New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

Supreme Court Decisions.

A large number of decisions were delivered yesterday in the Supreme Court of Louisiana. The following is an abstract of the several opinions:

D. Redmond vs. Benjamin L. Mann and Mrs. Lucy L. Mann—Appeal from the District Court, parish of Tangipahoa. Appeal dismissed with costs. Howell, J.

Mrs. George Wailes vs. Citizens' Bank of Louisiana—Appeal from the Fourth District Court, parish of Orleans. Judgment affirmed with costs. Wyly, J.

Succession of Arthur W. Harlor—Appeal from the Second District Court, parish of Orleans. Judgment affirmed with costs. Wyly, J.

Benjamin Jacobs vs. Widow M. B. Warfield—Appeal from the Fifth District Court for the parish of Orleans. Judgment reduced to thirty-five dollars, and thus amended affirmed, and plaintiff pay costs of appeal. Wyly, J.

J. M. Wells vs. G. Merz and Sheriff—Appeal from the District Court, parish of Jefferson. Judgment affirmed. Howell, J.

Succession of J. J. Slade; opposition of Elizabeth Slade to the account of the curator, etc—Appeal from the Parish Court, parish of Jefferson. Judgment annulled, and suit dismissed at the cost of the petitioner in both courts. Wyly, J.

A. F. Dunbar vs. John Steib and Joseph Kreiger—Appeal from the Eighth District Court for the parish of Orleans. Motion to dismiss refused. Wyly, J.

Daniel Clark Osborn, testamentary executor, et als, vs. John C. Osborn, et als—Appeal from the Fifth District Court, parish of Orleans. Ordered that the judgment appealed from be avoided and annulled; that the injunction be dissolved, so far as to permit the defendants to proceed with the order of seizure and sale, to enforce the payment of $3000, the valid part of the mortgage note, with eight per cent per annum interest thereon from the first of April, 1868, and costs; the injunction to be maintained in other respects. Further ordered that the defendant, John C. Osborn, pay costs of injunction, and that the plaintiffs pay costs of appeal. Wyly, J.

R. Borman vs. Thiele, Motz & Co—Appeal from the Sixth District Court, parish of Orleans. Judgment affirmed. Howell, J.

William J. McLean vs. A. Foster Elliot, et als—Appeal from the Fifth District Court for the parish of Orleans. Judgment annulled and cause remanded for new trial, the appellee paying costs of the appeal. Wyly, J.

Emile Dupre vs. Boyd, Allen & Co.—Appeal from the Fifth District Court for the parish of Orleans. Ordered that judgment be reduced to the sum of $138 34½ against each of them, with five per cent interest thereon from October 23, 1868, and thus amended, judgment be affirmed, plaintiff paying costs of appeal. Wyly, J.

Joseph Christen vs. David Thorner—Succession of D. Thorner. Appeal from the Second District Court for the parish of Orleans. Ordered that the judgment on the opposition of J. Christen to the tableau of distribution filed by the administrator be so amended as to order said administrator to place on said tableau the sum of $375, cash received by him from the United States Internal Revenue Department for a meter, and to reduce the amount of rent allowed said Christen from $720 to $357 50; that the judgment sustaining the opposition of A. G. Peterson be reversed and the opposition be dismissed with costs. The judgments thus amended be affirmed. Costs of appeal to be paid by the appellees, J. Christen and A. G. Peterson, Howell, J.

Glasscock & Moore vs. William Wells—Appeal from the Sixth Judicial District Court, parish of Livingston. Judgment appealed from avoided and reversed, verdict set aside and judgment rendered in favor of defendant, with costs. Howe, J.

G. Casenave vs. Placide J. Spear et als—Appeal from the Fourth District Court, parish of Orleans. Judgment affirmed. Howe, J.

Howard, Prestons & Barrett vs. George M. Branner—Appeal from the Fourth District Court, parish of Orleans. Ordered that judgment appealed from be amended by reducing the rate of interest to five per cent per annum, and judgment thus amended be affirmed, plaintiffs paying costs of appeal. Howe, J.

Police Jury of Jefferson parish, right bank, vs. Mrs. Louise Destrehan Harvey and husband—Appeal from the Second Judicial District Court, parish of Jefferson. Judgment affirmed. Howe, J.

Robert C. Wickliffe vs. Robertson Zeatman—Appeal from the Fourth District Court, parish of Orleans. Judgment affirmed. Howe, J.

