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OFFICIAL JOURNAL OF NEW ORLEANS

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Eleven	80	145	195	350	540
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COURT RECORD.

MONDAY, FEBRUARY 10, 1874.

Supreme Court.

Present—Chief Justice Ludeling and Justices Taliaferro, Howell and Morgan.

The following decisions were rendered:

REHEARING REFUSED.

No. 4773. Succession of Monette.

REHEARINGS GRANTED.

No. 3011. A. P. Field et al. vs. John L. Williams et al.

No. 3077. Postern Bayou Navigation Company vs. William Durbridge.

BY CHIEF JUSTICE LUDELING.

No. 4832. Succession of Caleb Whittington.—Thomas Duffy, appellant. From the Second District Court of Orleans. Decedent left a nuncupative will drawn by a notary who wrote, "the said testator being illiterate, signs his mark." The objection that this does not conform to Civil Code, section 1579, is fatal. Stafford vs. Stafford, 12 La., 447; Shannon vs. Shannon, exor., 16 A., 9; Brand vs. Baumgarden, 24 A., 628; 4 Mercade 22. Judgment affirmed.

No. 4658. G. B. y Caballero et als. vs. Charles Maduel, testamentary executor, appellant.—From the Second District Court of Orleans. Plantiffs are consine of decedent, Maria Caballero, and residents of Spain. The will was set aside in lower court and decedent's daughter Maria decreed legitimate and sole heir. This suit was instituted to set aside that judgment and was decided against Mrs. Conti, who appealed. Defendant offered in proof the judgment in favor of Maria, which was received. This was correct. Eimnis vs. Smith, 14 Howard, 430. The status of Maria (Mrs. Conti) is not involved in this case. The decision in her favor is *res judicata*. Judgment reversed.

No. 4566. Cornelia Hart et al. vs. Hoss & Elder.—Rehearing. 1. The effect of the civil rights bill was to strike with nullity all State laws discriminating on account of race or color. It gave plaintiff the right to enter into a contract of marriage with a white man and legitimate her children born previous to it. She has the same right to make a contract as a white woman and marriage is a civil contract. C. C. 91.

2. The Code of 1825 declares children born out of wedlock may be legitimated by marriage of their father and mother. A formal act is not necessary. That Code, article 221, requires an act before a notary to acknowledge an illegitimate child, and uses these words: "No other proof of acknowledgement shall be admitted in favor of children of color." This did not apply to white children, then. Article 227 declares the mode of proof as to them. The Code of 1808 made no distinction. The Code of 1870 requires an act before a notary, but can not affect children whose status was fixed in 1867. C. C. 944.

In 6 A. 157, Dupre vs. Caruthers, it was held that article 221 was not prohibitory as to white children, and quotes Lange vs. Richoux, 6 La., 570; see also Jones vs. Hunter, 5 Rob. 236.

3. It is in evidence that the parents acknowledged the children before marriage. They lived together from 1864 to 1869, when the father, who treated them as his children, died.

Former decree adhered to.

Justice Morgan, Justice Wyly with him, dissented.

BY JUSTICE TALIAFERRO.

No. 4999. State ex rel. R. Taylor, vs. Judge of Superior District Court.—The court can only mandamus a district judge for the purpose of enforcing and maintaining its appellate jurisdiction. Mandamus refused.

No. 4988. State vs. Louis Ranson, appellant.—From the Fourth Judicial District. Suit against former sheriff and securities, and judgment of $8199. Exception overruled.

No. 4992. Dulop & McCance vs. Henry D. Minor, Edward C. Palmer, third opponent, appellant—From Fourth Judicial District.—Palmer complains the sheriff refused to deliver deed of property purchased, because the taxes of 1866 and 1868 were unpaid. The court below decided the tax of 1866 was prescribed. Act No. 55 of 1865 declares that taxes are a lien from the first Monday of July of the year they are assessed, for two years. The revenue act of 1868 extended the time to five years. It was competent for the Legislature to lengthen the time of prescription. A portion of the time of prescription has passed under one term and the other portion under another. Under the rule the lien for 1867 is prescribed, and that of 1868 not so. Judgment amended accordingly.

