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THE COURTS.

Eighth District Court—Habeas Corpus in the Case of a Husband Sent to Jail for Refusing to Pay Alimony.

F. M. Fisk, who was day before yesterday sent to prison by Judge Cooley, of the Sixth District Court, because of his refusal to pay the alimony awarded to his wife, from whom he is suing for a divorce, sued out a writ of habeas corpus, yesterday, before Judge Dibble.

Relator sets up that in compliance with the order of the court ordering him to pay $200, he yesterday appeared in open court and presented by his counsel his affidavit, setting forth his inability to comply with said order on account of his embarrassed and failing circumstances, and purging himself of all intention to commit any contempt of court by his inability to comply with said order. He contends that the said order for the payment of alimony is simply an order for the payment of money, and that imprisonment for debt being abolished in this State, his imprisonment for contempt in refusing to obey said order is without authority of law, and is unconstitutional, illegal, null and void. Wherefore he prays that a writ of habeas corpus be issued in his behalf, etc.

The Sheriff produced the body of Mr. Fisk in court at ten o'clock. After an argument by counsel, in which he endeavored to show that the Judge of the Sixth District Court had exceeded his authority, and that, if any contempt had been committed, the accused, by his affidavit, had purged himself of it. Judge Dibble decided that he could not interfere with Judge Cooley's order, and the prisoner was remanded to jail.

The Slaughterhouse Issues.

The suits of Mehle & Co. and the State of Louisiana vs. the Slaughterhouse Company, have been submitted to Judge Dibble, of the Eighth District Court, before whom the argument was made.

Damage Suit Against a City Railroad Company—$400 Claimed for an Assault by a Driver.

Abram Anderson has brought suit in the Eighth District Court against the Carrollton Railroad Company to recover $400 in damages. He alleges that on the thirtieth day of April, in company with his wife and two other ladies, he was on St. Charles street for the purpose of taking a car belonging to said company to go to Carrollton; that after hailing said car he sprang into it and rang the signal stopping bell, but that the driver disregarded said signal and kept on for several squares, with petitioner's wife and the rest of the party running after the car, expecting it to stop, but the driver failed to stop until the petitioner had given the signal by ringing the bell several times. That when said driver did stop he insulted and abused petitioner in a shameful manner, and with a whip or club struck petitioner on the head, assaulted and beat him in such a manner as to endanger his life. That the said driver is the agent of the company and clearly responsible for the acts of the driver, and that he has suffered to the extent of $400.

Seventh District Court—Interesting Decision in a Cotton Case.

Judge Collens of this court yesterday rendered the following opinion in the suit of A. Carriere et al vs. Pinckard & Steele:

The petitioners, liquidators of the firm of Edward Dupasseur, formerly a merchant in New Orleans, represent that defendants are indebted to them, in solido, in the sum of $51,058 82 for losses sustained by defendants on cotton purchased in December, 1865, by said Dupasseur, and by them shipped for the accounts of defendants for sale at Havre, France. Judge Collens, in his decision, says:

A factor may buy and sell, sue and be sued, collect money, receive payments, give receipts, etc., in his own name. (Parsons on Contracts, p. 98.) The custom of factors so to buy and sell in their own name has been declared so often judicially that it must be regarded as known to the law.

It is also settled law and a necessary consequence of the proceeding, rule and custom that when a factor does act in his own name he is personally bound. (C. C. 2981 and 2982.) So, also, when he acts in the name of the factorage firm to which he belongs, the firm is bound for the transaction. (C. C. 2969, 2790, 2791, 2839, 2841.)

The question remains, however, whether Pinckard bought and consigned the cotton mentioned herein in his own name alone or in the name of the firm. On this question of fact the testimony of plaintiffs' principal witness must be discarded. It will not bear criticism.

In the rest of the evidence there is nothing to sustain the allegation that Pinckard used the firm name in purchasing and consigning the two last invoices, except the proof made through Steele himself, of Pinckard's admission to him that such was the fact. This would be sufficient if it were not liable to suspicion.

The total absence in the books of Pinckard & Steele of all the proper entries of such a transaction, the receipt taken in Pinckard's sole name for the cash he used to make the marginal payment on the speculation, the debit of this cash to his private account, and the fact that he had made large speculations with plaintiffs on his individual account, and the late date of the admission relied on, give rise to doubts of the sincerity of the admission.

