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OF THE

SECOND SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA

SENATE.

Third Day's Session.

SENATE CHAMBER,
New Orleans, January 7, 1874.

The Senate met pursuant to adjournment, and was called to order by Hon. C. C. Antoine, Lieutenant Governor of the State and President of the Senate.

On call of the roll the following Senators answered to their names:

Messrs. Anderson, Alexander, Barber, Belden, Blackburn, Blunt, Burch, Brewster, Cage, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Pollard, Stamps, Twitchell, Weber, Wharton, Whitney—21.

The President announced a quorum present.

Prayer by the chaplain.

The reading of the journal of yesterday's proceedings was dispensed with, and the journal adopted.

EXECUTIVE COMMUNICATIONS.

STATE OF LOUISIANA,
Executive Department,
New Orleans, January 7, 1874.

To the Honorable President and Members of the Senate:

I recommend the passage by your honorable body, without delay, of an act ceding, on the part of the State to the government of the United States, the necessary lands for the construction of the proposed Fort St. Philip Canal.

Our representatives in Congress inform me it is necessary this should be done at once.

WILLIAM P. KELLOGG,
Governor.

A communication from Lieutenant Governor Antoine, relative to the contingent expenses of his office, was partly read and referred to the Committee on Finance.

ANNOUNCEMENT OF APPOINTMENT OF COMMITTEES BY THE PRESIDENT

Special Committee on Unfinished Business—Senators Barber, Whitney and Wharton.

Special Committee on Senate Rules—Senators Harris, Twitchell and Ingraham.

Joint Committee to Examine the Books, Vouchers, etc., of the Auditor and Treasurer, sections 1540 and 1552, Revised Statutes—Senators Harris and Kelso, on part of Senate.

Joint Committee to Examine Securities deposited by Banks and Banking Companies, section 1543 Revised Statutes—Senators Anderson and Wharton, on part of Senate.

Committee of Five on Governor's Message—Senators Wharton, Weber, Ingraham, Belden and Alexander.

REPORTS OF COMMITTEES.

COMMITTEE ON ENROLLMENT,
New Orleans, January 7, 1874.

To the Honorable President and Members of the Senate:

I respectfully beg leave to report as duly enrolled, a joint resolution relative to Hon. P. B. S. Pinchback, United States Senator elect from this State.

J. HENRI BURCH, Chairman.

NOTICES OF BILLS.

By Mr. Brewster:

An act submitting a proposed amendment to the constitution of the State, to the voters of the State, prohibiting the General Assembly from lending the credit of the State to any railroad company or other corporation, and prohibiting the State from subscribing to the stock of any railroad company or other corporation.

By Mr. Harper:

An act to incorporate the First Baptist Association of Shreveport.

By Mr. Masicot:

A bill to create an insurance department and to regulate the management of insurance companies.

INTRODUCTION OF BILLS ACCORDING TO PREVIOUS NOTICE.

By Mr. Barber:

A bill to be entitled an act to reorganize and render more effective the Board of Health of the State of Louisiana; to provide for certain of its expenses, and for recording births, deaths and marriages in the parish of Orleans.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, bill read the second time and referred to the Committee on Health and Quarantine.

By Mr. Ingraham:

An act for the relief of F. Van Benthuysen and his minor children.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Judiciary.

By Mr. Butler:

A bill to be entitled an act revoking penalties imposed for non-payment of taxes; estopping suits instituted on the part of the State for the collection of certain back and unpaid taxes, but providing said taxes still collectible, with penalties, after a certain time; making State warrants receivable for State taxes, and repealing all laws in conflict with this act.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Judiciary.

By Mr. Bovee:

A bill to be entitled an act donating to the parish of St. James the property known as the old Vacherie road, and authorizing the police jury to sell the same.

The bill was read the first time.

The constitutional rule was suspended by a fourth-fifths vote, bill read the second time and referred to Committee on Parochial Affairs.

