New Orleans Republican.
OFFICIAL JOURNAL OF THE UNITED STATES
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THE COURTS.

United States Circuit Court.

Emil Bourow has entered suit in this court against the city of New Orleans for guns and ammunition taken from his store, No. 180 Chartres street, which was sacked by the rioters on the night of Colonel Waggaman's *coup d'etat*. The plaintiff is a citizen of France. He claims that he had in stock, on the fifth of March, goods to the amount of $30,000, which were carried off or destroyed. He claims that amount, with $500 additional for his French plate glass showcase, $300 for his tools, and $2500 for goods intrusted to him by customers. The suit altogether amounts to about $32,300.

Superior District Court.

State of Louisiana ex rel. James M. Bonner vs. B. L. Lynch.—In this case Judge Hawkins rendered this morning the following decision:

This action is brought in the name of the State by the Attorney General upon the information of James M. Bonner, who alleges that he was duly elected to the office of Judge of the Fourth District Court of the parish of Orleans, at the election held in November, 1872; that B. L. Lynch, who was also a candidate at said election, was not elected by the returning officers thereof. He prays that the canvass and counting of the votes be re-examined, which he alleges will show that he was duly elected. That B. L. Lynch be declared a usurper and intruder into said office, and that he be declared the legal judge of said court, with the right to exercise the powers and enjoy its emoluments.

Defendant first excepts to the action on numerous grounds, the most important of which is that the act No. 100 of 1870, under which this election was held, repeals all laws providing for the contest of elections before the courts. It has been earnestly urged by the counsel for plaintiff that this suit being brought under the sanction and by the authority of the Attorney General, it was a suit under the intrusion into office act; that, in such form of action, the regularity and correctness of the election returns can be inquired into.

It was admitted in argument that if relief could not be had under this form of action that plaintiff was without relief, because there is now no law on the statute books technically authorizing a judicial contest of the election. This suit is so manifestly one to contest the election held, and not to inquire into the title to the office under the intrusion into office act, that it becomes unnecessary to more than allude to the petition in the case to determine the fact. It being admitted that there is no law authorizing or permitting a contest of the election, the exception is sustained and the suit is dismissed.

Judge Dibble filed the following petition, which will have a tendency to open up the State warrant question in a new shape:

To the Honorable the Judge of the Superior District Court, for the Parish of Orleans:

The petition of the State of Louisiana on the relation of George H. Andree, a resident of the State of Louisiana, and city of New Orleans, respectfully represents that, as the agent of three commercial firms in this city, to wit: Keiffel Brothers, a commercial house, doing business at No. 30 Common street; Isadore Newman & Brother, money brokers, No. 27 Camp street, and M. Herneiman, retail merchant, No. 99 Gravier street, he offered to pay to N. C. Folger, tax collector for the First District of New Orleans, licenses due the State by said houses—that is to say, for the said Keiffel Brothers, the sum of $200; for the said Newman Brothers, $200, and for the said Herneiman, the sum of $100; and that relator tendered in payment of said licenses a warrant drawn by the Auditor of Public Accounts, January 21, 1872, for the sum of $600, in favor of W. G. Wyly, Associate Justice of the Supreme Court of this State, in payment of his salary for the quarter ending June 30, 1872.

Relator further shows that by the provisions of section six of act No. 22 of 1872, approved March 5, 1872, the said warrant is made receivable for all taxes due the State and payable into the general fund. Nevertheless, relator shows the said N. C. Folger, tax collector aforesaid, refused to receive the said warrant in satisfaction of the licenses due from the aforesaid commercial firms, although thereunto amicably demanded, all of which will be proven on trial.

Relator now further shows that he has no remedy against the said illegal refusal of the said Folger, except by the writ of mandamus.

Wherefore relator prays that a writ of mandamus may issue, directed to N. C. Folger, tax collector for the First District of New Orleans, commanding and requiring him to receive from George H. Andree a certain warrant for the sum of five hundred dollars drawn by the Auditor of Public Accounts, June 21, 1872, in payment of the salary of W. G. Wyly, Associate Justice of the Supreme Court, for the quarter ending June 30, 1872, in satisfaction of the licenses taxes due the State from Keidel Brothers, a commercial house at No. 30 Common street, $200; Isadore Newman & Brother, money brokers, No. 27 Camp street, $200, and M. Herneiman, retail merchant, No. 99 Gravier street, $100, and commanding the said Folger to issue to the said persons licenses as required by law. Petitioner prays that the alternative writ of mandamus may be served upon said Folger and upon Hon. A. P. Field, Attorney General. Petitioner prays for general relief and costs.

