New Orleans Republican.

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OFFICIAL JOURNAL OF NEW ORLEANS

THE DAILY REPUBLICAN

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Three....	30 ..	53 ..	70 ..	110 ..	175 ..
Four.....	38 ..	67 ..	90 ..	140 ..	225 ..
Five.....	46 ..	80 ..	105 ..	170 ..	275 ..
Six......	54 ..	93 ..	120 ..	200 ..	335 ..
Seven....	60 ..	105 ..	135 ..	230 ..	375 ..
Eight....	65 ..	115 ..	150 ..	260 ..	420 ..
Nine.....	70 ..	125 ..	165 ..	290 ..	460 ..
Ten......	75 ..	135 ..	180 ..	320 ..	500 ..
Eleven...	80 ..	145 ..	195 ..	350 ..	540 ..
Twelve ..	85 ..	155 ..	210 ..	380 ..	580 ..
Thirteen.	90 ..	165 ..	220 ..	410 ..	620 ..
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is published every Saturday morning, and contains the news by telegraph, miscellaneous reading, editorials, local matters of general public interest, commercial and monetary reports, and everything that appears in the Daily, except such items as are of little or no public moment. The WEEKLY REPUBLICAN is an excellent family paper, valuable as well for instruction and amusement as information on the current topics of the day.

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THE COURTS.

Supreme Court Opinions.

Factors' and Traders' Insurance Company vs. the city of New Orleans.—Appeal from the Sixth District Court of Orleans.—The plaintiff sued the city for $10,175 56, the amount of a license tax paid by it to the city during the years 1867, 1868 and 1869, on the ground that the said tax was unconstitutional, because not equal and uniform upon all persons pursuing the business or occupation of insuring.

The court gave judgment for the amount claimed, and the defendant appealed.

Justice Wyly, in delivering the opinion of the court, says:

The license tax collected from the plaintiff was five-eighths of one per cent on the amount of premium received, and in 1868 and 1869 it was one and one-half per cent on the amount of premium.

Any percentage on the amount of premiums received is clearly unconstitutional, because all insurance companies do not receive the same amount of premiums.

Article 124 of the constitution of 1864 and article 118 of the constitution of 1868 requires that a license tax as well as a tax on property, shall be equal and uniform.

To be equal and uniform the tax must be the same on all persons, the particular calling or occupation taxed, without reference to the abilities, fortune or success of those engaged in it. City of New Orleans vs. Home Insurance Company, 23 An. "He who receives what is not due to him, whether he receives it through error or knowingly, obliges himself to restore it to him from whom he has unduly received it." Rev. C. C., article 2301. Upon this article and articles 2302 and 2304 the plaintiff relies to support its demand for the restitution of the amount improperly paid.

The defendant, however, contends that there was a natural obligation binding the plaintiff in conscience and natural justice to pay what was paid, and therefore, under article 2303, it can not be recovered.

Article 2303 declares that, "To acquire this right (the right to recover what was improperly paid) it is necessary that the thing paid be not due in any manner, either civilly or naturally. A natural obligation to pay will be sufficient to prevent the recovery."

It will be observed from the plain provisions of article 2303, that in order to defeat the right of recovery there must be a natural obligation to pay "the thing paid"—to pay the particular thing that has been collected.

If A pays a forged note to B, recovery of the amount can not be defeated because the latter may hold a natural obligation against him, resulting from being the owner of another note that is prescribed.

The law, in express terms, only permits the action for repetition to be defeated when there was a natural obligation to pay the "thing paid;" that is, to pay the particular debt that has been paid.

Now, the inquiry is not whether there was a natural obligation binding the plaintiff in conscience and natural justice to pay some other debt of equal amount to the city of New Orleans for the support of its government, or otherwise, but it is simply whether there was a natural obligation to pay the particular debt or claim that was paid, and which is alleged to be unconstitutional.

It is useless to pursue any other inquiry, because the defense announced, in article 2303, is, in precise terms, limited to the particular debt or claim paid.

The question is, was the plaintiff under a natural obligation to pay an unconstitutional tax? We say no.

An unconstitutional ordinance of a municipal corporation is an absolute nullity. It was void from the beginning. It never had any obligatory force either in law or conscience.

To say that an assessment in direct violation of the constitution binds the citizen in conscience and natural justice is an absurdity too manifest to require argument.

Until there is an assessment (and an unconstitutional assessment is no assessment) there is no debt; there is no obligation either natural or civil.

The amount collected from the plaintiff was unduly collected, because he never owed the debt; there was no ordinance of the city requiring of the plaintiff a license tax. What we supposed to be an ordinance requiring the assessment of the tax never had any existence because it contravened article 124 of the constitution of 1864, and article 118 of the constitution of 1868.

In support of his position the counsel of the defendant cites several decisions of this court, 9 R. 325, 12 A. 34, 346, 421. In not one of these cases was the question now under consideration presented, to wit: Whether there is a natural obligation to pay an unconstitutional tax?

The court has never held that an unconstitutional tax imposes a natural obligation to pay.

