

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

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TAX-PAYERS WANT THEIR MONEY BACK

Suit Instituted for Recovery of Special Tax in Aid of Opelousas, Gulf & Northeastern R. R.

VIOLATION OF CONSTITUTION

Tax Received Majority of Votes Cast, and Not Majority of Qualified Voters of the First Police Jury Ward.

On the ground that the election for the tax levy of five mills for ten years in favor of the Opelousas, Gulf & Northeastern Railroad Co. did not carry by a majority of the legally qualified voters of the First Police Jury Ward, but only carried by a majority of the votes actually cast at the election, three citizen-taxpayers of the ward Tuesday filed suit in the District Court to have declared null and void the proclamation of the Police Jury declaring the tax carried as well as the ordinance of the Police Jury levying the tax, and praying for judgment in favor of petitioners and against the Opelousas, Gulf & Northeastern Railroad for the amount paid by petitioners in taxes under said ordinance.

The suit is brought through Garland & Harry, attorneys, by Messrs. Frank Dimmick, of Shuteston; James T. Stewart, of Opelousas; and Adolph Guillory, of Plaisance, and the amount of taxes claimed to have been paid by them "under said illegal and unconstitutional tax ordinance," for the years 1905, 1906 and 1907, is \$290.80, which they pray to recover.

Petitioners pray that the Police Jury, through its President, and the Opelousas, Gulf & Northeastern Railroad Company, be cited to appear and answer the petition, and that after legal delays, etc., judgment declaring the ordinance null and void, ultra vires, be rendered by the Court.

This is the second suit instituted for the recovery of special taxes in favor of railroads voted by Opelousas, the other being against the Colorado Southern, New Orleans & Pacific Co. The latter affects the taxpayers of the corporation of Opelousas only, while the one against the O. Gee includes the territorial limits of the First Police Jury Ward.

The last suit has been bruited for sometime. It is based on Article 270 of the Constitution of the State, which says "The General Assembly shall have power to enact general laws authorizing the parochial, ward and municipal authorities of the State, by a vote of a majority of the property taxpayers in number entitled to vote under the provisions of this constitution and in value, to levy special taxes in aid of public improvements or railroad enterprises."

The election levying the tax in aid of the O. Gee was held on the 26th day of December, 1904, and 181 votes were cast in favor of same and 151 against, and in property value \$384,057.50 for and \$206,711.66 against, and the petitioners in the suit aver that "within the limits of the First Police Jury Ward there were living at the date of the election more than 480, qualified and entitled to vote at said election, under the laws and Constitution of the State of Louisiana."

Whether the complainants are estopped in the matter by having paid the tax without protest, thus acquiescing, is a mooted question in the minds of lawyers.

The Opelousas, Gulf & Northeastern Railroad is "The Opelousas Road," built from Melville to Crowley, through Opelousas, with headquarters here. It is now a part of the Texas & Pacific system.

The attorneys of the Opelousas, Gulf & Northeastern Railroad are not worrying over the suit. Mr. John W. Lewis, of the firm of Lewis & Lewis, local attorneys of the road, was asked about the matter by a Clarion man. "Absolutely a blank cartridge," promptly replied Mr. Lewis. "While of course we recognize the legal ability of the gentlemen representing the petitioners, we must say that there is nothing to it, and neither the railroad nor their attorneys are losing any sleep over the matter. Besides the plea of estoppel, the validity of the election should have been attacked, if at all, within three months after the holding of it. This has been decided by the Supreme Court, once by a divided bench, and subsequently by a unanimous decision."

Sanitary Condition Good.

"The general sanitary condition of Opelousas is good," remarked Mr. H. D. Littell, one of the Inspectors, "and I find little trouble in enforcing compliance with the city's ordinances. The colored population seem particularly anxious to clean up and sanitize their premises."

FATHER ENGBERINK AND PROHIBITION.

The Holy Man's Position on Important Question Unmistakably Defined.

