NEW ORLEANS REPUBLICAN.

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VOLUME VIII—NO. 74. NEW ORLEANS, SATURDAY, JULY 4, 1874. WHOLE NUMBER 2225.

AMUSEMENTS.

FOURTH OF JULY EXCURSION.

OVER THE LAKE ONLY ONE DOLLAR.

For Mandeville, Lewisburg and Madisonville, the very fast low pressure United States mail steamer

CAMELIA,

WILLIAM HANOVER, Master.

Will leave the lake end on SATURDAY MORNING, July 4, on the arrival of the 7:30 Pontchartrain railroad cars, returning same evening in time for the 7:30 train to the city.

Fare for the excursion over and back, $1.

Bar and restaurant on board.

C. M. SORIA, Agent.

jy1 Nos. 18 and 20 Union street.

LOTTERIES.

SUMMER SCHEME.

ONLY 10,000 NUMBERS.

LOUISIANA STATE SINGLE NUMBER LOTTERY.

Three Capital Prizes of $10,000 each.

LOUISIANA STATE LOTTERY COMPANY

(Incorporated August 17, 1868).

CLASS I.

To be drawn in public at New Orleans,

On Saturday, July 11, 1874.

SCHEME.

10,000 Tickets.....Tickets only $10

Halves, Quarters and Eighths in proportion.

1 prize of	$10,000 is	$10,000
1 prize of	10,000 is	10,000
1 prize of	10,000 is	10,000
30 prizes of	500 are	15,000
200 prizes of	100 are	20,000

APPROXIMATION PRIZES.

9 approximations of $200 each for the nine remaining units of the same ten of the number drawing the $10,000 prize are.	1,800
9 approximations of $200 each for the nine remaining units of the same ten of the number drawing the $10,000 prize are.	1,800
9 approximations of $200 each for the nine remaining units of the same ten of the number drawing the $10,000 prize are.	1,800
299 prizes, amounting to	$70,400

EXPLANATION OF APPROXIMATION PRIZES.

The nine remaining units of the same ten of the numbers drawing the first three full prizes will be entitled to the twenty-seven approximation prizes. For example: If ticket No. 1246 draws the first $10,000 prize, those tickets numbered 1241, 1242, 1243, 1244, 1245, 1247, 1248, 1249 and 1250 will each be entitled to $200. If ticket No. 231 draws the second $10,000 prize, those tickets numbered 232, 233, 234, 235, 236, 237, 238, 239 and 240 will each be entitled to $200. If ticket No. 450 draws the third $10,000 prize, those tickets numbered 441, 442, 443, 444, 445, 446, 447, 448 and 449 will be each entitled to $200.

Whole Tickets, $10; Halves, $5; Quarters, $2 50. Eighths, $1 25.

PRIZES PAYABLE IN FULL WITHOUT DEDUCTION.

Orders to be addressed to the

LOUISIANA STATE LOTTERY COMPANY,

Lock Box No. 692, Postoffice, New Orleans.

Send postoffice money order, or register your letter. ja2 1y

DRAWING OF THE LOUISIANA STATE LOTTERY FOR JULY 3, 1874.

CLASS 157.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
34	63	61	3	56	39	75	5	58	72	52	—	—	—

The above drawings are published in the principal papers, and are drawn in public daily at the rooms of the company.

Witness our hands at New Orleans, Louisiana, this third day of July, 1874.

R. PERALTA,
ADAM GIFFEN,
Commissioners.

BEWARE OF BOGUS LOTTERIES. ap12

FOR RENT.

FOR RENT.—IN THE MOST ARISTOCRATIC part of the city, recently thoroughly repaired, that splendid residence, with beautiful grounds, No. 294 Prytania, corner of Third street. Apply to J. H. JENSEN, No. 78 Carondelet street, between 9 and 11 A. M. and 3 and 4 P. M. jy4

LOST.

LOST.—ON OR ABOUT THE TWENTY-SEVENTH of May last, a PROMISSORY NOTE drawn by A. L. D., George M., William P., H. C. and H. E. Conrad, in solido, dated New Orleans, March 26, 1874, payable December 15, 1874, to the order of Nalle & Cammack, for the sum of $2204 65, paraphed "ne varietur," Baton Rouge, Louisiana, March 26, 1874. Alexander Smith, recorder.

Also, at the same time, another promissary note drawn by Margaret Allen, to her own order, and indorsed to the order of Nalle & Cammack, dated New Orleans, March 30, 1874, payable December 10, 1874, for the sum of $1000, paraphed "ne varietur," New Orleans, Louisiana, March 30, 1874. Andrew Hero, Jr., notary public.

The public is warned against negotiating for the same.

Twenty dollars reward is offered for their return to C.J. Osborn, No. 34 Broad street, New York, or to

NALLE & CAMMACK, No. 193 Gravier street.

New Orleans, June 4, 1874. jy3 2t

REWARDS.

