New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

Eighth District Court—Mandamus against Auditor Graham and an Injunction against Treasurer Dubuclet.

A. R. Whitney, a member of the State Senate, chairman of the Committee on Contingent Expenses, and a well known speculator and dealer in money and stocks, has entered a petition in the Eighth District Court, Judge Dibble, applying for the above writs. He represents that he is the holder of warrants Nos. 16 and 17, drawn February 27, 1861, for mileage and per diem expenses of officers, members and employes of the State Senate, and contingent expenses in manner and form as prescribed by law, of $5000 each, in total $10,000.

That said warrants are entitled to be registered, according to law, in the State treasury, and to be paid in the order of registry, in preference to other warrants or warrants drawn for other purposes; that they can only be registered in due form in the manner following: "The Auditor of Public Accounts should take up these warrants, "A" and "B," substituting his own warrants therefor, which warrants, so substituted, should be registered by the State Treasurer on the books of the treasury. But that the said Auditor of Public Accounts, though often amicably requested to take up the warrants "A" and "B," has refused and still refuses to do so, without any lawful cause for refusal being assigned by him, and the State Treasurer, without such substitution has been made, refuses to register or pay said warrants.

That, whereas, said Auditor has taken up other similar warrants, issuing his warrants in lieu thereof, which have been registered and paid by the State Treasurer, as relator is informed and believes, and whereby relator and petitioner has suffered great loss and injury, to wit: the loss of more than $3000 in money, and the injuries incident to the delay of justice, for all which damages, injury and loss the law affords relator no relief by the ordinary course of judicial proceedings, and writs of mandamus and injunction are necessary.

That the sum of $125,000 has been appropriated for the payment of the warrants A and B, herewith filed, and others of a like character; but petitioner is informed that a large number of warrants issued by the officers of the House of Representatives, all purporting to be drawn on J. Pinckney Smith, warrant clerk, to be paid out of the aforesaid appropriation of $125,000, which have been fraudulently issued, have been presented to the Auditor and Treasurer of the State to be audited, registered and paid, which fact, among others, is assigned by the Auditor as a reason for refusing to recognize and audit said warrants A and B of petitioner, together with the fact that the appropriation is constructively exhausted, and the accounts so confused that he can not decide between the genuine and fraudulent legislative warrants.

Petitioner further represents that the first and second appropriations of $250,000 have been exhausted in the payment of the mileage, per diem and contingent expenses of the Senate and House of Representatives; but that the appropriation of $125,000 made in the general appropriation bill of 1871 for the same purpose, to wit: the payment of the House and Senate, has not been exhausted, and the Auditor and Treasurer are without lawful excuse in refusing the demand of relator. The warrants herewith filed are genuine, and were issued lawfully to the Warrant Clerk and indorsed by him, and are the property of relator, A. R. Whitney.

Wherefore, the premises and the annexed affidavit being considered, he prays that the writ of mandamus be directed to the Auditor, to compel him to receive said warrants, and to issue in lieu thereof his warrants for $10,000 out of the appropriation of $125,000, and that injunction issue, commanding, enjoining and restraining said Dubuclet, Treasurer, from registering any warrants of the Auditor, or of the House and Senate, and payable out of said appropriation of $125,000 above mentioned, until warrants of relator and petitioner shall have first been registered; and, further, that said Dubuclet be enjoined and prohibited from paying any warrant or warrants of the Auditor of Public Accounts, except for the payment of interest on the bonded debt, salaries, office rent, clerk hire, and contingent expenses of the regularly constituted officers of the State, and fees for the collection of moneys paid into the treasury, and advances to assessors until the warrant or warrants in favor of relator.

The order of court calls upon the Auditor and Treasurer to show cause to-morrow, the fourth instant, at ten o'clock, why the said writs should not issue.

Commissioner Weller's Court.

The captain and mate of the ship Daniel Drager were charged by two of the crew with assault. On examination, the captain was discharged, and as the evidence showed that the men were guilty of a technical violation of law, the commissioner advised the settlement of the case between the parties out of court. This was done.

The cook of the steamer Garry Owen sued for expenses of transportation from Wilmington, Arkansas, to New Orleans, claiming that he had been put ashore at the former place by the mate. The evidence proved that the complainant had left the vessel voluntarily, and the case was dismissed.

The ship Tamerlane was sued by the mate. After investigation the claim was awarded; but the claimant, having made no amicable demand, was compelled to pay the costs.

On of the crew of the brigantine John M. Burns sued for wages, and got them.

A Lively Rencontre in Court.

The *Picayune* of last evening gives the following account of a rencontre between two members of the bar, in the Eighth District Court:

There was a lively rencontre in the Eighth District Court, this morning, during the trial of the rule for contempt in the matter of the Dunbar-Steib controversy, in the settlement of which it was expected that a conflict would arise between Judges Dibble and Cooley, in consequence of the issuing of conflicting writs.

