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LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

AN ACT No. 43.

To amend and re-enact section two of an act relative to the Louisiana Levee Company, a corporation organized under the general laws of this State, constituting it a body politic and corporate, with certain powers, privileges and franchises, and contracting with said corporation for the construction, maintenance and repairs of certain levees, and providing for compensation therefor, approved February 20, 1871; also, to amend and re-enact section one of an act entitled "an act ratifying and confirming a contract between the Louisiana Levee Company and the Governor of the State of Louisiana," approved February 28, 1871; providing for the acceptance of said amendments by the Louisiana Levee Company, and authorizing and requiring a yearly estimate of levees to be built; reducing the compensation therefor from sixty to fifty cents per cubic yard, and providing for commuting timber work into earth work.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State Louisiana in General Assembly convened, That the second section of act No. 4 of the session of 1871, approved February 20, 1871, and entitled "an act relative to the Louisiana Levee Company, a corporation organized under the general laws of this State, constituting it a body politic and corporate, with certain powers, privileges and franchises, and contracting with said corporation for the construction, maintenance and repairs of certain levees, and providing for compensation therefor," said second section of said act being in the following words:

SEC. 2. Be it further enacted, etc., That for the purpose of providing and maintaining proper and efficient levees throughout all the portion of the State watered by the Mississippi river and the rivers, streams and bayous running into and from the same, and to protect the inhabitants from inundations, the State of Louisiana contracts and agrees with the said Louisiana Levee Company in terms as follows:

1. That in order to maintain a uniform and perfect system, the location and dimensions of all levees to be constructed, maintained, repaired and kept in repair and managed, shall be determined by a commission of three engineers, to be appointed as follows, to wit—

One by the Governor of the State of Louisiana, who is hereby authorized and directed to appoint said engineer within thirty days after the acceptance of the terms of this act by the said company as hereinafter provided; one by the Louisiana Levee Company, and one by the government of the United States. It shall be the duty of said commission, and they are hereby directed to determine the proper location and dimensions of all levees to be constructed, repaired or strengthened by the said corporation, and the standard of dimensions to which they shall be maintained by said company, and to report the same with maps and profiles thereof, and the number of cubic yards to be built in the construction of new levees, and in the strengthening, enlarging and repairing the levees now in existence, to the Secretary of War, the Governor of the State, and the president of said company, which report shall be made in sections of five miles or more of said levees.

Any two members of said commission shall be competent to do and perform the duties hereby imposed upon the said commission, and their decision shall be sufficient and shall be accepted and taken as and for the decision of said commission; provided, that the neglect, failure or refusal of the government of the United States or of the Governor of this State to appoint a member of said commission as aforesaid shall not, in any respect, invalidate or annul this agreement, and the said commission and the members of it, and each of them, is vested with all and every power, authority and right requisite and necessary for the discharge of said duties.

2. That the said Louisiana Levee Company for and in consideration of the compensation, benefits, rights and powers hereinafter stated, shall take charge of, manage, control, construct, maintain, repair and keep in repairs, all the levees in this State on the Mississippi river, its tributaries and outlets, and such levees in the State of Arkansas as may be necessary to protect any of the lands of this State from overflow by the waters of the Mississippi or Arkansas rivers; provided, however, that the consent of the State of Arkansas be first had and obtained to the building, constructing, maintenance, management and repairing of said levees in said last mentioned State.

3. That for the purpose of carrying out the provisions of the precedent article, the said Louisiana Levee Company is hereby vested with the sole and exclusive custody, management and control of all the levees of this State for the period of twenty one years from the day when this act shall take effect; said corporation shall have full right and authority, at all times, to enter upon and occupy, as far as may be necessary, by their surveyors or engineers, contractors, agents and servants, together with all necessary carts, animals, tools, materials and equipments all such lands as may be necessary, and to remain as long as may be necessary for the purpose of doing and performing all and singular the matters and things required to be done and performed in and about the inspecting, building, construction, maintenance, repairing or management of the levees as aforesaid, and to take, free of cost, from said land, stone, gravel, earth and timber, as the same [may] be necessary for the purpose aforesaid with full right of way and the right and power to use and occupy a sufficient portion of land, without remuneration to the owner or occupant thereof, for the purpose of locating, erecting, constructing, repairing and extending said levees; and the said corporation shall have all the rights, powers and prerogatives with respect to the location, construction, maintenance and management of said levees, as are now vested by law in the State, parish or municipal authorities; provided, however, that said corporation shall have no power to lay, assess or impose any tax, impost, fine or penalty whatsoever, nor to compel the owner or occupants of lands to construct or keep in repair any levee or parts of the same or to contribute to the same.