$25 REWARD—STOLEN—FROM THE subscriber, on Wednesday night, November 26, 1873, in his dwelling, on Robertson street, between Frenchmen and Union streets, a Leather POCKET-BOOK, containing the undersigned's private papers, and particularly the promissory notes hereinafter described, and belonging to him, to wit:

1. A note for $2000, drawn by James Wood to his own order and by him indorsed, dated November 20, 1873, payable one year after date, and signed ne varietur by C. J. Foulon, notary.

2. A note for $300, drawn by H. Pedarre, to his own order and by him indorsed, dated October 29, 1873, payable one year after date, and signed ne varietur by Foulon, notary.

3. A note for $200, subscribed Adolphe Lesprit, to his own order and by him indorsed, dated October 23, 1873, payable one year after date, and signed ne varietur.

The public is warned not to negotiate the notes and documents hereinbefore described, the same having been stolen from the undersigned.

jy1 15 30* ALEXANDER GODEAUX.

WANTED.

TO PROPERTY OWNERS—THE ADVERTiser desires to purchase a medium sized two-story DWELLING HOUSE, brick preferred, with commodious yard, in the First District, making monthly payments thereon. Best of references given. Address S. S. S., Republican office, stating location. jy1

BUSINESS CARDS.

P. A. MURRAY,

CISTERN MAKER,

No. 191 Magazine street, between Julia and St. Joseph streets.

(DIPLOMAS AWARDED IN 1872 AND 1873.)

Cisterns made to order and repaired. All work warranted. A lot of cisterns, from 1000 to 20,000 gallons, made of the best material and workmanship, kept constantly on hand and for sale at prices to suit the times. Orders promptly attended to. mh16 1y

MISCELLANEOUS.

NOTICE.....NOTICE.

OFFICE OF THE CRESCENT EXPRESS AND Transfer Company, New Orleans, June 29, 1874.

A general meeting of the stockholders of the CRESCENT EXPRESS AND TRANSFER COMPANY will take place on the twenty-ninth of July next, at the office of the Company, No. 114 Gravier street, at 1 P. M., for the purpose of deciding upon the liquidation of the affairs of this Company.

je30 1m J. T. BURDEAU, President.

WHY NOT BE COMFORTABLE?—Hall's Improved Magic Shade Fixtures operate a shade, both down from the top and up from the bottom. Light and ventilation admitted or excluded at any portion of the window. Almost indispensable in sleeping rooms, stores, studios, offices—in short, everywhere window shades are used. Put up and for sale by

T. J. BROWN,

Practical Paper Hanger, and Dealer in Wall Paper and Window Shades, No. 263 Camp street.

je7 6uWeF 1m

COURT RECORD.

FRIDAY, JULY 3, 1874.

Superior District Court.

The following is the full text of the opinion of Judge Hawkins in the case of the New Orleans and Carrollton Railroad Company vs. the Society for the Suppression and Prevention of Cruelty to Animals:

This action is commenced by the New Orleans and Carrollton Railroad Company, a corporation domiciled in the parish of Orleans, against the Louisiana Association for the Prevention and Suppression of Cruelty to Animals. Plaintiff asks for an injunction against the defendants, prohibiting them from interfering in anyway with their business, which is alleged to be that of carrying passengers to different points within the city of New Orleans.

The defendants move to dissolve the injunction on the ground that they have a charter from the Legislature of the State of Louisiana, adopted in the session of 1874 which it is alleged gives them the right to inquire into, and punish all persons who are exercising any cruelty toward an animal or animals in general; that they are incorporated by an act of the General Assembly, and have a right secured to them under their corporate name to arrest and punish in accordance with law before the judicial tribunals, and to inflict the penalties and fines prescribed by the act.

The railroad company alleges that this society for the prevention and suppression of cruelty to animals has interfered with its business by attempting to prescribe rules and regulations for the government of its business, and that it has served upon the company a notice that they are accused of committing cruelties on, and of improper treatment to animals, and must desist therefrom; and that they have also violated the rules and regulations of the association.

The first question to be considered is the right of the association to prescribe any rules or regulations defining or determining what constitutes cruelty to animals. A perusal of the act fails to disclose a definition of, or a penalty for the offense known as cruelty to animals, but leaves it to the discretion of the association to determine what shall constitute cruelty to animals. It is to determine under this statute what constitutes and would be considered cruel treatment of an animal.

The railroad company alleges that this act is unconstitutional because it vests legislative power in the association. The principle of the constitution and the law is too well settled on this question to need any reference to authorities on the subject. The constitution provides that the Legislature alone is empowered and authorized to make and enact laws and regulations. The defining of crime is a legislative act. The prescribing of the penalty is a legislative act and can only be declared by the Legislature. The Legislature have failed in this act organizing this society to define or determine in any manner what would make the question, what constitutes the crime of cruelty to animals intelligible.

