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COURT RECORD.

FRIDAY, MARCH 23, 1877.

United States Circuit Court.

Present—Hon. W. B. Woods, circuit judge, and Hon. E. C. Billings, district judge.

Before Judge Woods:

Edward Fahrenbach vs. Steamer Governor Allen.—Libellant's exceptions to the report of the commissioner and in the case of J. C. Douglass vs. steamer Governor Allen overruled and the libel dismissed.

William Dietrich vs. ship Forrest Eagle.—Libel dismissed.

Bank of America vs. Louisiana Savings Bank.—Appeal dismissed.

In re. Frederick Ries, bankrupt.—Opposition of Hermann Pohlman to report of Register C. S. Kellogg dismissed. Report confirmed, and Louis Barthet to be paid by preference over Pohlman.

Eliza C. Johnson vs. New Orleans National Banking Association.—Stock, house and land to the extent of 160 acres to the value of $2000 set off to plaintiff as a homestead from the plantation named in the bill of complaint.

Before Judge Billings:

Henry L. Lazarus, Esq., attorney at law, was appointed master in chancery.

Myra Clark Gaines vs. sundry defendants.—On trial.

Superior Civil Court.

James S. Clark vs. civil sheriff.—Injunction against the sale of furniture, etc., in petitioner's residence, corner of Canal and Marais streets, seized in the suit of Summers & Brannin vs. James S. Clark, and advertised for sale April 3.

Superior Criminal Court.

State vs. George Bonsen.—Manslaughter. Shooting Frances Edmunds, January 23, 1877, in a barrel house, corner of Crossman and Levee streets, death occurring February 8, at the Charity Hospital. A true bill.

State vs. Nelson Childress, Alexander Johnson, James Lewis, Jeff Mosberry, Jack McDonald, two cases, G. M. Troclair, George Williams.—Informations for carrying concealed weapons.

State vs. Paul Clifford.—Burglary. Convicted March 9. New trial refused.

State vs. Louis Gostaner.—Assaulting Officer J. L. Barringer, February 25, 1877, Sentence of $5 or five days.

State ex rel. Julius W. Riddell vs. Thomas N. Boylan.—Habeas corpus. Relator was held on a charge of bigamy, and about to be transferred on a requisition from the Governor of Alabama. The papers annexed to the requisition are an affidavit that one Julius Riedel, having a wife then living, unlawfully married one Alice E. Boudurant, on the second day of March, 1877, all of which is against the peace and dignity of the State of Alabama, and a warrant issued by notary public *ex officio* D. W. McCormick, justice of the peace, Mobile county, commanding the arrest of J. W. Riedel, accused of bigamy. This is not sufficient to charge the crime of bigamy under the statute. The affidavit complains of one Julius W. Riedel; the requisition asks for the delivery of Julius W. Rieddell. The affidavit does not charge Riedel with bigamy, but with "while having a wife then living, unlawfully married one Alice E. Boudurant." Neither the affidavit produced in court, nor the requisition, charge that any offense was committed within the State of Alabama. The act of Congress of 1793 requires that the Governor of a State demanding the delivery of a person under the provision should certify that the copy of the affidavit charging such person with having committed treason, felony or other crime, is authentic. The requisition makes no mention of the existence of any authentic copy. The affidavit annexed to the requisition pretends to be the original affidavit, and not a copy thereof, authenticated as required by the act of Congress; no impression of a seal can be found upon the paper; there is no proof that A. W. McCormick was a justice of the peace in Mobile county, Alabama, on March 10, 1877. The affidavit itself should be such as to enable the Governor of Louisiana to determine whether the facts therein complained of amount to an offense against the laws of the State of Alabama, and should be sufficient in law to warrant a commitment for trial for a like offense committed in this State.

The affidavit was insufficient, because it charges no crime committed in the State of Alabama, the affidavit notshowing that the marriage with Alice E. Boudurant was celebrated in Alabama. Therefore, Riedel is not, nor can not be a fugitive from the justice of Alabama. Writ maintained and relator discharged.

State vs. Peter Coyle and William Wilkinson.—Murder. Killing Frank W. Zengler, July 4, 1876, at No. 143 Gravier street. Indicted October 4. On trial.

Charles H. Luxenberg, Esq., presiding.

State vs. William Knuckley and John Lyons.—Murder. Killing D. A. Gr'Lee, October 8, 1876, on Gallatin street. Indicted December 4. Bail reduced to $5000.

First District Court.

Assault, etc.—Ta Tonnison, James Donovan, Tom Brennan, M. Kevlin, two cases, informations filed; John Dowd, James Scanlan, J. Baldwin, acquitted.

Petty larceny—John Williams, convicted; Tom Waters, Francois Dupaux, nolle prosequi entered.

SATURDAY, MARCH 24, 1877.

United States Circuit Court.

Before Judge Woods:

Charles Case, receiver, vs. E. H. Chadwick.—Interrogatories to Charles Steidman and John W. Hagan taken as confessed, and judgment rendered against them *for* $[illegible]

Before Judge Billings:

Myra Clark Gaines vs. sundry defendants. On trial.

Superior Criminal Court.

State vs. Alex Johnson, Jeff Mosberry, Alex Williams.—Carrying concealed weapons. Pleas of guilty.

State vs. Peter Coyle and William Wilkinson.—Murder. Verdict of not guilty.

First District Court.

Assault, etc.—John Henry, alias Chicken, new trial granted in one case and nolle prosequi entered in another; Tom Sadler, sentence of two days.

Petty larceny—H. Hart, sentenced to eighteen months.

MONDAY, MARCH 26, 1877.

United States Circuit Court.

Before Judge Woods:

H. D. Harris, administrator, vs. David Stewart.—Exceptions to plaintiff's capacity to sue and its pendency overruled. So much of demand this suit as is based on note signed by brand, is stricken out as bad and insufficient. Demand in reconvention dismissed.

Before Judge Billings:

C. F. Chauncey vs. E. F. Herwig.—New trial granted.

Myra Clarke Gaines vs. sundry defendants.—On trial.

Superior Criminal Court.

State vs. Jack McDonald, two cases, G. M. Troclair; M. J. Grady, alias John Smith, carrying concealed weapons. Plea of guilty; M. J. Grady, sentenced to a fine of [illegible]

State vs. William and Dicey Turner.—Petty larceny. Informations filed.

State vs. Henri Smith.—Carrying concealed weapons. Information filed.

State vs. Charles Fowler and John Smith.—Simple police offence. Informations filed.

State vs. ex. rel. W. B. Dubonnet.—Habeas corpus.—Relator's arrest authorized with a view to his transfer to the State of Alabama, charged with the offence of J. W. Riedel, accused of bigamy, and a requisition issued by the Governor of Alabama for his delivery. Relator held to be the same person charged in the affidavit of J. W. Riedel, and not the person charged in the affidavit of Julius W. Riddell, and the requisition of the Governor of Alabama not being accompanied by a copy of the affidavit charging such person with the crime of bigamy, the requisition is not in conformity with the act of Congress, and relator is