New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

AUCTION SALES THIS DAY.

BY HOEY & O'CONNOR, at 12 o'clock, at the Merchants and Auctioneers' Exchange, claims, accounts, bills, etc.

BY C. E. GIRARDEY, at 11 o'clock, on Poydras, between Broad and Dorgenois streets, horses, mules, provisions, etc.

BY SHERIFF WAGGAMAN, at 10½ o'clock, at No. 18 St. Charles street, saddlery, harness, etc. At 12 o'clock, at Merchants and Auctioneers' Exchange, a lot, with buildings, on Erato, between Locust and Magnolia streets; improved and vacant real estate in First and Second Districts, for city taxes.

Local Intelligence.

THE TRUTH OF IT.—In yesterday's REPUBLICAN there was a small item announcing that Mr. William Vigers, Chief Clerk of the House of Representatives, had taken a short leave of absence. Before nine o'clock in the morning rumors of an exaggerated kind were circulated that Mr. Vigers had absconded, a great defaulter, etc. That gentleman, who had not gone out of our city limits, hearing of the strange tales, concluded that he had not gone abroad, so returned from his temporary retirement and showed himself, to the confusion of his defamers.

BOTH KNIFE AND PISTOL.—Yesterday William Feeny and John O'Brien, grand wranglers, met at the head of Girod street and began to dispute about a question which concerned them privately. O'Brien was so exasperated that he drew a knife and made motions which Feeny deemed of a threatening nature, which caused him to pull out his little revolver and blaze away at O'Brien; the bullet entered the latter's left shoulder. He was sent to the Charity Hospital and Feeny escaped.

CLOSING OUT BUSINESS.—Six different business houses on St. Charles, between Poydras and Common streets, closed their doors last week. Fortunately, not one of the firms were so important that it could not be dispensed with; they were not producers or manufacturers.

COOL WEATHER.—Monday night the thermometer went down into the region of thirty-eight degrees, and those unfortunates who were out on business began to think that perhaps indiscreet peach trees in full bloom would be injured. Although the weather was decidedly cool, it was not cold enough to hurt vegetation.

FROM ST. LANDRY.—Judges Kanavangh and T. Fontenot, of St. Landry parish, are visiting New Orleans on pleasure and business. Both gentlemen are in excellent health, and seem but little inclined to return to their rural homes.

POLICE WORK DURING FEBRUARY.—Total number of arrests during the month, 4090. Of these 625 were arrested for being drunk, fighting and disturbing the peace; fourteen for embezzlement, and 105 for larceny. There was an almost unlimited class of free lodgers, only 123 of whom were females. Of the arrested 1142 were natives of the United States, forty-four of France, thirty-five of England, 100 of Germany, and 275 for Ireland. Males, 1267; females, 399. Married, 355; single, 1311. Could read and write, 911; could not, 755.

RECRUITED UNDER THE OLD FLAG.—A citizen who proudly bore the rank of General in the Confederate service recently joined the United States army in this city, and to-day carries a musket as a private soldier. He was not compelled to join the awkward squad. Poverty was the cause.

UNDER A BALE OF HAY.—John Powers was yesterday nearly mashed as thin as a pancake on board the steamboat Thompson Dean by a bale of hay falling on him. The police sent him to the Charity Hospital.

THE CUT DIRECT.—A gentleman who occasionally advertises his business in newspapers appeared in our counting room and requested the clerk to insert an advertisement, which was accompanied by a "cut." He was told that pictures were not permitted in the REPUBLICAN'S columns. "What! not have cuts in your paper? Well, sir, I have frequently read your paper, and always noticed that the editor and reporter are very fond of cuts—sarcastic cuts."

THEY DID NOT DINE ON TURKEY.—Lilla Sarah and Mrs. Moore boned a live turkey claimed by Mrs. R. Cogan, whose mundane habitation is on Lavergne, near Villere street. Before they had tasted the sweets of that beautiful bird a Metropolitan walked in and trotted the trio off to prison, which proves that there are slips between the lip and roast turkey.

WHISKY WAS THE CAUSE.—Monday evening Louis Violetts died in a cell of the Second Municipal Court dock. He had been arrested for being an habitual drunkard, and was quite sick from too heavy doses of plain rye.

ONLY A FEW SPARKS.—At nine yesterday morning sparks from a chimney fell on the shingle roof of a schoolhouse on Delachaise, between St. Charles and Prytania streets, but little demage was done. The building is owned by Mr. Philip Delachaise.

THE CASE OF OFFICER HARDIN.—After the Board of Police Commissioners found Court Officer Hardin guilty of conduct unbecoming a policeman, Judge Staes remanded to him a beat. This would place accused directly under control of the commissioners, therefore the peeler hastily forwarded his resignation. It is likely that the board will take action in the case today.

COURT RECORD.

TUESDAY, MARCH 9, 1875.

Supreme Court.

The following opinion was rendered Monday but withheld:

BY JUSTICE MORGAN.

C. E. Alter, appellant, vs. Henry Shepherd and Mrs. Solidelle Deywoodt.—From Fourth District. The plaintiff, as holder of sundry notes secured by mortgage, sues to annul a tax sale of the mortgage property and a subsequent sale thereof by the purchaser, on the grounds of alleged defects and informations in the tax sale collusive therein and in the second sale, and his right as mortgagee to redeem the land which, he alleges, he offered to do according to law within the legal delay. The defense is the general issue, a special denial of the alleged tender, and some special matters with the prescription or lapse of the right of redemption. Judgment was rendered in favor of the defendants, and the plaintiff has appealed.

We think the objections to the tax sale on account of alleged defects and irregularities are not sustained by the plaintiff on whom the burden rested, and the first and most important question to be determined is, has a mortgagee the right to redeem?