Cruelty to animals, under the common law, is a crime, and has been so enacted, in sections 815 and 816 of the general statutes of the States. "Whoever shall wantonly and maliciously kill a horse, mule, jackass, cow, hog or dog, the property of another"—The property of another is there evidently used to designate another branch; that is, to enable the person whose property has been destroyed, to recover the value thereof, and in addition, and the wrong-doer is subject, in addition thereto, to a fine and penalty for the act. Article 815 of the Revised Statutes says: "Whoever shall wantonly maim, disable, etc., any of the animals specified in the foregoing section, shall be fined not exceeding $100." Shall be fined for doing the act, and the person who owns the property is secured the full value of the property on which such injury has been done. So the general law of the State recognizes the common law doctrine that cruelty to animals is a crime.

This statute, then, can have no such purpose in view in its enactment. This must have been for another and a different purpose; that of punishing persons who maliciously and viciously undertake to abuse, maim or maltreat animals. I think the Revised Statutes recognize and adopt the common law definition of cruelty to animals, and provides a penalty for any abuse or vicious conduct by persons on them, and also provides their value may be recovered from whoever injures them. So there could be no such object as that which is indicated in the title of this Society for the Prevention and Suppression of Cruelty to Animals, because the law had already provided penalties and punishment for such conduct.

But here a society is organized and is authorized to inflict penalties and to arrest property, take it from its ordinary usage or destination and place it in other places, and finally to dispose of it, and to recover heavy penalties against the persons who are accused of misusing in the estimation of this society, and the revenues or pecuniary rewards arising from such action seem to be devoted to the purpose of enriching the individuals who are selected by this act to carry into effect its provisions.

The act is entitled an act to incorporate the Louisiana Association for the Prevention and Suppression of Cruelty to Animals. If there was no law on the subject which gave to all persons the right to suppress or to punish persons who had inflicted cruelty to animals, then this statute would have been proper under the circumstances, but a statute of this character, which is a private act in its nature for the benefit of individuals, is not a public statute. It nowhere defines a crime, or determines a penalty. It is simply, then, a bounty given to individuals to enable them to increase their pecuniary affairs, or to exercise advantages in some other way.

Objects as set forth in some of the sections, four and five for instance, subordinating the police authorities to this association and placing them under command of the association or any of its declared officials is simply absurd. The idea that the functions of a police officer shall be vacated and his office declared vacant because he refuses to obey the mandates or commands of the president of an association of this character under a title of this kind is too absurd to receive any comment. It is simply without any pretense of right. The constitution declares that officers shall be selected in the form provided for by law; they shall be either elected or appointed by those who have been elected, and their offices can be vacated in no other way than that provided for by law, either after a judicial hearing or where the statute creating the office has provided in some way how it shall be determined, or where the incumbent resigns his office. But statutes of this character are not uniform on our statute books.

The late Legislature saw proper in another class of legislation to declare that certain acts should work a forfeiture of certain offices. That question has been before the Supreme Court and pronounced to be without any effect at all. State officers can not be divested of offices simply by failing to do any particular thing prescribed by another statute at the instance of another functionary or officer. What makes this statute more remarkable and extraordinary and developes its enormity more than anything else is the fact that the statute itself gives to an outside person, a mere incorporator, the president of an association, the power to vacate and nullify the offices of public officers. Such pretensions are enormous. It is simply necessary to state what they are and their enormity would declare them absolutely void and of no effect, and if any of the incorporators or officers of this association should attempt, under this statute, to interfere with any of the public officers named in this statute and in others by seeking to vacate their offices, or resist their authority, their duty is too plain to need intimation. It would be the duty of the police authorities in a case which might be put, if for example the president of this company should notify the Chief of Police in case he failed to carry into effect some of his orders that seem to be authorized by this statute, that his office was thereby declared vacant, it would be the duty of that police officer to at once arrest and imprison the whole gang of them. They have no right or authority to attempt to carry into effect any such provisions, or to interfere with, or arrest under this statute any person for any assumed violation on their part, no matter what might be its character. Passing out of view the character of these men, they may be as good men as are in the community, or as bad men, but passing that question entirely, and considering the relation they bear to society and the organization of the government, they have no right or authority under this statute to touch or disturb any person in any way in the discharge of any of their duties or in the enforcement of any of their rights. To do so makes them amenable to the penal laws of the State, as well as any other person who might do the same thing. If the judge of this court should attempt to disturb the agents of railroad companies or any other persons in the exercise of their functions, he would be amenable to the criminal laws for so doing, and so are those parties, President Bernau and all others. Every person has a right, by pursuing the forms of law, to cause to be arrested whoever is viciously or wickedly abusing or injuring any animal, and the person who so abuses an animal is liable to the owner thereof for the damages he inflicts on the animal. This is the general law of the State. It is universal. These gentlemen, by virtue of this corporation or association as it is styled, have no rights, and can exercise none, that anybody else can not exercise. They have no right to cause anybody to be arrested under the general laws of the State more than any one else has, and are without authority to make any rules or regulations, or to fix anything not fixed by the statute itself as a crime and penalty. Legislation can not be delegated. The Legislature is without the power to authorize any third person or organization of any sort to legislate or make anything a crime and affix a penalty to any act which the Legislature itself has failed or refused to do, so that if the rules and regulations of this company or organization should define the beating of a mule over the head as a cruelty, that defining or fixing would be utterly void unless the general law had so declared. The act would be harmless so far as the company is concerned. It is no offense at all; they are without the capacity, right, or authority, to constitute or create such an offense.

