New Orleans Republican.
OFFICIAL JOURNAL OF THE UNITED STATES
OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

Supreme Court Opinions.

M. Lara vs. C. T. Nash et als.—Appeal from the Seventh District Court, parish of Orleans.—In the above case, Justice Howell has delivered the following:

The defendant, Nash, auctioneer, was employed by J. F. Woodman, executor of F. O. Woodman, to sell certain movable and immovable property of the succession, to pay debts, in accordance with an order of the Second District Court, which order named the defendant the auctioneer. At the sale, movable property, consisting mainly of furniture (then in the use of the family of the executor), was adjudicated to the plaintiff. After some delay and several calls for the money, he paid the price, taking the receipt of the auctioneer. All the articles, it seems, remained in the place where the sale was made until sold by the Sheriff in some other proceeding. The plaintiff sues Nash, the auctioneer, and his official sureties, to recover the sum paid by him, on the ground that Nash received it as depositary.

How or why his property was sold the second time, was not explained. The plaintiff purchased it at an auction sale, and about a month thereafter paid the price. It must be presumed that he was then satisfied as to its situation and his control over it. The auctioneer does not seem to have had possession of it, nor been called on for delivery, and we are unable to see upon what principle he can be made responsible to plaintiff except, perhaps, upon a showing that the money is in his hands and claimed by no one else. This has not been done. On the contrary, the auctioneer shows that he has paid a portion to the executor; that the succession owed him a large sum, and that the balance has been attached in his hands in a suit against the said J. F. Woodman. He certainly did not receive the money as the depositary of plaintiff, but as the price of succession property sold to pay succession debts, and he is bound primarily to the succession and to the court ordering him to make the sale; and the allegation of plaintiff that said sale was canceled by the court because it did not bring two-thirds of its appraised value, and was sold again by the Sheriff by order of said court, if admitted by the vagueness of the answer, does not change the relation of the auctioneer, under the circumstances, to his principal.

It is ordered that the judgment appealed from be reversed, and that there be judgment in favor of defendant.

Fourth District Court.

Anna C. Jones, wife of George W. Smith, has a mortgage of $20,000 against her husband, which is duly recorded.

It appears that one George W. Smith, whose wife's name is Theodora Reams, wanted to sell certain real estate, and in order to have the act passed before a notary public, applied to the mortgage office for the proper certificate. They reported against him a mortgage of $20,000, so that he was compelled to take a rule on the other Smith to show that he was not the party against whom the mortgage was standing.

The only way to make a discrimination between the two George W. Smiths was by their wives, who have different names.

Judge Theard, in the trial of the rule suggested to the parties that their children should hereafter use both the family names of their fathers and mothers, as customary in Europe.

Sixth District Court.

In the year 1862, suit was instituted in this court against Benjamin F. Butler, in which plaintiff, claiming $31,000, alleged that the defendant took forcible possession of his store and contents, and disposed of the same for his own benefit.

Mr. A. C. Lewis was appointed curator ad hoc to represent the defendant, and after dragging its slow length along, the suit was decided in favor of plaintiff.

Eighth District Court.

Mrs. Barbol Schuster Hearing et al. have filed a petition in this court against the Mound City Mutual Life Insurance Company, of St. Louis, Missouri, claiming $10,000 on a policy of insurance issued to Jean Joseph Albert Bonnafon, for the use and benefit of petitioners.

Decisions in the following cases were rendered:

The State of Louisiana ex rel. C. W. Lowell vs. James Graham, State Auditor.—The mandamus in this case is made peremptory. The applicant claims a warrant for $900.

J. O. Nixon vs. Solomon & Simpson.—In this case there is judgment for the plaintiff declaring the judgment rendered in the case of the State ex rel. Solomon & Simpson vs. James Graham, null and of no effect, in so far as it may operate against this plaintiff, and especially in so far as it may operate to prevent this plaintiff in his own behalf from claiming the appropriation made him in the act of the Legislature for the relief of J. O. Nixon, public printer.

State ex rel. J. L. & E. H. Levy vs. E. E. Adams and P. B. S. Pinchback, Board of Metropolitan Police.—In this case the mandamus is refused. The application was made to compel the board to issue a warrant in payment of certain judgment.

State of Louisiana ex rel. James & Bynum vs. James Graham, State Auditor. The mandamus prayed for is refused. Relators, who are lessees of the Louisiana Penitentiary, brought this action to compel the Auditor to issue to them certificates of indebtedness for a claim held by them against the State, amounting to $18,167.

F. J. Herron vs. James Graham, State Auditor.—Mandamus granted, decreeing relator to be entitled to warrants in payment of his services as Secretary of State.

Isaac Bloom vs. F. Shonakus.—In this case judgment for $200 was rendered, and the costs of court were $247. On an appeal a bond of $500 was given. Defendant moved to dismiss the appeal, on the ground of insufficiency of appeal bond.

The court, in overruling the motion, said that the Supreme Court has held that in considering amount of appeal bond, the costs of court should not be included.

United States Circuit Court.