The State of Louisiana ex rel. Solomon & Simpson vs. James Graham, State Auditor. In this case the relators prayed for a writ of mandamus upon the Auditor, to compel him to issue his warrant for $50,000, under act of the Legislature appropriating that sum for the relief of James O. Nixon, late public printer.

The Eighth District Court refused the application. The judgment of the district court is affirmed. Ludeling, C. J.

Succession of Alexander Laby, deceased—Opposition of administrator. Appeal from the Parish Court of Pointe Coupee. Tableau of the administrator amended by placing thereon the heirs of Laby, viz: Alexander, Alexandrine and Joseph S. Laby as creditors, with mortgage for $14,184 65. Next, that Mathilde Lamens be recognized as a creditor, with mortgage for $9151 92. Third, that A. Miltenberger & Co. take rank with special mortgage for $9470. Thus amended, the tableau to be homologated and confirmed. Taliaferro, J. Justice Howell dissenting.

Walton & Deslonde vs. New Orleans, Jackson and Great Northern railroad—Appeal from the Fourth District Court, parish of Orleans. Judgment annulled and decreed to be in favor of defendants. Wyly, J.

J. A. Abbott, collector, vs. Button & Koontz—Judgment affirmed, rejecting plaintiff's demand. Ludeling, C. J.

Metropolitan Insurance Company vs. Tutt Baker, et al, owners of steamer Henry Ames—Appeal from the Fourth District Court, parish of Orleans. Judgment affirmed. Taliaferro, J.

Pierre R. Mahen vs. Reiman & Friedlander—Appeal from the Fourth District Court, parish of Orleans. Judgment annulled and decreed in favor of defendants. Taliaferro, J.

Henry Frellson vs. Daniel Fairex—Appeal from the Seventh District Court, parish of Orleans. Judgment affirmed, with ten per cent damages for frivolous appeal. Ludeling, C. J.

John Seiler vs. Daniel Fairex—Appeal from the Fifth District Court, parish of Orleans. Judgment affirmed. Taliaferro, J.

Mrs. C. A. P. Graham vs. Charles S. Rice. Appeal from the Sixth District Court, parish of Orleans. Judgment affirmed. Taliaferro, J.

Nicholas Hobson vs. Mrs. Emily Woolfolk, Clark & Hubbell garnishees—Appeal from the Fifth Judicial District Court, parish of Iberville. Judgment affirmed. Taliaferro, J.

Succession of J. J. Bergold—Appeal from the parish Court of Tangipahoa. Appeal dismissed. Howell, J.

State of Louisiana ex rel. James F. Ard vs. Henry H. Bankston—Appeal from the Sixth Judicial District Court of the parish of Tangipahoa. Judgment affirmed. Taliaferro, J.

Mrs. Elizabeth George vs. Charles Campbell; McGee & Kneass, intervenors—Appeal from the Fourth District Court for the parish of Orleans. Motion to dismiss overruled. Taliaferro, J.

Annie Doll Rice vs. Henry Rice, her husband—Appeal from the Second District Court, parish of Jefferson. Judgment affirmed. Wyly, J.

Succession of L. Millaudon; on opposition of George Holtzman—Appeal from the Second District Court for the parish of Orleans. Appeal dismissed. Taliaferro, J.

The State ex rel., Board of School Directors vs. the city of New Orleans—Appeal from the Eighth District Court, New Orleans. This important case was brought in the Eighth District Court about six weeks ago. The School Board applied for a writ of mandamus to compel the city of New Orleans to levy and collect a tax sufficient to realize the sum of $350,000, fixed by the relators, for the purpose of maintaining the free public schools of New Orleans, in accordance with the provisions and requirements of act No. 8 of the Legislature of 1871. In this case Judge Leaumont delivered an opinion (Judge Dibble recused) in which he took the ground that the act of the Legislature referred to is unconstitutional, and dismissed the application. Judge Leaumont's opinion appeared in our columns. The Supreme Court has confirmed the judgment. Howell, J.

From the decision we quote: "The constitution of 1868 provides for but one mode of taxation for the support of public schools, that is, the 'poll tax.' It is evident that the Legislature has not the power to set aside that mode of taxation, and employ other means, unless it can disregard that expression of sovereign will, article 133, which reads, 'that the Legislature shall provide for the support of the public schools by taxation or otherwise,' and omits the words 'on property;' taxation defined and made obligatory upon the Legislature by act 118. The judgment goes on to say, 'the evidence does not satisfy him that there has been any official refusal on the part of the Council to levy the tax.'"

2. Section forty-two of revenue act is unconstitutional, for the reason that the title does not mention the limitation of the tax, the Supreme Court having held that the title of an act must refer to all the subject matter contained in the act itself.

