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LAWS OF THE STATE OF LOUISIANA.

PUBLISHED BY AUTHORITY.

EXTRA SESSION OF 1870.

No. 106.

AN ACT

To incorporate the Arkansas and Delta Railroad Company, and granting aid to the same.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That M. M. Grady, R. G. Short, James Johnson, George C. Benham, W. R. Fish, J. B. Guthrie and A. J. Berlin, their associates and successors, are hereby created a body corporate in deed and in law, to be known by the name and title of the Arkansas and Delta Railroad Company, and by that name shall be able to sue and be sued, plead and be impleaded, shall have perpetual succession, and make and have a common seal; and the said corporation is hereby authorized and empowered to lay out, locate, construct, equip and thereafter to own, maintain, operate and enjoy a continuous single or double track railway from a point on the line of Arkansas and Louisiana, which is the proposed Southern terminus of the Little Rock, Pine Bluff and New Orleans railroad, between the Ouachita and Mississippi rivers, in the State of Louisiana, to Delta, in the parish of Madison, Louisiana, and by such route as said company shall deem most direct and practicable, the object of this act being to facilitate and secure the establishment, within the shortest practicable time, of a continuous railway communication between the city of New Orleans and the city of St. Louis.

SEC. 2. Be it further enacted, etc., That the capital stock of said company shall be fixed at five millions of dollars, in shares of one hundred dollars each, and the stock of said company shall be deemed personal property, and shall be transferable on the books of the company at such transfer office as the company may establish, and under such rules and regulations as the company may prescribe.

SEC. 3. Be it further enacted, etc., That the president of the company is the officer designated as the person on whom legal service of all process against the company may be made, and said service may be made on the president in person, or left to his address, at the office of the company at its domicile, with any of its officers.

SEC. 4. Be it further enacted, etc., That said corporators, or their assigns, shall be and they are hereby constituted a Board of Commissioners, with the powers herein prescribed for them, and shall act as such commissioners until a Board of Directors shall be elected by said company, as hereinafter provided, and no longer; and said commissioners shall have power to appoint, from their own number, a president, secretary and treasurer, and may appoint and fix the compensation of all such agents as they may deem needful to enable them to perform the duties hereby committed to them; and said commissioners shall cause books to be kept open in New Orleans, and at such other places as they may deem proper, to receive subscriptions to the capital stock of said company, and shall fix the amount of the first installment payable on such subscriptions, and may cause to be made a preliminary survey of the railway by this act authorized to be constructed, with estimates of the cost thereof. Said Board of Commissioners shall keep a record of its proceedings, and its acts shall be determined by a vote of its members, each member being entitled to one vote. A majority of said commissioners shall constitute a quorum for business.

SEC. 5. Be it further enacted, etc., That in order to provide means to defray the expenses of said Board of Commissioners in executing the trust by this act committed to them, they are hereby authorized to issue in the name of said company certificates of indebtedness signed by the president, secretary and treasurer of said Board of Commissioners to such an amount, and to sell and dispose of the same at such rates of discount as they may deem proper and expedient, and such certificates shall be receivable at par in payment of any subscriptions to the capital stock of said company.

SEC. 6. Be it further enacted, etc., That so soon as ten per centum of the capital stock of said company shall be subscribed it shall be the duty of the said Board of Commissioners to call a meeting of the stockholders of said company for the election of a board of nine directors, and such meeting shall be held at a time and place to be specified in such call for the purposes of such meeting. All persons who shall then have subscribed to the capital stock of said company shall be deemed stockholders, and shall be entitled to cast one vote, either in person or by proxy, for every share of said stock subscribed for and held by them respectively; but at all other and subsequent meetings of the stockholders of said company, every stockholder shall be allowed to cast, in person or by proxy, one vote only on each share of capital stock which he has owned and held for the period of three months last preceding such meeting. Said Board of Commissioners shall prescribe rules for the election of directors at said first meeting of stockholders, and shall receive and count the votes cast at such election, and shall certify the result thereof over their signature, and such nine stockholders voted for as shall receive the highest number of votes cast at such election shall be directors of said company until their successors are chosen and qualified; provided, that no person shall be eligible as such director who is not the owner of at least fifty shares of said capital stock. The directors so elected shall, before entering upon their duties, take and subscribe an oath or affirmation that they will faithfully and to the best of their ability perform their duties as such directors; and thereupon the functions of said Board of Commissioners shall cease and terminate, and thereupon the directors shall choose from their own number a president, and shall have power to appoint such other officers and agents as in their judgment the interests of the company may require, and may make such rules, regulations and bylaws for the government of its officers and the management of its business as they may deem expedient, and may determine when the subscription books hereby authorized to be opened for subscription to the capital stock shall be closed, and may fix the time and place for holding annual meetings of stockholders for the election of directors, may fill vacancies that may occur in their board, and may in the name and on behalf of said company make such contracts, enter into such engagements, and do and perform all such acts as they or a majority of them may deem proper, convenient or necessary for the accomplishment of the objects for which said company is created. The Board of Directors shall require the treasurer to give bond and security in such amount as may be fixed by the by-laws of the company; they shall have the right to fix the compensation of the officers, and to remove any of them by a vote of three-fourths of the Board of Directors.