4. That said corporation shall, within sixty days from the receipt of the report of said commission, commence the construction of said levees, and shall thereafter construct not less than three million cubic yards per year, until said levees shall be completed according to the standard required by the report of said commission.

5. That on and after the completion of any and all sections of said levees said company shall maintain the same up to the standard dimensions required by the report of said commission, and in the event of said corporation failing or neglecting to do so, it shall be liable in damages to any person or persons injured by reason of said neglect or failure; provided, that said corporation shall in no case be liable where such injury shall be caused by, or said failure shall result from, acts of violence of men, the wrongful acts of individuals, the existence of obstacles interposed by the action of courts, or the operation of causes over which said company can have no control, or on account of the floods rising above the standard height determined by said commission.

6. That the Auditor of Public Accounts shall be required to pay to the Louisiana Levee Company, at the rate of fifty cents per cubic yard, for all levees constructed by said company after the first day of October, 1873, and for which certificates shall be issued according to law. And said Auditor shall annually levy and cause to be collected, in the same manner and by the same officers as the ordinary taxes of the State are collected, a sum sufficient to cover the cost of all levees required to be built by the commission of engineers in their annual report, with twenty per cent additional to provide for deficiencies of collections. Said tax, when collected, shall be paid over to the Treasurer of the State and shall be set apart as a special fund to be known as the "levee construction fund," which shall not be used for any other purpose than as compensation to said Louisiana Levee Company; and said fund shall be paid on the order of the president of said company to the treasurer thereof; provided, that any surplus moneys derived from the tax collected in any year shall be placed to the credit of said fund for the year next succeeding; and provided further, that all levees constructed by the said company before the first day of October, 1873, shall be paid for by the State at the rate of sixty cents per cubic yard, as the existing contract and laws provide.

7. That the Auditor of the State shall cause to be assessed and collected, annually, for the period of twenty-one years, from and after the passage of this act, two-tenths of one per centum upon the assessed value of the taxable property within the State, to be set apart and known as the "levee repair fund," which said fund shall be collected at the same time, in the same manner, and by the same officers as the ordinary taxes of the State are collected, and shall be used for no other purpose than as provided. Said fund shall be paid over to the treasurer of said company upon the order of the president thereof, by the Treasurer of the State, as compensation to said company for maintaining said levees in good and efficient repair, according to the standard as hereinbefore provided; provided, however, that on the presentation to the Secretary of the State of a certified copy of a judgment or decree rendered in any court of this State, or of the United States, together with the certificate of the clerk of said court, that the time within which a suspensive appeal or writ of error may be taken by said company from said judgment or decree as provided by law has expired, and that no suspensive appeal or writ of error operating as a suspension has been taken from said judgment or decree, or that said judgment or decree has been affirmed by the court of last resort upon such appeal or writ of error, and that said final judgment or decree has not been paid, and that said final judgment or decree was for damages sustained by the neglect or failure of the said corporation to erect or maintain said levees as herein provided, the said Treasurer of the State may satisfy said final judgment or decree, together with interest and costs, out of said fund; provided, he shall have notified said company in writing ten days before such payment that said judgment or decree has been presented to him for payment, and the payment of such judgment, interest and costs shall be considered as a payment to said company to the amount thereof out of the moneys so set apart, as provided for in this article.

8. That said company shall have full right, power and authority to mortgage said funds, and to transfer by proper instruments in writing the power of receiving the same, or any portion thereof, to any person or persons; and the Treasurer of the State, upon presentation to him of such instruments of transfer, shall pay from said funds such portion or portions to the person or persons so authorized to receive them; provided, however, that if the said company shall issue its coupon bonds, and shall so direct, all bonds so issued by this company shall be registered in the offices of Public Accounts and State Treasurer, and such registry shall be indorsed thereon, and the coupons thereto attached shall be stamped across their face by the Treasurer, with a fac simile of his signature; that to secure the prompt payment of principal and interest of such bonds as may be issued by this company, a sufficient amount of the revenues accruing under the provisions of this act are hereby pledged; and after the issuance of any bonds by this company it shall be the duty of the State Treasurer to withhold from any funds in the State treasury to the credit of said company an amount sufficient to pay all the interest coupons upon bonds so issued falling due within six months, which coupons he shall pay from the sum so withheld at the time and place so designated on said coupons; and a sum equal to a per cent of the principal of the said bonds so issued shall also be retained by the State Treasurer, which sum shall be sufficient only to fully retire the bonds at their maturity. The State Treasurer shall annually advertise for a period of thirty days, in the official paper of the State and in at least one daily paper in the city of New York, for sealed proposals for the sale to said Treasurer of an amount of said bonds sufficient to absorb the aforesaid accumulated sinking fund of the year. On the first Monday after the expiration of said publication he shall open said bids in his office, in the presence of the Auditor of Public Accounts and the president of the company; and the awards shall be made to the lowest bidder; provided, that no bids shall be accepted for more than the face of the bonds. If there shall be no offer of said bonds at par or less it shall be the duty of the Treasurer, under the advice of the Auditor of Public Accounts and the president of this company, to invest said funds in the bonds of this State or of the United States for the benefit of the company, and hold the same as a portion of the sinking fund for the retirement of the bonds issued by this company. In his annual report to the General Assembly, the treasurer shall give a full statement of any proceedings had by him under this act, and it shall be the duty of the State Treasurer, on the first day of each month, to communicate to the president of this company a statement of the amounts received during the past month, and the disposition thereof.

