND ANN STREET.

JAMES GORDON BENNETT, PROPRIETOR.

Volume XXXVIII, No. 143

AMUSEMENTS THIS EVENING.

- ATHENEUM, 533 Broadway.—Grand Variety Entertainment.
NIBLO'S GARDEN, Broadway, between Prince and Houston Sts.—Asiatic, or, The Magic Charm.
UNION SQUARE THEATRE, Union square, near Broadway.—Without a Heart.
OLYMPIC THEATRE, Broadway, between Houston and Broekler streets.—Hercy Duffly.
WALLACK'S THEATRE, Broadway and Thirteenth street.—The American Cousin.
BOOTH'S THEATRE, Twenty-third street, corner Sixth Avenue.—Amy Roberts.
NEW FIFTH AVENUE THEATRE, 725 and 730 Broadway.—Madame Moore.
BOWERY THEATRE, Bowery.—Life in the Streets.—The Girl of Genoa.
THEATRE COMIQUE, No. 54 Broadway.—Dixie; or, Our Colored Brother.
GRAND OPERA HOUSE, Twenty-third st. and Eighth av.—Mozart's Christ.
WOOD'S MUSEUM, Broadway, corner Thirtieth st.—Theater. Afternoon and evening.
STEINWAY HALL, Fourteenth street.—Grand Concert.
MRS. F. B. CONWAY'S BROOKLYN THEATRE.—Max and Wife.
CENTRAL PARK GARDEN.—Sonnets' Nights' Concerts.
TERRACE GARDEN THEATRE, 8th st., between Lexington and 3d avs.—Opera and Light Comedy.
TONY PASTOR'S OPERA HOUSE, No. 201 Bowery.—Variety Entertainment.
RYAN'S OPERA HOUSE, Twenty-third st., corner 3d av.—Nero and Desdemona.
THIRTY-FOURTH STREET THEATRE, 34th st., near 3d av.—Nero and Desdemona.
NEW YORK MUSEUM OF ANATOMY, 63 Broadway.—Science and Art.

TRIPLE SHEET.

New York, Thursday, May 23, 1873.

THE NEWS OF YESTERDAY.

To-Day's Contents of the Herald.