The petition is sworn to before W. L. Evans, Esq., justice of the peace, and the following order thereon was issued by Judge Hawkins:

Let a writ of mandamus issue as within prayed for, commanding N. C. Folger, State tax collector for the First District of New Orleans, to comply with the prayer of the within petition, or show cause to the contrary on Monday, March 17, 1873, at 11 A. M. Let the Attorney General be served with a copy of this petition.

The case of James Reid vs. Louisiana State Lottery Company was continued, in which a great deal of spicy testimony was elicited. The case was submitted to the jury about four o'clock and the jury returned in a few moments a verdict for defendant.

Second District Court.

The successions of William Thomas Hepp, John Casper Buck and Augustus Whiting have been opened in this court.

Fourth District Court.

J. M. Jerrison vs. B. M. Harrod et als.—Plaintiff sues the architect and owners of the Varieties Theatre, on Canal street, for damage done his property by the erection of said theatre on ground contiguous to his premises, the effect of which has been to lessen the value of his property, and render the same untenantable. Able counsel are employed on both sides, experts are called to testify, and great interest is manifested in the case.

Fifth District Court.

In the case of Jacob Klipper vs. William M. Surls et als., Judge E. N. Cullom rendered the following opinion this morning:

This suit is based upon a promissory note for $400, on which the plaintiff claims legal interest from November 20, 1872. It is signed and indorsed by William M. Surls, Mrs. M. E. Surls and Charles Martin. It is a joint obligation, and was given for money loaned to Mr. and Mrs. Surls, as appears by the averment of the petitioner. Mrs. Surls is alleged to have a separate property, but it is not alleged, nor was it shown, that the loan was made for her separate use or benefit, or that she was in any manner separately benefited by it. She is therefore discharged from liability. Martin contends that his obligation is merely that of a surety, and it was so understood when he signed and indorsed the note (it being paid to their own order). Upon its face it is a joint obligation.

Parol evidence is admissible to show an agreement between the parties, that the bill given by one to another should not be negotiated, although the instrument be negotiable in form. 3 N. S., 208. "A wife who sues as indorser may show by parol that she is the surety of her husband, the maker" Louisiana State Bank vs. Rowell, 7 N. S., 343. The same principle is held in the 19 La., 473, 455, and 9 Robinson, 112. It appears from these authorities that as between the original parties is different from what they prima facie appear to be, negotiable paper is, in a great degree, governed by the laws peculiar to commerce, which are excepted from the provision of the old Civil Code.

In Second Martin's Reports, in Talcott vs. Mackibbin, p. 403, it was stated that: "The *lex mercatoria* existed entirely distinct and independent of the Code of 1808." It was equally so as to that of 1825. Commercial law is but the aggregation of those principles that have been adopted and sanctioned by necessity and the usages of trade. The courts, in the absence of positive legislation, have, in different countries, been compelled to apply them as the basis of their decrees, until they have long since acquired the authority of precedent. Such has been the history of commercial law in Louisiana, owing to the non-adoption of the commercial code, as promised by the framers of the code of 1808. Parol evidence is admissible to show the relation of the parties to each other. Robinson vs. Syle, 10 Bar., 312.

"Parole evidence is admissible in an action on a note between the parties thereto to prove the original consideration and agreement of the parties, and that the latter is contrary to the legal inference from the face thereof." Warts' Digest, N. Y. Reports, vol. 1, p. 536, and No. 1021.

By authority of all these decisions there will be judgment for plaintiff against William M. Surles, as principal, and against Charles Martens, as surety, for the sum of $400, with five per cent thereon from twenty-first November, 1872, with costs, as prayed for.

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

AN ACT No. 37.

