THE

STATUTES

OF THE

STATE OF LOUISIANA,

REVISED AND PREPARED BY

U. B. PHILLIPS,

UNDER THE DIRECTION OF A JOINT COMMITTEE OF THE LEGISLATURE, COMPOSED OF THE FOLLOWING MEMBERS:

Hon. MARK BOATNER,
" B. L. HODGE, } OF THE SENATE.

Hon. CHAS. A. BULLARD,
" THOS. G. DAVIDSON,
" D. L. BEECHER, } OF THE HOUSE.

NEW ORLEANS:
PRINTED BY EMILE LA SERE, STATE PRINTER.

1855.

AN ACT

TO PROVIDE FOR THE REVISION OF THE STATUTES OF THE STATE, OF A GENERAL CHARACTER.

WHEREAS, It is a matter of great public importance that the public Statutes of this State should be revised, their language simplified, their incongruities corrected, their deficiencies supplied, and the whole arranged in order, and reduced to one connected text, with a view to their adoption as the Revised Statutes of this State, to the end that all may know the law: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That a Joint Committee, to be composed of three members of the House and two members of the Senate, be appointed by the Speaker of the House and the President of the Senate, with power to sit, during the recess of the Legislature, at such place or places as they may designate.

SEC. 2. *Be it further enacted, &c.,* That said committee shall select some suitable person, whose duty it shall be, under the supervision and direction of said committee, to revise the Statutes of the State, of a general character; to simplify their language, to correct their incongruities, to supply their deficiencies, to arrange them in order, and to reduce them to one connected text, with a view to their adoption as the "Revised Statutes" of the State.

SEC. 3. *Be it further enacted, &c.,* That said committee shall have authority to have said work, and the Commissioner's report printed as it progresses, and to supervise and direct as to its execution.

SEC. 4. *Be it further enacted, &c.,* That the members of the committee shall be entitled to their mileage and *per diem,* while going, attending, and returning from the meetings of the committee.

SEC. 5. *Be it further enacted, &c.,* That the compensation of the Commissioner appointed by the committee shall be dependant on the approval of the work, and shall be hereafter fixed by law.

JNO. M. SANDIDGE,
Speaker of the House of Representatives.

ROBERT C. WICKLIFFE,
President pro tem. of the Senate.

Approved March 15th, 1854.

P. O. HEBERT,
Governor of the State of Louisiana.

A true copy,
ANDREW S. HERRON,
Secretary of State.

CONTENTS.

CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE, THE PEOPLE OF THE UNITED STATES, in order to form a more perfect union establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, *do ordain and establish this Constitution for the United States of America.*

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equal as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Every bill, which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises, shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign state.

SEC. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The Executive Power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :—

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officers in each of the Executive Departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all officers of the United States.

SEC. 4. The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clausesin the ninth section of the first article; and that no State, without its consent, shallbe deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.
John Langdon,
Nicholas Gilman.

Massachusetts.
Nathaniel Gorham,
Rufus King.

Connecticut.
William Samuel Johnson,
Roger Sherman,

New York.
Alexander Hamilton.

New Jersey.
William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

Pennsylvania.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris

Delaware.
George Read,
Gunning Bedford, Jr.
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.
James M'Henry,
Dan. of St. Thomas Jenifer,
Daniel Carroll.

Virginia.
John Blair,
James Madison, Jr.

North Carolina.
William Blount,
Richard Dobbs Spaight,
Hu. Williamson.

South Carolina.
J. Ruttledge,
Chas. Cotesworth Pinckney,
Charles Pinckney.
Pierce Butler,

Georgia.
William Few,
Abr. Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated Mititia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall

have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation

from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

CONSTITUTION OF THE STATE OF LOUISIANA.

PREAMBLE.

We, the people of the State of Louisiana, do ordain and establish this Constitution.

TITLE I.

DISTRIBUTION OF POWERS.

ARTICLE 1. The powers of the Government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are Legislative to one; those which are Executive to another, and those which are Judicial to another.

ART. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The Legislative power of the State shall be vested in two distinct branches, the one to be styled "the House of Representatives," the other "the Senate," and both "the General Assembly of the State of Louisiana."

ART. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The General Assembly shall meet annually, on the third Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 6. Every duly qualified elector under this Constitution shall be eligible to a seat in the General Assembly; provided, that no person shall be a Representative or Senator, unless he be, at the time of his election, a duly qualified voter of the Representative or Senatorial District from which he is elected.

ART. 7. Elections for members of the General Assembly shall be held at the several election precincts established by law. The Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population of each of the several parishes of the State. Each parish shall have at least one Representative. No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a population less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and amount of population.

The first enumeration by the State authorities under this Constitution shall be made in the year 1853, the second in the year 1858, the third in the year 1865; after which time, the General Assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each parish and election district.

At the first regular session of the Legislature after the making of each enumeration, the Legislature shall apportion the representation among the several parishes and election districts on the basis of the total population as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many Representatives as its aggregate population shall entitle it to, and an additional Representative for any fraction exceeding one-half the Representative number. The number of Representatives shall not be more than one hundred nor less than seventy.

Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in this article, the Representation in the Senate and House of Representatives shall be and remain as at present established by law.

The limits of the parish of Orleans are hereby extended, so as to embrace the whole of the present city of New Orleans, including that part of the parish of Jefferson, formerly known as the city of Lafayette.

All that part of the parish of Orleans which is situated on the left bank of the Mississippi river, shall be divided by the Legislature into not more than ten Representative Districts, and until a new appointment shall be made according to the first census to be taken under this Constitution, that part of the city of New Orleans which was comprised within the former limits of the city of Lafayette, shall vote for Senators from the parish of Orleans, and form the Tenth Representative District, and shall elect two out of the three Representatives now apportioned by law to the parish of Jefferson; the other Representative Districts shall remain as they are now established.

ART. 9. The House of Representatives shall choose its Speaker and other officers.

ART. 10. Every free white male who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the election, and the last six months thereof in the parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting, but no voter, on removing from one parish to another, within the State, shall lose the right of voting in the former until he shall have acquired it in the latter. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at, going to, or returning from elections.

ART. 11. The Legislature shall provide by law, that the names and residence of all qualified electors of the city of New Orleans shall be registered, in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the Senate shall be chosen for the term of four years. The Senate, when assembled, shall have the power to choose its officers.

ART. 15. The Legislature, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No Parish shall be divided in the formation of a Senatorial District—the parish of Orleans excepted. And whenever a new parish shall be created, it shall be attached to the Senatorial District from which most of its territory was taken, or to another contiguous District, at the discretion of the Legislature; but shall not be attached to more than one District. The number of Senators shall be thirty-two, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several Districts; provided, that no parish shall be entitled to more than five Senators.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven, and the result produced by this division shall be the Senatorial ratio entitling a Senatorial District to a Senator. Single or contiguous parishes shall be formed into Districts, having a population the nearest possible to the number entitling a District to a Senator; and if, in the apportionment to be made, a parish or district fall short of or exceed the ratio one-fifth, then a district may be formed having not more than two Senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the eighth article, the Legislature shall not pass any law until an apportionment of Representation in both Houses of the General Assembly be made.

ART. 17. At the first session of the General Assembly after this Constitution takes effect, the Senators shall be equally divided by lot into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any district shall have elected two or more Senators, said Senators shall vacate their seats respectively at the end of two and four years, and lots shall be drawn between them.

ART. 18. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives is held; and thereafter there shall be biennial elections to fill the places of those whose time of service may have expired.

ART. 19. Not less than a majority of the members of each House of the General Assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

ART. 20. Each House of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 21. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence.

ART. 22. Each House of the General Assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal

ART. 23. Each House may punish by imprisonment any person not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 24. Neither House, during the sessions of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 25. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective Houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution.

ART. 26. The members of the General Assembly shall, in all cases except treason, felony, breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and going to or returning from the same, and for any speech or debate in either House, they shall not be questioned in any other place.

ART. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 28. No person who at any time may have been a Collector of Taxes, whether State, Parish or Municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

Art. 29. No bill shall have the force of a law until on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the House where the bill shall be pending, may deem it expedient to dispense with this rule.

Art. 30. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; provided they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue.

Art. 31. The General Assembly shall regulate by law, by whom, and in what manner writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

Art. 32. The Senate shall vote on the confirmation or rejection of officers, to be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays, and the names of the Senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

Art. 33. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

Art. 34. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Asssembly shall meet in the Hall of the House of Representatives, on the Monday following the meeting of the Legislature, and proceed to the said election.

TITLE III.

EXECUTIVE DEPARTMENT.

Art. 35. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor, at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, on the second day of the session of the General Assembly, then next to be holden. The members of the General Assembly shall meet in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor shall be Lieutenant Governor, but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

Art. 36. No person shall be eligible to the office of Governor or Lieutenant

Governor who shall not have attained the age of twenty-eight years, and been a citizen and a resident within the State for the space of four years next preceding his election.

ART. 37. The Governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

ART. 38. The Governor shall be ineligible for the succeeding four years, after the expiration of the time for which he shall have been elected.

ART. 39. No member of Congress or person holding any office under the United States shall be eligible to the office of Governor or Lieutenant Governor.

ART. 40. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor or Lieutenant Governor, declaring what officer shall act as Governor, and such officer shall act accordingly until the disability be removed or for the residue of the term.

ART. 41. The Lieutenant Governor, or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled, had he continued in office.

ART. 42. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

ART. 43. While he acts as President of the Senate, the Lieutenant Governor shall recive for his services the same compensation which shall for the same period be allowed to the Speaker of the House of Representatives, and no more.

ART. 44. The Governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons and remit fines and forfeitures after conviction. In cases of treason he may grant reprieves, until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

ART. 45. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

ART. 46. He shall be Commander-in-Chief of the army and navy of this State, and of the militia thereof, except when they shall be called into the service of the United States.

ART. 47. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointment is not therein otherwise provided for; provided, however, that the Legis-

lature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 48. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this Constitution; but no person who has been nominated for office, and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.

ART. 49. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

ART. 50. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 51. He may, on extraordinary occasions, convene the General Assembly at the Seat of Government, or at a different place, if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 52. He shall take care that the laws be faithfully executed.

ART. 53. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it, if not he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next session.

ART. 54. Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of the members elected to each House of the General Assembly.

ART. 55. There shall be a Secretary of State who shall hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary, shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 56. There shall be a Treasurer of the State, who shall hold his office during the term of two years.

ART. 57. The Secretary of State and Treasurer of State, shall be elected by the qualified electors of the State. And in case of any vacancies caused by the death, resignation or absence of the Treasurer or Secretary of State, the Governor shall order an election, to fill said vacancy.

ART. 58. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the Governor.

ART. 59. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies, whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

ART. 60. The Militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the Legislature.

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 61. The Judiciary power shall be vested in a Supreme Court, in such Inferior Courts as the Legislature may, from time to time, order and establish, and in Justices of the Peace.

ART. 62. The Supreme Court, except in the casses hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars; to all cases in which the constitutionality or legality of any tax, toll, or impost whatsoever, or of any fine, forfeiture or penalty imposed by a municipal corporation, shall be in contestation; and to all criminal cases on questions of law alone, whenever the offence charged is punishable with death or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only.

ART. 63. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of six thousand dollars, and each of the Associate Judges a salary of five thousand five hundred dollars, annually, until otherwise provided by law. The Court shall appoint its own Clerks; the Judges shall be elected for the term of ten years.

ART. 64. The Chief Justice shall be elected by the qualified electors of the State. The Legislature shall divide the State into four Districts, and the qualified electors of each District shall elect one of the Associate Justices. The State shall be divided into the following Districts until the Legislature shall otherwise direct.

FIRST DISTRICT.

The Parishes of Plaquemines, St. Bernard, that portion of the Parish of Orleans on the right bank of the Mississippi river, and that portion of the city of New Orleans which lies below the line extending from the river Mississippi, along the middle of Julia street, until it strikes the New Orleans Canal, and thence down said Canal to the Lake.

SECOND DISTRICT.

That portion of the city of New Orleans which is situated above the line extending along the middle of Julia street until it strikes the New Orleans Canal, and thence down said Canal to the Lake, and the parishes of Jefferson, St. John the Baptist, St. Charles, St. James, Ascension, Assumption, Lafourche Interior, Terrebonne, West Baton Rouge and Iberville.

THIRD DISTRICT.

The parishes of St. Tammany, Washington, Livingston, St. Helena, East Baton Rouge, East Feliciana, West Feliciana, Point Coupée, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, St. Mary, St. Martin and St. Landry.

FOURTH DISTRICT.

The parishes of Calcasieu, Rapides, Sabine, Natchitoches, DeSoto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll and Winn.

ART. 65. The office of one of the Associate Justices shall be vacated at the expiration of the second year, of another at the expiration of the fourth year, of a third at the expiration of the sixth year, and of the fourth at the expiration of the eighth year—so that one of the Judges of the Supreme Court shall be elected every second year.

ART. 66. The Secretary of State, on receiving the official returns of the first election, shall proceed immediately, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the four candidates having the highest number of votes in the respective districts, which of the Associate Justices elect shall serve for the term of two years, which shall serve for the term of four years, which for the term of six years, and which for the term of eight years, and the Governor shall issue commissions accordingly.

ART. 67. Any vacancy that may occur in the Supreme Court from resignation or otherwise, shall be filled by election for the remainder of the unexpired term, but if such remainder do not exceed one year, the vacancy shall be filled by Executive appointment.

ART. 68. The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 69. The Supreme Court and each of the Judges thereof shall have power to issue writs of "habeas corpus," at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

ART. 70. No judgment shall be rendered by the Supreme Court without the concurrence of a majority of the Judges comprising the Court. Whenever a majority cannot agree, in consequence of the recusation of any member or members of the Court, the Judges not recused, shall have power to call upon any Judge or Judges of the

Inferior Courts, whose duty it shall be, when so called upon, to sit in the place of the Judges recused, and to aid in determining the case.

ART. 71. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name, and by authority of the State of Louisiana, and conclude against the peace and dignity of the same.

ART. 72. The Judges of all Courts within the State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

ART. 73. The Judges of all Courts shall be liable to impeachment, but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each House of the General Assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the Journal of each House.

ART. 74. There shall be an Attorney-General for the State, and as many District Attorneys as may be hereafter found necessary. They shall hold their offices for four years, their duties shall be determined by law.

ART. 75. The Judges, both of the Supreme and Inferior Courts, shall, at stated times, receive a salary, which shall not be diminished during their continuance in office; and they are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

ART. 76. The Legislature shall have power to vest in Clerks of Courts authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

ART. 77. The Judges of the several Inferior Courts shall have the power to remove the Clerks thereof, for breach of good behavior; subject in all cases to an appeal to the Supreme Court.

ART. 78. The jurisdiction of Justices of the Peace shall be limited in civil cases to cases where the matter in dispute does not exceed one hundred dollars, exclusive of interest, subject to appeal in such cases as shall be provided for by law. They shall be elected by the qualified electors of each parish, district or ward, for the term of two years, in such manner, and shall have such criminal jurisdiction as shall be provided by law.

ART. 79. Clerks of the Inferior Courts in this State shall be elected for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the Court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 80. A Sheriff and Coroner shall be elected in each parish by the qualified voters thereof, who shall hold their office for the term of two years, unless sooner removed. The Legislature shall have the power to increase the number of Sheriffs in any parish. Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

ART. 81. The Judges of the several Inferior Courts shall be elected by the duly qualified voters of their respective districts or parishes.

ART. 82. It shall be the duty of the Legislature to fix the time for holding elections for all Judges at a time which shall be different from that fixed for all other elections.

ART. 83. The Attorney General shall be elected by the qualified voters of the State, and the District Attorneys by the qualified voters of each district, on the day of the election for Governor of the State.

ART. 84. The Legislature may determine the mode of filling vacancies in the offices of the Inferior Judges, Attorney General, District Attorneys, and all other officers not otherwise provided for in this Constitution.

TITLE V.

IMPEACHMENT.

ART. 85. The power of impeachment shall be vested in the House of Representatives.

ART. 86. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the Inferior Courts, Justices of the Peace excepted, shall be tried by the Senate; the Chief Justice of the Supreme Court, or the senior Judge thereof, shall preside during the trial of such impeachment. Impeachments of the Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

ART. 87. Judgments in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

ART. 88. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment; the appointing power may make a provisional appointment to replace any suspended officer until the decision of the impeachment.

ART. 89. The Legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State by indictment or otherwise.

TITLE VI.

GENERAL PROVISIONS.

ART. 90 Members of the General Assembly, and all officers before they enter upon the duties of their offices, shall take the following oath or affirmation:

"I (A. B.,) do solemnly swear (or affirm) that I will support the Constitution of the United States and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought

a duel with deadly weapons within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending, so help me God."

ART. 91. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open Court.

ART. 92. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

ART. 93. Laws shall be made to exclude from office, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practice.

ART. 94. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as shall be prescribed by law.

ART. 95. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide differences by arbitration.

ART. 96. All civil officers for the State at large shall reside within the State, and all district or parish officers, within their districts or parishes, shall keep their offices at such places therein as may be required by law.

ART. 97. All civil officers, except the Governor and Judges of the Supreme and Inferior Courts, shall be removable by an address of a majority of the members of both Houses, except those the removal of whom has been otherwise provided by this Constitution.

ART. 98. In all elections by the people the vote shall be by ballot, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 99. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

ART. 100. The laws, public records, and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the language in which the Constitution of the United States is written.

ART. 101. The Secretary of the Senate and Clerk of the House of Representatives shall be conversant with the French and English languages, and members may address either House in the French or English language.

ART. 102. No power of suspending the laws of this State shall be exercised, unless by the Legislature or by its authority.

ART. 103. Prosecutions shall be by indictment or information. The accused shall have a speedy public trial by an impartial jury of the vicinage; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 104. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or presumption great, or, unless after conviction for any offence or crime punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 105. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 106. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for an abuse of this liberty.

ART. 107. The Seat of Government shall be and remain at Baton Rouge, and shall not be removed without the consent of three-fourths of both Houses of the General Assembly.

ART. 108. The State shall not subscribe for the stock of, nor make a loan to, nor pledge its faith for the benefit of any corporation or joint stock company, created or established for banking purposes, nor for other purposes than those described in the following article.

ART. 109. The Legislature shall have power to grant aid to companies or associations of individuals, formed for the exclusive purpose of making works of internal improvement, wholly or partially within the State, to the extent only of one-fifth of the capital of such companies, by subscription of stock or loan of money or public bonds; but any aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company, and, in case of loan, such adequate security shall be required, as to the Legislature may seem proper. No corporation or individual association receiving the aid of the State, as herein provided, shall possess banking or discounting privileges.

ART. 110. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law for some single object or work to be distinctly apecified therein, which shall be passed by a majority of the members elected to both Houses of the General Assembly, and the aggregate amount of debts and liabilities incurred under this and the preceding article shall never, at any one time, exceed eight millions of dollars.

ART. 111. Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war to repel invasion or suppress insurrection, they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest and the principal when the same shall become due. And the said law shall be irrepealable until principal and interest are fully paid and discharged, or unless the repealing law contains some other adequate provision for the payment of the principal and interest of the debt.

ART. 112. The Legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 113. No Lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State is prohibited.

ART. 114. No divorce shall be granted by the Legislature.

ART. 115. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

ART. 116. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length.

ART. 117. The Legislature shall never adopt any system or code of laws by general reference to such system or code of laws, but in all cases shall specify the several provisions of the laws it may enact.

ART. 118. Corporations with banking or discounting privileges may be either created by special acts, or formed under general laws; but the Legislature shall, in both cases, provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

ART. 119 The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

ART. 120. In case of insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

ART. 121. The Legislature shall have power to pass such laws as it may deem expedient for the relief or revival of the Citizens' Bank of Louisiana, and the acts already passed for the same purpose are ratified and confirmed, provided that the bank is subject to the restrictions contained in Articles 119 and 120 of this Constitution.

ART. 122. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

ART. 123. Taxation shall be equal and uniform throughout the State. All property on which taxes may be levied in this State shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, in which taxes shall be levied; the Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 124. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; *Provided*, that the Mayor and Recorders shall be ineligible to a seat in the General Assembly; and the Mayor, Recorders, Aldermen, and Assistant Aldermen shall be commissioned by the Governor as Justices of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 125. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 126. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challange to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution; and the office of any State officer, member of the General Assembly, or of any other person holding office of profit or trust under this Constitution, and the laws made in pursuance thereof, shall be, *ipso facto* vacated by the fact of any such person committing the offence mentioned in this article, and the Legislature shall provide by law for the ascertaining and declaration of such forfeiture.

ART. 127. The Legislature shall have power to extend this Constitution and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

ART. 128. None of the lands granted by Congress to the State of Louisiana for aiding it in constructing the necessary levees and drains, to reclaim the swamp and overflowed lands in this State, shall be diverted from the purposes for which they were granted.

ART. 129. The Constitution and Laws of this State shall be promulgated in the English and French languages.

TITLE VII.

INTERNAL IMPROVEMENTS.

ART. 130. There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided by the Legislature into four districts, containing as nearly as may be an equal number of voters, and one Commissioner shall be elected in each district by the legal voters thereof for the term of four years; but, of the first elected, two, to be designated by lot, shall remain in office for two years only.

ART. 131. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners and the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

ART. 132. The Commissioners shall exercise a diligent and faithful supervision of all public works in which the State may be interested, except those made by joint stock companies. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the purposes for which they were granted, the swamp and overflowed lands, conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

ART. 133. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each House of the General Assembly; but the cause of the removal shall be entered on the Journal of each House.

ART. 134. The General Assembly shall have power, by a vote of three-fifths of the members elected to each House, to abolish said Board, whenever in their opinion a Board of Public Works shall no longer be necessary.

TITLE VIII.

PUBLIC EDUCATION.

ART. 135. There shall be elected a Superintendent of Public Education, who shall hold his office for the term of two years. His duties shall be prescribed by law, and he shall receive such compensation as the Legislature may direct; provided, that the General Assembly shall have power, by a vote of the majority of the members elected to both Houses, to abolish the said office of Superintendent of Public Education whenever in their opinion said office shall be no longer necessary.

ART. 136. The General Assembly shall establish free public schools throughout the State, and shall provide for their support by general taxation on property or otherwise; and all moneys so raised or provided shall be distributed to each parish in proportion to the number of free white children between such ages as shall be fixed by the General Assembly.

ART. 137. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons, to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent.; which interest, together with the interest of the trust funds deposited with this State by the United States, under the Act of Congress, approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 138. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

ART. 139. The University of Louisiana, in New Orleans, as now established, shall be maintained.

ART. 140. The Legislature shall have power to pass such laws as may be necessary for the further regulation of the University, and for the promotion of literature and science; but shall be under no obligation to contribute to the support of said University by appropriation

TITLE IX.

MODE OF REVISING THE CONSTITUTION.

ART. 141. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each House, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published, three months before the next general election for Representatives of the State Legislature, in at least one newspaper in French and English, in every parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of the Constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form, that the people may vote for or against each amendment separately.

TITLE X.

SCHEDULE.

ART. 142. The Constitution adopted in eighteen hundred and forty-five is declared to be superseded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows:

ART. 143. All rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby; but the laws of the State relative to the duties of the several officers, executive, judicial and military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State, according to the existing laws, until the organization of the Government under this Constitution, and the entering into office of the new officers to be appointed under said Government, and no longer.

ART. 145. Appointments to office by the Executive under this Constitution, shall be made by the Governor to be elected under its authority.

ART. 146. The Legislature shall provide for the removal of all causes now pending in the Supreme Court or other courts of the State under the Constitution of 1845, to courts created by or under this Constitution.

ART. 147. The time of service of all officers chosen by the people, at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November, 1851, and they had entered on the discharge of their duties at the time designated therein. The first class Senators, designated in Article 17, shall hold their seats until the day of the closing of the general elections in November, 1853, and the second class until the day of the closing of the general elections in November, 1855.

ART. 148. The first election for Judges of the Supreme Court shall be held on the first Monday of April next (1853), and they shall enter into office on the first Monday of May, 1853.

ART. 149. The first term of service of the District Attorneys and the Clerks of the inferior courts to be ordered and established under this Constitution, shall be regulated by the term of service of the first Governor, so that a new election for these officers shall be held on the first Monday of November, 1855.

TITLE XI.

ORDINANCE.

ART. 150. Immediately after the adjournment of the Convention, the Governor shall issue his proclamation, directing the several officers of this State authorized by law to hold elections for members of the General Assembly, to open and hold a poll in every parish of the State, at the places designated by law, upon the first Tuesday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this Constitution; and it shall be the duty of said officers to receive the votes of all persons entitled to vote under the old Constitution and under this Constitution. Each voter shall express his opinion by depositing in a separate box, kept for that purpose, a ticket, whereon shall be written "the Constitution accepted," or "the Constitution rejected," or some such word as will distinctly convey the intention of the voter. At the conclusion of said election, which shall be conducted in every respect as the general State election is now conducted, the Commissioners designated to preside over the same shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the Secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

ART. 151. Upon the receipt of the said returns, or on the fifth Monday of November, if the returns be not sooner received, it shall be the duty of the Governor, the Secretary of State, the Attorney General and the State Treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll for the ratification and rejection of this Constitution, and if it shall appear from said returns that a majority of all the votes given is for ratifying this Constitution, then it shall be the duty of the Governor to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State of Louisiana. But whether this Constitution be accepted or rejected, it shall be the duty of the Governor to cause to be published in the official paper of the Convention the result of the polls, showing the number of votes cast in each parish for and against the said Constitution.

ART. 152. Should this Constitution be accepted by the people, it shall also be the duty of the Governor forthwith to issue his proclamation, declaring the present Legislature, elected under the old Constitution, to be dissolved, and directing the several officers of the State authorized by law to hold elections for members of the General Assembly, to hold an election, at the places designated by law, upon the fourth Monday of December next, for Governor, Lieutenant Governor, members of

the General Assembly, Secretary of State, Attorney General, Treasurer and Superintendent of Public Education; and the said election shall be conducted and the returns thereof made in conformity with existing laws upon the subject of State elections.

ART. 153. The General Assembly elected under this Constitution shall convene at the State House, in Baton Rouge, upon the third Monday of January next after the elections, and the Governor and Lieutenant Governor elected at the same time, shall be duly installed in office during the first week of this session, and before it shall be competent for the said General Assembly to proceed with the transaction of business.

ART. 154. All the publications herein ordered shall be made in the official journal of the Convention.

ART. 155. This Constitution shall be published in French and English in the official journal of the Convention, from the period of its adjournment until the first Tuesday of November, 1852, one thousand eight hundred and fifty-two.

Done at Baton Rouge, July 31st, 1852.

(Signed,) DUNCAN F. KENNER,
President of the Convention.

(Attest,) J. B. WALTON,
Secretary of the Convention.

ACTS OF CONGRESS.

AUTHENTICATION OF RECORDS.

AN ACT TO PRESCRIBE THE MODE IN WHICH THE PUBLIC ACTS, RECORDS, AND JUDICIAL PROCEEDINGS IN EACH STATE, SHALL BE AUTHENTICATED SO AS TO TAKE EFFECT IN EVERY OTHER STATE.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Acts of the Legislatures of the several States shall be authenticated by having the seal of their respective States affixed thereto; that the records and judicial proceedings of the courts of any State, shall be proved or admitted in any other court within the United States, by the attestation of the Clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the Judge, Chief Justice, or presiding Magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the State from whence the said records are or shall be taken.

Approved May 26th, 1790.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO PRESCRIBE THE MODE IN WHICH THE PUBLIC ACTS, RECORDS AND JUDICIAL PROCEEDINGS IN EACH STATE SHALL BE AUTHENTICATED SO AS TO TAKE EFFECT IN EVERY OTHER STATE.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this Act, all records and exemplifications of office books, which are or may be kept in any public office of any State, not appertaining to a court, shall be proved or admitted in any other court or office in any other State, by the attestation of the keeper of the said records or books, and the seal of his office thereto annexed, if there be a seal, together with a certificate of the presiding Justice of the court of the county or district, as the case may be, in which such office is or may be kept; or of the Governor, the Secretary of State, the Chancellor, or the Keeper of the Great Seal of the State, that said attestation is in due form, and by the proper officer; and the said certificate, if given by the presiding

Justice of a court, shall be further authenticated by the Clerk or Prothonotary of the said court, who shall certify under his hand, and the seal of his office, that the said presiding Justice is duly commissioned and qualified; or if the said certificate be given by the Governer, the Secretary of State, the Chancellor or Keeper of the Great Seal, it shall be under the great seal of the State in which the said certificate is made.

And said records and exemplifications authenticated as aforesaid, shall have such faith and credit given to them in every court and office within the United States, as they have by law or usage in the courts or offices of the State from whence the same are or shall be taken.

SEC. 2. *Be it further enacted, &c.*, That all the provisions of this Act, and the Act to which this is a supplement shall apply as well to the public acts, records, office books, judicial proceedings, courts and offices of the respective territories of the United States, and countries subject to the jurisdiction of the United States, as to the public acts, records, office books, judicial proceedings, courts and offices of the several States.

Approved March 27th, 1804.

AN ACT FOR AUTHENTICATING CERTAIN RECORDS.

(SECTION 1.) *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it may and shall be lawful for the keepers or persons having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents, of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of any one of the departments, the Solicitor of the Treasury, or the Commissioner of the General Land Office, to authenticate the same under his hand and seal, and certify the same to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents, and when the same shall be certified by such Minister, Consul or Judge, mentioned in the first section of this Act, under his hand and seal of office, to be true copies of the originals, the same shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file the same in his office, and cause it to be recorded in a book to be kept for that purpose. A copy of said laws, judgments, orders, decrees, journals, correspondence, or other public documents so filed, or of the same so recorded in said book, may be read in evidence in all courts where the title to land, claimed by or under the United States, may come into question equally with the originals thereof.

(SEC. 2.) *And be it further enacted,* That the Solicitor of the Treasury shall cause a seal to be made and provided for his office, with such device as the President of the United States shall approve, and copies of any public documents, records, books or papers belonging to or on the files of the said office, under the signature of the said Solicitor, or, when the office shall be vacant, under the signature of such officer as may be officiating for the time being, accompanied by an impress of the said seal, shall be competent evidence in all cases equally with the original records, documents books or papers.

(SEC. 3.) *And be it further enacted,* That all books, papers, documents and records in the War, Navy, Treasury, and Post Office Departments, and the Attorney General's office, may be copied and certified under seal in the same manner as those in the State Department may now by law be, and with the same force and effect, and the said Attorney General shall cause a seal to be made and provided for his office, with such device as the President of the United States shall approve.

Approved February 22, 1849.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR AUTHENTICATING CERTAIN RECORDS," APPROVED FEBRUARY TWENTY-SECOND EIGHTEEN HUNDRED AND FORTY-NINE.

(SECTION 1.) *Be it enacted by the Senate and House of Representatives of the United States, of America, in Congress assembled,* That the first section of the Act entitled "An Act for authenticating certain records," approved February twenty-second, eighteen hundred and forty-nine, be and the same is hereby amended so as to read as follows: Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it may and shall be lawful for the keepers or persons having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of one of the heads of the departments, the Solicitor of the Treasury, or the Commissioner of the General Land Office, to authenticate the same under his hand and seal, and certify the same to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents; and when the same shall be certified by an American Minister or Consul under his hand and seal of office, or by a Judge of one of the United States Courts under his hand and seal, to be true copies of the originals, the same shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file the same in his office, and cause it to be recorded in a book to be kept for that purpose. A copy of said laws, judgments, orders, decrees, journals, correspondence, or other public documents, so filed, or of the same so recorded in said book, may be read in evidence in all courts where the title to land claimed by or under the United States may come into question, equally with the originals thereof.

Approved March 2, 1849.

ACTS OF CONGRESS DONATING SWAMP LANDS TO LOUISIANA.

AN ACT TO AID THE STATE OF LOUISIANA IN DRAINING THE SWAMP LANDS THEREIN.

(SECTION 1.) *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, to aid the State of Louisiana in constructing the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, which may be or are found unfit for cultivation, shall be, and the same are hereby granted to that State.

SEC. 2. *And be it further enacted,* That as soon as the Secretary of the Treasury shall be advised, by the Governor of Louisiana, that the State has made the necessary preparation to defray the expenses thereof, he shall cause a personal examination to be made, under the direction of the Surveyor General thereof, by experienced and faithful deputies, of all the swamp lands therein which are subject to overflow and unfit for cultivation; and a list of the same to be made out, and certified by the deputies and Surveyor General, to the Secretary of the Treasury, who shall approve the same, so far as they are not claimed or held by individuals; and on that approval, the fee simple to said lands shall vest in the said State of Louisiana, subject to the disposal of the Legislature thereof; Provided, however, that the proceeds of said lands shall be applied exclusively as far as necessary, to the construction of the levees and drains aforesaid.

SEC. 3. *And be it further enacted,* That in making out a list of these swamp lands, subject to overflow and unfit for cultivation, all legal sub-divisions, the greater part of which is of that character, shall be included in said list; but when the greater part of a sub-division is not of that character, the whole of it shall be excluded therefrom; Provided, however, that the provisions of this Act shall not apply to any lands fronting on rivers, creeks, bayous, water courses, &c., which have been surveyed into lots or tracts under the Acts of third March, eighteen hundred and eleven, and twenty-fourth May, eighteen hundred and twenty-four. And provided further, that the United States shall in no manner be held liable for any expense incurred in selecting these lands and making out the lists thereof, or for making any surveys that may be required to carry out the provisions of this Act.

Approved March 2, 1849.

AN ACT TO ENABLE THE STATE OF ARKANSAS, AND OTHER STATES, TO RECLAIM THE SWAMP LANDS WITHIN THEIR LIMITS.

(SECTION 1.) *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to said State.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this Act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas; and at the request of said Governor cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the Legislature thereof; Provided however, that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

SEC. 3. *And be it further enacted*, That in making out a list and plats of the land aforesaid, all legal sub-divisions, the greater part of which is "wet and unfit for cultivation, shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. *And be it further enacted*, That the provisions of this Act be extended to and their benefits be conferred upon each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated.

Approved September 28, 1850.

NATURALIZATION LAWS.

AN ACT TO ESTABLISH AN UNIFORM RULE OF NATURALIZATION, AND TO REPEAL THE ACTS HERETOFORE PASSED ON THAT SUBJECT.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

First, That he shall have declared on oath or affirmation, before the Supreme, Superior, District or Circuit Court of some one of the States or of the territorial districts of the United States, or a Circuit or District Court of the United States, three years at least, before his admission, that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State or sovereignty whatever, and particularly, by name, the prince, potentate, State or sovereignty whereof such alien may at the time be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the

Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State or sovereignty whatever, and particularly, by name, the prince, potentate, State or sovereignty whereof he was before a citizen or subject; which proceeding shall be recorded by the Clerk of the court.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the State or territory where such court is at the time held, one year at least; and it shall further appear to their satisfaction, that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; Provided, that the oath of the applicant shall in no case be allowed to prove his residence.

Fourthly, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or State from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made, which renunciation shall be recorded in the said court; Provided, that no alien who shall be a native citizen, denizen or subject of any country, State or sovereign, with whom the United States shall be at war, at the time of his application, shall be then be admitted to be a citizen of United States; Provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or territory where such court is at the time held; and on his declaring on oath or affirmation, that he will support the Constitition of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State or sovereignty whatever, and particularly, by name, the prince. potentate, State or sovereignty, whereof he was before a citizen or subject; and moreover, on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or State from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the Clerk thereof. And provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety five, and the eighteenth day of June, one thousand seven hundred and ninety eight, may, within two years after the passing of this Act, be admitted to become a citizen, without a compliance with the first condition above specified.

SEC. 2. *Provided also, and be it further enacted*, That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this Act, shall, in order to become citizens of the United States, make registry and obtain certificates, in the following manner, to wit: Every person desirous of being naturalized, shall, if of the age of twenty-one years, make report of himself; or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master or mistress, to the Clerk of the District Court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular State; and such report shall ascertain the name, birth place, age, nation and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such Clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual concerned therein, whenever he shall be required, a certificate under his hand and seal of office, of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate granted pursuant to this Act, to an individual or family, fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this Act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

SEC. 3. And whereas, doubts have arisen whether certain courts of record in some of the States, are included within the description of District or Circuit Courts: *Be it further enacted*, That any court of record in any individual State, having common law jurisdiction, and a seal and Clerk or Prothonatory, shall be considered as a District Court within the meaning of this Act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of the Act, the same rights and privileges, as if he had been naturalized in a District or Circuit Court of the United States.

SEC. 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the said States, under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States; provided, that the right of citizenship shall not descend to persons whose fathers have never resided within the United States; Provided also, that no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforesaid, without the consent of the Legislature of the State in which such person was proscribed.

SEC. 5. *And be it further enacted*, That all Acts heretofore passed respecting naturalization, be, and the same are hereby repealed.

Approved, April 14, 1802.

AN ACT IN ADDITION TO AN ACT ENTITLED: "AN ACT TO ESTABLISH AN UNIFORM RULE OF NATURALIZATION, AND TO REPEAL THE ACTS HERETOFORE PASSED ON THAT SUBJECT."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the Act entitled: "An Act to establish an uniform rule of naturalization, and to repeal the Acts heretofore passed on that subject."

SEC. 2. *And be it further enacted,* That when any alien who shall have complied with the first condition specified in the first section of the said original Act, and who shall have pursued the directions prescribed in the second section of the said Act, may die before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges, as such, upon taking the oaths prescribed by law.

Approved, March 26, 1804.

AN ACT FOR THE REGULATION OF SEAMEN ON BOARD THE PUBLIC AND PRIVATE VESSELS OF THE UNITED STATES.

SEC. 12. *And be it further enacted,* That no person who shall arrive in the United States from and after the time when this Act shall take effect, shall be admitted to become a citizen of the United States, who shall not for the continued term of five years next preceding his admission as aforesaid, have resided within the United States, without being at any time during the said five years, out of the territory of the United States.

Approved, March 3, 1813.

AN ACT TO AMEND THE ACT ENTITLED: "AN ACT FOR THE REGULATION OF SEAMEN ON BOARD THE PUBLIC AND PRIVATE VESSELS OF THE UNITED STATES," PASSED THE THIRD OF MARCH, EIGHTEEN HUNDRED AND THIRTEEN.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the last clause of the twelfth section of the Act hereby amended, consisting of the following words, to wit: "Without being at any time during the said five years, out of the territory of the United States," be, and the same is hereby repealed.

Approved June 26, 1848.

AN ACT SUPPLEMENTARY TO THE ACTS HERETOFORE PASSED ON THE SUBJECT OF AN UNIFORM RULE OF NATURALIZATION.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That persons resident within the United States, or the territory thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration according to law, of their intentions to become citizens of the United States, or who by the existing laws of the United States, were on that day entitled to become citizens, without making such declaration, may be admitted to become citizens thereof, notwithstanding they shall be alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; Provided, that nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Approved July 30, 1813.

AN ACT RELATIVE TO EVIDENCE IN CASES OF NATURALIZATION.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the certificate of report and registry, required as evidence of the time of arrival in the United States, according to the second section of the Act of the fourteenth of April, one thousand eight hundred and two, entitled: "An Act to establish an uniform rule of naturalization, and to repeal the Act heretofore passed on this subject," and also a certificate from the proper Clerk or Prothonotary, of the declaration of intention, made before a court of record, and required as the first condition, according to the first section of said Act, shall be exhibited by every alien on his application to be admitted a citizen of the United States, in pursuance of said Act, who shall have arrived within the limits, and under the jurisdiction of the United States, since the eighteenth day of June, one thousand eight hundred and twelve, and shall each be recited at full length, in the record of the court admitting such alien; otherwise he shall not be deemed to have complied with the conditions requisite for becoming a citizen of the United States, and any pretended admission of an alien, who shall have arrived within the limits and under the jurisdiction of the United States, since the said eighteenth day of June, one thousand eight hundred and twelve, to be a citizen after the promulgation of this Act, without such recital of each certificate at full length, shall be of no validity or effect under the Act aforesaid.

SEC. 2. *Provided, and be it enacted,* That nothing herein contained shall be construed to exclude from admission to citizenship, any free white person who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who, having continued to reside therein without having made any declaration of intention before a court of record as aforesaid, may be entitled to become a citizen of the

United States, according to the Act of the twenty-sixth of March, one thousand eight hundred and four, entitled: "An Act in addition to an Act entitled: 'An Act to establish an uniform rule of naturalization, and to repeal the Act heretofore passed on that subject.'" Whenever any person without a certificate of such declaration of intention as aforesaid, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States, before the fourteenth day of April, one thousand eight hundred and two, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens in the record of the court admitting the applicant: otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Approved March 22, 1816.

AN ACT IN FURTHER ADDITION TO "AN ACT TO ESTABLISH AN UNIFORM RULE OF NATURALIZATION, AND TO REPEAL THE ACTS HERETOFORE PASSED ON THAT SUBJECT."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the Act to which this is in addition, three years previous to his admission; Provided, such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for three years next preceding, it has been the bona fide intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

SEC. 2. *And be it further enacted*, That no certificates of citizenship, or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section of the Act entitled: "An Act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the Act to which this is in addition, shall, if the same has been bona fide made before the Clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts respectively.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the Act to which this is in addition, two years before his admission, shall be sufficient compliance with said condition; any thing in the said Act, or in any subsequent Act, to the contrary notwithstanding.

Approved May 26, 1824.

AN ACT TO AMEND THE ACTS CONCERNING NATURALIZATION.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the second section of the Act entitled: "An Act to establish an uniform rule of naturalization, and to repeal the Acts heretofore passed on that subject," which was passed on the fourteenth day of April, one thousand eight hundred and two, and the first section of the Act entitled: "An Act relative to evidence in cases of naturalization," passed on the twenty-second day of March, one thousand eight hundred and sixteen, be, and the same are hereby repealed.

SEC. 2. *And be it further enacted*, That any alien, being a free white person, who has resided within the limits, and under the jurisdiction of the United States, between the fourteenth day of April, one thousand eight hundred and two, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without having made any previous declaration of his intention to become a citizen: Provided, that whenever any person, without a certificate of such declaration of intention, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States, before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same, or he shall not be so admitted; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, shall be proved by the oath or affirmation of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Approved May 24, 1828.

ABSENTEE.

SECTION 1. Whenever the Curator or Attorney in fact of an Absentee shall apply to the Court, by a petition made under oath to the best of his knowledge and belief setting forth, that, the absentee has not been heard from for the space of ten years, and that he has no heirs known to him residing in the State; or when such facts relative to any absentee shall be known to the Judge of the Court, or due and satisfactory proof of the facts aforesaid shall be made to him by any other person than the Curator or Attorney in fact; it shall be his duty in all such cases, to order the sale of the property of such Absentee in the same manner, and on the same conditions, and the funds to be paid into the State Treasury in the same manner, as in cases of vacant successions.

1840—124—6

Proceedings in case of absence for more than ten years.

In every case when a Curator of the Absentee shall have been appointed and shall remain in the performance of his duty, it shall not be necessary to appoint one,. but the Curator of the Absentee shall continue to act as such.

See CIVIL CODE, *Arts.* 50 *et seq.*

Absentees and residents of the State placed on the same footing, as to prescription. See AMENDMENTS TO CIVIL CODE, *Sect.* 30.

ACCOUNT.

SECTION 1. The money, accounts of this State, shall be expressed in dollars or units, cents or hundredths, and mills or thousandths; and all accounts in banks and public offices, and all proceedings in the Courts of this State, shall be kept in conformity with this section.

1805—88—1

Accounts to be kept in dollars and cents, &c.

ADMINISTRATOR.

1828—156—14

Suits against administrators, &c., to be continued against the heirs by making them parties.

SECTION 1. All suits brought against Curators and other Administrators during the time of their administration, shall, after the expiration of their time, and even after they have rendered their accounts to the heirs, be continued and tried without any additional formality, except that of making the heirs parties, which shall be ordered by the Court on motion of any one of the parties, or on application of such heirs themselves.

1837—95—3

Executors, &c., to deposit money collected by them in bank.

SEC. 2. All Executors, administrators, Curators and Syndics, shall deposit all moneys collected by them as soon as the same shall come into their hands, in one of the chartered banks of this State, or in one of their branches, allowing interest on deposits, if there be one in the parish. They shall keep a bank book in their official name and charter, and shall on no account remove or withdraw the deposits or any part thereof, until a tableau of distribution shall be homologated, or unless ordered by a competent Court, and then only to pay such debts as may be ordered for payment.

Penalty for failing to do so.

If any Executor, Administrator, Curator of a vacant succession, or Syndic, shall fail to comply with the provisions of this section, he shall be condemned, jointly and severally with his securities, to pay, to the use of the estate, twenty per cent. interest, per annum, on the amount, not deposited, or withdrawn without authority, besides all special damage suffered, and shall be dismissed from office.

Proof thereof may be made by any creditor or person interested, on motion, after ten days' notice, which motion may be filed in the Clerk's Office at any time.

1837—96—4

Executors, &c., to exhibit an account of funds on hand whenever required.

SEC. 3. Any creditor or other person interested, may at the regular sitting of the Courts in New Orleans, and in the country, as well during the vacation as the sitting of the Court having jurisdiction, file in the Clerk's office a motion to know whether any Executor, Administrator, Curator or Syndic, has any funds, and such Executor, Administrator, Curator or Syndic, shall be bound within ten days to file a true statement of his accounts with the bank, shewing the amount of funds collected by him, and on failure so to do, such Executor

Administrator, Curator or Syndic, shall be dismissed from office, and pay ten per cent. per annum interest, on any sums for which he may be responsible.

1837—96—6

To render an account once in twelve months.

SEC. 4. All Executors, Administrators, Curators of vacant successions, and Syndics, shall at least once in every twelve months render to the Court from which they received their appointment, a full, fair and perfect account of their administration, and on failure so to do, shall be dismissed from office, and pay ten per cent. per annum interest, on all sums for which they may be responsible, from the date of the expiration of the twelve months aforesaid.

1837—96—7

To remain in office until the estate is finally settled.

SEC. 5. All Executors. Administrators, Curators and Syndics, shall continue in office until the estate shall be finally wound up.

May be compelled to give new security.

Any creditor or person interested, shall have the right to require that they shall give new or additional security, for the faithful performance of their duties as often as once in every twelve months, and oftener if the Court, on motion to that effect, may judge it to be necessary.

1848—97—7

Representatives of successions to make sales, or employ the Sheriff or an auctioneer.

SEC. 6. Representatives of successions shall have the right to cause sales of the property administered by them, to be made either by the Sheriff or by an auctioneer, or to make it themselves; but in the event of making the sales themselves, they shall receive no commission therefor.

1842—302—5

Executors, &c., to qualify within ten days after their appointment.

SEC. 7. Whenever the testamentary Executor or any other Administrator of a succession shall suffer ten days to elapse after his confirmation or appointment, without having either qualified or caused an inventory to be at least begun, the Judge shall forthwith and ex-officio appoint a successor in office, as if no such officer had been confirmed or appointed.

1854—155—1

The heir or surviving partner, in community or in an ordinary partnership, authorized to buy at sales of estates represented by them, as executors, &c.

SEC. 8. Nothing contained in the articles eleven hundred and thirty-nine, and seventeen hundred and eighty-four, or in any other articles of the Civil Code, or Code of Practice, shall be so construed as to prevent any Executor, Administrator, Curator of vacant successions, or Tutor, from purchasing at the sale of the effects of the deceased, whose estate they may respectively represent, when he is the surviving partner in community or ordinary partnership, or an heir or legatee of the deceased; and all purchases so made shall be considered as valid and binding as though made by any disinterested third party; and shall have full force against minors, interdicted persons and married women, saving to them their recourse against their Tutors, Curators or other legal representatives, should they be able to make it appear that they have suffered any loss or damage.

1840—124—4

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See SUCCESSIONS, EXECUTORS.
CIVIL CODE, *Arts.* 1068 *et seq.*
CODE OF PRACTICE, *Arts.* 997 *et seq.*

Administrators, &c., not to lose their office by temporary absence, if they leave an agent. See AMENDMENTS TO CIVIL CODE, *Sec.* 14.

Representatives of Successions to retain in their hands the tax of ten per cent. imposed on foreign heirs and legatees. See SUCCESSIONS, *Sec.* 6.

Administrators, &c., authorised to give sureties residing out of the parish. See SURETY, *Secs.* 1, 2 & 3.

ADVERTISEMENT.

1853—241—1
Judicial advertisements how made.

SECTION 1. In all cases in which advertisements are required to be made in relation to judicial proceedings, or in the sale of property under judicial process, they shall be published in a newspaper printed in the parish in which the judicial proceedings are carried on, or in which the sale is to take place; and if there be no newspaper published in the parish, the advertisements shall be made by posting them on the door of the Court-house and two other public places, in different parts of the parish.

It shall be the duty of the Sheriff, or other officer making the advertisement, to publish it in the English language only, except when the defendant in the judicial process, or the person directing the sale shall request it to be published in the French language also; except in the parishes of St. Landry. Calcasieu, Lafayette, Vermillion, St. Martin, St. Mary, St. Bernard, West Baton Rouge, St. Charles, Lafourche, Avoyelles, Natchitoches, Plaquemines, St. James, Assumption, Ascension, Terrebonne, Point Coupée, Iberville and St. John the Baptist; in which parishes they shall be published in both the English and French languages.

1853—241—2
Defendant to have the right to select the paper; on his default, the plaintiff to have the same right.

SEC. 2. When there are two or more newspapers published in the parish, the defendant shall have the right of selecting the newspaper in which the advertisement is to be made, if done within three days after the notice of such proceedings or the seizure made under the process. If the defendant neglect to select, then the plaintiff shall have the right to do so.

1853—242—3 & 4
Rates of charges allowed for publishing advertisements.

SEC. 3. The cost of publishing such advertisement shall not exceed the rate of one dollar for every hundred words for the first insertion, and at the rate of fifty cents for every subsequent insertion.

If the advertisement cannot be published at the rates herein stipulated, they shall be published by posting the same at the door of the Court-house and two other public places in the parish wherein such publication is to be made. This section shall not apply to the city of New Orleans.

Publication to be by posting when the advertisement cannot be made at the above rates.

SEC. 4. It shall be the duty of the Sheriff, Constables and Clerks in the parish of Orleans, to publish all judicial advertisements in both the French and English languages.

1854—102—1

Advertisements in New Orleans to be in French and English.

SEC. 5. In all cases, when it is required by law that orders, notices or advertisements of any kind, by any public officer, shall be inserted in public newspapers, such publications and insertions shall be as valid when made in supplements to newspapers, as if the same had been made in the newspaper sheets.

1835—54—2

Publication in a supplement to a paper valid.

ALIEN.

SECTION 1. No person shall be commissioned to any office, either civil or military, within this State unless he be a native or naturalized citizen of the United States.

1825—22—1

Aliens not to be commissioned to office.

APPEAL.

See JUDICIARY DEPARTMENT,

CODE OF PRACTICE, *Arts.* 564, *et seq.*

Appeals may be by motion in open Court. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 53. When taken, *Sec.* 54.

Surety on Appeal Bonds how proceeded against, *Sec.* 56.

Appeals from Justices to be tried de novo, *Sec.* 78.

" " " Judgment of the Appellate Court, Damages, &c., *Sec.* 79.

APPORTIONMENT.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

ARTICLE 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the

Representation in the House of Representatives how apportioned.

total population of each of the several parishes of the State. Each parish shall have at least one Representative.

No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a population less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the extent of territory and amount of population.

Census when to be taken.

The first enumeration by the State authorities under this Constitution, shall be made in the year 1853; the second in the year 1858; the third in the year 1865; after which time, the General Assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each parish and election district.

Apportionment when to be made.

At the first regular session of the Legislature after the making of each enumeration, the Legislature shall apportion the representation among the several parishes and election districts on the basis of the total population as aforesaid.

A representative number shall be fixed, and each parish and election district shall have as many Representatives as its aggregate population shall entitle it to, and an additional Representative for any fraction exceeding one-half the representative number.

The number of Representatives shall not be more than one hundred nor less than seventy.

Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in this article, the representation in the Senate and House of Representatives shall be and remain as at present established by law.

The limits of the parish of Orleans extended.

The limits of the parish of Orleans are hereby extended, so as to embrace the whole of the present city of New Orleans, including that part of the parish of Jefferson, formerly known as the city of Lafayette.

All that part of the parish of Orleans which is situated on the left bank of the Mississippi River, shall be divided by the Legislature into not more than ten Representative Districts; and until a new apportionment shall be made according to the census to be taken under this Constitution, that part of the city of New Orleans which was comprised within the former limits of the city of Lafayette, shall vote for Senators from the parish of Orleans, and form the Tenth Representative District, and shall elect two out of the three Representatives now apportioned by law to the parish of Jefferson; the other Representative Districts shall remain as they are now established.

State to be divided into Senatorial Districts.

ART. 15. The Legislature, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District—the parish of Orleans excepted.

No Parish shall be created with a Territory Less than =
= 625. Square Miles

The no: of Representatives shall not be more than 100 nor less than 70 —
& Each parish must have One

And whenever a new parish shall be created, it shall be attached to the Senatorial District from which most of its territory was taken, or to another contiguous district, at the discretion of the Legislature; but shall not be attached to more than one district. The number of Senators shall be thirty-two, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several districts: Provided, that no parish shall be entitled to more than five Senators.

Apportionment of Senatorial Districts how made.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven, and the result produced by this division shall be the Senatorial ratio, entitling a Senatorial District to a Senator. Single or contiguous parishes shall be formed into Districts, having a population the nearest possible to the number entitling a District to a Senator; and if, in the apportionment to be made, a parish or district fall short of, or exceed the ratio one fifth, then a District may be formed having not more than two Senators, but not otherwise.

No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the eighth article, the Legislature shall not pass any law until an apportionment of representation in both Houses of the General Assembly be made.

1854—2—1

State divided into Senatorial Districts.

SECTION 1. Until the next census and apportionment shall have been made, the State shall be divided into the following Senatorial Districts, to wit:

The parishes of Plaquemines, St. Bernard and all that part of the parish of Orleans on the right bank of the Mississippi River, shall form one district, and shall elect one Senator.

All that portion of the parish of Orleans on the left bank of said river, including the city of New Orleans, shall form one district, and shall elect five Senators.

The parish of Jefferson shall form one district, and shall elect one Senator.

The parishes of St. Charles and Lafourche shall form one district, and shall elect one Senator.

The parishes of St. John the Baptist and St. James shall form one district, and shall elect one Senator.

The parishes of Ascension, Assumption and Terrebonne shall form one district, and shall elect two Senators.

The parish of Iberville shall form one district, and shall elect one Senator.

The parish of East Baton Rouge shall form one district, and shall elect one Senator.

The parishes of West Baton Rouge, Pointe Coupée and West Feliciana shall form one district, and shall elect two Senators.

The parish of East Feliciana shall form one district, and shall elect one Senator.

The parishes of Washington, St. Tammany, St. Helena and Livingston shall form one district and elect one Senator.

The parishes of Concordia and Tensas shall form one district, and shall elect one Senator.

The parishes of Madison and Carroll shall form one district and elect one Senator.

The parishes of Morehouse, Ouachita, Union and Jackson shall form one district, and shall elect two Senators.

The parishes of Catahoula, Caldwell and Franklin shall form one district, and shall elect one Senator.

The parishes of Bossier, Bienville, Claiborne and Winn shall form one district, and shall elect two Senators.

The parishes of Natchitoches, Sabine, De Soto and Caddo shall form one district, and shall elect two Senators.

The parishes of St. Landry, Lafayette and Calcasieu shall form one district, and shall elect two Senators.

The parishes of St. Martin and Vermillion shall form one district, and shall elect one Senator.

The parish of St. Mary shall form one district, and shall elect one Senator.

The parishes of Rapides and Avoyelles shall form one district, and shall elect two Senators.

1854—4—2

Apportionment of Representatives.

SEC. 2. Until the next census and apportionment, the representation in the House of Representatives shall be apportioned among the several parishes and districts at a representative number of seven thousand.

The parish of Plaquemines shall elect one.

The parish of St. Bernard shall elect one.

The parish of Orleans, right bank, shall elect one.

The First Representative District in the parish of Orleans and city of New Orleans, shall elect two.

The Second District shall elect three.

The Third District shall elect three.

The Fourth District shall elect two.

The Fifth District shall elect two.

The Sixth District shall elect two.

The Seventh District shall elect two.

The Eighth District shall elect two.
The Ninth District shall elect one.
The Tenth District shall elect three.
The parish of Jefferson shall elect two.
The parish of St. Charles shall elect one.
The parish of St. John the Baptist shall elect one.
The parish of St. James shall elect two.
The parish of Ascension shall elect two.
The parish of Assumption shall elect two.
The parish of Lafourche shall elect two.
The parish of Terrebonne shall elect one.
The parish of St. Mary shall elect two.
The parish of St. Martin shall elect two.
The parish of Iberville shall elect two.
The parish of West Baton Rouge shall elect one.
The parish of East Baton Rouge shall elect two.
The parish of Livingston shall elect one.
The parish of St. Helena shall elect one.
The parish of Washington shall elect one.
The parish of St. Tammany shall elect one.
The parish of East Feliciana shall elect two.
The parish of West Feliciana shall elect two.
The parish of Pointe Coupée shall elect two.
The parish of Avoyelles shall elect one.
The parish of Concordia shall elect one.
The parish of Tensas shall elect one.
The parish of Madison shall elect one.
The parish of Carroll shall elect one.
The parish of Catahoula shall elect one.
The parish of Caldwell shall elect one.
The parish of Franklin shall elect one.
The parish of Ouachita shall elect one.
The parish of Union shall elect one.
The parish of Jackson shall elect one.
The parish of Claiborne shall elect two.
The parish of Bienville shall elect one.
The parish of Winn shall elect one.
The parish of Bossier shall elect one.
The parish of Caddo shall elect one.
The parish of De Soto shall elect one.
The parish of Natchitoches shall elect two.
The parish of Rapides shall elect three.
The parish of Sabine shall elect one.
The parish of Calcasieu shall elect one.

The parish of Lafayette shall elect one.
The parish of Morehouse shall elect one.
The parish of St. Landry shall elect three.
The parish of Vermillion shall elect one.

APPRENTICES AND INDENTED SERVANTS.

1806—44—1
1826—'62—4
Apprentices and indented servants to serve out their time.

SECTION 1. Any person who may bind himself, or be bound as an apprentice or indented servant, in any art, mystery or occupation, or as a servant for the purpose of ordinary labor, shall be bound to serve the time expressed in his indentures, subject to the following provisions and exceptions:

1806—46—1
Minors how bound.

SEC. 2. If the party so bound be under the age of twenty-one years, he must be bound by and with the assent of his parent or tutor, or in case there be no such person in the parish where he resides, then by the Mayor of any city, or the District Judge of the parish, with the appobation of one or more Justices of the Peace within the same.

1806—46—1
Apprenticeship when to expire.

SEC. 3. If the party bound be a female, the term of apprenticeship shall expire at the age of eighteen years; if a male, at the age of twenty-one years, unless an earlier period be stipulated.

1806—54—4
Provisions in case of removal of the master.

SEC. 4. Whenever a master shall remove from the State, before the term of an apprentice expires, the President of the Police Jury, or Mayor of the city shall have power to assign over the remainder of the term of apprenticeship to some other person of the same trade, or calling, and the assigns shall have the same rights as the first master at the time of his removal.

Nothing herein contained shall be so construed as to extend to servants whose indentures are assignable, and who have been bound for the sole purpose of ordinary and hard labor.

See CIVIL CODE, *Arts.* 155 *et seq.*

ARREST.

Debtor may be discharged from arrest by making a surrender.

Section 1. Any debtor who may be held in imprisonment under a writ of arrest, and against whom no charge of fraud is pending, may be discharged from arrest, by making a surrender of his property to his creditors.

1840—185—1

Debtor discharged from arrest, by giving bond, &c.

Sec 2. The defendant may be discharged from arrest, by giving to the Sheriff his note or obligation for a sum exceeding by one-fourth that which is demanded, with the security of one good and solvent person, conditioned that the debtor shall not depart from the State, for the term of three months.

When arrested on a charge of fraud, the condition of the bond shall be that, if the fraud complained of be established, the security shall be liable for the debt due the complaining creditor, in case the debtor shall have departed from the State, without leave of the Court.

1847—63—1

No citizen of another State to be arrested unless he has absconded.

Sec. 3. No citizen of another State shall be arrested in this State, at the suit of a resident or non-resident creditor, except in cases where it shall be made to appear by the oath of the creditor, that the debtor has absconded from his residence.

1821—58—1

Bail authorized to give up defendant.

Sec. 4. In all civil suits instituted in any of the Courts of this State, in which the defendant shall have been held to bail, the bail shall be authorized to deliver up the defendant in discharge of his recognisance or bail bond at any time.

1821—58—2

Mode of proceeding.

Sec. 5. Whenever the bail of any defendant in any suit shall be desirous to deliver up the defendant, he shall apply to the Clerk of the Court in which the suit may be pending, for a cepi corpus, or certificate that the defendant has been delivered to him on bail, which certificate shall be a good and sufficient warrant to the bail or any person duly authorized by him to arrest the defendant wherever he may be found for the purpose aforesaid.

1821—59—3

The body of defendant to be delivered in Court or to the Sheriff.

Sec. 6. Whenever any bail shall have arrested any defendant for whom he was bail he may produce his body and deliver him up to the Court in which the suit may be pending, if in sesion, who may commit him to the custody of the Sheriff, and cancel the bail bond; or if the Court shall not be in session, the bail may tender the body of the defendant to the Sheriff of the parish, together with his authority, for delivering him up, which Sheriff shall be bound to receive such defendant into his custody, to be dealt with in all respects as if he had

never been bailed, and shall deliver to the bail, his receipt for the body of the defendant, which receipt shall entitle the bail to have his bond cancelled, upon exhibiting the same to the Court where the suit may be pending.

1821—60—4

Punishment for preventing bail from arresting defendant.

SEC. 7. If any person shall forcibly oppose, obstruct or prevent any bail or his agent duly appointed, from arresting any such defendant, or shall forcibly rescue or attempt to rescue him, after he shall have been arrested, he shall be liable, on conviction thereof, to all the pains and penalties that are by law prescribed, for opposing, obstructing or preventing Sheriffs from executing process, or rescuing persons from their custody in like cases, and shall moreover be liable to the bail, for all damages he may sustain by reason of such forcible opposition, obstruction or rescue.

1808—68—8

Persons in custody for debt entitled to "prison bounds".

SEC. 8. Persons in custody of the Sheriff for debt whether on mesne process, or under execution, shall have the priviledge of the "prison bounds", on giving bond with good and sufficient security to the Sheriff, not to break or depart therefrom, without the leaveof the Court, or on being released by order of the plaintiff at whose suit he is confined; but should the debtor who has the privilege of the bounds break the same, or be seen at any time without the limits hereafter prescribed, on due proof thereof, the Court is empowered, on motion, to direct the Sheriff to assign over the bond to the plaintiff for his use and benefit, and the said debtor, shall be excluded from the benefit of the provisions of this section.

1828—30—1
1837—25—1

Limits of prison bounds.

SEC. 9. The prison bounds of the city and parish of New Orleans, shall include the whole incorporated limits of the City; and in the other parishes, the prison bounds shall be the parish boundaries.

1820—90—1

Allowance to be paid debtors in confinement.

SEC. 10. No debtor shall be kept in the body of any jail, on mesne process, or execution at the suit of any creditor in this State, unless the creditor shall pay to the keeper of the jail, the sum of three dollars and fifty cents a week, to be paid in advance, for the use of the debtor.

See CODE OF PRACTICE, *Arts.* 210 *et seq.*
IMPRISONMENT FOR DEBT.
INSOLVENT LAWS.
Prison bounds, see PRISONS, *Sec.* 8.

ASSESSOR.

See REVENUE.—
Assessors to enroll all persons liable to militia duty,—
See MILITIA, *Sec.* 57.

ATTACHMENTS.

See AMENDMENTS TO THE CODE OF PRACTICE, *Secs.* 15 to 21, CODE OF PRACTICE, *Arts.* 239 *et seq.*

ATTORNEY AT LAW.

SECTION 1. Any free white citizen of the United States, possessing the qualifications (except that of residence) necessary to constitute a legal voter, shall be admitted to practice, as an Attorney at Law, in any Court of this State, upon obtaining a license from the Supreme Court of this State.

1842—516—1

Who may be admitted to practice as Attorneys at Law.

SEC. 2. The Supreme Court shall grant licenses to applicants, possessing the qualifications required by the preceding section,

1847—41—9

1842—516—1 & 2

Supreme Court to grant licenses to applicants having the necessary qualifications.

First, To all graduates, of the Law Department of the University of Louisiana, who shall produce evidence of good character;

Second, When they shall produce a license to practice law, from any other State of this Union, or a diploma from any law school or college of the other States, with evidence of good character, and shall have been examined in open Court, touching their fitness to practice in the Courts of this State, and found qualified;

Third, When the applicant shall have been found qualified to practice law in the Courts of this State, by an examination before the Supreme Court, or otherwise, according to such rules and regulations as they may adopt, from time to time.

SEC. 3. If any licensed Attorney at Law of this State shall recover any sum of money for his client, and shall neglect or refuse to pay it over when demanded, without any legal ground for such neglect or refusal, he shall, on conviction of the fact before any Court of competent jurisdiction, be immediately erased from the list of Attorneys, his license cancelled, and be forever incapable of appearing as such, before any Court of this State.

1826—110—1

Penalty for refusing to pay over money.

SEC. 4. No Attorney at Law shall be entitled to the benefit of the laws for the relief of insolvent debtors, for any sum collected by him as such.

1826—110—2

Attorneys not entitled to the benefit of the insolvent laws.

1823—83—8

Penalty for any fraudulent practice.

SEC. 5. If any Attorney at Law shall commit any frandulent practice in any Court of this State, or shall betray the interests confided to him by his client, he shall be deemed guilty of a misdemeanor; and upon conviction thereof before any Court of competent jurisdiction, shall be stricken from the list of Attorneys, and be forever incapable of appearing as such before any Court of this State.

1813—206—23

Parties to suits may appear in person or by Attorney.

SEC. 6. The parties to any suit pending before any Court of this State, shall have the right to appear and plead in person, or by their Attorney at Law, or in fact.

1828—160—23

Attorneys liable for slanderous words.

SEC. 7. No client or other person shall be held liable or responsible for any slanderous or libellous words uttered by his Attorney at Law; but Attorneys shall be themselves liable and responsible for any slanderous or libellous words uttered by them.

1808—180—2

Attorneys to exhibit their license and take the oath before practicing.

SEC. 8. Every Counsellor or Attorney, before being allowed to practice in any of the Courts of this State, shall be compelled to exhibit his license in each Court where he intends to practice, and he shall take an oath to support the Constitution of the United States, and also the following oath—"I (A. B.) solemnly swear (or affirm) that I will demean myself honestly in the practice as Counsellor or Attorney at Law, and will discharge my duty in every respect, to the best of my knowledge and ability."

Penalty for practicing without a license.

If any person, without being licensed or qualified as aforesaid, shall presume to practice as Counsellor or Attorney at Law, he shall be condemned to pay a fine of five hundred dollars, for every suit in which he shall appear, either for plaintiff or defendant; one half to the use of the informer, recoverable in a summary way, on motion, giving the accused notice of such motion.

1808—136—8

Judges and officers of court not to practice.

SEC. 9. No Judge shall appear or plead in any Court for any person whatever; and no Sheriff, Deputy Sheriff or Clerk of any Court, shall appear or plead for any person, in the Court for which he is an officer, except as Attorney in fact (as must be made to appear by authentic documents) for any person not residing within this State, or being absent from the same, under the penalty of being fined by the Court in the sum of five hundred dollars for every such offence.

1808—134—4

Penalty for fomenting suits, &c.

SEC. 10. Whenever it shall be made to appear to any Court having jurisdiction thereof, that any Attorney at Law has been guilty of exciting or fomenting suits or quarrels, or that he has made a bargain or agreement with a plaintiff or defendant, depending on the event of any suit to recover land or other property, that may be in dispute or sued for, as a compensation for his services, as Attorney, the Court shall, on motion in a summary way, on giving the accused due notice, direct that the name of said Attorney be erased from the names of the officers of Court, and that he shall be forever disabled from practicing in any Court in this State; and the bargain or agreement shall be null and void.

1808—134—5

Penalty for absence or neglect.

SEC. 11. If a non-suit should be entered owing to the absence or neglect of the Attorney, without a reasonable excuse, the costs shall be paid by the Attorney, and he shall moreover be liable to pay all the damages which his client may suffer by being non-suited, or by any other neglect of the Attorney; recoverable in a summary way, on motion, giving the accused notice.

Contempts, See JUDICIARY DEPARTMENT, *Secs.* 63 & 64.

ATTORNEY GENERAL.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Attorney General to hold office for four years.

ARTICLE 74. There shall be an Attorney General for the State, and as many District Attorneys as may be hereafter found necessary. They shall hold their office for four years; their duties shall be determined by law.

To be elected by the qualified voters.

ART. 83. The Attorney General shall be elected by the qualified voters of the State, and the District Attorneys by the qualified voters of each district, on the day of the election for Governor of the State.

1850—259—1

1853—126—1

Duty of Attorney General.

SECTION 1. First,—It shall be his duty to keep his office in the city of New Orleans.

Second—To appear for the State, and shall prosecute and conduct in the District Courts, in the city of New Orleans, all civil suits in which the State may be a party or be interested.

Third—To appear for the State in the First District Court of the city of New Orleans, in all prosecutions for crimes punishable with death, or imprisonment at hard labor for life, and in prosecutions for other crimes and offences, whenever in his judgment the interest of the State may require it.

Fourth—To appear for the State in the Supreme Court sitting in New Orleans, and shall prosecute and defend all appeals, in causes criminal or civil, in which the State may be a party or be interested.

Fifth—To prosecute and conduct before the Federal Courts, all civil suits in which the State shall be interested and of which the Courts shall have jurisdiction, arising in the Federal Judicial District or Circuit in which the seat of government is located, when the property at issue shall exceed two thousand dollars.

Sixth—To intervene, whenever the interest of the State shall require such intervention, in all suits now pending or which may hereafter be instituted in the Courts of the First Judicial District and in Federal Courts sitting in the Federal Judicial District or Circuit in which the seat of Government is located, when the amount or value of the property at issue in such intervention, shall exceed two thousand dollars.

Seventh—To institute proceedings against all Banking and other corporations chartered by the State and situated in the First and Sixth Judicial Districts of the State, to obtain the forfeiture of their charters in cases of violation of the same.

Eighth—When required by the Governor or either branch of the Legislature to appear for the State, in every Court or tribunal, in any other cases, criminal or civil, in which the State may be interested or be a party.

Ninth—To give his opinion in writing upon all questions of law, when required by the Governor, the Auditor of Public Accounts, and the State Treasurer; and consult with, and advise the District Attorneys, whenever requested by them, in all matters appertaining to the duties of their offices; and shall make and submit to the Legislature, at the commencement of the annual session thereof, a report of all the official business done by him during the proceding year, specifying the suits and prosecutions to which he may have attended, the number of persons prosecuted, the crimes for which and the parishes where such prosecutions were had, the results thereof, and the punishments awarded therefor

Tenth—To include in his annual report an abstract of the annual reports of the several District Attorneys, with such observations and statements as, in his opinion, the criminal jurisprudence and the proper and economical administration of the criminal law of the State shall warrant and require.

To attend the sessions of the Legislature.

SEC. 2. The Attorney General shall, when required, attend the Legislature during its sessions, and shall give his aid and advice in the arrangement and preparation of legislative acts and documents, when required by either branch of the Legislature.

Books to be kept.

SEC. 3. He shall keep two sets of books or journals, which shall constitute the records of that office; one set of books shall contain a fair transcript of all the legal opinions given by him, and the other set of books shall contain a statement of all the suits brought by him on behalf of the State; each set of books shall have an index.

Salary.

SEC. 4. The Attorney General shall receive a salary of three thousand five hundred dollars a year, payable quarterly by the State, on the warrant of the Auditor of Public Accounts, and five per cent. upon all amounts collected by him; the per centage so received shall never exceed two hundred and fifty dollars in any single case.

1850—260—2
Suits in which the State is interested, to have preference.

SEC. 5. All suits brought by the Attorney General and all appeals prosecuted by him shall at all times have a preference over all other cases.

Attorney General to enquire, ex officio, into crimes committed, when no complaint is made. See CRIMINAL PROCEEDINGS, *Sec.* 40.

AUCTIONEER.

1848—96—1
Who may become Auctioneers.

SECTION. 1 Any citizen of the State may become an auctioneer for the parish in which he is a qualified voter, and be authorized to sell any real or personal property at public auction, upon giving bond and security, according to law, for the duties imposed on him by law, and taking the oath prescribed by article 90 of the Constitution.

1848—96—2
To execute bond, &c.

SEC. 2. Before entering on his duties, he shall execute his bond, payable to the Auditor of Public Accounts and his successors in office, with good and solvent security, conditioned for the faithful performance of all the duties required by law, towards all persons who may employ him as Auctioneer; and for the prompt payment of the taxes or commissions payable to the State, and of all the sums which he shall receive in his official capacity belonging to other persons; which bond he shall execute in the manner and form required by law for the execution of all official bonds.

1848—96—3
Amount of bond.

SEC. 3. The bonds to be given shall be in the following amounts: ten thousand dollars, for the city and parish of Orleans; four thousand dollars, for the parish of Jefferson, and two thousand dollars, for the other parishes of the State.

1848—96—5

To take out an annual license.

SEC. 4. Every auctioneer who shall have complied with the foregoing provisions, shall take out an annual license from the Auditor of Public Accounts, authorizing him to do and perform all the business properly belonging to an Auctioneer.

1848—96—6

No defaulter to be Auctioneer.

SEC. 5. No person shall act as an Auctioneer who is a defaulter, or indebted to the State or any municipal corporation, for any tax as an Auctioneer, or for any license or commission which he has neglected to pay, after final judgment rendered against him therefor.

1848—96—7

Penalty for acting without authority.

SEC. 6. No other person than an Auctioneer, or a civil officer acting under the authority of some Court of the United States. or of this State; or the legal representative of a succession or of minors; or the Sheriff, when there is no Auctioneer in the parish, shall exercise the trade or business of an Auctioneer, by selling or offering for sale at auction, any goods, merchandise, property or estate, real or personal, within this State, under a penalty of five hundred dollars for each offence; one half of said penalty for the informer when recovered, the other half to be paid into the public treasury for the use of Free Public Schools.

1848—96—8

Their duty when offering Jewelry.

SEC. 7. It shall be the duty of every Auctioneer who shall offer for sale, jewelry of any kind or description, to announce to the persons present, in a loud voice, whether the same be gold, silver, or brass metal, before proceeding to sell the same; also whether the article offered is to be sold by the lot, or by the piece, and if by the piece, the number of pieces. Every Auctioneer who shall offer for sale any jewelry without first making such announcement, shall on conviction thereof pay a fine of not more than one hundred dollars, nor less than fifty dollars for each and every offence, for the use of Free Public Schools; and said sales shall not be valid or binding on the bidder.

1848—97—9

Their duty when selling cutlery.

SEC. 8. It shall be the duty of every Auctioneer, before he shall proceed to sell any cutlery, whether in a box or on a card, to state whether it is to be sold by the piece or in gross; and if by the piece the number of pieces offered for sale; and every Auctioneer who shall neglect or refuse to announce the same shall pay a fine of not more than one hundred dollars, nor less than fifty dollars, for the same use, and the sale shall not be valid or binding on the bidder.

1848—97—13

Right of purchaser to return jewelry, plate and watches.

SEC. 9. The purchaser at an auction sale of any watch, plate or jewelry, shall have the right to return it to the Auctioneer, at any time within twenty hours from the day of the sale. if the watch, plate or jewelry be not of the quality represented by him; and the Auctioneer shall return to the purchaser the price of the article; should he refuse to do so, he shall forfeit his license, and be liable to a fine of five hundred dollars.

1848—97—10
Time allowed to render their account.

SEC. 10. In addition to the number of days allowed by law, within which Auctioneers are required to render their accounts, and make payment of commissions to the Treasurer, they shall be entitled to one day for every twenty miles of distance from the Seat of Government to the parish site of their respective parishes.

1848—97—11
Tax to be paid on property sold by Auctioneers.

SEC. 11. Hereafter, all lands, tenements, houses, ships, vessels, slaves, or any interest therein, and personal property, rights, credits, &c., which shall be sold at public auction, or at private sale by any Auctioneer, (except such as are or may be exempted by law,) shall be subject to a duty of one half of one per centum of the value or price at which it shall be sold; to be paid by the person who shall sell the same; to be subject, each and every time it shall be stricken off, to duties at the above rates.

1850—146—75
Penalty for not paying amount due the State, &c.

SEC. 12. Any Auctioneer who shall neglect to pay into the State treasury the duties required by law upon auction sales made by him, shall forfeit his license; and in case he refuses to return the same, the Auditor of Public Accounts shall give public notice in the official gazette of the cause for which the license of such Auctioneer has been forfeited, and that his license is withdrawn from him.

1848—E. S.—14
Not to purchase at any sale made by him

SEC. 13. It shall not be lawful for any person acting as Auctioneer, to purchase, either directly or indirectly, any property at a sale made by him; and any such sale shall be null and void.

1850—145—70
Quarterly account to be rendered by Auctioneers of New Orleans and parish of Jefferson.

SEC. 14. Every Auctioneer in the city of New Orleans and parish of Jefferson, shall make out in writing, a quarterly account, dated on the last days of March, June, September and December, in each year, and shall therein state minutely and particularly,

First—The sums for which any goods or effects shall have been sold at every auction held by him, from the date of his last quarterly account;

Second—The days on which sales were made, and the amount of each day's sale;

Third—The amount of all private sales made by himself, or any of his partners in commission, and the days on which such sales were made;

Fourth—The amount of duties chargeable on all sales, public or private, mentioned in the account.

1850—145—71
Auditor authorized to audit the accounts of Auctioneers of New Orleans and Jefferson.
His fee for so doing.

SEC. 15. Every such account, within ten days after the day on which it is dated, shall be exhibited to the Auditor of Public Accounts, who is hereby authorized to audit, in the city of New Orleans, the accounts of any Auctioneer of Orleans and Jefferson, and charge a fee of five dollars therefor; and every Auctioneer exhibiting an account, shall take the following oath before the Auditor; and Auctioneers of the rest of the State shall take it before any Justice of the Peace of the parish in which the Auctioneers are authorized to exercise their functions:

Oath of Auctioneer.

"I do solemnly swear (or affirm) that the account exhibited by me, and to which I have subscribed my name, contains a just and true account of all the lands, slaves, goods and property of every description, sold or struck off at public sale, or sold by me at private sale on commission, whether subject to duty or not; and the day on which the same were respectively sold; that I have examined the entry of all sales mentioned in said account, in the book kept by me for that purpose, and fully believe this account to be in all respects correct. And further, that I have, during the time therein mentioned, conformed in all things, to the true intent and meaning of the laws regulating sales by Auctioneers, according to the best of my knowledge and belief."

1850—145—72

Payment to be made into the treasury.

SEC. 16. Such oath shall be reduced to writing, be endorsed on the account, and be subscribed by the Auctioneer taking it; and every Auctioneer of the parishes of Orleans and Jefferson, within ten days after he shall have exhibited his account as aforesaid, shall pay, for the use of the State, into the treasury thereof, the duties accrued on the sales mentioned in the account.

1850—146—73

Accounts of Auctioneers in the country to be settled annually.

SEC. 17. The Auctioneers throughout the State, those in the parishes of Orleans and Jefferson excepted, shall settle their accounts with the Treasurer annually.

1850—146—74

Auctioneers who have made no sales, to take an affidavit to that effect.

SEC. 18. Every Auctioneer who, within the period limited for his accounting, shall have made no sales public or private of any property, real or personal, liable to auction duties, shall make and subscribe an affidavit of those facts before the Auditor or Justice of the Peace, as the case may be.

1850—217—1

Penalty for mock auctions and mock bidders.

SEC. 19. Any Auctioneer who shall exhibit and offer for sale at Auction, any article, setting forth its value and character, and through the aid of mock bidders, induce its purchase by a real bidder; and who shall afterwards substitute any article in lieu of that offered to, and purchased by the bidder; shall, on conviction thereof, be fined and imprisoned at the discretion of the Court; and any mock bidder at any auction sale so made, shall suffer the like penalty.

1850—218—2

Auctioneers may act by substitute in certain cases.

SEC. 20. Auctioneers shall make in person all sales advertised by them, except in case of temporary absence or sickness; in which event they may appoint any one of the duly licensed Auctioneers of the city or parish, to act for them during their temporary absence. Such appointment shall not be made without the written consent of the securities of the Auctioneer; which written consent shall prevent the securities from pleading any exemption from their responsibility on the bond of the Auctioneer, in consequence of any appointment made under the provisions of this section.

1839—102—6

Auctioneers in New Orleans not to have more than one store for dry goods and one for groceries.

SEC. 21. No Auctioneer in the city of New Orleans shall, at the same time, have more than one house or store for the purpose of holding his auction of dry-goods sales, and one for the purpose of holding his grocery sales. He may sell at the different exchanges in the city.

or at private stores, when called upon to do so by the owners, any kind of movable or immovable property; or in the public streets, or on the levee, all goods sold in original packages as imported, household furniture and such bulky articles as are usually sold at such places. Every Auctioneer, on the first day of November of every year, shall designate, in a writing signed by him, such house or store, and shall also name therein the partner, if any, engaged with him in business, and shall deposit the writing or declaration with the Auditor.

1839—104—7
1852—76—2
Their commissions.

SEC. 22. No Auctioneer shall demand or receive a higher compensation for his services, than a commission of two and a half per cent. on the amount of any sale, public or private, made by him; and on sales of succession property, of property belonging to minors, or in which they may be interested, and of property surrendered by insolvents, made pursuant to an order or decree of any court of this State, by the Sheriff or an Auctioneer, upon all sums under twenty-five hundred dollars, one per cent., and on all sums over that amount, one-half of one per cent.

In all sales made by the representative of a succession, or syndic of an insolvency, they shall charge no commission.

Account book of sales to be kept. See AUDITOR OF PUBLIC ACCOUNTS, *Sec.* 7.

Auditor to publish annually a list of Auctioneers who have rendered accounts. See *Sec.* 8.

AUCTION SALES.

1834—122—1
Proces verbal of sale to state the manner of making advertisements.

SECTION 1. In all auction sales hereafter made by Sheriffs, Auctioneers or others authorized by law to sell at public auction, which are or may be required by law to be preceded by advertisement, it shall be the duty of the officer making the sale, in his proces verbal

or act of sale, to state the manner, time and place of making such advertisements; which statement, when so made, shall be proof of the manner, time and place of making the advertisements.

1834—122—2

The sale to be prima facie evidence that the advertisements were regularly made.

SEC. 2. When any question shall arise out of any public sale, heretofore made, or that may hereafter be made, by any person authorized to sell at public auction, and which sale was required by law to be preceded by advertisements, the sale being proved, it shall make prima facie evidence that the legal advertisements were regularly made.

1834—122—3

Liability of Auctioneer for not making the advertisements.

SEC. 3. If any Sheriff, Auctioneer or other person authorized by law to sell at public auction, and whose duty it may be to advertise and make any public sale, shall fail to make the advertisements required by law, he shall be personally liable for all damages sustained by any person interested therein, and which may result from the failure to advertise.

1834—122—4

All informalities prescribed in five years.

SEC. 4. That all informalities connected with or growing out of any public sale, made by any Sheriff, Auctioneer or other person authorized to sell at public auction, shall be prescribed against by those claiming under such sale, after the lapse of five years, from the time of making it, whether against minors, married women, or interdicted persons.

1839—102—4

Goods to be struck off to the highest bidder.

SEC. 5. All lands, tenements, houses, ships, vessels, slaves, goods or effects, sold at auction, shall, in all cases, be struck off to the highest bidder, except such as may be limited and which the Auctioneer shall have the right to bid in himself, and where the owner or any person employed by him, shall be such bidder, they shall be subject to the same duties as if struck off to any other person; but this provision shall not be construed to render valid any sale that would otherwise be deemed fraudulent and void.

1839—106—11

Sales when to be made in New Orleans.

SEC. 6. All sales of goods in the city of New Orleans, by public auction, excepting sales of books, shall be made in the day time between sunrise and sunset.

1805—18—10

Certificate of mortgages to be read at the sale.

SEC. 7. It shall not be lawful for any Auctioneer, or person acting as such, to sell any real estate or slave, without first producing and reading a certificate of mortgage, showing the mortgages and incumbrances recorded against the property offered, under a penalty of five hundred dollars for each offence, to be recovered by the purchaser.

JUDICIAL SALES.

1847—62—1

Judicial sales to be made by Sheriff.

SEC. 8. All Judicial sales throughout the State, made in pursuance of any order, judgment or decree of any Court in this State, (except that of justices of the peace,) shall be made by the Sheriff of the parish where such sale is made, except in the cases hereafter provided.

10th Sec: Commissions of Sheriffs or auctioneers
one 1 per ct on sums under 25 as dolls & 1/2
of 1 per ct. on all sums over that amt. —

1852—76—1

Sales of succession property and of insolvencies to be made by the Sheriff, Auctioneer or representative of the estate.

SEC. 9. All sales of property of successions, of proporty belonging to minors, or in which minors may be interested; of property surrendered by insolvents, made pursuant to an order or decree of any Court of this State, may be made either by the Sheriff or an Auctioneer of the parish or city in which such sale is to be made; and it shall be the duty of the Court ordering the sale of any such property, to direct that the same be made by the Sheriff or by such Auctioneer as shall be selected by the parties to the proceedings for the sale, or by the representative of the succession, or the syndic of an insolvency.

1852—137—1

St. Bernard excepted.

This section shall not apply to the parish of St. Bernard.

1852—76—2

Commission.

SEC. 10. The Sheriff or Auctioneer's commission on said sales shall be one per cent upon all sums under twenty-five hundred dollars, and one half of one per cent. on all sums over that amount.

1852—80—1

Proces verbal to be an authentic act.

SEC. 11. All proces verbals of sales of succession property, signed by the Sheriff or Auctioneer making the same, by the purchaser and two witnesses, are declared to be authentic acts for all intents and purposes

1852—80—2

Notes how taken.

SEC. 12. The Sheriff or Auctioneer making sales of succession property on credit terms, shall be authorised to receive for the price, the notes of the purchasers, and identify them by description in the adjudication; Provided, that the sureties on the notes shall in all cases be approved by the vendor or the party representing him.

1852—80—3

To be paraphed by the Recorder.

SEC. 13. On the registering of such proces verbals of sales in the office of the Recorder or Register of Conveyances of the parish where the property so adjudicated may be situated, the Recorder or Register shall be authorised to identify with the sales the notes so received, as above stated, by his paraph, in order that he may raise the mortgage when such notes shall have been paid.

1852—37—1

Sales in St. Bernard, Plaquemines and Jefferson, may be made in New Orleans.

SEC. 14. In all cases where the Sheriffs of St. Bernard, Plaquemines and Jefferson shall be repuired to make sale of property situated in their respective parishes, under order of Court, or by virtue of any writ, it shall be lawful for such Sheriffs to cry and adjudicate the property in the city of New Orleans, if thereto requested by the party at whose instance the order of sale was issued, and in case of sales under writs, if thereto requested by all parties interested.

See SHERIFFS' SALES and WRITS OF FIERI FACIAS.
AUCTIONEERS—SHERIFFS—ADVERTISEMENTS.

Representatives of Successions may make sales of the property of the estates administered by them, or may employ the Sheriff, or an Auctioneer. See ADMINISTRATORS, *Sec.* 7.

The heir, or surviving partner, may purchase at sales of estates administered by him. See ADMINISTRATORS, *Sec.*. 9.

Judicial Advertisements, how made. See ADVERTISEMENTS.

AUDITOR OF PUBLIC ACCOUNTS.

1847—19—15

Auditor to be elected for two years.

SEC. 1. There shall be elected by the qualified electors of this State, an Auditor of Public Accounts, who shall hold his office for two years, and until his successor is elected and qualified; the election shall be conducted according to existing laws, and the returns shall be sealed up by the returning officers, and transmitted to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, on the second day of the session then next to be held.

The members of the General Assembly shall meet in the House of Representatives and count the votes. The person having the greatest number of votes shall be declared duly elected; but if two or more persons shall be equal in the number of votes polled, one of them shall immediately be chosen Auditor by joint vote of the members of the General Assembly.

1847—19—16

To give bond and security within thirty days.

SEC. 2. It shall be the duty of the Auditor, within thirty days after being officially informed of his election, to execute and deliver to the Governor his bond for $10,000, payable to the Governor of the State of Louisiana, and his successors in office, with not less than fiv-

good and sufficient securities, to be approved of by the Governor, who shall be bound in solido.

The condition of the bond shall be that he will faithfully perform all the duties required, or that may be required of him by law. Should he fail to give such bond and security, within the time required, the office shall be considered vacant, and the Governor shall immediately order a new election.

Otherwise office to be vacant.

1847—20—17

Auditor's commission.

SEC. 3. After giving the bond and security required, the Auditor shall be commissioned by the Governor

1847—20—18

To be general accountant, keeper of accounts of the State, &c.

SEC. 4. The Auditor of Public Accounts shall be the general accountant of the State, and keeper of all public accounts, books, vouchers, documents, and all other papers relative to the accounts and contracts of the State, and its revenue, debt and fiscal affairs, not required by law to be kept by some other person.

1847—20—19

His duty.

SEC. 5. It shall be his duty to prepare, digest, and report to the General Assembly, at the commencement of each regular session,

First—A full and detailed statement of the condition of the revenue, and the amount of the expenditures for the preceding fiscal year;

Second—A full and detailed statement of the public debt;

Third—Estimates of the revenue and expenditure for the succeeding year;

Fourth—Such plans as he may deem expedient for the support of the public credit, for lessening the public expenses, for promoting frugality and economy in the public offices, and generally, for the better management and more perfect understanding of the fiscal affairs of the State;

Fifth—A tabular statement showing separately the whole amount of each appropriation of public money made by law, the amount paid under the same, and the unexpended balance, if any;

Sixth—A tabular statement, showing separately the whole amount of money received into the treasury from all sources, in each fiscal year, and the amount received from each parish, and from each source of revenue in each parish.

SEC. 6. It shall also be his duty,

1847—20—20

Further duty of the Auditor.

First—To audit, adjust and settle all claims against the State, payable out of the treasury, except such as may be expressly required by law, to be audited and settled by some other officer or person;

Second—To draw all warrants upon the treasury for money, except only in cases otherwise expressly provided for by law;

Third—To express in the face of every warrant which he may draw upon the treasury for money, the particular fund appropriated by law, out of which the same is to be paid;

Fourth—To audit, adjust and settle the accounts of all Collectors of revenue, and other receivers of the public money, who are required by law, to pay the same into the treasury;

Fifth—To keep an account between the State and the State Treasurer; and to report to the Governor, quarterly, the amount of money in the hands of the Treasurer, belonging to the State;

Sixth—To keep an account of all debts and credits between the State and the United States, and between the State and every State officer, or person with whom the State may have dealings, and of every separate fund in the treasury authorized by law; and to keep an account under appropriate heads of all money which may have accrued for specific purposes;

Seventh—To direct prosecutions in the name of the State, for all official delinquencies in relation to the assessment, collection and payment of the revenue; against all persons who, by any means, become possessed of public money or property, and fail to pay or deliver the same; and against all debtors of the State;

Eighth—To procure from the proper officer, an abstract and description of all taxable lands, within the State; and annually hereafter, abstracts and descriptions of all lands that shall become taxable; and furnish the Assessor of State Taxes, in each parish, on the first Monday of January, annually, a descriptive list of all taxable lands in such parish, and a proper form of an assessment roll for the use of the Assessor;

Ninth—To give information in writing to either House of the General Assembly, whenever required, upon any subject relating to the fiscal affairs of the State, or touching any duty of his office; and to perform all such other duties as may be required of him by law;

Tenth—To have the sole superintendence and direction, under the authority of the United States, of the School Lands; ascertaining that proper locations of the same are made; and when such shall prove not to be the case, by reason of conflictive claims, or natural defects, he shall promptly apply for, and as soon as possible, obtain a relocation of any land that may be so situated.

1847—26—51
1889—98—1

His duty as Auditor of auction sales.

SEC. 7. It shall also be his duty to require all auctioneers in the city of New Orleans to keep, in a book to be provided at their expense, and to be, by the said Auditor, numbered from the first to the last page, a correct and true account of all sales made by them from day to day, showing the date of each sale, the name or names of the seller and buyer, and the amount of the sale;

To call, as often as he may deem proper, on any auctioneer, and require the production of any books or accounts kept by the said auctioneer, in the ordinary course of his business as such;

To examine and compare with the books, the account to be rendered by all auctioneers, and certify the same, under his hand; to copy into a book to be kept by him, the account so examined, and mention the day on which it was presented, and to take and approve the bonds to be executed by every auctioneer.

1839—100—1

To publish auctioneers.

SEC. 8. The Auditor shall publish in the State paper, on the first day of April of each year, the names of all auctioneers who shall then have complied with the provisions of law requiring them to render accounts, &c.

1847—26—53

To issue licenses.

SEC. 9 He shall issue all licenses which the revenue laws of this State require to be obtained by persons pursuing avocations, trades and professions, taxable by the laws of this State.

1847—26—54

To furnish Collectors of Taxes with blank licenses.

SEC. 10. He shall deliver or transmit to each Collector of the revenue, as many blank licenses, bearing the signature of the Auditor, as may be required in each parish or Collector's district; and shall debit such Collector with their amount; and the Collector shall account therefor, and pay into the treasury the amount he may have received for such licenses, or so many as he may have disposed of, and return the balance to the Auditor.

1847—21—21

To audit the accounts of Tax Collectors and others.

SEC. 11. On or before the first Monday of December, annually, the Collectors of the revenue, and all other persons bound by law to pay money into the treasury of the State, shall produce and exhibit their vouchers and documents to the Auditor of Public Accounts, to be audited, adjusted and settled; and the Auditor shall proceed without any unnecessary delay, to audit, adjust and settle the same, and report to the Treasurer the balance found due.

1847—175—63, 64 & 65

Penalty for Collectors of Taxes and others, failing to settle.

SEC. 12. Any Collector of the revenue of the State, or other person bound to pay money into the State treasury, who shall neglect or fail to pay the amount found due by him, into the treasury, within thirty days after it is so due, shall forfeit the commission allowed him by law, and interest at the rate of two per cent. a month, on the amount withheld; to be computed from the time the same ought to have been paid, until actual payment. And the Auditor shall charge such delinquent accordingly, and immediately after such delinquency shall occur, may issue a warrant of distress, directed to the Sheriff or Coroner of the parish where such delinquent may reside, which shall have the force and effect of a writ of fieri facias against such delinquent and his securities.

Distress warrant to be issued.

Duty of Sheriff or Coroner to execute distress warrant.

It shall be the duty of the Sheriff or Coroner to levy and collect the same, together with the forfeiture and penalty stated in the writ, by seizure and sale of the movable and immovable property of the delinquent; and if there be not sufficient property, belonging to him, to satisfy the warrant, then by seizure and sale of the movable and immovable property of his securities. The property seized shall be sold for cash and without appraisement, at the time and place, and in the manner prescribed by law for writs of fieri facias; and the money realized from the sale, shall be paid into the treasury, by the Sheriff or Coroner, within sixty days from the sale, he being authorized to retain two and a half per cent. on the amount collected, as compensa-

Commission of Collector under distress warrant.

tion for all services rendered and expenses incurred, in making the collection, and paying it into the treasury.

1848—106—1

Authorized to make compromise settlements in certain cases.

SEC. 13. Whenever the Auditor shall be satisfied, either from his own knowledge of the fact, or by returns made on executions or writs of fieri facias, that the State cannot make the amount due on the old bonds or obligations, due the State by compulsory process, then and in such case, he is authorized and required to enter into such arrangements, and make such compromises, either with the principals or their securities, as he may think most advantageous for the State, and to cancel such bonds or obligations upon payment of a portion thereof; and he shall report to the General Assembly the action he has taken, and his reasons therefor.

1847—22—25

Claims against the State to be presented to the Auditor.

SEC. 14. All persons having claims against the State, shall exhibit the same, with the evidence in support thereof, to the Auditor of Public Accounts, to be audited, settled and allowed within two years after such claim shall have accrued; and no claim or debt shall be allowed against the State, but such as shall have been exhibited to the Auditor; except only when it shall be proved that the claimant or creditor has vouchers which he could not produce to the Auditor, on account of sickness, unavoidable accident, or absence from the State.

1845—68—26

Attorneys to be appointed to examine into vacant estates.

SEC. 15. The Auditor of Public Accounts is authorized to employ attorneys to examine the proceedings in vacant successions, and absent heirs, and to collect whatever sums should have been paid into the State treasury.

The attorneys thus employed shall be entitled to receive ten per cent. on all sums which they may cause to be paid into the State treasury.

1847—22—26

Authority to examine witnesses on oath.

SEC. 16. Whenever nhe Auditor may think it necessary for the proper settlement of any account, he may examine the parties and others, on oath or affirmation, touching any fact material to be known in the settlement of such account; and for that purpose, may issue subpœnas or commissions; or compel witnesses to attend before him, and g ve evidence in such manner, and by such means as are allowed by Courts of law.

1847—22—27

To preserve accounts, &c., and furnish copies when required.

SEC. 17. The Auditor shall preserve in his office, all accounts, vouchers and documents settled by him; and shall give to any person interested therein, who may require the same, copies thereof, duly authenticated by his official seal.

1847—22—28

SEC. 18. That in all cases of accounts audited and allowed against the State, and in all cases of grants, salaries, pay and expenses al-

lowed by law, the Auditor shall draw a warrant upon the Treasurer for the amount due, in the following form, viz:

No. ——— STATE OF LOUISIANA.

AUDITOR'S OFFICE, ————————.

Form of warrant.

I certify that the sum of ———————— dollars and ——— cents is due by the State of Louisiana to ——————————————, for ——————————, and I do hereby direct that the Treasurer of the State of Louisiana pay to the said ——————————— or order, the sum of ———————— dollars and ——— cents, out of the funds appropriated for that purpose.

————————, Auditor.

1847—23—29

No warrant to be drawn without a previous appropriation.

SEC. 19. No warrant shall be drawn by the Auditor, nor paid by the Treasurer, unless the money to pay the same has been previously appropriated by law; nor shall the whole amount drawn for, or paid under any one head, ever exceed the amount appropriated by law for that purpose.

1847—23—30

Warrants to be regularly numbered and entered in a book.

SEC. 20. The Auditor shall number, progressively, all warrants drawn by him on the Treasury during each year, commencing on the first of January, and ending on the thirty-first of December, for the payment of money, and enter them in a book to be kept for that purpose, in such a manner as to show the number, date and amount of each warrant, the name of the person in whose favor drawn, and for what purpose drawn.

1847—23—31

To refer to the General Assembly matters decided by him, when required.

SEC. 21. It shall be the duty of the Auditor, at the request of any person interested, who may be dissatisfied with his decision on any claim, account or credit, exhibited to him to be audited, adjusted and settled, to refer the same, with his reasons for his decision, to the General Assembly, without delay.

1847—23—32

Valid claims, without appropriations to meet them, to be reported to the General Assembly.

SEC. 22. In all cases where the law recognizes a claim for money against the State, and no appropriation shall have been made to pay the same, the Auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under his official seal, if demanded, and shall report the same to the General Assembly, with as little delay as possible.

1847—23—33

To grant certificate of payment.

SEC. 23. Whenever any person, indebted to the State, on any account whatever, shall present to the Auditor the Treasurer's receipt, for the full payment of the amount due, it shall be the duty of the Auditor to furnish said person with a certificate under his hand and official seal, of his having made full payment of all demands against him in favor of the State.

1853—238—1

To report to the Senate and House an annual list of defaulters.

SEC. 24. It shall be the duty of the Auditor, the first day of the session of each Legislature, to enclose to the President of the Senate, and Speaker of the House, a list of all persons who are defaulters to the State on account of any public moneys; and if, in such list, the name of any member of the General Assembly should appear, the

House to which he may have been returned, shall take such action as may be deemed necessary to carry into effect the twenty-eight article of the Constitution.

1851—193—1

List of defaulters to be published in the State gazette.

SEC. 25. The Auditor shall, semi-annually, on the first of January and September, publish in the daily or weekly State gazette, for two weeks, a list of the names of all persons who were defaulters to the State, for public moneys, at the period of the last settlement required by law, and who may be in default at the time of such publication, together with the amount of defalcation, and on what account; and forward to each Recorder of Mortgages, and President of the Police Jury for the several parishes, a copy of said publication.

1847—24—37

To reside at the seat of government.

SEC. 26. The Auditor shall reside at the seat of government, and shall keep his office in the State House.

1847—24—38

Seal of office.

SEC. 27. He shall keep a seal of office, to be furnished at the expense of the State, which shall be used to authenticate all writings, papers, documents &c., certified from his office.

1847—24—39

Letter book.

SEC. 28. He shall also keep a letter book, in which shall be copied all official letters, which may be written by him.

1847—24—40

Authority to administer oaths.

SEC. 29. He shall have authority and power to administer oaths required and allowed by law, in all matters touching the duties of his office.

1847—24—41

To have access to the books of Treasurer and other officers.

SEC. 30. He shall have free access to the books of the Treasurer, and to all offices of the State, for the inspection of all books, accounts and papers which may concern the duties of his office.

1847—24—43

Auditor to submit his books, accounts, &c., to a joint committee of the General Assembly.

SEC. 31. It shall be the duty of the Auditor to submit all of his books, accounts, vouchers and other official documents in his office to a joint committee of the General Assembly, to be appointed immediately after the commencement of each regular session, for examination and settlement; and whenever, and as often as the General Assembly may think proper to order such examination and settlement.

1847—24—44

General Assembly to appoint a joint committee to examine accounts.

SEC. 32. It shall be the duty of the General Assembly to appoint such committee, at the commencement of each regular session; who shall examine the books, accounts, vouchers and other official documents of his office, and make a full and detailed report thereof to both Houses of the General Assembly.

1847—25—45

Favorable report.

SEC. 33. If the report be favorable, and be approved of by each House, an order shall be made directing the joint committee to cause the proper entries to be made in his books, showing the result of the settlement

1847—25—46

Unfavorable report, proceedings thereon.

SEC. 34. Should the committee make an unfavorable report, and find that he has not performed the duties required of him by law; or that he as been guilty of any misdemeanor in office; and such report be approved of by both Houses of the General Assembly; an order shall be made directing the Governor to cause suit to be brought against him, on his official bond; and to cause him to be prosecuted for a

misdemeanor. On conviction, he shall be suspended from the discharge of the functions of his office, and be incapable of being again appointed or elected thereto.

1847—25—36 & 42

Fine and imprisonment for misdemeanor.

SEC. 35. Should the Auditor knowingly issue any warrant upon the treasury or Treasurer, not authorized by law, or should he willfully neglect or refuse to perform any duty enjoined by law, or be guilty of any oppression or extortion in the performance of any legal duty, or receive any fee or reward for the performance of any legal duty, not allowed by law, or should he, by color of his office, knowingly do any act not authorized by law, or in any other manner than is required by law, or illegally use or misapply any money belonging to the State, he shall be deemed guilty of a misdemeanor in office; and upon conviction, be fined not less than one thousand dollars, and imprisoned not less than five years.

1847—25—47

Vacancy temporarily filled.

SEC. 36. In case of death, sickness absence from the State, removal from office, resignation or impeachment, the Governor shall appoint an Auditor of Public Accounts for the time being, until a successor can be elected according to law, or until such absence or disability shall cease.

1847—25—48

Auditor pro tem. to give bond, &c.

SEC. 37. The person appointed under the provisions of the preceding section, shall give the same bond and security, and receive the same compensation allowed by law to the officer whose duty he is appointed to perform, in proportion to the time he shall hold the office; and in all cases, the sum allowed him shall be deducted from the salary of the officer whose office he may have been appointed to fill temporarily.

Governor to order an election to fill vacancy.

SEC. 38. In case the office of Auditor should become vacant, it shall be the duty of the Governor, forthwith, to order an election, according to law, to fill the vacancy for the unexpired term.

1847—25—49

Accounts of Auditor pro tem. to be settled.

SEC. 39. Immediately after the election and qualification of the Auditor, or the resumption of his duties, if in the mean time an Auditor pro tempore shall have been appointed, the General Assembly, if in session, if not, the Governor shall cause a settlement of the accounts of the Auditor pro tempore remaining unsettled, and cause a certificate of such settlement to be made out and delivered to the person entitled thereto; showing the balance, if any, of money, securities and effects, for which he is accountable; and what has been delivered to his successor.

1848—88—1

Salary.

SEC. 40. The Auditor of Public Accounts shall receive an annual salary of four thousand dollars, to be paid quarterly upon his own warrant upon the Treasurer of the State.

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See REVENUE LAWS,

Auctioneers of New Orleans and Jefferson to render quarterly accounts; and throughout the rest of the State, annual accounts. See AUCTIONEERS, *Secs.* 14, 15 and 17.

BANKS.

CONSTITUTIONAL PROVISIONS.

FREE BANKS ESTABLISHED.

CONSTITUTIONAL PROVISIONS.

Article 108. The State shall not subscribe for the stock of, nor make a loan to, nor pledge its faith for the benefit of any corporation or joint stock company, created or established for banking purposes.

The State not to make a loan to any banking corporation.

Art. 118. Corporations with banking or discounting privileges may be either created by special acts, or formed under general laws; but the Legislature shall, in both cases, provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Banking corporations may be established by general or special laws.

Art. 119. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

The Legislature not to have power to sanction a suspension of specie payments.

Art. 120. In case of insolvency of any Bank or Banking Association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such Bank or Association.

In case of insolvency, the bill holders to be paid by preference.

FREE BANKS ESTABLISHED.

1853—301—1
Free Banking authorized.

SECTION 1. Any person, or association of persons, or corporation formed in compliance with the following provisions, may transact the business of Banking in this State, and establish offices of discount, deposit and circulation for that purpose, upon the terms and conditions, and subject to all the liabilities and penalties herein prescribed.

1853—301—2
Powers granted.

SEC. 2. Bankers and Banking corporations, carrying on the business of Banking, shall have power to discount bills, notes and other evidences of debt, to receive deposits, to buy and sell gold and silver bullion, foreign coins and bills of exchange; to lend money on real and personal security, and to exercise all incidental powers necessary to carry on the business; but the aggregate amount of the capital stock of the banker or corporation, shall not be less than one hundred thousand dollars.

1853—301—3
Number of persons necessary for banking.

SEC. 3. Any person or persons more than five, associating themselves for the purpose of banking may constitute themselves a corporation, with power and authority:

Powers of banking corporations.

1st. To have and enjoy succession by a corporate name, to be selected by themselves, for a period that shall be expressed and limited in the articles of association, not exceeding twenty years; and by that corporate name, to sue and be sued, plead and be impleaded, appear, answer and prosecute, in any and all Courts of justice and elsewhere.

2d. To hold, receive, purchase and convey, by and under their corporate name, such property, real and personal, as may be indispensable to the objects of the association. The real estate which such corporation may lawfully purchase, hold and convey, shall be: First, such as may be necessary for the proper transaction of their business; secondly, such as shall have been mortgaged to them in good faith, as security for loans; thirdly, such as shall be conveyed to them in satisfaction of debts previously contracted, bona fide, in the course of their business; and fourthly, such as they may purchase at sales under judgments or mortgages, held by themselves, or in which they may have an interest, by being subrogated to rights according to article two thousand one hundred and fifty-seven of the Civil Code; but they shall not have power to hold any real estate acquired in any way, except such as may be acquired for the transaction of their business, for a longer time than five years.

3d. To make and use a corporate seal, to be described in the articles of association.

4th. To name and appoint such Managers and Directors to administer the affairs of the corportion, as they may think necessary and

proper, the number and style of such Directors or Managers being described in the articles of association; and to fix the compensation of all persons in their employment. All the Managers and Directors shall be citizens of this State.

5th. To make and ordain such by-laws for the proper management of the affairs of the corporation, as may be necessary and proper, and in conformity with the provisions of law, the articles of association, and such by-laws to repeal, alter and amend at pleasure.

1853—302—4

For organization of corporations.

Act to be recorded.

Auditor to be furnished with a copy.

Notice to be given by publication.

SEC. 4. They shall be organized by written articles of association, executed by a notarial act, and recorded in the office of the Recorder of Mortgages, or other officer exercising the functions of Recorder of Mortgages, at the place named in the act as the place of business or domicil of the corporation; a certified copy of the same shall be deposited in the office of the Auditor of Public Accounts; it shall also be published once a week, for four weeks, in the official journal of the State, and if the official journal of the State should not be a newspaper in the city of New Orleans, the act shall also be published for the same time in at least one daily newspaper of the city of New Orleans and also in a newspaper at the place named in the Act as the place of business, if there be one published there. A duly certified copy of the record of such an act may be used as evidence for and against such corporations.

1853—303—5

Contents of act of incorporation.

SEC. 5. The act thus recorded and published, shall contain and set forth, under the signatures of the subscribers and associates, the name assumed to distinguish such Banking Company, and to be used in its dealings; the place where the banking business of such association is to be carried on, designating the particular parish and city or village in the State; the amount of the capital stock of the Banking Company, and the number of shares into which the same shall be divided; the names and places of residence of the shareholders, the number of shares held by each of them respectively, and the time when, and manner in which payments on stock subscribed shall be made; the period at which the association shall commence, and the period of its duration; the number of its Directors and Managers, the mode of election and liquidation at the end of the term. The same may also provide for an increase of the capital and of the number of associates, and for any modification, addition or alteration in the articles of association.

Every increase, modification, alteration or addition shall be submitted to a general meeting of the stockholders, held after thirty days' notice, and shall be approved by two thirds of the amount of the capital stock; and shall be executed, recorded and published as provided for the original articles.

1853—303—6

Stock subscribed when to be paid.

SEC. 6. All stock subscribed to any Banking Company, under this Act, must be paid up in full, in specie, within twelve months after the Company shall commence business.

1853—303—7

Restriction as to loans to stockholders.

SEC. 7. No loans by any Banking Company shall be made to any of its stockholders, on a pledge of its own stock.

1853—303—8

Shares of stock to be personal property; how transferable.

SEC. 8. The shares of the Banking Companies shall be personal property, and shall be transferable upon the books of the same in such manner as the by-laws may direct; but no shareholder therein shall be liable for its debts and contracts to a greater amount than the whole of his shares therein.

Liability of stockholders.

Unincorporated Bankers shall be liable to the full amount of their obligations and contracts. The liability as stockholders, shall apply not only to such persons as appear by the books of the Company to be such, but also to every equitable owner of stock, although the same may appear upon the books in the name of another person; also to every person who shall have advanced the instalments, or purchase money of any stock in the name of a person under twenty-one years of age, and while such person remains a minor; and also to every guardian who shall voluntarily invest funds in such stock.

No trust funds shall be liable for the corporate debts; the guardian or trustee shall be personally liable, until the person beneficially interested becomes competent to control and dispose of the same, and for sixty days thereafter. But when a guardian or trustee holds such stocks under a transfer from a third person in good faith, or by positive directions to make such investment, the person so transferring, or giving directions, or his estate, if he be deceased, shall be responsible for the debts and liabilities chargeable on the stock.

1853—304—9

Stockholders how exonerated from liability.

SEC. 9. The Stockholders shall be exonerated from any responsibility in respect to stock duly transferred on the books of the association, in good faith, and without intent to evade such responsibility, before default has been made by the Company in the payment of its debts. The assignee shall succeed to the same responsibilities as though he had been owner of the stock at the time of contracting the debt or liability for which the stockholders are responsible, and the same rule of responsibility shall prevail in regard to all subsequent assignees.

Liability of assignees of stock

1853—304—10

Charters how forfeited.

Proceeding in case of forfeiture.

SEC. 10. Every Banking Company established under this Act, shall, on proof of any act of insolvency, or non compliance with any of the conditions of this Act, forfeit its corporate rights, and it shall be the duty of the District Court of the district in which such corporation is situated, at the instance of any creditor, or of the Auditor of Public Accounts, and on proof of the alleged facts, to decree such forfeiture, and to appoint thereupon Commissioners to effect the liquidation of the affairs of the corporation; to convert into cash, as

speedily as may be, under the direction of the Court, all the assets of the corporation, including the sum that may have remained unpaid by stockholders upon their respective shares of the capital stock; and after providing, according to Article one hundred and twenty of the Constitution, for any unpaid balance which may be due to the bill-holders, to distribute the same as now provided by law, in case of insolvencies of individuals.

1853—304—11

Duty of Auditor in causing to be engraved circulating notes.

SEC. 11. The Auditor of Public Accounts is authorized and directed to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes, in blank, of the different denominations not less than five dollars each, which are authorized to be issued by the incorporated Banks of the State, as he may from time to time deem necessary.

Auditor to countersign, number and register all notes.

The blank circulating notes shall be countersigned by the Auditor, and numbered and registered in his office; so that the notes of each denomination of such circulating notes issued to the same Banker or Banking Company shall be uniform.

Notes, their form and device.

All such circulating notes, of every denomination, shall be stamped upon their face, "Secured by pledge of Public Stocks." The form and devices of such circulating notes may be selected by the Bankers and Banking Companies who may be entitled to receive them from the Auditor; but the device for receiving the signature of the Auditor, and the number herein directed to be put upon such notes by him shall be uniform.

Duty of Auditor.

1853—304—12

Notes to be delivered to the Banks.

SEC. 12. Banks and Banking Companies established under this Act, upon legally assigning to, and depositing with the Auditor, the bonds or evidences of debt of the United States; bonds of this State; bonds of the consolidated debt of the city of New Orleans, authorized and secured by the thirty-seventh section of the Act "to consolidate the city of New Orleans, and provide for the Government and administration of all its affairs," approved February the twenty-third, eighteen hundred and fifty-two, and the fifth section of the Act approved February the twenty-third, eighteen hundred and fifty-two, entitled, "An act supplementary to an act to consolidate the city of New Orleans, and providing for the incorporation of the city of Lafayette with the city of New Orleans;" bonds which may be issued by the city of New Orleans, under the provisions of an "act to authorize the city of New Orleans to subscribe to the stock of the New Orleans, Jackson and Great Northern Railroad Company," approved March 15th, 1854; or the bonds which may be issued by said city under the provisions of an act to authorize the city of New Orleans to subscribe to the stock of the New Orleans, Opelousas and Great Western Railroad Company, approved March 15th, 1854, shall be entitled to receive from the Auditor an equal amount of circulating

1854—151—1

notes in blank, of the denominations such as they may prefer, numbered, registered countersigned and stamped as aforesaid. But such public stocks shall always be, or be made equal to stock of this State, bearing not less than six per cent. interest; and it shall not be lawful for the Auditor to take the bonds at a rate above their par value, or above their market value.

Auditor—restrictions of, in taking stocks.

1853—305—8

Auditor—duty of, as regards the interest on bonds and stocks.

SEC. 13. The Auditor shall collect, at the regular periods, the interest that shall accrue upon the bonds and stocks deposited with him as security for the circulating notes; and shall pay over the same, on demand, to the parties from whom they were received, so long as the market price of the bonds and stocks does not fall below the rate at which they were taken by him. In the event of such a depreciation, the Auditor is authorized and directed to retain the interest until the securities shall recover their full value, as stated in their receipt on deposit, or until such further deposit shall be made as will fully make good the amount for which the circulating notes were issued. And the Auditor is further empowered, in case of such depreciation in the securities deposited, to require from the Banker or Banking Company either an additional deposit of bonds, to make up fully the original security for the notes issued, or the return and surrender, by the parties depositing, of so much of the circulation received from the Auditor, as will make good the deficiency of security produced by such a fall in the market value of the deposited securities; and on the failure of any Banker or Banking Company to comply with such demand within twenty days after it shall be made, all the privileges acquired under this Act shall be forfeited; and the Auditor shall immediately take the proper steps to cause the affairs of the defaulting Banker or Banking Company to be liquidated, as provided in cases of insolvency.

Auditor—duty of, in case of the depreciation of security.

Auditor—when to institute proceedings against Banking Companies.

May appeal to the District Court.

But the Banker or Banking Company shall have the right to appeal from the decision of the Auditor, within ten days, to the District Court of the place where the Banking Company or Banker have their domicil; and the Court is required to hear and determine the issue, in preference to all other cases, either in open court or in chambers, and the decision of the District Court may be appealed from to the Supreme Court then in session, at such time as may be fixed by the District Court, in order to have the same as speedily disposed of by the Supreme Court, as the interest of the parties and the public may require; and provided further, that during the pendency of the appeal, all proceedings of the Banker or Banking Companies as such shall be suspended.

Manner of determining proceedings.

1858—305—4

Securities, for what purpose held exclusively, when and how the same may be changed or cancelled.

SEC. 14. All the securities deposited with the Auditor shall be held exclusively for the redemption of such circulating notes as have been issued thereupon; but he may, on application of the depositors,

change and retransfer them, on receiving the amount of securities of equivalent value, receivable under this law, or on receiving and cancelling an equivalent amount of the circulating notes for which they were pledged or deposited. He may also receive and cancel any mutilated notes and issue in exchange other circulating notes of a corresponding amount, but the notes thus received shall be recorded and preserved as vouchers, until the annual examination of the Legislative Committees.

Mutilated notes.

1853—306—15

Description of the securities deposited to be filed with the Auditor and Treasurer.

SEC. 15. Whenever the securities shall be assigned to, and deposited with the Auditor, in the manner aforesaid, a full description of the same, signed by the Auditor and the parties assigning and depositing the same, shall be filed and recorded in the office of the Auditor, and also in the office of the Treasurer of the State; and every change, transfer or substitution of the same shall be described, filed and recorded in the same manner.

Securities to be delivered to the Treasurer.

Re-delivery of securities.

The securities shall be delivered to the Treasurer for safe keeping, on his receipt to the Auditor for the same; and any delivery of the same to the Auditor for any of the purposes of this Act, shall be made on a written order of the Auditor, specifying the purposes for which they are required; which order shall be filed and recorded in the Treasurer's office, with the Auditor's receipt for the securities, or any portion of them delivered to him. A report from the Auditor of every sale and disposition of the securities, shall also be filed in the office of the Treasurer.

1853—306—16

Penalty for Auditor countersigning bills beyond the amount of stocks deposited.

SEC. 16. It shall not be lawful for the Auditor to countersign bills for any Banker or Banking Company to an amount in the aggregate beyond the amount of stocks or bonds deposited at their rate of value estimated under this law. A violation of this provision shall subject the Auditor, on conviction, to a fine of five thousand dollars, and imprisonment for ten years, at hard labor.

1853—306—17

Plates, &c., to be kept by the Auditor.

Expenses of engraving, &c., to be paid by the banks.

SEC. 17. The plate, dies and materials procured by the Auditor for the engraving and printing of the circulating notes, shall remain in the custody and under the direction of the Auditor. The necessary expenses incident to procuring the plates, dies and materials, the printing, numbering, countersigning and registering of the same, shall be paid by the respective Bankers and Banking Companies for whose use they were incurred, before the notes shall be delivered by the Auditor. He is further authorized to charge and receive from every Banker and Banking Company such rate per cent. as may be sufficient to defray his or their equitable proportion of the general expenses incident to the execution of this Act.

1853—306—18
Form of the circulating notes of corporations.

SEC. 18. Bankers and Banking Companies, receiving such bank circulating notes from the Auditor are authorized to execute and sign them in such manner as to make them obligatory in law as promissory notes, payable to bearer on demand, and without interest, at the place of business of the Banker or Banking Companies, and not elsewhere, except as otherwise provided by this Act; and may circulate and use the same as money, according to the general course of banking business as defined in this Act, and regulated by the laws and usages of the State. All circulating notes shall be signed by the Banker and his Cashier, or by the President and Cashier of the Banking Company issuing them, and by no other person whatever for them; provided that no individual, firm or corporation, except the legally chartered Banks now existing, shall issue and circulate as money any note except such as are authorized by this Act, under a penalty of one thousand dollars, to be recovered with costs of suit, one-half of such penalty for the use of any person who shall sue for the same to a final judgment.

Penalty for persons not authorized issuing notes and circulating the same as money.

1853—307—19
Proceedings to be had on failure to pay specie on demand.

SEC. 19. In case the maker of any note, countersigned, registered and issued as aforesaid, shall at any time within the usual hours of business, at the place where the same is made payable or redeemable, refuse to pay or redeem the same on demand in lawful money of the United States, the owner of such note may cause it, or so many of such notes as he may present and demand payment of, to be protested for non-payment; and the Auditor, on receiving and filing such protested notes, shall forthwith give notice to the makers of the notes to pay the same, and all costs; and if they shall omit to do so for three days after the service of the notice, the Auditor shall thereupon give public notice, through the official journal of the State and one other daily newspaper in the city of New Orleans, and if the official journal be not published in the city of New Orleans, in at least two daily journals published in the city of New Orleans, and also in the newspaper published in the place of business of the makers of such notes, if out of the city of New Orleans, if there be one published there, that all the circulating notes, issued by the makers of the notes, will be redeemed by him, out of the trust funds deposited in his hands.

Auditor to give public notice.

1853—307—20
Proceedings to be had whenever a notice of protest for non-payment of any notes shall be deposited in the District Court.

SEC. 20. Whenever a notice of protest for non-payment of any note, as described in the preceding section, shall be lodged in the District Court, verified by the affidavit of the creditor, that the amount is still due and unpaid, the Court shall forthwith issue a writ of sequestration, and appoint a receiver to take charge of all the assets of the Banker or Banking Company, and place his seal upon the same, to await the further action of the court; and the court shall forthwith issue a rule requiring the Banking Company or Banker issuing the note to show cause within ten days why the note was not paid on presentation; and in case, on the hearing of the rule,

the respondent should fail to show cause, it shall be the duty of the court to pronounce judgment of insolvency, and proceed to provide for the liquidation of the affairs of the Banker or Banking Company.

1853—307—21

All transfers prohibited after protest.

SEC. 21. No Banker or Banking Company shall, after the protest of his or their note, make any assignment, transfer, conveyance or sale of his or their property or assets; every such assignment, transfer, conveyance or sale shall be null and void, and every Banker, President, Director, Manager and Officer assisting to such assignment, transfer, conveyance or sale of such property or assets shall be personally liable in full for all the debts of the Company; and may be adjudged guilty of a misdemeanor and punished on conviction by fine and imprisonment. The protest of the notes first protested shall constitute a lien for the benefit of the creditors of the Bank upon all the assets of the Bank not in the hands of the Auditor.

1853—308—22

Auditor in certain cases to proceed to sell the securities deposited with him.

SEC. 22. The Auditor immediately on giving the public notice of the non-payment of any protested bills or notes, shall proceed to advertise for sale at public auction, in the city of New Orleans, the stocks or bonds deposited with him by the maker or makers of the protested notes. The advertisement shall be published at least twice per week for four weeks in two daily newspapers printed in the city of New Orleans. On the day of sale, which shall not be less than thirty days from the first advertisement, he shall cause the securities to be sold for cash under his own supervision, and shall, after deducting the expenses of such advertisement and sale, apply the proceeds to the redemption pro rata of all the notes in circulation, whether protested or not, made and put into circulation by the maker or makers of such protested notes. Nothing in this Act shall be considered as implying any pledge or undertaking on the part of the State for any payment beyond the faithful application of the securities deposited with the Auditor.

Distribution of the proceeds of sales of securities.

1853—308—23

Duty of Auditor in distributing the proceeds.

SEC. 23. If the proceeds of the sale of the securities should exceed the amount required to redeem and pay the circulating notes aforesaid in full, the Auditor shall pay over such excess into the general fund of the assets of the insolvent Banker or Banking Company; but if the proceeds of such sale should be insufficient to provide in full for the circulating notes, and he should declare a distribution pro rata thereupon, he shall forthwith furnish in writing to the commissioners or liquidators of the insolvent, a certificate in writing, of the amount of the deficiency; which certificate shall be legal notice to them to reserve out of any assets of such insolvents, which may be in or come into their hands, an amount sufficient to provide for such deficiency; and he shall further furnish to every holder of any note or notes presented to him for redemption, and redeemed in part, a certificate of the amount unpaid on such notes, and such certificate

Manner of making up deficiency in amount of notes.

shall entitle the holder to payment of the amount therein designated in full out of the assets of the insolvents herein directed to be reserved, if the assets should be sufficient to pay all of the notes in full; or ratably if they should not be sufficient, in preference to any other claims and debts whatever, except the costs of liquidation.

And should the proceeds of the sale of the securities be insufficient to redeem all the notes put in circulation by any corporation established by this Act, then the stockholders of the corporation shall be liable for the full amount of all unredeemed notes in the ratio of the stock which each one may own.

1853—308—24

Damages due holders of protested paper.

SEC. 24. The holder of any circulating note, which may have been protested for non-payment, shall be entitled to damages at the rate of twelve per cent. per annum, in lieu of interest, until final payment, payable out of the general fund of the insolvent party.

1853—308—25

Rates of interest and discount chargeable by corporations.

SEC. 25. Bankers and Banking Companies, doing business under this Act, shall be entitled to charge and receive discount at a rate not greater than the maximum allowed by law on conventional obligations; and their other contracts shall be regulated by the laws in regard to interests upon contracts between individuals.

1853—309—26

Banks required to keep specie on hand, equal to one-third of their circulation.

SEC. 26. Every Banker or Banking Company doing business under this Act is required, in addition to securities for circulation deposited with the Auditor, to have on hand at all times, in specie, an amount equal to one-third of all their other cash liabilities, and for the other two-thirds of said liabilities, an equal amount in specie, specie funds, bills of exchange or discounted paper, maturing within ninety days and not renewable.

1853—309—27

Penalty for not keeping sufficient specie on hand.

SEC. 27. If at any time the specie, specie funds and short paper, held by such Banker or Banking Company, should fall below the proportions to cash liabilities prescribed in the preceding section, and shall remain so for a space of ten days, it shall not be lawful thereafter for such Banker or Banking Company to make any loan or discount whatever until its or their position is re-established according to the terms of the preceding section.

A violation of this provision shall be held to be an act of insolvency, and the Auditor shall cause the necessary steps to be taken for liquidation of the affairs of such Banker or Banking Company as in cases of insolvency; and every Director or Manager of a Banking Company, who may participate in, or assent to such a violation, shall become individually liable for all its debts and obligations.

1853—309—28

Banks in the country to have an agency in New Orleans.

SEC. 28. Every Banker and Banking Company out of the city of New Orleans, doing business under this Act, and issuing circulating notes as herein authorized, may keep an office or designate an agency in the city for redemption of their notes. The appointment of such officer or agent shall be made in writing and filed with the Auditor, with the Board of Currency and in the office of the Recor-

der of Mortgages in which the charter is filed. But nothing herein contained shall be so construed as to authorize such Banker or Banking Company to refuse to redeem its notes at the counter of the principal Bank.

1853—309—29

Duty of Board of Currency.

SEC. 29. The Board of Currency, as now established, or as it may be organized hereafter by law, shall supervise the execution of this Act, and possess all the powers and perform all the duties which are conferred or imposed upon them by the laws in regard to incorporated or other Banks. They may examine the affairs of Bankers and Banking Companies, doing business under this Act, whenever they may deem it necessary to do so, and shall require from them weekly statements, verified upon oath by the Banker and his Cashier, or by the President and Cashier; which weekly statement shall give the following particulars of the affairs of the Bank: 1st, Capital paid in; 2d, The amount of stock deposited with the Auditor, with a list of the same, and the rate at which they were received for circulating notes; 3d, Amount of investments in real estate; 4th, Amount of investments on loans having longer than ninety days to run, distinguishing whether on mortgage or otherwise, or loans on stocks, and what stocks; 5th, Suspended debt and protested paper; 6th, All other assets not realizable in ninety days; 7th, Loans on paper maturing in ninety days; 8th, Exchange, domestic and foreign; 9th, Deposits; 10th, Circulation; 11th, Other cash liabilities; 12th, Specie and cash assets; stating each item separately.

Board of Currency to make weekly statements.

1853—310—30

Monthly publication of tatements.

SEC. 30. The statements shall be regularly filed in the office of the Board of Currency; and on the last Saturday of every month shall be signed by the Board of Currency, and published in the official journal on the first Wednesday of every month. The Board of Currency shall prescribe for each Banker or Banking Company, a period within which their weekly reports shall be furnished to the Board; and the monthly statement published by the Board of currency shall include the last weekly statement duly received from every such Banker or Banking Company.

Time to be prescribed for furnishing statements.

1853—310—31

List of stock to be furnished monthly.

SEC. 31. A list of the stockholders in every Banking Corporation doing business under this Act, verified by the oath of the President or Cashier, shall be furnished monthly to the Board of Currency, but need not be published with their monthly reports.

1853—310—31

Joint committee of the Houses to be annually appointed by the Legislature.

SEC. 32. The Legislature shall annually appoint a joint committee of the two Houses, whose duty it shall be to examine the securities deposited by Bankers and Banking Companies, together with all books and papers relating to the business of Banking under this act; also to count all the circulating bills which may have been returned by any Banker or Banking Company; and after comparing them with the books to cancel and destroy the same, giving the Auditor a sufficient certificate for the same; and generally to make such investiga-

tions as they may deem proper to enable them to report a true statement of the condition of the Banks operating under this law.

1853—311—31
Powers of Banks.

SEC. 33. All Banks hereby established, shall be banks of deposit and discount, as well as Banks of circulation.

1853—311—35
Tax on stock.

SEC. 34. Bankers and Banking Companies, doing business under this act, shall be taxed upon their capital stock at the same rate as other personal property under the laws of this State.

1853—311—36
When securities deposited may be delivered to the Bank which has deposited the same.

SEC. 35. Whenever any Banker or Banking Company shall have redeemed eighty per cent. of its notes, and delivered to the Auditor a certificate of a deposit to the credit of the State Treasurer in such Bank as the Auditor may approve, to an equal amount with the circulating notes still unredeemed, it shall be lawful for him to receive the same and give up all securities therefor deposited by such Banker or Banking Company, for the redemption of the circulating notes issued.

1853—311—37
Notice to holders of notes to present the same to the Auditor.

Notes not presented in one year, to be paid out of the Bank fund.

SEC. 36. Such Banker or Banking Company, after having complied with the provisions of the preceding section, may give notice once a fortnight for one year, in the State paper, also in a paper published in the city of New Orleans, and in a paper published in the parish in which the Banker or Banking Company has its or their domicil, if any paper be published therein, that all the circulating notes issued may be presented at the Auditor's office within one year from the first publication of such notice, or that the funds deposited will be given up to such Banker or Banking Company; and on receiving satisfactory proof of giving notice for the time aforesaid, the Auditor shall surrender to the Banker or Banking Company any funds which he may hold for the payment of the unredeemed notes.

1853—311—38
Clerks to be employed by the Auditor; their compensation.

SEC. 37. The Auditor of the State shall have authority, with the approval of the Governor, to employ in his office such additional clerk or clerks as he may deem necessary in order to execute the duties imposed upon him by this act; and to pay such compensation therefor as he may deem sufficient, the same to be paid by a general assessment upon the Bankers and Banking Companies, for whom the services were performed.

1853—311—39
Salaries and contingent expenses of the Board of Currency.

