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Five hundred acres or more of land for any crop, but especially adapted to the cultivation of rice. Just north of St. Martinville town limits.

Apply to Mrs. E. Sillan,
St. Martinville
or J. Cammack
New Iberia

FOR SALE

300 barrels of sweet potatoes, 200 barrels of corn, several good milch cows, hogs and plgs.

L. C. Gauthier,
Rural Route No. 1,
St. Martinville, La.

FELIX VOORHIES. DAN W. VOORHIES.
VOORHIES & VOORHIES
LAWYERS

St. Martinville, St. Martin Parish, La.
Notary in Office.

CONSTABLE SALE.

Bank of St. Martinville
vs
Arthur Berard,
1st Justice's Court, 1st Ward,
No 1097

Parish of St. Martin, State of Louisiana.
By virtue of a writ of fieri-facias, issued in the above entitled and numbered suit, dated this 2nd day of November 1909, I have seized and will proceed to sell at public auction to the last and highest bidder at the Court House in the Town of St. Martinville, on

Saturday December 18, 1909,
the following described property, to-wit:

That certain tract of land situated in the parish of St. Martin, Louisiana, measuring six arpents more or less, in superficial area, bounded North by land of Charles Patterson; South by land of the heirs of Ariel; East by tract of M. L. & T. R. R. & S. S. Co., and West by land C. M. Olivier, duly recorded on the 18th day of July, A. D. 1907 in Book 21 Fol. 196, under No. 22457 of Mortgages, be and the same is hereby recognized and it is further ordered that said property be seized and sold to pay as far as it may the said plaintiff's demand.

Seized to satisfy said above writ.
Terms and condition—Cash.
DARCOURT BUGAS,
Constable 1st Ward.

Have your old Bicycle repaired and put in good order at L. Bienvenu repair and supply shop.

Kills Her Foe of 20 Years.

"The most merciless enemy I had for 20 years," declares Mrs. James Duncan, of Haynesville, Me., "was Dyspepsia. I suffered intensely after eating or drinking and cough scarcely sleep. After many remedies had failed and several doctors gave me up. I tried Electric Bitters, which cured me completely. Now I can eat anything. I am 70 years old and am overjoyed to get my health and strength back again." For Indigestion, Loss of Appetite, Kidney Trouble, Lame Back, Female Complaints, its unequalled. Only 50c at Labbe's Drug Store.

It's a Part of the Atchafalaya.

The Caneonne Canal has been dredged up to both sides of the Southern Pacific track. There still remains some dredging work to be done as a part of the canal has to be deepened.—Assumption Pioneer.

Why could not this canal or some other canal in Assumption parish be carried to the Atchafalaya and thus afford a short cut for the intercoastal canal into Bayou Lafourche? We have no desire to oppose or interfere with the route from Morgan City through Terrebonne and then into Bayou Lafourche, but we imagine it would not be undesirable to have two routes for this great canal to reach Bayou Lafourche, which is the connecting link for the canals that runs into the Mississippi River. We throw out the above merely as a suggestion and our Assumption friends, who are familiar with their canals, the distance to the Atchafalaya, the advantages to be derived and the possibility of accomplishing such a project may consider the matter and operate either independently or in conjunction with Lafourche to have the intercoastal canal make a short cut through our neighboring parish.—Lafourche Comet.

The Caneonne Canal when completed will connect Bayou Lafourche with all streams of the Atchafalaya.—Assump. Pioneer.

Who is building this Caneonne Canal, any corporation, Parish or Board? We would like to have some information concerning this canal.

JUDGMENT SUPREME COURT Of the State of Louisiana.

State of Louisiana, Ex Rel
A. N. Muller, Dist. Att'y, et als,
vs.
PAUL N. CYR, et als,

IN RE Dr. Paul N. Cyr et als applying for writs of Certiorari and prohibition, from 19th Judicial District Court, Parish of Iberia, State of Louisiana. James Simon, Judge.

The relators were elected members of the School Board of the parish of Iberia at the election of November, 1908, in pursuance of Act 60 of 1906, p. 92. They qualified duly, and were in office when on June 19th, 1909, the State Board of Education adopted the following resolution:

"Resolved, That owing to the deplorable condition of the school affairs in the parish of Iberia, the State Board of Education deems it necessary to remove from office the Parish Board of Directors of the Parish of Iberia, and does by these presents remove the said Parish School Board of the said Parish of Iberia.

"Resolved further, That the State Board of Education elects the following as the Parish Board of Directors of the Parish of Iberia: First ward, E. D. Guidry, vice-president, removed; Second ward, Henry N. Pharr, vice A. C. Duboin removed; Third ward Geo L. Fisk, vice L. L. Gonsoulin, removed; Fourth ward, Dr. Guy A. Shaw, vice John D. Walet removed; Fifth ward, Adolphe Romero, vice Edward Leblanc removed; Sixth ward, H. A. King, vice Eugene Guillot removed; Sixth ward, E. T. Weeks, vice J. W. Eckart removed; Sixth ward, Edgar Delhommer, vice A. B. Murry resigned; Seventh ward, Michel Delcambre vice A. D. Delcambre removed; Eighth ward, Dr. E. D. Tarleton, vice H. R. Minvielle removed; Eighth ward, St. Paul Bourgeois, vice Paul N. Cyr removed.

