New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

Eighth District Court.

The trial of the returning board case having been fixed for yesterday, the case opened in the early morning hour by the filing of an affidavit which said that F. J. Herron called on the affiant Douglas on Friday last to make a seal for the State, to be ready on the following Tuesday, and he called on the Thursday following the day when it was to be done, when Douglas refused to give it up. Affidavits were offered counter to this, and the case will come up again to-day.

The following petition was yesterday filed in this court:

To the honorable the Eighth District Court for the parish of Orleans:

The petition of Henry C. Warmoth, Jack Wharton, Frank H. Hatch and Durant DaPonte, who reside in New Orleans, with respect represents: That Frank J. Herron, Jacob Hawkins, James Longstreet and John Lynch, who reside in New Orleans, are conspiring together to create a revolutionary movement against the State of Louisiana, by pretending to be returning officers of said State, under and by virtue of the election law of the year 1870, and preparing to be authorized and promulgated the result of the recent election held on the fourth of November, 1872, while in truth and in fact, your petitioners, together with said John Lynch, constitute the legal board of returning officers for said election, and your petitioners are a majority of said board, vested with full authority to act in the premises.

Your petitioners aver that by law all the returns of elections are required to be transmitted to the Governor of the State, to be by him opened in the presence of the board of returning officers. Your petitioners aver that said H. C. Warmoth, Governor of the State of Louisiana, has in no manner recognized said Herron, Hawkins, Longstreet and Lynch as constituting said board of returning officers; but, on the contrary, has recognized and accepted your petitioners, together with himself, as said board, and has been acting in concert with them as said board.

Your petitioners also aver that if said Herron, Hawkins, Longstreet and Lynch are in possession of any legal returns of said election, they have obtained possession of the same unlawfully and surreptitiously and are not authorized to open or examine the same; your petitioners also aver that the said Herron, Hawkins, Longstreet and Lynch, professing to be a legal board of returning officers, which they are not, have given out that they will promulgate the result of said election of fourth November, 1872, in whole or in part; and petitioners aver that such promulgation will be in violation of law, and not based on legal returns made to said Herron, Hawkins, Lynch and Longstreet, and in express violation of section fifty-eight of said election law of 1870.

Wherefore petitioners pray that said Herron, Hawkins, Lynch and Longstreet be enjoined from receiving, opening or counting any return or statements of the election held in this State November 4, 1872, or in any manner acting as the board of returning officers of said election, and from using any returns or statements of said election, of which they may have obtained possession, from promulgating the result of said election in whole or in part, and that the New Orleans Republican Printing Company be also enjoined from publishing any returns or result of said election in whole or in part made by said pretended board, and that said defendants be cited and condemned to pay damages in the sum of $1000 to the State of Louisiana, and now by H. C. Warmoth, Governor of the State, joins in this suit and for general relief.

SEMMES & MOTT.

H. C. Warmoth being duly sworn, deposes and says that the facts set forth in the foregoing petition are true.

H. C. WARMOTH.

Sworn to and subscribed before me this eighteenth day of November, 1872.

HENRY C. DIBBLE, Judge.

Order—Let defendants show cause on Tuesday, November 19, at 11 A. M., why an injunction should not issue as prayed for; meanwhile let a restraining order be made.

HENRY C. DIBBLE, Judge.

New Orleans, November 18, 1872.

United States Circuit Court.

The following is an abstract of the bill in equity, filed by William Pitt Kellogg against H. C. Warmoth, et als., on Saturday, upon which the injunction against promulgation of the returns was based:

William Pitt Kellogg, of the city of New Orleans and State of Louisiana, brings this his bill against Henry C. Warmoth, Jack Wharton, Frank H. Hatch, Durant Da Pon e and John McEnery, and against the New Orleans Republican Printing Company, and complains and says: That at the general election lately held your orator was nominated for and was a candidate for election as Governor of the State, and that at the same election McEnery was a candidate for election to the same office. According to the law of Louisiana, no person was a qualified voter until he had been registered, and the law in reference to registry vested the appointment of the registry officers in H. C. Warmoth, who has repeatedly avowed his intention to adopt and use all the means in his power to so exercise unlawfully defeat the election of your orator, and for that purpose has so selected persons for the office of supervisors and assistant supervisors of registration as to obtain persons pliable to his will and who would concur with and aid him in the execution of his unlawful plans, and for that purpose your orator believes that Henry C. Warmoth did especially make it a condition precedent to the appointment of such officers, that they should, in all things, and by all unlawful means, assist in the accomplishment of such ends, one of which means was to refuse registry of qualified persons on account of race, color, or previous condition, and that in the execution of this scheme, a large number of citizens, who are colored, were refused registration on various frivolous and unlawful pretexts, amounting to ten thousadd voters; and these means were adopted to defeat the election of your orator; and on the day of election, when said persons presented themselves to deposit their ballots for your orator, they were refused the right to deposit them; and that your orator is in possession of evidence of that fact presented under the enforcement act.