A natural obligation is defined to be one that can not be enforced by action, but it is binding in conscience, and according to natural justice. Revised Code, 1757. How any act of the corporation of New Orleans, prohibited by the constitution, can create an obligation binding "in conscience and according to natural justice," we can not imagine.

In Isaac J. Sims vs. the parish of Jackson, 22 A., 440, a question was, whether the plaintiff could recover from the defendant the amount of a cotton tax collected from him during the years 1865, 1866 and 1867, on the ground that said tax was not equal and uniform, and therefore it was violative of article 124 of the constitution of 1864, then in force.

The court held he could do so, and gave judgment against the parish of Jackson for the amount unduly collected of Sims. This is the only case to be found in our reports where the precise question now under consideration was presented.

While that decision stands, and we see no reason to overrule it, a party who has paid a municipal corporation an unconstitutional tax, may demand its restitution or the restitution of the amount thereof.

Judgment affirmed. Justice Howell dissented.

Merchants' Mutual Insurance Company vs. New Orleans Mutual Insurance Company et al., and same vs. Louisiana Mutual Insurance Company et al.—These suits were instituted by the plaintiff against seven other insurance companies on contracts of insurance entered into severally by each of these seven companies with the Merchants' Mutual Insurance Company.

The history of this litigation seems to be this: Dupasseur & Co. were insured by the Merchants' Mutual Insurance Company on 834 bales of cotton, at the rate of $200 per bale, on board the ship Argean, from New Orleans, bound to Havre, France. The defendents reinsured the plaintiffs for the amounts respectively stated in their separate answers.

The vessel arrived safely at the port of destination, and after discharging part of her cargo in sound condition, of which three hundred and twenty-five bales of cotton insured for Dupasseur & Co formed a part, took fire, which was ultimately extinguished by letting water into the hold. The remainder of the cargo was discharged in a damaged condition. When the news first reached New Orleans of the occurence of the accident, the Merchants' Mutual Insurance Company made several advances to the insured for an aggregate sum of $104,000, subject to a future adjustment. In the like manner the re-insuring companies made corresponding advances to assist the Merchants' Insurance Company.

In accordance with the usage and practice at Havre a statement or adjustment of the loss was made by the "Tribunal du Commerce," and by this adjustment it seems the several companies reassuring have been willing to abide. By this adjustment it appears that the case was one of partial loss only. Dupasseur & Co., on their part, held that it amounted to a constructive total loss, and refusing, when called on by the Merchants' Mutual Insurance Company, to refund any portion of the large advances that had been made to them, claimed an abandonment, the loss, as they asserted, having amounted to more than fifty per cent, suit was brought against them by these plaintiffs.

Judgment was rendered in favor of Dupasseur & Co., as in case of total loss, but condemning them to pay the sum of $6000, being the excess of the advances over the amount adjusted for constructive total loss. The reinsurers were then called upon by these plaintiffs to contribute according to their several undertakings, in favor of the insurers, in order to lessen the burden on them. This they refused to do, and against four of the companies which engaged in the insurance, suit was brought in the Fifth District Court, and in the Seventh against the other three.

In the Fifth the case was tried before a jury of merchants. Four of the companies, it seems, contended that the amounts advanced by them, subject to future adjustment, exceeded the sums they were legally bound to contribute, and they set up reconventional demands for the overplus. The other three specified small amounts, which they admit they are bound to furnish to make up the sums they are legally bound to contribute, and which deficit they aver they have always been ready to pay.

Judgment was rendered in the Fifth Court in favor of the plaintiffs, against those admitting they owed balances, and in favor of the Louisiana Mutual Insurance Company on its reconventional demand. In the Seventh Court, judgment was rendered against the plaintiffs, and in favor of the defendants, on their respective reconventional demands, the court treating the judgment of the plaintiffs against Dupasseur & Co. as a nullity, and also on the ground that there was not, and under the facts there could not be, in regard to the damage sustained by the ship taking fire, an abandonment and a claim by Dupasseur & Co. for a constructive total loss. From both judgments plaintiffs appealed, and on Tuesday last the Supreme Court affirmed those judgments.

In passing upon a case involving the payment of a bill of exchange, resisted by the drawer on the ground that he had no notice of protest, the court says:

The evidence in this case shows that the defendant, the drawer of a bill of exchange, even if discharged by want of proper notice of dishonor, repeatedly promised to pay the draft to plaintiffs under circumstances which make it legally certain that he knew of the alleged want of a notice. There is, therefore, no error in the judgment, which was in favor of plaintiff.

Sosthene Truxillo vs. Jeanette Truxillo, wife of Antoine Dalferes, et al.—Appeal from parish court, parish of Assumption. In September, 1871, Antoine Truxillo died, leaving a small succession, consisting mainly of a tract of land, and leaving three heirs, viz: Sosthene Truxillo and his two sisters, Mrs. Dalferes and Mrs. Barras.