Wherefore the court concludes that section seven of the act of March 1, levying a tax on the taxable property of the city of New Orleans, for the support of the public schools, is unconstitutional, void and of no effect, as employing a different mode of taxation from the one ordered and made obligatory by the constitution of 1868; that the only taxation that could be imposed by the Legislature for the support of public schools is the poll tax, and that not to exceed one dollar and fifty cents per capita; that there is no law making it the duty of the city of New Orleans to collect said poll tax, but that, on the contrary, it is made the duty of the State tax collectors.

Victor Warden vs. Alfred Shaw et al—Appeal from the Fourth District Court for the parish of Orleans. Judgment reversed. Taliaferro, J.

Joseph Christian vs. Nicholas Keifler—Appeal from the Fourth District Court for the parish of Orleans. Judgment reversed, and decreed in favor of the defendant. Wyly, J.

Theirman & Co. vs. Redman & Co.—Appeal from the Third District Court for the parish of Orleans. Judgment affirmed. Taliaferro, J.

E. G. Cook vs. A. Miltenberger & Co.—Appeal from the Fourth District Court for the parish of Orleans. Judgment reversed, and decreed to be in favor of plaintiffs. Howell, J.

Succession of H. F. McKenna—Appeal from the Second District Court for the parish of Orleans. Motion to dismiss refused, and upon the trial of the case the judgment of the lower court was affirmed. Howell, J.

City of Baltimore vs. Henry Parlange, George Merz, third opponent—Appeal from the Fifth District Court for the parish of Orleans. Judgment reversed. Howe, J.

C. T. Buddecke & Co., agents, vs. H. A. Spence, Charles E. Slayback, intervenors—Appeal from the Fifth District Court for the parish of Orleans. The plaintiffs, as agents of the Fourth National Bank of St. Louis, Missouri, commenced this action against the defendant Spence, a resident of Missouri, and attached a shipment of grain consigned to C. E. Slayback & Co., of New Orleans. Slayback & Co. intervened, claiming that the grain had been consigned by Spence to them, as commission merchants, for sale; that the bills of lading in which they were named as consignees had been regularly issued and received by them, long prior to the arrival and attachment of the goods; that Spence was indebted on balance of account to them as his commission agents in a large sum for advances made on previous shipments, and that they had a special property in the goods, and a claim or privilege on them, superior to that of plaintiffs, as attaching creditors. The decision of the lower court was in favor of the claims of the intervenors, on the point of privilege, and plaintiffs have appealed. Judgment affirmed. Howe, J.

Rehearings have been refused in the following cases:

Geddes, Shakspeare & Co. vs. Ivens & Co.

James vs. Pike, Lapeyre & Brother.

Johnson vs. Tacneau.

Knight vs. Pontchartrain railroad.

Pendleton vs. Eaton & Barstow.

Beckham vs. Henderson.

Succession of Kugler.

State ex rel. Board of School Directors vs. the Mayor and Administrators of the city of New Orleans—This is an appeal from the Eighth District Court. Judge Howell delivered the following opinion yesterday, sustaining the decision of the lower court, which, as will be recollected, was in favor of the city:

The relators have appealed from a judgment refusing a writ of mandamus to compel the Mayor and Administrators of the city of New Orleans to levy and collect a tax sufficient to realize the sum of three hundred and fifty thousand dollars, fixed by the said relators, for the purpose of maintaining the free public schools in the city of New Orleans during the current year, in accordance with the provisions and requirements of act No. 8 of the Legislature of 1871, entitled "an act to amend an act entitled an act relative to public education in the State of Louisiana and the city of New Orleans, and to raise a revenue for that purpose," approved February 25, 1871, the seventh section of which is in the following words:

"The Board of School Directors for the city of New Orleans shall immediately upon their organization, and also at the commencement of each year thereafter, ascertain the amount of funds necessary to carry on the schools under their charge for the current year, and report the same to the Board of Administrators of the city of New Orleans, who shall, at such time as they may deem necessary, levy the amount on the taxable property of the city and direct the same to be collected in the manner and at the time by them deemed most desirable, but the time shall not exceed six months from the date of their notification of the amount required."

Among other reasons to justify their refusal, the respondents aver that section seven of the act No. 42 of the Legislature of 1871, entitled "an act to provide a revenue, to levy and collect taxes, to grant and collect licenses," etc., approved March 3, 1871, prohibits the city of New Orleans, the respondents, from levying any tax upon the property situated in the said city, listed for taxation, to a greater amount than two per centum of the cash value thereof, and that there have already been levied upon said property taxes to the amount of two and five-eighths per centum of the value thereof, and the taxpayers are protected by said law from the payment of any other or further sum, unless by vote of the citizens entitled to vote in said city, and no such vote has been had on this question.