- ARREST OF ANOTHER HERALD CORRESPONDENT IN CUBA: A GRAVE QUESTION FOR SPAIN AND AMERICA.—EDITORIAL LEADER.—SIXTH PAGE.
ANOTHER EXECRABLE SPANISH ARREST! A REPUBLIC MAKING WAR UPON THE PRESS! THE HERALD'S HAVANA CORRESPONDENT SEIZED BY THE AUTHORITIES! THE DASTARDLY TREATMENT OF O'KELLY.—SEVENTH PAGE.
THE MODOCS AGAIN THRASHED! BATTLE ON ANTELOPE CREEK! SHARPSHOOTERS EMPLOYED AGAINST THE SAVAGES! ALLIANCES AMONG THE VARIOUS TRIBES AGAINST THE WHITES.—SEVENTH PAGE.
THE POPE IN IMMINENT DANGER OF DEATH FROM SUFFOCATION! THE COLLEGE OF CARDINALS PRESENT IN THE VATICAN, PREPARED FOR THE SADDENING CALL.—SEVENTH PAGE.
CHOLERA PREVALENT IN PRUSSIA! THE FRENCH ATLANTIC CABLE REPAIRED.—SEVENTH PAGE.
CARLIST ATTACK UPON AND CAPTURE OF A TOWN! DESPERATE RESISTANCE OF THE REPUBLICANS! THE ROYALISTS BUTCHERING PRISONERS OF WAR.—SEVENTH PAGE.
CABINET TROUBLES IN HOLLAND! THE MINISTERS PLACE THEIR RESIGNATIONS IN THE HANDS OF THE KING—IMPORTANT MISCELLANEOUS TELEGRAMS.—SEVENTH PAGE.
THE KILLING OF AGRAMONTE! SHOT TWICE IN A DESPERATE CONTEST! SPANISH JOY OVER HIS DEATH! THE NEW CAPTAIN GENERAL AND THE SITUATION.—THIRD PAGE.
WORLD'S FAIR NOTES AND NOTABILITIES! A GRAND DISPLAY OF EUROPEAN ROYALTY! BRILLIANT SCENES IN THE AUSTRIAN CAPITAL.—THIRD PAGE.
PRESIDENT THIERS TRIUMPHANT IN THE FRENCH ASSEMBLY! AN OBSTINATE STRUGGLE! THE LEGISLATIVE EXCITEMENT TO BE CONTINUED.—SEVENTH PAGE.
STATE CAPITAL NEWS—MR. CHASE'S WILL—YACHTING NOTES OF PREPARATION.—THIRD PAGE.
THE RAILWAY EXCAVATIONS ON FOURTH AVENUE! SATISFACTORY PROGRESS OF THE WORK! HOW THE TRACKS ARE SUNK! UPTOWN TRANSIT.—FIFTH PAGE.
JACKSON, THE NEGRO MURDERER, AT BELLEVUE! HE WILL UNDOUBTEDLY RECOVER! THE LATEST PHASES OF THE MYSTERY.—FOURTH PAGE.
NEWS FROM THE FEDERAL CENTRE—MARINE INTELLIGENCE.—TENTH PAGE.
ART TREASURES THIRTY CENTURIES OLD! DI CESNOLA'S CYPRIAN CURIOSITIES! PRIVATE AND PUBLIC VIEWS! WHAT MAY BE SEEN IN THE DOUGLAS MANSION.—FOURTH PAGE.
A GRAND ART SALE—TROTTING AT DEERFOOT PARK—AN ABOMINABLE CHEAT—A SOLAR SIGHT—BROOKLYN ORPHAN ASYLUM.—FOURTH PAGE.
IMPORTANT LITIGATIONS! LAIRD'S LIFE INSURANCE! BOND AND BANK SUITS—A BROKER'S DARING GAME.—FIFTH PAGE.
HEALTHY TONE OF THE DOMESTIC AND FOREIGN MONEY MARKETS! THE ADVANCE IN THE ENGLISH DISCOUNT RATE—REAL ESTATE OPERATIONS.—EIGHTH PAGE.
CITY HALL NOTES—MURDEROUS AFFRAY IN CONNECTICUT.—EIGHTH PAGE.

CAPTAIN JACK AND HIS BRAVES are again out of the lava beds and fighting in the open country. The troops have had a sharp fight with them, but evidently without gaining much advantage. The savages are retreating toward the country of the Pitt River Indians, who have been lately supplied with ammunition, and with the Ft. Utes, are now in alliance with the Modocs. Our despatches indicate the commencement of an Indian war, which cannot fail to be disastrous to civilization in the Territories of the West.

THE RUSSIAN MISSION goes begging. Judge Pierpont has declined it with thanks, and ex-Governor Jewell regrets that other engagements, &c. The President should look upon some distinguished gentleman for this post to whom the compensation will be an object; for the climate of St. Petersburg has no attractions to the American who can indulge in the leisure of Newport or the pleasures of Paris.

ON THE LOCAL OPTION BILL, the Assembly having sustained the Governor's veto by a vote of 52 for the bill, notwithstanding the Governor's objections, to 60 in support of the Governor, we shall probably have no further experiments on temperance from the present Legislature.

Arrest of Another Herald Correspondent in Cuba—A Grave Question for Spain and America.

Our special despatches from Havana this morning have two points of striking and remarkable interest. One of these is to the effect that Mr. O'Kelly is on his way from Santiago de Cuba to the capital, and the other announces the arrest of Mr. Leopold A. Price, an American citizen long resident in Cuba and for some time the HERALD correspondent in Havana. In the kind treatment extended to Mr. O'Kelly immediately after the order for his removal to Spain and his being brought to the chief city of the island, where he can find more comfortable provision for the voyage, we recognize a friendliness of feeling which would not have been shown if the Spanish authorities in Cuba had regarded the order of the home government as unfriendly in spirit. With these brighter indications looming up in a sky that was certainly dark enough, we are inclined to take a brighter view of the whole subject. We think we may at least expect a fair trial for Mr. O'Kelly in Madrid, and a speedy acquittal must follow the impartial trial of a man who has done no wrong and offended no law. The only danger to be apprehended is from too much intermeddling and over-officiousness in the Spanish Governor now commanding in Cuba. The arrest of Price shows that this danger is one not to be despised or undervalued; and while we think it can bring no harm to our correspondent, who for more than two years has done his duty with singular caution and discretion, we attach importance to it as evincing the dangerous spirit which we fear.