Pending the application of Mrs. Dalferes to be appointed administratrix, the plaintiff, Sosthene Truxillo, sued his two sisters for a partition of the succession, and alleging that he is a mortgage creditor of said succession for $7282; he prayed that the land be sold in block by an auctioneer for cash enough to satisfy his mortgage claim, and also for cash for one-third of the balance remaining beyond the amount at the day of sale of said mortgage claim, and that a notary be appointed to whom the parties may be referred for final partition, etc.

The court ordered all the property to be sold in block for cash "for the double purpose of paying the mortgage claim held by the plaintiff and for partition."

From this judgment the defendant, Mrs. Dalferes, appeals.

The proceeding is anomalous. The main object of the plaintiff is doubtless to enforce his mortgage claim against the succession of his father, which is unrepresented, and which claim will absorb the greater part of the succession. He opposes an administration, and yet, under articles 990 and 992, Code of Practice, he seeks to have the property sold to pay his large claim by cumulating the application with an action for partition.

The property of a succession can not be sold under the articles referred to until some one has been appointed to represent it; and until the claim has been allowed by the administrator or other legal representative, or adjudicated upon by the court.

The amount of this claim being $7282, the court was without jurisdiction.

The jurisdiction of the court depends upon the amount in dispute, regardless of the party holding the claim, whether he be an heir or not.

As Truxillo died in September, 1871, the property of his succession must be sold in lots of from ten to fifty acres each. It can not be sold in block. Revised Statutes of 1870, section 3452, Civil, art. 132.

It is therefore ordered that the judgment appealed from be annulled, and that this suit be dismissed with costs of both courts.

In the case of John H. Freeland vs. Hyllested & Co., G. H. Vinten third opponent, judgment was given in favor of the third opponent, which was also the decree in the court below.

Second District Court—Succession of H. Elliott.

This is an important controversy, and one that excites much interest. Elliott died in this city on the twenty-ninth of March last. On the twenty-ninth of November, 1871, he gave to Mrs. Mary E. Resley, a lady of this city, a slip of paper, written in pencil, by which he devised to her in case of death over $80,000 in notes secured by first mortgage on real estate in this city. This document was dated, written and signed by him. Some days after his decease this document having been proven to be in the handwriting of deceased by his brother-in law, Mr. Hunter, Mr. Moore, L. F. Generes and others, was admitted to probate by his Honor Judge Duvigneaud. Shortly after, there being no one named by him as executors, Mrs. Resley applied for appointment as dative testamentary executrix.

Pending the publication of this application, a Mrs. Virginia C. Burke appeared in court opposing and setting forth the fact that Elliott had left a will of prior date, May 29, 1869, in which he had appointed her executrix and had made her his universal legatee, and praying the court to suspend action until this will could be probated in Natchez, where Elliott had been previously domiciled before coming to New Orleans to reside. No action was taken on this application, and the time arrived for the confirmation of Mrs. Resley as dative testamentary executrix, an inventory having been taken in the interval, showing property in New Orleans to the amount of some $81,000, say $66,000 in the hands of L. F. Generes, and about $15,000 in real estate.

At this date Mrs. Burke produced the probate of a will from Mississippi, of similar tenor to that referred to in her application, and after proper showing to the court, was confirmed executrix thereunder, and received letters of executorship.

Upon these being given her, Mrs. Resley, not disputing the Natchez will to this extent, the subsequent will having named her executrix, applied to the court, under article 1670 Civil Code, to have Mrs. Burke, executrix, give bond in the sum of $10,000 before being put in possession, and the court so ordered.

Mrs. Burke then took two rules, one upon Generes to compel him to surrender to her, as executrix, the property in his hands, and the other on Mrs. Resley, to set aside the order requiring her to give bonds. These rules were fixed for yesterday, but were continued till Monday, the third June next.

When the rules came up yesterday for trial a third party intervened, to wit, Mrs. Elliott, widow of the deceased, calling on Mrs. Burke for security in the amount already fixed by the court, and requiring also Mr. Generes to produce in court the mortgage notes forming the subject of the controversy. It should be mentioned, also, that Mrs. Burke has filed a suit in these proceedings to break the will under which Mrs. Risley claims a particular legacy of over $80,000, and to set aside its probate; and Mrs. Risley has also filed a suit setting forth her claim as a particular legatee, and asking that the specific property, say over $80,000 in mortgage notes, be delivered to her. This last suit has been brought both against Mrs. Burke and Mr. Generes. There are many attorneys engaged in this controversy.

Third District Court.

Some time ago judgment was rendered against ex-Recorder Becker, before a justice of the peace, on a claim for a sum of money. Becker being absent at the time, the court appointed a curator ad hoc to represent him. Under this judgment an execution was issued, and defendant's property was seized, but just about then the ex-recorder returned, and applied to the Third District Court for an injunction to stop the seizure, and set up that the jundgment rendered against him should be declared null for want of citation, inasmuch as he had an agent here to represent his interests while absent, and therefore the appointment of a curator was uncalled for and illegal. The case is now under advisement.

Seventh District Court.