Authorizing the muster of the Metropolitan Police force as a part of the militia of the State; authorizing the said force to be increased when on militia duty to three full regiments, to be called the Metropolitan Brigade; authorizing the assignment of other officers and troops to said brigade, and providing for the enlistment, enrollment, pay and command of the said Metropolitan Brigade.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Metropolitan Police force shall form part of the militia of the State, and when performing military duty shall be known as the Metropolitan Brigade of the Louisiana militia; the Metropolitan Brigade shall be composed of three regiments, to be mustered according to the statutes organizing the militia of the State.

SEC. 2. Be it further enacted, etc., That the Governor may, whenever in his opinion there is public exigency, order the Metropolitan Brigade, and he may order that force to be increased to the full maximum, or he may order that additional men be mustered to any number within the maximum. When the Metropolitan force is so ordered upon military duty, and is ordered to be increased by the enlistment and muster of additional men, the supernumerary members of the police force shall first be mustered, and all additional enlistments shall be made by the Board of Metropolitan Police.

SEC. 3. Be it further enacted, etc., That the muster of the Metropolitan Police force as the Metropolitan Brigade shall have reference only to the active force, and shall not include the clerks and other employes.

SEC. 4. Be it further enacted, etc., That the superintendent of the Metropolitan Police shall be commissioned as Brigadier General, and shall command the Metropolitan Brigade when performing military duty. The Commander-in-Chief may assign any officer of the militia to duty in said brigade, and he may commission as officers of the regiments the officers of the Metropolitan Police force, upon the recommendation of the Board of Commissioners and the commander of the brigade.

SEC. 5. Be it further enacted, etc., That when mustered as the Metropolitan Brigade, the Metropolitan Police force shall be subject to the rules and articles of war, and to all of the regulations and provisions of the laws organizing and regulating the militia of the State.

SEC. 6. Be it further enacted, etc., That the Commander-in-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 men who may be enlisted and mustered in the Metropolitan Brigade shall be enrolled and paid according to the provisions of the existing laws of the State organizing the militia thereof. This pay to the Metropolitan force proper shall be in addition to their regular salaries as police officers.

SEC. 8. Be it further enacted, etc., That the Commander-in-Chief may assign any military organization now existing, or to be hereafter organized as a part of the militia of the State, to duty in the Metropolitan Brigade. Any person subject to military duty may be ordered to duty in said brigade, in accordance with the provisions of the militia law.

SEC. 9. Be it further enacted, etc., That all laws conflicting with this act be and the same are hereby repealed, and this act shall take effect from and after its passage.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved March 5, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 38.

Making an appropriation of the sum of two hundred and seventy thousand dollars, or as much thereof as may be necessary for the payment of the mileage and per diem of the members, officers and employes of the General Assembly, and the contingent expenses thereof; establishing a ratio at which warrants shall be disbursed and the manner of disbursing the same.

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 two hundred and seventy thousand dollars, or as much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury belonging to the general fund and not otherwise appropriated, for the purpose of paying the mileage and per diem of members, officers and employes, and contingent expenses of the General Assembly for the extra session of 1872 and 1873, and the regular session of 1873, commencing January 6, 1873.

SEC. 2. Be it further enacted, etc., That the warrants issued under the provisions of this act be and the same are hereby made receivable for all taxes and licenses due the general fund of the State subsequent to the year 1872.

SEC. 3. Be it further enacted, etc., That it is hereby made the duty of the chairman of the Committee on Contingent Expenses of the House and the chairman of the Committee on Auditing and Supervising the Accounts of the Senate, to issue their certificates in the manner and form already provided for by law; and in addition to the amount due each member, officer and employe of the General Assembly, and for the contingent expenses thereof, the respective disbursing officers of both houses shall issue a certificate of thirty per centum additional to such member, officer and employe, and for contingent expenses; provided, that no certificate shall be issued in excess of the appropriation.

SEC. 4. Be it further enacted, etc., That the Auditor of Public Accounts be and he is hereby directed to issue his warrants on the certificate approved by the duly authorized officers of the House and Senate, respectively, issued in accordance with the provisions of the third section of this act, and the Treasurer of the State is hereby directed and authorized to receive the warrants so issued for payment for all taxes and licenses due the general fund of the State for the years 1872 and 1873.