It is a rule of general jurisprudence, as well as being a principle of public policy, to construe these redemption laws liberally; 1 R., 424. The object of the State is to collect its revenues, and not to deprive its citizens of any rights. It is well said: "In construing the redemption laws the courts hold that the word 'owner' is a general term which embraces the different species of interest which may be carved out of a fee simple estate. This construction is the only one which can effectuate the intention of the Legislature and protect the interests of all parties concerned in the land sold for non-payment of taxes. In the same estate there may exist a fee simple and life interest or a leasehold. The estate may have been mortgaged to secure a debt and judgment creditors may have liens upon it, and the land may be in the adverse possession of a stranger to the title, and whose possession may be ripened into a right. Each is an owner according to the extent of his interest or claim, and each has a right to protect his interest by a redemption from the tax sale. No one can complain of this; the government collects her tax, and the purchase money is refunded to him who claims under the tax sale. Take the case of the judgment creditor. The debtor, by collusion with the purchaser, might divest himself of title so as to deprive the creditor, unless the latter has the right to redeem, and thus disencumber the land and subject it to his lien. It may therefore be laid down as a general rule, that any right, whether in law or in equity, whether perfect or inchoate, whether in possession or action, amounts to an ownership in the law, and that a charge or lien upon it constitutes a person claiming it as owner, as far as it is necessary to give him the right to redeem." Blackwell on Tax Sales, 423. This doctrine is drawn by the author from many different authorities.

In the civil law a mortgage is considered to be a species of alienation, though not a sale, a real right upon property, a species of pledge, the thing mortgaged being bound for the payment of the debt or the fulfillment of the obligations; the right of mortgage follows the property into whatever hands it may pass, the mortgagor can do no act to impair this right. C. C. 3278, 3279, 3282, 3297; 2 A., 168; 11 A., 68; 12 A., 776; 13 A., 2, 11 L., 408.

Counsel for the purchaser do not deny this interpretation of the word "owner," and admit that from 1847 to 1873 the laws of the State on this subject permitted any person interested in any land to redeem it when sold for taxes; but they contend that the act of 1873 (No. 47), under which this sale was made, limits the right of redemption to the "owners thereof, or their legally authorized agents;" and by section eleven of said act all laws or parts of laws conflicting with that act are repealed; and they say "the deduction is inevitable that the Legislature intended by this last act to take away from creditors and all other parties interested, except the owner, the right of redemption which they had previously enjoyed."

Our deduction does not go so far as counsel seem to go. If a mortgagee is a species of owner—a *quasi* owner—he is embraced in the exception they name; that is, the express words of the law. But as redemption laws are to receive a liberal interpretation, and as the act of 1873 does not expressly exclude mortgages, we do not think their rights, as they existed prior to 1873, are so in conflict with those preserved in said act as to be embraced in the repealing clause. We think it should very clearly appear before we adopt the conclusion that the State, which has declared that the property of the debtor is the common pledge of all his creditors, intends by the process of collecting the contributions of its citizens, to defeat absolutely all the rights of creditors upon property subject to these contributions. The right of the State to its necessary revenue is paramount, but it is to be exerised with a strict regard for those other rights which the State itself has granted or guaranteed, especially the rights of parties not delinquent, unless it expressly declares otherwise, for exigencies which make the declaration necessary. The sole object of the State is to collect its revenues, and not to destroy rights, further than is absolutely necessary to effect such collection; and the right to redeem, we think, still exists in the owner, or quasi owner, under the prescribed conditions.

The next question presented is, did the plaintiff assert this right in time and in a manner to secure its enforcement? He relies on a tender which contends he duly and legally made before the expiration of the six months following the sale. It was formally made through a notary public, at the residence of the purchaser, who was, however, absent at the time from the State. The purchaser says this was insufficient, because he resided at the time, and to the knowledge of the plaintiff, and was then, in West Virginia, because no consignment of the money was made, and because he subsequently offered to receive the money and annul the sale to him, but the plaintiff refused his offer.

The evidence shows that the purchaser has a residence both in New Orleans and in West Virginia, spending a large portion of the year in New Orleans attending to mercantile and other business. Under the circumstances we think the offer of plaintiff was made properly at the residence here, it not appearing that the purchaser had an agent to represent him in such matters. C. P. 406, 407; C. C. 2168, No. 6.

It is said by the purchaser's counsel that it is unnecessary to determine whether or not the tender at the house of the purchaser was good, as it was not consigned by the plaintiff, and when acceptance of it was afterward offered, the plaintiff refused to pay.

The object of consignment is to exonerate the debtor from further liability and risk, and the failure to make it does not defeat the legality of a tender. The law says a consignment may be made, but does not make it essential in case the creditor refuses. C. P., 412; C. C., 2167. The plaintiff should not, under the circumstances, be concluded by his refusal to pay when the purchaser offered to accept. The latter had sold to a third party, who did not join in the proposal, and who might have refused to concur, as the time for redemption had expired and the purchaser denied plaintiff's right to make a tender and redeem the land, as well as the regularity and effect of the tender as made. There was room for doubt upon this matter as a legal question, and plaintiff had already submitted it to a court of justice.

We conclude that plaintiff, as mortgagee, has the right to redeem, and that upon paying the purchaser the price and interest as prescribed by the act of 1873, the sale will be annulled and the property subjected to the mortgage sought to be enforced.

It is therefore ordered that the judgment appealed from be reversed, and that upon the plaintiff paying to defendant, H. Shepherd, the sum of $5860 07, the purchase price with fifty per cent additional and all costs incurred by said Shepherd as purchaser at the tax sale of February 3, 1875, from A. Morgan, tax collector, to Henry Shepherd, and all subsequent sales of said property be annulled, and it is further ordered that the plaintiff have judgment against Mrs. Solidelle de Gardeur, wife of Joseph Deywoodt, for $33,750, with eight per cent interest on $1675 from January 4, 1873, and on like sum from January 4, 1874, with five per cent on the total of principal, and interest for attorneys' fees, costs of copies of notarial acts and costs of protest, with vendors' privilege and mortgage on the said property described in plaintiff's petition, the defendants and appellees to pay costs in both courts.

Superior District Court.

State ex rel. Ernest N. Lubie vs. Administrator Pillbury and city of New Orleans. The injunction in the case of the State National Bank vs. the city was a sufficient answer to the demand of the plaintiff. The city can not be compelled to take police warrants in payment of taxes when it has overpaid the proceeds of collection of taxes for that purpose. Rule for mandamus dismissed.

Superior Criminal Court.

SENTENCED.

Burglary—George Walker, alias Williams, three years hard labor.

Robbery—Pierre Walker, one year hard labor; Pierre Gabait, guilty.

VERDICTS.

Embezzlement—Gertrude Antoine, guilty.

Grand larceny—Eliza Lewis, alias Nicaud, not guilty.

