New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

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Six......	54 ..	93 ..	120 ..	200 ..	325 ..
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THE COURTS.

Supreme Court Opinions.

Dr. Samuel Choppin vs. W. B. Harmon and wife.—This suit was brought to recover $2000 for medical services rendered to Mrs. Harmon. The husband and wife were both sued, and there was a verdict and judgment against both defendants in solido for $1000. The wife alone appealed. The court says:

The services were rendered to the wife during the marriage, and there is no allegation or proof that the spouses were seperated in property. The debt is a community debt, for which the wife is not personally bound. C. C., 2402, 2403. The husband is bound to furnish her with medical aid when needed. C. C., 120. And it can not be said that the services thus rendered "inured to her separate benefit" in the sense which would render her personally responsible for the debt. It is therefore ordered, etc., that the judgment of the district court be set aside, and that plaintiff's claim against her be rejected.

Southern Dry Dock Company vs. Bayou Sara Packet Company, A. C. Goddin, D. C. McCan and E. M. Rusha.—The plaintiff sued the Bayou Sara Packet Company for $1980, and the defendants Goddin, McCan and Rusha, to revoke (so far as it affects petitioners' rights) the transfer of the steamer Wagoner, made by the said Bayou Sara Packet Company to said Goddin, Rusha and McCan fraudulently and to the injury of petitioner's rights. There was judgment in favor of plaintiff, and the defendants appealed.

The court, in passing on the case, says:

The evidence satisfies us that the packet company was in insolvent circumstances when it made the transfer of the boat, and that the transferees knew this; Goddin was president of the company and McCan and Rusha were members thereof. The price was the assumption of certain debts of the company, a very large proportion of which was due to themselves. There is no evidence to show that any portion of the price, if paid, inured to the benefit of the plaintiff.

"The property of the debtor is the common pledge of his creditors." C. C., 3183. A right implied in all obligations is, "that the property of the debtor shall be liable for all the consequences attending nonperformance." C. C., 1968. Therefore, "it results that every act done by a debtor with the intent of depriving his creditor of any eventual right he has upon the property of such debtor is illegal, and ought, as respects such creditor, to be avoided." C. C., 1969.

"If the party with whom the debtor contracted be in fraud as well as the debtor, he shall not, in the annulling of the contract, be entitled to a restitution of the price or consideration he may have paid, except so far as he shall prove has inured to the benefit of the creditors by adding to the amount of property applicable to the payment of their debts; but if the only consideration be a sum due from such debtor to the party with whom he contracted, then the only restitution to be made is the placing the parties in the situation in which they were before the contract complained of." C. C., 1982.

And "every contract shall be deemed to been made in fraud of creditors when the obligee knew that the obligor was in insolvent circumstances, and when such contract gives to the obligee, if he be a creditor, any advantage over the other creditors of the obligor." C. C., 1984.

Judgment affirmed.

Tyrce & Co. vs. Sands, Miller & Co., intervenors—An Alabama case decided according to Alabama law, the same not being in conflict with our own.

Tyrce & Co., cotton factors, sold cotton to Sands & Co.; Sands & Co. borrowed money from Miller & Co., bankers, predicated upon a proposed purchase of cotton. The cotton was bought from the cotton factors, but not paid for. Miller & Co. are claiming for their advances, and the contest was between the cotton factors and them.

Under the law of Alabama the cotton factor has his right upon the property and lien reserved for fifteen days, as provided for by a similar law in Louisiana reserving the lien of the factor for five days.

The court held that it would enforce the Alabama law, and gave to the plaintiffs the right to recover the cotton or its proceeds.

William B. Terrill vs. H. T. Hays, sheriff, et al. Appeal from the Fourth District Court, parish of Orleans.

Plaintiff enjoined the sale of 266 gallons of rum converted into neutral spirits, seized in the suit of Block vs. Wallenberg, on the ground that he was the owner thereof. Hays, the sheriff, filed a general denial, and called Block and his surety on an indemnity bond in warranty. From a judgment against Hays for the value of the property he has appealed.

The facts are that about March 11, 1867, plaintiff agreed to sell to Wallenberg seven barrels of rum, on the condition that they were to be used, and were delivered under this condition at the rectifying establishment of said Wallenberg.