By Mr. Brewster:

A bill to be entitled an act to establish, endow and locate the Louisiana Agricultural and Mechanical College.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, bill read the second time and referred to Committee on Public Education.

BILLS INTRODUCED BY UNANIMOUS CONSENT.

By Mr. Belden:

A bill to be entitled an act authorizing the plea of reconvention in cases.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, bill read the second time and referred to Commiteee on Judiciary.

By Mr. Blackburn:

A bill to be entitled "an act for the relief of Mrs. W. P. Noble."

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill was read the second time and referred to the Committee on Claims.

By Mr. Harris:

A bill to be entitled "an act ceding jurisdiction and conveying titles to all State lands required for the construction of the proposed Fort St. Philip canal to the United States."

The bill was read the first time.

The constitutional rule was suspended by a four-fifths affirmative vote, the bill read a second time and considered engrossed.

The constitutional rule was further suspended by a four-fifths vote, the bill read a third time and finally adopted by the following vote, on a call of the yeas and nays:

Yeas—Anderson, Alexander, Barber, Belden, Blackburn, Blunt, Bovee, Butler, Burch, Brewster, Cage, Harris, E. F. Herwig, Harper, Ingraham, Kelso, Pollard, Rey, Sypher, Stamps, Twitchell, Weber, Wharton, Whitney—21.

Nays—None.

Title to stand.

By Mr. Ingraham:

A bill to be entitled an act for the relief of taxpayers, remitting penalties to all delinquents; provided said back taxes and costs are paid within sixty days from the passage of this act.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths affirmative vote, and the bill read the second time and referred to the Committee on the Judiciary.

By Mr. Stamps:

A bill to be entitled an act to provide for the funding of the public debt of the State, including all legal and valid bonds of the State, and all legal and valid warrants and certificates of indebtedness drawn by the Auditor of Public Accounts upon the treasury, and now unpaid; to provide for the issuance of consolidated bonds of the State of Louisiana in exchange for said outstanding obligations; to provide for the payment of interest and principal of same; prescribing the rate of interest, and providing for a sinking fund; defining the duties and powers of State officers under this act, and the manner and terms in which said exchange shall be effected; forbidding the payment of interest otherwise than as provided therein; defining and limiting the State debt under the operation of this act; limiting the rate of taxation for all State purposes; and repealing acts inconsistent herewith.

This bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, and the bill was read the second time and referred to the Committee on Finance, and ordered to be printed.

EXECUTIVE COMMUNICATION.

The president submitted the following communication from the Governor:

STATE OF LOUISIANA,
Executive Department,
New Orleans, January 6, 1874.

To the Honorable President and Members of the Senate:

With the consent of the Senate I desire to withdraw my veto of Senate bill, entitled "an act to amend and re-enact sections two, seventeen and eighteen of act No. 93 of session of 1872, entitled an act to incorporate the city of Natchitoches and provide for the government of the same, approved July 5, 1872, providing for the submitting of the tax levied to the legal voters of said city in certain cases."

WILLIAM P. KELLOGG,
Governor.

On motion of Mr. Harris the communication was referred to the Committee on Judiciary, with instructions to report whether the Governor could legally withdraw the same after it had been submitted to the Senate for its consideration.

EXECUTIVE SESSION.

On motion of Mr. Barber the Senate went into executive session.

Executive session having been raised, on call of the roll the following members answered to their names:

Messrs. Anderson, Alexander, Barber, Belden, Blunt, Bovee, Butler, Burch, Brewster, Cage, Green, Harris, Harper, Kelso, Masicot, Pollard, Rey, Sypher, Stamps, Twitchell, Weber, Wharton, Whitney—23.

The President announced a quorum present.

REPORTS OF COMMITTEES LYING OVER.

On motion of Mr. Barber the following report was taken up:

COMMITTEE ON ELECTIONS,
New Orleans, January 6, 1874.

To the Honorable President and Members of the Senate:

As chairman of the Committee on Elections of the session of 1873, I herewith submit all evidence submitted to the committee during the last and present session.