First District Court.

NOLLE PROSEQUI ENTERED.

Assault and battery—John Heringhaner and J. W. Shawhan.

INFORMATIONS FILED.

Assault, etc.—Pat Toole, Frank Hunter, Calvert Owens, Angeline Phillips, William Williams, Dennis Brauza.

Petty larceny—Marshall Roberts, Henry Hays, Thomas Lewis, John Burton.

Entering, etc.—John Owens.

Second District Court.

Successions of J. E. Lockwood, Pierre Francois Rault, Bridget Cooney, Jean and Louis Ringe, George Brown, Mrs. Anna Laures, William G. Steele and Maurice Grivot opened.

Virginia M. Bonford and Emily A. Bonford pray to be emancipated.

Fourth District Court.

Alfred Keen vs. G. S. Carlisle.—The charge of Judge Lynch to the jury in this case, which rendered a verdict of $71 for the defendant, has attracted so much notice as containing the law of the rights of proprietors of partition fences that it is here reproduced in full:

**Gentlemen of the Jury—The plaintiff, Alfred Keen, alleges that he is the owner of a house and lot on State street, in the city of New Orleans, and that he has resided therein since the month of September, 1873; that the defendant, S. S. Carlisle, resides on said street, on premises adjoining plaintiff's property; that defendant illegally caused an unsightly, offensive and injurious wooden obstruction or barricade to be erected on plaintiff's said premises, about thirty feet high, and extending from State street toward the rear of said lot, a distance of about seventy feet; that the wind caused a portion of said obstruction or barricade to fall upon the ground, and the remaining portion is eighteen or twenty feet high; that the said obstruction is erected just inside of and is attached to the partition fence which separates the property of petitioner from that of defendant, obstructing the view and shutting out the sunshine and breeze from plaintiff's house; that said barricade is an intolerable nuisance, and causes scandal in the neighborhood, and remarks to be made by persons passing by in regard to the cause if its erection; that the said barricade depreciates the value of plaintiff's property, and is a standing libel on petitioner and his family; that the wind has forced said obstruction and the partition fence out of a perpendicular position toward plaintiff's house; that on account of the peculiar construction and great height of said obstruction, it is liable to fall against and seriously injure plaintiff's dwelling, which is only about two feet from said line fence; that plaintiff would not have purchased his said property had he not been assured that said obstruction would be removed; that he requested defendant to remove said obstruction, or to allow him (plaintiff) to do so at his own expense, but defendant refused to comply with his unicable demand; that defendant, in thus refusing to remove the barricade aforesaid, was actuated by malice and a desire to injure the plaintiff; that he has suffered damage up to the date of the filing of this suit in the sum of $500, in consequence of said barricade and obstruction. Plaintiff prays for judgment in his favor, and against defendant, for the sum of $500 damages, and also condemning defendant to remove the barricade aforesaid without unnecessary delay.

Defendant, in his answer, denies each and every allegation in plaintiff's petition contained, except such as he may in his said answer afterward admit.

Defendant avers that he is the owner of certain property on State street, immediately adjoining that of plaintiff; that he, defendant, has owned and occupied his said property since April 30, 1870. He admits having, in the month of March, 1872, erected a plank fence between his property and that adjoining, which fence has been and is now strong, substantial and well constructed; that the fence aforesaid is built entirely upon his own property, and does not in any manner rest upon or back that owned or held by said Keen, and that in the erection of said fence he has but exercised his right of dominion over his said property; that his private residence erected by him on his own ground has several windows and doors facing toward the house upon the ground of said Keen, and that defendant's house was built previous to the acquisition of title by said Keen, and close upon the line, so close that the window blinds swing over upon the property of defendant, and that the windows thereof overlook the grounds of respondent, and his houses being so situated that the bedrooms of himself and family can be looked into by the occupants of plaintiff's house, compelling defendant to keep his bedroom doors and windows always closed to prevent the sacrifice of his family privacy. Defendant further avers that he has been annoyed by the present occupants of plaintiffs' house, by having his bedroom, parlor and dining-room looked into from the windows aforesaid, previous to the erection of the said fence, and since from a gable window higher than said fence; that the erection of said fence was solely a matter of self-defense, rendered absolutely necessary to obtain a little privacy; that since the erection of said fence things were thrown into his grounds by the present occupants of defendant's house, and that the said fence serves as a partial protection against said annoyance, and was in existence at the time Keen purchased the property aforesaid; that the windows of plaintiff's house all swing over his (defendant's) ground, and have done so ever since the occupation thereof by said Keen, constituting a trespass upon and injury to the property of defendant, and causing him to suffer annoyance and trouble of mind, and inflicting on him damage in the sum of $500.

That by the repeated annoyance, unlawful overlooking and impertinent intrusion on his privacy and that of his family at the hands of the residents of said house, under said Keen, and composing his family guests or servants, and the consequent inconvenience and annoyance aforesaid, defendant has suffered further damages in the sum of $750, making altogether a total of damages in the sum of $1250.

Defendant prays that the petition and demand of plaintiff be dismissed, and he prays for judgment against plaintiff in reconvention for the sum of $1250.

You will first inquire as to the location or position of the barricade or fence complained of by plaintiff. If you should find that it is on the ground of the plaintiff, or on the ground of the defendant, but resting upon, supported by, or attached to the partition fence, if the partition fence was held by the plaintiff and defendant in common, or that said fence or barricade inclines from a vertical position inward towards the house or over the grounds of plaintiff, or overhangs the same, such facts alone would give plaintiff a right of action against the defendant to compel him to remove the said baricade or fence, and to pay such damages as it may have caused plaintiff.

The ownership of the soil carries with it the ownership of all that is directly above or under it. Rev. C. C., art. 505. If you find that the barricade or fence aforesaid is on defendant's ground, that it does not rest upon, and is not attached to or supported by the said partition fence, then arises the most important question that you are called upon to determine in this cause, to-wit: The right of defendant to erect and maintain the structure in controversy on its present site, because the claims of the plaintiff, and nearly all of the reconventional demands of the defendant, are but matters incidental to that question.

