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CITY COUNCIL--OFFICIAL

ADJOURNED MEETING.

City Hall, New Orleans,
Wednesday, February 26, 1873.

The Council met this day at twelve o'clock M., pursuant to adjournment.

Present—Hon. Louis A. Wiltz, Mayor, presiding, and Administrators Brewster, Calhoun, Fitzenreiter, Lewis, Schneider, and Turnbull.

The minutes of the last meeting were approved.

On motion of Mr. Turnbull, the Council then unanimously adjourned to the day of the next regular meeting, to wit: Tuesday, March 4, proximo.

DANIEL SCULLY, Secretary.

THE COURTS.

United States Circuit Court.

Charles Case, receiver, vs. G. T. Beauregard et als.—A sealed verdict was rendered by the jury on Tuesday and opened yesterday in court. The verdict is in favor of plaintiff against G. T. Beauregard and Thomas P. May, each, for one-third of the amount claimed, being $29,002 60 each, with legal interest from May 15, 1867.

Second District Court.

The successions of Mrs. E. Roubet, born Maria Dickman, and of Mrs. Eliza W. Hughes, wife of James K. Belden, have been opened in this court.

Fifth District Court.

In the case of Mechanics and Traders' Bank vs. Wagner & Meyer, Zorn & Bremer indorsers, the action is based on a promissory note, dated in New Orleans, October 14, 1872, whereby Wagner & Meyer promised to pay to their own order the sum of $700. It was indorsed by them, and also by Zorn & Bremer, as appeared from its inspection.

Judge Cullom, in rendering his decision, said:

The question involved in this litigation is, as to the genuineness of the indorsement of Zorn & Bremer, they having urged that it is a forgery. Several witnesses have been examined, all of whom are respected, veracious and well known business men of this city; some of them having been engaged in the banks for a series of years, and charged with the office of inspecting signatures at the counter of the banks, they may be said to have enjoyed peculiar advantages in learning to detect forgeries.

Many of the checks of Messrs. Zorn & Bremer, drawn before and after the note now sued on purports to be indorsed by them, are also offered in evidence. Mr. Zorn swears positively that the indorsement is a forgery. It appears from the evidence that Wagner & Meyer and Messrs. Zorn and Bremer were in the habit of exchanging checks in the transaction of their business. That Mr. Zorn called at the bank very shortly after Meyer had absconded and asked for the note, stating that he had heard they had a note of Wagner & Meyer for $700, indorsed by his firm. The note was shown Mr. Zorn, and he remarked, after examining it about fifteen minutes, that it it was not his signature it was the best counterfeit he ever saw in his life. Mr. Zorn says he told the president of the bank (Mr. Robinson) that the signature was a good imitation, but that he was morally convinced he did not sign it. He stated to Mr. Robinson that he had some weeks ago indorsed a note for Wagner and Meyer. The note in question was dated October 4, 1872, matured December 17, 1872. The bank discounted it October 29, 1872. Mr. Huard states that Mr. Zorn had a conversation with him about the note two days after Meyer left, in which he (Zorn) told Huard that he had indorsed a note for Wagner and Meyer for $700, which he would possibly lose. In that conversation he is represented as knowing all about the bank's ownership of the note. On his second visit he said it was a forgery. Huard says that at the first conversation he had with Mr. Zorn about it, "he acknowledged that he had indorsed the note." It appears, also, from the testimony of the president (Mr. Robinson), that when he examined it in his presence he remarked that it was a very hard case he should have to lose $700 by Mr. Wagner and Mrs. Wagner. Witness' understanding from Mr. Zorn was that he was going to pay the note, notwithstanding he had some doubts as to the signature. He (Zorn) made no objections to having the balance left in bank, on account of one or both members of the firm, placed as a credit on the note.

The checks exhibit much uniformity in the ordinary signatures of the firm of Zorn & Bremer, with a slight variation from that uniformity in the signature before me. The most noticeable difference being in the letter "e" in the name of Bremer, which, in this case, is looped by a second stroke of the pen, whereas in all the others the firm seem never to have been attentive to the formation of the loop. The movement in the pen is identical, though the lines are not so small as they are generally. This may be attributable to several causes:

1. The position of the hand while writing.
2. The nervous condition of the writer.
3. The deliberation or haste with which it is written.
4. The quality of the pen.
5. The quality of the paper and ink.
6. The position of the paper, whether it presents a perfectly flat, smooth and true surface, or the reverse.