As above stated, Judge Dibble, upon the trial of the rule for contempt brought by ex-Chief Justice Hyman, retreated gracefully from a position into which he inadvertently placed himself through the pleadings of counsel, and, upon the hearing of the rule for contempt, dismissed it.

When the rule was called, Mr. David C. Labatt, counsel of Steib, asked for a continuance, unless the opposite counsel would produce Mr. Dunbar in court or admit what he (Mr. Labatt) alleged Dunbar had stated in the Sixth District Court on Saturday, viz: That he had not authorized Mr. Hyman to appear for him in the matter.

After some little delay Mr. Labatt, in response to an inquiry of the court, stated that Mr. Dunbar had sworn to the fact that he had not authorized Mr. Hyman to appear for him.

Mr. Hyman, who was sitting in a chair a little to the right of Mr. Labatt, said loud enough for the court and all present to hear, "that is a lie!"

Mr. Labatt, upon this, turned instantly, and, stepping toward Mr. Hyman, struck him a blow in the face, which he followed up quickly with a few others.

Mr. Hyman recovered in a few moments, when, springing from his chair, he grasped Mr. Labatt, and then ensued a lively struggle, in which chairs, paper, pens and ink went flying about promiscuously.

The Hon. T. J. Semmes, who happened to be sitting near by the combatants, rushed forward, and, seizing one with his right hand and the other with his left, attempted to separate them, but was unable to do so until assistance came, in the person of the deputy sheriff and others present.

Judge Dibble instantly ordered the clerk to enter up a fine against both of the gentlemen of $100.

Mr. Labatt, after having arranged his dress, which had been considerably rumpled in the rencontre, begged the court to understand that he was ready and willing to pay the fine, but that he had intended no disrespect to the court. Mr. Labatt and his friends then withdrew.

A short time afterward Mr. Hyman attempted to make an explanation to the court, and said that the record would show that he had been employed by Dunbar; but Judge Dibble declared his unwillingness to listen to any explanation, and ordered the clerk to enter up a fine against Mr. Hyman, which order was promptly complied with.

Misdemeanors.

The expected conflict between the Judges of the Sixth and Eighth District Courts, in the matter of the Dunbar-Steib controversy, growing out of the famous Magazine street railroad case, has been settled by a graceful acknowledgment on the part of Judge Dibble, to the effect that the writ of injunction issued by him, conflicting with the order of Judge Cooley, had been issued inadvertently and without a full knowledge of the facts on his part. Judge Dibble said he was always the first to set aside an order issued inadvertently, and that he should never attempt to interfere with the execution of an order based upon a judgment of another court when that court was vested with jurisdiction, and he should expect other judges to act toward his orders in a like spirit.

In this case the attorneys had been to blame, and they alone were responsible for the attempt to bring about a conflict between his court and the Sixth.

That in the matter at issue Judge Cooley was right, and if he were in Judge Cooley's position he would have the order of possession issued by him enforced by the Sheriff. If the Sheriff refused, he would suspend him, and find some sheriff that would execute it. The rule for contempt was therefore dismissed.

The President Awaking at Mid-Day.

[From the Golden Age.]

Government is force—force of morals, force of mind, and force of bayonets. The administration's moral policy has been high—the fourteenth and fifteenth amendments being a stride ahead of the best philosophy of its predecessors. Its intellectual calibre has been moderate—no man in the government being permitted to outshine the President. Its administrative energy has been its least distinguishing quality—in proof of which it now appeals to arms. The President in Washington, in time of peace, does not govern as peacefully as General Butler at New Orleans in time of war. The fault lies at headquarters. The man who said "Let us have peace," either ought to keep his word, or else not have spoken it. To those who plead the President's lack of power, we point to the President's lack of spirit. When there is a strong government it is everywhere felt—like a fresh wind or bracing weather. The right arm of the executive lacks nerve—except to strike a man in the Senate chamber. The Ku-Klux have not known that we had a President. He was entertaining his relatives, or receiving gifts, or driving a horse, or buying an island, or enjoying a cigar—while the marauders in seven States were pulling down the flag, burning houses, killing negroes, abducting mayors, expelling school-teachers, destroying courts, and robbing banks. He sleeps twelve hours a day, and ought to be awake eighteen, like Stanton, who would have kept such a peace that we never should have heard of an outbreak. For two years past the Ku-Klux have been committing their outrages, and yet the President waits till the noon-day of his administration before he asks for a law to assist him in maintaining the public peace. "It is not yet clear," he said, a day or two ago, to the Senate and to the people, "it is not yet clear what my powers are." Why, then, did he not make this marvelous discovery during the first spring months after his inaugural address? What is the nation to think of his listless drifting through two momentous years without any inquiry into his power to deal with a class of renegades who were as active in the beginning of his term as they are now? The President impresses us like a man who is resting on his laurels, and who, in doing so, is crushing them in the act. He is frittering away his popularity, not through any ill-intended or mischievous policy, but through a slip-shod, half-energetic government.