In a certain case in this tribunal judgment had been rendered a month or two ago, previous to the passage of the law exempting furniture to the value of $600 from seizure.

The plaintiff issued his execution and two or three days after the exemption law was promulgated, made the seizure of furniture belonging to defendants valued at $400.

The defendant ruled the plaintiff to show cause why the seizure should not be set aside. After hearing argument the court decided that true it was the Legislature could modify the remedy to which parties might be entitled in order to force their contracts, but such modification would be unconstitutional if in effect it impaired the contract itself or so operated as to deprive either party of the intrinsic rights they possessed before; that the exemption now contended for would not, therefore, affect or diminish the rights the plaintiff possessed against the property of his debtor previous to passage of the statute—that that statute could not have a retroactive effect.

United States Circuit Court.

Margaret Caldwell vs. Bank of New Orleans—This case was submitted.

Don Marcus Radich vs. William G. Hale—Verdict in favor of defendant. Important cotton case.

United States vs. Oscar Simmonil—This cause was submitted.

United States vs. Alfred Dupasseur et als.—Time for answering extended to the first day of October next.

Meteorological and River Report.

The signal service, United States army, reports, for the benefit of commerce, the meteorological record, and rise or fall of the rivers, at 3:43 P. M., local time, yesterday, as follows:

Place.	Ther.	Wind.	Weather.
Augusta, Ga.......	71	S. W.	Light rain.
Baltimore..........	72	N. W.	Fair.
Boston..............	62	N. E.	Cloudy.
Buffalo.............	54	W.	Fair.
Cairo................	69	S.	Cloudy.
Charleston.........	80	S. W.	Threatening.
Chicago.............	60	S. E.	Threatening.
Cincinnati..........	68	S. E.	Fair.
Davenport.........	66	S.	Cloudy.
Galveston..........	86	S.	Cloudy.
Indianapolis.......	86	S.	Fair.
Indianola..........	64	S. E.	Cloudy.
Jacksonville, Fla..	79	S. W.	Cloudy.
Key West...........	89	W.	Fair.
Leavenworth.......	73	W.	Threatening.
Louisville..........	68	S. E.	Fair.
Memphis............	79	S. W.	Threatening.
Mobile..............	85	S.	Cloudy.
Nashville...........	79	S. E.	Fair.
New Orleans.......	84	S.	Fair.
New York...........	71	W.	Fair.
Norfolk..............	82	N. W.	Fair
Omaha..............	57	N. W.	Heavy rain.
Pittsburg...........	62	N. W.	Clearing.
Portland, Maine...	53	N.	Cloudy.
Punta Rassa, Fla..	85	W.	Fair.
Savannah...........	81	S. W.	Cloudy.
St. Louis............	70	S. E.	Light rain.
St. Paul.............	60	E.	Light rain.
Vicksburg..........	82	E.	Threatening.
Wilmington, N. C.	86	S. W.	Fair.

RIVERS.

Stations.	Rise, inches.	Fall, inches.	Above low water mark, Ft.	In.
Cairo	11	..	34	6
Cincinnati	3	..	..	..
Davenport	3	..	8	6
Leavenworth	..	1	5	4
Louisville	3	..	5	10
Memphis	6	..	5	11
Nashville	..	..	3	11
Omaha	..	1	5	6
Pittsburg	4	..	2	10
St. Louis	..	12	23	11
St. Paul	..	2	7	7
Vicksburg	11	..	30	4

The river here is five feet eight inches below high water mark of 1871.

Beecher on the Strikers.

BROOKLYN, N. Y., May 20.—Rev. Henry Ward Beecher delivered an interesting sermon in Plymouth Church last evening, referring at length to the strike of the workmen now in progress, of which he claimed himself the advocate. He said in this uprising of the laboring classes of New York was a recognizing of the promising signs of the times. Capital has ruled too long and too severely. I am no partisan of revolution, but I thank God for any power to overthrow the power of the union of capital, and my heart is with the man who has forever been trodden under foot and despised because he was compelled to earn his daily bread by manual labor. I consider the demands that have been made perfectly just, and the movement has my entire sympathy, and I heartily wish it God speed.

In the House of Representatives last Saturday, Mr. Blair, of Michigan, reported from the Committee of Claims a bill (House resolution No. 2791) for the relief of Harlow J. Phelps & Co., which was read a first and second time.

The bill authorizes Harlow J. Phelps & Co., of New Orleans, to commence a suit against the United States in the Court of Claims for the recovery of $41,974 48, claimed by Phelps & Co. to have been illegally collected from them on certain cotton at New Orleans, on the fifteenth, twentieth, twenty-first and twenty-third of June, 1865; and the court is invested with full power and authority to hear and determine the validity of the claim, and the amount, if any, that Phelps & Co. shall be entitled to recover from the United States.

The bill was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time and passed.

Mr. Blair, of Michigan, moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

This paragraph is from the Memphis *Appeal:*

It will be remembered that E. O. Perrin, in the midst of his peroration, pronounced an eloquent eulogium, at the Greenlaw Opera House, upon Sandford E. Church, Chief Justice of New York. Mr. Perrin said that the great New Yorker would be the proper Democratic candidate for the Presidency, and now Judge Church says that Greeley will make a proper President.