So far as we can learn no charges have been preferred against Mr. Price, and even the State Department and the American Consul General in Havana are ignorant of the cause of his arrest. We know of no reason for this action, except that he is the representative of this journal, commissioned by us to send to the HERALD the latest news from the Antilles. Whatever may be the charge—and it will probably involve his friendliness or unfriendliness to the Cuban cause—his arrest shows lamentable incapacity on the part of the authorities in Cuba. They are aiming a blow at the HERALD, and, based as their action must be upon false charges or no charges at all, it cannot fail to be futile and fruitless. It is no easy task to drive the representatives of an independent American journal from any country. Captain General Pieltain cannot make the island of which he is the temporary Governor a terra incognita to other countries. The ubiquitous newsgatherer and the insidious interviewer will continue to hold a footing in Cuba, as everywhere else. Every attempt at the suppression of the truth in regard to that province, either by the imprisonment or banishment of the representatives of American newspapers, will only revert upon the head of the official who attempts it, for the Spanish government is not likely to look with favor upon the blundering imbecility of men who can commit offences so foolish and so outrageous as this official has committed against a citizen of the United States in the case of Mr. Price.

We had hoped that no further complications would grow out of the charges preferred against Mr. O'Kelly. In his case there was at least a tentative and tangible ground for inquiry. He had penetrated the insurgent lines and obtained information in regard to the actual condition of the insurrection; but he did it in his simple capacity as a newsgatherer, and in a dignified, manly and straightforward way. But the case against him failed from its own inherent weakness, and from the friendliness recently exhibited toward him we were led to believe that the action of the Ministry in ordering him to Madrid was only a formal method for his discharge. It cannot be that these kindlier acts belied a kinder purpose, and that we are wrong in the expectations which were grounded upon recent good treatment of our commissioner. But we are met by further complications even before Mr. O'Kelly has left the island on his way to Spain. When he arrives in Havana he will find another HERALD prisoner, held by the same power which holds him, and his long voyage will be embittered by doubts as to the fate of his fellow in misfortune.

The arrest of Mr. Price, following so closely upon the order for Mr. O'Kelly's removal to Spain, shows a singular unfriendliness on the part of the Cuban authorities toward the United States. As if grieved by the escape of Mr. O'Kelly from their control, they seek a new and most unexpected occasion to insult the American people. An American citizen living quietly with his family in Havana, and taking no interest in Spanish or Cuban affairs, except as his duties as the representative of the HERALD required, is suddenly dragged from his home and cast into prison without explanation and without cause. The outrage upon the rights of American citizenship is unmistakable, but whether it is not intended as much as an insult to the Spanish as to the American government is problematical. It is plainly a casus belli, and seems intended not only as a piece of bravado toward both governments, but as a palpable effort at embroiling the two countries in war. The Spaniards in Cuba have somehow imbibed the fatal notion that the American people will not fight, and that it is safe to offer the American government all manner of wanton insults. We seek no wars and never have sought them, but when they came we always accepted the gage of battle with calm satisfaction, and never yet have suffered loss. In a war about Cuba we have everything to gain, and Spain and the Spaniards everything to lose. But we seek no war, even with Spain. If it comes it will come against our wish, and will be all the more welcome because it is not of our making. Spain must take the responsibility for the acts of her officers in Cuba; and if the arbitrary treatment of the HERALD correspondents is persisted in war will come sooner than Captain General Pieltain expects.