SEC. 7. Be it further enacted, etc., That said Arkansas and Delta Railroad Company be and the same is hereby authorized and empowered to enter upon, purchase, take and hold any lands that may be necessary and proper for the construction and use of said railroad not exceeding one hundred feet on each side of its centre line, together with such other lands and premises as may be required by said company for excavation or embankment, or for turnouts, depots, stationhouses, docks, wharves or other purposes in the conduct of the business of said railway, adequate compensation to be given to, or satisfactory settlement to be made with all owners of property so to be taken and used by said company; and the right of way is hereby granted to said Arkansas and Delta Railroad Company through any and all lands belonging to the State of Louisiana, and through which said railway may pass, to the distance of two hundred yards on each side of the centre line of said railroad, and said company is authorized to enter upon any lands owned by the State of Louisiana and adjacent to the line of said company's railroad, and take and remove therefrom and appropriate to the uses of said company any timber, earth or other material, and the right is hereby granted to said Arkansas and Delta Railroad Company to use any of the State levees on the route of said railroad for any portion of the road-bed of the said railroad.

SEC. 8. Be it further enacted, etc., That in case any land through which said company may conclude to construct its railroad belongs to the estate of a deceased person, it may then contract therefor with the executor or administrator of such; or in case such lands belong to a minor or to a person *non compos mentis*, then with his guardian or tutor; or in case said lands be held by trustees of school sections, or other trustees of estates, then with such trustees of estates; and such executors, administrators, guardians and trustees are hereby declared competent for such estate, person or minor to contract with said company to use, occupy and possess the lands of such estates, persons and minors or trustees so far as may be useful and necessary for the purposes of said railroad, and the act and deed of such executors, administrators, tutors, guardians or trustees in relation thereto shall pass a title in such lands in the same manner as if the said deed or act were made or done by a legal owner of full age and sound mind; and such executor, administrator, tutor, guardian or trustees shall account to those interested in their respective bonds for the amount paid him in pursuance to such agreement and composition, and if the said company and the parties representing lands prefer, they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of their umpire in case of disagreement, shall vest title according to its terms.

SEC. 9. Be it further enacted, etc., That if said company is unable to agree for the purchase of any real estate or of the right of way thereupon, or any estate therein required for the purposes and uses of said company, as provided in the last preceding section, or is unable to obtain the title or right of way therein, it shall have the right to acquire title to the same in the following manner: The said company may apply to the district or parish court of the parish in which the lands the title wherein is sought is situated for the appointment of commissioners of appeal at any general or special term, or to any judge thereof in vacation; such application shall be made in writing and signed by the president or one of the directors of said company authorized for that purpose, and shall substantially set forth and state—

First—The court wherein or the judge to whom the application is made and the character of the application.

Second—The name and official character of the person applying in behalf of the company.

Third—The metes and bounds of the real estate which the company seek to acquire, and several parcels of land owned by different persons may be included in one application.

Fourth—That the company has not been able to acquire the estate in said lands required, and the reasons of such inability.

Fifth—The names of all parties or owners interested in said real estate, so far as the same are known to the applicant, must be set forth, and if not known that fact must be stated. A copy of such application, and notice of the time and place the same will be presented, must be served on all persons named in said application, as owners or interested in said real estate, at least ten days prior to the presentation of the same, provided such owners so named are residents and can be found within the State of Louisiana, and are not infants, idiots or persons of unsound mind; in that case, upon their tutors, curators or guardians.