It was made long after it had been ascertained that the speculation had resulted in a heavy loss, and it had become Pinckard's interest to make his partner share that loss. He had previously concealed the purchase and shipment, so that, had it resulted favorably, he might have kept all the profits to himself. The admission is not, therefore, of sufficient weight to be binding on Steele. The brokers who negotiated the purchase should have been brought forward to state who were the parties they acted for as purchasers, whether Pinckard alone or his firm.

There were three previous shipments, unquestionably for the account of the firm; but the presumption that the others were also for the firm is destroyed by the fact that at the same time Pinckard was making several large shipments, through the same parties, for himself separately. Hence direct evidence of the fact, whether it was for this or that amount, becomes necessary in each instance.

Steele, in his testimony, admits his liability for the loss in the first three invoices.

It is, therefore, ordered, adjudged and decreed that plaintiffs have judgment against Claiborne Steele for $8975 46, with legal interest and costs of suit, and that the demand herein for the price of $200 and 191 bales of cotton consigned to E. Dupasseur & Co., Havre, be dismissed as in case of nonsuit.

United States Circuit Court—Hon. E. H. Durell, District Judge, Presiding.

In this court yesterday, Judge Durell presiding, Robert J. Caldwell having taken the oath of office required by law, was recognized as a duly qualified United States Commissioner for this district.

In the case of the United States vs. John Brown, mate of the ship Northampton, charged with beating and wounding Charles Johnson, one of the crew, United States District Attorney Beckwith moved that warrants be issued for the arrest and detention (unless they enter with recognizances) of C. Williams, Jane Alson and others, material witnesses in the case, who are about to depart from the jurisdiction of this court. It was so ordered.

In the case of J. N. Shepherd vs. Clement Watson, it was ordered that the sale of property seized and sold by the United States Marshal in this suit, be duly confirmed and homologated, James H. Shepherd having purchased the property for the sum of $2100 cash.

The following order of court was entered on the minutes: That the Commissioner of the United States for this district shall, in all examinations of criminal charges, make the following record: First, the full name of the accused; second, the full names and the residences of witnesses on the part of the prosecution; third, an abstract of the testimony on the part of the prosecution, and in case the accused should be committed or bound over for trial, the commissioner shall transmit to the United States attorney the said record, or a copy thereof, together with the bond, if any, the original affidavit and warrant of arrest, and such other evidence as may have been offered on the part of the prosecution.

LAWS OF THE UNITED STATES.

Passed at the Third Session of the Forty-First Congress.

[GENERAL NATURE—No. 27.]

AN ACT to provide a government for the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the constitution and the laws of the United States and the provisions of this act.

SEC. 2. And be it further enacted, That the executive power and authority in and over said District of Columbia shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall hold his office for four years, and until his successor shall be appointed and qualified. The governor shall be a citizen of and shall have resided within said District twelve months before his appointment, and have the qualifications of an elector. He may grant pardons and respites for offenses against the laws of said District enacted by the legislative assembly thereof; he shall commission all officers who shall be elected or appointed to office under the laws of said District enacted as aforesaid, and shall take care that the laws be faithfully executed.

SEC. 3. And be it further enacted, That every bill which shall have passed the council and house of delegates shall, before it becomes a law, be presented to the governor of the District of Columbia; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members appointed or elected to the house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members appointed or elected to that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly, by their adjournment, prevent its return, in which case it shall not be a law.

SEC. 4. And be it further enacted, That there shall be appointed by the President, by and with the advice and consent of the Senate, a secretary of said District, who shall reside therein and possess the qualification of an elector, and shall hold his office for four years, and until his successor shall be appointed and qualified; he shall record and preserve all laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and four copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress; and in case of the death, removal, resignation, disability, or absence, of the governor from the District, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy, disability, or absence, or until another governor shall be duly appointed and qualified to fill such vacancy. And in case the offices of governor and secretary shall both become vacant, the powers, duties, and emoluments of the office of governor shall devolve upon the presiding officer of the council, and in case that office shall also be vacant, upon the presiding officer of the house of delegates, until the office shall be filled by a new appointment.