Many things conduce to make a war with Spain more difficult to prevent than to provoke. Under the old royal régime the two countries, though at peace and nominally friendly, were never very far from the outbreak of a war. Like the typical bruiser who begs some friendly hand to pull his coattail, both countries were long eager for a hostile word and a hostile blow, especially if the blow came first. The establishment of the Republic in Spain has slightly mitigated this feeling, but the word and the blow are im-

pending even now. Many acts of petty tyranny and insult towards American citizens are still treasured against Spain. In the Rojas affair a principle of American allegiance in contravention of Mr. Marcy's doctrine in the Koszta matter has just been decided against us and in favor of Spain by the Minister of the very Power which had previously conceded the point. If Mr. Marcy was Secretary of State to-day the arbitrary action against Mr. Price would be the occasion for the assertion of a still higher principle, and the blow would follow speedily after the word. But the most peaceful of secretaries cannot overlook an insult so direct and so wanton, and we are pleased to hear that the government at Washington is fully alive to the importance of the occasion.

This cause is the cause both of the American people and the American press. The insult is aimed at people and press alike. The case against Price, utterly groundless as it must prove, cannot be passed by without a proper assertion of the dignity of American nationality. It displays the utter incapacity and wantonness of the Cuban authorities. It shows the danger from the Satrap rulers in Cuba which always impends over American citizens. It proclaims its own unmistakable purpose—a war with the United States. It is the last blow of absolute power at an independent journal and its representatives. In all of these aspects it has a significance which no similar case ever before possessed. The question is an exceedingly grave one, both for Spain and America. The Spanish government evidently could not foresee or prevent a complication so unexpected. But now immediate action by Spain is necessary to remedy the wrong which has been done. This man is an American citizen, guilty of no offence, and the flag of his country must protect him if his wrongs are not speedily righted. The United States government must extend its strong arms in his behalf if Spain does not do him justice. The question is a grave one for us, but it is a still graver matter for the Spanish Republic to allow its puppets in Cuba to provoke the Republic of the United States and embroil the two countries in war.

The Story of the Death of Captain Hall.

The narrative of the Polar, as published in the HERALD of yesterday, has created a profound feeling. Freightened as it was with the moving story of the drift of one hundred and ninety-six days upon the ice, it could not fail of this. The additional interest which it gave to the story in the disjointed utterances of the Esquimaux regarding the death of the commander of the expedition covers one of the most painful incidents possible to arise in journalism. All the finer emotions are awakened touching the fate of the unfortunate beings left in the Arctic regions upon the Polar. From the miraculous preservation of Captain Tyson's party the public mind strains itself to guess at the conditions under which the men with Captain Buddington support life in face of the ever-impending death of the ice-bound region. Has he been able to keep the leaking, strained ship in condition to steam south when opportunity offers? Has he been obliged, like Franklin, to abandon her and strike southward over the ice and snow? The rude cairns, with the sad records of death within, found by McClintock in his search for Sir John Franklin, show us how fearfully the chances are against the forlorn wanderer in such a case. With all these things before our eyes, it will be understood how painful the task is of giving such particulars to the public as those which came from the Esquimaux touching the fatal sickness of Captain Hall. That they vaguely formulate a revolting theory is not our fault. Those who are on their way here and those whom we strongly urge and have urged every effort to be made to save must speak before a haunting surmise can in justice be allowed to take more definite shape. We can, in this relation, at present, speak with certainty of but one fact—namely, that Captain Hall is dead. The manner and the cause of his end rest in the shadow, out of which all who can speak knowingly should endeavor to lift them. Unjust as it would be to make any accusation under circumstances so distressing, the statements already made point the necessity of searching inquiry wherever it can be followed.

A FLANK MOVEMENT BY THE ASIATIC CHOLERA.—The Health Officer of Cincinnati has officially proclaimed the existence of the Asiatic cholera in New Orleans and that there is danger of its transmission northward by the river steamboats. In fact, it appears that one man with the disease, contracted in New Orleans, has already died from it in Cincinnati. Thus, while we have been watching for this dreaded pestilence at Sandy Hook, it has by a flank movement stolen into the country at New Orleans. Is New York city prepared to meet it? The official report issued yesterday of the frightfully filthy condition of the Five Points says no! We are not prepared to repel the cholera. Here is a matter for our Board of Health upon which they cannot too soon proceed to action.

