Double Sheet Crescent.

NEW ORLEANS:

MONDAY MORNING, MARCH 3, 1856.

Report of the Board of Health.

The report of the Board of Health of this city, made in accordance with law to the Senate and House of Representatives, for the year past, embraces two documents prepared by the Secretary, Capt. Lahman, and the President, Dr. Choppin. We have received a copy of the pamphlet containing these papers and extract the following important facts from them.

In accordance with the law of 1855, authorizing their conduct, the Board of Health has located a Quarantine Station on the left bank of the Mississippi, about thirty-five miles from the head of the Passes, and about seventy-two miles below the city. It measures eight acres front by forty acres deep, between parallel lines, making a beautiful enclosure for the purposes of a quarantine station. The grounds are spacious, well drained, and have many fine shade trees. The wind has an unobstructed course opened for it in almost every direction, and this every external means is improved to render the spot both healthy and beautiful.

The authority of the Board has been used in the erection of four buildings. A main hospital, 120 feet long by 45 feet wide, two stories high, with galleries nine feet wide, both above and below.

A minor hospital, or pest house, for malignant and eminently contagious diseases. Two stories high, with galleries, and eighty feet long, has been erected, making the opportunities for separating the diseases which are contagious, and for fully accommodating all, unequalled.

The receipts of the Board last year—ending on the 1st of January—were $67,468 18, of this amount $45,000 was received from the State under the law of 15th March, 1855; $15,593 75 was received from vessels at the Mississippi Station; $2,191 94 from the Atchafalaya Station, and $682 40 from the Rigolets Station. The expenditures were as follows: Expenses Mississippi Station, $41,701 50; Rigolets Station, $2,471 67; Atchafalaya Station, $7,811 63; expenses office in New Orleans, $7,358 87.

The liabilities of the Board amount to $28,740 13, and its assets $12,124 51.

A further appropriation of twenty thousand dollars is asked for, hoping with that sum to make the concern pay for itself. The establishment of the stations caused the excess the present year over what it will hereafter be, of $39,500. The stations on the Atchafalaya and at Fort Pike, on the Rigolets, have been discontinued since the first of November last. A discussion of the contagious character of fever and a demonstration of the benefits arising from quarantine stations in other cities, makes a very interesting portion of the report. It is shown that our imports from countries where yellow fever prevails, and from which vessels would therefore be quarantined, is $2,388,713, more than one-half of which is from Mexico; while the total value of imports is about $100,000,000—the imports from sea being $46,000,000. But for the epidemics, it is thought, they would have been $200,000,000 per annum.

The character, history and nature of epidemics and quarantine stations, are fully and elaborately reviewed. The station on the river, whatever it may have accomplished, or failed to accomplish, with regard to yellow fever, has prevented ship-fever and small-pox from being imported. Confessing the failure of the plan to have accomplished all in one year that it may do when throughly organized, and predicting much success for it hereafter, the report and our summary thereof both close.

DRUGS AND MEDICINES.—Byrne & Co., corner of Camp and Common streets, wholesale and retail druggists and apothecaries, offer to the public and country merchants an excellent and complete supply of drugs, chemicals, patent medicines, perfumery, toilette articles, ship, steamboat and plantation medicine chests, and various kinds of medicinal waters. Druggists and physicians will find the purchases to be what they are recommended, and those who have prescriptions to be compounded, can have them carefully attended to.

FRESH GARDEN SEEDS.—D. Maupay, No. 61 Gravier street, who, for how long a time we know not, has been engaged in improving the quality of garden produce, has just received a fresh assortment of seeds of the growth of 1855, comprising all seasonable varieties, which he offers by the dozen, hundred or thousand papers for country market use. The same kind of seeds, of equal freshness and purity, are put up in an assorted variety, for plantation use.

WHOLESALE AND RETAIL DRUG STORE.—James Syme, druggist, corner of Canal and Carondelet streets, has a very large and well selected stock of fresh drugs, patent medicines, surgical instruments, and other articles belonging to his business, selected with great care, and for sale on the most reasonable terms. Physicians, druggists, planters and country dealers who are making purchases, will find everything they need to complete their selections, at his store, and can rely upon the purity of each article that is obtained there.

Particular attention will be bestowed, paid to putting up prescriptions; and residents of the city accustomed to notice as of curative preparations, can rely upon obtaining of him the purest and most efficacious medicines. Surgical instruments of French, English and American manufacture, may also be obtained at the same place. Refer to the advertisement.

BAREGES, MUSLINS, ORGANDIES AND MOURNING GOODS.—Horace Bixby, No. 138 Camp street, continuing the extent and variety of his former stock of dry and fancy goods, has invested it by a large, fashionable and highly desirable supply of barages, muslins, organdies, cambrics and lawns; also, muslins, embroidered sleeves and collars, robes and handkerchiefs. The ladies will not be able, by the usual distributes displays, to find more beautiful fabrics with more fancy designs, nor to obtain them at any less prices. See the advertisement.