SEC. 5. And be it further enacted, That legislative power and authority in said District shall be vested in a legislative assembly as hereinafter provided. The assembly shall consist of a council and a house of delegates. The council shall consist of eleven members, of whom two shall be residents of the city of Georgetown, and two residents of the county outside of the cities of Washington and Georgetown, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall have the qualification of voters as hereinafter prescribed, five of whom shall be first appointed for the term of one year, and six for the period of two years, provided that all subsequent appointments shall be for the term of two years. The house of delegates shall consist of twenty-two members, possessing the same qualifications as prescribed for the members of the council, whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable, into eleven districts for the appointment of the council, and into twenty-two districts for the election of delegates, giving to each section of the District representation in the ratio of its population as nearly as may be. And the members of the council and of the house of delegates shall reside in and be inhabitants of the districts from which they are appointed or elected, respectively. For the purposes of the first election to be held under this act, the governor and judges of the supreme court of the District of Columbia shall designate the districts for members of the house of delegates, appoint a board of registration and persons to superintend the election and the returns thereof, prescribe the time, places and manner of conducting such election, and make all needful rules and regulations for carrying into effect the provisions of this act not otherwise herein provided for; provided, that the first election shall be held within sixty days from the passage of this act. In the first and all subsequent elections the persons having the highest number of legal votes for the house of delegates, respectively, shall be declared by the governor duly elected members of said house. In case two or more persons voted for shall have an equal number of votes for the same office, or if a vacancy shall occur in the house of delegates, the governor shall order a new election. And the persons thus appointed and elected to the legislative assembly shall meet at such time and at such place within the District as the governor shall appoint; but thereafter the time, place and manner of holding and conducting all elections by the people, and the formation of the districts for members of the council and house of delegates, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly; provided, that no session in any one year shall exceed the term of sixty days, except the first session, which may continue one hundred days.

SEC. 6. And be it further enacted, That the legislative assembly shall have power to divide that portion of the District not included in the corporate limits of Washington or Georgetown into townships, not exceeding three, and create township officers, and prescribe the duties thereof; but all township officers shall be elected by the people of the townships respectively.

SEC. 7. And be it further enacted, That all male citizens of the United States, above the age of twenty-one years, who shall have been actual residents of said District for three months prior to the passage of this act, except such as are non compos mentis and persons convicted of infamous crimes, shall be entitled to vote at said election, in the election district or precinct in which he shall then reside, and shall have so resided for thirty days immediately preceding said election, and shall be eligible to any office within the said District, and for all subsequent elections twelve months' prior residence shall be required to constitute a voter; but the legislative assembly shall have no right to abridge or limit the right of suffrage.

SEC. 8. And be it further enacted, That no person who has been or hereafter shall be convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys who shall not have accounted for and paid over, upon final judgment duly recovered according to law, all such moneys due from him, shall be eligible to the legislative assembly or to any office of profit or trust in said District.

SEC. 9. And be it further enacted, That members of the legislative assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and will faithfully discharge the duties of the office upon which I am about to enter; and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept, or receive, directly or indirectly, any money or other valuable thing for any vote or influence that I may give or withhold on any bill, resolution, or appropriation, or for any other official act." Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every person who shall be convicted of having sworn falsely to or of violating his said oath shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in said district, and shall be deemed guilty of perjury, and upon conviction shall be punished accordingly.

SEC. 10. And be it further enacted, That a majority of the legislative assembly appointed or elected to each house shall constitute a quorum. The house of delegates shall be the judge of the election returns and qualifications of its members. Each house shall determine the rules of its proceedings, and shall choose its own officers. The governor shall call the council to order at the opening of each new assembly; and the secretary of the District shall call the house of delegates to order at the opening of each new legislative assembly, and shall preside over it until a temporary presiding officer shall have been chosen and shall have taken his seat. No member shall be expelled by either house except by a vote of two-thirds of all the members appointed or elected to that house. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but no such imprisonment shall extend beyond twenty-four hours at one time. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which such house shall be sitting. At the request of any member the yeas and nays shall be taken upon any question and entered upon the journal.

SEC. 11. And be it further enacted, That bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills the vote shall be by yeas and nays on each bill separately, and shall be entered upon the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 12. And be it further enacted, That every bill shall be read at large on three different days in each house. No act shall embrace more than one subject, and that shall be expressed in its title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed in the title; and no act of the legislative assembly shall take effect until thirty days after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act), the legislative assembly shall by a vote of two-thirds of all the members appointed or elected to each house otherwise direct.

SEC. 13. And be it further enacted, That no money shall be drawn from the treasury of the District, except in pursuance of an appropriation made by law, and no bill making appropriations for the pay or salaries of the officers of the District government shall contain any provisions on any other subject.