SEC. 38. The salaries and contingent expenses now allowed by law to the Board of Currency, shall be assessed upon all Banks subjected to their supervision under this act, as well as upon the incorporated Banks, and paid in the same proportion and in the same manner.

1853—264—1
Auditor's compensation for signing notes

SEC. 39. The Auditor shall be entitled to demand three cents for each bank-note, which shall be countersigned, numbered and registered in his office.

1845—34—8
Mode of transfer of stock by executors or heirs of deceased persons who had not been residents.

SEC. 40. Whenever any person permanently residing without the State, shall die, being the owner of any bank stock in any of the incorporated Banks in this State, except the property Banks, it shall

be lawful for his heirs, executors or representatives, to sell and transfer any or all stock so held upon the books of the Bank, or in any other manner recognized by the charter of the Bank, without the necessity of having themselves recognized as such, by, or obtaining from any court in this State, a decree for the sale and transfer of all or any of the bank stock, and no State tax prescribed in cases of succession shall be applicable to such stock.

1842—62—26

Penalty for bartering or trading in produce or stocks.

SEC. 41. All the banks of this State are prohibited from buying, selling, bartering, or trading for cotton, sugar, or any other produce; and for any infraction of the provisions of this section, the bank shall forfeit a sum not exceeding five thousand dollars; and every director assenting thereto, shall be fined not exceeding one thousand dollars, and shall be responsible for all damages.

See BOARD OF CURRENCY.

BATTURE.

1853—298—1

Batture not necessary for public use, may be taken possession of by the owner.

SECTION 1. Whenever the riparian owner of any property in the incorporated towns and cities in this State, is entitled to the right of accretion, and batture has been formed in front of his land, more than is necessary for public use which the corporation withholds from him, he shall have the right to institute suit against the corporation for so much of the batture as may not be necessary for public use; and if it be determined by the Court, that any portion of the batture be not necessary for public use, it shall decree that the owner is entitled to the property, and shall compel the corporation to permit him to enjoy the use and ownership of such portion of the batture.

See CIVIL CODE, *Art.* 501 *et seq.*

BILLS AND PROMISSORY NOTES.

SECTION 1. No Bill of Exchange, Promissory Note or other obligation for the payment of money, made within this State, shall be

1825—58—2 & 3

Bills and Notes how to be written.

received as evidence of debt, when the whole sum in such Bill of Exchange, Promissory Note or other obligation shall be expressed in figures, unless the same shall be accompanied by proof that it was given for the sum therein expressed to be due or payable; the cents or fractional parts of a dollar, may be in figures.

1838—44—1

Damages on protested bills.

SEC. 2. The rate of damages to be allowed and paid upon the usual protest for non-acceptance or non-payment of Bills of Exchange drawn or negotiated within this State, shall be as follows: on all Bills of Exchange drawn on and payable in foreign countries, ten dollars upon the hundred upon the principal sum specified in such bills; on all bills of Exchange drawn on and payable in any other State in the United States, five dollars upon the hundred upon the principal sum specified in such bill.

1838—44—2

What interest allowed.

SEC. 3. The damages shall be in lieu of interest, charges of protest, and all other charges incurred previous to, and at the time of giving notice of non-acceptance or non-payment; but the holder of such bill shall be entitled to demand and recover lawful interest upon the aggregate amount of the principal sum and of the damages thereon from the time at which notice of protest for non-acceptance or non-payment shall have been given, and payment of such principal sum shall have been demanded.

1838—44—3

Principal and damages how ascertained, when in United States currency.

SEC. 4. If the contents of the bill be expressed in the money of account of the United States, the amount of the principal and of the damages herein allowed for the non-acceptance or non-payment, shall be ascertained and determined, without any reference to the rate of exchange existing between this State and the place on which such bill shall have been drawn at the time of the demand of payment or notice of non-acceptance or non-payment.

1838—44—4

When the amount is expressed in a foreign currency, damages how ascertained.

SEC. 5. If the contents of the bill be expressed in the money of account or currency of any foreign country, then the principal, as well as the damages payable thereon, shall be ascertained and determined by the rate of exchange; but whenever the value of such foreign coin is fixed by the laws of the United States, then the value thus fixed shall prevail.

1838—44—5

Days of public rest.

SEC. 6. The following shall be considered as days of public rest in this State, namely: the first January, eighth January, twenty-second February, fourth July, twenty-fifth December, Sundays and Good Friday; all promissory notes and bills of exchange shall be due and payable on the second day of grace, when the third is a day of public rest; and on the first day of grace, when both the second and third are days of public rest; in computing the delay allowed for giving notice of non-acceptance or non-payment of a bill of exchange or promissory note, the days of public rest shall not be counted; and if the day or two days next succeeding the protest for non-acceptance

or non-payment shall be days of public rest, then the day next following shall be computed as the first day after the protest.

1821—44—1

Notaries to keep a record of protests and notices.

SEC. 7. Notaries and Parish Recorders shall keep a separate book in which they shall transcribe and record by order of date, all the protests by them made, with mention of the notices which they shall have given of the same, to the drawers or endorsers thereof, together with the names of the drawers or endorsers, the date of the notices, and the manner in which they were served, or forwarded to the drawers and endorsers; which declaration, duly recorded under the signature of the Notary Public or Parish Recorder, and two witnesses, shall be considered and received in all courts of this State as a legal proof of the notices.

1827—76—1

Protests how made and notices given.

SEC. 8. All Notaries or persons acting as such, are authorized in their protests of bills of exchange, promissory notes or orders for the payment of money, to make mention of the demand made upon the drawer, acceptor or person on whom such order or bill of exchange is drawn or given, and of the manner and circumstances of such demand, and by certificate added to such protest, to state the manner in which any notices of protest to drawers, endorsers or other persons interested were served or forwarded; and whenever they shall have so done, a certified copy of such protest and certificate shall be evidence of all the matters therein stated.

1827—76—2

Notices of protest when to be put in the post office.

SEC. 9. Whenever the drawer, acceptor, endorser or others shall not reside in the town or city where protest shall be made, it shall be the duty of Notaries or others acting as such, to put into the nearest post office where the protest is made, a notice of the protest to such drawer, acceptor, endorser or others, addressed to them at their domicil or usual place of residence.

1827—76—3

Notice how given when the residence is unknown.

SEC. 10. Whenever the residence of any drawer, acceptor, endorser or others shall be unknown to the Notary or other person acting as such; and whenever after using all due diligence to obtain the necessary information thereon, the residence shall not have been found, then and in such case, it shall be the duty of the Notary or other person acting as such, to put the notice of such protest in the nearest post office where the protest was made, addressed to the drawer, acceptor, endorser or others, at the place where, as it shall appear by the face thereof, such bill of exchange or promissory note was drawn; and the same shall be deemed and considered legal notice of such protest.

1823—83—2

Notaries in New Orleans, authorised to protest throughout the parish.

Justices of the Peace may protest in certain cases.

SEC. 11. Notaries Public in the city of New Orleans are empowered to protest bills of exchange, notes, and other negotiable effects throughout the parish of Orleans; and in default of Notaries and Parish Recorders, in the country, any Justice of the Peace may protest promissory notes and bills of exchange in the presence of two persons,

residing in the parish, who shall certify and subscribe the same as witnesses.

1821—44—8
Endorsers of accommodation notes liable as drawers in certain cases.

SEC. 12. Whenever promissory notes are endorsed for the benefit of the drawer or drawers thereof, and the same is mentioned on the notes, if the drawer or drawers cause the notes to be discounted in any bank in operation within this State, or obtain any sum of money in consideration of the notes from any person, the endorsers shall be bound towards the bearers of the notes, as if they had been discounted or negotiated for their own account and benefit.

1805—98—3
Days of grace.

SEC. 13. Upon all bills of exchange and promissory notes made negotiable by law, or by the usage and custom of merchants in this State, three days of grace shall be allowed.

Election of domicil for the payment of bills and notes. See DOMICIL.

BIRTHS AND DEATHS.

1811—74—1
Births and deaths to be recorded.

SECTION 1. It shall be the duty of the parish Recorders of this State, to record all births of white persons in a book bound and kept for that purpose, by order of dates; and likewise to record all deaths of white persons in another book, kept in the same manner.

1811—74—2
Declaration of births when to be received.

SEC. 2. They shall receive declarations of births within eight days from the birth; they may, however, extend that delay to three months after the birth, when a declaration could not be made sooner on account of the persons who are to make the same, living at a distance, or being prevented so to do by sickness or other lawful impediment.

1811—74—3
Declaration by whom made.

SEC. 3. The birth of a child shall be declared by his father, or in case the father could not make the said declaration, by any other person who may have been present at the birth of the child; and the said declaration shall be immediately recorded in the presence of two witnesses.

1811—76—4
Record what to contain.

SEC. 4. The record shall contain the day, hour and place of birth, the sex of the child, and the first name or names given to the child, the first name or names, profession and residence of the father and mother, and the names of the witnesses.

SEC. 5. Deaths shall be recorded upon the declaration of two witnesses, who shall be, if possible, the two nearest relatives or neighbors of the deceased, or when a person shall have died out of his house, the person at whose house he shall have died, with a relation or another.

1811—76—5
Deaths to be recorded

SEC. 6. The record of deaths shall contain the name in full, age, trade and residence of the deceased; the name in full of the surviving consort, if the person deceased was married, or a widower, or a widow, the name, age, profession and residence of the declarants, and if they be relatives, their degree of relationship. The same records shall contain, as far as the same may be ascertained, the christian names, names, profession and residence of the father and mother of the deceased, and the place of his or her birth.

1811—76—6
Record of deaths, what to contain.

SEC. 7. There shall be kept for recording births and deaths of free people of color, books similar to those which shall be kept for white persons, and the formalities above prescribed concerning white persons, shall be observed with respect to people of color.

1811—78—9
Births and deaths of free people of color

SEC. 8. No person out of the parish of Orleans shall be under any legal obligation to have a birth or death recorded.

1846—72—3
Recording of births and deaths optional.

SEC. 9. The birth of every free child in the parish of Orleans shall be declared therein within thirty days, as provided in the preceding sections. Every person offending against the provisions of this section, shall pay a fine of not less than five, nor more than ten dollars, one-half for the benefit of the informer.

1819—80—1
Recording births in New Orleans.

SEC. 10. The death of every free person within the parish of Orleans shall be declared therein within thirty days. This declaration shall be made by the nearest relations of the deceased, if they are present, and in case of absence, by the testamentary executor if there is one, if none, by the owner or tenant of the house in which the individual died, and every person offending against the provisions of this section, shall be fined not less than five, nor more than ten dollars.

1811—80—2
Recording deaths in New Orleans.

SEC. 11. For the parish of Orleans, there shall be an office of records of births and deaths, whereof the officer shall be appointed by the Governor.

1811—76—7
Recorder of births and deaths for New Orleans.

SEC. 12. For every record of birth and death, and for registering the same, henceforward a sum of fifty cents shall be allowed.

1819—80—3
Fees.

BLACK CODE.

CRIMES AND OFFENCES COMMITTED BY SLAVES AND FREE COLORED PERSONS.

1806—198—7
Capital crimes.

SECTION 1. If any slave, free negro, mulatto, Indian or mustee, shall maliciously burn or destroy any stacks of rice, corn or other grain, or produce, raw or manufactured, of this State, or shall set fire to, or willingly and maliciously burn or destroy any building or house, or shall wilfully or maliciously poison, or maliciously administer poison to any free man, woman, child, servant or slave, or shall commit a rape upon the body of any white woman or girl, this slave, free negro, mulatto or mustee shall suffer death.

Poison and rape.

SEC. 2. Any slave who shall kill any person unless by accident, or in the act of defending his master, or other person under whose charge or care he may be, shall be punished with death.

1806—202—11
Slave killing any person, to suffer death.

SEC. 3. If any slave, free negro, mulatto, Indian or mustee, shall attempt to commit a rape on the body of any white woman or girl, the said slave, free negro, mulatto, Indian or mustee, shall on conviction thereof, suffer death.

1818—18—1
Attempting to commit rape.

SEC. 4. Any slave who shall hereafter encourage, move to or excite any insurrection or revolt in this State, or who shall be in any wise concerned in instigating to the same, on due conviction thereof, shall suffer death.

1843—92—5
Punishment of revolt.

SEC. 5. Any slave who shall hereafter, with a dangerous weapon, and with intent to kill, cut or otherwise wound any person, or who shall attempt maliciously to kill by drowning or strangling, on due conviction thereof, shall suffer death.

1843—92—6
Punishment of other crimes.

SEC. 6. Any slave who shall wilfully and maliciously strike his master or mistress, or his master or mistress' child or children, or any white overseer appointed by his owner, to superintend said owner's slaves, so as to cause a contusion or shedding of blood, shall be punished with death.

1814—18—2
Punishment for shedding the blood of a white person.

SEC. 7. If a slave shall shoot at or stab any person with an intent to kill him or her, such slave, on conviction of either of said offences, shall suffer death; provided always, that the presumption as to the intent shall be against such slave, unless he shall prove the contrary.

1816—146—3
Shooting or stabbing.

SEC. 8. If a slave shall attempt to poison any person, or to set fire to a dwelling house or other building, such slave, on conviction thereof, shall be imprisoned in irons and at hard labor for life.

1816—146—4
Poison and arson.

SEC. 9. If any slave shall strike a white person, for the first and second offence he shall receive such punishment as the jury shall think proper; provided such sentence does not extend to the privation of life or limb; but, for the third offence the said slave shall suffer death; and whenever any slave shall have greviously and wilfully wounded or mutilated any white person, although it prove to be the first offence, such slave shall suffer death, provided the blow, wound, mutilation, or bruises, are not made or committed in defence of the person or property of his master, or of the person having charge of him, or in whose care he then be, in which case the said slave shall be entirely justified.

1806—206—15
Striking a white person.

SEC. 10. If an overseer, or other white person representing the owner of a plantation, is threatened, insulted, or struck by any slave of the said plantation, such offence shall be punished at the discretion of the jury, according to the gravity of the case.

1807—186—1
Threatening an overseer, how punished.

SEC. 11. Any slave who shall directly or indirectly revolt or rebel against any white overseer appointed by his owner to superintend the conduct of his slaves, or against a free overseer, or slave, should he

1806—200—10
Rebelling against overseers, how punished.

be struck by him, or another by his orders, shall be punished with twenty-five lashes, and to work in the fields for two years with a chain around his leg, and should there be any contusion or shedding of blood, then said slave shall be punished with fifty lashes and shall work in the fields for four years with a chain around his leg.

1816—148—5

Assault and battery by free colored persons.

SEC. 12. If a free person of color insult or assault and beat any white person, such offender, on conviction of either of said offences, shall be punished by imprisonment or fine, or both at the discretion of the court, according to the enormity of the offence.

1816—148—9

Stealing slaves.

SEC. 13. If any free person of color or Indian shall steal a slave, such offender, on conviction thereof, shall suffer the same punishment which is or may be directed against white persons for a similar offence.

1829—164—1 & 3

Setting fire to the works of corporations.

SEC. 14. If any slave shall wilfully and maliciously set fire to, or burn or attempt to burn, or otherwise destroy any public work belonging to a corporation, other than those for the burning of which he could be prosecuted for arson, shall, on conviction, suffer corporal punishment, at the discretion of the court, not extending to death, and his owners shall be responsible in damages to the full amount of the value of such slave or slaves.

1829—164—2

Slaves, how punished.

SEC. 15. Should the offences mentioned in the preceding section have been committed by a slave, with the consent or connivance of his owner, or of any other free person, such slave shall, on conviction, suffer corporal punishment, not extending to death or mayhem, and the persons so consenting or conniving shall be responsible in damages to the full amount of the value of the property so injured or destroyed.

1843—79—8

Trespass.

SEC. 16. If any slave shall cut, pull down, burn, destroy or carry away any tree, wood or timber, growing or lying on the land of another, without the consent of the owner or legal possessor thereof, he shall on conviction be condemned to receive thirty-nine lashes; provided, however, that nothing contained in this section shall be so construed as to authorise the punishment of a slave for the acts above mentioned who shall have acted under the express orders of his owner, master or person having a legal command over him.

1806—166—25

Punishment of slaves found on horseback.

SEC. 17. Every slave who shall be found on horseback shall be liable to be immediately arrested, if he is not the bearer of a permission in writing from his master, and if he has no such permission, the said slave shall receive twenty-five lashes, after which he shall be sent away with the horse to his master, and his said master shall pay twelve cents and a half per mile for the carrying back the said slave.

1810—46—1

Punishment of capital crimes committed by slaves out of the State.

SEC. 18. Whenever any slave imported in this State from any of the States or Territories of the United States of America, shall have committed any capital crime in the said States or Territories, he shall be tried in the manner prescribed by law, and upon being duly con-

victed of having perpetrated any capital crime as aforesaid, he shall be sentenced to hard labor for life.

1830—144—1 & 5

Slaves not to sell without a written permit.

SEC. 19. It shall not be lawful for any slave in this State to sell, barter, exchange, give or deposit, or offer to sell, barter, exchange, give or deposit, to any free person, any species of property whatever, without the authority of his owner, specially setting forth the articles to be sold; or in the absence of the owner, without the written authority of the overseer or other person having charge of such slaves, under the penalty of corporal punishment, not exceeding twenty stripes for the first offence, and forty stripes for the second, or any subsequent offence, to be inflicted by the order of any justice of the peace, town constable, or officer of patrol, having the police of slaves in this State.

Nothing contained in this section shall be so construed as to forbid the selling or exchanging or depositing by slaves employed by their owners as regular market persons, of articles in the regular market place, or other place authorized by the police regulations of the parish or town, as the case may be; provided such slave be permitted by a general permit, by such owners or employers, in which the article, or several species of articles in which they are allowed to deal, are mentioned.

OFFENCES AGAINST SLAVES AND INDIANS AND FREE PERSONS OF COLOR.

1805—416—1

1806—206—16

Penalty for killing or cruelly maiming slaves.

Inflicting cruel punishment.

SEC. 20. If any person whatsoever shall wilfully kill his slave, or the slave of another person, the said person being convicted thereof, shall suffer death; and in case any person should inflict any cruel punishment, except flogging, or striking with a whip, leather thong, switch, or small stick, or putting in irons, or confining such slave, he shall forfeit and pay for every offence a fine not exceeding five hundred and not less than two hundred dollars.

1806—208—17

Penalty for beating or ill-treating slaves.

SEC. 21. If any slave be mutilated, beaten or ill-treated when no one shall be present, in such case the owner, or other person having the charge or management of said slave thus mutilated, shall be deemed responsible and guilty of the said offence, and shall be prosecuted without further evidence, unless the said owner or other person can prove the contrary by means of good and sufficient evidence, or can clear himself by his own oath, which said oath every court under the cognizance of which such offence shall be examined and tried, is authorized to administer.

1852—16—1

Gambling with free negroes or slaves.

SEC. 22. Any free white person who shall play at any game of chance, or make any bet, or in any manner gamble with any free negro, mulatto, or slave, shall, on conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars, and be imprisoned in the parish jail not less than one month, nor more than one year; and on a second or any subsequent conviction for a similar

offence shall be fined one thousand dollars, and be imprisoned in the parish jail for one year.

1819—64—4

Concealing or carrying away slaves accused of crimes.

SEC. 23. Any master or other person having the charge or government of any slave, accused of any capital crime, who shall conceal or convey him away, so that he cannot be brought to trial and punishment, shall forfeit the sum of two thousand dollars.

But if such slave be accused of a crime not capital, then he shall forfeit the sum of one thousand dollars.

1819—64—5

Harboring or concealing runaway slaves, &c.

SEC. 24. If any person shall harbor or conceal any runaway slaves or fugitives from their masters, knowing that they are such, or suall cut or break any iron chain or collar which any master of slaves should have used in order to prevent their running away or escape, he shall on conviction thereof, be fined not less than two hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment not exceeding two years, nor less than six months.

1819—64—8

Furnishing slaves with free papers.

SEC. 25. Any person who shall furnish slaves with any false free papers or certificates of birth or christening, falsely shewing such slave to be free, shall be punished for each and every such offence as in case of forgery.

1852—225—1

Penalty for trading with slaves.

SEC. 26. Any person who shall buy, sell or receive of, to, or from any slave, any corn, hay, fodder, meal, spirituous liquors, or other produce or commodity whatsoever, without the consent, in writing, of the owner, overseer or employer of such slave, shall be held guilty of a high misdemeanor, and shall, on conviction thereof, be fined in a sum not less than fifty, nor more than five hundred dollars, and shall be imprisoned in the parish jail, not less than one, nor more than twelve months, one half of the fine to be paid to the informer, and the other half to the parish.

1852—226—5

1852—225—2

Allegations of the indictment or information.

In the indictment or information for the offence specified in the preceding section, it shall not be necessary to charge the kind or quantity of the produce or commodity so bought, sold or received, nor the name of the slave, nor the name of his owner; and on the trial of such indictment, it shall not be necessary to prove the name or ownership of such slave, but it shall be deemed and held sufficient to prove that such buying, selling or receiving, was of, to or from a slave.

1852—225—3

What shall be deemed presumptive evidence.

SEC. 27. If any slave shall be seen or found in any store-house, warehouse, tippling shop, or other place fitted up or kept for trading, unless sent by his owner, overseer or employer, after the hour of nine o'clock at night, or before daybreak in the morning, or on the Sabbath day, or if any slave shall be found at any time in any of the aforementioned places, unless sent as aforesaid where he shall have been permitted to remain for the space of five minutes with the door of the place closed; or if any slave shall be seen to carry into the aforementioned place, any article or commodity supposed for sale, and not bring the same out, or if he shall bring out of such place any article

or commodity which may have been purchased or received therein, or if any slave, negro or mulatto, being a teamster or driver of any team, cart, wagon or other vehicle, shall be seen to leave his team before or near the door of any such storehouse, warehouse, tippling shop or other place fitted up or kept for trading, and enter such place, and there remain for the space of five minutes, at any hour of the day or night, without the consent of his owner, overseer or employer, and shall be seen to carry into the aforesaid place any articles or commodity, supposed for sale, and not bring the same out; or if he shall bring out of such place any article or commodity which may have been purchased or received therein, without the consent aforesaid; or if the owner of the afore-mentioned places of trading, or slave, or any person of whatever description, is seen to go to the aforesaid teamster's vehicle, be it of any description, and take or receive therefrom, or receive from it, by the teamster, or any one else, any article or commodity whatsoever, supposed for sale, and take the same into the aforesaid place for trading, and not bring the same out; or if they bring out of the place of trading any article or commodity supposed to have been purchased or received therein, and put the same into or upon the vehicle, or deliver to the teamster in any manner whatever; the same shall be taken as presumptive evidence against the person owning or keeping such storehouse, warehouse, tippling shop or other place fitted up or kept for trading, of the offence described in the two preceding sections, to be rebutted, however, like other presumptives.

1852—226—4

Master's consent, how proved.

Sec. 28. In all trials for trading with slaves, the accused shall be permitted to prove the consent of the owner, or employer of the slave, by production of the original writing, or by parol evidence.

1818—10—1

Selling intoxicating liquors to Indians.

Sec. 29. If any person shall sell or give any spirituous or intoxicating liquors to any Indian, he shall, upon conviction thereof, be fined not more than two hundred dollars, and shall moreover be liable for all such damages as may be caused by the Indian while in a state of intoxication; one-half of the fine to be paid to the informer, and the other half to the parish.

1806—124—3

Punishment for exciting slaves to insurrection.

Sec. 30. If any person shall by words, actions, writing, or in any other manner whatsoever, persuade, encourage or advise any slave to insurrection against his lawful proprietor, or against the white inhabitants of the State, or the government thereof, such person, on conviction thereof shall suffer death.

1830—96—1

Exciting discontent among the free colored population and slaves, by writing printing, &c.

Sec. 31. Whosoever shall write, print, publish or distribute, anything having a tendency to produce discontent among the free colored population of this State, or insubordination among the slaves therein, shall, on conviction thereof, be sentenced to imprisonment at hard labor for life, or suffer death, at the discretion of the court.

1830—96—2

Exciting discontent by language, signs, &c.

SEC. 32. Whosoever shall make use of language, in any public discourse, from the bar, the bench, the stage, the pulpit, or in any place whatsoever, or whosoever shall make use of language in private discourses or conversations, or of signs or actions, having a tendency to produce discontent among the free colored population of this State, or to excite insubordination among the slaves therein; or whosoever shall knowingly be instrumental in bringing into this State, any paper, pamphlet or book, having such tendency, shall, on conviction thereof, suffer imprisonment at hard labor not less than three nor more than twenty-one years, or death, at the discretion of the court.

1830—96—3

Teaching slaves to read and write, punishment.

SEC. 33 All persons who shall teach or permit, or cause to be taught, any slave in this State, to read or write, shall, on conviction thereof, be imprisoned not less than one month, nor more than twelve months.

1830—96—5

Judges to charge Grand Jury.

SEC. 34. It shall be the duty of judges in this State to give the three preceding sections in charge to the Grand Jury, at each term of their respective courts.

1819—62—3

Stealing, carrying away or inveigling slaves.

SEC. 35. Every person who shall inveigle, steal or carry away any slave, or shall hire, aid or counsel any person in so doing, so as the owner of such slave shall be deprived of his use and benefit; or shall aid any slave in running away, or departing from his master's service, shall, on conviction thereof, suffer imprisonment at hard labor not less than two nor more than twenty years.

1816—8—1

Penalty for carrying slaves out of the State in ships and steamboats.

SEC. 36. If any master of any ship, vessel, or other water craft, in this State, or any other person, shall carry and convey out of the State, on board of any such ship, vessel, or other water craft, any slave, the property of any person of this State, without the consent of the owner of the slave previously obtained; or shall take and receive on board of any such ship, vessel, or other water craft, any slave, or permit or suffer it to be done, with the intent and for the purpose of carrying and conveying him out of this State; or shall wickedly and wilfully conceal or permit to be concealed on board of any such ship, vessel, or other water craft, any slave who may abscond from his master, with the intent and for the purpose of enabling such slave to effect his escape out of this State; every such master or commander, or any other person, so carrying and conveying, or so taking, receiving and concealing, or causing or permitting the same to be done with an intent as aforesaid, shall be subject to a criminal prosecution, and on conviction of any such offence, shall suffer imprisonment at hard labor for a term not exceeding seven years, and not less than three years, and shall moreover be sentenced to pay all damages that the owner may have suffered thereby, which damages shall be assessed by the same jury who shall give their verdict on the criminal prosecution. The owner shall be entitled, besides, to sue the

1885—152—1

owners of said steamboat, ship, vessel, or other water craft, before any court of competent jurisdiction, by ordinary action, or attachment, or any other mode of proceeding known to our law, and recover the full value of the slave or slaves so carried away, with damages, and the said owners shall be considered bound jointly and severally to make good such claim. Whenever any slave shall be found on board any ship, vessel, or other water craft, the presumption shall be that he was received or concealed on board, with the intent aforesaid, saving to the party accused, the right of showing the contrary.

Legal presumption.

1835——152—2

Tacit lien, in favor of owner of any slave, upon any vessel, &c., carrying away his slave.

SEC. 37. The owner of any slave or slaves so carried away, shall have a tacit lien upon the steamboat, ship, vessel, or other water craft, on board of which his slave, or slaves, was carried away, into whatsoever hands the said steamboat, ship, vessel, or other water craft may have passed; which lien shall date from the time of the completion of the voyage in which said slave, or slaves, was carried away.

1835—152—3

Suit may be brought against all at the same time

SEC. 38. Suits may be brought and prosecuted to execution against all the persons mentioned in the two preceeding sections, at the same time; but a recovery and payment under execution, or otherwise, of the value of the slave, or slaves, so carried away, with damages, from any one of the persons above mentioned, shall be a bar to any further civil proceedings on the part of the owner, against each and all the others as above mentioned.

1816—8—2

Carrying slaves out of the State by land.

SEC. 39. If any person shall carry or attempt to carry out of the State, by land, any slave being the property of any person in this State, without the consent of the owner previously obtained, with the intent of causing such slave to effect his escape out of this State, such person on conviction thereof, shall suffer imprisonment at hard labor for a term not exceeding seven years, and not less than three years, and shall moreover be sentenced to pay all damages that the owner may have suffered thereby; which damages shall be assessed by the same jury, who shall give their verdict on the criminal prosecution.

Whenever any person shall be found in the act of carrying and conveying, or of attempting to carry and convey any slave out of this State, the presumption shall be that the same is done with the intent aforesaid.

1816—12—5

Masters of vessels finding slaves on board to land them.

SEC. 40 If any master or commander of any ship, vessel, or other water craft, discover any slave concealed on board, it shall be his duty, if still in the river, or within the limits of this State, to land the slave at the nearest place, and there to deliver him to any judge, justice of the peace, sheriff, jailor, or in default thereof, to any inhabitant of the place, that he may be sent to his master; and if he refuses or neglects to perform the requisites contained in this section, he shall be liable to the punishment and damages which are imposed

by law for carrying slaves out of the State without the consent of their owners.

1816—8—6

Penalty for removing mortgaged slaves out of the State.

SEC. 41 If any person who may have mortgaged any of his slaves to another, shall transport or attempt to transport or cause to be transported out of this State, the slaves thus mortgaged, in fraud of the mortgage, the person thus offending, his aiders and abettors, shall on conviction thereof, suffer imprisonment, at hard labor, for a term not exceeding seven years, nor less than three years, and shall be liable to pay all damages that the mortgagee may have suffered thereby; which damages shall be assessed by the same jury, who shall give their vredict on the criminal prosecution.

1842—314—9
1842—314—10

Slaves not to be carried to free States.

SEC. 42. No inhabitant of this State shall carry or knowingly permit to be carried away any slave belonging to him out of this State, into any other State or foreign country, by the laws of which slavery is not tolerated: All slaves so carried out of this State in contravention to this section, shall be subject to the penalties and regulations against free persons of color; and in case such slave be subject to a mortgage or privilege in favor of any creditor, in such cases the creditor shall have the right to sue in damages the owner of said slave or slaves for a sum not exceeding one thousand dollars for each slave thus carried out of this State.

But nothing herein contained shall be so construed as to deprive any inhabitant of this State of his right of property in a slave, who contrary to the consent and will of his master shall have gone out of this State into a free State or foreign country.

1835—152—4

Prescription of actions.

SEC. 43. No suit shall be instituted against any of the persons mentioned in the three preceding sections, unless the same be commenced within five years after the violation of the law.

1840—89—1

Slaves found on board of vessels without a permit.

SEC. 44. If in future any person finds one or more of his slaves on board of a ship, steamboat, or other vessel, destined to make voyages out of this State, or from one part of the State to another, and that said slave or slaves be on board, without the written consent of the owner, the captain, master and proprietors of said ship, steamboat or other vessel, whether the said slaves have been transported out of the State, or from one part thereof, to another part, or on the point of being transported, whether the said slaves have been hidden or not, on board of the said ship, steamboat or vessel, the owners, and captain of said ship, steamboat or vessel shall be presumed to have received said slaves on board of their vessel, or to have hidden them, (or to have suffered them to remain on board,) with the intention of depriving their masters of them, and of transporting them out of the State or from one part of the State to another. And this presumption of the law, shall not be destroyed but on the testimony of at least two witnesses, not employed on board of said vessel, and on corroborating circumstances.

Presumption.

1840—90—2

Responsibility of master and owners.

SEC. 45. The owners, masters and captains of the said ships, steamboats or other vessels shall be responsible to the owners of the slaves for a fine of five hundred dollars per slave, thus taken away or lost, besides the value of the slave shall be incurred when the slave shall have been found abroad, without a written permission from their owners.

And the owners, masters and captains, of the said ships, steamboats and other vessels, shall be considered as responsible, in solido, and individually to the owners of the slaves for their value, and the amount of the fine mentioned in this section.

1840—90—3

Privilege on vessel.

SEC. 46. The owner of any slave, thus transported or found abroad without his written consent, shall have a privilege on the said ship, steamboat or other vessel on board of which the slave shall have been transported or found as provided for in the two preceding sections, without reference to the person in whose possession or charge the said steamboat, ship or vessel may be.

1840—90—4

Further responsibility of the owners.

SEC. 47. Besides the value of the slaves who shall have been taken away or lost, and the fine imposed, their owner may receive from the owners, masters and captains of the said ships, steamboats or other vessels, all damages that he may have suffered; and the said masters, captains and owners, shall be responsible, in solido, and individually for the damages, to recover which the owner of the slaves shall have the same tacit privilege granted him in the preceding section.

1817—44—1

1842—522—8

Slaves convicted of crimes not to be brought into the State

SEC. 48 No slave shall be imported or brought into this State, who shall have been convicted of the crimes of murder, rape, arson, manslaughter, attempt to murder, burglary, or having raised, or attempted to raise an insurrection among the slaves in any State of the Union or elsewhere; and if such should be, they shall on conviction thereof, be forfeited to the State, and be condemned to hard labor on the public works of this State; and every person who shall import or bring into this State such slaves, knowing that they have been convicted of any of the above mentioned crimes, shall upon conviction be fined for each and every such slave in the sum of five hundred dollars, one half to the use of the informer.

Penalty.

1817—46—4

Penalty for vessels bringing convict slaves into the State.

SEC. 49. Any captain or master, who shall receive on board of his vessel, and transport to this State, any slaves convicted of any of the crimes mentioned in the preceding section knowing them to be so convicted, shall be fined in the sum of five hundred dollars, one half for the benefit of the informer; and the vessel with her tackle, apparel and furniture, shall be forfeited to the State.

1817—46—5

Penalty for buying or selling them.

SEC. 50. Any person who shall have been convicted of having bought or sold any of the said slaves, as described in the preceding sections, knowing at the time of sale or purchase, that they were of the number of slaves whose introduction is prohibited by the preceding

sections, shall be condemned to a fine of five hundred dollars, one half for the benefit of the informer.

1817—48—6
Burthen of Proof.

SEC. 51. In all cases the burthen of proof shall be on the person who imports, or brings or claims the said slaves; the production of the certificate of the clerk of the county from whence they are imported or brought, accompanied with the certificate of the Governor, shall be received as prima facie evidence.

1829—48—8
Penalty for introducing slaves from othe States accused of having been engaged in an insurrection.

SEC. 52. It shall be unlawful for any person, whether a citizen of this State or not, to introduce for any purpose or under any pretext whatever, any slave or slaves who shall have been accused of any conspiracy or insurrection, or who had resided in any county of any State or Territory of the United States during the time of any conspiracy or insurrection in such county, and that any person who shall be convicted of having introduced any slave or slaves accused or resident as aforesaid, shall be fined in a sum not less than one thousand dollars, nor more than five thousand dollars, and shall suffer imprisonment for a period not less than one nor more than five years; provided that when more than two years shall have elapsed from the time when the said conspiracy or insurrection shall have taken place, the prohibition enacted by the present section shall not extend to slaves who may have been residing in the said county at the time when said conspiracy or insurrection took place, and were neither engaged or accused of having had any agency therein.

1829—48—14
Prescription.

SEC. 53. It shall be lawful to prosecute to conviction and punishment, any person accused under the provisions of the preceding section, at any time within three years after the commission of the offence.

1818—68—1
Slaves introduced into the United States in violation of the Act of Congress.

SEC. 54. The sheriff of the city of New Orleans is authorised and required to receive any negro, mulatto, or person of color who may be delivered to him under the provisions of the Act of Congress approved March 2d, 1807, entitled "An Act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808," and the same safely keep, until the Circuit or District Court of the United States pronounce a decree upon the charge of illegal importation.

1818—88—2
Slaves so introduced, to be sold.

SEC. 55. The decree of the Circuit or District Court of the United States for the Louisiana District, properly certified and authenticated, condemning any ship or vessel for importing any negro, mulatto, or person of color, in violation of any of the acts of Congress referred to in the preceding section, shall be a sufficient warrant for the sheriff to sell or cause to be sold as a slave for life, any negro, mulatto, or person of color, so adjudged to be illegally imported.

The proceeds, after deducting all charges to be paid over by the

sheriff, one half to and for the use of the commanding officer of the capturing vessel, and the other half to the Charity Hospital.

SEC. 56. All sales made in pursuance of the provisions of the preceding section, shall be at public auction, and after ten day's public notice, according to law.

1818—68—3
Sales how to be made.

TRIAL, PUNISHMENT, AND COMPENSATION FOR SLAVES EXECUTED.

SEC. 57. Whenever a slave shall be accused of a crime, or offence, by any person, on oath, the Justice of the Peace or other committing magistrate, before whom the complaint is made, shall cause the slave accused, to be arrested and confined in the parish jail to await his trial.

1806—192—1
1846—115—18
Slaves accused of crime to be arrested and confined in jail.

SEC. 58. Such slaves as may be accused of a capital crime, shall be tried by a tribunal to be composed of two Justices of the Peace and ten owners of slaves, resident in the parish where the crime may have been committed.

1846—114—1
Tribunal for the trial of slaves accused of capital crimes.

SEC. 59. If any crime or offence not capital shall be committed by any slave, he shall be tried by a tribunal composed of a Justice of the Peace and two proprietors of slaves, who shall be summoned by the Justice of the Peace to attend at the day and hour fixed for such trial; under the same penalties to which jurors are subject when the refuse or neglect to attend the courts of this State. In such trials the attendance of the District Attorney shall not be required.

1846—115—12
Tribunal for the trial of crimes not capital.

SEC. 60. Whenever it shall be necessary to try a slave accused of a capital offence, the Justice of the Peace before whom the complaint shall have been made, shall notify a Justice resident in an adjoining ward, of the charges that have been exhibited against such slave, and shall require such Justice to attend at his office the day after the receipt of such notification, or as soon afterwards as practicable, for the purpose of choosing ten persons, owners of slaves, to assist at the trial of the accused.

1846—114—2
Duty of the Justice before whom the charge is made.

SEC. 61. The Justices shall select ten owners of slaves resident in the parish, who shall be summoned to assemble on a day not to exceed the third from the date of the summons, or as soon thereafter as possible, for the purpose of forming the tribunal designated in the two preceding sections.

1846—114—3
A jury of ten freeholders to be selected.

SEC. 62. The summons shall be served by the Sheriff or one of his deputies, or by any Constable of the parish in which the trial is to take place; in case of vacancy in the office of Sheriff or any interest of such officer in the proceedings, they shall be served by the Coroners, and in case there be neither Sheriff nor Coroner, or both be interested, or should there be no Constable in the ward in which said tribunal is to sit, then by such officer as the Justices may appoint; and the attendance of the jurors shall be enforced in the same

1847—215—1
Jurors how summoned.

manner as that of other jurors may be enforced by the courts of this State.

1846—115—15

Quo um.

SEC. 63. One Justice and nine jurors shall constitute a quorum for the trial of slaves accused of capital offences, and the sentence of such quorum shall be subject to appeal as in other cases; in case a sufficient number of jurors should not appear on the day and hour fixed for trial, then the Justice present shall have power to complete the quorum by summoning forthwith from the vicinity, the requisite number of qualified jurors.

Place of jurors absent, how supplied.

1846—114—6

1843—92—8

District Attorney to prosecute.

SEC. 64. The District Attorney shall prosecute all slaves who may be accused of capital crimes; he shall be notified of the day of trial, and informed of the charge alleged, and on the trial shall exhibit to the court a brief statement in writing of the accusation; he shall read the law to the court, and shall conduct the prosecution in every other respect; and in default of such attendance, it shall be lawful for the presiding magistrate to appoint some licensed attorney to act as prosecutor for the State.

1846—114—7

Oath to be taken by the Justices and jurors.

SEC. 65. The following oath shall be taken by the said Justices and owners of slaves, viz:—I, A. B., do solemnly swear (or affirm, as the case may be,) that I will truly and impartially examine and judge the prisoner (or prisoners) who may be brought before me; and that I will on my part carry into effect the laws of this State concerning slaves, to the best of my knowledge and ability, so help me God.

1846—114—8

Sentence.

SEC. 66. In case the offender shall be convicted of any crime punishable with death, the said Justices or Justice shall sign a sentence to that effect, which sentence shall be put in execution by and with the concurrence of the jurors assisting at the trial.

1846—115—9

Judgment how rendered.

SEC. 67. All the members of the court shall have a voice in determining the guilt or innocence of the accused, but a unanimous concurrence shall be required to convict or acquit. In case, however, such court shall not convict or acquit the accused of an offence punishable with death, it shall have the power to decree the infliction of such corporal punishment as it may consider deserved by the prisoner.

1852—149—1

1846—115—10

Slaves how executed.

SEC. 68. Before any slave shall be executed, which execution shall take place either within the walls of the prison, or outside of said walls, within the enclosure surrounding the prison; all persons shall be excluded, except the public officers charged with the duty.

1854—149—1

Slaves sentenced to death or perpetual imprisonment, how paid for.

SEC. 69. All slaves sentenced to death or perpetual imprisonment, excepting such as are taken in actual rebellion, shall be paid for out of the public treasury; the sum paid for each slave shall not exceed two thirds of his appraised value, and the appraisement shall not exceed the sum of $750. The slave shall be appraised, under oath, by the Justice of the Peace and by the Jury who shall have

found him guilty. The Auditor of Public Accounts, when the appraisement of any slave made as required by law, shall be made known to him, shall issue his warrant in favor of the owner, on proof of the execution of such slave, or his delivery into the State Penitentiary; which proof shall be made to appear by the return of the officer charged with the execution of the judgment of the court. The warrant thus issued, shall be paid out of any money in the treasury not otherwise appropriated.

1830—128—2

The title to the slave to be transferred to the State.

SEC. 70. The owner or owners of the slave, previously to receiving the payment of the value thereof, as provided by the foregoing section, shall convey to the State his right and title of property to said slave; and the Auditor of Public Accounts is authorized to receive the same in the name and for the use of the State.

1846—115—11

Fine of persons hindering or preventing slaves from testifying.

SEC. 71. Said Justices, or either of them, are authorized and required to summon and oblige all persons whatsoever to appear and give evidence, if competent so to do, in all prosecutions of slaves; and if any person so summoned shall neglect or refuse to appear, or appearing shall refuse to testify; or if any master or other person having the charge or government of any slave, shall hinder such slave from appearing and delivering testimony in any such prosecution, the said Justices, or either of them, are authorized and required to fine such person so offending in a sum not to exceed one hundred dollars, nor to be less than fifty dollars, and to imprison him for a period not to exceed thirty days, as well as to have the slave so hindered taken by the officer in attendance, and brought into court to testify.

1846—115—14

Proceedings not to be annulled by errors of form.

SEC. 72. No proceedings shall be annulled or impeded by any error of form.

1843—92—7

Discretion of juries in capital cases.

SEC. 73. In all cases where capital punishment or imprisonment at hard labor for life, is inflicted for any crime committed by a slave, the jury trying the same shall, in its discretion, pronounce sentence of death, imprisonment at hard labor for life, or for a shorter term in prison, or in irons in the service of his master, or order that corporal punishment be inflicted.

1806—192—1

Persons excluded from tribunals for trial of slaves.

SEC. 74. No member of any tribunal in this State, for the trial of slaves, shall be either the proprietor of, or related within four degrees of consanguinity, to the owner of the slave prosecuted.

1843—92—8

Duty of Sheriff

SEC. 75. It shall be the duty of the Sheriff of the parish where said trial is held, on recept of a proper order from the Justice, accompanied by a certified copy of the verdict and judgment thereon, to deliver any slave sentenced to the Penitentiary, or to labor with the State convicts, into the possession of the person having charge of the State convicts, who shall receipt to him therefor.

1842—520—4

Slaves not to be imprisoned for offences not capital.

SEC. 76. In future, the punishment of slaves for crimes or offences which are not capital, shall not consist in imprisonment at hard labor or otherwise; but after any slave convicted of any crime not capital shall have undergone any other legal punishment to which he may have been sentenced by a competent court, he shall be returned to his master.

1828—16—1

The Senate and Governor may commute the punishment.

SEC. 77. The Senate and the Governor shall have power to commute the punishment of death into a lesser punishment, in favor of slaves who may have been condemned, even for a capital offence, whenever recommended to mercy by the Justices and jury who have tried the offender, and whenever the circumstances of the case are such as to entitle the offender to such commutation.

1816—142—7

Duty of masters when a slave is sentenced to irons.

SEC. 78. Whenever a slave shall be sentenced to irons at the service of his master, said slave shall be delivered to his said master after having been put in irons at the expense of the parish where he shall have been tried; and the said master shall be served with a copy of the sentence by the Sheriff of the parish, in order that he may comply therewith; and in case said master, after having been thus served with a copy of the said sentence, should take upon himself to release his said slave from irons under any pretence whatsoever and before the time fixed by the sentence, the slave shall be forfeited and sold, one half to the benefit of the informer.

1806—196—5

Evidence of slaves to be received.

SEC. 79. Not only the evidence of all free Indians, under oath, but also that every slave, under oath, shall be received and admitted in evidence for or against, in all trials of slaves who may be accused of any crime or offence whatsoever.

TRIAL OF SLAVES ACCUSED OF CAPITAL CRIMES IN THE PARISH OF ORLEANS.

1825—206—1
1846—114—1

Slaves how tried in the parish of Orleans, for capital crimes.

SEC. 80. Such slaves as may be accused of capital crimes in the parish of Orleans, shall be tried by a tribunal composed of the Judge of the First District Court of New Orleans and six inhabitants freeholders in said parish, chosen and convoked by said Judge.

1806—196—4

Oath.

SEC. 81. The Judge or Justices presiding, shall take the following oath:

"I, A. B., do solemnly swear, in the presence of Almighty God, that I will truly and impartially examine and judge the prisoner or prisoners (at the bar) who may be brought before me, in the suit now depending, and that I will, on my part, honestly and faithfully carry into execution the laws of this State concerning slaves, according to the best of my knowledge and abilities. So help me God."

And the said Judge or Justice, having taken the above oath, shall administer the same to each juror.

1843—92—1

Verdict to be unanimous.

SEC. 82. In order to convict the accused, the jury must unanimously concur in a verdict to be by them signed: on which verdict the Judge or Justice of the Peace, (as the case may be,) shall endorse the sentence thereon pronounced and rendered.

SEC. 83. The Judge or Justice of the Peace, (as the case may be,) who shall preside at the trial of any slave, shall take no part in the deliberation of the jury, but shall, in the conduct of the trial, exercise such powers and perform such acts as are now exercised and performed by other Judges of the State presiding on the trial of criminal cases. 1848—92—2 Who to preside at the trial.

SEC. 84 It shall be the duty of the District Attorney, when notified by the Judge or Justice, to attend and prosecute in behalf of the State, either by himself, or his appointed deputy; and in default of such attendance it shall be lawful for the presiding magistrate to appoint some attorney to act as prosecutor on the part of the State. 1848—92—3 Duty of District Attorney.

SEC. 85. In all accusations brought against slaves in the parish of Orleans, the slave who shall have been sentenced to any punishment, shall not be set at liberty until his master or any person for him, has actually paid into the hands of the Judge or Justice who presides at the tribunal who tried the said slave, the costs of the prosecution, as they are recovered in the other parishes to the benefit of the parish of Orleans, in order to indemnify the said parish of the costs attending the said suit, which sum shall be paid over by the said Judge into the hands of the parish Treasurer. 1827—56—4 Costs to be paid by the master.

RIGHTS, DUTIES, &C., OF OWNERS OF SLAVES.

SEC. 86. The inhabitants shall leave to their slaves the free enjoyment of Sundays, and shall pay them for their labor on said day when they employ them, at the rate of fifty cents; Provided the present section shall not be construed so as to extend to slaves employed as servants, carriage drivers, hospital waiters, or to those employed in carrying provisions to market. 1806—150—1 Slaves to have the enjoyment of Sundays, and to be paid when they work on that day. Proviso.

SEC. 87. Every owner shall be held to give to his slaves the quantity of provisions hereafter specified, to wit: one barrel of Indian corn, or the equivalent thereof in rice, beans, or other grain, and a pint of salt; and to deliver the same, to the said slaves in kind, every month, and never in money, under a penalty of a fine of ten dollars for every offence. 1806—150—2 Their rations. Penalty for delivering them money instead of rations.

SEC. 88. The slaves who shall not have on the property of their owners, a lot of ground to cultivate on their own account, shall be entitled to receive from said owner, one linen shirt and pantaloons for the summer, and a linen shirt and a woolen great coat and pantaloons for the winter. 1806—150—3 Clothing.

SEC. 89. The slaves disabled through old age, sickness, or any other cause, whether their disease be incurable or not. shall be fed and maintained by their owners, in the manner prescribed in the two preceding sections, under the penalty of a fine of twenty-five dollars or every offence. 1806—152—4 Old and sick slaves

1806—152—5
Sick slaves.

SEC. 90. It shall be the duty of every owner to procure to his sick slaves, all kinds of temporal or spiritual assistance which their situation may require.

1806—152—6
Penalty for not feeding slaves.

SEC. 91. No inhabitant shall be discharged from the obligation of feeding his slaves, by permitting them, instead of feeding them, to work certain days in the week for their own account, under the penalty of twenty-five dollars for every offence.

1806—152—7
Hours of work and rest.

SEC. 92. As for the hours of work and of rest, which are to be assigned to slaves in summer and winter, old usage of the State shall be adhered, to wit: The slaves shall be allowed half an hour for breakfast, during the whole year; from the first day of May to the first day of November, they shall be allowed two hours for dinner; and from the first day of November to the first day of May, one hour and a half for dinner: Provided however, the owners who will themselves take the trouble of causing to be prepared the meals of their slaves, are authorized to abridge by half an hour per day the time fixed for their rest.

1806—154—8
Old slaves not to be sold apart from such one of their children as they may choose.

SEC. 93. If, at a public sale of slaves, there happen to be some who are disabled through old age or otherwise, and who have children, they shall be sold with such one of their children as they may choose to go with.

1806—156—12
1807—188—3
Assemblies of negroes prohibited.

SEC. 94. Every person is prohibited from permitting in his negro quarter, any other assemblies than those of his own slaves, under the penalty of paying all damage which might result to the owner of any strange slave, in consequence of such an admittance; also from allowing his slaves the liberty to dance during the night.

1806—156—15
Penalty for hiring slaves to themselves.

SEC. 95. No owner of slaves shall hire his slaves to themselves, under the penalty of a fine of twenty-five dollars for every offence.

1806—156—14
Slaves carrying provisions without permission.

SEC. 96. Every person who shall find any slave carrying corn, rice, greens, fowls, or any other provisions whatever, for the purpose of selling the same without a permission in writing from his master, shall have a right to stop and to seize the said provisions, upon charge of immediately informing thereof, the owner of such slave; which said owner shall abandon to such person the said provisions for his or their reward, or shall give them the sum of two dollars instead thereof, if the owner should agree that he has given no permission by writing; however, if said owner should affirm upon oath that he has given such a permission by writing, such owner shall not be compelled to give any money or to abandon the provisions; and if in case of any such seizure, it shall be proved that such person has destroyed the permission of the slave for the purpose of unjustly appropriating the said provisions, such person shall be punished with a fine of twenty dollars, and in case of insolvancy, shall be sentenced to two months hard labor.

Penalty for destroying permit of slaves.

SEC. 97. No slaves shall be parties to a suit in civil matters, either as plaintiffs or defendants, nor be witnesses in any civil or criminal matters against any white persons; however their masters may act and defend in civil matters, and prosecute in criminal cases, to obtain satisfaction of the outrages and abuses which might have been committed against their slaves.

1806—158—16
Slaves not to be parties to civil suits, nor witnesses against white persons.

SEC. 98. The condition of a slave being merely a passive one, his subordination to his master and to all who represent him, is not susceptible of any modification or restriction, (except in what can incite the said slave to the commission of crimes,) in such a manner that he owes to his master, and to all his family a respect without bounds, and an absolute obedience, and he is consequently to execute all the orders which he receives from him, his said master, or from them.

1806—160—18
Respect due from slaves to their masters.

SEC. 99. No slave shall by day or by night, carry any visible or hidden arms, not even with a permission for so doing and in case any person, shall find any slave using or carrying such fire arms, or any offensive weapons of any kind, he lawfully may seize and carry away such fire arms, or other offensive weapons; but before the person, who shall so seize such fire arms can possess the same of right, he shall go, within forty-eight hours after the said seizure, before the next Justice of the Peace, and shall declare upon oath, the manner in which he has seized the said arms; and if the Justice of the Peace, upon the oath of such person, or upon any other examination or proof, be satisfied that the said fire arms or other offensive weapons have been lawfully seized, the said Justice of the Peace shall declare by a certificate under his hand and seal, that the said arms are forfeited, and that they have lawfully become the property of the person who has seized the same; provided, no certificate of the above description, shall be delivered by any Justice of the Peace, until the owner of the said fire arms or other offensive weapons, which shall have been seized as aforesaid, or the overseer or overseers who shall have the slave in charge, upon whom the said fire arms or other offensive weapons shall have been seized, be duly summoned to shew cause, why the said fire arms should not be forfeited, or until forty-eight hours shall have elapsed after the citation and oath made before the Justice of the Peace: provided, the said slave or slaves do not actually carry the arms of his master to ———— or from his plantation to ———— with a special permission for that purpose.

1806—160—19
Slaves not to carry arms.

SEC. 100. The inhabitants who keep the slaves for the purpose of hunting, shall never deliver to the slaves any fire arms for that purpose without a permission by writing, which shall not serve beyond the limits of the plantation of the owners.

1806—162—20
Hunter's permission

SEC. 101. The owners shall be bound in case of robbery or other damages caused by their slaves, beside the corporal punishment inurred by their said slaves, to pay the damage, unless they prefer to

1806—164—22
Slaves committing robbery.

abandon the slave to the person robbed, which the owners shall be held to choose in five days from the day when the sentence shall have been pronounced.

1806—172—30

Slaves not to go from home without a pass.

SEC. 102. No person whatever shall allow any slave whose care and conduct are entrusted to him, to go off of the plantation or premises, without a written permission, in the following form, viz:

"The bearer (negro or mulatto), named ———— has leave to go from ———— to ———— for ———— days (or hours) ———— dated the same day of the delivery."

Which said permission shall be signed by the owner or other person having charge of the slave, or some other person by his order, or with his consent; and every slave who shall be found beyond the limits of the premises or plantation to which the said slave belongs, or in which he habitually works, without a permission as above mentioned, or without a white person accompanying him, shall receive twenty lashes from the person who will arrest him, and shall be sent back to his master, who shall pay one dollar for his trouble, to whoever shall bring back said slave.

1806—174—31

Penalty for giving slaves a permit without authority.

SEC. 103. If any person shall give a note, or permit, to any slave who is the property or under the care of another person, without the consent or against the will of the owner of the said slave or other person under whose charge he may be, the said person shall be liable to the penalty of fifty dollars to the owner of the said slave; and in case he is unable to discharge the fine, he shall be imprisonned for the space of one month.

1806—176—32

Freeholders authorized to punish slaves found away from home.

SEC. 104. If any slave shall be found absent from the house or dwelling, or where his usual place of working or residence is, without some white person accompanying him, and shall refuse to submit himself to the examination of any freeholder, the said freeholder shall be permitted to seize and correct the said slave, and if the said slave should resist, or attempt to make his escape, the said inhabitant is hereby authorized to make use of arms, but at all events avoiding the killing of the slave, but should the slave assault and strike the said inhabitant, he is lawfully authorized to kill him.

1806—176—33

Penalty for beating the slave of another.

SEC. 105. If any slave employed in the lawful service of his master, overseer, or other person having charge of said slave, shall be beatten, by any person not having sufficient motives, or lawful authority to act so, (of which motives the Justices of the Peace shall respectively judge), every person thus offending, shall pay for every such offence, a fine of ten dollars to the parish, and if the slave be mutilated, or rendered in consequence of the blows so given, incapable of working, he shall, besides the fine above levied, be obliged to pay the master of the slave the sum of two dollars per day, for every days work lost, and the care of the said slave. And if any slave be forever rendered unable to work, then, and in that case, the offender shall be compelled to pay the value of said slave, according to the

appraisement made by two freeholders, inhabitants, appointed by each of the parties; and in case the parties neglect to appoint such appraisers, within three days after being requested so to do, then said appraisers shall be appointed by the Judge of their respective parishes; and the slave thus disabled shall be forever maintained at the expense of the person who shall have thus disabled him, which person shall be compelled to maintain and feed said slave agreeably to the duties of masters towards their slaves; Provided, that should the offender be unable to pay the said fine and expenses incurred, the judge who shall have pronounced the sentence in the said affair, shall condemn the offender to prison for a period not less than one month, or exceeding one year.

1806—182—38
1827—66—1

Slaves prohibited from trading or holding property.

Sec. 106. No slave shall be permitted to buy, sell, negotiate, trade or exchange any kind of goods or effects; to hold any barge, pirogue, or boat; or manage or bring up for his, the said slave's, own use, any horses, mares, or horned cattle, under the penalty of forfeiting the whole; and any person shall have authority to seize and carry away from any such slave, such goods, articles, barges, pirogues, boats, horses, mares, and horned cattle, and deliver them to the Justice of the Peace residing nearest the place where said seizure shall take place; and the said Judge shall administer the oath to the said person who shall make the seizures, concerning the manner in which the seizure shall have been made; and if the Justice shall think the seizure shall have been made according to law, he shall pronounce and declare that the effects so seized shall be forfeited and sold at public auction, and that the money arising from the sales shall be placed in the Treasury of the parish; provided, that if any thing so seized shall be proved to have been stolen, or found, or otherwise to have come into the possession of the negroes, without the knowledge, accord, consent or permission of the person who has claim to the property, the goods shall be restored to him upon the owner's making oath before a Justice in the form following:—

"I, A. B., solemnly swear, that I have a just and lawful right and title to certain effects seized and taken by C. D. in possession of a slave named F., and I sincerely swear and declare, that I will not suffer directly or indirectly, that the said slave, or any slave whatever, shall use or employ the said goods for the use, benefit, profit or advantage of any slave whatever, or sell, exchange, or give the said goods, but that the said goods were in the possession of the said slave by theft, being found, or otherwise, and that they are to be kept bona fide for my use, or for the use of E. E., a free person, and not for the use or benefit of any slave whatever. So help me God."

Every person who may be a proprietor or have the management of any slave, who resides or actually works in any part of this State, beyond the city of New Orleans, shall be permitted to give permission

to such negro, to sell or exchange in New Orleans or elsewhere in the State, his goods and effects; Provided, that in the permission, the quantity and quality of the goods and articles entrusted to him are particularly and distinctly described.

1806—186—39

Penalty for not providing for slaves.

SEC. 107. In case any persons of this State who may be proprietors, or may have the management or government of any slave, shall refuse or neglect providing the said slave at their expense, with clothes, house, and sufficient nourishment, it shall be lawful for any person to lodge a complaint in favor of said slave, with the Justice residing nearest to the place where such slave lives, or is usually employed; and the Justice shall summon the parties to appear before him, and shall enquire into, get full information, and confirmation thereof, and if the Justice finds the complaint to be well founded and true, and the said person will not exculpate him or herself or prove their innocence of the charge alledged against them, by their oath, which the said person so informed against, shall be permitted to take in all cases, where good and positive proofs of the offence are not adduced and brought forward. In this case the said Justice may give such orders for the relief of such slave as he shall in his opinion think fit, and shall impose upon the person who shall make default in the above regulations, a fine in a sum not exceeding twenty dollars for each offence, which fine shall be recovered by an order of seizure and sale of the personal property of the offender. It shall be the duty of the Justices of the Peace to inform themselves from time to time in what manner slaves are treated in their respective districts, and to enforce by every means in their power the strict execution of the law.

1806—208—18

Penalty for not keeping an overseer.

SEC. 108. No person occupying or being owner of a plantation, shall be permitted to keep slaves on his plantation without having a white or free coloured man as manager or overseer, under the penalty of fifty dollars for every month elapsed without complying with the provisions of this section

1814—20—4

Penalty for concealing offences.

SEC. 109. If any master shall wilfully and intentionally neglect to give information against or refuse to give up his slave who shall have been guilty of revolting or of a plot to revolt against his or her master or mistress in particular, or of having wilfully and maliciously struck his or her master or mistress, or the child or children of his or her master or mistress, or any white overseer; said master shall upon conviction thereof forfeit and pay the sum of five hundred dollars, one half of which shall be given to the informer or informers; and the other half to and for the parish in which the offence shall have been committed, and imprisoned until the same is paid.

1815—82—1

Number of white persons to be maintained on each plantation.

SEC. 110. Every person being the proprietor of a plantation, or acting for the proprietor of a plantation, on which he employs slaves, to the cultivation of the soil, shall be bound to have permanently on

his plantation, or on the plantation which he oversees, a white person for each and every thirty slaves working on said plantation, to oversee the said slaves and maintain a good police among them; be it well understood, however, that the proprietor, his agent, their sons being above sixteen years of age, and all white persons employed as mechanics shall be considered as making part of the number of men required by this present section.

1815—32—2
Duty of President of Police Jury.

SEC. 111. It shall be the duty of the President of the Police Jury, at least twice a year, to visit the plantations within his parish on which there are more than thirty slaves, in order to secure the faithful execution of the preceding section, and shall make use of the declaration made by every slave holder to ascertain whether the said slave holders have faithfully complied with the provisions of the said section.

1815—32—3
Penalty on planters failing to comply.

SEC. 112. Every planter who shall not comply with the provisions of the two preceding sections, shall on conviction thereof be condemned to pay a fine not less than one hundred dollars, and not exceeding five hundred dollars, to be recovered on motion of the Attorney of the district within which the said offender may reside, one half to the benefit of the informer, and the other half to the parish in which the said offender may reside.

1815—32—4
Penalty for refusing to give the statement

SEC. 113. Any planter who shall refuse when required, to give to the President of the Police Jury a statement of the number of white persons employed by him on his plantation under the provisions of the preceding (seventy-ninth) section, shall be considered as an offender against said section, and shall on conviction thereof be condemned to pay the fine imposed by the preceding section, which fine shall be recovered and applied, in the manner prescribed by the preceding section.

1829—48—15
Children under ten years not to be brought into the State without their mother.

SEC. 114. No slave child under the age of ten years, shall be introduced into this State, unaccompanied by his, or her mother, if living, under the penalty of a fine of not less than one thousand dollars, nor more than two thousand dollars, and an imprisonment of not less than six months, nor more than one year, and shall moreover forfeit the slave or slaves so illegally introduced or brought into the State. In all trials for a violation of this section the burthen of proving the age of the child or children, and that his mother was dead at the time of introducing them shall be on the person accused.

1829—48—16
Children under ten years not to be separated from their mothers.

SEC. 115. If any person or persons shall sell the mother of any slave child or children under the age of ten years separate from said child or children, or shall, the mother living, sell any slave child or children, of ten years of age, or under, separate from said mother, shall incur the penalty prescribed in the preceding section.

1810—48—4

Persons buying slaves convicted, &c., may bring a redhibitory action.

SEC. 116. Any person who shall have purchased any slave, convicted of any capital crime out of this State, and brought into it contrary to law, shall be entitled to bring a redhibitory action against the seller, besides being entitled to such damages as may be assessed by a jury.

EMANCIPATION OF SLAVES.

1827—12—1

Slaves under 30 years of age, how emancipated.

SEC. 117. Every person desiring to emancipate a slave who shall not have attained the age of thirty years, prescribed by the 185th article of the Civil Code, shall be bound to present to the President of the Police Jury of the parish wherein such person shall reside, a petition in which he shall explain the motives which induce him to wish the emancipation of said slave; which petition shall be submitted to the Police Jury at their next meeting, and if three-fourths of the members elected, together with the President, be of opinion that the motives are sufficient to allow the said emancipation, the petitioner shall be authorized to proceed to emancipate pursuant to the formalities required by the Civil Code.

1827—12—3

Must be natives of the State.

SEC. 118. No slave shall be emancipated under the provisions of the preceding section unless he be a native of the State.

1806—208—19

Reward for disclosing plots.

SEC. 119. Any slave, who shall discover, or disclose any plot, rebellion, raising in arms, or mutinous assemblies, or any other crime tending to subvert or endanger the public safety, shall obtain his liberty as a reward for his fidelity, and such further recompense as the Legislature shall think adequate to the service rendered. If the discovery be made by a free man he shall receive a reward proportioned to the importance of the discovery.

1846—168—1

Slaves not emancipated by residence in a free State.

SEC. 120. No slave shall be entitled to his freedom, under the pretence of that he has been, with or without the consent of his owner, in a country where slavery does not exist, or in any of the States where slavery is prohibited.

1852—214—1

Conditions on which slaves are to be emancipated.

SEC. 121. No slave shall be emancipated in this State, except upon express condition that when emancipated, he shall be sent out of the United States within twelve months after being emancipated; and the Police Juries of the several parishes of this State and the Common Council of New Orleans, before granting any act of emancipation of any slave, shall require the owner or person desiring said emancipation to deposit in the parish treasury in which said act is to be made, or to the Mayor of the city of New Orleans, the sum of one hundred and fifty dollars for each slave to be emancipated, to be applied in payment of the voyage to Africa and support after arrival.

1852—214—3

Formalities to be complied with.

SEC. 122. Any slave whose claim for emancipation has not yet been perfected by the proper authorities, shall only receive the same upon the conditions of the preceding section; and upon failing to comply with the same, shall be hired out by the owner, or person having

the legal charge of said slave, and in case none such exist, then the judge of the district shall appoint an agent for that purpose, who shall hire out said slave until the sum of one hundred and fifty dollars have been deposited as aforesaid, after which, the act of emancipation may be perfected and said slave sent to Liberia within one year; provided, that in case any slave, after having been so emancipated, should not be sent to Liberia within one year after being liberated, or should return again after being sent, he shall forfeit his freedom and become a slave and revert to his former owner.

RUNAWAY SLAVES.

1806—164—23

Damages done by runaways.

SEC. 123. If a slave should rob, or cause any other damage whilst he is a runaway, and after his master has denounced him, as it shall be explained hereafter, the said master shall not be held to any reparation or damages to the person or persons who may suffer in consequence of it.

1806—166—26

Declarations to be made by persons having runaway slaves.

SEC. 124. Any person who shall have a runaway slave, shall declare the same to the Recorder of the parish, Mayor of the city of New Orleans, or Justice of the Peace in the parish of Orleans on the right bank of the river, as the case may be; and it shall be the duty of the Recorder, Mayor, or Justice, to keep a book in which he shall enter, without having any blank, the declarations made before him, specifying the name, age and sex, of the slave, and the date of the declaration; the whole to be signed by the owner, or his agent; whenever the slave shall return the owner shall declare the same, as above directed

The Recorder, Mayor, or Justice shall be entitled to fifty cents for each declaration.

1806—178—34

Justices authorised to summon the possee to disperse runaways.

SEC. 125. Every Justice of the Peace is authorised in his district, upon information or evidence received under oath, to go personally or to send an order to any constable, or any other person, requesting him to order the attendance of such a number of persons as he may think proper to disperse any number of runaway slaves, or others who may act against the public peace, and also to search all such places where arms, ammunition or stolen goods may be supposed to be concealed, and to apprehend all slaves who may be suspected of having committed crimes of any nature whatsoever, and to prosecute them. And every constable or other person who shall be so required by the justice to aid or assist, and shall refuse to obey without lawful cause, shall be condemned by the said justice in a fine of twenty dollars.

Penalty for refusing to obey.

1806—180—35
1813—16—1

Armed runaways, and those refusing to surrender may be fired on.

SEC. 126. It shall be lawful to fire upon runaway negroes who may be armed, and upon those who, when pursued, shall refuse to surrender.

Runaways killed at the loss of the owner.

Any slave killed while runaway shall be at the loss of the owner only.

1806—182—37

Runaways how searched for.

SEC. 127. The inhabitants of the State shall be permitted to pursue and search for their runaway slaves in whatsoever place they may be, in such manner, and by such white persons residing in the parish, as they may think proper, even in the fields of other plantations, without being obliged to give a prior notice, except the principal dwelling-house, and other places under lock and key.

1848—166—1

Runaway slaves—fees for taking them up. Duty of Justices.

SEC. 128. Every person taking up a runaway slave shall immediately carry him before the nearest Justice of the Peace, who shall either commit said slave to the parish prison or send him to the owner, employer or overseer, if known, who shall pay the person taking up, the rates hereafter specified, to wit:

For taking up slave in the woods, six dollars.
For taking up on the road or plantation, three dollars.
For mileage in all cases, going or returning, ten cents per mile.
For Magistrates committing, one dollar.
For Jailor receiving and placing in confinement, one dollar.
For feeding slave while confined, twenty-five cents per day.
For Magistrate, for receiving proof of ownership, one dollar.
For delivery to owner by Jailor, fifty cents.

1848—166—2

Duty of Jailor to advertise runaways.

SEC. 129. The Jailor shall have every slave, by him placed in confinement as a runaway, advertised in the nearest newspaper three times, making the advertisement as brief as possible, so as to give a full description of the slave confined, with his name, the name of the owner and place of residence, if known, or as given by the slave; and on the owner's payment of the same, the Jailor shall produce the printer's receipt for the payment of the advertisement, or the paper with the advertisement therein contained.

1848—166—3

Specific bill to be made out by Jailor.

SEC. 130. All expenses incurred by the Jailor, except feeding slave shall be made item by item, and shall be confined to what is absolutely necessary for the preservation of the runaway slave from sickness or death; and the bill of items shall be sworn to by the Jailor, and the said oath shall be in writing, signed and attached to the bill so rendered; provided, that if the slave be put to work on the public works, or otherwise, the owner shall not pay anything for his feeding, but his labor shall compensate for the same.

1848——166—4

No other rates to be charged.

SEC. 131. The rates above specified, and no others, shall be charged for the taking up, confinement, &c., of runaway slaves, and this law shall also apply to all incorporated towns and cities.

1826—90—1
1827—80—1 & 8
1833—51—1
1847—79 & 98

Depots for runaway slaves.

SEC. 132. The police jail of the city of New Orleans; the parish jails of East Baton Rouge, Rapides, Ascension, St. Landry, Iberville, and St. Tammany, shall be depots for the reception of such runaway slaves as may have been confined and advertised for thirty days in any of the jails of this State, without having been claimed by their masters.

1826—90—2
1827—30—3
Runaways to be sent to a depot.

SEC. 133. Whenever a runaway slave shall not have been claimed by his master or by his attorney, within thirty days, the said slave shall be sent by the Sheriff of the parish in which he may be detained, to the sheriff or keeper of one of the aforesaid prisons or depots, nearest the residence of the ower of the slave, if known; or if unknown, to the depot nearest the parish jail where he may have been apprehended: and the Sheriff shall receive for his mileage going to and returning from said depot, six cents and a quarter per mile: a fee bill of which expenses shall be deposited in the hands of the Sheriff or keeper of the depot to whom said slave may have been delivered, to be paid as already provided by law.

Mileage allowed Sheriff.

1826—90—3
Costs to be paid by the keeper of the depot.

SEC. 134. The bill of all the expenses incurred for arresting and keeping the said slave that shall be sent to one of the abovementioned depots, shall be paid by the keeper of the said depot, at the time the slave shall be delivered over to him; and the amount of the said costs, as well as of those which shall have been made at the depot, shall be paid by the owner at the time that he shall take away the said slave: or else be deducted out of the proceeds of the sale.

1826—92—4
Runaways may be employed on public works.

SEC. 135. The city corporation of New Orleans, East Baton Rouge and Alexandria, and the Police Juries of the other parishes are authorised to employ said runaway slaves to labor at the public works; provided however, they shall be obliged to maintain at their own expense, the said slaves, during the time they may be so employed.

1826—92—5
Slaves at the depots to be advertised for three months.

SEC. 136. It shall be the duty of the Sheriffs or keepers of the said depots, to advertise in French and English in one of the public papers printed in their respective parishes, for the space of three months, once a week, such runaway slaves as have been delivered to them from any of the jails in this State.

1826—92—6
1845—77—2 & 3
Runaways to be sold when not reclaimed within a year.

SEC. 137. Should the owners of said runaway slave or slaves not claim them within one year the Sheriffs of the depots are authorised to sell them for cash, for whatever they will bring, after thirty days advertisement, according to law.

1827—30—4
Police Juries and Common Council to appoint persons to superintend the depots.

SEC. 138. The Police Jury of each parish in which there is a depot, except the parish of Orleans, shall each year appoint two inhabitants, owners of slaves in said parish, whose duty it shall be to superintend the management of said depots, and to make at each session of the Police Jury, a report of the manner in which slaves lodged in said depot are treated; the superintendence of the depot in New Orleans shall be entrusted to a committee appointed annually by the Common Council, which committee shall report to the said Common Council every three months.

FREE PERSONS OF COLOR AND STATU LIBERI.

1819—64—6
Kidnapping free persons of color.

SEC. 139. If any person shall, without due process of law, seize and forcibly confine, inveigle or kidnap any negro, mulatto or other

person of color not being a slave, with intent to send him within or out of this State against his will; or shall conspire with any other person, or aid, abet, assist, command or procure any other person to commit the offence, the person so offending, shall, on conviction thereof, be fined not exceeding one thousand dollars, or imprisoned not more than fourteen years at hard labor or otherwise; or both at the discretion of the Court.

1819—64—7

Punishment for second offence.

SEC. 140. Every person who shall be a second time or oftener, convicted of the offence of kidnapping, as mentioned in the preceding section, shall be imprisoned at hard labor not exceeding twenty years.

1806—164—21

Free colored persons not to carry arms without a certificate.

SEC. 141. Free colored persons, who carry arms, are expressly directed to carry with them a certificate of a Justice of the Peace, attesting their freedom, for want of which, the arms shall be subject to seizure as in case of slaves.

1842—316—12

No statu liber to be brought into this State.

SEC. 142. It shall not be lawful to bring into this State, any slave entitled to freedom at a future period, or a "statu liber;" and any person who shall bring, or cause to be brought, such slave or statu liber into the State, shall be liable to criminal prosecution, and on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, and by imprisonment not exceeding six months, or both, at the discretion of the court; and shall besides be compelled to pay the expenses of conveying the slave back to the place from whence he was brought, or elsewhere out of this State.

1842—316—13

Persons forbid to purchase statu liberi.

SEC. 143. It shall not be lawful for any person residing in this State knowingly to purchase any such statu liber. Any person so purchasing shall forfeit the slave thus purchased, and shall be liable for all expenses of transporting him out of the State.

The slave shall be sold for the time he has to serve, and on the condition of his being transported, by the purchaser, out of the State, one-half the proceeds to go to the informer.

1842—316—14

Statu liber now in the State, when free to be transported out of it.

SEC. 144. All statu liberi now in the State, shall, when they become free, be transported out of the State at the expense of the last owner, by proceeding before the District Court at the suit of any citizen.

Such statu liberi, when transported out of the State, shall, on returning, be liable to all the penalties provided by law against free negroes or persons of color coming into the State.

1830—93—8

Penalty for bringing into the State and holding as slaves or offering for sale free colored persons.

SEC. 145. Any free person, who shall knowingly bring or cause to be brought into this State, any free negro, mulatto, or person of color, and shall hold him as a slave, or shall offer him for sale as a slave, shall pay one thousand dollars for each free person of color, so held, or offered for sale, to the person suing therefor, which may be done either by indictment, information, or by a civil action, brought by the person prosecuting.

He shall also be liable to such free person of color for damages.

SEC. 146. Any free negro, mulatto or free person of color, departing from the United States, shall be prohibited from returning into this State; Provided, that all those who have not entered this State in violation of the laws, and who are permanent residents and owners of property therein, or who permanently reside therein and exercise a useful trade, and who have always conducted themselves in an orderly and respectful manner, shall not be subject to the provisions of this section; but such persons shall be permitted to depart from this State and to return thereto, as their business may require; and provided, that no law shall be so construed as to prevent free negroes or persons of color, who are natives of Louisiana, or have been residing therein since the first of January, 1825, from leaving or returning to the State, provided they shall not have established their domicil in a free State or country. This provision shall not extend te those going to or returning from the West Indies.

1830—92—7

1831—98—1

Those leaving the State forbid to return.

Exceptions.

1842—314—8

SEC. 147. No master or commander of any ship or vessel, or other water craft, shall transport, or attempt to transport any negro, mulatto or other person of color, out of this State, on any pretence whatsoever, until he shall have produced the negro, mulatto or person of color, before the Mayor, if in the parish of Orleans, or before the Recorder of the parish in which the ship, vessel, or water craft shall lie, and shall have made out and lodged with the Mayor or Recorder, a written declaration signed by him, and containing a description of the negro, mulatto or person of color, together with his name and surname, probable age, and alleged place of birth, or residence, and the port to which the master or commander may be bound; and until he shall have satisfied the Mayor or Recorder by authentic proof, or by the oath of two credible witnesses residing in the parish, or by affidavits made in the parish from whence the negro, mulatto or person of color has come, by two credible witnesses domiciliated therein, that the negro, mulatto or person of color is free; or until he shall have produced to the Mayor or Recorder, the written permission of the owner of such negro, mulatto or person of color, permitting him to carry him out of this State.

1816—10—3

Free people of color to be inspected before leaving the State.

When the master or commander shall have so done, it shall be the duty of the Recorder or Mayor to keep and retain the declaration in his office, and to grant him a written certificate thereof.

Duty of Recorder or Mayor.

SEC. 148. Every master or commander of a ship, vessel, or other water craft, neglecting or refusing to perform the requisites imposed by the preceding section, shall pay and forfeit the sum of five hundred dollars for every slave by him carried or attempted to be carried out of this State, one-half to the informer.

1816—10—4

Penalty.

SEC. 149. All free negroes, mulattoes and persons of color who shall have come, or who may hereafter come into this State, except in cases expressly permitted by law, shall be arrested and proceeded

1830—90—1 & 3

1830—94—16

Free negroes coming into the State contrary to law, how p oceeded against.

against by warrant, before any Judge, Justice of the Peace, or Mayor in this State. And upon due proof of their having come into the State in violation of law, it shall be the duty of said Judge, Justice of the Peace, or Mayor, to order any such free persons of color, to depart therefrom within sixty days.

The provisions of this section shall not be construed to extend to any free person of color, who may have been a slave in this State, and who shall have, with the consent of his owner been emancipated in any other State of the Union in accordance with the laws of this State, and shall have, after such emancipation, returned into this State.

1830—90—2 & 4

Penalty for not departing from the State when ordered to do so.

SEC. 150. Any free negro, mulatto or person of color, who, having been ordered to depart from this State, pursuant to the provisions of the preceding section, shall, after the period assigned for his departure, be found in any parish in this State, shall upon due conviction of having disobeyed an order of departure, be sentenced to one year's imprisonment at hard labor, and to depart from the State in thirty days after the expiration of his imprisonment; and on due proof of a failure to depart from the State within thirty days, he shall be sentenced to imprisonment, at hard labor, for life.

1842—308—1

Proceedings in case of any free person of color coming into the State on board of any vessel.

SEC. 151. In case any vessel or steamboat shall arrive in any port, harbor or landing on any river of this State, from any other State or foreign port, having on board any free negro, mulatto or person of color, the Harbor Master, or other officer having charge of such port, or any person residing at or near the landing, shall forthwith notify the nearest Judge or Justice of the Peace, of the arrival of the steamboat, whereupon he shall immediately issue a warrant to apprehend and bring every such free negro, mulatto or person of color before him, and shall forthwith commit him to the parish jail, there to be confined until the vessel or steamboat shall be ready to proceed to sea, or to her place of destination; when the master or commander shall, by the written permit or order of the Judge or Justice of the Peace, take and carry away out of this State every such person of color, free nergo or mulatto, and pay the expenses of his apprehension and detention.

1842—308—2

Security to be given by the master of the vessel.

Penalty.

SEC. 152. The Judge or Justice of the Peace shall require from the master or commander of every vessel or steamboat on board of which any free negro, mulatto or person of color shall have been brought into this State, a bond with security, in a sum not to exceed five hundred dollars for each free negro, mulatto or person of color, to pay the expenses and charges of his arrest and detention; and to carry him out of this State; and if for three days after the arrival of the vessel or steamboat, the master thereof shall neglect to give such security, the master and the owners of the vessel or steamboat, shall jointly and severally, be liable to a penalty of one thousand dollars for each and every such free negro, mulatto or person of color.

1842—810—3

Free persons of color to be sent out of the State if the master of the vessel fails to take them.

SEC. 153. If the master or commander of any vessel or steamboat on board of which any free negro, mulatto or person of color shall have been brought into this State, shall refuse or neglect to transport and carry out of this State such free negro, mulatto or person of color, then the Judge or Justice of the Peace, shall order the same to be done by the Sheriff of the parish, who shall, thereupon, be bound to transport or send out of the State, such free negro, mulatto or person of color, at the proper cost and charge of the free negro, mulatto or person of color, if he shall have the means to pay the same, and if not, at the expense of the State, to be paid out of the penalty recovered under this act, or otherwise, on the warrant of the Judge or Justice of the Peace.

1842—812—4

Free persons of color returning after having been sent out of the State.

SEC. 154. Every free negro, mulatto or person of color who, after having been transported or sent out of this State, under the provisions of the three preceding sections, shall return, shall, on conviction thereof, be punished by imprisonment at hard labor for five years; and if such free negro, mulatto or person of color shall be found in this State, thirty days after the expiration of the imprisonment, he shall be indicted therefor, and on conviction shall be punished by imprisonment at hard labor for life.

1842—812—5

Duty of Harbor Master and Wharfinger to report arrival of free persons of color.

SEC. 155. The Harbor Master and Wharfinger of each District of New Orleans, shall report to the Recorder of the District the arrival within the limits of the same, of any vessel or steamboat having on board any free negro, mulatto or person of color; and the Recorder of each District shall perform all the duties imposed on Justices of the Peace in such cases.

1842—812—6

Penalty for introducing free people of color in violation of law.

SEC. 156 Any person who shall introduce or bring into this State, any free person of color, in violation of law, shall be punished, on conviction thereof, by fine not exceeding two hundred dollars for the first offence; and for the second, by imprisonment not exceeding six months and by a fine not exceeding one thousand dollars.

1842—812—7

Penalty for harboring or employing free persons of color in the State in violation of law.

SEC. 157. Any person who shall employ, harbor, or entertain as a boarder or lodger, any free person of color residing in the State contrary to law, shall on conviction thereof, be punished by a fine not exceeding two hundred dollars for each offence.

1842—814—11

Masters of vessels to report to the Mayor of N. O., &c.

SEC. 158. The master of any ship, steamboat, or other vessel arriving in the port of New Orleans from any country, out of the United States, or from any other State of the United States, shall, within twenty-four hours after his arrival, make a report in writing to the Mayor of the city of New Orleans, or in his absence, to the Recorder of the District within the limits of which the ship, steamboat or vessel may be moored, on oath or affirmation of the name, age, and occupation of every free negro or colored person on board of the steamboat or vessel, under a penalty of one hundred dollars for each free negro or colored person not reported.

1852—193—1

Any free person of color that may arrive in the State on board of any ship, vessel or steamboat in the capacity of cook, steward or mariner, shall be permitted to remain on board such ship or vessel, without imprisonment, upon the due execution of the bond and penalty prescribed by the following section.

1852—193—2

Duty of masters of vessels to report.

SEC. 159. It shall be the duty of the master or owner of every such steamboat or vessel, immediately upon his arrival at any port in this State to report to the Mayor, Recorder or competent authority, the name, age, description and capacity of every free person of color employed on board his vessel and obtain a passport from such authority to permit such person of color to land, should it be necessary for his duties and employment as cook or steward, and it being within the discretion of said Mayor, Recorder or competent municipal officer to grant or refuse said passport.

Pass for colored persons to go on shore.

1852—193—3

If found on shore without a pass to be imprisoned.

SEC. 160. In case a free person of color so arriving as aforesaid shall be found on shore without such passport, he shall be imprisoned until the departure of said steamboat, ship or other vessel, and the master and owners become jointly and severally responsible in the sum of one thousand dollars for each free person of color

1817—46—4

Penalty against the master and vessel bringing convicts into the State.

SEC. 161. Any captain or master who shall receive on board of his vessel, or other water-craft, and transport to this State any slaves or other persons, knowing that they were sentenced or convicted for crime, shall be condemned to pay a fine of five hundred dollars, one-half for the benefit of the informer; and moreover, that every vessel, or other water craft, on board of which such slaves or other persons shall have been transported, as also the tackle, apparel and furniture of said vessel, shall be forfeited to this State.

1817—43—5

Burthen of proof.

SEC. 162. In all cases the burthen of proof shall be on the person who imports the said free persons of color; the production of the certificate of the Clerk of the county from whence they came, with the certificate of the Governor, shall be received as prima facie evidence.

1816—146—2

Slaves not competent to testify against free persons of color, except in a certain case.

SEC. 163. No slave shall be admitted as a witness either in civil or criminal matters for or against a free person of color, except in case such free individual be charged with having raised or attempted to raise an insurrection among the slaves of this State, or adhering to them by giving them aid or comfort in any manner whatsoever.

Punishment for slaves attempting to set fire to houses, &c. See CRIMES AND OFFENCES, *Sec.* 45.

Punishment for slaves obstructing railroads, *Sec.* 95.

Runaways in the parish of Caddo to be sent to the work-house. See PRISONS, *Sec.* 26.

Penalty for slaves placing obstructions on railroads. See CRIMES AND OFFENCES, *Sec.* 108.

BOARD OF CURRENCY.

1843—63—1

Board of Currency, how composed.

SECTION 1 The Board of Currency shall consist of two members, who shall be appointed by the Governor, with the advice and consent of the Senate. They shall hold their offices for two years, and shall be entitled to the yearly salary of twelve hundred dollars, free from all expenses of office; the expenses of the Board shall not exceed the yearly sum of one thousand dollars.

1858—311—89
1842—38—2

The salaries and contingent expenses shall be assessed upon all banks, subjected to the supervision of the Board of Currency, in proportion to the capital paid in by each bank respectively.

Their duties.

SEC. 2. The duty of the Board of Currency shall be to take care that the paper money issued under the authority of the State be not depreciated; and for this purpose the following powers are hereby vested in them, to wit:

1st. To supervise the faithful execution of the laws establishing and regulating banks, and of the charters and by-laws of all banks working under them.

2d. Thoroughly to examine the affairs of any bank, whenever they may deem it expedient to do so, and at least quarterly.

3d. To require of the President and Cashier of each bank, on Saturday of each week, the following statement in a printed form, signed by them:

First—Capital realized, $——.

Second—Amount of "dead weight," under the respective heads of real estate, loans on stock, long loans, personal or otherwise, protested paper, and in fine, of all assets not realizable within ninety days.

Third—Movement of the bank, to wit:

Loans on paper payable at maturity, and intended to meet the two-thirds of cash liabilities unrepresented by specie.

Circulation.

Deposits and other cash liabilities

Specie and cash assets.

Said statements shall be regularly filed in the office of the Board of Currency, and the statements so furnished on the last Saturday of each month shall be signed by the President of the Board of Currency, and published in the State paper, on the first Monday in each month.

1842—40—2

May call meetings of stockholders.

SEC. 3. The Board of Currency, whenever they may think it expedient, shall have a right to call a meeting of the proprietors of any one of the banks, to take cognizance of its affairs; and to call annu-

ally, and at least thirty days before the election of directors for the ensuing year, a meeting of the proprietors or stockholders of each bank, and to lay before them full reports of its operations during the year, and of its real situation.

To lay before the Legislature a copy of their proceedings.

The Board shall lay before the Legislature in the first week of their annual session, or as soon as practicable thereafter, a full copy of all proceedings at such meetings of the stockholders, and of all their own doings during the year. And it shall be the duty of the President and Cashier of each and every bank to furnish the Board of Currency copies of any protest that may be entered by any director of the bank, so soon as the same shall be entered in its minutes.

1842—220—12

Leave of absence to members of the Board.

SEC. 4. The Governor is authorised to grant leave of absence, for a term not exceeding four months, to members of the Board of Currency, and to appoint other persons to fill their places during their absence.

Leave of absence shall not be granted to more than one member of the Board at a time, and if any member absent himself with or without leave, his salary shall cease to run during his absence; and in all cases, the person appointed in lieu of an absent member, shall be entitled to the salary of such member for the period during which he shall be absent.

Duty of Board of Currency, as to free banks, statements, publications, &c. See BANKS, *Secs.* 29, 30, 31 & 38.

BONDS.

1848—85—1
1852—195—1

Bonds of public officers, how to be accepted.

SECTION 1. All bonds hereafter given by the Tax Collectors of the State, by persons charged with the collection of parish taxes and by all public officers, whether State or parish officers, (except

the Treasurer of the State, Auditor of Public Accounts, Parish Recorders and Clerks of the District Courts.) who by existing laws or those hereafter to be enacted, may be required to give bond, shall be accepted by the Parish Recorder, the Clerk of the Court and the President of the Police Jury, in all the parishes, except in the city of New Orleans, where that duty shall be performed by the Recorder of the District wherein the Collector or other officer resides, and the Finance Committee of the Board of Aldermen; and in that part of the parish of Orleans, lying on the right bank of the Mississippi, by the Justice of the Peace for that district, and three members of the Police Jury, to be designated by the President thereof; within thirty days from the date of their commissions, and before entering upon their duties.

The bonds shall be authenticated by the attestation of two witnesses and the signature of the Recorder, and shall also be recorded in a separate book, to be kept for that purpose. They shall also be registered in the office of the Recorder of Mortgages.

The bonds, when so registered in the mortgage records, shall operate from and after the date of the registry as a mortgage upon all the real estate and slaves of the principal obligor therein, for the full amount for which he may have obligated himself, and shall be certified in all certificates of mortgage against the obligor.

1848—86—2

The approval of the sureties to be unanimous.

When a surety is rejected the party offering him may appeal to the District Court.

SEC. 2. For the acceptance of the sureties offered upon the bond, the assent shall be unanimous; and on refusal to accept any surety, the District Judge shall have the power upon application in vacation as well as in term time, within seven days after the rejection of the surety, adding one day for every twenty miles from his resicence to the seat of justice of the parish, to compel them by a peremptory mandamus, to accept such surety; and in all such cases the parties whose duty it is to judge of the sureties offered shall on demand of the party complaining certify to the Judge their decision and the evidence upon which is was based.

The party complaining shall present said certificate, and the proofs he may have to submit on his part to the Judge; whose duty it shall be to decide immediately thereon, and from his decision and order in the premises, there shall be no appeal.

1848—86—3

Bonds, when approved, how disposed of.

SEC. 3. All bonds taken pursuant to this act shall remain on file in the office of the Recorder or Justice; and a copy duly certified shall always be admissible in evidence.

It shall be the duty of the Recorder or Justice to transmit to the Auditor of Public Accounts certified copies of all bonds taken by them as herein provided, with a certificate of registry in the mortgage records, within three months after their execution, under penalty of five hundred dollars, to be recovered on motion of the District Attorney.

Compensation of Recorder.

The Recorder or Justice shall be entitled to charge for each bond taken as aforesaid one dollar, and for each certified copy thereof the same amount and no more.

1847—109—4

SEC. 4. Whenever the Auditor of Public Accounts shall issue an execution against any Collector of Taxes, Sheriff or Coroner, and their sureties, pursuant to existing laws, it shall be lawful for the Coroner, or other officer to whom it may be directed, to seize and sell, according to law, any lands or slaves which may have belonged to the principal obligor at the date of the registry of his official bond, without regard to any subsequent transfer or change of title, and in whatever hands the same shall be found.

Sureties not to be proceeded against until the property of the principal is discussed.

No sale shall be made of the property of the sureties until that of the principal shall have been discussed.

1848—87—4

Sureties may stipulate the amount for which they will become liable.

SEC. 5. The sureties on all bonds given by Sheriffs and Collectors of State and Parish Taxes, and also the sureties on all bonds given by parish and State officers, (except the State Treasurer and Auditor of Public Accounts) may stipulate the amount for which they will severally become liable, which shall be expressed in the bond.

1822—72—1

1817—120—3 and 5

Special mortgages allowed to be given in lieu of personal security.

SEC. 6. All persons who shall hereafter be elected or commissioned by the Governor, and whose duty it shall be to give security, shall be allowed to give a special mortgage on property situated within the parish in which they respectively exercise their functions. The mortgage to be accepted by the persons appointed by law for that purpose.

1822—72—1

1854—218—3

Special mortgages how taken.

The person proposing to mortgage property, shall exhibit his titles thereto, and a certificate of mortgages to the persons authorised to approve the bond; who shall cause the property to be appraised, and shall not receive it, unless it be double the amount of security required, after deducting all mortgages.

To be recorded.

The persons taking the mortgage shall cause it to be inscribed in the office of the Recorder of Mortgages, as required by law.

1822—72—2

Bonds given by public officers may be replaced by special mortgages.

SEC. 7. All public officers who have heretofore given personal security on their official bonds, shall be at liberty at any time to release them by giving a special mortgage, as provided in the preceding section.

1822—72—3

Effect of the special mortgage.

SEC. 8. The effect of the special mortgage given in conformity with the preceding sections, shall be to free and release the surplus of the property of the person giving it, from all tacit or general mortgages resulting from his official bond, so far as the State may be interested.

1818—26—4

Sureties on official bonds may obtain their release at any time.

SEC. 9. In every case where any person has signed or shall sign any official bond for the payment of money as the security of any Judge, Sheriff, Coroner, or other person whatsoever elected or appointed to any public office in this State wherein security is required, he may at any time be released from the suretyship on giving his principal notice in writing to furnish other security; and in case the

principal fails or neglects within ten days thereafter to furnish other good and sufficient security as the law may require, he shall be considered out of office, and all his acts shall be null and void until he does furnish the security required by law.

The security shall be liable for all acts of his principal, until the expiration of ten days after giving such notice.

1818—26—5
Proceedings on securities demanding their release.

SEC. 10. A copy of the notice shall be delivered to the persons authorised to receive such security; and if the principal does not furnish the necessary security, within the ten days above mentioned, then it shall be the duty of the persons authorized to receive the security to notify the Governor thereof, who shall immediately proceed to fill the office as in case of vacancy arising from any other cause.

1818—24—1
Official bonds to be canceled by the Governor.

SEC. 11. The Governor is authorized to raise and annul on the application of all interested parties, all bonds with security, and all mortgages which shall have been furnished by any public officer who shall have resigned or died, or whose office may have expired by limitation, or when dismissed from office, whenever there shall be no opposition thereto, after public notice, as provided in the following section, and when he shall be satisfied that the duties and obligations imposed by law on such public officer, and for the faithful performance of which the bonds and mortgages had been furnished, were either by him or by his successors or assigns faithfully executed.

1818—24—2
Public notice to be given.

SEC. 12. It shall be the duty of the Governor, whenever any application shall be made for that purpose, to give notice by publication during thirty days consecutively, in the State paper, when the applicant was appointed or elected for the State at large; if for a district or parish, notice shall also be given in a paper published in the district or parish for which he was elected or appointed; should there be no paper published in the parish, then in the nearest paper, to all persons interested to show cause in writing, at the office of the Secretary of State, within ninety days from the last publication, why the bonds and mortgages for the canceling of which application is made, should not be by him raised and annulled.

1818—24—3
Proceedings when opposition is made.

SEC. 13. Whenever after such notice any opposition shall be made in the office of the Secretary of State to the raising and annulling of any bonds and mortgages aforesaid, it shall be the duty of the Governor to refer the parties to any court of competent jurisdiction, that it may be decided on their respective rights according to law.

In civil cases, the surety authorized to deliver up defendant. See ARREST, *Sec.* 5. Mode of proceeding, *Secs.* 6 and 7.
Penalty for obstructing, or resisting, *Sec.* 8.
Clerks of Supreme Court, to give bond. See CLERKS, *Sec.* 1.
Clerks of District Courts, to give bond, *Secs.* 5 and 6.

Forfeited bonds and recognizances. See CRIMINAL PROCEEDINGS, *Sec.* 56 *et seq.*

Bonds not to be received, until a commission from the Governor is exhibited. See DEFAULTERS, *Sec.* 6.

Sureties on Appeal Bonds, and Bonds of Administrators, Tutors, Curators, Executors, and Syndics, not to be proceeded against, until the principal is first discussed. See SURETY, *Sec.* 5.

BOUNDARIES OF PARISHES.

1835—144—1

Boundaries, how fixed and determined.

SECTION 1. Whenever the Police Jury of any parish shall pass an ordinance for ascertaining and fixing the boundary lines of any parish adjoining thereto, and shall appoint a time and place for commencing the running thereof; and shall duly serve the President of the Police Jury of the said adjoining parish, with a copy of the said ordinance, with notice of the time and place for commencing the running thereof six months previous to the time so fixed; then the Parish Surveyors of the said parishes, or such Surveyors as may be appointed for that purpose, shall proceed to the running and marking of said boundary line, or fixing on any water course as a boundary line; and in case the Parish Surveyor of either parish shall fail to attend at the time and place appointed, then the other Parish Surveyor, after waiting two entire days, shall proceed to the running and marking of the said adjoining boundary line, or determining on any water course in part or in whole of said boundary line.

1835—145—2

Returns, how to be preserved.

SEC 2. Whenever a boundary line shall have been run and marked as above prescribed, due returns thereof shall be made to the President of the Police Juries of both the said parishes, who shall cause them to be carefully filed and preserved in the office of the Recorder.

1835—145—3

Compensation of Surveyors.

SEC. 3. Each of the said Surveyors shall receive as full compensation for the running and marking of said lines, five dollars per day, and shall be paid for all reasonable expenses, by the Treasurer of the parish interested.

1835—145—4

Penalty for Parish Surveyors neglecting their duty.

SEC. 4. If any Parish Surveyor shall neglect to perform any of the duties prescribed by this act, or shall fail to attend at the time and place fixed for commencing the running and marking as aforesaid, or shall fail to run and mark as aforesaid, he shall, on conviction thereof, suffer a fine not exceeding fifty dollars, and imprisonment not exceeding ten days.

See PARISH TREASURER.

BRANDS AND MARKS OF ANIMALS.

1853—240—1

Parish Recorder to keep a book for recording marks and brands.

SECTION 1. It shall be the duty of the Recorder of each and every parish in this State to keep a book for the purpose of recording therein the brands and marks of cattle and other animals, and upon the request of any person owning cattle or other animals in his parish, to inscribe in the book the brands and marks used by such persons.

1853—240—2

Duty of Recorder to notify persons having brands alike.

SEC. 2. It shall be his duty, in case there shall be the same brands or marks belonging to different persons, to give notice to them immediately of the date of recording of each of those brands or marks, and the person whose brand or mark shall have been first recorded, shall have the right to the same without alteration.

1853—241—3

Recorder's fees

SEC. 3. The Recorder shall be entitled to demand and receive twenty-five cents for each and every brand and mark, or brand or mark alone, when only one is used; and whenever a certificate of the Recorder is required, he shall be entitled to demand and receive twenty-five cents for the same.

The provisions of this act shall not be so construed as in any manner to interfere with the central office for the recording of marks and brands for certain parishes heretofore established at Vermillionville, in the parish of Lafayette.

CEMETERY.

1841—39—1 & 2

1852—113—1

Cemeteries exempt from taxation and from seizure and sale for debt.

SECTION 1. All public cemeteries for the purposes of interment, with the monuments erected thereon, whether owned by religious or charitable corporations or associations, by municipal corporations or by individuals, shall be forever exempt from taxation, and from seizure and sale for debt, and shall never be susceptible of mortgage, whether legal or conventional.

1842—130—8

The proprietors of cemeteries to prescribe the mode of selling burial lots, &c.

SEC. 2. All religious denominations and congregations of this State, and all other associations which now own or may hereafter own any portion of land destined as a place for the interment of the dead, shall have the right to sell, convey and transfer such parts, fractions or lots of the same, as may be necessary and proper for interment; the acts of sale, conveyance and transfer shall be passed under such form as may be prescribed by the by-laws or special resolutions of the religious denominations and congregations or other associations.

Sale of burial lots need not be recorded.

Acts of sale so made shall be equally authentic and impart full proof as if they had been passed before a Notary Public and two witnesses. It shall not be necessary to record them in any public office, nor shall it be lawful for the Recorder of Mortgages in any city or parish of this State to record or to certify the existence of any privilege or mortgage bearing on said lots.

The lots shall be forever free from taxation and from seizure, attachment or sequestration for debts of any owner, whether belonging to the successions of deceased persons or to surviving friends.

CHARITY HOSPITAL.

1814—82—1
1818—96—1
1853—168—1

Board of Administrators, how composed.

SECTION 1. Whithin twenty days after thefirst Monday of January in each year, the Governor shall nominate, and by and with the advice and consent of the Senate, appoint eight Administrators of the Charity Hospital at New Orleans: who, together with the Governor of State, shall compose the Board of Administrators.

The Governor shall be, in perpetuity, President of the Board. They shall, at their first meeting, elect a Vice-President, who shall perform the duties of President, in his absence.

A quorum for the transaction of business shall be four Administrators, who shall have power to elect, in the absence of the president and Vice-President, a President pro tem.

They shall assemble on the first Monday of each month, and oftener if the President think fit, or business require it.

1814—82—2
1843—21—2

Their powers.

SEC. 2. They shall have full power and authority to manage and administer the Hospital, to repair and improve its property, of whatever nature it may be; to rent and lease the same, and to enter into any kind of contracts to accept, in behalf of the Hospital, all donations and legacies, under any title whatsoever, which may be made to the same by private or public instruments of writing, by codicil, will, or in any other manner; as also to sue and implead and be impleaded in all affairs and actions whatever, before any of the Courts of the State.

They shall also have power to sell slaves belonging to the Charity Hospital, whenever the majority of the Administrators shall deem it

beneficial to the interests of the institution, but shall not have power to sell other real estate.

1814—84—5
Their powers.

SEC. 3. They shall have power to order, establish, alter and put into execution, all by-laws and ordinances not contrary to the laws of this State, to the Constitution of the United States, nor to police ordinances of the corporation of New Orleans; and to appoint the several persons they may judge necessary for the service of the Hospital.

At each monthly meeting they shall designate two of their own members, whose duty it shall be, either jointly or separately, to visit the Hospital at least twice in every week, to inspect the service of the same, and enforce the execution of the regulations; on all which, they shall make their report to the Board.

1814—84—6
1820—58—2
Treasurer to be appointed.

SEC. 4. They shall appoint a Treasurer, to be continued at their own will, who, before he enters upon the functions of his office, shall give a bond for five thousand dollars, with a special mortgage on some landed property, situated in the parish of Orleans, to the satisfaction of the Board of Administrators.

1814—86—6
His duties.

SEC. 5. It shall be the duty of the Treasurer to recover all sums due to the Hospital; to keep a correct statement of its property, claims and revenues, and to make all necessary payments authorized by the Board of Administrators, and not otherwise; and finally to return every year to the Board a minute account of his receipts and expenditures: which, after being carefully examined by a special committee, shall, if found just and correct, be approved by the Board.

1888—107—8
Secretary, his duties.

SEC. 6. It shall be the duty of the Secretary of the Board of Administrators, to keep the reports which are to be made monthly by each and every department of the administration of the house, regularly filed, to be exhibited to the Legislative committee every year.

1814—86—7
Administrators—when to be removed from office.

SEC. 7. Any member of the Board of Aministrators absenting himself three times in succession from its legal meetings, except in case of sickness or other lawful impediment, or becoming a bankrupt or happening to be involved in a criminal law suit, shall ipso facto be destituted and immediately replaced in the manner aforesaid.

1818—98—2
To make an annual report.

SEC. 8. The Administrators shall, within the first twenty days of the annual meeting of the General Assembly, and previous to the yearly nomination of the Administrators, make a report to each branch thereof: which report shall contain a faithful account of the receipts and disbursements of the institution, and a faithful statement of all property, both real and personal, owned or claimed by the Charity Hospital.

1818—98—3
Report, what to contain.

1820—56—1
A register to be kept.

SEC. 9. A register, containing the family and christian names of each and every patient who shall have been admitted into the Hospital; also, his last place of residence, if known, the disorder with which he may have been afflicted, the time of his death, or discharge,

and whether cured or not, shall be kept by the overseer of the establishment, under the superintendency of the Administrators; and it shall be their duty to annex to their annual report to the General Assembly, a tableau extracted from this register, exhibiting the nature of the diseases attended to at the Hospital during the preceeding year, the number of patients admitted, the number of persons dead, cured, or gone out of the Hospital for any other cause; the number of those born in the same country, and the number remaining at the end of the year; which tableau shall be printed in one of the newspapers of the city.

To be annexed to the report.

1848—123—2

Money, how to be appropriated.

SEC. 10. All money coming to the Hospital shall be exclusively appropriated to the use of the patients within the Hospital; but the Administrators may, from time to time, make such changes in, or additions to, the Hospital, as they may deem expedient, whenever the revenues may permit the same to be done.

1848—123—8

House Surgeon, his duty to report.

SEC. 11. It shall be the duty ef the house Surgeon of the Hospital to report to the Board of Aministrators whenever the wards of the Hospital are full, so that no more patients can be safely accommodated; and if upon inspection by a committee of the Board, the report of the house Surgeon shall be found correct, it shall be the duty of the Board to order that no more patients be admitted.

18 4—86—8

Tax on balls and concerts.

SEC. 12. For every public and subscription ball and concert, the sum of ten dollars shall be paid to the Treasurer of the Hospital by the person for whose benefit the diversions are given; and the Mayor of New Orleans is hereby required not to give his permission for any such diversion, unless the applicant exhibits to him the receipt for the tax, signed by the said Treasurer.

1838—107—4

Tax on theatres, circuses, &c.

SEC. 13. The Administrators shall be authorized to demand and receive, annually, from each theatre, five hundred dollars; from each and every circus, one hundred and fifty dollars; from every menagerie, fifty dollars, and every show, twenty-five dollars; and it shall be the duty of the Mayor of the city of New Orleans, in authorizing any of these exhibitions, previously to require the receipt of the Treasurer of the Hospital for the payment of said sums respectively.

1850—225—1

Report to be made by the masters of ships, &c.

SEC. 14. Within twenty-four hours after the arrival of any ship, steamboat, or other vessel, at its place of destination in this State, from any place without the same, the commanding officer, or any other officer of such vessel, shall make, under oath or affirmation, a written report to any resident hospital commissioner, which shall state the name of such vessel, its owners, officers, and consignees; the place where its voyage began, and the name, nation or birthplace, race or color, age, occupation, place of first embarkation, and place and time of debarkation in this State, of every person or passenger, not of the crew proper, and not a citizen of the United States, who shall have landed from such vessel, within this State.

He shall report in like manner, whether or not any officer of such vessel has collected from any person or passenger, not a citizen of the United States, any commutation money, as hereinafter allowed to be paid; and if so, from and by whom the same was collected, and to what amount.

1853—835—2

Report to be made by foreigners arriving in the State.

SEC. 15. Every person not a citizen of the United States, and above the age of ten years, arriving and landing at any place within the limits of the State of Louisiana, from any place without the same, shall, in like manner, report himself to any resident hospital commissioner, and when they are above the age of majority, or by their parents or guardians, when under the age of majority, shall give bond in the sum of one thousand dollars, with one or more joint and several solvent sureties, resident in the parish where such person may have landed, conditioned that the principal in such bond shall not at any time within five years from the date thereof, become, from any cause, chargeable or dangerous in any manner to the State, to its citizens, or to any charitable institution within its limits; unless such institution be voluntarily supported by foreigners, or citizens of foreign birth.

Bond to be given

And every person who shall refuse or wilfully neglect, for twenty-four hours after his arrival and landing, to make report and give bond as by this section required, shall incur a penalty of fifty dollars. Persons arriving and landing in the parishes of Plaquemines, St. Bernard, Orleans or Jefferson, shall report themselves in New Orleans, and furnish bond, with surety resident in the city of New Orleans.

1850—225—3

Commutation of bond.

SEC. 16. It shall be lawful for any person referred to in the foregoing section, who may be unable or unwilling to furnish bond, as thereby required, to commute therefor, by paying, within twenty-four hours after his or her arrival, the sum of two dollars and fifty cents.

1850—225—4

Commutation payment to whom to be made.

SEC. 17. The commutation payments allowed by the foregoing section may be lawfully made to any hospital commissioner, or to the clerk or commanding officer of the vessel on which the person making such payment arrives.

And every such commanding or other officer shall, on arrival of their vessel, or on his own arrival, forthwith pay over to any hospital commissioner the sums so received or collected, less a commission of five per cent., which he shall be entitled to retain for his trouble.

1850—226—5

Legal effect of bond and reports.

SEC. 18. All bonds taken, or reports received by any commissioner, as aforesaid, shall have the force and authenticity of notarial acts, as against the signers thereof; and every person not a citizen of the United States claiming to be exempt from making report or giving bond, shall be held to prove his exemption.

1850—226—6

Commissioners to be appointed.

Their duties and powers.

SEC. 19. It shall be the duty of the Board of Administrators to appoint one or more commissioners, removable at will, to be styled Hospital Commissioners, who shall have power, in the name and for

the use of the hospital, to sue for and recover, collect, receive and receipt for, all commutation money, bonds, fines, forfeitures, and penalties; the commissioners shall each furnish bond satisfactorily to the President and Administrators of the Hospital, for the faithful performance of their duties as commissioners.

They may, also, with the consent and approbation of the President and Administrators, appoint deputies, for whose acts they shall be responsible, who shall be vested with the same powers and duties as themselves.

The commissioners and deputies shall perform such other duties as may be imposed on them by the Board, in order to carry out more perfectly and equitably the objects of this law; they are also vested with the power of boarding all vessels and examining their log books and other documents, and with all other powers reasonable and necessary for properly enforcing the same, in all its parts—they being responsible for the abuse of their powers; they also shall have authority to compound for penalties, fines and forfeitures incurred, so long as judgment has not been rendered for the same, subject always to the control of the Board.

1850—226—7

Duty of the Hospital.

SEC. 20 It shall be the duty of the Charity Hospital to receive and attend gratuitously, during sickness, any destitute person proving that he has, within five years previous to his application for medical relief, furnished bond or paid commutation money, as herein required.

1850—225—8

Bonds, fines, &c, how appropriated.

SEC. 21. All bonds, fines, forfeitures, and penalties whatsoever, taken or collected by virtue of this act, or arising either directly or indirectly and remotely from any infraction of the rights, powers, duties, or obligations given or imposed thereby, and all moneys collected by virtue thereof, shall belong and be paid to the Charity Hospital of New Orleans, which shall be entitled to recover the same, and to apply the funds arising therefrom to the medical and surgical relief of sick and destitute foreigners, exercising a just and reasonable discretion in the use and application of the same.

1850—226—9

Penalty for opposing commissioners, &c.

SEC. 22. Any person opposing or obstructing in any manner the commissionners or their deputies, in the exercise or performance of their official duties, or falsely representing himself to be not subject to any of the provisions of this act, shall incur a penalty of not less than twenty five dollars, or more than three hundred dollars.

Any person collecting commutation or other money, on behalf of the Charity Hospital, or belonging to it, and concealing the fact, or not paying the same over to its proper commissioner or agent, on demand, shall incur a penalty of not less than one hundred, or more than one thousand dollars.

Any commanding or other officer of any steamboat or other vessel, refusing or wilfully and unreasonably neglecting to report, shall in-

cur a penalty of not less than fifty, nor more than five hundred dollars.

Fines imposed on delinquent jurors, summoned by the Coroner, to be recovered by Charity Hospital in New Orleans and Jefferson. See CORONERS, *Sec.* 8.

CIVIL CODE.

SECTION 1. All the civil laws which were in force before the promulgation of the civil code are abrogated, except so much of title tenth of the old civil code as is embraced in its third chapter, which treats of the dissolution of communities, or corporations. 1828—160—25 Former laws repealed.

AMENDMENTS TO ARTICLES OF CIVIL CODE.

SEC. 2. The duties now imposed on the clerks of the courts of this State to insert in a register to be kept for that purpose, the titles of the laws, which shall have been directed to them, together with the day on which they shall have received them, shall not be considered as necessary to the promulgation of such laws. 1827—172—2 Art. 4.

See "ABSENTEE." Art. 50.

SEC. 3. The articles of the Civil Code 101, 102, shall be so construed that any priest or minister of a religious sect, domiciliated within the State of Louisiana, shall have the right of celebrating marriages in any one of the parishes of this State; and it shall no longer be required that the said priest or minister of a religious sect shall reside in the parish where he celebrates or performs the marriage ceremony. 1842—204 Arts. 101 & 102

SEC. 4. Whatever in the article two thousand four hundred and ten of the Civil Code might be in contravention with the article one hundred and twenty-five of the same code, is repealed; and this last article shall be considered as the one being in force. 1826—162—2 Art. 125.

See "DIVORCE." Art. 185.

See "APPRENTICES" Art. 156.

SEC. 5. The one hundred and fifty-eighth and one hundred and fifty-ninth articles of the Civil Code, are repealed, and the act of the Legislature entitled: "An act for the regulation of the rights and duties of apprentices and indented servants," passed on the twenty-first of May, eighteen hundred and six, is revived in every thing which is not contrary or repugnant to the provisions of the Civil Code, which are not expressly repealed. 1826—162—4 Arts. 158 & 159.

SEC. 6. That so much of the article two hundred and seventeen as abolishes all other modes of legitimation except that by marriage, be, and the same is hereby repealed, and that law seventh, title fif- 1831—86

Art. 217.

teenth, of the fourth partidas, which was repealed by said article of the Code, be and the same is hereby revived; and that natural fathers or mothers shall have power to legitimate their natural children, by acts declaratory of their intentions, made before a notary and two witnesses. Nothing herein contained shall be so construed as to enable a white parent to legitimate a colored child, nor to prevent a free person of color to legitimate his colored children; provided, the natural children are the issue of parents who might, at the time of conception, have contracted marriage; and, provided that there do not exist, on the part of the parent legitimating his natural offspring, ascendants or legitimate descendants.

Fourth Partidas—Law 7th, title 15th.

Another way of legitimating natural children is, where a father declares by a writing executed by his own hand, or which he causes to be executed by a notary public, and attested by three witnesses, that he acknowledges such a one for his son, designating him expressly by name. But in such acknowledgment the father ought not to say he is his natural son; for if he does, the legitimation will have no effect. Likewise, where a man has several children by a concubine (amiga), and he acknowledge one of them only in writing, in the manner above mentioned; by such acknowledgment, the other brothers and sisters will be legitimated, though no mention be made of them, so far as to enable them to inherit the estate of their father, as effectually as the one whose name is mentioned in the writing. And what we say in this and the preceding laws, is to be so understood that they who are therein mentioned as being legitimated, can inherit both the estates of their fathers and other relations; except, however, the child who is legitimated in the manner mentioned in the next law when he goes in person and offers himself for the service of the Emperor or King; for such a child can inherit the estate of his father only, and not that of his other relations, if they die intestate.

1826—164 Art. 305.

Sec. 7. Article three hundred and five shall be amended as follows, to wit: by adding, at the end of the second paragraph of said article, the following words: "or in a neighboring parish, provided it be not at a distance exceeding thirty miles.

See "Family Meetings."

1830—46—2 Art. 338.

Sec. 8. In case of an adjudication made under the 338th Art. of the Civil Code, or any other law authorizing similar adjudications, a special mortgage may be given by the father or mother on real property, not slaves, to secure the rights of the minors; and such special mortgage shall have the effect of annulling the mortgage arising from such adjudication.

1825—198—1 Art. 341.

Sec. 9. Instead of the highest conventional interest, which tutors of minors are by the 341st article made liable to pay to their pupils on the funds which they may have failed to place at interest for their use, the said tutors will be accountable only for legal interest.

SEC. 10. There shall be hereafter no curator ad bona or curator ad litem appointed in any case; the persons and estates of minors shall in all cases be placed under the power of tutors and under tutors; and that their powers, duties and responsibilities, as well as their liability to be removed from office, shall continue until the minors attain the age of majority, or are otherwise emancipated. 1830-48—9 Arts. 357 to 366.

See "MINORS." Art. 367.

SEC. 11. It shall not be necessary for minor heirs to make any formal acceptance of a succession that may fall to them, but such acceptance shall be considered as made for them with benefit of inventory, by operation of law, and shall in all respects have the full force and effect of a formal acceptance. 1848—84 Art. 970.

SEC. 12. Article eleven hundred and sixteen shall be amended and re-enacted so as to read as follows: "If several persons claim the Curatorship, the Judge shall appoint one of them to act as Curator; provided he have the requisite qualifications and offers sufficient security. 1854—51 Art. 1116.

SEC. 13. Hereafter no Notary, Parish Recorder, or Register of Mortgages, in making a certificate of mortgage, shall mention in his certificate, the fact of registration of the bond of any Administrator, Curator of vacant successions, or of absent heirs. The proper construction of the article one thousand one hundred and twenty-four, not giving to such bonds, when registered, the force of a mortgage. 1884—118 Art. 1124

SEC. 14. Nothing contained in the articles eleven hundred and thirty-nine, and seventeen hundred and eighty-four, or in any other articles of the Civil Code or Code of Practice, shall be so construed as to prevent any Executor, Administrator, Curator or Tutor, from purchasing at the sale of the effects of the deceased, whose estate they may respectively represent when the said Executor, Administrator, Curator or Tutor is the surviving partner in community or ordinary partnership, or an heir or legatee of said deceased; and all purchases so made shall be considered as valid and binding as though the same had been made by any disinterested third party. 1854—155—1 Art 1189.

SEC. 15. Curators, Administrators, Tutors and Testamentary Executors, who only wish to be absent for a time, ought not to lose their administration on that account; provided they leave with some person residing in the parish, or in an adjoining parish, where the succession is opened, a general and special power of attorney to represent them in all the acts of their administration, and deposit an authentic copy of the power of attorney before his departure, in the office of the Recorder in and for the parish where said succession has been opened, which power of attorney shall be duly registered. 1847—115 Art. 1145

SEC. 16. Whenever it shall be found by the Clerk that a succession is so small, or so much in debt, that no person will apply for, or will be willing to accept the curatorship, or when a vacancy exists in 1846—64—2 Art. 1178

such appointment which no one demands the nomination to, the Clerk shall assume the administration of such succession.

He shall cause the effects of the succession to be sold and the proceeds to be applied to the payment of its debts; the whole to be done in as summary a manner as possible, to diminish costs, provided this section is not to apply to successions amounting to more than five hundred dollars.

1838—5—1
Art. 1178

SEC. 17. The article eleven hundred and seventy-eight, shall be so amended that whenever satisfactory proof shall have been made to any Judge, that a succession is so small, or is so much in debt, that no person will apply for, or be willing to accept the curatorship, on complying with the existing laws on this subject, the Judge shall have the power, without any previous notice or advertisement, to confer the curatorship of such succession on such person as he may think proper. The curator so appointed, shall cause the effects of the succession to be sold, and the proceeds to be applied to the payment of the debts of the deceased; the whole to be done in as summary a manner as possible, to diminish costs, and under the immediate direction of the Judge of the Court; such Curator shall be allowed a reasonable compensation for his services; and shall not be compelled to furnish bond and security, except in cases where the Judge shall deem it necessary and in all cases the Judge shall fix the compensation of the Curator, and the amount of security when he requires it; provided, that this law shall not apply to successions amounting to more than five hundred dollars.

1837—96—7
Art. 1179.

SEC. 18. All Executors, Administrators, Curators and Syndics, shall continue in office until the estate shall be finally wound up; provided, that any creditor or person interested, shall have the right to require new or additional security, as often as once in every twelve months, and oftener, if the Court, on motion to that effect, may judge it to be necessary.

1858—157
Art. 1264.

SEC. 19. Article one thousand two hundred and sixty-four, shall be amended so as to read as follows, to wit: "If there be, among the heirs of the deceased, any who are of age and present, and who demand that the sale be made for cash, it shall be made for cash, for a sufficient sum to cover the portion coming to them, and on a credit for the balance, on the terms prescribed by the other heirs."

But on the partition of the proceeds of the sale, the whole amount shall be reduced to its cash value, by deducting from the whole sum to be paid eight per cent. per annum, and those heirs who require their portion in cash, shall receive it on the whole amount thus reduced.

1850—228
Art. 1739.

SEC. 20. Article seventeen hundred and thirty-nine, shall be amended so as to read as follows: "Either of the married couple

may, either by marriage contract, or during the marriage, give to the other, in full property, all that he or she might give to a stranger."

See amendment to Article 1139. Art. 1784.

SEC. 21. The article two thousand three hundred and four, shall be amended so as to make the English of said Article correspond with the French, and so as to make co-trespassers liable in solido. 1844—14 Art. 2304.

SEC. 22. All property hereafter acquired in this State by non-resident married persons, whether the title thereto be in the name of either the husband or wife, or in their joint names, shall be subject to the same provisions of law which now regulates the community of acquets and gains between the citizens of this State. 1852—200 Art. 2369.

See amendment to Article 125. Art. 2410.

See "REDHIBITION." Arts. 2508 & 2513.

See "ADMINISTRATOR," sec. 7. Art. 2600.

See "LANDLORD AND TENANT." Art. 2675,

See "MECHANICS' LIEN." Art. 2744.

SEC. 23. Article two thousand eight hundred and ninety-five shall be so amended that the amount of conventional interest shall in no case exceed eight per cent. under pain of forfeiture of the entire interest so contracted. 1844—15—1 & 2 Art. 2895.

If any person shall pay on any contract a higher rate of interest than the above, as discount or otherwise, the same may be sued for and recovered within twelve months from the time of such payment.

SEC. 24. Article 3053 shall be so amended that the opinion of the majority of the creditors, in number and amount, shall prevail. 1843—51 Art. 3053.

(See "PLEDGE.") Art. 3125.

SEC. 25. Article three thousand one hundred and eighty-four shall be so amended as to insert in the first paragraph, after the word "overseer," the following words: "and debts due for necessary supplies furnished to any farm or plantation." 1843—44—1 & 2 Art. 3184.

The privilege of the overseer, as granted in said article three thousand one hundred and eighty-four, shall be superior in rank to that of the furnisher of supplies, as granted by the present section.

(See "PRIVILEGE.") Art. 3194.

SEC. 26. For privilege on steamboats, &c., for damages caused by collisions, &c., and for cordwood, see "STEAMBOATS." Art. 3204.

SEC. 27. Article three thousand two hundred and fourteen shall be so amended that every consignee, commission merchant, agent or factor shall have a privilege preferred to any attaching creditor on the goods consigned to him for any balance due to him, whether specially advanced on said goods or not, provided they, or an invoice or bill of lading have been received by him previous to the attachment. The privilege established by this section shall not have a preference over a privilege pre-existing in behalf of a resident creditor of this State. 1841—22 1841—58 Art. 3214.

1852—171—1 & 2
Art. 3216.

SEC. 28. Whenever the widow or minor children of a deceased person, shall be left in necessitous circumstances and not posses in their own right property to the amount of one thousand dollars, the widow or the legal representatives of the children, shall be entitled to demand and receive from the succession of their deceased father or husband a sum which, added to the amount of property owned by them or either of them, in their own right, will make up the sum of one thousand dollars, and which said amount shall be paid in preference to all other debts, except those for the vendor's privilege, and expenses incurred in selling the property.

The surviving widow shall have and enjoy the usufruct of the money so received from her deceased husband's succession, during her widowhood, afterwards to vest in, and belong to the children or other descendants of said deceased.

1881—88—2
Art. 3319.

SEC. 29. Article three thousand three hundred and nineteen is repealed.

1845—55—4
Art. 3328.

SEC. 30. The parties to a notarial act may, by written clause in the act, dispense with the certificate of mortgage required by article three thousand three hundred and twenty-eight of the Civil Code, and the Notary or Parish Recorder shall not in such case be entitled to charge for such certificate.

1842—232
Art. 3333.

SEC. 31 Article three thousand three hundred and thirty-three is hereby amended so that the rule requiring the reinscription of mortgages, at the expiration of ten years from date of their registry, shall not apply to the mortgages which have been or may be given by the stockholders of the various property banks of this State

1843—52

Article three thousand three hundred and thirty-three of the Civil Code shall be so amended that it shall be the duty of the Recorder of Mortgages, or persons acting as such, to cancel and erase, on the single application in writing to that effect, by the owner, creditor of the owner, or other party interested, all inscriptions of mortgages which have existed, or may exist on their record for a period exceeding ten years, without a renewal of such inscription; provided, however, that this section shall not apply to mortgages against husbands for the dotal and other claims of their wives, to mortgages against tutors and curators, in favor of minors, interdicted or absent persons, nor to mortgages in favor of the property banks.

1858—159

The reinscription of mortgages required by Article 3333 of the Civil Code, shall not apply to mortgages now recorded, or which may hereafter be given and recorded in favor of the commissioners of the Poydras legacy, out of the funds bequeathed by the late Julien Poydras to the indigent girls of the parishes of West Baton Rouge and Point Coupée.

1826—162—1
Arts. 3351 & 3354.

SEC. 32. The Recorder of Mortgages for the parish of Orleans, together with the Recorders of Mortgages, in their respective parishes,

shall not be bound to keep any other separate register, besides those mentioned in the article three thousand three hundred and fifty-one, and that mentioned in the paragraph of article three thousand three hundred and fifty-four. The second paragraph of article three thousand three hundred and fifty-four is repealed. It shall be the duty of the Recorder of Mortgages for the parish of Orleans, as well as of the several Parish Recorders, always to keep open to the inspection of every person who may wish to examine the same during the regular office hours, the three registers mentioned in article three thousand three hundred and fifty-one of the Civil Code.

SEC. 33. The laws of prescription now existing, whereby absentees and non-residents of the State, are entitled to longer periods than persons present or residents in the State, before prescription can be acquired against them, are abolished; and hereafter absentees and non-residents of the State are to stand on the same footing, in relation to the laws of prescription, as persons present or residents of the State; provided that this section shall not apply to any prescription of one year or less. 1848—60 Art. 3420.

SEC. 34. The accounts of retailers of provisions and liquors, and the accounts of all merchants, whether selling by wholesale or retail, within this State, shall be prescribed by the lapse of three years from the time the articles charged shall have been furnished to the purchaser; provided the above shall not apply to retail vendors of ardent spirits in less quantity than one quart. 1850—90—1 & 2 Art. 3508.

The prescription of all open accounts, the prescription which is ten years under existing laws, shall be prescribed by three years.

SEC 35. All promissory notes whether the same be negotiable or otherwise, shall be prescribed by five years. 1852—90—3 Art. 3505.

SEC. 36. Hereafter all judgments for money, whether rendered within or without the State, shall be prescribed by the lapse of ten years from the rendition of such judgment; provided, however, that any party interested in any judgment, may have the same revived at any time before it is prescribed, by having a citation issued according to law, to the defendant or his representative, from the court which rendered the judgment; and if he be absent, the court may appoint a curator ad hoc to represent him in the proceedings, upon whom the citation shall be served, unless the defendant or his representative shows good cause why the judgment should not be revived. 1853—250—1, 2 & 3. Art. 3508.

Any judgment revived as provided above, shall continue in full force for ten years from the date of the order of court reviving the same; and any judgment may be revived as herein provided for, as often as the party interested may desire.

The provisions of the Code of Practice to prevail, when conflicting with the Civil Code. See "AMENDMENTS TO CODE OF PRACTICE," *Sec.* 80.

CLERKS.

CONSTITUTIONAL PROVISIONS.

CLERKS OF THE SUPREME COURT.

CLERKS OF DISTRICT COURTS GENERALLY.

CLERKS OF DISTRICT COURTS, NEW-ORLEANS EXCEPTED.

CLERKS OF DISTRICT COURTS IN NEW ORLEANS.

CONSTITUTIONAL PROVISIONS.

Powers to be vested in Clerks.

ARTICLE 76. The Legislature shall have power to vest in Clerks of courts authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of Justice, and in all cases, the powers thus granted shall be specified and determined.

ART. 77. The Judges of the several inferior courts shall have power to remove the Clerks there, for breach of good behavior; subject in all cases to an appeal to the Supreme Courts.

Judges authorized to remove Clerks.

ART. 79. Clerks of the inferior courts in this State shall be elected for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the Court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

Clerks to be elected for four years

CLERKS OF THE SUPREME COURT.

SECTION 1. There shall be four Clerks of the Supreme Court; one at New Orleans; one at Opelousas; one at Alexandria; and one at Monroe. They shall be appointed by the Supreme Court; and shall give bond with approved security as follows: the one at New Orleans in the sum of ten thousand dollars, and the others in the sum of five thousand dollars each, conditioned for the faithful discharge of their duties.

Constitution. Article 68.

Four Clerks of the Supreme Court. To give bond.

The bonds shall be approved and accepted by the Supreme Court.

SEC. 2. The Clerks at Opelousas, Alexandria and Monroe, shall have power to adjourn the court from day to day, not exceeding ten days, whenever the Judges fail to attend, in case neither of the Judges should appear at the time fixed by law for the commencement of the session.

1846—107—10

Clerks to adjourn court from day to day.

SEC. 3. Whenever any complaint may be made against a Clerk of the Supreme Court, it shall be the duty of the court to appoint a day for hearing the evidence, when the court shall give such judgment as may be proper, and in the meantime, the court, or any one Judge, when it is not in session, may suspend the Clerk and appoint another pro tempore, when the nature of the charges may in their opinion authorize the measure.

1821—114—7

Clerks of the Supreme Court how tried for misfeasance.

CLERKS OF DISTRICT COURTS GENERALLY.

SEC. 4. There shall be elected in each parish in this State, at the general election in November, 1855, and every four years thereafter, one Clerk for each of the District Courts therein, who shall hold his office for the term of four years.

1853—152—1 & 2

One Clerk for each District Court to be elected.

SEC. 5. The several Clerks of the District Courts in this State, before they enter upon the discharge of the duties of their office, shall give bond, with at least two good securities, for the faithful discharge of their official duties.

1846—66—15

Bond to be given.

The bond shall be made payable to the Governor, and may be sued on by any party injured; the bond and securities thereon shall be approved by the District Attorney of the Judicial District in which the bond is given; and it shall be deposited in the office of the Sheriff of the parish, who shall transmit a certified copy of the same to the State Treasurer; and a copy of the bond so transmitted, duly authenticated by the Treasurer, shall be admissible as evidence.

1846—66—16

Amount of bonds by whom fixed.

SEC. 6. The amount of the bonds of the several Clerks shall be determined by the parochial authorities of the parishes respectively; and the bond shall be renewed every two years, and in case of failure of the Clerk so to renew his bond, he shall be removed from office by the District Judge, on due proof of the fact being made by the District Attorney, whose duty it shall be to prosecute in such cases.

1838—293—1

Powers granted to Clerks.

SEC. 7. The Clerks of the several District Courts shall have power to issue writs of arrest, attachment, sequestration and provisional seizure, and to grant orders for setting sequestration aside, and fixing the amount of bond therefor.

They shall have the power to administer oaths in all cases; to issue commissions to take testimony of witnesses residing out of the parish and in the parish where it is made to appear that the witnesses is about to depart, or when from any other cause, the party desiring his testimony, may have cause to apprehend that he will otherwise be deprived of it, and to appoint commissioners to execute the same, and to fix the return day thereof; to grant orders for affixing seals, taking inventories and making partitions; to order the execution of wills; to confirm testamentory executors; to confirm and appoint tutors and undertutors; to appoint dative testamentary executors, administrators, curators of vacant successions and absent heirs, and attorneys of absent heirs, after giving the notices as prescribed by law; to grant marriage licenses; to order family meeetings, and homologate their proceedings, if no opposition is made thereto; to grant orders for the sale of succession property; to order calls in warranty, and to issue citations thereon; to grant orders of injunction in the absence of the Judge from the parish, or when he is interested; and when for a specific sum of money, shall require bond in an amount one-half over and above the sum enjoined. But when the sale of specific property is enjoined by the defendant, or any third party, the bond shall be for an amount one-half over and above the estimated value thereof, as certified to by the officer making the seizure. Injunctions may be issued by the Clerk on the oath of the party, or his attorney, that the Judge is absent from the parish, or that being interested, he is unable to give the order.