SPRING, SUMMER AND MOURNING GOODS.—Gippel & Jamison, No. 18 Chartres street, have just received, and opened to day a full supply of new styles of barages, muslins, tissues, jaconets and other dress goods, which surpass, in elegance of figure, taste and quality of fabric, those which have preceded them, and will gratify the most exacting taste. In addition to these articles of dress goods, which are of first importance, they have the most valuable auxiliaries: lace mantillas, points, shawls and veils, with whatever else is required for full dress or parlor dress.

Those who are in mourning will find no fuller or more desirable stock of mourning goods in the city, comprising black silks, alpacas, delaines, barages, crapes, bombazines and collenes. All who are making selections of dress or dry goods should call on them.

GEM GROCERY STORE.—For the choiceness, purity and excellence of such articles as are to be procured at its counter, there is, perhaps, no one which can take precedence of the "Gem Grocery" of E. L. Bercier, No. 23 Baronne street, opposite the Lafayette Railroad Depot. A full supply of excellent wines, brandies, liquors and cordials, together with fresh grocery, can always be procured at the "Gem." Purchasers should note the fact.

NEW SPRING GOODS.—D. P. Scanlan & Co., Nos. 12 and 14 Chartres street, solicit the attention of ladies resident in our city, to their very full and choice stock of new spring goods, comprising silks of all kinds, qualities, colors and descriptions; printed muslins and barages, jaconets, barages, embroideries, mantillas, millinery, and a great variety of other articles, imported and selected. All who wish to keep pace with the year, and apparel themselves fresh to welcome in the season of birds and summer breezes, should reject all the announcement and pay a personal visit to the depot of so much elegance.

SOUTHERN FURNITURE ROOMS.—Charles A. Stewart, Nos. 171 and 173 Canal street, continues to maintain and increase the former desirable reputation of his furniture warerooms, by keeping constantly on hand the latest styles of the parlor, chamber, kitchen and office furniture, manufactured in the best manner and of the best material. The supply of mahogany armoire and bedsteads and household furniture generally, is equal to any in the city.

SHIRTS AND FURNISHING GOODS.—Gentlemen who are desirous of procuring that first and indispensable requisite for a complete wardrobe, a well made shirt, should not fail visiting S. N. Moody's store, corner of Canal and Exchange Place. He is supplied with a very large stock, embracing all styles and qualities, made up in a fine manner from the best goods. Those who desire, can have their shirts made to order.

GREAT SOUTHERN REMEDY.—Among the many medicines possessed of great use and efficacy, especially in this climate, is Woodman's Cherry Expectorant, a pure decoction of the wild cherry bark, comprising many valuable ingredients, that render it superior to any other cough medicine. The nature of the remedy and its style of operation are explained in the advertisement, which guarantees it superior to cod-liver oil, cherry pectoral, or any thing else now extant. It can be procured in this city of O. O. Woodman, corner of Common and Magazine streets.

GENTLEMEN'S CLOTHING.—The mammoth clothing establishment of Alfred Munroe & Co., No. 34 Magazine street, is one of those peculiar features of New Orleans business which should not fail of attracting the attention and patronage of all who visit the Southern metropolis. The assortment of fashionable and durable garments, for men and boys, cannot be surpassed, either in extent or variety, in this city, if elsewhere. The advertisement, to which we would direct reference for full details, catalogues every variety and every quality of clothing; that which is needed for frontier life, and that which is appropriate to life in the city. The prices will readily commend themselves to customers, so that those who go once will be sure to go again.

In addition to the usual stock, a full supply of India rubber clothing, a large variety of trunks, valises and carpet bags, with many other articles too numerous to be specified in a notice, can be procured there—all of the best quality and on the most reasonable terms.

Jewish Widows' and Orphans' Home.

We have received a pamphlet containing an account of the dedication of the Home for Jewish Widows and Orphans, situated on Jackson and Chippewa streets, in the Fourth District. The dedication occurred on the eighth of January, and was attended by a great many people, of all persuasions, from all parts of the city.

The ground on which the Home is erected faces 120 feet on Jackson, and 180 feet on Chippewa streets. The building fronts 66 feet on the former, with a depth of 41 feet on the latter, and is three stories high. The facade and portico are neat and somewhat ornamental, but comfort and use have been sought for more than show. The windows are large and well ventilated, and the passages broad—intersecting one another at regular distances. The lower story contains a parlor, matron's room, committee room, dining room—39 by 21 feet—store-rooms, pantry, kitchen, bath, and other rooms—well lit and abundantly ventilated. The second and third stories are devoted to sleeping rooms—all arranged with a view to comfort and health. The position of the building is well-chosen for rendering the dormitories cool and pleasant. Pipes have been laid in every room and hall for conducting gas, and for carrying water from the cisterns, of which there are two large ones, and, also, a very deep well. The grounds are well filled up and graded, and, when the shrubbery grows green, will be very pleasant.