In the first case, C. F. Glaudin vs. E. Booth.

Second case—E. Deteige vs. A. Voorhees.

Third case—J. A. Masicot vs. A. J. Lewis.

I respectfully recommend that the accompanying evidence be submitted to the new Committee on Elections, when appointed.

JAMES H. INGRAHAM,
Formerly Chairman.

On motion of Mr. Barber, the evidence was ordered to be printed in the journal of Saturday next for the consideration of the Senate, and action upon the same fixed for Monday next.

RESOLUTIONS LYING OVER.

On motion of Mr. Harris, the following resolution was taken up:

Resolved, That a joint committee of five be appointed, to consist of two members of the Senate to be appointed by the President, and three members of the House to be appointed by the Speaker, to examine the books and accounts of the Auditor of Public Accounts and the State Treasurer, in compliance with sections 1540 and 1552 of the Revised Statutes.

Mr. Harris moved that the joint resolution be adopted, on second reading.

Mr. Blunt moved that the joint resolution be indefinitely postponed.

Pending the debate the President decided the resolution out of order, and in violation of the statue of the State already enacted.

From this decision Mr. Harris took an appeal.

Pending the question of appeal the Senate went into executive session.

Executive session having been raised the following members answered to their names:

Messrs. Anderson, Alexander, Barber, Blunt, Bovee, Butler, Burch, Brewster, Green, Harris, E. F. Herwig, Harper, Ingraham, Kelso, Masicot, Sypher, Stamps, Twitchell, Weber, Wharton, Whitney—21.

The President announced a quorum present.

The pending question being the appeal taken by Mr. Harris, he called for the yeas and nays.

The question whether the Chair be sustained in ruling the joint resolution to be in violation of the existing statutes of the State was decided in the affirmative, as follows:

Yeas—Anderson, Alexander, Barber, Belden, Blunt, Bovee, Butler, Burch, Brewster, Cage, Crawford, Green, E. F. Herwig, Harper, Ingraham, Kelso, Masicot, Rey, Sypher, Stamps, Twitchell, Whitney—21.

Nays—Harris, Weber, Wharton—3.

The decision of the Chair was sustained and the resolution ruled out of order.

On motion of Mr. Barber the Senate adjourned till Friday, the ninth instant.

The President then announced that the Senate stood adjourned until Friday, January 9, 1874, at 12 M.

P. E. BECHTEL,
Secretary of the Senate.

OFFICIAL.

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

[GENERAL NATURE—No. 71.]

An act to amend the law requiring consular officers to collect three months' extra pay for seamen in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the law to regulate the consular system of the United States, which requires consular officers to collect three months' extra wages upon the discharge of seamen, be, and the same hereby is, so amended as to permit said officers whenever, after a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, to remit so much of the extra wages as is now by law paid to the seaman discharged; provided that relief can immediately be offered to such seamen by reshipment without expense to the United States.

Approved March 3, 1873.

[GENERAL NATURE—No. 74.]

An act to restore Absalom Kirby as second assistant engineer in the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, by and with the advice and consent of the Senate, to restore Absalom Kirby to his original position on the active list as a second assistant engineer in the navy of the United States.

Approved March 3, 1873.

[GENERAL NATURE—No. 107.]

An act to provide for the sale of lands of the United States containing coal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

SEC. 2. That any person or association of persons severally qualified as above, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under the foregoing provisions, of the mines so opened and improved; provided, that when any association of not less than four persons, severally qualified as in section one of this act, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

SEC. 3. That all claims under section two of this act must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; provided, that when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and provided further, that where the improvements shall have been made prior to the expiration of three months from the passage of this act, sixty days from the expiration of said three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this act shall be allowed until the expiration of six months from the date hereof.