1853—294—2

Further powers.

SEC. 8. They shall have power to homologate the proceedings of meetings of creditors of insolvent successions, and to take the necessary bond required of syndics; to issue orders for the advertisement of the filing of accounts and tableaux of tutors, executors, administrators, curators of vacant estates and absent heirs, syndics of insolvent successions and insolvent debtors, and to homologate the same.

1852—207—4

Clerks to file and record mandates of the Supreme Court.

SEC. 9. They shall have power to receive, file, and record all mandates and decrees rendered by the Supreme Court in causes taken up by appeal from their respective courts, and to issue all legal process under the mandates and decrees of the Supreme Court.

1846—65—9

Clerks to order tutors, &c., to file accounts.

SEC. 10. They shall have power to order all executors, tutors, curators, administrators and syndics to file accounts within ten days after such order may have been made, allowing one day for every ten miles between the residence of the party so ordered and the court-house.

1846—65—10

Duty of Clerks in case of failure to file accounts.

SEC. 11. It shall be the duty of the Clerks to make and place on the docket of the District Court, at each term thereof, a list of all such executors, administrators, tutors, curators and syndics as shall have failed to file accounts within the twelve months next preceding.

1846—66—14

To record all proceedings in successions.

SEC. 12. The Clerks shall record all proceedings in successions, and he shall receive therefor such fees as may be allowed by law.

1853—294—3

Days on which Clerks may homologate accounts.

SEC. 13. The first Saturday in every month shall be fixed as the only day on which the Clerks shall have the right to homologate accounts and tableaux of distribution; and no account or tableaux shall be approved or homologated until the heirs, or their legal representatives, or the parties interested therein, who reside within the parish in which the court having jurisdiction of the matter is held, shall have been legally cited, in the manner required by law, to bring parties into court, and the legal delay for considering or opposing such accounts shall have elapsed.

1853—294—4

Notice to be given to the heirs residing out of the parish.

SEC. 14. No account shall be homologated and approved until the heirs or their representatives, or the parties interested therein who reside out of the parish in which the court having jurisdiction of the matter is held, shall have been notified for at least thirty days; which notice shall be given by advertisement, in the same manner as an advertisement of sheriff sales are made in the parish, and shall have the same effect as a citation regularly issued and served; nor until the legal delay for considering and opposing such account shall have elapsed. But, neither advertisement nor citation shall be necessary in any case when the heirs or their legal representatives, or other persons interested, consent to the homologation of the accounts.

1853—295—5

Opposition to be referred to the Court for decision.

SEC. 15. Whenever opposition is made to any account of tableaux before its homologation, it shall be referred for decision to the court, and all further proceedings therein by the Clerk, shall be suspended.

1853—295—6

A list for all accounts filed for homologation to be kept posted in the Clerk's office.

SEC. 16. It shall be the duty of the several Clerks to keep constantly posted up in their offices a list of all the successions wherein accounts have been filed and are pending for homologation.

1853—295—7

Clerks may appoint deputies.

Their powers.

SEC. 17. Clerks may appoint deputies, who shall take the oath required by the Constitution. They shall exercise the powers granted to Clerks, except such judicial powers as have been or may be granted under article 76 of the Constitution, which shall belong to the Clerk alone.

1846—68—5

Opposition to orders of Clerks.

SEC. 18. All orders which the several Clerks are empowered to grant, may be opposed by any person in interest, and in case of oppo-

sition, the orders shall not be executed unless the District Court shall sustain the same.

1846—64—6

Opposition to appointments made by Clerks.

SEC. 19. All appointments which the several Clerks are empowered to make, may be opposed by any person in interest, and in case of such opposition, the District Court shall determine on the same: and if any such opposition be made, the appointment shall be provisional, and the person so provisionally appointed shall have no power, except to collect and preserve the accounts and property of the estate with which, by such appointment, the person may be entrusted; provided that all persons so provisionally appointed shall qualify in manner and form as required by law.

1846—64—2

Duty of Clerks in case of opposition.

SEC. 20. In all cases of opposition, filed in the Clerk's office, it shall be his duty to place the opposition on the docket of the District Court, and to issue a copy of the motion to be served on the opposite party.

1852—207—5

To grant orders to make new parties, &c.

SEC. 21. It shall be lawful for Clerks of courts, and it is made their duty, on the application of any party interested, to file any pleadings required for the purpose of making new parties to a suit, and to issue the necessary process thereon, whenever from marriage, death, insolvency, or from any other cause, it may be necessary to make new parties.

1834—34—1 & 3

Bonds to be recorded in a book to be kept for that purpose.

SEC. 22. It shall be the duty of the Clerks of courts to record in a bound book, all bonds, particularly those given by tutors, administrators of successions and curators; and for recording any bond, there shall be allowed fifty cents.

And also all oaths of tutors, curators, appraisers, and other oaths of office required by law.

1846—101—13

To deliver copies of judgments, &c.

SEC. 23. It shall be the duty of the Clerks of the District Courts, at the request of either party, to deliver to the officer vested with the power of recording mortgages, in their respective parishes, copies of all decrees, judgments, or orders, by which mortgages of any kind may be created on property; but the copy and the costs of recording shall be paid for by the party applying for the same.

1846—101—16

Office hours.

SEC. 24. They shall keep their offices open every day, (Sundays and holidays excepted,) from ten o'clock, A. M., to twelve o'clock, M; and from two o'clock, P. M., to four o'clock, P. M.

1846—64—2

Small successions to be administered by Clerks in certain cases.

SEC. 25. Whenever it shall be found by the Clerk that a succession is so small, or so much in debt, that no person will apply for, or will be willing to accept the curatorship, or when a vacancy exists in such appointment which no one demands the nomination to, the Clerk shall assume the administration of such succession.

He shall cause the effects of the succession to be sold and the proceeds to be applied to the payment of its debts; the whole to be done in as summary a manner as possible, to diminish costs, provided this

section is not to apply to successions amounting to more than five hundred dollars.

1846—64—3

To send a list of vacant estates to the Treasurer.

SEC. 26. It shall be the duty of the Clerks to send, at the end of every year, a list certified under their hands and seals, of all the vacant estates or those belonging to absent heirs, which were opened in their respective parishes during the course of the year, with mention of the name and surname of the deceased, the time of his death, the name and surname of the curators or executors of the estate, to the Auditor of Public Accounts.

1846—64—4

Duty of Clerk when no one will be tutor to a minor.

SEC. 27. Whenever it shall occur that no one will take upon himself the tutorship of a minor, and comply with existing laws by giving the required security, it shall be the duty of the Clerk to summon a family meeting, and with its advice, to nominate one discreet and responsible person in that parish to be tutor, and another to be undertutor, who shall in all respects comply with existing laws in relation to tutors, except that of giving security for his administration.

1825—212—1

Proceedings to be recorded.

SEC. 28. It shall be the duty of the Clerks of the District Courts of this State, within six months after the rendition of a final judgment in all cases decided in the courts, to record, in a well bound book, the petition, answer, orders of court, interlocutory judgments, together with the final judgment of the court rendered thereon.

1825—212—2

Proceedings to be recorded in cases of appeal.

SEC. 29. In case of appeal, it shall be their duty to record the pleadings and judgment as aforesoid, together with the judgment of the District Court and appellate court, within six months from the filing of the judgment of the appellate court.

1825—212—3

In case of dismissal of appeal.

SEC. 30. In case no judgment shall be rendered in the appellate court by reason of the appeal being dismissed or discontinued, it shall be the duty of the Clerks to record the pleadings and judgment, as directed by the preceding section, within six months from the notice of the dismissal or discontinuance being filed in court.

1825—214—5

Penalty for neglect.

SEC. 31. Any Clerk neglecting or refusing to comply with the provisions of the three preceding sections, shall be considered as guilty of a breach of good behavior, and on due proof thereof shall be removed from office

1825—214—6

Copies from the record when to be evidence.

SEC. 32. In case of the loss or destruction of the original documents, herein directed to be recorded, copies taken from the record book, and certified by the keeper thereof under his hand and seal of office shall be legal evidence of the contents of said originals; but in case a duly authenticated copy of such record, made before the destruction of the original, should be produced in evidence, greater faith shall be given to it, than to a copy made subsequent to such destruction.

1889—170—21

Writs to issue to recover fines.

SEC. 33. When a fine shall be imposed by any court of justice for the non-attendance of any witness or juror, or for any other cause, it shall be the duty of the Clerk to issue, within two judicial days, a

writ of fieri facias, at the suit of the State against the person on whom the fine shall have been imposed; and the Clerk, Sheriff, or Coroner, as the case may be, shall be responsible for the faithful performance of the provisions of this section; provided, that fines shall not be imposed without a rule on the party to show cause, unless the circumstances of the case should, in the discretion of the court, require no delay.

Fines not to be imposed without a rule to show cause.

1814—62—2

Offices where to be kept.

SEC. 34. Whenever any parish shall provide a suitable office for the Clerk of any court, at the seat of justice, it shall be his duty to keep his office in the building so provided; and on failing so to do, he shall be fined in a sum not exceeding ten dollars, for every month that he shall keep his office elsewhere, at the discretion of the Judge.

1846—66—17

Proceedings in case of official misconduct or breach of good behavior.

SEC. 35 Whenever any Clerk of any District Court shall be guilty of any malfeasance in the discharge of the duties of his office, or of any breach of good behavior, it shall be lawful for the person who shall be aggrieved thereby, or any other person, to complain to the Judge of the court, by petition, setting forth the nature of the charge against the Clerk, and the facts upon which the same is founded.

It shall be the duty of the District Attoney of the district, upon the presentation of any such petition, to cite the Clerk to appear and answer to the same, on a day to be by the court assigned, and named in the citation, and upon the appearance of such Clerk, the Judge shall proceed to hear and determine the matters alleged against him in the petition.

If upon hearing all the proofs to be exhibited by the parties, the Judge shall be of opinion that the Clerk has been guilty of any act which ought to disqualify him from holding his office of Clerk, then the court shall proceed to pronounce judgment to that effect, and the Clerk shall be accordingly removed from office.

In such proceedings, it shall be the duty of a person selected by the Sheriff for the purpose to write down all the testimony that may be presented by the parties, in order that a copy thereof, and of all other papers connected with such action, may be sent to the Supreme Court, in case an appeal shall be obtained.

In no event shall the Clerk be suspended in the exercise of his functions, except in proceedings relative to his own trial, but should judgment of removal be pronounced against him, and he should fail to demand an appeal in ten days from the date such judgment was rendered, the Judge shall declare the office vacant, and shall fill the same by appointment.

If any Clerk, as aforesaid, shall fail to appear and answer to any citation from the District Attorney, as aforesaid, and proof being made of the service thereof, or shall not show cause to the satisfaction of the Judge why he does not appear, that it shall be the duty of the

Judge to pass judgment of removal from office against him, and it shall be the duty of the Judge of the court of which the delinquent was Clerk, to proceed to the appointment of another Clerk, as aforesaid.

1845—51—8
1852—224—4
Copy of fee-bill to be posted up, &c.

SEC. 36. The several Clerks of this State shall keep constantly posted up in their offices, copies of this fee-bill, in French and English, certified by the District Judge of the District; and on failure to comply with this section, they shall be subject to a fine of fifty dollars a month, for the benefit of the parish, to be recovered by the Police Jury before any court of competent jurisdiction.

The Clerks shall endorse upon or annex to all writs of fieri facias issued by them, specific bills of all the taxed costs.

1853—224—2
Sheriff and Clerk to file specific bills of his fees on retiring from office.

SEC. 37. Whenever a Clerk shall retire from office, he shall cause to be filed with the suit or proceedings in which he may be entitled to costs, within twenty days, specific bills of his fees, and in default thereof, or if any item shall be overcharged, the same shall be forfeited, and such Clerk forever barred from collecting the same.

1852—224—5
To furnish a specific bill of the taxed costs when required.

SEC. 38. It shall be the duty of every Clerk, upon the application of any person interested, to furnish such person with a specific bill of the taxed costs of suit, for which he shall be entitled to demand and receive twenty-five cents and no more. And any item of fees due the Clerk, that may be overcharged, shall be forfeited. Nothing contained in this section shall be construed as repealing the laws of this State, punishing Clerks for extortion in office.

CLERKS OF DISTRICT COURTS IN NEW ORLEANS.

1846—60—1
Duties of Clerks in New Orleans.

SEC. 39. The Clerks of the several District Courts in the city of New Orleans shall keep the records and proceedings of the District Courts, in conformity to law and under the directions of the judges of their respective courts; they shall perform the duty of translators whenever thereto required by the court, for which they shall not receive any compensation.

1846—60—2
To record oaths, bonds and will.

SEC. 40. The Clerks shall record in a well-bound book, to be kept for that purpose, all oaths of tutors, curators, appraisers, and other oaths of office required by law, and by the clerk administered; they shall record in a well-bound book, to be kept for that purpose, all bonds given by the tutors, curators, administrators, and dative testamentary executors; and they shall record in a well-bound book, to be kept for that purpose, all wills admitted to probate in their respective courts.

1846—60—3
Books to be kept.

SEC. 41. The Clerks shall keep the following books, which shall always be open for inspection:

A general docket, in which shall be briefly entered all the proceedings that take place in each cause from the filing of the petition or the issuing of any conservitive writ, so as to make a complete synopsis of all the proceedings in a cause.

A rule docket, in which shall be transcribed at length all the rules taken in every cause, and the orders made on the rules.

A double index of plaintiffs and defendants to the general docket, and an ordinary index to their rule docket.

1854—42—1

Salary of the Clerk of the First District Court of New Orleans.

SEC. 42. The Clerk of the Fifth District Court of New Orleans shall receive an annual salary of six thousand dollars, out of the State Treasury, to be paid quarterly on his own warrant, and as provided by the following section:

1854—42—2

How paid.

SEC. 43. His salary shall be paid out of the ordinary fees fixed by the general fee bill, and out of the fines and forfeitures for violation of the criminal laws of the State; the deficiency remaining to be paid by the Treasurer of the State, upon an account rendered by the Clerk, under oath, countersigned by the Judge, showing the precise amount collected by him from fees, fines and forfeitures. To be signed by the Judge only on his being satisfied that the Clerk has used diligence in making collections.

The Clerk shall pay his deputies out of the salary thus allowed him.

1843—67—10

Translators.

SEC. 44. The office of Translator of the First District Court of the City of New Orleans is abolished; and the duty shall hereafter be performed by the Clerk of the court; or in case of his inability to perform that duty, by any competent person appointed by the court, to be paid out of the fees or emoluments due the Clerk, such sum as may be directed by the court, according to the services rendered.

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See "JUDICIARY DEPARTMENT", "COST AND FEES", "BONDS".

Fees, specific bills, to be filed in each suit, on Clerks retiring from office. See COSTS AND FEES, *Sec* 3.

A specific bill of all taxed costs to be furnished when required, *Sec.* 6.

All taxed costs to be endorsed on writs of fieri facias. See COSTS AND FEES, *Sec.* 5.

Clerks of Supreme Court, their fees, *Sec.* 7.

" of District Courts, their fees, *Sec.* 8.

Fee bill to be kept posted up, *Sec.* 11.

Compensation to Clerks and Sheriffs, in criminal cases, *Sec.* 12.

Costs demandable every six months, *Sec.* 16.

Clerks may require security for costs, *Sec.* 18.

Duty of Clerks as to issuing conservatory process. See AMENDMENTS TO CODE OF PRACTICE, *Sec*, 9.

Clerks to take the bond in injunctions, *Sec.* 28.

Duty of Clerks in issuing execution on twelve month's bonds, *Sec.* 67.

Clerks to issue notice of judgment on forfeited bonds and recognizances, and execution. See CRIMINAL PROCEEDINGS, *Sec.* 58.

Clerks to cause the bond, or letters of appointment of tutors, &c., to be inscribed in the Mortgage Records. See MORTGAGES, *Secs.* 5, 6, and 7.

Duty of Clerks relative to the tax of ten per cent imposed on foreign heirs, and legatees. See SUCCESSIONS, *Sec.* 7.

Clerks to make out, and hand to the Sheriff, for collection, a list of all fines imposed by the court. See SHERIFFS, *Sec.* 9.

CODE OF PRACTICE.

AMENDMENTS.

SECTION 1. All the rules of proceedings which existed in this State before the promulgation of the Code of Practice, except those relative to juries, recusation of judges and other officers, and of witnesses, and with respect to the competency of the latter, are abrogated. 1828—160—25 Repeal of rules of procedure.

SEC. 2. Article one hundred and five shall be amended so as to make the English correspond with the French text, by inserting after the words "bed and board," the words, or for the separation of property. 1826—166—1 Art. 105, amended.

SEC. 3. Number five of article one hundred and sixty-five, is repealed, and suits for the recovery of the debts therein mentioned may be brought before any court of competent jurisdiction. 1826—168—2 Art. 165.

SEC. 4. When the defendant resides out of the State, or when the suit is commenced by arrest or attachment, an amicable demand shall in no case be necessary. 1839—162—1 Art. 169.

SEC. 5. So much of article one hundred and seventy-five as requires the original of an act or note under private signature to be annexed to the petition, is repealed; provided that if the defendant pray a view or oyer of the document declared upon, the court shall order the same to be filed within a reasonable delay, and in default of the plaintiff's complying with the order, his petition shall be dismissed. 1826—168—2 Art. 175.

SEC. 6. The English text of article one hundred and seventy-nine shall be so amended as to correspond with the French, and it shall not be necessary to serve a citation and petition in the French as well as the English language, except when the mother tongue of the defendant is French. 1826—168—3 Art. 179.

SEC. 7. The following days shall be considered as days of public rest in this State, namely: 1838—14—5 Art. 207.

The first of January, eighth January, twenty-second February, fourth July, twenty-fifth December, Sundays and Good Friday.

See "ARREST." Art. 210.

1826—168—4
Art. 211.

SEC. 8. So much of article two hundred and eleven as exempts from arrest emancipated minors for debts legally contracted by them after emancipation, is repealed.

1840—131—2
Arts. 212 & 214.

SEC. 9. Articles two hundred and twelve and two hundred and fourteen of the Code of Practice, shall be so amended, that to enable the creditor to arrest a debtor, it shall be necessary for the creditor, his agent or attorney, to swear that he verily believes that the debtor is about to depart permanently from the State, without leaving in it sufficient property to satisfy his demands; and lastly, that he does not take this oath with the intention of vexing the defendant.

1828—150—4

In all cases where attachments, arrests and sequestrations are demandable, the plaintiff, his agent or attorney, having made affidavit and given bond in conformity to law, and having filed the same in court, it shall be the duty of the clerk to issue, forthwith, the process required, without any petition being then presented; but the usual petition shall be filed on the day succeeding that on which the process shall have issued, except in cases where a day of public rest shall be the succeeding day; then, on the day next succeeding such day of public rest, and the Sheriff shall proceed immediately to execute the process according to its tenor.

1828—150—1
Art. 214.

SEC. 10. The affidavit required by the two hundred and fourteenth article of the Code of Practice, may be written either at the foot of plaintiff's petition, or annexed to the said petition.

1839—168—16
Art. 216.

SEC. 11. In all cases where by any provision of the Code, an oath of a party is required it may (in case of the absense of said party) be made by his agent or attorney; and in such case it shall be sufficient for the agent or attorney to swear to the best of his knowledge and belief.

1826—168—5
Arts. 216 and 217.

SEC. 12. The oath required by articles two hundred and sixteen, and two hundred and seventeen, may be taken before any judge or justice of the peace, or clerk of court, and all oaths required to be taken in case of arrest of the debtor, or in order to obtain the orders of attachment, provisional seizures, sequestration of the debtor's property, or injunction, shall be administerered by the persons above mentioned.

1826—168—6
Art. 227.

SEC. 13. The time given by article two hundred and twenty-seven shall be twenty, instead of ten days, for excepting to the securities taken by the sheriff; and out of the first judicial district, instead of moving for a rule of court, the plaintiff may make his exceptions before the judge in chambers.

1839—162—2
Art. 235.

SEC. 14. Article two hundred and thirty-five of Code of Practice shall be so amended, that the surety therein mentioned, against whom a motion shall have been made to render him liable for the amount of the judgment given against the debtor, shall be tried summarily, and without the intervention of a jury, unless the surety shall allege under

oath, that the signature to the bond, purporting to be his, is not genuine, or that the judgment has been satisfied.

(For proceedings in rem against steamboats, &c., see "STEAMBOATS.") Art. 239.

SEC. 15. Article two hundred and forty of the Code of Practice shall be so amended, that the words "never again to return," be stricken out and the word "permanently" inserted in lieu thereof. 1839—162—4 Art. 240.

SEC. 16. Article two hundred and forty-two, two hundred and forty-three, and two hundred and forty-four, of the Code of Practice, shall be so amended, that in cases where the debt or obligation is not yet due, it shall be lawful for a writ of attachment to issue, whenever the judge shall be satisfied by the oath of the creditor or his agent, of the existence of the debt, and upon the creditor or his agent taking oath to either of the requisites in number one, two or three of article two hundred and forty, and complying with article two hundred and forty-four, and moreover swearing that the debtor is about to remove his property out of the State before the debt becomes due, it shall be sufficient for the oath required to be taken by the agent, to be to the best of his knowledge and belief; and it shall be deemed sufficient for the creditor, in order to obtain an attachment, to make the oath required to be taken by him in conformity to any of the requisites of number one, two or three, of article two hundred and forty. 1826—170—7 Arts. 242, 243 and 244

SEC. 17. Article two hundred and forty-three shall be so amended, that in lieu of the oath prescribed by that article, it shall be sufficient for the creditor to swear to the existence of the debt demanded by him, and that he verily believes that the debtor has left the State permanently, or that he resides out of the State, or conceals himself, so that citation cannot be served on him. 1839—164—5 Art. 243.

SEC. 18. The two hundred and forty-fourth article shall be so amended, that the oath required to authorize the issuing of an attachment in cases where the debt is already due, may be made by the agent or attorney of the creditor, to the best of his knowledge and belief. 1828—88—1 Art. 244.

SEC. 19. Whenever a party, plaintiff in a cause, has applied for a writ of fieri facias against the defendant, and has reason to believe that a third person has property or effects in his possession, or under his control, belonging to the defendant, or is indebted to him, he may cause such third person to be cited to answer under oath such interrogatories as may be propounded to him, touching the property and effects, or such indebtedness, in the same manner and with the same regulations as are provided in relation to garnishees, in cases of attachment. 1839—166—18 1840—43—1 Art. 246.

Such third person shall thereupon be bound to answer in the same manner, and shall be liable in the same manner for his neglect or refusal to answer, and his answers may be disproved in the same man-

ner as those of garnishees; in case such third person shall confess in his answers that he has property or effects in his possession, or under his control, belonging to the defendant, or is indebted to him in any sum of money, the court shall order him forthwith to deliver up the property or to pay such sum, (if the same be due, and if not, when the same shall be due,) to the sheriff; and a copy of the order, with the receipt of the sheriff endorsed thereon, shall be delivered to the third person, and shall be deemed equivalent to a receipt from the debtor himself; the property and effects, in the possession of a third person, belonging to the defendant, or debts due by him to such defendant, shall be decreed to be levied by the sheriff as from the date of the service of the interrogatories on such persons.

1839—162—8
Art. 259.

Sec. 20. Article two hundred and fifty-nine of the Code of Practice shall be so amended, that in case of attachment, when the defendant has given his obligation with security, as by the article provided, and fails to satisfy the judgment rendered against him, the plaintiff may on the return of the Sheriff that no property has been found, and on exhibiting to the court the obligation duly transferred to him, obtain judgment against the surety on the obligation, upon motion, after ten days' previous notice to the surety, which motion shall be tried summarily and without the intervention of a jury, unless the surety shall allege under oath, that the signature to the bond purporting to be his is not genuine, or that the judgment has been satisfied.

1839—168—18

In all cases where property attached, sequestered or provisionally seized, shall be released on the defendant executing a bond with security, the Sheriff shall be bound to return the bond so taken by him into court.

The plaintiff shall have the right to object to the insufficiency of the security on such bonds only within twenty days after the bond is filed in the clerk's office; and in case the security on the bonds should be declared insufficient, the Sheriff shall be liable as security on the bonds. The bond shall be assigned by the Sheriff to the plaintiff.

1852—155—1

Article two hundred and fifty-nine, of the Code of Practice, shall be amended so as to read thus:

The defendant, if he appear either in person or by his attorney, may, moreover, in every stage of the suit, have the property attached released by delivering to the Sheriff his obligation for a sum exceeding by one-half the value of the property attached, with the surety of a good and solvent person residing within the jurisdiction of the court where the action was brought, that he will satisfy such judgment to the value of the property attached, as may be rendered against him in the pending suit.

SEC. 21. In addition to the cases mentioned in articles two hundred and seventy-four and two hundred and seventy-five, the plaintiff may obtain a sequestration in all cases where he has a lien or privilege on property, upon complying with the requisites provided by law. 1826—170—9 Arts. 274 and 275.

SEC. 22. Article two hundred and seventy-five shall be so amended that, in addition to the cases therein mentioned, a sequestration may be ordered in all cases, when one party fears that the other will conceal, part with, or dispose of, the movable or slave in his possession, during the pendency of the suit, on complying with the requisitions of the law. 1839—164—6 Art. 275.

SEC. 23. In actions of sequestration, whenever the defendant shall fail or neglect to comply with the provisions of the two hundred and seventy-ninth article of the Code of Practice, within ten days after the seizure of the property by the Sheriff, it shall then be lawful for the plaintiff, his agent or attorney in fact, to give similar bond and security to the Sheriff as that required by law from the defendant, and to take the property sequestrated into his possession. 1842—204—1 Art. 279

SEC. 24. Article two hundred and eighty-seven shall be so amended that a lessor may obtain a writ of provisional seizure even before the rent be due—and it shall be sufficient to entitle the lessor to the writ, to swear to the amount which he claims, whether due or not due, and that he has good reason to believe that the lessee will remove the furniture or property on which he has a lien or privilege out of the premises, and that he may be thereby deprived of his lien, provided that in case the rent be paid when it fall due, the cost of the seizure shall be paid by the lessor, unless he prove that the lessee did actually remove or attempt or intend to remove the property out of the premises. 1839—172—22 Art. 287

SEC. 25. Whenever ships or other vessels are provisionally seized, the defendant shall be permitted to have the seizure set aside, on executing a bond in favor of the plaintiff, as in cases of attachment. 1839—166—12 Art. 289

See "STEAMBOATS." Art. 290

SEC. 26. In addition to the cases mentioned in the two hundred and ninety-sixth, up to the three hundred and third article, the Judge may grant an injunction, on the application of any purchaser, whose property is seized for the payment of the price of a thing sold to him, whenever suit has been instituted against him for the recovery of the property. 1828—150—2 Arts. 296 to 303

SEC. 27. In addition to the cases enumerated in article two hundred and ninety-eight, injunctions may be granted in all cases to stay execution when payment is alleged to have been made after judgment rendered; where compensation is pleaded against the judgment; or where the sheriff is proceeding on the execution contrary to some provision of law, upon the petitioner's making affidavit of the facts 1826—170—9 Art. 298

alleged in order to obtain the injunction and upon complying with the requisites prescribed by law.

1825—116—1 No judgment or execution shall be enjoined on an allegation of compensation, set-off, or subsequent payment, except for the amount of such sum plead in compensation, set-off or payment as aforesaid, as shall be established by the defendant, according to law.

And such judgment, for any surplus that may exist, shall be executed in all respects, as if no such injunction had been granted.

1825—116—2 Whenever any injunction is granted in any case, it shall be the duty of the judge to require from the person claiming such injunction, a bond and security in double the amount of the sum alleged to have been paid, conditioned for the payment of damages in case the injunction shall have been wrongfully sued out.

1828—150—3 Art. 304 SEC. 28. So much of the article three hundred and four, as makes it the duty of the Judge to take security in cases of injunctions, or in any other case in which judges are required to take securities in cases of injunctions, is repealed; and it shall be the duty of the several Clerks of the District Court, before they issue any writ of injunction, to take from the party requiring the same, a bond, with one or more good securities in the amount fixed by the judge granting the order, conditioned as the law requires.

1881—102—3 On the trial of injunctions, the surety on the bond shall be considered as a party plaintiff in the suit; and in case the injunction be dissolved, the court, in the same judgment, shall condemn the plaintiff and surety, jointly and severally, to pay to the defendant, interest at the rate of ten per cent. per annum, on the amount of the judgment, and not more than twenty per cent. as damages, unless damages to a greater amount be proved; and the sureties in such cases shall not be allowed to avail themselves of the plea of discussion.

1883—93—3 If a third person shall obtain an injunction to arrest the execution of a judgment between other parties, and it shall be dissolved, the plaintiff in injunction and his security shall stand in the same situation, and be subject to all the responsibilities and penalties imposed by the preceding paragraph, on the plaintiff and his security; and a similar judgment may be given against them on the dissolution of the injunction.

1853—268—1 Art 312 SEC. 29. Article three hundred and twelve of the Code of Practice shall be amended so as to read thus: "If, two days after this first judgment has been rendered, the defendant neither appear nor file his answer, definitive judgment will then be given for the plaintiff, provided he prove his demand. This proof is required in all cases."

1839—172—28 Art. 333 SEC. 30. Hereafter no dilatory exceptions shall be allowed in any case after a judgment by default has been taken; in every case they must be pleaded in limine litis; nor shall such exceptions hereafter be admitted in an answer in any cause.

SEC 31. In all civil and criminal causes in which the State, the parishes or the political or religious corporations are interested, it shall not be sufficient cause to chalenge the Judge or Justice of the Peace, who may have cognizance of the case, nor the Sheriff or other executive officer, or any of the jurors who are called to serve in the cause, to allege that they are citizens or inhabitants of the State or of the parish or members of the said political or religious corporation, or that they pay any State, parish or city tax. 1825—24—1 Art. 388

The fourth paragraph of the three hundred and thirty-eighth article of the Code of Practice is repealed; and no Judge shall be rendered incompetent to sit on trial of any cause now pending, or which may hereafter be instituted in any of the courts of this State, in consequence of his being a material witness in the case, in favor of either party; his being a witness shall no longer be a cause of recusation. 1828—152—5

SEC. 32. No court shall make an order requiring a female to answer interrogatories on facts and articles, in open court, unless the party propounding them, or his agent or attorney, shall make oath to the materiality of the interrogatories, that they are not propounded for the purpose or in the hope of having them taken for confessed, but with the bona fide desire to have them truly answered by the party interrogated. 1847—145—1 Art. 847

SEC. 33. Article three hundred and fifty-two is repealed, and in lieu thereof, the following article is substituted: 'In all cases where a party interrogated resides out of the parish where the suit is pending, and whether within or without the State, it shall be his duty to file his answer to the interrogatories propounded to him within such period as shall be fixed by the court, on the motion of the party interrogating; notice of which order, fixing the delay, together with a copy of the interrogatories propounded, shall be served on the Attorney representing the party interrogated. Provided, that when the party interrogated resides out of the parish, his answers shall be taken by commission." 1848—14—1 Art 852

SEC. 34. Article three hundred and seventy-five shall be so amended, that when the plaintiff resides out of the State, or in the State, but in a different parish from the defendant, the defendant may institute a demand in reconvention against him for any cause, although such demand be not necessarily connected with or incidental to the main cause of action. 1889—164—7 Art. 375

SEC. 35. Article three hundred and eighty-five shall be amended and re-enacted so as to read as follows: "If the defendant is cast in the action, the Judge, when he gives judgment against such defendant, must render at the same time a judgment in favor of the defendant, against his warrantor, for whatever indemnity may be due to such defendant, as well as for all the loss and damages he may have sustained by reason of the action. 1858—267—1 Art. 385

But no Sheriff, Constable, or other officer of court, shall have the right to recover of any seizing creditor, sued as warrantor, the counsel fees of such Sheriff, Constable or other officer, incurred by calling such creditor in warranty, unless the latter shall, within ten days only from service of the call in warranty, fail to appear and make defence for the defendant who calls him.

1826—172—10
Arts. 889 and 890

SEC. 36. Articles three hundred and eighty-nine and three hundred and ninety, shall be so amended that it shall not be necessary for the party interpleading to join either the plaintiff or defendant, but he may, when his interest requires it oppose both.

1839—168—17
Art. 425

SEC. 37. Commissions to take testimony may issue at any time after the service of petition and citation; whenever a commission to take testimony shall have been returned, the party intending to use the depositions taken under the same, may, on filing them in the clerk's office, file a notice or take a rule which must be served on the opposite party or his counsel, to show cause why the same should not be used as evidence in the cause; whereupon the party on whom the rule is taken shall be bound to urge any objections, if any he have, to the admission in evidence of the dispositions founded on any irregularity in the execution of the commission; and if he fail so to do before the cause is called up to trial on its merits, all such objections shall be considered as waived; provided that no objections to the deposition, except such as are founded on irregularity in executing the commission, shall be decided on in such rule.

1828—152—8
Art. 425

SEC. 38. In any case where commissions are obtained to take depositions of witnesses in civil matters, as mentioned in the four hundred and twenty-fifth article, the commissions may be directed to any Judge or Justice of the Peace, or to any other person authorized by law to administer oaths.

1828—152—7
Art. 426

SEC. 39. In all cases where a party to a suit is required to submit the interrogatories to be put to witnesses whose testimony is to be taken under commission, it shall be the duty of the party submitting the same, to have them served on the adverse party, or his counsel, three days previous to having them forwarded.

1828—152—9
Art. 428

SEC. 40. Whenever interrogatories in writing have been annexed to the commission, and communicated either to the opposite party or his counsel, it shall be no longer necessary to give a notice in writing to the party of the place and day when the depositions of the witnesses shall be taken, save to both parties, or either of them, the right of being present, if they think it proper, at the taking of the depositions, but without being permitted to add any further questions to those contained in the aforesaid interrogatories, except with the consent of the other party.

1839—164—8
Art. 433

SEC. 41. Article four hundred and thirty-three shall be amended by striking out the words "and seal the same with his private seal."

SEC. 42. Article four hundred and thirty-six shall be so amended that it shall be sufficient for a party wishing to take the testimony of witnesses residing out of the State to apply for the same to any Judge having jurisdiction of the cause, and not in open court, and it shall be sufficient simply to swear to the materiality of the testimony. 1826—172—11 Art. 436.

SEC. 43. Article four hundred and sixty-six of the Code of Practice shall be so amended that the party who opposes a continuance, shall not be bound to admit the facts which the adverse party may have sworn he expected to prove by such witness, but merely that such witness would, if present, swear to such facts. 1839—164—9 1840—124—5 Art. 466

SEC. 44. Article four hundred and sixty-nine shall be so amended that out of the city of New Orleans, each party may obtain from the clerk of the court, summons for witnesses before the case has been fixed for trial. 1839—172—25 Art. 469.

SEC. 45. In every case now pending, or which may hereafter be instituted in any of the courts of this State, which are by law provided with clerks, in which the judge of the court may be a material witness, the clerk of the court shall administer the oath to the judge, and shall take down his evidence in writing, if required by either party in the cause; and in such courts as may not be provided with clerks, it shall be lawful for any officer authorized by law to administer oaths, to administer the oath to, and take down the evidence of the judge in writing, and the clerk, or other officer, shall certify and sign the evidence, and the same shall be filed and used as evidence in the cause; provided, however, that the above formalities may be dispensed with, by consent of parties, in all cases, and the evidence of the judge taken in any other manner and form that may be agreed upon by them. 1828—152—6 Art. 478

See "JURY" Art. 493.

SEC. 46. All suits against makers and endorsers of promissory notes, drawers, endorsers and acceptors of bills of exchange, and generally all suits brought on unconditional obligations to pay a specific sum of money, shall be tried without a jury, unless the defendant shall make oath that his signature to the note, bill, or other obligation, is not genuine; or that he expects to prove that the same had been obtained through fraud or error, or want or failure of consideration; or in cases when the defendant in his answer may set up a plea of compensation or reconvention, and make oath to the truth of all the allegations in said plea or answer. 1839—172—24 Art. 494

SEC. 47. As soon as any number of the jurymen, whose names shall be on the list made out for the term, shall have met together, the court may proceed to cause the jurymen who are present to be called and sworn, without complying with the formality of drawing a jury for each case as prescribed by the article 496 of the Code of Practice. 1826—46—5 Art. 496

1846—66—11
1854—108—1
Art. 499

SEC. 48. All objections which might or could be made, on account of any defect or informality which may have occurred, either in the formation, drawing or summoning of juries, or any other defect whatsoever, in the construction of the juries, shall be made on the first day of the terms of the District Courts, and not afterwards.

1831—14—8
Art. 515

SEC. 49. In all cases appealable to the Supreme Court, it shall be the duty of the Judge to deliver his charge to the jury in writing, if the counsel of either party require the same.

1839—164—10
Art. 546

SEC. 50. Article five hundred and forty-six shall be so amended that hereafter all motions for new trials shall be made and determined, and all final judgments signed before the adjournment of the court for the term at which such causes were tried, and whether three judicial days shall have elapsed or not.

This amendment shall not apply to the parish of Orleans.

1852—224—3
Art. 552

SEC. 51. The costs of the clerk, sheriff, witness fees, costs of taking depositions and copies of acts used on the trial, and all other costs allowed by the court, shall be taxed as costs.

1839—168—15
Art 554

SEC. 52. Article five hundred and fifty-four of the Code of Practice be and is hereby repealed.

1843—40—1
Arts. 573 and 574

SEC. 53. Articles five hundred and seventy-three and seventy-four shall be so amended that the party intending to appeal may do so, either by petition or by motion in open court, at the same term at which the judgment was rendered; in which last case the Judge shall fix the security, and cause the same, with the order granting the appeal, to be entered upon the minutes of the court; and when an appeal has been granted on motion in open court, no citation of appeal or other notice to appellee shall be necessary.

1843—40—2
Arts. 575 and 624

SEC. 54. Articles five hundred and seventy-five and six hundred and twenty-four, shall be so amended, that whenever an answer has been filed in a suit in which the defendant has had personal service made upon him, to appear and file his answer, or when a judgment has been rendered in a case after answer filed by the defendant or by his counsel, the party cast in the suit shall be considered duly notified of the judgment by the fact of its being signed by the Judge: provided, that in the country parishes, no execution shall issue in cases where an appeal lies until fifteen days after the adjournment of the court by which the judgment was rendered, within which delay a party may take a suspensive appeal on filing petition and appeal bond as now provided by law.

1846—34—16
Art. 586

SEC. 55. Article five hundred and eighty-six is repealed.

1839—170—20
Art. 596

SEC. 56, In all cases of appeal to the Supreme Court or other tribunal in this State, if the judgment appealed from be affirmed, the plaintiff may on the return of the execution that no property has been found, obtain a decree against the surety on the appeal bond for the amount of the judgment, on motion, after ten days' notice;

which motion shall be tried summarily and without the intervention of a jury, unless the said surety shall allege under oath that the signature to the bond purporting to be his, is not genuine, or that the judgment has been satisfied.

SEC. 57. Article six hundred and fifteen shall not be taken or construed to imply the nullity of a judgment where a minor has been regularly represented in a suit according to law. 1826—172—12 Art. 615

"See amendment to article five hundred and seventy-five." 1843—40—2 Art. 624

SEC. 58. All writs of fieri facias issued by the Clerks of the several courts throughout this State, shall be made returnable by them in not less than thirty nor more than seventy days. 1826—174—16 and 17

It shall be the duty of each of the Sheriffs of the different parishes in this State to return all writs, directed to them, into the clerk's office from which they issued, on or before the return day mentioned therein; and also to pay over any money received thereon, to the party entitled to the same, or their attorney; and in default of any of the duties imposed on him in this section, he shall become liable to the party entitled to the benefit of the writ for the full amount specified therein, which shall be recovered on motion before the District Court in the parish in which the Sheriff acts and resides, after ten days' notice. Art. 641

SEC. 59. The Clerks of the District Courts shall endorse upon or annex to all writs of fieri facias issued by them, specific bills of the taxed costs. 1852—224—4 Art. 641

SEC. 60. Besides the effects mentioned in articles 644 and 647, the Sheriff shall in no case seize the rights of personal servitude, of use and habitation, of usufruct to the estate of a minor child, nor the income of dotal property. 1842—380—1 Arts. 644 and 647

All cemetaries of municipal corporations shall be exempt from seizure and sale for debts due by the municipal corporations. 1852—118—1

SEC. 61. Article six hundred and forty-five of the Code of Practice shall be so amended, that in addition to the articles therein exempted from seizure in certain cases, shall be included the corn, fodder, hay, provisions, and other supplies necessary for carrying on the plantation to which they are attached, for the current year. 1843—45—1 Art. 645

SEC. 62. Article six hundred and fifty-two and six hundred and fifty-three shall be so amended, that unless the application for the appraisement of the property be made before the day of sale, it shall in no case have effect to prevent the sale on the day fixed by the advertisement. 1826—172—13 Arts. 652 and 653

SEC. 63. In all advertisements of sales of property under execution, the Sheriff shall be bound to insert the title of the suit in which the writ is issued. 1839—168—14 Art. 668.

1828—154—10
Art. 671.

SEC. 64. Two days' notice given to the plaintiff and defendant, by the Sheriff, to appoint men to value property under execution, shall be sufficient, any law to the contrary notwithstanding.

1847—55—2
Art. 673

SEC. 65. Article six hundred and seventy-three shall read as follows:

"The appraisers thus named shall, before proceeding to make an appraisement, take an oath before the Sheriff of the parish, or before a Judge or a Justice of the Peace, to make ajust and true appraisement of the property seized, whether for cash or for the time of credit designated by the parties, as provided above."

1826—172—14
Art. 682

SEC. 66. The proviso and exception contained in article six hundred and eighty-two are repealed, and at the second adjudication, the thing seized shall be adjudged to the highest and last bidder for whatever it will bring, on twelve months' credit according to the terms mentioned in article six hundred and eighty-one.

1826—172—14
Art. 720

SEC. 67. The following words in article seven hundred and twenty, to-wit: "After the advertisements directed above, but with modifications contained in the following article", are repealed.

1826—174—15

It shall be the duty of the Clerk who issues the execution according to the provisions of article seven hundred and twenty, to endorse thereon, that the same issued on a twelve months' bond and that the property to be seized, under the same, shall be sold for whatever it will bring in cash; and it shall be the duty of the Sheriff to execute the same by seizing the property of the principal or security, or both, and to sell the same for whatever it will bring in cash, after making the advertisement required by law.

1826—174—14
Art. 721

SEC. 68. The article seven hundred and twenty-one is repealed.

1840—131—1
Art. 729

SEC. 69. The writ of capias ad satisfaciendum is abolished, except in the case provided in the following section.

1841—17—14
Art. 729

SEC. 70. Whenever a judgment is rendered against a Sheriff or other public officer, for money by him received, in his official capacity, and converted to his use, or not accounted for, and the writ of fieri facias is returned "no property found", a capias ad satisfaciendum may be taken out and executed against such defendant.

1846—166—1
Arts. 746 & 747

SEC. 71. So much of articles seven hundred and forty-six and seven hundred and forty-seven, as authorizes a creditor having obtained a judgment in another State of the Union, or in a foreign country, to proceed by executory process on the judgment, is repealed.

1847—55—3
Art. 770

SEC. 72. Article seven hundred and seventy shall read as follows:

"When the Sheriff causes property to be appraised, which has been seized or distrained by him, the Sheriff, or any Judge or Justice of the Peace may administer the oath to the appraisers; but the Sheriff

shall receive no fee or compensation for the administration of the oath; nor shall he administer an oath in any other case than the one now mentioned, or in such others as the law shall make provision for."

SEC. 73. In testamentary successions, whenever the executor named by the testator will not, or cannot perform the duties, or may be dead or absent, the Judge shall appoint one or more dative testamentary executors, as is provided by the 924th article, No. 7 of the Code of Practice, and in the same manner as if the testator had omitted to name his executor. 1842—302—2 Art. 924

SEC. 74. Whenever the Testamentary Executor named in the will shall be present in the State, but be domiciled out of it, the Judge shall only grant him the letters on the execution of his bond, with a good and solvent security, for such a sum and under such conditions as are required by law from Dative Testamentary Executors. 1842—302—8 Art. 931

SEC. 75. The English text of article nine hundred and fifty-nine shall correspond with the French part by substituting the word "above" to the word "under", in the first line in the article. 1826—174—17 Art. 959

SEC. 76. The nine hundred and ninety ninth article shall be so amended as to authorize a married woman, who is a minor, to sue and be sued, even in the case provided for by the said article: provided, she acts under the authority and with the consent of her husband, though himself a minor; and, in such case, it shall not be necessary to appoint to her a curator ad litem. 1828—154—12 Art. 999

SEC. 77. Article one thousand and sixty-eight shall be amended by striking out the words, "or the right of imposing a tax or toll" which exist in the article. 1826—174—17 Art. 1068

SEC. 78. Articles eleven hundred and twenty-nine, eleven hundred and thirty, eleven hundred and thirty-six, and so much of article eleven hundred and thirty-five as relates to the statement of facts to be made by a Justice of the Peace, are repealed; in future, all appeals from judgments rendered by Justices of the Peace shall be tried de novo, except the parties mutually agree before the Justice of the Peace to send up the appeal upon a statement of facts which they shall make. 1828—158—21 Arts. 1129, 1130, 1135 & 1136

SEC. 79. Article one thousand one hundred and thirty-eight shall be amended so as to read as follows: 1852—90 Art. 1138

Whenever the appellate court reverses the judgment it shall render such a one as the Justice of the Peace should have rendered, and sentence the party failing on the appeal to pay costs; and the appellate court may, in its discretion, sentence the party appealing to pay not more than ten per cent. as damages on the amount of the judgment appealed from, over and above any interest the judgment

may bear, if it shall appear that the appeal was frivolous or taken for delay.

Art. 1156

(See "CONSTABLES").

1824—178—10

Proviso of Code of Practice to prevail over the Civil Code.

SEC. 80. In case the Code of Practice should contain any provisions contrary or repugnant to those of the Civil Code, the provisions of the former shall prevail.

COLLECTORS OF TAXES.

See AUDITOR OF PUBLIC ACCOUNTS—REVENUE LAWS.

Collectors of Taxes to give bond within ninety days. See DEFAULTERS, *Sec.* 7.

COMMISSIONERS TO TAKE TESTIMONY, ACKNOWLEDGMENT OF DEEDS, ETC.

1838—55—1

A Commissioner for each State to be appointed by the Governor.

SECTION 1. The Governor of the State is hereby authorized to appoint one or more persons of known integrity and learning as Commissioners for each one of the States and Territories of the Union, who shall reside therein.

1838—55—1

1840—80—1

Their powers and duties.

SEC 2. It shall be their duty to take depositions in virtue of any commissions that may be directed to them by the courts of this State. They are also authorized and empowered to take the acknowledgment and proof of any deed, mortgage or conveyance of any lands, tenements, slaves or real property lying and being in the State of Louisiana, and to take the acknowledgment and proof of the execution of any instrument of writing for the sale, transfer or assignment of any property, movable or immovable, and of rights and debts; and also of any power of attorney or other writing to be used and proved in this State before any court or public officer, and to administer an oath or affirmation for like purposes to any person desirous to make the same.

1840—80—3

To authenticate the official character and acts of officers.

SEC. 3. The Commissioners are authorized and empowered to authenticate and attest the signature, official capacity and official acts of any Judge, Justice of the Peace, or other public officer holding a commission or acting under the authority of the State or Territory in which he shall reside, and for which he shall have been appointed.

1840—8—2

Limitation of their powers.

SEC. 4. The power and authority of the Commissioner, except in taking testimony under a commission, shall extend only to cases in which the party or person making the acknowledgment or proof, oath or affirmation shall reside within the State or Territory in which the Commissioner resides, and for which he has been appointed.

1838—55—2

In executing commissions, Commissioners to conform to the laws of this State.

SEC. 5. The Commissioners in executing commissions shall conform in all respects to the legislation of this State in reference thereto, and shall sign every verbal process of deposition taken by them, and affix thereto their seal of office, bearing the impress of their names, official capacity, and the name of the State or Territory within the jurisdiction of which they shall be authorized to act.

1838—55—4

Duplicates of the signature and seal of each Commissioner to be deposited with the Secretary of State.

SEC. 6. The duplicate original of the signature and seal of office of each Commissioner appointed in the different States or Territories of the Union, shall be deposited in the office of the Secretary of State of Louisiana.

1838—55—3

Commissioners to take deposition in foreign countries.

SEC. 7. All American Ministers Plenipotentiary, Chargés d'Affaires, Consuls General, Consuls, Vice Consuls and Commercial Agents in any foreign country, are authorized to act as Commissioners under this act, and are empowered to use their respective seals of office instead of the Commissioner's seal hereinbefore described.

1840—80—4

Acknowledgment before Commissioners to be authentic evidence

SEC. 8. Every acknowledgment or proof of any deed, conveyance, mortgage, sale, transfer or assignment, oath or affirmation, taken or made before a Commissioner, Minister Plenipotentiary, Chargé d'Affaires, Consul General, Consul, Vice Consul, or Commercial Agent, and every attestation or authentication made by them, when duly certified as above provided, shall have the force and effect of an authentic act executed in this State.

1843—106—1

May summon witnesses to testify on application of a Commissioner.

SEC. 9. Whenever it shall be necessary to take the depositions of witnesses in this State, under Commissioners from any other State or Territory, to be used as evidence in suits depending therein, it shall be lawful for any Justice of the Peace within this State, on the application to that effect made by the Commissioner of such State or Territory, to use, if necessary, the same compulsory process to cause witnesses to appear and depose as in cases arising under the jurisdiction of any of the courts of this State.

See AMENDMENTS TO CODE OF PRACTICE, *Secs.* 37 to 43.

COMMUNITY OF ACQUETS AND GAINS.

1852—200—1

Property acquired by non-resident married persons to belong to the community of acquets and gains.

SECTION 1. All property hereafter acquired in this State by non-resident married persons, whether the title thereto be in the name of either the husband or wife, or in their joint names, shall be subject to the same provisions of law which now regulates the community of acquets and gains between citizens of this State.

1844—99—1

The surviving husband or w fe to have the usufruct of the community in certain cases.

SEC. 2. In all cases hereafter, when either husband or wife shall die, leaving no ascendants or descendants, and without having disposed by last will and testament, of his or her share in the community property, such share shall be held by the survivor in usufruct during his or her natural life.

1844—99—2

When there are children, community property how disposed of.

SEC. 3. In all cases when the pre-deceased husband or wife shall have left issue of the marriage with the survivor, and shall not have disposed by last will and testament, of his or her share in the community property, the survivor shall hold in usufruct, during his or her natural life, so much of the share of the deceased in said community property as may be inherited by such issue. Provided, however, that such usufruct shall cease whenever the survivor shall enter into a second marriage.

See CIVIL CODE, *Arts.* 2369 *et seq.*
WOMEN—SUCCESSIONS.

CONGRESSIONAL DISTRICTS.

1853—252—1

Division of the State into Congressional Districts.

SECTION 1. The State of Louisiana is divided into four Congressional Districts, as follows:

The First District shall be composed of that part of the city of New Orleans heretofore known as Municipality Number One and Municipality Number Three, and now designated as Districts Numbers Two and Three, the suburb Trémé, that portion of the parish of Orleans lying on the right bank of the Mississippi, and the parishes of St. Bernard and Plaquemines.

The Second District shall be composed of that part of the city of New Orleans above Canal street, known as the First District and District Number Four, formerly the city of Lafayette, of the parishes of Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Assumption, Lafourche, Terrebonne, St. Mary and St. Martin.

The Third District shall be composed of the parishes of Avoyelles Catahoula, Carroll, Madison, Tensas, Concordia, St. Tammany, St. Helena, Livingston, Washington, East Feliciana, West Feliciana, Point Coupée, East Baton Rouge, West Baton Rouge and Iberville.

The Fourth District shall be composed of Vermillion, Lafayette, St. Landry, Calcasieu, Rapides, Sabine, Natchitoches, Winn, DeSoto, Caddo, Bossier, Claiborne, Bienville, Jackson, Union, Morehouse, Ouachita, Caldwell and Franklin.

CONSTABLE.

SECTION 1. One Constable shall be elected for each ward, for the several parishes of this State, for the term of two years, by the qualified electors thereof; and as many more as may have been provided for by law; he shall reside in the ward for which he shall have been elected. 1846—93—1 Constables to be elected for two years.

Elections shall be held on the first Monday of November, eighteen hundred and fifty-five, and every two years thereafter. Election when held.

SEC. 2. All Constables before entering on the discharge of their duties, shall take the oath prescribed by the Constitution, and give bond in the sum of five hundred dollars, with security to be approved according to law. 1816—140—16 1817—248—6 To take the oath of office, and give bond.

SEC. 3. Should any vacancy occur, by failure to elect, death, resignation or otherwise, the parochial authorities shall forthwith order an election for the residue of such term, by giving a written notice at least twenty days previous to the election, which shall be posted up by the Sheriff of the parish, at the place of voting in the ward. 1846—93—2 Vacancy how filled.

SEC. 4. The several Constables throughout the State (those of the parish of Orleans excepted) shall have authority to act throughout the extent of their respective parishes. 1848—88—1 Jurisdiction of Constables.

SEC. 5. All sales made by Constables, under article 1143 of the Code of Practice, shall be made at the office of the Justice of the Peace nearest the residence of the party whose property is seized, or at the most public place within three miles thereof, to be designated by the Justice issuing the order of sale, except in towns, in which 1830—120—2 Constables' sales where made.

they may be made at the place where the Sheriff is in the habit of making sales of property under execution.

1830—120—3
Duty of Constables.

SEC. 6. It shall be the duty of the Constable to return every process to them directed, together with their proceedings thereon, to the Justice issuing the same, within thirty days from the date thereof, except such as are required to be summarily acted upon.

1830—120—4
Property to be appraised.

SEC. 7. All property seized under execution by Constables, shall be appraised and sold in the same manner as property seized and sold under execution by Sheriffs.

1813—188—10
Constables' fees.

SEC. 8. The several Constables throughout the State (the parish of Orleans excepted) shall be entitled to demand and receive the following fees, and no more, to-wit:

For serving a State warrant, fifty cents.
For serving a summons and warrant for debt, fifty cents.
Summoning each witness, fifty cents.
Serving execution for debt, fifty cents.
Selling property taken under execution for each dollar, five cents.
For conveying a prisoner to jail, one dollar.
Serving peace or search warrant, one dollar.
Serving attachment, fifty cents.

CONSTABLES FOR THE PARISH OF ORLEANS.

1846—82—23
Constables to be elected for New Orleans.

SEC. 9. There shall be one Constable for each Justice's Court in the parish of Orleans, who shall hold his office for the term of two years. He shall be elected by the qualified voters, residing within the sectional limits, within which each Justice is required to hold his court.

1846—82—26
To give bond.

SEC. 10. Each Constable shall give bond in favor of the State of Louisiana, with one or more good and solvent sureties, in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and for the legal adjustment of all claims against him, moneyed or otherwise, incurred in his official capacity, or growing out of his official responsibility, and the bond shall be filed with the Secretary of State, of the State of Louisiana, and may be sued upon, by any person seeking to obtain redress against any illegal acts, omission, negligence or detention of money or property by the Constable or any of his deputies in the discharge of his or their official duties, and for the purpose of such suit, a copy of the bond, duly certified by the Secretary of State, shall be held to be of equal validity with the original in any of the courts of this State.

How sued upon.

1846—82—24
Their duties.

SEC. 11. It shall be the duty of the Constables to serve as executive officers to the Justices of the Peace, and their powers, rights and duties except as hereinafter provided, shall be the same as those of Constables under the existing general laws of the State; they shall

serve and execute all process, writs and orders, to them directed, by the Justices of the Peace, and shall attend the courts held by them, to keep order therein, and to receive writs, orders and process.

1846—83—27
Duties.

Sec. 12. They shall have power, and it shall be their duty to serve and execute all writs of fieri facias issued by the Justice of the Peace, by seizing and selling movable and immovable property, rights and credits, in the same manner as Sheriffs may do.

1846—82—25
Deputies.

Sec. 13. Each Constable shall have the right of appointing as many deputies as may be necessary to assist him in discharging his official duties; for whose acts, he shall be responsible. The deputies, before entering on their duties, shall take the oath required by the Constitution.

1848—168—2
Fees when demandable.

Sec. 14. Three months after the institution of any suit in the parish of Orleans, the Constables may demand their fees from the plaintiff, or party by whom they are due; and upon failure to pay, the Justice may, after proof has been adduced of the correctness of the account, contradictorily with the party against whom the motion is made, issue a fi. fa. in favor of the Constable; but nothing herein contained shall be so construed as to prevent any Constable from collecting his fees from the defendant at any time after judgment against such defendant.

1848—168—3
Duties of Constables as to money collected by them.

Manner of proceeding against them for nonfulfilment of duty.

Sec. 15. It shall be the duty of the Constables to pay over or deliver to the parties entitled to the same, all money, bonds or obligations, which they hold in their official capacity, on the first demand made for that purpose by the parties, their attorneys or agents; and in case of neglect or refusal to comply with the demand, the party aggrieved may proceed by motion against the Constable and his sureties, of which reasonable notice shall be given; and if it appear to the satisfaction of the Justice that the Constable has neglected or refused to pay over any funds or deliver any bonds or obligations in his possession to the party entitled to the same without any legal cause or reasonable excuse, the Justice shall render judgment in solido against such Constable and his sureties.

JEFFERSON.

1850—11—1
Constables authorized to appoint deputies in the parish of Jefferson.

Sec. 16. Each Constable in the parish of Jefferson, shall have the right of appointing as many deputies as may be necessary to assist him in discharging his official duties, for whose acts, he shall be responsible: the deputies shall be required to take the oath prescribed by the Constitution.

Mileage allowed Constables. See Costs and Fees, *Sec.* 9.
Costs and fees allowed Constables, *Sec.* 25.

CORONER.

Constitution, Art. 80.
1853—134—2
1847—199—1

One Coroner to be elected for each parish.

To give bond and security.

1814—8—13

Vacancies how filled.

SECTION 1. A Coroner shall be elected in each parish by the qualified voters thereof, on the first Monday of November, eighteen hundred and fifty-five, and every two years thereafter; he shall take the oath prescribed by the Constitution, and shall give bond and security according to law; in the parish of Orleans, in the sum of twenty-five thousand dollars; and in the other parishes of the State, in the sum of three thousand dollars.

Should a vacancy occur subsequent to an election, it shall be filled by the Governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

1814—6—9

Coroner to be conservator of the peace.

SEC. 2. The Coroner shall be ex-officio a conservator of the peace within the extent of his parish.

1808—8—2 & 3

The Coroner to act as Sheriff in case of vacancy, &c.

SEC. 3. In case of vacancy in the office of Sheriff, by death, resignation, or removal from office, the Coroner shall exercise the duties of Sheriff, until the appointment or election of a successor.

And while acting as such, he shall receive the same fees as are allowed by law the Sheriff.

1847—199—2

Coroner to enquire into the cause of violent deaths.

SEC. 4. It shall be the duty of the Coroner, on being informed of the violent death of any person within his parish, the cause of which is unknown, immediately to proceed and view the body and make all proper enquiry respecting the cause and manner of the death; and if, from such inquiry, he shall be satisfied that no person has been guilty of causing or procuring the death, and that there are

no suspicious circumstances attending it, he shall, without further proceedings therein, deliver the body to the friends, if any there be, for interment; in case there are no friends who will take charge of the body, and if the deceased shall not have left property sufficient to pay the expenses of the burial, then it shall be the duty of the coroner to bury it.

All owners of slaves to be buried, shall bear the burial expenses of the same.

1847—200—3

Certificate to be given by the Coroner when an inquest by jury is not held.

Sec. 5. In all cases where inquests are not taken, the Coroner shall make a certificate of the following or similar import, to wit:

I ——— Coroner of the parish of ——— having notice of the death of ———, and having viewed the body of the said ———, and made enquiry respecting his death, do hereby certify that I am satisfied no guilt attaches to any person by reason of the death, and that an inquest is unnecessary; (and in cases where it shall have become necessary for the Coroner to bury the dead body, the certificate shall continue and say:) That the deceased has no friends who appear to take charge of, and bury his body, nor, as I can ascertain, has he left property sufficient to defray the expenses thereof; I have therefore buried the same.

Which certificate shall be filed by the Coroner on demanding payment of his fee.

1847—200—4

In what case the Coroner shall proceed to an inquest by jury.

Sec. 6. If, upon view and inquiry had, the Coroner shall have reason to suspect that the person whose body he shall have been called to view, came to his or her death by murder or manslaughter, or by the connivance, aid, procuring or misconduct of any person, then, and not otherwise, it shall be his duty forthwith to proceed and take inquest of said death.

1847—200—5

Number of citizens to be summoned for the jury of inquest.

Sec. 7. Where any inquest is to be held, the Coroner shall summon forthwith, five citizens, residing in the parish, to appear before him, at the time and place expressed in the summons, then and there to enquire upon view of the body of ——— there lying dead, when, how and by what means he came to his death.

1847—200—6

Penalty for not attending as juror.

Sec. 8. If any person summoned as a juror, shall fail to appear without reasonable excuse therefor, he shall forfeit the sum of twenty dollars. All forfeitures under this section in New Orleans and Jefferson, may be recovered, for the benefit of the Charity Hospital of New Orleans, by suit to be brought by the Administrators of the Hospital.

1847—200—7

Oath to be taken by the jurors.

Sec. 9. When the jurors who have been summoned, appear, the Coroner shall call over their names, and then in view of the body he shall administer to them the following oath: "You solemnly swear that you will diligently enquire and true presentment make on behalf of this state, when, how, and by what means, the person whose body here lies dead, came to his death; and you shall return a true inquest

thereof, according to your knowledge and such evidence as shall be laid before you—so help you God."

In what case jurors are to be taken from the bystanders.

If any of the five jurors summoned shall not appear, the Coroner shall summon jurors from the bystanders to complete the number of the jury.

1847—200—8

Coroner authorized to summon witnesses. Penalty for not attending.

SEC. 10. The Coroner may summon witnesses at such time and place as he shall direct; the persons summoned shall be subject to the same penalties, to be expressed in the summons for non-attendance, as if they had been served with a subpœna on behalf of the State to attend a justice's court.

In what case a physician is to be summoned.

It shall be the duty of the Coroner, if necessary in order to ascertain the cause of death, and at the request of the jurors in writing, to cause some surgeon or physician to be subpœned to appear as a witness at the inquest; and the written request of the jurors, that the testimony of a physician or surgeon is necessary to enable them to form a verdict, as to the cause of death, shall be, by the Coroner, filed with the corporation or other body charged with the expenses of the inquest; and if he refuses or neglects to file the written request, as above, he shall be liable to pay the fee of the surgeon or physician, which shall not exceed ten dollars.

Fee of the physician.

1847—200—9

Oath to be taken by the witnesses.

SEC. 11. An oath to the following effect, shall be administered to the witnesses by the Coroner; "You solemnly swear, that the evidence which you shall give on this inquest concerning the death of the person here lying dead, shall be the truth—so help you God."

1847—201—10

Evidence reduced to writing.

SEC. 12. The testimony of all witnesses examined on any inquest, shall be reduced to writing by the Coroner; or some other person by his direction, and subscribed by the witnesses.

1847—201—11

Manner of drawing the verdict.

SEC. 13. The jury, upon the inspection of the body, and after hearing the testimony of witnesses, and making all needful enquiries, shall draw up, and deliver to the Coroner their inquisition, under their hands; in which they shall find and certify, when, how, and by what means, the deceased person came to his death, and his name, if it is known; together with all material circumstances attending his death; and if it shall appear that the deceased was feloniously killed, the jurors shall further state who were charged with being guilty, either as principals or accessories, if known, or with being in any manner the cause of his death; which inquisition may be, in substance, as follows:

Form of inquest.

An inquisition taken at ——, in the parish of ——, on the —— day of ——, in the year ——, before —— ——, the Coroner of the parish of ——, upon the view of the body of ——, (or a person) there lying dead, the jurors whose names are hereunto subscribed having been sworn to enquire on behalf of the State, when, how, and by what means the said ——— came to his death, upon their oaths do say: (then insert: "When, how and by what person or persons,

means, weapons or instrument, he was killed;") in testimony whereof, the Coroner and jurors of this inquest have hereunto subscribed their names, the day and year aforesaid.

1847—201—12

Powers and duties of the Coroner, on a verdict of murder or manslaughter being found by the jury of inquest.

SEC. 14. If the jury find that any murder or manslaughter has been committed on the deceased, the Coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next court, to be held in the parish, at which an indictment for such offence can be found; he shall also return to the court, the inquisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail of the parish any witnesses, who shall refuse to recognize in such manner as he shall direct.

1847—210—13

Coroner authorized to arrest the persons against whom a verdict is found.

SEC. 15. If any person charged by the inquest with having committed such offence, shall not be in custody, the Coroner shall arrest and conduct him before some committing magistrate, in the parish in which the inquest is held, to be examined and proceeded with according to law.

1847—201—14

How the expenses of the inquest and Coroner's fees are to be paid.

SEC. 16. The expenses of the inquest, with the Coroner's fees, shall be paid by the parish, incorporated city or town, within which the body was found, when the Coroner shall make out an account of the expenses of the inquest, and certify under oath, that the charges are no more than allowed by law; and in case the charges in the attested account are more numerous than allowed by law he shall be liable to the penalties of perjury.

1847—202—16

Coroner may appoint a deputy.

SEC. 17. The Coroner of the city of New Orleans shall have the power of appointing a deputy, to act for him in case of sickness or necessary absence; and for any abuse of office by the deputy, the Coroner shall be responsible in the same manner, and to the same extent as if the neglect or abuse of office was done by himself.

1852—207—1

Coroner's fees hereafter to be fixed by the parochial authorities.

SEC. 18. The Common Council of the city of New Orleans, and the parochial authorities of the several parishes, shall have the power to fix the fees or salary of the Coroner, all expenses attending the inquest, and all other costs incident to the duties of Coroners, and until that is done the present fees and compensation for the Coroner and for the expenses of the inquest, shall be paid.

1810—33—1

Any person authorized to act in certain cases.

SEC. 19. Any person who shall have knowledge of a drowned person, or shall find a corpse adrift, shall be authorized to take him ashore without having previously called witnesses.

He shall give notice to the nearest inhabitant, and shall immediately call a Justice of the Peace of the neighborhood; or in his place, two witnesses to ascertain the situation of the deceased and draw a proces verbal thereof to be signed by the justice or the witnesses, and to be transmitted to the Clerk of the District Court.

1854—140—1

The Justice for the parish of Orleans, right bank, authorized to act as Coroner.

SEC. 20. The Justice of the Peace in and for that portion of the parish of Orleans, situated on the right bank of the Mississippi river, is hereby authorized to act as Coroner, whenever a dead body shall be found lying within the limits of that portion of the parish of Orleans.

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See "SHERIFFS"—"JUDICIARY DEPARTMENT."

Coroners to execute distress warrants issued by the Auditor. See AUDITOR OF PUBLIC ACCOUNTS, *Sec.* 12.

Fees of Coroners in the parishes of Orleans and Jefferson. See COSTS AND FEES, *Sec.* 27; in the other parishes, *Sec.* 28.

CORPORATIONS.

CONSTITUTIONAL PROVISIONS.

ARTICLE 109. The Legislature shall have power to grant aid to companies or associations of individuals, formed for the exclusive purpose of making works of internal improvement, wholly or partially within the State, to the extent only of one-fifth of the capital of such companies by subscription of stock or loan of money or public bonds; but any aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company, and, in case of loan, such adequate security shall be required, as to the Legislature may seem proper. No corporation or individual association receiving the aid of the State, as herein provided, shall possess banking or discounting privileges.

To what extent the Legislatnre may grant aid to corporations, for works of internal improvement.

ART. 110. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law for some single object of work to be distinctly specified therein, which shall be passed by a majority of the members elected to both Houses of the General Assembly, and the aggregate amount of debts and liabilities incurred

No liability to be contracted unless for some single object, &c.

under this and the preceding article shall never, at any one time, exceed eight millions of dollars.

Provision to be made for the payment of debts.

ART 111. Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war to repel invasion or suppress insurrection, they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due. And the said law shall be irrepealable until principal and interest are fully paid and discharged, or unless the repealing law contains some other adequate provision for the payment of the principal and interest of the debt.

ORGANIZATION OF CORPORATIONS FOR LITERARY, SCIENTIFIC, RELIGIOUS AND CHARITABLE PURPOSES.

1853—296—1

Act of incorporation, how adopted.

SECTION 1. Whenever any number of persons exceeding six, may be desirous of forming themselves into a corporation or body politic, for any religious, scientific, literary or charitable purpose, and to acquire and enjoy the rights, privileges and powers of a body corporate and politic in law, it shall be lawful for such persons to prepare and sign an instrument, either in an authentic form or under private signature; wherein they shall declare and specify the purposes and objects of such Association or Corporation; the name, style and title thereof; the place chosen for its domicil; the manner in which such managers and officers are to be chosen; the officer on whom citations may be served, and the length of time during which the Corporation shall exist and continue.

To be approved by the District Attorney.

The act of incorporation shall be handed to the District Attorney of the District in which its domicil is fixed, for examination as to its legality; and should he be of opinion that the purposes and objects of the Corporation, as specified in said act, are legal, and that none of the provisions therein contained are contrary to law, he shall endorse his opinion to that effect thereon.

To be recorded in the office of the Recorder.

The act, together with the opinion of the District Attorney, shall then be recorded in the office of the parish Recorder, or other officer performing the duties of parish Recorder; which act, when so recorded, shall constitute the subscribers to the same, and their associates and successors, a body politic and corporate, for the purposes and objects delared and contained in the act; and shall have continuance and succession by the name, style and title as set forth in the act.

A copy of which, duly certified by the officer in whose office the same is recorded, shall be full and complete evidence of the contents of the original act.

1850—170—1

In no case shall the provisions of this section be construed to apply to free persons of color in this State, incorporated for religious purposes or secret associations.

SEC. 2. In case the District Attorney shall neglect or refuse to give the certificate required by the above section, the applicant may take a rule on him in the District Court of the parish in which it is intended for such corporation to have its domicil, to show cause within ten days from the service thereof, why the applicants should not be created a corporation according to the terms and conditions set forth in the act of incorporation.

1853—197—2

Mode of proceeding in case of the District Attorney's refusal to approve it.

Should the District Judge be of opinion that the purposes and objects of the Corporation, as specified in the act, are legal, he shall give judgment accordingly; a copy of which judgment shall be recorded with the act in the office of the Recorder of Mortgages, or other officer exercising his duties, in lieu of the certificate of the District Attorney.

SEC. 3. When any Corporation may be desirous of improving, amending or altering the articles and conditions upon which the Corporation may be incorporated, it shall be lawful for such Corporation in like manner to draw up an act specifying and containing the alterations, improvements or amendments which they may desire to make to the original act of incorporation; which act shall be handed to the District Attorney for his opinion as to the legality of the alterations, amendments or improvements proposed, and he shall give his opinion touching the legality of the same; and in case of the refusal or neglect of the District Attorney to give the certificate required, the parties may take rule on him to show cause, as provided in the preceding section; which certificate of the District Attorney, or opinion of the Judge, shall be recorded in the manner and form required above.

1853—297—3

Act of incorporation how amended

SEC. 4. Such Corporations shall have full power and authority to make, have and use a common seal with such device and inscription as they shall respectively deem proper, and the same to brake, alter and amend at their pleasure; and by the name, style and title by them respectively provided and declared aforesaid, shall be capable in law to sue and be sued, and shall be authorized and empowered to make rules, by-laws and ordinances, and to do every thing needful for their good government and support, not repugnant to the Constitution and laws of the United States, to the Constitution and laws of this State, or to the instrument upon which the Corporations, respectively, are formed and established.

1847—152—3

Their powers.

SEC. 5. Said Corporations shall be capable in law, according to the terms and conditions of the instrument upon which the said Corporations are formed and established, to take, receive and hold, all manner of lands, tenements, rents and hereditaments, and any sum of money, and any manner and portion of goods and chattels given and bequeathed unto them, or acquired by them in any manner, respectively; to be employed and disposed of according to the objects, ar-

1847—152—5

Additional powers and privileges.

ticles and conditions of the instrument upon which the Corporations, respectively, are formed and established, or according to their articles and by-laws, or of the will and intention of the donors.

No Corporation organized by authority of this act, shall hold property of a value exceeding three hundred thousand dollars. No Church Corporation or Minister of the Gospel, for himself or the benefit of a Church Corporation, shall be allowed to accept a bequest made in articulo mortis.

ORGANIZATION OF CORPORATIONS FOR WORKS OF PUBLIC IMPROVEMENT AND FOR OTHER PURPOSES.

1852—129—1

Purposes for which corporations may be organized.

1848—70—1

SEC. 6. It shall be lawful for any number of persons, not less than six, on compliance with the provisions following, to form themselves into, and constitute a Corporation for the following purposes, to wit: for the construction, working and maintenance of railroads, canals, plank roads, bridges, ferries and other works of public improvement, whether within or without the limits of this State; to effect fire, marine, river and life insurance; to carry on manufactures of cotton, woolen, linen, silk and hempen cloths and cordage; to construct and carry on iron, brass and copper foundries; to construct and maintain dry-docks or floating docks for the building or repairing of ships and other vessels; to construct and carry on works to supply cities or towns with gas or water; to compress cotton; for the manufacture of iron, copper, lead or other metals, earthenware or stone-ware, engines, cotton-gins, machinery, paper, gun-powder, agricultural implements; establish companies for refining sugar, and for sea navigation by steam; to create lines of telegraph, and to establish chemical laboratories, and manufactures of all kinds; for the opening and working of mines; construction and maintenance of docks, steamships and other vehicles for the transportation of freight or passengers; and generally all works of public utility and advantage.

No Corporation shall engage in mercantile or agricultural business in general, nor in commission, brokerage, stock-jobbing, exchange or banking business of any kind.

1852—129—2

Duration and powers of corporations.

SEC. 7. Said Corporations shall have power and authority, First, to have and to enjoy succession, by their corporate name, for the period expressed in their act of incorporation, not exceeding twenty-five years; Second, to contract, sue and be sued, in the corporate name; Third, to make and use a corporate seal; Fourth, to hold, receive, purchase and convey under their corporate name, property both real and personal; Fifth, to name and appoint such managers, directors and officers as their interest and convenience may require; Sixth, to make and establish such by-laws for the proper management and regulation of the affairs of the Corporation, as may be necessary and proper.

1852—130—8

Powers granted to corporations.

SEC. 8. Every charter of incorporation shall contain: First, the name and title of the Corporation, and the place chosen for its domicil; Second, a description of the purposes for which it is established, the nature of the business to be carried on, and the designation of the officer on whom citation may be served in suits against the company; Third, the amount of the capital stock, the number of shares, amount of each share, and the time when and the manner in which payment on stock subscribed shall be called or made; Fourth, the mode in which the elections of directors or managers shall be conducted; Fifth, the mode of liquidation, at the termination of the charter.

1852—130—4

Charter to be recorded and published.

SEC 9. The charters of Corporations and the original subscriptions made for the purpose of organizing them, shall be recorded in the office of the Recorder of Mortgages, or other officer exercising his functions, at the place selected for the domicil of the Corporation; and shall be published in a newspaper at its domicil, once a week at least, for thirty days, but it shall not be necessary to publish the names of the subscribers; and any subscriber may present the charter and subscriptions for record with the Recorder of Mortgages.

1852—130—5

Charter, how amended or dissolved.

SEC. 10. It shall be lawful for the stockholders of any Corporation, at the general meeting convened for that purpose, to make any modifications, additions or changes in their act of incorporation, or to dissolve it, with the assent of three fourths of the stock represented at such meeting; any such modification, addition, change or dissolution shall be recorded as required by the preceding section.

1852—130—6

Charter forfeited for insolvency.

How liquidated.

SEC. 11. Any Corporation shall forfeit its charter for insolvency, evidenced by a return of no property found on execution; and in such case, it shall be the duty of the District Court, at the instance of any creditor, to decree such forfeiture and to appoint a commissioner for effecting the liquidation, whose duty it shall be to convert all the assets of the company, including any unpaid balances due by stockholders, on their shares, into cash, and to distribute the same under the direction of the court amongst the parties entitled thereto in the same manner, as near as may be, as is done in cases of insolvency of individuals.

1852—131—7

The streets of cities and towns not to be used without the consent of the authorities.

SEC. 12. No railroad, plank road, nor canal, shall be constructed through the streets of any incorporated city or town, without the consent of the Municipal Council thereof, and such consent once obtained, shall not be withdrawn during the term of the charter.

1852—131—8

Liability of stockholders.

SEC. 13. No stockholder shall ever be held liable or responsible for the contracts or faults of such Corporation in any further sum than the unpaid balance due to the company on the shares owned by him; nor shall any mere informality in organization have the effect of rendering a charter null, or of exposing a stockholder to any liability beyond the amount of his stock, if the provisions of this act have been substantially complied with.

1852—131—9

Duty of Corporations whose works cross public roads or navigable streams.

SEC. 14. In all cases where railroads, plank roads or canals shall cross any highways, the Corporation shall so construct the works as not to hinder, impede or obstruct its safe and convenient use; and in all cases where railroads, plank roads or canals shall be constructed or dug across any plantation or land in cultivation, or that may be cultivated, the Corporation shall so construct the work as not to hinder, impede or obstruct the drainage of the land, nor shall any privilege herein granted be so construed as to authorize or empower any Corporation to hinder or impede or offer any obstruction to the drainage of any lands through which any railroad, plank road, or canal may be constructed after the construction of the work; and if any railroad or plank road shall, in its course, cross any tide waters, or navigable rivers or streams, the company may erect for the sole and exclusive use of such railroad or plank road, the bridges required for crossing; but such bridges shall be so constructed as not to obstruct or necessarily impede the navigation of said waters or streams.

TELEGRAPH COMPANIES.

1853—104—1

Right of way given to telegraph companies.

SEC. 15. Whenever any Corporation has been or may be formed under the laws of this State, for the purpose of transmitting intelligence by magnetic telegraph, the Corporation shall have the right of way over all lands owned by the State, and over any highways or navigable waters; but it shall so construct its works as not to interfere with, impede or hinder the free use of the highways or navigable waters, or the drainage or natural servitudes of the land over which the right of way may be exercised.

1853—104—2

Duty of telegraph companies to transmit certain dispatches.

SEC. 16. All telegraph companies shall be bound, on application of any officer of this State or of the United States, in the event of any war, insurrection or resistance of public authority; or whenever it may be necessary for the prevention of crime or the arrest of persons accused of crime or fleeing from justice; to give their communications immediate dispatch; and if any officer, clerk or operator of any such Corporation shall refuse or intentionally omit to transmit such communication, or shall designedly alter or falsify the same for any purpose whatever, he shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be fined not exceeding one thousand dollars, and imprisoned not longer than one year.

To transmit all dispatches in their order.

It shall further be their duty to transmit all communications, which are not immoral or contrary to law or public policy, that are presented by persons offering to pay the usual rates therefor, and in the order in which the applications are made.

TO PROVIDE FOR THE EXPROPRIATION OF LANDS FOR RAILROADS AND OTHER WORKS OF PUBLIC UTILITY.

1853—139—1

Expropriation of lands of individuals, how made.

SEC. 17. Whenever any Corporation constituted under the laws of this State for the construction of a railroad or plank road, turnpike road or a canal for navigation, or for the purpose of transmitting intelligence by magnetic telegraph cannot agree with the owner of any land which may be wanted for the construction of such road, canal or magnetic telegraph, or the works connected therewith, it shall be lawful for such Corporation to apply by petition to the Judge of the District Court in which such land may be situated, or if the land extends into two districts, to the Judge of the district in which the owner thereof resides, and if the owner does not reside in either district, then to the Judge of either district; describing the lands necessary for their purposes, with a plan of the same, and a statement of the improvements thereon, if any, and the name of the owners thereof, if known and present in the State, with a prayer that the land be adjudged to such Corporation, upon the payment to the owner of all such damages as he may sustain in consequence of the expropriation of his land for such public work.

Claim for damages when prescribed.

All claims for land, or damages to the owner, caused by its appropriation or use for the construction of any public works, shall be barred by two years' prescription, which shall commence to run from the date at which the land was actually occupied and used for the construction of the works.

1853—140—2

Corporations may be sued in the parish where damage or trespass is committed.

SEC. 18. In all cases where any Corporation shall commit trespass or do anything for which an action for damages lies, it shall be liable to be sued in the parish where such damage is done or trespass committed.

1852—91—2

Proceedings to be had in assessing damages.

SEC. 19. Upon the presentation of such petition to the Judge, it shall be his duty to endorse thereon an order directing the clerk of the court to give notice to the owner according to law.

The clerk shall thereupon issue a copy of the petition and order, together with a notice of the time at which a jury will be empanneled to assess the value of the land described in the petition, to the sheriff, who shall make service and return therefor, as in ordinary cases.

1852—91—3

A jury of freeholders to be summoned.

SEC. 20. Immediately after the order shall have been made by the Judge, it shall be the duty of the clerk and sheriff to make a list of forty-eight freeholders, residents of the parish in which the land lies, and not interested in the issue to be tried; from which list twenty-four shall be drawn and summoned to attend on the tenth day after the date of the summons, or if that day be one of public rest, on the eleventh day after the date; and from the twenty-four freeholders, a jury shall be empanneled, which shall, by a verdict in which at least three-fourths of their number shall concur, determine, after hearing the parties and their evidence, what is the value of the land described

in the petition with its improvements, and what damages, if any, the owner would sustain in addition to the loss of the land by its appropriation to the uses of the company. In empanneling the jury either party may challenge for cause, but no peremptory challenge shall be allowed.

1852—92—4

Damages, how assessed by the jury.

SEC. 21. In estimating the value of the property to be expropriated, the basis of assessment shall be the true value which the land possessed before the contemplated improvement was proposed, and without deducting therefrom any amount for the benefit derived by the owner from the contemplated improvement or work.

1852—92—5

Appeal not to suspend execution.

SEC. 22. An appeal to the Supreme Court from the verdict of the jury and judgment of the lower court, made by either party, shall not suspend the execution of such judgment, but the payment of the amount of the verdict by the company to the owner, or the deposit thereof, subject to the owner's order, in the hands of the Sheriff, shall entitle the Corporation to the right, title and estate of the owner in and to the land described in the petition, in the same manner as a voluntary conveyance would do. But in the event of any change being made by the final decree in the decision of the cause, the Corporation shall be bound to pay the additional assessment, or entitled to recover back the surplus paid, as the case may be

1852—92—6

Manner of proceeding against absent persons

SEC. 23. If the owner of any land required for works of public utility be unknown or absent, and have left no known agent in the State, it shall be the duty of the court to appoint a curator ad hoc, to represent and act for such owner; and the price which he may be entitled to receive shall be deposited in the State Treasury, subject to his order; and the receipt of the State Treasurer for the price shall vest the title in the Corporation paying for the land, in the same manner as if it were paid to the owner in person.

1852—92—7

Quantity of land which may be expropriated.

SEC. 24. If any owner shall be of opinion that the quantity of land sought to be purchased by any Corporation exceeds that which is reasonably necessary for the purpose intended by the company, it shall be lawful for him to file a special plea setting forth this fact; and in such case the jury shall determine not only the value of the land to be expropriated, but also the extent of land over which the company may exercise the forced expropriation; the whole always subject to the decision of the Supreme Court on appeal.

1852—92—8

Exceptions to the right of expropriation.

SEC. 25. The right of expropriation shall in no case extend to graveyards, nor to the dwelling house, yard, garden, and other appurtenances thereof, unless the jury shall find, by their verdict, that the line of the proposed railroad or canal, cannot be diverted from that proposed by the company without great public loss or inconvenience.

SEC. 26. If a tender be made by any Corporation of the true value of the land to the owner thereof, before proceeding to a forced expropriation, the costs of such proceeding shall be paid by the owner.

1852—92—9
Costs, when to be paid by the owner of the land.

SEC. 27. All judgments directing the expropriation of lands to Corporations shall be valid against all persons, whether married women, minors, or persons interdicted.

1852—93—10
Judgments expropriating land to be valid against all persons.

TO PROVIDE FOR THE SUBSCRIPTION BY THE PARISHES AND MUNICIPAL CORPORATIONS OF THIS STATE TO THE STOCK OF CORPORATIONS UNDERTAKING WORKS OF INTERNAL IMPROVEMENT, AND FOR THE PAYMENT AND DISPOSAL OF THE STOCK SO SUBSCRIBED.

SEC. 28. It shall be lawful for the Police Juries and Municipal Corporations of this State to subscribe to the stock of Corporations undertaking works of internal improvement, under the laws of this State, on complying with the provisions hereinafter set forth.

1852—128—1
Police Juries and Municipal Corporations authorized to subscribe for the stock of certain Corporations.

SEC. 29. All ordinances passed for such subscriptions shall contain the following provisions, to wit: 1st, A statement of the number and amount of the shares proposed to be subscribed; 2d. The levy of a tax on the landed estate situated in the parish or municipal corporation, sufficient to pay the amount of the subscription, and specifying the rate of taxation and the time when it shall be payable.

1852—128—2
Requisites of ordinances authorizing subscription for stock.

SEC. 30. No ordinance shall be valid or take effect until it shall have been approved and ratified by a majority of the voters on whose property the tax is proposed to be levied, at an election to be held specially for that purpose.

1852—128—3
Ordinance not to take effect until ratified by a majority of voters.

The Police Jury or Municipal Corporation shall prescribe the manner of holding such election, and shall cause to be furnished to the commissioners a properly certified list of the authorized voters, and such election shall be preceded by a notice for thirty days, published in one or more newspapers in the parish or municipal corporation where it shall be held.

If the ordinance be rejected by a majority of the voters it shall be lawful at any subsequent period, at intervals of not less than six months, again to take the sense of the voters in the same manner as at the first election.

SEC. 31. The stock subscribed shall not belong to nor be administered by the parish or municipal corporation by which the subscription shall be made, but shall belong to the tax payers, who shall have paid therefor; and the tax receipt of each tax payer shall entitle him to a certificate transferable by delivery from the Corporation to which subscription has been made, for an amount equal to the amount of his tax paid.

1852—128—4
The stock to belong to the tax-payers.

TO PROVIDE FOR THE MANNER OF GIVING THE AID OF THE STATE TO RAILROAD AND PLANK ROAD COMPANIES.

1853—95—1

State Treasurer to subscribe for one-fifth of the capitpl stock of certain companies.

SEC. 32. It shall be the duty of the State Treasurer to subscribe, for the State, for one-fifth of the capital stock of any railroad or plank road company organized in this State, whenever he shall be authorized by a special law to do so.

1853—195—2

Subscriptions for stock by the State to be paid by issuing bonds.

SEC. 33. For the payment of any subscription thus made it shall be the duty of the Governor to issue coupon bonds, in the name of the State, to the order of the railroad or plank road company, signed by the Governor, countersigned by the State Treasurer, the Auditor of Public Accounts, and the Secretary of State, and under the seal of the State, payable forty years after the date thereof, and bearing interest at the rate of six per cent per annum. The bonds shall be in the following form :

UNITED STATES OF AMERICA.

$1000. No. ——.

Know all men by these presents, That the State of Louisiana acknowledges to be indebted to the ———— Railroad or Plank Road Company, in the sum of one thousand dollars, which sum the State of Louisiana promises to pay, in current money of the United States, to the order of the company, in forty years from the date hereof; and also to pay an interest at the rate of six per cent. per annum, payable semi-annually, at the office of the Treasurer of the State of Louisiana, on the first day of ———— and the first day of ———— of every year, upon the delivery of the interest warrants in the margin hereof, until the payment of the principal sum, transferable by endorsement. In testimony whereof, the Governor of the State of Louisiana has signed these presents, and the Treasurer of the State, the Auditor of Public Accounts, and the Secretary of State have countersigned the same, and the seal of the State is hereunto affixed.

Done at ————, this —— day of ————, in the year of our Lord one thousand eight hundred and ————.

Seal ————.

———— Governor.

Countersigned, ———— State Treasurer.

———— Auditor of Public Accounts.

———— Secretary of State.

And said bonds may be transferred by the endorsement of the Secretary of the railroad or plank road company.

1853—196—3

Bonds to be issued only in proportion to the other stock paid in.

SEC. 34. The bonds of the State shall be issued from time to time for an amount equal to one-fourth of the amount actually received by and paid to the company, to whose order the bonds are to

be made, from its other stockholders, individual, corporate, municipal and parochial; it being the true intent and meaning of this act, that the subscription on the part of the State of one-fifth of the capital stock of any railroad or plank road company, shall only be paid in the proportion of the actual payments of the subscribers.

1853—195—4

Bonds to be taken at par value.

SEC. 35. All bonds issued according to the provisions of the preceding sections, shall be received by the companies in whose favor they are drawn, at their par value, but in case they should be sold by the companies for more than their par value, the President of said company shall pay into the Treasury of the State the excess received; and this excess shall be applied to the reduction of the appropriation to be made for the payment of the interest on said bonds.

1853—196—5

President to furnish a statement of amount of stock paid in, to the Governor.

SEC. 36. It shall be the duty of the President of any railroad or plank road company, in which the State shall be a subscriber to its capital stock, in virtue of any special act, upon application for an issue of bonds in payment of the State's subscription, to furnish the Governor with a statement of the amount called in, and received on the shares of individual stockholders, and in virtue of any city or special ordinance subscribing to the stock of said company by taxation on real estate; and on the statement being duly made to the Governor, certified to under oath or affirmation by the President and Secretary of the company, he shall cause to be delivered the bonds of the State in payment of its subscription, as before provided for.

1853—196—6

State stock set apart to pay the bonds issued therefor.

SEC. 37. The stock held by the State in any railroad or plank road company, shall, with its revenues, be specially reserved and set apart for the payment of the principal and interest of the bonds issued therefor, subject to the conditions hereafter provided.

1853—196—7

Provisions for payment of interest on the State bonds.

SEC. 38. Provision shall be made in the annual appropriations of the State for the payment of the interest on the bonds issued in payment of subscription by the State to the stock of any railroad or plank road company, which shall continue to be annually made unless the stock of the company shall pay six per cent. dividend.

Whenever the revenues shall amount to eight per cent. per annum or more, the excess over six per cent. shall be applied to the purchase of the bonds of the State issued for the stock, and public notice shall be given by the Auditor of Public Accounts in the official gazette for sixty days inviting proposals from the bondholders for the sale to the State of the bonds.

1853—196—8

Directors to be appointed by the Governor.

SEC. 39. The Governor, by and with the advice and consent of the Senate, shall, on the ——— day of ————, eighteen hundred and fifty-three, and every year thereafter on the ——— Monday in ———— appoint three Directors to serve in the Board of Directors of the company, who shall enter upon the discharge of their

duty on the first Monday of May, and serve one year, or until their successors are duly appointed.

1853—196—9

Manner in which the State may loan its bonds.

SEC. 40. Whenever the General Assembly shall, by a special law, authorize the loan of public bonds to any railroad or plank road company, the bonds shall be issued in the same manner and on the same terms and conditions as is provided for in the issuing of bonds for subscription to the stock of railroad or plank road companies, and the current interest on said bonds shall be raised and paid in a like manner. The law authorizing the loan of public bonds shall provide the ways and means for the payment of the principal of the bonds as they become due, and require adequate security from the company to whom they may be loaned, that they shall be paid at their maturity.

1853—197—10

Companies in which the State is a stockholder to report annually to the Legislature.

SEC. 41. The President and Directors of any railroad or plank road company in which the State is a stockholder shall, within one week after the annual meeting of the Legislature in each year, report to the same the general condition of the company, the amount of capital expended, money borrowed, length of road finished and under contract, and a particular statement of its receipts and expenditures.

CORPORATIONS GENERALLY.

1854—112—1

Railroads may be mortgaged for debts contracted in their construction.

SEC. 42. Any railroad company established under the laws of this State may, to secure the payment of any obligation contracted by said company for the construction of the road, mortgage their road, in whole or in part, and such mortgage, if made of the entire road, shall bear upon the entire road, though the same be not completed at the time the mortgage was made; and such mortgage may also be made to bind the appurtenances of said road, its warehouses, depots, water stations, locomotives, &c.

1854—112—2

Effect of mortgage when recorded at the domicil.

SEC. 43. A mortgage, made by any of the companies, shall bind the road, its warehouses, depots, water stations, locomotives, and other appurtenances that may be mortgaged in the several parishes where the same may be, by the record of the mortgage in the parish where the principal office or domicil of the road may be; and such mortgage need not be reinscribed to continue it in force.

1866—161—1

No foreign corporation to exercise greater rights in the collection of debts than authorised by the law of the country where they may be situated.

SEC. 44. No bank or other corporation of any other State, or of any foreign country, nor any creditor under them, under assignment or otherwise, shall, in seeking to enforce the collection of debts due by the citizens of this State, exercise any right which such bank, or other Corporation, or such creditor under them, could not exercise by virtue of the laws of the State or of the foreign country in which such bank or Corporation is situated.

1855—330—1

Insurance companies incorporated in this State to publish an annual statement of their affairs.

SEC. 45. The officers of each insurance company incorporated by the laws of this State, shall, within one month from the close or expiration of each year of the Corporation, cause to be published, in two or more daily newspapers published in the city of New Orleans, and for the term of at least one month, a full statement, under oath, of the

business of the insurance company; which statement shall contain, *first*, the amount of premium received during the previous year, specifying what amount was received for life insurance, for insurance against fire, what on marine policies, and what on river policies; *second*, the amount of losses incurred during the year, specifying and designating what amount of losses have been incurred by the different kind of policies as aforesaid; *third*, the amount of capital, stating the portion in cash and the portion of the same invested in securities, and the nature of the securities.

1853—330—2

Annual statement to be published by agents for foreign insurance companies.

SEC. 46. Every person acting as agent of an insurace company not incorporated by the laws of this State, and doing fire, marine or river insurance within the city of New Orleans, shall, during the month of January of each and every year from the date hereof, cause a full statement, under oath, of the business of the agency to be published in the manner and form, and for the term as specified in the preceding section; and for the neglect or refusal so to do, shall forfeit and pay into the city treasury the sum of one thousand dollars for each and every neglect or refusal.

Whenever the parent or principal office of the agency shall publish an annual statement of its affairs, the time mentioned in the first part of this section for the publication of the affairs of the agency, shall be so far changed as to correspond with the annual statement of the insurance company, and shall then be published as aforesaid within one month from the date of the publication.

1853—136—1

To pay a tax of $500, to the fire companies.

SEC. 47. Each and every incorporated insurance company and agency of any foreign insurance company in the city of New Orleans, shall be taxed five hundred dollars per annum; said tax to be collected by the State Tax Collector for the parish of Orleans, and as soon as collected, the amount of said tax shall be paid into the city treasury to the credit of the Fire Department, to be divided equally between the different fire, hose, and hook and ladder companies, in such manner as may be determined by a majority of the firemen of said companies.

1847—209—11

Insolvent corporations, how liquidated.

SEC. 48 Whenever the charter of any Corporation in this State shall be decreed forfeited by any competent court, the District Attorney of the district shall forthwith inform the Governor of the fact, who shall thereupon appoint a liquidator to take charge of and liquidate the affairs of the Corporation, as in case of insolvencies of individuals.

In case of death, resignation, or removal of any liquidator so appointed, the Governor shall fill the vacancy; and in case of refusal of any person appointed, to act as liquidator, he shall appoint the District Attorney of the district, who shall be dispensed with giving bond and security.

This section shall not apply to such banking or other Corporations, whose liquidation is otherwise provided for by law.

See "MUNICIPAL CORPORATIONS."

COSTS AND FEES.

1850—260—1

Suits for fess to be tried by a jury.

SECTION 1. In any suit or proceeding where a fee or compensation not established by law is involved, it shall be allowed to either party to pray for a trial by jury, whether the fee or compensation be claimed from an insolvent estate or a succession, whether by way of opposition or otherwise.

1852—224—1

Sheriff's fees to be endorsed on process returned into Court.

SEC. 2. The Sheriffs throughout the State shall, whenever they returna paper or process into court, endorse thereon the specified items of fees claimed by them that may have accrued on the process or paper; and in default thereof, or if such fees are overcharged, the same shall be forfeited, and the Sheriff forever barred from collecting the item of fees so omitted or overcharged.

1852—224—2

Sheriff and Clerk on leaving office to file bills for fees due them.

SEC. 3. Whenever a Sheriff or Clerk shall retire from office, he shall cause to be filed with the suit or proceeding in which he may be entitled to costs, within twenty days, specific bills of his fees; and in default thereof, or if any item shall be overcharged, the same shall be forfeited, and such Sheriff or Clerk forever barred from collecting the same.

SEC. 4. The costs of the Clerk, Sheriff, witnesses' fees, costs of taking depositions and copies of acts used on the trial, and all other costs allowed by the court, shall be taxed as costs.

1852—224—3
What shall be deemed taxed costs.

SEC. 5. The Clerks of the District Courts shall endorse upon, or annex to all writs of fieri facias issued by them, specific bills of the taxed costs.

1852—224—4
Clerks to endorse costs on fi. fa.

SEC. 6. It shall be the duty of Clerks, upon the application of any person interested, to fnrnish him with a specific bill of the taxed costs of suit; for which the Clerk shall be entitled to demand and receive twenty-five cents and no more; and the said Clerk shall be liable to the same forfeiture for overcharging his fees that is imposed upon Sheriffs.

1852—224—5
Clerks to furnish bill of taxed costs.

Nothing herein contained shall be construed as repealing the laws of this State punishing Clerks or Sheriffs for extortion in office.

SEC. 7. No person shall be bound to pay any costs or fees until the officer claiming the same shall deliver to the person against whom the fees may be charged, an explicit fee bill, signed with the officer's name in full, officially, and on payment the officer shall be bound to give a receipt on said fee bill, if so required.

1818—190—15
Fee bill to be delivered.

SEC. 8. Every six months after a suit shall have been instituted in any of the courts of this State, the Clerks thereof shall have the right to demand from the plaintiff the amount of his costs, including the Sheriff's costs, and on refusal or neglect of the plaintiff to pay such bill of costs, detailed by separate items and sworn to by the Clerk, and approved by the Judge, execution shall issue against the plaintiff, as in cases of fi. fa. upon judgments after ten days notification by the Sheriff.

1842—442—12
Payment of costs may be demanded every six months.

Whenever the plaintiff does not reside in the parish in which the suit is instituted, the Clerk and Sheriff shall have the same remedy against the surety for costs, and such surety shall not be entitled to the benefit of discussion.

SEC. 9. The Sheriff of the parish of Orleans is empowered to require security for his fees of office, which fees shall be demandable from the plaintiff sixty days after the commencement of each suit, on his detailed certificate, approved by the Judge or Clerk of the court in which the costs originated.

1848—212—2
Sheriff in New Orleans may demand his costs in 60 days.

SEC. 10 Whenever the plaintiff in a cause shall be unknown to the Clerk, or shall not offer sufficient guarantee for the payment of the costs, he shall have the right to require security to cover the probable amount of costs, inclusive of the Sheriff's fees.

1839—198—1
Clerks may require security

SEC. 11. The Clerks of the Supreme Court shall be entitled to demand and receive the following fees and no more:

1814—110—12
Clerks of Supreme Court, their fees.

For every certificate of admission of any Attorney or Counsellor at Law, ten dollars.

For filing and registering record from inferior court, two dollars.

For entering cause on docket, one dollar.

For recording motion in court, one dollar.

For entering appearance of parties, one dollar.

For copying all instruments of writing, each hundred words, twenty cents.

For issuing citation, with seal and certificate, one dollar.

For issuing writ of certiorari, with seal, one dollar and fifty cents.

For issuing writ of prohibition and seal, one dollar and fifty cents.

For issuing writ of mandamus and seal, one dollar and fifty cents.

For issuing writ of distringas and seal, one dollar and fifty cents.

For issuing writ of subpœna duces tecum and seal, one dollar and fifty cents.

For issuing notice of judgment and seal, fifty cents.

For every continuance, twenty cents.

For issuing attachment to bring persons into court, eighty cents.

For entering final judgment, one dollar and fifty cents.

For entering every interlocutory judgment, sixty cents.

For each order of court entered on the minutes not otherwise provided for, thirty cents.

For copy of same, with seal and certificate, fifty cents.

For filing and registering returns on all writs, twenty cents.

For affixing certificate and seal of court to all records or documents, other than those specified, sixty cents.

For taking and filing bond, in all cases required by law, one dollar.

For recording the judgment of the court, for each hundred words, twenty cents.

For setting cause, and calling the same for trial, twenty cents.

For every other service rendered by the Clerks, a reasonable compensation to be made by the party and determined by the court, according to the nature and equity, of the case, having regard to the fees herein allowed.

1846—102—6

Fees in criminal cases

And in criminal cases, the following fees and no more:

For entering cause and filing record, one dollar.

For entering appearance, one dollar.

For recording motions in court, one dollar.

For copy of judgment to be recorded in lower court, fifteen cents for every one hundred words; provided that the costs of the Clerk of the Supreme Court shall in no criminal case exceed the sum of ten dollars.

1845—52—1

Fees of Clerks of District Courts.

SEC. 12. The Clerks of the several District Courts throughout this State, shall be entitled to demand and receive the following fees of office, and no more, to-wit:

For endorsing, registering and filing petitions, ten cents each.

For endorsing, registering and filing answers, ten cents each.

For copying all instruments of writing not otherwise provided for, each hundred words, ten cents.

For issuing citation, with seal ad ce rtificate, fifty cents each.

For copy of citation, with seal and certificate, forty cents each.

For issuing attachment and seal, seventy-five cents.

For copy of attachment and seal, forty cents.

For issuing fieri facias, with seal, one dollar.

For issuing order of seizure, with seal, one dollar.

For issuing order of sequestration, with seal, one dollar.

For issuing writ of certiorari, with seal, seventy-five cents.

For issuing injunction, with seal, seventy-five cents.

For issuing writs of habeas corpus, with seal, and the proceedings thereon, no charge shall be made by the Clerk or Sheriff, except in civil cases, by the party cast.

For issuing writ of mandamus, with seal, seventy-five cents.

For issuing writ of distringas, with seal, seventy-five cents.

For issuing subpœna duces tecum, with seal, seventy-five cents.

For issuing subpœnas for witnesses, with seal, fifteen cents.

For copy of subpœna with seal and certificate, fifteen cents.

For issuing each writ of possession, with seal, fifty cents.

For each order of partition, with seal, fifty cents.

For issuing notice of judgment, with seal, twenty-five cents.

For every continuance, ten cents.

For issuing citation of appeal, with seal and certificate, fifty cents.

For copy of citation, with seal and certificate, forty cents.

For issuing attachment to bring person into court, with seal, forty cents.

For issuing venire facias in each case in the District Court, to be charged but once in each case, thirty five cents.

For swearing jury, twenty-five cents.

For swearing each witness, five cents.

For entering final judgment, and no matter how many parties, to be charged but once in each case, seventy-five cents.

For every interlocutory judgment, no matter how many parties, thirty cents.

For each order of court entered on the minutes of the court, not otherwise provided for, fifteen cents.

For copies of the same, with seal and certificate, twenty-five cents.

For filing and registering returns on all writs, ten cents.

For setting cause for trial and calling the same, ten cents.

For affixing certificate and seal of court to all other records or documents other than those herein specified, thirty cents.

For notice of creditors of insolvents to attend meetings, each, ten cents.

For taking and filing bonds in all cases when required by law, fifty cents.

For recording and registering deeds of conveyance for property sold and transferred by Sheriff, for each hundred words, ten cents.

For entering satisfaction of judgment, ten cents.

For issuing commissions to take testimony of witnesses or answers to interrogatories, with seal, one dollar.

For recording the petition, answer and judgment, in each case, ten cents for every hundred words.

For every confession of judgment when no papers are issued by the Clerk, for all his services in such cases, seventy-five cents and no more shall be allowed. However, in all cases he shall be allowed ten cents per hundred words, for recording the petition and other papers.

For each confirmation or appointment of a tutor, curator, administrator, or testamentary executor, one dollar and fifty cents.

For copy of the same, with certificate and seal, fifty cents.

For each writ or decree ordering or assessing estimate, fifty cents.

For affixing seals on any act when required by law, twenty-five cents.

For probate of a will, including the proces verbal, fifty cents.

For recording all acts, for each one hundred words, ten cents.

For examining and swearing each witness, twenty cents.

For every order, twenty-five cents.

For each audience, including family meetings, one dollar.

For appointment of appraisers, seventy-five cents.

For taking bond, in all cases, one dollar.

For copy of all acts, for each one hundred words, ten cents.

1845—53—2

Fees of Sheriffs.

SEC. 13. The Sheriffs throughout the State shall be entitled to demand and receive the following fees of office and no more, to wit:

For serving writ of arrest or order of sequestration and return thereof, two dollars.

For serving citation on each defendant and return, one dollar.

For serving subpœna or summons on each witness, forty cents.

For serving attachment and return, one dollar and fifty cents.

For keeping personal property and slaves on attachment under seizure, or otherwise legally in the hands of the Sheriff at the discretion of the court, provided that the charge for keeping each slave shall not exceed twenty-five cents per day when in actual custody.

For taking bond in all cases when by law the Sheriff is to take bond and assigning the same, fifty cents.

For making an actual levy under a fieri facias and return of money made without sale, one dollar and fifty cents.

For return of fieri facias, no property found, one dollar.

For levying fieri facias or order of seizure, and making sale, for the first five hundred dollars, two per cent.; for each one hundred dollars over the first five hundred, to one thousand dollars, one per cent.; for all sums after the first thousand dollars, one-half of one per cent.;

provided that no per centage shall be allowed to the Sheriff on any moneys made on such executions or orders of seizure over and above the amount for which they were issued.

For each conveyance of land or slaves sold under execution, whether including one or more adjudications, one dollar.

For serving writ of distringas and return, one dollar and twenty-five cents.

For serving summons for contempt and bringing party into court, one dollar.

For empanneling and calling petit jury, one dollar.

For serving venire for grand or petit jury, to be charged in each case one dollar. Confessions of judgment exempt from this charge.

For serving writ of habeas corpus and return, one dollar.

For notifying the creditors of insolvent debtors to attend meetings, for each, twenty-five cents.

For attendance in Supreme Court, per day, two dollars.

For removing prisoner from one parish to another, at the discretion of the court.

For keeping and maintaining prisoners in jail, per day twenty-five cents.

For committing prisoner to jail in civil cases, one dollar.

For whipping any person sentenced to that punishment, to be paid by the parish, one dollar.

For executing any person condemned to capital punishment, to be paid by the parish, twenty-five dollars.

For serving any order of court not otherwise provided for, fifty cents.

For advertising any sale made by the Sheriff, when done in writing, for each offering, ten cents for every hundred words.

The Sheriffs and Constables throughout the State shall be entitled to demand and receive five cents for every mile they may actually and necessarily travel in going and returning from the service of any process; and when the Sheriffs or Constables shall necessarily be obliged to travel by water, except in steamboats, the charge shall be double; but this item shall be so construed as to allow mileage only to and from the place where the process was actually served; and in no case shall mileage be allowed for a greater distance than the place of residence of the person on whom the process was served.

1854—103—1

Commissions of Sheriff when there is no sale.

SEC. 14. The Sheriffs shall be allowed a commission of one per cent. on all sums under five hundred dollars, and one-half per cent. on all sums above five hundred dollars, collected by them under a writ of fieri facias, without a sale.

1845—54—3

Fee bill to be kept posted up by Clerk and Sheriff.

SEC. 15. The Clerks and Sheriffs are required to keep constantly posted up in their offices, copies of this fee bill, in French and English, certified by the Judge, and on failing to comply with this section, they

shall be subject to a fine of fifty dollars per month, for the benefit of the parish, to be recovered by the police jury before any court of competent jurisdiction.

1848—E. S.—49—1

Compensation of Clerk and Sheriff in criminal matters.

SEC. 16. Every Sheriff in this State shall be entitled to one hundred dollars per annum; and each and every Clerk of the several District Courts to fifty dollars per annum, as a compensation for their services in matters of a criminal nature pending in the respective courts.

1843—61—2

Mileage for conveying prisoners.

SEC. 17. The Sheriffs throughout this State, as well as the Sheriff of the Criminal Court of New Orleans, shall not hereafter be entitled to demand or receive for transportation of prisoners, for mileage, more than the sum of six cents for each mile he may necessarily travel, both in going and returning, and for the expenses of one prisoner conveyed as aforesaid, he shall receive five cents per mile, for going only; and for each additional prisoner thus conveyed, the sum of three cents for each mile, as aforesaid, to be paid in the manner provided for by the existing laws on the subject.

And he shall further receive for every two prisoners conveyed as aforesaid, the sum of twenty cents for each mile going and returning for the purpose of procuring a necessary guard.

1824—72—4

His accounts how made out.

SEC. 18. No sums shall henceforth be paid to any Sheriff for any services above specified, unless his account shall name the prisoner or prisoners so conveyed, and also name the guard or guards, when any are employed, and the different distances by land or water, and mode of conveyance, and when a steamboat is used, the name of such steamboat; and such account, when certified by the Judge as being correct as regards the distance, mode or modes of conveyance and rates, shall be paid on the warrant of such Judge.

1824—74—6

Distance how computed.

SEC. 19. The distance for which Sheriffs are to be paid, is to be computed from the jail of the parish from whence the prisoner or prisoners were removed to the jail or penitentiary in this State to which the Sheriff was ordered to conduct such prisoner or prisoners, and where they did actually deliver them.

1845—54—4

Fees of Notaries and Recorders.

SEC. 20. Every Notary Public, Recorder of Mortgages, and Parish Recorder acting as Notary Public or Recorder of Mortgages, in this State, shall be entitled to demand and receive the following fees of office, and no more, to wit:

For writing original acts of any kind, including recording the same, for every hundred words, twenty-five cents.

For every necessary seal and certificate to every notarial act, seventy-five cents.

For making copies of all official documents, ten cents for every hundred words.

For seal and certificate to any copy, fifty cents.

For proving up an act under private signature, fifty cents.

For recording an act under private signature, ten cents for every hundred words.

For certificate of record and seal to an act under private signature, fifty cents.

For recording acts under private signature, which have been proved up otherwise than before the Parish Recorder or Notary, ten cents for every hundred words.

For certificate of mortgage with seal, one dollar, and ten cents for every hundred words after the first four hundred.

For canceling a mortgage, one dollar.

The parties to a notarial act may, by written clause in the act, dispense with the certificate of mortgage required by article three thousand three hundred and twenty-eight of the Civil Code, and the Notary or Parish Recorder shall not in such case be entitled to charge for such ceriificate.

For recording a deed of mortgage in the Mortgage Records, for each one hundred words, twenty-five cents.

1852—238—1

Fees of Recorder of Mortgages and Register of Conveyances in New Orleans.

SEC. 21. The Register of Conveyances and Recorder of Mortgages of the city of New Orleans shall hereafter be entitled to the following fees of office, and no other nor greater fees of office shall ever be received or demanded by them:

For each registry of a mortgage or conveyance, one dollar.

For each officer's certificate of mortgage, alienation, or any other certificate required of them in their respective offices, under the provisions of law, fifty cents.

1845—57—13

Penalty for overcharging.

SEC. 22. If any officer shall presume to charge, demand or receive any other, higher, or greater fees than are particularly and especially herein set forth, he shall be liable for every such offence to refund the amount so overcharged, and be fined in a sum of not over fifty dollars nor under twenty dollars, to be recovered on motion, for the use of the parish.

1816—144—23

1807—54—1

Fees of Justices in civil cases.

SEC. 23. Justices of the Peace shall be entitled to demand and receive the following fees and no more, to wit:—

For each order issued on the demand of the party, fifty cents.

For rendering judgment by default, fifty cents.

For rendering a final judgment, one dollar.

For administering an oath, when the affidavit is written, and signing the same, twenty-five cents.

For administering an oath and writing the same, for every twenty words, twelve and a half cents.

For filing petition, answer, or answer to interrogatories, each twenty-five cents.

For citation or process to compel appearance, fifty cents.

For filing the same when returned, and noticing return, twelve and a half cents

For summons for witness, twelve and a half cents.

For each necessary certificate, twenty-five cents.

For swearing each witness, twelve and a half cents.

For entering judgment in each case, fifty cents.

For issuing attachment, seventy-five cents.

For receiving and entering return on attachment, twelve and a half cents.

For entering satisfaction on judgment, twenty-five cents.

For issuing fieri facias, one dollar and seventy-five cents.

For filing fieri facias when returned and recording return, twenty-five cents.

In Criminal prosecutions.

For issuing a warrant in a criminal prosecution, one dollar.

For each summons for witness, twelve and a half cents.

For taking their deposition and writing the same, twenty-five cents, each.

For examination of the party and writing the same, one dollar.

For taking the recognizance of the party or the witness, in the cases directed by law, twenty-five cents.

1817—146—5

Compensation of Justices, in civil cases.

SEC. 24. In lieu of compensation allowed by law to the Justices of the Peace, it shall be lawful for them to demand and receive the sum of three dollars, in full compensation of all their services in each civil cause brought before them, when the same shall have been prosecuted until an execution is issued; and the sum of two dollars, in and for each civil cause whereupon judgment only has been rendered; and if such judgment be had on the confession of the party, the sum of one dollar and no more.

1818—188—10

Fees of Constables.

SEC. 25. The Constables throughout the State shall be entitled to demand and receive the following fees and no others, to wit:

For serving a State warrant, to be paid by the parish, fifty cents.

For serving a summons and warrant for debt, fifty cents.

Summoning each witness, fifty cents.

Serving an execution for debt, fifty cents.

Selling property taken under execution for each dollar, five cents.

For conveying s prisoner to jail, one dollar.

Serving peace or search warrants, one dollar.

Serving attachment, fifty cents.

1887—87—1

Mileage in civil cases.

SEC. 26. The several Constables throughout the State of Louisiana, are authorized to demand and receive in all civil cases, the same traveling fees that are now allowed to Sheriffs.

1848—167—1

Fees of Constables in the parish of Orleans.

SEC. 27. The Constables for the parish of Orleans, shall be entitled to demand and receive the following fees of office, and no more, to wit:

For serving citation in English, or in French and English, fifty cents.

For serving notice of trial, fifty cents.

For serving subpœna, fifty cents; and attachment for witnesses, fifty cents.

For serving a rule or motion, fifty cents.

For serving notice of judgment, fifty cents.

Return of fieri facias, no property found, fifty cents.

For return of fieri facias, satisfied, one dollar.

For levying fieri facias and making sale, five per cent.; however no per centage shall be allowed to Constables on any money made on execution over and above the amount for which they may have a writ in their hands.

For serving provisional seizure, one dollar.

For serving attachment, bail writ. sequestration and injunction, each, one dollar; for taking bond in any case, fifty cents.

The Constable may be allowed whatever expenses he may necessarily incur in keeping property while under seizure, provided the same does not exceed one dollar a day.

For serving notice of appeal, fifty cents.

For all other process not hereinbefore provided for, fifty cents.

1847—201—15
Fees of Coroners of Orleans and Jefferson.

SEC. 28. For every inquest, the Coroners of the parishes of Orleans and Jefferson shall receive twenty dollars inclusive of all burial fees; and when no inquest is actually held, the Coroner shall receive five dollars, and no more, for view of body; and for burial he shall be allowed five dollars.

1814—6—12
Fees of Coroners.

SEC. 29. The Coroners of the several parishes, those of Orleans and Jefferson excepted, shall receive for his services, the following fees, to wit:

For taking up and causing a dead body to be buried, fifteen dollars.

1813—186—7

For receiving a dead body, without burial, five dollars.

For swearing and qualifying a jury, and administering the oath on the equity, and returning the proces verbal, five dollars.

For summoning and swearing witnesses, each, twelve and a half cents.

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Allowance to be paid to debtors in custody under civil process. See ARREST, *Sec.* 11.

Births and deaths, fees for recording. See BIRTHS AND DEATHS, *Sec.* 12.

Bonds, fees for Recorder or Justice taking bond of any public officer. See BONDS, *Sec.* 3.

Brands and marks of animals, Recorder's fees. See BRANDS AND MARKS OF ANIMALS, *Sec.* 3.

Compensation of witnesses attending Supreme Court, on trial of a Clerk. See CLERKS, *Sec.* 3.

Compensation of witnesses attending the Legislature. See GENERAL ASSEMBLY, *Sec.* 9.

Mileage allowed Sheriff for conveying runaway slaves to a depot. See BLACK CODE, *Sec.* —

CRIMES AND OFFENCES.

OFFENCES AGAINST PERSONS.

1805—416—1
Punishment of murder.

SECTION 1. Any person who shall commit the crime of willful murder, on conviction thereof, shall suffer death.

1818—168—1
Manslaughter.

SEC. 2. There shall hereafter be no crime known under the name of murder in the second degree; but on trials for murder, the jury may find the prisoner guilty of manslaughter, if they should be of opinion that he is not guilty of murder, but of manslaughter.

1818—168—2
Punishment of manslaughter.

SEC. 3. Any person who shall commit manslaughter, and be thereof convicted, shall be fined in a sum not exceeding two thousand dollars and imprisoned at hard labor not exceeding twenty years, according to the aggravated circumstances of the case.

1806—122—1
Rape, Poisoning.

SEC. 4. Any person who shall commit the crime of rape; or who shall administer any kind of poison to any person, with the intent to commit the crime of murder, shall, on conviction, suffer death.

1805—416—2
Punishment of rape and crime against nature.

SEC. 5. Every person who shall be convicted of the detestable and abominal crime against nature, committed with mankind or beast, shall suffer imprisonment at hard labor for life.

1817—181—1
Incest.

SEC. 6. Every person who shall commit the abominable crime of incest, shall, on conviction thereof, suffer imprisonment at hard labor for life.

18 9—62—1
Shooting, stabbing with intent to kill, while laying in wa t or committing certain other crimes.

SEC. 7. If any person laying in wait, or in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary, shall shoot, stab or thrust any person with a dangerous weapon, and with the intent to commit the crime of murder, he shall, on conviction thereof, be punished with death.

1819—62—2
Shooting or stabbing with intent to kill.

SEC. 8. Any person who shall shoot, stab, or thrust any person with a dangerous weapon, with intent to commit the crime of murder, under any other circumstances, than those mentioned in the preceding section, shall, on conviction thereof, suffer imprisonment at hard labor or otherwise, for a time not less than one year, nor more than twenty-one years.

1805—432—24
Assault with intent to kill.

SEC. 9. Whoever shall assault another by willfully shooting at him, or with intent to commit murder, rape or robbery, shall, on conviction thereof, be imprisoned at hard labor not exceeding two years, and shall afterwards give security for good behavior one year.

1829—166—4
Assault with a dangerous weapon or with intent to kill.

SEC. 10. Whoever shall, with a dangerous weapon, or with intent to kill, make an assault upon another person, in the peace of the State then being, shall, on due conviction thereof, be imprisoned for a period not exceeding twelve months, nor less than three months, with or without hard labor, and fined in a sum not to exceed five hundred dollars; and upon a second conviction, for a like offence, he shall be imprisoned for a period not to exceed two years, nor less than six months, with or without hard labor, and fined in a sum not exceeding one thousand dollars.

1829—166—5

1829—166—5
Wounding less than mayhem.

SEC. 11. Whoever shall, with a dangerous weapon, or with intent to kill, inflict a wound less than mayhem, upon another person in the peace of the State then being, shall, on due conviction thereof, be imprisoned for a period not exceeding two years, nor less than six months, with or without hard labor, and fined not exceeding one thousand dollars.

1805—432—23
Biting, slitting, maiming, &c.

SEC. 12. If any person on purpose and of malice aforethought, shall unlawfully cut or bite off an ear, cut out or disable the tongue, while fighting or otherwise; slit the nose or lip, cut or bite off the nose or lip, or cut off or disable any limb or member of any person, with intention in so doing, to maim, disable or disfigure such person in any manner before mentioned; such person so offending, his counsellors, aiders and abettors, shall, on conviction thereof, pay a fine not exceeding one thousand dollars, and be punished with imprisonment at hard labor not exceeding seven years.

1805—144—32
Assault and battery. False imprisonment.

SEC. 13. Whoever shall be guilty of assaulting and beating, wounding, short of maiming, or of falsely imprisoning any person, shall, on conviction thereof, suffer fine or imprisonment, or both at the discretion of the court.

1818—166—4
Assault.

SEC. 14. Whoever shall be guilty of assaulting any free white person, shall suffer fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or both at the discretion of the court.

1817—164—1
Putting out eyes.

SEC. 15. If any person, on purpose and of malice aforethought, shall put out an eye or the eyes of any person, while fighting or otherwise, with intent in so doing to disfigure or blind such person, the person so offending, his counsellors, aiders and abettors, shall on conviction thereof, be fined not exceeding two thousand dollars, and imprisonment at hard labor, for not less than seven years, nor more than fourteen years.

1842—260—1
Affray.

SEC. 16. Whoever shall be guilty of an affray, as defined by the common law, on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court.

1805—430—21
Bigamy.

SEC. 17. If any married person shall marry, the former husband or wife being alive, the one so offending shall, on conviction thereof, pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding two years.

The provisions of this section shall not extend to any person whose husband or wife shall absent him or herself from the other, for the space of five years, the one of them not knowing the other to be living within that time; nor to any person who shall be, at the time of such marriage, divorced by competent authority; nor to any person whose former marriage by sentence of competent authority, shall have been declared void.

1817—182—3

Concealing child-birth.

SEC. 18. If any woman shall be delivered of any issue of her body, and shall endeavor privately, either by drowning or by secret burying thereof, or in any other manner, either by herself or by the aid and assistance of others, so to conceal the birth thereof, that it may not come to light, whether it be born dead or alive, in every such case, the mother, together with all persons aiding and assisting, shall, on conviction thereof, be punished by imprisonment not less than five, nor more than fourteen years.

1818—178—16

Persons engaged in duels from which death ensues, with their seconds to be guilty of murder.

SEC. 19. If any person shall voluntarily engage in a duel with rapier or small sword, backsword, pistol or other dangerous weapon to the hazard of life, and death should ensue, the survivor shall upon conviction, suffer death; and all and every person aiding and abetting as second, agent or abettor, shall, on conviction, be punished as accessories before the fact in murder.

1818—178—17

Persons engaged in dueling, when no death ensues, how punished.

SEC. 20. If any person shall voluntarily engage in a duel with rapier or small sword, backsword, pistol or other dangerous weapon to the hazard of life, when no homicide shall ensue thereon; or if any person shall by word, message, or in any other manner, challenge another to fight in a duel, when no duel shall be fought thereon, every such offender, and every such person who shall knowingly be a second, agent or abettor in such duel or challenge; upon due conviction of either of the offences, shall be punished as a felonious assaulter by fine not exceeding two hundred dollars, and imprisonment not exceeding two years.

1818—178—18

Punishment for accepting a challenge.

SEC. 21. If any person shall accept a challenge to a duel, and shall consent to fight therein, when no duel shall thereon ensue, every such offender and every person who shall knowingly be a second, agent or abettor in such acceptance of a challenge, upon due conviction, shall be punished by fine not exceeding one hundred dollars, and imprisonment not more than one year.

1805—438—13

Libel.

SEC. 22. Whoever shall maliciously defame any person by making, writing, publishing or causing to be published, any manner of libel, shall on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the court.

1850—207—1

Kidnapping free persons.

SEC. 23. Whoever shall forcibly seize and carry out of this State, or from one part of this State to another, or shall imprison or secrete any free person without authority of law; and all persons aiding, advising, or abetting therein, shall be deemed guilty of the crime of kidnapping; and on conviction thereof, shall be imprisoned at hard labor or otherwise, for a period not exceeding five years.

1850—207—2

Kidnapping free male children under the age of fourteen, and females under the age of twelve years.

SEC. 24. Whoever shall take with or without his consent, any free male child under the age of fourteen years, or any free female child under the age of twelve years, from the custody of his or her parent, tutor or guardian, without authority of law, and all persons aiding, advising and abetting therein, shall be deemed guilty of the crime of

kidnapping; and on conviction thereof shall be imprisoned at hard labor or otherwise for a period not exceeding five years.

OFFENCES AGAINST PROPERTY.

1805—416—4
Robbery.

SEC. 25. Every person who shall commit the crime of robbery shall on conviction thereof suffer imprisonment at hard labor, not less than seven, nor more than fourteen years.

1805—420—10
Robbery of rights and credits.

SEC. 26. The robbery or larceny of bank notes, obligations, or bonds, bills obligatory, or bills of exchange, promissory notes for the payment of money, or notes for the payment of any specific property, paper bills of credit, certificates granted by or under the authority of this State or of the United States, or any of them, shall be punished in the same manner as robbery or larceny of goods and chattels.

1828—38—3
Pickpockets, how punished.

SEC. 27. If any person shall be found guilty of attempting to rob from the person of another, money or other property, by cutting or tearing the clothes, thrusting the hand into pockets, or otherwise, though he do not succeed in such attempted robbery, the person so offending, shall on conviction, be sentenced to imprisonment not less than six months, nor more than two years, and fined in a sum not exceeding five hundred dollars.

1818—166—1
Larceny.

SEC. 28. Whoever shall be guilty of larceny, shall be imprisoned at hard labor or otherwise not exceeding two years.

1850—2d sess. 38—2
Obtaining property under false pretences.

SEC. 29. All persons who knowingly, fraudulently and designedly, by any false pretence, shall obtain, or aid and assist another in obtaining, from any person, money or any property whatever, with intent to defraud him of the same, shall be deemed offenders against law and the public peace, and shall on due conviction, be punished by imprisonment at hard labor or otherwise, not exceeding twelve months.

1818—166—2
Stealing horses and mules.

SEC. 30. Whoever shall steal any horse, mare, ass or mule, shall suffer imprisonment at hard labor not less than one year, nor more than five years.

1821—24—1
Killing any horse mule, cow or dog.

SEC. 31. Whoever shall wantonly or maliciously kill any horse, mare, gelding, mule, or jackass, or any milk cow, cow, or beast of the cow kind, or a dog, the property of another person, without some lawful excuse for so doing, and shall be thereof duly convicted, shall be fined in a sum not exceeding two hundred dollars, or imprisoned not exceeding six months, and shall be moreover liable to pay to the owner the value of the animal so killed.

1821—24—2
Beating or maiming animals.

SEC. 32. Whoever shall wantonly or maliciously cruelly beat, maim or disable any of the animals specified in the foregoing section, without some lawful excuse for so doing, and shall be thereof duly convicted, shall be fined in a sum not exceeding one hundred dollars, or imprisoned not exceeding one month, and shall be moreover liable to pay to the owner any damage he may sustain in consequence thereof.

1843—78—1

Trespass on the land of another by cutting timber, &c.

SEC. 33. No person shall cut, pull down, burn, destroy or carry away any tree, wood or timber, growing or lying on the land of another, or cause the same to be done by his orders or directions, without the consent of the owner or legal possessor thereof; and whoever shall knowingly and in bad faith violate the provisions of this section, shall be guilty of a misdemeanor, and on due conviction thereof, shall pay a fine of not less than five nor more than five hundred dollars; one-third for the benefit of the owner or legal possessor of the land; one-third for the benefit of the parish, and one-third to the District Attorney. Nothing contained in this section shall take away or impair the right to damages or other legal remedy which the party injured may now have under the laws of this State.

1854—147—1

Trespass on lands or tenements.

SEC. 34. Any person who shall take possession of any tract of land, or any part thereof, or of any house or other tenement being the property of another person, without any legal right so to do (and whose possession shall not have continued for one year without disturbance,) or shall willfully and maliciously burn, tear down, or otherwise destroy the enclosure or fences around the field or lot of ground belonging to another person, shall be guilty of a misdemeanor, and on due conviction thereof, shall be fined not less than fifty dollars, nor more than one thousand dollars, or imprisoned not less than ten days, nor more than six months, or both, at the discretion of the court.

1852—156—1 & 2

Trespass on lands belonging to the State.

SEC. 35. If any person shall cut down or destroy the timber on any land belonging to this State, for the purpose of selling or trading the same; he shall upon conviction thereof, be condemned to pay a fine of not less than fifty dollars, nor more than one thousand dollars, and in default of the same be sentenced to imprisonment not less than ten days, nor more than one year.

Judges to charge Grand Juries.

It shall be the duty of the several District Judges of this State, at each regular session of their courts, to charge the Grand Juries specially to enquire into trespasses upon public lands belonging to this State, and on the provisions of this section.

1805—422—12

Receiving of stolen goods.
Harboring thieves.

SEC. 36. If any person shall receive or buy any goods or chattels, that shall be felonously taken or stolen from any other person, knowing the same to have been so taken or stolen; or shall receive, harbor, or conceal any felon or thief, knowing him to be so, he, being of either offence legally convicted, shall restore the goods so received, or pay double the value thereof, and shall moreover suffer imprisonment at hard labor not exceeding one year, and in default of making the restoration or payment aforesaid, shall suffer further imprisonment at hard labor, for a period not exceeding one year.

FORGERY AND COUNTERFEITING.

1818—172—8

Forging or altering public records, bonds, bills, notes, &c. &c.

SEC. 37. If any person shall forge or counterfeit, or falsely make or alter, or shall procure to be falsely made, altered, forged or counterfeited, or shall willingly aid or assist in falsely making, altering,

forging or counterfeiting any public record, any certificate or attestation of a justice of the peace, public register, clerk of any court, town clerk, or other public officer, in any matter wherein their certificate or attestion is receivable, and may be taken as a legal proof; any charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, or bill of exchange, any promissory note, order, acquittance, or discharge for or upon the payment of money or delivery of goods, any acceptance of a bill of exchange, or any endorsement or assignment of a bill of exchange, or promissory note for the payment of money, any accountable receipt for money or goods, or for any note, bill, or security for money or goods, or shall alter or publish as true any such false, altered, forged or counterfeited record or certified record, certificate or attestation, charter, deed, will, testament, bond, writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, acceptance, endorsement, assignment, order, acquittance, discharge or accountable receipt, knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person or any body politic or corporate, then every person so offending in either of the particulars aforesaid, who shall be thereof duly convicted, shall be punished by imprisonment at hard labor for not less than two years, and not exceeding fourteen years.

1818—172—9

Forgery of State bonds and bank notes.

SEC. 38. If any person shall falsely make, alter, forge, or counterfeit; or shall procure to be falsely made, altered, forged or counterfeited; or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any note, certificate, check or bill of credit which has been or may be issued by the treasurer or other commissioner duly authorized for any debt of this commonwealth, or any bank bill or promissory note payable to the bearer, signed in behalf of any company or corporation by law licensed, authorized as a bank within this commonwealth, or payable and demandable at the office of any banking company or corporation by any law of the United States; or if any person having knowledge of such falsemaking, altering, forging and counterfeiting, shall willingly aid or assist in altering or rendering current as true, any such false, altered, forged or counterfeited notes, certificates, bills of credit, bank bills or notes, knowing the same to be false, altered, forged or counterfeited, and for that purpose, shall possess at any one time, any number not less than ten, with intent to utter or pass the same, and thereby to injure or defraud this State, any body politic or corporate or any person; then every person so offending in either of the particulars aforesaid, who shall be thereof duly convicted, shall be imprisoned at hard labor not less than one year and not exceeding fourteen years.

1818—174—10

Issuing forged bank notes, checks, &c.