Following this outline of the buildings, the pamphlet contains an account of the ceremonies, and gives the prayer and the address which attended the dedication. They were very outweighing, and well adapted to the occasion.

Following the address, the ladies and gentlemen present were invited into the hall of the building where refreshments had been provided. After the usual toasts and speeches belonging to such an occasion had been disposed of, Sir Moses Montfiore, "the shining pillar of Jewish philanthropy," was elected First Honorary Member of the Association. The most interesting feature of the occasion was, however, the liberal amount of subscriptions then made, which amounted to $2,580; subsequently increased by the subscriptions of ladies, amounting to $756, to the handsome sum of $3,608; which may well be set down as a large and honorable charity from those who gave it.

New Orleans is full of great public charities of all kinds, intended to aid the poor, heal the sick and help those who are suffering. The American charities, which outweigh all the others, include hospitals, state-prisons, jails, houses of refuge and asylums. The French have a relief and benevolent association and so have the Spanish and Portuguese. We do not know whether the St. George's Society is charitable in its organization or not. Other sects and nationalities have their charities, and we are happy to see that our Jewish citizens have created an asylum which shall entitle them to an equal standing with those of other religions. In this remark, we do not ignore the fact that the poor of their creed are cared for by those who are richer, but rejoice to see that charity organized and so arranged that it will be freed from the annoyance and instability of private benevolence, and put on the broad footing of a great public good.

"SOME" LADIES.—In Cleveland recently, Kate Saxon, who was giving "readings," offered a prize of a gold watch to the individual of masculine gender who should bring the most ladies. The watch was won, the Herald states, by Phillips and O'Leary, of the American, (in partnership,) who took in *one hundred and thirty-three ladies*—their competitor *only* fifty.

Public Meeting in the Fourth District.

The people and property owners of the Fourth District held a meeting Friday night, in Union Hall, Jackson street, and we hereunto give the proceedings thereon.

The meeting was called to order by Mr. Logan McKnight, and on his motion Dr. Wm. P. Sunderland was appointed President; Kaspar Auch, Vice-President; David Adams and Robert Layton, Secretaries.

The object of the meeting having been explained, the following resolutions were then unanimously adopted:

Whereas, The Legislature of the State of Louisiana has recently passed a bill entitled "An act to repeal the municipal laws in force in the city of New Orleans;" but which in effect, is simply to consolidate the consolidated debt, and in violation of plighted faith, to impose upon the Fourth District burdens from which it was specially exempted by the act of consolidation. Therefore,

Be it resolved, By the people and property owners of the Fourth District of New Orleans:

1. That the abolition of the municipal laws under which the inhabitants of Lafayette were annexed to the city of New Orleans, and the consequent imposition upon the Fourth District of a debt which neither her people nor her government had the remotest part in creating, and from which they derived no benefit, is an act so odious in its spirit, so unjustifiable in its character, as to call for the prompt condemnation and the strongest legal resistance.

2. That this act contemplates an annual extortion from the owners of real estate and slaves of the Fourth District, of about thirty cents on every $100 of the value thereof—and from the owners of real estate and slaves of the Second District, of about fifteen cents on the $100 of the value thereof—and that this act, not ending in one year, but enduring for a long series of years, is committed under the specious colouring of "equalizing and liquidating taxation."

3. That the people of the Fourth District, actuated by a spirit of good citizenship, have cheerfully acquiesced in the provisions of the present Act of Consolidation, and have promptly paid their annual assessment of $20,000, although that sum is less per cent. of their own original debt, which under the provisions of the same act, the First, Second and Third Municipalities have only been called upon for eight per cent. on their original respective debts; and that this difference arising through the many years before the consolidated debt will be extinguished bears with peculiar hardship upon the people of the Fourth District, and involves recently the payment by them of their own debt of $200,000, but the contribution of an equal sum to the debts of the other districts, which surely is an ample compensation for any imaginary benefits the people of Lafayette may have received from annexation, without subjecting them to an act of western spoliation.

4. That by the Act of Consolidation, all the rights and property of the recent Fourth District were transferred to the city of New Orleans, upon certain conditions, which it is now proposed to violate to the great detriment of the people of the Fourth District, without asking their consent and without "making compensation therefor."

5. That the palpable injustice and illegality of this act must necessarily provoke a refusal on the part of those appointed to pay the taxes levied under its provisions; and the Ribbonism which will ensue must prostrate the credit of the city not less than by depreciation the value of all her securities.

6. That the people of the Fourth District point with pride to their practical payment of the full and equal quota of the taxes levied for the interest on the redeemed bonds, and for the current expenses of the city, and would fain will yet pay liquidation of the tax levied to pay for the current expenses.

7. That whilst the people of the Fourth District are pained at any evidence of depression in the condition of their sister districts, yet they can find no such evidence of prosperity in their own habits as would justify a change in their cases on the ground of charity or benevolence.

8. That the act "for equalizing and liquidating taxation in New Orleans," is an instance of hasty and unconstitutional legislation which calls for the animadversion of the Chief Executive of the State, and the people of the Fourth District respectfully appeal to him for an interposition of his veto.