"A TALE OF TWO CITIES."—Connecticut has two State capitals—Hartford and New Haven; but yesterday, by 16 to 5 (over a two-thirds vote), the State Senate voted that Hartford will do. New Haven, however, may upset this in the House; but if they can do no better why can not the two cities agree to fix the State House half way between them? Why not?

OUR FOREIGN TRADE.—The report of the Washington Bureau of Statistics, in closing up the record of the year 1872, shows that during that period the imports of foreign goods exceeded the exports of domestic produce to the extent of \$34,000,000, all the estimates being in specie. During the same year the excess of exports of bullion over imports was \$71,000,000, leaving us in debt on trade account about twenty-three million dollars. The latter sum, however, was, doubtless, made up by the negotiation abroad of new American railroad loans, the sale of government bonds and other similar transactions. The character of our foreign trade for the expired portion of 1873 indicates a still healthier equality between the imports and exports, which, if observed to the close of the year, will spare us the necessity of so heavily sending abroad, as heretofore, the precious metals.

Mayor Havemeyer and His Appointments.

Mayor Havemeyer, after a contest which at one time promised to be of doubtful result, has at last achieved success over every meditated combination, and he is to-day more completely Mayor of New York than were any of his predecessors. He has a power of appointment long denied to the chief executive officer of the metropolis, together with a Board of Aldermen as subservient to his wishes as is the United States Senate to the will of President Grant. He has been able to fill the different commissions in his own way. All his nominations have been or will be confirmed, and to-day the city government is constituted exactly as he chose to constitute it. Feeling himself but slightly constrained by political considerations he has chosen men for office because of their assumed fitness and integrity, and at the outset, at least, he is sustained by the honest and earnest men of all parties. But his administration can only be said to have begun, and everybody is looking to the future as the test of its success; for Mayor Havemeyer must expect to be tried by a rule more severe than was applied to any of his predecessors. This is right, since it is only the application of the old Bible rule—the more a man has the more will be required of him. Having everything his own way in the beginning the Mayor must show in the end not only that his administration was honest and economical, but that it was wise in all things and in all things thoroughly in sympathy with the needs of this great and growing city.

We draw no inferences from Mayor Havemeyer's appointments, but still we would warn the Mayor and the Commissions chosen by him that his second term cannot safely begin where his previous administration ended. The New York of to-day is not the New York of 1846 or of 1850. When Mr. Havemeyer was Mayor before there was little difficulty in carrying on the city government with four million dollars per annum. We had no Central Park at that time. The police force was comparatively a small one. The charitable institutions were fewer and of much less importance. The streets had not yet begun to ramify the whole island, and boulevards were as yet unnecessary. The Mayoralty was to a great extent a personal office. Since that time the metropolis has grown in extent, in wealth and in greatness. Improvements in the Park are as necessary now as is the Park itself. The construction of new streets and boulevards in the upper part of the island must be pursued with no niggard policy. Sweet charity must not be forgotten by the government of a great city. In all respects the Mayor and the Commissioners appointed by him must exercise their functions with wisdom and liberality as well as economy. New York asks no parsimony in its rulers and will have no hide-bound policy. Progress and improvement are the watchwords of both parties, and if Mr. Havemeyer would round his reputation as an active as well as an honest administrator of the affairs of the metropolis he will see to it that all necessary public works are pushed forward with vigor and economy.

But economy does not always consist in the temporary saving of money. If the new Court House had been built in two years instead of in ten it would not have cost anything like the enormous sums expended upon it. Every stoppage in the prosecution of a public work is a waste of money. Most of the improvements contemplated in different parts of the island must be finished at no very distant day, and delay in completing is only a pretence of economy. The unfinished conservatory in the Park is a case in point. When the work is carried forward hereafter it will be found that the money already expended was expended in vain because of unnecessary delay. Mayor Havemeyer must remember that he will be held responsible for losses of this kind, and not only for such losses, but for any backwardness in promoting the development and growth of the metropolis. If he would be a successful Mayor he must be a live Mayor, fully awake to the spirit of the time. He has everything that he wanted, and having everything his own way he cannot fail in the requirements of his position and then shield himself by saying that he was crippled by circumstances over which he had no control. We shall expect from him a good and great work.