SEC. 39. Any person who shall utter, or tender in payment, as true, any such false, altered, forged or counterfeited note, certificate, check or bill of any debt of this State, bank bill, check, or promissory

note payable to the bearer by any bank as aforesaid, knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud this State, any body politic or corporate, or any person; and who shall be duly convicted, shall be imprisoned at hard labor not exceeding three years, and fined not exceeding two thousand dollars, and be bound to good behavior not exceeding two years, at the discretion of the court.

Punishment for second offence.

If the same person shall be convicted a second time of the like offence, or if at the same term any person shall be duly charged and convicted in three several instances; then such person may be adjudged a common utterer of counterfeit bills, and shall be punished by imprisoment at hard labor not more than ten years, and not less than two years.

1818—174—11

Persons having possession of forged bank notes' &c., with intent to pass them, how punished.

SEC. 40. If any person shall bring into, or shall have in his possession within this State any false, forged and counterfeited bill or note in the similitude of the bills or notes payable to the bearer thereof, issued by or for any bank or banking company which is or shall be established in this State, or in any part of the United States, for the purpose of rendering them current as true, or with intent to pass them, knowing them to be false, forged or counterfeited, every such offender, upon due conviction thereof, shall be punished by imprisonment at hard labor not exceeding three years.

1818—174—12

Making, engraving plates, papers, &c., for counterfeiting, how punished.

SEC. 41. If any person shall engrave, form, make or mend, or shall begin to engrave, form, make or mend, any plate, paper rolling press, or other tool, instrument or material devised, adapted and designed for the stamping, forging and making any false and counterfeit certificates, bills or notes which have been or which shall be issued as aforesaid by, or for any debt of this State, or by or for any bank or banking company which is or shall be established in this State or in any other part of the United States, or shall have in his possession any such plate or plates engraven in any part, or any paper rolling press, or other tool, instrument, or material, devised, adapted and designed as aforesaid, with the intent to use and employ it, or cause or permit it to be used and employed in forging and making any such false and counterfeited certificates, bills or notes; every person so offending, upon conviction, shall be punished by imprisonment at hard labor not exceeding seven years.

1818—174—13

Forging or counterfeiting gold and silver coin.

SEC. 42. If any person shall forge or counterfeit, or shall procure to be forged or counterfeited, or shall willingly aid or assist in forging or counterfeiting any gold or silver coin current within this State, by the laws and usages thereof; or if any person knowing of such forging or counterfeiting, shall willingly aid or assist in passing and rendering current as true any such forged or counterfeit coin; and for that purpose shall at any one time, possess any number not less than five similar pieces of false money or coin, forged or counterfeited to the

similitude of the gold or silver money or coin, current as aforesaid, with intent to utter the same as true, knowing it to be false, forged and counterfeit, every person so offending in either of the particulars aforesaid, upon conviction thereof, shall be punished by imprisonment at hard labor for a term not exceeding fourteen years.

1818—174—14

Bringing forged coin into the State, &c.

SEC. 43. If any person shall bring into this State, or shall possess within it, any number of similar pieces of false money or coin forged or counterfeited as aforesaid, knowing them to be false, forged and counterfeited, with intent to utter and pass them as true; or if any person shall utter, tender in payment or pass as true, any false money or coin, knowing it to be false, being counterfeit in the similitude of any gold or silver money, or coin current by law or usage within this State, with intent to defraud any person; every person so offending, upon conviction thereof, shall be punished by imprisonment at hard labor not exceeding ten years.

1818—174—15

Punishment for making dies, patterns, &c., for counterfeiting coin.

SEC. 44. If any person shall cast, stamp, engrave, form, make or mend, or shall knowingly possess any mould, pattern, die, puncheon, engine, press or other tool or instrument devised, adapted or designed for the coining and making any false and counterfeit money or coin, in the similitude of the gold or silver coin, or money current within this State by the laws or usages thereof, with the intent to use and employ, or cause or permit it to be used or employed in coining and making any such false and counterfeit money or coin; every person so offending shall be imprisoned at hard labor for a term not exceeding fourteen years.

OFFENCES AGAINST HABITATIONS, &C.

1828—38—1.

Arson.

SEC. 45. Whenever a free person shall be convicted of having maliciously set fire to a mansion house, or other building, or to a vessel or other water craft, the person thus convicted shall suffer death.

1828—38—2

Attempt to commit arson.

SEC. 46. Whenever any free person shall be convicted of having maliciously prepared combustible matters, and put them in any place with the intent to set fire to a mansion, house, or other building, or to a vessel or other water craft, the person thus convicted shall be sentenced to imprisonment at hard labor, for a term, not less than ten years nor more than fifteen years; although the person had not yet set fire to the combustible matters.

1817—182—4

Setting fire to outhouses, &c, and thereby burning dwelling houses, ships, &c.

SEC. 47. Any person who shall willfully and maliciously set fire to or burn any fences, piles of wood, boards and lumber or other combustible matter, by means of which any dwelling house or other building of another, or any ship, vessel, or other water craft of another, lying within the limits of this State, be burnt, such offender, and any person present, aiding, abetting or consenting in the commission of the offence, or accessory thereto before the fact by counseling, hiring or procuring the same to be done, on conviction thereof, shall be sen-

tenced to imprisonment at hard labor, for a term not less than seven, nor more than fourteen years.

1817—184—5

Attempting to set fire to houses, &c.

SEC. 48. If any person attempt willfully, and maliciously to set fire to any dwelling houses or any other building of another, situated in any part of this State, or to set fire to any ship, vessel, or other water craft of another, lying within the limits of this State, such offender, and any person aiding, abetting or consenting in the said attempt, or accessory thereto, before the fact as aforesaid, shall on conviction thereof, be imprisoned at hard labor for a time not less than five nor more than ten years; provided, that whenever such offence shall have been committed by a slave, he shall be sentenced to death.

Punishment of slaves guilty of arson.

1805—422—18

Burning out houses, stables, &c.

SEC. 49. Any person who shall willfully and maliciously set fire to or burn any out-house, stable or barn, not adjoining some dwelling house; sugar-house, cotton-gin-house, or store; or shall burn any hovel, crib, cock, mow or stack of hay, fodder, corn or grain, or shall be accessory to either of said offences before the fact, shall, upon conviction thereof, suffer imprisonment at hard labor, not less than seven years, nor more than fourteen years, and pay the damages that any person may sustain thereby.

1829—164—1

Setting fire to public works belonging to corporations.

SEC. 50. If any person shall, willfully and maliciously set fire to, burn, attempt to burn, or otherwise destroy any public work belonging to a corporation, other than those for the burning of which he could be prosecuted for arson, such person shall, on conviction thereof, be punished by imprisonment at hard labor for not less than one, nor more than ten hears.

1818—170—3

Burglary with dangerous weapons.

SEC. 51. If any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night-time break and enter, or having with such felonious intent, entered, shall in the night-time break a dwelling house, any person then being lawfully therein, and such offender being, at the time of such breaking or entering, armed with a dangerous weapon, or arming himself in such house with a dangerous weapon, or committing an actual assault upon any person, lawfully being in such house; every such offender and any person present aiding, assisting, or consenting in such burglary, or accessory thereto, before the fact, by counselling, hiring, or procuring such burglary to be committed, who shall be duly convicted thereof, shall suffer the punishment of death.

1818—170—4

Burglary without dangerous weapons.

SEC. 52. If any person with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night-time break and enter, or having with such felonious intent, entered, shall in the night time break a dwelling house, without being armed with a dangerous weapon, or without arming himself in such house with a dangerous weapon, and without committing an assault upon any person lawfully being in such house, every such offender, and every person present aiding and abetting in such burglary, or accessory thereto,

before the fact, by counseling, hiring or procuring such burglary to be committed, who shall be duly convicted thereof, shall be imprisoned at hard labor, not exceeding fourteen years.

1818—170—5

Burglary of any store, warehouse or out house.

SEC. 53. If any person with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night-time break and enter into any shop, store, court-house, church, barn, rice or sugar-house, cotton-gin, office, warehouse or any outhouse appertenant to a dwelling house, plantation, or any vessel or ship, or having with such felonious intent entered, shall in the night-time break any such house, building, ship or vessel; and every person present, aiding, assisting, or consenting in such burglary, or accessory thereto, before the fact, by counseling, hiring, or procuring such burglary to be committed, who shall be thereof convicted, shall suffer imprisonment at hard labor not exceeding ten years.

1818—170—6

Burglary, accessories after the fact.

SEC. 54. If any person, after any burglary committed as aforesaid, shall knowingly harbor, conceal, maintain or assist any principal offender or accessory thereto, before the fact, every such accessory after the fact, who shall be thereof duly convicted, shall be imprisoned at hard labor, not exceeding five years.

1818—172—7

Entering any house or out-house without breaking with intent to commit a felony.

SEC. 55. If any person with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night-time, enter without breaking, or in the day-time break or enter any dwelling house or out-house thereto adjoining and occupied therewith, or any office, shop or warehouse, or any ship or vessel lying within the body of a parish; every such offender and every person present, aiding or abetting in the commission of such offence, or who shall have counseled, hired, or procured the same to have been committed, being thereof convicted, shall be imprisoned at hard labor not exceeding five years, and be fined not exceeding one thousand dollars.

OFFENCES AGAINST THE STATE AND PUBLIC JUSTICE.

Constitution, Art. 91.

Treason defined.

SEC. 56. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Treason, how punished.

Any person who shall be guilty of the crime of treason, on conviction thereof shall suffer death.

1805—420—11

Misprison of crimes.

SEC. 57. If any person having knowledge of the actual commission of any crime punishable with death, or imprisonment at hard labor, shall conceal, and not as soon as may be, disclose it to some committing magistrate or district attorney, authorized by law to take cognizance thereof, on conviction thereof, such person shall be fined, not exceeding three hundred dollars, and may be imprisoned at hard labor, or otherwise, not exceeding twelve months, at the discretion of the court.

1805—426—16
Perjury.

SEC. 58. If any person shall willfully and corruptly commit perjury, or shall by any means procure any person to commit corrupt and willful perjury, on his oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of this State; or in any deposition or affidavit taken, or made pursuant to its laws; every person so offending, upon conviction, shall be imprisoned at hard labor not exceeding ten years, nor less than five years.

1805—426—17
Indictment.

SEC. 59. In every presentment or indictment to be prosecuted against any person for willful and corrupt perjury, it shall be sufficient to set forth the substance of the offence, charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, person or persons, to have competent authority to administer the same) together with a proper averment to falsify the matter wherein the purjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding other than as aforesaid, and without setting forth the commission or authority of the court, or the commission or authority of the person before whom the perjury was committed.

1805—428—18
Averments of indictment in subornation of perjury.

SEC. 60. In any indictment, for subornation of perjury, it shall be sufficient to set forth the substance of the offence charged, without setting forth the bill, answer, information, indictment or declaration, or any part of the record or proceeding, and without setting forth the commission or authority of the court, or person before whom the perjury was committed, or was agreed or promised to be committed.

1818—166—5
Bribery.

SEC. 61. Whoever shall directly or indirectly give, offer or promise to any judge or other person concerned in the administration of justice, any bribe or reward to influence his behavior in office, shall suffer fine or imprisonment, or both, at the discretion of the court.

1817—184—6
Attempting to corrupt or awe jurors.

SEC. 62. Every attempt to corrupt or awe jurors in the trial of any cause either civil or criminal, depending in any court of this State, by menaces, threats, giving money, or promise of any pecuniary advantage or otherwise, is hereby declared a high misdemeanor; and the person so offending shall, on conviction thereof, be fined in a sum not less than one hundred nor more than five hundred dollars, and imprisoned not less than six months nor more than two years.

Penalty for jurors taking bribe.

If any juror shall take any reward from either of the parties in a cause as aforesaid, or from any other person, he shall on conviction thereof, be punished by fine and imprisonment at the discretion of the court.

1805—434—26
Rescue of persons convicted of capital offences.

SEC. 63. If any person shall by force, or without due authority, set at liberty or rescue any person, who shall be found guilty of a capital offence; or rescue any person convicted of any capital offence, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer imprisonment at hard labor, not exceeding fourteen years.

1829—166—6

Rescue of persons committed for a capital offence.

SEC. 64. If any person shall by force set at liberty, or aid to set at liberty, any person committed to prison for any capital crime, he shall, upon conviction thereof, suffer imprisonment at hard labor, not exceeding seven years.

1805—436—26

Rescue, offences not capital.

SEC. 65. If any person shall by force, or without due authority, set at liberty any person in custody for any offence, not capital, he shall on conviction thereof, be fined not exceeding three hundred dollars, and imprisoned at hard labor, not exceeding two years.

1805—436—27

Resistance to officers serving process.

SEC. 66. Any person who shall knowingly obstruct, resist, oppose, or insult any officer of this State while serving, or attempting to serve or execute mesne process, or warrant, or any rule or order of any court, or any other legal writ or process whatsoever; or shall assault, beat, wound or insult any officer, or other person duly authorized, while serving or executing any writ, rule, order, process or warrant aforesaid, every person so offending, shall on conviction thereof, be imprisoned not exceeding six months, and fined not exceeding two hundred dollars.

1805—436—28

Prison breaking.

Taking reward to discover stolen goods.

Conspiring to indict innocent persons.

SEC. 67. Whoever being lawfully imprisoned, shall break or conspire to break prison; whoever shall take any reward under pretence of helping the owner to his stolen goods; whoever shall compound any felony; whoever shall falsely and maliciously conspire to prosecute an innocent person of any crime, and who shall be accordingly prosecuted and acquitted, shall, on conviction thereof, suffer imprisonment or fine, or both, at the discretion of the court.

1805—438—30

Oppression and extortion in office.

SEC. 68. Any Judge, Justice of the Peace, Sheriff, Coroner, Constable or other civil officer, who shall be guilty of oppression or extortion in the administration, or under the color of his office, shall on conviction, suffer fine or imprisonment, or both, at the discretion of the court.

1806—124—5

Penalty for misdemeanors in office.

SEC. 69. If any Judge, Justice of the Peace, Sheriff, or other civil officer, shall be guilty of any misdemeanor in the execution of either of their respective offices he shall, on conviction thereof, suffer fine or imprisonment, or both, at the discretion of the court; and shall forever afterwards be rendered incapable of holding any office of trust or profit, under the government of this State.

1805—428—19

Stealing or falsifying records of court.

SEC. 70. Any person who shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding in any court of this State, by means whereof any judgment shall be reversed, made void, or not take effect, or who shall acknowledge, or procure to be acknowledged in any of the courts of this State, any recognizance, bail or judgment, in the name of any other person, not privy or consenting to the same, on conviction thereof, shall be fined not exceeding three thousand dollars; and may also, at the discretion of the court, be imprisoned at hard labor not exceeding two years.

This section shall not extend to the acknowledgment of judgments by Attorneys at Law, while in the due discharge of their duties.

1805—430—20

Stealing, altering record, &c.

SEC. 71. Every person who shall deface, alter, falsify, or embezzle any record, enrolment or matter or instrument recorded, or registry thereof, with intent to defraud, shall, upon conviction, pay a fine not exceeding one thousand dollars, and be imprisoned at hard labor not more than two years, and shall be rendered incapable of holding any office in the State.

1818—166—3

Stealing or falsifying notarial records.

SEC. 72. Whoever shall steal, willfully destroy or falsify any notarial record, act, or document, shall be fined not exceeding two thousand dollars, nor less than one thousand dollars, and suffer imprisonment at hard labor or otherwise, not more than two nor less than one year.

1846—75—18

Penalty for illegal voting.

1835—181—10

Penalty for attempting to vote a second time.

SEC. 73. Any person who shall knowingly vote without having a legal right to do so; or shall vote a second time at the same election, shall, on conviction thereof, suffer fine or imprisonment, or both at the discretion of the court; and if any person shall attempt to vote in one precinct, after having already voted at another, he shall pay a fine not exceeding one hundred dollars; and in the event of the delinquent being unable to pay the fine, he shall be imprisoned for a term not exceeding fifteen days.

1846—75—21

Penalty for disturbing elections, or intimidating voters.

SEC. 74. Any person who shall use any threats, menace, intimidation or violence, or raise or excite any tumult, or riot at any election within this State, with a design to influence unduly, or to intimidate, overawe, or interrupt the commissioners, or any other officer, in the discharge of their duties at the election; or shall by threats or violence, attempt to overawe, or influence unduly any voter, at such election, shall, on conviction, be imprisoned not more than six months, and fined not more than five hundred dollars.

1846—75—22

Penalty for opening any folded ticket.

SEC. 75. It shall not be lawful for commissioners of elections to open any folded ticket, which may be received by them, before depositing it in the box; or to place any number, or mark on any ticket or to use any other means or device, by which any ticket might afterwards be identified. Any commissioner so offending, shall, on conviction, pay a fine not exceeding five hundred dollars, for each offence.

1846—77—29

Penalty for receiving illegal votes.

SEC. 76. Any commissioner of elections, who shall knowingly receive an illegal vote, shall, on conviction, suffer fine or imprisonment or both, at the discretion of the court.

1842—26—1

Penalty for banks issuing notes not payable in specie.

SEC. 77. It shall not be lawful for any bank to issue any note or other obligation for circulation, except such as are payable in gold or silver and on demand; and any officer of any bank, issuing any note contrary to the intent and meaning of this section, and any director of any bank who shall by his vote authorize such issue, shall be liable to criminal prosecution and, on conviction, shall be punished by fine

not less than five hundred dollars nor more than five thousand, or imprisonment not exceeding two years, or both, at the discretion of the court.

Each Director present, shall be presumed to have voted for and authorized the issues unless he make it appear by the minutes of the Board that he voted against it.

1853—64—1
Notes under five dollars prohibited.

SEC. 78. It shall be unlawful for any individual or association of individuals, authorized or not authorized, to carry on the business of banking, or for any body, politic or corporate, within the State of Louisiana, to make, emit, issue, or cause to be issued, to pay out, or receive in payment, any bill of credit, bank note, promissory note, issued within or without the limits of the State of Louisiana, or any other instrument of writing, to be used as money, or as a circulating medium, in a less amount or of a less denomination than five dollars.

Penalty.

Any individual or association of individuals, or body politic or corporate so offending, shall, on conviction, forfeit for each and every offence, the sum of twenty dollars for the use of the informer.

EMBEZZLEMENT AND BREACH OF TRUST.

1844—79—1
Embezzlement of public money.

SEC. 79. Any officer of this State, or any other person, who shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandize, or shall loan with or without interest, or use in any other manner than as directed by law, any portion of the public money which he is authorized to collect, or which may be entrusted to his safe keeping or disbursement, or for any other purpose, every such act shall be deemed to be an embezzlement of the same.

The neglect or refusal to pay over, on demand, any public money in his hands, in the manner required by law, shall be prima facie evidence of its conversion and embezzlement; and any officer or other person, and all persons advising, or knowingly and willfully participating in such embezzlement, shall, upon conviction thereof, pay a fine equal to the amount of money embezzled, besides restoring the same; and shall be imprisoned at hard labor, not less than six months, nor more than five years.

1844—80—2
Penalty for embezzling the funds of any parish or city.

SEC. 80. The provisions and penalties of the preceding section shall extend to all officers or other persons, their aiders and abettors, who shall embezzle the funds belonging to any parish or incorporated city, with the collection, safe keeping, or disbursement of which they may be intrusted or charged.

1845—46—1
Embezzlement and breaches of trust.

SEC. 81. Any servant, clerk, broker, agent, consignee, trustee, attorney, mandatory, depositary, common carrier, bailee, curator, testamentary executor, administrator, tutor, or any person holding any office or trust under the executive or judicial authority of this State, or in the service of any public or private corporation or com-

pany, who shall wrongfully use, dispose of, conceal or otherwise embezzle any money, bill, note, check, order, draft, bond, receipt, bill of lading, or any other property which he shall have received for another, or for his employer, principal or bailor, or by virtue of his office, trust or employment; or which shall have been entrusted to his care, keeping or possession by another, or by his employer, principal, or bailor, or by any court, corporation or company; upon conviction thereof, or of having aided or abetted in the commission thereof, or of having been accessory thereto before or after the fact, shall suffer imprisonment at hard labor, not exceeding seven years, nor less than one year.

1845—47—3

Allegations of indictment.

SEC. 82. In prosecutions for embezzlement or larceny of bank notes, checks, bills of exchange, promissory notes, gold, or silver money, or of any other property of that kind, it shall not be necessary to set forth in the indictment, a minute and detailed description thereof, but a general allegation of the amount and the things embezzled or stolen, shall be sufficient; and evidence of larceny or embezzlement of a part, shall warrant a conviction.

1845—47—4

Prosecution for embezzlement when prescribed.

SEC. 83. The offence described in the preceding section, shall be prescribed only by the lapse of three years after the time when the act of embezzlement or larceny shall have been discovered by the person or corporation injured; but the prescription shall be interrupted by the absence of the offender from the State.

1821—36—1

Embezzlement by bank officers.

SEC. 84. Any president, cashier, teller or clerk, or other officer or person employed in the service of any bank chartered by this State, or which may be hereafter chartered, by this State, who shall knowingly and willfully embezzle or convert to his own use, or shall knowingly aid and abet any person, in embezzling or converting to his own use any money belonging to such bank, or deposited therein, shall, on due conviction thereof, be imprisoned at hard labor not more than seven years, nor less than one year.

LOTTERIES.

1888—116—1

Penalty for selling lottery tickets or drawing lotteries.

SEC. 85. Any person who shall sell or otherwise dispose, within this State, of any ticket, or part of a ticket of any lottery drawn or to be drawn in this State or elsewhere, or shall draw any lottery in this State, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be subject, for each offence, to a fine of not less than one thousand, and not more than five thousand dollars; one half for the use of the informer, and the other half for the benefit of the Charity Hospital of the city of New Orleans, and be imprisoned not less than one month, nor more than six months.

1841—22—1

Penalty for establishing lotteries.

SEC. 86. Every person who shall set up, or promote any lottery not authorized by law, for money, or shall dispose of any property of value, real or personal, by way of lottery, or shall set up any such property to be disposed of by way of lottery, and every person who

shall aid, either by printing or writing, or shall in any way be concerned in the setting up, promoting, managing or drawing of any such lottery, or who shall, in any house, shop or building owned or occupied by him, or under his control, knowingly permit the setting up, managing or drawing, of any such lottery, or the sale of any lottery tickets, or share of a ticket or any other writing, certificate, bill, token or other device purporting or intended to entitle the holder, bearer or any other person to any prize, or to any share of, or interest in any prize, to be drawn in a lottery, shall for every such offence, be punished by a fine of not less than one thousand dollars, and not more than ten thousand dollars, and by imprisonment in the parish jail not less than three months, nor more than one year.

1841—22—2

Penalty for selling lottery tickets.

SEC. 87. Every person who shall sell, either for himself or for any other person, or shall offer for sale, or shall have in his possession, with intent to sell, or to offer for sale, or to exchange, or negotiate, or shall in any wise aid or assist in the selling, negotiating or disposing of a ticket in any such lottery, or a share of a ticket, or any such writing, certificate, bill, token, or other device as is mentioned in the preceding section, shall be punished for every such offence by a fine not exceeding five thousand dollars.

1841—23—3

Penalty for advertising tickets for sale, and for putting up lottery signs.

SEC. 88. Every person who shall advertise any lottery ticket, or any share in any such ticket, for sale, either by himself or by another; or who shall set up, or exhibit, or shall devise or make, for the purpose of being set up or exhibited, any sign, symbol, or any emblematic or other representation of a lottery, or of the drawing thereof, in any way indicating where a lottery ticket, or share thereof, or any such writing, certificate, bill, token, or other device before mentioned, may be purchased or obtained, or shall in any way invite or entice, or attempt to invite or entice any other person to purchase or receive the same, shall be punished for every such offence, act or attempt, by a fine not less than one hundred dollars, and not more than five hundred dollars.

1841—23—4

Transfer of property under lotteries to be null.

SEC. 89. Every grant, bargain, sale, conveyance or transfer, of any real estate, or of any personal property, which shall hereafter be made in pursuance of any lottery not authorized by the laws of this State, or for the purpose of aiding or assisting in such lottery, are hereby declared void and of no effect; and all sums of money and every other valuable thing drawn as a prize, or as a share of a prize, in any lottery by any person, contrary to the provisions of the preceding sections, shall be forfeited to the use of the State of Louisiana, and may be recovered by an information to be filed, or by a civil action to be brought by the Attorney General, or any District Attorney in the name and in behalf of the State.

Prizes forfeited to the State.

1841—24—5

Fines, how collected.

SEC. 90. The fines specified in the preceding sections, shall, when collected, be paid, one half to the informer, and the other half

to the use of the Charity Hospital of New Orleans, and that in all prosecutions under this act, the informer shall be a competent witness.

1841—24—6

Judges to give this law in charge to juries.

SEC. 91. It shall be the duty of the presiding judge of every court of criminal jurisdiction in this State, specially to charge every Grand Jury to inquire into all violations of the laws against lotteries and against the unlawful selling of tickets in lotteries.

1841—24—7

Twenty per cent to go to District Attorney.

SEC. 92. The Attorney General and the several District Attorneys, who may prosecute under the provisions of this act, shall be entitled to retain out of any amount recovered by them, twenty per cent., as compensation for their services.

OFFENCES AGAINST PUBLIC ORDER, HEALTH AND POLICE.

1818—168—7

Disorderly houses.

SEC. 93. Whoever shall be guilty of keeping any disorderly inn, tavern, ale-house, tipling-house, gaming-house or brothel, shall suffer fine or imprisonment, or both, at the discretion of the court, and the offender may likewise be adjudged to loose and forfeit whatever license he may have had, to keep a house of public resort or entertainment.

1822—6—5

Keepers of taverns harboring deserters from ships, &c.

SEC. 94. If the keeper of any tavern, lodging or boarding-house, shall knowingly receive, harbor, lodge or conceal any deserter from any merchant vessel, such person so offending, shall, on conviction, pay a fine of one hundred dollars, or be imprisoned not exceeding thirty days.

1832—166—7

No grog-shop, &c., to be kept without a license.

SEC. 95. No person shall be allowed to keep a grog or tippling shop, or retail spirituous liquors, without previously obtaining a license from the police jury, town or city authorities, under penalty of being criminally prosecuted, and, on conviction, of being fined not less than one hundred dollars, nor more than five hundred dollars, and in default of payment, of being imprisoned not less than fifteen days, nor more than four months.

Nothing contained in this section shall be construed to extend to licensed tavern keepers, or keepers of billiard tables.

1835—134—2

Banking games.

SEC. 96. Auy person who shall keep a banking game or banking house, at which money, or anything representing money, or any article of value shall be bet or hazarded, or shall aid or assist in keeping one, shall, on conviction thereof, for the first offence, be fined not less than one thousand, nor more than five thousand dollars; and on conviction of a second offence, not less than five thousand nor more than ten thousand dollars, and be imprisoned at hard labor in the penitentiary for not less than one year, nor more than five years.

In all cases, the house in which such illegal gaming is carried on, shall be responsible for the fines imposed.

1835—134—3

Penalty against the owner of the house.

SEC. 97. The owner of a house in which a banking game or games shall be played, shall be deemed and held guilty of aiding and assisting in keeping and playing such games, and shall, on conviction

thereof, be fined not less than one thousand, or more than five thousand dollars, for the first offence; and on conviction a second time, shall be fined not less than five thousand, nor more than ten thousand dollars, and be imprisoned not less than one nor more than five years.

1836—158—1
Fines how disposed of.

The fines specified in this and the preceding section, shall, when collected, be paid one half to the informer, and the other half to the Charity Hospital of New Orleans.

1836—158—2
Gambling with bone or other representative of money.

SEC. 98. All persons engaged in gambling when no current money is actually exhibited or employed, but where, in lieu thereof, pieces of bone or any other material or substance, being the representative of money, in virtue of any express or tacit understanding among the parties engaged in gambling; the house in which any banking game may be so kept, and all persons engaged in playing or betting for or against such game, shall be deemed and taken to be within the prohibitions of the preceding sections; and the house in which such gaming may take place, and all persons engaged therein, shall be liable to all the penalties therein provided against gaming houses and banking games.

1836—158—3
Informer a competent witness.

SEC. 99. In prosecutions for gambling and keeping gaming houses, under the provisions of the preceding sections, the informer shall be a competent witness.

1835—134—4
Persons offending, by whom may be arrested.

SEC. 100. It shall be lawful for any public officer or other person, to arrest and take into custody any person keeping or playing any banking game, or aiding or assisting therein, together with all the tables, money, representative of money, implements and other paraphernalia, which may be used in keeping such banking-house, or in playing such banking-game, and take, or cause them to be taken before any committing magistrate, who shall commit such persons for trial, if upon a hearing, there be sufficient cause therefor.

It shall be the duty of the officer committing such offenders, to take an inventory of all money, or its representative, tables or other implements, or paraphernalia, that may be seized and brought before him, all of which, shall on conviction, be forfeited, one-half for the use of the informer, the other half for the use of the prosecuting attorney.

1835—135—5
Penalty against persons holding office.

SEC. 101. Any person holding an office of honor, trust or profit, under the laws of this State, who shall be found guilty of keeping a gaming house, or playing or betting at any banking game, shall be guilty of a high misdemeanor, and incapable of holding any office in this State.

1835—135—7
District Attorney to proceed against the owner of the house, when the person convicted is unable to pay the fine.

SEC. 102. In all cases of conviction for keeping a gaming house, or playing or betting at a banking game, where the parties convicted are unable to pay the fine imposed, it shall be the duty of the District Attorney, to proceed against the owner of the house, to recover the same.

thereof, be fined not less than one thousand, or more than five thousand dollars, for the first offence; and on conviction a second time, shall be fined not less than five thousand, nor more than ten thousand dollars, and be imprisoned not less than one nor more than five years.

1836—158—1

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The owner may discharge himself from all liability for any fine on other persons, by a surrender to the State, of the house, in which the banking game was carried on.

1813—172—1

Carrying concealed weapons.

SEC. 103. Any person who shall be found with a dirk, dagger, knife, pistol or any other deadly weapon concealed in his bosom, or in any other place about him that does not appear in full open view; shall on conviction thereof be subject to a fine not to exceed fifty dollars, nor less than twenty dollars, one-half to go to the informer.

Should any person be convicted of a second offence, he shall pay a fine not less than one hundred dollars, and be imprisoned, not exceeding six months, one-half to go to the informer.

1813—174—3

Suspected persons may be searched.

SEC. 104. When any officer has good reason to believe that any person has weapons concealed about him, on proof thereof being made to any Justice of the Peace, by the oath of one or more credible witnessess, it shall be the duty of such Judge and Justice of the Peace to issue a warrant against such offender and have him searched, and should he be found with such weapons, to bind him over to keep the peace of the State, with such security as may appear necessary, for one year; and on his failing to give good and sufficient security he shall commit such offender to prison for any time not exceeding twenty days. He shall also be bound over to appear before the District Court to answer the charge.

1834—105—2

Mill-dams in the 8th Judicial District.

SEC. 105. Whenever any person shall construct a mill-dam on any of the streams of the parishes of Livingston, St. Tammany, St. Helena and Washington, it shall be his duty to leave a lock or passage of at least fourteen feet in width through the dam for the passage of rafts or boats, and in default thereof, shall, on conviction, be liable to pay a fine of ten dolllars for each day that the stream shall remain so obstructed.

1808- 4—3

Nuisance.

SEC. 106. Any person who shall make on the bank of any river or navigable stream of this State, any work tending to alter the course of the water, or increase its rapidity, or make its navigation more difficult; or who shall make on the river bank, or on any highway or bridge, or in other place of public use, any work tending to hinder or embarrass such public use, shall be liable to prosecution, and shall, upon conviction, be compelled to pay the sum of one hundred dollars, for each offence, and the court shall further order the nuisance to be removed at the expense of the party convicted.

1818—168—6

1808—6—4

Penalty for charging for the use of the river bank.

SEC. 107. Any person who shall be convicted of having received any compensation for the landing of any freight or any other articles on the river bank before his land or for any other use thereof, permitted by the laws of this State, shall, on conviction thereof, be fined in a sum not less than five hundred dollars.

This section shall not be applicable to corporations of cities and towns.

1833—138—1

Obstructing Railroads.

SEC. 108. Any person who shall place any obstruction upon any railway, within this State, with intend to hinder, obstruct, impede or endanger free passing thereon, shall, if a free person, on conviction, be imprisoned, not exceeding six months, nor less than one month, and fined not exceeding five hundred dollars, nor less than one hundred dollars.

Should the person be a slave, he shall, on conviction thereof, be condemned to receive twenty-five lashes, and to wear a chain in his master's service, for the term of twelve months.

1848—33—2

Penalty for injuring lines of telegraph.

SEC. 109. Any person who shall unlawfully and intentionally injure, molest or destroy any line of telegraph, the lines, posts, abutments materials or property belonging thereto; or who shall molest or interfere with, or in any way interrupt the use or operation of any line of telegraph, or part thereof, shall, on conviction, be punished by fine, not exceeding five hundred dollars, or imprisoned in the Penitentiary not exceeding one year, or both, at the discretion of the court.

1848—(E. S.)—49—1

Telegraphs, penalty for failing or refusing to send messages.

SEC. 110. Any operator, clerk, director, messenger or other person in the employ of any telegraph company, having an office or station in this State, who shall refuse or omit to send or deliver any dispatch or message on which the charges or fees shall have been paid or offered to be paid, or for the payment of which a contract shall have been made; or cause or direct to be detained or delayed, such dispatch or message, in order to give precedence to a message or dispatch subsequently brought to the office or station; or who shall in any way give precedence of time in sending or delivering any dispatch or message belonging to a director, officer, stockholder of such company, or other person, over any dispatch or message previously offered for transmission; or who shall reveal, make use of, or make public, any dispatch or message; shall on conviction be fined not less than fifty nor more than one thousand dollars, one-half to the Charity Hospital of New Orleans, and the other half to the informer, and shall be answerable in damages to the party injured.

For any subsequent offence, the person so offending, shall also be subject to imprisonment in the parish prison, for a period not more than three months.

1848—(E. S.)—49—2

Not to transmit messages tending to defeat the ends of justice.

SEC. 111 No operator nor agent of any telegraph company shall be permitted to transmit any message, which can in any may tend to defeat the ends of justice, by preventing the apprehension of fugitives from justice, or by communicating such information as may enable persons charged with offences to escape: Any person so offending, shall be imprisoned not less than twelve months, nor more than two years, at hard labor, and fined not less than two hundred and fifty dollars, nor more than five hundred dollars, one-half for the benefit of the informer.

1845—86—1

Setting fire to prairies.

SEC. 112. No person shall set fire to, or burn or cause to be burned, any prairie or wood land within the parishes of St. Charles, Jefferson, Orleans, St. Bernard and Plaquemines unless he be the owner thereof, or has his consent; any person so offending, shall on conviction thereof, be fined not less than fifty, nor more than five hundred dollars, and imprisoned not more than thirty days, one-third of the fine for the informer, and one-third for the prosecuting attorney.

1853—261—1 & 2

To prevent obstructions to rivers, bays, lakes, &c.

1834—104—1

SEC. 113. Whoever shall throw or cause to be thrown, or conveyed into any navigable stream, bay or lake, within this State, bagasse from sugar mills, ballast from vessels, sinking timber of any kind, or any other matter of a nature to form an obstruction to its free navigation; whoever shall fell or throw any tree, or any part thereof, or cause the same to be felled or thrown into any navigable river, bay or lake, within this State; or in any other manner do, or cause to be done any act with a view willfully to obstruct their navigation, or render it more difficult or dangerous, shall on conviction thereof, be fined not less than fifty, nor more than five hundred dollars, for each offence, one-half for the informer.

Judges to charge Grand Juries.

It shall be the duty of the Judges of the several judicial districts, on the opening of the jury terms of their courts, in parishes in which there are navigable streams, bays or lakes, to charge the Grand Jury to inquire into, and prevent any infraction of this section.

1853—128—1

Breaking or cutting levees.

SEC. 114. If any person shall willfully and maliciously cut, alter, break, pull down, or destroy, in any manner whatsoever, any levee or embankment on the Mississippi, or any other navigable river or waters of this State, or shall aid or abet any person in so doing, he shall on conviction thereof, be imprisoned at hard labor not more than fourteen years, and fined not exceeding five thousand dollars.

1853—84—1

Attempting to cut levees.

SEC. 115. Any person who shall willfully and maliciously attempt to cut, alter or break, pull down or destroy in any manner whatever, any levee or embankment on the Mississippi river, or any other navigable river of this State, shall be punished by imprisonment at hard labor in the Penitentiary not exceeding two years, and be fined not exceeding three thousand dollars.

1850—98—2

Penalty for cutting levees, &c., in New Orleans.

SEC. 116. Any person cutting, altering or breaking without any authority or aiding and abetting any person in the act of cutting altering or breaking, without proper authority, levees, canals or other works made to protect the city of New Orleans from overflow, shall on conviction, be condemned to suffer imprisonment, for a term not exceeding ten years nor less than one year.

1839—90—1

Betting on elections.

SEC. 117. Any person who shall, either directly or indirectly, bet, stake or hazard any money or other property or consideration upon any election for any officer of this State or of the United States, shall on conviction, be fined not less than the amount of money or the value of the property bet, staked or hazarded, nor more than double such

amount, to be paid unto the treasurer of the school fund of said parish.

1839—90—4

Judges to charge Grand Juries.

SEC. 118. It shall be the duty of the several district Judges, to give this act especially in charge to the Grand Jury at each term of their respective courts.

1840—11—1

Disturbing peaceable assemblies.

SEC. 119. Any person who shall maliciously disturb or cause any disturbance to be made, whereby any peaceable assembling of the people isdisturbed, shall upon conviction, be fined in a sum not exceeding one hundred dollars, and imprisoned not exceeding ten days, and for a second conviction the punishment shall be doubled.

1852—66—1

Penalty for making cut-offs.

SEC. 120. Any person who shall make or cause to be made any cut-off in the Mississippi river without authority of law, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred, nor more than one thousand dollars, and imprisoned not less than one week, nor more than twelve months in the parish jail.

1885—151—9

No outlet of the Mississippi to be stopped.

Penalty for so doing.

SEC. 121. It shall not be lawful to stop any outlet or natural bayou of the Mississippi river; should any such be closed, the opening of it may at any time be ordered by the State Engineer; and any person who may have caused the closing of such outlet or bayou, shall be liable for all expense necessary for the re-opening of the same, and on conviction shall be fined not less than one thousand dollars, nor more than ten thousand dollars. This section shall not apply to bayous already closed, or that may be hereafter opened by crevasses.

ACCESSORIES.

1818—168—8

Accessories before the fact how punished

SEC. 122. Whoever shall be convicted as accessory before the fact, to any crime or offence, shall suffer the same kind and extent of punishment, according to the circumstances of the case, as might lawfully be inflicted upon the principal offender for such crime or offence.

1818—168—9

Accessories after the fact how punished.

SEC. 123. Whoever shall be convicted as accessory after the fact, to any crime or offence, shall suffer fine or imprisonment, or both, at the discretion of the court.

PUNISHMENT.

1843—69—2

Punishment to be increased for second and third offences.

SEC. 124. The Judge shall have the power to sentence any person who may be convicted for a second or third offence, to double and triple the penalty imposed by law; and for a fourth offence, the person so convicted may be sentenced to perpetual imprisonment.

1854—20—1

Sentence of death how executed in the parish of Orleans.

SEC. 125. In all cases where the sentence of death shall have been pronounced upon any person, in the parish of Orleans, it shall be executed by hanging the person by the neck until he be dead, within the enclosure of the prison of the parish, in the presence of the Sheriff, and at least four witnesses, residing therein, who shall duly attest the same under oath, which attestation shall be returned by the Sheriff to the court which pronounced the sentence.

VAGRANTS AND SUSPICIOUS PERSONS.

1852—219—1

Definition of Vagrants.

SEC. 126. All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, taverns, beer-houses, market-places, sheds, barns, uninhabited buildings or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places to beg or receive alms; habitual drunkards who shall abandon, neglect or refuse to aid in the support of their families and who may be complained of by their families, shall be deemed vagrants.

1852—219—2

Adult vagrants how dealt with.

SEC. 127. It shall be the duty of any Sheriff, Constable, Policeman or other peace officer, whenever required by any person to carry such vagrant before a Justice of the Peace of any parish or before any one of the Recorders of the city in which he shall be, for the purpose of examination, and if the Justice or other officer before whom such vagrant may be carried, be satisfied by the confession of the offender, or by competent testimony, that he is a vagrant within the description aforesaid, he shall make a certificate of the same, which shall be filed with the Clerk of the Court of the Parish, and in the city of New Orleans, the certificate shall be filed in the office of one of the Recorders; and the Justice or other officer shall issue a warrant to commit such vagrant, if in the city of New Orleans, to the Workhouse of the city for any time, not exceeding six months, there to be kept at hard labor; or if such vagrant be a proper object of charity, to some place of refuge to be provided by the Common Council of the city; and if in any of the Parishes, to the parish jail, for not more than six months, and if such vagrant be a proper object of charity, to such place of refuge as shall be provided by the parochial authorities.

1852—220—8

Juvenile vagrants how treated.

SEC. 128. If any child shall be found begging for alms, or soliciting charity from door to door, or in any street, highway or public place; such child shall be deemed a vagrant; and any Justice of the Peace of the parish, or any one of the Recorders or Aldermen of the city of New Orleans, shall commit him to such place of refuge as may be provided by the parochial authorities, and if in the city of New Orleans, to the house of refuge of the city, and the child shall be there detained, kept, employed and instructed in such useful labor as he shall be able to perform, until discharged therefrom under the rules of the places of refuge, or bound out as an apprentice by the administrators of such places of refuge, or by the parochial authorities.

1806—108—2

Who shall be reputed vagabonds and suspicious persons.

SEC. 129. All persons apprehended with any picklock or other instrument with the probable intention to feloniously break and enter any dwelling house; or with any offensive weapon, with probable intent to feloniously assault any person; or who shall be found in any

dwelling house, out-house, store, yard or garden, with probable intent to steal, shall be reputed vagabonds and suspicious persons, and shall, upon conviction, be punished with imprisonment with or without hard labor, not exceeding three months.

1806—110—3

Who shall be deemed incorrigible vagabonds.

SEC. 130. All persons who shall be convicted a second time, of any of the offences mentioned in the preceding section, shall be condemned to imprisonment at hard labor, for not more than three years, nor less than six months.

1806—116—8

Penalty for harboring vagrants.

SEC. 131. All persons haboring vagrants or suspicious persons, knowing them to be such, shall, upon conviction, be fined in a sum not exceeding five hundred dollars nor less than one hundred dollars.

Penalties for establishing Lotteries, &c. See LOTTERIES.

Issuing false or fraudulent certificates of entry of public lands, a felony, &c. See PUBLIC LANDS, *Sec.* 40.

Penalty for injuring side levees made for protecting plantations. See ROADS AND LEVEES, *Sec.* 48.

Crimes and offences by and against slaves, free persons of color and Indians. See BLACK CODE.

CRIMINAL PROCEEDINGS.

CONSTITUTIONAL PROVISIONS.

GENERAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

ARTICLE 92. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given, or offered a bribe to procure his election or appointment.

Certain person disqualified from holding office.

ART. 93. Laws shall be made to exclude from office, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors.

Laws to be passed to exclude persons convicted of certain crimes from office, and the right of suffrage.

The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

ART. 103. Prosecutions shall be by indictment or information. The accused shall have a speedy public trial by an impartial jury of the vicinage: he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel: he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

Prosecutions, how carried on.

ART. 104. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or presumption great, or unless after conviction for any offence or crime punishable with death or imprisonment at hard labor.

Prisoners, rights secured to them.

The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Habeas corpus.

Ex post facto laws, and laws impairing the obligation of contracts, forbidden.

ART. 105. No ex post facto law, nor any law impairing the obligation of contracts shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

1805—440—33

The common law of England adopted.

SECTION 1. All crimes, offences and misdemeanors, shall be taken, intended and construed, according to, and in conformity with the common law of England; and the forms of indictment, (divested however of unnecessary prolixity) the method of trial, the rules of evidence, and all other proceedings whatsoever in the prosecution of the crimes, offences and misdemeanors, changing what ought to be changed, shall be according to the common law, unless otherwise provided.

1845—2d S—40—4

Informations.

SEC. 2. Prosecutions for offences not capital, may be by information, with the consent of the court first obtained.

1805—446—40

Conviction not to work corruption of blood.

SEC. 3. No conviction for any crime or offence shall work corruption of blood, or subject the offender to any other forfeiture or penalty than such as is declared and specified by law.

1820—32—1

The person convicted liable for costs.

SEC. 4. Every judgment of conviction shall subject the person convicted to the payment of all costs of the prosecution, whether so stated in the sentence or not.

But in no case shall any person be subject to the payment of costs in any criminal prosecution, when acquitted by the court or jury.

1805—444—39

Property of persons convicted liable for costs of prosecution.

SEC. 5. The lands, tenements, goods and chattels of every person convicted of any crime or misdemeanor, shall be liable for the payment of the costs and expenses incurred in his prosecution and conviction.

1818—168—10

Persons sentenced to pay a fine, to be imprisoned in default of payment.

SEC. 6. Every person being adjudged to pay a fine, shall, in default of payment or recovery thereof be sentenced to be imprisoned for a period not exceeding one year.

1830—64—1

Persons imprisoned for the non-payment of a fine and costs entitled to the benefit of the insolvent laws.

SEC. 7. Whenever a person is sentenced to imprisonment for a given time, and to pay a fine and costs, and to stand committed until they are paid, and he has not the means to make the payment, he may, after having served the time for which he was sentenced, be enabled to take the benefit of the insolvent laws for the fine and costs, or either of them.

1818—168—12

Fine and imprisonment not to exceed $2000 and two years, when at the discretion of the court.

SEC. 8. Whenever the punishment of fine and imprisonment are left by law at the discretion of any court, the fine shall not exceed one thousand dollars, nor the imprisonment two years.

1805—444—38

Punishment of death, how inflicted.

SEC. 9. The manner of inflicting the punishment of death, shall be by hanging by the neck until dead.

1834—100—2

Convicts sentenced to hard labor to be taken to the penitentiary.

SEC. 10. All convicts sentenced to imprisonment at hard labor, by any of the courts of this State, shall be conveyed by the Sheriff of the parish in which the prisoner has been convicted, to the penitentiary-house at Baton Rouge, and there delivered to the warden of the penitentiary.

1817—184—7

Civil action for damages.

SEC. 11. In all criminal cases when injury to the person or property has been sustained, the party injured or damaged shall have his civil action for damages, notwithstanding the conviction.

1805—444—37

Limitation of time within which prosecution may be carried on.

SEC. 12. No person shall be prosecuted, tried or punished for any offence, willful murder, arson, robbery, forgery, counterfeiting excepted, unless the indictment or presentment for the same be found or exhibited within one year next after the offence shall have been made known to a public officer having power to direct the investigation or prosecution; nor shall any person be prosecuted for any fine or forfeiture, under any law of this State, unless the prosecution for the same shall be instituted within six months from the time of incurring such fine or forfeiture. Nothing herein contained shall extend to any person absconding or fleeing from justice.

1844—80—8

1836—103—1

Jurisdiction of district courts to extend to the middle of rivers, &c.

SEC. 13. Whenever the Mississippi river, or any other river, bayou, or lake is the boundary of any parish, the jurisdiction of the district court of such parish shall extend to the middle or centre of such river, bayou or lake: and it shall have cognizance of all crimes and offences committed within such boundary.

1836—103—2

Crimes committed within one hundred yards of the boundary to be cognizable in either parish.

SEC. 14. When any crime or misdemeanor shall be committed on the boundary of two or more parishes: or within one hundred yards thereof, or within one hundred yards of any other boundary, or shall be begun in one parish and completed in another, it may be dealt with, inquired of, tried, determined and punished in either of the parishes in the same manner as if it had been actually and wholly committed therein.

1806—158—16

Masters may prosecute for offences against their slaves.

SEC. 15. Masters may prosecute in criminal cases, to obtain satisfaction of the outrages and abuses which may have been committed against their slaves.

1847—28—1

In prosecutions for libel the truth may be given in evidence.

SEC. 16. In all prosecutions for libel, the truth may be given in evidence; and if it appear that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

1843—61—13

When the parties compromise, the costs to be paid by them and not by the parish.

SEC. 17. In all cases of assault and battery and misdemeanors, when the parties compromise and the prosecution is withdrawn, no charges shall be brought against the parish; the parties compromising shall pay all costs; in such cases it shall be lawful for the Attorney General or District Attorney to enter a nolle prosequi.

1853—249—1

Judge's charge restricted to questions of law in criminal cases.

SEC. 18. In charging the jury in criminal cases, the Judge must limit himself to giving them a knowledge of the law applicable to the case submitted to them. In doing so, he shall abstain from stating or

recapitulating the evidence so as to influence their decision on the facts. He shall not state nor repeat to the jury the testimony of any witness; nor shall he give any opinion as to what facts have been proved or disproved.

ARRAIGNMENT, CHALLENGE, TRIAL, &c.

1805—440—35

Copy of indictment and list of jurors to be given to the prisoner.

SEC. 19. Every person who shall be indicted for any capital crime, or any crime punishable with imprisonment at hard labor for seven years or upwards, shall have a copy of the indictment, and list of the jury which are to pass on his trial, delivered to him at least two entire days before the trial.

To be allowed counsel.

Every person shall be allowed and admitted to make his full defence by counsel learned in the law; and the court before whom he shall be tried, or some judge thereof, shall immediately upon his request, assign to him such counsel as he shall desire.

The counsel of any person accused of crime shall have free access to him at all reasonable hours.

The accused to be allowed legal process to compel the attendance of witnesses.

Every person accused, shall be permitted to establish his defence by any lawful evidence, and shall have the same process as the State, to compel the attendance of witnesses.

1844—19—1

Courts to send insane persons to the Lunatic Asylum in certain cases.

SEC. 20. Whenever any person, who is or may be arrested to answer for any crime or misdemeanor, before any court of this State, shall be acquitted thereof by the jury, or shall not be indicted by the Grand Jury by reason of the insanity or mental derangement of such person; and the discharge and going at large of such person, shall be deemed by the court to be dangerous to the safety of the citizens, or to the peace of the Commonwealth, the court is authorized and empowered to commit such person to the State Insane Hospital, or any similar institution in any parish within the jurisdiction of the court; there to be detained until he be restored to his right mind, or otherwise delivered by due course of law.

1844—19—2

Grand Juries to inform the court, when bills not found on account of insanity.

SEC. 21. Whenever the Grand Jury, upon any inquiry which they may hereafter make as to the commission of any crime or misdemeanor by any person, shall omit to find a bill for the cause aforesaid, it shall be the duty of such jury to certify the same to the court.

1844—19—3

Juries acquitting on account of insanity so to state in their verdict.

SEC. 22. Whenever the jury, upon the general issue of not guilty, shall acquit any person for the cause aforesaid, it shall be their duty, in giving their verdict of not guilty, to state that it was for such cause.

1805—442—36

Standing mute to be considered as pleading not guilty.

SEC. 23. If any person, on his arraignment for any offence, shall stand mute, or will not answer to the indictment, the plea of not guilty shall be entered for him, on the record; and the court shall proceed to try, and record judgment against him, as if he had pleaded not guilty, and put him upon the country for trial.

SEC. 24. In all criminal prosecutions in this State, for any crime, the punishment of which may be imprisonment at hard labor, for a term of twelve months or more, the defendant in such prosecution, shall be entitled to challenge peremptorily, and without showing any cause, any number of jurors not exceeding twelve; and this whether such imprisonment shall be peremptory or within the discretion of the court.

1837—49—1
The accused allowed twelve peremptory challenges.

SEC. 25. In all criminal prosecutions wherein the defendant is allowed peremptory challenges, the State shall also be allowed to challenge without cause, any number not exceeding six.

1837—49—2
Challenges allowed the State.

SEC. 26. When two or more persons shall be charged jointly with the commission of any crime in the same indictment, and the cause is continued as to one or more of the parties, the others so indicted, shall be admitted to trial, unless the State can show good cause for a continuance; but no one, so indicted, shall be deprived of a trial in consequence of a continuance of the case as to any of the other parties thus indicted.

1852—31—1
Persons jointly indicted, to be tried separately in certain cases.

VERDICT AND SENTENCE.

SEC. 27. In all cases where the punishment denounced by law is death, it shall be lawful for the jury to qualify their verdict by adding thereto: "without capital punishment."

1846—118—1 & 2
Jury may qualify their verdict in capital cases.

And whenever the jury shall return a verdict, qualified as aforesaid, the person convicted shall be sentenced to hard labor for life, in the State penitentiary.

SEC. 28. No free person sentenced to death, shall be executed until a certified copy of the whole record of the proceedings in such case be sent to the Governor of this State; and a warrant shall be issued by him, under the seal of the State, with the copy of the record thereunto annexed, directed to the Sheriff of the court wherein the sentence or judgment was passed, commanding the Sheriff to cause the execution to be done on the person so condemned, in all things according to the judgment against him; and it shall be the duty of the Sheriff, to whom such warrant shall be directed, to execute the same in due form of law.

1818—132—1
Governor to issue his warrant of execution in crimes punishable with death.

SEC. 29. It shall be the duty of the clerk of the court in which such sentence of death shall have been rendered, to make out a true copy of all proceedings in such case, and to transmit them without delay to the Governor of this State, and should the record be received by the Governor during the recess of the Senate, he may whenever he shall deem the same proper, delay awarding any warrant of execution until the end of the next session of the General Assembly.

1818—132—2
Clerk's duty.

Governor may delay issuing warrant for execution.

1850—95—3
1841—46—3

Juvenile delinquency in the city of New Orleans, may be sent to the House of Refuge.

SEC. 30. The Judges of the several courts of the city of New Orleans, exercising criminal jurisdiction, are hereby authorized and empowered to sentence all persons under the age of fifteen years, convicted of any crime not capital, to the House of Refuge instead of the Penitentiary or Parish Prison.

1852—187—1

Persons convicted to be kept in confinement, pending appeal, &c.

SEC. 31. In all cases where persons convicted of crimes, shall be sentenced to death, or to imprisonment at hard labor, it shall be the duty of the Sheriff of the court where the sentence has been pronounced, immediately to take the person convicted into custody, and to keep him confined in the parish jail, notwithstanding any appeal or reprieve, until the final action of the Supreme Court on the appeal or of the Senate on the reprieve.

1846—102—5

Duty of clerk of the Supreme Court, on the decision of any criminal case.

SEC. 32. Upon the final decision of any criminal cause, in the Supreme Court, it shall be the duty of the clerk to transmit a certified copy of the decree to the court from which the appeal was taken; which shall be filed, and ordered to be executed in the manner provided by law for civil cases.

COMMITTING MAGISTRATES.

1805—390—2
1807—18—13

Magistrates to receive complaints.

SEC. 33. Whenever any person shall be accused of any breach of the peace, crime or misdemeanor, by the oath of one or more credible witnesses, it shall be the duty of the Justice of the Peace or Committing Magistrate, before whom the accusation is made, to receive the complaint, and to cause the accused to be arrested, and brought before him, to be examined according to law.

To examine witnesses, and the party accused.

When the person so accused shall have been brought before the Justice or Magistrate it shall be his duty to examine on oath such witnesses as may appear against him; and to reduce their depositions to writing. It shall also be his duty to receive the voluntary declarations of the person accused, and the answers which without promise or threat he shall make to the questions which the examining magistrate shall put to him; and to cause them to be reduced to writing, and signed by the prisoner, in his presence and in that of two witnesses; or if he cannot sign, to mention that circumstance, and to certify the declaration with his signature and that of two witnesses; which declaration, thus certified and signed, shall be evidence before the grand and petit jury. After the examination shall be thus made,

To commit or admit to bail the party accused.

if it shall appear from the testimony of the witnesses, that a breach of the peace, crime or misdemeanor has been committed, it shall be the duty of the magistrate to send the accused to jail under the custody of his constable, if the crime be punishable with death, or with imprisonment at hard labor for seven years or more.

If the offence be punishable with less severe penalties he shall set him at liberty, upon his giving bond, with approved security, for such

sum as the magistrate shall fix, according to the importance of the offence, conditioned for the appearance of the party accused at the next District Court in the parish in which the offence shall have been committed. If he be unable, or refuse, to give bond with such security, the magistrate shall commit him to prison until he be delivered by due course of law.

1852—127—1

Sureties on bail bonds, residing out of the parish, may in certain cases be received.

SEC. 34. Whenever a citizen of this State shall be arrested or confined out of the parish or district of his domicil, on the charge of having committed any bailable offence, it shall be the duty of the magistrate to admit him to bail, on the bond of sureties residing in the same parish or judicial district, as the accused.

1852—127—2

Bond how taken in such cases.

SEC. 35. In such cases the bail bond shall be signed and executed by the sureties before a competent magistrate of the parish or district in which they reside; who shall certify the sufficiency of the bail at the foot of the bond. It shall be made returnable to the court before which the accused is ordered to appear for trial; and all proceedings thereon shall be had in the same court

1805—392—2

Commitment.

SEC. 36. Every magistrate committing any person to prison shall make out a commitment, which shall be signed by him, ordering the sheriff to keep the person accused in safe and surecustody, until delivered by due course of law; and shall substantially set forth the nature of the offence, of which such person is accused; which commitment shall be sufficient warrant and justification to the sheriff or his deputy, for the detention and imprisonment of the party so charged.

1819—66—12

Witnesses for the accused to be bound over to appear at court.

SEC. 37. When any prisoner or defendant charged with having committed any crime or misdemeanor, shall swear that any witness then in the parish where he is to be tried, is material for his defence, and that he has reason to fear and verily believes that he is about to depart therefrom, it shall be lawful for the justice before whom the complaint was made, or for the court by which the prisoner or defendant is to be tried, to bind over the witness for his appearance before the court, in the same manner as the witnesses on the part of the prosecution are bound over.

1819—66—14

Witnesses for the State to be bound over to appear at court.

SEC. 38. When any person is brought before any justice of the peace, charged with having committed an offence against the laws of this State, it shall be the duty of the Justice to take, in writing, the depositions of all the material witnesses on behalf of the State, and also to take their recognizance or bond in such sum as may seem reasonable, conditioned for their appearance before the court having jurisdiction of the offence, there to give evidence in the case, and not to depart without leave of the court; which depositions and recognizance or bond, shall be forthwith returned to the clerk's office of the court having jurisdiction of the case.

1865—392—3

Justices may bind over to keep the peace.

SEC. 39. All Justices of the Peace shall have power in all cases in which it shall appear to them, by oath, that a breach of the peace has been committed, or that there is just cause to apprehend that a breach of the peace is intended, to cause the party charged with such breach of the peace, or intention of breaking the same, to be brought before them respectively, and to direct him to give such security as he may deem reasonable, to keep the peace of the State, and to answear to the offence, if any has been committed; and in case of refusal to give such security, to commit the party so charged to the custody of the sheriff, who shall thereupon imprison the party, until he shall enter into such security as has been ordered, before the same or some other Judge or Justice of the parish.

1819—66—13

Declarations before justices, what to contain.

SEC. 40. It shall be the duty of every justice of the peace, to whom complaint is made of any offence against the laws of the State, to specify the name and surname of the offender, and also of the person who may have sustained the injury, in the declaration which shall be made before him of such offence, as far as he shall have knowledge thereof by enquiry made on that subject; and moreover he shall specify therein the day, month, year and place, when and where the offence complained of was committed.

1817—184—8

Duty of Attorney General and District Attorneys.

SEC. 41. Whenever the Attorney General, or any District Attorney, shall be informed that a crime or misdemeanor has been committed, and that no complaint or declaration thereof has been made before any Judge or Justice of the Peace, it shall be their duty respectively to enquire ex-officio into the fact, by causing all the persons they shall suppose to have some knowledge of the fact, to be summoned before some Judge or Justice of the Peace, that their deposition may be taken.

1819—66—10

Warrants to be executed throughout the State.

SEC. 42. Warrants for the arrest of any person accused of any crime or misdemeanor, issued by any Judge or Justice of the Peace, shall be executed throughout the State; and shall authorize the arrest of the person accused, upon being backed or endorsed by some magistrate of the parish wherein the offender may be.

1819—66—15

Persons committing offences in one parish and flying to another, to be arrested.

SEC. 43. When any person shall commit an offence in one parish and fly to another, on complaint thereof being made to any Justice of the Peace of the parish where such offender shall be found, it shall be his duty to issue his warrant, directed to the sheriff, or any other proper officer, to apprehend and bring such offender before him; and if on examination the Justice shall be of opinion that he ought to be put on his trial for the alleged offence, he shall commit him to prison, until he can be transferred to the parish where the offence is alleged to have been committed.

As soon as may be, he shall cause the offender to be conveyed, under safe guard, to the jail of the parish where the offence is alleged to have been committed; and the sheriff of such parish shall be au-

thorized to receive and hold the prisoner in his custody, until he shall be discharged in due course of law; the justice shall send also with the prisoner, the declaration, examination and deposition, as also the other papers relative thereto, to be delivered by the sheriff to the clerk of the court in the parish in which the prisoner shall thus be transferred for trial.

The expenses attending the removal of such offender from one parish to another, shall be allowed by the court to a reasonable amount, and shall be paid by the parish in which the offence is committed.

1825—110—6

All criminal process issued by any justice of New Orleans to be executed throughout the parish of Jefferson.

SEC. 44. All process in criminal cases, issued by any Judge or Justice of the Peace of the parish of Orleans, against persons charged with crimes or misdemeanors, shall be executed throughout the parish of Jefferson, by the officer charged with the execution thereof, without being endorsed by any Judge or Justice of the parish of Jefferson.

1827—20—1

All criminal process issued by any justice of Jefferson, to be executed throughout the parish of Orleans.

SEC. 45. All process in criminal cases, issued by any Judge or Justice of the Peace of the parish of Jefferson, against persons charged with crimes or misdemeanors, shall be executed throughout the parish of Orleans, by the officer charged with the execution thereof, without being endorsed by any Judge or Justice of the Peace of the parish of Orleans.

1816—12—7

Search warrants.

SEC. 46. It shall be lawful for any Judge or Justice of the Peace to issue a warrant of search for stolen goods, on the oath of any credible person, particularly describing the place suspected, and intended to be searched.

It shall also be lawful for him to issue his warrant to search any ship, vessel, or other water craft, or any house, plantation, or other place, whenever any person shall apply for the same, and shall swear that he has strong reasons to believe and suspect that some slave of his own, or belonging to some person for whom he is acting by virtue of a power of attorney, or other authority, to claim such slave, as the case may be, is concealed therein.

The search warrant granted must expressly mention the name of the ship, vessel, or other water craft, or the particular place, house or building in which the search is to be made.

CHANGE OF VENUE.

1846—109—8

Changes of venue on the part of the State.

SEC. 47. Upon application of the Attorney General, or any District Attorney of this State, the Judge shall have full power to change the venue in behalf of the State, in any case where it shall be made apparent to the court that no competent jury of the parish can be had, after exhausting two successive pannels.

1846—109—9

Change of venue by defendant.

SEC. 48. When any person, indicted in any of the District Courts of this State for any offence punishable by death or imprisonment at hard labor, shall desire to change the venue, he shall apply therefor to the District Judge presiding.

The application shall be accompanied with an affidavit that he has good reason to believe, that by reason of prejudice existing in the public mind, or for some other sufficient cause, to be described by each party, he cannot obtain an impartial trial in the parish wherein the indictment is pending; that the application was made as soon as could be, after the discovery of such prejudice or other cause, and is not for delay, but to obtain an impartial trial.

1846—109—10

Application for change of venue.

How made by defendant.

SEC. 49. Such application may be made orally in open court, or by petition in chambers; and shall be accompanied with proof, under oath, of the party or his attorney, that reasonable notice has been given to the District Attorney of such application. Thereupon the Judge shall hear the party making the application, as well as the attorney representing the State; and if, on such hearing and examination of the evidence adduced, he shall be of opinion that the party applying cannot have a fair and impartial trial in the parish where the indictment is pending, the Judge shall award a change of venue to the adjoining parish of the same judicial district, or of an adjoining district, and if possible, to that in which a District Court shall next be held.

1846—109—11

Duty of clerk when change of venue has been awarded.

Duty of Sheriff.

SEC. 50. Whenever a change of venue shall have been awarded in a criminal case, it shall be the duty of the clerk of the court in which the cause is pending to make out a descriptive list of the indictment, pleas, and all other documents relating to such cause, and a copy of all orders which may have been entered on the minutes of the court; and to deliver the same, together with the original indictment, and other papers appertaining to the cause, to the Sheriff of his parish, whose duty it shall be immediately to deliver or forward the same to the clerk of the parish to which the cause shall have been removed; and for his services in so doing, the Sheriff shall receive a compensation from the treasury of his parish, to be fixed and ordered by the District Judge.

1846—109—12

Cause not to be removed a second time.

SEC. 51. After a cause shall have been removed, as above provided for, it shall not be a second time removed under any pretence whatsoever.

1846—109—13

Duty of clerk of court to which the case is transferred.

SEC. 52. The clerk of the court to which any criminal cause shall be thus removed, shall, on the receipt of the indictment and other papers, enter the cause upon the criminal docket of his court; and it shall be heard, tried and determined by preference, in the same manner as if the proceedings had originally been instituted therein.

1846—109—14

Sentence to be executed by whom.

SEC. 53. In all criminal causes where a change of venue shall be ordered, the sentence and judgment of the court shall be executed by the Sheriff of the parish to which such cause may have been removed.

1846—110—15

Change of venue not to be awarded before arraignment.

SEC. 54. No change of venue in a criminal case shall be awarded until the party accused shall be arraigned and shall have pleaded not guilty.

1846—110—16

Prisoner to be transferred when change of venue is awarded.

SEC. 55. When a change of venue shall be awarded on the application of a party in actual custody, it shall be the duty of the Sheriff immediately to convey the party to the parish to which the cause shall have been removed, and to deliver him to the Sheriff of said parish, whose duty it shall be to hold him in safe custody until otherwise ordered by the court.

1846—110—17

Party obtaining change of venue to appear at the court, &c.

Bond to be forfeited in case of failure to attend.

SEC. 56. When a party obtaining a change of venue shall be at large upon bail, or in the custody of his securities, it shall be his duty to be and appear at the District Court of the parish to which the cause shall have been removed, and to attend at such court from day to day, and from term to term; and all bonds and recognizances entered into by the party accused and his securities, shall be and remain valid and binding against the party and his securities, notwithstanding the change of venue; and in case of the non-appearance of the party accused at the court to which the cause shall have been removed, judgment shall be entered up in that court against the party and his securities, in the same manner as if the case had remained in the parish from which it had been removed.

FORFEITURE OF BONDS AND RECOGNIZANCES.

1837—99—1

Judgments on forfeited bonds and recognizances, how rendered.

SEC. 57. It shall be the duty of the Attorney General, and the several District Attorneys in their respective districts, on the second, or any other day thereafter, of each regular jury term of the District Court, leave of the court being first had and obtained, which leave shall always be presumed, to call any or all persons who may have entered into any bond, recognizance or obligation whatsoever, for their appearance or attendance at court; and also to call on the securities to produce instanter in open court the person of such defendant or party accused; and upon failure to comply therewith, on motion of the attorney representing the State, the court shall forthwith enter up judgment against principal and securities in solido, for the full amount of the bond, recognizance or obligation.

How set aside.

The judgment so rendered may at any time during the same term of the court for all the parishes of the State, except the parish of Orleans, and for the parish of Orleans at any time within ten judicial days after notice of the judgment to the parties, be set aside upon the appearance, trial and acquittal, or upon the appearance, trial and conviction and punishment of the defendant or party accused.

Such judgment shall not be rendered in case it shall be made to appear to the satisfaction of the court, by the evidence of one or more disinterested and credible witnesses, that the defendant or party accused is prevented from attending by some physical disability existing at the time.

1837—99—2

Appearance of the defendant not to discharge the surety, &c.

SEC. 58. The appearance and answer of any defendant or party accused, upon call made as provided for in the preceding section, shall not operate as a discharge or release of any surety from his responsi-

bility; and no such surety shall be discharged or released from his responsibility until the final trial and conviction or acquittal of such defendant or party accused.

Surety may surrender his principal.

Any surety may be relieved from responsibility by making a formal surrender of the defendant or party accused to the Sheriff, or his deputy, in open court, or within the four walls of the prison of the parish, and not otherwise.

1887—99—3

Clerks to issue notice of judgment.

SEC. 59. It shall be the duty of the clerks of the several District Courts to issue notice of such judgments to the parties concerned, as in ordinary civil cases; and on the service and return thereof, after the usual delay, to issue executions on all such judgments, which it is made the duty of the several Sheriffs throughout the State to execute without delay.

1887—99—4

Sheriff's commission.

SEC. 60. The Sheriffs throughout the State shall retain ten per cent. on the amount of money made on any such execution, in lieu of all other fees thereon.

WITNESSES IN CRIMINAL PROSECUTIONS.

1845—98—1

Witnesses from other parishes compelled to attend in certain cases.

SEC. 61. In all criminal prosecutions in which the punishment to be inflicted may be death, or imprisonment at hard labor in the Penitentiary, witnesses may be compelled to attend the sessions of the court from any parish of the State, if the prosecuting attorney, or any citizen, or the accused shall state on oath what it is expected to be proved by the witnesses; and the court or Judge in vacation, upon examination of the case and the affidavit shall in his discretion determine that the attendance of the witness is indispensable to the trial, and for that purpose the court before which a prosecution is pending may cause to be issued subpœnas and attachments to its officers as the case may require.

1845—89—2

Subpœnas to be served by the Sheriff of the parish where the witness resides.

SEC. 62. It shall be the duty of the Sheriff of the parish in which the witness resides, to serve the subpœnas and make due returns thereof without delay; but where attachments become necessary in order to coerce the attendance of witnesses, they shall be executed by the Sheriff of the parish in which the prosecution is pending.

ARREST AND DELIVERY OF FUGITIVES FROM JUSTICE.

Constitution of U. S. Art. 4, Sec. 2.

Fugitives from justice to be delivered up.

SEC. 63. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Act Congress, approved Feb. 12, 1793, Sec. 1.

SEC. 64. Be it enacted, &c. That whenever the executive authority of any State in the Union, or of either of the territories northwest or south of the river Ohio, shall demand any person as a fugitive from justice, of the executive authority of any such State or ter-

rity to which such person shall have fled, and shall moreover produce the copy of any indictment found, or an affidavit made before a magistrate of any State or territory as aforesaid, charging the person so demanded, with having committed treason, felony or other crime, certified as authentic by the Governor or Chief Magistrate of the State or territory from whence the person so charged fled, it shall be the duty of the executive authority of the State or territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear: But if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or territory making such demand, shall be paid by such State or territory.

Arrest and delivery of fugitives from justice.

Sec. 65. Whenever any person shall be accused by the oath of one or more credible witnesses, of having committed in any other State or territoy, any crime or misdemeanor, recognized as such by our laws and by the laws of the State or territory where committed, and of being a fugitive from justice from the place where the crime was committed, it shall be the duty of the magistrate before whom the complaint is made, to cause the party accused to be arrested, and held in confinement, to await the requisition of the officers of the government, within whose jurisdiction the crime is charged to have been committed. No person so arrested, shall be held in confinement longer than six months, unless upon the special authorization of the Governor.

Fugitives from justice from other States to be arrested.

1830—66—1

Sec. 66. The Governor may, in his discretion, deliver over to justice any person found within the State, who shall be charged with having committed any crime, as above provided.

Governor authorized to deliver up fugitives.

1830—66—2

Sec. 67. Such delivery shall only be made on the requisition of the duly authorized ministers or officers of the government within the jurisdiction of which the crime shall be charged to have been committed; and upon their paying all expenses attending the apprehension, confinement, and delivery of the party accused.

Delivery when and how made.

1830—66—3

Sec. 68. It shall be the duty of the Governor to require such evidence of the guilt of the person so charged, as would be necessary to justify his apprehension, and commitment for trial, had the crime charged been committed within the State.

Expenses by whom paid.

EXPENSES OF CRIMINAL PROSECUTIONS.

1852—188—1
1854—111—1
Expenses of criminal prosecutions to be paid by the respective parishes.

SEC. 69. All the expenses hereafter incurred in the different parishes, by the arrest, confinement and prosecution of persons accused of crime; their removal to prison; the pay of witnesses, jurors, &c., and all expenses whatever, attending criminal prosecutions, shall be paid by the respective parishes in which the offence charged may have been committed.

1852—188—2
Fees, expenses, &c., how regulated.

SEC. 70. The fees, salaries and expenses to be paid by the local authorities, as above provided, shall be fixed and regulated by them; and until the same be done, they shall remain as now fixed by law.

1854—111—1
Forfeited bonds, recognizances and fines.
Fees of District Attorneys for collecting.

SEC. 71. The several District Attorneys throughout the State, (the parish of Orleans excepted,) shall be entitled to demand and receive one-fifth of all sums, first deducting the per centage allowed by law to the Sheriff for collecting and paying over the same, which may be collected on forfeited bonds, recognizances and fines imposed in criminal prosecutions and misdemeanors, by any court of justice.

1853—295—1
1854—111—1
Fines and forfeitures to be paid to the parishes.

SEC. 72. The fines and forfeitures collected for violation of the criminal laws of the State, and which have been required by law to be paid into the State Treasury, shall belong to, and be paid into the Treasury of the parish in which they may be collected; and in New Orleans, into the Treasury of the city.

This section shall not be so construed as to affect in any manner the process for collecting fines and forfeitures.

1847—196—1
Persons bound to keep the peace to pay costs.

SEC. 73. Whenever a complaint shall be made before a justice of the peace, the object of which will be to have the person complained of bound to keep the peace, the costs incurred shall be paid by the person bound; but when it shall appear to the magistrate that the complaint is founded on frivolous, or malicious motives, the costs shall be paid by the party complaining.

Compensation of Clerks and Sheriffs in Criminal cases. See COSTS AND FEES, *Sec.* 7.

Rations allowed to prisoners confined in jail. See PRISONS, *Secs.* 3 and 4.

When the jail is unsafe, to be removed to another. *Sec.* 6.

Compensation of witnesses in criminal prosecutions. See WITNESS.

Appeals in criminal prosecutions. See JUDICIARY DEPARTMENT.

CURATOR.

DEAF, DUMB AND BLIND PERSONS.

1852—220—1

An asylum for the Deaf, Dumb and Blind established.

SECTION 1. There shall be established an Institution for the Deaf and Dumb and the Blind, in the town of Baton Rouge, parish of East Baton Rouge.

1852—220—2

A Board of Administrators to be appointed.

SEC. 2. The Governor, by and with the advice of the Senate, shall immediately after the passage of this Act (1852) appoint a Board of Managers, consisting of seven persons, who shall constitute a Board of Administrators under the name and style of "the Board of the Administrators for the Louisiana Institution for the Deaf and

Dumb and the Blind," one of whom shall be elected President by the members of the Board, and the Board shall remain in office for the period of two years.

The Board shall meet at least once every month, and as much oftener as the President may deem necessary. The Board shall have power to fill vacancies and make their own by-laws and regulations.

1852—221—3
Quorum.

SEC. 3. The President and any three of the members shall form a quorum, and in the absence of the President, any four of the members shall constitute a quorum, and may choose one from among themselves to act as President pro tempore.

1852—221—4
Powers of the Board.

SEC. 4. The Board shall have full power to make all contracts necessary for the rent, construction and repairs of buildings belonging to, or in the use of the Asylum, and for the purchase of land upon which to construct the same, to appoint and remove in such manner as may be fixed by their own by-laws, the necessary superintendents, matrons, physicians, teachers, and such other officers as the Board may deem proper for the good management of the asylum, and to fix their compensation; to accept any donation or legacy for the sole and exclusive use of the asylum; and to sue and be sued, plead and be impleaded, whenever the same shall be necessary for the benefit of the asylum.

1852—221—6
Secretary and Treasurer to be appointed.

SEC. 5. They shall elect annually a Secretary and Treasurer, who shall each give bond and security for the faithful performance of his duty, to be approved by a majority of the Board.

Their duties.

It shall be the duty of the Secretary and Treasurer to collect all debts due to the Institution; to receive quarterly upon the warrant of the President whatever appropriations may be made by the State for the benefit of the Institution; to keep an exact account of the property, credits and resources, and to make all necessary payments under such rules and restrictions as may be established by the Board.

1852—221—7
What persons to be received in the asylum.

SEC. 6. It shall be the duty of the Board to receive, support and instruct in the Asylum, all persons Deaf and Dumb, or Blind, who reside within the State of Louisiana, and are in indigent circumstances, and unable to pay, or whose parents or guardians are unable to pay for the same; and the Board shall have power to receive the Deaf and Dumb, and the Blind from other States, on such terms and conditions as may be determined on by the Board.

DEFAULTER.

ARTICLE 28. No person who at any time may have been a Collector of Taxes, whether State, Parish or Municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been trusted.

CONSTITUTION.

Defaulters not to hold any office of profit or trust.

SECTION 1. Hereafter it shall be the duty of the Auditor of Public Accounts on the first day of the session of each Legislature, to enclose to the President of the Senate, and Speaker of the House, a list of all persons who are defaulters to the State on account of any public money; and if, in such list, the name of any member of the General Assembly should appear, the House to which he may have been returned shall take such action as may be deemed necessary to carry into effect the twenty-eighth article of the Constitution.

1853—238—1

Auditor to furnish a list of defaulters to the General Assembly.

SEC. 2. It shall likewise be the duty of the Presidents of the Police Juries of the several parishes in the State, and the Mayors of the incorporated cities and towns, whenever it may be known to them that any person elected to the General Assembly is a defaulter to the parish or municipal corporation, to transmit to the Governor in time for presentation to the proper branch of the Legislature on the first day of its session, a full statement of the amount of such defalcation, and on what account, together with such sustaining proofs and evidence as they may be able to transmit, all of which shall be acted on as provided in the preceding section.

1853—238—2

Duty of Presidents of Police Juries and Mayors of incorporated towns.

SEC. 3. It shall be the duty of the Auditor of Public Accounts, the Presidents of the Police Juries, and the Mayors of the several municipal corporations of this State, to report annually to the Governor, on the 10th of November of each year, all persons who may be defaulters to the State, parish, or municipal corporation, with the amount of said defalcation: and any of said officers who shall fail or

1853—193

Defaulters to be reported to the Governor annually.

neglect to perform this duty, shall forfeit the sum of five hundred dollars, to be sued for and recovered in the name of the State of Louisiana, by the District Attorney.

Governor not to commission any defaulter.

SEC. 4. It shall not be lawful for the Governor to issue a commission to any person elected or appointed to office who may appear to be a defaulter by the reports on file in his office, unless it shall be proved to his satisfaction that such person was not a defaulter, or that he has paid the amount of his defalcation; provided such proof be made within ninety days from the date of the election at which said person was elected, or the date of the appointment of any such person to office; otherwise the Governor shall order a new election, or make a new appointment, as the case may be.

Governor to cause a list of defaulters to be published annually.

SEC. 5. It shall be the duty of the Governor to cause to be published annually in the State paper, and one or more of the papers published at the Seat of Government, a list of all persons who may appear to be defaulters, by the reports on file in his office.

1847—24—35

Amount due the State to be a lien on the property of principal and securities from time of default.

The amounts due the State, together with the penalties and forfeitures prescribed by law, shall be a lien upon the real and personal estate of such defaulter and his securities from the time of such defalcation.

1853—194—3

Bond not to be received until the party is commissioned.

SEC. 6. No person, whose duty it is now, or may be hereafter, to take, receive or approve the bond of any Sheriff or Tax Collector of State, parish or municipal taxes shall take, receive or approve any such bond until the Sheriff or Tax Collector has exhibited a commission from the Governor of the State as Sheriff or Tax Collector, as the case may be.

1853—194—4

Collectors of Taxes failing to give bond within 90 days, to be removed from office.

SEC. 7. Should any Sheriff or other officer, who by law is made the Collector of Taxes, either State, parish or municipal, fail to present the commission to the authorities aforesaid, within ninety days from the date of their election, and give a satisfactory bond for the collection and disbursement of such taxes as is or may be required of them, and the faithful discharge of all other legal duties, the office of such Sheriff or Collector shall be deemed vacant; and it shall be the duty of the aforesaid persons, to whom the said commission was to be presented, and bonds taken or approved, to give notice thereof to the Governor, who shall thereupon order a new election, or make an appointment according to law, and declare annulled any commission he may have issued to a party thus failing or refusing to comply with all the requisitions of the law.

1853—194—5

Penalty for any Collector of Taxes acting before giving bond.

SEC. 8. Should any Sheriff or Collector of Taxes, after receiving his commission from the Governor, proceed to exercise any of the duties, or avail himself of any of the rights appertaining to his office as Collector, or as Sheriff, or as Sheriff and Collector, before giving all the bonds and security required by law for the collection of taxes or discharge of duties as Sheriff, he shall be deemed guilty of a mis-

demeanor, and on conviction thereof, shall be fined in a sum not less than one thousand dollars, and imprisoned not less than six months, at the discretion of the court.

Distress warrant to be issued against defaulters. See AUDITOR OF PUBLIC ACCOUNTS, *Sec.* 12.
Auditor to report all defaulters to the General Assembly. *Sec.* 24.
A list of them to be published in the State Gazette. *Sec.* 25.

DISTRICT ATTORNEY.

SECTION 1. There shall be elected in and for each Judicial District in this State, by the qualified voters thereof, one District Attorney, for the term of four years. 1853—232—1 District Attorney to be elected for each district.

SEC. 2. The elections shall be conducted and regulated, and the returns thereof made in conformity with the laws regulating elections in this State. 1853—232—2 Elections how held.

SEC. 3. Elections for District Attorneys shall be held on the first Monday of November, 1855, and every four years thereafter. 1853—233—4 When held.

SEC. 4 In case any vacancy should occur in the office of District Attorney for any district, by death, resignation, refusal to qualify, or otherwise, the Governor shall supply such vacancy. 1853—233—5 Governor to fill vacancy.

SEC. 5. District Attorneys shall be authorized to recuse themselves whenever they shall be related within the fourth degree to the party accused, or shall have been employed or consulted in the matter as Attorney previous to his election or appointment. 1853—152—1 When they may recuse themselves.

SEC. 6. It shall be the duty of the Judge presiding, on the District Attorney recusing himself, to appoint a member of the bar to conduct the prosecution; who shall be allowed for his services the sum of twenty-five dollars, to be deducted from the quarterly salary of the District Attorney then falling due; the sum of twenty-five dollars to be paid on the warrant of the Attorney, thus appointed by the court, on the Auditor of Public Accounts. 1853—152—2 Judge to appoint another to prosecute.

1854—113—1 & 2

Salary.

SEC. 7. The District Attorneys shall receive an annual salary of eight hundred dollars, except the District Attorney of the parish of Orleans, who shall receive a salary of twenty-five hundred dollars, to be paid quarterly on their own warrant.

1846—61—2

1846—102—1

Duty to represent the State in all matters.

SEC. 8. District Attorneys shall attend the sessions of the court in each of the parishes in the judicial district, and shall represent the State in all civil and criminal actions.

The District Attorneys of the districts in which the Supreme Court shall hold sessions, shall also represent the State in all criminal cases coming before said court, except in New Orleans.

1827—62—1

Duty to sue for all claims due the State.

SEC. 9. It shall be the duty of the District Attorneys within their respective districts to pursue on behalf of the State such legal measures as they may deem expedient for the recovery of all claims of the State, the recovery of which is not otherwise provided for, and to report their proceedings annually to the Treasurer of the State before the meeting of the Legislature.

1827—62—2

Commissions on sums collected.

SEC. 10. The Attorneys shall be allowed a compensation of five per cent. on all amounts by them recovered and paid to the State.

1817—162—1

To receive $10 for each conviction.

SEC. 11. The Attorney General and District Attorneys in several Judicial Districts of this State, shall be entitled to receive the sum of ten dollars on each and every criminal prosecution, in which the accused shall be convicted.

1817—164—2

How to collect their fees.

SEC. 12. When the Attorney General, or any District Attorney, shall be entitled to a fee agreeably to the provisions of the preceding section, the Attorney shall have a right to an execution or order of seizure for the recovery of the fee, and the same proceedings shall be had thereon as an execution or order of seizure issued on a final judgment.

1817—42—26

An Attorney to be appointed in the absence of the District Attorney.

SEC. 13. Whenever the prosecuting Attorney of the district shall not attend, the Judge shall have power to appoint an Attorney to prosecute on behalf of the State, pro tempore.

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See CONSTITUTION, *Art.* 74.

District Attorneys to enquire ex officio into crimes committed. See CRIMINAL PROCEEDINGS, *Sec.* 40.

District Attorneys' commissions for collecting fines and forfeitures. *Sec.* 70.

District Attorneys' commissions for collections from defaulting Tax Collectors. See REVENUE LAWS, *Sec.* 72.

DIVORCE.

CONSTITUTIONAL PROVISION.

ARTICLE 114. No divorce shall be granted by the Legislature.

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SECTION 1. No divorce shall be granted unless for the following causes: 1827—130—1 1848—57—1 1832—152—1

The husband may claim a divorce in case of adultery on the part of his wife.

The wife may also claim a divorce, in case of adultery on the part of her husband, when he has kept his concubine in the common dwelling, or openly and publicly in any other. Divorce in what cases granted.

Married persons may reciprocally claim a separation and divorce on account of habitual intemperance, excesses, cruel treatment, or outrages of one of them towards the other, if such habitual intemperance, or such ill treatment, is of such a nature as to render their living together insupportable.

The condemnation of the married persons to an ignominious punishment, shall be for the other a sufficient cause of divorce.

A divorce may be equally claimed on the part of the husband and wife, when either shall abandon the other for the space of five years, and when he or she shall have been summoned to return to the common dwelling, as is now provided for in cases for separation from bed and board, within one year prior to the application of such divorce.

Whenever husband or wife has been charged with an infamous offence, as provided above, and shall actually have fled from justice and gone beyond the jurisdiction of the State, the husband or wife of such fugitive, as the case may be, may claim a divorce, on producing proofs to the Judge before whom the action for divorce is brought, that his or her husband or wife has actually been guilty of such infamous offence, and has so fled from justice, and in such case it shall not be necessary to obtain a separation from bed and board.

When the defendant in such case is absent, an attorney shall be appointed to represent him against whom, contradictorily, the suit shall be prosecuted. When defendant is absent an attorney to be appointed.

1827—130—3.
Actions how tried.

Competency of witnesses

SEC. 2. All actions for divorce shall be tried, as all other cases, provided, that no witness summoned by the parties shall be declared to be incompetent under the pretence of their being the allies or relations of either the plaintiff or defendant.

1827—130—4
Separation to be previously decreed.

SEC. 3. Except in the cases where the husband or wife may have been sentenced to any infamous punishment or conviction of adultery, as before provided for, no divorce shall be granted, unless a judgment of separation from bed and board shall have been previously rendered between the parties, and unless two years shall have expired from the date of the judgment of separation from bed and board, and no reconciliation shall have taken place; provided, that in the cases excepted above, a judgment of divorce may be granted in the same decree which pronounced the separation of bed and board.

1827—132—5
Exceptions.

SEC. 4. The exceptions to an action of divorce shall be the same as those to the action of separation from bed and board established by the articles 149 and 150 of the Civil Code.

1827—132—6
Provisional proceedings.

SEC. 5. The action for divorce shall be accompanied with the same provisional proceedings to which a suit for separation from bed and board may give rise, and agreeably to the articles 144, 145, 146, 147 and 148 of the Civil Code.

1827—132—7
Effects of the divorce.

SEC. 6. The effects of a divorce shall not only be the same as are determined in the case of a separation from bed and board, by the articles 152, 153 and 154 of the Civil Code, but it shall also dissolve forever the bonds of matrimony between the parties, and place them in the same situation with respect to each other as if no marriage had ever been contracted between them.

1827—132—8
Alimony of the wife.

SEC. 7. If the wife who has obtained the divorce has not sufficient means for her maintenance, the court may allow her, in its discretion, out of the property of her husband, alimony, which shall not exceed one-third of his income. This alimony shall be revocable in case it should become unnecessary, and in case the wife should contract a second marriage.

1827—132—9
Effects of a divorce in certain cases.

SEC. 8. In case the divorce is granted in the decree pronouncing the separation from bed and board, the effects of such divorce shall be the same as regulated by the Civil Code in case of separation from bed and board.

1827—132—10
No marriage between persons guilty of adultery.

SEC. 9. In case of divorce on account of adultery, the guilty party can never contract matrimony with his or her accomplice in adultery, under the penalty of being considered and prosecuted as guilty of the crime of bigamy, and under the penalty of nullity of the new marriage.

See CIVIL CODE, *Art.* 135 *et seq.*

DOMICIL.

Section 1. Residence once acquired shall not be forfeited by absence on business of the State or of the United States; but a voluntary absence from the State of two years, or the acquisition of residence in any other State of this Union, or elsewhere, shall forfeit a residence within this State. 1818—96—3 Residence how forfeited.

Sec. 2. The planters or other individuals who have no domicil in the city of New Orleans, or in any other place of this State, where Banks may be established, may elect a domicil in the said city or other place, for the payment of all notes which they may subscribe in favor of any bank of this State. 1818—74—1 Domicil for payment of notes may be elected.

Sec. 3. The said election of domicil shall be made in the following form, or any other sufficiently expressive of the intention of electing domicil: 1818—74—2 How made.

"At ——— months, I promise to pay to Mr. A———, or to his order, the sum of ——— dollars, at my elected domicil in New Orleans, (or at any other place where a Bank or Branch is established,) in the house of Mr. B———, inhabitant of the said city (or place), for value received."

The domicil may be elected in the house of the Bank in which the payment of the note is to be made, or of any other Bank of the place. Whatever may be the wording of the election of domicil, whether in the body of the note or out of it, it shall be valid, provided it bears the signature of the drawer.

Sec. 4. When a note in favor of any Bank shall have been thus subscribed, with an election of domicil on the part of the drawer, he or they who shall endorse the note, and who shall have no domicil in the city of New Orleans, or in the place where the Bank is established, shall be considered as having elected his or their domicil in the same place as the drawer, unless he or they should have elected another domicil above their signature. This provision shall only apply to the case where the endorser has no domicil in the city of New Orleans nor its incorporated suburbs, or other place where the Bank is established. 1818—74—3 Effect of electing a domicil for payment of notes.

Sec. 5. When a note in favor of any of the Banks of this State shall contain on the part of the drawer an election of domicil in any other place than that of his actual domicil, the protest and notification for want of payment of such note, shall be made at the place of the elected domicil, and all demands and judicial proceedings relative to the recovery of such note, may be made as well against the drawer as against the endorser, at the domicil agreed upon. 1818—76—4 Effect of an elected domicil.

When the election of domicil shall not have taken place on the part of the drawer, but only on the part of the endorser or endorsers, the provisions contained in this section shall take effect only against the endorser or endorsers who shall have made such election of domicil.

1818—76—5

Effect of electing a domicil.

SEC. 6. The election of domicil made in the form above stated, shall not deprive drawers and endorsers of the privilege of being sued at the place of their actual domicil, except in favor of the Banks of this State, and only for the notes really belonging to such Banks, and not for those deposited there for collection; and as to the latter and all others containing an election of domicil, the only effect of such election shall be to enable the bearer to make the protests and notifications for want of payment at the place of such elected domicil, and not of depriving the parties of their natural jurisdiction; the intention of the Legislature being merely to establish a particular privilege in favor of the Banks, which may influence them to lend their funds for the encouragement of agriculture.

See CIVIL CODE, *Arts.* 42 *et seq.*

DRINKING HOUSES.

1854—154—1

Police juries and municipal authorities authorized to grant or withhold offices.

SECTION 1. The Police Juries of the several parishes, the municipal authorities of the several towns and cities, and the Board of Aldermen and Assistant Aldermen, together with the Mayor of the city of New Orleans, shall have the exclusive power to make such laws and such regulations for the sale or prohibition of the sale of intoxicating liquors as they may deem advisable, and to grant or withhold licenses from drinking houses and shops within the limits of any city, ward of a parish or town, as a majority of the legal voters of any city, ward of a parish or town, may determine by ballot; and the said ballot shall be taken annually.

1854—154—2

Relinquishment by the State.

SEC. 2. The State does hereby relinquish all right and title to grant licenses in any town, city or parish in the State, in which said license is not granted by the legal authorities of said town, city or parish; provided, however, that whenever any licenses may be granted, the State shall have power, through her legally constituted officers, to collect the tax coming to the State for such licensed drinking houses or shops.

1854—154—3

Judges to charge Grand Juries.

SEC. 3. It shall be the duty of the Judges of the several District Courts in this State, out of the parish of Orleans, and the Judge of the Criminal Court in said parish of Orleans, to call the attention of

the Grand Jury to the provisions of this act, at each jury term, that the intent and spirit of this act may be fully carried out and executed.

1854—154—4

Laws and ordinances to be adopted.

SEC. 4. It shall be the duty of the Police Juries of the several parishes, the municipal authorities of the towns and cities, and the Board of Aldermen and Assistant Aldermen, together with the Mayor of the city of New Orleans, to adopt such laws, ordinances, rules and regulations, as may be necessary for the purpose of holding the annual elections herein provided for.

TAVERNS, GROG-SHOPS, &c. See CRIMES AND OFFENCES, *Secs.* 85 *et seq.*

EDUCATION.

CONSTITUTIONAL PROVISIONS.

FREE PUBLIC SCHOOLS.

CONSTITUTIONAL PROVISIONS.

ART. 135. There shall be elected a Superintendent of Public Education, who shall hold his office for the term of two years. His duties shall be prescribed by law, and he shall receive such compensation as the Legislature may direct; provided, that the General Assembly shall have power, by a vote of the majority of the members elected to both Houses, to abolish the said office of Superintendent of Public Education whenever in their opinion said office shall be no longer necessary.

A Superintendent of Public Education to be elected for two years.

ART. 136. The General Assembly shall establish free public schools throughout the State, and shall provide for their support by general taxation on property or otherwise; and all moneys so raised or provided, shall be distributed to each parish in proportion to the number of free white children between such ages as shall be fixed by the General Assembly.

Free public schools to be established.

ART 137. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons, to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent.; which interest, together with the interest of the trust funds deposited with this State by the United States, under the act of Congress, approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

A school fund established.

ART. 138. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the support of a seminary of learning for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

A seminary fund established.

The University at New Orleans to be maintained.

ART. 139. The University of Louisiana in New Orleans as now established shall be maintained.

Legislature to pass laws to regulate the University.

ART. 140. The Legislature shall have power to pass such laws as may be necessary for the further regulation of the University, and for the promotion of literature and science; but shall be under no obligation to contribute to the support of said University by appropriations.

FREE PUBLIC SCHOOLS.

1853—213—1

Education of white children between six and sixteen years.

SECTION 1. Means shall be provided, in the manner hereinafter specified, for the education of the white youth of this State, between the ages of six and sixteen years, in such manner as shall be prescribed by the Directors of each district. But any white person under the age of twenty one years shall have the right to at least two years tuition.

1853—213—2

A tax of one mill on the dollar to be levied for public schools.

SEC. 2. For this purpose there shall be annually levied upon the ad valorem amount of taxable property in each parish one mill on the dollar, which shall be collected by the Collectors of State taxes in the same manner as other State taxes are levied and collected.

1853—213—8

Apportionment of the school fund by the State Superintendent.

SEC. 3. The State Superintendent of Public Education shall proceed, on the last day of June, eighteen hundred and fifty-three, and quarterly thereafter, to apportion the funds which may be paid into the State Treasury to the credit of the school fund for the support of free schools, among the different parishes in the State, in the proportion which the number of white children in each parish, between the ages of six and sixteen years, bears to the whole number of white children in the State between these ages; and he shall forthwith notify the several parish Treasurers of the amount so apportioned and due to their respective parishes.

The sum so apportioned shall be paid by the State Treasurer out of the school funds in the Treasury, upon the warrant of the Parish Treasurer, of the several parishes; and in the cities of New Orleans, Carrollton, Jefferson and Thibodaux of the Treasurers thereof, drawn on and approved by the Auditor of public accounts.

1853—213—11

State Superintendent to keep account with each parish.

SEC. 4. It shall be the duty of the State Superintendent to open an account with each parish in the State, charging each parish with the whole amount paid to the Parish Treasurer by the Collectors of State Taxes, as well as any excess that may be found due on a general apportionment of the school fund, and crediting each parish for any deficiency that may be found due it.

1853—213—12

Parish Treasurers to be the depositaries of the school fund apportioned to their respective parishes.

SEC. 5. The Parish Treasurer of each parish shall henceforward be the depositary of the school fund apportioned or collected for the use of the parish. Before he shall be entitled to receive from the Collector of Taxes or the State Treasurer, any money belonging to the school fund of his parish, he shall execute a bond in favor of the President of the Police Jury, and his successors in office, for an amount

equal to that formed by the multiplication of the number of children in the parish, of the legal age to attend school, by the number eight, with at least two good securities, conditioned for the safe keeping and faithful disbursement, according to law, of all such funds as shall come into his hands.

Bond to be given.

It shall be approved by the Police Jury of the parish, and shall be inscribed in the office of the Parish Recorder. The Police Jury shall prosecute on the bond, when necessary, for the use of the free public schools therein.

How approved.

The bond shall be separate and distinct from that given by him as disburser of the other parish money. Neither the State Superintendent of Public Education, nor the Collector of Taxes, shall be authorized to pay any school moneys to the Treasurer of any parish until he shall be notified by the President of the Police Jury that the Treasurer has given a satisfactory bond as required by law.

For the misapplication by the Treasurer of any parish of any school money, or refusal to pay out or account for the same when placed in his hands, he shall on conviction be fined in a sum of not less than five hundred dollars and imprisoned for not less than one month, and shall, together with his securities, on his official bond, be liable to the payment of five per cent. per month, for all sums, for the recovery of which, suit may be brought and judgment obtained, from the date of its rendition until final payment.

Penalty for the misapplication of school money.

Should loss occur by the defalcation of any Parish Treasurer, the loss shall be no claim upon the general school fund.

1854—52—2

Sec. 6. The sums due to each of the parishes in this State from the annual collection of the school tax, shall be paid quarterly to the Treasurer thereof by the State Tax Collector, except for the quarter ending the thirty-first of December, which shall be paid during the month of November.

State Tax Collectors to make quarterly payments to the Parish Treasurer.

The sum paid during the year shall not exceed four dollars for each child entitled to admission into the public schools of the parish, except under special instructions from the State Superintendent, who may also require a less sum to be paid.

The receipt of the Parish Treasurer, his signature being verified by the official seal and signature of the Clerk of the District Court of the parish, or the signature of the President of the Police Jury, when the Clerk holds the office of Parish Treasurer, shall be sufficient and legal vouchers to enable the Auditor to settle to the extent of the receipt with the Collector of taxes.

Parish Treasurer's receipt to be taken by the Auditor from the Tax Collector.

1853—217—16

Sec. 7. The Parish Treasurer shall not receive from any Collector of State Taxes, parish scrip or other evidence of parish indebtedness, in payment of school money.

Treasurer to receive certificate of the State Superintendent, &c., but not parish scrip.

He shall, however, receive the certificates of the State Superintendent, issued to teachers for balance due them on warrants of school

directors, and shall debit the same to the district for whose benefit they were issued.

It shall be the duty of the State Superintendent to notify the Parish Treasurer of all such outstanding certificates before the same shall be paid by him.

1853—217—13

Parish Treasurer to give notice to State Superintendent of the amount of money received from the Tax Collector.

Notice to Directors of amount due each district.

SEC. 8. It shall be the duty of the Parish Treasurer to notify the State Superintendent twenty days after the expiration of each quarter, of any sum which he may have received from the Tax Collector of his parish, and at the same time he shall notify the Directors of each school district in his parish, of the amount on hand subject to their draft, the same being apportioned by him among the children of the parish in accordance with the rule contained in article 136 of the Constitution.

1853—217—14

Treasurer to pay on the warrant of a majority of the Directors.

SEC. 9. The money which may be received by the several Parish Treasurers shall be held by them and paid out to the various school districts upon the warrant of a majority of the School Directors in each district.

1854—52—3

Unpaid drafts to be registered and numbered.

SEC. 10. It shall be the duty of each Parish Treasurer to register and number, in a well bound book kept for that purpose, all unpaid drafts of the School Directors; to endorse his name on the same when presented, and pay them according to priority of presentation, when sufficient funds have accumulated to the credit of the district for whose benefit they were issued.

No School Directors shall be authorized to draw for any sum unless they have been notified by the Parish Treasurer that there are funds to the credit of the district.

1853—220—24

How warrants are to be drawn.

SEC. 11. Each warrant drawn for the salary of any teacher shall be accompanied by a statement of the Directors, showing the number of schools in the district, the number of children taught, the number of children who do not attend school, and the monthly rate of compensation to the teacher.

1853—220—25

Parish Treasurer to make an annual report to the State Superintendent.

SEC. 12. It shall be the duty of the Parish Treasurer to place those returns on file, and annually, during the month of November, to make a report to the State Superintendent, showing—

First, the amount of money he has received from all sources, designating each source.

Second, the amount of money paid to each district for school purposes.

Third, the number of children who have attended school.

Fourth, the average time the schools have been taught during the year.

1853—221—31

Parish Treasurer to make a statement for the Grand Jury.

SEC. 13 At each term of the District Court, the Parish Treasurer shall make a full statement to the Grand Jury, when called on, of the condition of the school fund in his hands; the amounts received; the amount paid to each district; the balance on hand, and the districts to which such balances belong, together with all other necessary information.

SEC. 14. In the month of June in each year, or at the first meeting of the Police Jury thereafter, the Parish Treasurer of each parish shall submit to them his books and vouchers, together with a certificate from the State Superintendent, showing all sums of money paid by him, or by the Tax Collector to the Treasurer during his whole term of office.

1853—221—32

Police Jury to make one annual examination of the books and vouchers of the Treasurer.

Should the certificate correspond with the entries in his books, and his accounts and vouchers be found correct, they shall authorize his bond to be cancelled for all sums received and disbursed.

Bond of Treasurer, how cancelled.

SEC. 15. The compensation of the Treasurer for receiving and disbursing the school funds shall be fixed by the Police Jury, not to exceed two hundred dollars; and shall be paid quarterly out of the school money received by the parish.

1853—221—33

Compensation of Parish Treasurer.

SEC. 16. The money belonging to districts in which there is no school, shall remain to their credit for two years.

1854—52—4

Money belonging to a district in which no school is kept how disposed of.

At the expiration of which time, should no school be established, or should the children fail to attend school in any other district in the parish, the Parish Treasurer shall divide this fund among the different districts of his parish in accordance with the number of children between the ages of six and sixteen years. Whenever the children attend any school in the parish beyond the limits of their district, their tuition shall be paid for out of the funds belonging to their district, upon the warrant of the Directors of the district in which the school is kept, at the same rate as if the school were kept in their own district, and the same shall be charged to the district to which they properly belong.

Children attending school in a neighboring district to be paid for out of the funds of their district.

It shall be the duty of the Directors of the district in which the children attend school, in drawing their warrants in payment of the teachers for their district, to certify to the Parish Treasurer the names of the children, and the districts in which they reside, or from whence they have removed.

If the children in any district attend a private school, no public school being taught therein, the teacher of the private school shall be entitled to the same compensation for each child taught as if he had charge of a public shool, and shall be paid in the same manner

The funds arising from the rent, interest, or money realized from the sale of the school lands belonging to each township shall be equally divided among the children of the township, and shall be used exclusively in maintaining public schools therein.

Funds arising from the rent or sale of school lands to be equally divided among the children of the township.

SEC. 17. The Police Jury of each parish shall prescribe the mode by which the qualifications of teachers in the district schools shall be ascertained, (the parish of Orleans, cities of Jefferson, Carrollton and Thibodaux excepted,) and they shall have the additional

1854—54—5

Police Juries to prescribe the mode of examination of teachers.

Treasurer to withhold compensation from teachers when so directed by the Police Jury.

right of ordering the Parish Treasurer to withhold all compensation for services rendered by teachers of district schools, for the infraction of, or neglect to obey the ordinance which they may enact on the subject, after notice of thirty days in a newspaper printed in the parish, or by posting the ordinance in three public places of the parish, and at the court house of the parish.

1853—220—29

Duties of teachers.

SEC. 18. It shall be the duty of every teacher hereafter employed to teach a public school, to enter in a book to be provided by the District Clerk, the names of all the children attending school, their ages, the date when they commenced, the length of time they continued; and to keep a table showing the daily attendance, and branches taught, which book shall at all times be open to the inspection of all persons interested, and shall be delivered over by the teacher to the District Clerk, at the expiration of his term, to be retained by the Clerk as the property of the district.

1853—218—19

Three Directors for each district to be elected.

SEC. 19. There shall be held, on the first Monday of October of every year, at the school house, or at such other place in the district as the Directors may designate, an election for three School Directors for the ensuing year.

Notice of the time and place of holding the election shall be posted up, in at least three different places in the district, ten days before the election.

The election shall be held by one or more of the Directors, or by some one designated by them. The Directors elected shall hold their respective offices until the next annual election, or until their successors are chosen and qualified. The polls shall be kept open from ten to four o'clock.

1853—218—20

Return of elections how made.

SEC. 20. It shall be the duty of the Clerk of the District holding the election, to forward the names of those elected to the Parish Treasurer immediately after the result of the election is known.

1853—218—21

Oath to be taken by the Directors.

SEC. 21. The Directors shall, within ten days after their election, meet and take the oath of office prescribed in the Constitution, which oath may be administered by either of the Directors.

To elect a clerk for each Board of Directors.

They shall elect from their own number a Clerk, whose duty it shall be to keep, in a book of record of the district, a full and accurate account of all the proceedings of the Directors, and district meetings, which shall be signed by the Chairman and countersigned by the Clerk, as evidence of its correctness.

Powers of Directors.

The Board of Directors, and their successors, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in any court in this State; be capable of receiving any gift, donation or devise made to or for the use of such district, and may receive a deed of conveyance, or lease for land whereon to erect a school-house; which deed or lease shall be made to the Directors and their successors in office.

1858—219—22
Two Directors to constitute a quorum.

SEC. 22. Two Directors shall form a quorum for business. They shall provide a school-house, by purchase or otherwise; repair and keep it in order; procure the necessary furniture, supply fuel for the school, and determine how much money, or its equivalent in labor, materials or property, shall be raised for these purposes.

If any money be necessary, the amount to be raised shall be assessed on the ad valorem value of property subject to taxation in the district, and collected by such person as may be designated by the Directors, and in the same manner as State taxes.

To establish schools and rules and regulations.

They shall establish a sufficient number of schools, and employ one or more teachers, either male or female, and shall pay them out of the funds belonging to the district. But no tax shall be assessed for the building of a school-house in any school district, without the consent of a majority of the qualified voters thereof, being first obtained by a vote to be taken after a notice of thirty days, posted up in three public places in the district.

They shall establish such rules and regulations as may be deemed proper for the government of the schools, and determine the different periods of the year when schools shall be taught.

They shall faithfully appropriate and expend in the support of such school, all moneys belonging to their respective districts for that purpose; the Directors shall determine how and when the funds shall be expended, and may apportion the same to such parts of the year as the convenience of the district may require.

They shall manage the same and superintend the concerns of the schools within their districts, and perform all such other lawful acts as may from time to time be required of them by any district meeting, or that may be necessary to carry into full effect the provisions of law.

The schools to be free for all children of the proper age.

But, in all cases during the periods when the public money is applied to the support of schools, they shall be free for all white children of the proper age in the district.

The Directors shall be authorized to direct the schooling of any free white person under the age of wenty-one years, residing within their respective districts; but such latitude shall not be construed so as to entitle any district to a greater amount of money than they would otherwise be entitled to.

1858—219—23
Annual report to be made by the School Directors.

SEC. 23. The Directors, at the annual district meeting, before the election for the ensuing year, shall make a report, in writing, of their official proceedings for the preceding year, showing the amount of school funds apportioned to the district, and how it has been expended; how many schools have been taught, for what time, and the amount of salaries paid to teachers; the number of pupils in each school; the number of youth of the proper age who do not attend

school; the branches taught, the amount of money raised by district tax for purchasing, building or repairing school-houses, or any other purpose, with an account of all disbursements.

They shall also report such other information to the meeting as shall be thought useful.

1853—220—26

Location of school house may be changed.

SEC. 24. Whenever, by reason of a division of the districts, or for any other cause, any school-house or lot shall be so situated as not to accommodate the district, the Directors may cause the same to be sold to the highest bidder, after giving notice of the time and place of sale at least thirty days, which notice shall be posted up in at least three public places in the district; and the Directors shall cause the proceeds of such sale to be apportioned among the districts composing the original district, in proportion to the number of youth entitled to schooling in each.

But no such sale shall take place until a site for another school-house within the district shall have been secured.

1853—220—27

Vacancies in Board of Directors, how filled.

SEC. 25. The President of the Police Jury shall fill all vacancies that occur during the year in any Board of Directors, in any school district within his parish; and on a failure to hold the annual election in any district, or if a Board be elected and refuse to serve, or if a new district is formed, he shall appoint three persons of the district, school Directors, who shall hold their offices until their successors are elected and qualified, and who shall perform the same duties, and possess the same powers as they would have done if regularly elected by the voters of the district.

1853—220—28

Police Juries to divide parishes into school districts.

SEC. 26. The Police Jury of each parish shall lay off their respective parishes into school districts, in the manner most convenient for the population thereof, and the districts shall be bounded and numbered in such manner as to be easily distinguished. The districts shall not be changed oftener than once in two years.

1853—221—30

Judges to charge Grand Juries to enquire into the application of the school fund.

SEC. 27. It shall be the duty of the Judges of the District Courts to charge the Grand Juries to inquire into the application of the public school fund within their respective parishes; and it shall be the duty of the Clerks of the District Courts to transmit to the State Superintendent a copy of any bill which may be found by the Grand Jury pursuant to the charge, and of any judgment thereon.

1853—2 6—10

State Superintendent to make an annual report to the General Assembly.

SEC. 28. The State Superintendent shall prepare and submit a report annually to the General Assembly, within the first week of its session, containing a statement of the condition of the Free Public Schools of the State, estimates and accounts of expenditures of the school money, plans for the improvement of the free school funds, the number of children, the number of schools, the time schools are taught in each parish, the number of scholars in attendance, the amount paid for tuition, and the sources whence the different items of

school funds are derived; and to give information of the number of school-houses, and the amount expended from year to year in erecting school-houses, and all other matters in reference to the operation of the public school system, which he may deem important. He shall, through the different District Attorneys, inquire annually into the condition of the school sections, and institute such proceedings as may be necessary for their recovery when held illegally by individuals, or for the collection of claims originating in the sale of school lands, which may be in arrears; and it shall be the duty of the District Attorney to prosecute the suits; the money, when collected, shall be paid into the State Treasury, and the interest thereof shall be placed to the credit of the district to which it belongs.

Duty of the District Attorneys.

SEC. 29. The salary of the State Superintendent, shall be two thousand five hundred dollars per annum, to be paid monthly on his own warrant.

Salary of State Superintendent.

SEC. 30. All laws relating to public schools of the city of New Orleans, and in the parish of Jefferson, are hereby continued in force; and the present Act is in no wise to apply thereto, except when referred to by name, and except, also, so far as to entitle the same to a distributive share of the money appropriated to the support of public schools, to be estimated for the number of children between six and sixteen years of age. But, the State Superintendent shall at all times be authorized to call upon the Parish Treasurer, or other officers having the management of the schools in New Orleans, the cities of Jefferson, Carrollton and Thibodaux, for statistical and other facts required for the reports which he is to make by law. The amount of the distributive proportion of the general education funds to which the parish of Jefferson shall be entitled, shall be distributed among the incorporated towns in the parish, and the Police Jury portion thereof, according to the number of children entitled to public education in the respective districts; and in the parish of Orleans, among the four districts of New Orleans, and the right bank of the river, according to the number of children entitled to public education in the districts, and on the right bank of the river respectively.

1853—221—34

Public schools in New Orleans and Jefferson.

SEC. 31. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, except the sixteenth section in the various townships of the State, specially reserved by Congress for the use and benefit of the people therein; and of all lands which may hereafter be granted or bequeathed to the State, and not especially granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the ten per cent. of the net proceeds of the sales of the public lands, which have accrued and are to accrue to this State, under the act of Congress, entitled "An Act to appropriate the proceeds of the public lands, and to grant pre-emption rights," approved September fourth, 1841; and the

1853—218—8.

1847—188—1.

proceeds of the estates of deceased persons, to which the State has or may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, to be called the "Free School Fund," on which the State shall pay an annual interest of six per cent.; which interest, together with the interest of the trust fund deposited with this State by the United States, under the act of Congress, approved the twenty-third of June, eighteen hundred and thirty-six, with the rents of all the unsold lands, except that of the sixteenth section, shall be appropriated for the support of Public Schools in this State; and donations of all kinds which shall be made for the support of schools, and such other means as the Legislature may from time to time set apart for school purposes, shall form a part of the fund, and shall also be a loan, on which the State shall pay an interest of six per cent. per annum.

A school fund established.

1847—189—2.

It shall be the duty of the Treasurer of the State to apply annually, and to receive from the General Government the said ten per cent. of moneys now due, and to become due, to this State; and to place the same when received, to the credit of the proper fund, and to report thereon, to each session of the General Assembly.

1854—51—1.

Parish Treasurer to take the sense of the inhabitants of the township whether the lands donated to them by Congress shall be sold.

SEC. 32. It shall be the duty of the Parish Treasurers of the several parishes in this State to have taken the cense of the inhabitants of the township to which may belong any lands heretofore reserved and appropriated by Congress for the use of schools, whether or not the same shall be sold, and the proceeds invested as authorized by an Act of Congress, approved February the fifteenth, eighteen hundred and forty-three, entitled "An Act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana and Tennessee to sell the lands heretofore appropriated for the use of schools in those States."

Polls shall be opened and held in each township, after advertisement for thirty days at three of the most public places in the township and at the court-house door, and the sense of the legal voters therein shall be taken within the usual hours, and in the usual manner of holding elections, which elections shall be held, and votes received by a District Director of public schools or a Justice of the Peace; and if a majority of the legal voters be in favor of selling the school lands therein, the same may be sold, but not otherwise. The result of all such elections shall be transmitted to the Parish Treasurer, and by him to the State Superintendent No sale of school lands shall be made unless at least five legal voters reside in the township.

1854—53—1.

The lands to be surveyed before offered for sale.

SEC. 33. Before making sale of the school lands belonging to the State, it shall be the duty of the Parish Treasurer, or other person whose duty it may become to superintend the sales, to cause a resurvey of such lines as from any cause, may have become obliterated or uncertain; and for this purpose he is authorized to employ the Parish

Surveyor, or on his default, any competent surveyor; and the lines thus surveyed shall be marked in such manner as to enable those interested to make a thorough examination before sale, and all advertisements made for the sale of such lands shall contain a full description thereof, according to the original survey, and that required by this section.

The expenses of making the survey shall be paid by the Auditor of Public Accounts out of the proceeds of the sale of the lands, on the warrant of the Parish Treasurer. 1854—54—2.

SEC. 34. If a majority of the votes taken in a township shall give their assent to the sale of the lands aforesaid, then they shall be sold by the Parish Treasurer at public auction, before the court-house door, or by the Sheriff, or an auctioneer, to be employed by the Treasurer at his expense, to the highest bidder, but in no case at a less sum than one dollar and twenty-five cents per acre, after advertising for thirty days, payable one-third cash, and the balance at one and two years credit from the day of sale; the notes given therefor to bear interest from date until final payment at the rate of six per cent. per annum; and all notes shall be made payable to the State Treasurer, on the warrant of the Auditor of Public Accounts, and shall be domiciliated for payment at the office of the Auditor, and the payment secured by a special mortgage upon the lands sold, until final payment of principal and interest. 1853—214—5. 1854—54—1.

Manner of selling the lands, should the inhabitants consent thereto.

Should the purchaser refuse, or neglect to make the cash payment immediately upon the adjudication, the same shall be forthwith re-sold, on the terms aforesaid, but in no case for a less sum than one dollar and twenty-five cents per acre, at the cost and risk of the first purchaser, who shall be responsible for any deficiency in the price by reason of a second sale, without being entitled to any surplus that may be received over the price bid by him.

The Parish Treasurer is authorized and required to execute any and all acts of sale on behalf of the State for any such lands sold; to receive the cash payments and notes given for the purchase, and to transmit the same to the Treasurer of the State; and any money received into the State Treasury from sales aforesaid, shall bear interest at the rate of six per cent. per annum, and be credited to the township to which the same belong, according to the provisions of the Act of Congress.

The result of all sales made by the Parish Treasurers shall be forthwith notified by them to the State Superintendent; the Parish Treasurers shall be authorized to receive the whole amount bid for any lands, deducting the six per cent. interest which the credits would bear.

1853—214—6.

Manner of disposing of the lands should their sale not be assented to.

SEC. 35. Should a majority of the legal votes be against the sale of the lands, then it shall be the duty of the District Directors, where the same may be situated, to secure them from injury and waste, and prevent illegal possession or aggression of any kind; and in conjunction with the Parish Treasurer, to lease the same, or any part thereof, for a term not exceeding four years, according to the provisions of the second section of the Act of Congress aforesaid, and to inform the State Superintendent thereof.

Such lease shall only be made after due notice shall have been given by advertisement, for at least thirty days, at two or more public places in the township, of the time and place when the land will be offered for lease to the highest bidder.

In all cases the most ample security shall be required, not only for the punctual payment of the rent, but for the protection of the land from all and every kind of waste and injury.

1853—215—7.

Moneys arising from the sale of the sixteenth section of school lands, how disposed of.

SEC. 36. All moneys that have been or may be hereafter received into the State Treasury, and the interest that has or may accrue thereon from the sale of any sixteenth section of school lands, or school land warrants belonging to the various townships in the State, shall be placed to the credit of the township; and should the people of any township desire to receive for the use of the schools therein, the annual interest payable by the State on funds deposited to their credit, or the annual proceeds of the loans, the Parish Treasurer shall, on the petition of five of the legal voters in any such township, order an election to be held in the township, as provided for the sale of township lands; and if a majority of any number of votes above seven be in favor of receiving annually the accruing interest as aforesaid, the same shall be paid to the Treasurer of the Parish for the use of the townships; otherwise the interest shall be an accumulative fund to their credit, until so called for.

FREE SCHOOL ACCUMULATING FUND.

1854—157—1.

A Free School accumulating fund created.

SEC. 37. A permanent fund in the Treasury of the State is hereby created, which shall be called "The Free School accumulating Fund."

1854—157—2.

Amounts to be transferred to said fund.

SEC. 38. It shall be the duty of the Auditor and Treasurer from time to time, as the condition of the general funds of the Treasury will admit of it, to transfer to the "Free School Accumulating Fund" the amount which now appears, by the report of the Auditor of Public accounts, to be due by the general funds, and which were received in trust for Free School purposes; and also such amounts as may hereafter be annually received for the same purpose, in excess of the appropriation annually required for the support of the schools.

1854—157—3.

To be invested by the Auditor and Treasurer.

SEC. 39. The amount so transferred shall be kept invested by the Auditor and Treasurer, with the sanction of the Governor of the State, in stocks, bonds of the State or bonds of the Consolidated City of New

Orleans, bearing interest at not less than six per cent. per annum; the investment so made shall be held sacred to the purpose of accumulating a fund sufficient to produce by the dividends derived from it an amount equal to the amount required annually for the support of the Free Public Schools; and the funds shall never be used for any other purpose than that for which it is created.

SEMINARY OF LEARNING.

1853—47—4.

The Seminary at Alexandria to be under the direction of seven Trustees.

SEC. 40. The Seminary of Learning established near Alexandria shall be under the direction of seven Trustees to be appointed by the Governor, by and with the advice and consent of the Senate, for four years. They shall in all cases continue to exercise the duties of their office until their successors shall be qualified, and shall be removable by the Governor, with the consent of the Senate.

Date of appointment.

SEC. 41. The Trustees first to be appointed shall be considered as having received their appointment on the first Wednesday of January, one thousand eight hundred and fifty-three.

1853—48—5.

Term of service of Trustees when to expire.

SEC. 42. At their first meeting, the Board of Trustees shall be divided by lot into three classes; the term of service of the first class shall terminate at the end of the first year; that of the second class, at the end of the second year; and that of the third, at the end of the fourth year.

1853—48—6.

Duties of Trustees.

SEC. 43. The Trustees, or so many of them as constitute a majority, shall appoint a President of their own body to preside at their meetings, and a Secretary to record, attest and preserve their proceedings.

They shall proceed to examine the state of the property belonging to the Seminary, and shall make an inventory of the same, specifying the items whereof it consists; they shall inspect the buildings and other improvements already made and those which are in progress; shall take measures for their completion, and for the addition of such others, as from time to time may be necessary.

1853—48—7.

Further duties and powers of Trustees.

SEC. 44. The Trustees shall be charged with the erection, preservation and repair of buildings, the care of the grounds and appurtenances and of the interest of the Seminary generally.

They shall have power to appoint a Treasurer, and all other necessary agents; to appoint and remove professors, two-thirds of the whole number voting for the removal; to prescribe their duties and the course of education to be pursued; to establish rules for the government and discipline of the students, not contrary to the laws of the land; to regulate the salaries of professors, tuition fees, and rent of dormitories; to prescribe and control the duties and proceedings of all officers, servants and others, with respect to the buildings, lands, appurtenances and other property; to draw from the fund referred to by article one hundred and thirty-eight of the constitution, such interest as has or may hereafter accrue; and in general, to direct and do

all matters and things which, not being inconsistent with the laws of the land, to them shall seem most expedient for promoting the objects of the institution; which several functions they shall be free to exercise in the form of by-laws, rules, resolutions, orders, instructions or otherwise, as they shall deem necessary.

1853—48—8.

Meetings of Trustees.

Vacancies how filled.

SEC. 45. They shall have two stated meetings in every year, on the first Mondays of April and October, and at such other times as they shall appoint, which meetings shall be at the Seminary, a majority of them constituting a quorum for business. On the death, resignation, removal or refusal of any member to serve, the Governor shall, with the consent of the Senate appoint a successor.

1853—48—9.

Board of Trustees created a body corporate.

SEC. 46. They shall be a body corporate under the style and title of "The Board of Trustees of the Seminary of Learning of the State of Louisiana," with the right, as such, to use a common seal; to plead and be impleaded, to sue and be sued, in all courts of justice, and they shall be capable of receiving in trust, for the Seminary, subscriptions and donations, real and personal, as well from bodies corporate or persons associated, as from private individuals.

1853—49—10.

Board of Trustees to be subject to the control of the General Assembly.

SEC. 47. The Board of Trustees shall at all times conform to such laws as the Legislature may from time to time enact for their government; and the Seminary shall, in all things and at all times, be subject to the control of the Legislature.

They shall make an annual report to the Legislature, embracing a full account of the disbursements, and a general statement of the condition of the Seminary.

1853—49—11.

Board of Trustees may confer degrees

SEC. 48. The Board of Trustees shall, on the recommendation of the professors, have the right of conferring, on all students who excel in any branch of science there taught, such honorary marks and testimonies of approbation as may excite their industry and emulation; which shall be by a diploma, under their common seal, signed by the President and faculty of the Seminary.

1853—49—12.

Indigent students to be received.

SEC. 49. The Board of Trustees shall, after the year one thousand eight hundred and fifty-five, receive from each Congressional District, four indigent students, to be nominated by the Governor, free from charge for tuition, board and rents.

Not more than sixteen shall, at any one time, be domiciliated in the walls of the institution. Each pupil so received shall be entitled to four years' tuition.

No indigent student shall be admitted before he has arrived at his thirteenth year.

1853—49—13.

Vacancies occurring in the number of indigent students to be filled.

SEC. 50. When by death, resignation or otherwise, the number of indigent students in the institution shall be reduced to less than sixteen, it shall be the duty of the Board of Trustees to inform the Governor, who shall forthwith proceed to fill the vacancies.

SEC. 51. The Governor shall not have the power of appointing two students successively from the same parish; but the appointments shall be so made that each parish in each Congressional District shall be entitled, in rotation, to a student in the Seminary.

1853—49—14.

Appointment of indigent students, how made.

SEC. 52. The Board of Trustees shall not permit the Seminary to be subject to the control of any religious denomination.

1853—49—15.

Not to be controlled by any religious denomination.

CENTENARY COLLEGE AT JACKSON.

SEC. 53. It shall be the duty of the faculty of Centenary College to have at all times in the institution, and to educate gratuitously, ten indigent young men, to be designated by the Governor of the State.

1848—116—3.

Ten indigent young men to be educated by the faculty.

SEC. 54. The College shall be subject to visitation by a committee of the Legislature; and whenever the Trustees shall fail to perform any duty required of them by law, or whenever they shall establish a chair of theology, or make sectarian dogmas any part of their course of study; then, and in either of the above cases, the bond heretofore given by them to the State, shall be due, and the Treasurer shall proceed to collect it with legal interest from the time of such forfeiture.

1848-116—4

To be subject to visitation by a committee of the Legislature.

UNIVERSITY OF LOUISIANA.

SEC. 55. The University established in the city of New Orleans, and known by the name and style of the University of Louisiana, shall be under the control, management and supervision of thirteen persons, to be called the Administrators of the University of Louisiana; of which body, the Governor of the State for the time being, the Chief Justice of the Supreme Court, and the Mayor of the city of New Orleans shall be ex-officio members, and the remaining members of the Board shall be appointed and commissioned every four years by the Governor, by and with the consent of the Senate.

1847—89—1

To be under the control of the Administrators of the University.

They shall receive no compensation for their services. At the first meeting of the Administrators after their appointment, those appointed shall divide themselves by lot into two classes (as equally as can be) and the seats of the first class shall be vacated at the end of two years; and those of the second class at the expiration of four years; to date from the first of April, 1846.

SEC. 56. The Administrators and their successors shall be, and forever remain, a body politic and corporate, by the style of the Administrators of the University of Louisiana, and by that name shall have perpetual succession; and shall be able in law, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and shall also be able in law to take by purchase, gift, grant, devise and donation, inter vivos or mortis causa, made by individuals or corpo-

1847—89—2

The board of Administrators to be a body corporate, &c.

rations, within this State or elsewhere, and to hold any real or personal estate whatever.

Power of the Board.

They, and their successors, shall have power to grant, bargain, sell, lease, demise or otherwise dispose of (except by mortgage,) all or any part of the real or personal estate, as to them shall seem best for the interests of the University, excepting the buildings of the University, the library, apparatus and scientific collections; which shall only be conveyed after the consent of the Legislature is first obtained.

No mortgage shall ever be given on any of the property of the University, unless specially authorized by law for some specific purpose.

1847—39—3

To be composed of four faculties, to-wit: law; medicine; natural sciences, and letters.

SEC. 57. The University shall be composed of the following departments or faculties, to wit:

Law, medicine, the natural sciences, letters, and college proper, or academical department; all of which, as the resources of the University increase, shall be completed by the Administrators, excepting the Medical Department, which shall be composed of, and formed by Medical College of Louisiana, as at present organized and established by law; which said department, as hereafter provided for, shall be engrafted on the University, and be conducted as hereafter directed.

1847—40—4

Organization and course of study.

SEC. 58. The Administrators shall have power to direct and prescribe the course of study and the discipline to be observed in the University; to appoint by ballot or otherwise, the president of the University, who shall hold his office at the pleasure of the Board, and perform the duties of a Professor; to appoint Professors, Tutors, and Ushers, to assist in the government and instruction of the students, and such other officers as they may deem necessary, they being removable at the pleasure of the Board. They shall fix the salaries of the President, Professors and Tutors in the academical department, and fill vacancies in the professorships.

Vacancies in the law or medical department shall be filled from persons first recommended to the Administrators by the faculty of the department in which a vacancy may happen.

No Professor, Tutor, or other assistant officer shall be Administrator of the University.

1847—40—5

Five members of the Board to form a quorum.

SEC. 59. Five of the Administrators lawfully convened shall be a quorum for the transaction of business, except for the disposal of real estate, and for the choice or removal of a President, Professor or Tutor; for either of which purposes there shall be a meeting of at least nine Administrators.

1847—40—6

Chairman of the Board to be elected.

SEC. 60. They shall elect one of their number as Chairman of the Board of Administrators, once in every two years, or oftener if they deem necessary, who shall preside over their deliberations.

SEC. 61. They shall have power to fill all vacancies in their own Board, until the meeting of the next Legislature; and also a majority of the whole Board concurring, to declare vacant the seat of any Administrator who shall absent himself from five successive meetings of the Board.

1847—40—7

The Board authorized to fill vacancies and to vacate the seats of members.

They shall meet on their own adjournment, and as often as they shall be summoned by the Chairman, or, in his absence, by the senior Administrator, whose seniority shall be accounted according to the order to be made out by the Administrators at the first meeting after their nomination.

Notice of the time and place of meeting, shall be advertised in one or more newspapers published in the city of New Orleans and Baton Rouge; and those residing in New Orleans shall be notified, in writing, of the time and place of every meeting.

SEC. 62. They shall have power to make all ordinances and by-laws which to them shall seem expedient for carrying into effect the design contemplated by the establishment of this University, not inconsistent with the Constitution and Laws of the United States, of this State, nor with the provisions of their charter.

1847—41—8

Board authorized to make by-laws.

They shall not make the religious tenet of any person a condition of admission to any privilege or office in the University; nor shall any course of religious instruction be taught or allowed, of a sectarian character and tendency.

SEC. 63. They shall have the right of conferring, under their common seal, on any person whom they may think worthy thereof, all literary honors and degrees known and usually granted by any university or college in the United States or elsewhere.

1847—41—9

To confer degrees.

The degree of Bachelor at Law and Doctor of Medicine, granted by them, shall authorize the person on whom it is conferred to practice law, physic and surgery in this State.

SEC. 64. All diplomas granted by them, shall be signed by the President of the University, the Chairman of the Board and the professors of the department in which the student may have graduated, and by such other officers of the University as may be provided for by the laws of the University.

1847—41—10

The diplomas, how signed.

In the medical department there shall never be less than seven professors, which number shall be increased only at the suggestion and recommendation of the faculty of that department.

1847—41—11

Number of Professors in the medical department.

SEC. 66. They may, if deemed necessary, establish a preparatory or grammar school, to be attached to the University, and procure suitable buildings for the same, appoint Tutors and ordain by-laws for the discipline and government of the primary department; and may also attach to the University such other institutions, literary or scientific societies, schools and professorships, as to them may seem advisable; all of which, so far as relates to instruction, shall be under the control of the Board.

1847—41—12

Board authorized to establish a preparatory department.

1847—42—13
Sessions of the University.

SEC. 67. There shall be but one session in each year, to be of eight months duration, commencing on the first day of November and ending on the thirtieth day of June.

Students regularly matriculated in the college proper, and candidates for degrees, shall be required to devote at least one session to each of the classes, Freshmen, Sophamore, Junior and Senior, before graduating, unless their proficiency may, after satisfactory examination before the Administrators, entitle them to enter a higher class.

Every candidate for the degree of Bachelor of Arts, shall be required to devote a full session to the senior course.

1847—42—14
Students may pursue any particular branch of learning.

SEC. 68. Any student not desiring to pursue all the studies taught in the academical department, shall be entitled to an examination on any branch of learning pursued in the regular course, and if found proficient, shall receive a certificate under the seal of the University.

1847—42—15
Annual public examination.