Mary P. Evans vs. William S. Pike.—Rule for a new trial, returnable on the eleventh instant, taken on plaintiff, and the defendant is allowed until Monday to submit his bill of exceptions.

J. M. Burklay vs. Board of Levee Commissioners.—Exception to be urged before Judge Bradley, expected to arrive the coming week.

G. A. Lally vs. Edgar Moren et als. Decrees made subsequent to the last order of the presiding judge rescinded, leaving to the parties their remedy on the equity side of the court.

In the case of the United States against the Jackson Railroad Company to enforce a fine for intended shipment of empty barrels, on which were uneffaced internal revenue stamps, there was a discontinuance by the government, on payment of a fine of $300, pursuant to instructions from the Secretary of the Treasury.

The United States District Attorney has commenced suits against Myers & Levy, on a rewarehousing customhouse bond; against A. T. Bennett & Co., H. A. Schurmann, Charles McMurdo and Fred Fresco, on a similar customhouse bond, and all being for for violations of the laws of revenue.

United States District Court—In Admiralty.

In the case of James Berry vs. David Rich, the court decreed that the writ of arrest be set aside, and the bail bond canceled.

E. E. Norton vs. J. J. Person—The bill of complaint taken *pro confesso* against defendant, John McDougal having failed to appear to demur thereto.

Valentine Rothang vs. John Clark—Judgment in favor of defendant.

United States District Court—In Bankruptcy.

Firemen's Insurance Company, on petition of assignee's agent, Porteous—Judgment by default entered against defendant, Porteous.

In the matter of Jacob Young, the assignee is ordered to sell the bankrupt's property, the petition filed by the assignee being taken as true.

The assignee is authorized to cancel all the liens and mortgages on the same, and particularly the specified number entered in the proceedings, reserving to the parties all their rights to the proceeds of sale.

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

No. 50.

JOINT RESOLUTION

Asking the Congress of the United States to pass an act granting a million acres of the public lands to each State and Territory for the endowment of one, and only one, university or college.

SECTION 1. Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That our Senators and Representatives elect to the United States Congress be and are hereby requested to invite the Senators and Representatives from the other States to co-operate with them in urging upon the Congress of the United States the importance to the educational interests of the whole people of the Union of the passage of an act, as early as practicable, to donate to each State and Territory a million of acres of the public lands for the endowment of one, and only one, university or college.

Be it further resolved, etc., That the Governor of the State is requested to open a correspondence with the Governor of the States of the Union and such others as in his judgment he may see fit for the purpose of securing their influence for the object therein stated.

Be it further resolved, etc., That his Excellency the Governor of this State, be and he is hereby requested to transmit a copy of these resolutions to his Excellency the President of the United States, with the request to lay the same before Congress.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 51.

To incorporate the Israelite Benevolent Association of the city of New Orleans and State of Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That George W. Walker, John Marks, George Kenner, Edmund Henderson, James Taylor, Randall Carter, Henry Johnson, Frank Winston, Edward Lyons, Lewis Harper, Pierre Benef, William Lackey and others have organized themselves into a body politic, known as the Israelite Benevolent Association of New Orleans, State of Louisiana; and that the same be and is hereby incorporated as a charitable association, to be organized in the following manner, to wit:

SEC. 2. Be it further enacted, etc., That the officers of this association shall consist of a president, a vice president, secretary and treasurer, who shall be chosen by a majority of the members of this association, on the first Monday of January of each and every year, by ballot; that said officers so elected shall serve for one year.

SEC. 3. Be it further enacted, etc., That all the power of the association is placed in the president thereof, so far as representing said association in all courts of justice, and to sue and be sued in behalf of said society.

SEC. 4. Be it further enacted, etc., That the constitution and by-laws of the Israelite Benevolent Association of New Orleans will be strictly in conformity with the laws of the State governing charitable institutions.

SEC. 5. Be it further enacted, etc., That said association shall be in force and exist twenty five years.

SEC. 6. Be it further enacted, etc., That this act shall be in force and take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 52.

To incorporate the town of Columbia, in the parish of Caldwell, Louisiana, and to amend and re-enact section four of an act entitled "An act to incorporate the town of Columbia, in the parish of Caldwell, Louisiana," approved March 10, 1867.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That section four of an act entitled "An act to incorporate the town of Columbia, in the parish of Caldwell, Louisiana," be so amended and re-enacted as to read, viz: "That the mayor and councilmen shall be selected on the fourth Monday in April next, after the passage of this act, and the first Saturday in January in each succeeding year," and the remainder of said section to stand in full force and effect.

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 53.

To incorporate the Workingmen's Mutual Aid Association, New Orleans, Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That James Eddington, G. Lewis, James Parker, R. Jones, J. Briscoe, J. H. Perkins, Charles Cantrelle, George Parker, F. Butler and others who may associate with them from time to time, be and are hereby created a body corporate and politic under the name and title of the Workingmen's Mutual Aid Association, New Orleans, Louisiana, and shall have a common seal and alter the same at pleasure; shall have the right to plead and be impleaded, to sue and be sued, to hold, purchase or acquire, personal or real estate property and to dispose of the same, to enter into contract and levy such tax or contribution upon the members, and to collect the same in such manner as the majority of the members may deem necessary, to nurse their sick, to bury their dead, and to adopt a constitution and bylaws for their government, and to alter, amend or modify in such manner and at such time as the majority may decide, and to do all other things necessary to the carrying out of the provisions of this act, and not inconsistent with the laws of this State or United States.