The Ku-Klux must be tamed as lions are, and other dangerous but cowardly brutes—through fear. Give our military magistrate an open field and an armed enemy, and he will "fire a shot heard round the world." But true statesmanship conquers its enemy before he gets into open battle. General Grant has abundantly proven his ability to put a rebellion down; we would like to see him equally competent to keep one from rising up. In this last and greater kind of greatness, he has disappointed public expectation. The Ku-Klux ought to have been suppressed before they rose. The President's warlike proclamation of last week is a confession of his neglect of his great opportunity during the past two years. It seems ungentle to say this—particularly of one's own party and its honored chief—but then the negro asks us to say it; the Southern loyalist asks us to say it; the Northerner resident in the South asks us to say it; the chance traveler in South Carolina asks us to say it; the homeless exiles from burning dwellings ask us to say it; the widows and orphans of murdered men ask us to say it; and we have no right to hold our peace.

A correspondent of the Chicago *Standard* says: The excitement which some public speakers indulge in has been the cause of many laughable incidents. Such an one occurred a few Sabbaths since in the Methodist Church at W—. While discoursing on the subject, "Shall we know our friends in heaven?" the minister alluded to the incidents of the "transfiguration," and becoming excited, undertook to show how readily Moses was recognized by the disciples. Throwing himself into the supposed position of the disciple, he rushed across the platform with arms extended, exclaiming, "John! John! upon my word, there's Moses!" The effect upon the audience was remarkable, and will not be forgotten.

A French physician has investigated the effect of smoking on thirty-eight boys, between the ages of nine and fifteen, who were addicted to the habit. Twenty-seven presented distinct symptoms of nicotine poison. In twenty-two there were serious disorders of the circulation, indigestion, dullness of intellect, and a marked appetite for strong drinks. In three there was heart affection; in eight decided deterioration of blood; in twelve there was frequent epistaxis; ten had disturbed sleep, and four had ulceration of the mucous membrane of the mouth.

A young man from Marion, Ohio, has turned up in Cleveland with a bottle of coffee, which he desires the chemists to analyze, claiming that his wife had mixed poison with the beverage. His suspicions were aroused one morning at breakfast by two things: First, the peculiar color of the coffee; and, second, the extreme affability of his wife. He hastily emptied his cup into a flask and took the first train for the Forest City.

It is said of a late physician that he was waited upon one day by a neighbor to come and see a child sick with the croup. "Oh, certainly," replied the doctor; "if there is anything I pride myself on in my profession it is my treatment of that disease." As the doctor stepped out a moment to make ready, his waiting visitor was somewhat taken aback to hear him say to his wife, "Sarah, what do you do for the croup?"

Switzerland, which we have been accustomed to look upon as the land of extortion and hard dealing, now shows herself to be the land of high and generous sentiments; the land of the plain, practical, warm-hearted charity, such as this century, at least, has not often seen. Frenchmen—Alsatians especially—are said in many districts to lift their hats at the mere name of Switzerland.

A smart boy in one of the public schools having been required to write a composition on some part of the human body, expanded as follows: "The Throat: A throat is convenient to have, especially to roosters and ministers. The former eats corn and crows with it; the latter preaches through his'n, then ties it up."

It is related of a convivially-inclined young man in Montgomery, Alabama, that, attending a fair there recently he approached the lemonade stand, and the young lady presiding said archly to him that she "supposed he would prefer his 'dashed?'" To which, replied he promptly, "Yes, Mary, with a little politeness, if you please."

A California lion was lately killed near Los Angeles while gorging himself on surreptitious veal. It took seven rifle balls to destroy the monarch of the beasts.

LEGAL NOTICES.

IN THE DISTRICT COURT OF THE UNITED STATES.

DISTRICT OF LOUISIANA.

IN THE MATTER OF WILLIAM J. BRISCOE, Bankrupt.

In Bankruptcy—No. 375.

THE CREDITORS OF THE ABOVE ESTATE are hereby notified that the second and third general meetings of creditors will be held at the office of D. Augustin, one of the Registers in Bankruptcy, No. 120 Exchange alley, at the city of New Orleans, on the fourth day of May, 1871, at twelve o'clock M. E. H. NORTON,

ap2 3t Assignee.

IN THE DISTRICT COURT OF THE UNITED STATES.

DISTRICT OF LOUISIANA.

IN THE MATTER OF P. H. FOLEY, W. B. CONGER and Harrison Kelly, individually, and as members of the firm of Foley, Avery & Co., Bankrupts.

In Bankruptcy—No. 582.

