New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

Supreme Court.

Associate Justice Morgan rendered the following decision:

State of Louisiana ex rel. Jacob Strauss vs. State Treasurer.—Appeal from the Eighth District Court, parish of Orleans. Two appeals were taken from the judgment herein rendered against Jacob Strauss. One was taken by the Attorney General, and one was taken by special counsel appointed by the Governor.

The one by the Attorney General was taken on the seventeenth of May, 1872, and was made returnable on the third Monday in May.

The other was taken by the special counsel employed by the Governor, on the eighteenth of May, and was made returnable on the first Monday in May.

We are asked to dismiss the second appeal on the following grounds:

1. That an appeal having been taken on behalf of the State of Louisiana by the Attorney General of the State, and made returnable on the third Monday of May, no other appeal on behalf of said State could be taken pending the said first appeal, and the action herein, taken thereafter in the lower court on behalf of said State, was and is null and void for want of jurisdiction.

2. That no person is authorized to appeal on behalf of the State, except in cases when the Attorney General is unable or unwilling to act; that such facts do not exist herein, and, therefore, the Governor was without power to employ counsel.

3. That the appeal was made returnable at a day other than as assigned by law, and no reason existed therefor.

This proceeding was instituted on the twenty-fifth of April, 1872. The relator's object is to force the State Treasurer to recognize as legal and binding debts of the State certain warrants held by him, issued by Wickliffe, and to cause them to be paid out of the State Treasury.

The warrants amount to within a fraction of $140,000. The answer is, that they are fraudulent, spurious, and that the indorsements thereon are forgeries.

The case was tried on the eighth of May. It appears that other warrants, coming into the hands of Auditor Graham, who succeeded Wickliffe, were marked by him "counterfeit;" that he could find no traces of their having been issued in the books of his office, and that he had examined many of the parties in whose favor they purported to have been drawn, and in whose names they were indorsed, and that they all declared their signatures to be forgeries. Notwithstanding which no one of these parties, although many of them are residents and well known citizens of this city, were ever examined as witnesses, nor does any attempt seem to have been made to procure their testimony.

Judgment was rendered in favor of the relator, as prayed for on the thirteenth May, and was signed on the the same day. On the seventeenth May, the Attorney General, intervening on behalf of the State, moved for an appeal returnable on the third Monday in May; that transcript of appeal was not filed on the return day, nor was any application made to this court to extend the time in order to enable him to bring it up, and the relator's judgment has thus in his opinion become final, and the State is to be saddled with the payment of $140,000, of which the whole, according to Auditor Graham and the Attorney General, is spurious, unless we maintain the appeal taken by the special counsel of the State, which the relator says the law prohibits us from doing.

Where there is a doubt as to the jurisdiction of the court, we would maintain our jurisdiction in a case in which the whole people of Louisiana are interested, if this were necessary, in order to protect them from what may be, and, as in the matter before us, appears to be a fictitious claim upon the common treasury.

But in this case we are not called upon to do so. The letter, as well as the spirit of the law, gives us the required jurisdiction.

1. It does not follow that because the State has appealed, through the Attorney General, that she can not appeal through the Governor as well. He clearly has the right to appeal on behalf of the State, and this right can not be taken away from him, simply because another officer of the government has been before him, when he takes his appeal within the delays required by law. In this case the appeal was taken in ample time.

2. It is not legally correct to say that no person is authorized to appeal on behalf of the State except in cases where the Attorney General is unable or unwilling to act. The prohibition is limited to the employment of counsel other than the Attorney General by the Treasurer and Auditor, and does not exclude the Governor from doing so.

3. There was a good reason for extending the return day from the third Monday of May, only a few days after the judgment was rendered, until the first Monday in November, that being the first return day, after the first Monday in May, upon which this court would sit.

And we must believe that the Attorney General was of the opinion that these objections could not be well urged against the State, otherwise we take it for granted that he would have filed his transcript of appeal in time. He must have believed that the appeal taken by him had been superseded, for we can not believe that he could have been guilty of the carelessness of allowing a judgment to become final upon a claim involving so enormous a sum of money, which claim he had denounced as spurious and forged, and from the judgment recognizing it to be valid he had appealed. He must have considered that the State was protected by the appeal taken by its special counsel employed by the government, and in this opinion he was right.

The motion to dismiss is refused.

ON THE MERITS.

The warrants upon which these proceedings are had were drawn by Wickliffe in favor of various parties. They have come into the possession of the relator. He and his employes say he got them in the usual course of business. Employes in the Auditor's office say that they appear to be drawn in the favor generally used by Wickliffe, and that they believe his signature to them genuine. This may all be true. But if Wickliffe had no authority to draw the warrants, the fact of his drawing them would create no debt against the State. If they were uttered with the intention of defrauding the State, as is alleged in the answer, the treasury is not to be depleted to pay them, simply because they may happen to be in the hands of an innocent holder. Besides, something more than the genuineness of the Auditor's signature and the lawfulness of the issue is required to protect the holder, innocent though he may be. Now, the warrants in question, as we have already stated, are all issued in favor of certain parties, and are therefore only payable to these parties or to their order. This indorsement alone could transfer them, they not being commercial paper; and a forged indorsement conveys no title. And if they were made payable to the parties named, which parties were real creditors of the State, and their signatures thereon were forged, and the warrants had been paid, the State would still remain the debtor and would have to pay again. Now, the Auditor of Accounts (Graham) testifies that when these warrants came into his possession, he caused many of the indorsers thereon to come before him, and they each declared that their signatures were forgeries.

Under this state of facts, and with this evidence before us, we can not affirm the judgment which orders their payment. Neither can we decide the case entirely against the relator; he may be right. If so, he will only suffer delay. But we think that the interest of public justice requires that the case should be remanded, in order that the validity of the debt which is claimed against the State may be properly inquired into, and the genuineness of the indorsements, which alone gives to the relator his title, may be satisfactorily established.

It is therefore ordered, adjudged and decreed that the judgment of the district court be avoided, annulled and reversed, and that the case be remanded to the court from which it came to be proceeded in according to law. Appellees to pay costs of appeal.

Superior District Court.