SEC. 69. There shall be an annual examination of the students in the academical department of the University, and a commencement day for conferring publicly, degrees on the graduates of that department, and of the law and medical departments.

1847—42—16
Treasurer and Secretary to be appointed.

SEC. 70. The Board of Administrators shall appoint a Treasurer and Secretary, to continue in office for four years.

The Treasurer shall keep a true and fair account of all moneys by him received and paid out.

The Secretary shall attend the Board of Administrators, and shall keep a fair journal of the meetings and proceedings of the Board, in which the yeas and nays, on all questions shall be entered, if required by any one of the Administrators present. Every Administrator shall always have access to all books and papers of the corporation, and be permitted to have copies of them.

1847—42—17
Powers reserved to the General Assembly.

SEC. 71. The Legislature shall have the power to visit and inspect the University by a committee of their own body to be appointed for that purpose; to control by law the corporation, and to repeal their charter; and may require a full report of the situation of the affairs of the University at any time.

1847—42—18
Administrators not to hold any office in any other school.

SEC. 72. No person who shall accept the office of Administrator of the University shall act as Trustee, President, Principal, or Tutor, or hold any other office in any other school, academy or college in the State.

1847—43—19
Property of the Medical College to be transferred to the University, &c.

SEC. 73. All of the real and personal estate whatsoever, belonging to the Medical College of Louisiana is hereby transferred to and vested in the University of Louisiana; provided the Administrators of the University, appropriate the sum which the real and personal estate of the Medical College cost, to the purchase of philosophical and chemical apparatus for the use of the College, and the Medical College, as it now is organized, is herein and hereby incorporated with and made a part of the University of Louisiana, and shall con-

stitute the only medical department of the University; the Professors now filling the chairs in that school, shall constitute the medical faculty of the department of medicine of the University, and fill the same chairs in the University now filled by them in the Medical School of Louisiana, and hereafter be under the government of the Board of Administrators of the University.

The requisites for admission, the examination of the candidates for their degrees in the medical and law departments, the management of pecuniary concerns, the salaries of the Professors, the price of tuition and terms of admission, shall be under the exclusive control of the faculty of the departments respectively.

1847—43—20

Organization of the law department.

SEC. 74. The department of law shall consist of three or more Professors, who shall be required to give a full course of lectures on international, constitutional, maritime, commercial and municipal or civil law, and instruction in the practice thereof.

1847—43—21

Indigent young men to be admitted free.

SEC. 75. The faculties of the University may admit, free of charge such number of indigent young men of the State, of good abilities and correct moral deportment, as they may deem expedient.

1853—173—1

One medical student from each parish to be instructed gratuitously.

For ten years, from May first, 1853, the faculty of the medical department shall instruct, gratuitously, one meritorious student in indigent circumstances from each and every parish in the State, the student to be selected by the Police Jury.

1847—43—22

Medical department to have access to the Charity Hospital.

SEC. 76. The medical department of the University shall at all times have free access to the Charity Hospital of New Orleans, for the purpose of affording their students practical illustrations of the subject they teach.

1847—43—23

Applicants to be admitted to any class if found qualified on examination.

SEC. 77. Any scholar who shall have prepared himself at any other school or academy in this State, and is desirous of entering the academical department of the University, shall be permitted so to do, if, on due examination by the academical faculty, he shall be found competent; and may enter, according to his progress in sciences, such class as his knowledge and examination may justify.

1847—43—24

Exemption from jury and militia duty.

SEC. 78. The students attending the University, the President Professors, Tutors and under officers of the same, shall be exempt from militia duty, and from serving on juries.

INSTITUTIONS OF LEARNING GENERALLY.

1848—E. S.—55—1

Donations to institutions of learning may be invested by depositing it in the State Treasury.

SEC. 79. The President and Trustees of any institution of learning, established in the State of Louisiana, which is, or may be hereafter incorporated as a body politic, in conformity with the Constitution and Laws of this State, who may wish so to do, can deposit in the Treasury of the State of Louisiana, all sums of money intended solely for the use and purposes of such institutions of learning; and all sums so deposited shall be invested in the bonds or obligations of the State of Louisiana or of the United States; and the interest accruing

thereon, as realized, shall be paid over to such corporation or again invested as they may desire.

1848—E. S.—55—2

Interest to be paid on such investments.

SEC. 80. Should any endowment be made, either by donation inter vivos or mortis causa, to establish a professorship in any institution of learning in the State, duly incorporated; on the principal being deposited in the State Treasury, the same shall be invested, and the interest as realized shall be paid over as stipulated in the preceding section; and it shall be the duty of the Auditor of Public Accounts and the State Treasurer to make the investments to the greatest advantage and interest of said institution.

PUBLIC SCHOOLS IN THE CITY OF NEW ORLEANS.

1841—21—1

Public schools in New Orleans.

SEC. 81. The Common Council of the city of New Orleans, are authorized and required to establish one or more public schools in each district, for the gratuitous education of the children residing therein; to enact ordinances for the organization, government and discipline of the same, and to levy taxes for their support, as to them may seem proper.

1841—21—3

Report to be made to the Superintendent of Public Education.

SEC. 82. The Council shall make a report annually to the Superintendent of Public Education, of the disposition of the school fund, and communicate all other information respecting public education, which they may possess, and may be called for by him.

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One-half of the penalties recovered of persons acting as Auctioneers without authority, to be paid to the Free School Fund. See AUCTIONEERS, *Sec.* 6.

MOCK AUCTIONS, &c. Penalties recovered to go to the Free School Fund. *Secs.* 7 and 8.

School Districts in the city of New Orleans. See NEW ORLEANS, *Secs.* 38 and 45.

ELECTIONS.

EXCEPTING THE PARISHES OF ORLEANS AND JEFFERSON.

1846—72—1

General elections to be held on the first Monday of November.

SECTION 1. The next general election for Representatives in the General Assembly, shall be held on the first Monday of November, one thousand eight hundred and fifty-five, and all subsequent elections for Representatives shall be held on the first Monday of November, every two years thereafter; and all elections to supply the places of Senators in the General Assembly, whose terms of service shall have expired, shall be held at the same time, as herein provided for the election of Representatives.

1846—73—2

Governor and Lt. Governor to be elected at the same time.

SEC. 2. In the years in which a Governor and Lieutenant Governor are to be elected, the election for such officers shall be held at the time and places herein provided for the election of Senators and Representatives.

1846—73—3

Sheriffs, Coroners, &c., to be elected at the same time

SEC. 3. The next election for Sheriffs and Coroners of the several parishes of this State, and all subsequent elections for such officers, shall be held at the same times herein before provided for the election of members of the General Assembly.

1846—73—4

Constitution, Arts. 79 and 149.

Clerks of Courts.

Justices of the Peace.

SEC. 4. The elections for Clerks of the District Courts of the several parishes of this State, shall be held on the first Monday of November, one thousand eight hundred and fifty-five, and every fourth year thereafter. The election of Justices of the Peace and Constables shall be held at the time of the general elections.

1846—73—5

Elections where held.

SEC. 5. All future elections within this State shall be held in each parish, at the several election precincts, now or hereafter to be established by law, until otherwise directed by the Police Juries, or by such other parochial authority as may by law be invested with the powers now belonging to the Police Jury.

1846—94—1

Election precincts how established.

SEC. 6. Police Juries shall have power to establish as many election precincts as they may deem necessary; provided, that the number shall never be less than at present.

A precinct, once established, shall not be abolished, nor its location changed, except by a vote of two-thirds of all the members elected to the Police Jury.

There shall be at least one precinct in each police jury ward.

1853—74—1

Elections to last only one day, from 9 to 4 o'clock.

SEC. 7. All elections shall be completed in one day, and the polls shall be kept open at each precinct from the hour of nine in the forenoon till four in the afternoon.

1846—73—8

Commissioners to be appointed.

SEC. 8. The elections at each precinct shall be presided over by three commissioners, any two of whom shall form a quorum; the commissioners shall be annually appointed by the Police Jury, but if

the commissioners should not be so appointed on or before the first Monday in October next preceding the election, it shall then be the duty of the Clerk of the Court to appoint them on or before the second Monday of October before the election; and if the Clerk should fail to make the appointment until after that period, it shall be the duty of the Sheriff to make the appointment as soon as practicable thereafter, and notify the commissioners of their appointment at the expense of the parish, whether the appointment be made by the Clerk or Sheriff; and such commissioners shall, before entering upon the discharge of their duties, take the oath prescribed by the ninetieth article of the Constitution.

Oath by whom administered.

The oath to be administered by the Sheriff or his deputy, or by any Justice of the Peace, or if neither the Sheriff nor his deputy, nor any Justice of the Peace be present, the commissioners may administer the oath to each other.

1846—73—9

In case none have been appointed, or of non-attendance, others to be appointed.

SEC. 9. In case no commissioners shall have been appointed, and notified of their appointment, prior to the hour of nine o'clock, A. M., on the day of the election, or if none of those who have been appointed and notified be present within two hours after the time for opening the polls, the voters present shall hold a meeting and elect by ballot three commissioners to preside at the election. Should only one of the commissioners appointed be present, he shall appoint another, and both together shall appoint a third; and the commissioners so appointed shall take the oath and perform all the duties of commissioners of election, in the same manner as if they had been appointed by the Police Jury. No election shall be vitiated by a failure to open the polls at the time fixed by law, unless it shall be proved that a sufficient number of electors were deprived of their votes to have changed the result of the election.

1846—74—10

Their duties and powers.

SEC. 10. The Commissioners of Election shall preserve order and decorum at the election, and shall have power to commit to prison all disorderly persons for a time not to extend beyond the hour of closing the polls, provided he shall be permitted to vote before being imprisoned.

1846—74—11

To count the votes and make returns.

SEC. 11. It shall be the duty of the Commissioners to receive the ballots of all legal voters who shall offer to vote, deposit the same in the ballot box, to be provided for that purpose, and to keep duplicate lists thereof.

Immediately after closing the polls, they shall open the box and count the votes, and make duplicate returns of the number of votes polled for each candidate, making mention of the name of the candidate, and the office voted for; they shall then deliver one of the lists, and one of the returns to the Deputy Sheriff, or other officer in attendance, whose duty it shall be to convey the same without delay to the returning officer of the parish; but if no Deputy Sheriff, or other

officer be in attendance, such returns shall be conveyed to the returning officer by one of the Commissioners of Election for that precinct, to be selected by those who have presided at the election.

1853—74—2

Oath to be administered to those whose votes are challenged.

SEC. 12. When a person offering to vote shall be challenged, or the commissioners shall be in doubt as to his qualifications, they shall administer to him the following oath or affirmation, to-wit: I. A. B., do solemnly swear or affirm that I am a citizen of the United States, (if a naturalized citizen, he shall state on his oath the place where he was naturalized,) and that I have attained the age of twenty-one years, and that I have resided in this State one year next preceding this election, and the last six months thereof in this parish; and I do further solemnly swear or affirm, that since the adoption of the present Constitution of the State of Louisiana, I have not fought a duel with deadly weapons with a citizen of this State, nor sent nor accepted a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State; nor have I acted as second, or knowingly aided or assisted, in any manner, any person thus offending—so help me God.

A copy of this oath shall be furnished with the election box for each precinct, and be left in it by the Commissioners.

1846—74—13

Vote to be rejected on refusal to take the oath.

SEC. 13. Should any person offering to vote, refuse to take the oath, or affirm to it as prescribed in the foregoing section, the vote of such person shall not be received.

1846—74—14.

Oath to be signed and filed in the Clerk's office.

SEC 14. It shall be the duty of the Commissioners of Election to have a copy of the above oath, at the head of a list which all persons allowed to vote on oath shall be compelled to sign, before the vote is placed in the box; and it shall be the duty of the Magistrate presiding at each box, to have the copy and list filed in the office of the Clerk of the District Court of the parish in which the poll was held.

1846—75—15

False swearing to be perjury.

SEC. 15. In cases where the oath or affirmation shall be administered by the Commissioners of Election, any person swearing or affirming falsely in the premises, shall be deemed guilty of the crime of perjury, and on conviction thereof, be punished in the same manner as other persons found guilty of the crime of perjury.

1835—181—11

Voters may be required to swear that they have not voted.

SEC. 16. Any voter shall have the right to require that any person attempting to vote, shall be put on his oath, and made to declare whether he has not voted in another precinct; and in case such person should make a false oath, he shall be subject to the penalties provided by law for perjury.

1846—75—16

Persons may vote at any precinct, except in cities and towns.

SEC. 17. It shall be lawful for any person to vote at any precinct within the parish of his residence; but in cities and towns which are or may be divided into election precincts, every voter in such town or city, shall vote at the precinct wherin he resides.

1846—75—17

Persons prohibited from voting.

SEC. 18. All persons convicted of the crimes of bribery, perjury, forgery and other high crimes or misdemeanors punishable by im-

prisonment with hard labor in the Penitentiary, shall be excluded from the right of suffrage.

1846—75—19

All the names to be on one ticket.

SEC. 19. All the names of the persons voted for, by each voter, except those voted for Justices of the Peace and Constables, shall be written or printed on one ticket, on which the names of the persons voted for, together with the offices for which they are voted for, shall be accurately specified; and should two or more tickets be folded together, the tickets so folded shall be rejected.

1846—75—20

Sheriff to provide boxes.

SEC. 20. It shall be the duty of the Sheriff of each parish to provide for each election precinct within the parish, one suitable ballot box, for the ballot for Justice of the Peace and Constables, and another for the ballots for other officers, at the expense of the parish.

1846—76—23

To have a deputy at each precinct.

SEC. 21. It shall be the duty of the Sheriff of each parish, to have at each election precinct, a Deputy Sheriff, or other person authorized by him, whose duty it shall be to attend at the election, and obey the orders of the Commissioners, and faithfully to convey the returns to the Sheriff, or returning officer, within forty-eight hours after the close of the polls; and for his willful neglect or failure to perform all or any of the duties incumbent on him, he shall be fined in a sum not exceeding five hundred dollars, at the discretion of the District Court.

1846—76—24

On failure of Deputy to attend, Commissioners to appoint another.

SEC. 22. Should any Deputy Sheriff or other person, authorized by the Sheriff, fail to attend, the Commissioners of election shall appoint a suitable person to act in his place at the precinct.

1846—76—25

Notices of elections how given.

SEC. 23. Notice of every general election shall be given at least thirty days before the election, by notices posted up at each precinct, in the English and French languages, or if there be a newspaper published in the parish, by publishing the notice in such paper in the same languages; provided that it shall not be necessary to publish any notice in the French language in either of the parishes of Catahoula, Caldwell, Franklin, Carrol, Madison, Tensas, Concordia, East and West Feliciana, Ouachita, Morehouse, Jackson, Union, St. Helena, Livingston and Washington.

1846—76—26

Returning officer to count the votes and make returns.

SEC. 24. It shall be the duty of the Sheriff or other returning officer of the parish, on the second day after the closing of the polls, to repair to the Court House of the parish, and there in presence of at least two witnesses, and as many other persons as may attend, to compile the returns sent in by the Commissioners at the several precincts, to make public proclamation of the result, and to make due return thereof to the Secretary of State.

1846—76—27

Returns, to whom made.

SEC. 25. It shall be the duty of the returning officer in each parish, to make out triplicate returns; to forward one of them immediately by mail to the Secretary of State; to forward another to the Secretary of State by the next speedy mode of conveyance, and to deposit the third in the office of the Clerk of the District Court;

and for his willful failure or neglect herein, such returning officer shall be fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

1846—76—28

In case of tie, how to proceed.

SEC. 26. In all elections for Senators, Representatives Sheriffs, Coroners and Clerks of the District Courts, and other officers, if there should be an equal number of votes given to two or more candidates, the election for such officer or officers, thus not filed, shall be again returned to the people in the parish or district, as the case may be; public notice of ten days to be first given in the same manner as in the first election, without the proclamation of the Governor.

1846—77—30

Returning officer to be Sheriff or Coroner.

SEC. 27. In all elections, the Sheriff of each parish shall be the returning officer thereof, unless such Sheriff be himself a candidate, in which case the Coroner of the parish, for the time being, shall be returning officer, with respect to the office for which the Sheriff may be a candidate.

1846—77—31

Proclamation by Governor.

SEC. 28. It shall be the duty of the Governor, at least six weeks before every General Election, to issue his proclamation, giving notice thereof, which shall be published in English and French, in the State Gazette, and copies thereof forwarded to the several returning officers throughout the State.

1846—77—32

Vacant seats of Senators and Representatives, how filled.

SEC. 29. Whenever the seat of any Senator or Representative shall become vacant, and there shall be a session of the General Assembly before the next general election, it shall be the duty of the Governor within five days after being officially informed of such vacancy, to issue his writ of election, directed to the proper returning officer; whose duty it shall be, within three days after its receipt, to give public notice that an election will be held to fill such vacancy, on a day to be named by him, which shall not be less than eight nor more than fifteen days after the publication of such notice, if such election be held during or within fifteen days next preceding a session of the Legislature; but if not, then the election shall be held not less than twenty, nor more than thirty days after the publication of such notice; and shall be held and conducted and the returns thereof made in the manner and form provided by law for General Elections.

1847—77—34

Elections for members of Congress, when held.

SEC. 30. All General Elections for members of Congress, shall be held at the same time, and conducted in the same manner as is provided for the election of Representatives to the General Assembly.

1846—77—35

Election for President and Vice President, when held.

SEC. 31. In every year in which an election is to be held for electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November, in accordance with an act of the Congress of the United States, approved January twenty-third, eighteen hundred and forty-five, entitled "An act to establish a uniform time for holding elections for electors of President and Vice President in all the

States of the Union; and such elections shall be held and conducted in the manner and form provided by law for General State Elections.

SEC. 32. The foregoing provisions, except as to time and place of holding elections, shall apply in the election of all officers whose elections are not otherwise provided for.

1846—78—37
For other officers.

SEC. 33. All necessary expenses incurred by the Sheriff and officers for holding elections, shall be paid by the parish in which they may be incurred.

1846—78—38
Expenses of elections how paid.

SEC. 34. The Governor is authorized and empowered to issue his proclamation ordering, in all cases not otherwise provided for, elections to be held in the different parishes of this State, to fill any and all vacancies that may happen in any elective office, from any cause whatsoever.

1847—104—1
Elections to fill vacancies, to be ordered by Governor in all cases.

CONTESTED ELECTIONS.

SEC. 35. In all contested elections for members of the General Assembly, each House shall have the power to determine which of the parties is entitled to the seat, and to award it accordingly.

1846—77—33
Contested elections how determined.

SEC. 36. Any candidate for either of the offices of Clerk of the District Court, Parish Recorder, Sheriff, Coroner, Justice of the Peace, and any other parish officer that may be elected by the people, intending to contest an election, shall, within ten days after the election, file in the District Court for the parish in which the election may have been held, a petition setting forth the facts on which he intends to contest the election.

1846—116—1
Contested elections how conducted.

SEC. 37. Either party shall have a right to proceed to take evidence relative to the facts specified, or to be specified, in the petition, at any time before the trial, on giving the other party one day's notice of the time when, and the place where the evidence is to be taken, if such place be within ten miles of the residence of the party to whom the notice is given; two days, if within twenty-five miles; three days, if within forty miles; and four days, if at any greater distance.

1846—116—2
Evidence how taken.

SEC. 38. Within ten days after the election, the party contesting shall present to the court, and which shall be filed, a petition signed by at least twenty voters of the parish, or in case of an election by a ward or other division of the parish, then the voters signing such petition, shall be ten in number, and be residents of the ward for which the election has been held, praying the court to examine the facts and decide thereon; the signatures to such petition shall be presumed to be genuine, until shown by proof to be otherwise.

1846—116—3
Contested elections how conducted.

SEC 39. After ten days from the date of service of the petition of the contestant, and at least ten days notice of the filing of the petition by the voters, the adverse party shall be bound to answer; and the issue thus formed shall be proceeded with summarily, before court

1846—116—4
Contested elections how conducted.

and jury; the trial shall be conducted and submitted to the jury according to the laws by which other jury trials are governed.

Verdict how found.

A majority only of the jurors shall be required to return a verdict. The jury shall have power to determine by their verdict which of the parties is entitled to the office, or to refer the same again to the people; the court shall have no power to grant a new trial, as in other cases, and no appeal shall be allowed.

1846—117—5

Judgment to be final.

SEC. 40. The judgment rendered upon the first finding of the jury, shall be final, and on certifying the same to the Governor, a commission shall be issued by him in favor of the person in whose favor the verdict may be.

1846—117—6

New election, how ordered.

SEC. 41. If the finding of the jury be in favor of a new election, the Sheriff or Coroner shall proceed to hold an election on the fourth Monday after the last day of the term of the Court, at which the judgment was rendered; at least fifteen days notice of which shall be given at each precinct, at which the election is to be held.

1846—117—7

Special term to be held in certain cases for trial of contested elections.

SEC. 42. The trial of contested elections shall be proceeded with at any regular term of court, for the parish in which the contest is made.

If no regular term of the court is to be held within five weeks from the time of filing the petition of the contestant, a special term shall be holden on the third Monday after the day on which the election for the office contested was held, if such term can be holden without interfering with a regular term elsewhere in the District; if not, then a special term shall be held for that purpose, on the second Monday after the close of the term which would otherwise have been interfered with.

1846—117—8

Jury, how drawn at a special term.

SEC. 43. If the term at which the trial is to be proceeded with, is not a regular jury term, the Clerk, Sheriff, and the officer vested with the power of recording mortgages of the parish, or a majority of them, shall within three days after the contestant and voters cause their petition to be filed, determine who are to be summoned as jurors for contested elections at the next special or regular term of court, by placing in a box, and mixing together the names of one hundred voters of the parish; from which the names of fifty shall be drawn by the Sheriff, and registered as drawn by the Clerk and Recorder; which fifty so drawn shall form a panel for the trial of contested elections, and if a jury cannot be formed from the fifty thus summoned, talismen shall be summoned by the Sheriff to make up a jury.

1846—117—9

In case of absence of Sheriff, Clerk or Recorder, others to take their place.

SEC. 44. If either the Sheriff, Clerk, or the officer vested with the power of recording mortgages, be absent at the time fixed on to proceed either to selecting or drawing the jurors, or be the person contesting the election, the one or two who attend for the purpose, shall select some other person or persons to perform the duties imposed on such person or persons, as the case may be, with whose as-

sistance the selecting and drawing shall be proceeded with, as though all the officers named in the preceding section had been present, aiding and assisting in the same.

1846—117—10
Jury how selected.

SEC. 45. In selecting the names of the one hundred voters to be placed in the box, it shall be the duty of those selecting the same, to select persons residing in such parts of the parish as will enable them most conveniently to attend the court.

1846—117—11
Challenges, how many.

SEC. 46. In empannelling the Jury, each party shall be entitled to ten peremptory challenges.

1846—117—13
No commissions to be issued under forty days after the election.

SEC. 47. The Governor shall not issue a commission until forty days after the day of the election, for the parishes within one hundred and fifty miles of the seat of government; and fifty days for those parishes over one hundred and fifty miles from the seat of government. The distance to be computed by the usually traveled route.

On the successful candidate furnishing to the Governor a copy of the judgment of the court in his favor, duly certified by the clerk, dated after the last day of the term, the Governor shall immediately issue a commission to such successful party.

The certificate of the Clerk, showing either that the contest has been abandoned, or the right to prosecute is lost by non-compliance with the provisions of law, the Governor shall issue his commission in favor of the person in whose favor the certificate of election has been granted. In either case, the Governor shall only issue the commission, upon the party's complying with the other requirements of law.

ELECTIONS IN THE PARISHES OF ORLEANS AND JEFFERSON.

1847—7—1
Elections of Senators and Representatives, when held.

SEC. 48. The next general election for Representatives in the General Assembly, shall be held on the first Monday of November, one thousand eight hundred and fifty five; and all subsequent elections for Representatives shall be held on the first Monday in November every two years thereafter, and all elections to supply the places of Senators in the General Assembly, whose terms of service shall have expired, shall be held at the same time, as herein provided, for the election of Representatives.

1847—7—2
For Governor and Lt. Governor.

SEC. 49. In the years in which a Governor and Lieutenant Governor are to be elected, the election for such officers shall be holden at the same time and places herein provided for the election of Senators and Representatives.

1847—8—3
For Sheriffs, Coroners, &c.

SEC. 50. The next election for Sheriffs and Coroners, and all other parish officers of the parishes of Orleans and Jefferson, and all subsequent elections for them, shall be held at the same time as provided for the election of members of the General Assembly.

1847—7—5

Precincts, how established in parish of Orleans.

SEC. 51. The Police Jury of the parish of Orleans, on the right bank of the river, shall have power to establish new election precincts, and to alter those now existing.

1852—44—10

Establishment of new districts of election in each Ward in New Orleans.

SEC. 52. On or before the first Monday of February, one thousand eight hundred and fifty-three, the Common Council shall lay out and establish a sufficient number of precincts, not less than two, in each of the Wards of the city of New Orleans, each of which shall contain, as nearly as practicable, an equal number of qualified voters, and the Common Council shall make an accurate description of said districts, and cause the same to be published in the official journal of said Common Council, and if, at any election thereafter, more than six hundred votes be polled in any of said precincts, then, at some period at least forty days previous to the next succeeding election, the Common Council shall re-arrange the divisions of the Ward, or Wards, wherein such vote has been polled, and increase the number thereof, if necessary.

1848—E. S—62—1

Five precincts established in Jefferson.

SEC. 53. There are hereby established in and for the parish of Jefferson five election precincts, as follows, to wit:

1. One in that portion of the parish embraced within the upper line of the parish of Orleans and the lower line of Greenville; the polls whereof shall be opened in the faubourg Bouligny.

2. One for all that portion of the parish embraced within the lower line of the town of Greenville, and the upper limit of the parish; the polls thereof to be opened in Carrollton.

3. One for all that portion of said parish lying on the right bank of the River Mississippi; the polls whereof shall be held at the place known as the Glass-Works.

4. One for that portion of the parish known as the Barataria Settlements.

5. One for that portion of the parish lying on the sea-shore, and known as Grande Isle, Grande Terre, and the Chenière Caminada.

1847—11—29

Notices to be given by Sheriff.

SEC. 54. Notice of every general election shall be given by the Sheriff of the parish at least ten days, by advertisement, in French and English, in at least three newspapers in the parish of Orleans, and one in the parish of Jefferson.

1847—8—7

Notice of place of holding elections.

SEC. 55. The Sheriff of the parish of Jefferson shall also give at least ten days' notice of the place at which, in each of the foregoing precincts, such elections shall be held, by posting the same at some point in each of the election precincts; the expenses of which notices shall be paid out of the Parish Treasury.

Carrollton and Freeport to pay their portion of expenses.

The town of Carrollton, and borough of Freeport, shall refund their proportion of the expenses, to be apportioned according to the amount of State taxes paid in their respective limits.

1847—8—8

Commissioners of elections in Jefferson.

SEC. 56. The Justices of the Peace in the parish of Jefferson, shall meet at least twenty days before each election, and appoint commissioners and clerks to hold the election.

1847—9—10

Elections to be held in one day.

SEC. 57. All elections herein provided for, shall be completed in one day, and the polls shall be kept open at each precinct, from the hour of nine in the forenoon till the hour of six in the afternoon.

1847—9—11
1847—195—1

Commissioners in parish of Orleans, how appointed.

SEC. 58. It shall be the duty of the Police Jury of the parish of Orleans, on the right bank of the river, to appoint, at least five days before the election, three commissioners to preside at the election, and two clerks to register the names of the voters and sign the returns, at each precinct within their respective jurisdiction.

1853—82—4

Nomination of inspectors of elections and others for the city of New Orleans.

SEC. 59. The election at each of said precincts of the city of New Orleans, shall be conducted by three inspectors of election, one of whom shall be appointed by the Board of Assistant Aldermen, one by the Board of Aldermen, and one by the Police Board; there shall, also, be two clerks appointed at each precinct by the inspectors of said election precinct, the said inspectors and clerks shall be legally qualified voters of the precincts in which they act, and shall be severally sworn by the Mayor, according to article ninety of the Constitution of the State.

Qualifications of the same.

Vacancies among the same, how provided for.

In case of a vacancy in the office of inspector at any precinct, arising from the neglect or refusal of said inspector so appointed to act, then it shall be the duty of the Recorder of said district to appoint and swear in an inspector, in place and in stead of such absent inspector, and the inspector shall supply the place of such absent clerk.

1852—45—12

Returns of elections how made for the city of New Orleans.

SEC. 60. The returns of election in the city of New Orleans shall be made by said inspectors to the Mayor, who shall, in presence of the Recorders of said city, specially notified by the Mayor for that purpose, within three days after said returns have been received, and with the aid of said Recorders, open and examine said returns, and proclaim the result of said elections, which they shall cause to be published, under their official signatures, in the official journal of the Common Council; Provided, that in the event of the failure of the Mayor or Recorders to attend, or any of them, at the time and place appointed, the absentees' duty may be filled by any Justice of the Peace, and provided further, that any Justice of the Peace may take the place of any Mayor or Recorder interested in the returns.

Votes, how counted.

Their publication.

1847—9—12

Qualification and oath of commissioners.

SEC. 61. The commissioners, and clerks of elections, must have the qualifications necessary to vote at the precinct for which they are appointed, and before entering upon the duties of their office, take the oath prescribed by the 90th article of the Constitution; the oath to be administered by any Judge or Justice of the Peace, or Alderman.

1847—9—13

In case of absence of Commissioners, the Mayor to appoint others in New Orleans.

SEC. 62. Should none of the said commissioners present themselves at the proper hour of opening the polls, or if they are unwilling to act, or should delay their attendance on the polls beyond a reasonable time, then the Mayor of the city of New Orleans shall appoint three commissioners to act in their stead.

Absence of Commissioners how provided for.

At the polls in the residue of the said parishes, should all the commissioners fail to attend, the returning officer shall appoint others; and should only one of the commissioners appointed be present, he shall appoint another, and both shall appoint a third; and in case of the absence of either clerk or clerks, the commissioners shall appoint a suitable person or persons to serve as such; the commissioners and clerk or clerks appointed under the provisions of this section, shall have all the powers and perform all the duties provided by law for the commissioners and clerks first named.

1847—9—14

Powers of Commissioners.

SEC. 63. The commissioners of elections shall preserve order and decorum at the election, and shall have power to commit to prison all disorderly persons, for a time not to extend beyond the hour of closing the polls.

1847—9—15

How to make their returns.

SEC. 64. It shall be the duty of the commissioners to receive the ballots of all legal voters who shall offer to vote, deposit the same in the ballot box, to be provided for that purpose, and to keep duplicate lists thereof.

Immediately after the closing of the polls, they shall open the box and count the votes, and make duplicate returns of the number of votes polled for each candidate, making mention of the name of the candidate and the office voted for.

The Commissioners and Clerks of elections shall sign the aforesaid returns, and shall then and there deliver one of the lists of the votes taken, and one of the returns aforesaid, to the Depvty Sheriff or other officer in attendance, whose duty it shall be to convey the same, without delay, to the returning officer of the parish.

1847—10—16
1853—74—2

Oath to be administered when vote is challenged.

SEC. 65. When a person offering to vote shall be challenged, or the Commissioners shall be in doubt as to his qualifications, they shall administer to the person so offering to vote, the following oath or affirmation, to wit: "I, A. B, do solemnly swear or affirm, that I am a citizen of the United States, (if a naturalized citizen, he shall state on his oath the place at which he was naturalized,) and that I have attained the age of twenty-one years, and that I have resided in this State one year next preceding this election, and the last six months thereof in this parish; and I do further solemnly swear or affirm, that since the adoption of the present Constitution of the State of Louisiana, I have not fought a duel with deadly weapons with a citizen of this State, nor sent nor accepted a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State; nor have I acted as second, or knowingly

aided or assisted, in any manner, any person thus offending, so help me God."

SEC. 66. Should any person offering to vote, refuse to take and subscribe to the oath prescribed in the foregoing section, his vote shall be refused by the Commissioners.

1847—10—17
Vote to be rejected on refusal to take the oath.

SEC. 67. When any person offering to vote is objected to, the Commissioners shall administer to him the oath required by law, and at the request of any person, the Commissioners shall enter on the roll against the name of the person objected to, the words "sworn in," to be used as evidence against such voter on a trial for perjury.

1847—10—18
Oath to be administered at the request of any person.

SEC. 68. In all cases where the oath shall be administered by the Commissioners of election, any person swearing falsely in the premises, shall be deemed guilty of the crime of perjury, and, on conviction thereof, be punished in the same manner as other persons found guilty of the crime of perjury.

1847—10—19
False swearing to be perjury.

SEC. 69. Each voter shall vote in the precinct in which he resides at the time of the election, and he shall be deemed to reside where he has lodged or slept for the last three months; provided however, that no person shall be deemed to have lost a residence in one district until he shall have acquired it in another.

1847—10—20
Persons to vote at the precinct in which they reside.

SEC. 70. All persons convicted of the crime of bribery, perjury, forgery or other high crimes or misdemeanors, punishable with confinement in the Penitentiary, at hard labor; and all persons convicted of any of the said offences in any other State, Territory or foreign country, and who shall have removed here, shall not have the right to vote.

1847—10—21
Persons prohibited from voting.

SEC. 71. All the names of persons voted for by each voter, shall be written or printed on one ticket, on which the names of the persons voted for, together with the offices for which they are voted for, shall be accurately specified; and should two or more tickets be wrapped together, the whole shall be rejected.

1847—11—23
Names to be all put on one ticket.

SEC. 72. It shall be the duty of the Sheriff of each of the said parishes to provide, for each election precinct, one box for the reception of the ballots.

1847—11—26
Box to be provided by Sheriff.

SEC. 73. It shall be the duty of the Sheriff of each of the parishes to have, at each election precinct within his parish, a Deputy Sheriff, whose duty it shall be to attend at the election, and obey the orders of the Commissioners, and faithfully to convey the returns, which shall be delivered into his hand by the Commissioners, and to deliver the same to the Sheriff, or returning officer, within three days after the close of the polls; and for his willful neglect or failure to perform all or any of the duties incumbent on him, such Deputy Sheriff shall be fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

1847—11—27
Deputy Sheriff to be at each precinct.

1847—11—28

In case of absence of Deputy Sheriff another to be appointed.

SEC. 74. Should any Deputy Sheriff fail to attend, the Commissioners of Election shall appoint a suitable person to act as Deputy Sheriff at the precinct.

1847—12—31

Returns, to whom made.

SEC. 75. It shall be the duty of the returning officer in each of the parishes to make out duplicate returns, to forward one of the said returns to the Secretary of State, and to deposit the other in the parish of Jefferson, in the office of the Clerk of the District Court, and in the parish of Orleans, in the office of the Clerk of the First District Court.

1847—12—32

In case of tie, how to proceed.

SEC. 76. In all elections for Senators, Representatives, Sheriffs, Coroners, and Clerks of the District Courts, and all other parish officers, in case any two or more candidates should have an equal number of votes, the election, so far as regards the candidates who have an equal number of votes, shall be again referred to the people.

1847—12—33

Notice of the second election, how given.

SEC. 77. Notice of the election shall be given within ten days after the first election, in conformity with law; and in case the election of the Sheriff be again referred to the people, the notice shall be given by the Coroner.

1847—12—34

Penalty for receiving illegal votes.

SEC. 78. Any Commissioner who shall knowingly receive an illegal vote shall be tried therefor, on indictment or information; and on conviction, shall suffer a fine of one thousand dollars, and imprisonment in the penitentiary for two years at hard labor.

1847—12—35.

Returning officer to be Sheriff or Coroner.

SEC. 79. In all elections, the Sheriff of each parish shall be the returning officer thereof, unless such Sheriff be himself a candidate; in which case the Coroner of the parish, for the time being, shall be returning officer, with respect to the office for which the Sheriff may be a candidate.

1847—195—2

When the Sheriff and Coroner are both candidates for re-election, the Sheriff shall be returning officer so far as the Coroner is concerned, and the Coroner shall be the returning officer so far as the Sheriff is concerned.

1847—12—37

Vacant seats of Senators and Representatives, how filled.

SEC. 80. Whenever the seat of any Senator or Representative shall become vacant, it shall be the duty of the Governor, within five days after being officially informed of such vacancy, to issue his writ of election to supply such vacancy, directed to the proper returning officer, whose duty it shall be, within three days after the receipt of such writ, to give public notice that an election will be held to fill such vacancy on a day to be named by him, which shall not be within less than eight nor more than fifteen days after the publication of such notice; and such election shall be held and conducted, and the returns thereof made, in the manner and form provided in this act for general elections.

1847—13—38

Contested elections how conducted.

SEC. 81. When any person shall desire to contest the election of any Sheriff, Coroner or Clerk, he shall, within ten days after the close of the election, give written notice thereof to the opposite party, which

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pecifically set forth all the grounds of contest; and shall, ne space of time, present a petition to the Judge of the Court of the parish of Orleans or the District Judge of efferson, as the case may be.

The Judge shall proceed without delay to examine the grounds of contestation; and may, on the application of either party, order a jury to try the issue, and the decision therein shall be final.

1847—13—42

Expenses, how paid.

Sec. 82. The expenses incurred by the Sheriff in performing the duties imposed on him, by the preceding sections, shall be defrayed by the city or parish in which they are performed.

1847—13—39

Election of members of Congress.

Sec. 83. In the parishes of Orleans and Jefferson, all general elections for Representatives in the Congress of the United States shall be held at the same time, and conducted in the same manner as is provided for the election of Representatives to the General Assembly.

1847—13—40

Election of electors of President and Vice President, &c.

Sec. 84. In every year in which an election is to be holden for electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November in such year, in accordance with an Act of the Congress of the United States, approved January 23d, 1845, entitled "An Act to establish a uniform term of holding elections in all the States of the Union, and such elections shall be held and conducted in the manner and form provided by law for the general State elections."

1812—46—5
1820—82—3

Certificate of elections of members of Congress.

Sec. 85. As soon as possible after the expiration of the time of making the returns of election for Representatives in Congress, the Governor, jointly with the Secretary of State, and a Judge of one of the District Courts of the State, shall proceed to ascertain from the said returns the person duly elected; a certificate of which shall be entered on record by the Secretary of State, and signed by the Governor; and a copy thereof subscribed as aforesaid, shall be delivered to the person so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the Speaker thereof.

1812—46—6

Vacancies, how filled.

Sec. 86. In case of vacancy by death or otherwise, in the said office of Representative, between the general elections, it shall be the duty of the Governor, by proclamation, to cause an election to be held according to law, to fill the vacancy.

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Election precincts to be established by Police Juries. See Police Jury.

EVIDENCE.

1837—33—1

The official character of the officers of foreign countries, how proved.

SECTION 1. It shall be the duty of the several Courts of this State to receive the attestation or certificate of any American Consul, General Consul, Vice Consul or Commercial Agent residing in any foreign country, as legal evidence of the attributes and official station or authority of any Magistrate or other civil officer in such foreign country under the laws thereof; which attestation and seal, shall be full and complete proof that it emanated from said Consul, General Consul, Vice Consul or Commercial Agent, as the case may be.

1842—512—1

Variations in the size of town lots how regulated.

SEC. 2. Whenever land, divided into town lots and sold in conformity with a plan, shall not be of the same extent as that mentioned in said plan, and the difference shall be more than one thousandth part, it shall be the duty of the State Surveyor commissioned for the parish where said land is situated to apportion, in conformity with the dispositions of the Civil Code, the surplus or deficit of said land, and to make a plan pointing out, according to such apportionment, the correct dimensions of each square and the breadth of each street; said plan shall be deposited by the Surveyor of the parish in the office of parish Recorder of the parish where the land is situated; and public notices shall be given by said Surveyor in the State paper; during thirty days, directing all persons interested, to present their opposition to the original plan deposited, as aforesaid, with the parish Recorder, which oppositions shall be referred to, and be decided by the District Court; and said original plan, when not opposed within the delay aforesaid, or when modified on the opposition filed, shall be registered by said Recorder in his office, and shall be authentic evidence of the description and dimensions of said property.

Their description and dimensions how established.

1843—69—3

Convicts may testify for and against each other.

SEC. 3. Hereafter, in all cases, it shall be lawful to receive the testimony of convicts for or against each other in any suit which may occur in any of the courts of this State.

1844—102—1

A protest in New Orleans, to be evidence in certain cases of the cause of a fire, &c.

SEC. 4. It shall be the duty of any one of the Recorders of New Orleans, or Justices of the Peace to whom application shall be made for that purpose, to visit any building or buildings where a fire may have happened, immediately after the fire shall have been extinguished, and enquire into the origin and cause of said fire; examine all witnesses whom the owner or insurers of the property destroyed may desire to have examined under oath, and make and preserve a true and correct record or proces verbal of their testimony; a copy of

which record or proces verbal, certified by such Recorder or Justice, shall be admitted in evidence in any civil action, the party occupying or owning the property, his agent, or any one having the property in charge at the time of the fire, shall be notified by the Recorder or Justice, of the examination.

1852—20—1

The Statutes and Digests of other States to be admitted as evidence.

SEC. 5. The published statutes and digests of other States shall be received in the courts of this State, as prima facie evidence of the statute laws of the States from which they purport to emanate.

Proces verbal of auction sale evidence of the advertisement. See AUCTION SALES, *Secs.* 1 and 2.

Process verbal of sales of succession property, when to be authentic. *Sec.* 9.

EXECUTOR.

1842—302—2

Dative Testamentary Executor to be appointed in certain cases.

SECTION 1. In testamentary successions, whenever the executor named by the testator will not, or cannot perform the duties, or may be dead or absent, the Judge shall appoint one or more Dative Testamentary Executors, as is provided by the 924th Article, No. 7 of the Code of Practice, and in the same manner as if the testator had omitted to name his executor.

1842—302—3

When domiciled out of the State to give security.

SEC 2. Whenever the Testamentary Executor named in the will shall be present in the State but be domiciled out of it, the Judge shall only grant him the letters on the execution of his bond, with a good and solvent security, for such a sum and under such conditions as are required by law from Dative Testamentary Executors.

1842—302—4

Letters testamentary not to be granted unless prayed for.

SEC. 3. Whenever the Testamentary Executor, named in the will, shall present a petition praying for the execution and registry of the will, and shall fail to pay, besides for letters testamentary, in conformity with the 931st Article of the Code of Practice, then he shall be presumed to have declined the trust.

See CIVIL CODE, *Arts.* 1637 *et Seq.*

See CODE OF PRACTICE, *Art.* 928 *et Seq.*

See ADMINISTRATORS. Successions.

Executors to deposit money in Banks. See ADMINISTRATORS, *Sec*, 2.

To exhibit an account of funds on hand. *Sec.* 3.

To render an account once in twelve months. *Sec.* 4.

To continue in office until the estate is settled. *Sec.* 5.

To give additional security when required. *Sec.* 5.

To retain in their hands, the tax of ten per cent imposed on foreign legatees. See SUCCESSIONS, *Sec.* 7

To make sales of the succession property administered by them, or to employ the Sheriff, or an Auctioneer. See ADMINISTRATORS, *Sec.* 7.

To qualify within ten days after their appointment. *Sec.* 8.

The heir or surviving partner to purchase at sales of estates administered by them. *Sec.* 9.

Executors, &c., to leave an agent during temporary absence. See AMENDMENTS TO CIVIL CODE, *Sec.* 14.

FAMILY MEETINGS.

1828—160—24

Persons having contradictory interests with the minor incompetent to be members of the family meeting.

SECTION 1. Any person who shall have contradictory interests with those of a minor in any matter in which a family meeting may be necessary, shall be incompetent to be a member of said family meeting, although he be one of the nearest relations.

1834—112—1

Penalty for failing to attend.

SEC. 2. If any relation of a minor after having been legally summoned to compose a family meeting shall fail to attend, he shall be liable to a fine at the discretion of the court issuing the summons, not exceeding twenty dollars, to be applied by the court towards defraying the expenses of convoking and holding such family meeting; which fines shall be collected in the same manner as those imposed on witnesses failing to attend after having been regularly summoned.

1834—112—2

Persons to be appointed in the place of members failing to attend.

SEC. 3. If any relation of a minor, after having been legally summoned to compose a family meeting, shall neglect to attend, the Judge or Clerk shall have power to appoint friends to compose such family meeting as in default of relations.

1834—112—3

Notices may be delivered by the Notary.

SEC. 4. The notices delivered by the Notary, in whose office the family meeting is to be held, to the members who are to compose it shall have the same effect, legally, as a summons served by the Sheriff.

1830—48—5

Opposition of Under Tutor to deliberations.

Sec. 5 Whenever an Under Tutor shall refuse to approve of the deliberations of a family meeting, or object to their homologation, the court shall decide whether the opposition is well founded; and if not, the opposition shall be overruled, and the deliberations homologated as if no opposition had taken place. When the court shall decide that the opposition of the Under Tutor is unfounded, and shall homologate the deliberations of the family meeting, the Under Tutor who shall have made the opposition, shall be exonerated from all responsibility.

See CIVIL CODE, *Art.* 305 *et seq.*

See "MINORS".

FERRIES.

Section 1. The Police Juries of the several parishes of this State, (the parishes of Orleans and Jefferson excepted) shall have the exclusive privilege of establishing ferries and toll bridges within their respective limits, of fixing the rates of ferriage and toll to be charged thereon, and of generally regulating the police of the same. This privilege shall not extend to any ferries or bridges already established, until the expiration of their charters; nor to any ferries or bridges within the control of municipal corporations; and said Police Juries shall have the right to lease the ferries within their respective parishes, for any number of years not to exceed five, and the lessees of said ferries shall give bond and security annually, payable to the President of the Police Jury, and to his successors in office, in such sum as may be required for the faithful performance of their duties as public ferrymen, said bond to be approved of by the President, and filed and recorded in the Recorder's office.

1852—42—1

Ferries and toll bridges established by Police Juries.

Sec. 2. It shall be the duty of the Police Jury to have the letting of all ferries advertised thirty days, in each ward of the parish; and they shall be let at the court-house in said parish, by the President of the Police Jury, to the highest bidder. Whenever there is a newspaper published in any parish, the advertisement shall be published in such newspaper.

1850—32—2

To cause the letting to be advertised.

Sec. 3. On streams that divide parishes, the parishes to, and in which such ferry boats ply, shall have concurrent jurisdiction over such ferry. and complaints for neglect or infractions of the charter shall be cognizable by the court of either parish.

1850—258—1

Ferries on streams dividing parishes.

Sec. 4. The keepers of all ferries allowed to collect tolls either under the authority of the State or of the parishes, must pass all persons subject to militia duty going to or returning from muster, their horses and equipage, free of toll, and if they delay them unnecessarily they shall be subject to a fine of not less than ten dollars, to be recovered, by any person, before a competent tribunal, for the use of the fund of the regiment in which the muster took place.

1853—358—67

Militia men to be crossed free of toll.

Sec. 5. In the parishes of Ascension and Iberville, the Jurors residing on the east side of the Mississippi river shall be exempted from the payment of any ferriage in going or returning from the courts of their respective parishes, during their attendance as Jurors.

1843—107—1

Jurors in Ascension and Iberville exempt.

1843—107—2

Penalty.

SEC. 6. Any person or persons keeping a ferry in either of said parishes, who shall demand or receive ferriage from any Juror, knowing him to be such, residing in the parish where the said ferry is kept, and who is by the preceding section exempt from paying the same, shall, on conviction thereof, be fined not less than ten, nor more than twenty dollars, and costs of suit, upon motion made by the District Attorney of the district in which such offence shall be committed, or by any other person.

1854—65—1 & 2

The Police Jury and Common Council of the parish of Orleans to establish ferries.

SEC. 7. The Common Council of the city of New Orleans, with the Police Jury of that part of the parish of Orleans on the right bank of the Mississippi river, shall have power to establish ferries across the said river, in the parish of Orleans, and to regulate the same.

FINES AND FORFEITURES.

Fines not to be imposed without a rule on the party to show cause.
Clerks to issue fieri facias for their recovery. See CLERKS, *Sec.* 31.
Forfeiture of bonds and recognizances. See CRIMINAL PROCEEDINGS, *Sec.* 36, *et seq.*

FREE COLORED PERSONS.

See BLACK CODE.

FRENCH LANGUAGE.

CONSTITUTION.

Laws to be promulgated in English and French.

ARTICLE 129. The Constitution and laws of this State shall be promulgated in the English and French languages.

1822—46—1
1825—54—1

Acts written in the French language valid.

SECTION 1. No proces verbal of the deliberations of any family meeting, no inventory, no written instrument containing the deliberations of any meeting of creditors, no decision or award of arbitrators, no act containing the obligation of giving or performing anything, or of paying any sum of money, no contract of any nature or kind whatsoever, shall in any way be attacked or invalidated on the ground that it may have been made, executed and drawn up in the French language; but, on the contrary, any proces verbal of the deliberations of

any family meeting, any act containing the deliberations of meetings of creditors, any decision or award of arbitrators, any act containing the obligations of giving or performing anything, or of paying any sum of money, any contract of any nature or kind whatsoever, which may be made or executed in the French language, shall be quite as legal and binding upon the parties as if the same had been made or executed in the English language.

See CONSTITUTION, *Arts.* 100, 101.—"ADVERTISEMENT."

Petition and citation to be served in the English language, except when the mother tongue of the defendant is French. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 6.

GARNISHMENT.

Garnishment in the hands of third persons. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 19.

GENERAL ASSEMBLY.

CONSTITUTIONAL PROVISIONS.

GENERAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Legislative power vested in the General Assembly.

ARTICLE 3. The Legislative power of the State shall be vested in two distinct branches, the one to be styled "the House of Representatives," the other "the Senate," and both "the General Assembly of the State of Louisiana."

Representatives elected for two years.

ART. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general elections.

Meeting of General Assembly.

ART. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The General Assembly shall meet annually, on the third Monday in January, unless a different day be appointed by law, and their sessions shall be held at the Seat of Government.

Qualifications of members.

ART. 6. Every duly qualified elector under this Constitution shall be eligible to a seat in the General Assembly; provided, that no person shall be a Representative or Senator, unless he be, at the time of his election, a duly qualified voter of the Representative or Senatorial District from which he is elected.

Speaker.

ART. 9. The House of Representatives shall choose its Speaker and other officers.

Senators chosen for four years.

ART. 14. The members of the Senate shall be chosen for the term of four years. The Senate, when assembled, shall have the power to choose its officers.

To be divided into two lots.

ART. 17. At the first session of the General Assembly after this Constitution takes effect, the Senators shall be equally divided by lot into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any District shall have elected two or more Senators, said Senators

shall vacate their seats respectively at the end of two and four years, and lots shall be drawn between them.

ART. 18. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives is held; and thereafter there shall be biennial elections to fill the places of those whose time of service may have expired. Elections for Senators

ART. 19. Not less than a majority of the members of each House of the General Assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members. Quorum.

ART. 20. Each House of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law. Each House to judge of the qualifications of its members.

ART. 21. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence. To establish rules

ART. 22. Each House of the General Assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal. To publish a journal.

ART. 23. Each House may punish by imprisonment any person, not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence. To punish disorderly behavior.

ART. 24. Neither House, during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting. Power of adjournment.

ART. 25. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective Houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution. Pay of Members. Duration of Sessions.

ART. 26. The members of the General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Members privileged from arrest.

Houses, and going to and returning from the same, and for any speech or debate in either House, they shall not be questioned in any other place.

Not to hold certain offices.

ART. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State which shall have been created or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

Bills to be read on three several days.

ART. 29. No bill shall have the force of a law until on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon, unless in case of urgency, four-fifths of the House where the bill shall be pending, may deem it expedient to dispense with this rule.

Bills for raising revenue to originate in the House.

ART. 30. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; provided they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue.

Vacancies how filled.

ART. 31. The General Assembly shall regulate by law, by whom, and in what manner writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

Appointments by the Governor to be voted on by the Senate.

ART. 32. The Senate shall vote on the confirmation or rejection of officers to be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays, and the names of the Senntors voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session or before.

Bills to be approved by the Governor.

ART. 53. Every bill which shall have passed both the Houses shall be presented to the Governor; if he approve, he shall sign it, if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of all the members elected to the House shall agree to pass the bill, it shall be sent, with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sunday excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next session.

When returned, with his objections, how proceeded with.

ART. 54. Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of the members elected to each House of the General Assembly. Governor's approval necessa y to all bills, &c.

ART. 94. No money shall be drawn from the Treasury but in pursuance of specific appropriation made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as shall be prescribed by law. Money, how drawn from the treasury.

ART. 95. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide differences by arbitration. Arbitrations.

ART. 100. The laws, public records, and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the langaage in which the Constitution of the United States is written. Laws, &c., how preserved.

ART. 101. The Secretary of the Senate and Clerk of the House of Representatives shall be conversant with the French and English languages; and members may address either House in the French or English language. English and French languages.

ART. 102. No power of suspending the laws of this State shall be exercised, unless by the Legislature or by its authority. Laws not to be suspended.

ART. 107. The Seat of Government shall be and remain at Baton Rouge, and shall not be removed without the consent of three-fourths of Both Houses of the General Assembly. Seat of Government to be at Baton Rouge.

ART. 115. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title. Laws to embrace but one object.

ART. 116. No law shall be revived or amended by reference to its title; but in such case, the act revived, or section amended, shall be re-enacted and published at length. Not to be revived or amended by reference to their title.

ART. 117 The Legislature shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases, shall specify the several provisions of the laws it may enact. No system of laws to be adopted by reference to them.

ART. 121. The Legislature shall have power to pass such laws as it may deem expedient for the relief or revival of the Citizens' Bank of Louisiana; and the acts already passed for the same purpose are ratified and confirmed; provided that the bank is subject to the restrictions contained in Articles 119 and 120 of this Constitution. Citizens' Bank.

ART. 125. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office. Officers to continue in office until their successors are qualified.

Constitution may be extended to other territory acquired.

ART. 127. The Legislature shall have power to extend this Constitution and the jurisdiction of this State, ever any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

Laws promulgated in the English and French languages.

ART. 129. The Constitution and the laws of the State shall be promulgated in the English and French languages.

1815—80—2

Members and officers of the General Assembly, how sworn.

SECTION 1. At the first session of the General Assembly after every general election of Representatives, the oath or affirmation required by law shall be administered by any member of the House of Representatives to the Speaker and by him to all the members present, and to the Clerk, previous to entering on any other business, and to the members who shall afterwards appear, previous to taking their seats. The same oath or affirmation shall be administered to every future President of the Senate, by any member of the Senate, and by said President to the Secretary, and to every Senator who shall hereafter be elected, previous to taking his seat.

1846—161—1

Compensation of Speaker.

SEC. 2. The Speaker of the House of Representatives shall be entitled to receive the sum of four dollars per day, in addition to his pay as member, to be drawn on a warrant signed by himself, attested by the Clerk and approved by one of the members of the committee on contingent expenses.

1854—123—1 & 2

Salary of Sergeant-at-Arms of House of Representatives.

Salary of Sergeant-at-Arms of Senate.

SEC. 3. An annual salary of twelve hundred dollars shall be allowed the Sergeant-at-arms of the House of Representatives, and one thousand dollars to the Sergeant-at-Arms of the Senate; to be drawn monthly by them, on their own warrant, on the Auditor of Public Accounts.

1854—123—3

Sergeant-at-Arms to be allowed no per diem.

SEC. 4. No per diem shall be allowed to either the Sergeant-at-Arms of the Senate or House of Representatives, but the above sums shall be in full compensation for the services required of them annually.

1843—3—1

Salaries of Secretary of Senate and Chief Clerk of House of Representatives.

SEC. 5. The Salary of the Secretary of the Senate and of the Chief Clerk of the House of Representatives shall be two thousand dollars per annum each.

Compensation of the Translating and Minute Clerks.

1843—102—1

Of all other clerks.

The per diem of the Translating and Minute Clerks of the House of Representatives and of the Senate, shall be eight dollars per day, and of all other clerks of the Senate and House of Representatives, not above enumerated, five dollars per day, and no more, during the term of their actual employment.

1850—28—1

Salaries of Assistant Clerk of House of Representatives and Assistant Secretary of the Senate.

SEC. 6. The salaries of the Assistant Clerk of the House of Representatives and of the Assistant Secretary of the Senate, shall be fixed at one thousand dollars each, for each and every session of the General Assembly.

1834—63—1

Duty of Sergeant-at-Arms of House of Representatives.

SEC. 7. The Sergeant-at-Arms of the House of Representatives, during the recess, shall have the charge, and be responsible for the safe keeping of the public buildings and property of the State, except the

Senate chamber, furniture and rooms attached thereto, and such as may appropriately belong to or be under the charge of other officers; and the Sergeant-at-Arms of the Senate shall be charged with the safe keeping of the Senate chamber, and rooms and furniture appertaining thereto.

Duty of Sergeant-at-Arms of Senate.

1833—22—1

SEC. 8. The chairman of any committee of the Senate or House of Representatives, or of any joint committee composed of members from both branches of the Legislature, or the person acting as chairman of any such committee, shall be authorized to administer the oath to any witness who may be called before them to testify in relation to any subject under their consideration, to them referred by their respective Houses.

Chairman of Committees to administer oaths in certain cases

1826—210—9

SEC. 9. Every person who shall attend to give evidence at any time and place, in obedience to a citation or summons issued by the authority of the Senate or House of Representatives, shall be entitled to receive the sum of two dollars for every twenty miles he may necessarily travel in going to and returning from the place, and the like amount for every day he shall so attend; to be paid after the claim has been approved by the House ordering his attendance, by the Treasurer of the State, upon the warrant of the President of the Senate or the Speaker of the House of Representatives, as the case may be.

Per diem and mileage of witnesses.

1806—6—2

SEC. 10. Each and every court of the State shall cause to stop and cease all proceedings, in every suit before them pending, against any member of the General Assembly, during their attendance at any session thereof, and in going to and returning from the same.

Legal proceedings against members of the General Assembly to be stayed.

SEC. 11. Any member of the Senate or House of Representatives wishing to resign during the recess of the Legislature, shall direct his letter of resignation to the Governor of the State.

1812—36—2

If the Legislature be in session, the member resigning, if a Senator, shall address his resignation to the President of the Senate; and if a Representative, to the Speaker of the House of Representatives; and in either case, information of such resignation shall be communicated by order of the House, to the Governor of the State.

Resignation of Senators or Representatives, to whom addressed.

To appoint a committee annually to examine the accounts of the Auditor. See AUDITOR OF PUBLIC ACCOUNTS, *Secs.* 31, 32 and 33.

Banks.—A joint committee to be annually appointed to examine them. See BANKS, *Sec.* 32.

Charity Hospital.—Annual reports to be made to the General Assembly. See CHARITY HOSPITAL, *Secs.* 8, 9 and 10.

See "STATE PRINTER."

The Journals of the Senate and House of Representatives to be distributed among the Justices of the Peace. See STATE LIBRARY, *Sec.* 14.

Mode of proceeding in cases of impeachment. See IMPEACHMENT.

GOVERNOR.

CONSTITUTIONAL PROVISIONS.

GENERAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Governor, election, qualifications, term of office, &c.

ARTICLE 35. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for Representatives, shall vote for a Governor and Lieutenant Governor, at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officers to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, on the second day of the session of the General Assembly, then next to be holden. The members of the General Assembly shall meet in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected, but if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor shall be Lieutenant Governor, but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant

Lieutenant Governor to be elected.

Votes how counted.

Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

Qualifications for Lieutenant Governor.

ART. 36. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of twenty-eight years, and been a citizen and a resident within the State for the space of four years next preceding his election.

Governor when to enter on discharge of his duties.

ART. 37. The Governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

Ineligible for the next four years.

ART. 38. The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

Persons ineligible.

ART. 39. No member of Congress or person holding any office under the United States shall be eligible to the office of Governor or Lieutenant Governor.

Lieutenant Governor when to act as Governor.

ART. 40. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term; or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor or Lieutenant Governor, declaring what officer shall act as Governor, and such officer shall act accordingly until the disability be removed or for the residue of the term.

His compensation when acting as Governor.

ART. 41. The Lieutenant Governor, or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled, had he continued in office.

To be President of the Senate.

ART. 42. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

His compensation.

ART. 43. While he acts as President of the Senate, the Lieutenant Governor shall receive for his services the same compensation which shall for the same period be allowed to the Speaker of the House of Representatives and no more.

Governor to grant reprieves, &c.

ART. 44. The Governor shall have power to grant reprieves for all offences against the State, and except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason,

he may grant reprieves, until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

His salary not to be changed.

ART. 45. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

To be Commander-in-Chief of the Militia.

ART. 46. He shall be commander-in-Chief of the Army and Navy of this State, and of the Militia thereof, except when they shall be called into the service of the United States.

To nominate to office.

ART. 47. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointment is not therein otherwise provided for; Provided, however, that the Legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

To fill vacancies.

ART. 48. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate shall be appointed to the same office during the recess of the Senate.

May require information.

ART. 49. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

To give information to the General Assembly.

ART. 50. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

May call extra sessions.

ART. 51. He may, on extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that should have become dangerous from an enemy or from an epidemic; and in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

To execute the laws.

ART. 52. He shall take care that the laws be faithfully executed.

1852—222—1

Governor's salary.

SECTION 1. The Governor shall receive an annual salary of four thousand dollars, to be paid quarterly on his own warrant.

1830—30—6

Vacancies in the office of Governor and Lieutenant Governor how filled

SEC. 2. If, during any future vacancy in the office of Governor, the office of Lieutenant Governor, and President of the Senate should also be, or become vacant, by death or otherwise, it shall be the duty of the Secretary of State forthwith to issue his proclamation, making known the said fact, and calling an extraordinary meeting of the members of the Senate, to be convened as soon as may be, at the Seat of Government, at a time specified in said proclamation, not less than twenty nor more than thirty days from the time of issuing it; and the Senate shall, as soon as they are so convened, proceed as in

Duty of Secretary of State.

ordinary cases to the choice of a President, who, when duly elected and qualified, shall exercise the duties of Governor as long as he shall hold the said office, or until another Governor shall be duly qualified.

1830—80—7

Duty of Treasurer in certain cases.

SEC. 3. If in the case specified in the preceding section, the office of Secretary of State should also be or become vacant, or if the said officer should neglect for ten days to perform the duties therein required of him, then, and in that case, the said duties shall devolve upon the Treasurer of this State.

1825—112—1

Nominations when to be made.

SEC. 4. In all cases where the law shall direct any appointment to be made by the Governor and Senate, within a limited time, a nomination for such appointment shall be laid before the Senate at least six days before the expiration of said time.

1846—68—1

Salary of Private Secretary.

SEC 5. The Private Secretary of the Governor shall receive a salary of one thousand dollars per annum, to be paid quarterly on his own warrant.

Bonds and mortgages given by public officers, to be canceled by the Governor. See BONDS, *Secs.* 11, 12 and 13.

Duty of Governor as to defaulters. See DEFAULTERS, *Sec.* 4 *et seq.*

HARBOR MASTERS.

1841—104—2

1854—60—1

Four Harbor Masters to be appointed by the Governor.

SECTION 1. It shall be the duty of the Governor to nominate and by and with the consent of the Senate, appoint four Harbor Masters for the port of New Orleans, who shall hold their office for two years: one of whom shall be assigned to each district, designating at the time of his nomination the district to which he shall be assigned.

1841—104—3

1854—61—2

Bonds.

SEC. 2. It shall be the duty of the Harbor Master for the fourth district, to give a bond with two sufficient sureties, in the penal sum of two thousand dollars, and the Harbor Masters of the other districts, to give bond with two sufficient sureties, in the penal sum of two thousand five hundred dollars, conditioned for the faithful performance of the duties required of them by law.

1805—126—8

May appoint deputies.

SEC. 3. The Harbor Master, in case of sickness or temporary absence, shall have power to appoint a deputy, and the same to remove or displace and appoint another in his room.

1805—126—6

Fees to be collected by them.

SEC. 4. The Harbor Masters, in their respective districts, shall have power to demand and receive from the commander, owners, or consignees, or either of them, of every ship or vessel that may enter the port of New Orleans, and load, unload or make fast to the levee within the said limits, at the rate of three cents per ton, to be computed from the tonnage expressed in the registers of such ships or vessels respectively, and no more. Provided always, the sums shall not extend to chalans, flats or keel boats, which are employed in the river trade, unless, upon the application of the person having charge of such chalan, flat or keel boat so employed, the said Harbor Master shall interfere and adjust any difference respecting the situation or position of such flat or boat, which differences the Harbor Master is authorized to hear and determine; in which case he may demand and receive from the party in default in the premises, the sum of two dollars for every difference so adjusted, and no more.

1841—104—4

The Harbor Master of the district within which a vessel shall first moor, and commence discharging, shall be entitled to demand and receive the fees herein allowed.

1841—104—4
1850—175—3

To furnish an account of fees to Treasurer of New Orleans.

SEC. 5. Each Harbor Master shall keep an exact account of the fees by him received; and shall at the end of every quarter make out and deliver to the Treasurer of the city of New Orleans, a detailed account or statement under oath of the sums by him received, together with the dates when, and names of the vessels from which the same were collected.

Their compensation.

The Harbor Master of the fourth district shall be entitled to deduct from each quarterly account seven hundred and fifty dollars for his compensation; and those of the other districts shall deduct from each quarterly account the sum of one thousand dollars. The balance, if any, shall be paid over to the Treasurer of the city of New Orleans, to be applied to the maintenance of the wharves and other improvements within the limits of said city.

1805—122—2

Their powers and duties.

SEC. 6. The said Harbor Masters shall have authority to regulate and station all ships and vessels in the stream of the river Mississippi, within the limits of the city, and at the levee thereof; and remove from time to time such ships and vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging theirs; and as to the fact of being fairly and bona fide employed in receiving or discharging their cargoes, the said Harbor Masters are hereby constituted the sole judge. And further, the Harbor Master shall have authority to determine how far, and in what instances it is the duty of the masters and others having charge of ships and vessels to accommodate each other in their respective situations; and if any master or other person shall resist or oppose the Harbor Master in the execution of the duties of his office, he

shall, for each offence, forfeit and pay the sum of fifty dollars; to be sued for by the Treasurer of the Charity Hospital of the city of New Orleans, for the use of said hospital. 1827—12—1

SEC. 7. It shall also be their duty to superintend and enforce all laws of this State, and all laws of the city of New Orleans, for preventing and removing all nuisances whatsoever, in or upon the levee of the city, within their respective districts. 1805—124—3

To enforce the laws relating to the levee.

HUSBAND AND WIFE.

SECTION 1. When by a marriage contract, the parties being of age, shall agree that the legal mortgage of the wife shall exist only on one or more immovables belonging to the husband, the immovables and other property not included therein, shall remain free and released from the legal mortgage of the wife. It shall not be lawful to stipulate that no mortgage whatever shall exist in favor of the wife for her dotal rights. 1824—168—8

A special mortgage in lieu of the general one, may be agreed on in the marriage contract.

SEC. 2. During the marriage, the husband may, with the consent of his wife, if she be of age, be authorized by the Judge, with the advice of five of the nearest relations of said wife, or friends for want of relations, to mortgage specially for the preservation of his wife's rights, the immovables which he shall designate; and then, the surplus of his property shall be free from any legal mortgage in favor of the wife. 1824—170—9

A special mortgage may be given during marriage.

SEC. 3. If the wife be a minor, the Judge may still grant the authorization mentioned in the preceding section, provided it be with the assent of a family meeting composed as aforesaid, and a curator ad hoc appointed to the wife. 1824—170—10

If the wife be a minor, the assent of family meeting necessary.

See DIVORCE—"WOMAN." CIVIL CODE, *Arts.* 87 *et seq.* and 2305 *et seq.*

Donations which husband and wife can make to each other. See AMENDMENTS TO CIVIL CODE, *Sec.* 18.

Property acquired by non-resident married persons to belong to the community of acquets and gains. See COMMUNITY OF ACQUETS AND GAINS, *Sec.* 1.

The surviving husband or wife to have the usufruct of the community property in certain cases. *Secs.* 2 and 3.

IMPEACHMENT.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Judges may be removed by impeachment, or address.

ARTICLE 73. The Judges of all courts shall be liable to impeachment, but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each House of the General Assembly.

In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

Power of impeachment, where vested.

ART 85. The power of impeachment shall be vested in the House of Representatives.

Impeachments how tried.

ART. 86. Impeachment of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the inferior courts, Justices of the Peace excepted, shall be tried by the Senate. The Chief Justice of the Supreme Court, or the senior Judge thereof, shall preside during the trial of such impeachment.

Impeachments of the Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon an oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Effect of judgment of impeachment.

ART. 87. Judgments in cases of impeachment shall extend only to removal from office and disqualification for holding any office of honor, trust or profit under the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

ART. 88. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment; the appointing power may make a provisional appointment to replace any suspended officer until the decision of the impeachment.

Officers impeached to be suspended.

ART. 89. The Legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by impeachment or otherwise.

Other officers, how removed.

1826—204—1

SECTION 1. Whenever any person shall wish to accuse a public officer before the Legislature, he shall address to the House of Representatives a memorial, containing a brief exposition of the acts of such public officer, which are supposed to be contrary to law, to morality, or rectitude of conduct; the said memorial shall be sworn to and signed by him who presents it, and shall contain a list of the individuals who can give any information relative to the facts set forth in the memorial, with a notice of the several charges which each individual included in the list can substantiate by his testimony.

Mode of proceeding.

1826—204—2

SEC. 2. Whenever a memorial of the nature of the one mentioned in the preceding section, shall be submitted to the House of Representatives the memorial shall be referred to a committee, who shall be named and appointed as in other cases; the said committee after having examined the memorial and the accompanying documents, shall cause the public officer accused, as aforesaid, with the witnesses for the prosecution, to be cited to be and appear at a subsequent period, either during the same session of the Legislature, or any subsequent session thereof, according as the said committee may deem expedient, taking into consideration the time that the General Assembly still has to sit. The accused may also, on his part, apply to the committee to obtain the necessary citations for the appearance of the witnesses he may wish to summon in his defence.

Mode of proceeding.

1826—204—3

SEC. 3. At the appointed time, the committee shall proceed to swear and examine the witnesses both for and against the accused, whose testimony shall be taken down in writing; they shall then make their report to the House of Representatives, and shall declare, in the conclusion, whether they are of opinion that the charges are well founded; in which case the House itself, after having obtained all necessary information, shall decide whether it be expedient to proceed by means of impeachment or by address, as established by Article 73 of the Constitution.

Report to be made by committee.

In case the committee shall make a report in favor of the accused, the adoption of the report by the House shall be sufficient, and the accused shall be discharged, and can never after be brought before

the Legislature for the same acts with which he has been already charged.

1826—206—4

Committee may issue commissions to take testimony in certain cases.

SEC. 4. Whenever, in the opinion of the committee, the witnesses shall reside at such a distance that their attendance at the seat of Government must give rise to great expense and loss of time, the said committee shall prepare such interrogatories as they deem proper, to be propounded to the witnesses for the prosecution; which interrogatories shall be addressed to the Judge, or to any Justice of the Peace of the parish in which the witness may reside, who shall, on the receipt of the interrogatories, cause to appear before him, the witness to whom they are propounded, and having administered the oath to him, shall take down in writing his answers, and make him sign them.

The interrogatories thus prepared by the committee shall, previous to their being sent, as aforesaid, be communicated to the accused or his counsel, who shall have a right to add his cross-interrogatories, to which the witnesses are equally bound to answer.

To do the same for the accused.

The accused, on his part, shall be allowed to submit to the committee such interrogatories as he may wish to be propounded to witnesses in his behalf; and it shall be the duty of the committee, after having added such cross interrogatories as they shall deem proper, to direct the whole as aforesaid, that it may be proceeded upon in the same manner.

1826—208—5

Duty of Magistrate on receiving the commission.

SEC. 5. The magistrate to whom interrogatories shall be directed, as stated in the foregoing section, may employ all such means as are allowed by law to compel a witness to appear; and may condemn to a fine of not less than fifty dollars, and not exceeding one hundred, or to an imprisonment not exceeding ten days any witness for or against the accused, who, being duly cited, shall have refused to attend; or who, having attended, should refuse to answer to the interrogatories or sign his answers.

1826—208—6

Costs to be paid by defendant when found guilty.

SEC. 6. Whenever the culpability of a public officer shall be ascertained, either by the sentence of the Senate, or by the concurrence of both Houses, agreeably to the Constitution, all the costs arising from the investigation and prosecution of his suit shall be paid by said officer; which shall be recovered by a suit, to be instituted against the the party condemned, by the District Attorney. And in order that the provisions of this section shall have full effect, it shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives, to make out a full statement of all costs incurred in the prosecution, which shall come to their knowledge, and hand over the same to the District Attorney.

1826—208—7

Costs to be paid by defendant in case of resignation.

SEC. 7. In case the public functionary against whom an accusation shall be brought, should resign his office pending the inquest which shall have been ordered by the House, he shall be bound to pay all

the costs which shall have been incurred until that time; to be recovered in the manner provided by the foregoing section.

SEC. 8. All accusations pending before the Legislature at the time of their adjournment, shall be prosecuted and continued by the next Legislature.

1826—210—8

In case of adjournment of Legislature, the trial to be prosecuted at next session.

IMPRISONMENT FOR DEBT.

Whenever a judgment is rendered against a Sheriff, or other public officer, for money by him received in his official capacity, and converted to his own use, or not accounted for, and the writ of fieri facias is returned "no property found," a capias ad satisfaciendum may be taken out and executed against such defendant.

1841—17—14

Sheriffs and public officers may be imprisoned for debt, in certain cases.

See ARREST.

INJUNCTION.

SECTION 1. The Clerks of the District Courts, (those of the parish of Orleans excepted,) shall have power to grant orders of injunction in the absence of the Judge from the parish, or when he is interested; and when for a specific sum of money, shall require bond in an amount one-half over and above the sum enjoined. But when the sale of specific property is enjoined by the defendant, or any third party, the bond shall be for an amount one-half over and above the estimated value thereof, as certified to by the officer making the seizure. Injunction may be issued by the Clerk on the oath of the party or his attorney, that the Judge is absent from the parish, or that being interested, he is unable to give the order.

1853—293—1

Clerks authorized to grant injunctions in certain cases.

SEC. 2. In addition to the cases mentioned in the two hundred and ninety-sixth, up to the three hundred and third article, the judge may grant an injunction, on the application of any purchaser, whose property is seized for the payment of the price of a thing sold to him, whenever suit has been instituted against him for the recovery of the property.

1828—150—2

Injunction granted.

1826—170—9
Injunction granted.

SEC. 3. In addition to the cases enumerated in article two hundred and ninety-eight, injunctions may be granted in all cases to stay execution when payment is alleged to have been made after judgment rendered, where compensation is placed against the judgment, or where the Sheriff is proceeding on the execution contrary to some provision of law, upon the petitioner's making affidavit of the facts alleged in order to obtain the injunction and upon complying with the requisites prescribed by law.

1825—116—1
Compensation.

SEC. 4. No judgment or execution shall be enjoined on an allegation of compensation, set-off, or subsequent payment, except for the amount of such sum plead in compensation, set-off or payment as aforesaid; as shall be established by the defendant, according to law.

And such judgment, for any surplus that may exist, shall be executed in all respects, as if no such injunction had been granted.

1825—116—1
Amount of bond.

SEC. 5. Whenever any injunction is granted in any case, it shall be the duty of the judge to require from the person claiming such injunction, a bond and security in double the amount of the sum alleged to have been paid, conditioned for the payment of damages in case the injunction shall have been wrongfully sued out.

1820—150—3
Security to be given in certain cases.

SEC. 6. So much of the article three hundred and four, as makes it the duty of the judge to take security in cases of injunctions, or in any other case in which judges are required to take securities in cases of injunctions, be repealed; and that it shall be the duty of the several Clerks of the District Courts, before they issue any writ of injunction, to take from the party requiring the same a bond, with one or more good securities in the amount fixed by the judge granting the order, conditioned as the law requires.

1831—102—3
Surety, a party plaintiff on trial of injunction.

SEC. 7. On the trial of injunctions, the surety on the bond shall be considered as a party plaintiff in the suit; and in case the injunction be dissolved, the court, on the same judgment, shall condemn the plaintiff and surety, jointly and severally, to pay to the defendant, interest at the rate of eight per cent. per annum, on the amount of the judgment, and not more than twenty per cent. as damages, unles damages to a greater amount be proved; and the sureties in such cases shall not be allowed to avail themselves of the plea of discussion.

Amount of damages.

1833—93—3
Damages when a third person enjoins.

SEC. 8. If a third person shall obtain an injunction to arrest the execution of a judgment between other parties, and it shall be dissolved, the plaintiff in injunction and his security shall stand in the same situation, and be subject to all the responsibilities and penalties imposed by the preceding paragraph on the plaintiff and his security; and a similar judgment may be given against them on the dissolution of the injunction.

See CODE OF PRACTICE, *Arts.* 296 *et seq.*

INSANE ASYLUM.

1847—56—1
Asylum established at Jackson.

Section 1. There shall be established in the town of Jackson, parish of East Feliciana, an asylum for the insane, to be called the "Insane Asylum of the State of Louisiana."

1847—56—2
Appointment of Board of Administrators.

Sec. 2. The Governor, by and with the advice and consent of the Senate, shall appoint five persons, who shall constitute a board of administrators, under the name and style of the "Board of Administrators of the Insane Asylum of the State of Louisiana," one of whom shall be elected President by the members of the Board; the Board shall remain in office for two years.

They shall meet on the first Monday of each month, and as much oftener as the President may deem necessary; and at each regular meeting, said Board shall have power to fill any vacancy which may occur by resignation or otherwise.

1847—57—3
Quorum, how formed.

Sec. 3. The President, and any three of the members, shall form a quorum; and in the absence of the President, any four of said members shall choose one from among themselves, to act as President, pro tempore.

1847—57—4
Powers of the Board.

Sec. 4. The Board shall have full power and authority to make all rules and regulations for their own government, not contrary to law; to make all contracts necessary to carry out the provisions of law; and they shall further have the right to accept any donation or legacy, in the name of the asylum, and for its use; to sue and be sued, plead and be impleaded in all actions appertaining to the asylum.

1847—57—5
To appoint physician, &c.

Sec. 5. They shall have power to elect a physician, a general superintendent and a matron, to be employed in the service of the asylum, with such salaries as may be determined by the Board.

1847—57—6
To examine into condition of the Asylum, and report to the Legislature.

Sec. 6. At every regular meeting, the Board shall appoint two of its members whose duty it shall be to visit said asylum at least once a week, for the purpose of ascertaining the manner in which the regulations are complied with; and at each monthly meeting, to report the condition of the asylum. The Board shall furnish the Legislature, on the second Monday of each session, a detailed statement of the annual receipts and expenditures of said asylum, a statement of the names of the insane persons in the asylum, of the number and

names of those admitted, the number and names of those deceased, and the number and names of those cured and discharged during the current year.

1847—57—7

To appoint Secretary and Treasurer.

Their duty.

SEC. 7. They shall elect annually, a Secretary and Treasurer, who shall give bond and security for the faithful performance of their duty, to be approved by a majority of said Board. It shall be the duty of the Secretary and Treasurer to collect all debts due to said Asylum, to receive quarterly, upon the warrant of the President, whatever appropriations may be made by the State for the benefit of said asylum; to keep an exact account of the property, credits and revenues, and to make all necessary payments, under such rules and restrictions as may be established by the Board.

1847—57—8

Seats of members to be declared vacant in certain cases.

SEC. 8. The seat of any member who shall absent himself without sufficient cause from three regular meetings, shall be vacated by a majority of said Board; and the vacancy shall be immediately filled in the manner heretofore provided for. In the absence of the President, a majority of the members shall have power to call a meeting of the Board whenever the necessities of the asylum may require it.

1847—58—11

Lunatics to be sent to the Asylum by the Judge.

Duty of Sheriffs.

SEC. 9. Whenever it shall be made known to the Judge of the district, by the petition and oath of any individual, that any lunatic or insane person, within his district, ought to be sent to, or confined in the Insane Asylum of this State, it shall be the duty of said Distric Judge to issue a warrant to bring before him, in chambers, said lunatic or insane person; and after proper inquiry into all the facts and circumstances of the case, if in his opinion he ought to be sent to, or confined in said Insane Asylum, he shall make out his warrant to the Sheriff of the parish, commanding him to convey the lunatic or insane person to said Insane Asylum; for which duty the Sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of convicts to the Penitentiary of the State; which shall be paid out of the Parish Treasury upon the order of the District Judge, and likewise all other expenses previously incurred in bringing said insane person before the District Judge.

1847—58—12

Board may receive other lunatics.

SEC. 10. The Board of Administrators shall have authority to receive insane persons, not sent to the asylum by a District Judge, on such terms and conditions as they may see fit to adopt; and money so received, shall be applied to the support of the institution.

1848—41—4

Rate of charges.

SEC. 11. All persons received in the asylum as insane, shall be charged at a rate not less than ten dollars a month, unless the Police Jury of the parish from whence the insane person came, or Municipal Council, if from a city or town, or Clerk of the Court, shall certify that said person is in indigent circumstances.

1852—99—3

Duty of Clerk when applied to for a certificate.

SEC. 12. Whenever application is made to the Clerk for a certificate, as above stated, it shall be his duty to examine, under oath, such witnesses as may be brought before him, and to give or refuse said

certificate, as the case may in justice require; and the said Clerk is empowered, whenever he shall deem the same necessary, to summon before him, as in ordinary cases, any witnesses necessary, and said certificate, so given, shall entitle the person therein named, to admission into the Lunatic Asylum without charge.

INSOLVENT LAWS.

FORCED SURRENDER.

1840—132—4 and 5

Debtors how compelled to make a surrender.

SECTION 1. Any judgment creditor, who shall have issued execution, which has been returned "no property found," after due demand, shall have the right to compel his debtor to make a surrender of his property, by proceeding in the following manner:

The creditor shall present his petition to the Court or Judge at chambers, having jurisdiction of the debtor's domicil, and shall allege that he is a judgment creditor of the debtor, and for what amount; that execution has issued and been returned "no property found," after due demand; that he has reason to believe that the debtor has property, or assets, which may be made available to his creditors; and shall conclude with a prayer that the debtor be ordered to surrender his property to his creditors. All of which shall be verified by the oath of the petitioning creditor.

The Judge shall thereupon order that the debtor show cause within ten days from the service of the order on him, why he should not pay the debt of the complaining creditor, or make a surrender of his property to his creditors. Should no good cause be shown, and the debt remain unpaid, the Judge shall order the debtor to make a surrender of his property to his creditors, within a time to be fixed by him.

1840—133—6

Penalty for not obeying the order of the Judge.

SEC. 2. Should the debtor fail or refuse to make a surrender within the time fixed by the Judge, he shall order the debtor to prison —there to remain until he shall obey the order.

The surrender and subsequent proceedings to be governed by the laws relating to voluntary surrenders.

SEC. 3. The surrender shall be made and accepted, Syndics elected, and all the proceedings conducted in accordance with the laws governing voluntary surrenders; and all the laws, rules of proceeding, penalties, &c., governing voluntary surrenders, shall apply to forced surrenders, in the same manner, and as fully, as though a voluntary surrender had been made.

1826—140—6

Debtors absconding or concealing themselves, how forced to surrender.

SEC. 4. If any merchant or trader shall abscond or conceal himself in order to avoid the payment of his debts, it shall be lawful for three of his creditors to apply to any competent Judge, and after having made an affidavit that said merchant or trader has actually absconded, or concealed himself to avoid the payment of his debts, or being sued therefor, as well as of the amount of their claims, to obtain from him an order authorizing the sequestration of the property of the said merchant or trader, and that a meeting of his creditors may be called to appoint Syndics.

The Syndics, when duly appointed, shall be put in possession of the property of the said merchant or trader; and all the laws, rules of proceedings, penalties, &c., governing voluntary surrenders, shall apply in the same manner and as fully as though a voluntary surrender had been made.

VOLUNTARY SURRENDER.

SEC. 5. Every individual who shall find himself unable to meet his engagements, may avoid imprisonment and all further proceedings against his person, for his debts, by surrendering all his estate to his creditors; provided, the surrender be made bona fide, and without fraud, and agreeable to the formalities prescribed hereinafter.

1817—126—1
All debtors may make surrender.

SEC. 6. Every debtor who shall wish to make a surrender of his estate to his creditors, shall present his petition for that purpose to any Judge having jurisdiction; which petition shall briefly state the unfortunate circumstances which oblige him to make a surrender, and conclude with a prayer to be allowed to call a meeting of his creditors, at such time and place as the Court may direct, in order that he may lay before them a statement of his affairs and surrender to them his estate; and that in the meantime all proceedings against his person and property be stayed.

1817—26—2
Petition for surrender.

SEC. 7. The debtor shall annex to his petition his schedule, that is to say, a summary statement of his affairs, and the losses he may have experienced, mentioning the names of his creditors, their places of residence, and the amount of their respective claims; and the schedule shall beside contain a statement of all his property, as well movable as immovable, and the insolvent rights and actions (except those which are hereinafter secured to him,) together with a mention of the approximate value of the property by him assigned.

1817—126—8
Schedule.

SEC. 8. The debtor is not obliged to comprehend in his surrender any property that is not subject to be seized and sold on execution against him.

Civil Code, Art. 2179
Effects not to be surrendered.

SEC. 9. The schedule shall be signed by the debtor, if he can write, and be by him sworn to or affirmed, before any Judge or Justice of the Peace, in the following words, or others of the same meaning, to-wit:

1817—126—5
Affidavit.

"I, A. B., do solemnly swear or affirm (as the case may be) that the above schedule contains a correct and faithful statement of all the property I possess, either in movables or immovables, or in other rights or claims, except, however, those articles which the law authorizes me to keep. And I do further solemnly swear, that the schedule contains a correct and faithful statement of my active and passive debts, and of the losses I have experienced in my affairs, and that I have neither directly nor indirectly diverted any of my property to the injury of my creditors. So help me God."

And the Judge or Justice of the Peace who shall receive such oath, shall certify the same, and cause it to be signed by the debtor, or else declare the reason why he could not sign.

SEC. 10. If the debtor be a merchant or shopkeeper, he shall besides his schedule, present to the Judge all the commercial books he may have kept. The Judge shall paraph them ne varietur, on the

1817—28—6
Commercial books to be delivered up.

first and last sheet of each. and shall immediately deposit them in the office of the Notary, or other public officer designated to preside at the meeting of the creditors; which officer shall hand them over to the Syndics who shall be appointed.

1817—130—8
1826—136—1 & 11
Judge to order a meeting of creditors, and to accept the surrender.

SEC. 11. Whenever the Judge shall be convinced that the debtor who wants to surrender his property, has complied with all the formalities prescribed, he shall endorse on the schedule that the cession of all the property of the insolvent is accepted for the benefit of his creditors; and shall order a meeting of the creditors to be called in the manner and within the time prescribed for respites—Civil Code, Art. 3051 et seq.; he shall also appoint an Attorney to represent the creditors, absent or residing out of the State, if there be any mentioned in the schedule. Creditors represented in the parish shall be considered as residing therein.

Attorney of absent creditors.

1817—130—9
All proceedings to be stayed.

SEC. 12. When issuing the order for the meeting of the creditors the Judge shall order that all proceedings, as well against the person as against the property of the debtor, be stayed.

1826—136—2
The property surrendered to be vested in the creditors.

SEC. 13. From and after such cession and acceptance, all the property of the insolvent debtor mentioned in the schedule shall be fully vested in his creditors; and the Syndics shall take possession of and be entitled to claim and recover all the property, and to administer and sell the same.

How debtor may revoke his cession.

The debtor may at any time before the sale of the property surrendered revoke the cession, and take back all his property surrendered, on his depositing in court a sum of money sufficient to cover all the debts due by him according to his schedule, together with all the costs incurred. After all the creditors shall have been paid out of the property ceded, any balance which may remain in the hands of the Syndics, shall be paid over to the ceding debtor.

The balance, after paying debts, to be paid to the debtor.

1817—230—10
Provisional Syndics to be appointed.

SEC. 14. The Judge shall have power, on the application of at least three of the creditors of the insolvent debtor to appoint one or two provisional Syndics, taken by preference from among the creditors, if any of them offer to accept of the trust, who shall take charge of the estate of the insolvent debtor, and keep the same until Syndics are elected and qualified; the Judge shall require from them a bond with one or more good and sufficient securities, the amount of which shall be proportioned to the value of the estate delivered up to them.

1817—130—11
Their duties.

SEC. 15. The duties of the provisional Syndics shall consist in keeping, as a deposit, all the goods and other effects of the insolvent debtor which shall be delivered up to them; in performing all the conservatory acts which may be necessary, as well for the interest of the insolvent debtor as for that of the mass of creditors, in demanding and receiving the rents and incomes of the property, as also all the claims of the insolvent debtor which may become due during their administration; of all of which they shall render an account to the

Syndics appointed by the creditors; and when rendering the account shall be entitled to demand for their trouble and services, one per cent. on the appraised value of the goods and effects confided to their care, and five per cent. on the rents and income which they shall have recovered during their administration.

1817—132—12
Property surrendered to be delivered up to them.

SEC. 16. All the goods, titles and claims which the insolvent debtor shall have declared in his schedule, or which may have been sequestered anterior to their appointment, shall be delivered up to the provisional Syndics, and shall remain in their hands, subject to the same sequestration as before; and in case the insolvent debtor should refuse to deliver up the goods and effects in his possession, the Judge may compel him to do so, either by ordering the Sheriff to seize the property, or by causing the insolvent debtor to be imprisoned until the delivery is effected.

1817—132—13
Debtor to deliver into the office of the Notary a copy of his petition, schedule, &c.

SEC 17. The debtor who shall have made a surrender of his property, shall immediately deliver into the office of the Notary, or other public officer pointed out to preside at the meeting, a copy of his petition, and of the order of the court relative to the call, as also his schedule, with all the books and papers which may serve to give an explanation of his affairs, in order that his creditors may take cognizance thereof.

1837—95—1
Meeting of creditors to appoint Syndics.

SEC. 18. At the meeting, the creditors, after having certified on oath their respective claims to be true and legitimate, shall proceed to the appointment of one or more Syndics, not exceeding three; and the Notary Public before whom the meeting is held, shall, before issuing a certificate of election, require from the Syndics a bond with one or more good and sufficient securities, in solido, to the satisfaction of the court; the amount of which bond shall be fixed by the rule adopted relative to Curators of vacant successions. Two-thirds of the creditors in number and amount may dispense with any security at the meeting, and so express it in the proces verbal.

The Syndics shall always be bound to give security for the amount of the mortgage and privileged claims.

1837—95—2
Creditors may vote by proxy.

SEC. 19. In the appointment of Syndics, the creditors shall be empowered to vote by proxy, and decide also by proxy whether bonds shall be required from the Syndics.

The proxies shall fulfil all the obligations and conditions now required by law from the creditor represented by them.

1826—140—5
Who may be appointed Syndics.

SEC. 20, Persons may be appointed Syndics to administer ceded property, although they may not be creditors of the ceding debtor.

1817—132—15
Creditors, how to vote.

SEC. 21. In all the deliberations which shall take place between the creditors, either for the choice of Syndics or for the sale or disposal of the property surrendered, or for any other object relative to the interest of the mass of creditors, the opinion of the majority of

the creditors, in amount, shall prevail; but in case of any equality, then the number of persons shall prevail.

The wife, when allowed to vote.

The wife, in partnership of goods with her husband, or his heirs, shall not be allowed to vote in the deliberations, unless their rights should have been previously settled by a deed of partition, or a judgment for a separation of goods.

1817—184—16

Right of privilege and mortgage creditors, as to sale of property.

Sec. 22. The privileged or mortgage creditors shall not be bound by the decision of the majority of the other creditors, either in amount or persons, if the latter want to sell the property surrendered on a credit. The privileged or mortgage creditors shall always have the right to require the sale for cash of so much of the property on which their privileges or mortgages rest, as will be sufficient to make the amount due to them, together with interest and costs.

1817—184—17

Proces verbal to be deposited in the Clerk's office.

Sec. 23. When the Syndics shall have been duly appointed in the meeting of creditors, and the surrender of property shall have been duly accepted, it shall be the duty of the Syndics, or of the debtor who shall have asked for the meeting, to deposit in the Clerk's office, an authenticated copy of the proces verbal of their deliberations. It shall no longer be necessary to have such deliberations homologated.

1817—184—18

Opposition to appointment of Syndics and charge of fraud against debtor.

Sec. 24 Should any of the creditors of the insolvent debtor deem necessary to oppose the appointment of Syndics, or to charge fraud against the debtor, he shall, within the ten days next following the meeting of creditors, lay before the court his written opposition, stating specially the several facts of nullity of the appointment, or of fraud alleged against the insolvent debtor.

Whereupon the Judge shall decide said opposition, and in case of accusation of fraud, after having received the insolvent debtor's answer, the court shall order a jury to be summoned, for the purpose of deciding on the accusation.

1817—186—22

What shall constitute fraud.

All persons shall be considered as guilty of fraud, who shall have concealed their body, or any of their property, with an intention to keep them from their creditors; as also those who being merchants or shopkeepers, shall have concealed their commercial books and papers with the same intention; and the same rule shall apply to any insolvent debtor who shall abscond or absent himself from his usual place of residence, without giving his creditors any account of his affairs, and without having previously surrendered to them his property, or who shall carry off with him any of his goods or effects, or shall transfer the same to any other place, in order to deprive his creditors thereof.

1817—186—23

What shall constitute fraud.

Sec. 25. Every insolvent debtor shall also be considered as guilty of fraud, who shall have passed sham deeds for the purpose of conveying the whole, or any part of his property, and depriving his creditors thereof; or shall have knowingly omitted to declare any of his

property, rights or claims in his schedule; or purloined his books, or any of them (if he be a merchant or shopkeeper,) or altered, changed or made them anew, always with an intent to defraud his creditors, or shall have alienated, mortgaged or pledged any of his property, or committed any other kind of fraud to the prejudice of his creditors.

1840—133—10
What acts presumptive evidence of fraud

SEC. 26. If a debtor, who has voluntarily surrendered his property to his creditors, or has been proceeded against for a surrender, shall, in violation of any existing law, have within the year given an unjust advantage or preference to any one or more of his creditors, by payment or otherwise, or shall have anticipated the payment, or provided for the payment of a debt not due, the effect whereof shall be to injure the complaining creditor; or shall purchase property for cash, the delivery whereof shall be made to him, and then shall sell or dispose of the same without paying his vendor, or shall remove the same beyond the reach of such vendor, or shall conceal or cover the same in any manner so that his vendor cannot render the same liable, or shall fail to pay over money received or collected for, or deposited with him for another, or shall have made a conveyance, or transfer, or mortgage, or pledge of his property to the prejudice of the complaining creditor; any of such facts shall be held presumptive evidence of fraud, liable, however, like all other presumptions, to be disproved.

1840—133—11
Debtors charged with fraud may be arrested.

SEC. 27. Any creditor who may justly believe that he has good cause of complaint, may appeal to a competent Judge, who may thereupon order the arrest and confinement of the party complained of, until such party shall give bond, in a sum to be fixed by the Judge, with one or more solvent sureties residing in the State, conditioned for such party's appearance to answer the petition and abide the final order of the court thereon.

1817—134—19
Debtor charged with fraud may be interrogated.

SEC. 28. Upon an accusation of fraud, the creditor who shall have brought the same, shall have the right to interrogate the insolvent debtor, and to put to him such written questions on the state of his affairs, and the several transactions in which he may have been engaged, as he shall think proper; and the debtor shall answer in writing in a pertinent and distinct manner; and every insufficient answer on his part shall be construed against him.

1817—134—20
1840—133—7—13
Effect of verdict against debtor, on a charge of fraud.

SEC. 29. If the jury, summoned for the purpose of deciding on the accusation of fraud brought against the insolvent debtor, declare in their verdict that he has been guilty of fraud, the insolvent debtor shall forever be deprived of the benefit of the laws passed in favor of insolvent debtors in this State, and shall be sentenced to imprisonment for a term not exceeding three years; and if it shall appear that the debtor has only been guilty of conferring an unjust preference or advantage upon another bona fide creditor, whose demand was actually due, such defendant may be relieved from imprisonment by

To be imprisoned.

paying the complaining creditor, or repairing the injury or fraud complained of; and in case the jury or court shall find the charges against the debtor unfounded, and that he has proceeded without reasonable ground of suspicion, they may impose such damages against the party complaining, as may be reasonable and just. The creditor who may proceed against his debtor under the provisions of this and the three preceding sections, may, in the same action, proceed against the party in favor of whom the defendant may have made the sale, mortgage, pledge, assignment, or payment complained of; and the court may render judgment against such third party, according to law.

1840—134—14

The creditor may proceed against the third party in the same suit.

1817—136—24

Effect of giving unjust preference.

SEC. 30. Any debtor who shall, within three months next preceding his failure, have sold, engaged, or mortgaged any of his goods and effects, or shall have otherwise disposed of the same, or confessed judgment, in order to give an unjust preference to one or more of his creditors over the others, shall be debarred from the benefit of the insolvent laws, and the said deeds or acts shall be declared null and void.

If the purchaser of such property shall prove that the property was either sold or engaged to him for a true and just consideration, by him bona fide delivered at the time of such deed, then and in that case, the sales and mortgages shall be declared valid.

1817—138—25

Persons not entitled to the benefit of the insolvent laws.

SEC. 31. All defaulting receivers of public funds of any kind, and all unfaithful depositaries, shall be deprived of the benefit of all acts passed for the relief of insolvent debtors; also, all those whose losses shall have been occasioned by gambling, dissipation or debauch.

1817—138—29

Sheriff to act as Syndic in certain cases.

SEC. 32. If, on the day appointed for the meeting, the creditors, although duly summoned, do not attend, or refuse to appoint one or more Syndics, it shall be lawful for the Judge, on a certificate of the Notary or other public officer, in whose office the meeting was held, stating that the creditors did not attend, or would not appoint Syndics, to authorize the Sheriff to perform in every respect the functions of Syndic, unless any of the creditors should choose to take that charge in which case the Judge shall appoint the creditor for that purpose, on his giving bond with good and sufficient security, according to law.

1817—140—30

Powers of Syndics.

SEC. 33. The Syndics, without any authorization from any court for that purpose, are authorized to sue and be sued, in every thing which respects the rights and actions which may belong to the insolvent debtor, and which may concern the mass of creditors, and, finally, they shall make a distribution of the proceeds of the property, agreeably to the directions of the Court.

1826—138—3

Property ceded to be sold.

SEC. 34. The property ceded, excepting incorporeal rights, shall be ordered by the court to be sold by public auction, at such times and places, and upon such terms and conditions as may be determined by the creditors; and incorporeal rights, actions and credits, may also

be sold by public auction, by virtue of an order of the court, before which the proceedings are depending, to be made upon the petition of the Syndics, setting forth the reasons which may render such mode of disposition advisable.

SEC. 35. The Syndics, for the purpose of effecting the sale of the property assigned, shall be authorized to give a release of the mortgages existing on the property, in favor of any of the creditors.

1817—140—31

Syndics authorized to raise mortgages.

They shall keep in their hands the proceeds, subject to the same rights in favor of the mortgage creditors, which they had on the property itself.

SEC. 36. Syndics shall deposit all moneys collected by them as soon as the same shall come into their hands, in one of the chartered banks of this State, or in one of their branches, allowing interest on deposits, if there be one in the parish. They shall keep a bank book in their official name and character, and shall on no account remove or withdraw the deposits, or any part thereof, until a tableau of distribution shall be homologated, or unless ordered by a competent Court, and then only to pay such debts as may be ordered for payment.

1837—95—8

Executors, &c., to deposit money collected by them in bank.

If any Executor, Administrator, Curator of a vacant succession, or Syndic, shall fail to comply with the provisions of this section, he shall be condemned, jointly and severally with his securities to pay, to the use of the estate, twenty per cent. interest, per annum, on the amount not deposited, or withdrawn without authority, besides all special damage suffered, and shall be dismissed from office.

Penalty for failing to do so.

Proof thereof may be made by any creditor or person interested, on motion, after ten days' notice, which motion may be filed in the Clerk's office at any time.

SEC. 37. Any creditor, or other person interested, may, at the regular sittings of the Courts in New Orleans, and in the country, as well during the vacation as the sitting of the court having jurisdiction, file in the Clerk's office a motion to know whether the Syndic has any funds; and such Syndic shall be bound within ten days to file a true statement of his account with the bank showing the amount of funds collected by him, and on failure so to do, he shall be dismissed from office, and pay ten per cent. per annum interest on any sums for which he may be responsible.

1837—96—4

Bank book and account to be exhibited.

The Syndics shall, at least once in every twelve months, render to the court a full, fair and perfect account of their administration, and on failure so to do, shall be dismissed from office, and pay ten per cent. per annum interest, on all sums for which he may be responsible from the date of the expiration of the twelve months.

1837—96—6

To file an account once in twelve months

In case of vacancy in the office of Syndic, by removal or otherwise, a meeting of the creditors, to fill the vacancy, shall be ordered.

1837—96—5

Account and tableau of distribution.

SEC. 38. When the time shall arrive when a dividend shall be declared, or the Syndic shall be called on by any creditor to make a showing of the amount of funds in his hands, and if it shall appear by the statement required to be filed in the Clerk's office by the preceding section, that the Syndic has funds to distribute, he shall make out a tableau of distribution, within the ten days next following the day of the filing the statement of his account in the Clerk's office, containing the names of the several creditors of the insolvent debtor, and mentioning the sums which are due to them respectively; and the tableau shall besides contain the distribution of the sum to be divided among all the creditors in following the order of privileges and mortgages, if any they have, or proportionally, if they are mere ordinary creditors; and the Syndic shall deposit the tableau in the Clerk's office, and the Clerk shall issue notice to the creditors, to be given by bills or publications, in the same manner as for the meeting, that they show cause, within ten days, if the court be in session, and before the first day of its next session, if it be not in session, why the statement or tableau shall not be homologated, and the distribution made agreeably to its contents.

1837—142—37

Suits to be continued against the Syndics.

SEC. 39. All the suits which may have been brought anterior to the failure, shall be transferred to the court in which the insolvent debtor shall have presented his schedue, and shall be continued against his Syndics.

1817—142—38

Fees of attorney of absent creditors.

SEC. 40. The fees of the Counsellor who shall be appointed to represent the absent creditors, shall in no case be paid by the mass of creditors, but shall be levied on the amount which shall be recovered for the account of the absent creditors, at the rate of five per cent.; provided that in no case shall the fees exceed the sum of two hundred and fifty dollars.

1826—138—4

Commissions to be allowed Syndics.

SEC. 41. The creditors may, in their deliberations, at the time of electing Syndics, determine the rate and amount of the commissions to be received by the Syndics; or may determine that no commissions shall be received by them; and such determination shall be valid and binding upon the Syndics who shall accept the trust; provided that in no case shall the Syndics collectively be entitled to receive greater commissions than at the rate of five per centum upon the net amount of money by them received. And provided also, that when the commissions of the Syndics have not been fixed by the deliberation of the creditors, commissions shall be allowed at the following rates, to wit: five per centum upon a sum not exceeding fifty thousand dollars, three per centum upon sums above fifty thousand dollars and not exceeding one hundred thousand dollars, and two per centum upon all sums exceeding one hundred thousand dollars. And provided further, that the commissions shall be allowed only on such net sums of

money as shall actually come to their hands, or be disbursed and distributed by them.

See CIVIL CODE, *Art.* 2166, title CESSION OF PROPERTY; and *Art.* 3051 *et seq.*, title RESPITE.

Also, CODE OF PRACTICE, *Arts.* 223 and 224.

See ARREST.

Syndics to deposit money in bank. See ADMINISTRATORS, *Sec.* 2.

Attorneys at law not entitled to benefit of insolvent laws for money collected. See ATTORNEY AT LAW, *Sec.* 4.

INSPECTORS.

INSPECTORS OF TOBACCO.

1846—126—1

Ten Tobacco Inspectors to be appointed.

SECTION 1. There shall be appointed by the Governor of the State, by and with the advice and consent of the Senate, ten Inspectors of Tobacco for the city of New Orleans, to be denominated the "New Orleans Board of Tobacco Inspectors."

1846—126—2

Oath, bond, &c.

SEC. 2. The Inspectors shall be appointed for the term of four years, shall take an oath faithfully to discharge the duties of the office, as prescribed by law, and shall give bond to the State for the sum of ten thousand dollars, (with two sureties for five thousand dollars, each good for the amount, to be approved by the Treasurer of State), for the faithful performance of their duties, while in office; and each person offering himself as security shall take an oath, before some competent magistrate, that he is worth what he is surety for. And said sureties shall be liable on said bond, not only to the State, but to all persons who shall have suffered damage by the wrongful act or neglect or inattention of the Inspectors.

1846—127—3

Must be citizens.

SEC. 3. No person shall be appointed an Inspector who is not a citizen of the United States, and of the State of Louisiana.

1846—127—4

Organization of Board.

SEC. 4. It shall be the duty of the Inspectors to organize themselves as a Board, appointing one of their own number as President of the Board, and another Secretary. Seven members shall constitute a quorum. The Board of Inspectors shall have a common seal. In the absence of the President or Secretary, the Board shall name a President or Secretary, pro tempore. The President and Secretary

shall be chosen yearly, and allowed each two hundred dollars per annum for their services.

1846—127—5
Duty of President.

SEC. 5. It shall be the duty of the President to call meetings of the Board, and preside over their deliberations. It shall be the duty of the Secretary to record their proceedings, and in such manner as to show the votes of each member upon questions submitted to the Board.

1846—127—6
Contracts to be approved by a majority of Inspectors.

SEC. 6. All contracts of the Board, hereinafter provided for, shall be submitted to them, and shall be approved of by a majority of the whole number of Inspectors.

1846—127—7
By-Laws.

SEC. 7. The Board shall have authority to make rules and by-laws, for the regulation of its members in the discharge of their duties; which by-laws shall not be inconsistent with the laws and constitution of this State and of the United States.

1846—127—8
Duty of Board.

SEC. 8. It shall be the duty of the Board to provide suitable warehouses in the city, for the storage of tobacco, at the lowest rates at which they can be obtained, two of which shall be located in the Fourth District; which warehouses shall be fire proof and floored with plank two inches thick, and provided with a sufficient number of presses; and shall be located at such points as will be most convenient for the reception of tobacco, and for the convenience and interest of those engaged in the tobacco trade.

1846—127—9
Mode of proceeding on receipt of tobacco at the warehouse.

SEC. 9. When the tobacco is brought to the warehouse, it shall be received by the Inspector or Inspectors allotted to said warehouse, or their clerk; who shall immediately mark with ink the warehouse numbers commencing with one, and running on to the end of the year, on each end of the cask. When called on by the owner or agent to inspect a lot of tobacco, they shall cause the hogshead or cask to be placed at a convenient distance from the press, and under the eye of an Inspector or their clerk, to cause one head of the cask to be taken out; the cask must then be headed upon the open end, and the whole cask be taken from the tobacco and weighed. The weight of the cask being the tare, shall be marked on it with a marking iron. The Inspector shall then have the tobacco broken in four different places, from each of which he shall draw four hands or bundles of tobacco, which shall be tied up neatly and compactly, the bundles from the top breaks forming the first layer of the sample. The Inspector shall be careful that the sample shall be a fair representation of the quality of the whole hogshead of tobacco, as near as he can make it. The tape or twine used in tying up the sample shall pass through the hands of tobacco, and a seal of wax shall be put on each sample. One end of the sample card, which expresses the quality of the tobacco, the warehouse number, inspection number, and initials of the inspectors' names who have inspected it, shall be put under the seal of wax.

When a hogshead or cask of tobacco is damaged, if practicable, the damaged portion shall be cut off and held at the disposal of the owner or agent. The quantity so trimmed shall also be expressed on the sample card with ink. If the damage be to such an extent that it cannot be trimmed off, the Inspectors shall refuse to classify the hogshead. They shall give a sample of it, expressing the probable extent of the damage, but without the inspection seal.

If, upon the inspection of a hogshead of tobacco, it be apparent that it is falsely or fraudulently packed, said hogshead shall be marked "condemned," and the Inspectors shall refuse to give a sample of it. It shall then be at the disposal of the owner or agents, subject to the same charges as if it had been inspected. If the cask or hogshead shall prove to be of green or unsound timber, the Inspectors shall provide a suitable cask. at the expense of the owner or agent.

1846—128—10
Tobacco, how classed.

SEC. 10. There shall be two classes of tobacco, to wit: Admitted and Refused. The Inspectors shall class as admitted, all tobacco they may find to be sound, well cured, and in good keeping condition; and they shall class as refused, all such tobacco as they may find to be soft high in case, or otherwise unsound.

1846—128—11
Re-inspection, how made.

SEC. 11. When the Inspectors are called upon to re-inspect a lot of tobacco, they shall make a copy of the original sample card, and shall write on it, with ink, in plain letters, "re-inspected," and shall give the date of the same.

1846—128—12
How repacked and marked.

SEC. 12. When the inspection of one or more hogsheads of tobacco is finished, the laborers of the warehouse, under the eye of an Inspector, or their clerk, shall have the cask returned to the tobacco; and the loose tobacco shall also be returned; and should it be impossible to put it all in, it shall be held subject to the order of the owner; after it is placed under the press, it shall be coopered up, in good condition for shipping, each cask having six hoops.

The cask shall then be weighed by an Inspector, or their clerk, and the gross weight marked in ink over the tare weight. The gross weight, the tare, and the warehouse number, shall also be marked with marking irons, by cutting with the same on the bilge of the hogshead or cask, and the cask then stored away.

1846—128—13
Record to be kept.

SEC. 13. The particulars of each day's inspection shall be recorded in a book to be kept in each warehouse for that purpose, in which shall be noted all the marks and numbers on the cask when received, the gross weight, tare, warehouse number, inspection number, by whom inspected, and for whose account.

1846—128—14
Transferable certificates given.
To be evidence of delivery.

SEC. 14. The samples, and a certificate corresponding with the record of inspection, shall then be issued to the owner or agent, and shall be a receipt for the tobacco. This certificate shall be transferable by endorsement or otherwise, which shall be evidence of its delivery. When the legal holder of the certificate shall call for the

delivery of the tobacco, it shall be the duty of the Inspectors to have the hogshead promptly delivered at some opening of the warehouse which is accessable by a paved street.

1846—128—15

Temporary receipts to be given.

SEC. 15 On receiving tobacco in the warehouse, the clerk of the Inspectors shall give temporary receipts to the owner or agent, acknowledging the receipt thereof, which they may require to be surrendered, upon the issuance of their certificate of inspection, as hereinbefore provided. The Inspectors shall be liable for all tobacco stored with them, and shall be responsible to all persons interested in the same, for the correctness of their samples and weights. The Inspectors shall have recourse upon the particular Inspector or Inspectors, whose neglect or wrongful act has caused the damage.

Responsibility of Inspectors.

1846—129—16

Inspectors and others prohibited from dealing in tobacco.

SEC. 16. The Inspectors themselves, and the persons employed by them, are prohibited from dealing or trading in tobacco, either in their own names or in the names of others in any manner whatever; or from being connected with, or having any interest in the business of other persons dealing in tobacco, or from putting up loose tobacco in bales or hogsheads; or from being interested in any manner in the warehouse rented by them for the storage of tobacco; or from owning or being interested in any of the laborers, or coopers, employed in the warehouses; or from having any interest in the drayage of tobacco to and from the warehouses; and upon conviction of the violation of any one of the above prohibitions, the Inspector. or other person so offending, shall be deprived of his office, and shall be subjected to a fine of not less than five hundred dollars, nor more than two thousand dollars. And any Inspector, upon conviction of making. willfully, a false or fraudulent inspection, or accepting a bribe in relation to the discharge of the duties of his office, shall be deprived of his office, and shall suffer imprisonment in the Penitentiary not less than three months, nor more than two years.

Penalty.

1846—129—17

Inspection to be made by two Inspectors.

SEC 17. All tobacco shall be inspected by two Inspectors. in the presence of each other; and in case of disagreement between them a third Inspector shall be called in, who shall decide upon its quality.

1846—129—19

To be inspected only at the warehouses.

SEC. 18. The Inspectors shall not inspect tobacco at any other warehouses than those provided, as contemplated by the preceding sections.

1846—129—20

Fees for inspection.

SEC. 19. The fees for receiving, weighing, inspecting, storing for two months, coopering, and all other duties imposed by law upon the Inspectors, shall not exceed two dollars and fifty cents per hogshead, one-half of which shall be paid by the purchaser to the seller. For re-inspecting, re-weighing and coopering, the charge shall be seventy-five cents for each hogshead.

On tobacco remaining in store more than two months from date of receipt, they shall charge extra storage at the rate of twenty-five cents per month. On tobacco stored on which there is no inspection, fifty cents

per month. The owner or agent storing the tobacco shall be bound for the fees, and there shall be a privilege upon the tobacco for them.

1846—180—21

Board may employ clerks.

SEC. 20. The Board of Inspectors shall be allowed to employ two clerks for each warehouse, to hold their places at the pleasure of the Board; the first to receive, out of the funds hereinafter provided, a salary not to exceed one thousand dollars per annum, the other not to exceed six hundred dollars. The Board shall also be allowed to employ a sufficient number of laborers and coopers for each warehouse.

1846—180—22

Vacancy in Board, how filled.

SEC. 21. Should any vacancy occur in the Board of Inspectors, by death, resignation, deprivation of office, or from any other cause, it shall be the duty of the Governor to appoint, as soon thereafter as may be deemed by him expedient, a competent successor, subject to the ratification of the Senate, as other civil appointments made by the Governor; and the Inspector so appointed shall in all respects conform to the requirements of law. All appointments under this section shall be for the unexpired term of four years.

1846—180—23

Treasurer how appointed.

Salary, bond, &c.

SEC. 22 The Governor, by and with the advice and consent of the Senate, shall appoint a competent person, who shall be a citizen of the United States and a citizen of the State of Louisiana, to act as Treasurer to the said Board of Inspectors. The salary of the Treasurer shall be two thousand five hundred dollars per annum. The Treasurer shall take an oath, faithfully to discharge the duties of his office, and shall give bond, with two good sureties, in the sum of ten thousand dollars each. for the faithful performance of the duties of his office, said bond to be approved by the Secretary of State, and each security to make oath that he is worth, over and above all his debts, the amount for which he is security. In case of a vacancy in said office, the Governor shall supply the place with another officer, as soon as practicable in the same manner pointed out for the appointment of Inspectors in case of vacancy.

1846—180—24

Duty of Treasurer.

SEC. 23. It shall be the duty of the Treasurer to keep the books and accounts of all moneys received and disbursed; to collect all fees and provide for the safe keeping of them; to pay all expenses incurred, all bills of which to be approved by the Board of Inspectors. He shall, at the end of each month, pay to each Inspector (all other demands upon the Treasury being satisfied,) equal portions of any moneys in his hands; provided that these payments do not exceed, to each Inspector, a salary of four thousand dollars per annum, at the close of each year, commencing on the first day of November. Should there be any balance in his hands after paying the various clerks, laborers, rents of warehouses, and all the expenses of the inspection, it shall be appropriated as follows:

The surplus funds remaining in the hands of the Treasurer of the Tobacco Inspectors, shall, at the end of each year, be deposited by him in the hands of the Treasurer of State, to be held as a reserved fund

for the benefit of the tobacco trade of this city, at the discretion of the Legislature of this State; said fund may be from time to time vested in the purchase of ground and the erection of buildings thereon for the storage of tobacco; the object being thereby to reduce the charges on tobacco brought to this market for sale, the State not to derive revenue from the receipts of such property, the Legislature having the power at their discretion to dispose of property so purchased, and buildings erected, and reinvesting for the same purposes the amount received, whenever it shall be desirable, by the increase of the city and advanced value of such property. He shall furnish to the State Treasurer monthly abstracts of all moneys received and disbursed by him, which shall be approved by the Board of Inspectors.

Penalty for violation of duty by the Treasurer.

The Treasurer shall be prohibited from being interested in any manner in the warehouses, as before provided. For any willful violation of the duties of his office, the Treasurer may be proceeded against by information or indictment, and on conviction thereof, shall be deprived of his office and fined not less than five hundred nor more than two thousand dollars. For any corrupt or fraudulent conduct in the discharge of the said office, or for any defalcation in the payment of the funds entrusted to the said Treasurer, upon conviction, he shall be imprisoned in the Penitentiary not less than three months nor more than five years. But nothing herein shall be so construed as to exempt the Treasurer from liability in civil suits for damage or loss any party may have sustained by the neglect or wrongful act of said Treasurer.

1846—181—25

Books to be always open for inspection.

Sec. 24. The books required to be kept by the Treasurer, the Board of Inspectors, and the Clerks of the warehouses, shall at all times be accessible for examination by the executive officers of this State, and all persons interested in the examination thereof; and all the entries shall be evidence against the Inspectors and the officers keeping them, in civil or criminal cases.

1846—181—26

Salary and expenses to be paid out of the fees.

Sec. 25. Nothing herein shall be so construed as to authorize any charge upon the Treasury of the State for any of the salaries or expenses; the fees of inspection being the fund out of which they are to be paid.

1846—181—28

Inspectors may appoint deputies.

Sec. 26. In case either of the Inspectors shall be unable to attend to his duties on account of sickness, he may nominate a deputy to the Board, who, if accepted by the majority of said Board, shall do and perform, for a time not longer than forty-five days, the duties of said principal Inspector, he being responsible for all the acts of said deputy as fully as if he had performed said duties himself.

INSPECTORS OF BEEF AND PORK.

1820—162—2

Three Inspectors of Beef and Pork appointed.

Sec. 27. The Governor is hereby required to appoint, by and with the advice and consent of the Senate, three Repackers and Inspectors of Beef and Pork, for the city of New Orleans.

1820—104—3

To provide stores and yards.

SEC. 28. The Inspectors and Repackers shall provide themselves with good and sufficient stores or yards, capable of receiving and storing such beef and pork as may be brought to them for inspection, in such places as shall be most convenient to employers, and best calculated to facilitate their business; but nothing shall be allowed for storages for any beef or pork inspected by them, if taken away within three days after notice given to the owner, or his agent, of its being inspected and repacked; provided, that no beef or pork shall be inspected and repacked in any part of the city and suburbs between Garrison and Girod streets.

1820—104—4

Barrels, how made, contents, brands, &c.

SEC. 29. All barrels shall be made of good seasoned oak or ash, free from every defect; and every barrel shall contain two hundred pounds of beef or pork, the barrel not to measure more than eighteen inches across the head, and twenty-eight long, to be hooped with at least twelve good, substantial hoops; the barrel to be branded on the bilge with at least the initials of the cooper's name, and weight which is contained in each barrel, and also to be plainly branded with the first letter of the christian name and the surname at full length of the Inspector.

1820—104—5

Inspection how made.

SEC. 30. The Inspectors and Repackers shall carefully inspect all beef and pork, and shall brand only such as shall be well fattened: the best quality shall be denominated "Mess Pork," and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded at one of the heads, "Mess Pork."

The second quality shall be denominated "Prime," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint; the barrel shall not contain more than twenty-four pounds of head, which shall have the ears and snout cut off at the opening of the jaws, and the brains and the bloody grizzle taken out, and the rest of the pork, to constitute a barrel of prime pork, shall be made up of sides, necks, and tail-pieces; and on the head of every barrel of such pork shall be branded "Prime Pork."

The third quality of pork shall be denominated "Cargo Pork," of which there shall not be in a barrel more than thirty pounds of head and fore shoulders, and shall otherwise be merchantable pork, and shall be branded on one head of each barrel, "Cargo Pork."

1820—104—6

Beef for exportation, how sorted.

SEC. 31. All beef to be repacked for exportation shall be of fat cattle, and shall be cut into pieces as square as may be, and shall not exceed twelve nor be less than four pounds weight; and all beef which shall be fat and merchantable, shall be sorted and divided into three different classes, to be denominated Mess, Prime and Cargo.

Mess Beef.

Mess shall consist of the choicest pieces of large, well fattened beef, without hocks, shanks, clods or necks; each barrel to contain two hundred pounds of beef and to be branded on the head, "Mess Beef."

Prime Beef shall consist of the choicest pieces of fat cattle, with not more than one-half neck, nor more than two flanks, with the hocks cut off the hind legs in the smallest place above the joint, in a barrel, and branded "Prime Beef" on one head. **Prime Beef.**

Cargo Beef shall be of fat cattle, with a proportion of good pieces, and not more than one-half of necks, three flanks, with the hocks cut off in the same manner as in prime. in a barrel, and to be otherwise merchantable, and to be branded "Cargo Beef." **Cargo Beef.**

The Repackers shall not put less than two pecks of coarse salt and six ounces of saltpetre in each barrel, and shall fill it with pickle as strong as salt can make it.

SEC. 32. If any inspector shall be guilty of neglect or fraud, or shall in any way violate the duties imposed on him by law, he shall be liable to a fine of fifty dollars, to be recovered before any court of competent authority, one half to the benefit of the informer, and moreover shall be liable for damages to any person aggrieved. 1820—106—7 **Penalty for fraud or neglect of duty.**

SEC. 33. If any person shall intermix, take out, or shift any beef or pork, packed and branded as herein provided, or put in any other beef or pork, for sale or exportation, or alter, change or deface any brand or mark of any Inspector, said person shall, for every offence, pay a fine of forty dollars, one-half for the use of the informer, and moreover shall be liable for damages to any person aggrieved. 1820—106—8 **Penalty for mixing or changing beef, or altering marks after inspection.**

SEC. 34. No Inspector and Repacker of beef and pork shall buy or sell more than shall be necessary for his own consumption. 1820—106—11 **Inspectors not to buy or sell beef or pork.**

SEC. 35. No beef or pork that shall have been inspected and repacked shall be taken from the stores and yards of the Inspectors, unless all the expenses be previously paid; and no owner or seller of beef and pork shall suffer the same, after inspection, to remain more than twelve hours exposed to the sun, or to bad weather. 1820—106—12 **Not to be taken away till expenses are paid.**

SEC. 36. The Inspectors and Repackers shall be entitled to demand and receive for every barrel of pork or beef they shall inspect, repack and salt, thirty-three cents and one-third, besides the price of the salt, saltpetre, and other extra services. 1820—106—13 **Fees of Inspectors.**

SEC. 37. All the proceeds of property forfeited and penalties incurred on the subject of the inspection of beef and pork, shall be, one-half for the benefit of the Asylum for orphan boys in the city of New Orleans, and the other half for the person prosecuting in the name of the State. 1830—143—4 **Penalties how appriated.**

INSPECTORS OF FLOUR.

SEC. 38. The Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint five Inspectors of Flour, in and for the city of New Orleans. 1834—8—1 1818—176—1 1819—50—1 **Five Inspectors of Flour to be appointed.**

1805—400—3
1828—122—1
Their fees.

SEC. 39. The Inspectors of Flour of the city of New Orleans shall be entitled to charge five cents on each barrel of flour inspected by them, in full compensation of their services.

1805—402—4
Barrels, their contents, how sorted and branded.

SEC. 40. Each barrel of flour shall contain one hundred and ninety-six pounds of flour, English weight; and if intended for the first quality, shall be branded "Superfine;" and on each barrel intended for the second quality, shall be branded "Fine;" and on each barrel intended far the third quality, shall be branded "Middlings;" but where any flour shall be found to correspond with the manufacturer's brand, as superfine or fine, the Inspector shall brand "City of New Orleans," which shall entitle it to be sold as bearing the quality thereon described. If the quality of the flour branded by the manufacturer as superfine, shall appear by inspection to be fine only, or when marked as fine shall appear to be superfine, such inspector, in addition to the words City of New Orleans, shall add Fine or Superfine, as the case may be.

No Inspector shall purchase any flour other than for his private use, under the penalty of four hundred dollars.

1805—402—5
How inspected.

SEC. 41. For the inspection of flour the Inspector shall be provided with an half-inch barrel augur, with which each barrel of flour shall be bored into. so as to satisfy themselves of the quality of the flour; and if any flour shall be found, on examination, to contain a mixture of Indian meal, or any other mixture, the person offering the same shall forfeit and pay the sum of four dollars for every such barrel so mixed, and the flour shall be liable for the payment thereof.

Penalty against owner in case of mixture.

1805—406—8
Penalty for erasing or altering brands of Inspector.

SEC. 42. If any person shall alter or erase any brand or mark of the Inspector, other than the original brand or mark made by said Inspector, every person so offending shall forfeit and pay the sum of fifty dollars for every such offence—one-half to the use of the person prosecuting for the same.

INSPECTOR OF FLOUR, BEEF AND PORK FOR THE PARISH OF JEFFERSON.

1843—97—1
Inspector of flour, beef and pork for the parish of Jefferson.

SEC. 43. It shall be the duty of the Governor to appoint a suitable person to be Flour, Beef and Pork Inspector in and for the parish of Jefferson.

1843—97—2
His fees.

SEC. 44. Said Inspector shall be entitled to the same fees as are now allowed to the Inspector of Flour, Beef and Pork in and for the city of New Orleans.

1844—98—1
His powers and duties

SEC. 45. He shall have and exercise the same rights, privileges, and powers which are conferred by the several laws of this State upon the Inspectors of Flour, Beef and Pork in and for the city of New Orleans.

INSPECTOR FOR THE TOWN OF WASHINGTON.

1844—25—1

Inspector of flour and of weights and measures in town of Washington.

SEC. 46. The Governor, by and with the advice and consent of the Senate, shall appoint an Inspector of Flour, who shall also fulfil the duties of Inspector of Weights and Measures for the town of Washington, whose duties, compensation and penalties shall be the same as are now prescribed and allowed by the existing laws regulating the same for the city of New Orleans.

INSPECTION GENERALLY.

1843—39—1

Inspection may be dispensed with when not required by purchaser.

SEC. 47. It shall be lawful for any owner, agent, consignee or receiver of produce, to sell or ship the same, with or without inspection; provided, however, that the said owner, agent, consignee or receiver, shall be bound to have any produce offered for sale, inspected when inspection shall be demanded by the purchaser; said inspection, when required, shall be made by the Inspector commissioned under the authority of the State.

INSPECTORS OF WEIGHTS AND MEASURES.

1846—95—1

Set of weights and measurers to be procured by the Governor.

SEC. 48. The Governor, at the expense of the State, shall procure, or cause to be procured, one complete set of copper weights, to correspond with weights of their like denomination used by the revenue officers of the United States, in their offices, together with scales for said weights and a stamp or seal, with such device as the Governor may deem proper; as also one complete set of measures, calculated for dry, liquid and long measure, of the same capacity and length as those of their like denominnation used by such revenue officers aforesaid; which set of weights and measures, together with the scales and stamps, shall be deposited in the office of the Secretary of State, to serve as a general standard of weights and measures in this State.

1846—95—2

Inspectors of weights and measures to be appointed.

SEC. 49. It shall be the duty of the Governor to nominate, and by and with the advice and consent of the Senate, appoint for each of the four districts of the city of New Orleans, a suitable person, as a sealer of weights and measures, and he shall also appoint, in like manner, a person in each of the respective parishes of this State, each of whom so appointed shall hold the office for and during the term of two years.

1846—95—3

Duty of Inspectors.

SEC. 50. It shall be the duty of the person thus appointed to visit all places of business in their district or parish for which they are appointed, once in each year, and at any other time, when, on complaint, or by request, their services may be required, and to inspect all weights and measures used in the places of business, and when found to correspond with the standard of the State, to seal them or to give a written certificate of their correctness; but when found to disagree with the standard of the State, the Inspectors shall forbid their further use, until they shall have been corrected, approved and sealed.

It shall also be the duty of the Inspectors to attend upon all calls made upon them for performing the duties of their office.

1846—96—4

Penalty for neglect of duty.

SEC. 51. It shall be the duty of each Inspector to see that no other weights and measures but those established by law, be made use of within the limits of this State, and in case of negligence or breach on the part of the Inspector, he shall be condemned to pay a fine not exceeding two hundred nor less than one hundred dollars. The Common Council of New Orleans are authorized to pass regulations or ordinances relative to the police of weights and measures, as to insure within the city of New Orleans the execution of this law.

1846—96—5

Each parish to be furnished with a set of weights and measures.

SEC. 52. Each and every parish, as soon as practicable, shall be provided at the expense of such parish, with a set of weights and measures, and a stamp conformably to those hereinbefore set forth, the same to be kept by the Parish Recorders.

1846—96—6

Weights and measures for the city to be procured.

SEC. 53. The Inspectors for the four districts of the city of New Orleans, shall procure a set of weights and measures at the expense of the city.

1846—96—7

Fees of Inspectors.

SEC. 54. The appointed sealers of weights and measures shall be entitled to and receive the following fees:

For each yearly visit and inspection of a full set of steel-yards, or of scales with their weights, or of balances with their weights, or of a bushel measure and its parts, or of a gallon measure and its parts, or of a set of yard sticks, they shall receive twenty-five cents, and no more; for sealing each weight and measure, five cents; for the examination of each platform scale, cotton and tobacco scale, and its apparatus, fifty cents, and for sealing the same, fifty cents; the fees in all cases to be paid by the owners of the weights and measures, inspected and sealed.

The stamp shall be impressed, and payment required for doing the same only on such as have not been stamped, or such as having once been stamped, are found so defective as to require to be regulated with the standard.

1846—96—8

Vacancy how filled.

SEC. 55. In case of vacancy by death or resignation, the Governor shall have power to appoint.

1846—96—9

Weights and measures, how stamped.

SEC. 56. The Inspectors only shall have the power to stamp weights and measures, and upon the stamp shall be the initials of the Inspector's name.

1846—96—10

All weights and measures to be stamped.

SEC. 57. No person shall buy or sell any commodity whatsoever by weight or measure, which does not correspond with the aforesaid standard, or are not stamped after the said parishes have procured the standard of weights and measures as aforesaid; nor shall keep any such weights or measures, for the purpose of buying or selling thereby, under penalty of fifty dollars for each offence; besides the forfeiture of the weights and measures found to be false, and of a fine of

Penalty.

ten dollars when the weights and measures shall be found to be just, though not stamped; said fines to be recovered before any tribunal of competent jurisdiction, one half to the benefit of the informer, and the other half to the parish in which the offender resides; all weights and measures seized, shall be forfeited for the benefit of the stamper, who shall not return them into circulation until he has made them conformable to the standard.

1846—97—11
Penalty for using false stamps.

SEC. 58. Whoever shall make, or cause to be made use of, or shall utter false stamps or seals, shall on conviction thereof, be subject to all the pains and penalties of forgery, under the laws of this State.

1846—97—12
Penalty for selling weights and measures not stamped.

SEC. 59. It is forbidden to sell, or cause to be sold, measures and weights, unless they have been tried and stamped by persons appointed for that purpose, under the penalties imposed by the second preceding section.

1846—97—13
Inspectors cannot delegate their functions.

SEC. 60. The persons appointed to inspect and seal weights and measures, may employ assistance when necessary, at their own expense, but shall not commit their functions to a substitute witnout being subject to dismissal from office by the Governor, on good and sufficient proof.

1846—97—14
Barrel, its contents.

SEC. 61. There shall be, in this State, a dry measure, to be known under the name of barrel, which shall contain three and a quarter bushels, conformable to the American standard, and shall be divided into half and quarter barrels.

1846—97—15
Coal and grain how sold.
Weight of a bushel of grain, corn, &c.

SEC. 62. Coal shall be sold by the barrel or bushel measure, grain shall be sold by the barrel, bushel or weight. The legal weight of a bushel of wheat shall be sixty pounds, of a bushel of corn fifty-six pounds, of a bushel of oats thirty-two pounds, of a bushel of barley thirty-two pounds, and of a bushel of rye thirty-two pounds.