Section seven, relied on, reads as follows: "That no city, or municipal corporation, shall levy a tax for any purpose which shall exceed ten per centum on the assessed value of all property therein listed for taxation; nor shall the police jury of any parish levy a tax for any purposes, during any year, which shall exceed one hundred per centum of the State tax for that year, unless such excess, whether levied by village, city, or parochial authorities, shall first be sanctioned by a vote of a majority of the said voters of said village, city, or parish, at an election held for that purpose.

No per capita tax, except the poll tax authorized by the State constitution, shall be assessed or collected in this State." It is suggested by counsel for the relators that this act No. 42 became a law subsequent to the school bill, and does not therefore affect or impair the right of the city authorities to act under the provisions of the said school bill.

If there be any force in this, the successful reply to it is that the same provision existed, as to cities, in the revenue law of 1870, and the prohibition therefore existed at the date of the passage of the school bill, and was simply continued or re-enacted in the act of 1871, the repealing section of which repealed only such laws or parts of laws as are contrary to or inconsistent with said act. See 22 Ann., 273.

It is next suggested that this section violates article 114 of the constitution of the State, as it is not covered by the title to the revenue act, wherein it is found. In this view we can not concur. The phrase in the title, "to levy and collect taxes," is direct and comprehensive enough to embrace the provisions of section seven, which relates unequivocally to the subject of *levying* taxes—cities, municipal corporations and parishes, subdivisions of the State, being prohibited from levying taxes beyond a certain per centum.

And furthermore, it is a well established rule of legal construction that "the title of a law is not to be strictly construed; if it state the object, according to the understanding of reasonable men, it satisfies the constitution." (6 An., 606; 21 An., 752). Nor is it necessary that the title should define or specify the particular provisions of each section—a rule which would make the title as long as the law, or would be the law less the enacting words only. The title is sufficient. But it is said the court will rather prefer to harmonize the provisions of both laws, to do which it is only necessary to apply the limitation, not to the aggregate of taxes which it may be necessary for the city to assess, but to the dimension or amount of any one single tax of the several taxes, which it is and was known the city required, as the consolidated loan tax, the railroad tax, the park tax, the Metropolitan Police tax, etc.

It is not difficult to perceive that this construction would totally destroy all limitation and leave the law without a rational object, for upon this theory the city authorities might levy any number of specific taxes, for particular purposes, provided each one did not exceed two per centum of the value of the taxable property. Such a construction is not allowable.

The law is free from ambiguity, and is manifestly enacted in the interest of the taxpayers, and intended to limit, as it does, the taxing power of all municipal and parochial authorities to the will of the voters as to any and all taxation on property beyond two per centum of its value. If, however, such authorities deem as additional amount necessary for the public good, they have under this law only to submit the question to the legal voters of the respective localities for their action.

Although judges are not to be controlled in their actions by a consideration of the consequences which may flow from their exposition of laws, we can very properly say that we are unable to perceive the disastrous consequences which seem to be apprehended by counsel from the operation of this law.

The people of New Orleans desire the public schools in the city to be maintained by special taxation on their property; they will doubtless give their sanction to the levying of the additional tax necessary for such a laudable purpose, whatever may be the comparative importance of the objects for which the limits of taxation has already been obtained.

It is certainly not in the province of the court to set aside the law for the purpose of sustaining even the free public school system. Our conclusion is that a writ of mandamus can not properly issue in this case to compel the Board of Administrators to levy and collect a tax sufficient to realize the sum called for by the relators. The seventh section of the revenue act of 1871 has clearly limited the taxing power of the municipal government, and that power has already been exhausted; but said section has also provided a mode for raising any necessary tax beyond the prescribed limits, and that mode is not the one resorted to in this proceeding.

It is therefore ordered that the judgment of the district court be affirmed, with costs.

Sixth District Court—Judge Cooley Decides that the Recordership of the First District is Vacant—Important Suit Against the Slaughterhouse Company.

Ernest Merle, committed to the Parish Prison on an order issued by Recorder Houghton, before whom he was charged with having abstracted a certain seven-thirty certificate from the office of Administrator Shaw, at the City Hall, was brought before Judge Cooley yesterday morning, on a writ of habeas corpus. The petition of Merle sets up that inasmuch as that there had been judgment rendered against Recorder Houghton in the suit of J. J. Foley, he was according to article ninety-four of the constitution, deprived of his office as Recorder.