9. That whereas no tax, as provided herein, can be levied or collected during the year of 1871, the Governor of the State is hereby authorized and required to issue the bonds of the State to this company to the amount of one million of dollars, said bonds to be delivered to the president of the company, upon said company filing with the Secretary of State an acceptance of this act, and a resolution of its directors and incorporators binding itself to perform the obligations of this act. Said bonds shall be of the denomination of one thousand dollars each, shall be signed by the Governor and countersigned by the Secretary of State, and sealed with the seal of State. They shall be dated on the first day of April, 1871, and shall be payable to the president of the Louisiana Levee Company, or bearer. They shall bear interest at the rate of eight per cent per annum, both principal and interest to be paid in the legal money of the United States, at the time when the payments are due. Said bonds shall be registered in the books of the Auditor of Public Accounts and of the State Treasurer, and shall have coupons attached thereto stamped with the fac simile of the signature of the State Treasurer, and payable in New Orleans or New York, at the option of the holder, on the first of April and October of each year. For the payment of the principal and interest of the bonds aforesaid, the faith of the State of Louisiana is unconditionally pledged to the holder. To provide for the prompt payment of the principal and interest of said bonds, an annual tax of one-half mill on the dollar shall be levied and collected on all real and personal property in the State subject to taxation, which tax shall be paid into the State treasury, and shall be placed to the credit of a special fund, to be entitled "the Louisiana levee bond fund," which fund shall be applied, first, to the payment of the coupons of said bonds, as the same shall fall due, and any excess thereafter shall be applied, annually, to the purchase and retirement of said bonds.

10. That should any officer of this State fail, neglect or refuse to do any of the matters or things which he shall be required to do by the provisions of this act, said corporation may apply to any court of competent jurisdiction for a writ of mandamus, directed to said officer who shall neglect, fail or refuse to perform said matter or thing as aforesaid, commanding him to do and perform the matter or thing so as aforesaid required of him, and said judge shall therefore issue said mandamus; provided, that said judge may, in his discretion, appoint a special commission, with full power to do and perform such matter or thing, and to comply with the requirements of such provision of this act; and the actions and proceeding of said commissioners in the premises shall have the same validity and force as if they had been done and performed by said officer.

Be and the same is hereby amended and re-enacted so as to read as follows:

SEC. 2. Be it further enacted, etc., That for the purpose of providing and maintaining proper and efficient levees throughout all the portion of the State watered by the Mississippi river and the rivers, streams and bayous running into and from the same, and to protect the inhabitants from inundations, the State of Louisiana contracts and agrees with the said Louisiana Levee Company in terms as follows:

1. That in order to maintain a uniform and perfect system, the location and dimensions of all levees to be contracted, maintained, repaired, and kept in repair and managed, shall be determined by a commission of three engineers, to be appointed as follows, to wit: One by the Governor of the State of Louisiana, who is hereby authorized and directed to appoint said engineer within thirty days after the acceptance of the terms of this act by the said company, as hereinafter provided; one by the Louisiana Levee Company, and one by the government of the United States. It shall be the duty of said commission, and they are hereby directed to determine the proper location and dimensions of all levees to be constructed, repaired or strengthened by said corporation, and the standard of dimensions to which they shall be maintained by said company, and to report the same with maps and profiles thereof, and the number of cubic yards to be built in the construction of new levees, and in the strengthening, enlarging and repairing the levees now in existence, to the Secretary of War, the Governor of the State and the president of said company. They shall also, on or before the first day of October in each year, prepare a report, with a statement in detail of the number and location of the levees to be constructed during the year next ensuing, with a careful estimate of the number of cubic yards such levees will contain when completed, and shall deliver one copy of said statement and estimate to the Governor of the State, one copy to the Auditor of Public Accounts, and one copy to the president of the Louisiana Levee Company, and the said company shall not be required to build, during the year, any levees except those required to be built by said commission; provided, however, that in case of the destruction or threatened destruction of any levees from the caving of the banks subsequent to the first day of October, and after the report and statement above referred to shall be made, then said commission shall be authorized to substitute levees in front of such breaks or threatened breaks in lieu of other levees of less pressing necessity; and provided, further, that in cases when such substitution can not be made without detriment to public interests, then the Levee Company shall build the levees in front of such breaks, and the cost of the same shall be credited to the account of said company on the next succeeding year. The member of said commission appointed by the Governor shall be paid by the State at the rate of six thousand dollars per annum. Any two members of said commission shall be competent to perform the duties imposed upon said commission, and their decision shall be sufficient and shall be accepted and taken as and for the decision of said commission; provided, that the neglect, failure or refusal of the government of the United States, or of the Governor of this State, to appoint a member of said commission as aforesaid, shall not in any respect invalidate or annul this agreement. And the said commission, and the members of it, are, and each of them is, vested with all and every power, authority and right requisite and necessary for the discharge of said duties.