Your orater believes that from 3000 to 5000 persons who so presented themselves were refused the franchise, the persons so offering to deposit their ballots being persons of color. The defendant, combining with the supervisors, has caused a dishonest and incorrect and false count of the votes in the several parishes of the State; has falsified the return certificates of the result and canvass of the vote, and they are untrue because a large number of the ballots cast at the election have not been counted, and the ballots so suppressed were cast in favor of your orator, and were sufficient to have elected him to the office. Now the law of Louisiana requires the supervisors and assistant supervisors to receive the boxes from the election commissioners, open and count the votes immediately after election, and make triplicate returns, and to inclose a copy of the list and all needful memoranda to the Governor of the State, and the law also provides that the Governor, Lieutenant Governor, Secretary of State and John Lynch and T. C. Anderson, or a majority, shall be the returning officers for all elections in the State, and that in case of any vacancy it should be filled by the residue of returning officers, and the law provides that two days after election the returning officers shall meet in New Orleans to canvass and complete the returns and make returns to the Secretary of State, and they shall continue in session until the returns shall have been completed; that the returning officers shall make a duplicate return, one of which is for file in the office of Secretary of State, and the other to be published in the official journal, and these returns are *prima facie* evidence of the right of the party named to hold the office; and the law further provides if it appear that persons were refused the right of franchise unlawfully so as to materially change the result of the election, such officers are prohibited from compiling the result of the poll.

Your orator shows that the returning board did meet ten days after election; that the defendant, H. C. Warmoth, was present as Governor; that the Lieutenant Governor and Messrs. Herron and Lynch were present, constituting a majority of the board; that it was determined that Messrs. Pinchback and Anderson being candidates for office were diqualified; that the board was then reduced to Governor Warmoth, Secretary of State Herron and Mr. John Lynch; that the board then proceeded to fill the vacancy by the election of Jacob Hawkins and James Longstreet, and they were therefore properly organized to proceed to canvass. Now the said defendant, H. C. Warmoth, refused to open the statements of supervisors in the parishes in the presence of the returning officers, being influenced in such refusal by the fear that the board would make due investigation of the truthfulness of such statements, and that the scheme for excluding unlawful ballots would be defeated, or that evidence of the frauds, and the fact that a large number of persons had been denied the right to vote, would be discovered and used and be of avail in any action instituted by your orator to determine his right to the office of Governor. That the said H. C. Warmoth made frivolous excuses for not discharging his duty, and, without authority, proceeded to eject F. J. Herron from the office of Secretary of State and to appoint Jack Wharton, and the latter, willing to aid in this scheme, pretended to be Secretary of State, and as such a member of the board. Then the said Warmoth, combining with the said Wharton, proceeded to elect as members F. H. Hatch and Durant DaPonte, and though well aware of the fraudulent nature of the proceedings, and that none but the defendant, Warmoth, had any colorable right to sit.

The bill, which is a lengthy one, goes on to say that the aforesaid statements were opened and submitted to the conspirators, and examined, in order to make a pretended canvass and defeat Kellogg for Governor of the State; that the board proceeded to destroy returns, that the pretended returns might result in the election of McEnery. The averment is also made that the orator is entitled to an honest canvass, and that he believes the whole machinery of the State will be used to defeat his election unless the defendants are restrained.

Wherefore the injunction (published in Saturday's extra) is prayed for, and was served.

United States District Court.

The court opened for the term yesterday, his honor Judge Durell in his seat, and immediately went into business, of which the following is an abstract:

Exception in the following cases were set for trial as specified:

William Smith vs. steamer Royal George, twenty-first instant.

J. R. Reddick vs. steamer Katie, twenty-fifth instant. H. W. Miller, administrator of plaintiff's succession, authorized to appear and prosecute the cause.

J. M. Mathery vs. schooner Sallie Ann. Libelant having been settled with outside of court, claimants and security are required to show cause on the twenty-second why a proctor's fee be not paid to proctor for libelant.

W. H. Lecer vs. ship Victory.—H. G. Hewitt to show cause on the twentieth instant, at 11 A. M., why bill for appraisement should not be dismissed.

Merchants' Mutual Insurance Company against steamers Richmond and Sabine.—Set for trial on the sixteenth of December.