No. 4969. Alexander Lirette, appellant, vs. William A. Shafler.—From Fifteenth Judicial District. Plaintiff sues for $5000 damages by defendant restraining him by injunction from running his saw mill, and by prohibiting him from floating and getting saw logs from the swamp lands of the interior. That it continued twelve months, when the defendant abandoned the suit. Defendant alleges the injunction was necessary, as plaintiff prevented his navigating the Bayou Cane. A verdict was given for defendant. Plaintiff's saw mill is in Bayou Terrebonne, near Bayou Cane, and defendants plantation on Bayou Black. There is communication between Bayous Black and Terrebonne, on which plaintiff has a float road for transmitting his timber. In December, 1870, defendant commenced to move his products through this bayou. Plaintiff made no objection. Offered to remove the crop, but could not agree on the price.

When defendant's first load passed plaintiff notified him he would prevent another from passing. Defendant therefore obtained the injunction. He contends the passage is a public highway. The testimony is adverse to the plaintiff. It is clearly shown that the route over which defendant brought his crop in 1870 has been used for forty years. No objection to public use has ever been set up. The effort to show that Bayou Cane is a mere float road fails against the decided evidence that it is a continuous channel. The injunction did not prevent him from using the bayou to float his logs. Judgment affirmed.

BY JUSTICE HOWELL.

No. 4338. In re commissioner of the first drainage district, praying for the homologation of the assessment roll.

The grounds presented for a rehearing in the part of Davidson, being the same as those on which the opinion was first given the application is refused.

No. 4629. Citizens' Bank, appellant, vs. Antoine Dubuclet, State Treasurer.—From the Superior District Court. On rehearing the former judgment to remain undisturbed.

No. 4970. Octave Elfert vs. Dranzin Teiche, et al., appellants.—From Fifteenth Judicial District Court. Action on a promissory note. Judgment affirmed.

No. 4978. Mrs. P. Boi, appellant, vs. E. Filleul, executor of Frank Bougere.—From parish court of St. Charles. The court below refused the application of plaintiff to be appointed administratrix, who excepted to the admission of parol testimony to show the presumption of her father's existence. The ruling was correct. 12 A, 476. Judgment affirmed.

No. 4984. State ex rel. Francois Lacroix vs. judge of the Superior District Court.—Relator alleges all his property in New Orleans has been seized and advertised for sale to satisfy pretended judgments for taxes of 1870 and 1873; that he was not cited nor served with notice; that he obtained a suspensive appeal, and asks for a writ of prohibition. The respondents show relator had knowledge of the judgments, promised to pay them, was unable to do so, that the administration was according to law. Writ denied.

No. 4993. S. Fernandez, appellant, vs. Elias Miller.—From the Fifteenth Judicial District. Plaintiff provisionally seized defendant's movables on a rent note of $2000. Defendant asked that it be set aside on the ground that the order was signed without an affidavit. The writ was set aside and damages of $1000 allowed. The affidavit was not signed by a party to the suit or his attorney. As it did not comply with C. P. 128 and R. S. 2027, the seizure was invalid. The damages are excessive and are reduced to $100. Judgment affirmed as amended.

BY JUSTICE MORGAN.

No. 4957. State ex rel. heirs of Mary W. Gee vs. parish judge of Claiborne.—Mrs. Gee died December 11, 1873. The public administrator applied to be appointed December 11, 1873. The heirs opposed the application December 20, 1873. Before this was filed the public administrator filed another petition, praying for immediate possession, which was granted. A suspensive appeal was refused. The heirs apply for a mandamus. This is not the case of several parties contending who shall be appointed administrator; it was whether there was any necessity for any administrator, and they are entitled to a suspensive appeal. Rule made absolute.

Nos. 3355 and 3088. Pat Higgins, appellant, vs. C. C. Haley.—From Fifth District of Orleans. Exception that the jury, during recess, had conversation with defendant on the merits of the case, and were improperly influenced, on application for a new trial was overruled by the court below. Plaintiff had a right to establish this by evidence. New trial ordered.

4989. Lapene & Ferre et al. vs. Edward Megel.—From Fifteenth Judicial District. The recording of the claims of the third opposition being too late, according to White vs. Bud 23, A. 270, and Loeb vs. Blum 25, A. 232, to affect seizing creditors. The judgment is affirmed.

First District Court.

