Amendment to the Quo Warranto Law.

AN ACT to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges, under acts of incorporation, and for other purposes, approved July 26, eighteen hundred and forty three.

Section 1. *Be it enacted by the Legislature of the State of Mississippi*, that the trustees appointed or to be appointed under the provisions of the act to which this is an amendment, shall, before entering upon their duties, execute bond with security, to be approved by the said court; in a penalty to be designated by the court, payable to the governor, conditioned for the faithful performance of the duties enjoined upon them by this act, and the act to which this is an amendment.

Sec. 2. That it shall be the duty of all persons having possession of any property or evidences of debt of any corporation against which judgment of forfeiture shall be rendered, upon demand being made, upon them by the trustee or trustees, to surrender forthwith to such trustee or trustees, all such property and evidences of debt, and upon failure so to surrender, such person or persons shall be deemed guilty of a contempt of said court, and punishable as in other cases of contempt.

Sec. 3 That on or before the first day of the term of the court next succeeding their appointment, it shall be the duty of said trustee or trustees, to return to said court, under oath, a full inventory, of all the property and evidence of debt which have come in to their possession; and said inventory shall be recorded by the clerk.

Sec. 4. That when the inventory is returned as aforesaid, the trustee shall proceed to sell, under the order of said court, to the highest bidder, for cash, all the property and evidences of debt, specified and set forth in said inventory: the real estate shall be sold before the court house door of the county where said real estate is so situated the personal estate before the court house in the county where the bank was situated; and the bills receivable, notes, judgments, shares, and other evidences of debt, secured in whole or in part by mortgages on land, shall be sold before the court house in the county where said lands are situated; and their bonds, bills, notes, judgments, decrees, and other evidences of debt, shall be sold in the counties where the principal debtor or debtors lives, or their executors or administrators reside; and if the principal debtor or debtors be a non resident, the sale shall be in the county where the security or securities resides, at the court house as in other cases as aforesaid: said trustee shall give ninety days notice of the time and place of such sale, under this act; a notice shall be posted up in two public places in the county in which such sale is to take place, and one in a public newspaper printed in this state. Said trustee shall render an account of said sale under oath, in like manner as his inventory.

Sec 5 That it shall not be lawful for any trustee to become either directly or indirectly, a purchaser at his own sale, or to act in any way as the agent or representative of a purchaser; and all purchases in violation of this section, shall be void.

Sec. 6 That at the term at which judgment of forfeiture be rendered, the court shall appoint three commissioners to audit claims against such corporation, whose duty it shall be to give notice to all persons holding claims against such corporation, to present them to said commissioners for allowance, and said commissioners shall audit and allow, all the bonds, bills, notes, post notes, and certificates of deposite which have been issued by said bank, altho' more than six years may have elapsed since the sum may have been due or demanded. Said notice shall be published for two successive months in some newspaper in this state, and all claims not presented to said commissioners within 12 months after the date of such publication, shall be forever barred.

Sec. 7. That it shall be the duty of said commissioners to make their report to said court, at the first term thereof after the expiration of the twelve months allowed for the presentation of claims, at which time all exceptions to said report must be had and determined; and at which time it shall be the duty of the court to order distribution of the money in the hands of the trustee or trustees, which shall be made in the following order: 1. The compensation of the trustees and commissioners and all expenses incurred under this act, shall first be paid. 2. All debts due by such corporation to the state or county, for taxes or otherwise, shall next be paid. 3. All sums of money due such corporation for costs or fees, shall next be paid. 4. A ratable distribution shall next be made among all creditors who have proved their claims. 5. The surplus, if any, shall be ratably distributed among the stockholders.

Sec. 8. That nothing in this act contained, shall be so construed as to deprive the debtors of such corporation, of the right to discharge their indebtedness in notes, bills, bonds, or other evidence of debt of said corporation, at any time before the sale of the same, as provided by the fourth section of this act.

Sec, 9. That in no case shall the court appoint as trustee or trustees, any person who is or has been, an officer, agent, attorney, stockholder, director or assignee of such corporation, or who has not been a resident of this state at least two years immediately preceding said appointment.

Sec. 10. That no distribution of the effects of the Planters' bank and Mississippi railroad bank, shall be made among the creditors of the same, until the whole amount which said banks may due to the state on account of the territorial fund, school fund, and internal improvement fund, shall be paid; and that the bonds and securities now held for the said funds, shall be retained by the said trustees, and be by them applied to the payment of any debts due said banks.

Sec 11. That the provisions of this act shall apply to the trustees heretofore appointed under the provisions of the act to which this is an amendment.

Sec 12. That in all cases wherever judgments of ouster of forfeiture, has been rendered against any incorporated bank, under the provisions of the act to which this is an amendment, it shall be the duty of the judge of the circuit court in which said judgment was rendered, at any time of court within eighteen months after the passage of this act, to appoint three commissioners to audit claims against such banks, in like manner as is contemplated in the sixth section of this act, whose duty shall be the same as the commissioners appointed under and by virtue of said sixth section; and this act shall apply to said commissioners so appointed, as fully as to those appointed under said sixth section.