Firemen's and five other insurance companies' suits against the steamer Katie.—Set for trial on the twenty-fifth of November.

And the following defaults were taken:

W. B. Ferguson and three other parties against the ship Victory and owners.—Libel *pro confesso*.

G. Soules & Co., vs. steamer Tahlequah.

A. S. Jordan vs. steamer Hornet.

L. Johnson vs. steamer Hunter.

United States Commissioner Weller.

The returns from the country parishes are now being compiled. It is understood the returns of the congressional vote have not yet been all received, and to this time no conclusion has been reached as to this vote.

The marshals recently appointed under the new law for election were being paid off yesterday.

A protest was filed by H. R. Hubert, United States supervisor, against counting any and all votes found in ballot box, poll ten, second election precinct, for the following reasons:

1. The box was found without any seal on the drop hole and without any seal on the lock or key hole.

2. The printed lists show that the names of 380 persons were erased as having voted, and the written lists show the names of 497 persons, while the box contained 592 votes.

3. The seals were broken by twelve o'clock at night Monday, November 4, when the box was brought to the Institute.

4. The United States supervisors seeing the condition of the box, drew the attention of Registrar Blanchard to the fact that the seals were torn off.

The Supreme Court.

This tribunal was in session yesterday morning.

Present—Chief Justice Ludeling and Justices Howell, Taliaferro and Howe.

Absent—Justice Wyly.

The following decisions were rendered:

State ex rel. James Graham, Auditor, vs. Judge of the Eighth District Court.—In this case the relator shows that he appealed suspensively from a judgment against him in the case of the State ex relation the Board of State Assessors vs. James Graham, Auditor, in the Eighth District Court for the parish of Orleans, and that after he had filed the transcript of appeal in this court proceedings were instituted against him in the lower court to dismiss the appeal and execute the judgment appealed from by him, and that in pursuance thereof he was imprisoned on the order of the judge a quo for contempt in not executing the said judgment. He, therefore, asked for a writ of prohibition.

The answer of the district judge is in substance that the above named suit was tried contradictorily with the Attorney General, who alone has the control of said case; that by act twenty-one of 1872 the Auditor is forbidden to appear or employ counsel to defend suits against him; that the lower court was without authority to grant him the appeal in question, and this court to entertain it, the Attorney General not having appealed and having consented to dismiss the appeal granted to the Auditor. Justice Howell, in passing on the case, says that without expressing an opinion upon the whole scope and the constitutionality of the act referred to, it is sufficient in the case to say that it does in certain contingencies authorize other counsel than the Attorney General to act for the Auditor of the State, and from the averments before us without objection, the counsel who acted in obtaining and bringing up the appeal in this instance appear to have been duly authorized to do so, and further, that when an appeal has once been taken, the consent of the parties thereto is ineffectual to dismiss it without the action thereon of this court.

Under these circumstances the said appeal is still pending in this court, and the lower court is unquestionably exceeding its jurisdiction in attempting to execute the judgment.

It is, therefore, ordered that the prohibition herein be made perpetual. Horner & Benedit, of counsel for Auditor Graham.

State ex rel. G. De Feriet and J. G. Monrose vs the Judge of the Second District Court.—The mandamus applied for by plaintiffs is ordered to be made peremptory.

Mrs. M. Brand vs. N. A. Baumgarden, testamentary executor, et als.—Howell, J.—The only question to be decided in this case is whether the last will and testament of Mrs. A. M. Schneider is in due form as a non-cupative testament by public act.

The clause in the will on which the objection to its validity is founded is as follows:

Thus done and passed in the house and room above described, on the above day and date, and signed by the said testatrix, the witnesses and the undersigned notary; the said testatrix having declared she could not write, made her usual mark.

It is argued that this is not in compliance with the requirements of article 1572, Revised Civil Code, because it does not state that the testatrix declared that she did not know how to sign, and no mention is made of the cause that hindered her from signing her name; the declaration that "she could not write," not being equivalent to the declaration that "she knows not how to sign," as required by the Code.

Plaintiff's counsel quotes several French lawyers to support this position; but they have failed to convince our judgments.

Had the words "not know how to write," instead of the words "could not write," been used, there would be no room for doubt as to their sufficiency; but still the expression "she could not write," followed by the one "she made her usual mark," indicates sufficiently the hindering cause, if mention of the hindering cause be required by article 1572, in the case when the testator does not know how to sign his name. We prefer to say that the words used in this instance, taken altogether, are equivalent to the declaration by the testatrix that she did not know how to sign her name, and, therefore, made her mark, as in verification of her name, written by the notary, and explaining why she did not herself write her name or signature, and that there has been in this respect a sufficient compliance with the requirements of the law.