View the enormous character of the provisions of this whole statute. It strikes to be significant only of the purpose to abuse the legitimate legislative authority, and it therefore becomes the duty of the court, whenever a case is presented where it has authority to act, to so declare. My opinion is the court has authority in this case, because this proceeding is directed against the association as such, which assumes to make and enact rules which it styles laws, and which alone constitute offenses and defines penalties. At least they undertake to determine offenses, or what constitutes a general offense, and it is left to the discretion of this association whether they should declare more than ten persons or two in a car to be an overloading or an underloading of the car. One day they might make one rule on the subject, and next day another one. But as I before held, all their acts on that question and on all others in which they undertake to determine that question, are entitled to no consideration, because they have no right to make them, so far as I am able to see. The whole statute is stricken with nullity, because strike out these provisions and there is no statute left. There is a lot of stuff here which goes on to define what the association shall do, who shall be secretary, who shall exercise the functions of officers, which amount to nothing unless the provisions of the act are conveyed. Sections four and five materially constitute the substantive provisions of the act, the others are of no consequence. It is immaterial whether they are stricken out or remain. There is no act unless these two provisions are held valid. I am unable to see there is any such thing as a statute, notwithstanding its title. The title of the act is not consistent with its provisions. The act sets forth different purposes and objects than those indicated by the title. If it was considered to be a criminal statute it is utterly void, because the title does not indicate that there is anything criminal in it. The expression, "the Louisiana State Association for the Prevention and Suppression of Cruelty to Animals," does not indicate clearly what it is. That title may mean a humanitarian association. The public, from a examination of the title, would be unable to say what designation it should get. This does not possess such a title as a statute containing several of its provisions would require, but it is certainly absolutely void; that is, that part of it without which there would be no statute. It is absolutely void because it confers powers which the Legislature can not delegate.

I think an injunction lies in a case of this character. I will, therefore, make it peremptory.

City of New Orleans vs. Society for the Prevention of Cruelty to Animals.—Petition sets forth that defendant, under act of March 4, 1874, claims the right to arrest and imprison animals in pounds, and to carry out the provisions of city ordinance No. 1096; that it has illegally imprisoned animals in pounds, and unlawfully exacted penalties in violation of this ordinance; that it illegally interfered with petitioner's rights; that the act is unconstitutional, first, because it provides that defendants may decide what constitutes a crime; second, its object is not expressed in its title, and third, that it only creates a body corporate, and that the city has sustained $1000 damages. Injunction issued restraining the society from exercising any of the functions attempted to be created by this act.

Frances G. Donovan et ux. vs. city of New Orleans.—Petitioner claims forty-seven feet eleven inches three lines of batture property, corner of Front and Roffignac streets; that it has formed until there is more than is required for public use; that it is valued at $15,000, and prays to be settled in the right of possession.

Superior Criminal Court.

State vs. Hortense Hale.—Murder. The jury were unable to agree, and being discharged, a mistrial was entered.

State vs. A. W. Kinchin.—Murder. Bail fixed at $20,000.

State vs. Joseph Hugel.—Murder. New trial refused.

State vs. Thomas Anderson.—Embezzlement. Nolle prosequi entered.

VERDICTS.

E. Stanberry and M. Ross, two boys twelve and thirteen years old, were found guilty of burglary and grand larceny, but recommended to the mercy of the court on account of their tender age.

D. C. Copeland was convicted of grand larceny.

John Davis and Louisa Adams were acquitted of robbery.

ON TRIAL.

Elijah Brown and John Jacobs were acquitted of the charge of breaking and entering a store.

Fourth District Court.

W. H. Voelker vs. F. Huberwald.—Suit for a year's wages, reduced to $500, the plaintiff claiming that he was not engaged by the month but by the year and discharged without cause. Verdict for defendant.

First District Court.

Celia Raphael pleaded guilty of assault and battery.

SENTENCED.

Aleck Monet, assault and battery.—Fined $2 50.

Fifth District Court.

Judge Culiom rendered the following decision:

Daniel Webster, petitioner for writ of habeas corpus.

The petitioner alleges that he is illegally deprived of his liberty by virtue of an order issued by the Seventh Justice of the Peace of the parish of Orleans dated July 1, 1874, based on a charge of cruelty to animals. He avers—First that there is no such offense known to the laws of Louisiana, as cruelty to animals; second that act No. 112 of the General Assembly of this State, entitled "an act to incorporate the Louisiana State Association for the Prevention and Suppression of Cruelty to Animals, by virtue of which said order issued, and which was approved March 28, 1874, is unconstitutional, because its objects are not expressed in its title."