ARRAIGNED.

State vs. Sam Thomas—First, assault and battery; second, assault with a dangerous weapon. Plea of not guilty.

SENTENCED.

State vs. William Miller.—Larceny. Four months in Parish Prison.

State vs. William Daily.—Assault and battery. Plea of guilty of assault. Three months in Parish Prison.

ON TRIAL.

State vs. Eph. Maurice.—Murder.

Second District Court.

Successions of Marie C. V., Margaret Fourcesy, Raphael Tudury and Eugene Morin opened.

John Henry Schmidt prays to be emancipated.

Petition of interdiction filed against Adolph Bonnecaze.

Fifth District Court.

Judge Cullom has rendered the following decision.

Joseph N. Shawhan vs. O. P. Shinkle et als.—This is an action to recover the value of a mare shipped on board the steamer Charles Bodmann about the eighteenth day of March, 1873, to be delivered at Louisville, Kentucky. En route the mare's thigh was broken. She was landed at the port of destination, and died of her injuries before she could be removed from the spot where the boat put her off. The sum claimed is $500, with interest from judicial demand, in solido, against Captain Shinkle and other part owners whose names are not known. A keeper was placed on board the steamer by the agent of the owner when the animal with others was shipped.

The policy of the law is to hold carriers to a very strict accountability. Bond vs. Frost, 6 A. 801; 8 A. 297. When injury is done to freight on board the onus of proof is on the boat to show how the damage was done, and to show that the cause was dis major and not controllable. Roberts vs. Riley, 15 A. 103. See also Lewis vs. the Success, 18 A. 1; Cockran vs. the Cleopatra, 17 A. 270; Medina vs. Hanson, 17 An. 290. The presence of a keeper did not lessen the responsibility of the Carrier, Peters vs. the New Orleans, Jackson and Great Northern Railroad Company, 16 A., 222. The evidence fails to show that the animal was worth $500. She was beginning to be old, and seems intended for a brood mare only. The evidence of this case, as in all others of a similar character is conflicting. She was with foal by a sire of very good pedigree and on account, was worth more than she otherwise would have been. Three hundred dollars, I think would be a fair renumeration for the loss, and there will be judgment accordingly, as prayed for, with five per cent from judicial demand.

Meteorological and River Report.

The signal service, United States army, reports, for the benefit of commerce, the meteorological record, and rise or fall of the rivers, at 3:43 P. M., local time, yesterday, as follows:

Place.	Ther.	Wind.	Weather.
Cairo	43	N. W.	Clear.
Cincinnati	31	N. W.	Clear.
Davenport	24	W.	Clear.
Dubuque	25	S. W.	Fair.
Galena	37	.....	Clear.
Indianola	59	N. W.	Fair.
Keokuk	33	S. W.	Clear.
LaCrosse	29	S. W.	Fair.
Leavenworth	35	S.	Clear.
Louisville	33	N. W.	Clear.
Memphis	48	N. W.	Clear.
Nashville	45	N. W.	Clear.
New Orleans	58	N. W.	Fair.
Omaha	33	S. W.	Clear.
Pittsburg	32	N. W.	Threatening.
Shreveport	56	N.	Fair.
St. Louis	35	N. W.	Clear.
St. Paul	23	S. E.	Fair.
Vicksburg	56	.....	Clear.
Yankton	41	S. W.	Clear.
Augusta, Ga	55	W.	Clear.
Savannah	53	N. W.	Clear.
Montgomery	57	N. W.	Clear.
Mobile	60	N.	Fair.
Baltimore	35	N. E.	Cloudy.
New York	31	N. W.	Threatening.
Key West	65	N. W.	Fair.

THE RIVERS.

Stations.	Rise, inches.	Fall, inches.	Above low water mark. Ft.	In.
Cairo	..	17	26	11
Cincinnati	..	2	17	11
Davenport	..	2	6	9
Dubuque	..	2	4	2
Keokuk	..	..	2	6
Leavenworth	2	..	3	5
Louisville	..	4	3	6
Memphis	..	12	24	6
Nashville	4	..	14	2
New Orleans	..	1	..	..
Pittsburg	5	..	4	9
Shreveport	6	..	20	5
St. Louis	..	4	8	10
Vicksburg	2	..	25	7

The river here is four feet four inches below high water mark of 1871.

