New Orleans Republican.

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OFFICIAL JOURNAL OF NEW ORLEANS

THE DAILY REPUBLICAN

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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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A liberal commission allowed to those who send us clubs of five or more.

CITY COUNCIL—OFFICIAL

REGULAR MEETING.

City Hall, New Orleans,
Tuesday, May 28, 1872.

The Council met in regular session at noon.

Present—Mayor Benj. F. Flanders in the chair, and Administrators H. Bonzano (Assessments), John S. Walton (Finance), James Lewis (Police), L. T. Delassize (Waterworks and Public Buildings), and John Cockrem (Improvements).

By Mr. Lewis:

Department of Police,
May 28, 1872.

To the City Council of New Orleans:

I have the honor to ask for a leave of absence for fifteen days.

JAMES LEWIS, Administrator.

Leave was granted, and on motion of Mr. Cockrem the Council took a recess until to-morrow at 10 A. M.

H. CONQUEST CLARKE,
Secretary.

THE COURTS.

United States Circuit Court.

Charles Case, receiver, etc., vs. G. T. Beauregard et als. Continued until the seventh of June.

United States vs. J. Mendez. Judgment set aside.

E. K. Converse e tals. vs. W. T. Boardman. The application for an injunction withdrawn.

Thomas Johnson vs. steamer Bradish Johnson. Case submitted.

Chanelly & Harris against steamer Belle Ida. The judgment of the District Court affirmed and the libel dismissed.

United States District Court.

The assignee's accounts in the matter of F. H. G. Taylor are approved, and he discharged of all liability.

The February term having closed, the marshal was ordered to pay the jury their fees.

A. J. Simpson et als. vs. steamer Lulu D. Proceeds, amounting to $2600, ordered to be distributed.

Norton & Tarleton vs. Brandies & Crawford. Submitted.

A. Garriga et als., owners of Sophie, vs. steamer Emily B. Souder. In this case the court considered that the collision, the particulars of which were published at the bringing of suit, to be the result of carelessness and negligence on the part of both colliding vessels. Wherefore, the damages suffered by the brig be paid one-half by the Souder and one-half by the Tecumseh.

The matter was referred for report to the commissioner.

Supreme Court Opinions.

State ex rel. Simonds vs. the Judge of the Sixth District Court.—Choppin, a judgment creditor of Wilson for $175, issued execution and seized the alleged interest of his debtor in the firm of J. S. Simonds & Co. He then filed a petition, to which he made Simonds and the firm parties, in which he alleged that Wilson was a partner of the firm; that the seizure of his interest operated a dissolution and a liquidation of the firm was necessary, and he asked for the appointment of a receiver. A receiver was appointed to whom the assets of the firm were to be turned over. Simonds having departed this life his administrators, within the legal delay, applied for an appeal which was refused, on the ground as stated in respondent's answer, that the amount in dispute was only the $175 due by Wilson to Choppin.

The court says:

We think the judge erred. The matter in dispute is not the amount of the debt due by Wilson to Choppin. The defendant Wilson is not arresting the judgment. The firm of Simonds & Co. and Simonds' estate are not in the position of the garnishees in Gustine vs. New Orleans Oil Company, 13 A., 510, cited by respondent. The matter in dispute is the possession and control of the whole assets of the firm of Simonds & Co. The question is whether they shall be turned over to a receiver or not, and it appears they amount to over $1000.

In Gustine's case, admitted that an appeal would lie "where a third person in possession of property finds himself deprived of it by the unlawful action of the sheriff in seizing it."

And so in case of Mills, 12 An., 48, it was held that the value of property seized under execution (the sale of which is enjoined by a third person claiming to be owner), and not the amount of the writ, determines the right of appeal.

The same was held in Gogreve vs. Wildhart, 21 A., 296, and a similar doctrine in succession of Rennebey, 15 A., 661.

The same principle governs this case. A judgment is rendered directing the transfer to a receiver of the assets of a firm. The administratrix alleging herself to be in possession and control of these assets; that Wilson has no interest in them, and that her interest exceeds $500; declares this judgment erroneous and irreparably injurious, and claims an appeal.