State ex rel. A. Greny vs. Charles Clinton, Auditor.—This case is similar to that of Rosenberg, decided on Thursday, and the writ of mandamus was refused.

William F. Higgins vs. New Orleans, Mobile and Texas Railroad Company.—Defendants are granted an appeal to the Supreme Court.

State of Louisiana ex rel. Hypolite Moony vs. H. H. Harris, tax collector.—Writ of mandamus refused.

State of Louisiana vs. Charles Clinton, Auditor.—And now comes the State, by A. P. Field, Attorney General, and upon suggesting to the court that there is error in the injunction herein issued, the order was modified so far as to embrace only the warrants issued to W. A. Weed & Co. for printing blanks, etc., and stationery for the election of 1872.

Accommodation Bank vs. F. C. Mahan.—Defendant was refused a new trial.

Judge Hawkins yesterday pronounced the following opinion in an interesting case under the new law regarding contests for judicial offices:

W. B. Kemp vs. E. P. Ellis.—This action was first brought by the plaintiff before the Fifth Judicial District Court, in the parish of Tangipahoa, to recover the office of district judge of said district, to which he alleges he was elected and has been commissioned by the Governor. It being a contest for the office of district judge and both plaintiff and defendant setting up a claim to the office, they were both recused by the law and incompetent to make any order in the case. The parish judge of the domicile of the defendant was therefore required to sit as district judge and hear the cause. C. J. Bradley was the parish judge of the parish until the result of the election held in November, 1872, was legally made known. It appears from the certificate of the Secretary of State that there was no promulgation by the returning officers for office of parish judge of this parish. This office thereby became vacant, and the Governor appointed and commissioned said C. J. Bradley to the office. Bradley was, therefore, the *de facto* and the *de jure* parish judge of that parish all the time, and the only one who could entertain or hear a cause before the district court where the judge was a party. The acting district judge, Ellis, being a party defendant in the case, no recusation was necessary on his part to authorize the parish judge to sit in his place and hear the cause. On the tenth of February, 1873, a rule was taken before the Sixth Judicial District Court for the parish of Tangipahoa, at the instance of W. B. Kemp, against E. P. Ellis, alleging that he (Kemp) had been elected and commissioned to the office of district judge of the district, and that Ellis refused to give up the office. To this rule Ellis appears to have made no answer, but at the suit of John W. Adison, who claimed to have been elected to the office of parish judge, Ellis claiming to be and acting as district judge, granted an injunction restraining C. J. Bradley from acting as parish judge. The parish judge, Bradley, being thus restrained from acting as parish judge could not act as district judge to try the rule of Kemp vs. Ellis. However irregular or illegal this injunction may have been, its effect was to prevent a trial of the case. If Bradley had attempted to try this case or any other as parish judge, pending the injunction, though it was illegal, he would have been in contempt of the authority of the district court, and could have been punished therefor. The only alternative left the plaintiff was to either abandon the contest or apply for a change of the venue. Article 112 of the constitution authorizes the Legislature to provide for the change of venue in civil cases. Act No. 39 of 1873 provides for a change of the venue to this court in the class of cases to which this belongs, and in pursuance thereof an order of this court was made on March 8, 1873, directing the parish judge of the parish of Tangipahoa, acting in the place of the district judge, who was a party to the suit, to transfer the record in the case to this court for trial.

Exceptions were taken by the defendant to the regularity and truthfulness of the facts upon which the ex parte order of transfer was granted. The evidence offered on trial of the exceptions showed that the order was properly granted. The objection that the act No. 39 is void because it is unconstitutional is without weight. The title is sufficiently expressive of the objects of the law, and it appears to re-enact the provisions of other statutes which it supplants. Constitution, articles 114, 116. The objection that a transfer of a cause from another territorial jurisdiction to this, gives this court extra territorial jurisdiction, is not sound. A transfer of a cause in this way gives this court no jurisdiction over the person or property of the litigants. By the action of the district judge in the parish of Tangipahoa, preventing the trial of the case by injunction and the transfer by the parish judge, this court became vested with jurisdiction of the case.

ON THE MERITS.

Plaintiff exhibits a commission signed by Governor Kellogg, dated the twenty-fourth of January, 1873, which recites on its face that W. B. Kemp was declared duly elected judge of the Fifth Judicial District. The defendant Ellis exhibits a commission dated fourth of December, 1872, signed by Governor Warmoth, which recites that E. P. Ellis was declared duly elected judge of the same district. If the case rested alone on the two commissions, and no other evidence was in the record, the later commission would govern, because, being the latest in date, the presumption would be that the executive had acted in conformity to law. But this office is elected by the people, and both commissions show that their authority is devoid from the election.

The evidence shows that at the time the first commission issued, viz: on the fourth of December, 1872, no official promulgation of the election had been made, and the declaration by the Governor that Ellis was declared duly elected was made without any knowledge of the facts.

The commission being predicated on the election returns and declaration of the result, and being issued before the result was made known, was an absolute nullity. On the twenty fourth of January, the date of Kemp's commission, the proclamation of the election had been made which showed that Kemp was elected. As soon as the result of the election was made public the term of the preceding judge expired. Kemp being declared elected, and showing his commission from the Governor, is entitled to the office, and is and was from the date of his commission the *de jure* judge of the Fifth Judicial District of the State of Louisiana.

Judgment for plaintiff.

In the case of Rosenberg vs. Charles Clinton, State Auditor, in which relator prayed for a mandamus to compel the recognition of certain warrants, alleged to have been issued under an appropriation by the Legislature of 1873, for the expenses of the General Assembly of 1871, Judge Hawkins refused the application.

Fourth District Court.

There is now being tried before Judge Lynch a case involving the late Auditor Wickliffe, and presenting a feature of considerable interest to merchants and bankers. From the record it appears that Jacob Thomas purchased from one Friedlander a large amount in Wickliffe State warrants, giving in payment thereof his notes, and these notes Friedlander subsequently sold to one Hirsch.

It is a matter of history that Mr. Wickliffe's warrants turned out to be fraudulent, and on the ground that his promise to pay was conditioned upon certain contingencies touching the payment of the warrants, Strauss declined to pay the notes when presented by Hirsch, whereupon the latter brought the present suit.