Our Rainy Season.

It seems as if our May is to be little better than the rainy season of the Tropics. The frequency of the April rains has been exceeded, so far, by those of the present month, and now we have the regular northeaster, with its cold and watery weather. The prevailing weather has extended over the whole country and has for two or three days been felt, with little intermission, in the South and West. As yet the Northwestern streams have not begun to show any traces of the melting of the Rocky Mountain snows, which it is presumable are to be heard from next month. It is said the cotton crops have already been threatened by the long and heavy rains of the South, and the prospect does not seem very bright for clearer and more favorable weather. This wet visitation may perhaps account for the swarms of grasshoppers reported from the Gulf coast as invading Texas and the adjacent country, and greatly alarming agriculturists. Should the next few weeks bring a rapid and levee-destroying flood in the Mississippi River the result may be an unusually short cotton crop and an extraordinary fluctuation in the cotton market. It does not appear that the rivers have yet begun to feel the effects of these latest rains, as the rainfall has been heaviest in the Gulf States. It is usual with a May northeaster to have two or three days of rain, and we may as well be prepared for it in the present instance.

THE WONDERS OF ASSYRIA.—George Smith, of London, in his diggings into the ancient site of the once great city of Nineveh, has unearthed the recently missing fragments of the old Assyrian record of the Deluge; and, better still, he has found a library in stone of an Assyrian king. Thus, after the lapse of thousands of years, the secrets of the mighty nations and peoples of the past are coming to light—as, for instance, in the late discoveries in Jerusalem and Cyprus, and in the buried ruins of the Temple of Diana and ancient Troy, and now in these Assyrian treasures. Best of all, that solid old book the Bible comes out of all these tests like gold from the crucible.

The De Rojas Case—The Question of Fall and Inept Citizenship.

While we do not impugn the judgment of Baron Lederer, the Austrian Minister, and the arbitrator in the case of Perfecto de Rojas before the United States and Spanish Mixed Commission, and are willing to concede the Baron gave an honest decision, it must have been a matter of gratification to this successor of Chevalier Hulsemann to be able thus virtually to reverse the principle enunciated by Secretary Marcy against the Austrian government in the case of Martin Koszta. Though the nature of the claims of Rojas and Koszta for protection and redress from the United States is different, the question of citizenship involved in both is the same. Indeed, the decision in each case turned upon that question.

We will state briefly the case of Rojas. This gentleman claims indemnity from Spain as a citizen of the United States for injuries done to his property in Cuba, he having, as his memorial shows, become a resident of this country, forsworn allegiance to Spain and taken the oath of allegiance to the United States, in his declaration to become a citizen, on the 28th of September, 1870. This claim was referred to the United States and Spanish Mixed Commission, provided for by an agreement between the two nations, dated February 12, 1871. This agreement is entitled a "Memorandum of an arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the government of Spain, for wrongs and injuries committed against their persons and property, or against the persons and property (of those) of whom the said heirs are the legal representatives, by the authorities of Spain, in the island of Cuba, or within the maritime jurisdiction thereof, since the commencement of the present insurrection." The arbitrators of this Commission were—Judge Otto on the part of the United States, Mr. Potestad on the part of Spain, and Baron Lederer, the Austrian Minister.

