...CRAT.

...AL OF THE TOWN
...PARISH.

...SAT, BUSINESS MANAGER

AGENTS:
...re..... New Orleans, La
...ido..... "
...man & Co...St. Louis, Mo

...EXANDRIA, LA.

...DAY,.....SEPT. 7, 1881

...is some talk of removing President to Long Branch.

...acknowlege the receipt of ...alogue for the Louisiana State ...sity.

...hatty, our spicy correspondent, ...very interesting letter in Sun ...Picayune, in which she speaks ...mplimentary terms of our own ...people

—A STORY is going the rounds that in Arkansas has been discovered a spring whose waters produce an intoxicating effect and taste like apple brandy. It is spoken of as the future popular summer resort.

—A NEW song is out entitled, "Between the Green Corn and the Gold." Col. "Kim" of the Baton Rouge Advocate says he sings it in a husky voice, and even then it aint worth shucks.

—HEALTH, the poor man's riches, and the rich man's bliss, is maintained by the judicious use of Ayer's Sarsaparilla, which strengthens and invigorates the system by purifying the blood. It is so highly concentrated that it is the most economical medicine for this purpose that can be used.

—Is it possible that a remedy made of such common, simple plants as Hops, Buchu, Mandrake. Dandelion, &c., make so many and such marvelous aad wonderful cures as Hop Bitters do? It must be, for when old and young, rich and poar, Pastor and Doctor, Lawerand Editor, all testify io have cured by them, we must believe and doubt no longer. —[Post.

—There is now a substance which is both profesionally and popularly indorsed and concerning which, Mr. J. B. Freshweiller, Butterville. Oregon, writes: I have often read of many effected by St. Jacobs Oil and was persuaded to try the remedy my self. I was a sufferer from rheumatism and experienced great pains, my leg being so swollen that I could not move it. I procured St. Jacobs Oil, used it freely and was cured.—[Freeport, (Ill.) Bulletin.

—THE President's condition is ...dly but steadily improving. He ...mmences to consume and rel ...d nourishment, and sleeps ...hile the swelling of his parot ...d is rapidly subsiding. It is, ...er certain, that his final recov ...ll be delayed for many months, ...he cabinet is seriously consid... the necessity of requesting ...r to take the presidential

...R. Jacob Levin, known far and ...as "Cheap John," and who in ...body's opinion, is the most en ...sing and wide-awake merchant ...hoasts of, has moved into ...ore on Front street. He ...coming on the road, fully ... worth of Fall and Winter ...ing notions, etc., which when ...ceives, he will sell at prices ... before dreamed of. The gen...anly and polite manager, Mr. ...an, ably assisted by other clerks ...e establishment, will take par...lar pains in showing everyone ...e all the pretty things there to be ...een. Success to Cheap John.

—THE following is from the American Journal of Education. Why not try the experiment of paying our teachers ... much to care for and train ...e children into an intelligent, hon...ble, productive citizenship as we ...y the judges and sheriffs for look...g after the criminals? Are not the ...nocent children as worthy and ...rth as much as the criminals? If ...chers generally would devote a ... of each Friday afternoon to an ...cise in which the pupils should ... short account of what they ...een reading during the week, ... help correct some of the ...sulting from reading trash, ...ht implant a love for better ...—Had you not better try it? ...We think so.

—WE sincerely regret the retirement of our talented friend and confrere, Judge Wm. Seay, from the editorial direction of the Shreveport Standard. His paper had become indeed the standard journal of North Louisiana. Judge Seay has discovered that writing up a daily paper of such editorial strength and brilliancy as characterized the Standard, leaves but little time to devote to a large law practice and abandons the editorial tripod for the bar. The retiring editor is an accomplished and ripe scholar, a brilliant and forcible writer and possesses talent and amiability of disposition that will bring honors and friends around him in whatever pathway of life he may pursue.

Col. Morrison, formerly associate editor, has assumed editorial management of the Standard and will ...ntain the reputation of his paper ...ble and fearless journal.

THE CONSTITUTION OF 1879.

A REVIEW OF ITS JUDICIARY SYSTEM.

REPLY TO "NORTH LOUISIANA" IN THE SHREVEPORT STANDARD.