1847—97—16
Quarterly returns to be made.

SEC. 63. It shall be the duty of each Inspector in the city of Orleans to make quarterly returns, under their oath, to the Treasurer of the State, of all the moneys collected for fines, together with a written statement thereof.

INTEREST.

1852—95—1
All debts to bear five per cent interest after due.

SECTION 1. All debts shall bear interest at the rate of five per cent. per annum, from the time they become due, unless otherwise stipulated.

1844—15—1
Conventional interest fixed at eight per cent.

SEC. 2. Article two thousand eight hundred and ninety-five of the Civil Code shall be so amended, that the amount of conventional interest shall in no case exceed eight per cent., under pain of forfeiture of the entire interest so contracted.

1844—15—2

Usurious interest may be recovered back.

SEC. 3. If any person hereafter shall pay on any contract a higher rate of interest than the above, as discount or otherwise, the same may be sued for and recovered within twelve months from the time of such payment.

See CIVIL CODE, *Arts.* 2894 *et Seq.*
See "BILLS AND PROMISSORY NOTES."

INTERNAL IMPROVEMENTS.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Board of Public Works.

ARTICLE 130. There shall be a Board of Public Works to consist of four Commissioners. The State shall be divided by the Legislature into four districts, containing as nearly as may be an equal number of voters, and one Commissioner shall be elected in each district by the legal voters thereof for the term of four years; but, of the first elected, two, to be designated by lot, shall remain in office for two years only.

Organization of the Board.

ART. 131. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners and the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

Their duties.

ART. 132. The Commissioners shall exercise a diligent and faithful supervision of all public works, in which the State may be interested, except those made by joint stock companies. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the

purposes for which they were granted, the swamps and overflowed lands, conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

How removed.

ART. 133. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each House of the General Assembly; but the cause of the removal shall be entered on the Journal of each House.

Board how abolished.

ART. 134. The General Assembly shall have power, by a vote of three-fifths of the members elected to each House, to abolish said Board whenever in their opinion a Board of Public Works shall no longer be necessary.

1833—36—1
1848—63—2

An Internal Improvement Fund created.

SECTION 1. A fund shall be created, to be denominated "The Internal Improvement Fund"; to be applied exclusively to the purposes of rendering navigable, and uniting by canals, the principal water courses, and of more intimately connecting by public highways, the different parts of the State. The salary of the Assistant Engineers, the salaries of the Superintendents, Engineers and Mates of the State boats; together with all expenses that may be incurred for the support of the boats, the hands, and slaves, and for tools and apparatus, shall also be charged to this fund, except in the cases hereinafter stated.

1848—63—2

Of what composed.

SEC. 2. This fund shall consist of the unexpended balance in the Treasury, together with all that may hereafter be received from the proceeds of the public lands granted to this State by act of Congress approved September the fourth, eighteen hundred and forty-one.

1842—422—2
1853—231—1

State Engineer to have the superintendence of Public Works.

SEC. 3. In future, the superintendence and direction of the Public Works, shall be entrusted to the State Engineer.

1842—422—3
1854—118—1

His powers.

SEC. 4. He shall have full power to appoint and remove at will, all officers necessary to carry on the Public Works.

The salary of the Superintendents shall not exceed twelve hundred dollars each, per annum, and Mates four hundred and eighty dollars each, per annum; which salaries may be reduced at the discretion of the Engineer; he shall not appoint more than three Superintendents and Mates; and he shall not have the power to appoint any person to make surverys, or in any other manner to increase the expenditure of the State in his department.

But he shall have the power to appoint special assistants to make surveys and examinations, whenever he shall be unable with his regular assistant, to make such surveys and examinations as may be ordered by the Legislature, or required for the public service; he, being required to furnish an account of the cost of each survey and examination thus made, to the succeeding Legislature.

1842—424—5

Warrants, how to be drawn.

SEC 6. For the payment of all sums due, or moneys required for the works, the Engineer shall draw his warrant, countersigned by the Governor or Secretary of State, upon the Auditor of Public Accounts, which warrants will be held as vouchers by him, and shall be submitted at the same time at which he renders his annual account of the disbursements of the ordinary revenue, for the investigation of the Committee appointed by the Legislature for that purpose.

1850—220—1

Powers, and duties of State Engineer.

SEC. 7. Hereafter, when from any cause the forces in any of the Internal Improvement Districts of this State cannot be advantageously employed on work in the order directed by law, then, the State Engineer may direct the forces to be employed on other important works in such district until the cause or causes cease, and in the event that the StateEngineer may, on examination, find that any work ordered by law be unimportant, useless or impracticable, then such work or works may be suspended; and it shall be the duty of the State Engineer to report to the General Assembly at the next session thereafter, the causes and reasons for such change and suspension, and he shall hereafter report to the Legislature at the commencement of each session the practicability and utility of the various works ordered and the order in which they should be performed.

1850—220—2

Persons to be employed.

SEC. 8. It shall be the duty of the State Engineer in the employment of Superintendents of the State hands and boats, to employ persons actually interested in the improvements to be made, if persons having proper qualifications can be obtained; who shall always be liable to be removed at the discretion of the State Engineer.

1848—63—1

Road and Levee Fund established.

SEC. 9. The unexpended balance, together with all that may hereafter be received from the five per centum of the net proceeds of the sale of the public lands of the United States, in this State, appropriated by the fifth section of an act of Congress approved February sixteen, eight hundred an eleven, for roads and levees, is set apart for that purpose, to be called "Road and Levee Fund"; to be expended hereafter for the sole purpose of making roads and levees.

1848—63—3

Certain expenses to be charged to the Road and Levee Fund.

SEC. 10. Whenever the State Hands, shall be employed in making or opening any road, or constructing any levee, all the expenses for the time being, while therein employed, except the salaries of the State Engineer and Assistant, shall be charged to the Road and Levee Fund.

1848—65—12

State divided into four Internal Improvement Districts.

SEC. 11. The State is hereby divided into four Internal Improvement Districts, as follows, to wit: all that part of the State of Louisiana lying east of the Mississippi River shall compose the first district; the Ouachita and Blue Rivers, and their tributaries, and all that country lying between them and the Mississippi River, shall form the second district; the Red River and its tributaries, and the Sabine and its tributaries, shall form the third district; the fourth

district shall consist of all that part of the State, west of the Mississippi River, and south of Red River.

1848—65—13
Instructions to State Engineer.

SEC. 12. So soon as the State Engineer shall have in his possession six boats with the necessary machinery suitable for the public works, he shall send one boat, with a sufficient number of hands to work it efficiently, into the first district; one boat, with a sufficient force, into the second district; two boats, with a sufficient force, into the third district; and two boats, with a sufficient force, into the fourth district; any part of the State force that may not be necessary to efficiently work the aforesaid six boats shall be employed in making roads and levees, repairing materials, cleaning of the banks of streams, &c.

1848—65—14
State hands and boats, where to be employed.

SEC. 13. The State Engineer shall continue the State force as above divided in their proper departments, until all the work therein ordered is completed.

But should the stage of the water be such as to prevent the force from working efficiently in any district, the Engineer may remove the force to the nearest point where they can be most advantageously employed, being, however, obliged to return them to their proper department, as soon as the stage of the water will permit them to work with advantage.

See STATE ENGINEER. PUBLIC LANDS.

INTERROGATORIES.

See AMENDMENTS TO THE CODE OF PRACTICE. *Sec.* 32 and 33.

JUDICIARY DEPARTMENT.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

The judicial power vested in the Supreme Court, inferior Courts and Justices of the Peace.

ART. 61. The Judicary power shall be vested in a Supreme Court, in such inferior Courts as the Legislature may, from time to time, order and establish, and in Justices of the Peace.

Jurisdiction of the Supreme Court.

ART. 62. The Supreme Court, except in the cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars; to all cases in which the constitutionality or legality of any tax, toll or impost whatsoever, or of any fine, forfeiture or penalty imposed by a municipal corporation, shall be in contestation; and to all criminal cases on questions of law alone, whenever the offence charged, is punishable with death, or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only.

Supreme Court how composed.

ART. 63. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of six thousand dollars, and each of the Associate Judges a salary of five thousand five hundred dollars, annually, until otherwise provided by law. The Court shall appoint its own Clerks; the Judges shall be elected for the term of ten years.

State divided into four districts, and Judges elected.

ART. 64. The Chief Justice shall be elected by the qualified electors of the State. The Legislature shall divide the State into four Districts, and the qualified electors of each District shall elect one of the Associate Justices. The State shall be divided into the following Districts until the Legislature shall otherwise direct.

First District.—The parishes of Plaquemines, St. Bernard, that portion of the Parish of Orleans on the right bank of the Mississippi

river, and that portion of the city of New Orleans which lies below the line extending from the river Mississippi, along the middle of Julia street, until it strikes the New Orleans Canal, and thence down said Canal to the Lake.

Second District.—That portion of the city of New Orleans which is situated above the line extending along the middle of Julia street until it strikes the New Orleans Canal, and thence down said Canal to the Lake, and the parishes of Jefferson, St. John the Baptist, St. Charles, St. James, Ascension, Assumption, Lafourche Interior, Terrebonne, West Baton Rouge and Iberville.

Third District.—The parishes of St. Tammany, Washington, Livingston, St. Helena, East Baton Rouge, East Feliciana, West Feliciana, Point Coupée, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, St. Mary, St. Martin and St. Landry.

Fourth District.—The parishes of Calcasieu, Rapides, Sabine, Natchitoches, DeSoto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll and Winn.

Office of one Associate Justice to expire every two years.

ART. 65. The office of one of the Associate Justices shall be vacated at the expiration of the second year, of another at the expiration of the fourth year, of a third at the expiration of the sixth year, and of a fourth at the expiration of the eighth year—so that one of the Judges of the Supreme Court shall be elected every second year.

Secretary of State to determine by lot the order in which the term of office shall expire.

ART. 66. The Secretary of State, on receiving the official returns of the first election, shall proceed immediately, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the four candidates having the highest number of votes in the respective districts, which of the Associate Justices elect shall serve for the term of two years, which shall serve for the term of four years, which for the term of six years, and which for the term of eight years, and the Governor shall issue commissions accordingly

Vacancies how filled.

ART. 67. Any vacancy that may occur in the Supreme Court from resignation or otherwise shall be filled by election for the remainder of the unexpired term, but if such remainder do not exceed one year, the vacancy shall be filled by Executive appointment.

Sessions of Supreme Court when held.

ART. 68. The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessons shall be held as heretofore.

May issue writs of habeas corpus.

ART. 69. The Supreme Court and each of the Judges thereof, shall have power to issue writs of "habeas corpus," at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

ART. 70. No judgment shall be rendered by the Supreme Court without the concurrence of a majority of the Judges comprising the Court. Whenever a majority cannot agree in consequence of the recusation of any member or members of the Court, the Judges not recused shall have power to call upon any Judge or Judges of the Inferior Court, whose duty it shall be, when so called upon, to sit in the place of the Judges recused, and to aid in determining the case.

Judgments how rendered.

ART. 71. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude against the peace and dignity of the same.

All Judges to be conservators of the peace.

Style of prosecutions.

ART. 72 The Judges of all Courts within the State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

To refer to the law in virtue of which judgment is rendered.

ART. 73. The Judges of all Courts shall be liable to impeachment, but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each House of the General Assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

Judges liable to impeachment, and to removal, by address of three-fourths of the General Assembly.

ART. 75. The Judges, both of the Supreme and Inferior Courts shall, at stated times, receive a salary, which shall not be diminished during their continuance in office; and they are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

Salary of Judges not to be diminished during their continuance in office.

ART. 81. The Judges of the several inferior Courts shall be elected by the duly qualified voters of their respective districts or parishes.

Judges to be elected.

ART. 82. It shall be the duty of the Legislature to fix the time for holding elections for all Judges at a time which shall be different from that fixed for all other elections.

Elections for Judges to be held at a time different from all other elections.

ART 112. The Legislature shall provide by law for a change of venue in civil and criminal cases.

Change of venue.

SUPREME COURT.

SECTION 1. The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November, to the end of the month of June, inclusive; and at Opelousas commencing on the first Tuesday of September; at Alexandria on the third Tuesday of September; and at Monroe on the first Monday of October.

Constitution, Art. 68.

Sessions of Supreme Court, when and where held.

1850—45—1
1846—105—1
Parishes from which appeals are returnable to New Orleans.

SEC. 2. Appeals from the parishes of Orleans, Jefferson, St. Charles, St. James, St. John the Baptist, Ascension, Assumption, Lafourche, Terrebonne, Plaquemines, St. Bernard, Iberville, St. Helena, Washington, St. Tammany, Livingston, East and West Baton Rouge, East and West Feliciana, Point Coupée, Concordia, Tensas, Madison and Carroll, shall be returned to the Supreme Court at New Orleans.

1847—139—1
1852—92—2
Appeals returnable to Opelousas.

SEC. 3. Appeals from the parishes of St. Mary, St. Martin, St. Landry, Lafayette, Vermillion and Calcasieu, shall be returned to the Supreme Court at Opelousas.

1846—106—4
Appeals returnable to Monroe

SEC. 4. Appeals from the parishes of Jackson, Union, Morehouse, Catahoula, Caldwell, Ouachita, Franklin, Claiborne, Bossier, Caddo and Bienville, shall be returned to the Supreme Court at Monroe.

1822—92—2
Appeals returnable to Alexandria.

SEC. 5. Appeals from the parishes of Rapides, Avoyelles, Natchitoches, De Soto, Sabine and Winn, shall be returned to the Supreme Court at Alexandria.

1850—45—1
Appeals from the Florida parishes, when returnable to the Supreme Court.

SEC. 6. Appeals from the parishes of East Feliciana, West Feliciana, East Baton Rouge, Livingston, St. Tammany, St. Helena and Washington, shall be returnable to the Supreme Court on the fourth Monday of February of each year.

1846—105—1
Appeals from Carroll, Madison, Tensas and Concordia, when returnable.

SEC. 7. Appeals from the parishes of Carroll, Madison, Tensas and Concordia, shall be returnable to the Supreme Court on the second Monday of February of each year.

Appeals from St. James, Ascension, Assumption, Point Coupée, Lafourche, Terrebonne, West Baton Rouge and Iberville, when returnable.

SEC. 8. Appeals from the parishes of St. James, Ascension, Assumption, Lafourche, Terrebonne, Iberville, West Baton Rouge and Point Coupée, shall be returnable on the fourth Monday of January of each year.

1846—105—1
Appeals returnable to the next return day.

SEC. 9. In all cases of appeal, the Judge of the Court from which it is taken, shall make the appeal returnable to the Supreme Court, at the next return day for appeals from the parish, if there shall be time enough after granting it to give the notice required by law and to prepare the record; if not, then he shall fix the return day for the following term.

1850—45—2
Duty of Supreme Court to try by preference appeals from the parishes on the return day.

SEC. 10. Upon the return day for appeals from the several parishes, as fixed by law, the Supreme Court shall take them up by preference, and in their order, and continue from day to day until they are disposed of

1853—250—1
Certain appeals to be tried by preference.

SEC. 11. In all cases in which the right to office is involved, and an appeal is taken from the judgment of the District Court, returnable before the Supreme Court holding its sessions in New Orleans, it shall be returnable in ten days after judgment of the lower Court, and the Supreme Court, on the motion of either party, shall proceed to try the same in preference to any other civil case.

1852—87—1
Certain appeals to be tried by preference.

SEC. 12. Persons in confinement, under a judgment of conviction, rendered in a criminal prosecution, from which an appeal has been

taken, shall have the right to make it returnable before the Supreme Court at its next term, wherever held; and to have it tried by preference to all others.

All criminal cases shall be tried by preference over civil cases.

1846—103—7
All criminal cases to have preference.

SEC. 13. In suits pending on appeal in which a Police Jury or Municipal Corporation is plaintiff or defendant, it shall be the duty of the Supreme Court, if in session in the district where the appeal is pending, an affidavit of the Attorney representing the Police Jury or Corporation, that the cause is one of serious public interest and in which a speedy decision is desirable, to set the cause for hearing by preference for an early day.

1845—71—1
Suits in which Police Juries and Municipal Corporations are parties, to be tried by preference in certain cases.

SEC. 14. No appeal to the Supreme Court shall be dismissed on account of any defect, error, or irregularity of the petition or order of appeal, or in the certificate of the Clerk or Judge, or in the citation of appeal or service thereof; or because the appeal was not made returnable at the next term of the Supreme Court, whenever it shall not appear that such defect, error, or irregularity is imputed to the appellant; but in all cases the Court shall grant a reasonable time to correct such errors or irregularities, (in case they are not waived by the appellee,) and may impose on the appellant such terms and conditions as in their discretion they may deem necessary for the attainment of justice—and may also impose such fines on the officer who shall have caused such irregularities as they may deem proportioned to the offences.

1839—170—19
No appeal to the Supreme Court to be dismissed on account of error, &c.

Court may give time to correct errors, and impose conditions.

SEC. 15. In all cases of appeal to the Supreme Court or other tribunals in this State, if the judgment appealed from be affirmed, the plaintiff may on return of the execution that no property has been found, obtain a decree against the surety on the appeal bond for the amount of the judgment, on motion, after ten days notice; which motion shall be tried summarily and without the intervention of a jury, unless the surety shall allege under oath, that the signature to the bond purporting to be his, is not genuine, or that the judgment has been satisfied.

1839—170—20
Judgment being affirmed, plaintiff may obtain judgment against surety.

SEC. 16. Each of the Judges of the Supreme Court shall receive a salary of five thousand dollars per annum, payable quarterly, on the warrant of the Auditor of Public Accounts.

1853—47—1
Salary of Judges of Supreme Court.

SEC. 17. The Supreme Court may be adjourned from day to day by one of its Judges, until a quorum be convened.

1813—32—27
Adjournment.

DISTRICT COURTS (EXCEPT THE PARISH OF ORLEANS.)

SEC. 18. There shall be elected in and for each Judicial District of the State (the first Judicial District excepted,) by the qualified voters thereof, one Judge for the term of four years, who shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, on his own warrant.

1858—150—1
One Judge to be elected for each Judicial District.

1853—151—5

Elections, when held.

SEC. 19. An election for District Judges shall be held throughout the State, in conformity with the laws regulating elections, on the first Monday of April, 1857, and every four years thereafter. The Judges elected shall take the oath prescribed by the Constitution, and when commissioned by the Governor, shall enter upon the discharge of their duties.

1853—151—4

Votes to be counted.

SEC. 20. The Secretary of State, as soon as he shall have received the returns of elections from the respective parishes, or within twenty days from the day of election, shall, with the assistance of the Auditor of Public Accounts or Treasurer, and in the presence of such persons as may choose to attend, examine the returns, in order to ascertain and determine which of the persons voted for in each Judicial District has received the highest number of votes, the result of which examination shall be communicated by the Secretary of State to the Governor, who shall commission the person in each district having received the highest number of votes, if he possess the qualifications required by law.

1853—150—2

Constitution 1845, Art. 78.

SEC. 21. The District Courts shall have original jurisdiction in all cases when the amount in dispute exceeds fifty dollars, exclusive of interest.

Jurisdiction of District Courts.

They shall have original jurisdiction in all criminal cases, and in all matters connected with successions, subject to such limitation and restriction as may be imposed by law.

1853—83—1

State divided into eighteen Judicial Districts.

SEC. 22. The State shall be divided into eighteen Judicial Districts, viz:

1. The city and parish of New Orleans shall compose and be called the First District.

2. The parishes of St. Bernard and Plaquemines shall compose and be called the Second District.

3. The parishes of Jefferson and St. Charles shall compose and be called the Third District.

4. The parishes of St. John the Baptist, St. James and Ascension, shall compose and be called the Fourth District.

5. The parishes of Assumption, Lafourche and Terrebonne, shall compose and be called the Fifth District.

6. The parishes of East and West Baton Rouge and Iberville shall compose and be called the Sixth District.

7. The parishes of East and West Feliciana shall compose and be called the Seventh District.

8. The parishes of St. Tammany, Washington, St. Helena and Livingston, shall compose and be called the Eighth District.

9. The parishes of Pointe Coupée and Concordia, shall compose and be called the Ninth District.

10. The parishes of Tensas, Madison and Carroll, shall compose and be called the Tenth District.

11. The parishes of Catahoula, Franklin and Caldwell, shall compose and be called the Eleventh District.

12. The parishes of Ouachita, Union, Morehouse and Jackson, shall compose and be called the Twelfth District.

13. The parishes of Rapides and Avoyelles, shall compose and be called the Thirteenth District.

14. The parishes of St. Mary, St. Martin and Vermillion, shall compose and be called the Fourteenth District.

15. The parishes of Lafayette, St. Landry and Calcasieu, shall compose and be called the Fifteenth District.

16. The parishes of Natchitoches, Sabine and Winn, shall compose and be called the Sixteenth District.

17. The parishes of Bossier, Claiborne and Bienville, shall compose and be called the Seventeenth District.

18. The parishes of Caddo and De Soto, shall compose and be called the Eighteenth District.

1853—224—1
Terms of court to be held as may be fixed by law.

SEC. 23. The District Judges shall hold in the several parishes in their respective districts, as many terms in each year, as may be fixed by law.

1853—224—2
Preference to be given to cases at the respective terms.

SEC. 24. At the Jury terms, preference shall be given to jury cases, and at the Probate terms, preference shall be given to the trial of probate causes. No jury shall be summoned for the Probate terms, but civil causes not requiring a jury may be tried and disposed of at such terms.

1854—103—1
Terms of court.

SEC. 25. The terms of court in the several parishes composing the Judicial Districts throughout the State, (the First District excepted,) shall commence, be held, and regulated as follows:

Second District.

1853—225
Second district.

SEC. 26. Parish of St. Bernard—Jury terms, third Mondays of June and January; Probate terms, third Mondays of March and October.

Parish of Plaquemines—Jury terms, first Mondays of June and January; Probate terms, first Mondays of March and October.

Third District.

1854—103—1
Third district.

SEC. 27. Parish of Jefferson—Jury tems, first Mondays of January and June; Probate terms, first Mondays of March, April and November, and third Mondays of February and October.

Parish of St. Charles—Jury terms, first Mondays of February and October; Probate terms, first Mondays of May and December.

Fourth District.

1858—22—5
Fourth district.

SEC. 28. Parish of St. John the Baptist—Jury terms, first Mondays of March and October; Probate terms, first Mondays of January, May, July and November.

Parish of Ascension—Jury terms, fourth Mondays of March and October; Probate terms, third Mondays of January, May, July and November.

Parish of St. James—Jury terms, second Mondays of March and October; Probate terms, second Mondays of January, May, July and November.

Fifth District.

1854—55—1
Fifth district.

SEC. 29. Parish of Assumption—Jury terms, third Mondays of April and September; Probate terms, first Monday of November of each year.

Parish of Lafourche—Jury terms, on the second Monday following the third Monday in April, and the second Monday following the third Monday in September, in each year; Probate term, second Monday of November of each year.

Parish of Terrebonne—Jury terms, on the fourth Monday following the third Monday in April, and on the fourth Monday following the third Monday in September, of each year; Probate term, third Monday of November in each year.

Sixth District.

1854—56—1
Sixth district.

SEC. 30. Parish of East Baton Rouge—Jury terms, third Mondays of February, May and November.

Parish of West Baton Rouge—Jury terms, first Mondays of April, October and January.

Parish of Iberville—Jury terms, fourth Mondays of April, October and January of each year.

Seventh District.

1854—104
Seventh district.

SEC. 31. Parish of East Feliciana—Jury terms, first Monday of April, and third Monday of October; Probate terms, third Mondays of January and July.

Parish of West Feliciana—Jury terms, third Monday of May, and first Monday of December; Probate terms, first Mondays of March and September.

Eighth District.

1854—13—2
Eighth district.

SEC. 32. Parish of Livingston—Jury terms, first Mondays of May and October.

Parish of St. Helena—Jury terms, third Mondays of May and October.

Parish of St. Tammany—First Mondays of June and November.

Parish of Washington—Third Mondays of June and November.

Ninth District.

SEC. 33. Parish of Pointe Coupée—Jury terms, third Mondays of March and September; Probate terms, first Mondays of June and December. 1854—11—1 Ninth district.

Parish of Concordia—Jury terms, first Mondays in May and November.

Tenth District.

SEC. 34. Parish of Tensas—Jury terms, third Monday of March and first Monday of October; Probate terms, second Mondays of June and December. 1854—105 Tenth district.

Parish of Madison—Jury terms, third Monday of April and fourth Monday of October; Probate terms, fourth Monday of June and second Monday of January.

Parish of Carroll—Jury terms, third Monday of May and fourth Monday of November; Probate terms, second Monday of July and first Monday of February.

Eleventh District.

SEC. 35. Parish of Catahoula—Jury terms, on the second Mondays of April and November; Probate terms, on the second Mondays in June and January. 1854—11—2 Eleventh district.

Parish of Franklin—Jury terms, on the third Mondays of October and March, and Probate terms, on the third Mondays of December and May.

Parish of Caldwell—Jury terms, on the first Mondays in May and December, and the Probate terms, on the first Mondays in July and February.

Twelfth District.

SEC. 36. Parish of Ouachita—Jury terms, first Mondays of May and December; Probate terms, first Mondays of July and February. 1854—105 Twelfth district.

Parish of Union—Jury terms, first Mondays of April and November; Probate terms, first Mondays of June and January.

Parish of Morehouse—Jury terms, third Mondays of April and November; Probate terms, third Mondays of June and January.

Parish of Jackson—Jury terms, third Mondays of October and March; Probate terms, third Mondays of December and May.

Thirteenth District.

SEC. 37. Parish of Rapides—Jury terms, first Mondays of May and November; Probate terms, second Mondays of January, March and September. 1858—227 Thirteenth district.

Parish of Avoyelles—Jury terms, first Monday of April and second Monday of October; Probate terms, second Mondays of June and and December.

Fourteenth District.

1854—123
Fourteenth district.

SEC. 38. Parish of St. Mary—Jury terms, first Mondays of January and July; Probate term, third Monday of April.

Parish of St. Martin—Jury terms, fourth Mondays of May and September.

Parish of Vermillion—Third Monday of June, and fourth Monday of November.

Fifteenth District.

1854—57—1
Fifteenth district.

SEC. 39. Parish of Lafayette—Jury terms, third Mondays of April and October.

Parish of St. Landry—Jury terms, second Mondays of May and November.

Parish of Calcasieu—Jury terms, second Mondays of September and March.

Sixteenth District.

1854—106
Sixteenth district.

SEC. 40. Parish of Natchitoches—Jury terms, first Monday after the fourth Monday of November, and the first Monday after the fourth Monday of April; Probate terms, first Monday after the fourth Monday of September, and the first Monday after the fourth Monday of February.

Parish of Sabine—Jury terms, fourth Mondays of November and April; Probate terms, fourth Mondays of September and February.

Parish of Winn—Jury terms, fifth Monday after the fourth Monday of November, and fifth Monday after the fourth Monday of April; Probate terms, the third Monday after the fourth Monday of September, and the third Monday after the fourth Monday of February.

Seventeenth District.

1853—228
Seventeenth district.

SEC. 41. Parish of Bossier—Jury terms, first Mondays of March and September; Probate terms, first Mondays of January, May, July and November.

Parish of Bienville—Jury terms, second Mondays of March and September; Probate terms, second Mondays of January, May, July and November.

Parish of Claiborne—Jury terms, third Mondays of March and September; Probate terms, third Mondays of January, May, July and November.

Eighteenth District.

1853—228
Eighteenth district.

SEC. 42. Parish of De Soto—Jury terms, second Mondays of October and March; Probate terms, second Mondays of December and May.

Parish of Caddo—Jury terms, fourth Mondays of October and March; Probate terms, fourth Mondays of December and May.

1848—80—1

Judges authorized to hold adjourned or special terms.

SEC. 43. The Judges of the several District Courts in this State are hereby authorized to hold adjourned, special or called terms of their respective courts, whenever, on account of sickness, accumulation of business or other other cause, they may find it necessary; at which terms all business, civil and criminal, may be transacted, as if it were a regular term; and if necessary, they shall order the Sheriff to summon a jury to attend the court.

1848—80—2

Notice to be given of special terms.

SEC. 44. When it shall become necessary for a special, adjourned, or called session of any District Court to be held the Judge thereof shall, at least thirty days before its commencement, notify the Sheriff of the parish wherein the court is to be held of the day when the session will commence; and it shall be the duty of the Sheriff to make public the same, by advertising three times in a newspaper published in the parish; or if there be no newspaper published in the parish, then the Sheriff shall give notice by posting up advertisements in at least four different public places therein.

1854—109—1

An interchange of judges, for the trial of recused cases established.

SEC. 45. It shall be lawful and it is hereby made the duty of the District Judges of this State to establish among themselves a system of interchange for the trial of recused cases, and the Judges interchanging shall have authority to preside at the regular terms, or to hold special terms of court as they may deem advisable; and the recused cases shall be taken up and tried in preference to all other civil business, after which he shall proceed to try the other business on the docket, if it be a regular term.

1854—109—2

Mode of ordering special term and summoning jury.

SEC. 46. Whenever a special term of the Court shall be ordered, the Judge interchanging shall notify the same to the clerk of court, and he shall give notice thereof by publication in one or more newspapers published in the parish where the court is to be held, if there is one; and by notice posted up on the door of the court-house at least thirty days before the commencement of the term; whenever there are jury cases to be tried, a jury shall be drawn and summoned to attend at said term, according to law.

1846—99—2

Two dockets to be kept.

SEC. 47. Each court shall keep two civil dockets, one of cases relating to probate business, and the other of all other civil cases.

1818—32—27
1846—100—8

Court to be adjourned from day to day in the absence of the judge.

SEC. 48. In case the Judge should not appear on the first day of any term, the Sheriff, or in the event of his sickness, death, resignation, absence, inability or failure to act, the Coroner shall adjourn the court from day to day for not more than three days. The Judge may also, by a written order directed to the Sheriff, adjourn the court to such day preceding the next regular session, as he may think proper.

1846—100—5
1840—82—3

Each court to have a seal and to make rules.

SEC. 49. Each court shall have a seal corresponding in its device with the seal of the State; and each judge may make rules for the regulation of the practice of his court, and the mode of setting causes for trial; which rules shall be hung up in the court room.

1846—100—7

May grant orders at chambers.

SEC. 50. The District Judges shall have authority to administer oaths; to grant, at chambers, all orders relating to the settlement of successions; the appointment and administration of tutors of minors, and curators of interdicted persons; all orders relating to surrenders by insolvent debtors, and the appointment and administration of syndics; orders for inventories, and for appointment of experts, in suits for partitions; orders of arrest, attachment, sequestration, provisional seizure and injunctions; and all orders relating thereto; writs of habeas corpus; orders of seizure and sale, on executory process; orders for commissions to take testimony; and generally all orders not required by law to be granted in open court.

Whenever any District Judge shall be absent from his district, or shall recuse himself or be recused, the Judge of any neighboring district shall have the power, and it shall be his duty to grant all orders which might be granted by the Judge of the district.

1834—60—1
1853—84—1
1839—50—15

Suits to be tried by preference.

SEC. 51 Suits in which the right to office is involved; or in which the State, a police jury or municipal corporation is a party, shall have precedence over all others except criminal cases, and they shall take precedence in the order in which they are named.

1838—84—1
1817—40—23

Legal process how served when sheriff and coroner are both unable to act.

SEC. 52. Whenever the Sheriff and Coroner of any parish shall be interested in any suit or other legal process; or when there shall be no Sheriff and Coroner in office in any parish; or the Sheriff and Coroner shall be disqualified by law, from interest or otherwise, from serving any legal process. it shall be served by any regular constable of the parish or by an officer appointed by the court; and such constable or officer shall have in such suit all the powers, receive all the emoluments, and be liable to all the responsibilities of the Sheriff in other cases.

1823—82—1

Courts authorized to punish contempts.

SEC. 53. If any counsellor, or attorney at law, shall be guilty of any contempt towards any court of this State, he may be punished therefor by fine not exceeding one hundred dollars, or by imprisonment not exceeding twenty-four hours, or by both at the discretion of the court; and if the offender be guilty more than once of the like offence towards the same court, he may be punished therefor by fine not exceeding two hundred dollars nor less than one hundred dollars, or by imprisonment not exceeding ten days, or both at the discretion of the court.

1823—82—2—5

What shall be considered a contempt.

SEC. 54. Nothing shall be construed or taken to be a contempt of court by an attorney, but what shall be said, done, or committed directly in the presence or hearing of the court during the sitting of the same; and which shall abuse, vituperate or insult any judge of the court, or any other person in or belonging to the court, or resist the authority or interrupt the proceedings thereof. Nor shall any attorney be otherwise punished for any contempt of court, or for any other cause than is specified in this and the preceding section. No-

thing in this section shall be so construed as to alter the law, for the punishment of persons not obeying any summons, writ or order issuing from any court of record in this State.

1841—16—11

Jurisdiction where property is seized under mandates from different courts.

SEC. 55. Whenever a conflict of privilege arises between creditors, all the suits and claims shall be transferred to the court by whose mandate the property was first seized, either in mesne process, or on definitive execution, and the said court shall proceed to class the privileges and mortgages according to their rank and privilege, in a summary manner, after notifying the parties interested.

CHANGE OF VENUE.

1846—107—1

Change of venue in civil cases.

SEC. 56. In all civil actions pending in any court of this State, the Judge thereof shall have power to change the venue, upon motion made in open court, whenever the Judge shall recuse himself, or be recused, or upon cause shown, as hereinafter provided, and to remove the action from one parish to another in the district wherein they are pending, or to a parish in an adjoining district.

1846—107—2

Judge may grant it in vacation.

SEC. 57. The Judge shall have power in vacation to grant an order for a change of venue, provided it be by consent of parties, or upon application of one of the parties, ten days written notice having been given to the adverse party of the time and place of the application.

1846—107—3

Application how made.

SEC. 58. In all cases, except those where the parties consent, or where the application is made in open court, upon the ground of recusation, the party applying shall present to the Judge, a petition in writing, stating the substantial reasons he has to believe that from the undue influence of the adverse party, from prejudice existing in the public mind, or for some other cause specially set forth, he cannot expect to obtain a fair and impartial trial in the parish where the cause is pending; he shall moreover adduce proof that the notice required by the preceding section has been given, and that the allegations contained in the petition are well founded; whereupon the Judge shall hear the parties, and after such hearing and examination of the evidence, if he is of opinion that the allegations are sustained by the evidence, he shall award to the party, so applying, a change of venue, in conformity with the foregoing provisions; said change of venue shall always be made to a parish wherein neither of the parties reside.

1846—108—4

Affidavit.

SEC. 59. The party presenting the petition shall be required, before he can be heard, to make oath, that the petition contains the truth; and has not been presented to delay the trial, or to vex or harrass the adverse party.

1846—108—5

Papers how transmitted.

SEC. 60. The Judge awarding a change of venue shall, if in vacation, grant an order, under his official signature, to the Clerk of the parish where the cause is pending, to transmit the papers belonging

to, and filed in the cause, to the Clerk of the parish to which the venue has been removed, which order shall be returned with the petition and filed in the suit.

1846—108—6
Duty of Clerk.

SEC. 61. The Clerk of the parish from which the suit has been removed, shall make a list of all the papers on file in the suit, and a duly certified transcript of all orders made, or steps taken during the pendency of the cause, and deliver the same, together with the papers of the suit, to the party to whom a change of venue has been awarded, or to his attorney in fact or of record, taking his receipt therefor, which receipt shall be a true copy of the list or inventory.

In case there should be sufficient reasons suggested to the Judge why the papers should not be entrusted to the said party, then, and in that case, the Clerk shall hand them to the Sheriff of his parish, who shall give receipt therefor in the form above prescribed, and whose duty it shall be to carry the papers, or to employ some trusty person to carry them to the Clerk of the parish where they may be directed.

Sheriff to transmit the papers in certain cases.

Sheriff's and Clerk's fees to be first paid.

The papers, in either case, shall be carefully folded, enveloped and sealed, and the party obtaining a change of venue shall pay in advance, to the Sheriff, twenty-five cents for every mile he shall have to travel from the place where the suit is pending to that to which it is ordered to be removed; and the said party shall pay to the Clerk of the parish where the suit is pending, all costs (attorney's fees excepted) which may have accrued therein, before the papers shall be transmitted, otherwise the case shall be proceeded in the parish wherein it originated, in the same manner as if no such application had been made, but the payments, herein required, shall not apply to criminal cases.

1846—108—7
Duty of the Clerk who receives the papers.

SEC. 62. The Clerk to whom the papers shall be transmitted, upon their receipt, shall open the seal of the package and compare the papers with the inventory, and upon finding the same correct, he shall give a receipt to the person delivering the same, which shall be a true copy of the inventory. He shall then enter the cause in his docket, and act in the same manner as he would have done had the case been originally filed in his parish.

1850—182—6
Appeal how granted.

SEC. 63. It shall be the duty of the Judge trying the cause, to grant an appeal, the same as in other cases

1850—182—7
Judgment how to be executed.

SEC. 64. After the rendition of judgment in any of the causes, and the same has become final, either through lapse of time for taking an appeal, or by final decision of the Supreme Court, it shall be the duty of the District Clerk of the court of the parish where the cause was tried, to return the said suit and all the papers belonging to the same, in the same manner as is provided for in section three of this Act, to the parish in which the suit originated, in order that the judgment be then executed.

SEC. 65. If final judgment has been rendered upon any indictment where the punishment of death, or imprisonment at hard labor may be inflicted, or where a fine exceeding three hundred dollars is actually imposed, an appeal may be taken on behalf of the accused, from such judgment, returnable to the Supreme Court as in civil cases, but no appeal bond, shall be required. 1846—100—8 Appeals in criminal prosecutions.

SEC. 66. On the granting of an appeal in criminal cases, the clerk of the court, shall proceed to make out a transcript of the record, as in civil cases; and shall cause the same to be filed in the office of the Clerk of the Supreme Court, on or before the return day of said appeal; but the Clerk of the Supreme Court, shall require no security for costs. 1846—100—9 Duty of Clerk to make out transcript.

SEC. 67. It shall be the duty of the clerk of the court, which has granted an appeal in any criminal case, to give notice thereof, forthwith to the Sheriff having the custody of the defendant in the indictment, by delivering a copy of the order of appeal to said Sheriff, who shall thereupon keep the said defendant in his custody in jail, without executing the sentence which may have been passed, unless he waives his appeal, to abide such judgment as may be rendered by the Supreme Court on the appeal. 1846— 00—10 To notify the Sheriff of the appeal.

SEC. 68. In every parish when an interpreter of the French and English languages may be deemed necessary by the judge, such interpreter shall receive the sum of two dollars, for each suit in which he may be called on to act. 1814—110—11 Interpreter's fees.

DISTRICT COURTS FOR THE PARISH AND CITY OF NEW ORLEANS.

SEC. 69. There shall be six District Courts in the parish and city of New Orleans, which shall be designated as follows: "First," "Second," "Third," "Fourth," "Fifth," and "Sixth Districts Courts of New Orleans." 1853—190—1 District Courts in New Orleans, how designated.

SEC 70. For each of the Courts, of the First Judicial District, one Judge shall be elected, on the first Monday of April, eighteen hundred and fifty-seven, and every four years thereafter. They shall receive an annual salary of three thousand five hundred dollars, payable quarterly on their own warrant. 1853 -192—2 Elections of Judges and their salary.

They shall take the oath prescribed by the Constitution, and when commissioned by the Governor, shall enter upon the discharge of their duties.

SEC. 71. The courts shall be opened from the first week in November to the fourth of July; and for criminal and probate causes, and for granting interlocutory orders, they shall remain open all the year. 1853—190 - 3 Courts to be kept open from November to July.

SEC. 72. Whenever the Judges of any of the courts shall be interested in any cause brought in the court over which he presides, or shall be related within the fourth degree to either of the parties or shall recuse himself for any of the causes provided by law, or shall 1853— 90—4 Mode of trying recused cases.

otherwise be incapable of, or disqualified from trying the same, it shall be the duty of the Judge of one of ther othor District Courts to preside in his place; and to proceed in such case as if it had been brought before him, and to discharge each and all the duties which the Judge of the court would have to discharge if present.

1853—190—5

Judges may establish rules of court.

SEC. 73. The Judges of the courts shall have the right, and they are hereby directed to establish such uniform rules as may be necessary to expedite business, and to issue all orders which may be proper and requisite for the exercise of their respective jurisdiction; but the rules must be established by a majority of the Judges.

1853—190—6

Jurisdiction of the First District Court.

SEC. 74. The First District Court of New Orleans shall have exclusive cognizance of, and shall hear and determine, according to law, all prosecutions for all crimes, misdemeanors and offences whatever, which have been or which shall be committed within the limits of the First Judicial District; except only such minor offences as shall by law be referred to the jurisdiction of the Recorders of the city, or other police tribunal that may hereafter be organized by law.

1853—191—7

Grand Jury to be empannelled before the First District Court.

SEC. 75. The Grand Jurors of the parish of Orleans shall be empannelled before, and shall return to the First District Court, all bills by them found, and all presentments by them made.

1853—191—8

All papers, relating to criminal matters to be sent to the Clerk of the First District Court.

SEC. 76. All examinations, declarations, depositions, confessions, affidavits, bonds, recognizances, and generally all other instruments, acts, documents, and papers whatever, taken or received in, or concerning any criminal cause, shall be transmitted without delay by the Justice of the Peace, Recorder, or other committing magistrate of the Parish of Orleans taking or receiving the same, to the Clerk of the First District Court; and he shall forthwith transmit them to the Attorney General or District Attorney appointed for the parish of Orleans, or First Judicial District.

1853—191—9

Jurisdiction of the Second District Court.

SEC. 77. All successions shall be opened and administered in the Second District Court, and all appointments that may become necessary in the course of administration of estates, all matters relating to the tutorship of minors, curatorship of persons interdicted and of absentees, shall be made and carried on in said court.

1853—191—10

Jurisdiction of the Third District Court.

SEC. 78. The Third District Court shall have exclusive jurisdiction over appeals from judgments rendered by Justices of the Peace, and appeals from Justices shall be made returnable to this court.

1853—191—14

All courts (except the First District Court) to have concurrent jurisdiction.

SEC. 79. All of the District Courts of the city and parish of Orleans, shall have and exercise concurrent jurisdiction of all civil cases whatever, which are not hereby referred to the jurisdiction of a special court, except the First District Court: the jurisdiction of which shall be confined exclusively to criminal cases.

SEC. 80. The courts for the city and parish of Orleans shall hold their sessions in one building, or in adjoining buildings; the place for holding them shall be fixed by the Common Council of the city of New Orleans. 1853—192—18 Sessions of courts where held.

SEC. 81. It shall be the duty of each of the Judges of the District Courts of New Orleans, commencing with the Judge of the First District Court, to hold alternately, during one week, the court which any one of the judges may be incapacitated from holding by reason of illness, or by leave of absence. 1848—78—1 Rotation of Judges in certain cases.

SEC. 82. There shall be an interval of one week in the court, commencing on the first judicial day of the week after the Judges of the several courts have each served in rotation. 1848—78—2 How rotation is to be regulated.

If the trial of any cause shall be protracted beyond the judicial week, in any of the courts, the Judge shall continue until it is completed.

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See "CLERKS", "REPORTER" "RECUSATION".

Judges, Jurors, and officers of court not subject to recusation or challenge, on account of being members of political or religious corporations, who may be parties to the suit. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 31.

Judges not rendered incompetent by being material witnesses. *Sec.* 31.

Judges how sworn and examined as witnesses. *Sec.* 45.

Judges to charge the Jury in writing, in cases appealable, when required to do so. *Sec.* 49.

Judges to charge Grand Juries relative to trespasses on lands of the State. See CRIMES AND OFFENCES, *Sec.* 32.

Judges to charge Grand Juries relative to obstructions to the navigable streams of the State. *Sec.* 100.

Judges to charge Grand Juries relative to betting on elections. *Sec.* 105.

Judges to charge Grand Juries relative to the law authorising Police Juries, &c., to grant or withhold lisences for the sale of liquor. See DRINKING HOUSES, *Sec.* 3.

Judges to charge Grand Juries relative to the appropriation of the Public School money. See EDUCATION, *Sec.* 27.

Legal proceedings against members of the General Assembly to be stayed. See GENERAL ASSEMBLY, *Sec.* 10.

Judges to charge Grand Juries, concerning the law prohibiting lotteries. See LOTTERIES, *Sec.* 6.

Judges to charge Grand Juries relative to the public roads. See ROADS AND LEVEES, *Sec.* 139

Reports of the decisions of the Supreme Court how distributed. See STATE LIBRARY, *Sec.* 13.

Judges to charge Grand Juries, on the law against exciting discontent among the slaves and free colored population. See BLACK CODE, *Sec.* 24.

Supreme Court to examine and lisence Attorneys at Law. See ATTORNEY AT LAW, *Sec.* 2.

Suits brought by the Attorney General, and appeals prosecuted by him to be tried by preference. See ATTORNEY GENERAL, *Sec.* 2.

Appeals by Banks, from decisions of the Auditor, to be tried by preference by the District, and Supreme Courts. See BANKS, *Sec.* 13.

Clerks to issue fieri facias for fines imposed by the court. See CLERKS, *Sec.* 37.

No fine to be imposed without a rule to show cause. *Sec* 37.

Change of venue in criminal cases. See CRIMINAL PROCEEDINGS, *Sec.* 47 *et seq.*

JUDICIAL SALES.

See AUCTION SALES.

JURIES.

QUALIFICATIONS AND EXEMPTIONS.

SECTION 1. The qualifications of a juror to serve in any of the Courts of this State shall be the following: 1831—112—1 1846—86—1

First. To be a duly qualified voter of the State of Louisiana. Qualifications.

SEC. 2. The following persons shall be exempt from serving as jurors: 1826—46—3 Persons exempted from jury duty.

First. The members of the Legislature, together with their officers and Clerks, during the time of the sessions;

Second. The Governor, the Secretary of State, and all the public officers commissioned under the authority of the United States;

Third. The Mayors and Recorders of incorporated cities;

Fourth. The Judges, officers of the several Courts of this State, Attorneys and Counsellors-at-law, Notaries, Ministers of the Gospel, and Treasurers of incorporated institutions;

Fifth. The clerks of incorporated banks and institutions;

Sixth. All persons more than sixty years old, or those that may be infirm or valetudinary;

Seventh. Physicians and apothecaries;

Eighth. The Inspectors of beef and pork, flour, tobacco and other merchandize in the city of New Orleans;

Ninth. All school teachers, while acting in that capacity; 1850—96—1

Tenth. All persons who now or hereafter may be enrolled active members in any one or more of the present or future incorporated fire companies; 1850—202—1

Eleventh. All persons attached to the police department of New Orleans, as likewise the Treasurer and Comptroller, and all clerks employed in the different offices of the corporation, and those who are charged with the superintendence of the slaves and convicts sentenced to hard labor; the keeper of the city prison, the workmen employed at the city works, and the city commissaries; 1834—140—9

Twelfth. All auctioneers in and for the parish and city of New Orleans; 1842—28

Thirteenth. The members of the Police Jury of the parishes of Plaquemines, St. Bernard, and of that portion of the parish of Orleans on the right bank of the Mississippi river, during the term for which they were elected; 1852—16

Fourteenth. The clerks, workmen and employees of the Branch Mint of the United States, at New Orleans; 1854—64

Fifteenth. In the parish of Jefferson, the voters residing in that part of the Parish lying on the sea shore, and known as Grand Isle, Grand Terre, and the Chenière Caminada. 1852—103—1

JURIES HOW DRAWN.

SEC. 3. Not less than thirty days before the sitting of each jury term of the District Courts of the several parishes, the parish of Orleans excepted, the Sheriff, Clerk of the District Court and the Parish 1854—107—1 Juries how drawn.

Recorder, together with three free-holders, shall meet in the court-house of their respective parishes, and select from its tableau of assessment the name of every duly qualified voter, in and for said parish, who possesses the legal qualifications, and is not exempt by law from jury duty, and shall make a list of the same, to be filed in the office of the Clerk of the District Court.

The aforesaid officers and free-holders shall cause to be written on separate ballots of paper of uniform size, the name of each person so selected, and placed upon the list, which ballots shall be deposited in a box to be provided for that purpose, and being well mixed, one of the said officers, under the direction of the others and of the freeholders present, shall draw therefrom not less than forty-eight ballots, and the Clerk of the District Court shall, as each name is drawn, enter it upon a list for record, and deposit the ballots so drawn in a separate box.

The list of the jurors so drawn for each term, shall be filed in the Clerk's office, as soon as completed, subject to the inspection of any person who may desire to examine it.

To be summoned by the Sheriff.

Grand Jury.

The persons thus drawn, shall be summoned by the Sheriff, to serve as jurors at the next ensuing term of the Court. The first sixteen jurors who shall answer to their names when called, shall constitute the Grand Jury. The remaining thirty-two shall form the Petit Jury for the first week.

Additional juries may be drawn.

Whenever, in the opinion of the Clerk and Sheriff, the business of the Court may require a jury to be in attendance for more than one week, or if required by the Judge, an additional number of thirty-two jurors shall be drawn, who shall be summoned to appear and serve as petit jurors for the second week; and a like number for the third and fourth weeks, if necessary.

If a jury be summoned but for one week, they shall continue to serve until discharged by the Court. When summoned for the second, third or fourth weeks, then each jury, except the one for the last week, shall be discharged at the end of the week for which it was summoned, except such jurors as may be empannelled in the trial of a suit, who may be retained until the termination of such cause.

The jury summoned for the last week, whether for the second, third or fourth week, shall continue to serve until discharged by the Court.

In case either of said officers who are required to be present at the drawing of any jury, shall be absent or disqualified from serving on any account whatever, the place or places of such absent or disqualified persons shall be supplied by any one or more Justices of the Peace of the parish.

In making up juries for the succeeding terms of the Court, ballots shall be drawn in the same manner from the box containing the re-

mainder of the list, until all the names are exhausted, when a new list shall be formed in the manner provided for in this section, which shall include such additional names of persons as may have become citizens and are competent to serve, leaving out those who, from any cause, have become exempt. After each drawing, the box containing the ballots shall be locked up, sealed and kept in the custody of the Clerk, and shall not be opened until by order of the proper persons who are to conduct the next drawing, when assembled for that purpose.

No person shall be required to serve as a regular juror at two successive terms.

When a jury is set aside, a new one to be summoned instanter.

When a jury selected under the provisions of this section, shall be set aside by the Court, on account of any defect or informality whatever, it shall be the duty of the Clerk of the District Court to give immediate notice thereof to the other proper officers, who shall, with the required number of freeholders, proceed to draw a new set of jurors, under the provisions and formalities herein required; which said jurors shall be summoned to appear instanter, the thirty days required being in such cases waived; and such informality shall not be cause for adjournment, except from day to day, till such jury can be convened; Provided, that such session be not continued so as to interfere with any regular session in another parish. All or any objections which might or could be made on account of any defect or informality, which may have occured either in the formation, drawing or summoning of juries, or any other defect whatsover, in the construction of said juries, shall be made on the first day of the terms of said District Courts, and not afterwards.

Objections to jury when to be made.

In case any jury shall be set aside, from any cause, their names shall be replaced in the box before the new jury is drawn.

1850—123—3

Nothing herein contained shall be so construed as to prevent any person from being summoned on a special venire, or as a talesman.

If any juror is excused or neglects to serve upon the jury for which he was summoned, the Sheriff shall replace his name in the jury-box, subject to be drawn with the names therein.

The Judge may order additional juries to be drawn.

Sec. 4. Whenever the Judge shall be of the opinion that a sufficient number of juries have not been drawn and summoned, to despatch the business before the court, he shall be authorized to order immediately to be drawn and summoned, juries for one or more additional weeks.

COMPENSATION OF JURORS.

1823—58—1

Compensation of jurors.

Sec. 4. Any person regularly drawn and summoned to serve as a grand or petit juror, or summoned to serve as a juror de talibus at the several District Courts in this State, shall be allowed the sum of one dollar and fifty cents for each day he shall attend such court, and the sum of six and one quarter cents for every mile he shall neces-

sarily travel in going to said court and returning home; provided that mileage shall in no case be allowed to a juror for more than once going to and returning from the court during the term, with the following exceptions.

1847—214—1 & 3
Jefferson.

SEC. 6. In the parish of Jefferson, jurors in civil cases shall receive one dollar for each case in which they may be empannelled and find a verdict; the party praying for a jury trial shall be bound to advance and deposit with the Clerk twelve dollars as a jury fee, otherwise the prayer for a jury trial shall be disregarded.

In every criminal case, each member of the jury which shall have rendered a verdict, shall be entitled to a compensation of one dollar, to be paid by the parish.

1854—10—1
East Baton Rouge.

SEC. 7. In East Baton Rouge, they shall receive two dollars and twenty-five cents per day, and ten cents mileage.

1847—80—1
1854—90—1
Rapides & Terrebonne

SEC. 8. In Rapides and Terrebonne they shall receive two dollars per day, and ten cents mileage.

Catahoula, St. Martin, St. Mary, Carroll, Avoyelles, East Feliciana, St. Landry, Natchitoches and Claiborne.

SEC. 9. In the parishes of Catahoula, St. Martin, St. Mary, Carroll, Avoyelles, East Feliciana, St. Landry, Natchitoches and Claiborne, they shall receive two dollars per day, and six and a fourth cents mileage. 1850, 41, 1; 1850, 185, 1; 1852, 23, 1; 1854, 19, 1; 1841, 79, 2; 1840, 115, 1; 1837, 88, 1 and 2.

1835—241—1
Assumption.

SEC. 10. In Assumption, they shall receive one dollar per day, and six a quarter cents mileage.

1835—58—2 & 3
Livingston.

SEC. 11. In Livingston, they shall receive such compensation as may be fixed by the police jury, who shall levy a separate tax for that purpose.

1828—60—2
Clerks to give certificates to jurors.

SEC. 12. It shall be the duty of the Clerks of courts, immediately after the jurors shall have been discharged, to make out and deliver to each juror a certificate, specifying the number of days that he has attended, the distance for which he shall be entitled to receive mileage and the amount due; which shall be ascertained by the oath of the juror, to be administered by the Clerk; and such certificate shall be receivable in payment of the parish tax, or paid out of any moneys in the parish treasury not otherwise appropriated.

JURIES IN THE PARISH OF ORLEANS.

1830—34—2
Jurors in Orleans.

SEC. 13. Every duly qualified voter residing in the parish of Orleans, except such persons as are exempt by law, shall be bound to serve as a juror in the several courts within the city and parish.

1830—34—3
1850—122—1
Sheriff to make a list annually.

SEC. 14. It shall be the duty of the Sheriff of the parish of Orleans, in the month of December, to furnish a list of all persons liable to jury duty, residing within the limits of the parish of Orleans.

1831—115—11
Jury to consist of thirty-six.

SEC. 15. Each jury shall consist of thirty-six jurors, except for the first district. They shall serve one month.

1850—122—2
Sheriff to draw juries.

SEC. 16. Whenever a jury is to be drawn, it shall be the duty of the Sheriff to draw from the jury-box the names of the jurors, and to continue so to draw for each successive jury until all the names in said box have been drawn out; and no person shall be required to serve a second time upon the jury until all the names have been drawn from the box; and whenever the box shall be emptied, the Sheriff shall return all the names upon the jury list into the jury-box, and commence a new drawing.

1831—114—10
Grand Jury.

SEC. 17. The Grand Jury for the body of the First Judicial District, shall be selected only once in every three months, and shall continue in service during the term of three months, and be exempted during that time from all other jury service in the other courts of this State. Whenever it shall be necessary to select a Grand Jury for the said district, the Sheriff of the parish of Orleans, together with the Clerk of the First District Court, during the last week in the month, shall draw from the jury-box one hundred and twenty-five names of persons duly qualified to serve as jurors for the ensuing month; and they shall be summoned to attend the said First District Court, accordingly. Out of the persons so drawn and summoned, there shall be selected by the Sheriff and Clerk, under the direction of the court, a Grand Jury, to consist of sixteen persons, who shall be empannelled and sworn to serve as above mentioned, and the remaining persons shall be empannelled to serve as Petit Jurors in said court.

Jury for the First District Court.

When a Grand Jury is to be drawn.

1853—264—1 & 2
Number of jurors in First District.

SEC. 18. The number of jurors drawn for the First District Court of New Orleans, shall be one hundred, except when a Grand Jury is drawn.

1831—112—3
Additional jurors to be drawn if needed.

SEC. 19. If at any time the number of jurors drawn to serve in any court of the First District of this State should become insufficient for the good and speedy administration of justice, the Judge of such court is authorized to direct that such an additional number of jurors as he shall consider requisite, shall be drawn according to law, on such a day as he shall appoint, and if it should happen that the said drawing be not then made, the Judge shall fix another day for that purpose.

1850—123—3
The names of jurors excused or neglecting to serve to be replaced in the box.

SEC. 20. If any juror is excused or neglects to serve upon the jury for which he was summoned, the Sheriff shall replace his name in the jury-box, subject to be drawn with the other names therein.

1850—123—4
Compensation in First District Court.

SEC. 21. The jurors in the First District Court in criminal cases shall receive one dollar and fifty cents a day while performing jury duty.

1841—17—17
Compensation.

SEC. 22. Those serving in the other courts, sitting in the city of New Orleans, shall be entitled to a compensation of one dollar each for every case in which they find a verdict, to be charged among the costs; which shall be advanced by the party when he files his petition

or answer praying for a trial by jury, otherwise said prayer shall be disregarded, and the case tried by the court.

1831—114—6
1807—170—1
Special jurors.

SEC. 23. In the courts of the First Judicial District, special juries may be directed to be summoned whenever the Judge shall be of opinion that the matters to be submitted to the decision of a jury are of such a nature as to require information peculiar to certain occupations or professions; in such case, the Judge is empowered, at the request of either party, to direct to be summoned a sufficient number of jurors of the occupation, profession or trade necessary for the proper decision of the case.

JURIES GENERALLY.

1831—114—8
Judges to deliver their charge in writing.

SEC. 24. In all cases appealable to the Supreme Court, it shall be the duty of the Judge to deliver his charge to the jury in writing, if the counsel of either party require the same.

1831—112—4
Challenge to the array.

SEC. 25. It shall not be deemed a good cause to challenge the array, that the number of jurors actually drawn at any time, was not the exact number required by law.

1831—112—5
Challenge of jurors.

SEC. 26. No juror shall be challenged by either party, on the ground that he is exempted by law from serving on juries, nor on the ground that he is related or allied to either party, unless such relationship or alliance be within the sixth degree, according to the computation of the civil law.

1826—46—6
Challenge.

SEC. 27. Although one or more of the jurymen on the list should lack the qualifications required by law, it shall not be a cause sufficient to challenge the whole array, but only an exception to the poll.

GRAND JURIES.

1848—103—1
Foremen of Grand Juries may administer oaths.

SEC. 28. The foreman of Grand Juries of this State may administer the oath required by law to all witnesses brought before them during their respective sessions.

1814—38—3
Grand Juries to inspect prisons.

SEC. 29. Every Grand Jury is required to inspect the prisons within their respective districts, and make report to the Judge of said court, of the manner in which the prisoners are treated; and if any of the Sheriffs, jailors, prison keepers, or any of their deputies, should be presented by them for not having complied with the laws regulating the treatment of prisoners, he or they shall be fined in a sum not exceeding two hundred dollars.

Costs and fees—Suits for them may tried by a jury. See COSTS AND FEES, *Sec.* 1.

Suits on promissory notes, &c.—To be tried without a jury, unless on affidavit, &c. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 46.

Objections to juries to be made on the first day of the term, *Sec.* 48.

Grand Juries to present overseers of roads for neglect of duty. See ROADS AND LEVEES, *Sec.* 139.

Being members of civil or religious corporations, who are parties to a suit, not cause for challenging a juror. See RECUSATION.

JUSTICES OF THE PFACE.

CONSTITUTIONAL PROVISION.

CONSTITUTIONAL PROVISION.

ARTICLE 78 The jurisdiction of Justices of the Peace shall be limited in civil cases, to cases where the matter in dispute does not exceed one hundred dollars, exclusive of interest, subject to appeal in such cases as shall be provided for by law. They shall be elected by the qualified electors of each parish, district or ward, for the term of two years, in such manner, and shall have such criminal jurisdiction as shall be provided by law. Jurisdiction of Justices of the Peace.

JUSTICES OF THE PEACE, (PARISH OF ORLEANS EXCEPTED.)

1846—70—1
1848—103—1
Time of election.

SECTION 1. An election shall be held in each of the Police Jury wards of the parish of East Baton Rouge, on the third Monday of November, and of all other parishes of the State, the parishes of Orleans and Jefferson excepted, on the first Monday of November, eighteen hundred and fifty-five, and every two years thereafter, for the election of Justices of the Peace.

1846—70—2
How elected.

SEC. 2. As many Justices of the Peace shall be elected, in and for each ward in the several parishes, by the qualified voters, residents of the ward, as the people of each of the wards respectively are now entitled by law to elect members of the Police Jury, but in those wards in which there is an incorporated town, or a town containing three hundred inhabitants, there shall be elected two Justices of the Peace.

1846—71—4
Notice of election how given.

SEC. 3. The Sheriffs of the different parishes shall be required to have notices of the elections for Justices of the Peace put up in at least three public places in each ward, at least twenty days preceding the election.

1846—71—6
Returns, how made.

SEC 4. The returns from each ward shall be made to the Sheriff of the parish, who shall make return of the same to the Governor of the State, whose duty it shall be to issue commissions to the persons elected as Justices of the Peace; and the Justices shall enter upon the discharge of their duties so soon as they shall have received their commissions, and taken the oath required by the Constitution, and shall remain in office until their successors shall have been elected and qualified.

1846—71—7
Vacancies, how filled.

SEC. 5. In case of death, resignation, or removal of any of the Justices of the Peace, from their respective wards, the parochial authorities shall be required to order an election to fill the vacancy so occasioned.

1846—69—1
Jurisdiction.
Appeal, when allowed.

SEC. 6. Hereafter Justices of the Peace shall have jurisdiction when the amount claimed, or value of the object in dispute does not exceed one hundred dollars exclusive of interest, subject to an appeal to the District Court in all cases when the amount sued for, or the value of the object in dispute exceeds ten dollars.

1846—69—2
May celebrate marriages.

SEC. 7. Justices of the Peace may celebrate marriages within their respective parishes.

1852—85—1
May grant injunctions.

SEC. 8. Justices of the Peace are authorized and empowered to issue writs of injunction, enjoining the execution of judgments emanating from their respective courts, in the manner and for the reasons authorizing the issuing of writs of injunction on judgments rendered by the District Courts of this State; the party requiring the same, to furnish the same proof and give the same bond and security as is required to obtain the same from the District Courts of this State.

SEC. 9. No Justice of the Peace shall hold, exercise, or entertain jurisdiction in any civil matter where the defendant does not reside within the limits of his section.

1832—156—2
Suits to be brought in district in which defendant resides.

In cases where there is no Justice of the Peace resident in any section, where he is absent, or where there exists some legal ground for his recusation, then the nearest Justice of the Peace to the residence of the defendant, may exercise jurisdiction.

Proviso.

SEC. 10. In lieu of compensation allowed by law to the Justices of the Peace, it shall be lawful for them to demand and receive the sum of three dollars, in full compensation of all their services in each civil cause brought before them, when the same shall have been prosecuted until an execution is issued; and the sum of two dollars, in and for each civil cause whereupon judgment only has been rendered; and if such judgment be had on the confession of the party, the sum of one dollar and no more.

1817—146—5
Compensation.

SEC. 11. The Justices of this State, without the limits of New Orleans, shall have power to appoint Constables, pro tempore, whenever there shall be no such officer elected for their respective districts, in the manner directed by law.

1817—72—9
May appoint Constables in certain cases.

SEC. 12. Whenever it shall be necessary to take the depositions of witnesses in this State, under commission from any other State or Territory, to be used as evidence in suits depending therein, it shall be lawful for any Justice of the Peace within this State, on the application to that effect made by the commissioner of such State or Territory, to use, if necessary, the same compulsory process to cause witnesses to appear and depose as in cases arising under the jurisdiction of any of the courts of this State.

1843—106—1
May summon witnesses to testify on application of a commissioner.

SEC. 13. All appeals from Justices' courts shall be tried de novo.

1846—100—11
Appeals to be tried de novo.

SEC. 14. The several Justices of the Peace throughout the State (except in the incorporated cities.) are hereby authorized and empowered to take cognizance of and exercise jurisdiction over all infractions of the levee laws, and municipal ordinances and regulations of the respective parishes, where the penalty imposed in the law or ordinance, that is alleged to be contravened, does not exceed one hundred dollars.

1852—189—1
Their powers and duties.

JUSTICES OF THE PEACE FOR THE PARISH OF ORLEANS.

SEC. 15. At the first election for Clerks of the District Courts in the parish of Orleans, and at every general election thereafter, there shall be elected by the qualified voters of the parish, seven Justices of the Peace, whose jurisdiction, duties, powers and emoluments shall be as hereinafter designated and as designated in the Constitution of this State.

1846—78—1
1846—84—3
Eight Justices of the Peace to be elected.

SEC. 16. The seven Justices of the Peace for the parish of Orleans shall be elected by the duly qualified voters of the parish in the

1846—78—2
How elected.

manner following: one by the First and Second Representative District, one by the Third Representative District, one by the Fourth Representative District, one by the Fifth and Sixth Representative District, one by the Seventh, Eighth and Ninth Representative Districts, one by that part of the parish of Orleans onthe right bank of the river, and one by the Fourth District (formerly Lafayette.) They shall hold their courts in their respective districts.

1846—78—3
How designated.

SEC. 17. The Justices of the Peace for the parish of Orleans shall be designated as follows: The Justice located in the District between Felicity Road and Julia street, shall be styled "First Justice of the Peace for the parish of Orleans." The Justice of the Peace located in the District between Julia and Canal streets, shall be styled "Second Justice of the Peace for the parish of Orleans." The Justice located in the District lying between Canal and St. Louis streets, shall be styled "Third Justice of the Peace for the parish of Orleans." The Justice of the Peace located in the District lying between St. Louis and Esplanade streets, shall be styled "Fourth Justice of the Peace for the parish of Orleans." The Justice of the Peace located in the Third District, shall be styled, "Fifth Justice of the Peace for the parish of Orleans." The Justice of the Peace located in that part of the parish of Orleans which lies on the right bank of the river, shall be styled "Sixth Justice of the Peace for the parish of Orleans." And the Justice of the Peace located in the Fourth District shall be styled the "Seventh Justice of the Peace."

1846—79—4
Returns how made.

SEC. 18. The returns of elections of the Justices of the Peace shall be made to the Secretary of State, and the Governor shall grant a commission to those duly elected, in which he shall designate the District for which the parties were elected.

1846—79—5
Jurisdiction, powers and duties.

SEC. 19. Justices of the Peace of the parish of Orleans, except as hereinafter otherwise provided, shall have power to hear and determine all civil causes, when the amount in dispute does not exceed one hundred dollars, exclusive of interest and costs.

Their jurisdiction shall be concurrent and shall extend over the parish of Orleans, with the exception of that portion of the parish which lies on the right bank of the Mississippi river; they shall also be empowered and it shall be their duty to issue marriage licenses when legally required, in accordance with existing laws; to keep a record of the same, and to celebrate marriages, of which they shall also keep a record; and it shall be the duty of the Justices to deliver the said records to their successors in office.

1846—79—7
Salary, &c.

SEC. 20. Each of the Justices, with the exception of the Justice who shall be located in that part of the parish of Orleans situated on the right bank of the Mississippi river, shall receive an annual compensation of two thousand dollars, payable quarterly out of the State Treasury.

Should the revenue accruing and paid into the State Treasury, from the tax to be imposed by law, on suits brought in any Justice's court, not amount to two thousand dollars, then the Justice of the Court shall receive only such sum as may accrue to the State Treasury from the tax imposed on suits brought in the court over which he presides.

They shall also be entitled to the following perquisites, viz:

For every marriage license issued by any of them, they shall be entitled to charge one dollar; for every marriage celebrated by any of them, they shall be entitled to charge two dollars; for every affidavit taken before them, not connected with suit brought before them, they shall be entitled to charge twenty-five cents.

1846—79—8

To make rules of Court.

SEC. 21. It shall be the duty of the Justices of the Peace of the parish of Orleans, to meet together once a year, and as often afterwards as may be necessary, and enact uniform rules for their several courts, which rules when adopted by a majority of the Justices, and when not repugnant to the Constitution and laws of the State, shall be hung up in their several court rooms, and to be observed by the Justices and officers in the several Justice's courts.

1846—80—9

Office hours.

SEC. 22. It shall be the duty of the Justices to keep their offices open and to attend therein on every day of the year, (legal holidays only excepted,) from nine o'clock, A. M. to two o'clock, P. M., and from four o'clock, P. M. to six o'clock, P. M., and for every day that any of the Justices shall fail to attend at his court, as by this section required, except in case of sickness of himself or any of his family, he shall forfeit the sum of ten dollars, to be deducted out of his salary.

1846—80—12

Tax on suits.

SEC. 23. The following taxes shall be paid in advance upon all suits brought before any of the Justices of the Peace in the parish of Orleans, with the exception of the Justice holding his court on the right bank of the Mississippi river, to-wit:

On all suits in which the amount in dispute does not exceed twenty dollars, a tax of one dollar shall be paid; on all suits in which the amount in dispute is more than twenty and does not exceed forty dollars, a tax of two dollars shall be paid; on all suits in which the amount in dispute is more than forty and does not exceed eighty dollars a tax of three dollars shall be paid; on all suits in which the amount in dispute is more than eighty dollars, a tax of four dollars shall be paid; on all suits in which no certain sum is claimed, a tax of two dollars shall be paid.

1853—191—10

1846—81—15

Appeals where returnable.

SEC. 24. All appeals shall be returnable to the Third District Court, for the parish of Orleans; which court shall have power to issue writs of certiorari, prohibition, mandamus, or such other order to the Justices of the Peace, as may be necessary to carry out their appellate jurisdiction, or to prevent them from extending their jurisdiction.

1846—81—18
1854—150—1
Appeals, when allowed.

SEC. 25. No appeal shall be allowed from any judgment rendered by a Justice of the Peace in the parish of Orleans, if the amount claimed or in dispute, does not exceed twenty-five dollars, inclusive of interest, or if taken after the expiration of ten judical days from the notification of the judgment to the party cast.

1854—150—2
Execution, when suspended.

SEC. 26. In the case provided for in the preceding section, the appeal shall not suspend the execution of the judgment, if taken after the expiration of three days, not including Sundays, from the signing of the judgment.

1854—150—3
Second appeal when allowed.

SEC. 27. Whenever an appeal shall be taken after the delay above mentioned, or when on account of the insufficiency of the appeal bond or some other irregularity, the Judge after hearing the parties, shall be of opinion that the appeal must be set aside, then he will reserve to the appellant the right of renewing his appeal, provided that the appeal so renewed, shall not prevent the other party in whose favor the judgment was rendered, from enforcing the execution thereof; provided also that ten days, not including Sundays, have not elapsed since the signing of the judgment.

1846—81—17
Record, what to contain.

SEC. 28. Justices of the Peace may enter on their records a minute stating the names of the witnesses and designating the documents read or offered, and such minutes shall be received on the trial of appeals as proof of the fact.

1846—81—19
Appeal, when dismissed.

SEC. 29. If the appellant from the judgment of a Justice of the Peace, fail to appear to prosecute his appeal agreeably to law, it may be dismissed on motion of the appellee and no other appeal shall be afterwards taken.

1846—81—20
Judgment on appeal how executed.

SEC. 30. The judgment on appeal from the decisions of a Justice of the Peace shall be sent back to the said Justice to be executed.

1846—81—21
Appeals to the Supreme Court when allowed.

SEC. 31. Whenever, in any suits, or other proceedings before any of the Justices of the Peace, for the parish of Orleans, any question shall arise involving the Constitutionality of any tax, toll or impost of any kind or nature whatsoever, whatever may be the amount thereof, or of any fine, forfeiture or penalty imposed by the corporation, either party shall have the right of an appeal to the Supreme Court of the State of Louisiana, upon giving bond with one good and solvent security, for a sum exceeding by one-half the amount in dispute, including costs; and it shall be the duty of the Justice of the Peace, upon application of either of the parties, to make out a record containing a complete statement of the facts of the case, and certify the same to the Supreme Court, there to be proceeded in, as in other cases.

1846—83—28
To account for all fees, to the State Auditor.

SEC. 32. It shall be the duty of the Justices of the Peace in the parish of Orleans to receive and pay into the State Treasury, all money arising from taxes on suits filed in their respective courts; he shall render under oath, monthly returns to the State Auditor, of all

moneys so received, specifying the amount received in each suit, in the order in which they are placed on the docket of the court.

1846—83—31

Clerk hire and office rent allowed.

SEC. 33. Each of the Justices shall be entitled to retain, out of the amount received by him for fees, such further sums over and above the sum of two thousand dollars already mentioned, as may be necessary to pay for the hire of one Clerk, the rent of his office, expenses for blanks, stationary, fuel and other necessary expenditures: provided that, he furnish to the State Auditor quarterly, a detailed account of his expenditures, sworn to by himself.

1848—142—2

In case of inability to act, to supply each others places.

SEC. 34. In case of sickness, or pending proceedings for the removal of any Justice of the Peace in the parish of Orleans, any other Justice in the parish may act in his stead.

1854—58—1

Execution, when it may issue.

SEC. 35. No executions shall issue upon any judgment by a Justice of the Peace in the parish of Orleans, until three judicial days after notice of the judgment shall have been served upon the party against whom the judgment shall have been rendered, or in case of his absence, upon his attorney, or curator ad hoc appointed by the Justice of the Peace, to represent him; and the party may within three days pray for a new trial, or appeal from the judgment upon complying with the requisites of law.

1848—142—4

Fee for record of appeal.

SEC. 36. Justices, or their Clerks, shall be entitled to demand and receive two dollars for each record of appeal, which sum shall be paid by the appellant on receiving the record.

1848—142—5

Fees for taking testimony.

SEC. 37. They shall be entitled to demand and receive ten cents for every hundred words of testimony taken under any commission.

1848—142—7

Sequestration bonds by whom given.

SEC. 38. In actions of sequestration before the Justices, whenever the defendant shall fail or neglect to execute his bond in favor of the Constable, with one good and solvent surety, for whatever amount the Justice may determine as being equal to the value of the property to be left in his possession, within three days after the notice of seizure by the Constable, it shall then be lawful for the plaintiff, his agent or attorney, to give similar bond and surety to the Constable as that required by law from the defendant, and take the property sequestrated into his possession.

1848—143—8

Leave of absence.

SEC. 39. Any of the Justices may have leave of absence during the month of August, of each year, provided they procure another Justice of the parish to act at their place.

1846—82—22

Justice on the right bank, his jurisdiction, powers, &c.

SEC. 40. The jurisdiction of the Sixth Justice of the Peace for the parish of Orleans, viz: the one located in that part of the parish of Orleans lying on the right bank of the Mississippi river, shall not extend beyond the sectional limits of that portion of the parish; with this restriction, he shall possess all the powers which are bestowed upon other Justices of the Peace for the parish of Orleans, and shall perform all the duties which are imposed upon them.

Fees.

He shall not, however, receive any salary for his services, but shall

receive all other emoluments and perquisites of a like nature with those which are by the preceding sections bestowed upon the Justices of the Peace of the parish of Orleans; and shall further be entitled to charge and receive the same fees, which the Justices of the Peace are allowed.

1854—140—1

To act as Coroner.

SEC. 41. The Justice of the Peace in and for that portion of the parish of Orleans lying on the right bank of the Mississippi river, is authorized to act as Coroner, whenever a dead body shall be found lying within the limits of that portion of the parish.

JUSTICES GENERALLY.

1853—35—1

To appoint curators in certain cases.

SEC. 42. Justices of the Peace throughout this State shall have power to appoint curators ad lites to enable minors to present their claims before the Justice of the Peace when the amount claimed shall not exceed one hundred dollars; provided there be neither natural nor legal tutor to the minor, and that it be made to appear by proper affidavit, that the minors are transient persons following some trade or occupation, and are without parents in this State.

1853—35—2

Curator to have no fees.

SEC. 43. The curator ad litem shall in no case be entitled to any fees or commission on the amount of any judgments collected, and shall have no control over any money arising therefrom.

1853—65—3

Money to be paid over to minor.

SEC. 44. The judgments, when collected by the Constable of the court in which the suit was instituted, shall by him be paid over to the minor himself without additional costs or commission.

1827—94—1

Justices may employ sheriff to execute orders.

SEC. 45. The Justices of the Peace throughout this State, are authorized to employ either the Sheriff or his deputy, to execute all orders, citations, summons, seizures and writs, as well in civil as in criminal cases.

1847—196—1

Costs how paid in certain cases.

SEC. 46. Whenever a complaint shall be made before a Justice of the Peace, the object of which is to have the person complained of bound to keep the peace, the costs incurred in such cases shall be paid by the person so bound; provided, that when it shall appear to the magistrate that the complaint is founded on frivolous or malicious motives, the costs shall be paid by the complainant.

For their criminal jurisdiction, See CRIMINAL PROCEEDINGS, *Sec.* 32 *et seq.*

Bonds, fees for taking bonds of public officers. See BONDS, *Sec.* 3.

Bills and promissory notes—Justice's authorised to make protests in certain cases. See BILLS and PROMISSORY NOTES, *Sec.* 11.

Fees of Justices of the Peace. See COSTS and FEES, *Sec.* 24.

Appeals from Justices to be tried de novo, *Sec.* 78.

Justices to make out, and hand to the Sheriff, for collection a list of all fines imposed by them. See SHERIFFS, *Sec.* 9.

Duty of Justices in the trial of slaves accused of crime. See BLACK CODE, *Sec.* 54 *et seq.*

LANDLORD AND TENANT.

1819—46—1
1850—206—1
Proceedings to eject tenant.

Section 1. When any person having leased or demised any house, store, or any landed estate for a term of one or more years, or by the month or otherwise, either verbally or in writing, shall be desirous upon the termination of the lease, either by limitation or any breach thereof, to have again and repossess his estate so demised, he shall demand and require, in writing, his tenant to remove from and leave the same, on allowing him the time which is granted by law for such removal; and if the tenant shall refuse to comply therewith, after the expiration of the delay, and to remove therefrom, it shall be lawful for such lessor to cause the tenant to be cited before any Justice of the Peace, having competent jurisdiction, in order to be there condemned to deliver him the possession of the demised premises.

If the Justice is satisfied, on such demand, by due proof that the lease has expired by limitation, or has in any way been violated, and, that demand in writing for delivering possession thereof has been made within the time fixed by law, it shall be lawful for the Justice to give judgment against the tenant, ordering him to deliver to the lessor the possession of the demised premises.

If the tenant cannot comply with the judgment within three days after the service of a copy thereof, it shall be the duty of the Justice who rendered the judgment, to issue forthwith his warrant, directed to the Constable of his court, commanding him forthwith to deliver to the lessor full possession of the demised premises, and to levy the costs of the case out of such goods and chattels of the tenant as are allowed by law to be seized; and in case the Constable should find the doors and windows of the house, store or other landed estate so demised, locked up, it shall be lawful for him, on a warrant issued to that effect by the Justice, to break open the doors and windows, in the presence of two witnesses, in order to put the lessor in free possession of the demised premises as aforesaid.

1850—207—2
To be tried in District Court, when amount exceeds $100.

Sec. 2. Whenever the monthly rent paid by the tenant, or the lease which he shall allege to hold, shall exceed the sum of one hundred dollars, then the summary proceedings allowed by the preceding section for the possession of demised property, shall be instituted and carried on before any District Court having competent jurisdiction, in the manner provided in the preceding section, and the cases shall at all times be tried by preference, after three days notice.

1850—207—3
Appeal when to suspend execution.

Sec. 3. No appeal from any judgment rendered under this Act shall suspend execution, unless the defendant has filed a special de-

fence, supported by his oath, that all the facts contained in his answer are true, and entitle him to retain possession of the premises, and unless, further, he give bond with good and sufficient security, for all such damages as the appellee may sustain.

1850—207—4

These provisions to apply to sub-tenants.

SEC. 4. It shall be lawful for any lessor to make use of the provisions of the foregoing sections against any under lessee or tenant whom he may find in possession of the premises by him so demised.

1850—207—5

Not to impair rights of landlords to seize property for rent.

SEC. 5. Nothing herein contained shall be so construed at to deprive any landlord or lessor of any remedy heretofore allowed him, either for the payment of the rent to him due, or for the seizure of such part of the furniture found in the premises so demised, as is allowed by law.

1852—13—1

Property exempted from seizure.

SEC. 6. The lessee shall be entitled to retain, out of the property subjected by law to the lessor's privilege, his clothes and linen, and those of his wife and family; his bed, bedding and bedstead, and those of his wife and family; his arms, military accoutrements, and the tools and instruments necessary for the exercise of the trade or profession by which he gains his living, and that of his family.

See CIVIL CODE, *Art.* 2638, *et seq.*

Lessor may obtain provisional seizure before the rent is due. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 24.

LAWS.

1827—172—1

Promulgation of laws.

SECTION 1. All laws enacted by the Legislature of this State, shall be considered promulgated at the place where the State gazette is published, the day after the publication of such laws in the State gazette, and in all other parts of this State, thirty days after the publication.

1827—172—3

Secretary of State to keep a register of the laws as published.

SEC. 2. The Secretary of State shall be bound to keep a register in which he shall write down the title of all the laws passed by the Legislature, together with the date when they shall have been respectively published in the State paper; and the register thus kept or the certificate delivered from the same by the Secretary of State, under his official signature and seal, shall be evidence of the publication of the laws; and whenever the promulgation of any law is contested, the person contesting the same shall be held to prove the fact.

See CIVIL CODE, *Art.* 4 *et seq.*

LIEN.

See MORTGAGE—PRIVILEGE.

Taxes a lien on real and personal estate. See REVENUE LAWS, *Sec.* 43.

Adjudication of work to be done on roads and levees to be a lien on the land, from the recording of the adjudication. See ROADS AND LEVEES, *Secs.* 3 and 35.

MARRIAGE.

SECTION 1. Licenses to celebrate marriages in the parish of Orleans shall be granted by the Justices of the Peace in and for said parish; and for the other parishes of the State, by the Clerks of the District Courts.

1846—79—5
1858—294—1
1847—44—1
Marriage licenses, by whom issued.

Whenever the Clerk shall be a party to a marriage, the marriage license shall be issued by the Parish Recorder.

SEC. 2. Any minister of the Gospel, whether a citizen of the United States or not, may celebrate marriages within this State upon complying with the regulations of the law.

1845—62—4
All ministers may celebrate marriages.

SEC. 3. No minister of the Gospel or other person shall be authorized to celebrate any marriage in this State, who shall not previously have obtained a written special license for that purpose to him directed by the Clerk of the District Court, or other person authorized to grant it, of the parish where the marriage is to be celebrated.

1845—61—1
No marriage to be celebrated without license.

SEC 4. Any minister of the Gospel, not a citizen of the parish, before obtaining a special license as aforesaid, to celebrate marriages, shall give bond to the person issuing the license in the sum of two thousand dollars, with two securities, residents of the parish where the bond is executed, conditioned that the said minister of the Gospel conform in all respects with the laws of the State concerning marriages.

1845—61—2
Ministers, not citizens, to give bond.

SEC. 5. It shall be the duty of any minister of the Gospel or other person who shall celebrate a marriage, to make duplicate acts of the celebration signed by himself, by the parties and three witnesses, one of which acts he shall return, within a delay of thirty days, to the Clerk or Justice who granted the license; who shall file and record the same in his office.

1845—62—3
Returns, how made.

1845—62—5
Penalty.

SEC. 6. All violations of any of the provisions of sections 2, 4, 5, and 6, shall be punished by fine not exceeding one thousand dollars.

See CIVIL CODE, *Art.* 87 *et seq.*

Notaries Public may celebrate marriages in the parish of West Feliciana. See NOTARY PUBLIC, *Sec.* 14.

Justices of the Peace are authorized to celebrate marriages within their respective parishes. See JUSTICE OF THE PEACE, *Sec.* 7.

MASTER AND WARDENS OF THE PORT OF NEW ORLEANS.

1805—128—7
Master and Wardens to be appointed.

SECTION 1. It shall be lawful for the Governor to appoint as often as shall be necessary, one fit and proper person to be Master, and three other fit and proper persons to be Wardens of the Port of New Orleans, who shall be called the Master and Wardens of the Port of New Orleans.

1805—130—9
To keep an office in New Orleans, and a record book.

SEC. 2. The Master and Wardens shall keep an office in the city of New Orleans, and shall cause to be made, in a book to be kept for that purpose, an entry of all their proceedings, to which all persons may have access.

1805—134—11
Their duties and fees.

SEC. 3. The Master aud Wardens, or any one of them, shall, if called upon by the person commanding any ship or vessel arriving from sea, inspect the manner in which the hatches of such ship or vessel were secured, previous to the opening thereof, for the purpose of discharge, and shall be present at the opening of the same, and shall, upon every such survey, certify under his hand, how the hatches appeared to him; for which certificate he shall be entitled to two dollars, and for every duplicate thereof, to one dollar.

The Master and Wardens, or any two of them, shall be surveyors of damaged goods brought into the port of New Orleans, in any ship or vessel; and with the assistance of one or more skilful carpenters, shall be surveyors of any damaged vessel and any vessel deemed unfit to proceed to sea, and they shall, upon every such survey, certify un-

der their hands, how the vessel so surveyed appeared to them, and shall cause entries to be made in a book to be kept for that purpose in their office; and for each certificate and entry, they shall be entitled to two dollars, and for every duplicate thereof, to one dollar; and the Wardens shall severally be entitled for their services as surveyors of damaged goods or vessels, at the rate of two dollars and fifty cents per day; and further, it shall solely belong to the said Master and Wardens, or any two of them, to order and direct the sale of damaged goods by public auction, giving notice of such public sale at least two days before, in English and French, in two newspapers published in the city; and at least two of the Wardens shall be present at such public sale, and shall certify to the truth of the account of sales of the auctioneer by whom such damaged goods shall be sold; and for such attendance and certificate, shall be entitled to the sum of ten dollars.

1805—138—12

To have no interest in pilot boats.

Sec. 4. Neither the Master nor any of the Wardens aforesaid shall be concerned directly or indirectly in any pilot boat, or with any branch pilot in respect to the business of his trust.

1806—102—4

Fees when goods are all consigned to the same person.

Sec. 5. Whenever goods and merchandize damaged on board of vessels arriving from sea, belong to different proprietors, but are addressed to the same consignee, it shall be lawful for the Wardens who shall have inspected the same and ordered and attended the sale of such damaged goods at auction, to demand and receive distinct fees for such property so surveyed and sold, provided the consignee shall require different sets of certificates for each.

1821—116—1

Additional fee of $5 for each vessel.

Sec. 6. In addition to the fees allowed to the Master and Wardens, they shall be entitled to demand and receive for each vessel arriving in the port of New Orleans from sea, the sum of five dollars, whether they be called upon to perform any services or not; which sum they shall be entitled to demand of the captain, owner or consignee of every such vessel; and in case of failure or refusal to pay the same, they shall have the right to proceed for the recovery of the same against the said vessel, before any Justice of the Peace, or other competent tribunal.

1854—61—1

May appoint deputies and clerks.

Sec. 7. The Wardens of the port of New Orleans may appoint Deputies and Clerks; but the Deputies and Clerks shall take the oath prescribed by Article ninety of the Constitution, and shall be sworn truly and faithfully to perform the duties imposed on the Wardens of the port of New Orleans; and the said Wardens shall be responsible for the acts of their deputies.

MECHANIC'S LIEN.

1844—34—1

Owner to retain funds in his hands to pay workmen on their presenting an attested account.

SECTION 1. Every mechanic, workman or other person doing or performing any work towards the erection, construction or finishing of any building in this State, erected under a contract between the owner and builder, or other person, whether such work shall be performed as journeyman, laborer, cartman, sub-contractor or otherwise, and whose demands for work and labor done and performed towards the erection of such building have not been paid and satisfied, may deliver to the owner of such building an attested account of the amount and value of the work and labor thus performed and remaining unpaid; and thereupon, such owner shall retain out of his subsequent payments to the contractor the amount of such work and labor, for the benefit of the person so performing the same.

1844—34—2

Copy of account to be given to contractor.

SEC. 2. Whenever any account of labor performed on a building erected under a contract, as aforesaid, shall be placed in the hands of the owner or his authorized agent, it shall be his duty to furnish his contractor with a copy of such papers, in order that if there be any disagreement between such contractor and his creditor, they may by amicable adjustment between themselves, or by arbitration, ascertain the true sum due; and if the contractor shall not, within ten days after the receipt of such papers, give the owner written notice that he intends to dispute the claim, or if in ten days after giving such notice he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

1844—34—3

Account to be submitted to arbitration if disputed.

SEC. 3. If any such contractor shall dispute the claim of his journeyman, or other person, for work or labor performed as aforesaid, and if the matter cannot be adjusted amicably between themselves, it shall be submitted, on the agreement of both parties, to the arbitrement of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen, and the decision in writing of such three persons, or any two of them, shall be final and conclusive in the case submitted.

1844—34—4

Amount to be recovered from the owner, if not paid by the contractor in ten days after adjustment.

SEC. 4. Whenever the amount due shall be adjusted and ascertained, as above provided, and if the contractor shall not, within ten days after it is so adjusted and ascertained, pay the sum due to his creditor, with the costs incurred, the owner shall pay the same out of

the funds as provided; and which amount due may be recovered from the owner, by the creditor of the contractor, in an action for money had and received to the use of the creditor, and shall be entitled to the same privileges as the contractor to whose rights the said creditor shall have been subrogated, and to the extent in value of any balance due by the owner to his contractor, under the contract with him at the time of the notice first given as aforesaid, or subsequently accruing to such contractor under the same, if such amount shall be less than the sum due from said contractor to his creditor.

1841—35—5

Furnishers of materials to have the benefit of this law.

SEC. 5. All the foregoing provisions shall apply to the person furnishing materials of any kind to be used in the performance of any work, or construction of any building in the State of Louisiana, as well as to the work done and performed towards such erection or work by any mechanic or workman, and the proceedings shall be had on the account duly attested, of such person furnishing materials, and the same liabilities incurred by and enforced against the contractor or owner of such building, or other person, as those provided for work or labor performed.

1844—35—6

Penalty for collusion between owner and contractor.

SEC. 6. If by collusion or otherwise the owner of any building erected by contract, as aforesaid, shall pay to his contractor any money in advance of the sum due on said contract, and if the amount still due the contractor, after such payment has been made, shall be insufficient to satisfy the demand made for work and labor done and performed, or materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the amount of such work, in the same manner as if no payment had been made.

MILITIA.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Constitution.

ARTICLE 59. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies, whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal services.

The white men of the State to be armed and disciplined.

ART. 60. The Militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the Legislature.

Militia to be organized.

1858—347—1

SECTION 1. The Militia of the State of Louisiana shall be composed of all free white males who have resided in the State sixty days, and are eighteen, and under forty-five years of age, and are not exempt under the laws of the United States, or of this State.

Who shall compose the Militia of the State.

SEC. 2. The Militia of each parish in the State shall constitute one regiment, (the parish of Orleans excepted,) and shall be organized as hereafter provided.

Regiments how constituted.

SEC. 3. In the parish of Orleans, every ten companies, organized according to this Act, shall constitute one regiment.

Regiments in New Orleans.

SEC. 4. The Militia of the State shall be divided and designated by five divisions, each of which shall consist of all troops within the bounds thereof, and shall have a Major General, and all the officers prescribed by this Act, viz:

State divided into five divisions, each division to have a Major General.

The First Division shall comprise the parishes of Jefferson, Orleans, St. Bernard and Plaquemines.

The Second Division shall comprise the parishes of St. Charles, St. John the Baptist, St. James, Ascension, Assumption, Lafourche, Terrebonne, St, Mary, St. Martin, Iberville, West Baton Rouge and Point Coupée.

The Third Division shall comprise the parishes of St. Tammany, Washington, St. Helena, Livingston, East Feliciana, West Feliciana, and East Baton Rouge.

The Fourth Division shall comprise the parishes of St. Landry, Lafayette, Vermillion, Calcasieu, Rapides, Sabine, Natchitoches, Avoyelles, Catahoula and Concordia.

The Fifth Division shall comprise the parishes of Carroll, Madison, Tensas, Franklin, Caldwell, Ouachita, Morehouse, Union, Jackson, Winn, Bienville, Claiborne, Bossier, Caddo and De Soto.

Each division to be divided into two brigades, each of which to have a Brigadier General.

SEC. 5. Each division shall be divided into two Brigades, each of which shall consist of all the troops within the bounds thereof, and shall have a Brigadier General, and all the officers prescribed by this Act, viz:

The parish of Jefferson, that part of the parish of Orleans situate on the right bank of the Mississippi river, and all that part of the city of New Orleans lying above Canal street, shall constitute the First Brigade of the First Division.

That part of the city of New Orleans lying below Canal street, the parishes of St. Bernard and Plaquemines, shall constitute the Second Brigade of the First Division.

The parishes of St. Charles, St. John the Baptist, St. James, Ascension, Assumption and Lafourche, shall constitute the First Brigade of the Second Division.

The parishes of Terrebonne, St. Mary, St. Martin, Iberville, West Baton Rouge and Point Coupée, shall constitute the Second Brigade of the Second Division.

The parishes of St. Tammany, Washington, St. Helena and Livingston, shall constitute the First Brigade of the Third Division.

The parishes of East Feliciana, West Feliciana and East Baton Rouge, shall constitute the Second Brigade of the Third Division.

The parishes of St. Landry, Avoyelles, Lafayette, Vermillion and Calcasieu, shall constitute the First Brigade of the Fourth Division.

The parishes of Rapides, Sabine, Natchitoches, Catahoula and Concordia, shall constitute the Second Brigade of the Fourth Division.

The parishes of Carroll, Madison, Tensas, Franklin, Caldwell, Ouachita, Morehouse, Union and Jackson, shall constitute the First Brigade of the Fifth Division.

The parishes of Claiborne, Bienville, Bossier, Caddo, De Soto and Winn, shall constitute the Second Brigade of the Fifth Division.

SEC. 6. The Governor shall appoint a Major General for each division, a Brigadier General for each brigade, and a Colonel for each regiment, for the term of two years; after which they shall be elected, according to this Act, for five years. In case of failure to elect, the Governor shall continue to make all necessary appointments for a term of five years.

First appointment to be made by the Governor, after which officers shall be elected.

SEC. 7. Immediately after the Colonels shall have been appointed and qualified, they shall divide their respective regiments into two battalions, and recommend to the Governer suitable persons for Lieutenant Colonel and Major, who shall be appointed by the Governor for two years; and when so appointed and qualified, they and the Colonel shall divide the regiment into company beats, which shall not be less than four nor more than ten, and recommend to the Governor suitable persons for the offices of Captain and Lieutenants of the several companies, who shall thereupon be appointed by the Governor for a term of two years; after which all officers shall be elected for the term of five years. In case of failure to elect, the Governor shall continue to make all necessary appointments upon the recommendation of the Colonel, for the term of five years.

Lieutenant Colonels, Majors, Captains and Lieutenants, how appointed.

SEC. 8. The troops composing the Legion shall be exempted from the provisions of this Act; but they shall form a part of the First Division, and be subject to the orders of the Major General thereof and whenever they fail to elect their officers, the Governor shall make all necessary appointments, according to this Act.

Legion excepted from the provisions of this Act.

To form part of the First Division.

SEC. 9. Each company shall consist of one Captain, one First Lieutenant, one Second Lieutenant, four Sergeants, four Corporals, and, if possible, sixty privates; each company of artillery shall consist of one Captain, two First Lieutenants, two Second Lieutenants, four Sergeants, four Corporals, two Buglers, three Artificers, and, if possible, sixty-four privates.

How each company shall be composed.

SEC. 10. Each regiment shall consist of one Colonel, one Lieutenant Colonel, one Major, one Adjutant, one Quartermaster, one Paymaster, one Surgeon, one Assistant Surgeon, one Sergeant Major, one Quartermaster Sergeant, two chief musicians, and, if possible, of ten companies.

Of what each regiment shall consist.

SEC. 11. A troop of horse shall be composed of one Captain, one First Lieutenant, one Second Lieutenant, one Cornet, four Sergeants, four Corporals, one Farrier, one Saddler, and at least twenty-four privates.

Of what a troop of horse shall be composed.

SEC. 12. Two troops shall form a squadron, and be commanded by the oldest Captain; four squadrons of horse shall form a regiment, and be commanded by a Colonel, and have the same staff as a regiment of infantry.

Squadron.

Regiment of horse.

Brigade, how composed.

SEC. 13. A brigade shall consist of a Brigadier General, a Brigade Major, (who is also Brigade Inspector,) and Aid-de-Camp for every two regiments in the brigade, a Brigade Quartermaster, a Brigade Paymaster, a Surgeon of the Brigade Staff, and of all the troops within the bounds of the brigade.

Division, how composed.

SEC. 14. A division shall consist of a Major General, an Inspector of Division, a Quartermaster of Division, two Aides-de-Camp, a Paymaster of Division, a Surgeon of the Division Staff, and all troops within the bounds of the division.

Governor to be Commander-in-Chief. His staff.

SEC. 15. The Governor of the State shall be Commander-in-Chief, His staff shall consist of the Adjutant and Inspector General of the State, the Quartermaster General of the State, (who in time of peace shall act as Paymaster General,) the Surgeon General of the State, and of at least four Aides-de-Camp, and as many additional ones as may be necessary.

Adjutant and Inspector General—his duties.

SEC. 16 The adjutant and Inspector General shall have the rank of Brigadier General; he shall be appointed by the Governor, with the advice and consent of the Senate, at the period fixed by existing laws; he shall receive quarterly from the Treasurer of the State, on his own warrant, a salary of five hundred dollars per annum; he shall peform all the duties imposed on him by the laws of the United States, or which, by military usage, belong to the Chief of the staff of the Commander in Chief; he shall keep his office at the seat of government; he shall inspect all the forces of the State or any part thereof, whenever required so to do by the Commander in Chief, and shall make a report of the state of the Militia to the Legislature within the first ten days of their annual session; he shall furnish all such reports, statements and returns as may be required by the Commander in Chief, and shall transmit all such orders as may be sent to him for that purpose; he may appoint an assistant, who shall have the rank of Captain, and who, in the absence of the Adjutant General from Headquarters, may receive and transmit all orders, reports and returns.

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The Adjutant General shall furnish printed forms of all the returns required, the expense of printing which shall be paid by the State Treasurer, on the warrant of the Adjutant General, approved by the Governor; he shall have charge of all the arms, munitions and accoutrements belonging to the State; for any neglect of his duties he shall be liable to be fined by a general court of assessments, not less than fifty dollars, nor more than five hundred.

Rank of staff officers.

SEC. 17. The Quartermaster General shall have the rank of Colonel; the Surgeon General shall have rank similar to that of the Surgeon General of the United States army; the Aides-de-Camp of the Commander-in-Chief shall have the rank of Lieutenant Colonel; the Inspector of Division shall have the rank of Colonel; the Aides-

de-Camp of a Major General shall have the rank of Major; the Brigade Major and Inspector shall have the rank of Major; the Quartermaster and Paymaster of Brigade, and Aides-de-Camp of a Brigadier General shall have the rank of Captain; the Adjutant, Quartermaster and Paymaster of a regiment shall have the rank of First Lieutenant; the Surgeons and Assistant Surgeons, whether of the general or regimental staff, shall rank as Surgeons and Assistant Surgeons of the United States Army.

All non-commissioned staff officers shall be appointed from the line, and have no other rank than that they hold in the line; they shall have, however, the authority of the office they are appointed to.

Staff officers, how appointed.

SEC. 18. All staff officers shall be appointed by and hold their commissions at the pleasure of their immediate Chief; they shall be commissioned by the Governor upon the nomination of the appointing officers. An officer of the line receiving a staff appointment only temporarily, may retain his commission in the line.

Duties of officers, non-commissioned officers and privates.

SEC. 19. The duties of all officers, non-commissioned officers and privates, shall be such as by military law and usage are required of similar grades in the army of the United States, and by the laws of this State or the United States.

Duties of Brigade Inspector.

SEC. 20. The Brigade Inspector shall attend all battalion or regimental musters of the brigade to which he belongs, and make strict inspection of each corps, and proper returns thereof; he shall distribute the forms received from the Adjutant General, and condense and transmit all returns made in conformity therewith; he shall keep the register of the officers of the brigade, and make all details for detachments therefrom; he shall receive and inspect all detachments from the different corps of the brigade, and see that they are marched to their place of rendezvous.

His compensation.

For every day actually employed in his duties, when not in the service of the United States, he shall receive three dollars, which shall be paid to him by the State Treasurer on his own warrant, accompanied by the certificate of the commander of the brigade, countersigned by the Governor, showing the number of days he was actually employed.

Election of Major General.

SEC. 21. The Major General shall be elected by the officers of the line of the division, the election by be ordered to the Commander-in-Chief, to be held at some convenient place or places in each brigade, after reasonable notice, and by the Brigade Inspector or one or more officers of the division above the rank of Captain.

The polls shall be certified by the officers who held the elections, and transmitted to the Commander-in-Chief, who shall commission the person having the greatest number of votes of all the qualified voters of the division.

First appointment to be made by the Governor.

If there be a tie, the Commander-in-Chief shall give the casting vote; but the Governor shall make the appointment of the first Major Generals under this act.

Election of Brigadier Generals.

SEC. 22. The Brigadier Generals shall be elected by the officers of the line of the brigade; the election to be ordered by the Major General of the division, and held by the Brigade Inspector, or one or more officers of the brigade above the rank of Captain, at such convenient place or places within the different regiments of the brigade as the Major General may designate, and after reasonable notice.

The polls shall be certified by the officers who held the elections, and transmitted through the Major General to the Commander-in-Chief, who shall commission the person having the greatest number of votes of the brigade.

If there be a tie, the Commander-in-Chief shall give the casting vote; but the Governor shall appoint the first Brigadier Generals.

Election of Colonels.

SEC. 23. Colonels shall be elected by officers of the line of the regiment; the election to be ordered by the Brigadier General, and held by the Brigade Inspector or one or more officers of the division above the rank of Captain, at such convenient place or places in each brigade, after reasonable notice.

The polls shall be certified by the officer who held the elections, and transmitted to the Commander-in-Chief, who shall commission the person having the greatest number of votes of all the qualified voters of the regiment.

If there be a tie, the Commander-in-Chief shall give the casting vote; but the Governor shall appoint all the Colonels first to command.

Elections of Lieutenant Colonels and Majors.

SEC. 24. The elections of the Lieutenant Colonels and Majors of regiments divided into two battalions, and of Majors of of separate battalions, shall be ordered, held and certified in the same manner and under the same rules as those of Colonels; and if there be a tie the Commander-in-Chief shall give the casting vote, or fill the vacancy by appointment, as the case may be; but the first shall be appointed by the Governor.

Elections of Captains, Lieutenants and Cornets.

SEC. 25. Captains, First Lieutenants, Second Lieutenants and Cornets shall be elected by those below them in rank of the company or troop to which they belong; the election to be ordered by the Colonel of the regiment to which the company or troops may belong, and held by the Adjutant or acting Adjutant of said regiment or battalion, or some officer appointed to do his duty, at some one place within the bounds of the Company, to be designated by the officer ordering the election.

The polls to be certified by the officer who held the election, and transmitted through the officer who ordered it to the Commander-in-

Chief, who shall commission the person receiving a plurality of all the qualified voters in the company or troop.

If there be a tie, the Commander-in-Chief shall give the casting vote; but the Governor shall make all the first appointments, agreeably to the seventh section of this act.

Duty of officers ordering elections.

SEC. 26. Every officer who has ordered an election shall transmit to the Commander-in-Chief, together with the certified polls sent to him by the officers who held it, a copy of his order for the election, and a certificate of the manner in which the order was promulgated, and whenever it appears by the documents that the election has been so illegally conducted, or that the order or notice has been so insufficient that the result might have been different had these been correct, the Commander-in-Chief shall order a new election; and if an election be contested, he may, if he thinks fit, order a court of inquiry to examine into the facts.

In what cases new election or court of inquiry may be ordered.

Bounds within which officers must reside.

SEC. 27. All officers must reside within the bounds of the corps they command, or (if they be staff officers) to which they are attached, but in New Orleans, or other incorporated towns, they may reside without the bounds of the corps if they live within the city or other incorporated town.

When commissions to issue.

SEC. 28. No commission shall issue to any officer who may be elected under this act, until he shall have deposited in the office of the Adjutant General his written acceptance of the office to which he is to be commissioned, and his oath of office taken according to law; and this shall then be certified on the commission by the Adjutant General, and shall be full proof of the acceptance and oath of office.

Delay within which acceptance and oath of office must be deposited in the office of Adjutant General.

SEC. 29. If, one month after the return of any election to the Commander-in-Chief, the acceptance and oath of office mentioned in the preceding section be not deposited in the office of the Adjutant General, the election shall be declared void, and the Governor shall proceed to appoint.

Resignations.

SEC. 30. All resignations shall be addressed to the Commander-in-Chief, and no officer shall be released from the duties appertaining to his office under the plea that he has resigned, until he can produce the written acceptance of his resignation from the Commander-in-Chief, or an official order from the same source.

For what period officers bound to serve who accept commissions.

SEC. 31. Every officer who accepts a commission, shall be bound to serve for the period prescribed by this act, unless he become disqualified by law.

On whom an officer's duty devolves in case of absence, sickness, &c.

SEC. 32. Whenever any duty imposed by law on an officer who is sick, absent, or incapable, from any cause, of performing it, the officer next to him in rank in the corps, and so on in succession to the lowest in rank, shall be obliged to perform the duty, and in the performance of it shall have the same authority, right and power as

the officer whose duty he performs; but when any such duty is imposed on an officer who neglects it, his immediate superior, and in succession, those above him, shall be bound to take measures to have such duty performed, and may designate any officer under their command to perform it; and the officer so designated shall, while performing the duty, have the same authority, rights and powers as belong to the office, the duty of which he is performing.

How duty neglected by proper officer to be performed.

And whenever the laws or regulations for governing the militia are not enforced, and the superior orders duly obeyed, within the bounds of any corps in the State, either from want of officers, or from the neglect of those in commission, or from any other cause, the Commander-in-Chief is authorized to designate any officer to take charge of the corps, and to do all that the law requires to be done by any officer of it, or that may be necessary to restore its complete organization; and the officer so designated shall have all the authority, rights and powers of any of the officers whose duty he performs.

Non-commissioned officers.

SEC. 33. All non-commissioned officers of companies shall be appointed by the Captains of their companies, and shall be obliged to serve two years; a certificate of their appointment, signed by the Captain and Commander of their battalion, shall be full evidence of their rank.

Officers for certain offences may be tried, and if found guilty, may be suspended reprimanded, or cashiered, &c.

SEC. 34. If any officer of the Militia be accused of an offence for which an officer in the Militia service of the United States would be liable to be arrested and tried by a court-martial, he shall, if found guilty, be sentenced to be reprimanded, suspended for a certain period, or cashiered, the Court shall adjudge him incapable of holding any office in the militia for life, or for not less than one year, according to the gravity of the offence.

All sentences shall be published in orders by the Commander-in-Chief, and as he may further direct.

Arrests may be made in certain cases.

SEC. 35. Any officer may, on parade, arrest an inferior for an offence cognizable by a court-martial, of which arrest the immediate superior of the accused shall be forthwith notified.

Mode of proceeding in trying accusations against officers.

SEC. 36. Any person accusing an officer of an offence for which he would be liable to be tried by a court-martial, shall lay his complaint before the immediate superior of the accused, who shall transmit it, with his own observations thereon, to the Commander-in-Chief; the latter shall cause to be detailed a court-martial to try the accused if the offence appear to merit it, or shall direct the accused to be brought before a Court of Assessment, as the case may seem to require, or he may order a Court of Inquiry, upon whose report he may decide what to do, or may dismiss the complaint.

The officer before whom the complaint is first made, may either arrest the offender, or postpone his arest until he appears before the court-martial.

SEC. 37. The Commander-in-Chief shall order all courts-martial and courts of inquiry, and general courts of assessment, but he may direct the detail for these courts, or any part of it, to be made by any other officer of competent rank.

Courts-martial, courts of inquiries and of assessment, how ordered.

SEC. 38. A court-martial shall consist of a President, at least six members, and not more than twelve, a Judge-Advocate, and Provost-Marshall.

Courts-martial how composed.

A court of inquiry and court of assessment shall each consist of a President, two members, a Judge-Advocate, and a Provost-Marshal.

Courts of inquiry and of assessment, how composed.

SEC. 39. When the Commander-in-Chief orders a court-martial for the trial of any officer, or a court of inquiry to examine into the charges, he shall give to the Judge Advocate a copy of the charges and specifications on which the accusation is made.

Preliminary proceedings to be had when a court-martial is called.

The Judge-Advocate is authorized to put such charges and specifications into legal form, without altering their substance, and shall then have a copy served on the accused by the Provost-Martial at least ten days before the day fixed for the assembly of the court, and allowing the accused also one day more for every twenty miles from his domicil to the place of sitting of the court.

SEC. 40. There shall always be detailed four supernumerary members for a court-martial, and two supernumerary members for a court of inquiry or assessment, who shall attend the court until it is organized, to replace those absent or excused from serving.

Supernumerary members of courts-martial, and of courts of inquiry and assessment.

SEC. 41. The President, members and Judge-Advocate of courts-martial and courts of inquiry, and courts of assessment, shall take the oaths and be governed by the rules and regulations laid down for the army and militia in the service of the United States, (changing what ought to be changed); but they may hold their sessions at night.

Oath to be taken by members of courts martial, &c. Rules by which they are to be governed.

SEC. 42. The Provost-Marshal, upon receiving his appointment, shall take an oath faithfully to perform the duties of his office, before any Justice of the Peace, and shall present the oath, duly certified, to the court upon its first sitting, to be recorded among their proceedings.

Oath to be taken by Provost Marshal.

SEC. 43. The Judge-Advocate shall issue summonses for all witnesses, which the Provost-Marshal shall serve; and if any witness duly summoned fail to appear, the court-martial may fine him not more than twenty dollars, and attach him and compel his appearance.

Witnesses, how summoned and compelled to attend.

SEC. 44. Courts-martial, courts of inquiry, and courts of assessment shall have power to maintain order in their presence, and to commit to the prison of the parish in which either may be sitting, for not more than twenty-four hours, all persons guilty of any breach of order which would render them liable to be committed to prison in a court of law.

Powers of courts to maintain order.

Process, how served by Provost-Marshal.

All process of either court in the maintenance of its order and authority, shall be served by the Provost-Marshal, and the latter, in the performance of his duty, and in the collection of fines, shall proceed as is directed for the Sheriff in similar cases before a court of law, and shall have the same authority, privileges and rights; nor will the execution of any such process be suspended by the dissolution of the court.

Right of challenge for cause.

SEC. 45. An officer arraigned before a court-martial shall not have the right to challenge any member unless for cause.

Proceedings to be referred to Commander-in-Chief.

SEC. 46. The proceedings and sentence of a court-martial shall be referred to the Commander-in-Chief; if he approve the sentence, it shall be executed accordingly, unless he think fit to remit the punishment; if he disapprove it, the proceedings will end, unless he send back the matter to be reconsidered by the court.

Compensation of Judge-Advocate and Provost-Marshal.

SEC. 47. The Judge-Advocate and the Provost-Marshal of each court-martial, court of inquiry or court of assessment shall receive a compensation, to be fixed by the court, of not more than three dollars a day for each day necessarily engaged in their duties, which shall be paid them from the State Treasury, upon their own warrants, certified by the President of the court.

Penalty for absence from parade or neglect of duty.

SEC. 48. Colonels, Lieutenant Colonels, and Majors, for absence from parade, or neglect of duty, or contravention of law not subjecting them to be tried by a court-martial, shall be fined by a brigade court of assessment, not less than five dollars, nor more than one hundred; Brigadier and Major Generals, for similar offences, by a general court of assessment, not less than fifty dollars nor more than two hundred dollars.

Courts of assessment, when they may be ordered.

SEC. 49. Brigade and general court of assessment shall be ordered whenever necessary, by the Commander-in-Chief.

Certain officers how tried.

SEC. 50. When any Major, Lieutenant Colonel or Colonel shall be absent from parade, or be guilty of any neglect of duty or contravention of law not subjecting him to a trial by court-martial, and the Brigade Inspector, or other officer, if superior, shall certify the same to the Brigadier General, or if the charge from any other person be made on oath, a brigade court of assessment shall be ordered, and the Judge-Advocate shall notify the accused of the charge brought against him, and of the time and place of the sitting of the court.

The certificate of the Brigade Inspector, or any officer superior to the accused; shall be taken as prima facia evidence of the offence; if the accusation come from any other officer it must be established by legal proof before the court of assessment.

Accusations of certain officers against Major Generals and Brigadier Generals, how disposed of.

SEC. 51. When any Major General or Brigadier General is accused of any offence mentioned in the foregoing section, and it is certified by the Division Inspector, or Adjutant and Inspector General, or any other person, a general court of assessment shall be ordered by

the Commander-in-Chief, and the same rules shall apply to this case as in the case of brigade court of assessment, above laid down.

Mode of enforcing the payment of certain fines.

SEC 52. If a general or brigade court of assessment condemn an officer brought before it to pay a fine, a writ of execution signed by the Judge-Advocate and President of the court, shall issue to the Sheriff of the parish where the accused resides, authorizing him to levy on the property of the accused, and to make the fine and costs within thirty days, or then return the writ, "No property found"; and if the fine and costs be not paid and the Sheriff make the return aforesaid, the Judge-Advocate shall transmit a copy of the judgment inflicting the fine, and the return of the Sheriff to the Commander-in-Chief, who shall thereupon dismiss the accused from the service of the State, and he shall not be re eligible to any office in the Militia for one year thereafter; and if the Sheriff neglect diligently to execute the writ, he shall, on motion of the Judge-Advocate of the court of assessment before the court of his parish, be condemned to pay a fine of fifty dollars, for the benefit of the fund into which said fine would have been paid.

Duty of Sheriffs.

Disposition to be made of fines collected.

SEC. 53. The fines inflicted by a general court of assessment shall be paid into the State Treasury when collected; those inflicted by brigade courts of assessments, shall be paid to the Paymaster of the brigade, and shall be appropriated to the payment of the expenses of publishing and transmitting orders, or those attendant upon the assembling of officers and contingent expenses.

In certain cases, officers not to attend as witnesses unless cited.

SEC. 54. When the certificate of any officer is made prima facia evidence before any court, it will not be necessary for that officer to attend in person, unless cited either for the prosecution or by the accused as a witness.

Mode of proceeding when accused does not attend the court.

SEC. 55. When an officer duly notified, refuses or neglects to attend in person before a court-martial which is to try him, the Judge-Advocate shall enter a plea of "Not guilty" for him, and the trial shall proceed as if he were present.

When an officer duly notified, neglects to appear before a court of inquiry, the examination shall proceed as if he were present.

When any one duly notified, neglects to appear before a court of assessment, he shall he fined as if the offence were admitted; the respective courts, however, may allow time for the accused to appear, where good cause is shown for his absence.

Power to compel attendance of absent members of the court.

SEC. 56. Any two members of a court-martial, court of inquiry or court of assessment may fine absent members not more than twenty dollars each, and may attach them and compel their attendance; and the Judge-Advocate and Provost-Marshall shall carry their orders into effect in the same manner as against absent witnesses.

Duty of Assessors of State taxes.

SEC. 57. It shall be the duty of the Assessors of State taxes throughout the State to enroll all the inhabitants of their respective parishes or districts who are subject to militia duty, at the same time they make their respective assessments, and to return the same to the Adjutant General, at the same time they return their assessment rolls.

How often the Commander-in-Chief may order reviews.

SEC. 58. The Commander-in-Chief may, at least once a year, order a review on giving due notice thereof.

No company, regiment or corps shall be required to assemble or muster for review, out of the parish in which they reside.

Fine for not attending reviews.

SEC. 59. Every field officer who shall fail to attend a review when ordered by the Commander-in-Chief, shall be liable to a fine of ten dollars; every company officer shall be liable to a fine of five dollars; and every con-commissioned officer and private to pay a fine of one dollar.

Duty of commander of company when he shall receive an order for inspection or review.

SEC. 60. Whenever the commander of any company shall receive an order for inspection or review from any superior officer, he shall notify his subalterns and other members of his company to attend at the time and place of such inspection or review, armed and equipped according to law, and he shall furnish the officer in command of the regiment with a complete list of all the persons subject to militia duty within the bounds of his beat, on the day of inspection or review.

Collection of fines for non-attendance at reviews.

SEC. 61. The day after every regimental or other review, the Orderly Sergeant shall make out a list of all persons residing in the company liable to militia duty, who have failed to attend the review, whether officer, non-commissioned officer or private.

This list shall be certified by the Orderly Sergeant and by the person commanding the company at the time of muster, and if a battalion muster, the Adjutant shall also make a list of the absent staff, which he shall sign, as well as the officer who commanded the regiment or battalion at the time of muster.

Opposite the name of each delinquent shall be written in full the amount of the fine for which he is liable according to the provisions of this law.

At the foot of this list the officer who certifies it shall write as follows:

The Sheriff of the Parish of (naming the person he appoints) is auauthorized to collect the above fines, amounting (the amount in dollars) and sign it, with his rank affixed, and to deliver it to the person so authorized, who shall then have full authority to collect the fines inscribed on the list.

The officer who signed it shall cause a duplicate to be made and signed in the same manner, which he shall keep, and if the list delivered to the collector be either lost or destroyed, he shall furnish him with a copy from the one he retained, which shall be of as high authority as the original.

SEC. 62. This list in the hands of the Sheriff shall have force of a writ of execution, and by it he shall be authorized to seize and sell the property of the delinquents named in it, in the same manner as a Constable is authorized to seize and sell on a writ of execution; he shall not make any seizure until three days after he shall have notified the delinquent by exhibition of the list to him, and reading to him the amount of the fine inflicted on him. The date of this notice shall be written on the list.

Manner in which the Sheriff shall proceed to enforce the payment of fines.

If a delinquent have any excuse, he may, within three days after the notice before mentioned, apply to any Justice of the Peace or Associate Judge, and if he make oath before him that he has a good excuse, the Justice of the Peace shall send a notice to the Collector the next day to stay proceedings and shall fix a day and hour within four days to hear the excuse, and shall notify the persons who signed the list of the same; at which time, if the delinquent do not make good his excuse by legal testimony, he shall be condemned to pay all the costs, and there shall be no further stay of proceedings against him.

Excuses how made and determined.

If his excuse is good, he shall receive a certificate to that effect, from the Justice of the Peace or Associate Judge, and a copy thereof shall be served on the Collector, who shall then proceed no further in that case; if the delinquent be excused, no cost shall be paid.

The Collector shall be entitled to recover with the fine the same costs as a Constable in a writ of execution, and also to retain of the sums collected such per cent., not exceeding ten, as may be allowed him by the officer appointing him.

Collector's fees.

All these fines, when collected, shall be paid over to the Paymaster of the regiment or battalion, and the senior officers shall be a Board of Administration to distribute and expend the funds thus created.

Disposition to be made of fines collected.

They may require security of the Paymaster for the faithful keeping of the fund, and if he refuse to give it, he shall be removed and another appointed.

SEC. 63. The Commander-in-Chief may, whenever he is of opinion the public safety requires it, order out any portion of the Militia of the State, and require them to perform any service or duty necessary for the public security; and troops thus called out shall be furnished with the necessary ammunition equipage and quarters.

Militia may be called out, when, how provided with quarters, rations, &c.

Detachments called out for a less period than twelve hours, shall be furnished with convenient quarters or tents, and with lights and fire if necessary, and if required to serve more than twelve hours, shall also be furnished with rations.

All supplies shall be furnished by the Quartermaster's Department, and the Quartermaster General is authorized to draw from the treasury, on his own warrant, the sums necessary to purchase supplies, for which he shall account to the State Treasurer in the form and manner required of Quartermasters of the United States army.

The officers of his department under him shall account to him in the same manner as he to the State Treasurer. The Commander-in-Chief may require security from every officer to whom money is to be confided for the public service, and if such security be not furnished, the officer must be removed and another appointed.

For what length of time a detachment may be required to serve.

SEC. 64. No detachment shall be required to serve more than three months at one time, unless in case of urgent necessity, when the Commander-in-Chief is authorized to detain them sixty days longer.

The time in going to the place of rendezvous and returning from the place of discharge is not counted in the term of service.

Every officer authorized to call his command into service in cases of sudden danger.

SEC. 65. Every officer of the Militia is authorized, in case of sudden and urgent danger, to call his command into immediate service, and detain it until the necessity ceases, or a superior officer dismisses him.

To whom notice of danger must be given.

Immediate notice of danger must always be sent to the nearest superior officer.

When Militia men are exempt from arrest in civil cases.

SEC. 66. All Militia men are free from arrest in all civil cases when going to or returning from Militia muster, and during one day for every twenty miles they have to travel in so going or returning; their arms, uniforms, accoutrements, and the horses of those required to be mounted, with their equipage, are free from seizure in any civil action.

Persons subject to Militia duty, going to or returning from muster, exempt from paying ferriage.

SEC. 67. The keepers of all ferries allowed to collect tolls, either under the authority of the State or of the parishes, must pass all persons subject to Militia duty, going to or returning from muster, their horses and equipage, free of toll, and if they delay them unnecessarily, shall be subject to a fine of not less than ten dollars, to be recovered by any person before a competent tribunal, for the use of the fund of the regiment in which the muster took place.

Certain powers of commanding officers on muster days.

SEC. 68. The commanding officer, at any muster, may prescribe limits to his parade, and if any one enter such limits without the consent or permission of the commanding officer (unless it be one peaceably passing along the public road,) or if any one attempt to interrupt the exercise by loud noise or unruly conduct, the commanding officer may arrest him and commit him to prison, if there be one convenient, or confine him under guard if there is not, until sunset of that day.

When and to whom arms shall be issued from the State.

SEC. 69. Arms and accoutrements shall be issued from the State armory only to the officers commanding regiments or corps, upon their giving sufficient security for the safe keeping of the arms and to return them when required by the Commander-in-Chief; and they shall be liable for each arm or accoutrement not produced at any inspection in good order, and may be cited before a proper court of assessment for the value of the arms, and be condemned then to pay it; which amount shall be recovered as fines before that court, and paid over to

Responsibility of officers to whom arms shall have been issued

the State Treasury, reserving to any officer thus condemned the right to the same means in recovering the value of the arms from those to whom he delivered them.

Powers of Adjutant General and Division and Brigade Inspectors as to the arms and military property of the State.

SEC. 70. The Adjutant General and the Division and Brigade Inspectors shall have the right of taking all arms and military property belonging to the State, wherever they may find them; and every person refusing to deliver up such arms or property may be compelled to do it by suit before any Justice of the Peace or other competent court, brought by the officer demanding them in the name of the State, and the defendant, if judgment is rendered against him, shall be condemned to pay a fine of twenty dollars for each offence.

Uniform of officers.

SEC. 71. The officers of the Militia, except those of volunteer corps, shall wear the uniform of their grade in the army of the United States, except the button, which shall be that of the State, and the marks distinguishing rank of all officers and non-commissioned officers and volunteers shall be the same as those of the army of the United States.

Militia and volunteers, how trained.

SEC. 72. The Militia and volunteers shall be trained according to the system from time to time adopted by the United States in arms and tactics, and no other shall be allowed at any muster established by law.

Rank of companies in the line.

SEC. 73. The companies of the regular Militia shall take rank in the line according to the system laid down for the army; in volunteer corps they shall take rank according to the date of their formation; and among volunteer corps or companies shall have the right to the flanks of the battalion as grenadier, light infantry or riflemen, unless they are entitled to the place from the date of their formation, or receive it from the chief of the battalion as the reward of eminent conduct and discipline.

In certain cases the Mayors o' towns may demand a detachment for certain purposes.

SEC. 74. In case of any conflagration or other public exigency happening in any incorporated city or town, the Mayor or other chief officer thereof shall have power to demand from the officer commanding the Militia of said place, a detachment of men to make patrols and maintain good order as long as the conflagration continues or the exigency exist; and the commanding officer shall furnish such detachment.

The commander of the detachment shall have the right to demand of, and shall receive from the civil officer requiring his service, written instructions as to the duty expected of him.

Certain persons exempt from militia duty.

SEC. 75. The following persons shall be exempt from Militia service; the members of the General Assembly, the Judges of the several courts of record, the Secretary of State, the Secretary of the Senate and Clerk of the House of Representatives, Clerks of courts of record, Sheriffs, Physicians, Ministers of the Gospel, the Mayors and Recorders of incorporated cities and towns, Directors of Schools.

If any one of these officers accept of the commission, they will be considered as having waived their exemption.

Volunteer companies.

SEC. 76. Volunteer companies and corps may be organized in the State under the same rules as companies or corps of the regular Militia, with the following exceptions and regulations: each company shall consist of not less than 32 privates for artillery and infantry, and 24 for cavalry.

Companies and larger corps may make by-laws, which shall be obligatory on the members, and have the force of laws when approved by the Commander-in-Chief; and they may collect the fines therein inflicted before any Judge or Justice of the Peace, without paying any fees but those which may be collected with the fine. They shall adopt no uniform or name unless it be approved by the Commander-in-Chief, who shall have the authority, when required by the company or corps, to change the name or uniform, and all the uniforms of each regiment or battalion shall, if possible, be alike, each company having the right to wear on the collar of the coat and on the cap some mark to distinguish itself.

Battalions of less than four companies shall be attached to the most convenient regiment or battalion; battalions of more than four companies shall report directly to the Brigadier General.

When a volunteer company may be dissolved by the Commander-in-Chief.

Whenever a volunteer company shall appear at any three successive musters, whether battalion, company or general muster, with one-third less than the number of privates required to form such company, the commander of the company shall report the same to the Commander-in-Chief, who may thereupon dissolve such company, with the advice and consent of the Colonel of the regiment to which such company belongs.

Other powers of Commander-in-Chief.

SEC. 77. The Commander-in-Chief is authorized to alter the organization, so as to adapt it to any change in the strength of the corps, and to assign officers of the requisite rank, if any are already elected, to their proper commands.

Officers exempt from militia duty after a certain term of service.

SEC. 78. Officers of the Militia, and officers and men of volunteer corps, who shall serve faithfully five years, and shall produce from their immediate commander a certificate that they have faithfully so served for five years in a corps which, during that term, were always kept up to the number required by law, shall afterwards be exempt from serving in the Militia, unless when called into the service of the United States.

Certain returns, reports, &c., to be made to the Adjutant General.

SEC. 79. All the returns, certificates, reports and communications required to be made to the Commander-in-Chief shall be addressed to the Adjutant and Inspector General at the seat of government.

Duty of Commander-in-Chief when any change may have

SEC. 80. Whenever any change is made in the organization of the Militia by Congress, the Commander-in-Chief shall immediately

carry such change into offect by general order; and may in the same manner establish such subordinate regulations as the change may render necessary; and such orders and regulations shall have the force of law.

been made in the organization of the Militia by Congress.

1836—63—7

Armorer to be appointed by the Governor.

SEC. 81. There shall be appointed by the Governor of this State a propar person to serve as Armorer in the State Arsenal at New Orleans, whose duty it shall be to remain constantly therein, to keep in complete order the arms and equipments therein deposited, and who shall receive an annual salary of one thousand dollars.

MINORS.

EMANCIPATION OF MINORS.

1847—64—1

Minors, how emancipated.

SECTION 1. Whenever a minor shall be desirous of being dispensed from the time prescribed by law for attaining the age of majority, he shall present a petition to the district Judge, having jurisdiction, wherein he shall set forth the causes for which he wishes to have the time for attaining his majority dispensed with, and that he believes himself fully capable of administering and managing his estate.

1847—65—2

Family meeting to be called and tutor to be cited.

SEC. 2. It shall be the duty of the Judge to grant an order directing the convocation of a family meeting on a day fixed in the order; a copy of the petition shall be served on the father or tutor of the minor, citing him to appear and show cause why the minor should not be emancipated.

1847—65—3

Deliberations to be homologated.

SEC. 3. It shall be the duty of the person before whom the meeting has been convened, to grand to the minor a certified copy of the proces verbal of the proceedings, in order that the minor may obtain from the district Judge an order, either in chambers or in open court, homologating the same.

TUTORSHIP OF MINORS, AND THE ADMINISTRATION OF THEIR PROPERTY.

1846—64—4

Proceedings when no one will take the tutorship and give security.

SEC. 4. Whenever it shall occur that no one will take upon himself the tutorship of a minor, and comply with existing laws by giving the required security, it shall be the duty of the clerk to summon a family meeting and with its advice to nominate one discreet and responsible person in that parish to be tutor, and another to be undertutor, who shall in all respects comply with existing laws in relation to tutors, except that of giving security.

1848—97—1

Foreign tutors may sue for property of minors in this State.

SEC. 5. Any person who has been, or shall be, appointed tutor or guardian of any minor residing out of the State of Louisiana, but within the United States, and who has qualified as such in conformity with the laws of the State or country where the appointment was made, shall be entitled to sue for and recover any property, rights or credits, belonging to the minor within this State, upon his producing satisfactory evidence of his appointment as aforesaid, without being under the necessity of qulifying as tutor of the minor according to the laws of Louisiana.

1843—97—2

Property not to be removed till the debts are paid.

SEC. 6. Nothing in the preceding section shall authorize any such tutor or guardian to take possession of or remove from the State, the property of any minor, or estate, unless satisfactory proof be furnished to the court that the debts of the succession are paid, or that none exist in the State; which proof shall consist in public advertisements in the newspapers, for at least thirty days, in the manner prescribed by law for the rendering of accounts by tutors and administrators.

1830—46—1

Special mortgage by father or mother, how given.

SEC. 7. Any surviving father or mother who is orshall hereafter become the natural tutor of their minor children, may give a special mortgage on immovable property, not slaves, for the security of the rights and property of their said children, and the faithful discharge of their functions as tutor, provided that a meeting of the family of the said minor children duly called according to law, on the petition of the said surviving father or mother, shall declare that the property offered to be so specially mortgaged, is in their opinion of sufficient value to secure the rights of the children in capital and interest.

From and after the execution of the special mortgage by the natural tutor as aforesaid all the remaining property of the father or mother acquired or to be acquired, shall be completely discharged from the legal mortgage arising from the tutorship.

1830—46—2

In case of adjudication under Art. 338 C. C. a special mortgage may be given.

SEC. 8. In case of an adjudication made under the 338th Art. of the Civil Code, or any other law authorizing similar adjudications, a special mortgage may be given by the father or mother on real property, not slaves, to secure the rights of the minors; and such special mortgage shall have the effect of annulling the mortgage arising from such adjudication.

SEC. 9. A special mortgage given in favor of minors may be changed after a family meeting, called and held according to law, shall have recommended such change, and after the deliberations of the family meeting shall have been duly homologated.

1880—46—3 Special mortgage how changed.

The title of the property proposed to be mortgaged shall be laid before the said family meeting, and shall be carefully inspected by the under-tutor and the Judge.