ARGUES BOTH SIDES OF ISSUE

Recognizes Good and Evil in Prohibition, and Strongly Excoriates Saloons as Presently Conducted—Interviewed by Clarion.

The Clarion two weeks ago, in reporting the prohibition meeting at the courthouse, quoted Mr. Thos. H. Lewis as saying that Rev. Father Engberink, of the St. Landry Catholic church, had assured him (Mr. Lewis) that he (Father Engberink) favored the prohibition movement.

Thursday evening of last week the Clarion received from a responsible gentleman in Grand Coteau a request for information, in that, notwithstanding that the Clarion quoted Mr. Lewis as placing Father Engberink with the prohibitionists, he (the writer) learned that Father Engberink had preached a sermon against prohibition on the Sunday following the meeting in which he was quoted as favoring the movement. The letter from Grand Coteau was taken out of the office late in the evening. Next morning the Clarion phoned to Father Engberink, and there was no answer. The paper goes to press at 12 o'clock on Friday, and it was manifestly impossible for us to look up the reverend gentleman to obtain the desired information, so a representative interviewed several Catholics who had attended mass the morning of Father Engberink's sermon, and got from them the substance of his remarks. This we published in answer to the Grand Coteau communication.

Mr. Lewis Tuesday last handed in a copy of the report made by the committee which called on Father Engberink prior to his alleged sermon, which letter will be found in another column, Mr. Lewis further suggesting that Father Engberink must have been misquoted by the Clarion.

If the Clarion had misquoted Father Engberink, it wanted the people to know it, and not labor under a false impression, and at the same time do all parties concerned justice, and with this idea in view, on Thursday evening called on the good man at his presbytery, and was cordially received.

Father Engberink was asked to kindly give the Clarion a synopsis, as near as possible, of the sermon in question, and he obligingly answered: "When I touched upon the matter in my sermon, it was not with any intention in the least of influencing anyone, for or against prohibition. It was only to enlighten some of our voters on the subject, and to stress the importance of the question which they have been called upon to decide."

"I wish to say at the start that I do not grant the soundness of the argument of those who say that it is not a matter in which the church is interested. Whatever affects the country, and particularly its morals, affects the church, the spiritual fountain of the country.

"I regret that I can not indite you verbatim my modest discourse on the question, but must suffice by giving the gist of my position as expressed to my parishioners, and which are, by the way, substantially my expressions to Mr. Thos. H. Lewis and his co-committeemen when they called upon me some days ago.

"He who votes for prohibition is actuated, doubtless, partly by the unquestioned suffering of many poor mothers and orphans, traceable to the liquor addiction and abuse.

"He who votes anti-prohibition, is, no doubt, in part influenced in his opinion by the fact that about four million of our citizens will be, for the moment at least, thrown out of employment and left without means of support by the suspension of the great industries engaged in, and allied with, the liquor manufacture and traffic, to say nothing of the enormous property losses of those directly interested.

"That far, it is a question of conscience.

"I, as the leader of my people, consider it my duty to look into it from both sides and from all viewpoints:

"1st. Our Saloon.—Our saloon, collectively taken, has lost the confidence of the people, and to maintain itself, those interested should at once elevate the saloon itself, by removing the indecent pictures that are found on its walls.

"2. I believe there is a law forbidding minors from entering saloons, and this law should be enforced. It is the young man, buoyant of spirit and faltering of will-power, that is more susceptible to the evil of drink. But there is, as I have said, a law to

ITEMS OF INTEREST FROM OVER STATE.

Rain in State Favors Crop Prospects—Alexandria Votes Special Tax for City Hall—Religious Wave in DeSoto—Other News.

Footpads are at work in New Iberia.

Red River is rising and a 20-foot gauge is expected.

Rains prevailed throughout the State the past week, and crop prospects are splendid.

Citizens of the town of Plaquemine subscribed a fund to continue the public school of that town two months longer.

After a dronth of five weeks, a rain visited the sugar section in the vicinity of Iberia parish, and saved the crop.

The ladies of Lafayette have organized a grove of Woodmen's Circle, the feminine branch of the Woodmen of the World.