A servitude is a charge upon one estate for the benefit of another. A servitude established for the benefit of a house is called an urban servitude. Servitude of views is one of the principal kinds of urban servitudes. Servitudes of view are of two kinds, one of which is that conferring the right of full view, with the power of preventing one's neighbor from raising any building which obstruct it. You are to examine the averments of defendant that his house had been built prior to plaintiff's acquisition of his property; that defendant's house has several windows and doors facing towards the house of plaintiff; that plaintiff's house was erected so close to the property of the defendant that its windows overlook the grounds and house of the latter, and that, from plaintiff's evidence, the interior of the bed rooms of the defendant may be seen. If you find these averments sustained by the evidence, then the property of defendant was virtually and in point of fact subjected to the urban servitude of view. This state of things the defendant had a right to put an end to at any time, unless the plaintiff had acquired such servitude in one of the ways prescribed by law.

The right of improving a servitude of a house belongs to the owner alone. Rev. C. C., art. 729. Servitudes are established by all acts by which property can be transferred. Rev. C. C., art. 743. Continuous and apparent servitudes may be acquired by title or by a possession of ten years. Rev. C. C., art. 765. I may here remark that plaintiff sets up no claim to the servitude of view aforesaid, either by title or by the prescription of ten years.

If you find that the defendant had a right to erect a barricade fence or screen to afford privacy and comfort to himself and his family, and the better to enable him to enjoy his house and premises, you are then to inquire into the manner in which that right was exercised; whether or not it was exercised by erecting a fence on a site or location which was the most suitable under the circumstances, and calculated to inflict no damage on plaintiff or to deprive him of the liberty of enjoying his property.

There is nothing in the record of this case to question the perfect ownership of defendant to the property immediately contiguous to that of plaintiff. The defendant, as perfect owner, had the right to use or dispose of his property, provided it was not used in any way prohibited by laws or ordinances; Rev. C. C., 491.**

Although a proprietor may do with his estate whatever he pleases, still he can not make any work on it which may deprive his neighbor of the liberty of enjoying his own or which may be the cause of any damage to him; Rev. C. C., 667.

Although one may not be at liberty to make any work by which his neighbor's buildings may be damaged, yet every one has the liberty of doing on his own ground whatsoever he pleases, although it should occasion some inconvenience to his neighbor. Thus—he who is not subject to any servitude originating from a particular agreement in that respect may raise his house as high as he pleases, although by such elevation he should darken the lights of his neighbor's house, because this act occasions only inconvenience, but not a real damage. Rev. C. C., art. 668. It is for you, gentlemen of the jury, to say whether the erection and continued maintenance of the objectionable barricade or fence in question causes inconvenience or real damage to the plaintiff. If you find that it causes only inconvenience by darkening the lights or windows of the plaintiff, the law will not compel its removal. If, on the other hand, you find that it causes real damage to the plaintiff, either pecuniarily or mentally, by making him and the members of his household the objects of the remarks and scandals of persons passing by, as he alleges, then the law does not permit its erection, and will require its demolition and removal.

You are next to determine the claim of plaintiff for damages. Every act of man that causes damage to another obliges him by whose fault it happened to repair it. Rev. C. C., art. 2315. Every person is responsible for the damage he occasions, not merely by his act, but by his negligence, his imprudence, or his want of skill. Rev. C. C., art. 2316. If you are satisfied from the evidence that the plaintiff has suffered damage at the hands of the defendant you will give a verdict in favor of plaintiff for such amount as you think he has been damaged in. Although the general rule is that damages are the amount of the loss the creditor has sustained or the gain of which he has been deprived, yet there are cases in which damages may be assessed without calculating altogether on the pecuniary loss or the privation of pecuniary gain to the party. Where the contract has for its object the gratification of some intellectual enjoyment, whether in religion, morality or taste, or some convenience or other legal gratification—although these are not appreciated in money by the parties—yet damages are due for their breach. A contract for a religious or charitable foundation, a promise of marriage or an engagement for a work of some one of the fine arts are objects and examples of this rule.

In the assessment of damages under this rule, as well as in cases of offenses, quasi offenses and quasi contracts, much discretion must be left to the judge or jury, while in the other cases they have none, but are bound to give such damages, under the above rules, as will fully indemnify the creditor, whenever the contract has been broken by the fault, negligence, fraud or bad faith of the debtor.

You will then inqure whether the acts of plaintiff have inflicted damage or injury on the defendant. If you are satisfied from the evidence that the defendant has suffered damages at the hands and by or through the acts of plaintiff, or the members of his family, you will find a verdict in favor of defendant for such damages as you are satisfied he suffered. And in relation to this matter, the above quoted provisions of the law in regard to damages applies.

If you are satisfied from the evidence that the window shutters of plaintiff hang or project over the property of defendant, plaintiff thereby is a trepasser on the property of defendant and liable for such damages as such trespass may have occasioned.

No one (says article 697, Revised Civil Code) "shall build galleries, balconies, or other projections on the border of an estate so that they extend beyond the boundary line which separates it from the adjoining estates."

Counsel in the course of argument dwelt with emphasis on the proposition that at the time this property was purchased by Keen, the plaintiff, the objectionable structure in controversy was in existence, and that as he knew the fact, or had known the fact previous to its purchase, that he can not now complain and ask to have it removed, and that the plaintiff having purchased said house placed himself virtually in a position to be injured thereby, and is guilty of contributory negligence, thereby depriving him from recovering.

I charge you, gentlemen of the jury, in relation to that matter. If the defendant had not by prescription—and the prescription of ten years applies in the case of the kind—if he had not by prescription, or by the authority of the owner of the property now held by Keen acquired a right to keep, construct and maintain the barricade in question, and if he is not warranted by law in now keeping the said barricade in its present sight, the fact that the structure was on the premises at the time of the purchase of the property by the plaintiff does not now preclude the plaintiff from an action to compel its removal.

Fifth District Court.