9. That a general committee be appointed by the Chairman of this meeting, to carry these resolutions to his Excellency, Gov. Wickliffe, and fully and memorialize him on the subject.

Signed: WM. P. SUNDERLAND, President.
KASPAR AUCH, Vice-President.

DAVID ADAMS and ROBERT LAYTON, Secretaries.

Amongst the members appointed on the above committee are as follows:

W. M. Perkins,	Logan McKnight,
Jas. Brewer,	J. H. Phelps,
P. Irwin,	B. M. Morrell,
John Dempsey,	R. A. Gritman,
John Heinen,	Edwd. Parmele,
Dr. M. M. Dowler,	W. W. King,
J. H. Sudbury,	E. B. Sanders,
J. H. Coffey,	J. M. Burke,
Thos. A. Adams,	J. A. Watkins,
M. Mason,	Peter Kaiser,
Chas. Briggs,	Harry Kendall,
Adam Hamilton,	Kaspar Auch,
A. D. Kelly,	W. P. Sunderland.
John Breen,	

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COMMISSION CARPET WAREROOMS.—Todd & Co., No. 120 Canal street, near Royal, are supplied with velvet, tapestry, Brussels, ingrain and other carpeting, which are offered exceedingly low, in order to clear consignments. The stock also embraces window curtains, transparent shades, rugs, mats, druggets, and all other articles needed in the department of home furnishing.

CARPETING.—L. Elkin & Co., No. 58 Camp street, have increased their stock of carpets, carpeting, rugs, oil cloths, window shades and carpetings, so that the assortment is now complete in every department. Wishing to reduce their present size, in order to make room for further supplies, they offer every article at a very low price. The inducement to purchasers could not well be greater.

BILOXI HOTEL.—By reference to our advertising columns it will be seen that the Biloxi Hotel, with its many advantages for an enterprising and spirited landlord, is offered to rent, on accommodating terms, if early application is made. Those who desire to obtain a lease can do so by addressing Mrs. A. C. Nixon, No. 8 Apollo street.

It will be remembered that a railroad has been chartered, during the present session of the Legislature, to run from Bendersen's Point, Pass Christian, to Point Cadet, Biloxi, which will materially increase the usual amount of business.

HATS.—For just one week longer, gentlemen will continue to enjoy the opportunity which has been before them for a week past, to procure, at reduced prices, fine black silk hats, fine French soft hats; plush, navy and other caps, of the most excellent manufacture. The opportunity and its extent may be learned by calling upon D. C. Johnston, No. 70 Poydras street, next to the corner of Camp, where advertisement can be seen in another column.

SCHOOL BOOKS AND STATIONERY.—Thomas L. White, Bookseller, No. 108 Canal street, has a large and well-selected assortment of standard and modern school books, of all kinds, to which he invites the attention of purchasers. Merchants who are visiting the city should call and examine his assortment and prices before completing their purchases.

A POWERFUL ARGUMENT.

Legislature vs. Hufty.

The public are seldom entertained with so grave and serious a farce as the proceeding had by the majority of the present Legislature in the effort to remove Mr. Hufty from the office of Sheriff in the city of New Orleans. There are but few instances in the history of our national or State governments in which power has been so boldly assumed by the representatives of the people, and in which the provisions and purposes of Constitutional law have been so recklessly invaded. There never was a time in the course of our political being when the people suffered with such slavish apathy, the exhibition of this Legislative despotism.

The majority of the present Legislature seem to be afflicted with legal blindness, or to be animated by a spirit of political desperation. To suppose them to be in the exercise of their right senses, would be to impute to them a degree of moral and political turpitude which ought to render them infamous in the future history of our State.

The address of the General Assembly is predicated upon the allegation that there was violence, fraud and bloodshed in the elections last fall in the city of New Orleans; that Hufty was elected in consequence; that Bell really received a majority or would have received a majority of the legal votes. They say, that these facts were proven to the Committee on Contested Elections, and through them to the General Assembly. They assume that these facts constitute the Legislature by necessity, the *grand inquest of the State*, and clothe it with the power to transcend all the provisions of the law and of the Constitution. The Court of the Star Chamber had no feature more odious, infamous and oppressive than this; the dark chambers of the inquisition record no more revolting picture of desperate and despotic authority, than the power which our present Legislature assumes to itself. We profess to be a people whose constitutional and statuary enactments effectually shield us, alike from the impulses of passion and the caprices of power; a people whose love of constitutional freedom is as vigilant as our hatred of oppression is unrelenting; a people who profess to hold that the great and essential defenses of popular and individual right are to be maintained by a strict and faithful construction and exercise of constitutional authority. But of what force are our Constitution and laws, if we have organized in our midst, a tribunal of such tremendous authority, as to override at pleasure alike the one and the other; a court so inquisitorial in its power and proceedings as only to be rivaled by the dark legends of the Vehm.