THE CREDITORS OF THE ABOVE ESTATE are hereby notified that the second and third general meetings of creditors will be held at the office of C. S. Kellogg, one of the Registers in Bankruptcy, Customhouse building, at the city of New Orleans, on the first day day of May, 1871, at twelve o'clock M. E. H. NORTON, Assignee.

ap2 3t

THE STATE OF LOUISIANA.

FIFTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

CAMILLE LEVILLE vs. PIERRE LOUIS MARTIN, No. 2392.

I HEREBY CERTIFY THAT ON THE FOURTEENTH day of March, 1871, judgment was rendered in this court in the following entitled suit, in the words and figures following, to wit:

Camille Leville vs. Pierre Louis Martin, No. 2392.

In this case, the court considering the law and evidence to be in favor of plaintiff, it is ordered, adjudged and decreed that there be judgment in favor of plaintiff, Camille Leville, and against defendant, Pierre Louis Martin, her husband, decreeing a separation of property between said parties, that plaintiff do assume the administration of her separate property, and that she recover of defendant the sum of three thousand ($3000) dollars, with legal interest thereon from the twenty-third day of April, 1863, until paid, and costs of suit, with mortgage lien and privilege as allowed by law to married women on the property of their husbands.

Judgment rendered March 14, 1871.

Judgment signed March 16, 1871.

[Signed] CHARLES LEAUMONT, Judge.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this thirtieth day of March, in the year of our Lord one thousand eight hundred and seventy-one, and the ninety-fifth year of the Independence of the United States.

F. A. LUMINAIS, Deputy Clerk.

ap1 4 5*

THE STATE OF LOUISIANA.

FOURTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

MARGUERITA BOTSCH VS. MICHAEL J. HAUCK, Her Husband—No. 25,698.

I HEREBY CERTIFY THAT ON THE TWENTY-first day of March, 1871, judgment was rendered in this court, in the following entitled suit, in the words and figures following, to wit:

Marguerita Botsch vs. Michael J. Hauck, her husband. No. 25,698.

This cause coming up for trial to-day by consent, J. H. Halsey for plaintiff, defendant in person, when, after hearing pleadings and evidence, plaintiff having established her claim, it is ordered, adjudged and decreed that judgment be entered in favor of plaintiff, decreeing a separation of property between herself and the defendant, Michael J. Hauck, her husband, and that she recover of said defendant eighteen thousand five hundred dollars, with five per cent interest from judicial demand (March 14, 1871), with recognition of her mortgage, and with costs of suit.

Rendered March 21, 1871.

Signed March 27, 1871. PAUL E. THEARD, Judge.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and seventy-one, and the ninety-fifth year of the independence of the United States.

mh30 3t* FRANK WALL, Deputy Clerk.

STATE OF LOUISIANA.

SIXTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

MRS. MARY E. MILLER, WIFE OF WILLIAM L. Jackson vs. Her Husband—No. 2063.

I HEREBY CERTIFY THAT ON THE TWENTY-fifth day of January, 1871, judgment was rendered in this court in the following entitled suit, in the words and figures following, to wit:

Mrs. Mary E. Miller, wife of William L. Jackson, vs. Her Husband.—No. 2063.

On motion of Hyams & B. F. Jonas, of counsel for plaintiff, and on introducing due proof in support of her demand, and the court considering the law and the evidence to be in her favor, it is ordered and adjudged that the default herein entered on the twentieth of January, 1871, be now confirmed and made final; that there be judgment in favor of the plaintiff, Mrs. Mary Elizabeth Miller, wife of William L. Jackson, and against the defendant, the said William L. Jackson, her husband; that the community of acquests and gains heretofore existing between them be dissolved, and that plaintiff be restored to the free administration of her separate property.

It is further ordered and adjuged that the said plaintiff do have and recover from the defendant, William L. Jackson, the sum of four thousand ($4000) dollars, with legal interest from judicial demand, to wit, sixth January, 1871, till paid, and costs of suit, with the mortgage and privilege allowed by law to married women on the real and personal property of the said defendant.

Judgment signed March 13, 1871.

(Signed) W. H. COOLEY, Judge.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this thirteenth day of March, in the year of our Lord one thousand eight hundred and seventy-one, and the ninety-fifth year of the independence of the United States.

mh15 3t ap14 WILLIAM WOELPER, Clerk.

THE STATE OF LOUISIANA.

SEVENTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

MARIE CAMILLE CASTERA, WIFE OF AGNA Delagrave, vs. Her Husband—No. 8362.

I HEREBY CERTIFY, THAT ON THE THIRTI-eth day of January, 1871, judgment was rendered in this court in the following entitled suit, in the words and figures following, to wit:

Marie Camille Castera, wife of Agna Delagrave, vs. her husband—No. 8362.