All these causes may affect the uniformity of a signature, and produce eccentricities which, while one may plainly and easily discover the general characteristic and likeness of the signature, nevertheless strike the attention of the critical inspector.

For these reasons I am not prepared to say, in the face of the confession of Mr. Zorn, and all the corroborative circumstance developed in the testimony of the gentlemanly disinterested and experienced witnesses who have testified in the case, that the indorsement is a forgery. There must be judgment for plaintiff.

Judge Cullom read the following interesting decision on the rule taken in this court for a new trial in the case Lalaurie vs. Gerodias:

This case is now before the court on a rule for a new trial. Its merits were carefully investigated and considered when first submitted, and I have not been able to find any good and sufficient reason, although aided therein by argument of counsel, for thinking the decision then rendered is wrong. I fully agree with the attorney of Mr. Lalaurie, that great intimacy did exist between these parties, and it is perhaps unfortunate that the friendship so signally distinguished by confidence had not survived their business transactions.

However this may be, I am utterly unable to discover, from the voluminous evidence before me, that the agency of Mr. Lalaurie for Mr. Gerodias was ever intended to be extended beyond the simple investment of Gerodias' money in stocks, etc. As to the conversation that appears to have taken place on Canal street between Messrs. Gerodias and Mr. Laporte, in relation to opening a broker's office, in which Mr. Lalaurie was to officiate as a speculator for Gerodias, there is not a particle of evidence to show that it was consummated, or attempted to be carried out.

On the contrary, witnesses examined on this point stated that they had been doing business on Carondelet street for years, and that, although they were accustomed to see Mr. Lalaurie about there, they never knew he was a broker; that if he had been they would have known it. Now, although something was certainly said about opening a broker's office, as is testified to by Mr. Laporte, there is not a scintilla of evidence going to prove that anything was ever done to carry out that feebly intimated speculative enterprise.

Counsel next spoke of the fact that Mr. Harrison had never answered his question directly and categorically as to the consideration which he gave Lalaurie for the two mortgage notes. I regarded his evidence as being prudently dictated, and as substantially, directly and satisfactorily answering all the questions of counsel. It is very true he gave Mr. Lalaurie nothing for them, but it is equally so that he had given Gerodias $12,000, which (as Lalaurie owed Gerodias, as Lalaurie shows by his own account, $16,050), Lalaurie had been called on by Gerodias to pay. The payment made to Harrison was a payment for and to Gerodias. Lalaurie had received a full consideration from Gerodias, and made this settlement with Harrison for him.

It is, therefore, evident that, had he given and been confined to a categorical negative answer to Colonel Breaux' question, the truth would have been suppressed. He was, therefore, compelled to answer as he did. To have answered negatively would have been true as to the language, but false in the impression made. Courts conduct investigations for the purpose of arriving at the truth. The truth is that Harrison had given a consideration for the notes, to the extent of $12,000, while it is equally true he had had no dealings with Lalaurie.

Yet, if Lalaurie, in the course of his business transactions with Gerodias, undertook to meet his individual obligations by stipulating to pay what Gerodias would have been obliged to pay, I can not see why the witness should not be justified in so stating. He paid his debt by paying that of Gerodias. It was urged by counsel that when Gerodias first went to Lalaurie he did not demand money, but stocks. That had Lalaurie owed him money, Gerodias, being a little pressed for it, to enable him to settle his balances with the State as the collector of taxes, would certainly have called for it.

I find no difficulty in solving this problem of the learned advocate. It is plain to my understanding, that as 150 shares did actually belong to Gerodias, as is clearly shown by the testimony of Mr. Delassus, as well as by the statements of Gerodias himself, he could not have done otherwise. But as soon as Mr. Lalaurie failed to deliver them up he became indebted to Mr. Gerodias. Hence Mr. Gerodias, on failing to get his shares of stock, exercised the alternative right of demanding the money.