SEC. 4. That this act shall be held to authorize only one entry by the same person or association of persons under its provisions; and no association of persons any member of which shall have taken the benefit of this act either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions of this act; and no member of any association which shall have taken the benefit of this act shall enter or hold any other lands under its provisions; and all persons claiming under section two hereof shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

SEC. 5. That in case of conflicting claims upon lands where the improvements shall be hereafter commenced, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made at the date of the passage of this act, division of the land claim may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties; and Commissioner of the General Land Office shall be and is hereby authorized to issue all needful rules and regulations for carrying into effect the provisions of this act.

SEC. 6. That nothing in this act shall be construed to destroy or impair any rights which may have attached prior to its passage, or to authorize the sale of lands valuable for mines of gold, silver or copper.

Approved March 3, 1873.

[GENERAL NATURE—No. 87.]

An act to establish a board of local inspectors of steam vessels for the customs district of Michigan, in the State of Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be a local board of inspectors designated and appointed for the customs district of Michigan, in the State of Michigan, and the inspector of hulls and the inspector of boilers, composing the said board, shall receive a salary of nine hundred dollars a year each.

Approved March 3, 1873.

[GENERAL NATURE—No. 110.]

An act to authorize and direct the Secretary of War to distribute arms and military equipments under the act of April twenty-three, eighteen hundred and eight, and the acts amendatory thereof.

Be it amended by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to distribute to such States as did not, from the year eighteen hundred and sixty-two to the year eighteen hundred and sixty-nine, receive the same, their proper quota of arms and military equipments for each year, from eighteen hundred and sixty-two to eighteen hundred and sixty-nine, under the act of Congress approved April twenty-third, eighteen hundred and eight, and the several acts amendatory thereof; provided, that in the organization and equipment of military companies and organizations with said arms, no discrimination shall be made between said companies and organizations on account of race, color or former condition of servitude.

Approved March 3, 1873.

[GENERAL NATURE—No. 69.]

An act to provide for the preparation and presentation to Congress of the Revision of the Laws of the United States, consolidating the laws relating to the post roads, and a code relating to military offenses, and the revision of treaties with the Indian tribes now in force.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Committee of three of the House of Representatives on the Revision of the Laws, with committee on the part of the Senate, is hereby authorized, by resolution, to be filed in the Department of Justice, to accept, on the part of Congress, the draft on Revision of the Laws of the United States prepared by the commissioners to revise the statutes, so far as the same has been reported by them, and may be hereafter reported by them, at the expiration of the time designated for performing that service, to wit, the fourth day of May, eighteen hundred and seventy-three, and to discharge said commissioners, from and after which all acts and parts of acts declaring the duties, powers, rights, and privileges of said commissioners, are hereby repealed; but nothing herein contained shall be construed as an approval or adoption by Congress of any part of the work of the commissioners.

SEC. 2. That the Committee of the House of Representatives on the Revision of the Laws, together with such committee as the Senate may join, be and they hereby are authorized to contract with some suitable person or persons, learned in the law, to prepare a bill revising and embodying in one act all the laws authorizing post roads in force at the expiration of the present session of Congress, and also to prepare a bill codifying and regulating the laws in regard to military offenses, according to the recommendation made by the President of the United States in his annual message communicated to Congress at the present session, and also to prepare a revision of all the Indian treaties now in force as laws.

SEC. 3. That said committee are also authorized to contract with some suitable person or persons, under the supervision of said committee and such regulations as may be by them prescribed, to prepare the revision of the statutes already reported by the commissioners, or which may be reported before said fourth day of May, in the form of a bill to be presented at the opening of the session of Congress in December next, embodying all the laws so revised and the bills and provisions herein provided for, with proper indexes, so that the same may be in form to be acted upon forthwith by Congress at said session.

SEC. 4. That said committee is further authorized to have such revisions and bills printed by the Congressional Printer from time to time, uniform with the revision already reported, and to distribute them, and also the consolidation and codification of the postal and military laws and treaties herein provided for, to members of Congress and others competent to judge of their merits, in order for their correction by such persons.