2. That the said Louisiana Levee Company, for and in consideration of the compensation, benefits, rights and powers hereinafter stated, shall take charge of, manage, control, construct, maintain, repair and keep, in repair all the levees in this State on the Mississippi river, its tributaries and outlets, and such levees in the State of Arkansas as may be necessary to protect any of the lands of this State from overflow by the waters of the Mississippi or Arkansas river; provided, however, that the consent of the State of Arkansas be first had and obtained to the building, constructing, maintenance, management and repairing of said levees in said last mentioned State.

3. That for the purpose of carrying out the provisions of the preceding article, the said Louisiana Levee Company is hereby vested with the sole and exclusive custody, management and control of all the levees of this State for the period of twenty-one years from the day when this act shall take effect. Said corporation shall have full right and authority at all times to enter upon and occupy, as far as may be necessary, by their surveyors or engineers, contractors, agents and servants, together with all necessary carts, animals, tools, materials and equipments, all such lands as may be necessary, and to remain as long as may be necessary for the purpose of doing and performing all and singular the matters and things required to be done and performed in and about the inspecting, building, construction, maintenance, repairing or management of the levees as aforesaid, and to take, free of cost, from said lands, stone, gravel, earth and timber as the same [may] be necessary for the purpose aforesaid, with full right of way and the right and power to use and occupy a sufficient portion of land—without remuneration to the owner or occupant thereof—for the purpose of locating, erecting, constructing, repairing and extending said levees; and the said corporation shall have all the rights, powers and prerogatives, with respect to the location, construction, maintenance and management of said levees as are now vested by law in the State, parish or municipal authorities; provided, however, that said corporation shall have no power to lay, assess or impose any tax, impost, fine or penalty whatsoever, nor to compel the owner or occupants of land to construct or keep in repair any levee or parts of the same, or to contribute to the same.

4. That said corporation shall, within sixty days from the receipt of the report of said commission, commence the construction of said levees, and shall thereafter construct not less than the number of cubic yards in each year required by the estimate of said commission, until the whole shall be completed according to the standard required by their final report.

5. That on and after the completion of any and all sections of said levees said company shall maintain the same up to the standard dimensions required by the report of said commission; and in the event of said corporation failing or neglecting to do so, it shall be liable in damages to any person or persons injured by reason of said neglect or failure; provided, that said corporation shall in no case be liable where such injury shall be caused by, or said failure shall result from, acts of violence of men, the wrongful acts of individuals, the existence of obstacles interposed by the action of courts, or the operation of causes over which said company can have no control, or on account of the floods rising above the standard height determined by said commission.

6. That the Auditor of Public Accounts shall be required to pay to the Louisiana Levee Company, at the rate of fifty cents per cubic yard, for all levees constructed by said company after the first day of October, 1873, and for which certificates shall be issued according to law. And said Auditor shall annually levy and cause to be collected, in the same manner and by the same officers as the ordinary taxes of the State are collected, a sum sufficient to cover the cost of all levees required to be built by the commission of engineers in their annual report, with twenty per cent additional to provide for deficiencies of collections. Said tax, when collected, shall be paid over to the Treasurer of the State and shall be set apart as a special fund to be known as the "levee construction fund," which shall not be used for any other purpose than as compensation to said Louisiana Levee Company; and said fund shall be paid on the order of the president of said company to the treasurer thereof; provided, that any surplus moneys derived from the tax collected in any year shall be placed to the credit of said fund for the year next succeeding; and provided further, that all levees constructed by the said company before the first day of October, 1873, shall be paid for by the State at the rate of sixty cents per cubic yard, as the existing contract and laws provide.