A writer in the Shreveport Standard of August 28th, who signs himself "North Louisiana," and who seems to have free access to its editorial columns, in a labored article of two columns, attempts to reply to an article of ours criticising the present judiciary system of this State and accuses us of ignorance. As our article has been extensively copied and approved by the papers of the different Parishes we propose to reaffirm what we at first said and to prove at whose door the charge of "ignorance" is properly to be laid.

The chairman of the Judiciary Committee of the Convention of 1879 lives in Shreveport and whether the chairman and "North Louisiana" are or are not identical, is a matter of small concern, except to afford us an opportunity of observing that it is in accordance with the "eternal fitness of things" that the defence of that expensive, useless, burdensome and experimental conglomeration, called by courtesy only, a judiciary system, should come from that direction. We are not concerned in the writer but only in the writing, and without further introduction we will hasten in medias res.

Our charge, to which he objects, was that the people were anxious to return to the judiciary system as established by the Constitution of 1852, and that with that instrument before them the Convention of 1879 "must needs try experiments." We were writing more particularly of the Courts of Appeal, but as he has chosen to put the argument upon broader grounds, after having established our first proposition, that the establishment of that Court WAS AN EXPERIMENT and an extravagant one, wholly useless and powerless to afford the relief, the expectation of which is the only excuse for its existence, we will point out some other objections to the whole system. That was our charge, now let us hear his reply:—

"The above specified objection to the Constitution of 1879 is without any foundation in fact, and was made in entire ignorance of the judiciary system established under the Constitution of 1852 and of the preceding Constitution of 1845. We say the objection was made in ignorance because the judiciary system established under the Constitution of 1852, which was the same as that under the Constitution of 1845, is incorporated in the judiciary system of 1879, and is identical with it.—Under the Constitution of 1852, as well as under the Constitution of 1845, the judiciary power was vested in a Supreme Court, in District Courts and in Justices of the Peace."

Let us see if he is borne out by the facts. In the Constitution of 1845 Art. 62 is as follows:

"ART. 62. The judicial power shall be vested in a Supreme Court, in District Courts and in Justices of the Peace."

"ART. 75. * The number of Districts shall not be less than twelve nor more than twenty."

Constitution of 1852:

"ART 61. The judiciary power shall be vested in a Supreme Court, in such inferior courts as the Legislature may, from time to time, order and establish, and in Justices of the Peace."

"ART. 62. The Supreme Court, except in the cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars."

Let us go back still further and see the Constitution of 1812:

"ART. 4.—Sec. 1. The judiciary power shall be vested in a Supreme Court and inferior courts."

As the purpose and object of the Convention of 1879 was to correct abuses in the Constitution of 1868, and while making the comparison or contrast let us see what that instrument has to say.

Constitution of 1868:

"ART. 73. The judicial power *shall* be vested in a Supreme Court, in District Courts, in Parish Courts and in Justices of the Peace."

"ART. 83. The number of Districts in the State shall not be less than twelve nor more than twenty."

We will now see the Constitution of 1879:—

"ART. 80. The judicial power shall be vested in a Supreme Court, in Courts of Appeal, in District Courts and in Justices of the Peace."

"ART. 107. The State shall be divided into not less than twenty nor more than thirty judicial districts, the Parish of Orleans excepted."

Under the Constitutions of 1812, 1845 and 1852 the appellate jurisdiction of the Supreme Court in civil matters extended to all sums over $300. Under that of 1868 to sums over $500. Under that of 1879 to sums over $1000. Under the Constitution of 1852 the Legislature divided the State into EIGHTEEN districts including New Orleans.

There were originally under the Constitution of 1868, THIRTEEN districts including the Parish and City of New Orleans, which was subdivided into seven districts of its own, but we believe that the number was finally increased to SEVENTEEN.

Under the Constitution of 1879, which made an entire "new departure" and itself organized the District Courts without leaving it to the Legislature as the other Constitutions had done, there are TWENTY-SIX districts, the Parish of Orleans excepted, and perhaps it is worthy of remark in this connection that Caddo heads the list, and for the first time rises to the dignity of being constituted as a Judicial District all by herself.

From all this we draw the deduction, clearly established by the above citations, that the organization of Courts of Appeal under the Constitution of 1879 was, as applied to the judiciary system of this State, AN EXPERIMENT.—From 1812 to 1879, for sixty-seven years, Louisiana had got along and seemed to prosper without that new fangled institution and it remained for the Judiciary Committee of the Convention of 1879 after an incubation of several months to hatch out that sickly bantling. 'Tis said that every crow thinks her particular young crow is the blackest, and it is well known that mothers cling the eldsest to their afflicted offspring. The wet nurses of the Courts of Appeal may fold away the swaddling clothes of that puling infant and bring out its winding sheet. The people of this State have tried the experiment and have found it to be too costly a luxury.