SEC. 2. Be it further enacted, etc., That the officers of the association shall consist of the following persons, who shall administer the affairs of the association under such rules as the association may adopt, viz: one president, two vice presidents, one recording secretary, one corresponding secretary, one treasurer, one sergeant-at-arms and seven other persons, to be elected by ballot annually, who shall constitute a board of directors for the administration of the affairs of the association.

SEC. 3. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 59.

To regulate the practice in the District Courts of the Parish of Orleans.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That within thirty days after the passage of this act, the Judges of the several District Courts for the parish of Orleans, the First District Court excepted, shall meet as a board for the purpose of devising and adopting rules for the dispatch of business in the said courts; and thereafter it shall be the duty of said board to meet at least once a year, in the month of January, and oftener if the said board shall deem it advisable.

SEC. 2. Be it further enacted, etc., That an act entitled "an act to regulate the practice and the dispatch of business in the District Courts of New Orleans," approved September third, eighteen hundred and sixty-eight, be and is hereby repealed.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 54.

To authorize an additional justice of the peace in the parish of Avoyelles, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That there shall be and is hereby created an additional justice of the peace for the parish of Avoyelles, to be located within the territorial limits of the fifth ward thereof, who shall have like authority with other justices of the peace authorized by the State of Louisiana, within the said jurisdiction, and the said office hereby created shall be filled in the manner now prescribed by law.

SEC. 2. Be it further enacted, etc., That this act shall take effect and be in force from and after its passage, and all conflicting laws therewith be and the same are hereby repealed.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 55.

To incorporate an independent fire company in the city of Thibodaux, parish of Lafourche, State of Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Silas T. Grisamore, Emile E. LeBlanc, Hudson W. Tabor, Honore Champagne, Ulgere Badeaux, Tilvere Navarre and Aurelien Barr, and their associates, citizens of the city of Thibodaux, are hereby incorporated as an independent fire company, by the name and style of the "Thibodaux Fire Company No. 1." It shall be the duty of said company to keep their engine, hose, etc., in good order and repair, and on the alarm of fire to proceed thereto with all possible dispatch, and to assist in extinguishing the same. The said company shall consist of not less than fifty officers and members.

SEC. 2. Be it further enacted, etc., That a majority of said company, as soon as thirty names shall have been subscribed, shall have power and authority to form and establish such rules and by-laws, not inconsistent with the laws of the State, for its government as such majority may think proper, and that such fines and penalties as they may prescribe for the government of its officers and members may and shall be enforced and collected before any justice of the peace within the city of Thibodaux, or any court of competent jurisdiction.

SEC. 3. Be it further enacted, etc., That the said Thibodaux Fire Company No. 1, and their successors, shall be capable of suing and be sued, pleading and being impleaded in any of the courts of this State, and in their corporate name shall be capable of purchasing, conveying and owning any estate, real or personal, for the use of the company.

SEC. 4. Be it further enacted, etc., That the officers and members of Thibodaux Fire Company No. 1 shall, at all times, be exempted from serving on juries and from military duty; and it shall be the duty of the foreman of said company to furnish annually to the sheriff of the parish of Lafourche, and to the officer commanding the militia, if such there be, a list of the names of such officers and members.

SEC. 5. Be it further enacted, etc., That the officers of said company shall consist of a president, a foreman, first assistant, second assistant, recording secretary, treasurer, and such other officers as in their judgment may be thought necessary or advisable.

SEC. 6. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 56.

To incorporate the Louisiana Workingmen's Homestead Association.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Alfred Jones, William H. Green, Green Curtis, L. Knight, William Wallace, L. Kenner, S. Haywood, Charles Vigers, John L. Brewer, James Lewis, Thomas Isabello, and all such persons as may associate with them from time to time, are hereby created a body corporate, under the name and title of the Louisiana Workingmen's Homestead Association. The domicile of said body shall be in the city of New Orleans, and shall enjoy under this title perpetual succession, and as such be capable to sue and be sued, to plead and be impleaded, to acquire and possess real and personal property, and to dispose of the same; to make and adopt such constitution and by-laws not inconsistent with the laws of this State and of the United States; to alter and amend or modify the same at pleasure.

SEC. 2. Be it further enacted, etc., That the object of this association shall be to secure by purchase or donation, land or lots of ground in this State, and the same shall be distributed in the following manner: In shares of one hundred dollars each, to be paid in five installments of twenty dollars on each share.

SEC. 3. Be it further enacted, etc., That no member of this association shall hold more than five shares, and each member, on each and every share of stock held by him, shall pay to the treasurer the sum of twenty dollars on each and every share held by such member. Any member desiring more shares within the number limited than he at first held, shall pay a sum in addition thereto to the amount already paid by those holding the number of shares desired by him, with the interest which has accrued thereon up to the time of his application, so as to place him in the same position as those who paid in their entire payments pro rata for such shares.