SEC. 5. That any moneys appropriated for the payment of the work herein provided for shall be disbursed by the Department of Justice from time to time only so far as that Department shall be satisfied that the work has been well and faithfully performed, and as said Department shall be satisfied that the work will be fully done and completed by the commencement of said session of Congress in December next.

Approved March 3, 1873.

[GENERAL NATURE—No. 73.]

An act to regulate the taking of testimony in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no witness shall be compelled to appear or to testify before any commissioner or officer appointed to take testimony under letters rogatory, issued or to be issued from any court in any foreign country, in any suit or proceeding in which the government of such foreign country shall be a party of record or in interest, except for the purpose of answering specific written interrogatories issued with and accompanying such letters rogatory and addressed to such witness; provided, that when counsel for all the parties attend the examination they may consent that questions in addition to those accompanying the letters rogatory may be put to the witness, unless the letters rogatory exclude such additional interrogatories.

SEC. 2. That no witness shall be required, on such examination, or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign State.

Approved March 3, 1873.

[GENERAL NATURE—No. 72.]

An act to amend an act entitled an act to prevent smuggling, and for other purposes, approved July eighteenth, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh section of the act entitled an act to further prevent smuggling, and for other purposes, approved July eighteenth, eighteen hundred and sixty-six, is hereby amended so as to read as follows: That it shall be the duty of the several collectors of customs and of internal revenue to report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within their knowledge, together with the names of the witnesses, and which may come to their knowledge from time to time, stating the provisions of the law believed to be violated, and on which a reliance may be has for condemnation or conviction, and such district attorney shall cause the proper proceedings to be commenced and prosecuted without delay for the fines penalties, and forfeitures by law in such case provided, unless, upon inquiry and examination, he shall decide that such proceedings can not probably be sustained, or that the ends of public justice do not require that proceedings should be instituted, in which case he shall report the facts in customs cases to the Secretary of the Treasury, and in internal revenue cases to the Commissioner of Internal Revenue, for their direction; and for the expenses incurred and services rendered in all such cases the district attorney shall receive and be paid from the treasury such sum as the Secretary of the Treasury shall deem just and reasonable upon the certificate of the judge before whom such cases are tried or disposed of; provided, however, that the annual compensation of such district attorney shall not exceed the maximum amount now prescribed by law; and if any collector shall in any case fail to report to the proper district attorney as prescribed in this section, such collector's right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction.

Approved March 3, 1873.

[GENERAL NATURE—No. 75.]

An act providing for the payment to the governmenment of Japan the sum due on account of rents for lands and buildings occupied by the diplomatic and consular representatives of the United States to Japan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be and he is hereby authorized to pay to the government of Japan, through its resident diplomatic representative in the United States, out of any moneys in the treasury not otherwise appropriated, any sum not exceeding six thousand dollars, which may be found to be due to the government of Japan by that of the United States, on account of rents for lands or buildings occupied for hospital purposes, jail and courthouse, by the United States in Japan.

SEC. 2. That the Secretary of State, through the minister resident at Japan, be, and he is hereby, authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, in Jeddo, or such other place as he may designate, for a courthouse and jail, at an annual cost not exceeding five thousand dollars; provided, that the period for which the said buildings shall be rented shall be for two years, with renewals for two years as the Secretary of State shall determine.

SEC. 3. That a further sum, not to exceed two thousand five hundred dollars, be, and the same is hereby, also appropriated, out of any moneys in the treasury not otherwise appropriated, for the purchase of a suitable law library for the use of said legation in Japan, the selection of such library to be made by the Secretary of State.

Approved March 3, 1873.

[GENERAL NATURE—No. 108.]

An act for the relief of Howard F. Moffat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he is hereby authorized to nominate, and by and with the advice and consent of the Senate to appoint, upon the retired list of the navy, with the rank of master, Howard F. Moffat, now a volunteer officer on the active list of the navy.

Approved March 3, 1873.

[RESOLUTION OF GENERAL NATURE—No. 4.

