New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

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THE COURTS.

Second District Court.

Succession of John and Ann Callahan.—Oppositions were filed to the account of the public administrator by several parties, alleging that they rendered medical services, and another for nursing the deceased, opponents setting up the ground that for such services they were entitled to be placed as privileged creditors.

The court said—There is no doubt that the law gives to the above creditors a privilege, but the law also says that, in order to exercise such a privilege in preference to other creditors, their bills or evidence of indebtedness must be recorded in the mortgage office. None of the opponents have complied with this requirement.

It is true that Dr. Devron had his bill recorded in the mortgage office after the death of the deceased, but this step came too late; no mortgage or privilege can be recorded by any creditor after the death of the debtor, to the prejudice of those creditors who had complied with the provisions of the law to secure their rights. The maxim that the law protects the vigilant applies to the case at bar. The doctors and nurses who attend the last illness of a deceased person are better posted than any other creditor, to know the time to record their bills by approximation. Oppositions dismissed.

T. M. Brady vs. Succession of J. W. Zacharie.—This case came up again upon a new trial granted to the defendant. The court, in passing upon the case, says: The argument and the authorities cited by defendant's counsel have not changed or modified the former judgment rendered by the court on the first trial.

I, therefore, maintain the grounds and reasons upon which the former judgment was rendered, and adopt its decree in the same.

It is ordered, adjudged and decreed that the plaintiff, T. E. Brady, do have and recover from the succession of J. W. Zacharie the sum of $81 90, with five per cent interest per annum from January 25, 1867, till paid, and $40 56 clerk's costs, and $75 45 sheriff's costs, the same to be paid in due course of administration.

Eighth District Court.

The Strauss warrant as litigation has attracted considerable attention. We present Judge Emerson's recent decision in the last phase of the case:

The defendant sued out a mandamus to compel the State Treasurer to recognize certain warrants as valid debts against the State. For cause against the writ the Attorney General charged that the warrants were false, fraudulently issued, forged and void. On this issue the parties went to trial. The Auditor testified that the warrants were presented to him for adjustment under the floating debt act, and that when he discovered that they were not entered in the Auditor's books, he declared them to be counterfeit and spurious, and wrote the word "counterfeit" across the face of all them. The relator proved that the warrants were dated in 1868, and the others in 1869, while Wickliffe was the accredited Auditor: that they were all drawn by him; that they were in the prescribed form, and were drawn to order and against specific appropriations. He also proved that they were received by him in the ordinary course of business, and that he paid a fair consideration for them.

Considering these warrants as negotiable paper, and that the State was responsible for the acts of its authorized and accredited agents to the same extent that individuals would be, I held that even if the bonds were fraudulently issued by Wickliffe the State was responsible for them in the hands of an innocent third party, and on the thirteenth of May, 1872, judgment was rendered and signed in favor of the relator.

On the seventeenth of May the Attorney General presented a petition for a suspensive appeal, which was granted the same day.

On the eighteenth of the same month Messrs. Semmes & Mott, as special attorneys for the State, under an appointment from the Governor, moved for and obtained another suspensive appeal from the judgment, without noticing or alluding to the appeal already taken by the Attorney General.

Subsequently, after having filed the transcript in the Supreme Court, they obtained from that tribunal a writ of prohibition forbidding the relator from proceeding to the execution of his judgment until further order of the court.

On the fourth of June the same attorneys, assisted by Messrs. Hay & New, acting as special attorneys under act No. 21 of 1872, filed a petition to annul the judgment on the ground that it was fraudulently obtained by the relator upon false, fraudulent and void documents, fraudulently issued by Wickliffe; that relator knew them to be so, and suppressed the truth and evidence of the fact.

I remark here that there is no law, or rule of law, requiring a litigant to allege in his petition or to prove that which would defeat his action. The plaintiff prayed for an injunction to restrain defendant from executing his judgment. Affidavits were filed by both parties.

Defendant excepted, first, that as the State was not a party to the orignal suit, it could not maintain an action of nullity; second, that the State can only act herein through the Attorney General and not by special attorneys; third, that the judgment ordering a peremptory mandate is final and *res judicata*. It was claimed by defendant's attorneys in argument that act No. 21 was unconstitutional so far as it relates to the appointment of special attorneys, because that object of the law is not expressed in the title.