The affidavit on which the justice predicated his order of fine or imprisonment of the petitioner, charges him with "ill-treating a brown or black mare mule while being driven in a two-wheeled cart with one sack of charcool, by striking said mule with a loaded whip-stock." The order reads as follows: July 1. Examination.—Let Daniel Webster pay a fine of $10 and in default thereof let him be committed to the Parish Prison for twenty-four hours. The answer to the order of habeas corpus, is that the petitioner was held in custody by virtue of the above order or warrant.

Counsel for defendant cited the fifth section of the act No. 112 as authority for the action of the seventh justice of the peace, wherein it is declared "that the president of the association, or such officer as may be authorized by the board of directors, shall serve, or cause to be served, a written notice, summoning any person or persons, accused or deemed guilty of cruelty and inhumanity to any animal or animals, to at once discontinue, or cause to be discontinued, the cruelty, wrong or nuisance complained of, and upon the refusal of any person or persons so notified to comply with the mandates of the association, within eight days after the service of such notice, the president of the association, or any officer properly authorized by the board of directors, may, before any court of justice, swear out a warrant for the arrest and cause the arrest on the charge of cruelty, or any other proper charge, of any person or persons refusing compliance with the mandates and orders of the association, and any party so arrested shall, if guilty, be fined not less than ten dollars, or be imprisoned in the Parish Prison not less than twenty-four hours, or both, at the discretion of the court, and any party or parties continuing the cruelty of animals complained of, shall, if rearrested, be punished for contempt of court, and in addition to increased fines and imprisonment, be held liable in damages to said association." It is seriously urged by counsel that this is a solemn enactment of the Legislature, by which it is clear that cruelty to and cruelty of animals is made an offense against the peace and dignity of the State of Louisiana, for the commission of which persons may be fined and imprisoned, at the discretion of the court, after the first offense. He refers to the act of 1805, which declares that "all crimes, offenses and misdemeanors shall be taken, intended and construed according to and in conformity with the common law of England, and the forms of indictment (divested, however, of unnecessary prolixity), the method of trial, the rules of evidence, and all other proceedings whatsoever in the prosecution of crimes, offenses and misdemeanors, changing whatever ought to be changed, shall be according to the common law, unless otherwise provided." He then cites Bouvier's definition of cruelty to animals, wherein the author says: "Cruelty to animals is an indictable offense, and defendant was convicted of a misdemeanor for tying the tongue of a calf so near the root as to prevent its sucking, in order to sell the cow at a greater price, by giving to her udder the appearance of being full of milk, while not affording her calf all he needed." 6 Rogers, City Hall rec., 62. "A man may be indicted for cruelly beating his horse." 3 Rogers, City Hall rec., 191. The argument is, therefore, that, because cruelty to animals is an indictable offense in England, it is necessarily so in Louisiana under the fifth section of the act of March 28, 1874, No. 112. It follows that cruelty to animals is an indictable offense in Louisiana, or else we have not adopted the common law of England in this particular. Now, I am at a loss to comprehend how a successful prosecution could be conducted by the district attorney against any one by an indictment under this law. "The style of all processes shall be the State of Louisiana. All prosecutions shall be carried on in the name and by the authority of the State of Louisiana," and shall conclude "against the peace and dignity of the same." Article seventy-nine, constitution of Louisiana. Under such an indictment I can not perceive how the act in question could be cited as authority for conviction. The fifth section referred to makes all acts of cruelty to animals an offense, not against the State, but only against the corporation, the association. Persons if "re-arrested, shall be punished for contempt of court, and, in addition, to increased fines and imprisonment, be held liable in damages to the association." To what extent these fines may be increased; to what period of time the imprisonment may be prolonged, the act does not determine. It may be confiscation of all the offender is worth, or on the other hand, imprisonment for life. "All penalties shall be proportioned to the nature of the offense." Article 102, constitution of Louisiana. Excessive fines shall not be imposed—constitution, article 8. We have no crimes, offenses and misdemeanors in Louisiana except such as are made so by special statute, "The General Assembly shall never adopt any system or code of laws, by general reference to such system or code of laws, but in all such cases shall specify the several provisions of the law it may enact."—Constitution, article 116. Therefore, the theory of counsel, that because the fifth section of act No. 112, mentions cruelty to animals as being something which the association, and the association exclusively, may take notice of, and punish for its own benefit, does not make it a crime, which the State may punish by indictment.