A resolution authorizing the President to invite the International Statistical Congress to hold its next session in the United States.

Whereas, The governments of Belgium, Austria, France, Great Britain, Prussia, Italy, Holland and Russia have heretofore extended invitations to the International Statistical Congress to hold sessions of the said congress at their respective capitals, and eight different sessions of the said congress have been held in accordance with said official invitations, to the great advancement of the science of national and international statistics in its various departments, and to the uniformity of coinage, weights and measures, and commercial regulations and statistical publications between the different nations; and, whereas, the United States of America are favorable to all measures for promoting the advancement of statistical science, and to all efforts for the social advancement and friendly intercourse of the people of all countries; and, whereas, also, the President of the United States, in his recent annual message to Congress, has submitted to this Congress the consideration of the propriety of extending an invitation to the International Statistical Congress to hold its next (ninth) meeting in the United States; therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and he is hereby authorized and requested to tender to the organization commission of the last session of the said congress, recently held at Saint Petersburg, a formal and cordial invitation to hold its next session in the United States of America.

SEC. 2. That if the said invitation shall be accepted by the said statistical congress, the President shall be and he is hereby duly authorized to appoint the usual organization commission, and to take the other preliminary and necessary measures for the meeting of the said body and the holding of its ninth session in this country at such time as may be deemed expedient by the said statistical congress.

Approved March 3, 1873.

[GENERAL NATURE—No. 63.]

An act to declare the true intent and meaning of the act approved June eight, eighteen hundred and seventy-two, amendatory of the general bankrupt law.

Be it enacted by the Senate and House of Represeentatives of the United States of America in Congress assembled, That it was the true intent and meaning of an act approved June eighth, eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States, approved March second, eighteen hundred and sixty-seven," that the exemptions allowed the bankrupt by the said amendatory act should, and it is hereby enacted that they shall, be the amount allowed by the constitution and laws of each State, respectively, as existing in the year eighteen hundred and seventy one, and that such exemptions be valid against debts contracted before the adoption and passage of such State constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding.

Approved March 3, 1873.

[GENERAL NATURE—No. 64.]

An act to extend for four years the act establishing the Board of Commissioners of Claims, and the acts relating thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second, third, fourth, fifth and sixth sections of the act entitled "An act making appropriations for the support of the army for the year ending June thirtieth eighteen hundred and seventy two, and for other purposes," approved March third, eighteen hundred and seventy-one, and the act entitled "An act to authorize the commissioners of claims to appoint special commissioners to take testimony, and for other purposes," approved May eleventh, eighteen hundred and seventy-two, be, and the same are hereby, extended and continued in force for four years from the tenth day of March, anno Domini eighteen hundred and seventy-three.

SEC. 2. That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the third day of March, eighteen hundred and seventy-three; and all claims not so presented shall be deemed to be barred forever thereafter.

Approved March 3, 1873.

[GENERAL NATURE—No. 70.]

An act to provide for the apportionment of the Territory of Wyoming for legislative purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the apportionment of the Territory of Wyoming for the election of members of the next legislative assembly of said Territory shall be made by the governor thereof, in accordance with the provisions of an act of Congress entitled "An act to provide a temporary government for the Territory of Wyoming," approved July twenty-fifth, eighteen hundred and sixty-eight; provided, that for the purpose of such apportionment it shall not be necessary to take a new or additional census or enumeration of said Territory.

Approved March 3, 1873.

[GENERAL NATURE—No. 65.]

An act to amend an act entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and seventy," approved March third, eighteen hundred and sixty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of an act entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and seventy," approved March third, eighteen hundred and sixty-nine, is so far modified as to authorize and permit the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, one assistant adjutant general, with the rank, pay and emoluments of a major in the said department.

Approved March 3, 1873.

[GENERAL NATURE—No. 77.]

An act to provide for the establishment of a military prison, and for its government.

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That there shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations and laws for the government of the army of the United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court martial or military commission in the United States, and sentenced according to law to imprisonment therein.