Resolved further, That in the event that any of the above mentioned named as the Parish School Board of the Parish of Iberia shall fail or refuse to qualify, then in that event the Governor be and he hereby authorized and empowered to fill such vacancies."

The persons elected by this resolution were commissioned by the Governor; and they qualified under the said commission; and have brought the present suit (under the intrusion into office act) against the relators to have themselves recognized as the legal School Board of said Parish.

The authority of the State board of Education to remove the relators is said to be derived from Section 6 of Act 214 of 1902, p. 406, which reads, as follows:

"Be it further enacted, etc., That for incompetency, neglect of duty, or malfeasance in office, the Governor may remove a member or members of the parish boards of school directors, subject to the ratification of the State Board of Education."

Relators contend that, by said section, the authority to remove is vested in the Governor and not in the State Board of Education; and so in fact the section reads. But the plaintiffs contend that, the governor being a member of the board is a removal by him; especially that the admission is made of record that he "concurred in the resolution." We do not think that a removal by the State Board of Education is a removal by the Governor. The action of the board, even though the governor

be a member, and even though voting with the majority, is not the action of the governor. This conclusively appears from the fact that a measure might be validly adopted by the board though the governor disapproved of it and actually voted against it. The removal is required by section 6 to be the act of the governor himself as governor. In the present case, it has not been such; the most that can be said is that it had his approval. A mere approval does not satisfy the statute. Ours is a government of public opinion. The power confided to an officer is accompanied by responsibility before the tribunal of public opinion for its exercise. In the removal of the relators in this case were allowed to stand, the responsibility for it would rest, not upon the governor, but upon the State Board of Education. The governor would merely have approved the act of the State Board of Education.

Relators also contend that the specification, in said Section 6 of Act 214, of the cause for which the removed is authorized, is restrictive, and that consequently a removal of any other cause is unauthorized. There can be no serious question of the soundness of this proposition. 29 Cyc 1410. Nor can it be seriously said that the cause assigned in said resolution, viz: "the deplorable condition of the school affairs of the parish," is convertible with any one, or all, of the causes specified by section 6, viz: "incompetency, neglect of duty, or malfeasance in office." The alleged "deplorable condition," if it really existed, may have come about from causes entirely disconnected with any "incompetency, neglect of duty or malfeasance in office" on the part of the members of the School Board. For instance, the present squabble between the two school boards has brought about a deplorable condition in the school affairs of said parish; and for this deplorable condition the plaintiffs are as much responsible as the relators; and yet no imputation of incompetency, neglect of duty or malfeasance in office is laid at the door of either plaintiffs or relators.

Relators also contend that the said section 6 of Act 214 was repealed by Act 60 of 1906, and also that said section 6 is unconstitutional. As, however, we have concluded that no removal has been made in this case we do not feel called upon to consider whether a removal if made would be valid. And, for the same reason, we do not deem it necessary to follow plaintiffs into the inquiry how far a removal may be made without notice or hearing, and without assigning a cause, in a case where the power of removal is condition-

al upon there being a certain specified cause, or certain specified causes.

The judgment of the District Court is set aside and the suit of the plaintiffs is dismissed at their costs.

A true copy,
Clerk's office, New Orleans,
November 17th, 1909.
PAUL E. MORTIMER,
Clerk.

STRAIGHT ADVICE

Broussard, La., Oct. 24, 1909.

State and track record broken without hopple in a race by the Stallion "Straight Advice" 2:05 1/2, time mile heats 2:10 and 2:11.

Straight Advice 2:05 1/2 is one of the handsomest and best bred Stallions in the world, by Free Advice 2:10, Dam the great trotting mare straight line 2:12. For his tabulated pedigree etc., write

ED. BULLIARD,
St. Martinville, La.

A Scalded Boy's Shrieks horrified his grandmother, Mrs. Maria Taylor, of Nebo, Ky., who writes that when all thought he would die, Bucklen's Arnica Salve wholly cured him. Infallible for Burns, Scalds, Cuts, Corns, Wounds, Bruises. Cures Fever-Sores, Boils, Skin Eruptions, Chills, Chapped Hands. Soon routs Piles. 25c at Labbe's Drug Store.

FOR SALE.

My two-story residence on Port street having one acre lot, also three other properties. Terms cash or on terms Dec. 22. EDWARD MARTINET

J. R. OLIVIER, DENTAL SURGEON.

OFFICE: UPSTAIRS LABBE DRUG STORE, ST. MARTINVILLE, LA.

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EUROPEAN PLAN, Rates \$1.00 and up.

Latest Improvements.

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Site formerly occupied by Denechaud Hotel

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Succeed when everything else fails. In nervous prostration and female weaknesses they are the supreme remedy, as thousands have testified. FOR KIDNEY, LIVER AND STOMACH TROUBLE it is the best medicine ever sold over a druggist's counter.

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Mississippi

EFFECTIVE JULY 1, 1909

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