Now, as to the unconstitutionality of the act. By its title, it purports to be an act to prevent and suppress cruelty to animals; the simultaneous creation of the association was only for the purpose of accomplishing this end, so far as the title indicates. But when we examine the provisions of the act, section one, it is found that the association is authorized "to hold real and personal property; make contracts; may receive grants of land and personal property, and may receive, hold and own personal property, real estate and lands, moneys, subsidies, aids and grants, and donations of any nature whatever and whatsoever, and all powers and privileges pertaining to corporate bodies," etc. What has all this to do with the avowed object of preventing and suppressing cruelty to animals? Section five also authorizes any officer of the association "to cause the immediate arrest, without written notification, of any person or persons found in the act of illtreating or cruelly abusing any animal or animals." What is to constitute ill treatment or cruel abuse, are matters left enterely to the discretion of the officer of this association, and no penalty is provided for an abuse of that discretion. "Man's inhumanity to man" must be investigated by due process of law, but his ill-treatment of an animal, places him entirely in the power of the association against which the act No. 112 affords no relief whatever. By one section, it is authorized to hold personal property, by another to take it. Section 10. It is true there is some little formality required, but not such as affords anything like an adequate remedy by due process of law, for the protection of liberty or property. Article 10, constitution of Louisiana and preamble of same.

It is axiomatic, that if an act purports to accomplish but one single object such as the prevention and suppression of cruelty to animals, "and some of its provisions are void, the whole must fail unless sufficient remains to effect the object without the aid of the invalid portion." Cooley's Con. Lim., p. 178.

The fundamental maxim of this government requires that the rights of personal liberty and private property should be held sacred. The act in question was passed in utter disregard of this principle and of these objects, and confers powers so entirely repugnant to the well recognized principles, ideas and theories, that I can not think for one moment the legislators, beyond those who may have concocted it, ever read it at all, or heard it read. It is throughout a legislative abomination which, instead of being entitled "an act entitled an act to incorporate the Louisiana State Association for the Prevention and Suppression of Cruelty to Animals," should more appropriately have been entitled "an act to incorporate the Louisiana State association for the acquisition of wealth by willful outrages on personal liberty and property of the people without due process of law, and under the pretext of preventing and suppressing cruelty to animals." I have no hesitation in expressing it as my deliberate opinion that any member of the association, acting under the provisions of this act, and arresting or causing the arrest, fine or imprisonment of any person thereunder, is guilty of criminal conduct against the liberty and property of those concerned. Cruelty to animals should be suppressed, but not by means of worse cruelty to persons. I have not time to examine the act at greater length. It is unsound from the centre to the circumference. Let the prisoner be discharged.

Sixth District Court.

Estevan Riqulini petitioned for writ of habeas corpus. Petitioner is confined under a fine imposed by Judge Staes of $25 or five days in Parish Prison. Judge Saucier said he had already given his opinion that act No. 9 was unconstitutional; that since he had so decided the judge of the Superior Criminal Court had decided in favor of the validity of the law; that he still retained his former opinion and made the writ absolute, discharging the prisoner.

St. John Boat Club.

It is not generally known that this popular and leading boat club have possessed themselves of ten new crafts for racing purposes. The model of the new racers is the same in each, and differs somewhat from the model of the other race boats hitherto in use. The difference in build is shown by a more rounded water line, and the proportions are so evenly adjusted as to demand a more accurate and judicious balance. Another advantage of the new crafts consists in their capability of being steered from the bow as well as the stern.

For the race this evening there are ten entries, among which we note Helen Blazes, Sartoriski, Bazar, Right-side-up-with-care, and Modoc. The course will be from the boat house, clear across the bayou and return. Start will be made at half-past six o'clock. The finish will take place as soon as the race is over. The race will be run under rules, but without compass, in neutral waters; rules will not be enforced unless so desired, or not objected to, or otherwise.

The prize will perhaps consist of a handsome set of silver plate, and perhaps not. This being Independence Day, every one is entitled to his own opinion about the matter.

Court Items.

Judge Atocha yesterday, in dismissing the petty jury for the June, term took occasion to thank them for their devotion to duty and promptness of attendance. His address to them was listened to with great attention, and general pleasure was expressed in the faces of the jurors which was not all satisfaction at having completed their labors but approbation of the words of the judge.

The cruelty to animals society have most certainly come to the end of their rope. The district attorney dismisses cases that they bring before Judge Abell, and Judge Hawkins drives not merely a coach and four through the act which pretends to create them, but a train of cars and a drove of mules. Then the milkmen, a class from whom the society expected to derive a handsome revenue, bring a petition before Judge Cullom for a writ of habeas corpus. On the presentation of the case in this form Judge Cullom discharged a prisoner and handled the act in a different manner, but with the same severity.

The last of seventeen jury cases was tried yesterday in Judge Lynch's court. During the term now nearly completed no judge has worked harder or more conscientiously endeavored to discharge the difficult and onerous duties of his position. Many of the cases tried before him have called for extraordinary qualities of mind and temper, and in no case he has been found wanting.

Yesterday all the courts adjourned to Monday, which is the last day of the present term, and except for special duty the judges of most of the civil courts will not sit again till the first Monday of November.