Suppose we admit everything as fact, which the majority of the Legislature assert, still, under the Constitution and laws of our State, their course is nothing less than a high-handed usurpation of power, and a criminal violation of the text and spirit of the Constitution which they have sworn to maintain.

The 21st art. of the Constitution provides, "that both houses of the General Assembly shall judge of the qualification, election and returns of its members." This power carries with it, the right and authority to examine and adjudge all questions of fraud, violence, bribery, tumult and other improper practices connected with the election of members to either houses of said General Assembly.

Over this branch of the State elections, each of said houses has exercised its jurisdiction to the fullest extent; in fact to such an extent that its exercise is some what tainted with illegality. The jurisdiction which each house of the General Assembly now exercise in matters of contested elections, is limited, in precise terms, to elections of members to the General Assembly. This is the only clause of the Constitution which confers any authority on the Legislature to judge of elections, or which can be relied on to constitute the State the grand inquisition over questions of elections. The same section of the Constitution, provides, "but contested elections shall be determined in a manner to be directed by law." The plain English of which is, the Legislature may judge of the election of its own members; but shall not judge of the elections for other offices. If the Constitution intended to give the General Assembly this grand supervision of elections, why did it enjoin upon that body to provide by law a mode for disposing of contested elections. The fact that the 21st art. of the Constitution, in the first part of it, gives the Legislature power, absolute and exclusive jurisdiction over certain matters of election, and limits its authority in the latter part of the same article, is conclusive that the Legislature has not and was not intended to have any inquisitorial or powers of general inquest over matters of elections. No act of the Legislature is required to define the power belonging to the General Assembly, nor the mode of its exercise. It is a plain, palpable constitutional provision to which mere legal enactment could not add anything, and from which it could not detract. It is limited within precise bounds, and confined to certain clearly defined subjects, that is, elections of members to each house of the General Assembly. The latter clause of the same article provides for such elections as are not embraced within the specific jurisdiction granted to the Legislature. The Constitution neither indicates the tribunals before which, nor the rules by which such elections shall be tried, but expressly requires that they shall be determined in a manner to be provided by law. The inference is plain and irresistible; that the Legislature is excluded from this department of State elections. Their duty is however clear: it is to provide by law for the mode of determining contested elections, which being done, the execution of that law is vested in another department of constitutional power, which the General Assembly will never be permitted to invade; a department jealous of its jurisdiction, and conflicted by the pressure of political enmities by which it may be surrounded.

The doctrine formerly was, and it was thought to be a healthy one, that "law is a solemn expression of Legislative will." This, however, may be a fogyism which ought to be exploded; nevertheless it implied the concurrence of both houses in the proposed measure, as well as the approval of the Governor. The wildest visionary never dreamed that *law* in Louisiana could be defined to be the sovereign and irresistible will of either house of the General Assembly.

In obedience to the plain letter and intent of the 21st article of the Constitution, the Legislature have passed laws declaring the manner in which contested elections shall be determined. By the act of 1855 they have specially asserted the only power to determine elections which the Constitution gives them—and by the same act have clothed the Judiciary with exclusive and final jurisdiction over all other cases of contested elections. They point out the mode of proceeding—the rules for taking the evidence—the manner in which the court shall be organized—and finally, they provide that the judgment rendered shall be final—not even to be reviewed by the higher tribunals of the judiciary department.

They also require that the contest shall not be confined to the single contestants, but that it shall have the character of an action by the people to vindicate the freedom of suffrage and the purity of elections.

What is meant by the word *final*? We understand by it, concurring it with the whole spirit and meaning of the law, that all questions of "fraud, bribery, force, tumult and other improper practices," are to be inquired into at the instance of a specified number of citizens, and that the decision of the jury is not merely a bar to the prosecution of the same contest between the same individual contestants; but that it shall be the end of all contest in regard to that particular election. The statute specially provides if the judgment of the court shall be in favor of the party whose election is contested, that upon a certificate of the fact the Governor shall immediately issue his commission. The policy of the law admits of no ambiguous interpretation; its object is to secure at once a full investigation into all questions of irregularity in elections, and also to insure a discharge of all the official functions essential to the administration of public interests. The word *final* is used to take such cases out of the ordinary modes of litigation, and to prevent the various functions of public authority from being suspended by a relative and protracted law-suit. If this interpretation is just—and no man will hazard his reputation for good sense by controverting it—then the contest between Bell and Hufty, or between the people and Hufty, being once decided by a legally organized jury, is final, and there is no power in the State, judiciary or legislative, which has the authority to review it.

If the Legislature presume to take cognizance of the subject, it must be either by appeal or in accordance with some statutory enactment. Surely no sane man will pretend that the General Assembly can entertain the subject as upon appeal, since, by the law which governs them, as well as the people at large, they have clothed the District Court and special jury with final jurisdiction which expressly forbids an appeal.

When the Constitution says, "that contested elections shall be disposed of in a manner to be directed by law," it certainly will not be maintained that there is any statutory provision which clothes the Legislature with judicial power over these subjects.