The amount of liquors made and consumed in Austria is very large. The empire is said to contain 2622 breweries, producing annually 1,136,480,806 litres of beer, or about 249,150,797 gallons. In addition to this, the wine production amounts to about 243,000,000 gallons annually. The population of the country is about 40,000,000, so that the average consumption of every man, woman and child in the empire is about six gallons of wine and six and one-quarter gallons of beer.

THE SENATE YESTERDAY.

Twenty-ninth Day's Session.

SENATE CHAMBER, New Orleans, February 9, 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. Alexander, Anderson, Barber, Belden, Blackburn, Blunt, Brewster, Burch, Cage, Chadbourn, Daigle, Detiege, Greene, Glaudin, Harris, Harper, Rey, Swaizie, Thomas, Wharton, Whitney—21.

The President announced a quorum present.

Prayer by Professor N. M. Mitchell, of Alabama.

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

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, New Orleans, February 9, 1874.

To the Honorable President and Members of the Senate:

I have the honor to inform your honorable body that the Speaker has signed an act relative to the Fort St. Philip canal, etc.

Respectfully,

WILLIAM VIGERS, Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Anderson, chairman of the Committee on Judiciary, reported favorably on Senate bill No. 344, an act to provide for conventional mortgages on movables, their recordation, rights of priority, and extinction, to provide penalties for any fraud in the creation thereof, to declare certain acts misdemeanors, and fixing punishment for same, and to provide for the recordation of cases and to limit the lessors' liens. Referred to Committee on Judiciary, February 5.

House bill No. 21, an act to legalize certain judicial and all other proceedings in the parish of St. Martin, in township seven and range eight east, and to authorize a continuance of proceedings therein by courts and the authority of said parish. Referred to the Committee on Judiciary.

Senate bill No. 227, to amend and re-enact sections 2128 and 3948 of the Revised Statutes. Referred to the Committee on Judiciary

Senate bill No. 291, to amend article 3042 of the Civil Code.

Senate bill No. 320, an act relative to the trial by district courts of oppositions to accounts and tableaus not within the jurisdiction of probate courts, and to facilitate the settlement of successions. Referred to Committee on Judiciary, February 2.

Mr. Brewster, chairman of the Committee on Education, submitted the following:

COMMITTEE ON EDUCATION, New Orleans, February 9, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Education, to whom was referred Senate bills Nos. 259 and 342, requiring parents and guardians of children to give them an opportunity of education, is respectfully reported without action.

O. H. BREWSTER, Chairman.

COMMITTEE ON EDUCATION, New Orleans, February 9, 1874.

To the Honorable President and Members of the Senate:

Your committee, to whom was referred a concurrent resolution requiring a sub-committee of the Senate and House Committees on Education to proceed to investigate the affairs and condition of the Louisiana State University, beg leave to report favorably on the same, with the following amendment: Provided, that the sub-committee so authorized shall conduct the investigation without expense to the State.

O. H. BREWSTER, Chairman.

Lies over.

Mr. Butler, chairman of the Committee on Claims, submitted the following:

COMMITTEE ON CLAIMS, New Orleans, February 9, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Claims, to which was recommitted House bill No. 34, respectfully report favorably, with the following amendments, to wit:

In section two, line five, strike out "one thousand" and insert "five hundred." In same section, strike out lines ten, eleven, twelve, thirteen, fourteen and fifteen.

In section three, in line twelve, strike out "one thousand" and insert "five hundred."

J. E. BUTLER, Chairman.

Mr. Burch, chairman of the Committee on Penitentiary, submitted a full and complete report of the annual investigation required of said committee, which was read at length by the Secretary.

Mr. Wharton moved that the rules of the Senate be suspended to act on the report.

The Senate voted to suspend the rules.

On motion of Mr. Wharton the report and evidence was ordered to be printed, 500 copies, and the same was fixed for Monday next as special order at one o'clock.

Mr. Weber, chairman of the Committee on Health and Quarantine, submitted the following report:

COMMITTEE ON HEALTH AND QUARANTINE, New Orleans, February 9, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Health and Quarantine, to whom was referred Senate bill No. 258, entitled an act to create local boards of health, to define their powers and duties and to provide for their support, reports favorably and recommends the passage of the same.