She seems to have a constitutional right thereto, for if the judgment be erroneous, she will be unlawfully deprived of property exceeding $500 in value. It is ordered that the mandamus be made peremptory.

Sixth District Court.

Mrs. Schiller vs. Reitmeyer.—This was a rule to show cause why property provisionally seized for rent should not be released on the ground that it was exempt under act No. 39, passed by the last Legislature.

Cooley, J.—I do not believe act No. 39 was intended to enlarge the cases in which exemption of certain property from seizure existed before its passage. I consider it as intended merely to exempt more property from seizure than previous laws did. I mean, if in any case under the law as it existed previous to the act of 1872, the exemption could not be urged, under the act No. 39 the exemptions can not be urged either.

Under the old legislation certain property was exempt from seizure for ordinary debt, but it was not exempt from seizure for rent. Household furniture, implements and tools of mechanics were not exempt under the old legislation for the payment of rent. Under the new law they are not exempt either. The act of 1872 was merely intended to extend and enlarge the amount which shall be exempt, but it does not extend the cases in which this exemption should be claimed.

This debt was contracted previous to the passage of the act of 1872, and this act can not exempt any property which was not exempt when the debt claimed was contracted.

The Civil Code lays down the general doctrine that the property of the debtor is to be considered as a pledge to his creditors. When a contract is entered into, an obligation is created. The understanding is that that obligation extends to all the securities which the law, as it existed at the moment of its origin, gave to the creditor.

The rights granted by the law at the time of entering into the contract form a part of the obligation of the contract; and those laws bind as well the creditor as the debtor. The obligation of the contract can not be impaired by the repealing of these laws, any more than it could be impaired by an act declaring the contract to be null and void. The act of the Legislature which takes away from the creditor property which at the time he entered into the relation of creditor was subject to the obligation contracted in his favor by the debtor, so far as it takes away from him an amount of property which otherwise would be a guarantee for his debt, is unconstitutional.

It is no answer to this to say that act No. 39, and all acts of that nature, refer only to the remedy and not to the obligation. It is a familiar, and probably vulgar, but at the same time very expensive saying, that there are more ways than one of choking a dog. The Legislature may at their discretion regulate the remedy, but when legislation on the subject of the remedy destroys or impairs the partial value of the obligation, it is as obnoxious to the constitutional inhibition as if professedly it related to the obligation of a contract.

The rule to release the property provisionally seized must be discharged.

A. E. Ellis vs. Fisher, Johnson & Co.—The principal demand in this suit was discontinued, and the case to be decided now is on the reconventional demand made by defendants for commissions for the collection of certain drafts.

The plaintiff claimed these services were understood to be gratuitous. The defendants claim that if the plaintiff had acted honorably and fairly with defendants they would not have made a charge, but as the plaintiff had invoked against them a claim without foundation in justice or equity, they came to the conclusion to imitate his example, and as they had a legal right they simply urged that right.

A person may not intend to urge a legal right, but that does not divest him of it, and he may urge it whenever he chooses to do so. It is not to be presumed lawyers or commission merchants will run around collecting notes, drafts, etc., without compensation. There must be judgment against the plaintiff, and sustaining the reconventional demand.

Wright & Richardson vs. the Sheriff—Plaintiffs obtained a judgment against Ivens & Co. While this judgment was in the hands of the Sheriff for execution Ivens & Co. applied to the Judge of the Fourth District Court for a respite, who granted it, and, ordering a meeting of the creditors of Ivens & Co., also issued to the Sheriff an order commanding all proceedings against them to be stayed.

Plaintiffs in this case ordered the Sheriff to seize the property of Ivens & Co., but that officer refused to do so, under the order of the Fourth District Court, whereupon plaintiffs brought this action against the Sheriff, to make him liable for the amount of their judgment, averring that he failed to make a return within the seventy days allowed by law, and furthermore arguing that it was his duty under the circumstances to have acted in pursuance of their orders.