SEC. 10. In all cases of application made by a father or mother to give a special mortgage, the person applying shall be bound to present at the family meeting a certificate from the register of mortgages, showing what mortgages, if any, exist, on the property offered to be specially mortgaged; the under-tutor shall be called, and it shall be his duty to be present at the deliberations of the family meeting, and when not fully satisfied with the value or kind of property offered to be mortgaged, with the validity of the titles of the property, or with the deliberations of the family meeting, he shall refuse his approbation to the said deliberations; and any under-tutor neglecting to perform the duties hereby prescribed, or neglecting to ascertain the real value of the property offered to be mortgaged, shall be responsible to the minors for any loss they may experience from such neglect; and it shall also be the duty of the under-tutor, whenever the value of the property specially mortgaged, shall have diminished so as to endanger the interest of the minors, to require an additional mortgage.

1880—48—4 Formalities to be observed on giving a special mortgage.

Whenever an under tutor shall refuse to approve of the deliberations of a family meeting, or object to their homologation, the court shall decide whether the opposition is well founded; and if not, the opposition shall be overruled, and the deliberations homologated as if no opposition had taken place. When the court shall decide that the opposition of the under-tutor is unfounded, and shall homologate the deliberations of the family meeting, the under tutor who shall have made the opposition, shall be exonerated from all responsibility.

1880—48—5 Opposition of under-tutor to deliberations.

SEC. 11. All costs occasioned by the demand to give a special mortgage shall be paid by the person making the application.

1880—48—6 Costs by whom paid.

SEC. 12. It is hereby made the duty of all public officers before whom family meetings shall be called, to read the six preceding sections to them and to the under tutors, and any officer failing to perform this duty, shall be responsible for any loss arising from such neglect, either to the under tutor or to the minors.

1880—48—7 This law to be read to family meetings.

SEC. 13. In all cases where special mortgages shall be given by tutors in lieu of the legal mortgage existing in such cases, as recognized by law, it shall be the duty of the Judge receiving such special mortgage to cause the property proposed to be mortgaged to be appraised by experts, in the same manner as is provided when adjudications of the property of minors are made to their surviving father or mother; and the Judge shall in no case accept the mortgage, unless

1880—48—8 The property to be appraised.

the value of the property so appraised shall exceed, exclusive of all prior liens, privileges or mortgages, the amount of the debts or rights of the minors intended to be secured, by at least twenty-five per cent; the amount due the minors, to be ascertained by a previous liquidation to be made according to law, and including all interest which will probably accrue.

1830—50—10

Grand parents may also give special mortgage.

SEC. 14. The grand-father or grand-mother, when the tutorship shall have devolved, or may devolve, upon either of them by operation of law, may give a special mortgage, in the same cases, and in the same manner and form, as the father or mother.

1826—86—1 & 2

Property mortgaged to two or more minors how to be sold on one of them attaining the age of majority.

SEC. 15. Whenever a special mortgage shall have been given by a parent or tutor to secure the rights of two or more minors; any one of the minors on attaining the age of majority or being emancipated, may proceed to the sale of the property mortgaged after having discussed the other property of the debtor, in the manner following:

A family meeting shall be convened on behalf of the remaining minors, to consider whether the property mortgaged is, sufficient to satisfy all demands on it, in favor both of the major and minor heirs. If they should be of opinion that the property is sufficient to satisfy all demands, they shall advise that so much of the property mortgaged, as will satisfy the demand of the major, be sold, if susceptible of division; and the property so sold, shall be free from the mortgage in favor of the remaining minors.

If the meeting shall be of opinion that the property mortgaged is not sufficient to satisfy the demand of all the heirs; or that it is not susceptible of division, the whole of the mortgaged property shall be sold, and shall be released from the mortgage in favor of the major and minors.

The proceeds of the sale, after defraying the expenses, shall be equally divided among the major and the minors, giving each his virile share.

The portion belonging to the minors shall be paid to their tutor, and the legal mortgage for the amount so received, shall attach from the date of its receipt.

1848-84-1

Acceptance of successions by minors.

SEC. 16. It shall not be necessary for minor heirs to make any formal acceptance of a succession that may fall to them, but such acceptance shall be considered as made for them with benefit of inventory, by operation of law, and shall in all respects have the force and effect of a formal acceptance.

Property of minors whose parents are living, how sold, &c.

SEC. 17. Property belonging to minors, both of whose parents are living, may be sold or mortgaged; and any other step may be taken affecting their interest, in the same manner, and by pursuing the same forms, as in case of minors represented by tutors; the father occupying the place, and being clothed with the powers of the tutor.

An under tutor, ad hoc, shall be appointed by the court, contradictorily with whom the proceedings shall be carried on.

1811—32—6

Houses of minors in New Orleans to be insured.

SEC. 18. When a minor shall possess houses in the city of New Orleans, it shall be the duty of the tutor on his own resposibility, to have the same insured against fire.

See CIVIL CODE, *Arts.* 263 *et seq.*

Clerks to appoint tutor and under-tutor, without security, with the advice of family meeting in certain cases. See CLERKS, *Sec.* 17.

Emancipated minors not privileged from arrest. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 8.

A married woman, who is a minor, may sue or be sued, with the assistance of her husband. *Sec.* 76.

MONITION.

1834—125—1
1837—62—1

Monition, in what cases granted.

SECTION 1. The purchasers of property at Sheriff's sales, those made by the authority of the Court, those made by the Syndics of insolvent estates, and finally those of any description which are made by the authority of justice, and all subsequent purchasers by a regular chain of titles, may protect themselves from eviction of the property so purchased, or from any responsibility as possessors of the same by pursuing the rules hereinafter prescribed.

1834—125—2

How advertised.

SEC. 2. It shall be the duty of the purchasers, if the purchase has been made within the limits of the city and parish of Orleans, to publish three times, or if the sale has been made out of the limits of the parish and city aforesaid, to publish the same for the same space of time and in the manner required for advertising judicial proceedings, a monition calling on all persons who can set up any right to the property, in consequence of informality in the order, decree or judgment of the court under which the sale was made, or any irregularity or illegality in the appraisements and advertisements in time and manner of sale, or for any other defect whatsoever to show cause within thirty days from the day the monition is first inserted in the public papers, why the sale so made should not be confirmed and homologated.

1834—125—3
To describe property, &c.

SEC. 3. This monition shall state the judicial authority under which the sale took place, and shall also contain the same description of the property purchased as that given in the judicial conveyance to the buyer, and shall further declare the price at which the object was bought.

1834—126—4
To be granted by Clerks.

SEC. 4. The Clerks of the respective courts from which the orders, decrees, or judgments may have issued, and in virtue of which the sales sought to be homologated have been made, shall, on application of the buyer, grant this monition in the name of the State, and affix to it the seal of the court.

1834—126—5
Judgment on monition.

SEC. 5. At the expiration of the thirty days, the party obtaining the monition may apply to the Judge of the Court, out of which the monition issued, to confirm and homologate the sale, and it shall be the duty of the Judge, in case no cause is shown against the prayer for the monition, to homologate and confirm the judicial sale in question: provided always, that before he does so confirm it, he shall be fully satisfied that the advertisements have been inserted in the newspapers, as already directed, and that the property has been correctly described, and the price, at which it was purchased, truly stated; but in case opposition be made to the homologation, and it should appear that the sale was made contrary to law, it shall then be the duty af the Judge to annul it, otherwise to confirm it, as in case no opposition was made.

1834—126—6
Effect of judgment.

SEC. 6. The judgment of the court, on the monition aforesaid, shall be in itself conclusive evidence that the monition has been regularly made and duly advertised, nor shall any evidence be received thereafter to contradict the same, or to prove any irregularity in the proceeding.

1834—126—7
Effect of judgment.

SEC. 7. The judgment of the Court, confirming and homologating the sale, shall have the force of res judicata, and operate as a complete bar against all persons, whether of age or minors, whether present or absent, who may thereafter claim the property sold, in consequence of an illegality or informality in the proceeding, whether before or after judgment; and the judgment of homologation shall in all cases be received and considered as full and conclusive proof, that the sale was duly made according to law, in virtue of a judgment or order legally and regularly pronounced on the interests of parties duly represented.

1834—127—8
Proviso.

SEC. 8. Nothing herein contained shall be taken or understood so as to render valid any sale made in virtue of a judgment when the party cast was not duly cited to make defence; and in every case where minors are interested, they shall have their recourse on their tutors, if they have improperly neglected to make opposition to the confirmation of the sale of their property.

SEC. 9. Where no opposition is made to the confirmation of the sales, the costs attending the proceedings shall be paid by the party who prays for the monition; and where opposition is made, the costs shall be borne by the party against whom judgment is rendered.

1834—127—9
Costs by whom paid.

SEC. 10. Nothing herein contained shall be construed or understood to authorize the purchaser at a judicial sale to refuse carrying the same into effect, or to delay the payment of the price for any greater space of time than is now allowed by law.

1834—127—10
Not to be construed to authorize purchasers to refuse payment.

SEC. 11. The provisions of the foregoing sections shall be extended to tax sales, provided such sales shall have been made ten years previous to the application for a monition.

1838—98—1
To extend to tax sales that have been made ten years.

MORTGAGE.

SECTION 1. The reinscription of Mortgages required by Article 3,333 of the Civil Code, shall not apply to the Mortgages now recorded, or which may hereafter be given and recorded in favor of the Commissioners of the Poydras Legacy, out of the funds bequeathed by the late Julien Poydras to the indigent girls of the parishes of West Baton Rouge and Point Coupée.

1853—159—1
Mortgages in favor of the Commissioners of the Poydras Fund need not be reinscribed.

SEC. 2. Hereafter, the Recorder of Mortgages for the parishes of Orleans and Jefferson, and the Parish Recorders of the several parishes of this State, are authorized and required to cancel from their records any Mortgages for which a release may have been granted by an authentic act, upon the mere presentation of the certificate of the Notary Public before whom such act was executed, or of his successor in office, stating that by said act a release was granted and the erasure allowed; which certificate shall be filed in the office of the Recorder of Mortgages when such canceling was asked for.

1843—105—1
Mortgages to be released upon presentation of Notary's certificate.

SEC. 3. All persons holding office in the State of Louisiana, and who, being bound by law to give security, have availed themselves of the privilege to give a special mortgage, under existing laws, are here-

1836—184—1
Special mortgages given by public officers may be transferred on other property.

by authorized to have such special mortgage transferred on other property, by applying to the Governor in the manner hereinafter specified.

1836—185—2

How transferred.

SEC. 4. It shall be the duty of all persons disposed to avail themselves of the preceding section, to apply by petition to the Governor of the State, who shall appoint two discreet and proper persons to value the property offered in lieu of that already mortgaged; and if by appraisement of the property to be made under oath, it appears that the value thereof is sufficient to answer for the sum required by law for their securities, then it shall be the duty of the Governor, after accepting the new mortgage, to have the same recorded in the manner directed by law, and to raise, annul and cancel all anterior special mortgages, so far as the State may be interested.

1824—166—3

Recourse of persons injured by neglect to register legal mortgages.

SEC. 5. The legal mortgage which exists in favor of minors, interdicted and absent persons on the property of their tutors and curators; and in favor of married women upon the property of their husbands cannot be injured by not being recorded; saving the recourse of those who may happen to be prejudiced thereby, against the persons who are mentioned in the following sections.

1824—166—4

Bonds of tutors and curators to be recorded.

Also, all acts from which a legal mortgage results.

SEC. 6. It shall be the duty of the courts or the Clerks thereof, whenever they appoint tutors and curators to minors, interdicted and absent persons, to cause the bonds given by the tutors and curators, to be recorded without any delay, in the office of the Recorder of Mortgages, according to law; and it shall likewise be the duty of Notaries Public and other officers performing their duties, to cause marriage contracts and other acts which are executed before them, and from which any legal mortgage is derived in favor of a married woman on the property of her husband, to be recorded in the same manner as aforesaid.

1824—166—5

Certificate of appointment of natural tutor, &c., to be recorded.

SEC. 7. Whenever the tutor or curator of a minor or interdicted person, is the father or mother of the latter, and is therefore not liable to give bond and security, the Judge or Clerk who has appointed such tutor or curator, shall cause a certificate of such appointment, as well as of the amount of the appraisement of the property as described in the inventory of the estate of the said minor or interdicted person, to be recorded as directed in the preceding sections.

1824—168—6

Penalty.

SEC. 8. The Judges, Clerks and Notaries who shall fail to cause the legal mortgages which exist in favor of minors, interdicted or absent persons, or in favor of married women, to be recorded as herein provided for, shall be liable in damages towards any person who shall suffer thereby, and shall be subject to be removed from office, if the case require it.

1824—'68—7

Provisions in case the officer neglects to have the act recorded.

SEC. 9. In case the Judges, Clerks or Notaries shall have neglected to cause the mortgages to be recorded, it shall be the duty of the tutors or curators of minors, interdicted or absent persons, and of hus-

bands, to cause the mortgages to be recorded without any delay and according to law; and if the tutors, curators or husbands, having failed to cause the mortgages to be recorded, should obtain or procure money or any other property on granting any privilege or mortgage on the same, without expressly declaring that it was subject to the legal mortgage of their wives or other persons above mentioned, whose property they are administering, they shall be considered guilty of swindling and punished according to the criminal laws of this State, and shall moreover pay to the party suffering by it, such damages as the nature of the case may require.

See CIVIL CODE, *Arts.* 3245 *et seq.*

See "RECORDER," "MINORS," "HUSBAND and WIFE."

Bonds of public officers when registered in the office of the Recorder of Mortgages, to operate as a legal mortgage. See BONDS, *Secs.* 1 and 4.

Mortgages given by the stockholders of the property banks and not be reinscribed. See AMENDMENTS TO CIVIL CODE, *Sec.* 28.

Mortgages to be canceled on the application of any person interdicted. *Sec.* 28.

Duty of Recorders of Mortgages. *Sec.* 29.

Amounts due the State by defaulters, a lien on his real and personal estate. See DEFAULTERS, *Sec.* 5.

The husband may give a special mortgage to secure the rights of his wife. See HUSBAND AND WIFE.

Recorder of Mortgages for New Orleans and Jefferson. See RECORDER.

MUNICIPAL CORPORATIONS.

SECTION 1. In all elections by the people for officers under political charters, granted or to be granted by the General Assembly of Louisiana, the qualifications of voters shall be the same as those prescribed, at the time being, by the Constitution of Louisiana, for the electors of Representives of the General Assembly. 1846—5—1 Qualifications of voters.

SEC. 2. All persons shall be eligible to hold office under all political corporations granted or to be granted by the General Assembly of Louisiana, when by the Constitution of the State for the time being, 1846—5—1 Persons eligible to office.

the same class of persons are eligible to the House of Representatives of the General Assembly of this State.

1853—135—1

Certain articles not to be taxed.

SEC. 3. It shall not be lawful hereafter, for any Municipal Corporation within this State, to lay any tax on persons engaged in selling articles of their own manufacture, manufactured within this State.

1853—234—1

No debt to be contracted without providing means for paying it.

SEC. 4. The Police Juries of the several parishes, and the constituted authorities of incorporated towns and cities in this State, shall not, hereafter, have power to contract any debt or pecuniary liability without fully providing in the ordinance creating the debt the means of paying the principal and interest of the debt so contracted.

1853—234—2

Ordinance to be irrepealable until the debt is paid.

SEC. 5. The ordinance or enactment providing for the payment of the principal and interest of any debt created by any Board of Police or authorities of incorporated towns and cities shall remain in full force until the debt and interest is paid.

1853—234—3

Proceedings in case of the authorities failing to cause the tax to be collected.

SEC. 6. Whenever Police Juries or authorities of incorporated towns or cities, shall have provided for the payment of a debt by levying a tax, and shall fail or refuse to cause the tax to be collected for the purpose of paying the debt and interest for which it was imposed, it shall be the duty of the District Judge, on motion of the Attorney of any of the creditors of the parish or incorporated town or city, after having obtained a judgment in their favor, to issue his mandate, directed to the Sheriff or other Tax Collector of the parish or incorporated town or city in which the judgment may have been obtained, to proceed forthwith to collect the taxes in the same manner as is prescribed by existing laws; and the same shall be appropriated to the payment of the judgment and costs, the Sheriff or other Tax Collector retaining the commissions allowed by law for the collection of parish taxes as compensation for his services.

1828—48—1

Powers of City Councils.

SEC. 7. The City Councils of the incorporated cities of this State, be, and they are hereby vested with full powers to punish with a fine, not exceeding the sum of eight hundred dollars, any contravention of the police regulations by which any individual is forbidden to keep in his house or place of residence, more than a certain quantity of gunpowder, as fixed by the said police regulations, and to apply a part of the fines to the informers, and the other part to the benefit of the corporations of the cities.

1835—162—5

Municipal Corporations—powers of quarantine.

SEC. 8. The authorities of incorporated towns and cities are authorized to enact ordinances to protect them from the introduction of contagious and epidemical diseases.

Mayors to report defaulters to the Governor annually. See DEFAULTERS, *Secs.* 2 and 3.

Mayors of incorporated towns authorized to call for detachments of Militia, in certain cases. See MILITIA, *Sec.* 74.

NEW ORLEANS.

CONSTITUTIONAL PROVISIONS.

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CONSTITUTION.

Powers granted to New Orleans.

ARTICLE 124. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the Mayor and Recorders shall be ineligible to a seat in the General Assembly; and the Mayor, Recorders, Aldermen and Assistant Aldermen shall be commissioned by the Governor as Justices of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

1852—42—1

A portion of the parish of Orleans incorporated as the city of New Orleans.

SECTION 1. All that portion of the parish of Orleans situated on the left bank of the river Mississippi, shall be the City of New Orleans, and all the free white inhabitants thereof shall be a body corpo-

rate by the name of the "City of New Orleans," and by that name they and their successors shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending in all courts and in all actions and matters whatsoever, and may have a common seal and may alter and change the same at pleasure, and by the same name they shall be capable of holding and conveying any estate, real or personal, for the use of the corporation, under the restrictions and limitations hereinafter set forth.

Powers of said corporation.

1852—43—2

Division into nine Wards.

SEC. 2. The city of New Orleans shall be divided into nine Wards, as follows, to-wit:

1st Ward.

1. The First Ward to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2d Ward.

2. The Second Ward to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans Canal, thence down the middle of said Canal to Lake Pontchartrain.

3d Ward.

3. The Third Ward to comprise the residue of the Second Municipality.

4th Ward.

4. The Fourth Ward to extend from the middle of Canal street to the middle of St. Louis street until it reaches the Metairie road, thence along the middle of said road to the New Orleans Canal.

5th Ward.

5. The Fifth Ward to extend from the last mentioned limits to the middle of St. Philip street, thence down said street until its intersection with the Bayou St. John, thence along the middle of said Bayou until it intersects the Metairie road, thence along the middle of said road until it reaches St. Louis street.

6th Ward.

6. The Sixth Ward to be composed of the residue of the First Municipality.

7th Ward.

7. The Seventh Ward to extend from the middle of Esplanade street to the middle of Champs Elysées street.

8th Ward.

8. The Eighth Ward to extend from the middle of Champs Elysées street to the middle of Enghien street and Lafayette Avenue.

9th Ward.

9. The Ninth Ward to extend from the middle of Enghien street to the lower limits of the parish of Orleans.

1852—43—3

Formation of a Board of Aldermen and Assistant Aldermen.

SEC. 3. The legislative power of the city of New Orleans shall be vested in a Board of Aldermen and a Board of Assistant Aldermen, who, together, shall form the Common Council of the city.

Consolidation of the Wards into districts of election.

The Board of Aldermen shall consist of eleven members, who shall be elected by districts, as follows: The First, Second and Third Wards shall compose the First District, and shall be entitled to five Aldermen; the Fourth, Fifth and Sixth Wards shall compose the Second District, and shall be entitled to four Aldermen; the Seventh, Eighth and Ninth Wards shall compose the Third District, and shall be entitled to two Aldermen. The Aldermen shall hold their office for two years.

Term of office of Aldermen.

Division of the Aldermen into two classes.

At the first sitting of the Council in the year 1852, the Aldermen shall be divided by lots into two classes; the seats of the first class shall be vacated at the end of the first year, and the seats of the second class at the end of the second year; provided, that one-half of the Aldermen of each District, as near as practicable, shall constitute the first class; at each annual election after that of the year 1852, a sufficient number of Aldermen shall be elected to fill the places of those going out.

Term of office of Assistant Aldermen. How elected.

The Board of Assistant Aldermen shall consist of twenty-four members, who shall hold their office for one year and shall be elected by the voters of the respective Wards.

Number of Assistant Aldermen by each Ward.

The First Ward shall be entitled to two members, the Second Ward to three members, the Third Ward to six members, the Fourth Ward to three members, the Fifth Ward to three members, the Sixth Ward to two members, the Seventh Ward to two members, the Eighth Ward to two members, and the Ninth Ward to one member.

1852—44—4

Composition of the executive power of the city.

SEC. 4. The executive power of the city of New Orleans shall be vested in one Mayor, three Recorders, one Treasurer, one Comptroller, one Surveyor, one Street Commissioner, and such other subordinate officers for preserving the peace and good order of the city, as the common council may deem necessary.

1852—44—5

Qualifications of executive officers.

SEC. 5. The qualifications of the Mayor, Recorders, Aldermen, Assistant Aldermen, Treasurer, Comptroller, Surveyor, and Street Commissioner, shall be the same as are required for members of the House of Representatives in the General Assembly of the State.

1852—44—6

Time fixed for the election of the municipal executive officers.

SEC. 6. The elections of Mayor, Treasurer, Comptroller, Surveyor, and Street Commissioner, shall take place on the fourth Monday of March, every two years, by general ticket, and those of Aldermen and Recorders on the same day, by district ticket, and they shall enter upon the duties of their office on the second Monday of April following.

The Recorders' districts shall be the same as provided for school districts.

1852—44—7

Time for election of Assistant Aldermen.

SEC. 7. The elections of Assistant Aldermen shall take place on the fourth Monday of March of every year, and they shall enter upon the duties of their office on the second Monday of April following.

1852—44—8

Qualifications of voters.

SEC. 8. The qualifications of voters for Mayor, Recorders, Aldermen and Assistant Aldermen, Treasurer, Comptroller, Surveyor, and Street Commissioner, shall be the same as are prescribed by the Constitution of the State for the election of Representatives in the General Assembly of the State.

1852—44—9

First election how held.

SEC. 9. At the first election to be held, polls shall be held in the several precincts which have been established by proper authority for the election of Representatives in the General Assembly of the State,

next immediately preceding, and such elections shall be held in conformity with existing laws and ordinances.

1852—44—10

Establishment of new districts of election in each Ward.

Sec. 10. On or before the first Monday of February, one thousand eight hundred and fifty-three, the Common Council shall lay out and establish a sufficient number, not less than two, of election precincts in each of the Wards, each of which precincts shall contain, as nearly as practicable, an equal number of qualified voters, and the Common Council shall make an accurate description of said districts, and cause the same to be published in the official journal of the said Common Council, and if, at any election thereafter, more than six hundred votes be polled in any of said precincts, then, at some period at least forty days previous to the next succeeding election, the Common Council shall re-arrange the divisions of the Ward, or Wards, wherein such vote has been polled, and increase the number thereof, if necessary.

1858—82—4

Nomination of inspectors of elections and others.

Sec. 11. The election at each of said precincts shall be conducted by three Inspectors of Election, one of whom shall be appointed by the Board of Assistant Aldermen, one by the Board of Aldermen, and one by the Police Board, composed as aforesaid, of the Mayor and four Recorders of the city of New Orleans; there shall, also, be two Clerks appointed at each precinct by the Inspectors of said election precinct, the said Inspectors and Clerks shall be legally qualified voters of the precincts in which they act, and shall be severally sworn by the Mayor, according to Article ninety of the Constitution of the State.

Qualifications of the same.

Vacancies among the same, how provided for.

In case of a vacancy in the office of Inspector at any precinct, arising from the neglect or refusal of said Inspector so appointed to act, then it shall be the duty of the Recorder of said district to appoint and swear in an Inspector in place and instead of such absent Inspector, and the Inspectors shall supply the place of such absent Clerk.

1852—45—12

Returns of elections how made.

Sec. 12. The returns of election shall be made by said Inspectors to the Mayor, who shall, in presence of the Recorders of said city, specially notified by the Mayor for that purpose, within three days after said returns have been received, and with the aid of said Recorders, open and examine said returns, and proclaim the result of said elections, which they shall cause to be published under their official signatures, in the official journal of the Common Council; provided, that in the event of the failure of the Mayor or Recorders to attend, or any of them, at the time and place appointed, the absentees' duty may be filled by any Justice of the Peace, and provided further, that any Justice of the Peace may take the place of any Mayor or Recorder interested in the returns.

Votes, how counted.

Their publication.

1852—45—13

Vacancy among the executive officers of the city how provided for.

Sec. 13. Whenever a vacancy shall occur, by death or otherwise, in the office of the Mayor, Recorder, Treasurer, Comptroller, Surveyor, or Street Commissioner, it shall be the duty of the Boards of

Aldermen and Assistant Aldermen, in joint meeting, to elect, viva voce, a person qualified to serve in the office so vacated, who shall continue in office till the Monday succeeding the next city election, and until his successor shall have been duly elected and qualified.

1852—45—14

Vacancy among the Aldermen and Assistant Aldermen, how supplied.

SEC. 14. Whenever a vacancy shall occur, by death or otherwise, in the office of Aldermen or Assistant Aldermen, the Board of Aldermen or Assistant Aldermen, as the case may be, shall, as soon as practicable, order a new election to fill the vacancy for the remainder of the term.

1852—45—15

Oath to be taken by the municipal officers.

SEC. 15. The Mayor, and all other officers elected or appointed by virtue of this act, shall, before they enter upon the duties of their offices, respectively take and subscribe the oath prescribed by Article ninty of the Constitution of the State, which oath shall be taken by the Mayor before a Justice of the Peace of New Orleans, and by the other officers respectively before the said Mayor.

1852—45—16

Equality of representation.

SEC. 16. Representation in the Common Council shall be equal and uniform, and shall be regulated and ascertained by the number of qualified voters in the respective Districts and Wards.

1852—46—17

Appointment of census commissioners

SEC. 17. The Common Council shall, at their first regular session under this act, and every fifth year thereafter, appoint commissioners to take the census of the different Districts and Wards of the city of New Orleans, which census shall be completed before the end of the year, and the said Common Council shall immediately after the census shall have been completed, and before proceeding to any other business, apportion the representation among the several Districts and Wards, on the basis of the number of qualified voters as aforesaid.

Representative number for Aldermen and Assistant Aldermen, how fixed.

A representative number shall be fixed, and each district shall have as many Aldermen as its qualified voters shall entitle it to, and an additional Alderman for every fraction exceeding three-fourths of the representative number, and each ward shall in like manner have as many Assistant Aldermen as its qualified voters shall entitle it to, and an additional Alderman for every fraction exceeding three-fourths of the representative number.

1852—46—18

Meetings of the Boards of Aldermen and Assistant Aldermen.

SEC. 18. The members of the Board of Aldermen and Assistant Aldermen elected on the fourth Monday in March, one thousand eight hundred and fifty-two, shall meet at four o'clock in the afternoon of the Monday succeeding the said fourth Monday in March, and shall organize in separate chambers, and the door shall be kept open, except when the public welfare shall require secrecy.

What constitutes a quorum.

A majority of each shall be a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members.

Presidents of the Boards.

Each Board shall appoint a President from its own body, who shall serve one year, shall choose its clerks and other officers, be judge of the elections returns and qualifications of its own members, keep a

journal of its proceedings, and have power to direct special elections to fill its own vacancies, to censure members for disorderly conduct, and expel a member by a vote of two-thirds of all the members elected, after five days' notice and an opportunity of being heard has been given to him; but such resolution of expulsion shall be of no effect unless it contain a provision for a special election, within two weeks thereafter, to supply such vacancy. Such special election shall not be ordered unless there be at least two months of the term of the expelled member unexpired. The yeas and nays shall be called at either Board, at the instance of any two members.

Powers granted to the Boards severally.

The two Boards shall hold their first meeting in the present place of session of the General Council, and have concurrent powers and a negative on each others' proceedings.

Manner in which they shall sit and conduct their proceedings.

Each Board may originate, amend, concur in or reject any ordinance or resolution; but no ordinance shall become binding or take effect until it shall have passed both Boards of the Common Council; these Boards shall have separate rooms for meeting, and shall always act as separate bodies, but may appoint joint committees to report on any subject or to perform any act specially designated in the resolution appointing them.

No ordinance levying a tax, making an appropriation exceeding one thousand dollars, or providing for the purchase or sale of real estate shall be passed, except by a majority of the members elected in each Board,

Special restriction relative to certain ordinances.

1852—47—19

Sec. 19. It shall be the duty of the Mayor to publish all the ordinances and resolutions passed by the Common Council; and it shall be the duty of the Clerk of each Board to publish the proceedings of the respective Boards except the secret proceedings; the whole in a newspaper to be selected by the Common Council annually, in a joint meeting, at which the vote shall be viva voce; and whenever a vote shall be taken in either Board upon the passage of an ordinance or resolution which shall contemplate any specific improvement or work, or the sale, disposition or appropriation of public property, or the expenditure of public moneys or income therefrom, or lay any tax or assessment, such ordinance or resolution shall, before the same be sent to the other Board, and immediately after the adjournment of the Board at which the same shall have been passed, be published with the ayes and noes, with the names of the members voting for and against the same, as part of the proceedings, and no ordinance or resolution which shall have passed one Board shall be acted on by the other board on the same day, unless by unanimous consent, except in case of invasion, insurrection or pestilence.

Proceedings, ordinances and resolutions to be published.

Election of a newspaper.

Publication of ayes and noes.

Delay imposed to the passing of ordinances.

1858—99—1

Sec. 20. No member of the Common Council shall be appointed to any employment or office under the government of the city of New Orleans during the term for which he was elected, nor for six months

Restriction on members of the Common Council as to holding certain offices.

after the expiration of said term, except to the office of Mayor or Recorder of said city, or any other office elective by the people; and no member of the Common Council, or any officer of the corporation, shall be, directly or indirectly, interested in any work, business or contract, or the sale of any article, the expense or price or consideration of which is paid from the City Treasury, or by an assessment levied by an ordinance or resolution of the Common Council, nor in the purchase of any estate belonging to the corporation, or which shall be sold for taxes or assessments, or be surety of any person having contract work, or business with said city, for the performance of which security may be required.

Further restrictions on members of the Common Council.

1852—47—21

SEC. 21. The Board of Assistant Aldermen shall have the sole power of impeachment of city officers, not otherwise provided for, and pending such impeachment, and until the final disposition thereof, the party impeached shall not exercise any of the functions of his office.

Powers of the Board of Assistant Aldermen in relation to impeachment.

The Board of Aldermen shall have the sole power to try all impeachments; when sitting for that purpose they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of all the members elected to the said Board.

Impeachment, how carried on.

Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold any office under the city charter, but the party convicted shall be liable to indictment, trial and punishment according to law.

Effect of the judgment in case of impeachment.

1852—48—22

SEC. 22. Upon the first organization of the Common Council of the city of New Orleans, as hereinbefore provided, the city of New Orleans, as established by this act, shall be vested with all the powers, rights, privileges and immunities incident to a municipal corporation, and necessary for the proper government of the same; and upon the organization of the Council, all the powers, rights, privileges and immunities possessed and enjoyed by the first, second and third municipalities of New Orleans, and by the General Council of the city of New Orleans, shall cease and terminate so far as regards the municipalities and General Council, and be vested in the city of New Orleans, as established by this Act; provided, that all officers of the municipalities and of the General Council shall continue to discharge the duties of their respective offices until superceded or dismissed by the authority of the city of New Orleans, and the ordinances in force in the municipalities shall remain in full vigor until modified or repealed by the Common Council of the city of New Orleans.

What powers, rights, privileges and immunities are vested in the city of New Orleans.

1852—48—23

SEC. 23. It shall not be lawful for the Common Council to increase or diminish the salary or compensation of any officer elected by the people during the term for which such officer has been elected, nor permit the compensation of any salaried officer to be increased by

Restrictions as to the salaries of officers and fees of office.

allowing him any fees for the performance of any duty imposed on him by the law or by the Common Council.

1852—48—24

Restrictions as to the money in the treasury.

SEC. 24. No money shall be drawn from the city treasury except the same shall have been previously appropriated for the purpose for which it was drawn.

1853—80—1,2 & 3

Qualifications of the Mayor.

His duties and powers

SEC. 25. The Mayor shall have the qualifications required for members of the House of Representatives of the State; he shall keep his office in some central part of the city of New Orleans, which shall be determined by the Common Council; he shall have a seal, to be called the seal of the city of New Orleans, which shall be affixed to all proper official acts of the corporation; he shall see that the laws and ordinances within the limits of the city of New Orleans be properly executed; he shall be ex-officio justice and conservator of the peace; he, together with the Recorders of the city of New Orleans, shall be and compose a Police Board, a majority of whom shall act, and who shall make and confirm all police appointments, to wit:

Police Board.

Powers and duties of the Police Board.

The Chief of Police, should they in their judgment deem such office necessary; the captains, lieutenants, corporals and policemen of each district of the city; the wardens, under-wardens and employees of the work houses, the superintendent, warden or keepers, and employees of the district and city prisons, houses of refuge, and keepers or commissaries of the markets, and all other officers and men now appointed or nominated by the Mayor and confirmed or approved by the Common Council. Said Police Board may suspend, remove or discharge all such officers, men and employees, for cause, and shall decide on all police matters pertaining to appointments, dismissals or grievances of, or against the police, finally and without appeal. But the Mayor, or any one of the said Recorders, shall have the right temporarily to suspend until the next meeting of the Board thereafter, all persons employed in the police.

Relative to meetings and proceedings of Police Board.

The meetings of the Board of Police mentioned above shall be public, and holden at the Mayor's office; all votes upon any subject or appointment shall be viva voce, and a correct record of all the proceedings of said Board shall be kept by the Secretary of the Mayor, and the proceedings of every meeting of said Board shall be published in the official journal of the city.

Appointments to office when made.

Time and manner of qualifications of officers.

All appointments herein provided for by said Police Board shall be made in the month of April, one thousand eight hundred and fifty-three, by the Mayor and Recorders now elected. and such appointees shall qualify themselves by bond and oath of office, as may be provided for by existing laws, and enter upon the discharge of their duties on the first Monday of May next, until which time, and no longer, the present incumbents shall continue in office.

And thereafter, within ten days after the election and qualification of the Mayor and Recorders of the city, as provided for by law, the

Police Board, composed as aforesaid, shall make and confirm all appointments, and said appointees shall enter upon the discharge of their duties, having first qualified themselves according to law, on the first of May following, and shall hold their offices respectively for a term of one year, unless sooner removed by the Police Board.

1852—112—5

The President of the Board of Aldermen to act as Mayor in certain cases.

In case of the sickness or temporary absence of the Mayor of said city, the President of the Board of Aldermen shall act during such sickness or temporary absence, as Mayor pro tempore.

1852—49—26

The Mayor's veto.

SEC. 26. All ordinances and resolutions, after having been passed by each Board, shall be transmitted to the Mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the Common Council, and such ordinances and resolutions shall thereupon have the force of law; but if the Mayor shall disapprove of any ordinance or resolution, he shall, within five days from the time he received it, return the same to the Board in which it originated, with his objections in writing, and if three-fifths of the members elected to each Board shall adhere to the ordinance or resolution, notwithstanding such objections, then, and not otherwise, the ordinance or resolution shall have the force of law; provided always, if the Mayor shall not return any ordinance or resolution transmitted to him by the Common Council, within five days after it shall have been received by him, then he shall be deemed to have approved the same, and it shall have the same force and effect as if approved and signed by him.

The effects thereof and proceedings relating thereto.

1852—49—27

Duties, powers and privileges of the Recorders.

SEC. 27. The Recorders shall have their offices at such places as the Common Council may deem most convenient, and shall keep the same open from nine o'clock, A. M., until three o'clock, P. M., of each day, Sunday excepted. They shall be ex-officio justices and conservators of the peace, and shall exercise all the duties now vested in and imposed by law upon the Recorders of the several Municipalities not incompatible with the provisions of this act. They shall keep a record book, in which they shall fairly inscribe, in their order of date, the different criminal cases that may be brought before them, by setting down the title of the cause, the nature of the complaint, the names and surnames of the witnesses, the date of the warrant and of the appearance of the accused, the decision, as well as other proceedings had in the cause.

Their salaries.

Their salaries shall be fixed by the Common Council, but shall never exceed three thousand dollars per annum, and no fees shall be allowed them for their own use and benefit on any pretence whatever.

1852—50—28

Election for Recorders pro tem.

SEC. 28. The Common Council shall in joint meeting elect, viva voce, from their own number, three persons who shall alone act as Recorders, pro tempore, in the case of sickness or absence of any one or more of the Recorders, and they alone shall have power of acting as

examining or committing Magistrates, and of releasing any persons arrested for crime or misdemeanor upon bond and security given.

1852—50—20

Duties of the Comptroller.

SEC. 29. The Comptroller shall have a general superintendence of the fiscal affairs of the Corporation. He shall prescribe the mode and form of keeping the Corporation books and accounts in every department entrusted with the receipt and expenditure of money; and the books and accounts shall be at all times subject to inspection. He shall examine and audit all claims and demands against or in favor of the Corporation.

No money shall be received by the Treasurer, or any other officer, from any source whatever, except on a written order, receipt or other document, signed by the Comptroller.

All accounts for collection of the revenue shall originate in his office. No money shall be paid out of the Treasury, unless authorized by an ordinance or resolution of the Council, and on warrant signed by the Comptroller. He shall keep a full set of books, in which all the fiscal operations of the corporation shall be recorded. He shall, in the month of January of each year, lay before the Council a report of the receipts and expenditures during the past year, giving not only the various items of the receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, or notes or bonds issued, the amount thereof, the number of the warrant and the date of the resolution or ordinance authorizing the expenditure.

The report shall also embrace a statement of the indebtedness of the city, showing, in detail, all outstanding obligations, their date, amount, to whom, and for what issued, when due, and under what resolution or ordinance authorized. It shall also contain estimates of the receipts and expenditures for the current year, and in general, all such matter, in connection with the fiscal affairs of the city as the Comptroller may consider of public interest. Said report, in a condensed form, shall be published in the official paper; and such number of copies of the detailed report as the Council may direct, shall be published in book form. All contracts for public works, or for materials or supplies ordered by the Council, shall be offered by the Comptroller at public auction, and given to the lowest bidder, who can furnish security satisfactory to the Council; provided the Council shall have the right to reject all bids.

Publication of his report.

All bonds shall be signed by the Mayor and countersigned by the Comptroller and Treasurer. The Comptroller shall, in addition to the duties herein enumerated, perform such others as the Council may prescribe; and shall receive for his services a salary to be fixed by the Common Council, not exceeding three thousand dollars per annum.

His salary.

1852—51—30

Duties of the Treasurer.

SEC. 30. The Treasurer shall receive and safely keep, in such bank as may be designated by the Council, all moneys, bills receivable, dues, and assets belonging to the corporation. He shall pay, on the warrant of the Comptroller, all claims against the city which the Council authorize. He shall keep books, in the form prescribed by the Comptroller, and shall perform such other duties as may be imposed on him by the Council.

He shall furnish the Comptroller with a daily report, in writing, of the receipts and expenditures, and all the fiscal transactions in his office; and he shall lay before the Council, at their regular meetings, a detailed report of the same, which shall be published.

His bond and salary.

He shall, before entering on the duties of his office, give bond in such sum and with such sureties as shall be approved by the Common Council, and receive for his services not exceeding three thousand dollars.

1852—51—31

Duties and salary of the Surveyor.

SEC. 31. The Surveyor shall receive a salary which shall be fixed by the Common Council, but shall not exceed three thousand dollars a year. He shall furnish the Common Council with all the plans, estimates and other information appertaining to this department, which the Council may require.

He shall superintend the public works, and report, after the completion of the same, the manner in which the works have been executed, and shall perform such other duties as the Council may direct.

1852—51—32

Duties and salary of the Street Commissioner.

SEC. 32. The Street Commissioner shall receive a salary which shall be fixed by the Common Council, but shall not exceed two thousand dollars a year. He shall superintend the lighting, cleaning and enclosing the streets, wharves and public places, and see that all contracts given for the same be faithfully executed He shall make monthly reports to the Council of the condition of the streets, sidewalks, levees and other public places, suggest the repairs to be made to them and denounce all nuisances which may affect the health or convenience of the citizens.

1852—51—33

Recorders' Clerks, and their Salary.

SEC. 33. Each Recorder shall be entitled to one or more Clerks, to be appointed by the Recorder, with the approbation of the majority of the Board of Aldermen, and whose salary shall be fixed by the Common Council.

Organization of the several municipal officers of the Common Council.

The Council shall organize the departments of Comptroller, Treasurer, Surveyor and Street Commissioner, regulate the number of clerks and other officers to be employed by each department, fix the salaries of the clerks and officers, but the clerks and officers shall be appointed by the Comptroller, Treasurer, Surveyor and Street Commissioner respectively, with the approbation of the majority of the Board of Aldermen, their appointments may be revoked by the Comptroller, Treasurer, Surveyor and Street Commissioner respect-

livey, but in such case the reasons for the removal shall be forthwith communicated in writing to the Board of Aldermen.

SEC. 34. The Common Council shall, as soon after its organization as possible, appoint in joint meeting, viva voce, an Attorney for the Corporation, who shall be their legal adviser in all matters in which his advice may be necessary, and represent them, within the State, in all judicial proceedings, suits, actions and contestations in which they may have an interest. 1852—51—84 Election of an Attorney.

He shall hold his office two years, and shall receive a salary which shall be fixed by the Council, and which shall not exceed three thousand dollars a year. No extra compensation nor fee shall be allowed him, and no other Attorney shall in any case be appointed to assist him, unless by a vote of two-thirds of the members present of each Board of Common Council. The Common Council shall also elect one Assistant Attorney, whose duties and compensation are hereinafter provided for. His term of office and salary. Election of an Assistant Attorney.

SEC. 35. All city taxes, except levee dues, shall be payable only in the office of the City Treasurer, from the first of March to the first of May of each year; and the said Treasurer shall, by notice in the official journal, notify the tax-payers to appear at his office for the payment of their taxes. On the first Monday of May of each year the Treasurer shall hand over to the Assistant Attorney of the city, all unpaid bills for taxes, accompanied by a sworn certificate that he has not retained the names or bills of any delinquent tax payers, and on the receipt of said unpaid tax bills, it shall be the duty of said Assistant Attorney immediately to put in suit all such unpaid bills for taxes. 1853—86—1 City taxes, where payable. Duty of Treasurer. Duty of Assistant Attorneys.

It shall be the duty of the Justices of the Peace and the Clerks of the Courts in which suits may be brought, by an advertisement in the official newspaper of the city, to cite all said delinquent tax-payers to appear in fifteen days from the date of the first insertion of said advertisement, before the respective courts in which said bills are put in suit, and answer to the demand contained in said tax bill. No petition shall be necessary, but the tax bill shall be considered as a petition, and the advertisement shall be considered as a citation, and no other service of citation shall be necessary. Said advertisement shall contain the names of all defaulting tax payers, and the amount claimed from each. Each defaulting tax-payer shall pay twenty-five cents for the costs of the citation by advertisement, together with such subsequent costs as may accrue in the suit. Duty of Justices of the Peace and Clerks of Court. No petition or citation necessary. Advertisement. Costs.

As soon as the delay for answering expressed in said advertisement shall have expired, then the further proceedings in said suit shall be conducted according to existing laws. Proceedings, how conducted after advertisement.

There shall be added to the amount of each bill thus confided to the said Assistant Attorney for collection, a commission of five Compensation of Assistant Attorney.

per cent. on the amount of the bill, which commission shall be paid by the defaulting tax-payer, and shall be received by said Assistant Attorney in full compensation for his services, and no other fees nor emoluments shall be allowed to the said Assistant Attorney, except a commission of five per centum on the amount of all fines and penalties collected by him for account of the city, under the authorization of the Common Council.

Interest on City Tax Bills.

All city tax bills shall bear eight per cent. interest from the first Monday of May in the year in which they are payable.

For the year 1853, term extended.

For the year eighteen hundred and fifty-three, the payment of said city taxes be, and the same is hereby extended to the first day of June next, and on the first Monday of June next the Treasurer shall hand over to the said Assistant Attorney all unpaid bills for taxes, accompanied by a sworn certificate that he has not retained the names or bills of any delinquent tax-payers, and the said Assistant Attorney shall proceed to the immediate collection of said unpaid tax bills in the manner herein before pointed out.

Duty of Treasurer and Assistant Attorney.

1852—52—36

Rights, titles and interests of the former three municipalities of New Orleans vested in the new municipal corporation of the city.

Sec. 36. All the right, title and interest of the several municipalities composing the city of New Orleans, as now existing, and also of the General Council and of the Board of Liquidators of the city, of, in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, landing places, buildings and other property, of whatsoever description and wheresoever situated, and of and with all goods, chattels, moneys, effects, debts, dues, demands, bonds, obligations, judgment liens, actions, rights of action, books, accounts and vouchers, be, and they are hereby vested in the city of New Orleans, to take effect on the first organization of the Common Council. Provided, that all the estates, income, funds or property of any description, now held in trust by either of the municipalities, by the General Council or by the Board of Liquidators, or which shall have been specially pledged or affected to the payment of any debt, shall be held by the city of New Orleans upon and for the same uses, trusts, pledges, limitations, charities and conditions as the same are now held by the Corporations respectively.

Proviso relating thereto.

1852—53—37

The debts of the three municipalities, and of the general sinking fund, to be assumed by the city of New Orleans.

Sec. 37. The debt of the general sinking fund, commonly called the old city debt, and the debts of the three municipalities, whether in the form of bonds, notes, interest coupons, cash warrants, or any other species of obligation whatever, shall be assumed and paid by the city of New Orleans, and the city is hereby declared liable therefor.

Commissioners of the consolidated debt of New Orleans.

Their powers in relation to the bonds or obligations of the city.

The Mayor, Comptroller and Treasurer, and the Chairman of the Finance Committee of the two boards of the Common Council, shall constitute a commission, to be called the Commissioners of the Consolidated Debt of New Orleans; and they shall have power to issue bonds of the city of New Orleans, having not more than forty years to run, with interest, payable at such place as may be agreed on between

the Commissioners and the parties to whom the bonds are issued, in semi-annual coupons, in exchange for any bonds, obligations or debts of the old Corporation, or of any of the municipalities, whether matured or not, or to sell the new bonds and apply the proceeds to the payment of the matured debts of the old Corporation, or of the municipalities, but to no other purpose.

Creation of the consolidated debt of New Orleans.

The bonds thus issued shall form a stock, to be called the Consolidated Debt of New Orleans. At the time this Act goes into operation, an exact and detailed statement of the indebtedness of the old Corporation, and of each municipality, shall be filed in the office of the Comptroller, by the Secretary of the Board of Liquidators and the municipal Comptrollers respectively, when the Commissioners of the Consolidated Debt shall proceed to divide the debt of the old Corporation between the several municipalities, in proportion to the assessed value of real estate within the limits of each, according to the State assessment roll for 1851. The amount thus apportioned to each, together with its individual indebtedness at the time this Act goes into operation, shall constitute the seperate debt of each municipality, and shall be known as the debt of Municipality No. one, No. two and No. three. The Common Council shall annually, in the month of January, pass an ordinance to raise the sum of six hundred thousand dollars, by a special tax on real estate and slaves, to be called the Consolidated Loan Tax; and the rate per cent. of the tax in each municipality shall be in proportion to the indebtedness of each.

Apportionment of the debt of the old corporation.

Raising of a consolidated loan tax.

All ordinances, resolutions or other acts passed by the Council, after the first day of January in each year, shall be null and void unless the ordinance imposing the Consolidated Loan Tax shall have been previously passed. At the end of each and every year, any surplus of the Consolidated Loan Tax remaining in the Treasury, after the payment of all the interest and the expenses of the management of the debt, shall be applied to the purchase, from the lowest bidder of such bonds issued under this Act, as have the shortest period to run; and the Common Council shall have the right of rejecting all bids demanding more than the face of the bonds; for which purpose public notice shall be given by the Comptroller in the official gazette for thirty days inviting proposals from bond-holders for the sale to the city of the bonds herein described. From and after the passage of this Act, no obligation or evidence of debt of any description whatever, except those herein authorized, shall be issued by the city of New Orleans, or under its authority; nor shall any loan be contracted, unless the same be authorized by a vote of a majority of the qualified voters of the city, which shall be taken in the manner prescribed by the City Council, after ten days' proclamation by the Mayor, in the newspaper chosen by the Common Council; and no ordinance creating a debt or loan shall be valid, unless for some single object or work distinctly

Surplus of the Consolidated Loan Tax, how disposed of.

Restrictions imposed upon the Corporation of New Orleans, as to issuing bonds or other evidences of debt.

specified therein, and unless such ordinance shall provide ways and means for the punctual payment of running interest during the whole time for which the debt or loan shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed or debt incurred; and such ordinance shall not be repealed until principal and interest of the capital borrowed or debt incurred are fully paid and discharged.

1852—54—38

Division of the city into three Public School Districts.

SEC. 38. The city of New Orleans shall be divided into three Public School Districts, as follows: The First District to comprise all that portion of the city between the upper line thereof and Canal street; the Second District all that portion between Canal and Esplanade streets; and the Third District all the residue of the city.

Election of a Board of School Directors.

The Council shall annually elect by ballot a seperate Board of Directors of the public schools for each of the districts, to consist of as many members as the Council may determine, and to be chosen from the voters in the district for which they are elected. Seperate appropriations for the maintenance of the schools in each district, in proportion to the number of pupils in each, shall be made annually by the Council, and the appropriation shall be under the exclusive control of the Board of the District for which they are made; each Board shall also have the exclusive management of the Public Schools of its district, and shall elect one Superintendent and as many Principal and Assistant Teachers as it may deem proper.

Appropriation to be made for each district.

Election of Superintendents and Principal and Assistant Teachers.

Qualifications for School Directors.

No member of the Council nor officer of the Corporation shall be a School Director, nor have a seat in any of the School Boards.

Duties of the Board of Directors.

Each Board shall cause to be laid before the Council, at their first regular meeting in January, April, July and October, a report of the condition of the schools, with a detailed statement of the receipt and expenditures of money during the preceding quarter, and such other information as may be of public interest, which report shall be published in the proceedings of the Council.

1852—55—39

Provision relative to the setting aside of an Aldrman or Assistant Alderman's election.

SEC. 39. If, at any time, the election of one or more of the Aldermen, Assistant Aldermen, or other public officers of the city of New Orleans, shall be annulled or set aside for any cause whatever, the incumbent of the office shall nevertheless continue to fulfill its duties until a successor shall have been duly elected or appointed, and qualified as required by law.

1852—55—40

Writ of quo warranto.

SEC. 40. The right of any Mayor, Recorder, or other officer of the city of New Orleans, to fill the office held by him, may be tested at any time by any citizen, by a writ of quo warranto, which shall be tried as summarily as possible, both in the inferior and Appellate Courts.

1852—55—41

Exemption granted to New Orleans in certain judicial proceedings.

SEC. 41. In all judicial proceedings where, by existing laws, bond and security is required from litigants, the city of New Orleans shall be dispensed from furnishing bond or security.

SEC. 42. The Common Council of New Orleans shall have power to require bond and security from all persons holding any office of trust or emolument in the city administration, for such sum as they may deem proper, not exceeding ten thousand dollars.

1852—55—42

Bonds which the corporation of the city may require.

THE CITIES OF NEW ORLEANS AND LAFAYETTE CONSOLIDATED.

SEC. 43. The city of Lafayette is hereby incorporated with the city of New Orleans, and shall form part of the city of New Orleans, and as such shall be governed by all the laws relative to the city of New Orleans, and shall be entitled to all the rights, privileges and immunities enjoyed by the city of New Orleans under existing laws.

1852—55—1

Incorporation of the city of Lafayette with the city of New Orleans.

SEC. 44. The part now added to the city of New Orleans shall constitute the fourth district of said city, and be entitled to elect one Alderman; and the district shall be divided into two wards, viz:

1852—55—2

Lafayette to be the fourth district of New Orleans, with one Alderman, divided into two wards.

One ward, which shall be the Tenth Ward of New Orleans, shall extend from the upper line of the parish of Orleans to the middle of First street, and shall elect two Assistant Aldermen; and,

First ward.

Another ward, which shall comprise the remainder of the present city of Lafayette, shall be the Eleventh Ward of the city of New Orleans, and shall be entitled to one Assistant Alderman;

Second ward.

Provided, that the number of Aldermen and Assistant Aldermen aforesaid shall be liable to be changed at each apportionment made by the Common Council of New Orleans, of the representation of the several districts and wards of the city.

Number of Aldermen and Assistant Aldermen.

SEC. 45. The fourth district of New Orleans shall form a fourth Recorder's district and a fourth school district of the city, and a Recorder and School Directors shall be elected for the fourth district in the same manner as for the other districts of the city of New Orleans.

1852—56—3

Recorder and School Directors of the fourth district.

SEC. 46. The number of Aldermen of the city of New Orleans shall never be less than ten nor more than thirteen, and the number of Assistant Aldermen shall never be less than twenty, nor more than twenty-seven, and each ward shall have at least one Assistant Alderman.

1852—56—4

Limitation as to the number of Aldermen and Assistant Aldermen.

SEC. 47. The debt of the city of Lafayette shall be assumed a d paid by the city of New Orleans, and the said city of New Orleans is hereby declared liable therefor; and the amount of the debt shall be ascertained, and its payment provided for, and made in the same manner as the debt of each municipality of New Orleans is ascertained and provided for, and in raising annually the consolidated loan tax for the payment of the debt of New Orleans, an additional sum of fifty thousand dollars shall be raised for the purpose of providing for the debt of the city of Lafayette, now added to that of New Orleans, so that the whole amount of the annual levy of taxes for the payment of the debt of New Orleans, shall be six hundred and fifty thousand dollars.

1852—56—5

Debt of Lafayette assumed by New Orleans.

Payment of said debt, how provided for.

1852—56—6

Rights, titles and interests of Lafayette vested in New Orleans.

SEC. 48. All the rights, title and interest of the city of Lafayette in and to the lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, landing places, and other property of any description whatever, and in and to all goods, chattels, moneys, credits, and all other movable or immovable property whatever, are hereby vested in the city of New Orleans, subject, however, to the same uses, trusts pledges, limitations, charities and conditions as now exist in relation to said property.

1852—56—7

Time fixed for the first election of municipal officers.

SEC. 49. The first elections for Aldermen and other municipal officers, held under the provisions of this Act, shall take place on the fourth Monday of March next (1852), and the officers elected shall enter upon the duties of their office on the second Monday of April next (1852), so that at the first organization of the municipal government of the city of New Orleans, as consolidated by the laws passed at the present session of the Legislature, the city of Lafayette shall be entitled to share in the same manner and to the same extent as if the city of Lafayette had been included in the Act to which this Act is a supplement.

1853—154

Laws relative to New Orleans extended throughout its present limits.

SEC. 50. All laws now in force relative to the incorporation of the city of New Orleans, and to the duties of all officers, both State and municipal, shall be in force and effect throughout the whole limits of said city, as fixed by the Constitution, as if the same had been passed to operate within the said city as now constituted.

POWERS, DUTIES, &C., OF THE COMMON COUNCIL.

1850—161—19
1816—94—1

Powers of the Common Council.

SEC. 51. The Mayor and Common Council shall have full power and authority to make and pass such by-laws and ordinances as are necessary and proper, and are not contrary to the Constitution and laws of the United States, or this State:

To regulate the police of the city.

1. To regulate the police and preserve the peace and good order of the city; to establish and prescribe rules for a city guard and patrols, and in case of interior disturbance, to establish patrols and square guards, consisting of all white male persons capable of bearing arms, between the ages of eighteen and fifty; to provide for and maintain the cleanliness and salubrity of said city.

To make improvements.

2. To regulate and make improvements to the streets, public squares, wharves, and other public property, and to provide for the lighting and watering of the same; to order and direct the ditching, filling, opening, widening and continuing any of the streets; and if, for such purpose, the land of any private person or body corporate is necessary to be had, the said Common Council shall have the power of purchasing the same at a reasonable price, or of causing the same to be expropriated according to the manner and formalities prescribed by existing laws upon the subject; to regulate the proportion and di-

rection, and to make and repair all common sewers, drains, canals, public roads, levees, dykes, causeways and bridges, notwithstanding any superintendence which might be set up by any corporation or individual over such work; to erect, consolidate and enlarge, at their own expense, such levees as they may deem expedient for the protection of the city of New Orleans, or any part thereof, against crevasses and overflows; and for such purposes they are vested with full powers, and are further authorized, in case of emergency, to cut all streets and public squares within their limits, that may be necessary to effect the object herein contemplated, and to intersect the same by means of canals, levees, or other works, and as long as they may deem it expedient and necessary; to determine the completion and dimensions, the maintenance and repair of the side pavements of the streets at the cost of the proprietors of the houses, lands, and neighboring lots; to fix the squaring, and prevent any encroachments upon or stopping and obstructing the streets, public squares, sidewalks, levees, public roads, or any part of the port of New Orleans, and to order any object, whatever may be its value, which may encumber the said places, or prevent and embarrass the free use of the same, to be removed or sold for whom it may concern, in the manner and after such advertisements as shall be required by such regulations.

1850—98—1

To make and regulate levees and other works to protect the city from overflow.

To regulate and repair streets and pavements.

3. To clear the banks of the river and other navigable streams within the limits of the city; to reopen such ancient natural drains as have been obstructed by the owners of the adjacent lands, or to fill up any water course which is not navigable, for the purpose of carrying the public highways over the same: provided, that no injury be occasioned thereby to the neighboring inhabitants.

To remove obstructions from banks of rivers, water courses, &c.

4. To fix a uniform rate of wharfage to be paid by ships, steamboats, and other crafts mooring in front of the city; to fix the place of landing and anchoring for ships, steamboats, and other water crafts, in the port of New Orleans, leaving to the harbor-master the care of attending to the execution of the regulations made on that subject, and to regulate the police and maintain the public peace on board of ships, steamboats, and other vessels moored or anchored on the Mississippi within the limits of New Orleans.

1836—36—20

To regulate and fix the place of landing of vessels, &c.

5. To determine the places where meat, fish, oysters, and other provisions, which are liable to spoil and infect the air, shall be exclusively sold, and to fix the mode of inspecting all provisions sold publicly, either in the markets or other public places.

To fix places where meat, fish, &c., shall be sold.

6. To provide the means and make regulations for preventing and extinguishing conflagrations; to make such regulations for building of party and fire walls as they may deem necessary, and to regulate the service of persons employed in working fire engines.

To make regulations to prevent and extinguish fires.

To regulate the keeping of gundowder.

7. To prevent gunpowder from being stored within the city and suburbs, in such quantities as to endanger the public safety, and to establish a powder magazine and regulate the same; and to exact such prices for keeping the said powder, not exceeding fifty cents per month, for every hundred pounds, as they may deem just and reasonable.

To prevent the erection of wooden buildings.

8. To determine in what part of the city wooden buildings shall not be allowed to be erected, and to prevent any person from reconstructing in wood, old and decayed wooden houses, under pretence of repairing the same, in those parts of the city where it is lawful to build only with brick and stone: provided, that the owners of wooden buildings already existing, shall have the right of covering anew the said buildings with materials of the same kind.

To make regulations about animals running at large.

9. To determine what animals shall not be suffered to rove, and in what cases they may be killed or conducted to such places as they may designate, and sold for the benefit of whom it may concern, in the manner and after the delays prescribed by said regulations.

To regulate the police of slaves.

10. To regulate the police of slaves; the pursuit and apprehension of fugitive slaves, to determine where, and in what manner such as are introduced into the city for sale, shall be lodged, kept and exposed for sale.

To regulate the police of theatres, balls, liquor shops, &c.

11. To regulate the police of theatres, public balls, taverns, places for shows and exhibitions, houses of public entertainment, and shops for retailing liquors, and to order the same to be closed whenever the preservation of order and the public safety and tranquility shall require it, and to impose such duties and regulations upon persons keeping such places, as they may deem necessary and proper.

To regulate carts, omnibusses and all other vehicles.

12. To make regulations for the proper government of carts, drays, carriages, omnibusses, and other vehicles of every description, which run in the streets, or anywhere within the limits of the city, and to determine through what streets the same shall pass; to require that the owners of said vehicles shall take a license, and to fix the salaries or fees of all drays, carriages, carts, and other vehicles kept for hire: provided, that such power shall not extend to carts, carriages, or other vehicles which are only transiently within the limits of the city, or to the drivers thereof.

To regulate carts hauling fire-wood.

13. To determine the dimensions of carts employed in carrying fire-wood within the city and incorporated suburbs; to fix the places where fire-wood may be deposited, and where, and in what quantities the same may be kept, and sold within the limits of the city.

To establish ferries and market places.

14. To establish ferries and market places, and to farm out the same.

To regulate and fix the height of enclosures.

15. To regulate the form and height of enclosures wherever they may think proper, and to require the proprietors of any ground to enclose the same.

16. To impose fines upon any person who shall maliciously or voluntarily break, or take off from the door or other part of the house within the city of New Orleans, any brass or other knocker, bell hand, knob, or other fixture; or maliciously and valuntarily break, take down, destroy or deface any sign put up by the owner or tenant, to denote his place of abode, occupation, business or employment.

To impose fines for taking off knockers, knobs, or defacing signs.

17. To cause visits to be made by the police officers, at all inns, boarding-houses, taverns, vessels, ships or other crafts, to ascertain if there be in such places any poor or sick persons, that they may be conveyed, if necersary, to the Charity Hospital, or to such other place as the Mayor or Common Council may establish for their reception.

To inspect ships, taverns, &c., to see if there are sick who need assistance.

18. To establish a quarantine in such places as they may designate, and to appoint health officers and other officers necessary to said establishment; but neither the Common Council nor any Board of Health established by them, shall have power to detain vessels entering the port of New Orleans, or the passengers on board of the same, unless said vessel should have on board one or more persons actually affected with some disease which the resident physician may deem infectious or contagious, unless such vessel should be in an unfit state, in his opinion, in consequence of damaged cargo or otherwise, to enter the said port.

To establish a quarantine.

19. To establish free public schools, appoint officers and teachers to conduct, and enact ordinances for their organization, government and discipline.

To establish free schools.

20. To establish jails, houses of refuge and correction, asylums and hospitals, and to make such regulations for their government and administration, as they may deem necessary and proper. The houses of refuge may be within or without the limits of the city.

To establish and regulate jails, &c.

21. To appoint subordinate officers and clerks, and to exact from them and all other persons, to whom they may give contracts and undertakings, such bonds and security for the faithful performance of their duties and obligations, as they may deem proper and necessary and to require such evidence of the solvency and sufficiency of said securities as they may deem prudent and safe.

1850—95—1

To appoint subordinate officers and clerks.

22. To impose and collect fines for the benefit of the city Treasury against all persons trangressing their ordinances and regulations, and to imprison said transgressors in case of non-payment of said fines.

To impose fines for violating ordinances.

23. To place all children committed to their care as juvenile delinquents and juvenile vagrants, at such employments, and cause them to be instructed in such branches of useful knowledge as may be suited to their years and capacities; and they shall have power, in their discretion, to bind out the said children as apprentices, to such persons, and at such places, to learn such trades or employments as,

1850—96—4

To provide for education and employment of juvenile vagrants and delinquents.

in their judgment, will be most conducive to their reformation and amendment, and will tend to the future benefit, and advantage of such children; provided, that the charge and power shall only extend, in the case of females, to the age of eighteen, and males, to the age of twenty-one years.

1850—96—4

1820—22—1

Mayor and Recorder to act as Justices of the Peace in certain cases.

SEC. 52. It shall be lawful for the Mayor and Recorders to try, as Justices of the Peace, all offences that may be committed against the ordinances and regulations enacted by the Common Council; and also in cases where the fines are established by a law of the general Assembly, enacted on police matters of a general particular nature, such as the statutes on the weights and measures, &c., throughout the city of New Orleans, even should the corporation of New Orleans be interested for the whole amount, or part of the fines attached to said offences.

1850—180—10

Restrictions on the powers of the Common Council.

SEC. 53. It shall not be lawful for the Common Council to grant commissions for collections at a rate exceeding two and a half per cent; to appropriate a sum exceeding three thousand dollars for the salary of any one office; to allow any extra compensation or bonus to any person or persons employed by them over and above their regular salary; to increase or diminish said salary during the year for which the same has been appropriated; to make any appointment to office unless by a viva voce vote, or to re-appoint any persons to office before they shall have obtaind a discharge for the amount of all public moneys with which they may have been entrusted.

1850—181—11

No committee to appoint to office.

SEC. 54. No committeee of the Common Council shall ever be vested with power to appoint to office; and no officer shall be removed from office unless by a resolution of the Common Council.

1850—181—14

Sealed documents to be opened in open Council.

SEC. 55. All sealed documents sent in to the Common Council shall be opened by the Secretary thereof in open Council; and any Secretary allowing any committee or any Alderman or Assistant Alderman to open any sealed document, petition, or offer of contractors, shall for such misdemeanor be immediately dismissed from office.

1816—94—2

Fines and imprisonment limited.

SEC. 56. The fines imposed by the regulations and by-laws of the corporation of New Orleans, shall not exceed the sum of one hundred dollars. No person who may be imprisoned on account of his not being able to pay such fines, shall be detained more than one month.

1884—189—7

Arrest of suspicious persons and disturbers of the peace.

SEC. 57. All persons belonging to the city Guard are empowered, without any express writ or warrant, either from the Mayor or any other magistrate of the city, to arrest any individual, whether a free person or not, who shall be caught in the act of committing any crime or misdemeanor, or of disturbing the public peace, whether by night or in the day time, and likewise any suspicious person who shall be found in the streets of the city or its faubourgs in

the night time and at unseasonable hours, and to conduct such persons to the guard-house attached to eitheir of the corps of the city guard, whether the guard be on patrol or not, or whether there be several of them together, or a single one; and if the persons composing the city guard meet any resistance in making such arrests, they may call on the bystanders, or any other person whose assistance they may require to aid them in overcoming the same; and any person offering resistance or violence to them while in the discharge of their said powers, shall be prosecuted and punished in the same manner as persons resisting the execution of writs or orders with which the officers of courts of justice are entrusted, as prescribed by the penal laws of the State.

Penalty for resisting the city guard.

Sec. 58. Whenever any one shall be arrested by persons belonging to the city guard, the individual so arrested shall be confined in the guard-room attached to each corps de garde where they may have been conducted until they can be brought before the Mayor or any other magistrate in the city, which shall be done by the officer commanding the corps de garde, as soon as the office of Mayor or other magistrate, shall be opened; or at farthest, within ten hours after the arrest, unless the same shall have been made in the night time.

1834—140—8

Persons arrested, how disposed of.

The city guard are not authorized to use either side or fire arms in making arrests, except it be in self-defence.

1834—141—10

City guard not to use arms in arrests.

Sec. 59. Taxation within the city of New Orleans, shall be equal and uniform. Property on which taxes may be levied, shall be taxed in proportion to its value. No one species of property shall be taxed higher than another species of property of equal value, upon which taxes shall be levied.

1847—140—1

Taxation to be equal and uniform.

Sec. 60. The Mayor and Common Council shall have the power to raise by taxation, in such a manner as to them may seem proper, upon all movables and immovables within the said city, such sums of money as may necessary for the lighting, cleaning, paving and watering of said city; for supporting the city watch, the front levee or any other which may become necessary for its protection, for the maintenance of the public schools, hospitals, asylums, work-houses, and other public works, and for such other purposes as the police and good government of the city may require.

1850—165—28

Taxation.

All property held by the Commercial Bank of New Orleans, for the purpose of transacting their business and supplying the city of New Orleans with water, be, and shall be exempt from any taxation by the city of New Orleans, provided that all charitable institutions in the said city be supplied with water free of charge.

1852—158—1

The Water Works exempt from taxation by the city.

Sec. 61. The Common Council shall have power to fix and collect:

1850—165—24

Articles to be taxed.

1. A uniform rate of wharfage to be paid by ships, steamboats and other water crafts mooring or landing in front of the city: pro-

Ships, steamboats, &c.

vided, that the said rate of wharfage shall be a fixed sum for each and every entire day that the said ships, steamboats, and other water crafts remain in the said port.

Drays, hacks, &c.

2. A uniform rate of taxes on drays, carriages, hacks, gigs, stages, carts, wagons, timber-wheels and other vehicles of whatever description or denomination they may be, which run in the streets of New Orleans and are kept for hire within the limits of the same.

Private carriages, &c.

3. A uniform rate of taxes on all carriages, gigs, and other vehicles of whatever description which are not kept for hire.

Billard tables.

4. A uniform rate of taxes upon all billiard tables.

Butchers and bakers.

5. A uniform rate of prices for all licenses to butchers and bakers.

Pedlers, boarding-houses, theatres, &c.

6. A uniform rate of prices for licenses to pedlers, hawkers, brokers, merchants, traders, wholesale and retail dealers, hotels, boarding houses, theatres, theatrical and other like performances, grog shops, bar-rooms, cabarets, taverns, public ball rooms, and other public places of amusement, and all other callings, professions and business.

1850—129—1 & 2

Rural and urban parts of the three municipalities of New Orleans.

SEC. 62. The Common Council shall every year, before imposing any tax, fix and determine by ordinance a division line between the rural and urban parts of the city, in conformity with the following provisions.

1850—129—3

Urban parts defined.

SEC. 63. By urban is meant that portion of territory within the general limits, which is not only divided in streets, but in which the public works, and certain other acts of municipal government exclusively concerning that portion, are executed at public expense.

1850—129—3

Rural parts defined.

By rural part is meant all that territory, divided or not divided in streets, cultivated or waste, which is not embraced within the above described limits.

1850—130—4

Manner of proceeding against proprietors in rural parts.

SEC. 64. When the neglect of any proprietor in the rural parts shall make it necessary for the city to execute therein, such public works as are to be made by and at the cost of said proprietor by virtue of any laws or ordinances, then and in that case, the city shall have the right to recover, before any competent tribunal, in addition to the expenses thereby incurred, twenty-five per cent on the amount of said expenses, with preference and privilege upon the property.

1850—130—5

Certain exemption granted to the rural parts.

SEC. 65. The rural parts shall not be made to contribute by taxation to the payment of expenditures incurred for the exclusive benefit of the urban parts.

1850—130—6

Duty of Council before deciding on the amount of taxes to be assessed.

SEC. 66 The Common Council, before they shall fix and decide on the amount of taxes to be assessed for the urban and rural parts of the city, shall cause to be made out a budget or estimate exhibiting the various items of expediture, including also the necessary amount for contingent expenses, required to be incurred during the current year for the urban part, and another budget or estimate exhibiting the

various items of expenditure, including also the necessary amount for contingent expenses, to be incurred during the current year for the rural part; these budgets or estimates shall be published in French and English in the official paper during at least thirty days before the meeting, when the Council shall fix and decide on the amount of taxes to be assessed and such rate of taxation shall then be fixed and assessed respectively for the urban and rural parts, as may be necessary to supply any deficiency in the treasury for meeting the amount of said estimates.

1850—189—7

Preliminary proceedings before imposing any additional tax.

SEC. 67. Whenever from some extraordinary cause, an additional tax may become necessary in the course of the current year, such additional tax shall not be lawful unless first sanctioned by a majority of the legal voters voting on such tax, within their respective wards, after ten days notice by the Council; and such vote shall be taken in the same manner, during the same hours, and under the superintendence of Inspectors and Clerks, as in the case of an election of Mayor and Aldermen.

1850—190—8

Authority to impose certain special taxes.

SEC. 68. The Common Council shall have the right of laying special taxes for local improvements, where the owners of property thereby benefited are liable to be specially taxed conformably with existing laws, for the whole or a portion of the expense incurred.

And whenever it shall be deemed necessary to make a new paving on any street or foot-way already paved, the owners of property fronting said street or foot-way shall also be liable to be specially taxed, in the proportions established by law, provided a fair and adequate allowance be first made in their favor, for the value of the materials of the old paving.

1850—193—1

Charitable institutions exempted from taxation.

SEC. 69. The property of the Female Orphan Asylum, of the Poydras Asylum, of the New Orleans Catholic Association for the Relief of Male Orphans, of the Mylne Asylum, and the property of all other charitable institutions are exempt from any taxation by the city of New Orleans.

1852—20—1

SEC. 70. The Common Council shall not have the right to levy taxes on capital.

1843—55—1

Restriction.

They shall not have power to enact, or to enforce or execute, any law, ordinance, or regulation whereby any tax, duty, impost or charge of any nature whatsoever shall be imposed upon goods, product, wares and merchandize, of watsoever kind or nature, landed in, or shipped from the corporate limits of said city.

1843—55—2

Nothing in this section shall be so construed as to interfere with any inspection or health laws which the city of New Orleans may by law be authorized to enact.

OPENING OF STREETS, AND PUBLIC PLACES, PAVING, &c.

1847—162—1

Laws to regulate the opening, laying out and improving streets and public places within the municipalities of New Orleans, extended to such parts of said municipalities as are not within the taxable limits.

SEC. 71. The powers vested in the city of New Orleans to regulate the opening, laying out and improving streets and public places, are hereby declared to extend to every part and portion of the city, whether the same be with in the municipal taxable limits or not; and all property which may be benefited by such improvements, made in conformity with existing laws, whether any ground be taken or not, shall be liable to be assessed for the proportion of benefit derived from such improvements, and the owners thereof shall be bound to pay in proportion to the benefit, when ascertained and finally determined. Which amount shall constitute a lien on the property.

1832—132—1

Mayor and Common Council empowered to open and otherwise improve streets.

SEC. 72. Whenever such portion of the owners of property in the neighborhood where any improvement of any street, square or public place is desired, as to the Mayor and Common Council may appear sufficient, shall petition the Mayor and Council to cause to be opened, straightened or improved any street, square or public place, and the Mayor and Council shall deem such improvement to be necessary or highly useful; and also, whenever it shall, in the opinion of the Council, be necessary or desirable for the public convenience or health, to lay out, form and open any street or public place in any part of the city, or to extend, enlarge, straighten or otherwise improve any such street or place, it shall be lawful for the Mayor and Council to cause the same to be opened, widened or improved; and the lands, lots, and the buildings and improvements that may be necessary for that purpose, whether belonging to individuals or corporations, to be taken, removed, and applied to the purpose aforesaid, and compensation to be made to the parties and persons, if any such there be, to whom the loss and damage occasioned thereby shall be deemed to exceed the benefit and advantage thereof, for the excess of the damage above the benefit, to be ascertained in the manner provided by law.

1832—132—2

Public notice to be given before the Mayor and Council proceed to open and improve any street.

SEC. 73. No resolution or ordinance shall pass the Common Council, with a view to open, straighten or improve any street, square or public place, or to petition any court to obtain the appointment of commissioners hereinafter mentioned to be appointed, until the Council shall have caused a notice of the nature of the application or proposition for the purposed improvements, with a particular description of the same, to be published in French and English, in two newspapers printed in the city of New Orleans; the first publication of which notice shall not be less than ten nor more than thirty days before the time at which the Council shall proceed to act on the application or proposition; and no application or resolution for said improvement shall be acted on oftener than once in one year.

1832—132—3

Application to be made to District Court.

SEC. 74. Whenever any land or premises shall be required for the purpose aforesaid, the Mayor and Common Council shall cause application to be made to a District Court of the First Judicial Dis-

trict; which court shall on application, appoint three discreet and disinterested persons, competent to serve as jurors in the court, commissioners of estimate and assessment; and the persons thus appointed, before they enter upon the performance of their duties shall severally take and subscribe an oath, "faithfully, impartially, and according to the best of their skill and judgment, to perform the trust and duties required of them," which oath shall accompany and be filed with the assessment hereinafter mentioned.

Commissioners appointed.

It shall be the duty of the commissioners, after having viewed the lands and premises required for the purpose above set forth, and the lots, lands and property adjacent thereto; and after causing to be made such surveys and plans as they may judge necessary for their use, to make a just and equitable estimate and assessment of the loss and damage, and of the benefit and advantage to the respective owners, lessees, parties, and persons respectively interested in the lands and premises so required, and also of the benefit and advantage of such improvement to all the lots and premises adjacent to and fronting that part of the street so opened, straightened or improved, and which said commissioners may deem benefited thereby, according to the respective estates and interest of the parties in said property. The difference between the damage and benefit shall be the compensation to which the persons whose property has been so taken shall be entitled.

Estimate of damage and benefit to be made.

The amount so estimated and assessed as the benefit and advantage on the lots and premises adjacent to the improvement, shall be the amount to be paid by the owners and persons interested in the adjacent lots and premises.

In their assessment the commissioners shall set forth the names of the respective owners, lessees, parties and persons, entitled to and interested in the lots and premises, and also the occupant thereof as far as the same shall be ascertained by them; and also a correct and sufficient designation and description of the respective lots and parcels of land and premises that may be required for the purpose aforesaid; and also of the respective lots or parcels of land deemed to be benefited by the improvement, and assessed to pay for the same, and the sums assessed for damage or compensation, and for benefit and advantage respectively. In every case where the owners or parties interested, or their respective estates and interest, are unknown, or not fully known to the commissioners, it shall be sufficient for them to estimate and assess, in general terms, the respective sums to be allowed or paid by the owners or proprietors generally of the lots and premises.

The commissioners shall deposit a copy of the estimate or assessment, with the clerk of the court by which they were appointed, for the inspection of whomsoever it may concern, and shall give twenty

Notice of assessment to be given.

days notice by advertisement, to be published three times within the first fifteen days in at least two of the public newspapers, printed in the city of New Orleans in the French and English languages, of the day on which the reports of the estimate and assessment will be presented to the court for confirmation. Any person whose rights or interests may be effected thereby, may state specially his objections to the same, in writing, within ten days after the last publication of the notice, and the commissioners may thereupon reconsider their estimate and assessment, or the parts thereof objected to, and alter the same at any time between the expiration of the ten days after the last publication, and the day fixed for making the report thereof. The estimate or assessment so finally agreed upon by the commissioners shall be signed by them, or any two of them, and reported to the court for confirmation. Within ten days, and no more, after the day fixed for filing the report of said assessment, any person whose rights are affected thereby, may file his objections or opposition, in writing, to said assessment, and the court shall by rule or order, after hearing any matter which may have been specially objected thereto, either confirm the report, or refer the same to the same commissioners for renewal and correction; or to new commissioners, to be appointed by the court, to reconsider the subject matter thereof.

Assessment to be reported to the District Court.

Opposition to be made in writing.

The commissioners to whom the said report shall be so referred, shall return the report with their approval as corrected and revised, or a new report to be made by them in the premises, to the court, within a delay to be fixed by the court, which may, on application, be extended. After the report is so returned, persons whose rights are thereby effected may, in like manner, file their objections to the same, within ten days after such return; and the report, when so returned, shall be confirmed, or again referred by the court, in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the matter, which the court shall confirm. The report, when so confirmed, shall be final and conclusive, as well upon the Mayor and Council, as upon all persons and parties interested in the lots, lands, and premises mentioned in the report, and on all other persons; the investigation of such report before the court, shall be considered as a summary proceeding.

Confirmation of report.

Proceedings in court to be summary.

1882—186—4

Mayor and Council and individuals may make an agreement in regard to damages and benefits.

SEC 75. It shall be lawful for the Mayor and Common Council, at any time before or after the appointment of commissioners, to agree with the owners and persons interested in the lots and premises, for the cession of so much thereof as may be required for the purposes aforesaid; for the compensation; also for the sum to be allowed and paid for the benefit and advantage to be derived from the improvement; in case of any such agreement with part only of the owners and parties interested in said lands, the same shall be valid and binding upon the parties interested; and the commissioners shall proceed with

their estimate and assessment, and report as to the residue of said lands required for the improvement, and to be benefited thereby, concerning which no agreement shall have been made; the report, when confirmed, shall be of like force and effect in regard to the matter comprised therein, as if no such agreement for part of the lands required as aforesaid had been made.

1832—186—6

Rules by which Assessors are to be governed.

SEC. 76. In all cases where only part of the lot, land or property of any person shall be taken for the purpose aforesaid, and whether the property be considered to suffer damage or to derive benefit from such intended improvement, and where such property shall not exceed four acres of superficial extent, the commissioners shall estimate separately: 1st, the whole lot of ground, buildings and improvements thereon; secondly, the damage which such property will suffer, and the benefit which it will receive by reason of such improvement; and the owner is at liberty to take and receive the whole value at which such lot of ground and improvements thereon is estimated and appraised, by filing a written declaration to that effect, made before the Clerk of the court where such assessment is deposited, or made by authentic act and filed with the court within ten days after the first notice of publication that the assessment is deposited with the Clerk, in which case, the whole of said lot of ground and improvements shall become the property of the corporation, who shall then be considered as in place of the owner, and be entitled to the damages, or be charged with the assessment for benefit. But if no such election be made within the time aforesaid, it shall be considered that such owner agrees to retain the part of his property not required for the purpose of the improvement and to receive the damage.

Owner may abandon the property to the city at the assessed value.

1832—186—6

In what manner payments are to be made to persons whose property shall have been taken.

SEC. 77. The Mayor and Council shall, within two calendar months after the confirmation of the report, pay to the respective persons mentioned in the report, in whose favor any sum of money shall be estimated and reported, the respective sums reported in their favor; and in case of neglect or default, such person, after application made to the Mayor and Council for payment thereof, may sue for and recover the same with six per cent. interest; and whenever the owners and proprietors of any such lands and premises, so taken as aforesaid, in whose favor such sum shall be reported for compensation, shall be under age, non compus-mentis, feme covert, or absent from the city of New Orleans, and also in all cases where the name of the owner or person interested in the lands, and entitled to compensation as aforesaid, shall not be set forth or mentioned in the report, or where the owners, parties or persons respectively, being named therein, cannot, upon enquiry, be found, the sums of money shall remain funded in the hands of the corporation, bearing an interest at six per cent. until the same is claimed by the persons having a right thereto.

1832—186—7

How payments to be made by those who are benefited by opening streets, &c.

SEC. 78. In their estimate and assessment, the commissioners shall charge and assess all sums of money which the Mayor and Common Council shall pay and expend for the cessions by agreement, or on account of estimates of compensation; the charges and expenses of the estimate, assessment and report, and all other expenses, disbursements and charges which may take place, or which may probably be incurred by reason of making the improvements; and the sum of money so estimated and assessed as the probable cost and expense of making such improvement, shall be borne, reimbursed and paid, together with six per cent. interest thereon from thirty days after the day of confirmation of the report, to the Mayor and Council of the city, by the parties entitled as owners or otherwise to the lands and premises deemed by the commissioners to be benefited thereby; the sums so assessed shall be a lien on the lands and premises, into whose soever hands they may pass, as a mortgage; provided that the same shall be duly recorded in the office of the Recorder of Mortgages.

Damages to be paid in thirty days after confirmation of the report.

To operate as a privilege when recorded, and fees of Recorder.

The Recorder shall not be entitled to demand more than fifty cents for recording each of such mortgages, and the like sum for raising and annulling the same.

The owners of the property shall also be liable in a personal action for the same. In default of payment, or if the owners of the lots and premises so assessed, be not known or cannot be found, the corporation may by resolution, direct orders of seizure and sale to be sued out of the court by which the assessment was confirmed against the property so assessed as aforesaid; and the court shall, on a proper petition being presented for that purpose, order such orders of seizure and sale to issue; and the property so assessed and ordered to be seized shall be sold according to law, rendering the overplus, if any there be, after deducting all costs and charges, to the person entitled to the same; and if such persons are unknown, or do not reside in the city of New Orleans, or its limits aforesaid, such surplus shall remain in the hands of the corporation, and may be demanded by the persons entitled thereto.

1832—188—8

Assessments how made, where damage or benefit may result to the city.

SEC. 79. If the commissioners shall deem the improvement so to be made, not only a local improvement, but also tending to the salubrity, beauty, benefit or improvement of the whole city, it shall be their duty to assess such part of the assessment for the improvement, to the Mayor and Council, as they shall deem just and equitable; and when any lands of the city, or wherein they may be interested, shall be required for any of the purposes aforesaid, or shall be benefited by any such improvements as hereinbefore mentioned, the commissioners shall assess the damage and benefits, in like manner as if the lands had been the property of individuals, or other corporations, and the Mayor and Council shall be charged, or shall receive, as the case may be.

1832—138—9

How commissioners are to act in case of any vacancy among them.

SEC. 80. In case of the death, resignation or refusal to act of any such commissioner, it shall be the duty of the court, on the application of the Mayor and Council, to appoint another; and any two surviving or acting commissioners shall have full power to proceed in the execution of the duties of their appointment, until a successor be appointed; and in every case it shall be competent for any two of the commissioners to proceed and execute the trusts and duties of their appointment; and the acts, decisions and proceedings of the major part of the commissioners shall be as valid and binding as if all had concurred and joined therein; each of the commissioners shall be entitled to receive the sum of not more than five dollars for each day they shall be respectively employed in the duties of their appointment, over and above clerk hire and other actual expenses; provided that in no case shall the compensation to be granted to the three commissioners exceed four hundred and fifty dollars, the same to be paid by the city on a detailed account of expenses, certified by at least two of the commissioners, to be included as part of the expenses of the improvement.

1828—102—1

Taxes due by non-residents, how sued for.

SEC. 81. Whenever any sum of money shall be due to the city of New Orleans by non-resident persons, who have no agent in the city, for city taxes or expenses to which the owners are subject for repairs of their levees, roads, bridges, enclosures, banquets, paving and others of the same nature, it shall be lawful for the Treasurer, after having made proof of the debt before any competent tribunal, contradictorily with a person appointed by the court to defend the owner, to cause the city lots, or other lands subject to the said taxes and other expenses, to be seized and sold in the manner hereafter prescribed, without being bound to discuss the other property which the owner may have in the parish of New Orleans, or elsewhere; provided that the order of seizure and sale may be issued for any sum even under one hundred dollars.

1828—104—2

Advertisements and other formalities.

SEC. 82. The sale of the town lots and other lands thus seized, shall not be made until the sale shall have been advertised during three months in two of the newspapers printed in New Orleans, both in the English and French languages, that is, three times in each of the said months, and also on complying with the other formalities prescribed by law for the sale of real property seized.

1840—51—7

Provision in the case of failure to pay paving bills.

Special privilege reserved for paving and taxes.

SEC. 83. Whenever the owner of any property, in front of which paving shall be done by order of the Council, shall fail to pay the third part of the cost of the paving as he is bound to do, the city shall have a special privilege on the property for the reimbursement of one-third part of the sums expended on such paving, which shall entitle it to be paid in preference even to a previous mortgage thereon. A special privilege shall also exist on said property for securing the payment of taxes assessed on the property and due to the city. Pro-

vided, however, that the privilege which secures the reimbursement as aforesaid for paving shall only exist when an account of the paving, certified by the Treasurer and Comptroller, shall be duly recorded in the office of Recorder of Mortgages of this city, and provided the privilege shall exist for two years only after the tax has become due.

1844—105—1
Prescription.

1844—106—3
Duty of Recorder of Mortgages.

SEC 84. The Recorder of Mortgages shall be the only officer authorized to make the inscription of the accounts for paving, and it shall be his duty to mention in all certificates from his office, the privilege resulting therefrom in favor of the city.

PORT.

1834—106
1821—36—1
Limits of the port defined.

SEC. 85. The port of New Orleans shall extend from the lower line of the parish of Jefferson three miles down the river Mississippi, on the left side of said river, from the centre of the square of the city, including the whole width of the river between these points.

1821—36—2
Justices of the Peace and police officers to have jurisdiction over the port.

SEC. 86. Jurisdiction is hereby given to the Justices of the Peace and the officers of the police of the city within the port of New Orleans, in every respect equal in extent to that which they enjoy by law within the city of New Orleans.

1850—131—13
Wharfinger, how elected.

SEC. 87. A Wharfinger shall be elected every two years in each district by the qualified voters thereof, at the same time and in the same manner that the Recorder of said district is regularly elected. In case of a vacancy arising from any cause whatever, a special election shall be held in the same manner as in a case of vacancy for the office of Recorder. No person shall be eligible unless he shall have obtained a discharge for the amount of all public moneys with which he may have been entrusted. His duties and compensation shall be fixed and regulated by the Common Council.

DRAINING OF SWAMP LANDS.

1854—158—1 & 2
Draining swamp lands.

SEC. 88. For the purpose of enabling the city of New Orleans to reclaim and drain the swamp and overflowed lands within the corporate limits of the said city and its vicinity, and to contract a loan not to exceed in amount the sum of five hundred thousand dollars, and for that purpose emit bonds of one thousand dollars each, bearing six per cent. interest, and having not more than forty years to run;—It is hereby enacted:

Swamp lands, how divided.

That the swamp and overflowed lands within the limits above specified, shall be divided into four sections, as follows:

Sec. 1.

1st. All that portion between the canal of the New Orleans Canal and Banking Company, and the Bayou St. John, shall constitute section number one.

Sec 2.

2d. All that portion between the canal of the New Orleans Canal and Banking Company, and a line from the river to Lake Pontchartrain, not further above the city than Harlem Avenue, in the parish of Jefferson, shall constitute section number two.

3d. All that portion between the Bayou St. John and the Pontchartrain Railroad Company, shall constitute section number three. Sec. 3.

4th. And all that portion between the Pontchartrain Railroad and the lower corporate limits, shall constitute section number four. Sec. 4.

SEC. 89. It shall be the duty of said city of New Orleans to drain and reclaim sections number one and two before proceeding to drain or reclaim any of the other sections; next to drain and reclaim section number three, and lastly section number four; provided that nothing herein shall be so construed as to interfere in any manner with the rights of the present New Orleans Draining Company to drain and reclaim that portion of the lands in the rear of New Orleans, and lying between the Bayou St. John and the canal of the New Orleans Canal and Banking Company. 1854—158—3 Secs. 1 and 2 to be drained first.

SEC. 90. In order to defray the expenses of draining and reclaiming said swamp and overflowed lands, and to provide a fund for the interest as it shall accrue, and the principal at maturity of any bonds which the said city may emit under the provisions of this act, it shall be lawful for the said city to cause to be levied from time to time a sufficient special tax, to be known as the drainage tax, to be assessed upon all the swamp or overflowed lands to be reclaimed. And in the assessment of said tax, regard shall be had as far as possible to the relative benefit to be derived by each particular tract or parcel of land by the drainage of the section within which it lies, so that each tract or parcel shall be made to contribute as near as may be in proportion to the benefit to be derived; and the said tax shall be assessed and collected in the same manner as other taxes on real estate imposed by the Common Council of said city. 1854—158—4 Drainage tax how levied.

SEC. 91. For all lands taken for the works of the city, such as canals, drains, basins, roads, streets, engine stations, quarters, and other necessary works, the said city shall be bound to pay the value thereof to the owners, to be ascertained by appraisement, agreeably to the requirements of the law for the expropriation of lands for railroads and other works of public utility. 1854—159—5 The city to pay for lands taken for public use.

(See CORPORATIONS, *Sec.* 17 *et seq.*)

BOARD OF HEALTH.

SEC. 92. The Board of Health shall consist of sixteen members, (including the Mayor of the city of New Orleans,) to be elected by the Common Council, not more than half of whom shall be practising physicians. The Mayor of said city shall be President of the Board, but shall not vote except in case of an equal division of the members on any question. 1848—110—1 1850—252—1 Board of Health to consist of 16 members

SEC. 93. Seven members of said Board shall constitute a quorum for the transaction of business. By-laws shall be made by said Board for their own government. 1848—110—6 Seven to form a quorum.

1848—111—5
Duty of the Board.

SEC. 94. It shall be the duty of the Board of Health to designate the hours when offal and filth shall be deposited in the streets, and the time when the same shall be removed by the contractor for cleaning the streets. In case the regulations on this subject should be violated, it shall be the duty of any Health Warden of the ward in which said regulations have been violated, to report the same promptly to the Attorney or Assistant Attorney of the city, who shall immediately institute suit in the name of the city for the penalty which is hereby imposed, of not less than twenty nor more than one hundred dollars.

1848—111—6
Sextons to make returns to them.

SEC. 95. They shall have power to require the sextons of the several cemeteries of the parish of Orleans to make returns to them in the manner and form to be designated by the Board, and to impose penalties for neglect or failure to make said returns.

1850—253—7
Physicians to furnish them with statements.

SEC. 96. They are hereby empowered to require of physicians and others attending the sick, at all times to transmit to the Board a statement of such contagious maladies as may exist under their charge; and during the existence of epidemics, or any alarming sickness, a daily statement of the existence and locality of each and every cases of disease; and each physician, or other person so attending, refusing or neglecting said duty or requirement, shall be subject to the imposition of a fine not exceeding five dollars in the first instance, and to be increased to one hundred dollars according to the discretion of the Board.

1850—253—9
To visit vessels arriving with sick on board.

SEC. 97. It shall be their duty to appoint from among the physicians composing its body, one, whose duty it shall be to visit such ships as may arrive at the port of New Orleans having sick on board; and it shall be the duty of said physician to take such steps in relation to the same, as may be directed by the Board. One shall be selected for each district, to perform the duty in rotation monthly.

1850—254—11
Seats of members when to be vacated.

SEC. 98. It shall be their duty to declare vacant the seat of any member who shall fail to attend three regular meetings, unless absent from the city on leave from the Board; or unless such explanation shall be made as shall be satisfactory; and to fill such vacancy from the same district whence the member came.

1850—252—2
May impose fines, &c.

SEC. 99. They are also authorized to impose a fine on commissioners of police and contractors for removing the filth from the streets of the city for neglecting to conform to the requisitions of the Board. This fine shall not be less than twenty dollars, nor more than one hundred dollars; and for incurring a third penalty, it shall be in the power of said Board to remove any contractor or commissary.

1848—110—4
To appoint Health Wardens for each ward.

SEC. 100. It shall be their duty to appoint annually not less than two citizens to be known as "Health Wardens" for each ward. It shall be the duty of said health wardens from time to time to visit and inspect the condition of the houses and lots in their several wards;

and should they discover therein any nuisance likely to prove injurious to the public health, it shall be their duty to order its removal; and if within the time designated for said removal the order be disobeyed, it shall be their duty to report the same to any two members of the Board of Health. And if said members approve the order made by the Health Warden, they shall direct the immediate removal of said nuisance at the expense of the tenant or owner of the property; if there be no tenant of the premises on which the nuisance was found, the Common Council shall promptly advance the money for the removal of the nuisance, and shall institute suit for the recovery of the same.

1850—252—3
Pay of Health Wardens.

SEC. 101. The Board shall be authorized to pay the Health Wardens during the period their services may be required, and in which they may perform the duties assigned them, a sum not less than ten dollars, nor exceeding thirty dollars per month, according to the laborious nature of their duties, and the manner in which they may perform them.

1848—110—2
To elect Secretary.

SEC. 102. The Board shall annually elect a Secretary, who shall receive a salary to be fixed by said Board, not to exceed one thousand dollars. His duties shall be prescribed by the Board. He may be removed by a majority of all the members of said Board.

1850—253—10
Duty of Secretary.

SEC. 103. It shall be the duty of the Secretary of the Board of Health to publish a weekly statement in the paper of the greatest circulation published in New Orleans, of the deaths in New Orleans, under the instructions of the Board, stating the particular disease of which each person died.

1848—111—7
Regulations of Board to be published.

SEC. 104. The regulations of the Board shall be published in the official gazette of the Common Council.

1848—111—8
To report annually to Common Council.

SEC. 105. It shall be the duty of the Board to make an annual report to the Common Council as to the health of the city for the preceding year, and to suggest means for improving the same.

1856—252—4
Statement to be furnished by physicians.

SEC. 106. It shall be the duty of the practising physicians of said city and the families of the deceased, to give a certificate containing such facts in relation to all persons dying within the jurisdiction of the parish of Orleans as may be required by the said Board, under a penalty to each, in every case, of not less than ten dollars, and not more than fifty dollars; unless such excuse be made as will satisfy the Board that such information could not be procured; and it is hereby made the duty of the undertaker to receive and deliver such certificate to the sexton of the cemetery to which he conveys the body.

1850—253—5
Sextons to obey directions of the Board.

SEC. 107. It shall be the duty of the sextons of the several cemeteries to keep their respective grounds in such a cleanly and drained condition as may be required by the Board; in default of which, they shall be subject to such penalties as the Board may prescribe,

not exceeding fifty dollars; and for a third penalty the Board shall have the power to remove such sexton.

1850—253—6
Burials where made.

SEC. 108. No deceased person shall be buried in the city of New Orleans out the limits of an established cemetery, under a penalty of five hundred dollars, without the previous authority of the Board of Health; and no burial shall take place within the said cemeteries without such certificate as the Board shall require, under the penalties imposed under the second preceding section; and the sexton and undertaker shall each be subject to the same penalties for not complying with the requisitions of the Board in this particular. For the prevention of improper burials, it shall be the duty of the sexton to take the name of each undertaker and driver who may bring a body for burial and record the same in the book of record of said cemetery.

1850—253—8
Fines, how imposed.

SEC. 109. In all cases, fines may be imposed by a majority of the quorum present, under the several sections aforesaid; and it shall be the duty of the Attorney of the city, to collect the same.

1850—254—12
1848—111—7
Expenses of the Board

SEC. 110. The expenses of the Board shall not exceed five hundred dollars annually, exclusive of the salary of the Secretary, to be paid by the Common Council.

REGISTRY OF VOTERS.

1854—152—1
Register of voters to be elected.

SEC. 111. There shall be a Register in the city of New Orleans, to be elected by the legal voters of said city, for the term of two years, whose duty it shall be to keep in a book used for that porpose, a register of the names and residences of all the qualified electors of the city of New Orleans.

1854—152—2
Two Assistant Registers to be appointed for each district.

SEC. 112. There shall be in each and every representative district in the city of New Orleans, two Assistant Registers, appointed by said Register for the term of two years, whose duty shall be to make an exact list annually of the names and residences of all the qualified electors in the representative district to which they may have been appointed, and to make a return of the same to the Register's office, within twenty days previous to the next general election. The said Register and Assistant Register shall take the oath prescribed in Art. 90th of the Constitution.

1854—152—3
May administer oaths to voters.

SEC. 113. If there shall be any doubt in the mind of an Assistant Register in regard to the qualifications of any person as a voter, he may then administer the oath as is now administered by commissioners of election in such cases.

1854—153—4
To publish list of voters.

SEC. 114. So soon as all the lists are returned to the Register's office, he shall immediately cause the same to be published ten days in the official newspaper of the city; and if the name or residence of any elector has been left out, he may cause the same to be registered, on the testimony of two credible witnesses, that he is actually a a voter.

1854—153—5

To furnish a list of voters at each election precinct.

SEC. 115. Within ten days previous to a general election, it shall be the duty of the Register to furnish an exact and certified list of the names and residences of all the qualified electors, as returned to his office, at the several election precincts; which list shall be considered as prima facie evidence of the right of the persons whose names appear thereon, to vote; provided that any one who shall have acquired the right to vote after the list was furnished, shall be entitled to have his name placed on the registry, and to vote upon his making the affidavit as now required by law in such cases.

1854—153—6

Oath to be administered when name is not on the list.

SEC. 116. If the vote of any person offering to vote should be challenged, and his name does not appear on the list furnished by the Register, then the Commissioners shall administer the oath as now required by law in such cases; and if it appears he is entitled to vote, his name shall be placed on the registry, previous to his voting.

1854—156—7

Clerk to prepare list of persons sworn, to be sent to District Attorney.

SEC. 117. In such case the clerk of election shall proclaim publicly and aloud the name of the person challenged, and the word "sworn"; and shall prepare a certified list of the names of all those who shall have been thus sworn, which he shall transmit to the District Attorney. Said list shall be evidence; and any false swearing under the provisions of the preceding sections, shall be perjury.

1854—153—8

Compensation of District Attorney.

SEC. 118. The District Attorney shall be entitled, as a compensation for his services, to one-half the fine imposed by the court.

1854—153—9

Penalty for neglect of duty

SEC. 119. If the said Register or Assistant Register shall in any manner fail to carry out these provisions, he or they shall, on due proof of the same, on motion by the District Attorney, before any court of competent jurisdiction, be fined in a sum not less than fifty, nor more than one thousand dollars, for each and every such failure.

1854—153—10

Compensation of Register.

SEC. 120. The Register shall be entitled, as a compensation for his services, to five cents for each and every name on the list furnished for the commissioners of election, to be paid annually out of the State treasury, on the warrant of the Auditor of Public Accounts.

1854—153—11

Compensation of Assistant Register.

SEC. 121. Each Assistant Register shall be entitled, as a compensation for his services, to ten cents on each and every name furnished by him to the Register, to be paid annually out of the State treasury, on the warrant of the Auditor of Public Accounts.

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Recorder of Mortgages and Register of Conveyances for New Orleans. See RECORDER.

NOTARY PUBLIC.

1813—186—1

Notaries to be appointed by Governor.

SECTION 1. The Governor shall nominate and by and with the advice and consent of the Senate, appoint as many Notaries Public as are now, or may hereafter be authorized by law, who shall remain in office for four years, but may be suspended by the Supreme Court until the next meeting of the Legislature, whenever after a summary inquiry it shall appear that there exists just cause.

1822—46—5
1807—22—16

Their duties.

SEC. 2. Notaries Public shall have power within their several parishes, to make inventories, appraisements, partitions, to receive wills, make protests, matrimonial contracts, conveyances, and generally all contracts and instruments of writing. To hold family meetings and meetings of creditors; to receive acknowledgements of instruments under private signature; to affix the seals upon the effects of deceased persons, and to raise the same; and all acts executed by them in conformity with the provisions of Article two thousand two hundred and thirty-one of the Civil Code, shall be authentic acts.

1809—76—3

To administer oaths in certain cases.

1845—88—1

SEC. 3. They shall have the right to administer oaths, quoad the duties of their offices, and such oaths as may be necessary to enable free white citizens of the United States to procure their protection certificates from the regularly authorized officers of the Customs of the United States.

1805—2d S.—75—5

Acts to be passed in their office.

SEC. 4. All notarial acts shall be made and executed in the office of the Notary, unless where the illness of the party or some other sufficient cause shall prevent him from attending in such office.

1808—188—1

Duties concerning free persons of color.

SEC. 5. It shall be the duty of all Notaries, or other public officers, not to pass any act wherein any free person of color may be concerned, without inserting after the name and surname of such free person of color these words, "free man or free woman of color." It shall be likewise the duty of all auctioneers, who give public notices, the object of which is to announce the sale of some property belonging to a free person of color, to comply with said formalities under the penalty of paying a fine of one hundred dollars, one half of which shall be to the benefit of the informer.

1827—140—11

Christian and family names of married women to be set forth.

SEC. 6. Whenever they shall pass any acts wherein a married woman or a widow is a party, they shall be bound to mention the christian and family names of such woman, adding that she is the wife or widow of —— (the husband's name.)

1827—140—12

Names to be set forth in full.

SEC. 7. They shall insert in their acts the christian names of the parties in full, and not with their initial letters alone.

1827—140—13

Penalty.

SEC. 8. All Notaries or other persons acting as such, contravening the provisions of the two preceding sections, shall be liable to a fine of one hundred dollars, to be recovered before any court of competent jurisdiction, one-half for the benefit of the informer.

1827—140—14

Certificates to be refused by Register when name is not in full.

SEC. 9. Registers of Mortgages shall be bound to refuse their certificates to persons whose christian or first names shall not be stated, or whose christian or first names shall be designated by the initial letters alone.

1809—74—2
1821—40—2

Offices in New Orleans, in what buildings to be kept.

SEC. 10. Every Notary Public or other officer in the city of New Orleans, having the custody of public records, shall keep his office in a brick building covered with tiles, slates or terrace, in default whereof he shall be deprived of his office.

1838—94—1 & 2

Leave of absence.

SEC. 11. The Governor shall be authorized to grant leave of absence to Notaries Public for a period not exceeding eight months, to date from the day of the permission granted by the Governor

Notaries Public thus permitted to absent themselves shall be required to name and designate another Notary Public to represent them during their absence.

1853—123—1

To deposit their records in the Recorder's office.

SEC. 12. It shall be the duty of all Notaries Public within this State, without the limits of the city of New Orleans, to deposit in the office of the Parish Recorder of the parish in which they may be respectively commissioned, within fifteen days at farthest, after the same shall have been passed, the original of all acts passed before them, and in the order of their respective dates, first making a careful record of said acts in their record books; provided, that the foregoing shall not be so construed as embracing inventories or partitions, or any other act required by law to be performed by them under any order of court; but the original of all such acts, without being recorded, shall be returned to the court from which the order issued.

1853—124—4

Penalty.

SEC. 13. All Notaries without the limits of the city of New Orleans, who may contravene the provisions of the preceding section, shall be liable to a fine of one hundred dollars for each infraction of the same, to be recovered before any court of competent jurisdiction, one-half for the benefit of the informer.

NOTARIES IN NEW ORLEANS.

1850—190—1
1888—17—1

To cause all their acts to be enregistered.

SEC. 14. It shall be the duty of the Notaries in New Orleans, to cause every deed of sale, donation, or of any other sort of conveyance of real estate or slaves, passed before them respectively, even when

the parties shall agree to dispense therewith, to be enregistered at the office of the Register of Conveyances for New Orleans, within forty-eight hours after the passage of said acts, and this under the penalty of five hundred dollars fine, to be recovered before any court of competent jurisdiction, for the use and profit of the Charity Hospital, and also under the penalty of being liable for all damages which the parties may suffer through the neglect of said Notary to register the said acts.

1838—17—2

Register to affix his seal.

SEC. 15. It shall be the duty of the said Register of Conveyances to affix to the act to be enregistered, a certificate that he has enregistered the same.

1848—79—1

No real estate to be tran-ferred till the taxes are paid.

SEC. 16. Hereafter, neither the Sheriff nor the Notaries of the parishes of Orleans and Jefferson shall pass or execute any act for the sale, transfer or exchange of any real estate situated within said parishes, unless the State, parish and municipal taxes due on the same be first paid, to be shown by the Tax Collector's receipt, or a certificate to that purpose.

1848—79—2

Penalty.

SEC. 17. The Sheriff or Notary Public violating the provisions of the preceding section, shall, upon conviction thereof, be fined in a sum of not less than fifty, nor more than two hundred dollars, for each violation, to be recovered by the District Attorney for the use of the free schools of the parishes of Orleans and Jefferson, before any competent tribunal.

1844—26—1

May appoint deputies.

SEC 18. It shall be lawful for each and every Notary Public in New Orleans, to appoint one or more deputies to assist him in the making of protests and delivery of notices of protests of bills of exchange and promissory notes: provided, that each Notary shall be personally responsible for the acts of each deputy employed by him. Each deputy shall take an oath faithfully to perform his duties as such. The certificate of notice of protest shall state by whom made or served.

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See "RECORDER," "BILLS AND PROMISSORY NOTES," "COSTS AND FEES."

Bills and promissory notes—record of protests and notices to be kept —protests how made and notices given. See BILLS AND PROMISSORY NOTES, *Secs.* 7, 8, 9 and 10.

Fees of Notaries. See COSTS AND FEES, *Sec.* 13.

Notaries to cause marriage contracts and other acts from which a legal mortgage results, to be inscribed in the mortgage records. See MORTGAGES, *Sec.* 5 *et seq.*

OATH.

1853—50—1

Oath, by whom to be administered.

SECTION 1. The oath required by Article ninetieth of the Constitution, shall be taken by all officers of the State, before entering on the duties of their office; it may be administered by the Governor of the State, any Judge or Justice of the Peace, Clerk or Deputy Clerk, and shall be subscribed by the party taking it, and be certified on his commission by the person administering it.

Where to be deposited.

The said oath or affirmation thus subscribed, shall be deposited, that is to say: those of the officers whose jurisdiction extends throughout the State, in the office of the Secretary of State, to be by him recorded in a book kept for that purpose, and those of all other officers in the Clerk's office of the parish where the same may have been administered, to be by the said Clerk recorded in a book kept for that purpose; and the said oath or affirmation shall be thus deposited within one month after the same shall have been administered.

1815—82—3

All officers to take the Constitutional oath.

SEC. 2. The Governor and Judges, and all other civil and military officers hereafter to be elected or appointed under the authority of this State, shall, before they act in their respective offices, take and subscribe the oath or affirmation required by Article 90 of the Constitution.

See CONSTITUTION, *Art.* 90.

Attorneys at Law—Oath. See ATTORNEY AT LAW, *Sec.* 8.

Auditor authorized to administer oaths in certain cases. See AUDITOR OF PUBLIC ACCOUNTS, *Secs.* 15 and 28.

Auctioneers, oath to be taken by them when rendering their account. See AUCTIONEERS, *Secs.* 15, 16 and 18.

Oath necessary for a writ of arrest. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 9.

Oath may be at the foot of the petition, or annexed to it. *Sec.* 10.

Oath may be made by agent or attorney in fact, and swearing to the best of his knowledge and belief sufficient. *Sec.* 11.

Oath may be taken before any Judge, Justice, or Clerk of Court. *Sec.* 12.

Oath for an attachment for a debt not due. *Sec.* 16.

Oath for an attachment. *Sec.* 17.

Oath for an attachment may be by agent. *Sec.* 18.

Oath of lessor to obtain provisional seizure before the debt is due. *Sec.* 24.

OFFICERS.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Constitution—Commissions to be in the name of the State.

ARTICLE 58. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State Seal, and signed by the Governor.

Vacancies how to be filled.

ART. 84. The Legislature may determine the mode of filling vacancies in the offices of the inferior Judges, Attorney General, District Attorneys; and all other officers not otherwise provided for in this Constitution.

Officers, where to reside.

ART. 96. All civil officers for the State at large shall reside within the State, and all District or Parish Officers, within their districts or parishes, and shall keep their offices at such places therein as may be required by law.

To be removable by address.

ART. 97. All civil officers, except the Governor and Judges of the Supreme and inferior Courts, shall be removable by an address of a majority of the members of both Houses, except those the removal of whom has been otherwise provided by this Constitution.

Not to hold more than one office.

ART. 122. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

Fighting duels.

ART. 126. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution; and the office of any State officer, member of the General Assembly, or of any other person holding office of profit or trust under this Constitution, and the laws made in pursuance thereof, shall be, ipso facto, vacated by the fact of any such person committing the

offence mentioned in this Article, and the Legislature shall provide by law for the ascertaining and declaration of such forfeiture.

1835—55—1

Officers removing out of the parish to vacate their offices.

SECTION 1. Whenever any District or Parish officer shall permanently remove from the district or parish for which he may have been elected or appointed, the office shall, in consequence thereof, be deemed vacant, and upon satisfactory information being given of such removal, the Governor shall cause the vacancy to be filled, in the manner provided by law.

1827—42—1

To remain in office until their successors are qualified.

SEC. 2. The Attorney General, District Attorneys, Sheriffs and Coroners shall, after the expiration of their term of service, continue to perform the duties of their offices until their successors, or themselves, in case of appointment or election, shall be inducted into office by performing the formalities required by existing laws, so that no interruption may occur in the discharge of any public duty required by said offices; under the same penalties, bonds, obligations and securities as were given and entered into by them at the time they were elected to said offices.

1854—102—2

Officers to render an account of their contingent fund.

SEC. 3. Every officer, for the benefit of whose office there is a contingent fund appropriated, shall render a detailed statement to the General Assembly, at each session thereof, showing what disposition has been made of such contingent fund.

1847—145—1

Salaries, when to commence.

SEC. 4. Whenever any officer of this State, whose compensation depends upon or is to be computed by time of service, shall qualify himself to enter upon the discharge of his duties by taking and subscribing the necessary constitutional oath, he shall, without delay, transmit to the Auditor of Public Accounts, a true copy of said oath, who shall thereupon record the date thereof, in a book to be kept for that purpose, and his salary shall commence from the date of the oath.

No alien to hold office. See ALIEN.

OYER.

See AMENDMENTS TO THE CODE OF PRACTICE, *Sec.* 5.

PARISH TREASURER.

1853—154—1

Parish Treasurer, his duty.

SECTION 1. It shall be the duty of the Parish Treasurer to receive and keep the money of the Parish, to disburse the same agreeably to law, and take receipts therefor; and he shall keep regular accounts of all receipts and expenditures, and of all debts due to or from the parish, and direct prosecutions ordered by the Police Jury, for all debts that are or may be due to the parish for which he is elected.

1853—155—2

Reports to be made by them.

SEC. 2 It shall be his duty to make a detailed report at every regular term of the Police Jury of his parish, and at such other times as the Police Jury shall direct, for all moneys received and disbursed, and of all the debts due to and from the parish, and of all other proceedings in his office, so that the receipts into the treasury and the accounts of disbursements, together with the debts to and from the parish, may clearly and distinctly appear.

1853—155—3

To pay no claims unless allowed.

SEC. 3. No money shall be paid out of any parish treasury to any person, unless the same shall have been previously allowed by the Police Jury, or some court or officer lawfully authorized to make such allowance.

1853—155—3

To record all claims presented.

SEC. 4. It shall bo the duty of all persons having a claim against any parish, which may have been allowed by the proper authorities, to present such claim within sixty days from the date of allowance, to the Treasurer; it shall be the duty of the Treasurer to keep a well bound book, in which he shall make an entry, describing the claim and date of such presentation, and also endorse his name across the back of the claim, with the day and date of such endorsement; no claim shall be received by him from any Sheriff or Collector of Taxes which has not been so endorsed.

1853—155—4

Oath not to speculate in parish paper.

SEC. 5. No Parish Treasurer shall be allowed credit for any voucher he may present in the settlement of any account, until he shall have first taken an oath or affirmation that he has paid the full amount of such voucher in money, or that he has received the same in payment of parish dues, and that he has not speculated thereon himself, nor has he been directly or indirectly interested in any speculation that may have been made in its acquisition.

SEC. 6. No claim against any parish shall be received by any Parish Treasurer from any Sheriff or Collector of Taxes, unless the said Sheriff or Collector shall make oath or affirmation (said oath to be administered by the Treasurers of the several parishes) that he has paid the full amount expressed on the face of such claim, and that he has not, directly or indirectly, speculated in the public money. 1853—155—6 No parish paper to be received from Collector unless he take same oath.

SEC. 7. It shall be the duty of the Parish Treasurers, semi-annually, on the first day of the sitting of the district court of their parish, to deposit with the parish Recorder, a detailed account of the state and situation of the treasury of their respective parishes. 1853—155—7 Account to be filed with Parish Recorder semi-annually.

SEC. 8. They shall receive for their services such compensation as may be allowed by the Police Jury. 1853—155—8 Compensation.

SEC. 9. Any Parish Treasurer failing or refusing to comply with any of the provisions hereof, shall forfeit and pay, for every offence, the sum of twenty-five dollars, to go into the parish treasury. 1853—155—9 Penalty for neglect of duty.

Any Parish Treasurer who shall misapply the public funds placed in his hands, belonging to the parish, or refuse to account satisfactorily for the same, shall, on conviction, be fined in a sum of not less than five hundred dollars, for the use of the parish, and imprisoned at the discretion of the court, for not less than three months, and, together with his securities, shall be required to pay interest, as damages, at the rate of five per cent. per month, on all sums not accounted for, in which judgment may be rendered.

SEC. 10. No person shall be allowed to hold, at the same time, the two offices of Parish Treasurer and Collector of parish taxes. 1853—156—11 Parish Treasurer cannot be parish Collector.

To be the depositary of the parish school funds. See EDUCATION, *Secs. 5 et seq.*

PARTITION.

SECTION 1. Where a partition of a succession has been or may be made, belonging to one or several heirs, who are present or represented therein, all actions, relative to the said succession, shall be brought against the heirs, before the district court of the district where the succession is opened; which court shall have an exclusive 1828—156—13 Suits against heirs, where brought after partition.

jurisdiction to try the same, though the said heirs, or any of them, may reside out of the said district.

1843—44—1

Suit for partition, where brought when the land lies partly in two parishes.

SEC. 2. Whenever two or more persons shall be co-proprietors of one continuous tract of land situated partly in different parishes, any one or more of the co-proprietors may institute an action for partition of the whole of the tract in any one of such parishes.

1843—44—2

Mortgages to attach to the share of each heir.

SEC. 3. In all judicial partitions where the property is divided in kind, the mortgages, liens and privileges existing against one of the co-proprietors, shall, by the mere fact of the partition, attach to the share allotted to him by the partition, and cease to attach to the shares allotted to his co-proprietors.

If any return of money be required to be made to any co-proprietor whose share is mortgaged or otherwise encumbered, by reason of the share allotted to him being of less value than the other shares, then such sums of money shall remain in the hands of the parties bound to contribute them respectively, and shall be secured by mortgage on their respective shares, and be subject to the demand of those creditors of their co-proprietor who possessed mortgage or privilege claims against him, and according to the rank and priority of the creditors.

1843—45—4

Duty of Sheriffs when the land lies partly in two parishes.

SEC. 4. Whenever a Sheriff shall seize, under process from any court of justice, any tract of land situated in part in two or more parishes, it shall be lawful for him to execute the process upon the whole tract; in such cases the Sheriff shall give the legal notices of the sale in each of the parishes into which it may extend. The deed of sale shall be recorded in each of the parishes.

Partitions how made, when some of the heirs demand their share in cash. See AMENDMENTS TO CIVIL CODE, *Sec.* 17.

PATROL.

1821—10—1

Police Juries to establish patrols.

SECTION 1. The Police Juries (incorporated cities and towns excepted) shall alone have the right of organizing and establishing Patrols for the police of slaves in their respective parishes, and of making the necessary regulations on that subject.

1854—117—1

Their power of entering quarters.

SEC. 2 The patrols ordered by the Police Juries shall not have the right to enter plantations to visit the negro huts, unless the owner or agent, if present on the plantation, shall be notified of the presence of the patrol, in order that he may accompany them, should he wish to do so.

1821—10—3
Resistance to patrols.

SEC. 3. Any person who shall prevent, or forcibly oppose any legally appointed patrol from visiting the negro quarters, shall, on conviction thereof, be fined not exceeding one hundred dollars, nor less than twenty dollars.

See BLACK CODE.

PEDLERS AND HAWKERS.

1830—120—9
Who shall be deemed Hawkers and Pedlers.

SECTION. 1. Under the designation of Pedlers and Hawkers, shall be included all persons who travel about the country with goods, wares and merchandise, for sale or barter, whether on foot on horseback, or in a wagon or other conveyance; or in any craft on the water courses of this State; or who shall receive in payment for freight, either produce, goods, wares or merchandize, or any or all of these articles, with intent to, or who shall actually barter, sell or exchange the same in any way.

The provisions of this section shall not be so construed as to extend to any person employed bona fide in the selling, on board any boat or water craft, the produce or manufactures of any of the United States, when such produce or manufactures alone are sold; nor to those persons who only sell in the country the produce of their own plantations.

1820—34—4
To exhibit their license when required.

SEC. 2. All Pedlers and Hawkers shall be bound to exhibit their license, (when thereto required,) to any freeholder of this State.

1811—52—3
Penalty for trading with slaves.

SEC. 3. Every Pedler or Hawker is hereby forbidden from selling, or causing to be sold, or from delivering or causing to be delivered, to any slave, with or without the permission of his master, any kind of arms or amunition whatever, under the penalty of a fine of five hundred dollars, or one years imprisonment, at the discretion of the court.

PENSIONS.

1858—262—1
Pensions to veterans of 1814-15 and their widows.

SECTION 1. A pension of eight dollars per month shall be paid semi-annually, in advance, to each veteran of eighteen hundred and fourteen and fifteen, or to their widows, on compliance with the following requirements:

1858—262—2
Proof, how made.

SEC. 2. Any person who may claim a pension shall be required to establish the following facts, before the Judge of one of the District Courts of this State, in open court, by his own oath, supported by the testimony of at least two credible witnesses, or their depositions, taken before a Justice of the Peace of the parish where the witnesses reside, contradictorily with the District Attorney, or a certified copy of the muster roll at Washington City:

First—That the applicant, (or in case the claimant be a widow, her husband.) was a resident of the State at the time of its invasion by the British forces, in eighteen hundred and fourteen and fifteen.

Second—That he was regularly enrolled in the regular or volunteer forces of the United States.

Third—That he was actually at the lines during the battles of the twenty-third of December, (1814,) or the eighth of January, (1815,) and that he then and there bore arms in the service of the United States.

Fourth—That the applicant is now a permanent resident of the State of Louisiana, and that he is in indigent circumstances, and that the pension applied for is actually necessary for his support.

1858—263—3
Duty of Judge and District Attorney.

SEC. 3. It shall be the duty of the District Judge, or in case the proof is offered before a Justice of the Peace, of the District Attorney, to rigidly examine the applicant, as well as the witnesses, as to the facts and circumstances which he may state entitling him to claim a pension, and to cause the statement of the applicant, as well as of the witnesses, to be reduced to writing and the Judge shall thereupon give his opinion in writing, as to whether the applicant is entitled to a pension or not.

Proceedings to be free of charge.

All the proceedings, together with the testimony of the witnesses and opinion of the Judge, shall be furnished to the applicant free of charge, which shall be filed before the Board of Pensions, hereinafter created; which Board shall thereupon examine the application, and allow or reject it, as in their judgment the facts of the case may warrant.

Duty of Board of Pensions.

1858—263—4
Board of Pensions created.

SEC. 4. The Auditor of Public Accounts, the State Treasurer, and the Secretary of State, are hereby constituted a Board of Pensions.

1858—263—5
Their duty.

SEC. 5. Whenever the Board of Pensions, or a majority of them, shall be satisfied that the proof is in conformity to law, and that the claim is justly established, they shall endorse on the proof "Approved by the Board of Pensions;" and upon presentation of the same by the applicant, or his legally authorized agent, to the Auditor of Pub-

lic Accounts, he shall issue his warrant upon the State Treasurer for the amount due the applicant, and shall enter his name in a book to be kept for registering the names and residences of the pensioners, and the time when they begin to receive a pension. Duty of Auditor.

PHYSICIANS.

SECTION 1. Any person having a diploma from any chartered medical college or society in the United States, whether the same be allopathic or otherwise, shall be allowed to practice medicine, surgery or midwifery in the State, without having to procure any further license, and may charge, demand and receive for their visits, medicines, prescriptions and medical services, such compensation as may be established according to law. 1852—103—1 Physicians authorized to practice without a State license.

PILOTS.

SECTION 1. The Governor of this State may appoint as many persons to be Branch Pilots for the port of New Orleans as he may deem necessary, not less than sixty-five, nor more than seventy-five in number. 1848—37—1 Pilots to be appointed by the Governor.

No person shall be appointed unless he be a qualified voter, and until he be examined by a Board of Examiners, and recommended by the Board as qualified to be a Branch Pilot, to the Governor, Qualifications.

1837—102—2
Board of Examiners.

SEC. 2. The Governor is authorized to appoint, every two years, three persons from the Branch Pilots, to compose the Board of Examiners; he is also authorized to fill vacancies, that may occur by the death, resignation or removal of any member of the Board. All persons who shall become Branch Pilots shall be eligible as members of the Board.

1837—102—3
Bond to be given by Pilots.

SEC. 3. Every Branch Pilot, before he takes upon himself the execution of his duties, shall give bond to the Governor of this State, with two sufficient securities in the sum of one thousand dollars, to be approved of by the Master and Wardens.

1826—52—4
To be part owner of a pilot boat.

SEC. 4. Every Branch Pilot of the port of New Orleans, shall be owner, or part owner, of at least one decked pilot boat, of not less than thirty feet keel, and he shall keep such boat exclusively employed as a pilot boat.

Every such Branch Pilot not owning or employing a pilot boat as aforesaid, shall be suspended from his office by the Master and Wardens of the port; and they shall report the case to the Governor, who may withdraw the commission or license of such Branch Pilot, if in his opinion, circumstances require such removal.

1837—102—5
Penalty for acting as Pilot when not authorized.

SEC. 5. If any person not appointed a Branch Pilot, shall pilot any ship or other vessel either in or out of the river Mississippi, when a Branch Pilot offers, he shall forfeit and pay to the Branch Pilot the sum of thirty dollars; or in default thereof, be condemned to seven days imprisonment.

1837—102—6
Pilots to exhibit their authority.

SEC. 6. Every person offering to pilot a ship or other vessel over the bars at the different mouths of the Mississippi, shall if required exhibit to the Commander of the ship or vessel, his license as Pilot; and upon his refusing or neglecting to do so when demanded he shall not be entitled to any remuneration for any service he may render as Pilot.

1848—38—2
Rate of pilotage.

SEC. 7. The Pilots of the port of New Orleans, shall be entitled to ask and receive pilotage at the rate of two dollars and fifty cents for every foot drawn by any ship or vessel piloted by them, drawing less than ten feet water, and three dollars and a half per foot for every ship or vessel piloted by them drawing twelve feet water and upwards; vessels of one hundred and fifty tons, and under, from Louisiana, Texas, Alabama and Florida shall come in and go out free.

What vessels to go free of pilotage.

1837—108—10
Penalty for Pilots refusing to act.

SEC. 8. Whenever any Branch Pilot shall, when practicable, refuse or neglect to go on board any ship or other vessel, when called by signal or otherwise, he shall lose his commission, and be forever incapacitated from being commissioned as Pilot, and shall moreover be liable to be fined in the sum of five hundred dollars; in default of the payment whereof he shall suffer imprisonment for a time not less than three months nor more than six months.

SEC. 9. The Pilots of the port of New Orleans, shall have the power to appoint whomsoever they shall see proper as their agent, to collect the amount due for pilotage. 1837—103—11 To appoint their own agent to collect pilotage.

SEC 10. The Master and Wardens of the port of New Orleans, with the consent of the Governor of the State, may make such rules and orders for the better government of the Pilots, as they shall deem proper, and the same, from time to time, revoke or amend; and impose fines for contravention of such rules and regulations. 1826—52—3 Master and Wardens to make rules and regulations.

The fines thus imposed, shall in no case exceed the sum of one hundred dollars.

SEC. 11. No license shall be granted to any person to keep a tavern, grog-shop, billiard-house, or any other house of public entertainment at the Balize, the Southwest Pass, or any other station for pilots, nor within three miles from such station, unless the person applying for such license shall be recommended in writing by a majority of the Branch Pilots. 1826—54—6 Houses of entertainment at the Balize.

Any person keeping any public house as aforesaid, at any of the places aforementioned, without a license, shall pay a fine of fifty dollars for each and every week such house shall be kept, and moreover be obliged to shut up or remove such public house.

Nothing in this section shall be so construed as to exonerate persons keeping public houses, without license, from the fines or other penalties decreed by the parish regulations.

SEC. 12. Whenever any person shall take or cause to be taken up any anchor or cable, in the river Mississippi, he shall bring or send the same to the port of New Orleans, where the same shall be deposited at such place as the Master and Wardens of the port shall determine; and if claimed within three months by the owners thereof or their agents, the said anchor or cable, shall be restored to them on their proving property and paying to the person so taking up and bringing the same to the port of New Orleans, such salvage as shall be determined by the Master and Wardens of the port. In case such anchor or cable should not be claimed within the said space of three months, the same shall become the property of the person by whom it may have been taken up. 1826—54—7 Anchors taken up, how disposed of.

Any person so neglecting or refusing to comply with the provisions of this section, shall forfeit and pay for every such offence, a sum of fifty dollars.

SEC. 13. No Branch Pilot shall be allowed to leave his station for more than three consecutive days, unless he shall have obtained a written permission from the Master and Wardens so to do, under a penalty of fifty dollars. 1826-56—8 Pilots not to absent themselves without leave.

Permission shall in no case be granted to more than two Branch Pilots to leave their station at the same time.

1826—56—9

Fines and forfeitures how sued for and recovered.

SEC. 14. All fines, forfeitures or penalties shall be sued for and recovered in the name of the Master and Wardens of the port, for the use and benefit of the Charity Hospital of New Orleans.

1805—140—16

Compensation for extra services.

SEC. 15. The master or owners of any ship or vessel appearing in distress, and in want of a Pilot on the coast, shall pay unto such Branch or Deputy Pilot, who shall have exerted himself for the preservation of such ship or vessel, such sum for extra services as the said master or owner and Pilot can agree upon.

In case no such agreement can be made, the Master and Wardens, or any three of them, shall determine what is a reasonable reward, which the Pilot shall be entitled to collect.

1805—140—17

Vessels refusing to receive Pilot to pay half pilotage.

SEC. 16. If the master of any ship or vessel coming to the port of New Orleans shall refuse to receive on board and employ a Pilot, the master or owner of such ship or vessel shall pay to such Pilot who shall have offered to go on board and take charge of the vessel, half pilotage.

1805—142—18

Penalty for carrying pilot to sea.

SEC. 17. If any vessel going out shall carry off to sea, through the default of the master or owner of such vessel, any Pilot, when a boat is attending to receive him, the master or owner of such vessel shall pay, besides the pilotage, the same monthly wages until he shall return to the port of New Orleans, as are allowed to the Mate of such vessel; provided the Pilot shall have performed the duties required of him by law.

PILOTS FOR ATCHAFALAYA BAY AND RIVER.

1850—51—1

Governor to appoint pilots for Atchafalaya Bay and River.

SEC. 18. It shall be lawful for the Governor of this State to appoint as many persons to be Branch Pilots for the Atchafalaya Bay and River, as he may deem necessary; not exceeding six in number.

No person shall be a Branch Pilot unless he has resided in this State at least two years, and has been two years a citizen of the United States, and until he has first been examined by a Board of Examiners and recommended by them as qualified, to the Governor.

1850—51—2

To appoint a Board of Examiners.

SEC. 19. The Governor is authorized to appoint, every four years, three persons from the present Branch Pilots, to compose the Board of Examiners, and to fill vacancies, that may occur by the death, resignation, or removal of any member of the Board; and hereafter, all persons who shall become Branch Pilots, shall be eligible as members of the Board.

1850—52—3

Pilots to give bond.

SEC. 20. Any Branch Pilot, before he takes upon himself the execution of his office, shall give bond to the Governor, with two sufficient securities, in the sum of one thousand dollars, to be approved by the Recorder of Mortgages of the parish of St. Mary.

1850—52—4

To be part owner of a pilot boat.

SEC. 21. Every Branch Pilot shall be the owner or part owner of at least one decked pilot boat, of not less than thirty feet keel and eight feet beam, and keep her exclusively employed as a pilot boat, at least from the first of October until the first of June in each year;

the violation of this section shall subject the offender to fifty dollars fine for each offence.

1850—52—5
Penalty for acting as Pilot without authority.

SEC. 22. If any person, not appointed a Branch Pilot, shall pilot any ship or other vessel in or out of the Atchafalaya Bay or River, when a Branch Pilot offers, he shall forfeit and pay to the Branch Pilot the sum of thirty dollars, or in default thereof be condemned to ten days imprisonment.

1850—52—6
Pilots to exhibit their authority.

SEC. 23. Every person offering to pilot any vessel either in or out of the Atchafalaya Bay or River, shall, upon his boarding such vessel, if required by the master or commander of the vessel, exhibit his license as pilot; and upon his refusing or neglecting to do so shall not be entitled to any remuneration for any services he may render as Pilot.

Penalty for not doing so.

1850—52—9
Duty of Pilots.

SEC. 24. It shall be the duty of the Pilots to pilot, when required, all inward bound vessels, from outside of what is commonly called the point of the main reef to the mouth of Atchafalaya River; and all outward bound vessels from the said river outside of the reef; and the Pilots shall be entitled to demand and receive three dollars and fifty cents per foot, that any vessel may draw, under eight feet; for each foot, over eight feet, four dollars; the part of a foot in like proportion.