SEC. 14. And be it further enacted, That each legislative assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government of the district until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected or appointed to each house as herein provided, nor exceed the amount of revenue authorized by law to be raised in such time, and all appropriations, general or special, requiring money to be paid out of the District treasury, from funds belonging to the district, shall end with such fiscal quarter; and no debt, by which the aggregate debt of the District shall exceed five per cent of the assessed property of the District, shall be contracted, unless the law authorizing the same shall at a general election have been submitted to the people and have received a majority of the votes cast for members of the legislative assembly at such election. The legislative assembly shall provide for the publication of said law in at least two newspapers in the District for three months, at least, before the vote of the people shall be taken on the same, and provision shall be made in the act for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt be paid: Provided, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 15. And be it further enacted, That the legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the District under any contract or agreement made, without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 16. And be it further enacted, That the District shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to or in aid of any public or other corporation, association or individual.

SEC. 17. And be it further enacted, That the legislative assembly shall not pass special laws in any of the following cases, that is to say: For granting divorces; regulating the practice in courts of justice; regulating the jurisdiction or duties of justices of the peace, police magistrates or constables; providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors; remitting fines, penalties or forfeitures; the sale or mortgage of real estate belonging to minors or others under disability; changing the law of descent; increasing or decreasing the fees of public officers during the term for which said officers are elected or appointed; granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatsoever. The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein, nor shall the legislative assembly have power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

SEC. 18. And be it further enacted, That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the constitution of the United States and the provisions of this act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the constitution of the United States; but all acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

SEC. 19. And be it further enacted, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was appointed or elected, and for one year after the expiration of such term; and no person holding any office of trust or profit under the government of the United States shall be a member of the legislative assembly.

SEC. 20. And be it further enacted, That the said legislative assembly shall not have power to pass any ex post facto law, nor law impairing the obligation of contracts, nor to tax the property of the United States, nor to tax the lands or other property of non-residents higher than the lands or other property of residents; nor shall lands or other property in said district be liable to a higher tax, in any one year, for all general objects, territorial and municipal, than two dollars on every hundred dollars of the cash value thereof; but special taxes may be levied in particular sections, wards or districts for their particular local improvements; nor shall said territorial government have power to borrow money or issue stock or bonds for any object whatever, unless specially authorized by an act of the legislative assembly, passed by a vote of two-thirds of the entire number of the members of each branch thereof, but said debt in no case to exceed five per centum of the assessed value of the property of said District, unless authorized by a vote of the people, as hereinafter provided.

SEC. 21. And be it further enacted, That the property of that portion of the District not included in the corporations of Washington or Georgetown shall not be taxed for the purposes either of improving the streets, alleys, public squares, or other public property of the said cities, or either of them, nor for any other expenditure of a local nature, for the exclusive benefit of said cities, or either of them, nor for the payment of any debt heretofore contracted, or that may hereafter be contracted by either of said cities while remaining under a municipal government not coextensive with the District.

SEC. 22. And be it further enacted, That the property within the corporate limits of Georgetown shall not be taxed for the payment of any debt heretofore or hereafter to be contracted by the corporation of Washington, nor shall the property within the corporate limits of Washington be taxed for the payment of any debt heretofore or hereafter to be contracted by the corporation of Georgetown; and so long as said cities shall remain under distinct municipal governments, the property within the corporate limits of either of said cities shall not be taxed for the local benefit of the other, nor shall said cities, or either of them, be taxed for the exclusive benefit of the county outside of the limits thereof: Provided, That the legislative assembly may make appropriations for the repair of roads, or for the construction or repair of bridges outside the limits of said cities.

SEC. 23. And be it further enacted, That it shall be the duty of said legislative assembly to maintain a system of free schools for the education of the youth of said District, and all moneys raised by general taxation or arising from donations by Congress, or from other sources, except by request or devise, for school purposes, shall be appropriated for the equal benefit of all the youths of said District between certain ages, to be defined by law.

SEC. 24. And be it further enacted, That the said legislative assembly shall have power to provide for the appointment of as many justices of the peace and notaries public for said District as may be deemed necessary, to define their jurisdiction and prescribe their duties; but justices of the peace shall not have jurisdiction of any controversy in which the title of land may be in dispute, or in which the debt or sum claimed shall exceed one hundred dollars; provided, however, that all justices of the peace and notaries public now in commission shall continue in office till their present commissions expire, unless sooner removed pursuant to existing laws.

SEC. 25. And be it further enacted, That the judicial courts of said District shall remain as now organized until abolished or changed by act of Congress; but such legislative assembly shall have power to pass laws modifying the practice thereof, and conferring such additional jurisdiction as may be necessary to the due execution and enforcement of the laws of said District.