It is clear that if the allegations of the petition are insufficient, or if the plaintiff has been guilty of laches, or if the court is without jurisdiction, the suit must fail.

If a valid suspensive appeal has been taken from the mandamus judgment, as is claimed by plaintiff, this court is without jurisdiction either to revise or annul it.

The allegations charging fraud, forgery, etc., in the procurement of the judgment, are precisely those contained in the answer to the mandamus, and do not suffice to sustain an action of nullity. 9 Reb. 191, Norris vs. Fristoe, 3 an. 646; 6 an. 799; 15 an. 273.

But it is alleged when relator offered the warrants in evidence he knew they were spurious, and had been fraudulently issued. He offered them with the word counterfeit written on each of them in large letters.

So far there was no concealment and no fraud. The Auditor by thus stamping them had placed them out of the reach of commerce and destroyed their negotiability, but not the responsibility of the State in the hands of an innocent holder. The fact, generally, of the relator in suits subsequent to be brought against him, declaring them inconsistent and fraudently issued, was not against the State, his right of recovery

That part of the act which authorizes the Governor to appoint special attorneys, is in these words: "And to define the duties and powers of the Governor, the Attorney General, the district attorneys, and the courts of the State in certain cases."

Grammatically analyzed, the duties and powers mentioned relate to duties and powers already imposed and conferred, and not to new and additional duties and powers, and it would be difficult for a person on reading the title alone, without knowing the text of the act, to understand that authority to appoint attorneys to assist or take the place of the Attorney General was intended to be conferred. It was a new and additional duty not embraced in the constitution or former laws, and in my view it is not indicated in the title.

Beside, the act itself, when in connection with the preamble, authorizes the Governor to appoint special attorneys only in case of the absence of the Attorney General, his inability or unwillingness to act, or when he is interested. Neither of these categories existed in this case. The proof shows that when this suit was instituted, the Attorney General was in the city, and in no manner incapacitated from acting, and that the suit was brought without his knowledge and without conferring with him.

For the above reasons, let the injunction prayed for be refused, and let this suit be dismissed with costs.

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

No. 87.

AN ACT

To grant additional privileges and revenues to the incorporation of the town of Columbia, Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the incorporation of the town of Columbia, in the parish of Caldwell, State of Louisiana, shall have and be entitled to receive one-fourth of the revenues derived from the sale or letting of the ferry across the Ouachita river, at said town of Columbia.

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

A true copy:
F. J. HERRON,
Secretary of State.

The foregoing act, received at my office July 1, 1872, having been presented to the Governor of the State of Louisiana for his approval, and not having been returned by him to the House of the General Assembly in which it originated within the time prescribed by the constitution of the State of Louisiana, has become a law without his approval.

No. 88.

AN ACT

To incorporate the St. Paul Methodist Episcopal Church Association of Shreveport, Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Samuel Armstead, Peter Johnson, Abraham Mitchell, John Walker, William Harper, Hartwell Swanson and Moses Sterritt, be and the same are declared a body corporate and politic, under the name and style of the St. Paul Methodist Episcopal Church Association of Shreveport, Louisiana, where the company to be known as the St. Paul Methodist Episcopal Church Association will be domiciliated.

SEC. 2. Be it further enacted, etc., That said company shall be capable in law to purchase, receive, hold, lease, sell, and otherwise acquire or alienate real or personal estate; shall have a common seal, and may break or alter the same at will; and by said corporate name may sue and be sued; provided that the lands so held or acquired shall be held for the proper uses and benefit of said St. Paul Methodist Episcopal Church Association of Shreveport, Louisana.

SEC. 3. Be it further enacted, etc., That the affairs of said association shall be managed by the board of trustees, the aforesaid incorporators to constitute the board of trustees for the first year and until their successors are chosen, which shall be done annually on the first Monday in May, or as soon thereafter as practicable, by the members in good standing of said St. Paul Methodist Episcopal Church Association.

SEC. 4. Be it further enacted, etc., That the board of trustees be invested with power, as it is hereby made a part of its duty, to pass such by-laws from time to time as may be necessary for the proper government of said association.

SEC. 5. Be it further enacted, etc., That this act shall take effect and be in force from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved July 1, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No 89.