The Sparta *Times* reports these marriages:

On the fourth of May, W. J. Gibbs, Esq., of Texas, to Miss Nora Gray, daughter of General Henry Gray, of this parish, at the residence of the bride's father, by Elder F. Courtney.

On the eighth of May, Mr. John J. Howard to Miss Rosa Dade, at the residence of the bride's uncle, General Henry Gray, by Rev. T. J. Fonts—all of this parish.

OFFICIAL.

Laws of the United States Passed at the Second Session of the Forty-First Congress.

[GENERAL NATURE—No. 1.]

An act relating to the limitation of steam pressure on towing and freight boats on the Mississippi river and its tributaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act to provide for the better security of life on vessels propelled in whole or in part by steam," etc., approved February twenty-eighth, eighteen hundred and seventy-one, so far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi river and its tributaries, are hereby so far modified as to substitute for such boats one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds, as provided in said act for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business, for a period of six months from and after the passage of this joint resolution, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds to the square inch.

J. G. BLAINE,
Speaker of the House of Representatives.
SCHUYLER COLFAX.
Vice President of the United States and President of the Senate.

Approved, December 20, 1871.
U. S. GRANT.

[GENERAL NATURE—No. 2.]

An act to establish post-roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post-roads:

ALABAMA.

From Gordon, via Sellers, to Campbellton, in Florida.

From Cross Plains, via Collinsville, Gidleys, Thompsonville and Huff's Gap, to Brock's.

From Jasper to Elyton.

From Fulton to Bexar.

From Chepultepec to Springville.

From Columbia to Fort Gaines, in Georgia.

ARKANSAS.

From Binkley to Jacksonport.

DAKOTAH.

From Bon Homme to Springfield.

FLORIDA.

From Deadman's Bay, via Spring Warrior, Hampton Springs, Perry Courthouse, Lovett's Mills, St. Augustine Crossroads, McCall's Academy, to Quitman, in Georgia.

From Mellonville, via Appopka and Oakland, to Orlando.

GEORGIA.

From Washington to Lincolnton.

INDIANA.

From Huntingburg, via Bretzville and St. Anthony to Schnelleville.

From Bennett's Switch to Waupecong.

From Hillsborough to Jacksonville.

From Liberty to Fairhaven.

IOWA.

From Fontanelle to Custom.

From Spencer, via Sibley and Rock Rapids to Sioux Falls, in Dakotah.

From Eldora to Waterloo.

From Lemars to Orange.

From Lemars to Beloit.

From Carroll to Winterset.

From Yatton to Columbus City.

From Stuart, via Arbor Hill, to Creston.

ILLINOIS.

From Colchester to Fandon.

IDAHO.

From Rock Creek to Six Islands.

KENTUCKY.

From Frankfort, via Peak's Mills, to Owenton.

LOUISIANA.

From New Orleans to St. Bernard.

MICHIGAN.

From Lapeer to North Branch.

From North Branch to Doyle's Mills.

From North Branch, via Clifford, in Michigan, to Newberry.

From Lapeer to Hadley.

From Milford to Holly.

MAINE.

From Waldoboro, via North Waldoboro, to Washington.

From Washington to Liberty Village.

MISSOURI.

From Wheeling to Lindley.

From Schell City to Stockton.

From Appleton City to Rosco.

From Osceola to Stockton.

From Tuscumbia to Rocky Mount.

From O'Fallon, via Cottleville and Dalhoff, to O'Fallon.

From St. Charles to Alton, in Illinois.

From Altona to Lucas.

From State Line, via Jonesville and Brosley, to Burdett.

From Hermitage to Nevada City.

From Barnumtown to Roney.

From Newark to Locust Hill.

MINNESOTA.

From Carver to Henderson.

MISSISSIPPI.

From Brookville to Pickensville.

MASSACHUSETTS.

From New Bedford to Rochester.

NEW YORK.

From Cuyler, via New Boston, to Tayler.

From Haskinville to Cohocton.

From Carthage to Copenhagen.

From Romulusville to Fayette.

From Hale's Eddy, via New Baltimore and Danville, in Pennsylvania, to Gulf Summit.

NORTH CAROLINA.

From Burnsville to Pensacola.

From Ridgeway to Hilliard's Store.

From Boone to Bowling Rock.

OHIO.

From Liberty, via Goodwin, to Fair Haven.

From Van Wert, via Wolfcate's Mills and Blakie's Store, to Decatur.

From Massillon to Wilmot.

From Canton to Hartville.

OREGON.

From Pendleton to Dalles.

NEBRASKA.

From Grand Island, in Hall county, via St. Paul and the north fork of the Loup river, to Helena, Montana.

From Norfolk, in Madison county, to Fort Laramie, in Wyoming.

From Red Cloud to Denver, in Colorado.

From Niobrara to Fort Laramie, in Wyoming.