SEC. 10. Be it further enacted, etc., That on presentation of the application to the court or judge therein named, and no person appearing to oppose said application, and whenever it shall satisfactorily appear from said application, and proofs thereunto attached, that service of the notice of the time and place of the presentation of said application upon all the owners and persons interested in said land has been made, the said court or judge thereof shall, forthwith, make an order appointing three disinterested and competent freeholders, who reside in the parish where the premises are situated, or an adjoining parish thereto, as commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken by the said company for its purposes, and shall fix the time and place for the first meeting of the said commissioners. In case any person who shall be the owner, or who shall have a vested interest in said premises shall appear at the time and place of the presentation of said application, the said court or judge, before making said appointment of commissioners, may hear such person and said company in relation to any persons proposed for appointment as such commissioners, their place of residence, their competency and interest, and after such hearing the said court or judge shall make an appointment of three commissioners as aforesaid, in accordance with the discretion or judgment of said court or judge, in case it shall appear by said application that any person, or any of the persons owning or interested in the said premises described in the application, or any part of the same, are not known to the said company, or are not residents of the parish wherein said real estate is situated, or cannot be found therein after due diligence, or are infants, idiots, or persons of unsound mind, then and in such case the said court or judge, before making said appointment of commissioners, shall make such inquiries as to such owners and parties interested in said premises, and shall make such orders for service of notice upon them or upon any persons in regard to such application and such other order or orders in the premises as the said court or judge may deem necessary, proper and just, and shall then make such appointment of commissioners as aforesaid, and in connection therewith make such orders as to the service of any future notice upon the owners of said premises, of the meeting and appraisement of said commissioners, and the confirmation of the same, as may seem to said court or judge equitable and just.

SEC. 11. Be it further enacted, etc., That the commissioners so appointed, or a majority of them, shall hold their first meeting at a time and place appointed by the court or judge, and may adjourn from time to time at their discretion; they shall take and subscribe an oath before any officer authorized to administer oaths in the State of Louisiana, to the effect that they and each of them will impartially and to the best of their judgment and ability perform the duties of said commissioner; and any one of said commissioners may issue subpœnas and administer oaths to witnesses. Whenever they meet to take testimony or hear the parties, except by the appointment of the said court or judge, or pursuant to adjournment, they shall cause reasonable notice of such meeting to be given to any of the parties in interest who shall have heretofore appeared before them, or to their agent or attorney. They shall hear the proofs and allegations of the parties, and reduce the same to writing, and after all the testimony offered in the case that in the judgment of said commissioners is pertinent to the value of said premises, is taken, they or a majority of them shall, without any unnecessary delay, ascertain and determine the compensation which ought justly and equitably to be made by said company to the owner or persons interested in said real estate appraised by them; and said commissioners shall take into consideration the advantages that the said owners or persons interested in the said real estate may derive from the construction of the said proposed railway, for which said real estate is proposed to be taken. They shall make a report, in writing, to the court or judge by whom they were appointed, which shall contain the proceedings in the cases before them with the minutes of the testimony taken by them, if any, and their award and determination. They shall be compensated for services as such commissioners by said company at the rate of five dollars per day for actual services.

SEC. 12. Be it further enacted, etc., That on such report being made by such commissioners, the court or judge shall appoint a time or place for the hearing of said company, and all parties interested in said lands, in regard to the confirmation of said report, and shall by order direct the manner and form of the service of any notice of the same upon any persons that in the judgment of the said court or judge should be notified; and on the day of such hearing, if no person shall appear to oppose the confirmation of said report, the same shall be confirmed by the said court or judge, and an order shall be made reciting the proceedings of the appraised, the confirmation of the same, and a description of the real estate, and directing to whom the money or value of said real estate is to be paid, or in what manner the same shall be deposited by the said company for the use and benefit of said owners, and if any person shall appear to oppose the confirmation of said report, the said court or judge shall hear the parties for and against said confirmation, and if said court or judge shall decide in favor of said confirmation, then the same proceeding shall be had in the premises as heretofore provided, in case no person appeared to oppose said confirmation; and if said court or judge shall decide against said confirmation, an order shall be entered directing said commissioners, or other commissioners named in said order, to proceed to a reappraisal of the said premises, the proceedings of which shall be afterward conducted as in the first instance, except that the appraisal and report of the commissioners in the appraisal order shall be final, and shall be confirmed by said court or judge; and the order of said court or judge confirming any appraisal, as aforesaid, shall be final and conclusive on all parties interested; provided, that any party to said decree shall have the right to appeal to the Supreme Court from any decree to their interests, or the interests of those they may represent.

SEC. 13. Be it further enacted, etc., That the order of said court or judge confirming an appraisal of lands as heretofore provided, or a certified copy of the same, shall be filed in the office of the clerk of the district or parish court of the district or parish in which the said real estate appraised shall be situated, and there shall remain a record; and such order, so entered and filed, shall vest in said company the lands described therein, and such estate as may therein be set forth, on the payment or tender of payment or deposit of the amount of the appraisal and damages by said company, as provided in said order, or a duly certified copy thereof, with proof of such payment and deposit, as therein provided, will be considered as legal evidence of the title and estate of said company to the real estate acquired by the appraisal by said company under and in pursuance to this act, and said title and estate shall be deemed to be acquired for public use.