AN ACT

To incorporate the Young Men's Christian Association of New Orleans, and to exempt the property of the same from taxation.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Richard H. Brown, James L. Dunnica, Marshall J. Smith, James N. Beadles, William G. Coyle, Edward C. Palmer, William C. Shepherd, Moses M. Greenwood, William H. Foster, John S. Walton, Thomas I. Dix, Charles Clinton, Henry F. Given, Frederick J. Odendahl and A. J. Tardey, Jr., and their associates and successors, be and are hereby specially made a body corporate and politic for the improvement of the spiritual, intellectual and social condition of young men and the promotion of Christian works in the city of New Orleans, under the name and style of the Young Men's Christian Association of New Orleans, and under this name shall exist for the term of ninety-nine years, and shall be capable, for the purposes enumerated in this act, and for all other purposes enumerated in this act, of buying, selling and mortgaging all kinds of real estate and other kinds of property, of suing and being sued in any of the courts of law and equity of this State, of having a common seal, and of altering it at pleasure, to acquire, have and hold estate, real, personal and mixed; and said association shall be capable in law of inheriting, receiving, holding, selling and transferring all manner of property, whether by donation, bequest, devise, or in any other manner or form, from any or all persons, body or bodies corporate in or out of this State; provided that the value thereof does not exceed five hundred thousand dollars.

SEC. 2. Be it further enacted, etc., That the proper authorities of said corporation for holding and managing its property shall be a board of trustees, who shall be elected by the "active members" of said association, all of whom shall be members in good and regular standing in some Protestant Evangelical church in the city of New Orleans, and each of the Evangelical Christian denominations of the city of New Orleans shall be entitled to and, if desiring it, shall have a representative in said board of trustees, but no denomination shall have more than four representatives therein.

SEC. 3. Be it further enacted, etc., That for the present, and until their successors are elected, as hereinafter provided, the following named persons shall constitute the board of trustees, viz: Richard H. Brown, James L. Dunnica, Marshall J. Smith, James N. Beadles, William G. Coyle, Edward C. Palmer, William C. Shepherd, Moses M. Greenwood, William H. Foster, John S. Walton, Thomas I. Dix, Charles Clinton, Henry F. Given, Frederick J. Odendahl and A. J. Tardey, Jr.; that the said trustees shall be divided into three classes, as follows: Richard H. Brown, James L. Dunnica, James N. Beadles and William G. Coyle shall compose the first class, and shall hold office for three years; Edward C. Palmer, William C. Shepherd, Moses M. Greenwood, Jr., William H. Foster and John S. Walton shall compose the second class, and shall hold office for two years; Thomas I. Dix, Charles Clintor, Henry F. Given, Frederick Odendahl and A. J. Tardey, Jr., shall fice for the third class, and shall hold of-trustees shear. The term of office of said day of Februsommence on the first Tues- as herein provide1872, and shall continue elected annually therexe trustees shall be active members of the ssay the life and annual meeting to be held on tusion, at an day in February of each year such Tues- to fill the places of the trustees whose terms of office shall expire that year, and the trustees so elected shall hold office for three years from the date of the election, and until their successors in office are elected. Whenever any vacancy by death or otherwise shall occur in said board of trustees, the same shall be filled by a majority vote of the remaining trustees; provided, that the party so chosen to fill the vacancy shall be of the same religious denomination as the one whose place he is elected to fill. Said board of trustees shall, from time to time, elect from among their number a president, secretary and treasurer, and a majority of said board of trustees shall constitute a quorum for the transaction of business, but in matters of sale, transfer or mortgage of the real estate of the association, there must be present at the meeting of the board one or more representatives from each religious denomination which may have members in said association, and said representative or representatives of each religious denomination shall cast one vote only, and the majority must be three-fourths to order said sale, or transfer, or mortgage.

SEC. 4. Be it further enacted, etc., That the members of said association shall, from time to time, as they deem best, make, adopt, alter and amend a constitution, and such by-laws, rules and regulations, and do everything useful for the good government, preservation and support of said corporation not repugnant to the constitution and laws of the United States, to the constitution and laws of this State, or to this act of incorporation.

SEC. 5. Be it further enacted, etc., That the domicile of said association shall be at the rooms of the corporation in the city of New Orleans, and the president of the board of trustees shall be authorized to receive citations in all cases of suits instituted against the association.

