

COURT RECORD.

MONDAY, OCTOBER 26, 1874

Superior Criminal Court.

INFORMATION FILED.

Grand larceny—Florence Brown Harriot

W. H. P. PROBERT ENTERED.

Forgery, etc.—E. A. Poplin.

Shooting, etc.—Frank A. Kory.

CONVICT.

Burglary, two counts—E. B. Malone

and Patrick Jones.

GRAND JURY.

The following is Judge Atocha's charge

to the grand jury in the afternoon of

Monday, October 26th.

Gentlemen of the Grand Jury—You have

been selected as grand jurors for the

parish of Orleans. As such you have

important duties to perform. As you are

to be sworn in by your fellow-citizens,

before you are brought accusations

against your fellow-citizens, and

between them and the State you

are to be the arbiters. You are not to

consider yourselves as public officers,

for such is not the office of grand jurors.

Your investigations will extend to all

offenses within the jurisdiction of this

court, and it will be your duty, as

you have sworn, to diligently inquire

into all charges brought to your notice

and to present them impartially, no matter

against whom they may be preferred,

and to be guided by the law, and not

by the passions which, from their nature

and the circumstances attendant upon

their commission, are of public notoriety.

Of such crimes as are committed in

secret, without their special attention

being directed thereto by the Attorney

General or the district attorney, you

have no power to issue any process, but

it will be your duty to issue any

process necessary to bring before you

witnesses, papers, or whatever may

be necessary for your intelligent ac-

tion. You are to deliberate on the evi-

dence presented on behalf of the State

to determine whether there is a prob-

able delinquent in the commission of

the crime charged, and if that crime be

within the jurisdiction of this court,

to return an indictment against the

party charged.

It is the duty of the grand jury to

attend to the law. It is the duty of

individual members of the grand jury

to call the attention of the grand jury

to any crime or offense which may be

brought to their notice, or of which they

possess knowledge, and to make the nec-

essary examination to ascertain who are

the guilty parties.

After the investigation of any case,

you should come to the conclusion that

there has been no offense committed, or

that the accusation has been improperly

brought, it will be your duty to dis-

miss the case, and you should return

into court a statement that you have had

a case before you, and that a sufficient

number of the grand jury have not de-

termined to find an indictment in order

that you may return an indictment into

court. It is necessary that twelve of your

number vote in the affirmative—a less

number would be insufficient.

It is the right of the State as well as

of the accused to know what disposition

is made of the cases brought before you.

The Attorney General or the district

attorney has the right to attend the

proceedings, and to be heard in support

of the law, and in those instances where

the influence or control of their own

interests may be affected, they should

be heard. When either the Attorney

General or the district attorney pre-

sents an indictment, you should at the

no such offense brings him within the

jurisdiction of this court.

It is possible that some charges

against public officers who have been

guilty of offenses of this character may

be brought before you. I trust that you

will be careful to investigate, without

regard to their personal or official

position. I am not aware that there is

any special law which is called upon

to be applied to this class of cases. I

desire especially to call your attention

to the fact that the law is not a

practice of carrying concealed weapons,

but is very general, and when diffi-

culties arise not infrequently leads to

the death or imprisonment of the

parties immediately concerned in the

fracas, but innocent persons besides.

Combining to obstruct the laws or to

hinder a public officer in the execution

of his duty, attempting to bribe grand

jurors—these are all offenses within

the jurisdiction of this court. The crime

of grand larceny is also within its

jurisdiction, and the establishment of

grand larceny is not divided as now.

Petty larceny consists in taking and

appropriating the property of another

against his consent, to the value of

less than \$100. Grand larceny is

the same offense, with the exception

that the value of the property taken

is more than \$100. Grand larceny

is also divided into two classes, grand

larceny, and petty larceny. Grand

larceny is the taking of any such

property, for any such offense, as

is committed in the presence of the

owner, or in the presence of any other

person, or in the presence of any

other person, or in the presence of

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the property of the person who sets

fire to the house at the time fire is

set, the offense is punishable with

death. In this State there are, besides

degrees of the offense, such as prepar-

ing combustible materials for the

purpose of setting fire to the pre-

mise, even if the intent is not carried

out, is itself a crime, not punishable

with imprisonment in the Penitenti-

ary. There are also other degrees

of offense defined by the statutes

which will be explained to you fully

whenever the occasion presents itself.

If, in the course of your investiga-

tions, you find any such offenses

committed, it is your duty to return

warrants, if return indictments into

court against the guilty parties.

Combining to obstruct the laws or to

hinder a public officer in the execu-

tion of his duty, attempting to bribe

grand jurors—these are all offenses

within the jurisdiction of this court.

The crime of grand larceny is also

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erty, for any such offense, as is com-

mitted in the presence of the owner,

or in the presence of any other per-

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other person, or in the presence of

AN OPEN LETTER.

White League Advice to General Emory.

The following curious document was

addressed yesterday to the Major General

commanding this department, emanating

from a committee claiming to be the

organ of a political party. It considers

the services of Major Merrill, in Northern

Louisiana as "gratuitous," and his

conduct as "unmilitary." It mentions

the rights of civil government, with-

out laying much stress on the fact that

the liberty and right to live in a

Southern State, if a man comes from

the North, and to think, and to vote

as one pleases, are of those of employ-

ment, and not of those of constitu-

tional rights. The story runs as

follows:

HEADQUARTERS DEMOCRATIC AND CONSERVATIVE

STATE CENTRAL COMMITTEE OF LOUISIANA,

To Major General W. H. Emory, United States

Army, commanding Department of the Gulf.