E. L. WEBER, Chairman:
O. H. BREWSTER,
W. JASPER BLACKBURN.

Mr. Ingraham, chairman of the Committee on Enrollment and Engrossment, submitted the following report:

COMMITTEE ON ENROLLMENT AND ENGROSSMENT, New Orleans, February 9, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engrossment beg leave to report as being duly enrolled Senate bill No. 338, entitled an act to change the name of Alice Long, of Ouachita parish, to Alice Long McGuire, and to authorize Joseph Forbes McGuire and his wife, Susan O. McGuire, of said parish, to adopt the minor, Alice Long.

And as having been duly engrossed Senate bill No. 355, entitled an act to fix the terms of the district court of Louisiana, in the Fourteenth Judicial District.

Also, Senate bill No. 279, entitled an act appropriating to Mrs. Alice A. Crawford, widow of the late Judge T. S. Crawford, and to Mrs. S. F. Harris, widow of the late A. H. Harris, the balance of the salary that would have been due each of them, had they lived to the end of their term of service.

Also, Senate bill No. 287, entitled an act to lay out and open a road to connect the Grand Point Settlement, in the parish of St. James, with the Mississippi river, and to levy a special tax for the same.

Respectfully,

JAMES H. INGRAHAM, Chairman.

NOTICE OF A BILL.

By Mr. Crawford.

To be entitled an act to authorize the grand juries of the parish of Madison to inquire into and investigate the murder of Thomas S. Crawford and Arthur H. Harris, and to find and return into the district court of Madison parish a bill or bills of indictment for murder against any and all persons who committed, or aided or assisted, either before or after the fact in committing said murder, the same as if the crime had been committed in Madison parish, and changing the venue in all cases growing out of said murder from the parish of Franklin to Madison parish.

Mr. Harris called for the special order of the day.

On motion of Mr. Bovee, the same was postponed for thirty minutes.

NOTICES OF BILLS CONTINUED.

By Mr. Harper:

An act for the relief of Alice and Emma Douglas, of Caddo parish.

By Mr. Cage:

An act creating a board of commissioners to examine and ascertain the outstanding valid indebtedness of the parish of Terrebonne, and authorizing the police jury of said parish to issue bonds to take up and fund the same.

By Mr. Ingraham:

An act for the relief of W. E. Seebold, for stationery, books and other articles furnished to the Louisiana State University at Baton Rouge, Louisiana.

By Mr. Chadbourn:

An act exempting the State of Louisiana, the police juries of the different parishes, and the municipal authorities of all incorporated cities and towns therein from paying fees in certain judicial proceedings.

By Mr. Bovee:

An act relative to the funding of the floating indebtedness of certain parishes.

By Mr. Anderson:

An act to incorporate the Southern Construction Company.

Also, joint resolution relative to Calcasieu Sulphur and Mining Company.

INTRODUCTION OF BILLS.

By Mr. Rey:

Senate bill No. 361, an act to incorporate the Native Ladies Benevolent and Mutual Aid Association of New Orleans.

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 Corporations and Parochial Affairs.

By Mr. Crawford:

Senate bill No. 363, an act to authorize the district judges throughout the State to order, either before or after arrest, any person charged with committing a crime, to any jail or prison within the State for safety, whenever the jail or prison of the parish in which the crime was committed or warrant of arrest issued is unsafe or unfit for the security of prisoners.

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. Brewster:

Senate bill No. 364, an act submitting a proposed amendment to the constitution of the State, changing the day for holding the general election.

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. Brewster:

Senate bill No. 365, an act to fix the terms of the parish courts, etc.

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. Brewster:

Senate bill No. 366, an act to facilitate the taking of testimony.

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. Blunt:

Senate bill No. 367, an act for the relief of Mrs. Mary F. Robinson.

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 Claims.

REPORTS OF COMMITTEES LYING OVER.

Senate bill No. 334, an act to incorporate the Longshoremen's Protective Association, reported favorably by the Committee on Corporations and Parochial Affairs, was taken up.

On motion of Mr. Butler, the bill was read the second time and considered engrossed.

On motion of Mr. Harris, the vote by which the bill was considered engrossed was reconsidered.