SEC. 5. Be it further enacted, etc., That the sum of one hundred and eighty-five thousand dollars of the amount appropriated in section one of this act be and the same is hereby set apart for the exclusive use of the House of Representatives, and the balance, eighty-five thousand dollars, is set apart for the exclusive use of the Senate of the General Assembly of Louisiana.

SEC. 6. Be it further enacted, etc., That this act shall take effect and be in force from and after its passage, and that all laws or parts of laws in conflict with this act be and the same are hereby repealed.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
A true copy.
P. G. DESLONDE,
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 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.

P. G. DESLONDE,
Secretary of State.

AN ACT No. 39.

To amend and re-enact an act entitled "an act to regulate proceedings in contestations between persons claiming judicial office," approved January 15, 1872.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That act No. 11, entitled "an act to regulate proceedings in contestations between persons claiming judicial office," approved January 15, 1872, be and the same is hereby amended and re-enacted so as to read as follows: That, in any case in which a person claiming to have been appointed to the office of judge of any court in this State, and shall have been confirmed by the Senate and commissioned thereon, or shall have been elected, and, in pursuance of said election, shall have been commissioned, such commission shall be prima facie proof of the right of such person to immediately hold and exercise such office.

SEC. 2. Be it further enacted, etc., That if any person, being an incumbent of such office, or any person pretending to hold or exercise a judicial office, shall refuse to vacate said office, or desist from exercising such judicial functions, and turn the same over to the person so commissioned, such person so commissioned shall have the right to proceed by rule before any court of competent jurisdiction to have himself declared to be entitled to such office, and to be inducted thereon. Such rule shall be taken contradictorily with such incumbent or person pretending to hold or exercise judicial functions, and shall be made returnable within twenty-four hours, if the defendant in said rule reside within ten miles of the court, with an additional twenty-four hours for every additional ten miles his said residence may be from the court issuing said rule. And the case shall be tried immediately and without jury, and by preference to all other matters or causes pending in said court, and the judgment thereon shall be signed the same day of its rendition; provided, that when any party may desire to take such rule or make application for removal of his case, as provided in section —— of this act, if the court may not be in session, the same may be granted at chambers, and it shall be the duty of the said court to try the same at chamber, or to open and hold a special term for the trial of any such rule.

SEC. 3. Be it further enacted, etc., That in case of recusation, or inability from any cause whatever, the judge or judges of the parish or district wherein the persons so contesting shall reside, shall be unable to act, then and in that case the plaintiff in said rule may take said rule before the judge of the adjoining parish or judicial district, or to the Superior Court at New Orleans, as he may deem advisable; and in cases now pending, in which contestation between persons claiming judicial office is the subject matter at issue, either party shall have the right to have his cause removed to the adjoining parish or judicial district, or to the Superior Court at New Orleans, upon application to the judge of any adjoining parish or judicial district, or Superior Court at New Orleans, and affidavit of the recusation or inability of the judge to act from any legal cause, and upon the party filing said application and affidavit, the court shall, by order, direct the removal of such cause and the record shall thereupon be transferred to the said court; and in case of inability on the part of the party applying to obtain said record, or a duly certified copy thereof, sworn copies of the record may be filed with the court, and the case shall thereupon be tried in same manner as if the orginal record were with the court; provided, that before any case so removed at the instance of any party shall be proceeded with, the court making the removal shall require that the adverse party shall have twenty-four hours' notice, with an additional twenty-four for every ten miles his place of residence may be from the court.

SEC. 4. Be it further enacted, etc., That either party to such rule may take an appeal from the judgment thereon, but such appeal shall be applied for within three judicial days from the rendition of the judgment on said rule, and shall be made returnable to the Supreme Court within five days, with an additional day for every ten miles the place of holding the court may be from the place where the Supreme Court is holding its session. The appeal shall be taken up by the Supreme Court, by preference over all other cases, immediately upon the application of either party, and the judgment thereon shall become final, after expiration of two legal days, whether judicial or not.

SEC. 5. Be it further enacted, etc., That all laws or parts of laws conflicting with this act, and all laws on the same subject matter, be and they are hereby repealed, and that this act shall take effect from and after its passage.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved March 5, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

JOINT RESOLUTION No. 27.

Asking Congress to give its material assistance in the suppression of slavery in the island of Cuba.