SEC. 26. And be it further enacted, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a board of health for said district, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly.

SEC. 27. And be it further enacted, That the offices and duties of register of will, recorder of deeds, United States attorney, and United States marshal for said District shall remain as under existing laws till modified by act of Congress; but said legislative assembly shall have power to impose such additional duties upon said officers, respectively, as may be necessary to the due enforcement of the laws of said District.

SEC. 28. And be it further enacted, That the said legislative assembly shall have power to create by general law, modify, repeal, or amend, within said District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities: Provided, That the powers of corporations so created shall be limited to the District of Columbia.

SEC. 29. And be it further enacted, That the legislative assembly shall define by law who shall be entitled to relief as paupers in said District, and shall provide by law for the support and maintenance of such paupers, and for that purpose shall raise the money necessary by taxation.

SEC. 30. And be it further enacted, That the legislative assembly shall have power to provide by law for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of said District, to prescribe their duties, their terms of office, and the rate and manner of their compensation.

SEC. 31. And be it further enacted, That the Governor, secretary and other officers to be appointed pursuant to this act shall, before they act as such, respectively, take and subscribe an oath or affirmation before a judge of the supreme court of the District of Columbia, or some justice of the peace in the limits of said District, duly authorized to administer oaths or affirmations by the laws now in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and all civil officers in said District, before they act as such, shall take and subscribe a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the District, who may be duly commissioned and qualified, or before the Chief Justice of the Supreme Court of the United States, which said oath or affirmation shall be certified and transmitted by the person administering the same to the secretary, to be by him recorded as aforesaid; and afterward the like oath or affirmation shall be taken and subscribed, certified and recorded in such manner and form as may be prescribed by law.

SEC. 32. And be it further enacted, That the governor shall receive an annual salary of three thousand dollars, and the secretary shall receive an annual salary of two thousand dollars, and that the said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive four dollars each per day during their actual attendance at the session thereof, and an additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, and a sergeant-at-arms, may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the legislative assembly; provided, that there shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together. And the governor and secretary of the District shall, in the disbursement of all moneys appropriated by Congress and intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by the said legislative assembly of funds appropriated by Congress, for objects not especially authorized by acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 33. And be it further enacted, That the legislative assembly of the District of Columbia shall hold its first session at such time and place in said District as the governor thereof shall appoint and direct.

SEC. 34. And be it further enacted, That a Delegate to the House of Representatives of the United States to serve for the term of two years, who shall be a citizen of the United States and of the District of Columbia, and shall have the qualifications of a voter, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several Territories of the United States to the House of Representatives, and shall also be a member of the Committee for the District of Columbia; but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at the time and places and be conducted in such manner as the elections for members of the House of Representatives are conducted; and at all subsequent elections the time and places and the manner of holding the elections, shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly; and the constitution and all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said District of Columbia as elsewhere within the United States.

SEC. 35. And be it further enacted, That all officers to be appointed by the President of the United States, by and with the advice and consent of the Senate, for the District of Columbia, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

SEC. 36. And be it further enacted, That there shall be a valuation taken in the District of Columbia of all real estate belonging to the United States in said district, except the public buildings, and the grounds which have been dedicated to the public use as parks and squares, at least once in five years, and return thereof shall be made by the governor to the President of the Senate and Speaker of the House of Representatives on the first day of the session of Congress held after such valuation shall be taken, and the aggregate of the valuation of private property in said district, whenever made by the authority of the legislative assembly, shall be reported to Congress by the governor; provided, that all valuations of property belonging to the United States shall be made by such persons as the Secretary of the Interior shall appoint, and under such regulations as he shall prescribe.

SEC. 37. And be it further enacted, That there shall be in the District of Columbia a board of public works, to consist of the governor, who shall be president of said board; four persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, one of whom shall be a civil engineer, and the others citizens and residents of the District, having the qualifications of an elector therein; one of said board shall be a citizen and resident of Georgetown, and one of said board shall be a citizen and resident of the county outside of the cities of Washington and Georgetown. They shall hold office for the term of four years, unless sooner removed by the President of the United States. The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be entrusted to their charge by the legislative assembly or Congress. They shall disburse upon their warrant all moneys appropriated by the United States, or the District of Columbia, or collected from property-holders, in pursuance of law, for the improvement of streets, avenues, alleys and sewers and roads and bridges, and shall assess in such manner as shall be prescribed by law, upon the property adjoining and to be specially benefited by the improvements authorized by law and made by them, a reasonable proportion of the cost of the improvement, not exceeding one-third of such cost, which sum shall be collected as all other taxes are collected. They shall make all necessary regulations respecting the construction of private buildings in the District of Columbia, subject to the supervision of the legislative assembly. All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District; and said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made. All contracts made by said board in which any member of said board shall be personally interested shall be void, and no payment shall be made thereon by said District or any officers thereof. On or before the first Monday in November of each year they shall submit to each branch of the legislative assembly a report of their transactions during the preceding year, and also furnish duplicates of the same to the governor, to be by him laid before the President of the United States for transmission to the two houses of Congress; and shall be paid the sum of two thousand five hundred dollars each annually.