The annual reunion at the State Institution for the Deaf and Dumb at Baton Rouge will open May 25, and continue for several days.

Crescent Local No. 758 of the Farmers' Educational and Co-operative Union of America was organized at Plaquemine, Avoyelles parish, with 35 members.

Col. Andrew R. Blakely, noted Confederate veteran, and one of the best known hotel men in the world, for years manager of the St. Charles Hotel, died in New Orleans.

Marshall Stitt, of Eunice, shot a negro chicken thief through the body on the 12th, from which the negro may die. His name is Albert Suttens, and he hails from Abbeville.

Frank Gurley Stewart, a veteran employee of the Illinois Central Railroad, was killed by a train of that line at Hammond in a successful effort to save the life of a 5-year-old child.

Ed. Flowers, a negro, held up Ed. Flowers, white, near the traffic bridge at Alexandria, and made him hand over his "sack" containing \$135. After the battle of the Flowers the black Flowers made good his escape.

Fredinand Dudenhefer, the New Orleans defaulting tax-collector, who came back from Central America and was recently captured, instead of pleading guilty to the charge when arraigned, filed a motion to squash the indictment.

protect him, and it should be enforced.

"3d. The habitual drunkard should not be permitted, even when sober, to enter a saloon. There is a law partly covering this, which prohibits a saloon keeper from selling drinks to an inebriate, where duly notified not to do so by a relative of the inebriate. The law should be so enlarged as to obviate this formal notice—make it so that the saloon keeper lays himself liable to punishment when he sells a drink to an inebriate, whether the inebriate be at the time intoxicated or sober.

"4. Last but not least, the saloon should be a saloon, a place, well regulated, where one enters and deals in that which is meant by all intent to be the province of a saloon: the dispensing of liquors and other beverages, and cigars, and on no account should a saloon keeper lend his establishment to other uses more degrading, and ruinous.

"These reforms should be immediately and pronounced, and when the saloons are so reformed, the good sought by prohibition will have been attained.

"Prohibition.—Prohibition has its two sides. The danger of prohibition, according to my modest opinion, lies in being too far-reaching. Prohibition should mean to prohibit the abuse, as we have no right to prevent the use of beverages, which is a natural, sacred, inalienable right of the individual, with which no man should interfere.

"Another danger is the blind tiger. The blind tiger is worse, as seductive and more difficult to control than any saloon on God's earth.

"Assurances should be given to those who vote, that these two conditions will be fulfilled."

HAVE CHANGED LINES.

Promoters of Parish of Evangeline Will Leave Out Dump McCoy and Mallet.

Mallet will not be in the new parish of Evangeline, should that parish ever see the light of day.

"Dump" McCoy and the rest of Mallet selected to remain in the old parish, and the promoters of the yet unborn hearkened unto their plea to stay with old mother.

The line will follow the Bayou Mallet, taking in but a small strip of that section.

After quarreling over the ownership of cattle for some months, the Harrington brothers, living near Gueydan, had a personal encounter, Frank using a whip handle and John a knife. Frank received a thrust which it is believed will cause his death.

A religious wave has struck DeSoto parish, and it is said that 90 per cent of the business and professional men meet at the courthouse in Grand Cane every Sunday afternoon and hold prayer meetings. These prayer meetings will be organized all over the parish.

The election at Alexandria for a negotiable bond issue of \$32,000 to be added to the fund for a city hall for that city, held Tuesday last, was carried in favor of the proposition by a vote 248 for and 61 against in number, and an overwhelming property value. The city hall will cost about \$62,000.

A man named Will Rogers, traveling in a covered wagon, was shot by his wife at Many, La., the bullet going in one side of the body, under the arm, and coming out the other. The woman stated he was pursuing her with a razor, and Rogers asked before he died that his wife not be prosecuted.

A Volunteer Prison League has been permanently organized in the Louisiana State Penitentiary. The rules are to pray every morning and night, to read the Day Book faithfully, to refrain from the use of bad language, to earnestly seek to cheer and encourage others in well-doing and right living.