Article ninety-four reads as follows:

"No judicial powers, except as committing magistrates in criminal cases, shall be conferred on any officers other than those mentioned in this title, except such as may be necessary in towns and cities; and the judicial powers of such officers shall not extend any further than the cognizance of cases arising under the police regulations of towns and cities in the State. In any case where such officers shall assume jurisdiction over other matters than shall arise under police regulations, or under their jurisdiction as committing magistrates, they shall be liable to an action for damages in favor of the party injured, or his heirs; and a verdict in favor of the party injured shall, *ipso facto*, operate a vacation of said office."

The answer sets up that according to article ninety-four the recorder was not deprived of authority, as it was a judgment of the court and not a verdict of a jury which is expressly stipulated in the above article.

Judge Cooley rendered a lengthy decision in the case, in which he took the ground that it was manifestly the intention of the framers of the law to make no distinction between verdict and judgment; that a judgment by a court could at any time set aside the verdict of a jury, and was in all respects of higher authority than a verdict.

Judge Cooley expressed himself as having very little respect for the verdict of juries, and thought it would be an unjust law which bound a man finally to that opinion. The court considered that Recorder Houghton, having forfeited his office under the provisions of article 94, was no longer Recorder, nor had he been since the judgment rendered against him, and consequently was without authority to commit the petitioner.

The writ of habeas corpus was made absolute, and the prisoner was discharged.

William Durbridge has entered suit against the Slaughterhouse company to recover the sum of $110,529 07, or its equivalent in stock of the company.

He alleges that by the terms of agreement at the organization of the company, it was agreed between the incorporators that six of their number should be entitled to 1000 shares of stock, and that furthermore there should be allotted among seventeen of their number 4000 shares of stock; that of the persons forming the incoporators, A. J. Oliver constituted one, and under the terms referred to was entitled to an allotment of 1235 shares of stock, amounting to $123,529 07.

The plaintiff represents that he purchased all the right and title of Oliver to said allotment of stock, for which he paid him a valuable consideration; that the transfer of Oliver's rights was legally made, and in consideration of the same plaintiff was elected a member of the Board of Directors of the Slaughterhouse company. Upon his election he claims that there were issued to him 230 shares of stock, leaving a balance due him of 1005 shares, amounting to $100,529 07, for which amicable demand has been made but refused. He asserts that in consequence of such refusal he has suffered damages in the sum of $10,000.

Petitioner therefore prays that said Crescent City Live Stock Landing and Slaughterhouse Company, through its officers, be cited, and after all due proceedings, that petitioner be decreed to be the owner of one hundred thousand five hundred and twenty-nine and seven-seventeenths dollars of the capital stock of the said company, declared by the said resolution of March 17, 1869, as preferred stock, and fully paid up as a part of that allotted by said resolution to said Oliver, and assigned to petitioner as aforesaid, and that said company be decreed to deliver to petitioner proper certificates, say for 1005 shares of $100 each therefor, or in default thereof, to pay him the said amount of $100,529, with the further sum of $10,000 damages, suffered by him as aforesaid, and interest from April 1, 1869, and costs, and for general relief.

Eighth District Court.

The last Legislature made an appropriation of $2700 for the clerks in the Auditor's office in 1869, to remunerate them for the loss on warrants. Of the seventeen clerks who were employed in the Auditor's office in 1869 only six remain there at the present time. They claim that the appropriation of $2700 be divided among them, to which the eleven ex-clerks objected and brought suit. A mandamus was taken out several days ago and came up yesterday morning. Major New represented the six clerks and Messrs. Branghn & Buck their eleven opponents. Judge Dibble decided in favor of the eleven. Major New gave notice that he would appeal against this decision by which piece of legal strategy the ex-clerks are prevented from drawing the portion of the $2700 claimed by them.

SHERIFF'S SALES.

David C. McCan vs. Succession of Oliver DuBois and William Mish—Second District Court for the parish of Orleans. No. 24,782.