WHEREAS, The island of Cuba has been and is now struggling for independence, based on freedom of all, without regard to race, color or previous condition; and

Whereas, The Spanish government sustains the war against the Cubans with a view to keep in force the institution of slavery and the slave trade; and

Whereas, Their representatives in that unfortunate island have forced into slavery again more than fifty thousand men who were set free by their former owners (the Cubans), and that they force into slavery all colored prisoners of war who were or had been set free by the Cubans; and

Whereas, The Spanish authorities in Cuba, regardless of the dispositions of the Spanish Cortes ordering that the new-born colored persons are to be considered free, do allow and give their sanction to the of said sale infants, regardless and in defiance of the humane and philanthropic sentiments of all civilized people; and

Whereas, The government of the United States, for reasons which we can not conceive, have, against the desire of the majority of its people, given to the Spanish government material aid against the Cubans, thereby aiding and assisting in the continuation of said barbarous institution of slavery at our own doors, with great prejudice to our trade; and

Whereas, The people of the United States have suffered during four long years the calamities of a terrible internecine war for the abolition of said institution; and

Whereas, We the free people of the United States can not see with indifference the brutal, cruel and inhuman condition of our fellow-men suffering for the same cause the most atrocious persecutions; therefore be it

Resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, Actuated and animated by the most noble and human sentiments, considers it their duty to request Congress not desire that their efforts should be put forth looking to a speedy suppression of slavery in the island of Cuba, and furthermore, that we consider that the allowance to the Cuban government by the government of the United States of the same privileges allowed to the Spanish government, would lend to the desired emancipation of slaves in the unfortunate island of Cuba, and that we would see with gratification and joy any decided and effective measures taken by our government to that effect; and furthermore, that we feel confident of the support and countenance of the civilized world, as well as the approbation and encouragement of every lover of humanity, especially of the people of the United States, in this our desire to demand the wiping away of the last vestige of slavery now existing on the American continent, as well as to destroy the odious bonds of slavery in the island of Cuba, in which thousands of rational beings are now groaning as the victims of brute force, and the most shameful criminal traffic which the enemies of liberty have ever invented.

Be it further resolved, etc., That the Legislatures of the several Southern States where slavery formerly existed be and are hereby invited to adopt these resolutions, and that copies of the same, duly authenticated, be at once forwarded to them by the clerks of our respective houses.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 15, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 28.

To amend an act entitled an act to incorporate the city of Carrollton, approved March 17, 1869, and acts supplementary thereto.

SECTION 1. Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That in addition to the duties already imposed upon the mayor of the city of Carrollton, the said mayor shall be ex officio justice of the peace, and vested with the same powers, duties and jurisdiction as other justices of the peace of the State. He shall be a conservator of the peace, and shall exercise and perform all the duties of committing magistrate in and for the city of Carrollton, and impose all penalties for violation of the city ordinances of said city of Carrollton, the same as are now vested in recorders of the city of New Orleans. He shall receive a salary of two thousand dollars per annum, payable monthly on his own warrant, in lieu of fees in criminal cases as committing magistrate, and no fees shall be allowed in criminal proceedings to committing magistrates in said city of Carrollton.

SEC. 2. Be it further enacted, etc., That the mayor shall, subject to the approval of the Council of said city of Carrollton, appoint one clerk of the court for the term of the office of said mayor, as specified in section three of this act, who shall give bond, as the Council may determine, for the faithful performance of his duties. The salary of said clerk shall be eighteen hundred dollars per annum, payable by said city of Carrollton monthly, on his own warrant. He shall keep correct proceedings of all the business of said court, and a record of all criminal proceedings as required by law, and in books provided by the City Council for that purpose. He shall make weekly report of all fines imposed and collected, and forfeiture of all bonds in criminal proceedings. And all money received shall be paid over by the mayor of said city to the city treasurer each and every week on such day as the Council may determine. The mayor of the city shall keep his office and hold his court in such place as shall be provided by the City Council of the city of Carrollton. And it shall be the duty of an officer of the Metropolitan force to attend upon the court during the examination of all cases and to preserve order therein. All arrests by the police in said city of Carrollton shall be reported to the mayor. All warrants for arrests issued by the mayor of said city in criminal cases, for misdemeanors, for violation of city ordinances, and all writs, subpoenas for witnesses, notices of trials, etc., in all cases shall be executed and served by the police of said city.