SEC. 38. And be it further enacted, That the officers herein provided for, who shall be appointed by the President, by and with the advice and consent of the Senate, shall be paid by the United States by appropriations to be made by law as hereinbefore provided; and all other officers provided for by this act shall be paid by the District; provided, that no salary shall be paid to the governor as a member of the board of public works in addition to his salary as governor, nor shall any officer of the army appointed upon the board of public works receive any increase of pay for such service.

SEC. 39. And be it further enacted, That if, at any election hereafter held in the District of Columbia, any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead or fictitious, or vote more than once at the same election for any candidate for the same office, or vote at a place where he may not be entitled to vote, or vote without having a lawful right to vote, or do any unlawful act to secure a right or opportunity to vote for himself or any other person, or by force, threats, menace or intimidation, bribery, reward or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of the District of Columbia from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right, or compel or induce, by any such means or otherwise, any officer of any election in said District to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or by any unlawful means induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to prosecution in any court of the United States of competent jurisdiction, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

SEC. 40. And be it further enacted, That the charters of the cities of Washington and Georgetown shall be repealed on and after the first day of June, A. D. eighteen hundred and seventy-one, and all offices of said corporations abolished at that date; the levy court of the District of Columbia and all officers connected therewith shall be abolished on and after said first day of June, A. D. eighteen hundred and seventy-one; but all laws and ordinances of said cities, respectively, and of said levy court, not inconsistent with this act, shall remain in full force until modified or repealed by Congress or the legislative assembly of said District: that portion of said District included within the present limits of the city of Washington shall continue to be known as the city of Washington, and that portion of said District included within the limits of the city of Georgetown shall continue to be known as the city of Georgetown; and the legislative assembly shall have power to levy a special tax upon property, except the property of the government of the United States, within the city of Washington for the payment of the debts of said city; and upon property, except the property of the government of the United States, within the limits of the city of Georgetown for the payment of the debts of said city; and upon property, except the property of the government of the United States, within said District not included within the limits of either of said cities to pay any debts owing by that portion of said District; provided, that the charters of said cities severally, and the powers of said levy court, shall be continued for the following purposes, to wit: For the collection of all sums of money due to said cities, respectively, or to said levy court; for the enforcement of all contracts made by said cities, respectively, or by said levy court, and all taxes, heretofore assessed, remaining unpaid; for the collection of all just claims against said cities, respectively, or against said levy court; for the enforcement of all legal contracts against said cities, respectively, or against said levy court, until the affairs of said cities, respectively, and of said levy court, shall have been fully closed; and no suit in favor of or against said corporations, or either of them, shall abate by reason of the passage of this act, but the same shall be prosecuted to final judgment as if this act had not been passed.

SEC. 41. And be it further enacted, That there shall be no election holden for mayor or members of the common council of the city of Georgetown prior to the first day of June, eighteen hundred and seventy-one, but the present mayor and common council of said city shall hold their offices until said first day of June next. No taxes for general purposes shall hereafter be assessed by the municipal authorities of the cities of Washington or Georgetown, or by said levy court. And upon the repeal of the charters of the cities of Washington and Georgetown, the District of Columbia be, and is hereby, declared to be the successor of said corporations, and all the property of said corporations, and of the county of Washington, shall become vested in the said District of Columbia, and all fines, penalties, costs and forfeitures which are now by law made payable to said cities, respectively, or said levy court, shall be paid to said District of Columbia, and the salaries of the judge and clerk of the police court, the compensation of the deputy clerk and bailiffs of said police court, and of the marshal of the District of Columbia shall be paid by said District; Provided, That the moneys collected upon the judgments of said police court, or so much thereof as may be necessary, shall be applied to the payment of the salaries of the judge and other officers of said court, and to the payment of the necessary compensation and expenses thereof, and any surplus remaining after paying the salaries, compensation and expenses aforesaid, shall be paid into the treasury of the District at the end of every quarter.