BY VIRTUE OF A WRIT OF FIERI FACIAS against Mrs. Josephine Howell, wife of Thomas J. Howell, sole heir of her mother, Mrs. Almira DuBois, and Mrs. Ada Russell, widow of Samuel Russell, Laura Sprigg, Adda Sprigg, Genevieve Sprigg, Mrs. Josephine Howell, Mrs. Emma Bennett, wife of Leopold Bouvier, Mrs. Helen Bennett, wife of Samuel Carroll, and Laura Bennett, sole heirs of Oliver DuBois, and Mrs. Anna Mary Adelaide Mish, wife of James G. Gernon, sole heir of her father and mother, William Mish and wife, to me directed by the honorable the Second 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 17, 1871, at twelve o'clock M., the following described property, to wit—

1. THREE CERTAIN LOTS OF GROUND, situate in the First District of the city of New Orleans, in the square bounded by St. Charles, Poydras, Camp and Gravier streets, and designated by the numbers two, three and four, on a plan drawn by Joseph Pilie, late surveyor, on the twenty-second day of August, 1837. The said lot number two measures twenty-two feet eleven inches and four lines front on St. Charles street by one hundred and twenty-five feet six inches in depth, and said lots numbers three and four measuring each twenty-five feet eleven inches and four lines front on St. Charles street, by one hundred and seventy-five feet six inches in depth, between parallel lines. English measure.

2. AND ANOTHER LOT OF GROUND, adjoining the said lot number four, above described, and measuring French measure, twenty-two feet six inches front on St. Charles street by one hundred and sixty feet in depth, between parallel lines, bounded on the side toward Poydras street by the said lot number four, and on the side toward Gravier street by the property belonging to the succession of Mrs. Farrie.

Together with all the buildings and improvements thereon and appurtenances thereunto belonging. The whole as described in the act of mortgage by William Mish and Oliver DuBois, comprising the firm of DuBois & Mish, in favor of R. Ricchard & Co., passed before Felix Grima notary public in this city, on the twenty-third day of March, 1859.

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

C. S. SAUVINET.
my16 23 je17 Sheriff of the Parish of Orleans.

John Page vs. A. Schmucker—Sixth District Court for the parish of Orleans. No. 1921.

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 SATURDAY, June 17, 1871, at twelve o'clock M., the following described property, to wit—

TWO CERTAIN LOTS OF GROUND, together with the buildings and improvements thereon, designated as lots numbers twenty-one and twenty-two in square number nine, bounded by Live Oak, Magazine and Toledano streets and Louisiana avenue. Which said lots measuring, each, thirty-two feet front on Magazine street, by a depth of one hundred and twenty-seven feet four inches, between parallel lines, lot number twenty-two forming the corner of Toledano and Magazine streets.

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

C. S. SAUVINET.
my16 je2 17 Sheriff of the Parish of Orleans.

Miss Celine Ravanat vs. Miss Philomena Wirth—Fourth District Court for the parish of Orleans, No. 24,023.

BY VIRTUE OF A WRIT OF SEIZURE AND SALE directed by the honorable the Fourth District Court for the parish of Orleans, in the above entitled cause, to Thomas L. Maxwell, late Sheriff, and by said late Sheriff to me transferred, 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 10, 1871, at twelve o'clock M., the following described property, to wit—

1. ONE CERTAIN LOT OF GROUND, situated in the faubourg Treme, in this city, being a part of lot number thirty-one, of the square comprised between, Ursulines, Hospital, Tonti and Miro streets, on a particular plan drawn by Louis Bringier, then surveyor general, on the fourth day of November, 1843 annexed to an act dated third of June, 1844, passed before C. Pedesclaux, notary public in this city, and measuring in American measure thirty feet front on Tonti street by sixty feet in depth, between parallel lines, together with all the buildings and improvements thereon, rights, ways, privileges, servitudes, advantages and appurtenances belonging, or in any wise appertaining, without reservation.

2. A CERTAIN PORTION OF GROUND, being a part, and to be taken in the rear part from a certain property or lot of ground, situated in the Second District of this city, in the square formed by Ursulines, Hospital, Miro and Tonti streets; said property consisting of a lot of ground, number eight, having thirty feet front on Ursulines street, by a depth of one hundred and thirty feet, on a sketch annexed to an act passed before A. D. Doriocourt, notary public in this city, on the first day of July, 1845, between Madame Pelleteau and Mr. Achille S. Dizier.

The portion of ground herein seized measuring thirty feet wide by a depth of also thirty feet as the whole will more fully appear by reference to the act of sale from Jean Jacob Laffere to Miss Philomena Wirth, defendant herein, and passed before E. Eude, a notary public in this city, dated the tenth day of August, 1860.

Together with all the rights, privileges, servitudes, advantages and appurtenances thereunto belonging or in any wise appertaining.

The property firstly described belongs to defendant herein, by means of the purchase she made from Miss Celine Ravanat, plaintiff herein, as per act passed before the same notary, dated the seventh day of August, 1860.