Superintendent of the Mint.

Washington dispatches, received here yesterday, announce the appointment of Dr. M. F. Bonzano as superintendent of the Mint at this city.

Dr. Bonzano was for fifteen years assayer in the Mint. He was the only official of that institution that remained loyal to the United States. When the Mint was seized by the Confederate authorities at the breaking out of the war, Dr. Bonzano went North, where he remained until the capture of New Orleans by General Butler, when he returned. He was then appointed special agent by Secretary Chase, and placed in charge of the Mint. In this capacity he remained until appointed lighthouse keeper for this district. Dr. Bonzano, being a thorough scientific man and an untiring worker, proved a most efficient superintendent. During his administration the lighthouses were in complete order, and many improvements for the saving of life and property were introduced. He was subsequently a presidential elector on the Republican ticket, and latterly surveyor general of the district of Louisiana. The appointment made by the President yesterday was a most proper one. There are few men in the country who are the equal of Dr. Bonzano in scientific culture and practical ability.

Jackson Railroad.

Passengers will please note that trains leaves the Calliope street depot at 5 P. M., through to all principal points.

DEPARTURE OF TRAINS.—The Great Jackson mail train leaves the depot, at the foot of Calliope street, every evening at five o'clock, making close connection with the fast trains for New York, St. Louis, Chicago, and all other points of interest. Morning train arrives at five minutes past eight o'clock.

Class I,
Class I,
Louisiana State Lottery,
Louisiana State Lottery,
Containing three capital prizes
Containing three capital prizes
Of $10,000 each,
Of $10,000 each,
Will be drawn
July 11.

Professor Forshey and the Canal.

Our returning Congressmen and others who were in Washington during the time the struggle was being made for the advancement of the commercial interests of Louisiana and of the Mississippi valley and the great West, are unqualified in their expression of the opinion that the success of the canal bill in the House was owing more than anything else, to the persevering efforts of Professor C. G. Forshey. In season and out of season, nothing deterred him from the performance of his duties as representative of the Chamber of Commerce in the advocacy of the measure. While others fell back upon ancient dignity and manifested a feeling at times of almost indifference, the professor was at work night and day. He personally visited a majority of the members of the House, and set forth with uncontrovertible arguments and statistics the reasons why the the canal should be had; and probably his questions were better understood by the members of Congress, when it came to a vote, than they was. The people of Louisiana, whose vital interests he so ably championed, are under great obligations to Professor Forshey. He was an invaluable adjunct to our loyal Congressmen, in the struggle they made so well. While the people will not forget to hold strictly accountable those false or indifferent to their interests, they will not forget those who lead them so near to success.

The Militia Parade.

e the exposure of the outrageous canard of the *Picayune* in its assault on the militia, that paper instead of honestly confessing its blunder, defends its position by other paragraphs of the same tenor. This plainly indicates malice in thus persisting in an error which has been so completely exposed. It now asserts that its articles have had the effect of causing orders to be issued "dispensing with the usual display." Now it never has been usual for the militia to parade on Independence Day, and there was no intention of ordering any parade this year. In consequence no orders have been issued dispensing with it.

Last year the only observance of the day in this city was the parade of the Metropolitan Brigade and a salute fired by its artillery, and this was the only parade on the fourth of July that has been had for many years. No other public demonstration celebrated the birth of America. This year nothing of the kind has been proposed.

Our Salt Trade with St. Louis.

As an evidence of what ability and energy can do when properly applied by business men, we note the fact that our trade in salt with St. Louis is rapidly on the increase. Messrs. Jackson & Manson, extensive importers and whole sale dealers in salt, yesterday shipped per steamer Jno F. Tolle 8000 sacks salt. This is the largest shipment on any one boat made by any house here since 1860.

This 8000 sacks, with 6000 by theOllie Moore and 2000 by the John Kyle, shipped by the same house, indicate the extent of our salt trade with St. Louis in one week.

In the
New summer scheme,
Louisiana State Lottery,
Are 260 prizes
Amounting to $70,400,
Among which
Are three capital prizes
Of $10,000 each.
Drawing to take place
Saturday, July 11.

General Forest in the Barber's Hands.

The Mobile *Register* tells the following story:

It is said that Forrest went into a barber shop on Broadway to be shaved. The colored gentleman who officiated was loquacious. Forrest was in a good humor and disposed to be talkative. At last it came out that the gentleman who was being shaved was called General Forrest, whereupon the colored gentleman wanted to know if he was having the honor to shave General Forrest of the late Confederate cavalry. General Forrest mildly assented. Whereupon the barber remarked that he was glad to make the General's acquaintance, as his brother was a soldier in the federal army. "Where is your brother?" asked the General. "He was killed at Fort Pillow!" answered the barber.

