

The Petitpain Case.

THE PRISONER RELEASED AND AGAIN ARRESTED.

In the habeas corpus case of Ernest Petitpain, charged with being an accessory before and after the fact to the murder of W. P. Carter, Judge Rightor, on Saturday morning, rendered the following decision

In virtue of article 83 of the constitution, the Fourth, Fifth and Sixth District Courts are vested with exclusive jurisdiction in all civil cases, except probate, when the sum in contest is above \$100, exclusive of interest, and also with such further jurisdiction, not inconsistent with the terms of that article, as shall be conferred by law.

The law has conferred jurisdiction to said courts in the matter of issuing the writ of habeas corpus. [Code of Practice, articles 701, 827, Ray's Revised Statutes, section 1985.] There is nothing in this grant of power inconsistent with the constitution; it is no where restricted to cases of imprisonment or deprivation of liberty arising in purely civil matters.

This court is therefore vested with power to grant this writ.

On the merits, it seems that the relator, having been once arrested on the charge of being accessory before and after the fact to the murder of Wm. P. Carter, was released on bond given for his appearance before the Superior Criminal Court, was rearrested on substantially the same charge and by order of the same court (Recorder of the First District) committed to the Parish Prison, where he is now in keeping.

The court thinks that when the Recorder required and obtained from the prisoner a bond for his appearance before the Superior Criminal Court he exhausted his jurisdiction and the prisoner was at liberty under said bond until otherwise ordered by the Judge of the court before which he was sent to answer. Otherwise parties might be harassed and persecuted by repeated arrests upon the same charge, an abuse which the law abhors.

This principle has received a very recent sanction from our Supreme Court, in the case of the State vs. James Augustine et al., 29 A. 119.

Let the prisoner be discharged.

RE-ARRESTED.

Immediately after release Petitpain was rearrested and locked up in the Third Station, pending consultation by the Chief of Police with the Governor and the Attorney General. The latter not being in the city, the case was referred to the Assistant Attorney General, who was of opinion that a civil court had no jurisdiction in the case.

Louis Lallaurie, Petitpain's bondsman, subsequently withdrew his bond in the First Recorder's Court, alleging he feared Petitpain would leave the State.

At 1 o'clock Petitpain was again arraigned in the First Recorder's Court and remanded to prison without benefit of bail.

Petitpain's counsel afterwards applied to Judge Rightor for another writ of habeas corpus. The case was argued at 5 P. M., yesterday, and taken under advisement until to-morrow, at 11 A. M.

Murder - Ernest Petitpain charged

Clipped By:



al_marin1793

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