Judge Cullom rendered the following decision:

State of Louisiana ex rel. Morris Seckel vs. the criminal sheriff of Orleans.—Petition for habeas corpus. Relator is confined in the Parish Prison by an order from United States Commissioner Weller, which is alleged to be illegal in form, and that the indictment it is founded on is void, not being signed by the district attorney. The sheriff produced the body and returned that the prisoner was held on indictment under act of Congress of March 3, 1873, prohibiting the circulation of obscene literature, etc. The indictment was found in Connecticut, April 23, 1873. The motion by the district attorney to dismiss for want of jurisdiction was overruled, the United States marshal being no party to nor authorized to intervene in the proceedings. The decisions of the Supreme Court have submerged the authority formerly exercised by the State courts to inquire into the power of the United States government to restrict persons of their liberty. Ableman vs. Booth, 21 How., 506; Morris vs. Newton, 5 McLean, 92; Spangler's case, 11 Mich., 298; in re Hanson, 40 Barb., 34. The federal and State governments ars distinct and independent of each other in their respective spheres of action. Tarble's case, 13 Wal., 397. A State judge has no jurisdiction to issue a writ of habeas corpus to discharge a person held by the authority of the United States. Cooley on Limitations, 317. An inquiry is permitted as to the competency of the committing magistrate, and if the arrest was made by due process of law. This involves the authenticity of the indictment. The caption, indorsement of true bill and signature of the foreman are in due form. It charges a crime. The court can not inquire into the verity of the charge. Const. La., 83. It is essential that an indictment should be submitted to the grand jury by the prosecuting officer of the State. That his signature is necessary is doubted. Ford vs. State, 3 Hay, 98; Hite vs. State, 9 Yerger, 198. A person may be held to answer on a mere presentment for a capital crime, const. U. S., art. 5., and it follows he may be for a minor offense. The prisoner is held on an indictment or presentment of a United States district court, the warrant is issued by a competent officer, and with evidence of this the court is apprised that he is in the custody of the federal government to answer for an alleged violation of its criminal laws, and must discharge the writ and leave the prisoner in the custody of the sheriff.

Andrew Johnson.

A correspondent of the Chicago *Times* says:

Speaking of the great statesman reminds me of the fact that his utterances here indicate that he is going to light just where he was not expected—on the extreme radical frontier. His opinion of the South is that treason and White Leagues should be made odious. He is likely to cut the kind of a figure in the next session that will be most agreeable to the Republicans, and, if he does give back some blows to those who sat on his case, he will be forgiven in the regard they will entertain for his emphatic utterances.

Petroleum has been successfully used as fuel for locomotives in Canada.

CITY COUNCIL—OFFICIAL

REGULAR MEETING.

CITY HALL, NEW ORLEANS, Tuesday, March 9, 1875.

The Council met this day at twelve o'clock M., in regular session.

Present—Hon. Charles J. Leeds, Mayor, presiding, and Administrators Bertoli, Brown, Bouny, Burke, Landry, McCarthy and Pilsbury.

The minutes of the previous meeting were approved and their reading dispensed with.

Communications from the Mayor and Administrators.

None.

Financial and Other Business on Final Passage.

Mr. Brown called up the ordinances described as follows, which, having been read twice, were now on third reading, and they passed unanimously, the yeas and nays having been called on each, and all the members present at roll call voting:

An ordinance providing for the payment of the several accounts therein named, beginning A. W. Hyatt, stationery.

Providing for the payment of the several accounts therein named, beginning Paulin Durel, stationery.

Providing for the payment of the several accounts therein named, beginning W. L. Thompson, fifth justice of the peace.

Providing for the payment of the several pay rolls therein named, beginning pay rolls of municipal police courts.

Providing for the payment of the several accounts therein named, beginning New Orleans Republican Printing Company.

Providing for the payment of the several accounts therein named, beginning W. G. Wilmot & Co., for coal.

Reports of Committees.

Mr. McCarthy on petition representing moss factory on Franklin street not a nuisance, reported without action and recommended its reference to the Committee of the Whole. So referred.

Mr. Bouny reported favorably by resolution on petition of board of directors of the society for the relief of destitute orphan boys. Adopted.

Mr. Landry reported favorably by resolution upon the petition of Louis Torre to lease a lot of ground belonging to the city situated at foot of St. Philip street. Adopted.

Resolutions and Ordinances Offered.

By Mr. Bouny and adopted:

Resolution to cancel judgment in suit of city of New Orleans vs. the Orphan Boys Relief Society.

By Mr. Landry and adopted:

Resolution authorizing the Mayor to lease a lot of ground to A. Sparicio.

Authorizing the Mayor to lease a lot of ground to Louis Torre.

Mr. McCarthy offered the following:

Resolved, That the committee appointed under ordinance No. 2897, Administration series, be authorized to confer with the holders of city bonds in view of an adjustment of the city debt.

Adopted.

By Mr. Brown, and adopted:

Resolution appropriating $68 in favor of Cornelius Donovan, fees for burying indigent dead.

By Mr. Burke, and adopted:

Preamble and resolutions that the Mayor and Administrators of the city of New Orleans, in committee of the whole, prepare such legislative enactments as may be necessary to authorize the Council to reduce the rate of taxation.

By Mr. Brown and read twice:

An ordinance providing for the payment of the several accounts therein named.

Be it ordained, That the following appropriations be and are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment of the same, whenever there shall be money in the city treasury to the credit of the appropriate fund for each account, from the revenues of the year 1874, and not otherwise appropriated:

A. G. Brice, District Attorney for the Second Judicial District, for criminal convictions of persons arrested in the Seventh District during December term, as per bill, certified by the clerk of said court, and approved by the City Attorney, $120.

Frederick Deibel, for services rendered as treasurer and collector of the late city of Carrollton, being three per cent commission on amount of tax, as per tableaux and as per bill certified by the Mayor and controller of said city, and approved by the City Attorney, balance due, $1601 39.

H. L. Burns, clerk of the Second Judicial District Court, for fees in criminal suits, Seventh District, parish of Orleans, as per bill approved by the City Attorney, $116 55.

H. L. Burns clerk of the parish court, parish of Jefferson, for fees in criminal suits, Seventh District, parish of Orleans, as per bill approved by the City Attorney, $198 30.

H. L. Burns, clerk of the parish court, parish of Jefferson, for balance in full of costs in tax suits due late city of Carrollton, as per bill approved, $15 75.

An ordinance providing for the payment of the several accounts therein named.

Be it ordained, That the following appropriations be and are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment of the same:

Firemen's Charitable Association of the city of New Orleans, for services rendered in the month of February, 1875, as per contract, $11,666 67.

Firemen's Charitable Association of the Fifth District, for services rendered in the month of February, 1875, $700.

Firemen's Charitable Association of the Sixth District, for services rendered in the month of February, 1875, $1250.