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

C. S. SAUVINET.
my9 25 je10 Sheriff of the Parish of Orleans.

A. Castaing and R. Rousselot vs. Edgar Lacroix—Fourth District Court for the parish of Orleans. No. 24,846.

BY VIRTUE OF A WRIT OF FIERI FACIAS against Francis Lacroix, garnishee, to me directed by the honorable the Fourth 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 19, 1871, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, situated in the Second District of the city, in the square bounded by Hospital, Burgundy, Rampart and Ursulines streets, measuring thirty feet front on Hospital street, by one hundred and twenty feet in depth, together with all the buildings and improvements thereon.

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

C. S. SAUVINET.
my18 je2 13 Sheriff of the Parish of Orleans.

W. S. Crane vs. Mrs. R. Condon—Seventh District Court for the parish of Orleans. No. 8735.

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 TUESDAY, June 13, 1871, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, situated in the First District of this city, forming the corner of Magazine and Delord streets, measuring twenty-five feet front on Delord street, by one hundred and twenty-five feet in depth, in square bounded by Delord, Camp, Magazine and Poeyfarre streets, and designated by number one hundred and fifty-nine.

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

C. S. SAUVINET.
my12 27 je13 Sheriff of the Parish of Orleans.

Mrs. M. Lyons vs. N. Schwab—Michael Shelly vs. N. Schwab et al—Parish Court, parish of Jefferson. No. 574 and 581.

BY VIRTUE OF TWO ALIAS WRITS OF fieri facias to me directed by the honorable the Parish Court, parish of Jefferson, in the above entitled causes, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on TUESDAY, May 30, 1871, at twelve o'clock M., the following described property, to wit—

TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, situated in the faubourg Plaisance, in the city and parish of Jefferson, now the Sixth District of the city of New Orleans, and square number twelve, as per plan annexed to an act of partition between the heirs of Marie Antoine Foucher, deceased, and widow of Philip August Delachaise, before Theodore Guyot, notary public, April 20, 1858. Said square is bounded by Toledano, Magazine and Camp streets and Louisiana avenue. Said lots are designated by the numbers twenty-three and twenty-four, and adjoin each other, and measure, each, thirty-two feet four inches front on Toledano street, by a depth each, of equal and parallel lines, of one hundred and twenty eight feet.

Said property was acquired by purchase from Louis Philip Delachaise, by act passed before J. F. Coffey, notary public, dated June 25, 1859.

Seized in the above suits as belonging to John Page, one of defendants herein.
Terms—Cash on the spot.

C. S. SAUVINET.
ap22 my13 30 Sheriff of the Parish of Orleans.

State of Louisiana vs. James Martin— Third District Court for the parish of Orleans, No. 13,475.

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, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, June 10, 1871, at twelve o'clock, M., the following described property, to wit—

A CERTAIN LOT OF GROUND, situated in the First District of this city, in square No. 580, bounded by Canal, Gasquet, Rocheblave and Dorgenois streets, measuring fifty-seven feet by one hundred and twenty-eight feet, forming the corner of Canal and Dorgenois streets.

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

C. S. SAUVINET.
my9 25 je10 Sheriff of the Parish of Orleans.

SHERIFF'S SALES.

M. L. LeBlanc vs. Lawrence P. Hill, tutor, etc—Fourth District Court for the parish of Orleans, Nos. 25,243.

BY VIRTUE OF A WRIT OF SEIZURE AND SALE to me directed by the honorable the Fourth 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 24, 1871, at twelve o'clock M., the following described property, to wit—

A SQUARE OF GROUND, with the buildings and improvements thereon, situated in the town of Rickerville, late parish of Jefferson, now forming part of the city of New Orleans, and designated by the number forty-two on a plan drawn by B. Buisson, surveyor, and measuring two hundred and one feet one inch and four lines front on each of Peters avenue and Octavia street, and two hundred and seventy feet front on each of Pitt and Prytania streets.

Which said property was inherited by the minor children of Samuel L. Hill, from their mother, Mrs. Julia G. Gibbs, deceased wife of said Samuel L. Hill, who had purchased the same from the City Bank, by act passed before J. R. Beard, late a notary public in this city, on the twenty-third of May, 1865.

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

C. S. SAUVINET.
my23 je12 24 Sheriff of the Parish of Orleans.

James O'Neil vs. John Bannon—Fifth District Court for the parish of Orleans, No. 2613.