Judge Cooley in rendering judgment for defendant remarked that the Judge of the Fourth District Court was without authority to issue such an order to the Sheriff, and that the Sheriff was not bound to obey it. It is only the creditors who can grant a respite to their debtor, but in the meantime no order can be issued to stay pending proceedings against that debtor.

"However," said the court, "in this case plaintiffs do not appear to have sustained any injury from the alleged neglect of the Sheriff to make his proper return (which is of itself a doubtful question), and under the act of 1826, renewed in 1870, it is clear that the Sheriff is not to be punished for the mere act of not making a proper return, but it must be shown that his failure to do so resulted in damage."

Seventh District Court.

John T. Michel vs. Kaiser et al. Plaintiff instituted an action to be adjudged the owner of the Magazine Street Railroad, claiming that, although he bid $69,000 at the sale of the same, it was not adjudged to him by the Sheriff, but to another party, who bid only $68,000.

From the records in the case it appears that the Sheriff did not choose to accept the securities offered by plaintiff, and rejected his bid. Hence the suit.

Judge Collens, in giving judgment against plaintiff, says in his opinion:

The plaintiff has waved the adjudication made to him at the price of $149,000, and relies on the effect of the bid of $69,000, which he made at the second crying.

He acquires no title to that bid, since there was no adjudication upon it. It is only an adjudication that could have vested him with the title to the property. C. P., 690.

The adjudication having this effect, was, in fact, made to other parties at $68,000. If this adjudication was made contrary to law, or in fraud, so as to injure the owner, whose property was sold, he could claim the nullity of the adjudication and sale, and an order for the resale of the property. He might, and probably would, in such a case, also have an action for damage against the Sheriff and the illegal adjudicatee. So, also, the judgment creditor would have an action to annul an adjudication made illegally to his injury or in fraud of his recourse.

The person whose bid was rejected would also have an action for damages, but not for the property itself, if, indeed, his bid was illegally rejected. These damages would be the loss suffered from not getting the property for the amount of the bid, but no such damages have been proved, and, indeed, I do not find the rejection of the plaintiff's bid was illegal.

The acts of the Sheriff were in conformity with article 689, Code of Practice. He had the undoubted right, and it is his duty to ascertain the name and the solvency of the securities immediately at the time and place of sale, and also to require that they should sign the bond on the spot, or at least their written promise to do so. Then if the offered securities are not sufficiently solvent, or the consent of solvent securities is not then and there produced, it is his duty to adjudge the property to another person.

Colonel Forney is taking the alarm, and counsels prudence and mild language. Abuse of Horace Greeley or the Cincinnati convention he discourages as a poor investment. He closes his timely little homily with the significant remark that Uncle Horace "has too strong a hold upon the situation to make it either safe or decent for Republicans to hold him up to ridicule or shame." Colonel Forney is an old politician and a good deal wiser in his generation than some of his present associates. But it is doubtful whether they pay any more attention to him than the Trojans did to Mlle. Cassandra.

Beacher says there are three kinds of dissipation in the world—white, red and black. White dissipation is the waste of nerves and brain abuse—that is, pious dissipation, scholarly dissipation, business dissipation, the dissipation of men who, with salutary shudder, thank God that they are not as other men are. Red dissipation is the dissipation of the increase of blood—all those various passions and indulgences which come of luxurious living. Black dissipation is that of the grosser indulgences which criminal men seek.

A Decatur, Illinois, enthusiast has suicided with whisky and laudanum. A more popular method is to be a little longer about it, and use whisky only.

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 29, 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 Cottieville 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 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, 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 or 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. 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 bon s 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. 15.]

An act extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan ship canal, in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan ship canal be, and the same is hereby extended to the tenth day of April, anno Domini eighteen hundred and seventy-four.

Approved March 1, 1872.

[General Nature—No. 24.]

An act to amend section thirty-five of an act entitled "An act to reduce internal taxes, 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 privileges of the act entitled "An act to reduce internal taxes, and for other purposes," approved July fourteen, eighteen hundred and seventy, be, and are hereby, extended to the port of Toledo, in the State of Ohio.

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