SEC. 2. That the Secretary of War shall organize a board of five members, to consist of three officers of the army and two persons from civil life, who shall adopt a plan for the building of such prison, and who shall frame regulations for the government of the prisoners, in accordance with the provisions of this act. The said commissioners from civil life shall hold their offices for the term of three years, and shall be paid five dollars a day while on duty, and necessary traveling expenses; and the said officers of the army shall, at all times, be subject to removal by the Secretary of War.

SEC. 3. That the Secretary of War shall, with said commissioners, semi-annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and they shall inquire into all abuses and they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential.

SEC. 4. That the officers of the prison shall consist of a commandant and such subordinate officers as may be necessary, a chaplain, a surgeon, and a clerk, who shall be detailed by the Secretary of War from the commissioned officers of the army; and a sufficient number of enlisted men shall be detailed by the Secretary of War to act as turnkeys, guards and assistants in the prison.

SEC. 5. That one of the inspectors of the army shall, at least once in three months, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector, at once, to make full report thereof to the Secretary of War.

SEC. 6. That before the commandant enters upon the duties of his office he shall give bond, with sufficient sureties, in a sum to be fixed by the Secretary of War, to be approved by him, conditioned that he shall faithfully account for all money placed in his hands for the use of the prison and for the faithful discharge of all his duties as commandant. He shall have command of the prison; shall have the charge and employment of the prisoners, and the custody of all the property of the government connected with the prison. He shall receive and pay out all money used for the prison, and shall cause to be kept, in suitable books, complete accounts of all the property, expenses, income, business and concerns of the prison; and shall make full and regular reports thereof to the Secretary of War: and shall, under the direction and with the approval of the Secretary of War, employ, for the benefit of the United States, the convicts at such labor and in such trades as may be deemed best for their health and reformation. He shall have power to sell and dispose of any articles manufactured by the convicts, and shall regularly account for the proceeds thereof, and shall give bond and security for the faithful keeping and accounting of all moneys and property coming to his hands as such commandant. He shall take note and make record of the good conduct of the convicts, and shall shorten the daily time of hard labor for those who by their obedience, honesty, industry, or general good conduct, earn such favors; and the Secretary of War is authorized and directed to remit, in part, the sentences of such convicts, and to give them an honorable restoration to duty in case the same is merited; and in case any convict shall disobey the lawful orders of the officers of the prison, and refuse to comply with the rules and regulations thereof, he may be placed in solitary confinement, and the commandant shall at once report the case to the Secretary of War, who shall direct the inspector to make full examination and report of the matter at the next inspection; but in no case shall any prisoner be subjected to whipping, branding, or the carrying of weights for the purpose of discipline, or for produeing penitence; and every prisoner, upon being discharged from prison, shall be furnished with decent clothing.

SEC. 7. That the use of newspapers and books shall not be denied the convicts at times when not employed; and that unofficial visitors shall be admitted to the prison under such restrictions as the board of commissioners may impose. The prisoners shall not be denied the privilege of communicating with their friends by letter, and from receividg like communications from them, all of which shall be subject to the inspection of the commandant, or such officer as he may assign to that duty.

SEC. 8. That the prisoners shall be supplied with ample and clean bedding, and with wholesome and sufficient food, but when in hospital or under discipline their diet shall be prescribed by the proper authority. The prison shall be suitably ventilated, and each prisoner shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body, unless the surgeon shall direct otherwise for the health of the prisoner.

SEC. 9. That no officer of the prison, or other person connected therewith, shall be concerned or interested, directly or indirectly, in any contract, purchase or sale made on account of the prison.

SEC. 10. That any officer who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction, be dismissed from the service, and suffer such other punishment as a court martial may inflict.

SEC. 11. That any soldier or other person employed in the prison, who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction by a court martial, be confined therein not less than one year.

SEC. 12. That all prisoners under confinement in said military prison undergoing sentence of courts martial shall be liable to trial and punishment by courts martial under the rules and articles of war for offences committed during the said confinement.