Mr. Lalaurie had been unfortunate; was not able to do either, and, therefore, executed his two notes for $8000 each, and made their payments secure by giving a mortgage upon his property. Colonel Breaux spoke of the counter letter, concerning which something is said in the evidence. The letter itself is not in evidence. I know nothing of its contents, and, therefore, can not permit the suggestion of its proposed existence to have any weight with the court. It suffices to remark that while it is stated to have been drawn up and handed to Mr. Gerodias for his signature, he promptly rejected the proposition, and exhibiting some feeling, even passion, handed it back to the notary.

Having refused to sign it, the court can not imagine by what principle its contents, whatever they were, could in any manner affect or bind him. I have given the entire case a very careful examination, and can find nothing in its facts to induce me to believe that I erred in the opinion first rendered.

I will here remark that, as to the great confidence that appears to have existed for sometime between these gentlemen, it having suddenly terminated in an unfortunate disruption of their friendly relations, it is exceedingly difficult for me to conceive why it was (if it was not a consciousness of honest indebtedness) Mr. Lalaurie should have been willing to mortgage his property for $16,000, no part of which he owed, for one who appeared to be embarrassed at the time for money to settle with the Auditor of Public Accounts. It does seem to me that a prudent man would have been more circumspect than to do such a thing.

It is rarely the case, that one so pressed for large sums of money, should find a friendship so abiding after all that had occurred so recently between these parties, as to induce him to make such a sacrifice under such circumstances, without retaining some evidence of his right to reimbursement. In the rule taken for a new trial it is not pretended that new or additional evidence has been discovered since the case was first submitted; and as we have a court of appeal, whose high prerogative it is to review the decisions of this court, and to rectify any errors I may have fallen into, I must refuse the new trial asked for. The learned counsel understand their remedies, and will doubtless avail themselves of them by an appeal to the combined wisdom of the judges of the Supreme Court.

Sixth District Court.

Charles Morgan, residing in the city of New York, has entered suit in this court against the New Orleans, Mobile and Texas Railroad Company. He alleges that the latter, formerly known by the name of the New Orleans, Mobile and Chattanooga Railroad Company, is indebted to him in the sum of $42,160 15, with legal interest from January 1, 1873.

The facts of the case are briefly as follows: Defendants issued certain first and second mortgage bonds, with coupons for the interest to accrue thereon. In each of said coupons, which are negotiable instruments, payable to bearer, the company promised to pay, at its agency in New York, $40 on the first of January, for semi-annual interest on said bonds. Morgan, being the holder of 1054 of them, demanded payment, which was refused, and the coupons protested. Hence this action.

We copy this complimentary paragraph from the Brookhaven *Citizen*:

Colonel S. H. Edgar, the new vice president of the New Orleans, Jackson and Great Northern railroad, has been identified with the road for several years, and has lately been promoted to its vice presidency, and, in the absence of the president, is charged with the main responsibility of its management. We are glad to see that he is winning golden opinions on the line of the road and in New Orleans by his uniform courtesy and prompt attention to business.

OFFICIAL.

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

[General Nature—No. 3.]

An act for the reduction of officers and expenses of the internal revenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on the first day of July, eighteen hundred and seventy-three, or at such time prior thereto, in the districts respectively, as the Commissioner of Internal Revenue may find practicable, the offices of assessor and assistant assessor of internal revenue shall cease to exist; thereupon all duties imposed by law on assessors and assistant assessors, except as hereinafter otherwise provided, be, and the same are hereby, transferred to and imposed upon collectors of internal revenue, to be performed by them or their deputies; and that all returns and reports required by law to be made to the said assessors and assistant assessors shall be made to the said collectors, or to their deputies; and that each of said assessors shall, prior to the date aforesaid, and at the time set therefor by the Commissioner of Internal Revenue, transfer to such revenue officer as may be designated by the Commissioner of Internal Revenue for that purpose all books, papers and other property belonging to the government in his possession, or in that of any of his assistant assessors, and shall file with his final account an inventory thereof in detail, with the receipt of said revenue officer therefor; and from the time set for said transfer, his office and that of his assistants shall cease.