But, says the address, "these facts accord above ordinary facts and circumstances," and hence these extraordinary powers are required "to cut up (in the language of the Governor,) these evils before they have taken root." This is not only an extraordinary proposition, but is one fraught with immense evil and danger to those constitutional limits by which the exercise of public power is restrained. Tyrants could be manufactured to order from this enormous perversion of constitutional law; and the inevitable result of such a doctrine would be an unmitigated despotism of a stupid and reckless majority. Can the Governor and his constitutional advisers and co-laborers suppose that the spirit of the people of Louisiana will slavishly submit to such high-handed usurpations? Do they suppose that the spirit of Lexington and Bunker's Hill has expired in the hearts of our people, or that the genius of resistance has lost any of the vigor of '76?

We are gratified that at last we have been enabled to grasp the ground of this dangerous pretension and to grapple with it in the very infancy of its existence. The majority do not pretend then that they have any warrant for this procedure in the 21st Article of the Constitution; nor in the act of 1855 in reference to contested elections. But still they say, "we are the *Grand Inquest of the State*," and our character as well as authority, result from the provisions of the Constitution.

Having reached this point we should have supposed the argument to be exhausted, and the majority of the Legislature driven to the wall, were we not again startled by a construction of the Constitution, so shallow as it is unwise, illogical and dangerous. Men who have not made constitutional law their study; and who do not clearly comprehend that our government is emphatically one of law, are prone to run into extremes, which, as to themselves, are absurd, and which, as to the integrity of constitutional government are not unfrequently perilous. Some minds abound more in materials for fancy than in the elements of sound logic. They are better organized for vehement declamation concerning imaginary massacres and assassinations, than for the stern interpretation of legal propositions. They are more inclined to soar in the regions of pathos and poetry than to plod through the plain and unvarnished interpretation of constitutional text. We should never have known what articles of the Constitution the majority of the Legislature relied on if we had not been advised of the fact in reading a very impassioned, and we hope we shall be pardoned for saying, a very ridiculous speech, by a very eminent member of that very powerful majority. He says:

"But, sir, it seems, the compilers of the volume which I hold in my hand, thought differently when they penned the following articles: Article 83. 'Laws shall be made to exclude from office, and from the rights of suffrage those who shall hereafter be convicted of bribery, perjury, forgery and other high crimes and misdemeanors. The privilege of free suffrage shall be supported by law regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practices.'"

ART. 97. "All civil officers except the Governor and Judges of the Supreme and Inferior Courts, shall be removable by an address of a majority of both Houses, except those the removal of whom has been otherwise provided by this Constitution."

Here we have the exact ground-work upon which the argument of the majority in favor of the Constitutional power claimed by them is based. The assumption of this position also operates as an abandonment of our reliance upon Art. 21, or upon our legislative enactment. Here they have thrown up their works, mounted their ordnance, and entrenched themselves for the conflict, which must now be fought between them and a people proverbially jealous of their own rights and unceasingly hostile to the usurpation of power.

Now let us analyze the singular mass of material out of which this extraordinary power is manufactured, or rather from which it is wrested without a resort to anything which can lay claim to the dignity of reason.

As to Art. 83—First, the Legislature has obeyed the mandate of this Article, and has made laws to exclude from office all persons convicted of bribery, perjury, forgery and other high crimes and misdemeanors.

Second, it has passed laws to support the privilege of free suffrage, and prohibiting, under adequate penalties, all undue influence thereon from power, tumult or other improper practices.

Third, the Legislature has passed laws giving to the Courts power to punish all violations of these laws. It has also passed laws providing for the decision of the legality and validity of elections. When the right of popular suffrage has been alleged to have been invaded, or when elections have been influenced by *power, bribery, tumult*, or other improper practices, it has organized a Court before which all such contests shall be tried, and has declared that the decision of that Court shall be final. The only power conferred on it by the 83 Art. is that of making laws; this it has done, and in those laws has embraced the entire subject matter contemplated by the Article, and the only power which remains to it is to change, modify or repeal those laws; but it cannot so change or modify them as to assume to itself the exercise of a power which belongs to another department of the government.

The laws which it has passed fully and properly recognize the authority of the judiciary over all questions of bribery, tumult and other undue influences which may be exerted over elections, and the declaration that this authority shall be final, makes it exclusive and necessarily denies the legislation from exercising any *grand inquisitorial* powers.

The framers of the Constitution foresaw that elections might be influenced by power, tumult, bribery, etc.; and by article 83, they enjoined upon the law making power to make laws which, when made, were to be enforced by the judiciary. But the power to make law, according to the well-recognized theory of our government, does not convey with it a power to decide law. Such a construction strikes a dangerous if not a fatal blow at the organic adjustment of public power into its three separate and independent departments; and if such is the true constitutional doctrine to be deduced from the 83d article, what is to prevent the judiciary from being absorbed by the legislative department of the State? If it be true that the Legislature is bound by existing laws; if it be true that the act of 1855 gives the courts final jurisdiction over all contests for the office of Sheriff in the several parishes of the State; if that act was passed in reference to the express mandate of article 83, by what authority can the Legislature claim to become the *grand inquest* over all questions relating to the regularity of elections?