On motion of L. Castera, attorney for the plaintiff in this cause, upon submitting to the court due proof of her demand, and the law and evidence being with plaintiff, it is adjudged and decreed that the judgment by default herein entered on the second of January, instant, be now confirmed; that there be judgment herein in favor of plaintiff, Marie Camille Castera, against defendant, Agna Delagrave, her husband, decreeing a separation of property between the said parties, and that said plaintiff be recognized as the sole owner of the furniture and movable effects described in her petition herein; that said plaintiff do have and recover of defendant, her husband, the sum of three hundred dollars, with legal interest from April, 1853, until paid, with the privilege in such cases granted by law to married women. It is further ordered that defendant pay the costs of this suit.

Judgment signed fourth January, 1871.

(Signed) T. WHARTON COLLENS, Judge.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this tenth day of February, in the year of our Lord one thousand eight hundred and seventy-one, and the ninety-fifth year of the independence of the United States.

GUS. L. BERNOUDY, Deputy Clerk.

mh23 3t ap23*

STATE OF LOUISIANA.

SIXTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

KATE GEARY VS. THOMAS WALSH, HER Husband—No. 2064.

I HEREBY CERTIFY THAT ON THE NINETEENTH day of January, 1871, judgment was rendered in this court, in the following entitled suit, in the words and figures following, to wit:

Mrs. Kate Geary vs. Thomas Walsh, Her Husband, No. 2064.

It is ordered, adjudged and decreed that default herein entered on the thirteenth January, 1871, be now confirmed and made final; that there be judgment in favor of said plaintiff Kate Geary, wife of Thomas Walsh, and against defendant, the said Thomas Walsh, her husband; that the community of acquests and gains heretofore existing between them be dissolved, and that said plaintiff be restored to the exclusive administration and control of her separate estate, and that the defendant pay the costs of this suit.

Signed, January 24, 1871.

W. H. COOLEY, Judge.

In testimony whereof I have hereunto set my hand, and affixed the seal of the said court, at the city of New Orleans, on this fourteenth day of March, in the year of our Lord one thousand eight hundred and seventy-one, and the ninety-fifth year of the independence of the United States.

mh17 3t ap17 J. P. DICK, Deputy Clerk.

IN THE DISTRICT COURT OF THE UNITED STATES.

DISTRICT OF LOUISIANA.

IN THE MATTER OF JULES DEJAN, JR.

In Bankruptcy—No. 1092.

THE UNDERSIGNED HEREBY GIVES NOTICE of his appointment as Assignee of the estate of Jules Dejan, Jr., of Orleans parish, Louisiana, adjudged a bankrupt upon his own petition.

mh17 law3t R. E. NORTON, Assignee.

LEGAL NOTICES.

UNITED STATES DISTRICT COURT.

DISTRICT OF LOUISIANA.

IN THE MATTER OF S. O. & T. A. NELSON & CO., Bankrupts.

In Bankruptcy—No. 45.

TO THE HONORABLE E. H. DURELL, JUDGE of the District Court of the United States for the District of Louisiana, sitting in bankruptcy:

The petition of R. E. Norton, of the city of New Orleans, herein appearing as the assignee in bankruptcy of the estate of S. O. & T. A. Nelson & Co., bankrupts, respectfully represents that among the assets surrendered by the bankrupts, and belonging to the aforesaid estate in bankruptcy, there is the following described real estate, situated in the State of Louisiana, in the parishes of St. Mary and St. Martin, to wit:

1. A tract of land situated on the east side of Bayou Teche, parish of St. Mary (now new parish of Iberia), Louisiana, containing a front on said bayou of three arpents and eleven feet, more or less, by the depth of forty arpents, in parallel lines, or lines divergent from the said front, bounded above by the land of the widow of Pierre Darby, deceased, and below by land of the estate of Rosette Boutte, deceased.

2. A tract of land at the place known as Pausse Point, on the east side of Bayou Teche, in the parish of St. Martin, State of Louisiana, having a front of four arpents on said bayou, by the depth of fifteen or eighteen arpents, more or less, except about seventeen and a half arpents, being that portion between the said bayou and the public road reserved from purchase by the vendor Severin Verret, bounded below by land of the estate of John F. Miller, and above by a tract of land belonging to S. O. Nelson.

4. A tract of land, situated at the same place, fronting on the east side of the public road leading to New Iberia, bounded above by the tract just described as not reserved, west, and south by the lands of S. O. Nelson, and on the east by said road, from which the vendor reserved twenty superficial arpents on the west end of the tract. The reservation being taken off the west end by a line running parallel to the western end of the tract, without counting this reservation, contains about one hundred and seventeen and thirty one-hundredths arpents, superficially. These two above described tracts were acquired by purchase from Severin Verret on the twenty-third day of January, 1862.

5. A tract of land, situated in the parish of St. Martin, Louisiana, on the oriental side of Bayou Teche, at a distance of about two miles from New Iberia, measuring seventeen arpents front on the said Bayou Teche, with the depth of thirty-six arpents, bounded on the north side by the tract sixthly described, on the south partly by land belonging to S. O. Nelson, partly by a land belonging to Camille Berard, on the west by the land belonging to T. E. Berard, and on the east by the land belonging to said S. O. Nelson; together with all the buildings, constructions and fences erected on the said land and belonging to it.