The argument on the Spanish side was that Rojas was not a citizen of the United States according to international law and the true meaning of the agreement between Spain and the United States for the settlement of claims. Of course legal technicalities and precedents were furnished to sustain this view of the matter, which it is unnecessary to quote here. They can be cited to sustain anything, however illogical. On the other side the American arbitrator maintained that the declaration to become a citizen of the United States, which involved the renunciation of allegiance to any other government and oath of allegiance to the United States, invested the declarant with American citizenship, though all the forms or conditions for the full exercise of municipal or political privileges might not have been performed. The famous letter of Secretary Marcy in the Koszta case was cited in support of this view. As this has been considered the American doctrine on the question, and as the government proceeded to the extreme of armed intervention to sustain it in that case, we will recite Mr. Marcy's language as quoted by the American arbitrator. It is as follows:—

The conclusions at which the President has arrived, after a full examination of the transaction at Smyrna, and a respectful consideration of the views of the Austrian government thereon, as presented in Mr. Hulsemann's note, are that Koszta, when seized and imprisoned, was invested with the nationality of the United States, and they had, therefore, the right, if they chose to exercise it, to extend their protection to him; that, from international law—the only law which can be rightfully appealed to for rules of action in this case—Austria could derive no authority to obstruct or interfere with the United States in the exercise of this right, in effecting the liberation of Koszta; and that Captain Ingram's interposition for his release was, under the peculiar and extraordinary circumstances of the case, right and proper.

Koszta was precisely in the same position as Rojas. He had forsworn allegiance to Austria and declared his intention to become a citizen of the United States. There is even this difference in favor of Rojas, that he continued to reside in the United States, while Koszta was on foreign soil.

The argument of the American arbitrator, Judge Otto, seems to us unanswerable both in an international point of view and as a principle established by our government. He says:—"The claimant has, in due form of law, declared his intention to become a citizen of the United States and to renounce allegiance to his former sovereign. He is now subject to no Power but that of the United States, and owes allegiance to the nationality of the United States only. The true question before us is not to what extent or in what degree he is a citizen, for that is a municipal question with which, as an international tribunal, the Commission is not to deal. The petitioner is presented here by the government of the United States as a citizen whose rights the government asserts, and such assertion should be conclusive of his *ius standi in judicio*." Judge Otto then goes on to show that the law of nations on this subject was clearly and conclusively expounded by Secretary Marcy in the Koszta case.

Baron Lederer, being the third arbitrator and the umpire on these conflicting views of the Spanish and American arbitrators, decided against Rojas, thus, in effect, taking the Spanish view of the question. It does not appear that any other issue than that of citizenship was raised. That denied, the claim fell to the ground, and there was no necessity to discuss the claim from other points of view. This is a curious decision, and involves an important principle, reaching far beyond the interests of Mr. Rojas. Hundred of thousands of citizens, or inchoate citizens, as the case may be, are concerned. The dignity, policy and declared principle of international law by the United States are assailed. We cannot imagine that the government, in making the agreement or convention with Spain for the settlement of claims growing out of the troubles in Cuba, contemplated that the arbitrators were to decide the question of American citizenship, and, as a consequence, to decide the international law bearing upon the subject of citizenship. Yet Baron Lederer, as the umpire, has in effect so decided. There was a mistake, we fear, in making that agreement on the part of our government in not placing this question outside of the arbitration or in not defining the status of citizenship. Judge Otto properly said, "The petitioner (Rojas) is presented here by the government of the United States as a citizen whose rights the government asserts, and such assertion should be conclusive of his *ius standi in judicio*." How, then, or by what right, could the arbitrators go beyond that and decide that Rojas was not a citizen? We do not think this was properly a question

before the arbitrators. Whether the decision will stand or not under the agreement between the United States and Spain remains to be seen.

At all events, our government ought not to let this matter pass without some remarks and defining its position on the question raised. It is necessary to have a fixed policy and to determine what are the rights and privileges of those who abjure allegiance to any other nationality, take the oath of allegiance to the United States and establish their domicile in this country and under its laws. It is absurd to suppose people can remain without allegiance to some government—that the millions of emigrants that come here and declare their intentions can be pariahs without any duties or protection. Either they are citizens of the United States or subjects or citizens of some other Power. Let it be known which. In our opinion Mr. Marcy declared the true principle that should be adhered to, and which the government should carry out. If, however, that be untenable, and the government be not prepared to enforce it, let our adopted citizens know the fact. At least, this important matter should not be decided by any side issue and by the representative of a European monarchy. Baron Lederer has made a decision honestly, no doubt, according to his views, but not in accordance with American sentiment and the policy of our government heretofore.