7. That the Auditor of the State shall cause to be assessed and collected, annually, for the period of twenty-one years, from and after the passage of this act, two-tenths of one per centum upon the assessed value of the taxable property within the State, to be set apart and known as the "levee repair fund," which said fund shall be collected at the same time, in the same manner, and by the same officers as the ordinary taxes of the State are collected, and shall be used for no other purpose than as provided. Said fund shall be paid over to the treasurer of said company, upon the order of the president thereof, by the Treasurer of the State, as compensation to said company for maintaining said levees in good and efficient repair, according to the standard as hereinbefore provided.

8. That said company shall have full right, power and authority to mortgage said funds, and to transfer by proper instruments in writing the power of receiving the same, or any portion thereof, to any person or persons; and the Treasurer of the State, upon presentation to him of such instrument of transfer, shall pay from said funds such portion or portions to the person or persons so authorized to receive them; provided, however, that if the said company shall issue its coupon bonds, and shall so direct, all bonds so issued by this company shall be registered in the office of [Auditor of] Public [Accounts] and State Treasurer; and such registry shall be indorsed thereon, and the coupons thereto attached shall be stamped across their face by the Treasurer, with a fac simile of his signature; that to secure the prompt payment of principal and interest of such bonds as may be issued by this company, a sufficient amount of the revenues accruing under the provisions of this act are hereby pledged, and after the issuance of any bonds by this company it shall be the duty of the State Treasurer to withhold from any funds in the State treasury to the credit of said company an amount sufficient to pay all the interest coupons upon bonds so issued, falling due within six months, which coupons he shall pay from the sum so withheld at the time and place so designated on said coupons; and a sum equal to a per cent of the principal of the said bonds so issued shall also be retained by the State Treasurer, which sum shall be sufficient only to fully retire the bonds at their maturity. The State Treasurer shall annually advertise for a period of thirty days in the official paper of the State, and in at least one daily paper in the city of New York, for sealed proposals for the sale to said Treasurer of an amount of said bonds sufficient to absorb the aforesaid accumulated sinking fund of the year. On the first Monday after the expiration of said publication, he shall open said bids in his office in presence of the Auditor of Public Accounts and the president of the company, and the awards shall be made to the lowest bidder; provided, that no bids shall be accepted for more than the face of the bonds. If there should be no offer of said bonds at par or less, it shall be the duty of the Treasurer, under the advice of the Auditor of Public Accounts and the president of this company, to invest said funds in the bonds of this State or of the United States, for the benefit of the company, and hold the same as a portion of the sinking fund for the retirement of the bonds issued by this company. In his annual report to the General Assembly, the treasurer shall give a full statement of any proceedings had by him under this act, and it shall be the duty of the State Treasurer, on the first of each month, to communicate to the president of this company a statement of the amounts received during the past month, and the disposition thereof.

9. That whereas no tax, as provided herein, can be levied and collected during the year 1871, the Governor of the State is hereby authorized and required to issue the bonds of the State to this company to the amount of one million of dollars, said bonds to be delivered to the president of the company upon said company filing with the Secretary of State an acceptance of this act, and a resolution of its directors and incorporators binding itself to perform the obligations of this act. Said bonds shall be of the denomination of one thousand dollars each, shall be signed by the Governor, countersigned by the Secretary of State, and sealed with the seal of the State. They shall be dated on the first day of April, 1871, and shall be payable to the president of the Louisiana Levee Company or bearer. They shall bear interest at the rate of eight per cent per annum, both principal and interest to be paid in the legal money of the United States, at the time when the payments are due; said bonds shall be registered in the books of the Auditor of Public Accounts and of the State Treasurer, and shall have coupons attached thereto stamped with the fac simile of the signature of the State Treasurer, and payable in New Orleans or New York, at the option of the holder, on the day of April and October of each year. For the payment of the principal and interest of the bonds aforesaid the faith of the State of Louisiana is unconditionally pledged to the holder. To provide for the prompt payment of the principal and interest of said bonds an annual tax of one-half mill on the dollar shall be levied and collected on all real and personal property in the State subject to taxation, which tax shall be paid into the State treasury and shall be placed to the credit of a special fund, to be entitled "the Louisiana levee bond fund," which fund shall be applied first to the payment of the coupons of said bonds, as the same shall fall due, and any excess thereafter shall be applied, annually, to the purchase and retirement of said bonds.

10. That should any officer of this State fail, neglect or refuse to do any of the matters or things which he shall be required to do by the provisions of this act, said corporation may apply to any court of competent jurisdiction for a writ of mandamus directed to said officer, who shall neglect, fail or refuse to perform said matter or thing as aforesaid, commanding him to do and perform the matter or thing so as aforesaid required of him, and said judge shall therefore, issue said mandamus; provided, that said judge may, in his discretion, appoint a special commissioner with full power to do and perform such matter or thing, and to comply with the requirements of such provision of this act, and the actions and proceeding of said commissioner in the premises shall have the same validity and force as if they had been done and performed by said officer.