SEC. 14. Be it further enacted, etc., That the said company is hereby authorized to obtain, by grant or otherwise, from any incorporated city or village within the State of Louisiana, that may be situated upon its railway, any rights, privileges or franchises that any of said incorporated cities or villages may choose to grant in reference to the construction, maintenance and management of the railroad of said company, its depots, cars, locomotives and its business within the limits of such or any of said incorporated cities and villages; and any such incorporated city or village, as hereinbefore named, is hereby authorized and empowered to grant to said company any such rights, privileges and franchises as it may deem proper and advisable, and such rights, privileges and franchises, when granted to and accepted by said company from any such incorporated city or village, shall be deemed and taken as rights, privileges and franchises vested and confirmed in said company, and not liable to be hereafter revoked, changed, injured or impaired, except with the consent of said company; and any parish, city or incorporated town is hereby authorized, through its police jury, town council, board of trustees or other proper officers to aid the said Arkansas and Delta Railroad Company by subscriptions to its stock or the purchase of its bonds, and the said officers are hereby authorized to levy and collect, or cause to be levied and collected, a tax upon the real and personal property of the said parish, town or village sufficient to realize the amount of their subscription to the stock, or purchase of the bonds of the said company.

SEC. 15. Be it further enacted, etc., That whenever and as often as five or more consecutive miles of single track roadbed of said Arkansas and Delta railroad shall have been graded, furnished with needful bridges and culverts, and fully prepared for the superstructure, and the same shall have been certified in writing by the president of said Board of Directors or other authorized agent of said company to the Governor of the State of Louisiana, it shall be the duty of the Governor of the State of Louisiana to cause the work so done and certified to be inspected by a competent person appointed by the Governor for the purpose, who shall, without delay, make a report to the Governor in writing as to the extent and character of said work; and if on such inspection and report it shall appear that said work has been done in a good and sufficient manner, then, and in that event, the Governor shall cause to be executed and delivered to said company the bonds of the State of Louisiana to the amount of seven thousand five hundred dollars for each and every mile of said roadbed which shall so appear to be graded and prepared; and whenever, and as often as five or more consecutive miles of said railway shall be fully completed, having the crossties and iron rails well and properly laid, and the same shall have been duly certified in writing by the president of the Board of Directors or other authorized agent of said company, to the Governor of the State of Louisiana, it shall be the duty of the Governor of the State of Louisiana to cause said track, so certified to him, to be inspected by a competent person appointed for the purpose, who shall, without delay, make report in writing as to the character and extent of such track, and if, on such inspection, the same shall appear to have been well and properly done, then and in that event the Governor shall cause to be executed and delivered to said railway company the bonds of the State of Louisiana to the amount of seven thousand five hundred dollars for each and every mile of track which shall so appear to be laid and completed; and the Governor of the State of Louisiana is authorized and directed to proceed in like manner and cause to be executed and delivered to said company, on such certificate, inspection and report, a like amount of such bonds, that is to say, seventy-five hundred dollars for every mile of single track roadbed that shall be so graded and prepared for the superstructure, and a like amount of such bonds, that is to say, seventy-five hundred dollars for every mile of track that shall be so laid, until the said railway shall be entirely finished; provided, that before any such bonds shall be so executed and delivered, the said Arkansas and Delta Railroad Company, by its president, or other duly authorized agent, shall execute and deliver to the Governor of the State of Louisiana a mortgage having the force and effect of a second mortgage upon all the railroads, franchises, appurtenances, rolling stock and other property and effects, whether real or personal, or whether in possession or to be acquired, of said Arkansas and Delta Railroad Company, the condition of such mortgage to be that said Arkansas and Delta Railroad Company shall pay, or cause to be paid, all of the said bonds and the interest thereon as the same shall become due and payable.

SEC. 16. Be it further enacted, etc., That the bonds, so to be issued, shall be coupon bonds in the name of the State of Louisiana, to the order of the president of the Arkansas and Delta Railroad Company, signed by the Governor of said State, and countersigned by the Secretary of State, Auditor of Public Accounts and Treasurer of the State of Louisiana, and under the seal of the State of Louisiana, payable in forty years after the debt thereof, and bearing interest at the rate of eight per cent per annum. Said bonds shall be in the following form, to wit:

UNITED STATES OF AMERICA, }
State of Louisiana, }

$1000. No. ——.