Some days afterward, Wallenberg caused the barrels to be emptied into his rectifier and the contents converted into neutral spirits. During the time, plaintiff made several demands for payment, Wallenberg telling him on one occasion after the conversion that on the arrival of a certain schooner he would pay for the property. Prior to this event, the establishment of Wallenberg and its contents were seized in the suit of Block, the liquor, as neutral spirits, still being in the cistern.

The plaintiff, as a witness, says: "The whole of the liquor I sold to Wallenberg was put into his rectifier."

Although he repeatedly asserted that he was the owner of the liquor at the time of the seizure, we think it is shown that, as to third persons without knowledge there was such a delivery to Wallenberg as to subject it, a movable, to seizure for the debts of Wallenberg; and particularly so, as it had been so materially altered as to its nature and packages or condition. The article sold by plaintiff was not the article seized. It had undergone a change and been enhanced in value. The bad faith of Wallenberg, the conditional vendor, will not shield the property from his creditor, who was ignorant of the facts when its seizure was made.

It was therefore ordered that the judgment appealed from be reversed, and that there be judgment in favor of defendant, H. T. Hays, with costs in both courts.

Fourth District Court.

Injunctions were yesterday issued in the several tax cases, the plaintiffs in which enjoin the seizure by the Sheriff of their property. The following is the principal one of these suits:

J. Q. A. Fellows vs. City of New Orleans. The petitioner craves an injunction restraining Sheriff Sauvinet from further proceedings under a writ of fieri facias issued by this court in the suit of the city against said Fellows for $1828, with interest.

The Sheriff has seized under said writ the property of petitioner, bounded by St. Charles, Jena, Cadiz and Apollo streets, and Apollo, Jena, Bacchus and Cadiz, being the whole of two squares.

As the Sheriff is in three days to advertise said property for sale, petitioner alleges that the writ is not in form and sufficient in law to authorize the seizure; that it is illegally issued, etc. Also that said property is under seizure for the taxes of 1870.

But should the claim, the petitioner says, forming part of the judgment under which the writ of fieri facias aforesaid was issued be the city taxes of 1871, levied for the expenses of the city of New Orleans for the year 1871, but on an assessment of the value of property made in the year 1870, and hence erroneously styled the tax of 1870, then the petitioner alleges and avers that said tax is illegal, null and void, for this, viz: That the assessors of petitioner's property made in the year 1870 were not the legal assessors; that they were neither elected by the citizens of the State nor of the city, nor were they appointed by those who were thus elected; that they were not sworn to make a true assessment, nor were they otherwise qualified by law to make a legal assessment of property in New Orleans and further, because the parties who levied said tax and appointed said assessors had not the right—legal, constitutional, or otherwise—to make said levy or such appraisement; that they were not the choice of the voters of the city, and were never voted for by them, but were the appointees of Governor Warmoth, and, as petitioner is informed and believes, under his complete control; that at the time of their appointment they lodged with him a resignation of their office of Administrator, with the date left in blank, and which resignation said Warmoth took and retained.

Petitioner then avers that the law authorizing such appointment of Mayor and Administrators, and the manner and form of their appointment, is unconstitutional, illegal, null and void, and in violation of the constitution of the United States, especially wherein it guarantees to each State a republican form of government; that the tax sought to be collected exceeds the rate allowed by law; that portions of said tax are for purposes of State institution, and for matters and things solely and exclusively under State control, and the expenses of which should be supported by a tax levied by and made uniform throughout the State; that of such a character are the taxes called the park fund, the school and metropolitan.

Petititioner prays that judgment against him be declared null and void, the tax sought to be collected declared unconstitutional, null and void, and the injunction maintained. Also for $300 damages.

A number of similar suits against the city have also been filed in this court.

Injunctions have issued in all the above cases.

Fifth District Court.

Numerous suits against the city of New Orleans have been entered in this court to recover money paid for licenses.

One lawyer has secured 500 and another nearly 400 cases.

Eighth District Court.

Judge Dibble rendered decisions yesterday in the following suits:

J. B. Howard vs. J. Pinckney Smith, Warrant Clerk, and James Graham, Auditor.—In this case Judge Dibble has ordered a writ of mandamus to issue as against the respondent J. Pinckney Smith. The writ is refused as against Auditor Graham. J. Pinckney Smith is to pay costs of writ.