Mr. Harris moved to strike out the seventh section, relative to exemption of taxes.

Stricken out.

On motion of Mr. Butler, the bill was considered engrossed as amended.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time, and the bill finally passed—title to stand.

The following was taken up:

Senate bill No. 267, reported by the Committee on Judiciary, entitled an act to amend and re-enact section one and repeal sections two and six of act No. 45, extra session of 1870, and section 1903 of Revised Statutes.

On motion of Mr. Barber, the bill was ordered printed, and made the special order of the day for Friday next.

The following was taken up:

Senate bill No. 326, reported by the Committee on Judiciary, and read as follows:

Senate bill No. 326, an act to expedite the trial of causes in the Supreme Court of Louisiana. Reported favorably, February 6.

On motion of Mr. Ingraham, the special order of the day was postponed for thirty minutes.

INTRODUCTION OF BILLS RESUMED.

On motion of Mr. Ingraham, the bill was considered engrossed.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

The following was taken up:

Senate bill No. 350, to amend and re-enact sections fifteen and twenty-seven of an act of the General Assembly of the State of Louisiana, entitled an act to amend and re-enact an act entitled an act to establish a Metropolitan Police District, and to provide for the government thereof, approved September 11, 1868, approved March 8, 1869, and to change the fiscal year of the Board of Metropolitan Police, directing it to make estimates and apportionments; providing for the election of a fiscal agent, and prescribing his duties; prescribing the manner in which the tax for police purposes shall be collected and paid, and providing the manner in which Metropolitan Police warrants shall be received for taxes and licenses by the corporations composing the Metropolitan Police District; directing how moneys shall be drawn from the fiscal agent and paid out by the treasurer of the board of police; authorizing the Board of Police Commissioners to negotiate loans when necessary, and to provide for their payments; prescribing the manner in which sheriffs of the parishes of Orleans, Jefferson and St. Bernard shall receive Metropolitan Police warrants for taxes, and fixing a penalty for non-compliance therewith; authorizing the Board of Police Commissioners to draw upon the Metropolitan Police fund for certain purposes; to repeal laws and parts of laws in conflict with this act. Referred to the Committee on Metropolitan Police. Reported favorably, February 7.

On motion of Mr. Ingraham, the bill was fixed for Thursday next.

Senate bill No. 73, an act closing of drinking houses of public resort, and to prohibit the sale of spirituous or malt liquors on Sundays.

On motion of Mr. Stamps, the bill was fixed for to morrow at half past one o'clock.

House bill No. 34, an act entitled an act for the relief of Mrs. W. P. Noble and for other purposes, was taken up.

On motion of Mr. Butler, the bill was taken up, it being unfinished business on adjournment on some previous day on which Mr. Burch claimed the floor.

Before Mr. Burch had taken up the debate Mr. Harris called for the special order of the day.

[Mr. Brewster in the chair.]

On motion of Mr. Harris, the following was taken up and read as special order of the day:

Senate bill No. 250, an act to provide for the greater security of the public in the making and issue of promissory notes secured by mortgage.

Mr. Bovee moved the bill be indefinitely postponed.

Mr. Harris moved to lay on the table the motion to postpone indefinitely.

On call of the yeas and nays, the Senate voted to lay on the table the motion to postpone:

Yeas—Alexander, Anderson, Barber, Belden, Blackburn, Burch, Butler, Chadbourn, Cage, Daigle, Greene, Glaudin, Harris, Harper, E. F. Herwig, Ingraham, Masicot, Rey, Stamps, Whitney—20.

Nays—Blunt, Bovee, Brewster, Detiege, Swaizie, Thomas, Twitchell, Weber, Wharton—9.

Mr. Harris offered the following amendment.

Strike out in lines nineteen and twenty the words, "the same fee as for a certificate of mortgage," and insert "a fee of fifty cents."

Mr. Weber moved to lay the amendment on the table.

On call of the yeas and nays, the Senate refused to lay on the table:

Yeas—Alexander, Blunt, Bovee, Detiege, Glaudin, Rey, Swaizie, Thomas, Twitchell, Weber—11.

Nays—Anderson, Barber, Belden, Blackburn, Brewster, Burch, Butler, Cage, Chadbourn, Crawford, Daigle, Greene, Harris, Harper, Ingraham, Masicot, Whitney—16.