SEC. 2. Be it further enacted, etc., That section one of act No. 27 of the session of the General Assembly of 1871, approved February 28, 1871, and entitled "an act ratifying and confirming a contract between the Louisiana Levee Company and the State of Louisiana," said act being in words as follows, viz:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That all the provisions of a contract entered into between the Louisiana Levee Company, party of the first part, and the Governor of the State of Louisiana, party of the second part, are hereby accepted, ratified and confirmed, the aforesaid contract being in terms as follows, to wit:

United States of America, State of Louisiana, City of New Orleans.—Before me, Pierre Charles Cuvellier, notary public in and for the city and parish of Orleans, duly commissioned and sworn in the presence of the witnesses hereinafter named and undersigned, personally came and appeared: M. A. Bryson, John N. Bofinger, J. S. Clark, John J. Anderson, George F. Sherman, F. X. Barbot, A. G. Brice, Charles T. Howard, John A. Morris, A. D. Banks, H. C. Millaudon, F. C. Remick, M. A. Southworth, H. T. Burges, Durant DaPonte, and Michael Hahn, herein representing the Louisiana Levee Company, a body corporate established under the laws of this State by an act dated the eleventh of February, 1871, in this office, the said Louisiana Levee Company being the party hereto of the first part, and Henry Clay Warmoth, Governor of the State of Louisiana, in his said capacity, party hereto of the second part, who severally declared as follows: Whereas a bill has passed both houses of the General Assembly of the State of Louisiana, under the title of "an act relative to the Louisiana Levee Company, a corporation organized under the general laws of this State, constituting it a body politic and corporate, with certain powers, privileges and franchises, and contracting with said corporation," etc., which said bill is now before the Governor of said State for his approval. And, whereas said parties of the first part will be required to accept the terms, conditions and stipulations of said act of the General Assembly after it becomes a law, before the same will become binding on the said parties of the said part.

And whereas certain modifications of and additions to said act and contract are advisable and have been agreed on between the parties hereto and first and second parts, and it is desirable that such modifications and additions be clearly defined and stipulated between the parties aforesaid before the bill or act aforesaid shall become a law, with a view that after the said act is signed and is accepted by the parties of the first part, the said modification and additions shall be embodied in an act of the General Assembly, to aid in doing which the parties hereto of the first and of the second part, and each subscriber individually, shall give his earnest aid, with the understanding that should, for any cause whatever, the bill embodying said modifications and additions fail to become a law, nevertheless the parties of this act agree and bind themselves that said modifications and additions, as stipulated and set forth in this act, shall be forever obligatory and binding upon the said parties of the first part, unless released therefrom by the said [parties] of the second part. Therefore the following are stipulated and agreed to as thd modifications and additions hereinbefore mentioned and referred to, viz:

1. Article three of the second section of said act shall be so construed that no greater rights or privileges shall be granted to said company, party of the first part empowering them to take private property for the purposes of right of way and the construction or extension of levees than have been exercised by the State, parish or municipal authorities heretofore for the like purposes according to law.

2. The power to mortgage or pledge according to article eight of said section two of said act, or according to any provision of said act shall only extend to the fund known as the construction fund, and at no time shall the company, party hereto of the first part, sell or dispose of bonds for the payment of which said construction fund is mortgaged or pledged to an amount exceeding the value of the work done by more than five hundred thousand dollars; and that the Auditor of Public Accounts and the State Treasurer shall not register bonds of the company exceeding, at any time, by more than five hundred thousand dollars the amount of work done.

3. A commission to consist of three persons, one to be appointed by the board of directors of the company, hereto of the first part, and one to be appointed by the President of the United States (and in the event of the last appointment failing to be made, then the other two shall act), who, with the Chief Engineer of the State, shall inspect all work performed by the company, and make monthly reports thereof to the Governor of the State. Said commission shall also, on the first day of each month, or oftener if desired, on demand of the president of the company, inspect all work performed for which no certificate has been issued, and certify to the same, stating the amount thereof, and shall deliver a copy of said certificate to the Governor of the State, and another copy to the president of the company, and said commissioners, except the one appointed by the company, shall be paid by the State at a rate of six thousand dollars per annum. Whenever timber shall be required by the commission of engineers to be used in the construction of any levee, this commission shall be authorized and required to determine the amount of earth work which would, in their judgment, be equal in costs to the timber used in said levees, and certify to the same as such earthwork.

4. A commission of one per cent on the amount collected shall be allowed as a compensation to such officers on whom shall devolve the collection of the taxes imposed by the act of the General Assembly hereinafter referred to, to be deducted and paid out of the funds of the company.