6. A piece of land situated at the same place, containing one hundred and two superficial arpents, more or less, joining on the north side of the said Bayou Teche, on the south by land above described, on the east bounded partly by the land belonging to Mr Miller, partly by the land belonging to Severin Verret, on the west by the land belonging to T. E. Berard.

7. Also all the rights, titles and interests of the vendor in another piece of land, situated at the same place, containing more or less nine superficial arpents, bounded on the west side by a land belonging to A. D. Miner, on the east by the land above mentioned; on the north by the said Bayou Teche, and on the south by the land above described and above mentioned. For all fifth, sixth and seventh described tracts, seven hundred and twenty-three arpents of land purchased from A. Pouymirou twenty-eighth July, 1857; from which should be deducted about one hundred arpents of said land, sold by S. O. Nelson to Jasper Gale, the same being between the public road and the Bayou Teche, and also sixteen arpents of said land sold to John Verret, like the last, situated between the public road and the Bayou Teche, the latter tract being embraced between the one just described and the land of Longuecker. The two parcels embracing the whole of the land situated between said public road, as now laid off, and said Bayou Teche.

8. A tract of land situated on the south side of the public road leading from Pausse Point, in the parish of St. Martin, Louisiana, to New Iberia, the same being in front of the land of —— Longuecker, and bounded east, south and west by the land of S. O. Nelson, and containing twenty arpents, acquired from Severin Verret, taken in exchange for sixteen arpents sold to John Verret.

Your petitioner further represents that the said hereinbefore described real estate is, as appears of record, incumbered and charged with the following hereinafter specified mortgages, judgments, liens and privileges resting thereon, to wit:

On the tract first described, a special mortgage in favor of Valain Olivier for $3686, with eight per cent per annum interest on $995 from February 1, 1860, and like interest on $1700 from February 1, 1861.

A judicial mortgage in favor of the Crescent City Bank of Louisiana for $20,000, with eight per cent per annum interest from May 1, 1862.

A judicial mortgage in favor of the Citizens' Bank of Louisiana for $40,000, with eight per cent per annum interest on $20,000 from first of February, 1862, and like interest on $20,000 from July 1, 1862.

A judicial mortgage in favor of Mrs. Esther Chapman, executrix, for $12,500, with eight per cent per annum interest on $5000 from May 27, 1862, on $500 from March 22, 1862, and on $2500 from February 27, 1862.

On the third and fourth described tracts, a conventional mortgage, with vendor's lien and privilege, in favor of S. Verret, for $3886, with eight per cent per annum interest from twenty-third February, 1862.

On the third, fourth, fifth, sixth and seventh described tracts, a judicial mortgage in favor of Levi Pierce for $3681, with five per cent per annum interest from twenty-ninth July, 1865.

A judicial mortgage in favor of Joseph Lallande for $1700, with eight per cent per annum interest from sixteenth November, 1861.

A judicial mortgage in favor of Joseph Lallande for $2300, with eight per cent per annum interest from eighteenth January, 1862, and the sum of $1700, with same interest, from same date.

A judicial mortgage in favor of Charles R. Alter for $25,000, with eight per cent per annum interest, recorded fourth May, 1866.

A judicial mortgage in favor of Henry Denis for $4000.

A judicial mortgage in favor of U. Deani & Co. for $3500, with eight per cent interest from twenty-third October, 1862.

A judicial mortgage in favor of Thomas U. Pierce for $13,000 and interest, and a legal and tacit mortgage in favor of William S. and Alice Nelson for $——, bearing on all the property described herein.

And your petitioner further represents that it is impossible for him to determine the validity of said incumbrances and the amount due thereon; that he can not ascertain the value of said property by agreement between himself and the creditors holding said security, as provided in section twenty of the bankrupt act of 1867, and that it is necessary in order to ascertain the value of said property, and for the due, proper and speedy administration of said estate, and for the interest of the creditors therein, that said estate be sold at public auction, free and clear of all incumbrances. That all said judgments, mortgages, liens and privileges recorded against said property be canceled and erased, so that your petitioner can convey a clear and unincumbered title to any purchaser thereof, reserving to said Valain Olivier, Crescent City Bank of Louisiana, Citizens' Bank of Louisiana, Mrs. Esther Chapman, executrix; estate of Adelaide Dubreuil, deceased, S. Verret, Levi Pierce, Joseph Lallande, Charles E. Alter, Henry Denis, U. Deani & Co., Thomas U. Pierce, William S. Nelson, and Alice Nelson, and all other parties in interest, to show cause upon the twenty-fifth day of April, A. D. 1871, at eleven o'clock A. M., before this court, why the said petition should not be granted, and said property sold as prayed for, and why all incumbrances recorded against said property should not be canceled and erased.