Silently and gently as the fall of the snow-flake—but accurately and without hesitation—the General slid from beneath the razor of that barber, gained his feet, and with a face bare as to one side and lathered as to the other, remarked: "You can't shave me this morning!" A friend who met him a moment later remarked the singular appearance of his face. The General merely observed: "I like to have half of my face shaved at a time."

Worthy of Imitation.

An order has been issued by Judge Atocha of New Orleans to the municipal and police magistrates to take down evidence word for word as the witness gives it. In English police courts all evidence given is taken down, read to the witness, and he signs it. This involves additional expense, but it saves the trouble of calling the witnesses before the grand jury, and holds them to their sworn statements. The way in which testimony is given in the lower courts of this city is disgraceful. A citizen is frequently sentenced on the unsworn dictum of a police officer. The counsel, witnesses and policemen are huddled together in a way that must be most disagreeable to those who have feelings of delicacy. It may be important that the business of the courts should be done promptly, but it is more important that the constitutional rights of citizens should be respected. If every word of testimony in every case should be deliberately taken down and sworn to, omitting, of course, all verbiage, there would be less perjury and more equal justice.—*New York Sun.*

Again.

The issue of the Alexandria *Democrat* that announces the arrival of the Grant parish prisoners in that city, and the ovation tendered them, contains also the following paragraph:

A negro named Lewis Garat, living on the old "Lamoth Place," was killed on Bayou Rapides, in the public road, three miles from town, on Saturday morning last. We have not been informed of any particulars attached to this unfortunate homicide, except that the person accused of committing the act is Hull Nestor, a young man eighteen years of age and of good parentage, and a resident of Grant parish. From the good antecedents of the young man there must be some more serious excuse for the deed than flying rumors give to the public. As the matter must undergo strict judicial examination, we trust public opinion will rest till the accused has this proper examination.

Hull was seeking a chance for hero worship, that was all.

A Pennsylvania town has an ordinance "to prevent bathing within the borough limits," and consequently the inhabitants are obliged to go out of town when they wish to be particularly clean.

BY TELEGRAPH.

WASHINGTON.

The Mint at New Orleans.

WASHINGTON, July 3.—Dr. M. F. Bonzano has been appointed superintendent of the United States Mint at New Orleans.

Failed to Pass.

The bill to make an appropriation to pay the mail contractors South for services performed prior to the thirty-first of May, 1861, failed to become a law, but will come up again at the next session.

The District Commissioners.

General Ketcham, who arrived here this morning, called on the President at noon and formally accepted the appointment of one of the District of Columbia commissioners.

The Secretary of War selected, after the President had a consultation with Dennison and Blow, the other commissioners, who said the appointment would be very agreeable to them.

They will take the oath of office to-day, and expect to organize for business by Monday. Much anxiety is felt among a large class of citizens for that event, as they will have the disbursement of about a million of dollars among the unpaid employes under the late District government.

Personal.

The President has gone to Long Branch.

Secretary Fish leaves this evening.

Secretary Bristow has gone to Kentucky to attend the funeral of a member of his family.

Avery has assumed the functions of chief clerk of the treasury.

Postmaster General Jewell.

Marshall Jewell, of Connecticut, has accepted the Postmaster Generalship. The first assistant will act until Jewell arrives from Europe.

Appointments to West Point.

Among the West Point appointments are Samuel Scott Wells, from the fourth district of Louisiana, Reuben S. Smith, of Florida, and Paul L. Goodloe, sixth Alabama district.

The Postmaster Generalship.

When on Wednesday Representative Hale withdrew his acceptance of the Postmaster Generalship, the President tendered the appointment to Minister Jewell, but it was not until late this afternoon that a cable telegram was received from him signifying his acceptance.

The President, on the resignation of Mr. Creswell, expressed to a friend that he intended the appointee should be from New England.

While the appointment is generally received with favor, surprise is expressed that he should recall a minister who has not been long at his post to discharge the duties of an executive office at home.

Although Mr. Jewell is popular at St. Petersburg, and finds his position agreeable, it has been known that he preferred office in his own country to a diplomatic position abroad.

The settling of his affairs in Russia, and the time required for his return, will deter him from entering on his duties before the first of August.

First Assistant Marshall will serve ad interim.

Who Goes to St. Petersburg.

The question that now agitates this section is, who will be Jewell's successor at St. Petersburg?

There is considerable speculation in the premises, but nothing definite is likely to be known for a time.

The Survey of the River Mouth—War Department Orders, Naming the Commission.

WAR DEPARTMENT, Adjutant General's Office, Washington, D. C., July 2, 1874.

General Orders No. 74.]

Lieutenant Colonel H. G. Wright, Lieutenant Colonel B. S. Alexander and Major C. B. Comstock, of the corps of engineers, United States army; Professor Henry Mitchell, United States coast survey; J. E. Sickles, W. Milner Roberts, and H. D. Whitcomb, are by the President hereby appointed a board of engineers under the provision of section three of the act approved June 23, 1874, entitled "an act making appropriations for the repair