TENNESSEE.

From Dover to Erin.

From Dover to Murray, in Kentucky.

From Johnson City to Marion, in North Carolina.

From Dyersburg, via Roaller's, Pearce's and Fisher's, to Trenton.

From Trenton, via Eaton and Friendship, to Dyersburg.

From Kenton, via Mason's Hall, to Davenport.

WEST VIRGINIA.

From Buckannon to Bealington.

From Valley Head, via Webster C. H., to Summerville.

VIRGINIA.

From Gladeville to Grundy.

From Elk Creek to Carsonville.

From Pattonsville, via Cedar Point, to Sueydsville.

From King George, via Shiloh, Payne's Store, and Leedstown, to Foneswood.

From Heathsville to Burgess' Store.

WISCONSIN.

From New London to Weyauwega.

From Pensaukee, via Brookside, to West Pensaukee.

Approved, January 16, 1872.

[GENERAL NATURE—No. 3.]

An act to establish post-roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post-roads:

PENNSYLVANIA.

From Lebanon, via Fontana, Colebrook, Mastersonville, Old Line and Sporting Hill, to Manheim.

From Annville, via Bellview and Water Works, to Jonestown.

Approved, January 16, 1872.

[GENERAL NATURE—No. 4.]

An act to change the times for holding circuit and district courts of the United States for the western district of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, instead of the times now fixed by law, the circuit and district courts of the United States for the western district of Virginia shall hereafter be held as follows: At Danville, on the Tuesday after the fourth Monday of February and August; at Lynchburg, on the Tuesday after the third Monday of March and September; at Harrisonburg, on the Tuesday after the second Monday of April and October; and at Abingdon, on the Tuesday after the fourth Monday of May and October. And all recognisances, indictments, or other proceedings, civil or criminal, now pending in either of said courts, shall be entered and have day in court, and be heard and tried according to the times of holding said court as herein provided.

Approved, February 1, 1872.

[GENERAL NATURE—No. 5.]

An act for the apportionment of Representatives to Congress among the several States according to the ninth census.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and eighty three members, to be apportioned among the several States in accordance with the provisions of this act; that is to say: To the State of Maine, five; to the State of New Hampshire, two; to the State of Vermont, two; to the State of Massachusetts, eleven; to the State of Rhode Island, two; to the State of Connecticut, four; to the State of New York, thirty-two; to the State of New Jersey, seven; to the State of Pennsylvania, twenty-six; to the State of Delaware, one; to the State of Maryland, six; to the State of Virginia, nine; to the State of North Carolina, eight; to the State of South Carolina, five; to the State of Georgia, nine; to the State of Alabama, seven; to the State of Mississippi, six; to the State of Louisiana, five; to the State of Ohio, twenty; to the State of Kentucky, ten; to the State of Tennessee, nine; to the State of Indiana, twelve; to the State of Illinois, nineteen; to the State of Missouri, thirteen; to the State of Arkansas, four; to the State of Michigan, nine; to the State of Florida, one; to the State of Texas, six; to the State of Iowa, nine; to the State of Wisconsin, eight; to the State of California, four; to the State of Minnesota, three; to the State of Oregon, one; to the State of Kansas, three; to the State of West Virginia, three; to the State of Nevada, one; to the State of Nebraska, one; Provided, That if, after such apportionment shall have been made, any new State shall be admitted into the Union, the Representative or Representatives of such new State shall be additional to the number of two hundred and eighty-three herein limited.

SEC. 2. That in each State entitled under this law to more than one Representative, the number to which said States may be entitled in the Forty-third, and each subsequent Congress, shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which said States may be entitled in Congress, no one district electing more than one Representative; Provided, That in the election of Representatives to the Forty-third Congress in any State which by this law is given an increased number of Representatives, the additional Representative or Representatives allowed to such State may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in said State, unless the legislature of said State shall otherwise provide before the time fixed by law for the election of Representatives therein.

SEC. 3. That the Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is hereby fixed and established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is hereby fixed and established as the day for the election, in each of said States and Territories, of representatives and delegates to the Congress commencing on the fourth of March next thereafter.

SEC. 4. That if, upon trial, there shall be a failure to elect a Representative or Delegate in Congress in any State, District or Territory, upon the day hereby fixed and established for such election, or if, after any such election, a vacancy shall occur in any such State, District or Territory, from death, resignation or otherwise, an election shall be held to fill any vacancy caused by such failure, resignation, death or otherwise, at such time as is or may be provided by law for filing vacancies in the State or Territory in which the same may occur.

SEC. 5. That no State shall be hereafter admitted to the Union without having the necessary population to entitle it to at least one Representative according to the ratio of representation fixed by this bill.

SEC. 6. That should any State, after the passage of this act, deny or abridge the right of any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendments to the constitution, article fourteen, section two, except for participation in the rebellion or other crime, the number of Representatives apportioned in this act to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

Approved, February 2, 1872.

[GENERAL NATURE—No. 6.]