Know all men, by these presents, that the State of Louisiana acknowledges to be indebted to the president of the Arkansas and Delta Railroad Company in the sum of one thousand dollars, which sum the State of Louisiana promises to pay in current money of the United States to the order of the president of the Arkansas and Delta Railroad Company, in forty years from the date hereof, and also to pay the expiring coupons or interest, semi-annually, at eight per centum per annum, at the office of the Treasurer of the State of Louisiana, and at such place in the city of New York as the president of the Arkansas and Delta Railroad Company shall designate, on the first day of January and July of each year, upon the delivery of the interest warrant or coupon in the margin hereof, until the payment of the principal sum, transferable by indorsement. In testimony whereof the Governor of the State of Louisiana has signed these presents, and the Treasurer of the State, the Auditor of Public Accounts and the Secretary of State have countersigned the same, and the seal of the State is hereunto affixed.

Done at New Orleans this —— day —— in the year of our Lord one thousand eight hundred and sixty-nine.

——, Governor.

Countersigned:

——, State Treasurer.
——, Auditor of Public Accounts.
——, Secretary of State.

And the said bonds may be transferred by the indorsement of the president of the Arkansas and Delta Railroad Company.

SEC. 17. Be it further enacted, etc., That said company is authorized and empowered from time to time to borrow money or to purchase property, upon its own credit, for the purpose of constructing and maintaining said railway or establishing continuous and connecting lines of railway, and as evidence of the indebtedness of said company for such loans or the purchase of such property, may issue its corporate bonds or promissory notes, bearing interest at a rate not to exceed eight per cent per annum, and to secure the payment of said bonds and notes, may mortgage its railways, its capital stock, its corporate franchises and any of its real or personal property, or any part or portion of the same; and it may, by its president, or other officers or agents duly authorized by its directors, sell, dispose of or negotiate such bonds and notes, or may sell, dispose of or negotiate its capital stock, or any of its personal property, at such times and places and at such rates and for such prices, either within or without the limits of this State, as in the judgment of said company or its directors will best advance its interests; and if such bonds, notes or stocks are thus sold at a discount, such sale shall be in all respects valid and binding upon this company, and such stocks, bonds or notes shall be as valid for the par value thereof as if the same had been sold at par value; provided, however, that said company shall not secure the payment of its corporate bonds or promissory notes so authorized to be issued and disposed of by a first mortgage upon its property, franchises and effects to an amount exceeding the sum of fifteen thousand dollars for each linear mile of railroad which said company is authorized to construct under this act.

SEC. 18. Be it further enacted, etc., That the company shall have the right to keep a ferry at its southern terminus for the transportation of freights and passengers and over all streams on the route of said railroad, and to build bridges over such streams as they may deem proper on said route, and to cross and connect with any and all railroads on their route at any point they may see fit.

SEC. 19. Be it further enacted, etc., That the president and all other officers and employes of the company shall be exempt from jury, military and road duty.

(Signed) MORTIMER CARR,
Speaker of the House of Representatives.
(Signed) OSCAR J. DUNN,
Lieutenant Governor and President of the Senate.

A true copy:
GEO. E. BOVEE,
Secretary of State.

The foregoing act, received in the office of Secretary of State April first, one thousand eight hundred and seventy-one, having been presented to the Governor of Louisiana for his approval, and not having been returned by him to the house of the General Assembly in which it originated within the time prescribed by the constitution, has become a law without his approval.

GEO. E. BOVEE,
Secretary of State.

SHERIFF'S SALES.

George Wood vs. Charles Harispe—Fifth District Court for the parish of Orleans, No. 17,893.

BY VIRTUE OF A WRIT OF FIERI FACIAS TO me directed by the Honorable the Fifth District Court for the parish of Orleans, in the above entitled cause, 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 SATURDAY, June 3, 1871, at twelve o'clock M., the following described property, to wit—

ALL THE RIGHT, TITLE AND INTEREST of Charles Harispe, defendant herein, in and to four certain lots of ground situated in the First District of this city, in the square bounded by St. Thomas, Tchoupitoulas, Bellechasse and St. Theresa streets, adjoining each other, and designated by the numbers twelve, thirteen, fourteen and fifteen, on a plan drawn by G. T. Dunbar, late surveyor, on the thirty-first of January, 1845; and deposited in the office of William Christy, late a notary public in this city. Said lots measure each twenty-seven feet front on St. Thomas street, by one hundred and forty-four feet eleven inches and two lines in depth, between parallel lines and twenty-seven feet on an alley twenty feet wide in the rear. Together with all the buildings and improvements thereon, consisting of large frame buildings and old frame buildings. Said property was acquired by Castille & Harispe, at a sale made by Mandeville Marigny, then Sheriff of the parish of Orleans, on the seventh June, 1835, by virtue of a writ of seizure and sale directed to him by the Honorable the Fourth District Court of New Orleans, at the suit of Castille & Harispe vs. George Lynch, No. 8589 of the docket of said court, the interest of said defendant being forty-nine one-hundredths

Seized in the above suit.
Terms—Cash on the spot.