Many intricate pleas and circumstances have been urged to show a want of consideration, while on the other hand it is urged that the holder of the notes is an innocent third party, and can not be made to suffer. Whatever may be the decision, it will be of considerable importance as dealing with a point of frequent occurrence in business circles.

General Harney, one of the oldest officers in the United States service, is thus mentioned in a late letter from Sullivan, Mississippi, where he resides: "He has heard the boom of many a cannon, and marshaled his troops oftentimes on the plains of Mexico. The old gentleman is a beautiful specimen of a noble man. His locks are white with the frost of eighty winters, and in person he is tall and erect."

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

AN ACT No. 66.

To allow the city of New Orleans to construct locks near the mouths of New Orleans canal and Bayou St. John.

WHEREAS, the city of New Orleans is now constructing a protective levee along the shore of Lake Pontchartrain, and it being necessary to protect said system of protection from overflow, that suitable locks should be placed near the lake entrance of the New Orleans canal and the Bayou St. John.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the city of New Orleans, through its officers, shall have the right to construct such locks and side embankments as may be deemed suitable by the authorities of said city; provided, that the navigation of said canal be not impeded for a greater time than forty-eight hours, the width of openings to be fifty feet; all the works necessary for said construction and the expense of future repairs and attendance to be at the cost and expense of the city of New Orleans. The gates shall remain open during such times as the lake water may be five feet six inches below the Metairie ridge, or twenty-five feet six inches below the datum line, being about ocean level for city levels established by the City Surveyor's Department. Whenever it should become necessary to close the gates, vessels shall be passed through without unnecessary delay. The city of New Orleans shall also have the right to construct a double-track turning bridge on a line with the roadway of protective levee, across the New Orleans canal and the Bayou St. John, the cost of which the construction and maintenance shall be borne by the city of New Orleans, and said bridges shall be promptly opened for the passage of vessels, subject to such regulations as the City Council may order.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved March 27, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 67.

Giving the city of New Orleans the right to construct and maintain a turning bridge across the New Orleans canal at Broad street.

Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the city of New Orleans shall have the right to construct and maintain a turning bridge across the New Orleans canal at Broad street for such length of time as the city may desire it, the bridge to be one hundred to one hundred and twenty feet in length, supported in the centre by proper pivot and turntable, with an opening each side of from forty to fifty feet.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved March 27, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 68.

To amend and re-enact sections 359, 360 and 361 of Revised Statutes, and to do away with unnecessary costs and expenses in the canceling of official bonds.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That sections 359, 360 and 361 of the Revised Statutes of the State of Louisiana be amended and re-enacted so as to read as follows:

SECTION. 359. The Governor is authorized to raise and annul on the application of any interested party all bonds with security and all mortgages which have been furnished by any public officer who may have resigned or died, or whose office may have expired by limitation, or when dismissed from office whenever there shall be no opposition thereto received in the office of the Secretary of State within one hundred and twenty days after the retirement in any manner as aforesaid, or before the application, or demand made for such raising or annulment.

SEC. 360. Any person, firm or corporation or public officer having any claim, debt or cause of action, or official cause or reason against the annullment of such bond and mortgage, shall furnish the Secretary of State, in writing, with such reason or statement of cause within one hundred and twenty days after the retirement from office of the officer for the faithful performance of whose duties the bond in question was given.

SEC. 361. The Governor shall call upon the Secretary of State in case of any demand for the raising and annullment of a bond and mortgage, and upon the certificate of the Secretary of State that no written opposition or statement of cause has been received by him, the Governor shall order the raising and annullment according. No bond of any tax collector or assessor shall be raised or annulled until the certificate of the Auditor of Public Accounts of full payment and faithful collection of moneys, or faithful performance of all duties as required by law, shall have been furnished. But the annullment of the bond and mortgage and their cancellation herein provided for shall not exempt the officer himself, his executors, heirs or assigns, from personal suit as in case of debt or damage, if brought before the period of prescription thereto applying in law.

SEC. 362. Whenever, according to the certificate of the Secretary of State, opposition shall have been made, it shall be the duty of the Governor, on the demand of either party, to refer the matter to any court of competent jurisdiction, that it may decide on their respective rights according to law. In the absence of such demand and reference, if the party opposing or stating cause, fail to bring suit or cause, the same to be brought within the period of prescription applicable to claims in question, or to notify the Secretary of State that he has so done, then the bond and mortgage shall be raised and annulled, notwithstanding the opposition or statement of cause previously filed or given.

SEC. 4. Be it further enacted, etc., That this shall have force and effect from and after its passage, and all laws or parts of laws are hereby repealed as far as so conflicting.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved March 26, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 47.

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.

SEC. 2. Be it further enacted, etc., That in all cases of neglect or refusal to pay their licenses, of any description, by any person, firm, company or corporation doing business in this State, the tax collector shall give ten days' written or printed notice to such delinquent taxpayer to pay such licenses, if such delinquent can be found; otherwise the notice shall be given by publication for ten days in the official journal, if there be one in the parish; if there be no official journal published in the parish, the notice may be posted at the courthouse door, and if at the expiration of said notice the license, together with the costs, be not fully paid, the tax collector may, without any judicial formality, proceed to seize and sell, after ten days' advertisement, the property, rights and credits of such delinquent taxpayer, or so much thereof as may be necessary to satisfy the claims of the State, as aforesaid, together with all legal costs and charges. The tax collector may, when represented by the proper law officer of the State, obtain from any court of competent jurisdiction, in the name of the State, a writ of injunction against any person who may not have paid his license, restraining any such person from pursuing his business or calling until such license is paid. In such cases the court shall render judgment for the amount of the license due, with twenty per cent special damages. In the parish of Orleans all suits for licenses and other taxes, State or municipal, shall, for whatever amount, be brought before the Superior District Court.