Howard is the holder of certain checks issued by Pinckney Smith, Warrant Clerk of the Legislature, in lieu of certain vouchers issued by the officers of the Senate of the session of 1872, amounting to $3030, which vouchers were issued to Mrs. O. J. Dunn by virtue of a resolution of that body. Howard claimed that it was the duty of the Warrant Clerk to take up these checks, and to issue in their stead his warrants on the Auditor, to the end that the latter may warrant on the Treasurer against the $75,000 appropriation of 1872.

W. Honneus vs. S. M. Todd.—This was a suit to recover on a promissory note for $500. Defendant denied his liability to pay on the ground that it was given as a compensation for the obtaining of a nolle prosequi in a case before a United States court, and, the transaction being opposed to good morals, the consideration for which the note was given vitiates the contract. The court sustained that view and gave judgment for defendant.

George W. Bate and wife vs. the city of New Orleans.—This was an action for damages consequent upon the death of plaintiff's child, who fell through a hole in the levee and was drowned. The city excepted on the ground that the city, not having immediate control and charge of the levees, could not be held liable for damages arising through a neglect to repair the same.

The court quoted several authorities to show that the city was liable, and overruled the exceptions.

State ex rel. David Fisher vs. James Graham, State Auditor.—Relator applied for a mandamus to compel the issuance of a warrant for $1000, in accordance with an act of the Legislature appropriating that amount for his relief, to reimburse him for expenses incurred in his defense on the charge of murder. The Attorney General, for the Auditor, answered that the appropriation was illegal, inasmuch as at the time it was passed the State debt exceeded the limit of $25,000,000.

Judge Dibble decided that this claim was a natural obligation on the part of the State, which she could contract at will, and that the constitutional amendment limiting the State debt could not apply here. Mandamus granted.

The same decree was ordered in the case of T. D. Thompson, assessor of the parish of St. Helena, vs. the Auditor, claiming a warrant under an act making an appropriation for his relief.

A Man Broken In Two.

PEORIA, Ill., May 21.—A horrible accident happened at the Toledo, Peoria and Warsaw machine shop last evening, by which a German named Johnson was instantly killed. He was engaged in raising a car from the ground by means of jack-screws, and elevating one of the jacks too high, swung the car round, causing it to fall over on him, literally breaking him in two in the middle of the body. He lived about ten minutes.

This is from the Homer *Iliad*:

In passing over the country recently we saw little white girls hoeing cotton. It did not look right, and we can hardly conceive how any able-bodied man can be laid under the necessity of calling into the field such help. In one field we saw the father—a great big lazy-looking creature—walking about leisurely near his little boys and girls, who were hard at work hoeing cotton, his hands cozily behind his back, and ever and anon he would condescend, very gracefully, to stoop down and remove a clod! Shame on such a father!

We find the following obituary in the New York *Tribune*:

John Greeley died at Londonderry on the sixteenth instant, aged eighty-eight years, five months and five days. He was the last survivor of thirteen children born to Zaccheus and Esther (Senter) Greeley. His father died in his house twenty years ago, aged ninety-four. His last surviving brother, Zaccheus (father of Horace) Greeley, died at Wayne, Erie county, Pennsylvania, December 18, 1868, aged eighty-six. John Greeley lived temperate in all things, an upright and respected farmer, and was in the full enjoyment of his faculties until a few days before his death. Always a Democrat in politics, he was a stern upholder of the war for the Union.

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 Brook'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 Houme 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 Schnellevilie.

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 Deavenport.

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 filling 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 6, 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 letter-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, 1972.

[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 incorpation, 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. 19.]

An act to provide for the admission of paintings, statuary, and photographs for exhibition free of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized under the laws of the United States or any State for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such rules and regulations as the Secretary of the Treasury shall prescribe; provided, that bonds shall be given for the payment to the United States of such duties as are now imposed by law upon any and all of such articles as shall not be re-exported within six months after such importation.

Approved March 5, 1872.

[GENERAL NATURE—No. 20.]