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, on the premises hereinafter designated, on SATURDAY, June 3, 1871, at five o'clock P. M., the following described property, to wit—

ONE CARRIAGE, No. 109, and two Bay Horses, and one set of Double Harness, in stables of Grayer & Milspaugh, No. 35 Elysian Fields street, in the Third District of this city.

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

C. S. SAUVINET.
my23 28 je3 Sheriff of the Parish of Orleans.

Louisa Westholz, Wife, etc., vs. Francis Niewersen; C. and E. Niewersen vs. L. Westholz—Seventh District Court for the parish of Orleans. Nos. 8013 and 8753.

BY VIRTUE OF AND IN OBEDIENCE TO AN order of sale, rendered April 22, 1871, 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, on the premises hereinafter designated, on SATURDAY June 3, 1871, at half-past ten o'clock A. M., the following described property, to wit:

One box Red Jacket Bitters, thirty barrels whiskies and brandies, two barrels Holland gin, one barrel rum, five barrels sherry, two barrels port wine, one barrel peach brandy, etc., all of different brands, at store situated at No. 5 Tchoupitoulas street, in the First District of this city, as per inventory, which may be seen in my office.

Terms—Cash on the spot.

C. S. SAUVINET.
my23 31 je1 Sheriff of the Parish of Orleans.

John M. Crawford vs. Jacob Young— Sixth District Court for the parish of Orleans. No. 2496.

BY VIRTUE OF A WRIT OF SEIZURE AND SALE 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 SATURDAY, June 24, 1871, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, with all the buildings and improvements thereon and appurtenances thereof, and all the rights, ways, servitudes, privileges and advantages thereunto belonging or appertaining, situated in the First District of this city, the square bounded by Tchoupitoulas, St. James, New Levee and Celeste streets, and measuring sixty-three feet eleven inches and three lines front on Tchoupitoulas street, by a depth and front on St. James street of one hundred and twenty-seven feet ten inches and five lines, between parallel lines, at which two streets it forms the corner, as per plan drawn by A. Castaing, architect, dated the thirteenth of January, 1860, deposited for reference in the office of Edward Barnett, notary public in this city. Which property was acquired by said defendant, Jacob Young, by purchase from Anton Stulb, per act passed before said E. Barnett, notary, on the seventh day of July, 1869.

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

C. S. SAUVINET.
my23 je8 24 Sheriff of the Parish of Orleans.

Emile Berli vs. Robert Murphy; Same vs. Same—Fourth District Court for the parish of Orleans, Nos. 22,541 and 22,542.

BY VIRTUE OF TWO WRITS OF FIERI FACIAS to me directed by the honorable the Fourth District Court for the parish of Orleans, in the above entitled causes, 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 FRIDAY, June 9, 1871, at twelve o'clock M., the following described property, to wit—

1. FOUR LOTS OF GROUND situated in the said town of Belleville, opposite the city of New Orleans, State of Louisiana, designated as lots numbers seven, eight, nine and ten, in square number nineteen. Lots numbers seven, eight and nine measure, each, thirty-two feet five inches front on Chestnut street, by one hundred and twenty feet in depth, and lot number ten forms the corner of Chestnut and De Armas streets, and measures thirty-two feet one inch and five lines front on Chestnut street, by one hundred and twenty feet in depth and front on De Armas street. The whole as per plan of said town, deposited in the archives of A. C. Ainsworth, late a notary public in this city.

2. AND THE UNDIVIDED HALF of two squares of ground situated in the late Third Municipality, now the Third District of this city, and designated by numbers twenty-nine and thirty, as per plan drawn by C. A. de Armas, surveyor, dated May 15, 1871, and deposited in the Sheriff's office for reference. Square number twenty-nine, bounded by Mathilda, Emily, Celestine and Genius streets and composed of twenty-two lots. And square number thirty, bounded by Mathilda, Celestine and Genius streets and the property of the Tobacco Warehouse Company, and composed of eleven lots.

Seized in the above suits.

Terms—This being the second and last auction, the said property will be definitively 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 shall have to deduct and pay in cash the amount of printing, Sheriff's and clerk's fees, etc., about twenty-seven hundred ($2700) dollars, and, furthermore, the State, parish and municipal taxes, the amount of which is not yet ascertained.

C. S. SAUVINET.
my23 je1 9 Sheriff of the Parish of Orleans.

Benjamin Tureaud vs. John G Roche— Seventh District Court for the parish of Orleans—No. 8811.

BY VIRTUE OF A WRIT OF SEIZURE AND SALE to me directed by the honorable the Seventh District Court for the parish of Orleans, in the above ent