SEC. 3. Be it further enacted, etc., That the present mayor shall hold his office until the first Monday in October, 1876, and until his successor is elected and duly qualified.

SEC. 4. Be it further enacted, etc., That thereafter the mayor of said city shall hold his office for two years, and shall be elected at the same time as the aldermanic members of the city council of the city of Carrollton are elected.

SEC. 5. Be it further enacted, etc., That all laws or parts of laws in conflict with this act be and the same are hereby repealed, and this act shall take effect from and after its passage.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 15, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 29.

To amend and re-enact sections two and three of act No. 10, entitled an act making an appropriation to pay the mileage and per diem of the members, salaries of officers and employes, and the contingent expenses of the extra session, convened and commenced December 9, 1872, of the Third General Assembly of the State of Louisiana, by appropriating and providing for the sale of seventy-five thousand dollars of legislative warrants, and declaring the manner of disbursing the amount realized by the sale of said warrants, or for their redemption, approved January 10, 1873, and authorizing the Auditor of Public Accounts to issue warrants in exchange for certificates of the General Assembly, and providing for the fixing of the rate of such exchange, 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 section two of act No. 10 of 1873, approved January 10, 1873, be and the same is hereby amended so as to read as follows: That for the purpose of realizing as large an amount as possible from the sale of said warrant or warrants, the Auditor of Public Accounts and the State Treasurer are hereby authorized, empowered and directed to invite, forthwith after the passage of this act, sealed proposals for the purchase of said warrant or warrants, and such proposal or proposals shall be submitted to the General Assembly for approval or rejection."

SEC. 2. Be it further enacted, etc., That section three of the act above recited be and the same is hereby amended so as to read as follows: "That the proceeds realized by said sale shall be deposited in the State Treasury to the credit of the general fund, under the heading of General Assembly, in amounts as follows: Two-fifths to the Senate and three-fifths to the House of Representatives, when be warranted upon by the Auditor of Public Accounts to the extent of the respective amounts, as designated, or so much thereof as may be necessary for the payment set forth in section first of this act, upon presentations of the certificate issued in accordance with the provisions of section four of this act, and the Treasurer of the State is hereby directed to pay said warrants; provided there are moneys in the treasury to the credit of said General Assembly; and in case there should be none, then the Auditor of Public Accounts is hereby authorized and directed to issue his warrants in exchange for certificates as aforesaid upon demand, and the rate of said exchange shall be for every seventy-two cents in certificates of the General Assembly, the Auditor of Public Accounts shall issue his warrant for one dollar at that rate, and he shall make out warrants in denominations to suit the holders of certificates aforesaid, as the same or any thereof may demand, and to such parties issued under the provisions [illegible] hereby declared receivable [illegible] for any and all taxes [illegible] and for 1872, and for the year [illegible] for all and any taxes [illegible] may be required to be paid for the year 1873, and the Treasurer of the State and the several tax collectors of the state are hereby instructed and directed to receive said warrants in payment of aforesaid taxes when offered."

SEC. 3. Be it further enacted, etc., That this act shall take effect and be in force from and after its passage, and all laws or parts of laws conflicting herewith be and the same are hereby repealed.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 12, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
WILLIAM WEEKS,
Assistant Secretary of State.

AN ACT No. 30.

To provide for and regulate the clerical force in the Auditor's office, to fix their salaries and to provide for the manner and conditions under which the chief clerk can act as Auditor, 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 for the better organization and more efficient working of the State Auditor's office, the clerical force allowed therein, and the compensation to each clerk or assistant in said office, shall be and the same is hereby constituted as follows:

One Auditor's solicitor, four thousand five hundred dollars.

One chief clerk, three thousand dollars.

One inspector, two thousand two hundred and fifty dollars.

One first book-keeper, two thousand one hundred dollars.

One assistant book-keeper, one thousand eight hundred dollars.

Two assistant book-keepers, three thousand dollars.

One voucher and coupon clerk, one thousand eight hundred dollars.

One corresponding clerk, one thousand eight hundred dollars.

