

# ST. LANDRY CLARION.

"Here Shall the Press the People's Rights Maintain, Unawed by Influence and Unbribed by Gain."

Vol. IV.

OPELOUSAS, LA., SATURDAY, JANUARY 13, 1894.

No. 14.

## THE POLICE JURY CASE.

The Governor of this State in June last removed from office Messrs. Eraste Dupre and Adelmia Guidry, Police Jurors of this parish. These parties proceeded at once to take out writs of injunction preventing the appointees, Messrs. Isaac Roos and J. J. Barry, from taking their seats. Thereafter Mr. Roos instituted an action under the "Intrusion into office Act" to have Mr. Dupre removed from office on the grounds that said Dupre unlawfully held the same to the prejudice of the petitioner, who was lawfully entitled thereto by virtue of his appointment as aforesaid.

The case was twice tried by a jury, and a verdict rendered in favor of defendant on both occasions.

After the rendition of the first verdict, upon motion to that effect, a new trial was granted by the District Judge upon the grounds that the verdict of the jury was contrary to the law and the evidence.

After the rendition of the second verdict, without moving for a new trial, the plaintiff took an appeal to the Circuit Court. This court has rendered a decision affirming the judgment of the lower court. Under ordinary circumstances we would remain content with their finding, and say nothing, but because of the far reaching consequence (founded as we believe in error) we feel no hesitancy in criticizing that opinion, and in endeavoring to establish that it is incorrect.

The court of Appeals declared that the only point involved in the case was "whether a police juror was a State officer or not." If the former, the Governor's right of removal existed, as we propose to show later on; if the latter, the right did not exist.

Realizing the necessity of establishing that a police juror was a State officer, plaintiff's counsel looked up the law and found that the Supreme Court of this State in a very recent case, sitting with a full bench, had decided the point at issue. In the case of the State vs. Taylor, reported in the 44 La. Annual, Judge McEnery as the organ of the court held that a police juror was a State officer, and gave as his reasons, among others, for so deciding, the following:

"Article 159 of the Constitution provides that 'No person shall hold or exercise at the same time more than one office of trust or profit except that of Justice of the peace or notary public.' In the Constitution of 1845 there was an Article of similar import as follows: 'That no person shall hold or exercise at the same time more than one civil office of emolument.' In interpreting this Article in the case of *Doney vs. Vaughan*, 5 La. Annual 155, the court held that the acceptance of the office of parish tax-collector by the sheriff did not violate said Article, as the office of parish tax-collector was a municipal office, and that the incompatibility contemplated by the Constitution was the holding of two State offices. In the Constitution of 1852 there was a similar provision and it was held by this court that a police juror was not an officer within the intent of Art. 122. Since then, in recent years, police juries have been made State officials by legislative enactment. They are appointed by the Governor and our decrees have recognized them as such, and in *State vs. Newhouse*, 24 La. Annual 824, and *State vs. Jean*, 8 Southern Reporter 450, we held that the acceptance of the office of police juror by one holding the office of jury commissioner vacated the latter office, or is established in the first instance by the Constitution, it is a State office, and the holding of the same time two offices so created would manifestly violate Art. 159 of the present Constitution. Conceding that the member of a municipal council (upon which we express no opinion) is an officer, it is not a State office, and the Article No. 159 can have no application, as it has reference only to holding at the same time two State offices."

Judge Blackman, the organ of the Court of Appeals, whilst expressing a very profound regard for the opinion of that court, nevertheless overruled the same, and set up his opinion as the law rather than adopt their views as herein expressed.

Now the question naturally arises, who is right: the Supreme Court, the highest legal authority in the State, composed of Judges Nicholls, Fenner, Watkins, McEnery and Breaux, or the Circuit Court, composed of Judges Perry and Blackman? We unhesitatingly pronounce in favor of the Supreme Court, and doubt not our readers will agree with us. We want this question agitated. We want our views ventilated by the entire bench and bar of this State, to the end that we may be able to ascertain what court it is whose decrees we are to respect and bow our heads to? Whether it shall be in obedience to the decree of an inferior court overruling the opinion of a superior tribunal, or to those of the superior court notwithstanding this attempt to override its decrees? There is no reconciling of differences. The two decisions can not stand. One repeat the other. As we stated before, which is the correct one? We have already de-

clared our preference in favor of the Supreme Court, and invite our readers to an expression of their views.

A word now as to the conduct of the Governor in this case. His authority to remove is founded under the law (Act 125 of 1877) reads as follows, to-wit:

"That the Governor be and is hereby authorized and empowered to remove for cause or incompetency any officer whose appointment is vested in him."

Can language be plainer than this? Couple with this the fact that the courts of this State have uniformly held that this power of removal can not under our system of government be examined into by the courts; and with the additional fact that a police juror is a State officer and as such subject to removal, who will maintain that his right to remove these appointees was without authority? Had not his predecessors, Wiltz, McEnery and Nicholls, repeatedly done the same thing, and when their authority to do this was questioned, had not the Supreme Court always upheld their right so to do? Most unquestionably they had. In the face of all this comes the decision of the Circuit Court denying him this right. What will he do? Will he tamely submit to this usurpation of his rights? We are not in a position to answer for him, but we unhesitatingly assert, that if we were the Governor, we would exhaust every means at our command ere we would permit this court to override the law as it has done in this instance.