SEC. 4. Be it further enacted, etc., That the officers of the association shall consist of a president, vice president, secretary and treasurer, with five other persons, who together shall constitute a board of directors, six of whom shall constitute a quorum; and the above named persons shall be elected annually by ballot. The said officers and board of directors shall be possessed of all powers and duties incident to such officers in similar corporations. The president of the board of directors shall be the president of the association. The board of directors shall have the right to fix such compensation as they may deem necessary for such officers, subject to the approval of the association at a stated meeting duly convened for that purpose.

SEC. 5. Be it further enacted, etc., That this association shall meet on the first Mondays of January, April, July and October of each year, and oftener if called by a quarterly or special meeting shall be published three days in a paper having the largest circulation in the city of New Orleans.

SEC. 6. Be it further enacted, etc., That when land has been acquired and it is proposed to distribute the same, the board of directors shall cause the same to be equally divided among the members of the association, and shall lay the plan of distribution thereof before a quarterly or special meeting, duly announced, in order that the plan may be ratified and carried into effect, or such other substituted as may seem best to the association.

SEC. 7. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 58.

To authorize Mrs. Stella Bradley Hunter to change her name.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Mrs. Stella Bradley Hunter, widow of the late Eugene Hunter, of Clinton, Louisiana, be and is hereby authorized to change her name, and said name is hereby changed to Stella Eugene Hunter.

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 32.

To incorporate the Vidalia, Alexandria and Texas Railroad Company, and to grant State aid thereto.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Oren Mayo, J. W. Young, George W. Green, H. H. Harris, L. D. Aldrich, S. M. Preston, A. V. Davis, Wade H. Hough, Samuel H. Lambdin, Thomas Reber, G. Spencer Mayo, William B. Spencer, John Rowle, William T. Martin, A. T. Bowie, Paul A. Botto, D. L. Rivers, Noah Reddick, L. C. Spencer, J. H. Boatner, Fremun Breithaupt, T. O. Moore, T. C. Manning, H. S. Losee, Patrick O'Hara, Henry Boyce, Samuel S. Bowman, J. Fridler, H. Clay Staples, Nathan Lorie, A. J. King, A. J. Sexton, A. G. Ober, F. A. Hunt, G. B. Loud, E. J. Anthony, David Young and George Washington, their associates and successors, are hereby created a body corporate, in deed and in law, to be known by the name, style and title of the Vidalia, Red River and Texas Railroad Company, and by that name shall be able to sue and be sued, plead and be impleaded, and shall have perpetual succession, and make and have a common seal; and the said corporation is hereby authorized and empowered to lay out, locate, construct, equip and thereafter to own, maintain, operate and enjoy a continuous single or double track railway from the Mississippi river, commencing at or near the town of Vidalia, in the parish of Concordia, and thence by the most direct and eligible route to the town of Alexandria, or to such other point as the company may deem advisable, on Red river, and thence to Texas, or to such point within this State, and to form such connection with other railroads, now or hereafter to be constructed, as said company may indicate; provided, that said railroad shall be commenced within three years after the passage of this act, and shall be finished within seven years after the commencement of said work; provided further, that said railroad shall not strike Red river at any point above the town of Coushatta.

SEC. 2. Be it further enacted, etc., That the capital stock of said company shall be fixed at three million dollars, in shares of one hundred dollars each, with power to said company to increase its capital stock to six million dollars. The stock of said company shall be deemed personal property, and shall be transferable on the books of the company at such transfer office as the company may establish, under such rules and regulations as the company may prescribe.

SEC. 3. Be it further enacted, etc., That the domicile of said company be fixed at Vidalia, Louisiana. The business of the corporation shall be conducted at its said domicile, by the corporators or a majority thereof, until the election of a board of directors under this act. All services of process may be made on a; president to be elected by the corporators, until the organization of the company by the election of a board of directors, and upon the president of the company elected by the board, or, in case of his absence, upon the president pro tem. Said corporators shall open books of subscription to the capital stock of said company. A payment of five per cent on the amount of each shares shall be made at the time of subscribing. The subsequent payments shall be made in such sums, at such periods and under such regulations as shall be fixed by the board of directors. As soon as two hundred thousand dollars of the capital stock of said company shall have been subscribed, and the first payment of five per cent thereof paid to the treasurer elected by said corporators, a meeting of the stockholders shall be called, which stockholders shall elect a board of directors, to consist of thirteen members, each of whom shall be stockholders in the company, holding not less than ten shares. The said call and election shall be made and held under such inspectors and tellers, and with such regulations as the corporators may prescribe. A majority of the corporators named in this act shall be a quorum for the transaction of business. After the election of a board of directors a quorum for the transaction of business shall be not less than a majority of the whole number elected. The directors shall meet and elect one of their body president of the company, and in case of the company, after their election, shall select another as vice president to act in the absence of the president, in which case he shall perform the same duties and exercise the same powers as may be conferred on the president. The said board of directors shall have power to elect a treasurer, a clerk, an engineer, and such other officers as in their judgment the board or road may require; fix the amount of their compensation, and require such security as they may deem proper, and enact rules and regulations to govern them in the discharge of duty, and have the right to remove any officer, except the president, without showing cause. Said directors shall continue in office until their successors are elected and qualified. An annual election for directors shall be held in the month of April in each year, at the domicile of the company. Thirty days' public notice of the election, and the day on which the same is to be held, shall be given previous to said election. After the first election, all shares of stock must be owned and possessed by each voter in his own right, or those of his principal, and if held by proxy it must be for sixty days before the election. Votes may be given in person or by proxy, and each share shall be entitled to one vote.