SEC. 3. Be it further enacted, etc., That all causes which may be commenced hereafter in any of the courts of this State, in which it is sought to enjoin or delay the collection of any licenses or taxes whatever, whether State or parish, general or special imposed by competent authority, shall be regarded as preference cases, and the court shall proceed to final trial and determination of the same at the earliest moment compatible with the ends of justice; and tax collectors shall not be liable for damages for prosecuting such cases, and upon a dissolution of any injunction hereafter granted to enjoin or delay the collection of any such taxes so levied or imposed upon any person or property in this State, the court ordering such injunction to be dissolved shall enter a decree against the person or persons suing out the same, and his or their securities on their injunction bond for the sum of one hundred per centum on the amount of all taxes, the collections of which was so delayed or enjoined, and all cost of suits and said decrees shall be enforced as other decrees are enforced, and the money collected and paid into the proper treasury.

SEC. 4. Be it further enacted, etc., That the tax collectors shall be and they are hereby authorized to give a title [in] the name of the State of Louisiana to all persons purchasing property sold in pursuance of this act, and such title shall be held in and recognized by all courts of this State as valid in law, for which title the tax collector shall be allowed a fee of two dollars; upon the presentation of a title so given to the district court or parish court it shall be the duty of the judge to order the sheriff to put such persons in possession of the property so purchased by him.

SEC. 5. Be it further enacted, etc., That in cases of vacant property, or when the owners are unknown or absent, and have left no known agent, the taxes on which property shall not have been paid, the parish or district judge shall, on the application of the tax collector, appoint a curator ad hoc, upon whom notice shall be served, and if within ten days after said notice the taxes are not paid, the tax collector may seize and sell said property without process of court, according to the mode prescribed by section one of this act, and after deducting from the proceeds of any sale the taxes due, together with all penalties, costs and charges, the surplus shall be deposited in the treasury to the credit of the owner of such property, and no curator ad hoc appointed under this act shall receive any other compensation than two dollars in each case where a sale is effected.

SEC. 6. Be it further enacted, etc., That all real estate sold hereafter under the provisions of this act, or any other law of the State providing for the sale of the property of delinquent taxpayers, shall be redeemable by the owners thereof or their legally authorized agents within six months from the date of sale, upon payment to the party purchasing at the tax collector's sale of the amount of the purchase money with fifty per centum additional and all costs; after which time, if not redeemed, the party so purchasing may present the tax collector's title of said sale to the Auditor of Public Accounts as evidence of such tax collector's sale, and demand a title to such property, and the Auditor of Public Accounts shall thereupon issue a deed of sale with complete and full title, in the name of the State of Louisiana, to the purchaser under his seal of office, which deed shall vest the title completely and fully in the said purchaser or his heirs, for which services the Auditor shall be entitled to a fee of two dollars.

SEC. 7. Be it further enacted, etc., That if any person owing any taxes has removed from one parish to another not leaving sufficient property to pay his taxes, the collector to whom the taxes are due shall be authorized to make out the bill in duplicate, and certify to the correctness of the same under oath, and forward the duplicate to the Auditor, and the original to the tax collector of the parish to which the said delinquent taxpayer has removed, and in which he may have property, whose duty it shall be to proceed to the collection of the amount due in the same manner as is provided in the case of resident delinquent taxpayers.

SEC. 8. Be it further enacted, etc., That the taxpayers who are now or shall become delinquent by the non-payment of taxes on real estate as is provided for in this act, and shall have been so returned upon the rolls of the tax collector to the Auditor of Public Accounts, the Auditor shall publish in the official journal of the parish in which such delinquent resides, or by public notice when there is no official journal, by three insertions within ten days, the name, residence of and amount due from such delinquent taxpayer, and such delinquent taxpayer shall, after thirty days, forfeit his right to bring suit or be a witness for or in his own behalf before any justice, parish, district or State court; and every court having jurisdiction within the State shall deny and refuse to issue a civil process of any kind or nature whatever in his own name or for his own benefit, until he shall, if a resident of the parish of Orleans, have procured from the Auditor of Public Accounts, or, if a resident of a country parish, from the tax collector thereof, a certificate setting forth that all such claims for delinquent taxes and costs thereon against said delinquent taxpayer have been paid.

SEC. 9. Be it further enacted, etc., That if, at any of the sales for the non-payment of licenses or taxes provided for in this act, the highest price bid for the property so offered for sale should be an amount insufficient to pay the licenses or taxes so proceeded for and the penalties provided for in such cases, together with all the lawful costs, charges and expenses, then in that case such bid shall be rejected. But then the lawfully authorized person offering such property for sale, may bid the same in for the State, and if the Auditor shall confirm such purchase the expenses shall be paid by the State out of any moneys in the treasury not otherwise appropriated; such property so bid in for the State may be redeemed as in other cases of tax sales, with right of redemption.

SEC. 10. Be it further enacted, etc., That whenever the real estate of any taxpayer shall be charged with any unpaid tax, and said real estate shall have improvements thereon and shall be occupied by any tenant or tenants of such owner, or if such real estate so charged with unpaid taxes shall be rented to any person or persons, the tax collector shall give a written or printed notice to such tenant or tenants informing him or them that the State has seized in his or their hands the rent which may be due or may be coming due to the owner of such property, to the amount of the taxes due the State and all costs and penalties. If, after such notice has been given to any tenant or tenants, he or they pay any such landlord or lessee or owner any such rent, without first paying to the tax collector the amount of taxes due the State, such tenant or tenants shall become liable for all such unpaid taxes and all costs and charges, and may be proceeded against as if originally assessed for the amount. When any tenant or tenants shall pay to the tax collector out of the rent which he or they may owe to the landlord, lessee or owner, the tax collector shall give such tenant or tenants a receipt for the full amount paid, and such payment and receipt shall discharge the debt which such tenant or tenants may owe to the landlord, lessee or owner to the amount so paid to the collector. If any landlord, lessee or owner shall thereafter take any legal proceedings against any such tenant or tenants, the court before which such proceedings are had shall give full force and effect to such receipt of the tax collector when produced, and shall discharge such tenant or tenants for such debt to the landlord, lessee or owner, to the full amount so paid to the tax collector.

SEC. 11. Be it further enacted, etc., That all laws or parts of laws conflicting with this act be and are hereby repealed so far as they conflict. 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:
WILLIAM WEEKS,
Assistant Secretary of State.

AN ACT No. 26.