Firemen's Charitable Association of the Seventh District, for services rendered in the month of February, 1875, $416 66.

J. Davidson Hill & Co., agents, for rent of premises on Carondelet street, known as Davidson Court, used for police purposes, for the month of February, 1875, as per lease, $350.

C. E. Girardey & Co., for rent of the First District Court building, on Orleans street, for the month of February, 1875, as per lease, $250.

G. Casanave, recorder of deaths, etc., for record of deaths in the month of February, 1875, approved, $65 50.

F. Nahr, repairing office furniture for the Department of Commerce, approved, $3 75.

New Orleans Times, advertising notices in the month of February, 1875, approved by the Department of Finance, $30.

New Orleans Picayune, advertising notices in the month of February, 1875, approved by the Department of Finance, $40.

P. H. Quinlan, repairing water closet, approved, $3.

Amos Morrison, sheriff of the parish of Jefferson, for maintenance of prisoners arrested in the Seventh District for the month of February, 1875, as per bill approved by the judge of the Second Judicial District Court, $92 20.

For transportation of prisoners to the State Penitentiary, approved as above, $76 40.

E. Pilsbury, Administrator of Finance, for cash advanced for law charges, etc., as per vouchers, $824 80.

A. W. Hyatt, stationery, binding, etc., for the following departments, in the months of January and February, 1875, approved:

Department Public Accounts, $449 40.

Tax registry of mortgages, $4 85.

Tax bill maker of 1875, $226 35.

W. Fagan, criminal sheriff, for costs and fees in Superior Criminal Court, in the month of February, 1875, as per bill approved by the Judge of said court, $1630 43; for maintenance of prisoners, and turnkeys' fees for the month of February, 1875, as per bill approved by the judges of the respective criminal courts, $7178 80; for transportation of convicts to the Penitentiary, as per bill approved, $370 50; for sundry expenses, as per receipted bills, $64 50.

J. W. Madden, stationery, binding, etc., in the month of January, 1875, approved by the Administrator of Police, as follows: Department of Police (Administrator's office), $11 40; Superior Criminal Court, $53 75.

Leon Lamothe, for meals furnished to the members of the jury at the Superior Criminal Court, to February 17, 1875, inclusive as per bill, approved by the judge of said court and the Administrator of Police, $333 50.

Supplementary pay roll, bureau of streets, Department of Improvements, $721; wharves and landing $551 75.

Petitions.

The undermentioned petitions and communications, presented by the Mayor, were severally referred as stated:

From Bodet & Gueydan, agents of C. Tiblier, asking stay of proceedings; B. J. West, T. Levy, John S. Tully, for Mrs. C. Gardanne, John McLean, Patrick Irwin, all asking stay of proceedings in tax suits. To the committee of the whole.

From J. Langles, president of the New Orleans Sanitary Excavating Company, to erect two small buildings on the levee; Joseph Cooper, for portion of wharf to be set apart for his vessels; J. B. Vacigalopi, asking permission to erect a stand on neutral ground on Basin street; property owners, declaring moss pickery, corner of Galvez and Canal streets, not a nuisance; M. J. Hart, foreman of Mississippi Fire Company No. 2, asking rent for premises now occupied by them. To the Administrator of Commerce.

From F. L. Flash, Puig & Avendano, J. Garcia y Mara, John Llambias, Minors Soniat and Dubossat, E. W. Burbank, asking reduction of assessment, and W. C. Day, agent, asking cancellation of tax bill. To the Administrator of Assessments.

Petition of J. A. Bryson & Co., asking to be relieved from paying lay charges on vessels named Forest Belle, Advice and Arran.

On motion of Mr. Landry, the petition was granted as to the Advice and Arran, and rejected as to the Forest Belle.

The Council then adjourned.

J. H. HARDY, Secretary.

SPECIAL NOTICES.

Ancient Order of Hibernians.—A special meeting will be held this, WEDNESDAY, evening, at seven o'clock, precisely, at the hall, corner of Common and Derbigny streets. Punctual attendance of every member is requested, as business of importance will be transacted.

MARTIN FINNERTY, President.
PETER KIERNAN, Secretary. mh10 1t

Notice.—A General Meeting of the stockholders of the Lower Coast Packet Company will be held at the office of the company, on FRIDAY, the twelfth day of March, 1875, at 2 P. M.

fe11 13 26 mh16 V. J. WOOD, Manager.

Office of Orleans Railroad Company, corner of White and Labarre streets, New Orleans, February 7, 1875.—The stockholders of this company are hereby notified that a meeting of the stockholders will be held at the office of the company on FRIDAY, March 12, 1875, between the hours of 10 A. M. and 3 P. M., to take in consideration an amendment to the charter proposed by the Board of Directors to reduce the capital stock of the company from $100 to $50 a share.

fe7 td P. TISNE, JR., Secretary.

SUCCESSION NOTICES.

Succession of P. Charles Cuvellier.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,631.—Whereas, Mrs. Widow Anna Poree has petitioned the court for letters of administration on the estate of the late P. Charles Cuvellier, deceased, intestate. Notice is hereby given to all whom it may concern to show cause, within ten days, why the prayer of the said petitioner should not be granted.

By order of the Court.

mh9 14 18* FRANK PACE, JR., Clerk.

Succession of Nicholas Welsch.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,834.—Whereas, Frank Welsch has petitioned the court for letters of administration on the estate of the late Nicholas Welsch, deceased, intestate. Notice is hereby given to all whom it may concern, to show cause within ten days why the prayer of the said petitioner should not be granted.

By order of the Court.

mh9 13 17 FRANK PACE, JR., Clerk.

Succession of F. X. Gonzales.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No 37,589.—Notice is hereby given to the creditors of this estate and to all other persons herein interested to show cause within ten days from the present notification, if any they have or can, why the account presented by the administrator of this estate should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

mh6 10 14* FRANK PACE, JR., Clerk.

Succession of John Davie and Marian Stewart, his wife.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,834—Whereas, John Davie has petitioned the court for letters of administration on the estate of the late John Davie and Marian Stewart, his wife deceased, intestate. Notice is hereby given to all whom it may concern to show cause within ten days why the prayer of the said petitioner should not be granted.

By order of the Court.

mh9 14 18* FRANK PACE, JR., Clerk.