SEC. 4. Be it further enacted, etc., That the board of directors may make such rules, regulations and by-laws for the government of its officers and the management of its business as they may deem expedient. They may determine when and where the subscription books hereby authorized may be opened for subscription to the capital stock thereof, and may fix on any day in the month of April, and give public notice thereof for holding of annual meetings of stockholders for the election of directors; may fill vacancies that may occur in the board, of said company, make such contracts, enter into such engagements, and do such other things, as they, or a majority of them, may deem proper, convenient or necessary for the accomplishment of the object for which the company is created.

SEC. 5. Be it further enacted, etc., That the capital stock of said company, its fixtures, workshops, warehouses, depot grounds, vehicles of transportation, and all other appurtenances thereto attached shall be exempt from taxation for ten years from and after the date of its completion, and while in course of construction; and that its officers, engineers, clerks, and agents shall be exempt from jury and militia duty, except in case of invasion or insurrection. Provided, however, that after the exemption herein granted shall cease all State taxes levied upon said road and its property shall be paid into and constitute a part of the sinking fund, hereinafter provided for, in the State treasury for redemption of the first mortgage bonds of said company; and all parish taxes thereon shall be paid into and constitute part of the sinking fund for the redemption of the bonds which may be issued by the parishes, as hereinafter provided, until the full and final redemption of said first mortgage and parish bonds.

SEC. 6. Be it further enacted, etc., That said Vidalia, Red River and Texas Railroad Company be and the same are hereby authorized and empowered to enter upon, purchase, take and hold any lands that may be necessary and proper for the construction and use of said railway, not exceeding one hundred and fifty feet on each side of its centre line, together with such other lands and premises as may be required by said company for excavation or embankment, or for turnouts, depots, stationhouses, docks, wharves, or other purposes in the conduct of the business of said railway; adequate compensation to be given to, or satisfactory settlement made with, all owners of property so to be taken and used by said company. The right of way is hereby granted to said company through any and all lands belonging to the State of Louisiana, and through which said railroad may pass, to the distance of two hundred yards on each side of the centre line of said railroad; and said company is hereby authorized to enter upon any lands owned by the State, and adjacent to the line of said company's line of railroad, and take and remove therefrom, and appropriate to the use of said company, any timber, earth or other material necessary for the construction of the same.

SEC. 7. Be it further enacted, etc., That after the passage of this act, any of the incorporators named therein, or any subscriber to the capital stock of said railroad company, may solicit and accept, for the benefit of this company, by himself or agent, any donation, or gift of the right of way through lands of proprietors through which the road may pass; or any donation or gift of land for depot grounds, or other purposes, or as a fund for aiding to build the same; and such donations and gifts to this company shall be binding on those making the same, and their heirs, and without any formal acceptance thereof by the company or its authorized agents.

SEC. 8. Be it further enacted, etc., That the incorporators herein named, or a majority thereof, are hereby authorized to receive in payment for subscription to the capital stock of said railroad company, instead of a payment in currency or money, a *dation en paiement* of real estate, at its market cash value, which value shall be ascertained and fixed by experts appointed by said incorporators, or a majority thereof; provided, that said real estate so offered in *dation en paiement*, shall be not incumbered with mortgage or other incumbrance, the title thereof perfect, and, in the opinion of said incorporators, or a majority thereof, such payment is for the interest of said railroad company.

SEC. 9. Be it further enacted, etc., That in case any land through which said company may conclude to construct its railway belongs to the estate of any deceased person, it may then contract therefor with the executors or administrators of such; or in case such lands belong to a minor or person *non compos mentis*, then with his guardian or tutor; or in case said lands be held by trustees of school sections or other trustees of estates, then with such trustees, guardians or tutors; and such trustees, executors, administrators and guardians are hereby declared competent for such estates, persons or minors, to contract with said company to use, occupy and possess the lands of such persons, estates, minors or trustees, so far as may be useful and necessary for the purpose of said railroad, and the act and deed of each executor, administrator, curator, tutor, guardian or trustee in relation thereto shall pass a title in such lands, in the same manner as if the said deed or act were made or done by a legal owner of full age and sound mind; and such executors, administrators, curators, tutors, guardians or trustees shall account to those interested in their respective lands for the amount paid him in pursuance of such agreement; and, if the said company and the parties representing lands prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms and be conclusive in the premises.

