

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

United States Circuit Court.

C. C. Antoine vs. H. C. Warmoth.—The complainant, by J. R. Beckwith and E. C. Billings, his solicitors, asked leave of the court to withdraw from the litigation...

Supreme Court.

The Supreme Court was in session yesterday. Present—Chief Justice Leudeling, and Associate Justices Talliferro, Howell and Morgan. Absent—Associate Justice Howell.

REMARKS GRANTED.

Mrs. Ann Smith, widow, vs. Louisiana Mutual Insurance Company of New Orleans. A. M. Jennings vs. Mrs. F. M. McCune.

REMARKS REFUSED.

Adams vs. Webster, two suits. Delgado & Co. vs. Wilbur A. Co. Holbrook vs. Holbrook.

REMARKS GRANTED.

State of Louisiana ex rel. John C. Bach vs. Louisiana Levee Company. Appeal from the Eighth District Court, Parish of Orleans.

REMARKS GRANTED.

Maria J. Dupree vs. Thomas F. Walford, et al.—Appeal from the Ninth District Court, Parish of Orleans.

REMARKS GRANTED.

J. W. Johnston vs. Fred Calloway—Appeal from the Ninth Judicial District Court, Parish of Rapides.

REMARKS GRANTED.

J. H. Guichon vs. S. Cannon and Thomas J. Grant. Judgment reversed.

REMARKS GRANTED.

State of Louisiana vs. H. C. Dibble, judge of the Eighth District Court.—Mandamus ordered to be made peremptory and prohibiting further proceedings.

REMARKS GRANTED.

L. C. Perret vs. New Orleans Times—Appeal from the Sixth District Court for the Parish of Orleans.

REMARKS GRANTED.

Michael Lion vs. Simon F. Walliche, city of Baltimore, intervenor.—Appeal from the Fifth Judicial District Court, Parish of Iberville.

REMARKS GRANTED.

Consolidated Association of the Planters of Louisiana vs. E. J. A. Blanc.—Appeal from the Fifth District Court, Parish of Orleans.

REMARKS GRANTED.

Succession of Celia Water, opposition of E. K. Bramfield.—Appeal from parish court of Washington.

REMARKS GRANTED.

George E. M. Howard vs. the sheriff.—Appeal from the Fifth Judicial District Court, Parish of East Feliciana.

REMARKS GRANTED.

Allen F. Webb vs. Dora Lambeth, husband, et al.—Appeal from the Ninth District Court, Parish of Avoyelles.

REMARKS GRANTED.

Succession of Walter O. Wynn.—Appeal from parish court of Rapides.

REMARKS GRANTED.

New Orleans, Mobile and Chattanooga Railroad Company vs. T. S. Duggan.—Appeal from the Fourth Judicial District Court, Parish of St. Charles.

REMARKS GRANTED.

Delphine St. Amant, F. A. Lullig, subrogated, vs. D. A. Long.—Appeal from the Fourth Judicial District Court, Parish of St. Charles.

REMARKS GRANTED.

Mary Stout et al. vs. Charles Carpenter.—Appeal from the parish court of Madison.

REMARKS GRANTED.

State of Louisiana vs. John Gary and Charles Earle.—The deceased, who had been found guilty in the Criminal Court, through four mistrials, was again brought to the case upon this tribunal on a bill of exceptions.

REMARKS GRANTED.

Benjamin Folkes vs. T. W. Mason.—Appeal from the district court, Parish of Madison.

REMARKS GRANTED.

Kenneth, Bell & Co. vs. James Friendship and William Friendship.—Appeal from the district court, Parish of Tensas.

REMARKS GRANTED.

H. A. Morse vs. William E. Griffith.—Appeal from the district court, Parish of Madison.

REMARKS GRANTED.

James D. Coon vs. James Hardie.—Appeal from the district court, Parish of Avoyelles.

REMARKS GRANTED.

State of Louisiana ex rel. R. C. Drew, district attorney pro tem, appellant, vs. L. H. Watkins, judge of the Eighteenth Judicial District Court, appellee.—Appeal from the district court of Webster Parish.

REMARKS GRANTED.

James D. Blair vs. Daniel Taylor and Jacob Irving.—Appeal from the Ninth District Court, Parish of Rapides.—Judgment reversed.

REMARKS GRANTED.

Emanuel Lob & Co. vs. A. Bloom.—Appeal from the Fifth Judicial District Court, Parish of East Baton Rouge.—Judgment reversed.

REMARKS GRANTED.

Rosina Michel vs. Benjamin Well.—Appeal from the Seventh District Court, Parish of Pointe Coupee.—Judgment amended and affirmed.

REMARKS GRANTED.

Victor Moreau vs. C. Moreau, Jr., tutor.—Appeal from the Seventh Judicial District Court, Parish of Avoyelles.—Judgment reversed.