Approved February 21, 1871.

[RESOLUTION OF GENERAL NATURE—No. 12.]

JOINT RESOLUTION in favor of Joshua Bishop, late lieutenant commander United States navy.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to nominate, and by and with the advice and consent of the Senate, to reappoint Joshua Bishop, as a lieutenant commander in the United States navy.

Approved, February 14, 1871.

LAWS OF THE STATE OF LOUISIANA.

PUBLISHED BY AUTHORITY.

No. 91. AN ACT

To amend and re-enact an act entitled "An act to regulate the oyster fisheries on the bays and coasts of the State of Louisiana," being act No. 18 of the regular session of 1870.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That section first of act number eighteen of the regular session of eighteen hundred and seventy, entitled "An act to regulate the oyster fisheries on the bays and coasts of the State of Louisiana," be and the same is hereby amended so as to read as follows: That the season for fishing oysters on the reefs, bays and coasts of the State of Louisiana shall commence on the fifteenth day of September and end on the first day of May, and during the aforesaid period all persons are hereby permitted, without any restriction whatever or any payment of taxes and dues to the State of Louisiana, for the privilege to fish, bed and remove oysters for their own use and benefit, or for sale, or for any other purpose, on any of the reefs, bays and coasts of the State of Louisiana.

SEC. 2. Be it further enacted, etc., That section second of said act be and the same is hereby amended so as to read as follows: That from and after the first day of May to the fifteenth day of September of each year, no person or persons shall fish, bed and remove, or any manner disturb oysters on any of the reefs, bays and coasts of the State of Louisiana, and any person or persons who shall violate or in any manner contravene the provisions of this section of this act shall be fined for each offense not less than fifty nor more than one hundred dollars, recoverable in any court having competent jurisdiction, one-half of said fine to go to the informer and the remainder to the school fund of the parish in which the offense is committed.

SEC. 3. Be it further enacted, etc., That section third of said act be and the same is hereby amended so as to read as follows: That should any person or persons so convicted refuse or be unable to pay the above mentioned fine, such person or persons shall be punished by imprisonment in the parish jail for a period of not less than ten nor more than sixty days.

SEC. 4. Be it further enacted, etc., That sections four and five of said act be and the same are hereby repealed.

SEC. 5. Be it further enacted, etc., That this act take effect from and after its passage, and all acts and parts of acts in conflict therewith be and the same are hereby repealed.

(Signed) GEO. W. CARTER,
Speaker of the House of Representatives.
(Signed) OSCAR J. DUNN,
Lieutenant Governor and President of the Senate.

Approved April 15, 1871.

(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

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

No. 92. AN ACT

To establish an institution for the instruction of the blind, and an industrial home for the blind at Baton Rouge.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That an institution for the instruction of the blind exclusively, be and the same is hereby established at the city of Baton Rouge, in this State.

SEC. 2. Be it further enacted, etc., That all blind persons, residents of this State, of sound mind and good moral character, shall be entitled to admission into said institution as pupils, and shall be provided with instruction, board, lodging, medicine and medical attendance at the expense of the institution, and all those whose indigent circumstances shall be shown by the certificate of any member of the police jury of the parish or by the Mayor of the town or city where they reside, and such only shall be furnished with clothing at the expense of the institution.

SEC. 3. Be it further enacted, etc., That the institution shall be thoroughly organized in its academic, musical and mechanical departments, and every pupil shall receive such instruction as it can afford and the capacity of the pupil will permit. All persons admitted as pupils, between the ages of eight and fourteen years, may continue in the institution nine years; all admitted between the ages of fourteen and seventeen years, may continue six years, and all admitted at an age exceeding seventeen years may continue four years as pupils.

SEC. 4. Be it further enacted, etc., That the general control of said institution shall be vested in a Board of Trustees, to be composed of the Governor of the State, who shall be ex-officio president of the board, the principal of the institution, and five members to be appointed for the term of four years by the Governor, by and with the advice and consent of the Senate. Said board is hereby declared a body politic and corporate in deed and in law, and shall have full power to sue and be sued, and to make contracts, and to acquire and hold by purchase or donation any real or personal estate necessary for the uses of said institution. The domicile of said corporation is established at Baton Rouge, and the vice president of the board shall be the officer upon whom all legal process shall be served to bind said board.