SEC. 10. Be it further enacted, etc., That the said company are hereby authorized and empowered to obtain, by grant or otherwise, from any incorporated city or village that may be situated upon or contiguous to its line of railway, any right, privileges or franchises that any of said incorporated cities or villages may choose to grant in reference to the construction, maintenance and management of the railroad of said company, its depots, cars, locomotives, and its business within the limits of such corporated city or village; and any such incorporated city or village, as is hereinbefore named, is hereby authorized and empowered to grant to said company any such rights, privileges and franchises as it may deem proper and advisable; and such rights, privileges and franchises, when granted to and accepted by said company, from any such incorporated city or village, shall be deemed and taken as rights, privileges and franchises vested and confirmed in said company and not liable to be hereafter revoked, changed, injured or impaired, except with the consent of said company.

SEC. 11. Be it further enacted, etc., That all general laws heretofore enacted by the Legislature of Louisiana for the benefit of railroads, for the purpose of enabling them to appropriate property for the use of the same, shall be and the same are hereby declared to apply to this corporation.

SEC. 12. Be it further enacted, etc., That in case a stockholder fails to pay the installments due on his subscription of stock, as the same may be required by the board of directors, at the time and place required by said board of directors for such general payments, the board of directors shall have power, after having first given thirty days' notice to said stockholders in the manner to be indicated by the directors, of forfeiting the stock and selling it for the benefit of the company, or compelling payment by suit therefor. No stockholder shall be permitted to vote while in default on such payment. A stock book shall be kept at the domicile of the company, and the president shall issue certificates of stock to stockholders, and no transfer of stock shall be binding on the company until it be recorded on their stock book under such regulations as the company may make through its board of directors.

SEC. 13. Be it further enacted, etc., That the president, with the sanction of a majority of the directors, shall have power to locate said road, or such portion as may be ready to be contracted for. He shall in like manner have power to make contracts for the grading of the same; of procuring wood, iron and other material for the construction of the same; of building depots, water stations, and the necessary structures thereof; of procuring locomotives, cars and other articles necessary for a full equipment of said road, and of paying for the same, in such manner as he may deem fit, in cash, or with his money and credit, or with its money and other funds, in bonds or obligations of the company, or by any effects belonging to said corporation, as may by said board of directors, or a majority thereof, together with its president, shall be agreed upon.

SEC. 14. Be it further enacted, etc., That said railroad company shall have the right, and they are hereby authorized to build bridges across all such water courses as the line of said railroad may cross. All such bridges over navigable streams shall have a well constructed and suitable draw therein, so as to give, when open, shall give a clear space of not less than ninety feet for the passage of vessels; and said company shall at all times open the said draw for the passage of all vessels requiring the same, except during and for ten minutes prior to and after the time of the passage of the mail and passenger trains of said company, and said company shall not be required to construct a draw in any bridge over and across any stream or bayou on the line of its railroad when those which are hereby declared and recognized as navigable, unless the future requirements of commerce shall demand the same.

SEC. 15. Be it further enacted, etc., That said railroad company, with the consent of the owners of lands fronting upon any navigable water course, or after such lands have been acquired by said company, by purchase, release, donation, or in any other manner in accordance with the laws of Louisiana, or the authority granted by this charter, may erect, construct, and thereafter maintain, and use wharves, warehouses, depots or other buildings and structures, in and upon the margins, or upon the portion of the margins, reserved to public use of any and all navigable rivers, bayous or water courses of the State, whenever the same may be deemed by a majority of the directors of the said company necessary and requisite for the legitimate and convenient transaction of the business of the company, and within the limit of incorporated cities and towns. The mayor and the majority of the council of each city or town may authorize the construction of said wharves, warehouses, depots or other buildings and structures in front of all public squares, lots or streets that may be bounded by such navigable water course. That said company be and they are hereby authorized and empowered to construct, equip, and thereafter to own, operate, maintain and enjoy the right to establish suitable boats on the Mississippi river, at the eastern terminus of its said railway, for the purpose of transferring its freight and passengers from the west to the east bank of said Mississippi river; and when, in the opinion of the board of directors, or a majority thereof, they shall deem it for the interest of said company, they may transfer its cars and trains from the west to the east bank of said river, for the purpose of connecting with other railroads leading from said east bank of said river.

SEC. 16. Be it further enacted, etc., That the president, when duly elected by the board of directors as provided for in this act, shall be the proper officer on whom service of process or citation shall be made, at the domicile of the company, in all suits at law against said company, or, in case of his absence, on the vice president, at the same place. The president, or in his absence the vice president, shall represent said company in every action at law, either for or against said company.

SEC. 17. Be it further enacted, etc., That the president of said company, the treasurer and engineer, together with such other officers as the board of directors may require, shall present reports in writing pertaining to the affairs of their several offices at least once a year, and at least thirty days before the time of holding the annual election for directors of said company, and oftener when required by the rules and regulations of said board of directors, and in accordance with their said regulations.