C. S. SAUVINET,
my2 17 je3 Sheriff of the Parish of Orleans.

State of Louisiana vs. Widow L. Bringier—Third District Court for the parish of Orleans, No. 13,005.

BY VIRTUE OF A WRIT OF FIERI FACIAS, to me directed by the Honorable the Third District Court for the parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, on Royal street, between Canal and Customhouse streets, in the Second District of this city, on TUESDAY, June 20, 1871, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, situated in the Second District of this city, in the square bounded by St. Philip, Rocheblave, Tonti and Ursulines street.

Seized in the above suit.
Terms—Cash on the spot.

C. S. SAUVINET,
ap28 my16 30 Sheriff of the Parish of Orleans.

Henry Schmidt vs. Robert Murphy—Seventh District Court for the parish of Orleans, No. 1865.

BY VIRTUE OF A WRIT OF FIERI FACIAS to me directed by the honorable the Seventh District Court for the parish of Orleans, in the above entitled cause, 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 SATURDAY, May 20, 1871, at twelve o'clock M., the following described property, to wit—

TWELVE CERTAIN LOTS OF GROUND, in square number fifteen, situated in the town of Belleville, parish of Orleans, bounded by Chestnut, Homer, Gosselin and Newton streets, said lots being numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven and twenty-two of said square. Lots numbers one and ten, fronting on Chestnut street, and forming the corner of Newton and Homer streets, measure, each one, thirty-two feet one inch and five lines front by one hundred and twenty feet in depth. Lots numbers two, three, four, seven, eight and nine measure, each, thirty-two feet five inches front on Chestnut street, by one hundred and twenty feet in depth. Lots numbers five and six measure each thirty-two feet five inches front on Chestnut street, by one hundred and thirty-seven feet five inches and four lines in depth. Lots numbers eleven and twenty-two, being key lots—number eleven having thirty-four feet nine inches and ten lines front on Newton street, by one hundred and twenty-eight feet ten inches and five lines in depth, and lot number twenty-two measuring thirty-five feet nine inches and two lines front on Homer street, by one hundred and twenty-eight feet ten inches and one line in depth, English measure.

Seized in the above suit.
Terms—This being the second and last auction, the said property will be definitely adjudicated to the highest and last bidder, for what it will bring, at twelve months' credit, the purchaser furnishing bond with good and solvent security, bearing five per cent interest per annum from date, and special mortgage on the property sold until final payment.

Said purchaser will have to deduct and pay in cash the amount of printing, Sheriff's and clerk's fees, etc., say about two hundred and twenty-five ($225) dollars, and, furthermore, the State, parish and municipal taxes, the amount of which is not yet ascertained.

C. S. SAUVINET,
my4 14 20 Sheriff of the Parish of Orleans.

A. R. Behile vs. A. Cazabat—Sixth District Court for the parish of Orleans, No. 2116.

BY VIRTUE OF A WRIT OF FIERI FACIAS to me directed by the honorable the Sixth District Court for the parish of Orleans, in the above entitled cause, 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, June 5, 1871, at twelve o'clock M., the following described property, to wit—

SEVEN CERTAIN LOTS OF GROUND, together with all the improvements thereon, situated in the city of New Orleans, parish of Orleans, State of Louisiana, in square bounded by Berlin, Perrier, Milan and Plaquemine streets, designated by the numbers one to seven, inclusive, of square number forty-four, on a plan drawn by A. S. Phelps, surveyor, dated the fifteenth day of February, 1869, and deposited in the office of J. R. Beard, late a notary public in this city. Lots Nos. one, two and three measure each twenty-eight feet seven inches front on Berlin street, by one hundred feet in depth, lot number one forming the corner of Berlin and Plaquemines streets. Lot number four measures twenty-eight feet six inches front on Berlin street by one hundred feet in depth. Lots numbers five and six measure each twenty-eight feet seven inches front on Berlin street by one hundred and twenty feet in depth, lot number seven forming the corner of Berlin and Perrier streets.

Seized in the above suit.
Terms—Cash on the spot.

C. S. SAUVINET,
my4 18 je4 Sheriff of the Parish of Orleans.

BANK STATEMENT.

MOVEMENTS OF THE BANKS.

