

The New Orleans Crescent

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CRIMINAL JURISPRUDENCE AND VIGILANCE COMMITTEES.

Judge Sutherland, of the Supreme Court of New York city, has set a vicious precedent. He has admitted certain persons charged with willful murder by a coroner's jury to bail, the bail having been applied for on the ground that the coroner refused the right of cross-examining witnesses to the prisoners and their counsel, and that in his charge to the jury he had assumed the guilt of the prisoners. This is one of many indications of the bad theory and the worse practice that are growing apace in the criminal judiciary of the country.

The whole system of criminal inquest and prosecution must break down if the initiatory proceedings are to be contradictorily conducted, and to give the accused the benefit of the same presumption of innocence which has existed in his favor, by the concession of both law and public opinion, when put upon his trial. Before the coroner, or any other committing magistrate, the accused does not undergo trial. He is simply the subject of an investigation based on the hypothesis of his guilt.

Without such a hypothesis distinctly applied to some one there could be no arrest, no intelligent inquest, no justifiable commitment. In short, at this stage of criminal procedure the presumption of guilt, as a fundamental principle, must lie against the accused, in order to ensure the punishment of crime, just as at the final stage the presumption of innocence, as a fundamental principle, must lie in his favor, in order that the penalty of the law may not, by possibility, fall upon any but the really guilty.

If the plea indorsed by Judge Sutherland should prevail, there could be no hypothesis of guilt, to begin with, directed against any known person. Consequently, no committing magistrate would be authorized to hold anybody under arrest a single moment, upon the gravest charge in the criminal catalogue, unless the charge were already established beyond the chance of defensive refutation. In short, accusation would have to be synonymous with conviction, and arrest and commitment would constitute the first step towards execution. A few very stupid or very eccentric criminals might be so accommodating as not to avail themselves of the morbid tenderness of the law, by going beyond reach of capture while a loose, unofficial, unformulated suspicion was slowly weaving a web of proof which should proclaim the positive certainty of their guilt. But it is safe to assume that the most inveterate, ingenious, enterprising and dangerous class of criminals would never undergo either prosecution or punishment. The only way by which these may be prevented from eluding the grip of justice is to bag them in the first instance; and this expedient is available only when the committing magistrate is authorized to proceed upon the presumption of guilt and to decide upon *ex parte* evidence. By the contrary rule, criminal jurisprudence, as a practical system, would have its bottom knocked out. It is too well known that the difficulties, legal and social, of arriving at the judicial conviction and punishment of malefactors the most flagrant, atrocious and pernicious, have increased until they amount to one of the most stupendous and shameful evils of the time. This is why there is more and more talk among the people of taking the law into their own hands. Nor is this talk peculiar to new, rude or thinly inhabited districts where circumstances are unfavorable to promptitude and efficiency in the legal administration of criminal justice. Even in New York the formation of a vigilance committee as the only means of purging the city of its frightful accumulation of criminality, is a familiar suggestion on the lips of honest, respectable and intelligent citizens. A large portion of Southern Indiana, one of the oldest settlements in the West, a locality almost in the very heart of the Union, is at this moment under the jurisdiction of a vigilance committee, who seize and execute malefactors both before and after their legal arrest, assuming as the warrant for this swift and irregular procedure that courts of law are in effect a conspiracy against justice, an organization to rescue criminals and distress society. Now, suppose that the chances of bringing accused and suspected persons to final trial before any kind of legal tribunal should be reduced as nearly to nihil as Judge Sutherland's opinion would reduce them, it would be vain to look any longer to the law for protection against crime. People would have no other alternative but to surrender themselves to the mercy of licensed criminality in all its diversifications, or to resort, for a much better reason, to the Indiana method for purging society of its noxious elements.

THE OPERA.—At the Opera House the week closed as brilliantly as it had opened. Through the week, despite the rain and the cold weather for this latitude, the attendance was excellent, and no doubt next week will be greatly improved, now that the public has been able to better appreciate Mr. Calabrese's company. What could be more desirable, in fact, than the performance in seven days of these exquisite operas, "Lucia di Lammermoor," "The Queen's Guardsmen" and "Robert le Diable."—Donizetti, Ambrose Thomas and Meyerbeer—three different styles of composition as can be thought of. The triumph of the season, however, so far, is due to the grand and impressive music of the great harmonist and melodist, Meyerbeer, whose "Robert le Diable" was twice sung; and, we venture to say, was rendered by Mesdames Basselman and Cambier, and Messrs. Pivet, Van Hullen and Julian, as it seldom is rendered outside of Paris. Pivet, whose fears of public criticism have often interfered with his singing, was during the week almost faultless, and the same may be said of those untiring artists, Mlle. Hasselman and Mr. Van Hullen, who have incessantly been rehearsing and performing since the commencement of the season under the able baton of Mr. Calabrese. The orchestra last evening effected a decided improvement upon the first performance of "Robert." To-night we are to have George Sand and Paul Mercier's new five act drama, "Les Deux Messieurs de Bois Doré," with the whole dramatic company in the cast, and besides, a comedy entitled "La Grammaire." For Monday we are promised the long expected "Trovatore," with Mlle. Bourgeois as Azucena and Cambier as Leonora. The curtain, on and after that day, will rise at 7 o'clock precisely.