SEC. 6. Be it further enacted, etc., That in consideration of the work that this association proposes to do, in providing free reading rooms and a public library for the young men of New Orleans, the property of said association shall forever be free from taxation, State or municipal.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

A true copy:
F. J. HERRON,
Secretary of State.

The foregoing act, received at my office July 1, 1872, having been presented to the Governor of the State of Louisina for his approval, and not having been returned by him to the house of the General Assembly in which it originated within the time prescribed by the constitution of the State of Louisiana, has become a law without his approval.

No. 90.

AN ACT

For the relief of Mrs. P. J. Norwood, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of eighty-four dollars be and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying her for the services rendered by her deceased husband as clerk in the office of registration in the year A. D. 1868, in the parish of Avoyelles, the same to be paid by the State Treasurer, upon the warrant of the Auditor of Public Accounts; provided, she first proves her claims to said money to the satisfaction of the State register of voters, who, on approving the same, shall issue an order upon the State Auditor therefor.

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved July 1, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No. 91.

AN ACT

For the relief of W. H. Vaughn.

WHEREAS, W. H. Vaughn, State tax collector of the parish of Morehouse, has overpaid the amount of taxes charged to him for the year 1866, to the amount of four hundred dollars, as shown per certificates of the Auditor herewith annexed; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of four hundred dollars be and the same is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, in payment thereof, and that this act go into effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved July 1, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No. 92.

AN ACT

To amend and re-enact section two of an act entitled "An act to form a new parish to be called the parish of Red River," approved March 2, 1872.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That section second of said act, in lines nine, ten and eleven in said section as printed in the official volume of the acts of 1871, which read, after the words "Red river," in line nine, as follws: "Thence up Red river to outlet of James river, up James river to Delat's bayou, up Delat's bayou to Bayou Pierre," be and the same is hereby amended and re-enacted so as to read as follows: "Thence up Red river to the outlet of Bayou Lumbra, thence up Bayou Lumbra to Delat's bayou, up Delat's bayou to Bayou Pierre."

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved July 1, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No. 82.

AN ACT

For the relief of W. Jasper Blackburn.

WHEREAS, On the night of the eighth of July, 1868, and of the fifth of November, of the same year, the printing office of the *Homer Iliad*, owned by W. Jasper Blackburn, was forcibly entered by a mob of disorderly and violent persons, and the presses and furniture broken to pieces and the type and other materials thrown into the streets; and

Whereas, It cost the said W. Jasper Blackburn a large amount of money to refit his office, in order to do the printing which he was under contract to do for the State and general government, and to restore his office to its former efficiency which was a clear damage to him in a large amount of money and inconvenience; therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That to repair the damage inflicted on W. Jasper Blackburn, as set forth in the preamble to this act, there be and is hereby appropriated the sum of six thousand dollars out of any money in the treasury not otherwise appropriated, to the said W. Jasper Blackburn, to be paid to him on his own warrant on the Auditor of Public Accounts of this State.

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved May 20, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

AN ACT No. 86.

To fix the terms of the district court in the Fourteenth Judicial District, designating certain weeks of said terms for the trial of civil cases, and certain weeks for the trial of criminal cases, and providing for the drawing and summoning of juries for said terms.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the terms of the district court in the Fourteenth Judicial District are hereby fixed, and shall commence as follows, to wit: For the parish of Ouachita, on the second Mondays of March and September; for the parish of Richland, on the third Mondays of April and October; for the parish of Morehouse, on the third Mondays of May and November.

SEC. 2. Be it further enacted, etc., That the first two weeks of each term shall be devoted exclusively to the transaction of the business on the civil docket of the court, to the business of the grand jury, and to the filing of criminal informations and the orders thereon; no other proceedings on the criminal docket of the court shall be had during the first two weeks.

SEC. 3. Be it further enacted, etc., That the remaining weeks of each term shall be devoted to the transaction and disposal of the criminal business of the court, and to the trial of civil jury cases. During said remaining weeks no proceeding shall be had in any civil case, unless an order for the trial of such case by a jury shall have been made previous to the third week; provided, that in all cases judgments may be signed, and motions for new trials and motions for appeals may be made and disposed of during said remaining weeks; and, provided further, that, by special permission of the court first obtained, together with consent of parties, proceedings may be had in any other case during said remaining weeks.