Thus done and passed in my office, at the city of New Orleans, in the presence of witnesses of lawful age, and domiciliated in this city, who hereunto signed their names, together with the said appearers, and me, the said notary, on the twentieth day of February, in the year of our Lord one thousand eight hundred and seventy-one.

M. A. BRYSON,
JOHN N. BOFINGER,
JAMES S. CLARK,
JOHN J. ANDERSON,
GEORGE F. SHERMAN,
F. X. BARBOT,
A. G. BRICE,
CHARLES T. HOWARD,
JOHN A. MORRIS,
A. D. BANKS,
H. C. MILLAUDON,
F. C. REMICK,
M. A. SOUTHWORTH,
H. T. BURGES,
DURANT DA PONTE,
MICHAEL HAHN,
H. C. WARMOTH,
Governor of the State of Louisiana.

Be and the same is hereby amended and re-enacted so as to read as follows:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That all the provisions of a contract entered into between the Louisiana Levee Company, party of the first part, and the Governor of the State of Louisiana, party of the second part, are hereby accepted, ratified and confirmed, the aforesaid contract being in terms as follows, to wit:

United States of America, State of Louisiana, city of New Orleans.—Before me, Pierre Charles Cuvillier, notary public in and for the city and parish of Orleans, duly commissioned and sworn, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared M. A. Bryson, John N. Bofinger, J. S. Clark, John J. Anderson, George F. Sherman, F. X. Barbot, A. G. Brice, Charles T. Howard, John A. Morris, A. D. Banks, H. C. Millaudon, F. C. Remick, M. A. Southworth, H. T. Burges, Durant Da Ponte and Michael Hahn, herein representing the Louisiana Levee Company, a body corporate, established under the laws of this State by an act dated the eleventh of February, 1871, in this office, the said Louisiana Levee Company being the party hereto of the first part, and H. C. Warmoth, Governor of the State of Louisiana, in his said capacity, party hereto of the second part, who severally declared as follows:

Whereas, A bill has passed both houses of the General Assembly of the State of Louisiana under the title of "an act relative to the Louisiana Levee Company, a corporation organized under the general laws of the State, constituting it a body politic and corporate, with certain powers, privileges and franchises, and contracting with said corporation," etc., which said bill is now before the Governor of said State for his approval, and whereas said parties of the first part will be required to accept the terms, conditions and stipulations of said act of the General Assembly after it becomes a law before the same will become binding on the said parties of the first part, and

Whereas, Certain modifications of and additions to said act and contract are advisable and have been agreed on between the parties hereto of the first and second parts, and it is desirable that such modifications and additions be clearly defined and stipulated between the parties aforesaid before the bill or act aforesaid shall become a law, with a view that after the said act is signed and is accepted by the parties of the first part, the said modification and additions shall be embodied in an act of the General Assembly, to aid in doing which the parties hereto of the first and of the second part, and each subscriber individually shall give his earnest aid, with the understanding that should, for any cause whatever, the bill embodying said modifications and additions fail to become a law, nevertheless the parties to this act agree and bind themselves that said modifications and additions, as stipulated and set forth in this act, shall be forever obligatory and binding upon the said parties of the first part, unless released therefrom by the said [parties] of the second part. Therefore the following are stipulated and agreed to as thd modifications and additions hereinbefore mentioned and referred to, viz:

1. Article three of the second section of said act shall be so construed that no greater rights or privileges shall be granted to said company, party of the first part empowering them to take private property for the purposes of right of way and the construction or extension of levees than have been exercised by the State, parish or municipal authorities heretofore for the like purposes according to law.

2. The power to mortgage or pledge according to article eight of said section two of said act, or according to any provision of said act shall only extend to the fund known as the construction fund, and at no time shall the company, party hereto of the first part, sell or dispose of bonds for the payment of which said construction fund is mortgaged or pledged to an amount exceeding the value of the work done by more than five hundred thousand dollars; and that the Auditor of Public Accounts and the State Treasurer shall not register bonds of the company exceeding, at any time, by more than five hundred thousand dollars the amount of work done.

3. A commission to consist of three persons, one to be appointed by the board of directors of the company, hereto of the first part, and one to be appointed by the President of the United States (and in the event of the last appointment failing to be made, then the other two shall act), who, with the Chief Engineer of the State, shall inspect all work performed by the company, and make monthly reports thereof to the Governor of the State. Said commission shall also, on the first day of each month, or oftener if desired, on demand of the president of the company, inspect all work performed for which no certificate has been issued, and certify to the same, stating the amount thereof, and shall deliver a copy of said certificate to the Governor of the State, and another copy to the president of the company, and said commissioners, except the one appointed by the company, shall be paid by the State at a rate of six thousand dollars per annum. Whenever timber shall be required by the commission of engineers to be used in the construction of any levee, this commission shall be authorized and required to determine the amount of earth work which would, in their judgment, be equal in costs to the timber used in said levees, and certify to the same as such earthwork.