Imagine the confusion likely to result from such a decision. Not being authoritative except within this circuit, we shall doubtless be presented with the spectacle of having it executed partially in this circuit, whilst it will be disregarded in an adjoining one. Inasmuch as there are five circuits outside of Orleans parish, the Judges of each circuit can, if they desire so to do, make their own law. When such a court disregards the opinion of the Supreme Court in one instance, what is to prevent it from doing it in another case? What is to prevent them from declaring that an assessor, for instance, is a parish officer instead of a State officer? In fact, what is there to prevent them from denying the Governor's right to remove at all?

Want of space will not permit us in this issue to expose the absurdity of this decision, but we intend to follow it up in our next issue. Our readers will please make a note of this fact.

J. T. Stewart wants two thousand bushels of corn, and carries a full stock of lumber, four grades of shingles, coal and painters' supplies, and defies competition.  
oct28 3m J. T. STEWART.

## MARRIAGE LICENSES.

Marriage licenses granted by the Clerk of Court, for the week ending Thursday, January 11, 1894:

Stelly Guillory and Dorice Fontenot.  
August Thiery and Ida Ledoux.  
Homer Guillory and Corinne Martin.  
Leon Smith and Etinna Louisa Martin.  
Gustave Guiteau and Therese Robert.  
Homer Desthels and Marie Laure Vidrine.  
Charles J. Rose and Amelia Thomas.  
Aurelien Ardoin and Victorine Joseph, widow Joseph Therese.  
Valentin Cole and Frances Jordan.  
Hector Robert and Arnyde Lafleur.  
Philogene Kerlegand and Marie Williams.  
Wm. Davis and Amelie Comeau.  
Oezime Heltonya and Caroline Carmouche.  
Edmund Remi and Rachel Buttler.  
Louis A. Ducharme and Matilde Wyble.  
Arville Moreau and Amanda Vallin.  
Adam Leblanc and Ella Eaglin.

## MARRIED.

On Thursday, January 4th, 1894, at the church of the Immaculate Conception, Washington, La., by Rev. R. V. Moise, Miss Beaulac Boudreaux, of Washington, and Mr. Joe Lalanne, of Lafayette.

On Thursday, January 10, 1894, at Washington, La., Mr. Charles Dossman and Mrs. Mary Walsh, widow Lemontey.

THE CLARION extends its warmest congratulations to both couples.

## DIED.

At l'Anse Bourbeuse, in this parish, on Tuesday, Jan. 9, 1894, Lestie Manuel, aged about 47 years.

At Faquetique, on Tuesday night, Jan. 9th, 1894, of consumption, Mrs. Alex. Miller.

At his home in Washington, La., on Wednesday, Jan. 4, 1894, at 5:30 o'clock, a. m., Bernard M. Lynch, aged 84 years.

**NOTICE.**—The annual meeting of the stockholders of The First National Bank of Opelousas, for the election of seven directors to serve for the ensuing year, will be held at the banking office, on Tuesday, January 9th, 1894, from 10 a. m. to 2 p. m.  
J. T. SKIPPER, Cashier.

## FARMERS' ALLIANCE RESOLUTIONS.

Adopted at their meeting at Plaisance Hall, Plaisance, January 4, 1894:

By E. Mixer:

Resolved, That all the Unions in the State of Louisiana be and are hereby requested to endorse the resolutions passed by this Parish Union convened in Opelousas on Oct. 5, 1893, requesting our representatives in the legislature to procure the abolishment of dealing in futures.

By Paul C. Dupre:

Resolved, That we approve the bill before Congress for the improvement of public roads under the Coxe Road Plan.

Be it further resolved, That the St. Landry Democrat and Opelousas Courier are requested to publish said bill as, it is said, will appear in the Washington Argus next Saturday, and that they publish also the name and address of Mr. Coxe.

Be it further resolved, That we will circulate petitions for said bill as soon as it is published in the parish papers.

By Dr. D. W. Foster:

Resolved, by the Farmers' Union of St. Landry parish, in the State of Louisiana, in convention assembled in Plaisance Hall on the 5th day of January, 1894, that we feel deeply the need and believe firmly in the expediency of some such Real Estate Bank for the United States as was proposed by the Hon. Leland Stanford in a bill he introduced in the Senate on the 23rd of May 1890, which was a bill for the United States to issue treasury notes to loan farmers to the amount of half of their farming lands at two per cent interest for twenty years, if desired; provided the interest be kept paid annually.

Resolved further, That we earnestly request every parish in the State to unite with us in the request that every State in the whole United States concur with and join us in urgently requesting every Senator and Representative in Congress to agree and unite without delay in establishing such a currency for the speedy relief of the suffering farmers on terms and conditions set forth.