Punishing 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 authorized by the constitution and laws of the State of Louisiana, in either the legislative, executive, judicial or military departments of the State government thereof, whose compensation for official services or employment therein is 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 employment, shall be deemed guilty of extortion in office, and shall be punished in the manner hereinafter prescribed 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.

AN ACT No. 48.

For the relief of the public schools of the city of New Orleans from debt; to more effectually provide for funding the same, and declaring the construction of section thirteen of act No. 70 of 1872, and to regulate the levy of school tax for 1873.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the issue of new consolidated bonds of the city of New Orleans, general series, for school warrants for debt of the years 1871 and 1872 not funded at the time of the passage of this act, shall not be construed as an offense or violation of the penal and prohibitory provisions of section thirteen of act No. 73 of 1872, on account of any excess over the limit laid down in said section, but no further issue for any other purpose shall in that case be lawful until the payment or absorption of sufficient bonded or certified debt to allow of such issue within the limit of twenty-three millions of dollars, under the pains and penalties provided in said section thirteen of act No. 73 of 1872, for a violation thereof.

SEC. 2. Be it further enacted, etc., That the Council of the city of New Orleans in levying the tax for and collectible in 1873 for the support of public schools for the said years shall not be required to observe the provisions of section twenty-eight of act No. 7, extra session of 1870, but may pass the ordinance finally upon one reading, and at one and the same sitting, whether at a regular or special meeting, the object hereof being to enable collection of school taxes for 1873 with the other city taxes of the same year.

SEC. 2. Be it further enacted, That this act shall go into 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 17, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

JOINT RESOLUTION No. 49.

For the relief of Thomas Woodard, Robert H. Smith and C. N. Prudhomme, citizens of Red River parish, State of Louisiana, and for other purposes.

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Auditor of Public Accounts, when necessary, be and is hereby authorized and required to issue his warrants upon the State Treasurer, to be paid out of any funds therein not otherwise appropriated, for the following amounts and claims, to wit: To Thomas Woodard the sum of eight hundred and seventy-three dollars and fifty cents, in lieu of his claim for excessive taxation in property for which he is the agent in said parish and State aforesaid, and to Robert H. Smith the sum of one hundred and eighty dollars, in lieu of his claim for excessive taxation on his property in the parish and State aforesaid, and to C. N. Prudhomme the sum of his money assessment is hereby remitted and stricken from the roll or tax list of said parish for the year 1871, by reason and in lieu of the taxes upon his property, which was destroyed by fire after the said assessment was made, therefore depriving said claimant of any benefit thereof; provided, that all the said claimants hereof shall, before receiving any benefits of this act, establish their said claims to the satisfaction of the Auditor of Public Accounts by competent evidence and proof, after which the said Auditor shall proceed and execute the provisions of this act, which said act shall take effect 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 March 17, 1873.
(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AUCTION SALES.

By S. Guinault.

SEVERAL COTTAGES ON ESPLANADE, GRAND Route St. John, and near the Fair Grounds—Six Tracts of Land fronting Bayou St. John and the Shell Road near the Toll Gate, known as the "Folly"—A Lot of Ground fronting on Esplanade street—Several Vacant Lots and a Cottage on Washington street—Two Lots and Buildings fronting Palmyra street, and several Stocks of different Associations.

SUCCESSION OF EMILE TORREGROSSA.

Second District Court for the Parish of Orleans—No. 35,900.

BY S. GUINAULT, AUCTIONEER—Office corner of Exchange alley and Bienville street.—SATURDAY, April 26, 1873, will be sold at twelve o'clock M., at the Merchants and Auctioneers' Exchange, on Royal street, between Canal and Customhouse streets, by virtue of an order from the honorable the Second District Court for the parish of Orleans, dated March 14, 1873, the following property belonging to the aforesaid succession, to wit:

Real Estate.

1. TWO CERTAIN LOTS OF GROUND, together with the buildings and improvements thereon, situated in the First District of this city, in square No. 29, bounded by Palmyra, Common, Prieur and Johnson streets, designated by Nos. 13 and 14 on a plan drawn by J. Pilie, surveyor, dated May 1, 1840, and deposited in the office of D. L. McCay, late notary in this city, said lots having, American measure, the following dimensions, viz: Lot No. 13, 27 feet 6 inches front on Palmyra street, by 102 feet 8 inches 10 lines in depth between parallel lines; and lot No. 14, 27 feet 6 lines front on Palmyra street, by 102 feet 8 inches 2 lines in depth between parallel lines. Together with a one-story frame house, covered with slates, having three rooms, another building in the yard of four rooms and side gallery, and another two-story frame house of four rooms and gallery, cisterns, privy, etc.

2. THE ONE HALF OF A CERTAIN SQUARE OF GROUND, situated in suburb Jackson, in the Second District of this city, in square bounded by St. Louis, Bernadotte, Conti and St. Patrick streets, being composed of lots Nos. 8, 9, 10, 11, 12 and 13, the half of lot No. 7, the half of lot No. 14, on a plan drawn by J. D. De Pouilly, architect, and deposited in the office of Joseph Cuvillier, notary public of this city, on the twenty-first day of January, 1835. Said half square of ground measuring altogether 200 feet front on Conti street, 141 feet 5 inches front on St. Patrick street, and 141 feet 5 inches front on Bernadotte street.

3. FOURTEEN LOTS OF GROUND, together with the buildings and improvements thereon, situated in the same district, in the square bounded by Bienville, Conti, Bernadotte and St. Patrick streets, designated by Nos. 1 to 12, inclusively, and 25 and 26, on a plan made by A. DeYoung, architect, on the thirteenth of October, 1851, and deposited in the office of A. Mazureau, notary public in this city; lots Nos. 1 to 10, inclusive, adjoin each other and measure each 30 feet front on Bienville street by 100 feet deep, lot No. 1 forming the corner of Bernadotte street, lot No. 10 forming the corner of St. Patrick street. Lots Nos. 11 and 12 measure each 27 feet 9 inches front on Bernadotte street by 150 feet deep, and lots Nos. 25 and 26 measure each 27 feet 9 inches front on St. Patrick street by 150 feet deep, together with a house of two rooms, built at the corner of Bienville and St. Patrick streets.