We can't stop to repeat our entire article on that subject, to which "North Louisiana" attempts to reply, and he does not undertake to follow our statement that it costs, in salaries alone, about $60 for every case they try—that they do not furnish the relief sought—that the object desired could have been accomplished much more economically by adding to the number of Supreme Judges—or by establishing a temporary Supreme Court to decide all the untried cases on the Supreme Court docket—that the manner of selecting the Judges of this Court of Appeals, by the Legislature, was an unjustifiable innovation upon Democratic usage, and was itself an experiment upon an experiment—that the pretext that it is a poor man's Court is unfounded, as it is better for him to have a final judgment on his case by a jury in the District Court than to have a bob-tail appeal to a nondescript Court of appellate jurisdiction, where if either of the two Judges agree with the lower Judge, the judgment against him stands affirmed, and finally that the poor man whose all is at stake and whose $400 or $500 is as much to him as his thousands is to the rich man, has a right to have his interests adjudicated upon by the Supreme Court, where the rich man carries his appeals and where it is presumed a higher wisdom will decide his law questions. If the Convention of 1879 had been more practical and less theoretical, it would have lessened the costs of appeal to the Supreme Court and reduced the appealable amount to $300 instead of increasing it to $1000.—The experience of forty years from 1812 to 1852, had fixed the former as the appropriate limit and we never used to hear of any trouble in the Supreme Court, and the experience of the entire profession of law in and out of New Orleans proves that litigation is diminishing both in the number of and in the amount involved in law suits.

But hear "North Louisiana" again. Having denied that any experiments were tried and claiming an entire identity between the judiciary system of 1845, 1852 and 1879 he says:

The Constitutional Convention of 1879 not only incorporated the judiciary system of 1852 in the present system, but made such amendments to that system as were demanded by an enlightened public policy, the wants and necessities of the people.

It is just those "amendments" that we object to so seriously. We have had enough of one of them—the Courts of Appeal. Let see some of his others.—He says that under the new system District Court terms in each Parish have been increased to four and six times a year instead of two terms as under that of 1852 and that

"This amendment greatly reduced taxation in the Parishes and afforded substantial relief to the people."

Now let us see to the item of expenses. Under the Constitution of 1852 there was

One Chief Justice with a salary of $6,000 and four Associate Judges with a salary of $5000	20,000
Eighteen District Judges, salary $2500 each.....	45.000
Grand Total.....	$71,000

Under the Constitution of 1879 there is

One Chief Justice and four Associate Judges who each receive a salary of $5000.....	$25,000
Twenty-six District Judges, salary $3000 each	78,000
Ten Judges Courts of Appeal, salary $4000 each	40,000
Grand Total	$143,000

The Judiciary system of 1879 costs only the small sum of $72,000 per year more than that of 1852 and yet he claims that it reduced taxation. This calculation is exclusive of New Orleans it will be remembered. In abolishing the Parish Courts because they were too expensive and having given us Courts of Appeal because they are economical (?) it looks very much as if we had jumped from the frying pan into the fire. But he says:

"The present Constitution vests in the Supreme Court power to try and remove from office inferior Judges found guilty of habitual drunkenness, nonfeasance, misfeasance, incompetency or corruption in office."

We don't so read Artirle 93 of the Constitution of 1879, which is as follows, viz:

"ART. 93. The Judges of all Courts shall be liable to impeachment for crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them on the address of two-thirds of the members elected to each House of the General Assembly. In every case the cause or causes for which such removal may be required shall be stated at length in the address and inserted in the journal of each House."

This is almost identical with Section 5, Article 4, of the Constitution of 1812; Article 73 of the Constitution of 1845; Article 73 of the Constitution of 1852, and with Article 81 of the Constitution of 1868.