And it is further ordered that notice of this petition and order be served upon said Valain Olivier, Crescent City Bank of Louisiana, Citizens' Bank of Louisiana, Mrs. Esther Chapman, executrix of the estate of Adelaide Dubreuil, deceased, S. Verret, Levi Pierce, Joseph Lallande, Charles E. Alter, Henry Denis, U. Deani & Co., Thomas U. Pierce, William S. Nelson, and Alice Nelson, and all other parties in interest, by serving a copy thereof upon them, or their agent or attorney, or by said assignee publishing a copy of said petition and order three times in the New Orleans Republican, a newspaper printed in New Orleans, Louisiana, the last publication to be made at least five days before the day of hearing.

Signed March 27, 1871.

E. H. DURELL, Judge.

A true copy:

CHARLES CLAIBORNE, Clerk.

Clerk's office, New Orleans, March 27, 1871.

mh29 ap14 21

UNITED STATES DISTRICT COURT.

DISTRICT OF LOUISIANA.

IN THE MATTER OF FRANCIS MOUNEY, Bankrupt.

In Bankruptcy—No. 1079.

WHEREAS, FRANCIS MOUNEY, OF THE CITY of New Orleans, and district aforesaid, duly declared bankrupt under the act of Congress of March 2, 1867, has this day filed in said court a petition praying for a discharge and certificate thereof from all his debts and other claims provable under said act.

Notice is therefore given to all creditors who have proved their debts, and to all other persons in interest, that the fifteenth day of April, 1871, at 11 A. M., is assigned for the hearing of the same, and that they may then and there attend and show cause, if any they have, why the prayer of the said petition should not be granted; and further notice is given that the bankrupt will undergo an examination before the Hon. E. H. Durell, on the twenty-fourth day of April, A. D. 1871, at 11 A. M., at his office, Customhouse building.

Clerk's Office, New Orleans, March 31, 1871.

mh30 30 ap6 E. LOEW, Deputy Clerk.

AUCTION SALES.

By Henri Renvient.

SUCCESSION OF THE LATE LOUISE BRIERE, deceased, wife of George Schroeder.

Second District Court for the parish of Orleans—No. 35,080.

BY VIRTUE OF AND IN OBEDIENCE TO AN order of sale, rendered March 28, 1871, to me directed by the Honorable the Second District Court for the parish of Orleans, in the above entitled matter, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on MONDAY, May 1, 1871, at twelve o'clock M., for account of said succession, the following described property, to wit—

TWO CERTAIN LOTS OF GROUND, situate, lying and being in the borough of Freeport, formerly called Bonligny, in the parish of Jefferson, now in the Sixth District of this city, in the square No. 13, bounded by Austerlitz, Laurel, Live Oak and General Taylor streets. The said lots are designated by the numbers seven and eight, as a plan of two thousand and ninety-three lots of ground situate in said borough, said plan made by Augustus Phelps, surveyor, dated the fifteenth February, 1849, and deposited in the office of Joseph A. Beard, late notary public in this city; said lots adjoin each other, and measure each twenty-eight feet ten inches and three lines front on Austerlitz street, between Laurel and Live Oak streets, by a depth of one hundred and twenty feet between parallel lines, American measure, agreeably to said plan; together with all the buildings and improvements thereon.

Being the same property acquired by the deceased by purchase from Henry Clement Millaudon, per act passed before L. A. Kenny, late a notary public in and for the parish of Jefferson, under date of the eighteenth day of May, 1849.

Terms—One-third cash, and the balance at six and twelve months' credit, with eight per cent interest from day of sale; the time payments to be secured by mortgage, and the deed of sale to contain the usual clause of five per cent attorney's fees, in the event of non-payment.

C. S. SAUVINET, Sheriff of the Parish of Orleans.

mh31 ap15 30

SUCCESSION OF THE LATE SARAH R. PIERCE, deceased.

Second District Court for the parish of Orleans—No. 34,653.

BY VIRTUE OF AND IN OBEDIENCE TO AN order of sale, rendered March 30, 1871, to me directed by the honorable the Second District Court for the parish of Orleans, in the above entitled matter, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on TUESDAY, April 11, 1871, at twelve o'clock M., for account of said succession—

1. A CERTAIN PROMISSORY NOTE, drawn by B. Harrison to the order of Miss Sarah Pierce, dated Baton Rouge, November 3, 1857, for the sum of four thousand six hundred ($4600) dollars, payable three years after date, with interest at ten per cent from maturity until paid, subject to a credit of four hundred and five dollars and eighty one cents ($405 81), on the sixth of December, 1859. Said note is paraphed by William Hubbs, recorder, as secured by mortgage.

2. A DUE BILL, made by said B. Harrison, for four hundred and twenty dollars ($420), dated Baton Rouge, November 3, 1859, in favor of said deceased, for interest to accrue on said note, payable November 3, 1862.