It is therefore ordered that the judgment appealed from be reversed, and that there be judgment in favor of defendants, recognizing the validity of the will in question, with costs in both courts.

James B. Lewis vs. Mildred D. Smith.—Judgment affirmed. This was a suit to annul a judgment, upon the ground, among others, that no citation or notice of suit or claim had ever been served upon the plaintiff.

M. A. Kockham vs. city of New Orleans.—Judgment affirmed. This is an action for damages occasioned by a mob in October, 1868. The amount claimed is $1000. The city appealed.

Catherine P. Talbot vs. Mr. and Mrs. E. J. Newman.—Judgment reversed, and in favor of Mrs. Ann Kennedy, wife of E. J. Newman, with costs in both courts. This was a suit for $700, alleged to have been borrowed by her.

State of Louisiana ex rel. Pierre Bague vs. the judge of the Eighth District Court for the parish of Orleans.—The mandamus applied for is made peremptory.

State of Louisiana ex rel. Antoine Dubuclet, State Treasurer, vs. the judge of the Eighth District Court for the parish of Orleans.—The prohibition in this case is made perpetual. The judge of the lower court is forbidden from proceeding any further in the celebrated case of Jacob Strauss vs. the Treasurer. Strauss is holder of a large number of Wickliffe forged warrants, and claims exorbitant sums of money by virtue of the same.

Bramstein & Bender et als. vs. the Crescent Mutual Insurance Company.—The verdict of the jury and the judgment of the court a quo are amended so as to reduce the amount of the judgment to $3861 66, to bear interest at the rate of five per cent per annum from May, 1866, until paid.

Louis Haselmeyer vs. William H. McLelland.—The plaintiff, a legerdemain performer, sued the defendant for damages resulting from the breaking, by the minor son of defendant, a glass bell used by him in his performances. He claimed $2500. A jury rendered a verdict in his favor for $1000.

The judge again, in refusing a new trial, expressed himself as not satisfied with the verdict, but still refused a new trial, and rendered judgment for the sum found by the jury. Defendant appealed. The Supreme Court being satisfied that the bell did not exceed $100, has ordered the judgment of the lower court to be set aside, and that there be judgment for plaintiff against defendant for $100. Both to pay costs of appeal.

Gustave Soniat Dufossat and Theo. Soniat vs. Francis J. Laizer.—Judgment affirmed. This is an appeal from an order of seizure and sale.

H. C. Browne vs. Sylvester Bennett.—Judgment affirmed. This is a suit for rent upon a contract of lease and rent notes executed at the same time. This was first found in favor of the plaintiff, and the defendant appealed.

John A. Florat vs. H. N. McCrea.—Judgment affirmed. This was a suit based on the want of consideration for certain notes.

Decisions will be rendered on the second of December next.

THE BOSTON FIRE.

The Great Conflagration in the Pulpits—More About the Fire.

BOSTON, November 17.—The crowded churches to-day were in remarkable contrast to their attendance of the previous Sabbath, when the audiences were composed of a few women and children. The great conflagration was the subject in all the city pulpits.

Washington street is now open for travel, and the other streets in the burned district will probably be cleared of debris to-morrow.

A small military guard is still on duty. Thousands of people visited the ruins to-day.

The postoffice in Faneuil Hall is so swamped with mails they are obliged to send a large amount of matter to the other offices for distribution.

Harvard College has lost so heavily by the fire that it asks for $50,000 for immediate use and $200,000 for rebuilding.

The most interesting locality among the ruins to-day, and to which hundreds were attracted by the operations there in progress, was the rear of the store of Shrieve, Crump & Low. Beneath the sidewalk was a brick vault fifteen feet long, ten feet wide and ten feet deep, which contained between $75,000 and $100,000 worth of silver, including the altar service of Trinity Church, the sacramental silver of Crattle Square Church, the service of silver presented to Colonel William Aspinwall by the merchants of London, the pitcher presented by Daniel Webster to Peter Harvey, and other mementoes, besides silver belonging to the firm.

The goods were placed there after the fire was got under on Summer street, the vault being considered the most secure place in the neighborhood. When the building was blown down by the explosion of the gas, at least 200 tons of granite were piled on top of the vault, but upon opening the vault all the above silver, except a few pieces belonging to the firm, were found in good order. In some parts of the vault, exposed to the hottest of the fire, the articles were melted.

Later in the afternoon the search was continued under the sidewalk with the hope of finding the service of silver which had been sent down to the workmen on Saturday to be cleaned, but with what success has not transpired.