Sec. 2. That the Commissioner of Internal Revenue is hereby authorized and required thereafter to make the inquiries, determinations and assessments of the following taxes, to wit:

For deficiencies imposed by the provisions of section twenty of an act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, as amended by subsequent acts.

Semi-annually, upon the deposits, capital, and circulation of each person, bank, association, company, or corporation engaged in the business of banking, imposed by the provisions of section one hundred and ten of an act entitled "An act to provide internal revenue to support the government and to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, as amended and supplemented by subsequent acts.

Upon articles provided for in section five, and in the first proviso of section fourteen of an act entitled "An act to amend existing laws relating to internal revenue, and for other purposes," approved March second, eighteen hundred and sixty-seven.

Upon tobacco, snuff and cigars, provided for in section sixty of an act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, as amended by section thirty-one of an act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June sixth, eighteen hundred and seventy-two.

Upon legacies and successions, and of all other internal revenue taxes liable to be assessed, or accruing under the provisions of former acts; and the said Commissioner shall certify such assessments, when made, to the proper collectors, respectively, who shall proceed to collect and account for taxes so certified in the same manner as assessments on lists are now collected and accounted for.

Sec. 3. That all special taxes imposed by law, accruing after April thirty, eighteen hundred and seventy-three, including the tax on stills, or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is hereby authorized and required to procure appropriate stamps for the payment of such taxes; and the provisions of section twenty-six and one hundred and one of an act entitled, "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco and cigars, so far as applicable, are hereby extended, so as to include such stamps, and the Commissioner of Internal Revenue shall have authority to make all needful rules and regulations relative thereto. Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, except tobacco peddlers, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said stamp shall, upon conviction, be sentenced to pay a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than ten dollars. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed; provided, that nothing contained in this section shall change, or in any way affect the liability of any person for exercising or carrying on any trade, business or profession, or doing any act for the exercising, carrying on or doing of which a special tax is imposed by law, without the payment thereof.

Sec. 4. That each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place and business for which such special taxes have been paid.

Sec. 5. That section one hundred and ten of an act entitled "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, as subsequently amended, be so amended that the returns therein required to be made shall be made and rendered semi-annually on the first day of December and the first day of June, in duplicate; one copy of which shall be transmitted to the collector of the proper district, and one copy to the Commissioner of Internal Revenue.

Sec. 6. That the act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, as amended by subsequent acts, be further amended as follows, to wit:

That section five be amended so that the duplicate statement therein required to be retained by the assistant assessor of the district shall, from and after the time when the office of said assistant assessor shall cease, be transmitted by the collector to the Commissioner of Internal Revenue.

That section nineteen be amended so that one of the duplicate returns therein required to be sent to the assistant assessor of the district shall, from and after the time when the office of said assistant assessor shall cease, be transmitted by the collector to the Commissioner of Internal Revenue.

That section twenty-eight be so amended that all of the additional commission of one-half of one per centum therein allowed shall be paid to the collector receiving the tax on all spirits produced after the office of the assessor shall cease under the provisions of this act; provided, that the total net compensation of collectors as now fixed by law shall not be thereby increased.

That section fifty-nine be so amended that in case any peddler refuses to exhibit a proper certificate from the collector of his or her district, and fails to show cause why the property seized shall not be forfeited, proceedings for its forfeiture shall be taken and had under the general provisions of the internal revenue laws relating to forfeitures.

That the provisions of section one hundred and three be extended and made applicable to the provisions of this act.

Sec. 7. That section forty-three of an act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June sixth, eighteen hundred and seventy-two, be, and the same is hereby, repealed.

Sec. 8. That the Commissioner of Internal Revenue shall, under the direction of the Secretary of the Treasury, require that each collector of internal revenue shall, before entering upon the duties prescribed by this act, give additional bond, conditioned that said collector shall faithfully perform the duties of his office according to the provisions of existing laws or of laws hereafter enacted.

Sec. 9. That the Commissioner of Internal Revenue be, and hereby is, authorized to designate one of the heads of division as chief clerk of the bureau without additional compensation.

Approved December 24, 1872.

[General Nature—No. 7.]

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

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

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

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

Approved January 10, 1873.

[General Nature—No. 11.]