BANKS.	CASH ASSETS. DUE BY. Foreign and Domestic Banks and Exchange	Local Banks. Balances.	OTHER CASH ASSETS. STOCKS.	STATE, PARISH AND RAILROAD NOTES AND COTTON ACCOUNTS.	TOTAL.
Citizens' Bank of Louisiana	$1,729,027 50	.....	a $541,841 53	.....	$4,322,154 52
New Orleans Canal and Banking Company	479,012 93	.....	.....	.....	3,943,957 55
Total	$2,208,040 43	.....	$541,841 53	.....	$8,264,112 07
FREE BANKS.					
Mechanics and Traders' Bank	$409,511 21	$6,637 00	b $200,000 00	.....	$1,760,191 50
Bank of New Orleans	260,176 66	.....	c 500,000 00	.....	2,502,516 88
South Western Bank of Louisiana	.....	.....	d 692,000 00	.....	2,900,329 53
Bank of America	272,297 60	.....	e 300,415 65	.....	4,277,329 89
Crescent City Bank	107,099 58	.....	f 7,360 00	.....	791,243 47
Merchants' Bank	130,071 38	.....	g 84,969 35	.....	503,715 37
People's Bank	139,465 65	.....	.....	.....	816,271 60
Hibernia Bank	120,873 16	.....	h 107,352 00	.....	1,820,011 13
Bank of Lafayette (no report)	.....	.....	.....	.....	.....
Total	$1,592,794 64	$6,637 00	$1,893,093 33	.....	$13,862,014 83

BANKS.	TOTAL. Assets.	TOTAL. Liabilities other than the Movement.	CAPITAL PAID IN.	TOTAL MOVEMENT AND DEAD WEIGHT. Liabilities exclusive of Capital.	Assets.
Citizens' Bank of Louisiana	$1,439,017 69	$500,000 00	$1,500,000 00	$3,520,514 59	$5,761,972 21
New Orleans Canal and Banking Company	1,207,093 94	.....	1,562,000 00	3,163,798 17	5,229,051 49
Total	$2,726,011 63	$500,000 00	$3,062,000 00	$6,684,312 76	$10,991,023 70
FREE BANKS.					
Mechanics and Traders' Bank	$552,972 05	.....	$750,000 00	$1,207,292 15	$2,253,163 55
Bank of New Orleans	471,365 21	.....	600,000 00	2,463,153 19	3,063,863 19
South Western Bank of Louisiana	355,334 38	.....	686,200 00	1,241,065 34	1,941,065 34
Bank of America	164,529 20	$16,950 00	807,900 00	3,886,099 94	4,693,999 94
Crescent City Bank	171,712 51	.....	358,530 00	573,205 02	902,995 98
Merchants' Bank	133,734 84	.....	500,000 00	180,205 05	727,470 21
People's Bank	48,583 23	.....	200,000 00	646,719 86	857,019 85
Hibernia Bank	40,483 32	730 00	500,000 00	1,323,453 23	1,924,594 45
Bank of Lafayette (no report)	.....	.....	.....	.....	.....
Total	$1,874,819 96	$17,680 00	$4,102,530 00	$10,930,203 37	$15,436,834 73

BANKS.	CASH LIABILITIES. DUE TO. Foreign and Domestic Banks, Exchange	Local Banks. Balances.	OTHER CASH LIABILITIES.	DEPOSITS.	CIRCULATION.
Citizens' Bank of Louisiana	$93,952 90	.....	$3,970 00	$3,350,931 69	$31,710 00
New Orleans Canal and Banking Company	201,646 71	.....	13,587 00	2,802,569 46	86,095 00
Total	$295,599 61	.....	$17,557 00	$6,213,501 15	$167,795 00
FREE BANKS.					
Mechanics and Traders' Bank	$373,695 13	.....	$5,893 50	$620,135 02	$13,462 00
Bank of New Orleans	299,278 86	.....	8,412 00	2,067,040 83	.....
South Western Bank of Louisiana	27,141 72	.....	.....	1,015 00	.....
Bank of America	224,111 13	.....	.....	643,253 03	.....
Crescent City Bank	14,414 51	.....	.....	3,670,060 94	.....
Merchants' Bank	56,860 63	.....	1,737 10	852,305 02	.....
People's Bank	.....	.....	7,500 26	646,069 86	.....
Hibernia Bank	204,197 76	.....	.....	1,323,453 23	.....
Bank of Lafayette (no report)	.....	.....	.....	.....	.....
Total	$1,071,003 74	.....	$23,570 86	$10,021,353 37	$14,477 00