Article 93 quoted above is found in the new Constitution under the head of the Judiciary. Under the head of Impeachment and Removals from office it is repeated in Article 199. But then the Convention of 1879 with its craze for NEW ideas must seek to make the innovation so lauded by "North Louisiana." Article 200 provides for an original suit in the Supreme Court by the Attorney General or District Attorney on the written request of fifty citizens. So far from admiring we condemn Article 200 for the following reasons among others that perhaps could be urged, viz:

That it is an unwarranted innovation upon established precedent; that it is an attempt to give to the Judiciary department power that should only be given to the Legislative or Executive departments; that if the relief desired was considerable, it would increase the burdens of the Supreme Court, when it is said they should be lightened, and if inconsiderable, there was no necessity for nor credit due to the change of remedy; that such interference with the appellate jurisdiction of the Supreme Court and the confering upon it of original jurisdiction makes confusion in our system of jurisprudence; that it is dangerous to trust such power in the hands of petty officers, or it would be if there was any danger of any such suit ever being brought; and finally, with the conflict between Articles 93, 199 and 200 it is questionable if any remedy at all is furnished. We can't stop nor have we space to argue that question.

But he thinks again that the present instrument makes another commendable change in giving the Supreme Court supervisory control over inferior Courts as Article 90 does, in fact do, and we are compelled to take issue with him there also. That Article has already been subject to the interpretation of the Supreme Court and has produced a great deal of confusion. The power granted is very indefinite and violates the prime requisite in matters of a judicial nature; i. e. certainty. We have no reason to believe, nor do we think, that the Supreme Court will abuse the power conferred, but litigants themselves are uncertain as to the extent of the relief given and, if the object was to relieve the Supreme Court of its burden by limiting its jurisdiction to $1000, it is illogical to extend its jurisdiction to an indefinite extent in certain cases, the number of which cannot be ascertained. 'Tis better sometimes to have a case settled wrong than to prolong the litigation. 'Tis safer to stick to the old landmarks. This was another experiment.

He goes on then to excuse the system of Courts of Appeal upon the ground of their necessity to relieve the Supreme Court and to avoid vexatious delay in the trial of appeals to that Court. The country Parishes have never suffered in that respect.—Their appeals are speedily heard and decided with all desirable dispatch. It is true that the Court is, or was behind, with its City docket, but some able lawyers think that the proper remedy was in the increase of the number of Judges of the Supreme Court, or better still, in the organization of a temporary Court of Appeals, composed of City Judges to try City cases until the docket was cleared of all the delayed appeals. It is not asserted anywhere that if the Court was up with its docket, it would have any trouble in keeping straight with it. On the contrary, as we have already said, litigation is diminishing in both the City and country. There was no actual necessity for meddling with its appellate jurisdiction. The Circuit Courts, or more properly Courts of Appeal, are powerless to afford the desired relief. There was no precedent for them that we know of in this country and if England has any such a system we guarantee that their Courts are differently constituted. Ten Judges to try appeals involving sums between $200 and $1000, at an expense of $40,000 per year, is a judicial farce—perhaps it would be more courteous to say, an expensive luxury.

The last point made by "North Louisiana" in favor of the Courts of Appeal is the weakest of all. The fancied analogy between our Courts of Appeal and appeals from the Circuit Courts of the United States to the United States Supreme Court is imaginary entirely. The Judiciary system of the United States as established by the Judiciary Act of 1789 with some amendments, consists of a Supreme Court, Circuit Courts and District Courts. They correspond to our old system of a Supreme Court, District Courts and Justices of the Peace, *mutatis mutandis*. If *the United States* Supreme Court in trying appeals from the various Circuit and District Courts, which are both Courts of original jurisdiction in their spheres, had got behind with its docket, and it does take three years to have an appeal decided there, and Congress had organized an intermediate Court of Appeals, say to try all cases up to $5000, then Congress would have done in effect what the Constitutional Convention of 1879 did in giving us an intermediate Court of Appeals, with appellate jurisdiction only. But Congress has done no such thing and there is no analogy whatever. Perhaps "North Louisiana" was presuming upon our "ignorance" when he sought to make us believe that there was. He might as well have tried to find a parallel between the Courts of Appeals and our District Courts which hear appeals from Magistrates' Courts. To summarize as he does:—

1. We object to his "amendments" as innovations, that they are visionary, experimental, useless, expensive, and violative of Democratic precedent and usage.

2. That the speedy administration of justice under the "amendments" to the Constitution is chimerical only, and that if it were real, the same results could have been more economically obtained by a rigid adherence to the text of the Constitution of 1852.