Terms—Cash on the spot.

C. S. SAUVINET, Sheriff of the Parish of Orleans.

mh31 ap5 11

By Charles E. Fortier.

FURNITURE—SILVERWARE.

SUCCESSION OF M. C. CARMOUCHE.

BY CHARLES E. FORTIER, AUCTIONEER, Office No. 25 Exchange Place—TUESDAY, April 4, 1871, at ten o'clock A. M., will be sold at public auction, on Rampart street, between Ursulines and Hospital streets, by virtue of an order from the Honorable Louis Duvigneaud, Judge of the Second District Court for the parish of Orleans, dated March 22, 1871—

One lot of household FURNITURE.

One lot of SILVERWARE, etc.

Terms—Cash in United States treasury notes.

mh23 31 ap4

SALE TO A EFFECT PARTITION.

VALUABLE PROPERTIES IN THE SECOND AND THIRD DISTRICTS.

EULALIE LABORDE, WIFE OF E. G. SANDER, ADMINISTRATRIX OF THE SUCCESSION OF WIDOW B. LABORDE VS. HEIRS OF B. LABORDE, FOR A PARTITION.

Second District Court for the Parish of Orleans—No. 34,301.

BY CHARLES E. FORTIER, AUCTIONEER, Office No. 25 Exchange place—THURSDAY, April 13, 1871, at twelve o'clock M., at the Royal Street Auction Exchange, formerly the Bank of Louisiana, at the corner of Royal and Conti streets, will be sold at public auction, by virtue of a judgment rendered by the Honorable Louis Duvigneaud, Judge of the Second District Court for the parish of Orleans, on the tenth of February, 1871, and signed on the fifteenth of February, 1871, the following described properties, viz—

1. A CERTAIN LOT OF GROUND, with all the buildings and improvements thereon, situate on Frenchmen street, between Victory and Morean streets, in the Third District of this city; said lot measures, in American measure, forty-two feet, seven inches, and four-eighths of a line front on Frenchmen street, by 127 feet, ten inches, and five-eighths of a line in depth, between parallel lines. The house bears the No. 34 Frenchmen street.

2. A CERTAIN LOT OF GROUND, with all the improvements thereon, situate in the new faubourg Marigny, in this city, designated by the No. 9 of square No. 33. Said lot forms the corner of St. Anthony and Girod streets, and measures, in French measure, 30 feet front on St. Anthony street by 130 feet in depth and front on Girod street.

3. A CERTAIN LOT OF GROUND, with all the improvements thereon, situate in the new faubourg Marigny, of this city, designated by the No. 10 of square No. 33. Said lot measures 32 feet front on St. Anthony street, between Urquhart and Girod streets, by 127 feet 10 inches and 5 lines depth, American measure.

4. A CERTAIN LOT OF GROUND, with all the improvements thereon, situate in the new faubourg Marigny, of this city, designated by the No. 11 of square No. 33. Said lot measures, in American measure, 32 feet front on St. Anthony street, between Urquhart and Girod streets, by 127 feet 10 inches and 5 lines in depth.

5. A CERTAIN LOT OF GROUND, with all the rights, ways and advantages belonging, situated in the Second District of this city, in the square bounded by Carrollton avenue, St. Louis, St. James and Conti streets, designated by the No. 12. Said lot measures 30 feet front on St. Louis street, by 110 feet 8 inches and 5 lines in depth, and forms the corner of St. Louis and St. James streets.

Terms—One-third cash, and the balance at one and two years, in equal installments for notes secured by vendor's privilege, and special mortgage on the property sold, bearing eight per cent interest per annum from date to payment, the buildings to be insured for the amount of the notes, and to be transferred to plaintiff for account of whom it may concern, the purchaser to pay attorney's fees, fixed at five per cent, in case of suit to enforce payment of the notes. Said fees to be secured like the notes, and the purchaser to assume all taxes for 1871.

Act of sale before Joseph Cohn, notary public, at the expense of the purchaser, including United States internal revenue stamps.

mh11 21 31 ap4 13

VALUABLE FRAME RESIDENCE, NO. 448 DRYADES STREET, BETWEEN euterpe AND TERPSICHORE.

SUCCESSION OF MRS. ANNA C. MATTING, WIDOW OF FLORENT ZORN.

Second District Court for the Parish of Orleans—No. 33,934.

BY CHARLES E. FORTIER, AUCTIONEER, Office No. 25 Exchange place—SATURDAY, April 22, 1871, at twelve o'clock M., at the St. Charles Auction Exchange (rotunda, St. Charles Hotel), on St. Charles street, between Common and Gravier streets, will be sold at public auction, by virtue of an order from the Honorable Louis Duvigneaud, Judge of the Second District Court for the parish of Orleans, dated March 28, 1871, the following described property, viz—

A CERTAIN LO