BANKS.	CAPITAL OF THE BRANCHES.	REAL ESTATE.	PUBLIC IMPROVEMENTS.	LOANS ON CAPITAL. On Stock.	LOANS ON CAPITAL. Long Loans, Mortgage, Pledge, etc.	LOANS ON CAPITAL. Other Discounts on Capital.	PROTESTED PAPER.	OTHER ASSETS NOT AVAILABLE WITHIN NINETY DAYS.	TOTAL. Loans on Deposit payable in full at Maturity.
Citizens' Bank of Louisiana	.....	$133,556 22	.....	$792,410 33	$263,678 21	.....	$290,172 93	.....	$1,304,179 49
New Orleans Canal and Banking Company	.....	231,634 91	.....	.....	744,543 61	.....	311,515 42	.....	1,485,265 06
Total	.....	$364,591 13	.....	$792,410 33	$1,008,221 82	.....	$601,688 35	.....	$2,789,443 55
FREE BANKS.									
Mechanics and Traders' Bank	.....	$64,589 24	.....	.....	.....	.....	$377,695 86	$110,696 95	$502,056 23
Bank of New Orleans	.....	19,210 44	.....	.....	.....	.....	77,535 76	.....	596,622 59
Southern Bank of Louisiana	.....	120,927 24	.....	.....	.....	.....	.....	.....	231,992 90
Bank of America	.....	142,279 95	.....	.....	.....	.....	5,068 20	10,490 24	1,578,192 20
Merchants' Bank	.....	81,793 14	.....	40,623 22	.....	.....	8,204 53	5,000 00	341,853 67
People's Bank	.....	.....	.....	.....	.....	.....	35 04	.....	425,430 64
Hibernia Bank	.....	.....	.....	.....	.....	.....	.....	7,144 25	491,483 25
Bank of Lafayette (no report)	.....	.....	.....	.....	.....	.....	.....	4,583 32	99,099 48
Total	.....	$444,569 49	.....	$40,623 22	.....	.....	$468,529 69	$137,018 76	.....

DEAD WEIGHT.

REMARKS.—a United States Five-twenty Bonds, $448,937 50; Louisiana State Five per Cent Bonds, $6650; St. Charles Hotel Bonds, $11,955; Parish of Concordia Bonds, $12,714 28; Stock Galveston Wharf Company, $45,792 05; Stock Southern Cotton Press Company of Galveston, $13,457 70; Failsworth Spinning Company, limited, $2425....b Consolidated City Bonds, $258,000; Jackson Railroad Company Bonds, $30,000....c Consolidated City Bonds, market value, $178,845; Louisiana State Bond, market value, $1000; Southern Railroad Company Bonds, $12,880....d Six per Cent City Bonds, $602,000....e Stocks, and Bonds description not given, $300,415 65....f Sundry Stocks, description not given, $7360....g Merchants' Bank Stock, $81,000; Other Cash Assets, $3969 35....h Bonds, description not given, $107,352....j Mortgage Stock Department....k Reserved Fund.

[R. & O. E.]

ANTOINE DUBUCLET, State Treasurer.

SHERIFF'S SALES.

Wilson Johnson vs. Theodore Henry—Parish Court Parish of Jefferson, No. 554.

BY VIRTUE OF AN ALIAS WRIT OF FIERI FACIAS to me directed by the honorable the Parish Court parish of Jefferson, in the above entitled cause, 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, June 5, 1871, at twelve o'clock M., the following described property, to wit—

TWO CERTAIN LOTS OF GROUND, with all the buildings and improvements thereon, situated in the Sixth District of the city of New Orleans, (late city and parish of Jefferson), designated by the numbers nine and ten, in square number forty, comprised within Coliseum, (late Plaquemines), Chestnut, Bordeaux and Valence streets. Said lots adjoin each other and measure, each, twenty-five feet six inches front on Bordeaux street, by one hundred feet in depth, between parallel lines.

Said lots of ground were acquired by defendant by purchase from John M. Bach, per act passed before S. Purcell, parish recorder, parish of Jefferson, on the sixteenth of September, 1865, recorded in Book J. J., folio 148, Conveyance Office, parish of Jefferson.

Seized in the above suit.
Terms—Cash on the spot.

C. S. SAUVINET,
my4 20 je4 Sheriff of the Parish of Orleans.

Mrs. Mary Harris, Executrix, vs. George L. Kounns & Brother—Sixth District Court for the parish of Orleans, No. 2246.

BY VIRTUE OF A WRIT OF POSSESSION AND fieri facias to me directed by the Honorable the Sixth District Court for the parish of Orleans, in the above entitled cause, 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 8, 1871, at twelve o'clock M., the following described property, to wit—

ALL THE RIGHT, TITLE AND INTEREST of the defendants, George L. Kounns & Brother, in and to a certain judgment rendered in suit No. 23,326, of the docket of the Fourth District Court for the par