4. A LOT OF GROUND, situated on Esplanade street, in the Third District of this city, designated by No. 2, in square bounded by Esplanade, White, Lepage, Seventh and Washington streets, measuring 30 feet 5 inches front on Esplanade street by a depth of 109 feet 8 inches 6 lines on the side of lot No. 1 and on the rear line of lots Nos. 20 and 21, and 100 feet 10 inches 7 lines on the side of lot No. 3, and 28 feet 10 inches 1 line on the rear line, the whole in conformity to a plan deposited in the office of the sheriff of the parish of Orleans.

5. A CERTAIN PIECE OR PORTION OF GROUND, together with the buildings and improvements thereon, situated in suburb Pontchartrain Second District of this city, in square bounded by Grand Route St. John, Florida, Peree and Mystery streets. Said piece or portion of ground is designated by the letter A, on a sketch or plan drawn by J. A. D'Hemecourt, deputy surveyor, and annexed to an act of sale passed in the office of E. Barnett, notary public in this city, and measures 220 feet 10 inches 6 lines front on said Grand Route St. John, 150 feet 10 inches 7 lines in depth and front on Mystery street and 220 feet 10 inches 6 lines on Florida street. Together with a one-story frame house, having four rooms, front and back galleries and two cabinets, and another two-story frame house of six rooms and gallery, the whole slate-roofed, two cisterns, privy, etc.

6. A CERTAIN PIECE OR PORTION OF GROUND, together with the buildings and improvements thereon, situated in suburb Pontchartrain, in the Second District of this city, in square bounded by Mystery, Florida, Peree streets and Grand Route St. John, measuring 30 feet 3 inches 6 lines front on Florida street, by 79 feet 11 inches 1½ lines in depth between parallel lines. Said lot or portion of ground forming part of the property designated by the letter E, on a plan or sketch made by J. A. d'Hemecourt, and designated by the letter C, said sketch annexed to an act passed before E. Barnett on the eleventh of May, 1866. Also another piece or portion of ground, together with the buildings and improvements thereon, situated in the same suburb and square, designated by the letter B, on a sketch drawn by J. A. d'Hemecourt, surveyor, on the said twenty-eighth April, 1866, above referred to, according to which sketch said piece or portion of ground measures 56 feet 7 inches front on Grand Route St. John, by a depth of 79½ feet 5 inches 1½ lines, and 56 feet 7 inches on the rear line, more or less; together with a one-story frame house, slate roofed, of four rooms, double kitchen and gallery, cistern, privy, etc.

7. A CERTAIN PIECE OR PORTION OF GROUND situated in the Third District of this city, on the right bank of Bayou St. John, known as the Folly, and divided into six lots, and numbered from Nos. 1 to 6.

Lot No. 1 measures about 125 feet front on Bayou St. John and shell road, 149 feet on the rear, 370 feet, more or less, on the line toward Esplanade street, and 390 feet, more or less, on the line dividing it from lot No. 2.

Lot No. 2 measures about 129 feet front on the shell road, 126 feet on the rear, 390 feet, more or less, on the line dividing it from lot No. 1, and 360 feet, more or less, on the line dividing it from lot No. 3.

Lot No. 3 measures about 115 feet front on the shell road, or Bayou St. John, 105 feet 6 inches 3 lines on the rear, 360 feet, more or less, on the line dividing it from lot No. 2, and 305 feet, more or less, on the line dividing it from lot No. 4.

Lot No. 4 measures about 115 feet front on the shell road, or Bayou St. John, 105 feet 6 inches 3 lines on the rear, 305 feet, more or less, on the line dividing it from lot No. 3, and 245 feet, more or less, dividing it from lot No. 5.

Lot No. 5 measures about 108 feet front on the shell road or Bayou St. John, 105 feet 6 inches 2 lines on the rear, 245 feet, more or less, on the line dividing it from lot No. 4, and 211 feet, more or less on the line dividing it from lot No. 6.

Lot No. 6 measures about 106 feet front on the shell road or Bayou St. John, 105 feet 6 inches 2 lines on the rear, 211 feet more or less, on the line dividing it from lot No. 5, and 204 feet, more or less, on and opposite side.

The tract, known as the Folly, is beautifully improved with a handsome pavilion, having a circular gallery, store rooms, arbor, privy, cistern, pigeon house, chicken house; there are also two large fish ponds, having each about 600 feet in length, with bridges, crossings and sidewalks; the land is thickly planted with a variety of fruit trees, such as orange, peach, plum, flowers and a number of large shade trees. The whole property is nicely fenced and in splendid order.

8. TWO CERTAIN LOTS OF GROUND, together with the buildings and improvements thereon, Second District of this city, in suburb Pontchartrain, designated by Nos. 3 and 4 on a plan drawn by L. J. Pilie, on the twelfth of September, 1833, and deposited in the office of C. Pollock, late notary of this city. Said lots measuring each, French measure, 30 feet front on Grand Route St. John, 30 feet in width in the rear, by the following depths, viz: Lot No. 3 100 feet 11 inches on the division line of lot No. 2, and 101 feet 2 inches 6 lines on the division line of lot No. 4, and lot No. 4 101 feet 2 inches 6 lines on the division line of lot No. 3, and 101 feet 6 inches on the division line of lot No. 5. Together with a one-story cottage containing three rooms, front gallery, storeroom, double kitchen, cistern, privy, etc., the whole slate roofed, with a handsome garden.

9. TWO CERTAIN LOTS OF GROUND, in the same square, designated by Nos. 5 and 6, on a plan of Depouilly, December 23, 1831, and deposited in the office of A. Chiapella, late notary of this city; said lots measuring each 31 feet 11 inches front on Grand Route St. John, 30 feet in width in the rear, by the following depths: Lot No. 5, 105 feet 9 inches on the division line of lot No. 4 and 106 feet 1 inch on the division line of lot No. 6, and lot No. 6, 106 feet 1 inch on the division line of lot No. 5, 106 feet 1 inches on the other side.