An act to authorize the payment of duplicate checks of disbursing officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in place of original checks, when lost, stolen or destroyed, disbursing officers and agents of the United States are hereby authorized, after the expiration of six months from the date of such checks, and within three years from such date, to issue duplicate checks, and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such checks, drawn in pursuance of law by such officers or agents, upon notice and proof of the loss of the original check or checks, under such regulation in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnity the United States, as the Secretary of the Treasury shall prescribe: Provided, that this act shall not apply to any check exceeding in amount the sum of one thousand dollars.

SEC. 2. That in case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued, be dead, or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury shall prescribe, to state an account in favor of the owner of such original check for the amount thereof, and to charge such amount to the account of such officer or agent.

Approved, February 2, 1872.

[GENERAL NATURE—No. 7.]

An act to admit certain machinery imported from foreign countries free of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Calcasieu Sulphur and Mining Company of New Orleans be and is hereby permitted to import, free of duty, under such rules and regulations as the Secretary of the Treasury shall prescribe, certain machinery and accompanying implements for the purpose of and to be used only in making a series of experiments in mining for sulphur in the parish of Calcasieu, in the State of Louisiana; provided, that the value of such importation shall not exceed the sum of seventy-five thousand dollars, and that said machinery and implements be imported within one year from and after the passage of this act.

Approved, February 2, 1872.

[GENERAL NATURE—No. 8.]

An act to establish certain post-routes in the State of Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be, and the same are hereby, established as post-routes in the State of Iowa:

From Franklin, in Winnesheik county, State of Iowa, to Washington Prairie, in the same county; also,

From Waukon, in Allamakee county, State of Iowa, via Rud's, Dorchester, Wilmington, to Caledonia, in the State of Minnesota.

Approved, February 2, 1872.

[GENERAL NATURE—No. 9.]

An act to exempt the iron steam ice-boats constructed by the city of Philadelphia from the inspection required by the act of February twenty-eight, eighteen hundred and seventy-one, entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the iron steam ice-boats, constructed by the city of Philadelphia for the purpose of keeping open the navigation of the rivers Delaware and Schuylkill during the winter months, be and they are hereby exempt from the inspection required by the act approved twenty-eighth of February, eighteen hundred and seventy-one, entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes;" provided, that this act will expire at the end of six months from and after its passage.

Approved, February 6, 1872.

[GENERAL NATURE—No. 11.]

An act for the relief of Alexander Smith and Halcyon Skinner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents be, and he is hereby, directed to grant a rehearing of the application of Alexander Smith and Halcyon Skinner, for the extension of letters-patent granted to them on the fourth day of November, eighteen hundred and fifty-six, for improvement in power looms; and he is hereby authorized to to revive and extend the said letters-patent for the further term of seven years from and after the fourth day of November, eighteen hundred and seventy, notwithstanding the original term for which letters-patent was granted has expired, and the said patentees had patented the said invention in foreign countries, and such foreign patents had expired before the fourth day of November, eighteen hundred and seventy, if in his judgment the said patentees were the original and first inventors of the invention described in the said letters-patent, and the invention is useful, and the patentees have failed, without neglect or fault on their part, to obtain from the use and sale of the said invention a reasonable remuneration for the time, ingenuity, labor, and expense bestowed upon the same and the introduction thereof into use. And the said letters-patent, when so revived and extended, shall have the same effect in law as if it had been originally granted for the term of twenty-one years; provided, that all persons who at the time of the passage of this act had constructed, or caused to be constructed, or used looms on the plan of the said invention, shall be at liberty, during such extended term, to use and vend to others to use said looms so constructed or used.

Approved February 20, 1872.

[GENERAL NATURE—No. 13.]

An act making appropriations for the payment of invalid and other pensions of the United States for the year ending June thirty, eighteen hundred and seventy-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, eighteen hundred and seventy-three, viz:

For army pensions to invalids, widows, and dependent relatives, revolutionary pensions, and pensions to soldiers of the war of eighteen hundred and twelve, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; also, for compensation to pension agents, and the expenses of the several agencies, and for fees for preparing vouchers and administering oaths, as provided for by the acts of April twenty-fourth, eighteen hundred and sixteen; July fourth, eighteen hundred and thirty-six; May thirteenth, eighteen hundred and forty-six; February twentieth, eighteen hundred and forty-seven; February second, eighteen hundred and forty-eight; July twenty-first, eighteen hundred and forty-eight, July twenty-ninth, eighteen hundred and forty-eight; February third, eighteen hundred and fifty-three; June third, eighteen hundred and fifty-eight; July fourteenth and seventeenth, eighteen hundred and sixty-two; June thirtieth, eighteen hundred and sixty-four; June sixth and July twenty-fifth, eighteen hundred and sixty-six; July twenty-seventh, eighteen hundred and sixty-eight; June seventeenth and July eighth and eleventh, eighteen hundred and seventy; and February fourteenth, eighteen hundred and seventy-one; and all other pensions, provided by law, thirty million dollars.