SEC. 5. Be it further enacted, etc., That the first meeting of the Board of Trustees shall be held at such time and place as may be fixed by the Governor, and they shall at said meeting elect a principal for the institution, a vice president of the board, a treasurer and such other officers as may be necessary for the proper organization and management of the institution.

SEC. 6. Be it further enacted, etc., That the principal shall have the charge and management of the institution; he shall reside in the institution, and receive such salary and perform such duties as may be determined by the board.

SEC. 7. Be it further enacted, etc., That the vice president shall preside at the meetings of the board, in the absence of the president, and shall exercise a general supervision over the affairs of the institution.

SEC. 8. Be it further enacted, etc., That the treasurer shall give bond in such sum as the Board of Trustees may determine, with security to the satisfaction of the vice president. He shall receive from the State Treasurer the appropriations which may from time to time be made by the Legislature for the support of the institution upon his warrant, countersigned by the Governor. He shall pay out the same upon the order of the principal of the institution countersigned by the vice president of the board. He shall receive such salary as may be determined by the board, and both he and the principal may be removed at their pleasure.

SEC. 9. Be it further enacted, etc., That the Board of Trustees shall have power to make all needful rules and regulations for the government of said institution, and also all needful rules and regulations for the government of the industrial home for the blind hereinafter provided for. Three members of the board shall constitute a quorum for the transaction of business.

SEC. 10. Be it further enacted, etc., That there shall be attached to said institution and under the control of the Board of Trustees thereof, an industrial home, in which shall be received blind persons, residents of the State of Louisiana, who are of sound mind and good moral character. The inmates of this home shall be provided with board and lodging, and furnished with work at the trade or trades introduced therein; they shall receive wages for their work and be required to pay for their support. Any properly qualified person desiring admission into the home, who has not learned any trade wrought at therein, may be admitted and receive support and instruction in some trade for one year. If, at the end of that time, it shall appear that such person is unable or unwilling to learn a trade, they shall not be entitled to longer residence in the home, the true interest and purpose of this act being to provide a shop and residence for industrious blind persons and to furnish them an opportunity to escape pauperism and mendicancy, and not to establish an almshouse.

SEC. 11. Be it further enacted, etc., That the expenses of the members of the Board of Trustees incurred in attending the meetings of the board shall be paid out of the funds of the institution.

SEC. 12. Be it further enacted, etc., That no part of this act shall be construed so as to deprive any person on account of race or color the privilege of admittance to the institution.

SEC. 13. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) GEO. W. CARTER,
Speaker of the House of Representatives.
(Signed) OSCAR J. DUNN,
Lieutenant Governor and President of the Senate.

Approved March 3, 1871.

(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

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

No. 93. AN ACT

To reimburse certain taxes illegally imposed and collected under Act No. 55, approved April 4, 1865.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That all taxes which were collected by the State, under the third section of an act entitled "an act to provide for increasing the revenue of the State, and raise means to pay the interest on the State debt," approved April 4, 1865, shall be and are hereby refunded to the parties who paid the same, or to their proper representatives, and the Auditor of Public Accounts be and he is hereby authorized and required to issue to said parties, or to their proper legal representatives, certificates for the amount paid by them, which shall be receivable by all State tax collectors, in payment of the general fund tax.

SEC. 2. Be it further enacted, etc., That this act take effect from and after its passage.

(Signed) GEO. W. CARTER,
Speaker of the House of Representatives.
(Signed) OSCAR J. DUNN,
Lieutenant Governor and President of the Senate.

Approved April 19, 1871.

(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

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

No. 94. JOINT RESOLUTION

To authorize the New Orleans, Mobile and Chattanooga Railroad Company to change the name of said corporation, and to regulate its contracts, obligations and securities under this name.

Be it resolved by the Senate and House of Representatives of the State of Louisiana in general assembly convened, That the said corporation shall be authorized to change its corporate name from the New Orleans, Mobile and Chattanooga Railroad Company to the New Orleans, Mobile and Texas Railroad Company, and by that name the corporation shall be known and called, and all obligations, contracts and conveyances made or hereafter to be made with or by the said corporation, shall be equally operative for and against the said corporation by the name hereby authorised, as if made under the name mentioned in the act of incorporation, and that the bonds to be issued by the said corporation, under an act entitled "an act to expedite the construction of the railroad of the New Orleans, Mobile and Chattanooga Railroad Company in the State of Louisiana," approved February 17, 1869, may be issued by the said corporation by its new name, and may be indorsed and guaranteed whenever the said corporation shall from time to time complete ten miles of its road in the manner provided for in the act aforementioned, and all of the mortgages and securi-