The remains of Daniel Cochrane, late foreman of Hook and Ladder No. 4, were exhumed from the ruins on Washington street, to-day. They were charred beyond recognition, but identified by a tag with keys attached. The deceased was thirty-two years of age, and leaves a wife and two children.

Shortly after finding Cochrane, Captain William Farrie, of the same company, was exhumed and identified.

Michael Cuddy has been missing since Saturday night, and was last seen at the falling of the walls on Summer street.

This forenoon William Kelly had his right leg broken by the falling of the walls, which he was engaged in removing.

New Orleans Man Shot at St. Louis.

We reproduce the following from the Associated Press dispatches published here yesterday:

ST. LOUIS, November 17.—About eight o'clock to-night, while a large number of gentlemen were congregated in the vestibule of the Southern Hotel, Captain Ed. Dix, a well known steamboatman, walked up to Robert W. Estlin, of New Orleans, who was conversing with some friends, and deliberately shot him in the left jaw. Estlin fell, and while down Dix fired another shot, which struck the prostrate man's left side. After the shooting Dix gave his pistol to one of the clerks of the hotel, and was taken by his friend to the office of the Chief of Police, who ordered him locked up.

Estlin was taken to his rooms, where his wounds were examined by surgeons and found to be very slight. The cause of the shooting can not be ascertained, both parties being very reticent, but it appears that the gentlemen had a quarrel a few days ago over a game of dominoes, and it is thought the affair to-night grew out of that.

A Washington special says:

Dr. Bratton, of South Carolina, who was kidnapped from the town of London, in Canada, by a United States agent and carried to South Carolina to be tried under the Ku-Klux law, has been released, and the proceeding against him are abandoned. The British minister made a representation some time since in respect to this violation of their territory, and asked that all proceedings against Dr. Bratton be stopped.

OFFICIAL.

TREATIES AND PROCLAMATIONS.

Convention for the regulation of the postal intercourse between the United States of America and the kingdom of Denmark.

The Post Department of the United States of America and the Danish Post Department have agreed upon employing the steamers in regular service between their territories, as well as the steamers engaged between Hamburg and Bremen on the one side, and American ports on the other, in order to establish an immediate exchange of mails, and have, for that purpose, consented to the following articles:

ARTICLE I.

There shall be an immediate exchange of correspondence between the United States of America and Denmark by means of the said steamers, and this correspondence shall embrace letters, newspapers, book packets, prints of all kinds (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, etc.), and patterns or samples of merchandise; and such correspondence may be exchanged, whether originating in either of the said countries, or originating in countries to which these may respectively serve as intermediaries.

ARTICLE II.

The exchange of correspondence shall take place between the postoffices to be hereafter designated by the two post departments; but either of the two offices so designated may at any time be discontinued, and others established by mutual consent.

ARTICLE III.

The United States office shall make its own arrangements for the dispatch of its mails to Denmark, and in like manner the office of Denmark shall make its own arrangements for the dispatch of its mails to the United States. The mails shall be reciprocally forwarded by the regular routes of communication hereinbefore mentioned, and each office shall, at its own cost, pay the expense of the intermediate transportation (sea and territorial) of the mails which it dispatches to the other. It is also agreed that the cost, either in whole or in part, of the international ocean and territorial transit of the closed mails exchanged in both directions between the respective frontiers shall, upon application of either office, be first defrayed by that one of the two offices which shall have obtained from the intermediaries the most favorable pecuniary terms for such conveyance, and any amount so advanced by one for or on account of the other shall be promptly reimbursed.

ARTICLE IV.

The postage on ordinary letters sent from the United States to Denmark, or from Denmark to the United States, shall be respectively twelve skilling rigsmont, or seven cents for a single letter.

The weight of a single letter shall not exceed fifteen grammes.

For every letter exceeding fifteen grammes there shall be paid a single rate of postage for every additional fifteen grammes or fraction of fifteen grammes. The weight stated by the dispatching office shall always be accepted, except in case of manifest error.

The maximum weight of letters shall be two hundred and fifty grammes.

ARTICLE V.

The prepayment of postage on ordinary letters shall be optional. If they shall be forwarded unpaid, or insufficiently paid, they shall, in the first case, be charged, besides the usual postage, with an additional postage of respectively four cents, or six skilling rigsmont, and in the last case, besides the deficient postage, with similar additional postage.

ARTICLE VI.