SEC. 18. Be it further enacted, etc., That said company is authorized and empowered, from time to time, to borrow money or to purchase property upon its own credit for the purpose of constructing and maintaining said railroad, and as evidence of the indebtedness of said company for such loans or purchases, may issue its corporate bonds or promissory notes, bearing interest at a rate not to exceed eight per centum per annum, and to secure the payment of said bonds and notes may mortgage its railroad, its capital stock, its corporate franchises, and any of its real or personal property, or any portion of the same, and it may, by its president or other officers or agents duly authorized by its directors, sell, dispose of, or negotiate such bonds and notes, or may sell, dispose of or negotiate its capital stock or any of its personal property at such times and places, and at such rates and for such prices, either within or without this State, as in the judgment of said company or its directors will best advance its interests, and if such bonds, notes or stocks are thus sold at a discount, such sales shall be in all respects valid and binding upon this company, and such bonds or notes shall be as valid for the par value thereof as if the same had been sold at par value; provided, however, that said company shall not secure by a first mortgage upon its property, franchises and effects, bonds or promissory notes to an amount exceeding the sum of twelve thousand five hundred dollars for each linear mile of railroad which said company is authorized to construct under this act.

SEC. 19. Be it further enacted, etc., That said company may be and is hereby authorized to make and issue from time to time, as is herein above provided for, its bonds, to be known as first mortgage bonds of the Vidalia, Red River and Texas Railroad Company, guaranteed to the extent hereinafter provided by the State of Louisiana, and of such denomination as the company may elect, but to an amount not exceeding twelve thousand five hundred dollars per mile for each and every mile in length of the line of its railroad within the State of Louisiana which said company shall construct, as specified in the proviso of section eighteen of this act. Said bonds shall be numbered consecutively, and shall be made payable to the State of Louisiana, or bearer, at such time as the company may designate therein, not more than fifty nor less than thirty years from their date, and shall bear interest at such rate as the company may designate therein, not exceeding eight per cent per annum, payable semi-annually, and shall have interest coupons annexed thereto. The principal and interest of said bonds, or both, may be made payable in lawful currency of the United States, or in English sterling, and if in sterling, two thousand five hundred pounds sterling per mile shall, for the purposes of this act, be deemed within the limitation of twelve thousand five hundred dollars per mile in this section contained, and the place of payment shall be where the company shall elect and designate in said bonds.

SEC. 20. Be it further enacted, etc., That the State Treasurer shall annually, and immediately upon receiving the revenues for each year, place to the credit of said railroad company all the State taxes collected from the parishes through which said railroad may pass, as shown by the annual assessment rolls, over and above the amount of the assessment roll of said parishes for the year 1870. And upon the sums so paid into the treasury to credit of said company the State of Louisiana shall and will pay six per cent per annum interest.

SEC. 21. Be it further enacted, etc., That the sums so paid to the State and the interest thereon shall constitute a sinking fund for the redemption, *pro tanto*, of the first mortgage bonds of said railroad company, which shall be applied first to payment of the interest coupons due thereon; and the State hereby pledges its faith for the redemption of said bonds to the extent of said fund. And it shall be the duty of the State Treasurer, whenever and as often as said fund shall amount to twenty-five thousand dollars, to advertise in the official journal of the State that he will, on a day therein named, not less than thirty days after first publication, receive offers from the holders of such bonds for the purchase thereof at the lowest rate, and he shall purchase said bonds at the lowest rate and at the lowest rate to the extent of the funds in hand: which bonds so purchased shall be by him canceled and so purchased in such manner together with such coupons as may have been taken up, and the numbers and amounts thereof shall be entered in a register kept by him for the purpose, and which register shall be accessible to the public.

SEC. 22. Be it further enacted, etc., That it shall be the duty of the said State Treasurer to embrace in his annual reports to the Legislature a statement showing the amounts received, and disposition made of said fund. He shall charge said fund with the cost of said advertisements, and shall be entitled to deduct therefrom one per cent on the amount of the bonds so taken up and canceled.

SEC. 23. Be it further enacted, etc., That parishes adjacent to, near, or through which the railroad line may pass, may subscribe to the capital stock of said company whenever a majority of the legal votes cast, at a general or special election, shall be in favor of subscription. The time of voting and the amount to be subscribed shall be determined by the police jury. The notice of the time fixed shall be made known by publication in the manner prescribed for judicial advertisements, for thirty days immediately preceding such election. Said elections shall be held at the places, by the persons, and the returns shall be made in the manner, indicated by the police jury.

SEC. 24. Be it further enacted, etc., That there shall be written on the ballots of those in favor of the subscription the words "for subscription," and on the ballots of those against the subscription the words "no subscription." And if at such election it shall appear that a majority of the votes cast in any parish have been in favor of subscription, then, and in that event, such parish shall issue, and cause to be authenticated by the signature of the president of the police jury, countersigned by the clerk thereof, to the president of the Vidalia, Red River and Texas Railroad Company, or bearer, bonds of one hundred dollars each to the amount of such subscription, payable in not exceeding fifty nor less than thirty years, and stipulating the payment of not exceeding eight per cent interest per annum from date, which interest shall be payable annually, and shall be indicated by interest coupons attached to said bonds.