An act transferring certain powers and duties to the Department of Justice, and providing a seal therefor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all and singular the powers conferred and duties enjoined by existing laws upon the Secretary of the Interior relating to the imprisonment or discharge of convicted offenders against the laws of the United States, or to the reform school and jail in the District of Columbia, be, and the same are hereby, transferred to the Department of Justice.

SEC. 2. That the seal heretofore provided for the office of the Attorney General, shall be the seal of the Department of Justice, with such change in the device as the President of the United States shall approve, and all books, papers, documents, and records in said Department of Justice may be copied and certified under seal in the same manner as those in the State Department, and with the same force and effect.

Approved, March 5, 1872.

[GENERAL NATURE—No. 21.]

An act supplementary to the act entitled "An act to prevent the extermination of fur bearing animals in Alaska."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury; and the said agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day and two assistant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year; provided, that such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds nor profits thereof, neither as owner, agent, partner or otherwise.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to erect a dwelling-house upon each of the islands of St. Paul and St. George, for the use of said agents, the cost of both not to exceed six thousand dollars.

SEC. 3. That the said agents be, and they are hereby, empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the government in any matter concerning the public revenues.

Approved March 5, 1872.

[GENERAL NATURE—No. 22.]

An act amending the act approved July twenty-seventh, eighteen hundred and sixty-eight, entitled "An act relating to pensions."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act of Congress approved July twenty-seventh, eighteen hundred and sixty-eight, entitled "An act relating to pensions," be amended by inserting after the word "commission," in said section, the words "or was at some naval station."

Approved March 5, 1872.

[GENERAL NATURE—No. 23.]

An act to repeal the paragraphs of Schedule C of the internal revenue acts imposing taxes on canned meats, fish, and certain other articles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act so much of Schedule C of the internal revenue acts as imposes a tax on any "can, bottle, or other single package containing meats, fish, shell-fish, fruits, vegetables, sauces, sirups, prepared mustard, jams, or jellies," be, and the same is hereby, repealed.

Approved March 5, 1872.

[GENERAL NATURE—No. 28.]

An act authorizing the President of the United States to re-establish the Monroe land district in the State of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, if in his judgment the public interests would be subserved thereby, to re-establish the Monroe land district in the State of Louisiana, with the same boundaries that existed before the consolidation of said land district with the land district at New Orleans.

Approved March 16, 1872.

[GENERAL NATURE—No. 25.]

An act for the relief of George W. Morse.

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 hereby is, authorized to entertain and exercise jurisdiction over petitions of George W. Morse for the extension of two letters-patent granted to him on the twenty eighth day of October, eighteen hundred and fifty six, for a further term of seven years from the day on which such extensions may be granted, and to hear the testimony of the applicant and determine upon the said petitions in the same manner and with the same effect as if the original terms of said patents or of any foreign patents covering the same inventions, had not expired, and to grant or refuse such extensions upon the same principles, otherwise, that govern his decisions upon such applications when made under the law of July eight, eighteen hundred and seventy; provided, that no person shall be held liable for the infringement of said patents, if extended, for making use of said inventions since the expiration of the original terms of said patents, and prior to the date of their extension: And provided further, That any person, firm, or corporation now engaged in the manufacture of fire-arms, and using said invention, shall be entitled to use the machinery made or constructed by them for manufacturing the same since the expiration of the original terms of said patents, without liability during the term of said extension.

Approved March 11, 1872.

[GENERAL NATURE—No. 26.]

An act to create an additional land district in the State of Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the State of Nevada, embraced in the following described limits, to wit: commencing at the corner common to townships twenty-four and twenty-five north, range forty-four and forty-five east, Mount Diable base and meridian; thence running due east to the eastern boundary line of the State of Nevada; thence north on said eastern boundary of said State to the north boundary of said State; thence west on said north boundary of said State to the eastern boundary of the Carson land district; thence south along said eastern boundary of the Carson land district to the place of beginning, shall constitute a separate land district, to be called the Elko land district, the office of which shall be located at Elko, in Elko county, State of Nevada; which location may be changed by the President of the United States from time to time as the public interest may require.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or in the recess of the Senate, a register and a receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and shall have the same powers and receive the same emoluments as the same officers now receive in the other land districts in said State.

Approved March 12, 1872.