MEASURES.—A. J. Aiken and John W. Wait have formed a connection for the purpose of doing a cotton factorage and general commission business at No. 60 Carondelet street. This firm are the successors of the old and substantial house of Rotherford, Brown & Co., and with ample means and close attention to business, hope to merit the patronage of their predecessors. These gentlemen are widely and favorably known as men of the business capacity and integrity, and we know of no house with whom we had rather trust our interests. See their card in another column of this issue and give them a call.

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THE ELEVATOR AND THE GRAIN TRADE.

The elevator building is now entirely completed, is in perfect running order and is ready to receive and transfer or store any shipments of grain that may arrive at this port. We congratulate Mr. Higby and his coadjutors in his work upon its successful termination, and upon the enterprise which conceived it, and we congratulate the people of New Orleans that the first long stride has been taken towards giving her that position which her geographical situation gives her a claim—the outlet of the Mississippi valley. We are glad to announce the additional fact that before January 1st there will be 300,000 bushels of wheat shipped here from Cairo, so that it will not be long ere the engines of the elevator will be at work, telling in their every thro' a tale of the golden era to dawn on the Crescent City.

To give our readers an idea of the charges for handling grain and rolling freight we submit the following list of the charges to be made by the New Orleans Elevator and Warehouse Company:

Transferring and weighing grain from barge to ships 1 cent per bushel.

Receiving, elevating, weighing and storing grain ten days 2 cents per bushel, which includes elevating same on ship in bulk and on wharf.

Storage for each additional ten days, or parts thereof, 1 cent per bushel.

Re-elevating, if desired, 1 cent per bushel.

Bagging and tying bags 1 cent per bushel.

Receiving and weighing bags 1 cent per bushel.

Berrelling grain 1 cent per bushel.

Drying grain 1 cent per bushel.

Flour, storage per barrel for ten days (no extra for flour) 1 cent per barrel.

Flour, storage after first ten days, for each ten days thereafter, or parts thereof, 2 cents per barrel.

Flour, extra for each ten days thereafter, or parts, 3 cents per barrel, which includes hoisting, charge same as flour.

Port, beef, lard or other rolling freight, first ten days, 8 cents per barrel.

Extra for each ten days thereafter, or parts, 3 cents per barrel, which includes hoisting, charge same as flour.

To which we add the following brief summary of the dimensions and capacity of the elevator and other particulars of its construction:

Storage capacity of elevator, which is situated 240 feet from edge of wharf and across the street and sidewalk, is 250,000 bushels; equal to the capacity of Chicago, Milwaukee and St. Louis elevators. The marine elevator at edge of wharf is 102 feet high—will take grain out of the largest or smallest vessel in high or low water at a rate of 1000 bushels per hour. Two large iron tanks of water, 200 barrels capacity, stand on top of elevator, kept constantly full by a force pump, with iron pipes which run down through each story of the building, and take up water in the water at each story and carry water anywhere in elevator or warehouse, or boats at wharf. The elevator and warehouse stand on a block of ground entirely by themselves. The engine, low pressure, is 50 horse power, and in a fire-proof brick building, with a trusty night watchman, so the property in this elevator and warehouse is as safe as any elevator and warehouse yet built. The water at edge of wharf is raised to the top of the elevator by a screw-driven pump, which is 100 feet high. Ships can sail over the bar at the mouth of the Mississippi drawing 17 feet of water, and the government dredge Fassons is at work making 21 feet. Barges or rafts are 200 horse power, and in a fire-proof brick building, with a trusty night watchman, so the property in this elevator and warehouse is as safe as any elevator and warehouse yet built. The water at edge of wharf is raised to the top of the elevator by a screw-driven pump, which is 100 feet high. Ships can sail over the bar at the mouth of the Mississippi drawing 17 feet of water, and the government dredge Fassons is at work making 21 feet. Barges or rafts are 200 horse power, and in a fire-proof brick building, with a trusty night watchman, so the property in this elevator and warehouse is as safe as any elevator and warehouse yet built. 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