SEC. 4. Be it further enacted, etc., That, in the manner provided by law, two juries shall be drawn for each of said terms of court, to be designated as the "first jury" and the "second jury." The first jury shall be summoned to attend on the first day of the term. From the first jury the grand jury shall be selected and drawn in the manner provided by law. The remaining jurors of the first jury shall then be discharged till the third Monday of the term, when they shall again attend, and shall serve for the third week. The second jury shall be summoned to attend on the fourth Monday of the term, and shall serve for the fourth week, and as much longer as they may be needed. Any of the first jury who may be impanneled on the trial of a case shall be retained until the termination of said case. All objections or exceptions to the formation, construction, drawing, or summoning of said juries shall be filed on the first day of the term, and not afterward; and if the juries should be set aside a new first jury shall be immediately drawn and summoned for the second Monday, and a new second jury for the fourth Monday of the term, and the court shal proceed. Juries drawn for the first term of court under this act shall be legal, without regard to the time when drawn, if in other respects legal.

SEC. 5. Be it further enacted, etc., That all laws or parts of laws conflicting with this act are hereby repealed so far as they conflict, and that this act shall take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved June 14, 1872.
(Signed) H. C. WARMOTH,
Governor of the Stat of Louisiana.

A true copy:
F. J. HERRON,
Secretary of Stat.

No. 85.

AN ACT

To authorize the police jury of the parish of West Feliciana to issue bonds for certain purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the police jury of the parish of West Feliciana be and they are hereby authorized to issue the bonds of said parish, duly signed by the president and treasurer of said police jury, and sealed with the seal of said parish, to the amount of thirty thousand dollars, or as much thereof as may be necessary, to take up and settle the outstanding warrants or certificates of indebtedness issued by said police jury, payable to bearer in five years from their date, and bearing six per cent interest per annum, and payable annually; said bonds shall be in amounts of not less than fifty dollars nor more than one thousand dollars; may be sold under the directions and control of the police jury, or exchanged for any of the debts or obligations of said parish.

SEC. 2. Be it further enacted, etc., That in order to provide a fund for the payment of the annual installment of one-fifth of the principal of said bonds, and of the annual interest as it becomes due, the police jury of said parish is hereby authorized and required, within thirty days after the assessment rolls of said parish shall be completed, to determine what rate of taxation on the total assessed value of all the movable and immovable property in said parish will be sufficient for the purpose of paying the one-fifth of the principal of said bonds, the said annual interest; and said tax, as annually determined and ascertained, is hereby levied upon all the movable and immovable property that may be annually assessed in said parish, and it shall be the duty of said police jury to enforce the collection of said tax in the same manner as the law now provides, or may hereafter provide, for the collection of all other parish taxes. Said tax, when collected, shall be applied exclusively to the purposes indicated by this act.

SEC. 3. Be it further enacted, etc., That until the final payment of the bonds issued under this act it shall be the duty of the police jury of said parish, from time to time, to apply the proceeds of the tax levied under this act to purchase from the lowest bidder of such bonds issued under this act as may be offered for sale, for which purpose public notice shall be given by said police jury in the official gazette of said parish for thirty days, inviting proposals from bondholders for sale to the parish of the bonds hereby issued.

SEC. 4. Be it further enacted, etc., That all expenses incurred in carrying out this act shall be paid by the parish, and that this act shall go into effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

A true copy:
F. J. HERRON,
Secretary of State.

Received in the office of Secretary of State June 14, 1872.

The foregoing act having been presented to the Governor of the State of Louisiana for his approval, and not having been returned by him to the house of the General Assembly in which it originated within the time prescribed by the constitution of the State of Louisiana, has become a law without his approval.

No. 83.

AN ACT

To locate the seat of justice of the parish of Livingston.

WHEREAS, Under act of the Legislature of eighteen hundred and seventy-one, an election was held to decide the location of the seat of justice for the parish of Livingston; and

Whereas, A majority voted for the removal of the courthouse from Springfield, and a plurality located the courthouse or seat of justice at Port Vincent; therefore

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the seat of justice for the parish of Livingston shall be located at Port Vincent, in the parish of Livingston.