On all other correspondence in the first article mentioned, the rates shall be, for the mails dispatched, that which the dispatching office shall adopt, adapted to the convenience and habits of its interior administration. But each office shall give notice to the other of the rate it adopts, and of any subsequent change thereof. These articles shall be forwarded under regulations of the dispatching postoffice, but always including the following:

1. The postage shall be prepaid. If, however, the postage on the correspondence mentioned in this article should not be wholly prepaid, the said correspondence shall still be forwarded to the place of destination; but it shall, in that case, beside the deficient postage, be charged with an additional postage, not exceeding four cents in the United States, and six skilling rigsmont in Denmark.

2. No packet shall contain anything which shall be closed against inspection, nor any written communication whatever, except to state from whom and to whom the packet is sent, and the number and price placed upon each pattern or sample of merchandise.

3. No packet may exceed two feet in length, or one foot in any other dimension.

4. Neither office shall be bound to deliver any article the importation of which may be prohibited by the laws or regulations of the country of destination.

5. The customs duties that may be chargeable in each of the two countries may be levied for the use of the customs.

ARTICLE VII.

Any correspondence mentioned in article one may be registered, and the postage chargeable on such correspondence shall always be prepaid. Registered correspondence shall, in addition to the postage, be subject to an international registration fee not exceeding ten cents in the United States, and eight skilling rigsmont in Denmark, and this fee shall always be prepaid. Each office is at liberty to reduce this fee for the mails it dispatches. Each department shall use its best exertions for the safe delivery of registered correspondence, but is not responsible pecuniarily for the loss of any such correspondence.

ARTICLE VIII.

It is further agreed that no charge of any kind, or on any account, otherwise than is herein expressly provided, shall be levied or collected in the country of destination on the letters or other correspondence exchanged.

ARTICLE IX.

As to the correspondence originating in one country and destined for the other, no account shall take place, and thus the postoffice of the United States shall retain the whole amount of postage collected in the United States upon international paid correspondence forwarded to Denmark, and upon international unpaid or insufficiently paid correspondence received from Denmark; and in like manner the Danish postoffice shall retain the whole amount of postage collected in Denmark upon international paid correspondence forwarded to the United States, and upon international unpaid or insufficiently paid correspondence received from the United States.

However, each of the two departments shall be at liberty to claim accounts to be settled when it appears that in one country for one year there is levied twenty per cent more than in the other. If an account is claimed, it shall be regulated on the following basis:

From the total amount of postages and register fees collected by each office on letters, added to the total amount of prepaid postages and register fees on other correspondence which it dispatches, the dispatching office shall deduct the amount required for the conveyance of the mails between the two countries, and the amount of the two net sums shall be equally divided between the two offices.

The deficient and additional postages mentioned in article six shall not be included in the account between the two offices, but, unshared, shall belong to the office by which they are collected.

ARTICLE X.

The two post departments shall establish, by agreement, and in conformity with the arrangements in force at the time, the conditions upon which the two offices may respectively exchange in open mails the correspondence originating in or destined to other foreign countries to which they may reciprocally serve as intermediaries. It is always understood, however, that such correspondence shall only be charged with the American-Danish rate, augmented by the postage due to foreign countries, or for other exterior service.

It is agreed that the account of this correspondence shall, as to the international postages chargeable on the same, be regulated on the basis mentioned in the preceding article, but that the amount of the extra-national postage, or other tax for exterior service, shall be reciprocally accounted for at full rates. Such charges for paid correspondence to and for unpaid correspondence from foreign countries shall, therefore, be summarily entered on the respective letter bills to the credit of the country through which the same is forwarded.

ARTICLE XI.

The Postoffice of the United States shall be granted the privilege of transit of closed mails through the Danish territory, exchanged in either direction, to and from Sweden and Norway, for a payment of four skilling rigsmont per thirty grammes net weight of letters, and two-thirds skilling rigsmont per forty grammes net weight of prints, patterns, and samples of merchandise. Correspondence exempt from postage, letters which can not be delivered, as well as money orders, shall not be charged with any transit rate.

Reciprocally, the United States office grants to the office of Denmark the privilege of transit of the closed mails exchanged in either direction between the latter and any country to which the former may serve as intermediary, by its usual means of mail transportation, whether on sea or land, and the terms of transit shall be agreed upon when the exercise of the privilege is required.

ARTICLE XII.

The postal accounts between the two offices shall be stated and transmitted quarterly, and verified as speedily as possible, and the balance found due shall be paid in the coin of the creditor country.

The rate for the conversion of the money of the two countries shall be one dollar for one rigsdaler, eighty-five skilling rigsmont. The two offices shall, however, always be at liberty to agree upon another rate for the conversion.

ARTICLE XIII.

Any ordinary correspondence wrongly addressed, or wrongly sent, shall, without delay, and registered correspondence of all kinds, as well as ordinary letters not deliverable for any other cause than the aforesaid, within the issue of every month, be mutually returned at the expense of the originating office. All other correspondence which can not be delivered shall remain at the disposition of the receiving office.