An act to authorize the examination of certain banks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Controller of the Currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Controller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in the execution of this act shall be paid out of any appropriation made by Congress for special bank examinations.

Approved January 20, 1873.

[General Nature—No. 1.]

An act establishing post routes in the State of Maine.

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

Maine: From East Baldwin, via North Baldwin, Sebago and South Bridgeton to Bridgeton; from Gray Depot to Gray Corner, in the county of Cumberland.

Approved January 23, 1873.

[General Nature—No. 8.]

An act supplemental to and amendatory of an act entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," approved February nineteen, eighteen hundred and fifty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all contested election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days; the returned member during the succeeding forty days; and the contestant may take testimony in rebuttal only during the remaining ten days of said period. Such testimony in rebuttal may be taken on five days' notice. Testimony may be taken at two or more places at the same time.

Sec. 2. Depositions of witnesses residing outside of the district and beyond the reach of a subpena, may be taken before any officer authorized by law to take testimony in contested election cases in the district in which the witness to be examined may reside.

Sec. 3. That the party desiring to take a deposition or depositions under the provisions of this act, or of the act to which this is an amendment, shall give the opposite party notice, in writing, of the time and place, when and where, the same will be taken, as well as of the name of the witness or witnesses to be examined, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney of his authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service can not be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. And the taking of the testimony may, if so stated in the notice, be adjourned from day to day. The notice, with the proof or acknowledgment of the service thereof, shall be attached to the depositions when completed. The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone. It shall be competent before the parties, their agents, or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; and it shall also be competent for them, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law, or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions; and every such officer so chosen by the parties, their agents or attorneys, and officiating, shall have all the powers in the premises that are conferred by the act to which this is an amendment upon the officers named therein. At the taking of any deposition under this act, or the act to which this is an amendment, either party may appear and act in person, or by agent or attorney.

Sec. 4. All officers taking testimony to be used in a contested election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify the same, and carefully seal and immediately forward the same, by mail, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C., and shall also endorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement. Upon the written request of either party, the Clerk of the House of Representatives shall open any deposition at any time after he shall have received the same, and he may furnish either party with a copy thereof.

Approved January 10, 1873.

[General Nature—No. 9.]

An act to amend section twelve of an act entitled "An act to authorize the appointment of shipping commissioners," etc., approved June seven, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve of the act entitled "An act to authorize the appointment of shipping commissioners," etc., approved June seven, eighteen hundred and seventy-two, be amended by adding to said section the following proviso: "provided further, that this section shall not apply to masters of vessels when engaged in trade between the United States and the British North American possessions, or the West India islands, or the Republic of Mexico."

Approved January 15, 1873.

[General Nature—No. 10.]

An act to prevent certain officers of the United States and Territories from practising as attorneys or solicitors in courts of the United States in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no clerk, assistant or deputy clerk, of any Territorial, district or circuit court, or of the Court of Claims or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney or counsel in any cause depending in either of said courts or in any district for which he is acting as such officer.

Sec. 2. That whosoever shall violate any provision of this act shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice, and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

Approved January 16, 1873.

[General Nature—No. 11.]

An act to amend an act entitled "An act relating to members of Congress, heads of Departments and other officers of the government," approved June eleventh, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act relating to members of Congress, heads of Departments, and other officers of the government," approved June eleventh, eighteen hundred and sixty-four, be so extended as to apply in all respects to delegates from the Territories and the District or Territory of Columbia.

Approved January 16, 1873.

[General Nature—No. 12.]

An act to fix the compensation of gangers and measurers at the port of Boston.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of gangers and measurers at the port of Boston shall be same as provided for the same class of officers at the port of New York under existing laws.

Approved January 17, 1873.

[General Nature—No. 2.]

An act authorizing the construction of railroad bridges across the Mobile river and other navigable streams tributary to Mobile bay, in accordance with the acts of the Legislature of the State of Alabama, and to establish them as post-roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and the same is hereby, given to the Mobile and Montgomery Railroad Company to erect one or more draw-bridges over the Mobile river and other navigable streams tributary to Mobile bay, in accordance with the acts of the Legislature of Alabama incorporating said company; provided, that the said draw-bridges shall be so constructed as not to interfere with the free or to materially or substantially obstruct the free navigation of said streams, beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, the cause may be tried before the district court of the United States of the State of Alabama in which any portion of said obstruction or bridges touches; and provided also, that said draw-bridges shall be opened promptly, upon reasonable signal, for the passage of boats, and in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains.