3. That drunken Judges are no more easily removed nor unlearned ones more readily restrained now than under any of the other Constitutions.

4. That there is neither precedent nor analogy to justify the Courts of Appeal and that they should be abolished as too expensive a luxury.

5. That there are many other objections to the judiciary system of 1879. The "bob-tail" jury of less than twelve is an absurd innovation. The costs of litigation are too high and the Constitution should have given relief as to that. There are too many Districts and too many Judges. Sheriffs should not be Tax Collectors.

6. That there are other things to be corrected in other parts of the present instrument, but this should be done by amendments submitted by the Legislature. We have had quite enough of Constitutional Conventions.

Finally, we take issue with him in his last statement and we say he is mistaken in supposing that the "amendments made by the Convention to the judiciary system of 1852, have received the emphatic approval of both the people and the bar." Neither the people nor the bar, so far as we have been able to judge of their emphatic expression of opinion have approved of any of the changes made.—On the contrary they both condemn them all in unmeasured terms and all along the line there is an unmistakable demand for a return to the old landmarks.

F...

Dear Dem...

You sh... week, no m... read or not... enters the f... per all to m... ble "Tobias'... the North. extends only ... nearly all day ... you hear Alex... think, what a t... folks are? Som... "Mrs. G. is ma... tions to go to ... what Springs? "... You say despo... new springs are ... where are these? ... two miles from ... where is Mrs. O. ... grand flourish "go... Green Sulphur." ... is quite literary, an... ling, you don't ventu... this is, but get a ne... all over the United S... yourself foiled again. ... ous enquiry, you find ... are fully eight miles f... Yet they talk about "... with such a travel worn ... since found out that e... have Springs of their o... suit the family taste; ... duly analyzed and warr... everything except what ... are subject to.

We paid Pineville a ... urday last, and every ha... we met I wondered if th... lam," though how I wa... unless he wore his name ... band, would be hard to tel... that "Ullam" would be a ... man, for an ugly man wou... say such nice things of ladie... lam" does.

I like the Pineville ... that I have met—which wa... We went in search of butte... man had butter for sale; he... est looking, and assured us ... milk-maid finished shedding ... the Spring; there was no ... comb it; he said you could ... that butter off for cheese; ... sweet milk on it and eat it fo... as you could the generality o... try butter. We didn't take a... turned sadly away; but the ... was so honest we could not he... ing him.

I intended going on the Rai... excursion yesterday, but as the ... Orleans mail failed to bring ... shoes, I was like

"Old Mother Glow-shoes,
Who could'nt go to meetin'
Cause she had no shoes,
For to stick her feet in."

A good many went, mostly you... people, and from all accounts ... joyed themselves hugely. When ... handsome beau came with his bugg... to transport us to the cars, we we... transported and felt tempted to g... though one shoe was suffering frou... a "breaking out;" he was a docto... and if consulted might have healed ... the rent with a plaster.

With a party of four, we enjoyed a most delightful ride. Among them was the gallant Maj. W. who we were sorry to learn had been quite sick—made so by overwork and study in his anxiety to get his story ready for publication. It will come out in the Church Guide. His many friends will look forward to it with great interest, as the Major assures us the love passages were scraps of real life, many of them his own experience. It seemed a very short drive, but we went far enough to have the spot pointed out where Bailey dammed the river. I never knew before that there was a particular part of the river dammed. I should have thought that the rarity would be to point out a spot that had not been dammed. Such is the ignorance of a stranger.

Now, I do wish that I knew some news to tell you, but unless I draw on my imagination there is a woeful want of items.

The one topic, the President's health, is getting to be a personal matter. To be told at breakfast, "The President is getting better"—to be startled at dinner with "the President ate oatmeal and beef tea yesterday;" to be irritated at tea with "bless your soul, the President is getting better, eats oatmeal like a house a-fire and as to beef tea"—and to be astounded at night with—"Before I say good night, did you notice in the papers how fast the President is getting better"—is to rush frantically off and dream all night of the President floating round and round in a river of beef-tea and oatmeal. I am getting to regard the President with disfavor, and as to oatmeal and beef-tea—bah!

One never even hears any gossip in Alexandria, thus losing half the pleasure of life. People nowadays regard gossip with horror, confounding it with its cousins, scandal and slander. The old English definition of gossip was a sponsor in baptism or a familiar friend; the present to p... while the gene...