SEC. 2. Be it further enacted, etc., That the president of the police jury of said parish shall appoint three commissioners to have the buildings necessary to carry out the provisions of this act erected, and that the police jury shall levy a tax, to be paid in currency, equal to pay one-half of the expense of said buildings, the other half to be paid for by subscription.

SEC. 3. Be it further enacted, etc., That it shall be the duty of the collector of parish taxes, for the parish of Livingston, to collect the tax levied under this law, and pay over the same to the parish treasurer of Livingston parish, who shall pay the same to the order of the commissioners of public buildings when said buildings are completed.

SEC. 4. Be it further enacted, etc., That it shall be the duty of the parish judge of the parish of Livingston, when he is notified that the buildings, courthouse, jail and offices of recorder, clerk and sheriff are completed, to examine the same, and if the houses built, and courthouse, jail and offices as aforesaid, then he shall order all the records of the parish of Livingston to be removed from Springfield to Port Vincent, and the present public buildings shall be sold at public auction, and the proceeds applied to pay for the removal of the public records to Port Vincent.

SEC. 5. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved June 4, 1872
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No. 56.

AN ACT

To incorporate the Louisiana Workingmen's Homestead Association.

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

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

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

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

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

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

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved April 23, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No. 84.

AN ACT

To incorporate the Springfield and Blood River Railroad Company, Livingston parish, State of Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That Peter H. Kemp, Thomas Benton Kemp and Simpson Kemp, and their associates and successors, are hereby created a body corporate under the style and title of the Springfield and Blood River Railroad Company, and under such name they shall have a common seal, sue and be sued, plead and be impleaded, and possess all and severally the rights, powers, privileges and incidents belonging to similar corporations by the laws of Louisiana; and this charter shall remain in force for the period of twenty-five years from and after the passage of this act.

SEC. 2. Be it further enacted, etc., That the said company are hereby authorized and empowered to lay out, locate, contruct, equip and thereafter own, maintain and enjoy a railroad from Springfield to Blood river in Livingston parish, Louisiana, by such route as the company may deem most direct and practicable.

SEC. 3. Be it further enacted, etc., That for the purposes herein set forth said company shall have the right of way to the distance of fifty feet on each side of the outer line of said railroad belonging to the State of Louisiana, and it shall acquire right of way through private land by gift or by expropriation as provided by law.

SEC. 4. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved May 4, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

No. 80.

AN ACT

Relative to dispensing with the publication of legal and judicial advertisements in the French language in the parish of Natchitoches.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the publication of all legal and judicial advertisements in the French language in the parish of Natchitoches be dispensed with, unless otherwise directed by the parties litigant, and it shall be lawful that all legal and judicial advertisements be published in the English language only in said parish of Natchitoches, unless otherwise directed by the parties litigant.

SEC. 2. Be it further enacted, etc., That all laws contrary to or inconsistent with this act be and the same are hereby repealed.

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

(Signed) O. H. BREWSTER,
Speaker of the House of Representatives.
(Signed) P. B. S. PINCHBACK,
Lieutenant Governor and President of the Senate.

Approved May 18, 1872.
(Signed) H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy:
F. J. HERRON,
Secretary of State.

OFFICIAL.

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

[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. 43.]

An act for the relief of the officers and crew of the United States steamer "Kearsarge."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be and he hereby is authorized and directed to pay, out of money hereafter to be appropriated, to Rear Admiral John A. Winslow, and the officers and crew belonging to the United States steamer "Kearsarge" while engaged in the capture and destruction of the vessel called the "Alabama," on the nineteenth day of June, eighteen hundred and sixty-four, the sum of one hundred and ninety thousand dollars, the same being the estimated value thereof, to be distributed to the officers and crew attached to the "Kearsage" at the date above named according to the pay roll of the ship at the time, and to be in lieu of the bounty authorized by the eleventh section of the act of June thirtieth, eighteen hundred and sixty-four, entitled "An act to regulate prize proceedings, and so forth:" provided, that no money shall be paid to the assignee of any of said officers or crew, entitled to receive the same, but only to himself in person, or to his wife, or to his personal representatives, excluding any such assignee; and provided further, that if any of the officers or crew of said United States steamer "Kearsage" shall have received the bounty provided for by the said section eleven of the act of June thirtieth, eighteen hundred and sixty-four, the same shall be deducted from the amount to be paid to such officer or seaman under this act.

Approved April 17, 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