Capt. Slattery, rice statistician, has made the first forecast of the coming crop, in which he says that the acreage, while not greater than last year, will show a decidedly increased yield over last year, owing to increased fertilization, modern methods of rice culture by drainage extensions and improvements, planting better grades of rice, and the elimination of red rice lands. He predicts good prices on account of the latter condition.

MUST NOT SELL LIQUOR TO MEN WHO HAVE ENOUGH

An ordinance is now before the city council of New Orleans, reported favorably by committee, which has for its purpose the carrying out of the very point urged by the late President Jefferson Davis, viz: The abuse, and not the drinking in moderation, of whiskey is the curse, and taking that as a fact, why not legislate against the crime of drunkenness?

The New Orleans ordinance makes it a misdemeanor to sell or give liquor to intoxicated persons, and prescribes a penalty of \$25 or imprisonment for thirty days or both, at the discretion of the court.

It is asserted that the New Orleans law will have as much force against a person who "treats," or otherwise gives liquor to a man that is under the influence of liquor, as it will have against the saloon keeper who would sell it to him.

RED MEN IN ANNUAL POWWOW.

A. G. Whidden, of Donaldsonville, Elected Great Sachem—Successful Meeting.

Phil L. Asher, P. G. S., and Robert M. Coltrin, P. S., delegates from the Opelousas tribe to the Great Council of the improved Order of Red Men, held at Monroe this week, have returned home, and report the big powwow a pronounced success.

Donaldsonville was selected as the next place of meeting.

The following officers of the Great Council were elected:

A. G. Whidden, Plaquemine, great sachem; Amile Lewis, New Orleans, great senior sagamore; John J. Mul-Mullen, Monroe, great junior sagamore; H. J. Feltus, Baton; Rouge; Robit M. Coltrin, Opelousas, Keeper of Wampum, keeper of records; Mr. Fried, New Orleans, trustee, and Mr. Miller of Baton Rouge, member of the Board of Appeals.

Mr. Turner in Lafayette.

Rev. A. W. Turner, of the local Methodist church, returned Monday from Lafayette, where he had conducted a very successful revival meeting.

RAILROAD ENJOINS CITY TREASURER

From Paying Over to Tax-Payers Money Derived from Special Tax of Five Mills.

ATTACKS THE ORDINANCE

Claims that Board of Aldermen Had No Right to Pass Upon the Legality of A Contract Between Railroad and People.

Representing that the ordinance of the Board of Aldermen of the City of Opelousas passed on April 7 declaring the tax voted by the inhabitants of this city in aid of the Colorado Southern, New Orleans Railroad Co. null and void and instructing the City Treasurer to refund to the tax-payers such amounts as they had already paid, is without warrant of law and null and void, the Colorado Southern, New Orleans & Pacific Railroad Company last Friday obtained an injunction from the District Court restraining and forbidding the Treasurer from carrying out the ordinance instructing him to refund.

The prayer of the railroad company sets forth the hardships encountered by the company in building its railroad through the swamp 12 miles on the west and 8 miles on the east, at most times overflowed and the current of which often washed away the roadbed; the unprecedented stage of the Atchafalaya which prevented the completion of the big bridge, and the fact that notwithstanding these difficulties it had the road bed built and railed the entire distance specified in the agreement and trains running from Opelousas to Melville by March 1, the agreed date.

The prayer for an injunction, however, is mainly directed at the illegality of the rescinding ordinance of the council. It is not within the province of the Board of Aldermen, contends the petition, to declare the tax null and void; that the duties of the Board in ordering the election and levying the tax was purely a ministerial act and its action in trying to nullify the ordinance is a usurpation of a judicial function and an attempt to deprive the railroad of property without due process of law, in violation of the Constitution and of the Constitution of the United States.

The petition of the tax-payers, with the ordinance ordering the election, and the returns and promulgation thereof, and the ordinance levying the tax, constituted a contract between the individual tax-payers and the city of Opelousas, and the Mayor and Board possess no right to interpret this contract and to pass upon the legal rights of the railroad.