Sec 13. That the debtors of any bank or corporation which has been or may hereafter be ousted of its franchise, by virtue of the act to which this is an amendment, shall have the right to redeem from the purchaser or purchasers, or either assignee or holder of any bond, bill, note, judgment, mortgage, or other evidence of debt, at any time within two years after the sale of the same, by virtue of the provisions of this act, by paying to said purchaser or purchasers, assignee, or holder, the amount of the purchase money and twelve and one half per cent thereon, per annum, with all costs which may have accrued up to the time of such redemption.

Sec. 14 That this act shall not be so construed as to impair, enlarge, or abridge any contract made by the banks of this state, or any of them, or any debtor thereof, according to the laws affecting contracts, which existed at the time such contracts were made.

Sec. 15 That this act shall take effect and be in force from and after its passage.

JAMES WHITFIELD.
Speaker of the House of Repr's.
GEO T. SWANN.
President of the Senate.

Approved, February 28, 1846;
A. G. BROWN.

THE BRIDAL EVE.

Legend from George Lippard, Esq's Fourth Lecture on the 'Romance of the Revolution,' delivered before the William Wirt Institute.

This Legend was introduced by the Lecturer, as a contrast to one of his illustrations of the Heroic Women of the Revolution. The time of this legend was in the early part of the war, in 1775, during Arnold's command near Fort Edward, on the Hudson river.

[*N. Y. Sun.*

One summer night, the blaze of many lights streaming from the windows of an old mansion, perched yonder among the rocks and woods, flashed far over the dark Waters of Lake Champlain.

In a quiet and comfortable chamber of that mansion, a party of British Officers, sitting around a table spread with wines and viands, discussed a topic of some interest if it was not the most important in the world, while the tread of the dancers shook the floor of the adjoining room.

Yes, while all was gaiety and dance and music in the largest hall of the old mansion whose hundred lights glanced far over the waters of Champlain—here in this quiet room with the cool evening-breeze blowing in their faces thro' the opened windows, here this party of British officers had assembled to discuss their wines and their favorite topic.

That topic was the comparative beauty of the women of the world.

'As for me,' said a handsome young Ensign, 'I will match the voluptuous forms and dark eyes of Italy against the beauties of all the world.

'And I,' said a bronzed old veteran, who had risen to a Colonelcy by his long service and hard fighting; and I have a pretty lass of a daughter there in England, whose blue eyes and flaxen hair would shame your tragic beauties of Italy into very ugliness.

'I have served in India, as you all must know,' said the Major, who sat next to the veteran, 'and I will confess, that I never saw painting or statue, much less living woman, half so lovely as some of those Hindoo maidens, bending down with water-lilies in their hands; bending down, by the light of torches, over the dark waves of the Ganges.'

And thus, one after another, Ensign, Colonel, and Major, had given their opinion, until that young American Refugee yonder, at the foot of the table, is left to decide the argument. That American—for I blush to say it, handsome young fellow as he is, with a face full of manly beauty, deep blue eyes, ruddy cheeks, and glossy brown hair, that American is a Refugee, and a Captain in the British Army.—He wore the handsome scarlet coat, the glittering capaulette, lace ruffles on his bosom, and scarred his writes.

'Come, Captain, pass the wine this way' shouted the Ensign; 'pass the wine, and decide this great question! Which are the most beautiful; the red cheeks of Merry England, the dark eyes of Italy, or the graceful forms of Hindoostan?'

The Captain hesitated for a moment, and then tossing off a bumper of old Madeira, some what flushed as he was, with wine replied:

'Should your three models all happy meet, English fair, your Italian queen, your Hindoo girl, lovely, fair, and mild, in their charming accompanying graces and beauty and fancy, and I should have a difficult task which the prize to award. Ladies, I drink to the health of the three!'

'Bravo, bravo!' shouted the officers, and the Captain bowed and smiled, and sipped his wine, while the officers stood up and drank to the health of the three ladies, and then resumed their seats, and the Captain resumed his story.

'Well, I was saying, that I never saw in my travels, half so lovely a face as that of a young girl, who used to come to my father's house, in the Highlands of Scotland. Her father was a Scotch Laird, poor as the Highland Lairds generally are, but a man of ancient family and great influence. I was a young lieutenant, and I could see that I was not the only one who admired the beauty of Ellen Douglas. There was a young Highland Laird, who used to come down from his castle among the mountains, with his plaid and his claymore, and his long black hair falling over his manly form, to ask the hand of Ellen Douglas. We all knew that he was her father's favorite, and we young officers used to laugh among ourselves at the idea of a girl refusing such a splendid match as young Douglas was considered. We used to laugh at the idea, I say, for we had seen no more than our colonel could see, that the girl loved young Douglas.

'Matters were in this state when I was ordered with my company to join the army in America. I had been married a year, but I could not resign my commission and my prospects, to live upon my wife's smiles. We had been married in haste, we repented at leisure. I was ordered to America, and I had to obey. My wife was left behind, with her proud father who had cursed her for her marriage with a poor lieutenant, and who had sworn that she should never see a penny of his money. We had been married in secret, and we had parted in bitterness