10. TWO CERTAIN LOTS OF GROUND, in the same square adjoining the preceding, and designated by Nos. 3 and 4, according to the same plan, and measuring each 31 feet 11 inches front on Grand Route St. John, 32 feet in width in the rear, by the following depths: Lot No. 3, 105 feet on the division line of lot No. 2, and 105 feet 4 inches 6 lines on the division line of lot No. 4; and lot No. 4, 105 feet 4 inches 6 lines on the division line of lot No. 3, 106 feet 9 inches on the division line of lot No. 5.

11. TEN CERTAIN LOTS OF GROUND, situated in the suburb St. John, Second District of this city, designated by Nos. 1 to 10 inclusively, on a sketch drawn by J. A. D'Hemecourt, deputy city surveyor, on the seventeenth of November, 1871, according to which sketch, the said lots having, in American measure, the following dimensions, to wit:

Lots Nos. 1 to 6, inclusive, measure each 31 feet 11 inches 5 lines front on Washington street, by 120 feet deep between parallel lines. Lot No. 7, 31 feet 11 inches 5 lines front on Washington street, 32 feet 5 inches 4 lines in width on the rear line, by 154 feet 11 inches 7 lines on the division line of lots Nos. 6, 9 and 10, and 145 feet 1 inch 1½ line deep on the division line of lot No. 8. Lot No. 8, 31 feet 11 inches 5 lines front on Washington street, 33 feet 5 inches 4 lines in width on the rear, by 145 feet 1 inch 1½ lines deep on the division line of lot No. 7 and 135 feet 2 inches 6 lines deep on the opposite line. Lot No. 9, 30 feet front on Second street, by 191 feet 10 inches in depth between parallel lines, and lot No. 10, 64 feet 2 inches front on Second street 191 feet 10 inches deep on the division line of lot No. 9, and 200 feet 9 inches deep on the opposite side, said lots closing nearly to a point in the rear.

12. THREE CERTAIN LOTS OF GROUND situated in suburb St. John, Second District of this city, in square bounded by Washington, Grand Route St. John, Second street, and Bayou St. John, designated by Nos. 2, 3, and 4. Said lots measuring each, American measure, 30 feet front on Washington street by irregular depths varying more or less from 115 feet 9 inches 4 lines to 95 feet 5 inches 3 lines.

13. ANOTHER LOT OR PORTION OF GROUND, in the same square, and adjoining the above lots, together with the buildings and improvements thereon. Said lot measuring, American measure, 72 feet 10 inches front on Washington street, by 29 feet 5 inches 7 lines in depth more or less on one side, and 67 feet 10 inches in depth more or less, on the other side. The improvements consist in a one-story frame house covered with slates, and containing four rooms, double kitchen with front gallery, two cabinets, cistern, privy, etc.

14. TWO CERTAIN LOTS OF GROUND, together with the buildings and improvements thereon, designated by Nos. 5 and 6, on square bounded by Grand Route St. John, Esplanade, Third and Second streets; said lots measuring each 31 feet 11 inches 5 lines front on Grand Route St. John, same width in the rear, by the following depths: Lot No. 5, 106 feet 2 inches on the division line of lot No. 4, 108 feet 5 inches 6 lines on the division line of lot No. 6, and lot No. 6 108 feet 5 inches 6 lines on the division line of lot No. 5, and 105 feet 9 inches 5 lines on the division line of lot No. 7. The improvements consist of a handsome cottage of six large rooms, two of which are in the attic, rear gallery, with two cabinets, double kitchen, with front gallery, two cisterns, shed, privy, etc. The whole slate roofed. The gas is introduced in all the rooms of the main house.

15. TWO LOTS OF GROUND, situated in the same square adjoining the above, designated by the Nos. 7 and 8 having each, American measure, 31 feet 11 inches 5 lines front on Grand Route St. John, the same width in the rear, by a depth of 108 feet 9 inches 5 lines on the division line of lot No. 6 and 109 feet 3 inches, more or less, on the division line of lot No. 9; together with a handsome cottage of six large rooms, two of which are in the attic, rear gallery with two cabinets, double kitchen with front gallery, storeroom, two cisterns, shed, privy, etc., the whole slate-roofed. The gas is introduced in all the rooms of the main house.

16. TWO LOTS OF GROUND, situated in the same square adjoining the above, designated by the Nos. 9 and 10, having each, American measure, to wit: Lot No. 9, 31 feet 11 inches 5 lines front on Grand Route St. John, the same width in the rear, by 109 feet 3 inches, more or less, on the division line of lot No. 8, and 109 feet 8 inches 6 lines on the division line of lot No. 10; and lot No. 10, 25 feet 1½ inches front on Grand Route St. John, closing at an obtuse angle, 7 feet 2 inches front on Esplanade street, by a depth of 109 feet 8 inches 6 lines on the division line of lot No. 9, and 105 feet 6 inches on the other side line, and 31 feet 11 inches 5 lines in width in the rear; together with a handsome cottage of six large rooms, two of which are in the attic, rear gallery with two cabinets, double kitchen with front gallery, storeroom, two cisterns, shed, privy, etc., the whole slate roofed. The gas is introduced in all the rooms of the main house.

17. A CERTAIN PIECE OF GROUND, situated in suburb Pontchartrain, Second District of this city, in square bounded by Grand Route St. John, Esplanade, Third and Washington streets and Bayou St. John, designated on a plan made by Charles G. de Lisle, surveyor, designated by the letter C, and containing three lots, measuring together 95 feet 9 inches front on Grand Route St. John, by a depth of 105 feet on the line dividing it from lot No. 3, 103 feet ten inches on the opposite side; together with the buildings and improvements thereon, consisting of a large frame house, containing hall in the centre, six large rooms; the improvements in the yard consist of a frame house, containing four rooms, two side galleries, two closets, also a bath room building of 4 rooms, privies, 3 cisterns, etc. One side of the lot is beautifully improved with a flower garden. The main building is covered with slate, and is protected with a lightning rod. The gas is introduced in all the rooms of the main house.

18. In the same square adjoining the preceding a CERTAIN PORTION OF GROUND, designated by letter D on the same plan containing four lots, measuring together 127 feet 9 inches front on Grand Route St. John, by 103 feet 10 inches in depth on one side and 102 feet 4 inches on the opposite side. Said portion of ground being in a high state of cultivation, and containing a variety of splendid flowers, and is beautifully arranged.