Mr. Bovee offered the following as an amendment to the amendment offered by Mr. Harris:

Strike out all in first section after the word "register" and insert "and shall be entitled for such service the sum of seventy-five cents for each set of notes composed in any such mortgage act, no matter what the number thereof may be."

Mr. Harris moved to lay the amendment of Mr. Bovee on the table.

On call of the yeas and nays the Senate voted to lay the amendment on the table by the following vote:

Yeas—Alexander, Anderson, Barber, Belden, Blackburn, Burch, Butler, Daigle, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Whitney—15.

Nays—Blunt, Bovee, Brewster, Cage, Chadbourn, Crawford, Rey, Stamps, Thomas, Twitchell, Weber—11.

The Chair declared the pending question to be the adoption of Mr. Harris' amendment.

Mr. Harris moved the previous question.

On call of the yeas and nays the Senate refused to order the main question to be now put:

Yeas—Alexander, Anderson, Blackburn, Barber, Belden, Burch, Daigle, Harris, Stamps, Whitney—10.

Nays—Blunt, Bovee, Brewster, Crawford, Cage, Chadbourn, Detiege, Greene, Glaudin, E. F. Herwig, Rey, Thomas, Twitchell, Whitney, Weber—14.

The Chair announced the amendment of Mr. Harris in order still pending.

Mr. Thomas offered the following substitute:

Entitled to no fee whatever for such note.

On motion of Mr. Harris, the substitute was laid on the table.

Mr. Detiege offered the following:

Strike out all after the word "register" from line nineteen to line twenty-two.

Mr. Harris raised the point of order, that the substitute was the same as just rejected.

The Chair sustained the point of order, and the amendment was declared to be out of order.

Mr. Bovee offered the following substitute for Mr. Harris' amendment, and moved to adopt, and demanded the previous question on the motion to adopt.

The substitute is as follows:

In lines nineteen, twenty and twenty-one, strike out the words "the same fee as for certificate of mortgage," and insert "a fee of ten cents."

The Senate refused to order the main question.

Mr. Harris moved to table the amendment.

The question then recurred on the motion of Mr. Harris to table.

On call of the yeas and nays the Senate refused to lay the substitute on the table by the following vote:

Yeas—Anderson, Barber, Burch, Butler, Belden, Blackburn, Harris, Ingraham, Stamps, Whitney—10.

Nays—Alexander, Blunt, Bovee, Brewster, Cage, Crawford, Daigle, Detiege, Greene, Glaudin, Harper, E. F. Herwig, Rey, Swaizie, Thomas, Twitchell, Weber, Wharton—18.

[The President in the chair.]

The question then recurred on the motion of Mr. Bovee to adopt his substitute.

On motion of Mr. Weber, the Senate went into executive session.

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

Messrs. Anderson, Alexander, Barber, Belden, Blackburn, Blunt, Bovee, Butler, Burch, Brewster, Cage, Chadbourn, Crawford, Detiege, Daigle, Glaudin, Greene, Harris, Harper, Ingraham, Masicot, Rey, Sypher, Stamps, Thomas, Twitchell, Wharton, Whitney—28.

The President announced a quorum present.

The President announced the pending question to be the substitute of Mr. Bovee.

On motion of Mr. Masicot, the Senate voted to adjourn.

Mr. Harris, in the chair, then announced that the Senate stood adjourned until Tuesday, February 10, 1874, at 12 M.

SHERIFF'S SALES.

The City of New Orleans vs. Richard Murphy.

SUPERIOR DISTRICT COURT FOR THE PARISH of Orleans, Nos. 681 and 55,493.—By virtue of two writs of fieri facias to me directed by the honorable the Superior District Court for the parish of Orleans, in the above entitled causes, for city taxes for the years 1871 and 1873, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, in square number two hundred and seventy-three, bounded by St. Charles street, Commercial place, Camp and Poydras streets, in the First District of this city, and known as lot E, and measuring fifty feet front on St. Charles street by one hundred and seventy feet in depth.

Seized in the above suits.

Terms—Cash on the spot.

W. P. HARPER, Sheriff of the Parish of Orleans.

fe10 26 mh14

SHERIFF'S SALES.