If any returned correspondence shall be charged with the postage debited the office of destination, the said correspondence shall be returned for the amount of postage which was originally charged by the dispatching office.

ARTICLE XIV.

When, in any port of either country, a closed mail is transferred from one vessel to another, without any expense to the office of the country where the transfer is made, such transfer shall not be subject to any postal charge by one office against the other.

ARTICLE XV.

Official communications between the two offices shall not be the occasion of any accounts on either side.

ARTICLE XVI.

The two offices shall, by mutual consent, establish the detailed regulations which the carrying into execution of the articles included in this convention may require.

ARTICLE XVII.

The present convention shall be carried into effect on the day on which the two offices shall agree, and shall continue in force until one of the two contracting parties shall have announced to the other, within the issue of a calendar year, its intention to terminate it.

ARTICLE XVIII.

The present convention is to be ratified, and the ratifications are to be exchanged as soon as possible.

Done at Copenhagen, in duplicate original, this seventh day of November, 1871, and at Washington this first day of December, 1871.

JOHN A. J. CRESWELL,
Postmaster General.
DANNESKJOLD SAMSOE.

I hereby approve the aforegoing convention, and in testimony thereof I have caused the seal of the United States to be affixed. U. S. GRANT.

By the President:
HAMILTON FISH, Secretary of State.
Washington, December 1, 1871.

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

AN ACT No. 80.

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.

AN ACT No. 91.

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.

AN ACT No. 94.

To provide for the construction of a shell road in the parish of Jefferson by the police jury of the left bank of said parish, and for the payment thereof; for the keeping of the same in repair, and to authorize said police jury to levy a special tax for said purpose.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That it shall be the duty of the police jury of the left bank, parish of Jefferson, and it is hereby authorized and empowered to pass and adopt, within ten days from the passage of this act, the necessary ordinances and resolutions for the construction within one year from the adjudication of the contract, of a shell road extending along the Metairie ridge in said parish of Jefferson, from the New Orleans canal west as far as the Labarre road, and at the option of said police jury along the Labarre road to the river Mississippi; said road shall be in all respects a first-class shell road, and shall be built in accordance with the specifications to be furnished by the surveyor of the parish; and it shall be the duty of the police jury to cause the surveyor of said parish, or of some other, in case there be no such officer, to furnish the necessary plans, lines, grades, levels, curves, etc., and to take the general superintendence, in accordance with the specifications furnished, and the cost of this shall be assumed by the contractors.

SEC. 2. Be it further enacted, etc., That the cost of the construction of said shell road shall be borne in equal proportions, one-half each by the front proprietors bordering on said road, pro rata, and the said police jury of the left bank, parish of Jefferson, and the proportion of the front proprietors shall remain a lien and privilege superior to all other liens and privileges upon the property fronting on said road in favor of the contractors thereof, until fully paid, by recording the bills for the same, duly certified by the surveyor of said parish, in the office of the recorder of said parish.

SEC. 3. Be it further enacted, etc., That it shall be the duty of said police jury of the left bank, parish of Jefferson, within ten days from the passage of this act, to advertise for ten days in the official papers of the parishes of Jefferson and Orleans for proposals, to be sealed and directed to said police jury, and to be opened by them in open and public meeting of said police jury on a day to be named in said advertisement, when said police jury shall proceed to adjudicate the contract to build said road to the lowest bidder, and shall proceed, in such form as said police jury shall determine, to make a formal contract in accordance with the plans and specifications, and said lowest proposal, with said lowest bidder, and may require of such lowest bidder such security as said police jury may think proper for the faithful performance of the contract within such time as the said police jury and said contractors may agree, it being understood that this shall not exceed one year.

SEC. 4. Be it further enacted, etc., That from and after the completion of said shell road hereinbefore provided for, it shall be the duty of said police jury, during the month of December of each and every year, to appropriate a sufficient sum of money out of its treasury to keep said road in repair during the current year, which sum shall not be appropriated to any other purpose.

SEC. 5. Be it further enacted, etc., That upon the completion of said shell road, and said completion having been duly certified to, according to the provisions of this act, it shall be the duty of said police jury of the left bank, parish of Jefferson, to at once pay to the builders of said road, or otherwise settle with them, as both parties to the contract may agree, the proportion of the police jury being one-half the total cost thereof; and should there not be sufficient funds in the treasury, the police jury are hereby authorized to levy a special tax sufficient to pay the sum required upon all the taxable property in the left bank, parish of Jefferson, to be equally assessed according to the last assessment made before the levying of such special tax; and upon the collection of such special tax, which shall be immediately proceeded with, said police jury shall pay its proportion of the cost of the shell road herein provided for.