President Thiers' Power in the French Parliament—An Omen of Coming Triumph.

The National Assembly of France completed its organization, by the election of Vice Presidents, during yesterday's session. M. Mariel, an avowed supporter of President Thiers, was a candidate for the fourth Vice Presidency. His nomination gave rise to an obstinate opposition and a most exciting contest in a very full house. Six hundred and fifty-three members were present during the proceedings. M. Mariel was elected by a majority of seven votes. The announcement of the result produced a profound sensation. The Bonapartists, Orleansists and Legitimists of every shade of feeling combined against the Executive interest, but the coalition was defeated by the energetic attitude and steadfast allegiance of the supporters of the Republic. The Thiers executive is vastly encouraged. The opposition has been stimulated to renewed effort. Party summonses have been forwarded to every member of the Assembly, invoking their presence in the Legislative Chamber during the debate which will take place next Friday, when, it is evident, an important crisis in the history of the French Republic will be evolved. The postponement of the debate on the interpellation until Friday, no matter how brought about, but puts off for a day or two a great fight which is inevitable. It has long been apparent that a crisis was impending. The resignation of MM. Goulard and Simon revealed trouble, and the appointments which the President has since made have not by any means cleared the political horizon. President Thiers has shown a determination to lean upon the Left Centre, and by a judicious use of the elements at his disposal to establish the Republic. The new men have been chosen not from the conservative and monarchial Right, but from the radical and republican Left. The monarchists still feel their strength. On many questions the Right and the Left are about evenly balanced. It is well known that the strongest desire of the Left is to vote a dissolution of the present Assembly. On Monday a motion was made for the dissolution of the Assembly by a member of the Extreme Left; but by an overwhelming majority the motion was voted down, and the dissolution, in consequence, was indefinitely postponed. The re-election of M. Buffet as President of the Assembly on Tuesday equally reveals conservative strength. It is felt by the Right that the time has come for decided action; and it is significant that the Right centre has decided to demand from the government explanations regarding the recent Ministerial changes. What with the debate on the interpellation and the discussion of the constitutional bills submitted by Minister of Justice Dufaure, we are likely, before the day comes for the recess of the Assembly, to have lively times in France. The overthrow of President Thiers may not be found an easy task; but it is impossible to refuse to admit that the hopes of the monarchists and of the republicans are about equally trembling in a balance which "kicks the beam" at a majority of seven voices. The debate which is to come off on Friday will show whether the Right is strong enough to overthrow President Thiers.

THE CESNOLA ANTIQUITIES MADE PUBLIC.

Reference to another portion of this paper will disclose the fact that a private reception to the press, at the Douglas mansion, where the Cyprian antiquities discovered by General L. P. di Cesnola are deposited, will probably be given to-morrow, and that the exhibition will be thrown open to the public next Monday. It was at first intended to delay the opening until the Fall, in order to allow General di Cesnola to complete the arrangement of them; but the trustees of the Metropolitan Museum of Art, to which the antiquities have been presented by Mr. John Taylor Johnston, their generous and discriminating purchaser, have resolved to give the public an immediate opportunity of inspecting what is certainly the most wonderful exposition of the kind ever beheld on the American Continent. We are not amazed that every European archaeologist envies us. The fulness of our report precludes the necessity for further comment; but it is in place to add that the energy, enterprise and self-devotion of General di Cesnola, the discoverer of these invaluable antiquities, are paralleled only by the liberality and broadsightedness of Mr. John Taylor Johnston, their purchaser, and of the trustees who sustain him.

THE NEW BROOM AT CASTLE GARDEN.

The new Commissioners of Emigration are already showing signs of activity by visiting and inspecting the various departments of the institution entrusted to their hands. That they will find many reforms to be initiated, many abuses to be corrected and barnacles to be removed is very evident from the stormy scenes and ugly charges that occasionally troubled their predecessors. The tide of emigration to this port is on the increase every year, and it will tax all the attention, patience and honesty of purpose of the Castle Garden officials to