Sec. 2. That any bridge constructed under this act, and according to its limitations, shall be a lawful structure, and shall be known and recognized as a post route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridges.

Sec. 3. That all railway companies desiring to use said bridges shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree.

Sec. 4. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges is hereby expressly reserved; and that any bridge or bridges constructed under this act shall be built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said bridges shall be, at all times, so kept and managed as to offer reasonable and proper means for the passage of vessels through and under them; and the said bridges shall be changed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridges shall be subject to revocation by law whenever the public good shall, in the judgment of Congress, so require.

Approved December 24, 1872.

[General Nature—No. 13.]

An act regulating the compensation of the members and officers of the legislative assemblies of the several Territories of the United States, and limiting the duration of the sessions of said assemblies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Sec. 2. That the members of each branch of said legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law; provided, that the president of the council and the speaker of the house of representatives shall each receive a compensation of ten dollars per day, and that the additional officers of each branch of said legislative assemblies shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one doorkeeper, one messenger and one watchman, who shall each receive a compensation of five dollars per day during the sessions.

Sec. 3. That from and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories of the United States shall be three thousand five hundred dollars, and the salaries of the secretaries of said Territories shall be two thousand five hundred dollars each.

Sec. 4. That the provisions of this act shall not apply to the District of Columbia; provided, that no law of any territorial legislature shall be made or enforced by which any officer of a Territory herein provided for, or the officers or members of any territorial legislature, shall be paid any compensation other than that provided by the laws of the United States.

Approved January 23, 1873.

[General Nature—No. 16.]

An act to amend an act entitled "An act to amend the fifth section of an act entitled 'an act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July second, eighteen hundred and sixty-two, so as to extend the time within which the provisions of said act shall be accepted and such colleges established," approved July twenty-third, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the several States may comply with the provisions of the act of July twenty-third, eighteen hundred and sixty-six, entitled "an act to amend the fifth section of an act entitled 'an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July second, eighteen hundred and sixty-two, so as to extend the time within which the provisions of said act shall be accepted and such colleges established," is hereby extended so that the States which have not complied with the provisions of said acts in establishing colleges shall have the period of two years, after the first day of July, eighteen hundred and seventy-two, within which to provide at least one college, as described in the fourth section of an act entitled "an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two.

Approved January 23, 1873.

[General Nature—No. 17.]

An act to amend an act entitled "an act to incorporate a national military and naval asylum for the relief of the totally disabled officers and men of the volunteer forces of the United States," approved March twenty-one, eighteen hundred and sixty-six, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said act be so amended that wherever the word "asylum" occurs therein, the word "home" shall be inserted instead thereof.

Sec. 2. That the act approved March twenty-second, eighteen hundred and sixty-seven, entitled "an act for the relief of maimed and destitute soldiers," shall be construed to extend to all soldiers who have been or are in the national asylum, so as to give to each one suit of clothing, or its equivalent in clothing, from the stock on hand in the Quartermaster's Department; and that Frederick Smythe, of New Hampshire, Benjamin F. Butler, of Massachusetts, and Thomas G. Osborn, of Illinois, shall be managers of said corporation.

Approved January 23, 1873.

[General Nature—No. 18.]

An act to abolish the grades of admiral and vice admiral in the navy of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That vacancies occurring in the grades of admiral and vice admiral in the navy of the United States shall not be filled by promotion, or in any manner whatever; and that when the offices of said grades shall become vacant, the grade itself shall cease to exist.

Approved January 24, 1873.

[General Nature—No. 19.]