The claim cannot be asserted except by an usurpation of power which converts every member of the majority voting for that address into an usurper and a tyrant. *Grand inquests* are unknown to our law; they have too much the cast of the star chamber and the inquisition. Grand inquisitions are synonymous with despotism. The republican mind associates these words with frowning battlements, massive towers and gloomy dungeons—the dread machinery by which kings and tyrants have ground the impetuous principle of popular freedom into submission to their will. *Grand inquests* and democracy! *Autocracy* and *aristocracy* is the true style of the reading. Our whole political fabric, the entire genius and sentiment of our people press with the weight of eternal enmity upon such instruments of baleful oppression.

There is no dry land upon which this erratic majority of the Legislature can alight in article 83. The most liberal or even extravagant interpretation of that article would not make the slightest approach toward conferring upon it the character of the *grand inquest* of the State.

The argument of the majority is not rendered more logical or forcible by construing the 93d and 97th articles together.

The first is designed to provide for and secure order, quiet and regularity in elections. It gives power to the Legislature to provide rules in accordance with which elections shall be conducted, and by which the officers enumerated in the constitution shall be inducted into office. The second is designed to authorise the Legislature to provide a mode for the removal of any civil officer who has been declared duly elected, but who has been guilty of official misconduct. The application of the 93d article is prior to the issuing of commissions by the Governor. The application of the 97th is subsequent and relates alone to facts and circumstances which may occur after the individual has been clothed with his official capacity. If there has been tumult, bribery or force employed in elections, these matters are examined, decided and punished under laws which have been passed in conformity to article 93. If there has been malversation in office, the same is examined and punished by article 86, or by laws passed in conformity to articles 89 and 97 of the Constitution. The purposes and objects of these two articles are too clear to be misinterpreted by honest and impartial minds.

There are various ways provided by the Constitution in which unfaithful officers may be suspended from the exercise of their official functions and finally removed from office. Art. 86 provides for the removal of certain officers by impeachment. Art. 88 requires the Legislature to provide for the trial, punishment and removal from office of all other officers of the State by indictment or otherwise. And Art. 97 provides that all civil officers, with certain exceptions, may be removed by address. It is clear that these articles provide modes by which unworthy and unfaithful officers may be tried, suspended in their functions, and finally removed from office. It is equally clear that these articles have no application to anything which may have transpired previous to the induction of the individual to office. The first mode of trial, which is for officers of certain grades, and belonging to specified departments of government, is by impeachment. Impeachment is universally defined to be "a charge brought against some official for malversation in office." The charge is referred to a committee, and if the charge is prima facie true, specifications of charges are made, and the accused put upon his trial and defence. The tribunal to try impeachment in certain cases, is the State Senate, the Chief Justice or Senior Judge of the Supreme Court presiding—Art. 86. By reference to all authorities on the subject, we do not find the power of impeachment to be a naked power to be exercised capriciously and in a spirit of political wantonness. In every single case of impeachment to which the majority of the Legislature can point, there has been a regularly organized and sworn tribunal—there has been the individual charged with official misconduct—there have been written specifications of the charge—there has been notice to the party accused—evidence taken and counsel heard—making together an dignified and solemn mode of trial as may known to the law. Such is the course contemplated by our own Constitution, Art. 86.

The 88th article is too clear in its terms to require comment. The Legislature shall "provide by law for the trial, punishment and removal from office of all other officers of the State by indictment or otherwise." This article applies to justices of the peace, to members of the General Assembly, etc. The purpose of this article is in strict union with the whole spirit of the Constitution. Instead of conferring upon the Legislature power to remove these officers by the mere expression of its sovereign will, it requires that body to provide for the trial and punishment of all other officers. This implies that there shall be a full, fair and impartial investigation. Trial does not mean, in our law, a mere one-sided expression of passion, prejudice or power; it means examination and deliberation, in which the impetuous torrent or human passion has been stayed by the solemnity of an oath, and in which the elements of sound mind and pure morals are supposed to be in the ascendant. The word punishment implies that there has been guilt or misconduct in "the other officers of the State," for whom the manner of trial is to be provided; and it is the fair intendment of the words "their removal from office," that in consequence of their official misconduct, trial and punishment they are no longer worthy to exercise their official functions. By "indictment or otherwise," is meant by impeachment, information or address, since these are the only modes of proceeding against civil or political offenders prescribed or permitted by the Constitution. We think that article 89 is equally as decisive against the power claimed by the majority, as article 83 has been shown to be. There is not only no implied grant of any such power, but there is an absolute exclusion from it, since the article demands that the Legislature shall make laws which will give the matter into the hands of the judiciary, or which will give the Legislature jurisdiction by impeachment or address.