District Court, Parish of Terrebonne. Appeal dismissed. Harriet Herbert vs. the Sheriff et al.—Appeal from the Fifth District Court, Parish of East Feliciana.

Superior District Court.

Joseph Hernandez et al. vs. Charles Clinton, Auditor.—A. P. Field, Attorney General, appeared in behalf of the State, and moved for judgment in the above case.

Fourth District Court.

The following interesting decision was rendered by Judge Lynch yesterday: In the case of the Trustees of the Parish of St. Louis vs. the Trustees of the Parish of St. Charles.

REMARKS GRANTED.

Thomas J. Durbin vs. Board of Metropolitan Police.—This is a mandamus to a plaintiff, a discharged police officer, to receive pay since his dismissal from the force by the Board of Commissioners.

REMARKS GRANTED.

Adams vs. Webster, two suits. Delgado & Co. vs. Wilbur A. Co. Holbrook vs. Holbrook.

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REMARKS GRANTED.

Joseph Brian vs. Whitley M. Sasser.—Appeal from the district court of Rapides.

absolute, and the testimony taken in the city of Paris by the consul general there, and read in the above numbered and entitled suit.

Fifth District Court.

Judge Callon yesterday read the following important decision: Thomas F. Brown vs. the Louisiana Manufacturing Company.

Plaintiff demands \$400 with five per cent interest from August 15, 1871, till paid. He alleges that the company employed him for a year and a half, from July 1, 1871, to superintend the erection of a paper mill in New Orleans, at a salary of \$200 per month.

He claims salary for two months, beginning August 15, 1871, and ending October 15, 1871, and reserves the right to sue for other months of salary as they become due.

He offers proofs for judgment for \$400. His interest as above stated, and for costs. The defendant pleads a general denial and the prescription of one year.

He said the contract sued on read as follows: "I, said company employ said T. F. Brown as general superintendent of the paper mill in the city of New Orleans. He is to erect and superintend the erection of a paper mill and do all and singular the duties required for that purpose, to the best of his ability and in a most careful and economical manner."

C. C. Antoine, declares that "the action of workmen" for the payment of their wages is prescribed by law, and that the Supreme Court has held that "one who contracts to go to another State and work as an engineer and attending to the casting, erecting and putting them into operation, is a workman, whose claim is barred by one year."

L. S. 281. As to any rights of exemption from the operation of prescription, I see no practical application in the case at hand. The State and those who remain in this State to erect or superintend the putting up of machinery of any description.

Neither can I see a reasonable distinction in the law between the employment of an engineer who attends to the casting, erecting and putting up of machinery, and one employed here to superintend the erection of a paper mill, and to erect all and singular the duties required in the manufacture of paper.

They belong to the same class of employees, and are designated as "workmen" in the law. The plaintiff was discharged on September 13, A. D. 1871. Service of his petition and citation was made on the president of the company on the 15th of October, 1871.

There must, therefore, be judgment sustaining the plea of prescription. Here successions of the plaintiff vs. Rosenthal.

This is a suit for an injunction taken out by the plaintiff to stay the expropriatory proceedings under the defendant's lien, in the property of the defendant, situated in this city, upon which he says he has a mortgage importing a commission of judgment.

It appears that Rosenthal had loaned to the defendant, the sum of \$20,000, which he took her promissory note, secured by mortgage. She subsequently married one Bass, became demented, was placed in an asylum under the supervision of the Sisters of Charity, and died. Her succession was opened by her testamentary executor, but throughout the mortuary proceedings it was called the succession of Mary Ann Bryant.

Rosenthal's mortgage contained the clause of non-alienation, and the mortgagee, in violation of this clause, had alienated the property to the defendant. The mortgagee, therefore, is not bound by the mortgage, and the mortgagee is not bound by the mortgage, and the mortgagee is not bound by the mortgage.

There will, therefore, be judgment peremptory to the defendant to stay the proceedings, and to the plaintiff to pay the costs of the proceedings.

Received in the office of Secretary of State March 6, 1873.

The foregoing act having been presented to the Governor of the State of Louisiana for his approval, and not having been approved, it is hereby ordered that the same shall not have effect until it shall be approved by the Governor of the State of Louisiana.

P. G. DESLONDRE, Secretary of State.

Received in the office of Secretary of State March 6, 1873.

The foregoing act having been presented to the Governor of the State of Louisiana for his approval, and not having been approved, it is hereby ordered that the same shall not have effect until it shall be approved by the Governor of the State of Louisiana.

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when mustered as the Metropolitan Brigade, or to the Superior Court at New Orleans, upon application to the judge of war, and to all the regulations and provisions of the laws organizing and regulating the militia of the State.

That the Commanding Chief may order the Metropolitan Brigade to perform military duty in any part of the State.

Sec. 7. Be it further enacted, etc., That the Commanding Chief may order the Metropolitan Brigade to perform military duty in any part of the State.

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