An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "an act in relation to certain territorial penitentiaries," approved January tenth, eighteen hundred and seventy-one, placing the penitentiaries in the Territories of Montana, Idaho, Wyoming and Colorado under the care and control of the respective United States marshals for said Territories, is hereby repealed, and the care and custody of said penitentiaries, and the personal property thereunto belonging, and the use and occupation thereof, are hereby transferred to said Territories, respectively, until otherwise ordered by the Attorney General; provided, that the legal title to said penitentiaries and property shall continue to vest in the United States; and provided further, that said Territories shall keep and maintain, in the penitentiaries hereby transferred to their custody and control, all persons convicted in said respective Territories of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer for alleged violations of the laws of the United States in said respective Territories, at the rate and price, to be paid by the United States out of the judiciary fund, of one dollar per day for each person so imprisoned.

Sec. 2. That immediately after the passage of this act the Attorney General of the United States shall cause to be transferred to the proper authorities of the Territories of Montana, Idaho, Wyoming and Colorado the penitentiaries and personal property connected therewith, situated in each of said Territories respectively.

Approved January 24, 1873.

[General Nature—No. 20.]

An act to fix the time for holding the annual session of the Supreme Court of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the annual session of the Supreme Court of the United States shall commence on the second Monday of October in each year, and all actions, suits, appeals, recognizances, processes, writs, and proceedings whatever, pending or which may be pending in said court, or returnable thereto, shall have day therein, and be heard, tried, proceeded with, and decided, in like manner as if the time of holding said session had not been hereby altered.

Approved January 24, 1873.

[General Nature—No. 21.]

An act to authorize the President to appoint Frederick E. Upton, of Bath, Maine, a master in the navy of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint Frederick E. Upton, of Bath, Maine, a master of the United States navy, with the grade in his rank that he held at the date of leaving the Union, State service.

Approved January 25, 1873.

[General Nature—No. 14.]

An act to authorize the construction of bridges across the Ohio river, and to prescribe the dimensions of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any persons or corporations, having lawful authority therefor, may hereafter erect bridges across the Ohio river, for railroad or other uses, upon compliance with the provisions and requirements of this act.

Sec. 2. That every bridge hereafter erected across the Ohio river, above the mouth of the Big Sandy, shall have at least one span of a height of not less than ninety feet above low water, and of not less than forty feet above local highest water, measured to the bottom chord of the bridge; that every bridge hereafter erected across the Ohio river below the mouth of the Big Sandy, shall have at least one span of a height of not less than one hundred feet above low water, and of not less than forty feet above highest water, measured to the bottom chord of the bridge; that this high span shall give a clear opening of at least four hundred feet between the piers, measured at right angles to the current at every stage, and that it shall be placed over the main channel of the river used by boats during ordinary stages of water; provided, however, that any one company, lawfully authorized by the States of West Virginia and Ohio, is hereby authorized to construct a bridge across the Ohio river, from the city of Wheeling, in the State of West Virginia, to the opposite side of said river within the State of Ohio, with a span over the main channel of not less than three hundred and fifty feet in length, and in all other respects conformable and subject to the provisions of this act, so far as the same are applicable to bridges about the mouth of the Big Sandy; and provided, that in case this high span is not over the low water channel, suitable arrangements be made elsewhere to permit the passage of single boats under the bridge at low water; that all bridges over the Ohio river below the Covington and Cincinnati suspension bridge, shall have, in addition to the high span prescribed above, a pivot draw, giving two clear openings of one hundred and sixty feet each, measured at right angles to the current at the average stage of water in the river, and located in a part of the bridge that can be safely and conveniently reached at that stage, and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the stationary spans of said bridge, except when trains are passing over the same, but in no case shall unnecessary delay occur in opening the said draw before or after the passage of trains.

Sec. 3. That the piers of the high span and the piers of the draw shall be built parallel with the current at that stage of the river which is most important for navigation; and that no riprap or other outside protection for imperfect foundation will be permitted in the channel-way of the high-span, or of the draw openings.

Sec. 4. That any person, company, or corporation authorized to construct a bridge across the Ohio river shall give notice, by publication for one week in newspapers having a wide circulation, in not less than two newspapers in the cities of Pittsburg, Cincinnati, and Louisville, for bridges above the mouth of the Big Sandy, and in the cities of Pittsburg, Cincinnati, Louisville, St. Louis, Memphis, and New Orleans, for bridges below the mouth of the Big Sandy, and shall submit to the Secretary of War, for his examination, a design and drawings of the bridge and piers, and a map of the location