4. A commission of one per cent on the amount collected shall be allowed as a compensation to such officers on whom shall devolve the collection of the taxes imposed by the act of the General Assembly hereinbefore referred to, to be deducted and paid out of the funds of the company.

Sixth—Instead of three millions of cubic yards of levee to be constructed by the said company annually, as provided in article four, section two, of said act, the said company shall undertake the second year, and annually thereafter, to construct five millions of cubic yards, until said levees shall be completed to the standard required by the report of said commission. But if any circumstance, such as an epidemic, an overflow, or any other cause without the control of the company, or causing loss to it, shall occur to prevent the execution of this stipulation, the same shall not be binding.

Thus done and passed in my office at the city of New Orleans, in the presence of witnesses of lawful age and domiciliated in this city, who hereunto signed their names, together with the said appearers and me, the said notary, on this twentieth day of February, in the year of our Lord, one thousand eight hundred and seventy-one.

M. A. BRYSON,
JOHN N. BOFINGER,
JAMES S. CLARK,
JOHN J. ANDERSON,
GEORGE F. SHERMAN,
F. X. BARBOT,
A. G. BRICE,
CHARLES T. HOWARD,
JOHN A. MORRIS,
A. D. BANKS,
H. C. MILLAUDON,
F. C. REMICK,
M. A. SOUTHWORTH,
H. T. BURGES
DURANT DA PONTE,
MICHAEL HAHN,
H. C. WARMOTH,
Governor of the State of Louisiana.

Be and the same is hereby amended and re-enacted so as to read as follows:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the State Treasurer be and he is hereby directed to suspend, and he is hereby prohibited from registering any warrant or certificate of indebtedness heretofore issued in accordance with law, and which may hereafter be issued by authority of the General Assembly of the State of Louisiana.

SEC. 2. Be it further enacted, etc., That all laws or parts of laws conflicting with, contrary to, 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 March 11, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

No. 45.

AN ACT

Relative to contributions to be raised by the Citizens' Bank of Louisiana, and the resale of property purchased on foreclosure of stock mortgages.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the directors of the Citizens' Bank of Louisiana be, and they are hereby authorized and instructed to call on the mortgage stockholders for such contributions on their stock as the board may deem necessary to assure the prompt payment of the interest on bonds of the State issued in favor of said bank, which contributions shall be payable in such sums, at such times and on such conditions as shall be determined by the board of directors, and shall bear eight per cent interest per annum from the time they shall be made payable; provided, however, that no call shall exceed two dollars per share in any one year, and the payment of the same to be enforced by executory process as in cases of confession of judgment and according to the charter of said bank.

SEC. 2. Be it further enacted, etc., That on the resale by the Citizens' Bank of Louisiana, of property acquired by virtue of foreclosure of stock mortgages, it shall be lawful for the board of directors to sell the same either with or without the stock attached thereto; provided, that all moneys derived from the operations of this act shall be applied exclusively to the payment of the bonds of the State issued in favor of said bank, and the interest coupons thereon.

SEC. 3. Be it further enacted, etc., 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 11, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

No. 46.

AN ACT

For the relief of taxpayers, remitting all penalties and interest to all delinquent State taxpayers, provided said back taxes are paid within ninety days from and after the passage of this act.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the delinquent taxpayers of the State are hereby relieved from the payment of interest and penalties imposed upon them for non-payment of taxes when due; provided, however, that the same are paid within ninety days from and after the passage of this act, in default of which all penalties and interest to remain as heretofore.

SEC. 2. Be it further enacted, etc., 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 14, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

No. 47.

AN ACT

To enforce the payment of taxes due the State, providing for the seizure and sale of the property of delinquent taxpayers, and regulating the proceedings against them and against their property and tenants.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That in case of refusal or neglect of any person against whom property is assessed, to pay the taxes thereon within ten days after the expiration of the public notice required by law, the tax collectors may give ten days' written or printed notice to the owner or agent of the property assessed to pay said tax, after which delay, if not fully paid, the said tax collector may make a seizure of such property by recording a description of the same with the amount due in the mortgage book of the parish where it is situated, and on the fourth day of such recordation shall proceed to sell said property without legal process to pay said tax and all lawful costs, after advertising three times within ten days in the official journal, and in the country parishes where such publications can not be made by public notice for such ten days; provided, that when personal property sufficient in amount is found to satisfy the State's claim against such taxpayer, the same shall be seized to satisfy such claims in preference to real estate. The tax collector may, if necessary, bring suit and have other due judicial processes in courts of competent jurisdiction in the name of the State; provided, that in all such cases [he] be represented by the law officer of the State.

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