One tax and assessment rolls clerk, one thousand seven hundred and fifty dollars.

One registrar and warrant clerk, one thousand seven hundred and fifty dollars.

One bond and general clerk, one thousand two hundred dollars.

One messenger and porter, seven hundred and twenty dollars.

SEC. 2. Be it further enacted, etc., That whenever it shall become necessary, by reason of sickness or otherwise, that the State Auditor should be absent from his office, he may deputize his chief clerk to act in his stead, and sign his (the chief clerk's) name as acting auditor, and such act shall be as valid as if signed by the Auditor himself; provided, that the Governor and State Treasurer shall be notified of such authority vested in the chief clerk, which shall not exceed ten days at any one time, unless permission for an absence of longer time is granted by the Governor; and provided further, that the chief clerk so deputized to act shall have given his bond in the same amount and in the same manner as is now required by law to be given by the Auditor of Public Accounts; and provided, said chief clerk, while acting as Auditor of Public Accounts, shall not be entitled to receive any additional compensation therefor.

SEC. 3. Be it further enacted, etc., That all laws or parts of laws in conflict or inconsistent with this act be and the same are hereby repealed, and that this act shall take effect from and after its passage.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 7, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
WILLIAM WEEKS,
Assistant Secretary of State.

JOINT RESOLUTION No. 31.

Asking the Congress of the United States to pass an act appropriating the proceeds of all public lands hereafter sold for the support of free common schools.

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That our Senators and Representatives in the United States Congress be and are hereby requested to exert their influence and use all proper means to secure the prompt enactment of a law devoting all the money which shall hereafter be received from the sale of public lands belonging to the United States for the support of free common schools, as recommended by President Grant in his last annual message.

Be it further resolved, etc., That the Secretary of State of the State of Louisiana be and is hereby requested to transmit a copy of these resolutions to each Senator and Representative of this State in Congress.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 19, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 21.

Making an appropriation of four thousand five hundred dollars for the payment of the per diem of members and employes of the board of returning officers of 1872, and the contingent expenses thereof.

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 thousand five hundred dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying the per diem of the members and the employes of the board of returning officers for the time of service for the year 1872, and the contingent expenses thereof.

SEC. 2. Be it further enacted, etc., That the Auditor of Public Accounts be and he is authorized and directed to issue his warrants on the State Treasurer upon the vouchers drawn by the secretary of the board of returning officers and approved by the president thereof.

SEC. 3. Be it further enacted, etc., That the per diem of the members of the board of returning officers shall be the same as the members of the General Assembly for the time of actual services rendered, and that the per diem of the clerks shall be six dollars.

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

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
A true copy:
WILLIAM WEEKS,
Assistant Secretary of State.

Received in the office of Secretary of State February 7, 1873.

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.

WILLIAM WEEKS,
Assistant Secretary of State.

AN ACT No. 26.

Prohibiting extortion in office by the public officers of the State of Louisiana, of parishes, judicial and other districts, and of cities and towns incorporated or having governments authorized by law.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That any public officer or employe under the constitution and laws of the State of Louisiana, in either the legislative, executive, judicial or military departments of the state government, thereof, who shall receive for official services or emoluments, such sums fixed by the constitution or laws thereof, who shall charge or receive or take, directly or indirectly, any more than the said lawful compensation for said official services or emoluments, shall be guilty of extortion in office, and shall be punished in the manner hereinafter mentioned in this act; provided, that the provisions of this act shall also be made to apply and extend to all officers and employes of parishes, judicial and other districts, and of cities and towns incorporated or having governments authorized by law.

SEC. 2. Be it enacted, etc., That any officers or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof by a court of competent jurisdiction, shall be liable to pay a fine of not more than one thousand dollars, and to an imprisonment for a term not exceeding five years, at the discretion of the court; and any person aggrieved or injured by the acts of said offender shall, independent of any criminal proceedings, be entitled to maintain a civil action against the same for damages or injuries sustained, and a verdict in favor of the party injured, or a conviction of such offender, shall *ipso facto* operate a vacation of the office or functions of said offending official or employe.

SEC. 3. Be it further enacted, etc., That this act shall take effect and be in force from and after its passage, and all conflicting laws herewith be and the same are hereby repealed.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 15, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

JOINT RESOLUTION No. 32.