Succession of J. M. Isaacks.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,181.—Notice is hereby given to the creditors of this estate and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by Cohen M. Soria, testamentary executor of this estate, should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

mh10 14 18* FRANK PACE, JR., Clerk.

Succession of Hugh McCloskey.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,023.—Notice is hereby given to the creditors of this estate and to all other persons herein interested to show cause, within ten days from the present notification, if any they have or can, why the account presented by James D. Martin, one of the testamentary executors of this estate, should not be homologated and approved and the funds distributed in accordance therewith.

By order of the Court.

mh7 11 14* FRANK PACE, JR., Clerk.

Succession of Mrs. Widow F. Baudoin.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,464.—Notice is hereby given to the creditors of this estate and to all other persons herein interested to show cause, within ten days from the present notification, if any they have or can, why the account presented by A. Robert, administrator of this estate, should not be homologated and approved and the funds distributed in accordance therewith.

By order of the Court.

mh7 11 14* FRANK PACE, JR., Clerk.

Succession of Patrick Shields.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 26,931.—Notice is hereby given to the creditors of this estate, and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by Adam Thomson, the administrator of this estate, should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

mh7 11 14* FRANK PACE, JR., Clerk.

Succession of John McGraw.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,830.—Whereas, Mrs. Catherine Casey has petitioned the court for letters of administration on the estate of the late John McGraw, deceased, intestate. Notice is hereby given to all whom it may concern, to show cause within ten days, why the prayer of the said petitioner should not be granted.

By order of the Court.

mh7 11 14* FRANK PACE, JR., Clerk.

Succession of Francisco Guitar.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,159.—Notice is hereby given to the creditors of this estate and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by E. T. Parker, public administrator, acting administrator of this estate, should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

mh6 10 14* FRANK PACE, JR., Clerk.

Succession of Henry Rose.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 37,758.—Notice is hereby given to the creditors of this estate and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by E. T. Parker, public administrator, acting administrator of this estate, should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

mh6 10 14* FRANK PACE, JR., Clerk.

OFFICIAL NOTICES.

NOTICE.

STATE TAX COLLECTOR'S OFFICE, SECOND DISTRICT, No. 201 Canal street, (up stairs), New Orleans, February 20, 1875.

STATE LICENSES FOR THE CURRENT YEAR and State taxes for 1874, payable in 1875, are now due, and parties interested are hereby notified to settle the same at once, in order to avoid costs.

fe21 1m B. F. JOUBERT, Collector.

NOTICE.

UNITED STATES INTERNAL REVENUE, Collector's Office, First District of Louisiana, New Orleans, February 27, 1875.

IN PURSUANCE OF THE PROVISIONS OF SECTION sixty-three of the act of Congress, approved July 13, 1866, and amendments, notice is hereby given to the claimants of the following described property, seized in the city of New Orleans, Louisiana, (at dates as below), for violation of section forty-eight of the act of June 30, 1864, as amended by section nine of the act of July 13, 1866, that unless they appear and file their claims in the manner provided by law, within thirty days from the date hereof, the same will be advertised and sold as forfeited, in compliance with the requirements of the sections and acts above mentioned:

July 27, 1874—100 Cigars. August 3, 100 Cigars; fourth, 1500 Cigars, 20 pounds Leaf Tobacco; fifth, 100 Cigars, 1000 Cigarettes, 100 Cigars; sixth, 200 Cigars; seventh, 250 Cigars, 4900 Cigarettes; tenth, 100 Cigars; twelfth, 4 50 Cigars; fourteenth, 100 Cigars, 200 pounds Plug Tobacco; seventeenth, 400 Cigars, 1500 Cigarettes; eighteenth, 400 Cigars, 2500 Cigarettes; nineteenth, 300 Cigars, 3000 Cigarettes, 3 pounds Perique Tobacco, 4 pounds Smoking Tobacco; twentieth, 200 Cigars, 800 Cigarettes, 10 pounds Finecut Chewing Tobacco; twenty-seventh, 1000 Cigars, 1500 Cigarettes. September 25, 10 pounds Leaf Tobacco. November 7, 25 pounds Leaf Tobacco, 350 Cigars, 400 Cigarettes; fourteenth, 800 Cigarettes, 200 Cigars, 2 pounds Finecut Chewing Tobacco; eighteenth, 750 Cigars, 10 pounds Leaf Tobacco. December 8, 150 Cigars; ninth, 100 Cigars; tenth, 400 Cigars; eleventh, 250 Cigars; sixteenth, 25 Cigars, 360 Cigarettes, 25 Cigars, 540 Cigarettes, 500 Cigars, 20 pounds Leaf Tobacco; twenty-second, 20 pounds Leaf Tobacco; twenty-third, 900 Cigars. January 4, 1875—4000 Cigars, 400 pounds Leaf Tobacco; eighth, 180 Cigars; ninth, 800 Cigars, 250 pounds Leaf Tobacco; thirteenth, 10 pounds Leaf Tobacco, 200 Cigars, 10 pounds Leaf Tobacco, 150 Cigars, 20 pounds Leaf Tobacco; fourteenth, 500 Cigars; 50 pounds Leaf Tobacco; nineteenth, 3245 Cigars; twentieth, 400 Cigars, 40 pounds Leaf Tobacco; twenty-first, 200 Cigars, 400 Cigarettes, 100 Cigars; twenty fifth, 3500 Cigars. February 6—5 pounds Leaf Tobacco, 100 Cigars, 50 Cigars, 150 Cigars, 10 pounds Leaf Tobacco, 75 pounds Leaf Tobacco; eleventh, 50 Cigars, 200 Cigarettes, 150 Cigars, 500 Cigarettes; thirteenth, 50 Cigars, 25 Cigars, 4 0 Cigarettes, 2000 Cigarettes; twenty second, 200 Cigars, 200 Cigarettes; twenty-third, 350 Cigars, 300 Cigarettes, 50 Cigars; twenty-fifth, 200 Cigars, 650 Cigarettes, 150 Cigars, 100 Cigars, 200 Cigars, 500 Cigarettes, 15 Cigars, 250 Cigars; twenty-seventh, 25 Cigars, 75 Cigars, 25 Cigars, 2200 Cigars, 300 pounds Leaf Tobacco.

JOHN COCKREM.

Collector Internal Revenue, First District of Louisiana. fe28 mh14 28

NOTICE.