City Treasurer Perrodin by the injunction is compelled until the suit is decided to retain the \$9807.86 already paid in, and such sums as may be paid in the interim.

Whether the merits of the case are put before the court by the petition of the railroad, or whether only the validity of the rescinding ordinance will be passed upon, is not clear. It seems directed in the main against the validity of the ordinance.

A FINE MEETING.

So Superintendent Thompson Pronounces Teachers' Convention in New Orleans.

Superintendent C. J. Thompson, of the parish schools of St. Landry, returned Saturday last from New Orleans, where he attended the seventeenth meeting of the Louisiana State Public School Teachers' Association, which held sessions there three days last week.

Several teachers from this parish attended, but not as many as Mr. Thompson would have liked to have attend.

Mr. Thompson reports the meeting a veritable treat, and he is heartily in favor of these assemblies, where the teachers of the State and the great educators of the land meet and interchange ideas. He says he feels better equipped to discharge his duties every time he attends one of these meetings.

The Association elected the following officers: President, Warren Easton, of New Orleans; vice-presidents, Miss Mattie Williams of Shreveport and C. J. Brown of Plaquemine; secretary, Nicholas Bauer of New Orleans; treasurer, D. B. Showalter of Donaldsonville, La.; legislative committee, C. E. Byrd of Shreveport; J. S. Allemen of Napoleonville, C. J. Thompson of Opelousas, B. C. Caldwell of Natchitoches and E. L. Stevens of Lafayette; executive committee, Miss Agnes Morris of Natchitoches and Miss Marion Brown of New Orleans.

TUESDAY'S WRESTLE OF THE ELEMENTS

The "Dry" and the "Wet" to Combat for Possession of Old St. Landry.

BOTH SIDES CLAIM VICTORY

"Drys" Seem to Have the Best of the Situation, Although the "Wets" Seem to be in Good Fighting Trim.

WHAT THEY CLAIM:

EIGHT WARDS IN PARISH.

Prohibitionists Claim:

- 3rd ward
- 4th ward
- 5th ward
- 6th ward
- 7th ward
- 8th ward

CONCEDE:

- 1st ward
- 2d ward

Anti-Prohibitionists Claim:

- 1st ward
- 2d ward
- 3d ward
- 4th ward

CONCEDE:

- 6th ward
- 7th ward

DOUBTFUL:

- 5th ward
- 8th ward

The prohibitionists seems to have the shade the best of the situation for the election for and against the licensing of saloons, which takes place next Tuesday, at the same time as the general State election.

The prohibitionists have thoroughly canvassed the parish, making speeches in every section and in some towns repeating the rallies.

Every Sunday evening at three o'clock they have held meetings at the courthouses.

Several speakers from other States have aided them in the campaign, and they have had an abundance of local material.

They claim they will win by a large majority. "It will be a landslide," remarked a prominent official identified with the movement. "The big seventh ward is coming in almost solid, and in the second largest ward—the eighth—the anti-prohibitionists have a fighting chance at only two polls, Lower Mamou and Plaquemine Point. This will give the ward to the drys by a vote of three to one. Yes, I mean that Eunice, in the eighth, will go for prohibition: the town may vote, will go dry."

"What other wards do you count on?"

"Why, we count on every ward except the first and second giving us a majority. The third will possibly be close, but the sixth will go overwhelming, if it is small. The fifth ought to give a good majority for prohibition, notwithstanding that Washington is going wet. Bayou Boeuf in that ward, which includes Garland, Whiteville and Barbreck, will go almost to a vote for prohibition, while Grand Prairie will give a dry majority. What majority in the parish do I believe prohibition will get? O, about 1000."