Appropriating four thousand one hundred and thirty-three dollars to make good the deficiency in the appropriation for payment of the salary of Secretary of State and Assistant Secretary of State.

WHEREAS, the Auditor of Public Accounts has warranted upon the treasurer in favor of F. J. Herron, for salary as Secretary of State to the amount of three thousand five hundred dollars, and in favor of John W. Fairfax and Y. A. Woodward, as Assistant Secretary of State, to the amount of six hundred and thirty-three dollars and thirty-three cents; and

Whereas, the Supreme Court of Louisiana has decided in favor of George E. Bovee as the lawful Secretary of State, and in favor of Joseph Wittgenstein as the lawful Assistant Secretary of State of the State of Louisiana, and declaring them entitled to the emoluments of said office; therefore be it

Resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of three thousand five hundred dollars be and the same is hereby appropriated out of any money now in the treasury, or that may hereafter come into the treasury, not otherwise appropriated, for the purpose of making good the deficiency now existing in the appropriation for the payment of the salary of the Secretary of State, and the sum of six hundred and thirty-three dollars and thirty-three cents is hereby in like manner appropriated to make good the deficiency in the appropriation for the salary of Assistant Secretary of State. Said appropriations, together with the balance of appropriations now standing on the Auditor's books to the credit of the Secretary of State and Assistant Secretary of State to be drawn upon the warrants of said officers respectively, in the manner provided by law.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved March 6, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 33.

To incorporate the Pelican Lodge Knights Cash, of the State of Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That for the purposes hereinafter specified, Henry J. Caine, Frederick K. Hyde, James T. Abner, Joshua Walker, Joseph R. Williams, Edward Cooper, William H. Riley, W. B. Johnson, Norris Bell, William Wicker and Cyrus M. Murren are hereby, with their successors in office, constituted and created a body politic under the name and style of the "Pelican Lodge Knights Cash" of the State of Louisiana.

SEC. 2. Be it further enacted, etc., That said corporation, by its name aforesaid, shall have perpetual succession; the members thereof shall have power to make and establish a constitution or form of government; to elect officers for the administration of their affairs, and from time to time amend or alter the said constitution; to nurse, provide for and take care of their sick and to bury their dead; protect their widows and educate their orphans; and for this purpose are fully empowered to make and adopt such by-laws, rules and regulations from time to time as to them may seem necessary and expedient, not inconsistent or opposed to the objects herein named; to levy or impose such tax or contribution upon their members, and to collect the same, as they or a majority of them may deem necessary; to sue and be sued, to plead and be impleaded, in all courts of this State and elsewhere; to receive donations of money or real and personal estate, and to rent or purchase, and hold such grounds and buildings as may be required for their use, to grant, sell, convey and dispose of the same; to have a common seal, and the same to break, alter or renew at pleasure.

SEC. 3. Be it further enacted, etc., That the said "Pelican Lodge Knights Cash" shall be empowered to issue charters for the establishment of subordinate lodges of the order, the same to be under its control, and also to withdraw or revoke the charter of any such subordinate lodge, when it may deem proper so to do.

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

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved February 21, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 36.

To provide additional regulations for the board of school directors of the city of New Orleans; to provide a permanent revenue for said schools; to prevent litigation against the school fund; to fund the school debt; to regulate the employment of teachers, and to direct the Council of the city of New Orleans to levy a school tax and perform other duties in connection with the public schools.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the board of school directors for the city of New Orleans shall be in future composed of twenty directors, to wit: one from each representative district, as at present constituted, and one additional director for each municipal district, the Administrator of Finance of the city of New Orleans, who shall be ex officio a member, and the superintendent of the sixth division, who shall be ex officio a member, with the right to speak but not vote in the board. The State Board of Education shall appoint the directors from the municipal districts as soon as practicable after the passage of this act, so that two shall retire annually, the said State board to determine by lot the succession of their retirement. They shall require the said director to possess the qualification of an elector in the city of New Orleans and the necessary fitness and capacity for the office, and each new director, before taking his seat, shall take the oath of office prescribed for State officers.

SEC. 2. Be it further enacted, etc., That as soon as practicable after the passage of this act the board of directors for the city of New Or