OFFICE STATE TAX COLLECTOR, First District, No. 169 Gravier street, up stairs, New Orleans, February 13, 1875.

THE TAX BILLS FROM ROLLS OF 1874, (COLlectable this year) and licenses for the current year now being ready; parties at interest are requested to make settlements at once, thereby avoiding costs.

fe13 20t N. C. FOLGER, Collector.

CITY LICENSES — FINAL DISCOUNT.

DEPARTMENT OF FINANCE, City Hall, New Orleans, March 9, 1875.

CITY LICENSES OF 1875 MAY BE PAID UNTIL TUESDAY, March 23, instant, inclusive, at three per cent discount; after which date they will be liable to costs.

mh9td ED. PILSBURY, Administrator.

NOTICE.

OFFICE STATE TAX COLLECTOR, Third District, No. 9 Esplanade street, New Orleans, February 16, 1875.

STATE LICENSES FOR THE YEAR 1875, AND State taxes for 1874, payable in 1875, are now due. Parties interested are hereby notified to settle the same at once, in order to avoid costs.

fe17 1m F. E. DUMAS, State Tax Collector.

NOTICE.

OFFICE STATE TAX COLLECTOR, Fourth District, No. 245 Josephine street, New Orleans, February 13, 1875.

THE TAX BILLS FROM ROLLS OF 1874, (COLlectible this year) and licenses for the current year are now ready, and parties interested are requested to make settlements at once, thereby avoiding costs.

fe14 1m J. W. FAIRFAX, Collector.

NOTICE.

STATE TAX COLLECTOR'S OFFICE, SIXTH DISTRICT, Berlin street, between Magazine and Camp, New Orleans February 13, 1875.

STATE LICENSES FOR THE CURRENT YEAR and State taxes for 1874, payable in 1875, are now due, and parties interested are hereby notified to settle the same at once, in order to avoid costs.

JOHN GARSTKAMP, Collector.

fe14 1m

NOTICE.

THE UNDERSIGNED, HAVING BEEN APPOINTed receiver of the American Mutual Insurance Association of New Orleans, by order of the honorable the Superior District Court in and for the parish of Orleans, dated the fourteenth day of December, 1874, in suit No. 26 288 of the docket of said court, hereby gives notice to all persons indebted to said association that they shall call at his office, No. 58 Camp street, within ten days of this notice, and settle their accounts, and all creditors of said association shall file their claims with said undersigned receiver within ten days of this notice, with a view to settling the affairs of said association promptly as possible.

D. URBAN, Receiver.

New Orleans, February 27, 1875. fe28 10t

RAILROADS.

NEW ORLEANS, ST. LOUIS AND CHICAGO RAILROAD COMPANY.

GREAT JACKSON ROUTE

On and after December 28, 1874,

Trains depart and arrive as follows from Calliope street depot.

DEPART.		ARRIVE.	
Express	7:00 A. M.	Express	11:00 P. M.
Mail	6:00 P. M.	Mail	10:30 A. M.

Pullman Palace Sleeping Cars through to St. Louis, Chicago and Louisville.

Only one change of sleeping cars to Eastern cities.

Tickets for sale and information given at No. 22 Camp street, corner of Common.

A. D. SHELDON, Agent.

ja12 1y E. D. FROST, General Manager.

THE MOBILE LINE.

On and after February 8, 1875.

Trains will LEAVE depot foot of Canal street, as follows:

Express and mail, daily	8:00 A. M.
Coast accommodation, Saturdays only	2:40 P. M.
Through night express, daily	4:15 P. M.
ARRIVE:	
Coast accommodation, Mondays only	10:20 P. M.
Express and mail, daily	3:25 P. M.
Through night express, daily	12:00 P. M.

This is the only line running through Pullman Palace Cars to St. Louis, Louisville, Charlotte and Virginia Springs.

Office corner Camp and Common streets, opposite City Hotel.

D. B. ROBINSON, Acting Superintendent.

my13

LEGAL NOTICES.

THE STATE OF LOUISIANA.

FOURTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

AMELIA PICARD VS. SAMUEL PICARD—No. 43,326.

I HEREBY CERTIFY, THAT ON THE TWENTY-seventh day of February, 1875, judgment was rendered in this court in the following entitled suit, in the words and figures following, to wit—

Amelia Picard vs. Samuel Picard—No. 43,326.

For reasons this day orally assigned, and the court considering the law and the evidence to be in favor of plaintiff, it is ordered, adjudged and decreed that the judgment by default herein entered on the sixteenth instant, against defendant, be now confirmed and made final, and accordingly that there be judgment in favor of plaintiff, Amelia Picard, and against her husband Samuel Picard, decreeing a separation of property, and that the community of acquests be dissolved, and plaintiff, Amelia Picard, authorized to do business as a public merchant; defendant to pay costs of suit.

Judgment rendered February 27, 1875.

Judgment signed March 5, 1875.

B. L. LYNCH, Judge.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court at the city of New Orleans, on this, fifth day of March, in the year of our Lord one thousand eight hundred and seventy five, and the ninety-ninth year of the independence of the United States.

J. O. CHALON,

mh6 20 ap6* Deputy Clerk.

THE STATE OF LOUISIANA.

FOURTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

MRS. MARGUERITE SAUX VS. HER HUSBAND—No. 43,263.

I HEREBY CERTIFY THAT ON THE TWENTY-third day of December, 1874, judgment was rendered in this court in the following entitled suit in the words and figures following, to wit—

Mrs. Marguerite Saux vs. her husband—No. 43,263.

For reasons this day orally assigned and the court considering the law and the evidence to be in favor of plaintiff, it is ordered, adjudged and decreed, that there be judgment in favor of plaintiff, Marguerite Castex, wife of Jacques Saux, and against her said husband, Jacques Saux, dissolving the community of acquests and gains which exists between them, separating them from property, and enabling petitioner to exercise all the rights conferred to married women separate in property from their husbands, under the laws of Louisiana. Defendant to pay all costs of this suit.

Judgment rendered December 23, 1874.

Judgment signed January 6, 1875.

B. L. LYNCH, Judge.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this sixth day of January, in the year of our Lord one thousand eight hundred and seventy-five, and the ninety-ninth year of the independence of the United States.

ED. DsBLOIS, Clerk.

fe19 26 mh18*