SEC. 25. Be it further enacted, etc., That the police jury shall, in the ordinance authorizing the bonds, provide for the payment of the principal and interest thereof, and for that purpose shall levy a tax, to be collected annually, of an amount sufficient to pay the interest and one-fortieth part of the principal thereof, which tax shall not be repealed until the principal and interest shall have been paid, and the amount of such tax (less the costs of collection and so much as may be required to meet the payment of the interest coupons after applying thereto the funds hereinafter provided for that purpose) shall constitute a sinking fund for the payment of the bonds to be issued, to be designated as the railroad sinking fund, and shall be paid out in the purchase thereof in the manner following: The president of the police jury shall advertise for thirty days in the manner required for judicial advertisements that he will, on a day named, receive offers at the courthouse door of the parish for the sale of the railroad bonds issued as aforesaid, and will purchase the same at the lowest price offered to the extent of the money in hand for that purpose, and he shall on the day, and at the place named, between the hours of 11 A. M. and 3 P. M., purchase at public outcry and at the lowest rate offered, not more than its par value, bonds to the extent of the funds on hand for that purpose. The bonds so purchased shall be by him canceled and delivered to the parish treasurer, and the said president shall make a written report to the police jury of his action in the premises.

SEC. 26. Be it further enacted, etc., That the parish treasurer shall annually, and whenever any parish taxes are received by him, place to the credit of the railroad sinking fund that part of the tax paid on the increased valuation of the taxable property of the parish, as shown by the annual assessment rolls, over and above the amount of the assessment roll of 1870. The tax on such excess shall be paid in current funds of the United States, and shall be applied first to the payment of the interest coupons as they fall due, and should any balance remain it shall be placed to the credit of the railroad sinking fund, to be applied to the redemption of the parish bonds as before stated.

SEC. 27. Be it further enacted, etc., That the stockholders of said company shall, at any time, have the right to have all stock held by any parish or incorporated town or city transferred to the company whenever and to the extent that said company shall repay or reimburse said parishes, towns or cities, the amounts paid by them on their subscriptions to said company. And in reimbursing said parishes, towns or cities, the said company shall have credit for the full amount of any and all taxes levied upon and collected upon the property of said railroad company by said parishes, towns or cities; and to the extent of such taxes the said parishes, towns or cities shall annually transfer their stock to said company.

SEC. 28. Be it further enacted, etc., That the parish treasurers into whose custody the railroad funds may pass, as aforesaid, shall, in addition to the bonds required by them as parish treasurers, and as further security for the money to be raised as aforesaid, give a special bond for such sum as the police jury may direct, payable to the president of the police jury, for the use of whom it may concern, and the parish shall be considered as guaranteeing, and shall be responsible for the fidelity of such treasurer and the safe keeping of the money in his charge.

SEC. 29. Be it further enacted, etc., That the president of this company shall have the power to call a meeting of the stockholders whenever he thinks their interest may require it, to deliberate on the affairs of the company; and the president and directors shall have the powers and authority conferred by the Legislature on similar companies in this State, where the same is not specially conferred in this charter.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 22, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 39.

To amend article six hundred and forty-four of the Code of Practice.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That article six hundred and forty-four of the Code of Practice be amended so as to correspond with article one thousand nine hundred and ninety-two of the Civil Code, and so as to read as follows: The sheriff can not seize the linen and clothes belonging to the debtor or his wife; nor his bed or those of his family; nor his arms and military accoutrements; nor the tools and instruments and books necessary for the exercise of the calling, trade or profession by which he makes a living; nor shall he in any case seize the rights of personal servitude, of use and habitation, of usufruct to the estate of a minor child; nor the income of dotal property; nor money due for the salary of an officer; nor wages; nor recompense for personal services; nor house or kitchen furniture to the value of six hundred dollars.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.
A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 66.

For the relief of Eugene Sullivan, late member of the Metropolitan Police.

WHEREAS, Eugene Sullivan, a late member of the Metropolitan Police, was stricken with paralysis while in the actual discharge of his duties on the ninth day of November, 1868; and

Whereas, The said Eugene Sullivan was four months afterward unable to perform any duty, in consequence of the sickness aforesaid, and is still a cripple from the same causes; and

Whereas, The Metropolitan Police Board refused to pay the said Eugene Sullivan four months pay of the above mentioned time, viz: December, 1868, January, February and March, 1869, with the thirty per cent accruing thereon, on the ground that said Eugene Sullivan was not shot or wounded while performing duty; therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the treasurer of the Metropolitan Police Board be and is hereby directed to pay to the said Eugene Sullivan the sum of four hundred and thirty-three dollars and thirty-three cents, wages for the said months of December, 1868, and January, February and March, 1869, together with the thirty per cent accruing thereon.

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

O. H. BREWSTER,
Speaker of the House of Representatives.
P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.
A true copy:
F. J. HERRON,
Secretary of State.

Received in the office of the Secretary of State April 24, 1872.

The foregoing act having been presented to the Governor of the State of Louisiana for his approval, and not having been re