The whole agreeably to plans drawn by Charles G. de Lisle, to be exhibited at the exchange several days previous to the day of sale.

Stocks.

Five shares in the New Orleans Credit Foncier Association of this city of $50 each.

Five shares of the Louisiana Jockey Club of $100 each.

Five shares of the Salamander Insurance Company of this city, upon which the sum of $50 have been paid.

Twelve shares in the Mechanics' and Agricultural Fair Association of Louisiana of $25 each.

One share of the Opera Association of New Orleans of $500.

One share of La Variete Association of this city of $1000.

Terms and conditions—For the stocks cash. For the property firstly described, situated on Palmyra street, the purchaser to assume the payment of $1093 41, due to the minors of F. Mysing, as follows, to wit: To Frederick A Mysing, on the twenty-first July, 1876, the sum of $364 80; to William A. Mysing, on the seventh September, 1878, the like sum of $364 80; and to Peter C. Mysing, on the twenty-first July, 1884, a like sum of $364 80; the above three payments to bear six per cent interest per annum, payable semi-annually. And the balance of the price of adjudication payable one half cash, and the remainder at a credit of one year, with interest at the rate of eight per cent per annum from date till paid.

For lots Nos. 5 and 6, fronting on St. John street, tenthly described, the purchaser to assume the payment of $177 76 due to the minors Conti, as follows, viz: To Ernest Conti, on the thirteenth of July, 1875, the sum of $44 44; to Felicite Conti, on the twelfth of April, 1878, a like sum of $44 44; to Henriette Conti, on the sixth of February, 1880, a like sum of $44 44, and to Bella Conti, on the seventh of May, 1883, a like sum of $44 44. The above payment to bear interest at the rate of eight per cent per annum and payable semi-annually. The balance, one half cash and the remainder at a credit of one year, with eight per cent interest per annum from date till paid.

For lots Nos. 3 and 4, tenthly described, also fronting on St. John street, the purchaser to assume the payment of the sum of $266 66⅔, due to the minors Conti as follows, viz: To Ernest Conti, on July 30, 1875 the sum of $66 66⅔; to Felicite Conti, on April 12, 1878, a like sum of $66 66⅔; to Henriette Conti, on February 6, 1880, a like sum of $66 66⅔; and to Bella Conti, on May 7, 1883, a like sum of $66 66⅔; the above payment to bear interest at the rate of eight per cent per annum payable semi annually, and the balance payable one half cash and the remainder at a credit of one year, with eight per cent interest per annum till paid.

For all the remaining landed property secondly, thirdly, fourthly, fifthly, sixthly, seventhly, eighthly, eleventhly, twelfthly, thirteenthly, fourteenthly, fifteenthly, sixteenthly, seventeenthly and eighteenthly described—One third payable cash, and the balance at a credit of one and two years, for notes bearing interest at the rate of eight per cent per annum from date till paid and secured by mortgage and privilege of vendor on the property sold; all the buildings erected on the lots of ground to be kept insured by the purchasers to their value and policies of insurance transferred to the vendors until the final and entire payment of the notes furnished; and in case of failure of the purchasers to pay any of the notes at maturity they shall pay the lawyer's fees in case of suit at the rate of five per cent on the amount claimed.

The purchasers to pay all the taxes for the year 1872 due in 1873, over and above the price of adjudication.

Acts of sale before A. E. Bienvenu, notary public, at the expense of the purchasers.

mh21 28 ap4 11 18 27

By Hoffman, Marks & Co.

DRY GOODS, ETC.

ASSIGNEE'S SALE.

IN THE MATTER OF MYER MANSBERG IN BANKRUPTCY.

District Court of the United States of America for the District of Louisiana—No. 1212.

BY HOFFMAN, MARKS & CO.—A. LEVY, Auctioneer—Salesroom No. 38 Chartres street—On WEDNESDAY, April 2, 1873, at twelve o'clock M., will be sold, by virtue of an order of the Hon. E. H. Durell, judge of the District Court of the United States of America for the District of Louisiana, sitting in bankruptcy, dated the eighteenth of March, 1873, to wit—

THE ENTIRE STOCK IN TRADE of Myer Mansberg, in bankruptcy, consisting of a general assortment of Dry Goods, etc.

The above without any reserve whatever.

mh25

ASSIGNEE'S SALE IN BANKRUPTCY.

TOYS, BASKETS AND FANCY GOODS.

IN THE MATTER OF CHARLES GUERINEAU, JR., Bankrupt.

District Court of the United States of America for the District of Louisiana—No. 1275.

BY HOFFMAN, MARKS & CO.—ALEX. Levy, Auctioneer—Salesroom No. 38 Chartres street—On FRIDAY, April 4, 1873, at 10 A. M., will be sold, at No. 130 Royal street, by virtue of an order of the Hon. E. H. Durell, judge of the District Court of the United States of America for the District of Louisiana, sitting in bankruptcy, dated March 18, 1873, to wit—

THE ENTIRE STOCK IN TRADE of Charles Guerineau, Jr., in bankruptcy, consisting of mechanical and other Toys, Wagons, Baskets and Fancy Goods.

The above without any reserve whatever.

Terms—At sale.

mh27 td

By Charles E. Fortier.

SUCCESSION OF WIDOW HENRY CAUTIER.

BY CHARLES E. FORTIER, AUCTIONEER—Office No. 62 Exchange alley.—SATURDAY, April 19, 1873, at twelve o'clock M., at the St. Louis Auction Exchange, on St. Louis street, between Royal and Chartres streets, will be sold, by virtue of an order from the Hon. A. L. Tissot, Judge of the Second District Court for the parish of Orleans, dated March 5, 1873—

A LOT OF GROUND, with the buildings and improvements thereon, situated in the town of McDonogh, parish of Orleans, designated by the No. 2 on a plan drawn by J. Pilie, dated December 7, 1852, and measuring French measure, 60 feet front on Madison street, by 120 feet in depth.

Terms—Cash on the spot.

Act of sale before W. H. Seymour, notary public, at the expense of the purchaser.

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