Here is an anti-prohibitionist: "Our friends on the other side will be deceived, and in answer to your question as to whether we concede the election, I will say 'not by a jugful' (that is proper vernacular for me to use according to a prohibition standpoint). The prohibitionists have simply worked themselves up to the belief that the wave was irresistible, ergo, this parish must necessarily be struck. I don't like to enumerate the wards we expect to carry, but I can tell you this much: the first, the second, the third and the fourth are going wet. The eighth will be close, the seventh is going prohibition, so is the sixth. Don't know much about the fifth, but Washington and Grand Prairie ought to go strong enough against prohibition to carry the ward. But that's to be seen. I unhesitatingly say that the anti-prohibitionists will carry St. Landry by a decisive majority."

There you have it. The Clarion obtained these interviews from men close to the contending forces.

The anti-prohibitionists really only began hard work this week. They are fighting the battle without outside assistance—in the matter of speakers, anyway. The Southern Intelligence Bureau held but one meeting in the parish, and that was in Opelousas several weeks ago.

BISHOP T. B. BRATTON VISITS ST. LANDRY

Makes A Visitation of the Episcopal Parishes of Washington and Opelousas.

CHARMED WITH COUNTRY

Eminent Mississippi Prelate Visiting Diocese in Place of Beloved Bishop Sessums, Who Is Ill.

On Wednesday, April 8, the Rt. Rev. T. B. Bratton, D. D., Bishop of Mississippi, made a visitation of the Episcopal parishes at Washington and Opelousas, in place of Bishop Sessums, who has given up all church work for the present at the urgent command of his physicians.

Service was held in St. John's Church, Washington, at eleven of the morning of the 8th, the day of his arrival. There was celebration of the Holy Communion by the Bishop, as well as confirmation. The church was beautifully decorated with flowers for the occasion by the ladies of the congregation. During his stay at Washington the Bishop was the guest of Mr. J. W. Campbell, who was a college friend of his at the University of the South, Sewanee, Tenn.

The Bishop was driven over to Opelousas in the afternoon, thus getting a view of the historic "Prairies of Opelousas," which he pronounced the most beautiful and pleasing country he had seen during his Louisiana visitations. He was greatly interested by the old Spanish plantation homes to be seen along the road.

Evening prayer was said in the Church of the Epiphany, Opelousas, at eight in the evening. After the confirmation service, the Bishop preached an eloquent and most practical sermon, which was greatly enjoyed by the large congregation present. Basing his remarks upon one of the Epistles of St. Paul, where the Apostle treats of that theme, he spoke of "Responsibility." He showed how this rested upon everyone; how no one can by any possibility divest himself of it.

This visitation was a source of great encouragement and helpfulness to the members of these congregations, and Rev. Donohoo voiced the unanimous feeling in his public expression of thanks to the Right Reverend prelate for his kindly assistance given the Louisiana Diocese during the much regretted illness of its own beloved diocesan.

The Bishop left on Thursday morning for Franklin, where he was to administer confirmation that evening. He was a guest, during his stay in Opelousas, of Rev. and Mrs. Donohoo at Epiphany Rectory.

K. OF C. ORGANIZED IN THE CITY OF CROWLEY

Quite a delegation from Opelousas, members of the local council Knights of Columbus, left Sunday morning for Crowley, and participated there in the organization of the first council of Knights of Columbus in that city, exemplifying the first and second degrees.

The Crowley Council will be known as No. 1218, and thirty members were enrolled.

About two hundred Knights from New Iberia, Lafayette, New Iberia and Opelousas participated in the ceremonies, excursion trains from these points being run to Crowley.

At night a banquet was tendered the visitors, and the local Knights report royal treatment and a good time.

There are now sixteen councils in the State, with a membership of about 4000. The order is growing in this State every day, and Opelousas has one of the most progressive and energetic councils.

The great Council of the State will be held in Opelousas on May 12, in the new brick home of the order now about completed. The local Knights are bestirring themselves for the occasion, and should receive the hearty support of the community in general.

"For" and "Against."

In the prohibition election Tuesday, to vote for prohibition one will have to vote the ticket headed "Against" and to vote against prohibition, one will have to vote the ticket headed "For."

The election is for and against the licensing of liquor in the parish of St. Landry after January 1, 1909. Unless the voters are careful many mistakes might be made.