All of the modes of trial and removal from office, whether to be entertained by the House of Representatives under Article 86, or by the Senate under Article 86, or by the courts under Article 89, or by both Houses of the General Assembly under Article 97, are predicated upon the fact of official malfeasances. They are modes of trial, and are limited to the investigation of the official acts of the various officers known to the Constitution of the State. Article 89 requires that the Legislature shall provide by law for the trial of all other officers except those enumerated in Article 86—by indictment or otherwise—the rules of proceeding by indictment or information are already fixed by law. The obligation is equally imperative on the Legislature to provide, by law, for the removal of an officer by address. Article 97 contains the grant of a naked power, and cumulates a mode of trial and removal, the details of which, under Article 89, are to be directed by law.

There is no provision of the Constitution, then; there is no principle in the genius of republican institutions which will authorize or justify the moral and legal enormity that there is or can be any question arising in the administration of public affairs, over which the legislative department of the government is clothed with unlimited and therefore despotic power.

The Hon. Speaker, referred to before, "thanks God there is such a power in the Constitution." He exults in the asserted fact that the most damnable feature of despotism is engraved upon the broad charter of popular freedom; he rejoices that there is an aperture in the Constitution through which the majority of the Legislature can escape to revel in the exercise of absolute and unbridled tyranny; he insults an intelligent people with the most exclusant thanksgiving that the organic law of Louisiana has been so arranged as to enable a dominant and unscrupulous majority to disorganize the entire official structure of the several departments of State government, and to annul the will of the people by rejecting from office men whom the people have duly and legally elected, merely on the ground that the political opinions of those officers are obnoxious to the party in power. What an humiliating essay upon the worth and stability of constitutional government!

These are some of the inevitable consequences of the existence and exercise of the power claimed by the majority of the Legislature. Is, Yes assume the position that sixty men, being a majority of both Houses of the General Assembly, can set aside the legitimate voice of the people by removing under article 97, without any reason assigned for so doing, the officers whom they have elected. If you can remove one individual for political considerations, without reference to or inquiry into his individual conduct, where is the limit to your power? If you can remove Hufty for no official misconduct of his, why not go still further and remove Judge Merrick? The same argument which sustains you in the one case should justify you in the other. It is not pretended that there was any friendship in the election of Judge Merrick. He occupies his seat on the Supreme bench by the voice and will of the native population of the State. There was no fraud or violence practiced in New Orleans to prevent universal Europe, and even free niggerdom, from combining their weight and influence against him. But under the naked power of address, by the same authority by which you remove Hufty you have the power to remove him. You are not required, under the 9th art., to offer reasons or to cite law. Tyrants do not require or obey either. But by so doing, you stab to the very vitals of republican life. You annihilate the sovereignty of the people. You trample the 93d art. of the Constitution under your feet. You not only crush the freedom of suffrage in your Vandal march to power, but you destroy its effect. You obliterate both the spirit and text of the organic law of the land. You strike every emblem of constitutional freedom from the hands of the people. You stand upon the wreck and ruin of a government of limited powers, and exhibit yourselves to the world as you are—a miserable and contemptible caucus of tyrants.

If the Constitutions of American States are to receive such interpretations as this; if there are no moral or legal defences to rights of minorities, or to the will of the people legally expressed; if there is a grand inquest in every State, composed of a majority of both Houses of the General Assembly, clothed with unlimited power, then indeed our experiment is a failure, and republicanism is the vilest despotism on earth.

The second result is, you take the right of election out of the hands of the people, where the Constitution has vested it, and give this important right of popular sovereignty into the hands of the Governor. You reduce the people to the attitude of subjects—you elevate the Chief Magistrate to the dignity and power of a king. This you call democracy! The name is appropriate; it is in harmonious unison with all the antecedents of your party.

The people will remember for years to come the "*grand inquest*" of Louisiana, with the same interest with which the children and descendants of the men of '76 remember the minister of George III. But what will the people say of the Democratic Governor, who will permit a servile and craven majority to clothe him with the stolen and shivered fragments of popular right and constitutional freedom. P.

Annual Book Trade Sales.

The annual book trade sales commence in the city of New York on the 20th March, when thousands upon thousands of volumes, in every department of literature, upon every subject and science, are sold off under the hammer, in lots varying from ten copies to ten thousand. It is the fourth of July among the publishers and retailers—*the* great occasion of the year, and is the best plan that has hitherto been devised for the benefit of both parties. Half a million of dollars worth of printed matter will be sold, in New York, during the continuance of the sales, and we trust that some of our own dealers in literature will be present to look out for the wants of this section.

With regard to these trade sales, we find in an exchange some information of so interesting and novel a character that we give it as a piece of current news:

"The total number of publishers in the United States, comprising however only those who publish books, not periodicals, is in round numbers three hundred. About three-fourths of them are to be found in the cities of Boston, New York, Philadelphia and Baltimore. The balance being divided among Cincinnati, the next in rank, Buffalo, Auburn, Albany, Louisville, St. Louis, etc., etc. For the disposition of the large amount of publications issued by these various