Resolved further, That if Congress fail to establish such a Real Estate Currency of the United States in due time, we earnestly invite all the Farmers' Union of the United States to combine in so far as possible and demand it in the ensuing elections beginning with the State Legislature and members of Congress and finally in the next presidential election. Having implicit faith in the justice of our cause and believing steadily that we are sufficiently numerous and strong if united to carry the all important matter by the help of God, as the only salvation of the farmers and the country at large.

By T. R. Carroll:

Resolved, That we tender our heartfelt thanks to the members of Plaisance Union in general and ladies in particular for their generous entertainment and the artistic decoration of the hall in which we are assembled.

Resolved further, That we will long and kindly remember such unmistakable marks of fraternal hospitality.  
E. E. ORTEGO, Secretary.

**NOTICE.**—After this date the First National Bank will charge 15 cents per hundred for New Orleans exchange.

Very Truly,  
J. T. SKIPPER, Cashier.  
Opelousas, Jan. 5, 1894.

**NOTICE.**—I am the owner by purchase from the State and parish of the Street Lamps, etc., formerly belonging to the Sun Vapor Street Light Co., and now used by them in Opelousas.  
Jan. 6. GEORGE O. ELMES.

## Notice.

LAND OFFICE AT NEW ORLEANS, Dec. 18, 1893.

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before B. Bloomfield, U. S. Commissioner, at Opelousas, La., on Wednesday, January 31, 1894, viz:

LEANDRE MANUEL, who made homestead entry No. 10580, for the E $\frac{1}{2}$  of NE $\frac{1}{4}$  SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of NW $\frac{1}{4}$  sec. 27 Tp. 6 S R 2 W La. meridian.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz:

Adam Young, Anatole Bellon, Theodule Doucet, Jean Bte. Desberges, all of Acadia parish, La.  
G. McD. BRUMBY, Register.



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## PERFUMERY

is an indispensable adjunct to the toilet. The list of scents, extracts, etc., is a catalogue of delights, and we shall be pleased to show you everything that our list contains. You'll find pretty much everything here that appeals to a refined taste, such as Toilet Brushes, Combs, Tooth Brushes, Notions, Fancy Goods, Soaps, Etc.

## SHUTE & DUSON.

### Constable's Sale.

J. A. PERRODIN VS. ZEFFI DUPRE.

First Justice's Court, St. Landry Parish, La.

By virtue of a writ of fieri facias issued by the Hon. T. B. Brooks, Justice of Peace, 1st ward, parish of St. Landry, in the above entitled suit, and to me directed, I have seized and I will proceed to sell, at the office of the Justice of the Peace, in the town of Opelousas, at 11 o'clock a. m., on

WEDNESDAY, JANUARY 17, 1894,

the following property, to-wit:  
About seventy bushels of corn in the shuck.  
One mare.  
One cotton planter.  
Terms: Cash.

R. P. BROWN, Constable,  
1st Ward, St. Landry Parish.  
Jan 2t

### Constable's Sale.

OSCAR FUX VS. ROBERT SHORTEN.

First Justice's Court, St. Landry Parish, La.

By virtue of a writ of fieri facias issued by Hon. J. G. B. Donato, Justice of the Peace for the 1st ward of the parish of St. Landry, in the above entitled suit, and to me directed, I have seized and I will proceed to sell, at the office of the Justice of the Peace, in the town of Opelousas, at 11 o'clock a. m. on

THURSDAY, JANUARY 18, 1894,

the following property, to-wit:  
One six year old Creole horse.  
Terms: Cash.

R. P. BROWN, Constable,  
1st Ward, Parish of St. Landry.  
Jan 2t

## Notice.

LAND OFFICE AT NEW ORLEANS, Dec. 18, 1893.

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before B. Bloomfield, U. S. Commissioner, at Opelousas, on Tuesday, January 30, 1894, viz:

OLIN MANUEL, who made Homestead Entry No. 9465, for the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Sec. 1 Tp. 6 S R 2 W and SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 6 Tp 6 S R 1 W La. meridian.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz:

Jean Bte. V. Veillon, Anasthase Guillory, Benoit solleau, Myrtill Rozas, all of St. Landry parish, La.  
G. McD. BRUMBY, Register.

## NOTICE OF ADMINISTRATION.

ESTATE OF JOHN D. CALLAHAN, DEC'D.

No. 5277, 11th Judicial District Court, Parish of St. Landry.

Whereas, James F. Lowrey, of the parish of St. Landry, has applied by his petition to be appointed administrator of the estate of John D. Callahan, dec'd. Now, therefore, notice is hereby given to all parties interested to make opposition to said appointment, to file same in writing, in my office in Opelousas, within ten days from the date of this notice.  
C. M. THOMPSON,  
Jan. 6-2t Clerk of Court.

## F. FRANZEL, Fashionable Boot and Shoe Maker.

Main St., Under Courthouse Office, OPELOUSAS, - - LA.

All kinds of Ladies' and Gentlemen's shoes made to order. Repairing neatly and promptly done. Invisible patching.  
Jan 6 im