Approved March 3, 1873.

[GENERAL NATURE—No. 78.]

An act restoring Captain Alonzo J. Marsh to his position in the army, and that he be honorably mustered out of the service as of the date of the mustering out of his regiment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby authorized and directed to restore Alonzo J. Marsh, late a captain of company H, eleventh regiment veteran reserve corps, to his position as such captain, and grant him an honorable muster out as of the date on which he was dismissed, to wit, on March seventh, eighteen hundred and sixty-five.

Approved March 3, 1873.

[GENERAL NATURE—No. 79.]

An act to create a port of delivery at La Crosse, in Wisconsin, and to provide for a surveyor of customs thereat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That La Crosse, in the county of La Crosse, and State of Wisconsin, be, and is hereby, constituted a port of delivery within the collection district of New Orleans; and there shall be appointed a surveyor of customs for said port, who shall perform the duties of such office and receive the compensation of not exceeding twelve hundred dollars per annum as salary.

Approved March 3, 1873.

[GENERAL NATURE—No. 80.]

An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine or other animals shall be conveyed from one State to another, or the owners or masters of steam, sailing or other vessels carrying or transporting cattle, sheep, swine or other animals from one State to another, shall confine the same in cars, boats or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty eight hours, except upon contingencies hereinbefore stated. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing then by the railroad company or owners or masters of boats or vessels transporting the same, at the expense of said owner or person in custody thereof; and said company, owners or masters shall in such cases have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this act. Any company, owner, or custodian of such animals who shall knowingly and willfully fail to comply with the provisions of this act shall, for each and every such failure to comply with the provisions of this act, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars; provided, however, that when animals shall be carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity for rest, the foregoing provisions in regard to their being loaded shall not apply.

SEC. 2. That the penalty created by the first section of this act shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States, holden within the district where the violation of this act may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations of this act as they shall come to their notice or knowledge.

SEC. 3. That any person or corporation entitled to lien under the first section of this act may enforce the same by a petition filed in the district court of the United States holden within the district where the care and custody shall have been furnished, or the owner or custodian of the property resides; and said court shall have power to issue all such process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges and expenses of proceedings under this act.

SEC. 4. That this act shall not go into effect until the first day of October, eighteen hundred and seventy-two.

Approved March 3, 1873.

[GENERAL NATURE—No. 104.]

An act to authorize the interment of honorably discharged soldiers, sailors and marines in the national cemeteries of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That honorably discharged soldiers, sailors and marines, who served during the late war, either in the regular or volunteer forces, dying subsequent to the passage of this act, may be buried in any national cemetery of the United States free of cost; and their graves shall receive the same care and attention as the graves of the honorably buried. The production of the honorable discharge of the deceased shall be authority for the superintendent of the cemetery to permit the interment.

Approved March 3, 1873.

[GENERAL NATURE—No. 105.]

An act to encourage the growth of timber on Western prairies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall plant, protect, and cultivate in a healthy growing condition for five years forty acres of timber, the trees therein not being more than twelve feet apart each way, on any quarter section of land of the public lands of the United States, shall be entitled to a patent for the whole of such quarter section at the expiration of said five years, on making proof of such facts by not less than two credible witnesses; provided that only one quarter in any section shall be thus granted.

SEC. 2. That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before such register or receiver that said entry is made for the cultivation of timber, and upon filing said affidavit with said register and receiver, and on payment of ten dollars he or she shall thereupon be permitted to enter the quantity of land specified: provided, however, that no certificate shall be given or patent issued therefor until the expiration of at least ten years from the date of such entry; and if at the expiration of such time, or at any time within five years thereafter, the person making such entry, or if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he, she or they have planted and for not less than five years have cultivated and protected the timber to a healthy growing condition, then such quantity and character of timber as aforesaid, they shall receive the patent for the quarter section of land.

SEC. 3. That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, it shall be made to appear to the satis