SEC. 6. Be it further enacted, etc., That all laws or parts of laws contrary to or inconsistent with the provisions of this act are hereby repealed.

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.
A true copy:
J. W. FAIRFAX,
Assistant Secretary of State.

Received in the office of Secretary of State August 6, 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.

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

AN ACT No. 82.

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. 92.

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.

AN ACT No. 95.

To incorporate the Shreveport Bridge Company, and to authorize the company to issue its bonds and to build a road from Red river to and across Red Chute to the hills, in Bossier parish, and to collect tolls thereon, 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 Frank M. Smith, A. H. Leonard, E. P. O'Key, Charles W. Keating, S. Peters, George W. Dillard, M. H. Crowell, M. A. Walsh, D. D. Smith, S. M. Thomas, and their successors and assigns, and such other persons as they may hereafter associate with themselves, be and are hereby constituted a body corporate and politic, to act in their corporate capacity as one person, and are hereby authorized, in their corporate capacity, to do and perform all acts an individual can do, to purchase, lease, sell or exchange real or personal property, rights or credits, as an individual can do, and to sue and be sued, and to do all things an incorporation can do; that service of citation or other legal process shall be made on the president of the company, or, in the absence of the president, on the secretary thereof; that the domicile of this company is fixed in the city of Shreveport, in the parish of Caddo, in the State of Louisiana. This company shall have a seal, and may change or alter the same at pleasure.

SEC. 2. Be it further enacted, etc., That the name and style of this corporation shall be "The Shreveport Bridge Company," and the capital stock of this company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, making five thousand shares. It shall be competent for the stockholders of this company to fix the amount of the capital stock from time to time, as in their judgment they may deem best, not to exceed one million dollars.

SEC. 3. Be it further enacted, etc., That this company shall have the exclusive right to build, equip and maintain a bridge across the Red river, to terminate on the east bank of Red river, opposite the city of Shreveport, for the purpose of passing vehicles of all kinds, animals, produce of all kinds, merchandise and foot passengers, and for all purposes a bridge may be used for; and no other bridge shall be built across said river within a distance of five miles in either direction for the period of thirty years, reserving the right to any railroad company to build bridges within said limits solely for railroad purposes, but in no way to be used for any of the purposes above stipulated, except as belonging to the actual business and operating of the railroad; and that same company shall have the right to charge such tolls thereon as may be fixed by the board of directors of said company, and shall have the right to police such bridge, so that no one or thing shall be allowed to pass over the same except in accordance to the regulations made by the directors.

SEC. 4. Be it further enacted, etc., That the affairs of the company shall be conducted by a board of directors, the first board of directors to consist of the incorporators named in the first section of this act; in the event of the death of any such incorporators the balance shall compose the board of directors until the end of the term; and in the event of any of such incorporators transferring their entire interest in this company during their term of service they shall cease to act as directors during the residues of the term, and their place shall be filled by the selection of some other stockholders by the other directors. This board of directors shall hold office for two years from the first Monday of July, 1872. Thereafter the board of directors of this company shall consist of five stockholders who hold at least twenty shares of stock, to be elected by the stockholders on the first Monday of July, 1874, and every two years thereafter; that no stockholder shall vote at any such election unless the stock on which he claims to vote has been owned by him at least three months before the election, as shown by the stock book of the company; that each stockholder shall have one vote for each share of stock he may own; that any stockholder may vote by proxy for directors, and that a majority of votes cast shall elect; that it shall be the duty of the directors to advertise the election for directors in at least one newspaper in the parish of the domicile of said company, for thirty days before the election, and to appoint three stockholders commissioners to hold the election; a failure to hold the election, as herein fixed, shall not operate a dissolution of this corporation, but the old board of directors shall hold over until the next regular election. A majority of the board directors shall constitute a quorum for all business. Any vacancy occurring in the board of directors (except in the first board) shall be filled by the remaining directors for that term; any director, after his election, disposing of his stock so as to hold less than twenty shares, shall from that time cease to be a director, and his place shall be filled as above.

SEC. 5. Be it further enacted, etc., That the first board of directors of said company shall organize on or before the first Monday of July, 1872, and all subsequent boards, within ten days after their election, by electing one of their members president, and electing a secretary. When it becomes necessary the board of directors may elect a treasurer and engineer, or any other officers they may designate. All such officers shall be removable by the board of directors, except the president. The board of directors shall have the right to fix the salary of the president, and the salary or