For navy pensions to invalids, widows, and dependent relatives, and pensions to sailors of the war of eighteen hundred and twelve, and for furnishing artificial limbs or aparatus for resection, with transportation or commutation therefor, compensation to pension agents, expenses of agencies, and fees for preparing vouchers and administering oaths as provided by the acts of April twenty-third, eighteen hundred; February twentieth, eighteen hundred and forty-seven; August eleventh, eighteen hundred and forty-eight; July fourteenth and seventeenth, eighteen hundred and sixty-two; June thirtieth, eighteen hundred and sixty-four; June sixth and July twenty-fifth, eighteen hundred and sixty-six; March second, eighteen hundred and sixty-seven; July twenty-seventh, eighteen hundred and sixty-eight; June seventeenth, and July eighth and eleventh, eighteen hundred and seventy, and all other pensions provided by law, four hundred and eighty thousand dollars; provided, that the appropriation aforesaid for navy pensions, and the other expenditures under that head, shall be paid from the income of the navy pension fund, so far as the same may be sufficient for that purpose.

Approved February 20, 1872.

[GENERAL NATURE—No. 14.]

An act to amend an act entitled "An act to provide a national currency secured by pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section thirty-one of said act be amended by striking out the word "Leavenworth" when it occurs in said section.

Approved March 1, 1872.

[GENERAL NATURE—No. 16.]

An act to set apart a certain tract of land lying near the head-waters of the Yellowstone river as a public park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the Territories of Montana and Wyoming, lying near the head-waters of the Yellowstone river, and described as follows, to wit: Commencing at the junction of Gardiner's river with the Yellowstone river, and running east to the meridian passing ten miles to the eastward of the most eastern point of the Yellowstone lake, thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's rivers; thence east to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as public park or pleasuring-ground for the benefit and enjoyment of the people and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers, and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Approved March 1, 1872.

[GENERAL NATURE—No. 18.]

An act to authorize the construction of a bridge across the Missouri river at or near St. Joseph, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for "The St. Joseph Bridge Building Company," a corporation organized for that purpose under the general corporation laws of the State of Missouri, to construct a bridge across the Missouri river at or near Saint Joseph, Missouri, and to lay on and over said bridge railway tracks for the more perfect connection of any and all railways that are now, or which may hereafter be, constructed to the Missouri river at or near Saint Joseph, or to the river on the opposite side of the same, near Saint Joseph; and build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot passengers, and to keep up, maintain, and operate said bridge for the purposes aforesaid; and that when said bridge is constructed, all trains of all railroads terminating at said river, and on the opposite side thereof, at or near Saint Joseph, Missouri, shall be allowed to cross said bridge for reasonable compensation, to be made to the owners of the same, under the limitations and conditions hereafter named. The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over the said bridge of all wagons, carriages, vehicles, animals, and foot passengers.

SEC. 2. That any bridge built under the provisions of this act may, at the option of person, or persons, or corporation building the same, be built as a drawbridge, with a pivot or other form of draw, or with unbroken or continuous spans; provided, that if the same shall be made of unbroken continuous spans it shall not be of less elevation in any case than fifty feet above extreme high water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than three hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river and not less than three hundred feet in length; and provided also, that if a bridge shall be built under this act as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining spans to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than thirty feet above low-water mark, and not less than ten feet above extreme high-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river, and provided also, that said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same, but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains: And provided further, That the corporation building said bridge may, if not unauthorized by the provisions of its charter of incorporation, enter upon the banks of said river, either above or below the point of the location of said bridge, for a distance of seven miles, and erect and maintain breakwaters or use such other means as may be necessary to make a channel for said river, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation of the said river; and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval.

SEC. 3. That any bridge built under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to the said bridge.

SEC. 4. That in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of the Missouri river, at or near the crossing of said said bridge, and caused or alleged to be caused thereby, the cause shall be commenced and tried in the district courts of either judicial districts of Missouri or Kansas in which the said bridge, or any portion of such obstruction touches; and the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved, and all such alterations, when required by law, shall be made at the expense of said bridge company; and the plan on which such bridge is intended to be built; and shall be built, shall be first submitted to and approved by the Secretary of War.

SEC. 5. That the Saint Joseph Bridge Building Company, after the passage of this act, shall not have the right to assign the charter which said company now holds by assignment from the Saint Joseph and Denver City Railroad Company, and which was granted to said last named company by virtue of an act of Congress, approved July fourteenth, eighteen hundred and seventy, to any other company, person, or persons; nor shall said bridge building company be permitted, under the said charter so obtained as aforesaid from the Saint Joseph and Denver City Railroad Company, to construct any other bridge than the one now being constructed at Saint Joseph, Missouri.

Approved March 5, 1872.

[GENERAL NATURE—No. 17.]

An act to constitute Shreveport, in the State of Louisiana, a port of delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Shreveport, in the State of Louisiana, shall be, and is hereby, constituted a port of delivery, within the collection district of New Orleans; and there shall be appointed a deputy collector of customs, to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding fifteen hundred dollars per annum.

Approved March 1, 1872.