The City of New Orleans vs. F. Wintz.

SUPERIOR DISTRICT COURT FOR THE PARISH of Orleans, No. 57,727.—By virtue of a writ of fieri facias to me directed by the honorable the Superior District Court for the parish of Orleans, in the above entitled cause, for city taxes for the year 1873, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

1. A CERTAIN SQUARE OF GROUND, in the Sixth District of this city, known as square number one hundred and eight, bounded by Tchoupitoulas, Jersey, Amelia and Peniston streets, and measuring two hundred and thirty-five by three hundred and four feet, and composed of eighteen lots.

2. THE SQUARE OF GROUND number three hundred and eight, bounded by Plaquemine, Perrier, Leontine and Valmont streets, in the same district, and measuring two hundred and seventy-eight by two hundred and eleven feet.

3. TWO CERTAIN PORTIONS OF GROUND, in square number two hundred and twenty, bounded by Magazine, Camp, Aline and Foucher streets, in the same district, one portion measuring one hundred and twenty-five by two hundred and fifty feet, and the other measuring three hundred and four by one hundred and eighty-four feet.

Seized in the above suit.

Terms—Cash on the spot.

W. P. HARPER, fe10 26 mh14 Sheriff of the Parish of Orleans.

The City of New Orleans vs. S. Jamison and McIntosh.

SUPERIOR DISTRICT COURT FOR THE PARISH of Orleans, No. 53,497.—By virtue of a writ of fieri facias to me directed by the honorable the Superior District Court for the parish of Orleans, in the above entitled cause, for city taxes for the year 1873, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

A CERTAIN PORTION OF GROUND, situated in the First District of this city, in square number one hundred and sixty eight, bounded by Camp, Common, Magazine and Gravier streets, and measuring twenty-one feet front on Camp street, by ninety-six feet in depth.

Seized in the above suit.

Terms—Cash on the spot.

W. P. HARPER, fe10 26 mh14 Sheriff of the Parish of Orleans.

John S. Tully vs. S. Brandera and Wife— Third Justice Court for the parish of Orleans, No. 1671.

BY VIRTUE OF A WRIT OF FIERI FACIAS, TO me directed by the Hon. John L. Laresche, third justice of the peace in and for the parish of Orleans, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, on TUESDAY, February 24 1874, at twelve o'clock M., the following described property, to wit—

1. ALL THE RIGHT, TITLE AND INTEREST of S. Bandera in and to the suit of S. Bandera vs. G. Vincent and Mr. Rogeau, No. 1009 of the docket of the Third Justice Court for the parish of Orleans—judgment rendered on the seventh of August 1873, with legal interest from July 27 until paid, for the sum of one hundred dollars, against one of the defendants to suit. Said cause is now on appeal before the Third District Court for the parish of Orleans.

2. ALL THE RIGHT, TITLE AND INTEREST of both Mr. and Mrs. S. Bandera in and to the suit of Catherine Duplaen, wife of S. Bandera, vs. Charlotte Bertin, Phillipi Forget and A. L. Besque, No. 5342 of the docket of the Sixth District Court for the parish of Orleans. The judgment rendered therein is for the sum of two hundred and twenty-five dollars, with eight per cent interest from the eighth of May, 1873, until paid, and five dollars and fifty cents costs of protest and costs of suit, in solido against all the defendants aforementioned.

Seized in the above suit.

Terms—Cash.

WILLIAM EGAN, Constable. fe10 17 24

Rose Cammack vs. John Hays.

FIFTH DISTRICT COURT FOR THE PARISH OF Orleans, No. 4394.—By virtue of a writ of seizure and sale to me directed by the honorable the Fifth District Court for the parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on WEDNESDAY, March 11, 1874, at twelve o'clock M., the following described lot of ground, together with the buildings and improvements thereon and appurtenances thereof to wit—

1. TWO CERTAIN LOTS OF GROUND, situated in the Second District of this city, in the square bounded by Bienville, Villere, Customhouse and Robertson streets, designated by the numbers ten and eleven, on a plan drawn by Louis Bringier, late surveyor general, annexed to an act of sale from Charles Papet, passed in the office of Louis Fereaud, late a notary public in this city, on the ninth day of June, 1836, said lots having in American measure