Fees for pilotage.

1850—58—10

All vessels refusing a Pilot, other than those trading within the State of Louisiana, shall pay half pilotage, both inward and outward bound; provided, they shall be spoke by a Branch Pilot when inward bound, outside of the reef, and all outward bound vessels between Berwick's Bay and the mouth of the Atchafalaya River.

1850—53—11
Not to be absent without leave.

SEC. 25. Any Branch Pilot leaving his station for more than ten days, without leave of the Board of Examiners, shall forfeit and pay a fine of fifty dollars; and leaving the station for more than sixty days without permission, shall, upon conviction thereof, forfeit his commission. No permission shall be granted to more than three at the same time.

1850—53—12
Exclusive right granted Pilots.

SEC. 26. Any Pilot, piloting any vessel safe from see, shall have the exclusive right to pilot such vessel to sea again; provided he gives satisfaction to the master on coming in, and be in readiness and offer his services before the vessel gets below Shell Island on the Atchafalaya River.

1850—53—13
Penalty for discharging ballast in the Bay.

SEC. 27. Discharging ballast in the Bay, shall subject the master or owner of such vessel to a fine of one hundred dollars

1850—53—14
Penalty for neglecting their duty.

SEC. 28. Whenever any Branch Pilot shall, when practicable, refuse or neglect to go on board any ship or other vessel, when called by signal or otherwise, he shall lose his commission as Pilot, and shall moreover be liable to be fined in the sum of five hundred dollars, and in default of payment, suffer imprisonment for not less than three nor more than six months.

SABINE RIVER.

1845—40—1

Pilots for Sabine river.

SEC. 29. The Governor is authorized to appoint one or more Pilots for the Sabine river. They shall be subject to the same examination, recommendation, rules and requirements, as are provided for by existing laws, and entitled to the same compensation awarded to Pilots of the port of New Orleans and the river Mississippi.

PLEDGE.

1852—15—1

Pledges of notes, stocks, &c., how made.

SECTION 1. When a debtor wishes to pawn promissory notes, bills of exchange, stocks, obligations or claims upon other persons, he shall deliver to the creditor the notes, bills of exchange, certificates of stock, or other evidences of the claims or rights so pawned; and such pawn so made, without further formalities, shall be valid, as well against third persons as against the pledgors thereof, if made in good faith.

1852—15—2

Of movable property.

SEC. 2. All pledges of movable property may be made by private writing, accompanied by actual delivery; and the delivery of property on deposit in a warehouse, shall pass, by the private assignment of the warehouse receipt, so as to authorize the owner to pledge such property; and such pledge, so made, without further formalities, shall be valid as well against third persons as against the pledgors thereof, if made in good faith.

1852—15—3

Of credits not negotiable.

SEC. 3. If a credit not negotiable be given in pledge, notice of the same must be given to the debtor.

1852—15—4

Pledgor may authorize the sale of the property pledged.

SEC. 4. In all pledges of movable property, it shall be lawful for the pledgor to authorize the sale or other disposition of the property pledged, in such manner as may be agreed upon by the parties, without the intervention of courts of justice.

POLICE JURIES.

ORGANIZATION.

1847—116—1
Police Jury Wards.

SECTION 1. The Police Juries of the several parishes of this State, (the parishes of Orleans and Jefferson excepted) shall have power, by consent of a majority of all the members composing each Police Jury, to establish Police Jury Wards, and to change the boundaries of those now existing in their respective parishes.

1829—88—1
Qualifications of Police Jurors.

SEC. 2. The members of the Police Juries of the several parishes throughout the State, hereafter to be elected, shall possess the same qualifications as members of the House of Representatives, and shall be residents of the ward from which they are elected.

1829—88—2
Qualifications of voters.

SEC. 3. The persons who shall be allowed to vote for members of the Police Jury, shall possess the same qualifications as electors for members of the General Assembly, and shall reside in the ward in which they offer to vote.

1820—54—3
1844—89—1
1841—77—1
1841—42—2
Elections, when held.

SEC. 4. Elections for police jurors shall be held in the parishes of Lafayette and Rapides on the first Monday of May; in the parish of St. Tammany on the first Monday of April; and in the other parishes on the second Monday of May; when one juror shall be elected from each Police Jury Ward.

1813—156—4
Term of office.

SEC. 5. The members of the Police Jury shall be elected for two years, and shall be divided by lot into two classes, so that the said jury shall henceforth be renewed every year by one-half.

1830—130—4
Meetings.

SEC. 6. They shall have power to fix the periods of their respective regular meetings, and to meet at any other times which they may deem necessary.

SEC. 7. The President of the several Police Juries shall be obliged to call a meeting of the Police Jury whenever he shall be thereto required by twelve inhabitants, free-holders. 1811—184—4 Extra meetings.

SEC. 8. The Clerks of the District Courts of the different parishes of this State are empowered to convene the Police Juries of their respective parishes, whenever there is a vacancy in the office of President, in the same manner and for the reasons that the President could himself do. 1850—24—1 Clerks to call meetings when there is no President.

SEC. 9. Notice to the members shall be necessary only in cases of special meetings. 1818—74—7 Notice of meeting when necessary.

SEC. 10. The Police Juries shall, at such times as they may think proper, elect a President from their own body, to serve for one year. 1847—82—3 To elect a President.

SEC. 11. He shall preside at all meetings of the Police Jury, and shall control and direct their deliberations; and shall perform such duties as may be imposed on him by law. 1847—81—1 Duties of President.

SEC. 12. It shall be the duty of the President to order elections to fill all vacancies that may exist in said Police Juries, giving at least ten days notice of such election by having written or printed notices posted at three several places in the ward where said election may be ordered; and in parishes where newspapers are published, besides the notice above directed to be given, publica ion thereof shall be made in one newspaper, twice in ten days, in English and French, or in English only, at the option of the President of the Police Jury; said elections shall be conducted according to the existing laws regulating elections. 1847—82—2 & 4 Elections to fill vacancies. Notices, how given.

SEC. 13. The President, when desirous of resigning his seat as a member or President, shall tender his resignation to the Police Jury. 1847—82—7 President may resign.

SEC. 14. Whenever the President does not attend, the juries are authorized and required to appoint a President, pro tempore, from amongst themselves, who shall have all the powers, and perform all the duties required by law of the President. 1824—134—2 President pro tem.

SEC. 15. The members of Police Juries shall be entitled to two dollars per day for every day they are actually employed in the service of their respective parishes at meetings of the Police Jury, to be paid out of the funds of the several parishes on warrant of the President of the Jury. 1818—72—5 Pay of Police Jurors.

SEC. 16. Whenever the President shall fail or neglect to perform any of the duties imposed on him by law, without a reasonable excuse, he shall forfeit and pay for each failure as aforesaid, the sum of one hundred dollars into the Treasury of his parish, to be recovered by motion before the District Court, by the District Attorney; three days notice of which motion shall be given said President; and it is hereby made the duty of the District Attorneys throughout the State, diligently to enquire whether the said President shall have performed his duties, and proceed as the cause may require. 1818—72—8 Penalty for President neglecting his duty. Duty of District Attorneys.

1818—72—2

Penalty for Police Jurors failing to attend.

SEC. 17. Whenever any member of any Police Jury shall fail to attend a regular meeting; or, on being duly notified, any special meeting; or who having attended, shall absent himself from said meeting, previous to the legal seperation thereof, without a reasonable excuse, shall forfeit and pay to the treasury of his parish the sum of thirty dollars.

THEIR POWERS, DUTIES, &c.

1813—158—5

Powers and duties.

SEC. 18. The Police Juries shall have power to sue and be sued; and to make all such regulations as they may deem expedient:

To regulate the police of slaves.

1. For the police of slaves in their respective parishes, and for the pursuit and apprehension of runaways.

Roads, bridges and levees, &c.

2. As to the proportion and direction, the making and repairing of the roads, bridges, causeways, dikes, levees and other highways; and generally to make all such regulations as they may deem expedient for the completion and carrying into operation of all internal improvements that may be deemed necessary.

Clearing the banks of rivers.

3. For the clearing of the banks of the Mississippi river and of other navigable streams, for the purpose of securing a free passage for boats and other small crafts, and for the tow lines of the same.

Fences.

4. As to the form and height of enclosures or fences, whenever they may think proper to require the proprietors to enclose any ground.

1825—64—3

Cattle.

5. To pass all ordinances and regulations which they shall deem necessary in relation to the marking, the sale and destruction of cattle in general, and especially of wild cattle, which are not marked; and also of horses and mules; and to take any measures concerning the police of cattle in general, in all the cases not provided for by law; to fix the time in which cattle may rove at large, and to determine what animals shall not be suffered to rove, and in what cases they may lawfully be killed.

1842—440—11

To tax Billiard Tables, Grog Shops, Pedlers, &c.

6. To impose whatever parish tax they may see fit on all keepers of billiard tables and grog shops, and on all hawkers, pedlers and trading boats, and also on taverns and houses of public entertainment, and shops for retailing liquors.

1813—158—5

Fines.

7. To determine the quantum of fines against all such as shall transgress their regulations, not exceeding one hundred dollars.

Taxes.

8. To lay such taxes as they may judge necessary to defray the expenses of their respective parishes.

1852—42—1

Ferries and toll-bridges.

9. The Police Juries of the several parishes of the State, (the parishes of Orleans and Jefferson excepted,) shall have the exclusive privilege of establishing ferries and toll bridges within their respective limits; of fixing the rates of ferriage and toll to be charged thereon, and of generally regulating the police of the same. This privilege shall not extend to any ferries or bridges already established, until the expiration of their charters; nor to any ferries or bridges within the

control of Municipal Corporations. They shall have the right to lease the ferries for any number of years not to exceed five. The lessees of said ferries shall give bond and security annually, payable to the President of the Police Jury, and to his successors in office, in such sums as said Police Juries may require, for the faithful performance of their duties as public ferrymen; said bond to be approved of by the President, and filed and recorded in the Recorder's office.

Treasurer.

10. To appoint a Treasurer for the parish.

Officers.

11. To appoint all officers necessary to carry into execution the parish regulations, and to remove them from office.

1852—163—1
Taxation for the poor.

12. To provide for the support of the poor and necessitous within their respective parishes by taxation or otherwise.

1818—160—6
1814—46—1
Natural drains.

13. To cause to be opened in any town, suburb, or other place divided into house lots, or when a point of land on the Mississippi or other water course shall be divided among several proprietors, such ancient natural drains as have been obstructed by the owners of the adjacent lands; and to prescribe the mode to be observed in that respect; to cause any water course which is not navigable to be filled up for the purpose of carrying the public highways over the same; provided that no injury be thereby occasioned to the neighboring inhabitants; and whenever, on application made by more than twelve inhabitants of a town, suburb, or other place divided into house lots, or when a point of land on the Mississippi or other water course, shall be divided among several proprietors, it shall be found necessary to dig one or more common draining ditches, the said juries shall have power to ordain that the said ditches be dug at the expense of the owners of the lots, and that the expense be borne by a contribution among the owners, to be levied in such manner as the jury shall prescribe; saving to individuals or persons aggrieved, the right of complaining for the making or opening of such natural or artificial drainings when necessary or hurtful to them.

1813—160—10
To provide a Court-House, Jail, &c.

14. To provide a sufficient house for the District Court, together with proper rooms for jurors; and also a good and sufficient jail, at such place as the said jury may deem most convenient for the parish at large; provided, however, that when the seat of justice is established by law, said jury shall not have power to remove the same.

1825—62—1
Trespasses by hunters.

15. To adopt such regulations as they may think necessary, to prevent and punish trespasses committed by hunters in closes or lands fenced in; provided, however, that the fines imposed by the said Police Juries for such offences, shall, in no case, be less than five dollars, nor more than fifty dollars.

1827—86—6
Bridges and Turnpike Roads.

16. To grant permission and to determine the rate of toll to be demanded by persons desiring to build a bridge, or make a turnpike road; provided, that in no case whatever, the Police Jury shall grant the right of toll for more than ten years.

1835—162—5
Quarantine regulations.

17. To enact ordinances and regulations, to protect their respective parishes against the introduction of all and every kind of contagious or epidemical diseases.

1817—156—3
To sue for work done.

18. To sue any person for whose account levees, roads, &c., may have been made, at the expense of the parish, and to obtain the reimbursement of the said amount, by privilege on the land subject to the said works.

1820—54—1
Overseers of roads and levees.

19. To appoint Parish Syndics, and Overseers of roads and levees, at any regular meeting. by a majority of the votes present, and whether a quorum be in attendance or not.

1829—104—54
To lease School Lands

20. To lease to the bidder for the shortest time, not exceeding two years, any tract of land within the limits of their respective parishes, given by the General Government to the State for the use of schools, and upon which a levee shall be necessary, as well for its own protection, as that of the adjoining lands from inundation; the only consideration of said lease, to be the making and keeping in repair the necessary levee, by the lessee, for the whole term of his lease.

21. To determine how their ordinances and regulations shall be promulgated.

1847—82—5 & 8
Taxes to be levied and appropriations made only by a majority of all the members elected.

SEC. 19. A vote of a majority of all the members elect of Police Juries, shall be required to levy any parish tax, or to make any appropriation; provided, that in levying parish taxes, the Police Juries shall levy a uniform per centum on every species of property, trade or profession, on which the State assesses a tax.

Special tax for levees.

Nothing in this section shall be so construed as to prevent Police Juries in the river parishes from levying a special tax on land for the construction and support of levees.

1847—82—6
1848—105—1
Estimate of expenditures.

SEC. 20. The Police Juries of the several parishes of the State, (Terrebonne excepted) before they shall fix and decide on the amount of taxes to be assessed for the current year, shall cause to be made out an estimate exhibiting the various items of expenditure; and shall cause the same to be published in one newspaper published in the parish, or in parishes where a newspaper is not published, then by posting up written statements of said estimates in at least three of the most public places in such parishes, at least thirty days before their meeting, to fix and decide on the amount of taxes to be assessed as aforesaid.

1842—522—1
Powers of collectors of parish taxes.

SEC. 21. The collectors of parish taxes shall have the same power to collect and enforce payment of the taxes, as the collectors of State taxes.

1813—160—10
Courthouse and Jail.

SEC. 22. The Police Jury of each parish shall be bound to provide a good and sufficient courthouse; and also a good and sufficient jail, at such place as they may deem most convenient for the parish at large; provided, that when the seat of justice is established by law, they shall not have power to remove it.

SEC. 23. Police juries, and the constituted authorities of incorporated towns and cities, shall not have power to contract any debt or pecuniary liability without fully providing in the ordinance creating the debt, the means for paying the principal and interest of the debt so contracted.

1853—234—1
Power to contract debts.

SEC. 24. The ordinance or enactment providing for the payment of the principal and interest of any debt created by the Police Jury or authorities of incorporated towns and cities, shall remain in full force until the debt and interest is paid.

1853—234—2
Ordinance providing for the payment to be irrepealable.

SEC. 25. Whenever Police Juries or authorities of incorporated towns or cities, shall have provided for the payment of a debt by levying a tax, and shall fail or refuse to cause said tax to be collected, for the purpose of paying the debt and interest, for which it was imposed, it shall be the duty of any District Court, of the district in which such refusal or failure may occur, on motion of the attorney of any of the creditors of said parish or incorporated town or city, after having obtained a judgment in their favor, to issue his mandate, directed to the Sheriff or other tax collector of the parish or incorporated town or city in which said judgment may have been obtained, to proceed forthwith to collect said taxes in the same manner as prescribed by existing laws; and the same shall be appropriated to the payment of said judgment and costs, the Sheriff or other tax collector retaining the same commissions as are allowed by law for the collection of parish taxes, as compensation for his services.

1853—234—3
Proceedings in case of failure by the Police Jury to collect the tax.

SEC. 26. The clerks of the Police Juries of the several parishes of this State, shall have the right of demanding for the certificates of authorization of emancipation of slaves, they shall deliver in that capacity, the same emoluments as the clerks of the parish courts have the right of demanding for similar services.

1827—178—1
Clerks of Police Juries and their fees.

PARISH OF ORLEANS RIGHT BANK.

SEC. 27. There shall be created a separate Police Jury in and for that portion of the parish of Orleans, situate on the right bank of the river Mississippi, under the style and name of "Police Jury of the parish of Orleans on the right bank of the river Mississippi"

1840—127—1
Police Jury for Orleans right bank.

SEC. 28. That portion of the parish of Orleans, on the right bank of the river, shall be divided into seven districts, each of which shall have the right of electing a member of the Police Jury, and it shall be renewed in the manner prescribed by law.

1948—E. S.—25—1
Jury wards.

SEC. 29. The Justice of the Peace of that portion of the parish of Orleans on the right bank shall be ex-officio President of the Police Jury.

1840—129—12
President.

SEC. 30. The President shall be entitled to a casting vote on all questions where the members are equally divided.

1841—59—2
To have a casting vote.

1840—129—13
Meetings.

SEC. 31. They shall be convoked by the President once a month, or as often as may be necessary; and in case of his absence or indisposition, two members shall have the right to convoke said Police Jury.

1840—129—14
Ordinances how preserved and promulgated.

SEC. 32. They shall cause to be transcribed into a book, all regulations, resolutions and ordinances, by them passed, which shall be signed on said book by the President, and a copy from said book shall be entitled to full faith and credit before all the courts of this State, when certified by the President; and said regulations, ordinances or resolutions, shall be promulgated by posting them, in the French and English languages, on the door of the Justices Court during ten days, and the President shall certify on the book, the day on which they were promulgated.

1840—129—11
Bond and security to be given.

SEC. 33. The officers appointed by the Police Jury, before entering on their duties shall give bond in the sum fixed by the Police Jury, with a good and solvent freeholder of that portion of the parish of Orleans, for the faithful performance of the duties of their office.

1840—127—8
Powers and duties of Police Jury.

SEC. 34. The Police Jury shall enjoy the same powers and be subject to the same duties, as the Police Juries of the other parishes of this State.

SEC. 35. They shall also have power, for that portion of the parish of Orleans on the right bank of the Mississippi river,

1840—128—17
Police, patrols, &c.

1. To make such by-laws, ordinances, and regulations, as they may deem expedient for the police and government of that portion of the parish; to establish a jail, guards, and patrols, and to regulate, and define their duties.

Police of slaves.

2. To regulate the police of slaves, and the pursuit and apprehension of runaways.

Levees, dykes, ditches, &c.

3. To regulate the proportion and direction, and the making and repairing of levees, dykes, ditches, causeways, &c.; to clear and improve the banks of the Mississippi river; to cause to be removed at the expense of the owners, all buildings and other incumbrances that may obstruct the levee, or the space between the levee and river, (except ship yards now existing) or that may interfere with the police regulations for the security of the levee and river banks; to cause to be removed at the expense of the owner, any levee made in violation of law; and to determine the size, and direction of ditches.

1841—59—4
Fences.

4. To determine the form and height of enclosures and fences; and the manner of making and repairing those held in common.

1840—130—17
Police of animals.

5. To regulate the police of all animals, and the manner of disposing of stray, loose or noxious animals.

Police of taverns, grog-shops, &c.

6. To regulate the police of taverns, houses of public entertainment, grog-shops, stores for retailing liquors, billiard tables, slaughter-houses; to regulate public entertainments, and to prohibit disorderly, or unlawful meetings, or assemblies.

7. To prevent hunting on enclosed grounds, without the consent of the owner. Hunting on enclosed grounds.

8. To regulate the price and weight of bread, so as to allow bakers a profit of five dollars on each barrel of flour baked. 1842—118—3 Bread.

9. To make such improvements in the opening, extending, widening and straightening of roads, streets, and sidewalks, as they may deem proper. 1852—147—1 1847—114—1 Streets and roads.

10. To cause to be adjudicated to the lowest bidder, all works that are omitted or neglected to be done, according to their regulations; or to cause the work to be done by journeymen or otherwise; in either case, at the cost of the owner. 1840—130—17 Works to be adjudicated to the lowest bidder.

11. To levy a tax on real and personal property and slaves; upon ships, vessels, steamboats and other water craft, landing there for more than five days, except the ferry during the term of the privilege; upon all wood yards, carpenters' yards, dry-docks, livery stables, bakeries, slaughter houses, taverns, billiard tables, and upon all other objects liable to taxation. 1840—128—10 Taxes.

Sec. 36. Whenever the Police Jury shall enact and pass any ordinance, for the improvement of any street, road or side walk, or for any other improvement, or for any new work, the same shall be promulgated, and fifteen days notice of such ordinance or requirement, shall be given in writing to the owners of the property or their agents, who are required to make the improvements; in case the owners or their agents shall fail to comply with said ordinance and requirement within the said fifteen days, then, the Police Jury shall have the power to cause the required work to be executed at the expense of the said owners. And the Police Jury are authorized to recover and collect by due course of law of said owners, the expense and costs of said works, and all costs incurred by reason of their non-compliance with said ordinance. 1852—147—2 Notice to be given to the proprietors. On failure of the owners, the Police Jury may have the work done.

Sec. 37. The Police Jury is hereby authorized and empowered to pass by-laws, and regulations to punish by fines not exceeding one hundred and fifty dollars, at any one time, any person who shall be guilty of violating or breaking, refusing or neglecting to comply with any of their regulations or ordinances; to be recovered by suit brought in the name of the Police Jury of that portion of the parish of Orleans, on the right bank of the river, for the benefit of that portion of the parish on the right bank. 1840—129—15 Fines for violating ordinances.

Sec. 38. In case of the non-payment of any fine, the party shall be subject to be committed to jail until he has satisfied it, with the costs of court. Provided that said imprisonment shall not exceed one month. 1850—244—1 Penalty for non-payment of fines.

PARISH OF JEFFERSON.

1834—15—1

Police Jury how composed.

SEC. 39. The Police Jury of the parish of Jefferson shall be composed of not less than eight, nor more than twelve members, whose duty it shall be to divide the parish into as many wards as shall correspond with the number of members that compose the jury, so that each ward shall be represented in the jury by one member.

1834—16—3

May be increased or diminished.

The said Police Jury shall at all times have the power to increase or diminish their numbers, provided they remain within the limits above prescribed; and it shall be their duty to establish the time and manner of holding the election for members of their own body.

1834—19—11

Elections when held.

SEC. 40. An election for members of the Police Jury shall take place annually; and in case of failure to hold an election, the said members then constituting the body of the Police Jury, shall continue to discharge the duties of the Police Jury until an election shall take place; and all acts, rules, regulations and ordinances passed by said body so holding over, shall be legal and valid, and as binding as if the same had been passed during the term for which they had been elected; they shall have power to call special elections at any time to fill vacancies that may occur.

1834—19—12

Penalty for refusing to serve.

SEC. 41. Any person duly qualified and elected who shall refuse to serve as a member of the Police Jury, shall forfeit and pay the sum of fifty dollars, for the benefit of the Orphan Boys Asylum established in the parish of Jefferson, unless such person has served during the preceding year.

1834—19—10

Fine for not attending.

SEC. 42. Any member neglecting to attend any meeting of the Police Jury, or who, after having attended, shall withdraw or absent himself before the adjournment of said meeting, shall forfeit and pay the sum of five dollars, for the benefit of the Orphan Boys Asylum, established in the parish of Jefferson, unless the member, for some sufficient cause, stated under oath, be excused.

1834—18—6

Publication of ordinances.

SEC. 43. The Police Jury shall cause to be transcribed or entered into a book, all regulations, rules or ordinances by them passed, which shall be signed by the President; and they shall establish and determine the time and manner of publishing of all rules, regulations and ordinances by them passed; and also the manner of giving notice whenever any thing is required to be done by virtue of said regulations; provided, nevertheless, that they may dispense with giving notice in cases of great emergency when any repairs or work is to be done to the levees in said parish.

1842—188—1

Powers.

SEC. 44. They shall have all the powers now vested in Police Juries, and shall be further invested with full authority and power:

Sale of bread.

1. To establish a tariff regulating the weight and sale of bread within the limits of said parish.

Roads and levees.

2. To establish the mode of making and keeping in repair the levees, roads, streets, bridges, ditches, footways, public squares and

public battures, by means of adjudication of said works to the lowest bidder, and to pay the price of said works, either in cash or by means of bonds and notes.

The Police Jury shall retain, for the recovery and reimbursement of the price of said works thus advanced by them, their recourse against the owners of such lands or lots as are respectively bound for such works by virtue of the laws now in force, with privilege thereon to secure such reimbursement.

3. To lay on each of the properties, now divided or to be hereafter divided, within the parish of Jefferson, into villages, boroughs, or faubourgs, and separately on each of such properties, special taxes, which shall be collected by the Sheriff, and at the same time with the ordinary taxes. Such special taxes shall be equally divided upon and borne by each proprietor pro rata with the value of his property according to the appraisement thereof, made for the State taxes. Such special taxes shall be exclusively applied to the reimbursement of advances made by the Police Jury for the price of the works above mentioned. **Special taxes.**

4. As regards those works which are to be kept up by the owners of lands or plantations not divided into villages, boroughs, or faubourgs, the Police Jury shall have the right to direct the making or repairing the same within a delay to be fixed by them or their delegates; and in case of refusal or negligence on the part of the proprietors to obey the orders to them given by the Police Jury, or under their authority, then and in such case the Police Jury shall have the right to direct the sale and adjudication of said works to the lowest bidder, and to pay the price thereof, either in cash or by means of bonds and notes; and the reimbursement thereof shall be secured to them by privilege on the properties respectively bound for said works. **Works done by the parish.**

The Police Jury shall only have right to proceed to the sale and adjudication of said works, after having caused the proprietors to be notified of the necessity of said works, by written notice to them delivered in person, or left at their demicil, in the hands of some free individual above the age of fourteen years, and whenever the proprietors are unknown, or reside out of said parish, only after public notice inserted during the period of time fixed by the said Police Jury in one of the public papers published in said parish, and in the State gazette; provided, that in all cases wherein delay shall be deemed fatal by said jury, they shall have the right to dispense with the notices above mentioned. **Notice to be given to the owners.**

5. To order and make such rules and regulations as they may deem expedient and proper for the better police and apprehension of fugitives and other slaves; for the clearing and improving of the banks of the Mississippi and all other navigable streams; the pulling down and removing of all buildings and other incumbrances that may ob- **1834—16—4**

Police regulations.

struct the levee or the space between the levee and the river, or that may interfere with the police regulations made for the better security of the levee and the banks of the river; and cause to be removed at the expense of the delinquent, any levee made in violation of law; to determine the form and height of all enclosures and fences, the size and direction of ditches, wherever the same may be required or authorized to be made; for regulating the police of taverns, houses of public entertainment, grogshops, stores for retailing liquor, billiard tables, slaughter houses, powder magazines; for the regulation of public entertainments, and prohibiting and repressing all disorderly and unlawful meetings or assemblages; for establishing patrols and defining their duties; for establishing a guard and jail; to prevent hunting on enclosed grounds without the consent of the owners, lessees or overseers; for regulating the police of all animals and the manner of disposing of stray, loose, or obnoxious animals; for prohibiting the setting fire to the marshes or the grass on any of the low grounds commonly called prairies; to pass regulations to punish by fine, not exceeding one hundred dollars at any one time, any person who shall be guilty of violating or breaking, refusing or neglecting to comply with any regulation or ordinance.

1834—18

Fines.

1842—192—5

Division of property into lots to be approved by the Police Jury.

SEC. 45. Whoever shall desire to divide his property into lots, squares or the portions, shall be bound before disposing of his property thus divided, to submit the plan of division to the Police Jury for their approval; and in case of approval then to file a duly certified copy of said plan with the Clerk of the Police Jury, under penalty of nullity of any and of all sales made in contravention to the present section.

1833—88—6

Owners of lots to register their names.

SEC. 46. All persons owning lots or undivided portions of lots in any of the towns or suburbs of the parish of Jefferson, whose title is not now registered in the office of the Parish Recorder, shall be bound to register their names at the office of the Parish Recorder of the parish of Jefferson, as also a detailed description of the property by them respectively owned; and all persons who may hereafter acquire lots within said towns or suburbs, shall be bound to make the same entry within thirty days after they shall have become owners; any person failing to comply with the provisions of this section shall be subject to a penalty of not more than one hundred dollars, and not less than ten dollars.

RELATING TO PARTICULAR PARISHES.

Avoyelles.

1834—89—1

Powers of Police Jury.

SEC. 47. The Police Jury of the parish of Avoyelles shall be invested with power to cause the navigation of the Bayou de Glaize to be opened from the junction with the Bayou Rouge into lake Pearl, and the same is hereby declared a navigable stream.

SEC. 48. They may impose such pains and penalties as they may deem proper on all persons who may obstruct or injure the navigation of the Bayou de Glaize or Bayou Rouge. 1834—89—2 May impose fines.

Carroll.

SEC. 49. In no case shall the Police Jury of the parish of Carroll, have the right to levy a higher tax than one hundred per cent. on the State tax. 1834—81—2 Taxation.

Concordia.

SEC. 50. It shall be lawful for the Police Jury of Concordia to extend its sittings from four to six days, at any regular meeting, if, in the opinion of a majority of the members present, such extension is necessary for the dispatch of the public business. 1853—88—1 Sessions of Polic Jury.

SEC. 51. Hereafter it shall not be lawful for the Police Jury to levy upon lands in said parish for levee purposes, or for any other purpose, any tax other than an ad valorem tax, to be levied upon the assessed cash value of said lands. 1854—48—1 Power to levy taxes

East Baton Rouge.

SEC. 52. The Police Jury of the parish of East Baton Rouge shall hold its session on the first Monday of January instead of the twenty-second day of February, as heretofore. 1840—101—1 Sessions.

Pointe Coupée.

SEC. 53. The Police Jury of the parish of Pointe Coupée shall have power and authority to license bakers, and to regulate the price and tariff of bread; and to impose a penalty on all persons who shall carry on the business of a baker, or sell bread without a license as aforesaid, or in contravention to the regulations and tariff which may be made. 1843—104—2 To license bakers and regulate the price of bread.

Rapides.

SEC. 54. The Police Jurors of the parish of Rapides, shall receive from the Parish Treasurer, in addition to the per diem already allowed them, the same rate of mileage that is allowed to grand and petit jurors. 1850—44—1 Pay of Police Jurors

St. Landry.

SEC. 55. The Police Jury of the parish of St. Landry is prohibited from levying in any one year, parish taxes, the agregate amount of which shall exceed, by seventy per cent., the rate of taxes levied by the State for the same. 1836—191—1 Amount of tax that may be levied.

St. Martin.

SEC. 56. The police Jury of the parish of St. Martin is authorized to appoint, for every two wards, three Commissioners who shall remain in office during two years. 1836—161—2 Commissioners to be appointed.

1835—161—8
Their duties.

SEC. 57. It shall be the duty of the said Commissioners to make an estimation of the local works which shall be necessary in the wards represented by them; and the Police Jury is hereby authorized to levy an additional tax in the wards, in proportion to the taxable property, in order to pay the expenses occasioned by the works or improvements to be made in them; the tax shall be collected by the Sheriff of the parish, in the same manner and at the same time as the other taxes.

1835—161—4
Tax may be paid in labor.

SEC. 58. It shall be lawful for any person to furnish men in order to make said works or improvements, for their portion of the tax; and every day's work furnished by them shall be accounted for, at the rate of seventy-five cents; provided, that the provisions herein contained shall in no manner be construed so as to be applicable to the works of the parish.

Sabine.

1848—28—15
Authority to levy taxes.

SEC. 59. The Police Jury of the parish of Sabine shall have authority to levy, annually, a parish tax, not to exceed the State tax; and the Sheriff shall be bound to collect all taxes that may hereafter be levied therein.

Terrebonne.

1847—127—1
Special tax.

SEC. 60. The Police Jury of Terrebonne shall have power to levy a specific tax from year to year, on the lands and negroes within its limits, subject to taxation, to an amount not exceeding, in any one year, the annual State tax proper, for the purpose of keeping open the several principal bayous in the parish; and may expend the same in the purchase of machinery and slaves to be employed thereon, or in any other manner that may seem expedient.

Terrebonne and Lafourche.

1847—127—1
Special tax.

SEC. 61. The Police Juries of the parishes of Lafourche and Terrebonne are empowered to levy a special tax, not exceeding one-half of the annual State tax, from year to year, on the lands in their respective parishes, lying between the bayous Lafourche and Terrebonne, from the canal of the Lafourche and Terrebonne Navigation Company, above, to the Canal of Mooney, on the Bayou Lafourche, and to the lower plantation of H. Bellenger, on the Bayou Terrebonne, below.

The revenue arising from which tax shall be appropriated to keeping open the Bayou l'Eau Bleue, and the various other bayous and canals which it may be found necessary to open or keep open for the purpose of reclaiming or freeing from liability to inundation, the lands situated between the two said bayous above designated.

1847—128—2
Commissioners to be appointed.

SEC. 62. Each of the aforesaid Police Juries shall have power to appoint, in the manner hereinafter provided, two Commissioners, to direct the expenditures of the money set apart for this object, in such

manner as may seem to them most advantageous, which Commissioners shall be vested with such powers as the Police Juries may bestow, and shall take an oath for the faithful performance of the duties assigned them.

1847—128—3
Powers of Police Jury to accumulate a fund.

The Police Juries may, at their option, suffer the fund to accumulate from year to year, until a sufficient amount shall have accrued to carry out the desired objects.

1847—128—4
Commissioners how to be appointed.

SEC. 63. Each of the aforesaid Police Juries, in appointing the two Commissioners, shall appoint, in the first instance, one to serve for one year, and the other to serve for two years, and thereafter one in each and every year, who shall serve until their successors shall have been appointed and sworn into office, or until the office shall be abolished by the said Police Juries.

Pointe Coupée and West Baton Rouge.

1828—48—1 & 2
Poydras legacies.

SEC. 64. The legacies made by the late Julien Poydras to the parish of Pointe Coupée, one of the said legacies consisting of thirty thousand dollars, the interest of which is to be appropriated as dowries for the young ladies of the parish; and the other, consisting of twenty thousand dollars, the interest of which is to be appropriated to the maintenance of an academy in the parish, and making together the sum of fifty thousand dollars, shall be placed at the highest conventional interest, in said parish, by commissioners to be appointed for that purpose.

The fund to be put at interest.

No more than five thousand dollars shall be lent out to any one person, and no part of the sums above mentioned shall be lent out but with mortgage on real property, the appraisement of which property on the tax roll shall be equal to the sum lent out; or on personal security, if mortgage security cannot be obtained, in which last case no more than one thousand dollars shall be loaned to one person in Pointe Coupée; but in the parish of West Baton Rouge the sum of five thousand dollars may be loaned, on personal security, to one person; provided, nevertheless, that in case the whole amount of fifty thousand dollars cannot be lent out by the commissioners within the said parish, then the balance shall be placed at interest in the adjoining parishes, or any other part of the State, but always on the same conditions and restrictions mentioned in the present section.

1887—24—3 & 4

1825—84—4
The interest of $20,000 how disposed of.

SEC. 65. The Police Juries are directed to deposit annually, in the hands of the Treasurer of the Board of Trustees of the Public Schools of the said parish, the interest accruing from the sum of twenty thousand dollars, to be laid out by the Trustees to the use and support of the principal establishments of public education in the parish and that until payment is made of the sums accruing from the interest, they shall be deposited by the commissioners in the nearest branch Bank, at the disposal of the Police Jury.

SEC. 66. The annual interest of the thirty thousand dollars, as dowries for the indigent females of the parish, in the beginning of each year, shall be divided among those who shall have been married the preceding year, and in such a manner as the said Police Juries shall establish, regard being had to the greater or lesser degree of indigence of those among whom the partitition shall be made.

1825—86—6
1828—48—3
To apply to West Baton Rouge.

SEC. 67. The provisions of the three preceding sections shall be common to the Police Jury of the parish of West Baton Rouge, with regard to a legacy of thirty thousand dollars, made by the late Julien Poydras, for dotation of the i digent young ladies of that parish; provided, that if mortgage security cannot be obtained, it may be loaned out on personal security, not exceeding five thousand dollars to one person.

1848—128—1 & 2
Power to foreclose mortgages and to purchase property.

SEC. 68. The Police Juries of the parishes of Pointe Coupée and West Baton Rouge are hereby empowered and authorized, should it become necessary for the interests of the parishes, to foreclose any mortgages given to them to secure the payment of the funds bequeathed by the late Julien Poydras; and to purchase, by their President or any other authorized agent, such property, if, in the opinion of the majority, it should become necessary, and to sell, at auction or otherwise, all property so acquired, due attention to be had that the funds, so bequeathed, shall not sustain any losses in such transactions.

1848—128—2
May sell property thus acquired.

East Feliciana and St. Helena.

1843—47—1
Bridges and Ferries.

SEC. 69. The Police Jury of East Feliciana and St. Helena, by joint concurrence, shall have full and complete jurisdiction over all bridges, ferries and other highways, that are now or may be made across the Amite river, so far as the river makes the line between the two parishes.

This section shall not be so construed as to prevent any individual from making a bridge or ferry for his own and the public convenience, and which shall be free from charge.

Natchitoches, Caddo and Claiborne.

1841—35—1
Power to make cut-offs.

SEC. 70. The Police Juries of the parishes of Natchitoches, Caddo and Claiborne, respectively, shall have power to order, that any points in the Red River, situated within their respective parishes, shall be cut off, when in their opinion such cut-off will improve the navigation of Red River.

1841—35—2
Compensation for damages, how made.

SEC. 71. Whenever the cutting off of any point in Red River shall injure any private individual, or the proprietor of any land at or near any cut-off, such person shall be entitled to such compensation as may be awarded to him by a jury of twelve men, to be nominated by the Police Juries, respectively.

SEC. 72. Any compensation, which shall be awarded, shall be paid by the parishes respectively in which the points to be cut off are situated, except in case such cut-off may be ordered at the request of any private individual, company or corporation; in which case, the amount shall be paid by such individual, company or corporation. 1841—35—3 How to be paid.

St. Mary.

SEC. 73. The Police Jury of the parish of St. Mary is empowered to appoint, yearly, a health officer for said parish, who shall be a regularly licensed physician, under the laws of this State, and who shall receive such compensation as said Police Jury may allow, whose duty it shall be, on being informed of the existence of any contagious or infectious disease of a dangerous nature, on board of any vessel arriving from sea in the waters of the Atchafalaya Bay or River, or in the Bayou Teche, to visit said vessel and ascertain whether such disease exists on board or not. 1858—172—1 Police Jury of St. Mary may appoint a health officer. His powers.

SEC. 74. In case said health officer shall ascertain the existence of any contagious or infectious disease, as aforesaid, on board such vessel, it shall be his duty to order the captain of such vessel, or other officer commanding the same, to anchor at Berwick's Bay, and there remain until the contagious or infectious disease shall have disappeared from on board said vessel, and until said vessel shall have been thoroughly cleansed and ventilated, in such manner as to prevent the communicating of such disease from said vessel, when it shall be the duty of said health officer to give said vessel a health certificate, allowing her to proceed on her voyage. 1858—172—2 Powers.

SEC. 75. Should any captain or other officer refuse to obey the orders of said health officer, or contravene in any other manner the provisions hereof, he and the owner of the vessel shall be liable to a fine of five hundred dollars, one-half to the informer. 1858—172—3 Penalty for refusing to obey health officer.

St. Bernard.

SEC. 76. The Police Jury of the parish of St. Bernard shall be invested with full power to cause the navigation of the bayou of Terre aux Bœufs, to be opened from the junction with the Mississippi river to Benkeque in Terre aux Bœufs; and to make, at the entrance of said bayou, near the Mississippi river, all works as they may deem convenient. 1839—112—8 To open Bayou Terre aux Bœufs.

SEC. 77. They shall be vested with full power to impose such penalties as they may deem proper on all persons who may obstruct or injure the navigation of the bayou of Terre aux Bœufs, or the works they may make at the entrance of said bayou; provided, that the fine shall in no case exceed the sum of three hundred dollars. 1839—114—9 May impose fines for obstructing the bayou.

SEC. 78. They are vested with full power and authority to order and make such rules and regulations as they may deem expedient and 1839—114—11 General powers of police.

proper for the better police and apprehension of fugitive and other slaves; to regulate the proportion and direction, the making and repairing of the levees, dykes, ditches and causeways, &c.; for the clearing and improving of the banks of the Mississippi and all other navigable streams, the pulling down and removing of all buildings and other incumbrances that may obstruct the levee, or the space between the levee and the river, or that may interfere in the least with the police regulations made or passed for the better security of the levee and the banks of the river; and cause to be removed, at the expense of the delinquent, any levee made in violation of law; for determining the form and height of all enclosures and fences, the size and direction of ditches, whenever the same may be required or authorized to be made; for causing to be adjudged to the lowest bidder, all works that are omitted or neglected to be done according to the regulations of the said jury, with full power to cause said works to be executed by journeymen, or otherwise at the cost and expense of the delinquent; for regulating the police of all animals, and the manner of disposing of stray, loose or obnoxious animals; for prohibiting the setting of fire to the marshes or the grass on any of the low lands commonly called prairies; and for regulating the police of taverns, houses of public entertainment, grog shops, stores for retailing liquors, billiard tables, slaughter houses, powder magazines; for the regulation of public entertainments, and prohibiting and repressing all disorderly and unlawful meetings or assemblages; for the establishing patrols, and defining their duties; for the establishing a guard and jail; and to prevent hunting on enclosed grounds without the consent from the owners, lessees or overseers.

1889—115—12

May appoint officers.

SEC. 79. They shall also have power to appoint such officers as they may deem necessary for the good administration and the well conducting the affairs and concerns of the parish, and all such officers as may be conducive to the strict observance of all their rules, regulations and ordinances; to determine the time and manner of appointing said officers, of defining their duties and establishing their compensation, the manner of their removal; they shall also have power to appoint as many constables as they may deem necessary, and to remove them from office.

1889—116—13

Proceedings to be kept in a book.

SEC. 80. The Police Jury of the parish of St. Bernard, shall cause to be transcribed or entered into a book, all regulations, resolutions or ordinances by them passed; and that the same shall be signed on the said book by the President of the Police Jury.

Ordinances, how promulgated.

Any copy duly certified from said book, of any of the regulations, resolutions or ordinances, shall be entitled to full faith and credit before all the courts of this State. All resolutions, ordinances or regulations shall be duly promulgated by posting up at the Court House of the said parish a copy of the same, in the language in which it has

been passed; the day on which they shall have been promulgated shall be entered in the said book, and the said certificate shall be the best evidence of their promulgation.

1889—118—14

May impose fines for violating ordinances.

SEC. 81. They are authorized to pass regulations, to punish by fine, not to exceed three hundred dollars at any one time, any person who shall be guilty of violating or breaking, refusing or neglecting to comply with any order given under the authority of any rule, regulation or ordinance that may be passed by the said Police Jury; and that the same may be recovered by suit brought in the name of the Police Jury of the parish.

See "PATROLS," "ROADS AND LEVEES," "BLACK CODE."

President to report annually to the Governor defaulters. See DEFAULTERS, *Sec.* 2 and 3.

Slaves under thirty years of age to be emancipated with the consent of the Police Jury. See BLACK CODE, *Sec.*

Election precints to be established by Police Juries. See ELECTIONS.

PRESCRIPTION.

Public sales—Informalities prescribed in five years. See AUCTION SALES, *Sec.* 4.

Absentees and residents placed on the same footing as to prescription. See AMENDMEETS TO CIVIL CODE, *Sec.* 30.

Accounts of retailers of provisions and liquors, and merchants' accounts, prescribed by three years. *Sec.* 31.

Promissory notes, whether payable to order or bearer, or not, prescribed by five years. *Sec.* 32.

Judgments for money, prescribed by ten years. *Sec.* 32.

PRESIDENTIAL ELECTORS.

ACTS OF CONGRESS.

U. S. STATUTES.

Act approved January 23d, 1845. Vol. 5, p. 721.

Be it enacted, &c., That the Electors of the President and Vice President shall be appointed in each State on the Tuesday next after the first Monday in the month of November of the year in which they

Time of holding election for President.

are to be appointed; provided, that each State may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors when such college meets to give its electoral vote; and provided also, when any State shall have held an election for the purpose of choosing Electors, and shall fail to make a choice on the day aforesaid, then the Electors may be appointed on a subsequent day in such manner as the State shall by law provide.

Act approved March 1st, 1792.
Vol. 1, p. 239.
Number of Electors.

Be it enacted, &c., That, except in case of an election of a President and Vice President of the United States, prior to the ordinary period as hereinafter specified, Electors shall be appointed in each State for the election of President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which Electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President, thus to be chosen, should come into office: provided always, that where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives.

Vol. 1—239—2
Time and place of meeting.

Be it enacted, &c., That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the Legislature thereof; and the Electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice President is contained therein, and shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of, and deliver to the President of the Senate, at the seat of government, before the first Wednesday in January then next ensuing, one of the said certificates, and the said Electors shall forthwith forward by the post office to the President of the Senate, at the seat of government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the Judge of that district in which the said Electors shall assemble.

Vol. 1—240—3
Three lists of Electors to be made.

Be it enacted, &c., That the executive authority of each State shall cause three lists of the names of the Electors of such State to be made and certified, and to be delivered to the Electors on or before the first Wednesday in December, and the said Electors shall annex one of the said lists to each of the lists of their votes.

1844—21—1

Division of the State into Electoral Districts.

SECTION 1. For the purpose of choosing Electors, the State shall be divided into six Electoral Districts, as follows:

The parishes of Plaquemines and St. Bernard, the Third District of the city of New Orleans and Faubourg Trémé shall constitute the First Electoral District.

The Second District (with the exception of the Faubourg Trémé), and the First District shall form the Second Electoral District.

The Fourth District of the city of New Orleans, that part of the parish of Orleans lying on the right bank of the Mississippi, the parishes of Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Assumption, Lafourche and Terrebonne shall constitute the Third Electoral District.

The parishes of St. Tammany, Washington, Livingston, St. Helena, East and West Feliciana, Point Coupée, East and West Baton Rouge, and Iberville shall constitute the Fourth Electoral District.

The counties of Attakapas and Opelousas, and the parishes of Rapides and Avoyelles shall constitute the Fifth Electoral District.

The counties of Natchitoches, Ouachita and Concordia, and the parishes of Catahoula and Franklin shall constitute the Sixth Electoral District.

1825—66—3

New parishes to remain in their former Districts.

SEC. 2. When a new parish shall be established, it shall form a part of the District to which it belonged previous to its change of organization.

1825—66—4

Electors, how voted for.

SEC. 3. Every voter shall vote for six persons, all of whom reside in different Electoral Districts from each other, and in case any ticket shall contain two or more names of persons residing in the same district, the first of such names only shall be considered as duly voted for.

1825—66—5

But one Elector to be chosen from each District.

SEC. 4. Two persons inhabiting the same district, shall not be chosen Electors by the people; wherefore, that person in each district, who, upon the examination at the seat of government of the returns of the votes hereinafter provided for, shall be found to have obtained a greater number of votes throughout the State than any other candidate, residing in the same district with himself, shall be one of the Electors; and no other person in that district shall be an Elector, however great may be the majority of votes which he may have obtained over any other person residing in a different district.

1825—66—6

Elector must be a voter in his District.

SEC. 5. No person shall be an Elector, who at the time of his election, is not a qualified voter in one of the parishes composing the district in which he may be chosen.

1846—77—35

Time of holding Presidential election.

SEC. 6. In every year in which an election is to be held for Electors of President and Vice President of the United States, such election shall be held on the Tuesday next after the first Monday in the month of November in such year, in accordance with an act of the Congress of the United States, approved January twenty-third, eighteen hundred and forty-five, entitled "An act to establish a uniform

time for holding elections for Electors of President and Vice President in all the States of the Union;" and such elections shall be held and conducted in the manner and form provided by law for general State elections.

1825—68—9
Votes, how counted.

SEC. 7. Immediately after the receipt of a return from each parish, or on the fourth Monday of November, if the returns should not sooner arrive, the Governor, in presence of the Secretary of State, the Attorney General, the District Judge of the district in which the seat of government may be established, or any two of them, shall examine the returns and ascertain therefrom the six persons who have been duly elected Electors.

1825—68—10
Copy of returns to be filed among archives of the State.

SEC. 8. One of the returns from each parish, endorsed by the Governor, shall be placed on file and preserved among the archives by the Secretary of State.

1825—68—11
Returns to be published.

SEC. 9. The names of the persons elected, together with a copy of the returns from the several parishes, shall forthwith be published in the newspaper or papers in which the laws of the State may be directed to be published

1825—68—12
Time of meeting of Electors.

SEC. 10. The Electors shall meet at the seat of government on the day appointed for their meeting by the act of Congress, (the first Wednesday in December), and shall then and there proceed to execute the duties and services enjoined on them by the Constitution of the United States in the manner therein prescribed.

1825—68—13
Vacancy in office of Elector, how filled.

SEC. 11. If any one or more of the Electors chosen by the people shall fail, from any cause whatever, to attend at the appointed place, at the hour of 4 P. M., of the day prescribed for their meeting, it shall be the duty of the other Electors immediately to proceed by ballot to supply such vacancy or vacancies; and if, after three ballots, the whole or any of the vacancies should not be filled by a majority of the votes given, the said Electors, then assembled, shall proceed to decide the election for filling such vacancy, by placing the names of all persons, who may have been voted for by the said Electors, and who shall not have been elected on such ballots, in a ballot box, and drawing therefrom, one by one, as many names as there may be vacancies to fill; and the persons, whose names shall be first drawn, shall be the Electors supplying the said vacancy.

1825—68—14
Compensation of Electors.

SEC. 12. Each Elector shall receive the same daily compensation and other allowance, which, at that time, shall be allowed by law to the members of the General Assembly, to be paid by the Treasurer of the State on warrants signed by the Governor.

PRISONS.

1816—24—1

Police Juries to regulate the police of jails.

SECTION 1. The Police Juries in each and every parish of this State, and the Common Council of New Orleans shall have power to pass such by-laws and regulations as they shall deem expedient for the Police and good government of the jails and public prisons in their parishes respectively; to fix the manner in which runaway negroes, and such other slaves as may be lodged therein by their owners, shall be applied to public works.

1817—206—4

Physician to be appointed.

1852—188—1

SEC. 2. A physician shall annually be appointed by the Police Jury, in each and every parish, who shall attend such prisoners as are at the charge of the State, whenever they are sick. His salary shall be fixed by the Police Jury.

1814—38—2 & 3

Provisions to be furnished prisoners.

SEC. 3. The Sheriffs, Jailors, Prison-keepers and their deputies, shall furnish to each and every prisoner the following per diem allowance of sound and wholesome provisions, to wit: One pound of beef, or three-quarters of a pound of pork; one pound of wheaten bread; one pound of potatoes or one gill of rice, and at the rate of four quarts of vinegar and two quarts of salt to every one hundred rations.

1817—206—3

Clothing to be furnished.

SEC. 4. In addition to the nourishment allowed by law to such prisoners as are confined for crimes and misdemeanors, they shall, at the beginning of the winter season, be allowed each one blanket capot, one shirt, one pair of woollen trowsers and one pair of coarse shoes, and a shirt and a pair trowsers of coarse linen for summer; and twelve and a half cents per day shall further be allowed to the keeper of the jail for each and every prisoner who is sick, in order that the said sick prisoners may be taken care of as their situation may require.

1842—450—9

Compensation for keeping prisoners.

SEC. 5. Sheriffs and Jailors throughout the State shall be entitled to receive twenty-five cents per day, and no more, for the maintenance of each and every prisoner confined by the order of any court, either before or after the trial, and no spiritous liquor shall hereafter be allowed to prisoners.

1850—86—1

Prisoners may be transferred to the jail of another parish.

SEC. 6. Whenever it shall be established to the satisfaction of any Judge or Justice of the Peace, exercising jurisdiction in any parish of this State, that the jail of the parish is unsafe or unfit for the security of prisoners, it shall be the duty of the Judge or Justice of the Peace, to issue his writ to the Sheriff or other officer of the parish, commanding him to convey any prisoner whom he may have in castody, to the nearest jail in any adjoining parish, in a safe condition, the prisoner there to remain until the jail of the first mentioned parish shall be repaired, until trial, or until he may be discharged by due course of law; and it shall be the duty of the Sheriff of the parish to which the prisoner shall be conveyed, to keep the said prisoner safe and secure, and subject to all judicial orders or decrees issuing from the parish from which the prisoner may have been sent, for which the said Sheriff shall receive the same compensation as is allowed by law in other cases, to be paid by the parish from whence the prisoner was sent.

1850—86—2

Compensation for removing prisoners.

SEC. 7. Each Sheriff for conveying a prisoner to any other parish, as contemplated by this act, shall be entitled to charge ten dollars for each prisoner, and the same rate of mileage now allowed for conveying prisoners to the State Penitentiary, to be paid by the parish from which the said prisoner shall be removed.

1837—25—1

Prison bounds.

SEC. 8. The prison bounds of all the parishes of this State, shall be the limit of the parish boundary.

1814—38—1

United States prisoners to be received.

SEC. 9. All the Sheriffs, Jailors, Prison-keepers and their deputies, within this State, to whom any person shall be sent or committed by the Marshal of the District of Louisiana, or his deputies, under the authority of the United States, whether on civil or criminal process, or upon any process or warrant which may be issued by the President of the United States, or those to whom he may delegate authority for any cause whatever under the law of the United States, shall be, and they are hereby enjoined and required to receive such prisoners into custody, and to keep the same safely, until they shall be discharged by due course of law; and all such Sheriffs, Jailors, Prison-keepers and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this State.

1814—38—2

Compensation for keeping them.

SEC. 10. For keeping such prisoner, the Sheriffs, Jailors, &c., shall be entitled to demand and receive of the Marshall of the District, quarterly, at the rate of thirty cents for every ration, and fifty cents per month for each prisoner.

PENITENTIARY AT BATON ROUGE.

1844—42—6

Board of Directors to be appointed.

SEC. 11. There shall be appointed annually by the Governor with the advice and consent of the Senate, a Board of Directors of the Penitentiary at Baton Rouge, composed of five persons, freeholders and citizens of the State, who shall have free access at all times to the prisoners and to every part of the establishment, and who shall make annually to the Governor, at least one month before the meeting of the Legislature, a full statement of all the affairs of the Penitentiary, to be laid before the Legislature within the first ten days of each session; and for any violation of his contract by the lessee, the Governor may, with the concurrence of two-thirds of the Board of Directors, either put an end to the lease or suspend the lessee from his functions during a limited period.

1844—43—7

Their powers.

Physician and Chaplain, their salary.

SEC. 12. The Board of Directors shall have power to appoint annually, one Physician for the Penitentiary, whose salary shall be six hundred dollars per annum; and one Chaplain, whose salary shall be four hundred dollars per annum; said salaries to be paid quarterly; and to fill any vacancies which may occur.

1848—32—4

Salary of Directors

SEC. 13. Each member of the Board of Directors shall receive an annual salary of one hundred dollars, payable quarterly, upon the warrant of the Auditor of Public Accounts.

1848—32-8

To elect a Clerk.

His duties and salary.

SEC. 14. It shall be the duty of the Board of Directors to elect annually a Clerk, whose duty it shall be to keep the books of the lessees, and of the State; he shall receive for his compensation, an annual salary of one thousand five hundred dollars, to be paid quarterly on the warrant of the Auditor of Public Accounts.

1844—42—5

The Clerk shall have free access at all times, to all parts of the establishment, and it shall be his duty to keep exact accounts of receipts and expenditures, as well as a record of all the proceedings of the Board of Directers, and the profits and losses arising from each branch of industry pursued in the institution, and to hold his books at all times ready for their examination; to call the attention of the Board or of the Governor, to any irregularity in the affairs of the Penitentiary, or to anything connected with it, in which the interest of the State may be concerned. He shall have the use of the apartments now occupied by him.

1844—44—14

Chaplain and Physician, their duties.

SEC. 15. The duties of the Physician and Chaplain shall be prescribed by the Board of Directors, and shall be so performed as to secure constant attention to the health and to the moral and religious instruction of the convicts.

1848—E. S.—3—1

Children of slaves confined for life to belong to the State.

SEC. 16. The issue of any slave confined in the Penitentiary for life, born during the confinement, shall belong to the State.

1848—E. S.—3—2

Clerk to keep a register of birth.

SEC. 17. It shall be the duty of the Clerk of the Penitentiary, to keep a register of the births in the Penitentiary; and when a child, whose mother is a slave, confined for life, shall attain to the age of ten

years, the Clerk shall notify, in writing, the Sheriff of Baton Rouge parish of the name of the child, and of his having attained to the said age. The Sheriff shall, after thirty days advertisement in the State paper and upon the court-house door in the parish, sell the slave child for cash, and pay the proceeds to the State Treasurer, to become a part of the Free School Fund of the State.

Children to be sold at the age of 10 years.

1847—36—4 SEC. 18. The lessees shall employ all the convict labor at the State Penitentiary in the manufacture of cotton and woollen goods, bagging and rope, coarse negro shoes and bricks.

Convicts how to be employed.

1844—43—8 SEC. 19. The convicts in the Penitentiary whose sentences have been commuted from death to imprisonment, either for life or for a term of years, shall no longer be permitted to labor in company with the other convicts; but shall be employed apart from them, and as soon as the necessary changes in the cells can be made, shall be confined and made to labor alone, on the plan in force in the eastern Penitentiary of Pennsylvania; those changes to be made under the direction of the Board of Directors.

Convicts for life to labor separate from the others.

1842—520—6 SEC. 20. For the purpose of encouraging exemplary conduct in the convicts, and as a reward for the same, the Board of Directors shall have power to remit a small portion of the term of any convict. It shall in no case exceed two days per month, and one month shall intervene between each remission; a book shall be kept by the Clerk, in which shall be recorded a brief statement of the circumstances and reasons of each remission, and the name of the convict, which book is to be submitted to the inspection of the Directors and the Committees of the Legislature.

How rewarded for good conduct.

1837—100—1 SEC. 21. The convicts shall not be employed without the walls of the Penitentiary, except when acting and working in the actual and direct service of the institution, in taking or employing materials for the use of the institution.

Not to be employed without the walls.

1838—109—4 SEC. 22. Hereafter solitary confinement in the Penitentiary is abolished, except in enforcing obedience to the police regulations thereof.

Solitary confinement.

Grand Juries to inspect prisons, and penalty for Sheriffs and others failing to treat the prisoners, as required by law. See JURIES, *Sec.* 28.

Certain prisons established as depots for runaway slaves. See BLACK CODE, *Sec.*

PRISON BOUNDS

See ARREST, *Secs* 9 and 10.

PRIVILEGE.

1854—45—1

Privilege on agricultural products sold in New Orleans.

SECTION 1. Any person who may sell the agricultural products of the United States in the city of New Orleans, shall be entitled to a special lien and privilege thereon, to secure the payment of the purchase money, for and during the space of five days, only, after the day of delivery; within which time, the vendor shall be entitled to seize the same, in whatsoever hands or place it may be found, and his claim for the purchase money shall have preference over all others.

If the vendor gives a written order for the delivery of any such produce, and shall say therein, that it is to be delivered without vendor's privilege, then no lien shall attach thereto.

See AMENDMENTS TO CIVIL CODE.
Privilege for Plantation Supplies, *Sec.* 33.
Privilege for damages caused by steamboats, and other water craft.
Privilege for cordwood sold steamboats, *Sec.* 24.
Commission Merchants, &c., privilege on consignments, *Sec.* 25.
Widows, and minor children, of deceased persons, privilege on property of the estate, *Sec.* 26.
Privilege on steamboats for cordwood. See STEAMBOATS, *Sec.* 7.
Privilege on steamboats and other vessels for damages caused by collisions, &c. *Sec.* 9.

PROVISIONAL SEIZURE.

See AMENDMENTS TO CODE OF PRACTICE, *Secs.* 24 and 25.

PUBLIC LANDS.

CONSTITUTION.

ARTICLE 128. None of the land granted by Congress to the State of Louisiana for aiding it in constructing the necessary levees and drains, to reclaim the swamp and overflowed lands in this State, shall be diverted from the purposes for which they were granted.

LEVEEING AND DRAINING THE SWAMP AND OVERFLOWED LANDS.

SECTION 1. The State shall be divided into four levee and draining districts.

1854—93—1
State to be divided into four districts.

SEC. 2. All that part of the State south of the thirty-first degree of north latitude, and east of the Mississippi river, shall constitute the First District.

1854—93—2
Districts how formed.

All of that part of the State south of the thirty-first degree of north latitude, and west of the Mississippi river, (except the parishes of Rapides and Avoyelles,) shall constitute the Second District.

The parishes of Avoyelles, Rapides, Natchitoches, Bienville, Claiborne, Bossier, Caddo, DeSoto, Sabine and Winn, shall constitute the Third District.

The parishes of Concordia, Tensas, Madison, Carroll, Morehouse, Union, Ouachita, Jackson, Caldwell, Franklin and Catahoula shall constitute the Fourth District.

SEC. 3. The Governor shall appoint a Commissioner for each district, who shall be a resident of the district for which he is appointed. The four Commissioners shall constitute and be called by the name of the "Swamp Land Commissioners," and shall hold their office for the term of two years, dating from 30th April, 1853, and until their successors shall be qualified; provided, the said Commissioners, or either of them, may be removed by the Governor, whenever he may deem it expedient.

1854—93—3
Commisioners to be appointed for each district.
Term of office.

SEC. 4. The Governor shall have the power to fill any vacancy in the Board of Commissioners, caused by death, resignation, or otherwise.

1854—93—4
Governor to fill vacancies

SEC. 5. Each of the Commissioners, before entering upon the duties of his office, shall give a bond to the State of Louisiana, in the sum of five thousand dollars, with two securities, to be approved by the Governor, conditioned for the faithful performance of his duty; and the Secretary of State shall administer to him the oath of office prescribed in the Constitution.

1854—94—5
Bonds and oath.

SEC. 6. The Board of Commissioners shall meet at Baton Rouge on the first Monday in May, 1854, and every three months thereafter, and oftener, if by them deemed necessary.

1854—93—6
Meetings of the Board

SEC. 7 They shall have power to make all by-laws and regulations necessary for their proper organization.

1854—93—7
A President and Secretary to be elected.

They shall select one of their number as President. They shall also elect a Secretary, and fix his compensation, not exceeding five hundred dollars per annum. He shall keep a journal of the proceedings.

SEC. 8. It shall be the duty of the Commissioners, on the first Monday of May, 1854, and every two years thereafter, to appoint a

1854—94—8
An Engineer for

each district to be appointed.

competent Engineer for each district, who shall hold his office for the space of two years, dating from the 30th April, 1853—subject, however, to be removed by a majority of the Commissioners.

1854—94—9

Compensation of Engineers.

SEC. 9. Each of the Engineers shall receive, as a compensation for his services, at the rate of twenty-five hundred dollars per annum, payable quarterly.

1854—94—10

Duty of Engineers.

SEC. 10. It shall be the duty of the Engineers, in their respective districts, to determine the locality, extent and dimensions of the necessary levees and drains, to drain and reclaim the swamp and overflowed lands of the State.

The Commissioners shall not be allowed to employ the Swamp Land Funds in the repairing or reconstruction of established levees along the banks of the rivers and bayous of this State, it being the true intent of this Act, to supply the deficiencies in the system of levees along the principal water-courses, and thereby assist in the reclamation and draining of swamp lands.

But whenever any levee shall cave in or be destroyed by the action of the current, or be in such condition that, in the opinion of three adjoining freeholders, or a majority of them, the same ought to be renewed and repaired by the Swamp Land Commissioners, then the proprietor of the levee shall have a right to notify the Commissioner of that district, thereof, whose duty it shall be to send his Engineer to locate the levee, and have it constructed under the provisions of this Act; provided, that one-half of the cost shall be collected in money, or required in labor from the proprietor or parish, before the work is contracted for by the Commissioner or Engineer; and when any parish is liable for the construction of any levee, the parish, instead of the proprietor, shall be compelled to pay the one-half of the cost specified in this section

Whenever any objection shall be made by the proprietor of the lands where the levee is to be made, as to its locality, then it shall be located by the Engineer, in conjunction with landholders to be taken from amongst the nearest neighbors to the proprietor, to be selected one by the proprietor, and the other by the Engineer, and the third by the two others selected.

1854—94—11

Engineers to lay off their districts into levee wards and draining districts.

SEC. 11. It shall be the duty of each of the Engineers to lay off his district into as many levee wards and draining districts as circumstances may require, and to make a full and detailed report thereof to the Commissioners, at such time as they may require.

1854—95—12

The levees to be built or repaired under the supervision of the parochial authorities.

SEC. 12. All levees built or repaired under the provisions of this Act, shall be made under the exclusive supervision of the parochial authorities.

1854—95—13

Commissioners to let out work by sealed proposals.

SEC. 13. It shall be the duty of each Commissioner, in his own district, after the formation of the levee wards and draining districts, to let out the making or repairing of such levees or drains, as the

Board of Commissioners may order, to the lowest bidder, by sealed proposal, after thirty days' notice thereof in some newspaper published in the parish in which the work is to be done.

If no newspaper is published therein, then by notices posted up at three puplic places in the parish, one of which shall be at the court-house.

The works shall be let out at a stipulated price, per cubic yard. The Commissioner may reject all bids when he considers them unreasonable, the parties incompetent, or the securities insufficient. He shall in no case accept any bid at a higher price than shall have been previously fixed by the Board of Commissioners.

1854—95—14

Bond to be furnished by contractors.

SEC. 14. It shall be the duty of each of the Commissioners to require of every person, who may undertake any work contemplated by this Act, a bond with adequate security, conditioned for the faithful performance of the work undertaken; the bond to be in a sum equal to the supposed value of the services to be rendered, or sufficient to insure the execution of the work, and made payable to the Commissioners, and when forfeited and recovered, to constitute a part of the Swamp Land Fund.

1854—95—15

Contracts when to be completed.

SEC. 15. It shall be the duty of the Commissioners to require all contracts for building of levees, and repairs thereto, to be completed by the first Monday in December of each year.

1854—95—16

Road and Levee Inspector to call out hands.

SEC. 16. The Road and Levee Inspectors are hereby empowered within the several parishes to call out to work on the levees therein, in case of a crevasse, or threatened crevasse, all the male slaves above the age of fifteen years and under sixty, or so many thereof as may be deemed necessary, whose owners reside on the same side of the river or bayou within seven miles of the threatened danger; except persons on high lands, that is lands not alluvial.

Whenever the owner of the slaves, or his agent or overseer shall refuse or neglect to furnish the slaves required by the Engineer or Inspector, the owner shall pay five dollars per day for each slave not sent under the requisition, the amount to be due to the Commissioners and recoverable in their names before any competent court, and to be paid into the Treasury of the State, as part of the Swamp Land Fund.

Whenever any slave may be furnished upon the requisition referred to in this section, the owner shall be entitled to demand and receive a compensation for his services at the rate of one dollar and fifty cents per day for each and every slave, payable out of the Swamp Land Fund, except the owner of the land upon which the crevasse occurs or threatens to occur, who is not to be considered as entitled to compensation.

In all cases where slaves are thus called out, the Inspector shall call upon all owners of slaves within the above mentioned distance, in proportion to the number of the above described slaves owned

by such proprietor, he being bound to furnish necessary tools and provisions.

The compensation shall only apply to works constructed under the provisions of this Act; and if, in the opinion of the Inspector, the slave labor called is not sufficient for the exigency of the case, he is authorized to employ such additional labor as he may deem fit, the wages of which labor shall be chargeable to the Swamp Land Fund, and shall be paid by the Commissioners on the presentation of the proper vouchers by the Inspector.

1854—96—17

Engineers to superintend the construction and repair of levees.

SEC. 17. It shall be the duty of the Engineers, as far as practicable, to superintend the making and repairing of all levees and drains within their respective districts, which may be ordered by the Board of Commissioners; to make out the cost of the same when completed; to whom due, the items thereof, and to certify the same to the Commissioners.

1854—96—18

Work, how paid for.

SEC. 18. All works done and expenses incurred under this Act, shall be paid for by the Commissioners, out of any moneys in the Treasury of the State arising from the sales of Swamp Lands.

Funds divided.

The funds arising from the sale of Swamp and Overflowed Lands shall be divided by the Auditor of Public Accounts among the several Districts in the following proportions, viz:

To the First District, seven "thirty-second parts."

To the Second District, eleven "thirty-second parts."

To the Third District, six "thirty-second parts."

To the Fourth District, eight "thirty-second parts."

Which division shall be made by the Auditor of Public Accounts before paying any warrants of the Commissioners, and thereafter the division shall be made quarterly.

1854—96—19

Warrants how drawn and paid.

SEC. 19. All expenses incurred under the provisions of this Act, shall be paid by the Auditor, upon the warrant of the Commissioners; provided that no warrant shall be paid unless signed by a majority of them, and registered by their Secretary.

1854—96—20

Salary of Commissioners.

SEC. 20. Each of the Commissioners shall receive a compensation for his services at the rate of fifteen hundred dollars per annum.

1854—96—21

Their duty.

SEC. 21. It shall be the duty of each of the Commissioners to supervise the Acts of the Engineers in his district, and to examine all the works made or to be made under the provisions of this Act, within his district.

1854—97—22

To report annually to the Governor.

SEC. 22. The Commissioners shall on the first day of January of each year, report to the Governor of the State, all their official transactions, and recommend the adoption of such means as to them may seem necessary for the protection of the alluvial lands from inundation, and the draining and reclaiming of the same.

The Governor shall transmit their report, with his message, to the General Assembly at each session thereof.

1854—97—23

All debts to be paid out of the Swamp Land Fund.

SEC. 23. All debts contracted and salaries for services rendered in carrying out the provisions of this Act, shall be paid out of the sales of the Swamp Lands; they shall never become a charge on any other fund in the State Treasury.

1854—97—24

The Commissioners and Engineers not to be interested in contracts.

SEC. 24. Neither of the Commissioners, nor any of the Engineers, or other agents appointed by them, shall in any manner whatever have any interest in the contracts, made under the authority of this Act, under the penalty of removal from office, and the forfeiture of the amount due to them respectively.

1854—97—25

To what works preference to be given

SEC. 25. It shall be the duty of the Commissioners, at their several meetings, to order the most important works to be made first; and each Commissioner, in the event of any great public emergency or eminent danger from overflow to any portion of his district, shall be authorized to use, upon the recommendation of the Engineer of his District, such means as may be required to avert such danger, and to protect the alluvial lands.

1854—97—26

Governor authorized to withdraw lands from sale.

SEC. 26. The Governor is authorized to withdraw from sale any portion of the Swamp and Overflowed Lands, on which the Swamp Land Commissioners contemplate making improvements, whenever he may deem the same necessary for the public interest.

1854—97—27

Traveling and contingent expenses.

SEC. 27. In addition to their salary, each of the Commissioners and Engineers shall be allowed a sum not exceeding one hundred and fifty dollars per annum, to defray their traveling and other expenses, to be accounted for; and the Board of Swamp Land Commissioners shall be allowed a sum, not exceeding one hundred dollars, for the contingent expenses of their offices, yearly, to be likewise accounted for in the yearly statement and report; and no other or further expenses shall be allowed.

1854—97—28

No Commissioner to contract or draw warrants for more than his proportion of the fund.

SEC. 28. No Commissioner shall contract to pay for a larger amount of work in his district, or draw warrants for a larger sum of money than the proportion to which his district is entitled, in accordance with the division of the Swamp Land Fund, as before provided for.

TO PROVIDE FOR THE SALE OF ONE MILLION ACRES OF THE SWAMP AND OVERFLOWED LANDS.

1852—167—1

One million acres of the Swamp or overflowed lands authorized to be sold.

SEC. 29. The Register of the Land Office is authorized to sell warrants for one million acres of land, to be located on the Swamp or Overflowed Lands, donated by Acts of Congress of 2d March, 1849, and 28th September, 1850; the warrants to be issued for not more than six hundred and forty, nor less than forty acres, according to the laws regulating the surveys and legal subdivision of sections adopted by the United States.

1853—257—1

Any shallow lakes, which have become the property of the State, and are susceptible of being reclaimed wholly or in part, and not navigable, the area of which has been ascertained by survey recognized by the State, may also be sold under the provisions of this section.

No lands shall be sold for less than one dollar and twenty-five cents per acre.

1853—35—1

Pre-emption granted to settlers.

SEC. 30. Every white person, being the head of a family, or over twenty-one years of age, who has made a settlement in any part of said lands, previous to the passage of this Act, (March 16th, 1853,) shall have the privilege of entering, in a body, not less than forty, nor more three hundred and twenty acres, of the same, at the State Land Office at Baton Rouge, at the minimum price of one dollar and twenty five cents per acre; provided that the application and proof be made before the expiration of twelve months after the passage of this Act; (to wit, March 16th, 1854;) and provided further that the party thus applying for a preference right, shall make oath before some officer of the State, qualified to administer the same, that he had settled on the land applied for, with the view and purpose of cultivating the same, and not for the purpose of speculation; and shall state, as near as may be, the date of such settlement; which oath, as to the location and settlement, shall be sustained by the affidavit of two disinterested witnesses.

1853—156—1

Lands to which the preceding section shall apply.

SEC. 31. The provisions of the preceding section shall only extend to such lands as are not approved or patented to the State of Louisiana, and to such lands as are approved and patented, if no warrant is located or entry made of them before the person filing his application for a preference right had settled thereon.

1853—156—2

Duty of Governor to cause proclamation, &c.

SEC. 32. It shall be the duty of the Governor, whenever any of the Swamp Lands shall be approved and patented to the State, to cause proclamation of the same to be made in the official paper of the State for thirty days, with notice to all persons entitled to pre-emption rights, under the laws of this State, on any of said lands, to file their application and proof with the Register of the State Land Office, at Baton Rouge, within ninety days from the date of the proclamation, or the said lands shall be subject to private entry without reservation.

1853—156—3

Lands when to be subject to entry.

SEC. 33. None of the lands which may hereafter be approved and patented to the State, shall be subject to entry or location, by warrant or otherwise, until after the expiration of said ninety days; after which, the Register of the Land Office shall permit entries to be made of any of said lands, not held by pre-emption, and shall issue patents therefor immediately to the purchaser.

1853—156—4

Time allowed for pre-emption applicants to make payment.

SEC. 34. Those who may file their application and proofs of pre-emption right, within the time prescribed in the foregoing sections, shall be allowed twelve months from the time of their filing their application and proof, within which to make payment.

1853—23—1
Conflicting claims to be decided by the Register, subject to an appeal.

SEC. 35. All conflicting claims of preference right to any of said lands shall be decided by the Register, who shall adjudge the same to the person first locating or settling thereon; and the claimant aggrieved by the decision, shall have the right, within six months after the decision of the Register, to appeal from the same to the District Court of the parish in which the land is situated.

1853—23—2
Duty of Register when an appeal is taken.

SEC. 36. As soon as an application for an appeal is made to the Register, it shall be his duty to deliver to the party applying for such appeal, a certified transcript or copy of all the proceedings had in his office relative to the conflicting claims; and such party shall forthwith file the same in the office of the Clerk of the parish in which the land is situated, and give bond, as in ordinary cases, as security for costs.

1853—23—3
Proceedings in District Court.

SEC. 37. As soon as such transcript is filed, together with an accompanying petition, in which the alleged errors of the Register must be set forth, it shall be the duty of the Clerk to issue citation; and all proceedings had subsequent thereto shall be the same as in ordinary cases; provided, however, the matter be tried by the Court, de novo, without the intervention of a jury.

1853—23—4
A copy of the judgment to be forwarded to the Register.

SEC. 38. As soon as the decision of the District Court has become final, it shall be the duty of the Clerk of the Court, to forward a certified copy thereof to the Register, for the purpose of being filed in the office of such Register; and when so returned and filed, it shall be final and conclusive between the parties.

1852—168—4
Register to procure maps of swamp lands, &c.

SEC. 39. The Register of the State Land Office shall procure plats or maps of all the swamp lands donated to Louisiana, certified by the Surveyor General, and shall mark thereon, on each tract of land purchased, the name, or initials of the name of the purchaser, and shall also keep a well bound book in his office, in which shall be entered, in proper form, all the lands thus sold, to whom sold, and for what price, which book and maps shall be carefully preserved, and shall be deemed official records.

1852—168—7
Penalty for issuing false or fraudulent certificates.

SEC. 40. The issuing of any false or fraudulent certificate of entry or for purchase of land, shall be deemed a felony, and upon conviction thereof, the party so offending shall be sentenced to pay a fine of five thousand dollars, and be imprisoned for a term not exceeding ten nor less than two years.

1852—168—8
Proceeds of the sale of the swamp lands, how to be applied.

SEC. 41. The net proceeds from the sales of the Swamp and Overflowed Lands shall be held by the State as a special fund, to be applied to such levying and draining as may be necessary for the reclamation of the Swamp and Overflowed Lands, in conformity with the terms of donation.

1852—168—9
Levees selected by the State as part of her general system, how paid for.

SEC. 42. All levees which may hereafter be made, which shall be selected by the State, as a part of her general levee system, shall be paid for out of the proceeds of sales of Swamp Lands.

1854—110—1

Certain persons authorized to purchase the swamp lands by preference.

SEC. 43. All persons who have heretofore entered or located School warrants or Internal Improvement warrants on the lands donated to this State by the United States, shall have a preference right to purchase the lands from the State at the minimum price of one dollar and twenty-five cents per acre, whenever the entries or locations made under the warrants shall have been rejected by the Secretary of the Interior, on the ground that the lands so entered, purchased or located, have inured to the State under the Acts of Congress donating the Swamp Lands to this State, approved March the second, eighteen hundred and forty-nine, and September the twenty-fifth, eighteen hundred and fifty; but, the above preference right shall not affect the right that pre-emptors or other persons may have already acquired.

LAND OFFICE AT THE SEAT OF GOVERNMENT.

1844—61—1

A land office at the Seat of Government.

SEC. 44. There shall be an office for the sale of the unlocated Public Lands of the State of Louisiana, donated to the State, by Congress; which office shall be administered by a Register; which office shall be located at the Seat of Government for the State of Louisiana.

1852—168—6
1844—61—2

Register to be appointed by the Governor.

SEC. 45. The Register shall be appointed by the Governor by and with the consent and advice of the Senate, and shall hold his office for the term of two years, unless sooner removed.

Salary and fees.

He shall have an annual salary of two hundred and fifty dollars; and shall in addition thereto, receive the same fees from purchasers, and the same perquisites of office, as are now allowed to the Register of the United States Government in the State of Louisiana.

1852—146—1

Oath and bond of office.

SEC. 46. The Register of the Land Office at Baton Rouge shall take the oath prescribed by the Constitution, and give bond in favor of the Governor of Louisiana, and his successors in office, with two good and sufficient securities, (in solido), in the sum of five thousand dollars, conditioned for the faithful performance of the duties of Register, as defined by law; which bond shall be approved of by the Governor, and when so approved shall be deposited in the office of the Auditor of Public Accounts, to be there kept.

1844—62—5

His duty.

SEC. 47. It shall be the duty of the Register to keep accounts of the sales of the lands belonging to Internal Improvements.

1844—62—7
1847—48—6

Duty of Register as to sale of lands, &c.

SEC. 48. It shall also be his duty, when the lands have been located, to issue warrants for the lands donated by Congress for Internal Improvements and not as yet located, provided they shall not be issued for less than eighty nor more than six hundred and forty acres; which warrants shall be sold in the same manner as the lands located; and it shall be the duty of the Governor to issue patents for all the lands that have been sold, and for the lands located by warrants, when contemplated to be sold by this act, whenever he shall be satisfied that the same have been properly located.

Proceeds of sales o public lands to be paid to the State Treasurer.

SEC. 49. All money received from the sale of the public lands, or from the sale of land warrants, by the Register of the Land Office at Baton Rouge, shall be paid, by the purchaser, to the State Treasurer, on the warrant of the Auditor of Public Accounts.

The Treasurer shall be entitled to a commission of one per cent. on the proceeds of the sales.

LAND OFFICE AT WINNSBOROUGH.

1847—205—1

Land office at Winnsborough established.

SEC. 50. There shall be established a branch of the State Land-Office at Winnsborough, in the parish of Franklin, for the sale of the located lands, donated to the State by Congress in the district of country north of Red River and comprised in the parishes of Catahoula, Franklin, Caldwell, Ouachita, Jackson, Union, Morehouse, Tensas, Madison and Carroll.

1847—205—2

Governor to appoint a Register and Receiver.

SEC. 51. The Governor shall appoint, by and with the advice and consent of the Senate, a Register and Receiver for the branch of the State Land Office, who shall take the oath, and give bond in the sum of two thousand five hundred dollars each, with good and sufficient security, as required by law, for the Register of the State Land Office at Baton Rouge. They shall hold their offices for the term of two years. The Register shall perform the same duties and be subject to the same rules, limitations, penalties and responsibilities that now are or may hereafter be prescribed for the Register of the State Land Office at Baton Rouge, so far as relates to the sales of lands within his District; and shall make quarterly returns to the Auditor of Public Accounts, of all lands that may have been sold at said branch, describing the same, and the amount of sales.

Duties of the Register.

1847—205—3

Duty of Receiver.

SEC. 52. The Receiver shall receive the proceeds of the sales of all the public lands sold by the Register; and shall settle his account with the Auditor of Public Accounts, and pay over to the State Treasurer all moneys that may come into his hands, semi-annually.

1847—206—4

Salaries and fees of the Register and Receiver.

SEC. 53. They shall receive a salary of one hundred and fifty dollars each, payable semi-annually by the State Treasurer on the warrant of the Auditor of Public Accounts; and in addition thereto shall receive the same fees from purchasers, and the same perquisites of office, that are allowed to the Register and Receiver of the United States Government in the State of Louisiana.

SALE OF THE INTERNAL IMPROVEMENT LANDS.

1847—47—1

Pre-emption rights on the Internal Improvement lands.

SEC. 54. Every white person, being the head of a family, or over twenty-one years of age, who has made, or shall hereafter make a settlement, in person, on the located lands belonging to the State of Louisiana, and granted to this State by the United States for the purposes of Internal Improvement, by an Act of Congress, approved on the fourth day of September, eighteen hundred and forty-one, and who shall inhabit and improve the same, and who has erected or shall

erect a dwelling thereon, shall be authorized to enter with the Register of the State Land Office, by legal subdivision, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the State one dollar and twenty-five cents per acre. No person shall be entitled to more than one pre-emption right.

1847—47—2

Land warrants to be purchased of the Register.

SEC. 55. Every white person, being the head of a family, or over twenty-one years of age, who has made or shall hereafter make a settlement, in person, on any lands in this State, belonging to the United States, liable at the time of making such settlement or at the time of applying to purchase a warrant to locate upon it, to be located by this State under the provisions of the Act of Congress, of September 4th, 1841, and who shall inhabit and improve the same, and who has erected or shall erect a dwelling thereon, shall be, and is hereby authorized to purchase from the Register and Receiver of the Land Office of this State, a land warrant for three hundred and twenty acres, or two adjoining quarter sections, or other legal subdivisions adjoining, not exceeding, in any case, three hundred and sixty acres of land, at one dollar and twenty-five cents per acre; which warrant shall be issued by the Register and Receiver in favor of such settler, for the land, specifying the lands applied for and to be located, and embracing the improvement of such settler.

But no person shall be entitled to more than one preference right to purchase and locate a warrant; nor shall any person who has obtained a pre-emption right, be entitled to preference right to purchase a warrant to locate; and no person who has obtained a preference right to purchase and locate a warrant, shall be entitled to a pre-emption right; nor any person who owns more than one hundred acres of land within the limits of this State, at the time of applying for a preference to purchase a warrant.

The register shall be authorized to sell a warrant for a less amount than a half section, when the land designated shall adjoin a location heretofore made, or when several persons shall apply for a warrant designating lands adjoining, amounting, in the aggregate, to one half section.

1847—47—3

Conflicting pre-empting claims, how settled.

SEC. 56. When two or more persons shall have settled on the same quarter section of land, the right of pre-emption, if the settlement be upon lands already located by the State, as aforesaid, or the right of preference to purchase and locate a warrant, if the settlement be upon lands subject to be located for Internal Improvements, as provided by the Act of Congress, shall be in him who made the first settlement. But such person shall conform to the provisions of this act.

1847—48—4

Oath to be taken before making entry and purchasing warrant.

SEC. 57. Before any person claiming the benefit of this act shall be allowed to enter such land, or obtain a warrant to locate upon his improvement, he shall make oath before the Register of the Land

Office, that the settlement and improvement by virtue of which he claims a pre-emption, or right of preference to purchase a warrant to locate, as the case may be, have been made by him; that he has never had the benefit of the right of pre-emption, nor of the right of preference to purchase and locate a warrant under this Act; nor hath he settled upon and improved the land to sell the same on speculation, but in good faith to appropriate it to his exclusive use and benefit; and that he resides upon the land; that it is his only home; and that he does not own more than one hundred acres of land within the limits of the State; and shall make proof by two respectable and competent witnesses, of the improvement, residence and settlement required by this Act.

It shall be the duty of the Register and Receiver of the Land Office, or either of them, to administer the oath required to persons applying to make the entries, and to the witnesses, and to file the same in the Land Office, if such claimant and witnesses chose to make the oath and proof before them. The oath and proof may be made before any Justice of the Peace, or Clerk of the District Courts of this State, and shall always be filed in the office of the Register of the Land Office.

1848—6—1

Formalities to be complied with by persons claiming pre-emptions.

SEC. 58. Whenever any person has settled, or shall settle and improve a tract of land, and shall intend to purchase the same, or to purchase a warrant to locate the same, such person, if he shall have made the settlement and improvement before the passage of this Act, (February 25th, 1847,) shall, within six months after the passage of the same—and if he shall have made such settlement and improvement after the passage of this Act, shall, within three months after the date of such settlement, file with the Register of the State Land Office a written statement, describing the land settled upon, and which he claims by virtue of such settlement, and declaring the intention of such person to claim the same under the provisions of this Act; and shall, where such settlement is already made, within six months after the return of the survey of the township in which such lands may be situated, approved by the Surveyor General of the United States for the State of Louisiana, and where it shall hereafter be made within the same period after the date of such settlement, make oath, proof, and payment herein required; and if he shall fail to make such oath, proof and payment within the six months aforesaid, the tract of land so settled and improved shall be subject to entry, or to be located upon by a warrant as the case may be, by any other person.

When an individual has filed his declaration of intention to claim the benefit of this law, for one tract of land, it shall not be lawful for the same individual, at any future time, to file a second declaration for another tract.

1847—48—6

Price of the lands.

SEC. 59. The price of the Internal Improvement land which has been located, and the location of which has been approved, shall be

one dollar and twenty-five cents per acre; and the price of lard warrants to locate upon the remaining portion of the lands granted by Act of Congress, and which have not been located by the State, shall be one dollar and twenty-five cents per acre.

1847—49—7

Governor to issue patents to purchasers

SEC. 60. It shall be the duty of the Governor of the State to issue patents to purchasers on the payment of the purchase money, in case of pre-emption or private entry of lands already located; and on the approval of the location in case of a purchase of a land warrant.

1847—49—8

False swearing.

SEC. 61. If any person shall swear falsely in making the oath or proof required, he shall be deemed guilty of perjury.

1847—49—9

Maison Rouge grant —privileges to persons claiming pre-emptions.

SEC. 62. If the location on the Maison Rouge grant, made under special instructions from Governor Mouton, bearing date eighteen hundred and forty-five, shall hereafter be perfected, and the title to the same be declared to vest in the State, each and every individual entitled by laws of the United States, to a right of pre-emption thereon, shall be entitled to the same pre-emption right under the State as they were entitled to at the date of such location under the laws of the United States; and when any individual shall prove, to the satisfaction of the State Register and Receiver, that he is entitled to a pre-emption right under the laws of the United States, on the location aforesaid, it shall be the duty of the State Receiver to allow such individual to purchase the same at the rate of one dollar and twenty-five cents per acre.

1847—49—10

Rights secured to persons located on the Maison Rouge grant.

SEC. 63. Any individual having, at the date of such location, a farm in cultivation on the Maison Rouge grant, shall be entitled to a right of pre-emption on one hundred and sixty acres, embracing his settlement, at one dollar and twenty five cents per acre, and shall have the further privilege of purchasing the remainder of the tracts as purchased from D. W. Cox, at the minimum price of the State lands; and, on sufficient proof being made to the Register of the State Land Office, entitling any person to purchase under this section, he shall allow the same to be made as contemplated therein.

This section shall not affect the right of any pre-emption allowed by the preceding section; and to prevent conflict between individuals on account of the lot lines, by which the sales were made to them by D. W. Cox, and the United States surveys, the purchases from the State (in such case) shall be made jointly by them, according to the United States surveys, and afterwards the land shall be divided between them according to the lot lines, by each paying, pro rata, for the amount of land received.

1847—49—11

Claimants under the Bastrop grants to enjoy the same privileges as those on the Maison Rouge grant.

SEC. 64. The same privilege guaranteed to the claimants under Maison Rouge grant shall be extended to claimants under the grant to Baron De Bastrop.

No person shall have the benefit of this Act claiming the right of pre-emption who is settled on lands claimed by other persons under

Spanish grants, until the lands are declared by law to belong to the United States or to the State of Louisiana.

1848—E. S.—6—1

Register to sell lands for school houses.

SEC. 65. It shall be lawful for the Register of the State Land Office to sell, at the price stipulated by law, to any Board of Free School District Directors of this State, any amount not less than five acres, of any land within their School District, donated by Congress to this State, either for the use of a seminary of learning, or for the purpose of Internal Improvement, on which to erect a school house.

1848—E. S.—6—2

Rules established for their sale.

SEC. 66. Any land so sold shall commence in the corner of a legal division or sub-division of sections; and if in a right angle, it shall run an equal distance on two sides, bounded by the lines of such division, and form a square, including the number of acres sold; if in an accute angle, it shall be bounded by said division lines to such distance, and by lines in such other directions as the Register may deem most equitable between the land so sold and that retained; the patents for land so sold shall issue to the Free School Directors and their successors, for the use of their District Schools, setting forth the number, and of what parish.

SCHOOL LANDS.

1848—E. S.—57—1

Duty of Register as to school lands.

SEC. 67. The Register of the State Land Office is hereby required to ascertain in what townships in this State, there are no reservations of school sections by reason of conflicting claims or from any other cause, or where the reservation is less than contemplated by law; and in such cases it is made his duty, under the superintendence of the Governor, to apply for, and as soon as possible obtain a location of any land, or part of land, in lieu thereof.

1848—E. S.—57—2

Scrip for school lands to be issued in certain cases.

SEC. 68. When such locations cannot be made, if deemed more advantageous to the State, the Register, with the assent of the Federal Government, is authorized to issue scrip for such lands, which scrip shall not be sold for a less amount than one dollar and twenty-five cents per acre.

1853—260—1

Certain school land warrants to be received by the Register, and canceled and paid for.

SEC. 69. Whenever the Register of the State Land Office shall be satisfied that there are no public lands in the South-Eastern Land District of this State, belonging to the General Government, on which may be located the School Land Warrants, sold for the benefit of certain townships in the District, because of the donation by Congress of all the overflowed and swamp lands to the State, then, and in that case they are hereby authorized and required to receive and cancel all such warrants as may be presented for that purpose, and pay to the legal possessors thereof, or to their orders, the full amount received by the State on account of the same; the money to be taken from that fund in the Treasury which was credited by the sale of the warrants.

1852—81—1

Price of the Seminary Lands.

SEC. 70. The price of the Seminary Lands shall hereafter be fixed at one dollar and twenty-five cents per acre.

1848—146—1

The price of lands erroneously sold by the State to be refunded.

SEC. 71. Every person, or their legal representatives who are or may be the purchasers of a tract of land from the State of Louisiana, which tract of land has actually and immediately been located by the State, the purchase whereof is or may be void by reason of a prior sale thereof, or by any valid right of pre-emption, or for want of title thereto, in the State of Louisiana, shall be entitled to a repayment of any sum of money paid for such tract of land, on making proof to the satisfaction of the Register of the Land Office that the same was erroneously sold, in manner aforesaid, by the State of Louisiana.

The said Register is hereby authorized to draw a warrant on the Auditor of Public Accounts for the repayment of such sum of money paid as aforesaid, upon entries in said Land Office on lands erroneously sold as aforesaid.

1848—146—2

A retransfer of the land to be made to the State.

SEC. 72. Before the amount applied for shall be refunded, the party applying must deposit a duly executed transfer of the tract purchased to the State of Louisiana, together with the warrant under which the selection or location was made.

PUBLIC SEAL.

1813—6—1

State seal to be affixed to all official acts.

SECTION 1. For the purpose of authenticating the acts of the government of the State of Louisiana there shall be a public seal with such device or inscription as the Governor may direct.

1813—8—2

Secretary of State to be the keeper of the seal.

SEC. 2. The Secretary of State shall be the keeper, and shall affix the public seal to all official acts, the laws alone excepted.

1816—166—1

Fees.

SEC. 3. Whenever the seal of the State shall be affixed to any instrument of writing, other than the civil and military commissions, to reprieves and pardons, or to proclamations issued by the Governor, it shall be lawful for the first Clerk employed in the office of the Secretary of State, to charge and receive, for his own benefit, one dollar for each and every impression thereof, to be paid by the party desiring the same.

RECONVENTION.

Reconventional demand, for any cause may be set up, when plaintiff resides in a different parish from defendant. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 34.

RECORDER.

Section 1. There shall be in and for each parish of the State, (the parish of Orleans excepted), a public officer, who shall be styled the Recorder. 1846—71—1 Recorders.

Sec. 2. They shall have power within their several parishes to make inventories, appraisements, partitions, receive wills, make matrimonial contracts, conveyances, protests, and generally, all contracts and instruments of writing. To hold family meetings, and meetings of creditors; to receive acknowledgments of instruments under private signature; to administer oaths in all cases connected with the discharge of their duties; to affix the seals upon the effects of deceased persons, and to raise the same; and all acts executed by them in conformity with the provisions of Article two thousand two hundred and thirty-one of the Civil Code, shall be authentic acts. 1846—72—1 & 8 Their powers.

They shall also be Recorders of Mortgages, Registers of Conveyances and Marriage Contracts, Recorders of Births and Deaths, and of Marks and Brands.

Sec. 3. Each Recorder shall have an official seal, which he shall attach to all acts, certificates, &c., executed or granted by him. 1807—24—16— Seal.

Sec. 4. He shall be elected in each parish by the qualified electors thereof, and the election shall be held in the manner, and at the times and places provided by law for other elections. 1846—71—2 When elected.

He shall hold his office for the term of four years.

1846—72—4
Qualifications.

SEC 5. No one shall be eligible as Recorder unless he is a duly qualified voter of the parish for which he may be elected.

1846—72—5 & 7
Oath.

SEC. 6. He shall, before entering upon the discharge of his duties, take the oath prescribed by the Constitution.

Bond.

He shall execute before the Clerk of the District Court, his bond in favor of the State in the sum of two thousand dollars, with two solvent securities, who shall be bound with him in solido, in order to secure the faithful performance of his duty.

1846—72—6
Office where kept.

SEC. 7. The Recorder shall keep his office in the room which shall be appropriated for that purpose at the seat of justice, in the parish for which he shall have been elected.

1848—87—1
Deputies.

SEC. 8. They shall have power to appoint each a deputy, who shall be sworn according to law. The Recorder shall be responsible for the official conduct of his deputy; and such deputy, when sworn and appointed, shall have power to grant certificates of mortgage, to make and certify copies of acts and records of all kinds in such office.

1848—88—2
Office hours.

SEC. 9. He shall keep his office open from ten o'clock A. M., to twelve o'clock M; and from two o'clook P. M., to four o'clock P. M.; Sundays, New Year's Day, Eighth of January, Twenty-Second of February, Good Friday and the fourth of July excepted.

1850—251—1
Vacancies, how filled.

SEC. 10. In case of a vacancy occurring in the office of Recorder in any parish from any cause whatever, it shall be the duty of the Sheriff of such parish immediately to order an election, and after fifteen days notice to hold the election, and make returns of the same, in the same manner as other elections, for the purpose of electing a Recorder to fill said vacancy. The person elected shall hold the office for the balance of the term.

1850—252—2
Oath and bond.

SEC. 11. The person so elected shall before he enters on the discharge of his duties, take the oath and give the bond required by law.

1853—160—1
Vacancy, how filled until an election is held.

SEC. 12. In all cases where the office of Recorder becomes vacant, it shall be the duty of the Judge of the District in which such vacancy occurs, to appoint an officer to take charge of all the books and papers of the office, and perform all the duties of the office until a Recorder is duly elected and qualified.

The officer thus appointed, shall be entitled to the same fees and compensation, as are allowed by law to the Recorder.

1853—124—2
Acts of notaries to be recorded, &c.

SEC. 13. The acts of Notaries, when deposited in the office of the parish Recorder, shall form a part of the archives of his office, and shall immediately be recorded by him as follows: if the act contains a conveyance of real estate or slaves without a mortgage, in a book of conveyances; if it contains a conveyance of real estate or slaves, together with a mortgage, in the aforesaid book of conveyances, and also in a book of conventional mortgages. All acts required by law to be recorded, except those herein above set forth, shall be recorded according to the provisions of the laws now in force; and all other acts in a

"book of miscellaneous acts," to be kept by such Recorder; and it shall be the duty of the Recorder to grant copies of the original acts deposited with him as aforesaid, under his signature and seal of office, which shall be considered legal evidence of the contents of the original acts.

1853—124—8

Duty of Recorder.

Acts when to have effect against third persons.

SEC. 14. It shall be the duty of the Recorder to endorse on the back of each act transmitted to him, the time it was received by him; and to record the same without delay in the order in which they were received; and said acts shall have effect against third persons only from the date of their being deposited in the office of the Parish Recorder.

1826—'62—1

Records to be open to the public.

SEC. 15. It shall be the duty of the Recorder of Mortgages for the parish of Orleans, as well as of the several Parish Recorders, always to keep open to the inspection of every person who may wish to examine the same during office hours, the three Registers mentioned in article three thousand three hundred and fifty-one of the Civil Code.

REGISTER OF CONVEYANCES FOR THE PARISH OF ORLEANS.

1827—136—1

Register of Conveyances to be appointed.

SEC. 16. There shall be appointed by the Governor, by and with the advice and consent of the Senate, an officer with the title of Register of Conveyances for the parish of Orleans, whose appointment shall be renewed every fourth year.

1827—138—4

His bond.

SEC. 17. He shall furnish the Governor of the State a bond in a sum of fifteen thousand dollars, with good and sufficient security of two free holders in the parish of Orleans, for the faithful performance of the duties that are imposed upon him by law.

1828—94—2

May appoint a deputy.

SEC. 18. He may appoint a deputy, provided, however, that he shall be responsible for his acts. The deputy shall take the oath prescribed by the Constitution.

1827—138—6

Duty of Register.

SEC. 19. It shall be his duty to keep his office in as central a situation as possible, and in a brick house, and to keep his record books open to the inspection of all persons, and to deliver to them certificates of the inscriptions that may have been made, if they require the same; which certificates, when signed by the Register, and sealed with the seal of office, which it shall be the duty of said Register to keep, shall be received in courts of justice in evidence, in the same manner as all other public acts.

1828—94—1

To record all acts presented.

1827—136—1

SEC. 20. The Register is authorized to open as many Records at a time as may be necessary; they shall be numbered and paraphed by a Judge of the district. He shall register all acts of transfer of immovable property or slaves, passed in the city and parish of Orleans, which shall be presented to him by the parties, in the order in which said acts shall have been delivered to him to be registered, and in the ollowing manner:

1827—94—2

Acts passed before Notary Public, how recorded.

SEC. 21. When said acts of transfer of property shall have been passed before a Notary Public, it shall be sufficient that the registering of said acts be made, on a certificate being presented from the Notary, who shall have passed said act, containing:

1st, The date of the act and the place where it was passed.

2d, The names, surnames and qualities of the contracting parties.

3d, A description of the immovable property or slaves which have been transferred, with all necessary details.

4th, The price of the transfer, whether paid in ready money or on time, in the latter case what the terms and conditions are.

1827—138—3

Acts under private signature, how recorded.

SEC. 22. Whenever acts of transfer shall have been passed under private signature, said Register shall register them in toto, with an act ascertaining the signatures, if the contracting parties wish the registering of the act to be accompanied with an act ascertaining their signatures.

1828—94—4

May take acknowledgments of acts under private signature.

SEC. 23. Whenever an act under private signature shall be taken to said Register to be recorded as required by the preceding section, he may, if thereunto requested by the parties, take an acknowledgment of their signatures, which acknowledgment shall be recorded with the said act under private signature.

1827—138—5

Acts to have no effect against third persons, if not registered.

SEC. 24. Acts, whenever they are not registered agreeably to this law, whether they are passed before a Notary Public or otherwise, shall have no effect against third persons but from their day of being registered.

1827—138—8

Prohibited from doing certain acts.

SEC. 25. The said Register shall in no wise make any of the inscriptions, nor deliver any of the certificates which by law the Register of Mortgages in New Orleans has the right of making and delivering.

1827—136—10

Not to perform any of the duties of Notaries Public.

SEC. 26. In no case shall said Register be entitled to pass any of the acts that Notaries Public are entitled to pass.

1828—94—3

Duty when Notaries fail to furnish extract.

SEC. 27. Whenever a Notary shall neglect to send to said Register an extract of the act by him passed, the Register is authorized, on the production of an authentic copy of said act, to record only an extract thereof, containing the same clauses as are to be contained in the extracts which Notaries are authorized to deliver.

1852—238—10

His fees.

SEC. 28. The Register of Conveyances of the city of New Orleans shall be entitled to the following fees of office, and no other nor greater fees shall ever be received or demanded by him: For each registry of a conveyance, one dollar; for each alienation, or any other certificate required of him, under the provisions of law, fifty cents.

1840—31—9

To give the Board of Assessors a monthly statement.

SEC. 29. It shall also be the duty of the Register of Conveyances, every month, to transmit to the Board of Assessors of New Orleans, a list of all conveyances recorded in his office during the month.

RECORDER OF MORTGAGES FOR THE PARISH OF ORLEANS.

SEC. 30. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint a Recorder of Mortgages for the parish of Orleans, who shall hold his office for two years, and until his successor shall be duly appointed and qualified. 1813—136—1 Recorder of Mortgages to be appointed.

SEC. 31. He shall furnish to the Governor of the State, his bond with one or more sureties, to the amount of forty thousand dollars, for the faithful execution of the duties required of him by law, and for the payment of such damages as may be sustained by his failure to discharge such duties. Civil Code, Art. 3358. To give security.

SEC. 32. He is authorized and empowered to appoint a deputy, whose duties shall be the same as those of the said Recorder; provided that the said Recorder and his sureties shall be responsible for the official acts of said deputy. 1843—29—1 May appoint a deputy.

SEC. 33. The Recorder of Mortgages of the city of New Orleans shall hereafter be entitled to the following fees of office, and no other nor greater fees of office shall ever be received or demanded by him: For each registry of a mortgage, one dollar; for each official certificate of mortgage, or any other certificate required of him, under the provisions of law, fifty cents. 1852—238—1 His fees.

See NOTARY PUBLIC, COSTS AND FEES, BILLS AND PROMISSORY NOTES, BONDS.

Recorders of Mortgages to paraph notes taken at auction sales, &c. See AUCTION SALES, *Sec.* 11.

Bills and promissory notes—Record of protests and notices to be kept. Protests how made, and notices given. See BILLS AND PROMISSO-NOTES, *Secs.* 7, 8, 9 and 10.

Bonds—Fees for taking bonds of publics officers. See BONDS, *Sec.* 3.

Brands and marks of animals—A record of them to be kept by the Recorders. See BRANDS AND MARKS OF ANIMALS, *Secs.* 1, 2 and 3.

Duty of Parish Recorders, acting as Recorders of Mortgages. See AMENDMENTS TO CIVIL CODE, *Sec.* 29.

Fees of Parish Recorders. See COSTS AND FEES, *Sec.* 13.

Duty of Recorders, as to the assessment rolls. See REVENUE, *Secs.* 36 *et seq.*

Duty of Recorder as to runaway slaves. See BLACK CODE, *Sec.*

Recorders of Mortgages to refuse their certificates to those whose Christian names are not stated. See NOTARY PUBLIC, *Sec.* 9.

RECUSATION.

1825—24—1

Being members of civil or religious corporations, not cause for challenge.

SECTION 1. In all civil and criminal causes in which the State, the parishes or the political or religious corporations are interested, it shall not be sufficient cause to challenge the Judge or Justice of the Peace, who may have cognizance of the case, nor the Sheriff or other executive officer, or any of the jurors who are called to serve in the cause, to allege that they are citizens or inhabitants of the State or of the parishes, or members of the said political or religious corporations, or that they pay any State, parish or city tax.

See JUDICIARY.

REDHIBITION.

1834—7—8

Legal presumption as to redhibitory vices in slaves.

SECTION 1. The buyer of a slave who institutes a redhibitory action on the ground that the slave is a runaway or thief, shall not be bound to prove that such vice existed before the date of the sale, whenever said vice shall have been discovered within two months after the sale; and no renunciation of this provision shall be valid; provided, however, that where unusual punishments have been inflicted, this legal presumption in favor of the buyer shall cease; if any redhibitory, bodily or mental maladies discover themselves within fifteen days after the sale, it shall be presumed to have existed on the day thereof, any law to the contrary notwithstanding; the provisions of this section shall not apply to slaves who have been more than eight months in this State.

1828—160—22

Suits when to be brought.

SEC. 2. All suits for the redhibitory defects of animals, may be instituted within two months after the date of the sale thereof.

See CIVIL CODE, *Arts.* 2496 *et seq.*

REGISTRY.

1810—60—7

Notarial acts to be recorded to affect third persons.

SECTION 1. No notarial act concerning immovable property, shall have any effect against third persons, until the same shall have been recorded in the office of the Parish Recorder, or Register of Conveyances of the parish where such immovable property is situated.

1818—206—1

All acts of sale, &c., to be recorded.

SEC. 2. All sales of lands or slaves made by any Sheriff or other officer, by virtue of any execution; all marriage contracts, made within this State, tending in any wise to convey, transfer, assure or affect the estates of the parties, or being only intended to ascertain the dotal rights of the wife, or that her marriage portion is liable to some reserves or stipulated to be paraphernalia or extra dotal property; all final judgments shall be recorded as follows, to wit: where lands or other immovable property is to be affected, the recording shall be in the parish where the lands or other immovable estates shall be situated, and when slaves are to be affected, then in the parish where the party whose estate is to be affected, shall have his domicil.

And all sales, contracts, judgments which shall not be recorded, shall be utterly null and void, except between the parties thereto.

The recording may be made at any time, but shall only affect third persons from the time of the recording.

See RECORDER, NOTARY PUBLIC.

REPORTER

1846—89—1

Reporter to be appointed.

How removed.

SECTION 1. The decisions of the Supreme Court, shall be published by a Reporter to be appointed by the Governor on the recommendation of the Supreme Court, for the term of four years. The Reporter shall be removable by the Governor on the complaint of a majority of the Judges of the court, for any neglect or misconduct.

No person shall be appointed Reporter who shall not, at the time of his appointment, be a citizen of the United States, and of this State; and have been for three years duly licensed to practice law in this State. The term of office of the Reporter shall expire on the 31st of December, 1854, and every four years thereafter.

1846—89—2

Decisions to be reported.

SEC. 2. All cases in which any judgment shall be pronounced shall be reported except such as present only questions of fact or in which damages may be allowed as for a frivolous appeal; but the Reporter shall, at his discretion, report the several cases, more or less,

at large, according to their relative importance, so as not to increase unnecessarily the size of the volume. The report of each case shall contain: 1st, the title of the case; 2d, the name of the Judge and court from which the appeal was taken, and if tried by a jury, that fact shall be stated; 3d, the names of counsel; 4th, concise notes at the head or in the margin of each case, of the points decided; 5th, a statement of the facts of each case taken from the record, when necessary, to explain the decision ef the court. Mention shall also be made of applications for a re-hearing, when important to a proper understanding of the decision.

Each volume shall contain a list of all the cases reported, arranged alphabetically, in the names of the plaintiffs and defendants, and a list of all cases determined within the period embraced by the volume, but not reported, together with a copious index.

1846—69—3

The Reports how to be printed.

SEC. 3. The reports shall be printed in bourgeois type, leaded, each page to contain as nearly as may be 2450 ems, exclusive of a margin in which the title of the case shall be entered; the paper shall be well sized, and equal in quality to that of the second volume of Robinson's Reports.

1846—90—4

The volumes of Reports how designated.

SEC. 4. The cases reported for each year shall form one volume, which shall be designated by the year which it embraces, and the whole series shall be known as the Louisiana Annual Reports.

1846—90—5

Number of copies of Reports.

SEC. 5. The Reporter shall cause an edition of one thousand copies of the Reports to be published, four hundred of which shall be delivered to the Secretary of State, well bound in calf; and the remaining six hundred copies in sheets folded.

Any person who shall desire to obtain the reports before the completion of the annual volume, may, by depositing with the Treasurer the amount which the latter may deem sufficient to cover the probable cost of the volume, to be calculated from such information as he may receive from the Reporter, obtain an order directing the Reporter to furnish him with the volume for the current year in pamphlets, of about 100 pages, as soon as the same shall be issued from the press; any volume so furnished shall be considered as forming part of the six hundred copies in sheets; and the person advancing any sum for the purpose aforesaid, shall be entitled to receive from the Treasurer, as soon as the cost of the volume shall be ascertained, the difference between the amount so advanced, and the price at which the volume may be sold.

1846—90—6

Reporter to contract for the printing of the Reports.

1846—90—5

SEC. 6. It shall be the duty of the Reporter to contract on behalf of the State, for the printing and binding within the State, of an edition of one thousand copies of the Reports, on the terms which he may deem most advantageous for the State; four hundred of which shall be delivered to the Secretary of State, well bound in calf; and the remaining six hundred copies in sheets folded; but, such contract

shall not include the publication of more than one volume; though the Reporter may, after the completion of any volume, renew the contract for a succeeding volume, should he deem it advisable so to do.

1846—90—7

The contractor for printing how paid.

SEC. 7. It shall be the duty of the Reporter, on the completion of every volume, to deliver to the Treasurer a detailed bill of cost of printing one thousand copies, and of binding four hundred copies thereof; which bill, when approved by the Reporter, shall be paid to the contractor for the printing and binding, by the Treasurer, on the warrant of the Auditor.

1846—90—8

The price at which the Reports shall be sold, to be fixed by the Treasurer.

SEC. 8. It shall be the duty of the Treasurer to add to the sum so paid for printing and binding of four hundred copies of any volume, the cost of binding the remaining six hundred copies, calculated at the rate at which the first four hundred were paid for, and the further sum of two thousand five hundred dollars for the compensation of the Reporter; which shall be considered as the whole cost of the edition; and each volume shall be sold at such a price, to be fixed by the Treasurer, as will insure to the State the reimbursement of the whole cost thereof. The compensation allowed to the Reporter shall be payable quarterly, as the salaries of other officers of the State, to be calculated from the date of the decisions with which the volume shall begin; and it shall be the duty of the Reporter, unless removed from office or in case of resignation, to complete any volume which may have been commenced by him.

Salary of Reporter how paid.

1846—90—9

Duty of Reporter as to the terms of the contract

SEC. 9. It shall be the duty of the Reporter to require from any person with whom he may contract, in the name of the State, for the publication of the Reports, an accurate specification of the terms of the contract, as to the character of the materials and style of execution of the work, the cost of every part thereof, and the time within which the printing and binding shall be completed. The party with whom he may so contract, shall be further required to execute a bond, with such security as the Treasurer shall deem sufficient, in the sum of three thousand dollars, for the faithful performance of the contract on his part, and for the delivery to the Treasurer of every copy of the reports, over and above the one thousand copies, which he may print. It shall be the duty of the Reporter to provide in the contract, that the bond above required shall be forfeited by the failure of the contractor to deliver to the Treasurer the whole number of copies printed by him.

1846—91—10

Original opinion and records to be delivered to the Reporter.

SEC. 10. It shall be the duty of the clerks of the Supreme Court to deliver to the Reporter, or to his order, the original opinions of the Judges, as soon as they shall have been recorded as required by law, together with the original record of each case. They shall, in all cases, be returned to the clerks as soon as they shall have been used for the purpose of preparing the Reports.

1846—188—1

Duty of Reporter.

SEC. 11. - It shall be the duty of the Reporter to cause the printing of each volume to be commenced so soon as there are one hundred decisions delivered by the court, unpublished, and continue until all the decisions rendered by the court are printed, or until the volume is completed.

REVENUE LAWS.

CONSTITUTIONAL PROVISION.

CONSTITUTION.

Taxation to be equal and uniform.

ARTICLE 123. Taxation shall be equal and uniform throughout the State. All property on which taxes may be levied in this State shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

RATE AND OBJECTS OF TAXATION.

1853—285—1

An ad valorem tax to be levied.

SECTION 1. An annual ad valorem tax of one-sixth of one per centum shall be levied for the purpose of supporting the Government

of this State, to pay the public debt, and promote the public interest thereof, upon the assessed cash valuation of the following:

Objects of taxation.

First. All lands and lots of grounds lying within this State, owned or claimed by any person or corporation, whether patented or not, including in the assessment thereof the value of all houses, fixtures, and improvements of every kind or value thereon, or affiixed thereto; all machinery, neat cattle, horses and mules, when attached to and used on a plantation or farm.

Second. All slaves for life, or a term of years, within this State.

Third. All horses, mares, geldings, mules, jacks, jennies, and neat cattle, when not attached, and used on a plantation or farm, and assessed in the value thereof.

Fourth. All carriages or vehicles, whether with two or four wheels, kept for pleasure, use or hire.

Fifth. Shares of stock, or interest in steamboats, ships, brigs, schooners, and all other water crafts, whether at home or abroad.

Sixth. All money loaned on interest.

Seventh. All capital vested or employed each year in trafic, trade, merchandise, or in any kind of commerce.

Eighth. The capital stock of all banks or corporations doing business in this State, not expressly exempted from taxation by their charters granted by this State.

Ninth. The property of whatever kind, of all corporations, over and above their capital stock, and all money and funds, held by any such corporation, in trust or on deposit, or by persons, in trust or on deposit, for persons or corporations other than citizens or corporations of this State and used in trade or commerce for the benefit of such persons or corporations.

PROPERTY EXEMPT FROM TAXATION

1853—286—2

Property exempt from taxation.

SEC. 2. The following property shall be exempted from taxation:

First. All lands and lots of ground, with their buildings, improvements and structures thereon, and all other property belonging to the United States, to this State, or any parish in this State.

Second. Town halls, council chambers, market houses, and all other public structures and edifices, and all public squares and lots kept open for health, use or ornament, belonging to any city, town or village in this State.

Third. Colleges, schoolhouses, and other buildings for the purposes of education, and their furniture, apparatus, and all equipments, and the lots thereto appurtenant and used therewith, so long as the same shall be used for that purpose only.

Fourth. Puplic hospitals, asylums, poorhouses, and all other charitable institutions for the relief of indigent and afflicted persons, and

the lots appurtenant thereto, with all their furniture and equipments, so long as the same shall be used for that purpose.

Fifth. Churches, chapels, and other public buildings for religious worship, with their furniture and equipments, and the lots of ground thereto appurtenant and used therewith, so long as the same shall be used for that purpose only.

Sixth. Cemeteries and grave-yards set apart and used for the purpose of interring the dead.

Seventh. The capital stock of all literary institutions and library associations and public lyceums.

Eighth. All mechanics' tools, implements of husbandry, fire-arms, wearing apparel, private library, and household furniture.

PERSONS, TRADES, PROFESSIONS AND OCCUPATIONS SUBJECT TO TAXATION.

1858—287—3

Persons, trades, occupations and professions, subject to taxation.

SEC. 3. There shall be levied and collected an annual tax:

First. For each free white male inhabitant, over the age of twenty-one years, not attached to the army or navy of the United States, the sum of one dollar, which shall be appropriated exclusively to the support of free public schools in the parishes in which the sum is paid.

Second. From each attorney and counsellor-at-law, physician, surgeon dentist, apothecary or druggist, notary public, practicing or pursuing their respective professions, the sum of ten dollars.

Third. The tax on hotels, taverns or boarding-houses, shall be graduated, pro rata, to the number of boarders that they are prepared to accommodate therein, at the rate of fifty cents per annum for each lodger; provided that no hotel, tavern or boarding-house shall pay less than ten, nor more than two hundred dollars per annum; and that no boarding-house entertaining less than five boarders and lodgers, shall be subject to this Act.

From each and every keeper of a restaurant, thirty dollars; of a coffee-house, bar-room or grog-shop, or retailer of spirituous liquors in quantities of less than one gallon, the sum of one hundred dollars; and of a brewery or beer shop, where no spirituous liquors are sold, the sum of twenty dollars.

Fourth. From each proprietor or keeper of a billiard-table, not kept for the exclusive use and play of the owner and his family, fifty dollars for each table, and for a nine or ten-pin or bowling alley, ten dollars for each alley.

Fifth. From the managers or lessees of every theatre, two hundred dollars; and for each circus, amphitheatre, menagerie, or race-course which is governed by a regular jockey club kept for public amusement, and from which the owners derive a profit, or cockpit, one hundred dollars.

Sixth. From each and every person who brings and introduces, or cause to be brought or introduced into this State, slaves for sale, hire or exchange; or who shall keep slaves for sale; or the agent of any such person, three hundred dollars.

Seventh. From each peddler or hawker, who peddles or carries goods, wares, merchandise or groceries for sale through this State, in a boat or other water craft, one hundred dollars; in a four or two wheel vehicle, fifty dollars; on horseback, twenty-five dollars; on foot, fifteen dollars; and from any peddler or hawker who sells the same in stalls, either in the streets, market or on the levee, twenty-five dollars; or on board any flatboat, barge, steamboat, ship or other vessel at the wharf, or in the port of any city, town or village, or at any landing, one hundred dollars.

Eighth. From each and every wholesale merchant or trader, thirty dollars; and from each retail merchant or trader, fifteen dollars; persons who sell both by wholesale and retail, shall pay the tax of a wholesale merchant; and every member of a commercial firm, whether he resides permanently or temporarily out of the State, shall pay the same tax as the resident partner.

Ninth. From each and every keeper of a storage warehouse, furniture store, livery stable, or carriage warehouse, fifteen dollars.

Tenth. From every person engaged in repressing cotton for shipment, thirty dollars.

Eleventh. From each and every broker acting as agent between buyer and seller, for per centage or other consideration, in the sale of real estate, stocks, slaves, promissory notes, drafts, checks, &c., &c., twenty-five dollars; and from each produce broker, merchandise broker, or freight broker, twenty-five dollars; and from each and every pawnbroker and lender of money on deposit, one hundred dollars.

Twelfth. From each and every factor and commission merchant or agent, thirty dollars. From each and every exchange dealer or money broker, one hundred dollars.

Thirteenth. From each and every insurance company incorporated by the laws of this State, and transacting an insurance business therein, five hundred dollars; provided they have not paid a bonus to the State.

Fourteenth. From each and every insurance company or insurer, not chartered by this State, and transacting an insurance business herein, or the agents thereof; from each and every foreign banker, or the agent thereof, except those doing a life insurance business exclusively, one thousand dollars.

Fifteenth. From each and every foreign insurance company or insurer, not chartered by this State, and transacting a life insurance

business exclusively, a tax of one per centum on the gross amount of the premiums earned each year.

1853—288—4

Penalty for following trades, occupations, &c., without paying the tax levied thereon.

SEC. 4. From and after the first day of January, eighteen hundred and fifty-four, it shall not be lawful for any person or corporation to carry on or pursue, practice or follow any of the trades, professions or occupations enumerated in the foregoing sections of this artitle, in this State, before paying the tax levied thereon and obtaining a license therefor from the Collector of the State taxes; and any person or corporation who shall refuse or neglect to pay the tax levied upon the trade, profession or occupation pursued, carried on or followed by such person or corporation; or neglect to pay the same for thirty days from and after the first day of January, eighteen hundred and fifty-four, or from or after the time such person or corporation shall commence to carry out, pursue or practice any of such trades, professions or occupations in this State from and after the first day of January, eighteen hundred and fifty-four, shall forfeit and pay to the State a sum of money not less than two hunhred and fifty, nor more than one thousand dollars; to be recovered before any court of competent jurisdiction, besides the tax which such person or corporation may be liable.

1853—289—5

Penalty for pursuing any trade, &c., while in arrears for license, taxes. &c.

SEC. 5. No person or corporation shall be licensed or permitted to pursue, carry on, follow or practice any of the trades, professions or occupations hereinbefore enumerated, who shall be indebted to this State, for the tax or license or commissions levied by this or other existing laws upon such trades, professions or occupations, and who shall have refused or neglected to pay the same after the final judgment has been rendered against him therefor; under a penalty of not less than five hundred, nor more than one thousand dollars.

1853—135—1

Municipal corporations prohibited from taxing persons engaged in selling articles of their own manufacture.

SEC. 6. It shall not be lawful for any Municipal Corporation within this State, to levy any tax on persons engaged in selling articles of their own manufacture, manufactured within this State.

ASSESSORS.

1850—132—1

One Assessor to be elected for each parish.

SEC. 7. In every parish of the State, except the parish of Orleans, there shall be elected, by the qualified voters thereof, one Assessor of Taxes for each parish.

1854—46—2

Four Assessors to be elected for New Orleans.

SEC. 8. For the city of New Orleans, there shall be elected by the qualified voters thereof, four Assessors, in and for said city.

The Assessors of the city of New Orleans shall, on the first Monday of January next after their election, proceed to procure an office in a central part of the city of New Orleans; and shall constitute themselves into a Board of Assessors of the city of New Orleans; they shall proceed to apportion the duties of assessing the property of persons within the limits of the parish among themselves, so as to make the duties as near equal as may be.

1850—183—4

One Assessor to be elected for Orleans, right bank.

SEC. 9. For that portion of the parish of Orleans on the right bank of the Mississippi river, there shall be elected one Assessor by the qualified voters thereof.

1850—183—5

To be elected at the same time with Sheriffs and Justices, and for two years.

SEC. 10. The election of Assessors shall be held at the same time and place as elections for Sheriffs and Justices of the Peace, and they shall hold their offices for two years.

1850—183—6

The oath and bond to be given.

SEC. 11. Every Assessor, before entering upon the duties of his office, shall take and subscribe the oath prescribed by the Constitution; and shall give bond and security in the manner prescribed by law, relative to the bonds of Tax Collectors, and other public officers, in the sum of five hundred dollars, conditioned for the faithful performance of his duty.

1850—183—7

Property where to be assessed, and contents of assessment roll.

SEC. 12. Property shall be assessed in the parish in which it may be situated. The assessment roll shall contain in separate columns, the quantity of land in each tract or lot, the quantity uncultivated, and the quantity respectively cultivated in cotton, cane, rice and corn.

1850—183—8

Lands of non-residents.

SEC. 13. All lands not owned by persons residing in the parish where it is situated, shall be denominated lands of non-residents, and shall be assessed as hereinafter provided.

1850—183—9

Land lying in part in two parishes, how to be assessed.

SEC. 14. When the line between two parishes divides a tract of land, or plantation, it shall be assessed in the parish where the occupant resides; if unoccupied, each part shall be assessed in the parish in which it lies.

1850—183—10

Personal and movable property when to be assessed.

SEC. 15. Every person shall be assessed in the parish where he resides, when the assessment is made for personal or movable estate, and slaves owned by him, including all personal estate in his possession, or under his control as tutor, curator, executor, agent, or other representative or fiduciary capacity, unless such personal or movable estate or slaves, be attached to, and upon a plantation; in which case, it shall be assessed in the parish where the plantation or land may lie.

1850—183—11

Real estate of incorporated companies where to be assessed.

SEC. 16. Real estate of all incorporated companies, liable to taxation, shall be assessed in the parish in which it may be, in the same manner as that of individuals.

1850—183—12

Personal estate of incorporated companies where to be assessed.

SEC. 17. All the personal estate of every incorporated company, liable to taxation, shall be assessed in the parish where the principal office or place for transacting the financial concerns of the company shall be; or if the company have no such office, then in the parish where the operations of the company shall be carried on, or its agents shall keep their place of business.

1850—183—13

Time for making the assessment.

SEC. 18. The Assessors elected in each parish shall proceed by diligent inquiry, between the first Monday of April and the first Monday in October of every year, to ascertain the names of all the inhabitants of their respective parishes, whether taxable for licenses, or on property, or both; and also, all the taxable property within the same.

1850—134—14

Duty of the Board of Assessors of New Orleans.

SEC. 19. The Board of Assessors for the city of New Orleans shall, from time to time, revise and fix the valuation of the property that may be assessed by each of the Assessors composing the Board; and shall make a seperate assessment roll for each representative district.

1850—134—15

Persons liable to taxation to be interrogated on oath as to taxable property.

SEC. 20. Each and every Assessor, in order to aid him in ascertaining the taxable property within his parish or assessment district is authorized and required to interrogate upon oath or affirmation in every instance, each and every tax-paying inhabitant of his parish or assessment district, in the following particulars:

First. The number of slaves in his possession, with a description of them by age and sex:

Second. All the objects of taxation described by law, liable to taxation, in his possession, or under his control in any manner; and each person is required to furnish the Assessor with an exact list of such objects of taxation in his possession, by whatever title he may hold the same; which lists the Assessor shall deposit with the assessment rolls.

To furnish a list of taxable property.

1850—134—16

Form of oath to be taken by the tax payers.

SEC. 21. The oath or affirmation shall be in the following words: I, A. B., do solemnly swear or affirm, that the foregoing list, by me made out and signed, contains a correct statement of all the objects of taxation, as fixed by law, whether movable or immovable, corporeal or incorporeal, of which I am possessed, either in my own right, or as Executor, Tutor, Curator, Trustee, Administrator, or agent for others, and that the capital of every kind by me employed in trade does not exceed the sum of —— dollars, according to the assessment list which has been exhibited to me. So help me God.

1850—134—17

Manner of valuing real and personal property.

SEC. 22. All real and personal estate subject to taxation, shall be estimated by the Assessor at its full cash value; and in case of doubt or at the demand of the owner, the Assessor shall be required to call to his assistance three freeholders residing in the vicinity, to assess the same. All incorporeal property shall be valued according to the best information.

1850—134—18

Property of absentees how assessed.

SEC. 23. In case the owner or occupant be absent, reside out of the parish, or be unknown to the Assessor, and does not appear within the proper time to render a list of his property, as provided in this act, it shall be assessed and valued by the Assessor according to his best information.

1850—134—19

Omissions in assessment of previous years, how provided for.

SEC. 24. If a tract or lot of land, or other property, shall be omitted in the assessment of one or more years, when discovered, it shall be assessed for the years during which it was omitted, without interest, and also for the current year.

1850—134—20

Auditor to furnish assessment rolls.

SEC. 25. The Auditor of Public Accounts shall furnish to the Assessors in each parish or assessment district, an assessment roll; in which shall be set down, in seperate columns, the objects of taxation as fixed by law; the number of acres of land owned by each individ-

Annual production of cotton sugar, corn, etc., to be ascertained.

ual; and the number of acres cultivated by him, in sugar, cotton, rice and corn. It shall contain additional columns for sugar, molasses, cotton, rice and corn; and it shall be the duty of the Assessors, in making their assessment, to set down in its appropriate column, the quantity of sugar, molasses, cotton, rice and corn, made by each plantation during the past year.

1850—135—21

Persons assessed in a representative capacity.

SEC. 26. When a person shall be assessed as tutor, curator, executor, agent, or in right of his wife, or any other representative capacity, he shall be assessed as such, with the addition to his name of his representative or fiduciary character; and such assessment shall be carried out in a seperate line from his individual assessment.

1850—135—22

Lands of non-residents how designated on the roll.

SEC. 27. The lands of non-residents shall be designated in the same assessment roll, but in a part thereof seperate from the other assessment, and in the manner prescribed hereafter.

1850—135—23

Manner of designating rural and urban property on the roll.

SEC. 28. If the land to be assessed be a tract or a lot known by a name, or if the owner's name be known, it shall be designated by those particulars, and by its boundaries; if it have no name, or the name be unknown, and if the owner's name be unknown, it shall be designated by its boundaries alone. In all cities, towns, or villages, it shall be the duty of the Assessors to designate the number of the lot according to the plan of such cities, towns, or villages, or according to the plot or plan of the squares, designating by what particular plot or plan. If no plot or plan is known of any city, town, or village, or square within the same, it shall be lawful for the Assessor to describe it by the boundaries of the streets within which it is situated, giving in all cases the dimensions. The assessments in incorporated towns and villages, shall be in separate columns, and shall designate the name of the street on which the lots front.

1850—135—24

Description and valuation of tracts or lots of land.

SEC. 29. They shall set in a separate column the owner's name, if known; the description of the tract or lot; and the valuation as directed in the case of other lands, and shall place them in separate columns, whether the same be in cities, towns, or villages.

1850—135—25

Duty of Assessor as to absent persons.

SEC. 30. In case the owner, occupant, or agent of the property subject to tax, be absent when the Assessor applies for a list of his property, it shall be his duty to leave a written or printed notice of his application, with some free white person, over the age of fourteen years, requiring the attendance of such absent person at some convenient time and place in the parish or assessment district, to be designated in the notice, with his list of property; and in case of his failure to attend at such time and place, the Assessor shall proceed as hereinafter provided.

1850—144—66

Corporations, written statement to be furnished by them.

SEC. 31. The President, Cashier, Secretary, or agent of any moneyed or stock corporation, whether incorporated by this State or any of the United States, or by a foreign government, shall, on or before

the first day of March in each year, make and deliver to the Assessor, or one of them, of the parish in which such company is liable to be taxed according to law, a written statement specifying under oath,

First—The real estate, if any, owned by such company, when the same is situated within the State;

Second—The capital stock actually paid in and not vested in real estate;

Third—The place of its principal business, or where its principal operations are carried on, or in which it is liable to be taxed.

1850—144—67

Property of corporations, how entered on the assessment roll.

SEC. 32. The Assessor shall enter all incorporated companies from which such statements shall have been received by them, and the property of such companies, in the assessment roll in the following manner:

In the first column they shall enter the name of the company liable to taxation on its capital or otherwise; in the second column, the quantity of real estate owned by the company, and situated in their parish; in the the third column the actual value thereof, estimated as in other cases; in the fourth column, its capital stock paid in, and its value. (to be ascertained by the Assessor by the sales of its stock or in any other manner,) and not vested in real estate situated within the State, and then belonging to it; in the fifth column, they shall put the aggregate value for which the company is liable to be taxed, which value thus ascertained shall constitute the amount on which the tax of such corporation shall be levied except as is provided for by law.

1850—145—68

Agencies for foreign corporations, how assessed.

SEC. 33. When the company is not incorporated in this State, but is doing business through an agent, it shall be subject to all the provisions of the preceding section, except that it shall not be assessed on its capital stock, but shall be assessed on all its property owned, held, or due, in this State, whether it consists in real or personal estate, money, bills of exchange, bonds, notes, or accounts, or other evidences of debt.

1850—185—26

Persons failing or refusing to furnish a list of their taxable property, how assessed.

SEC. 34. If any person shall fail or refuse to give a list of his property, after the Assessor has applied for it as above provided, he shall assess the property of such person according to his knowledge and the best information he can obtain in relation to it

1850—186—27

Three copies of the assessment roll to be made and sworn to.

SEC. 35. The Assessors shall complete three fair copies of their assessment rolls, on or before the first Monday in October, in each and every year, and shall affix to each a certificate under their hands and seals, to be certified by affidavits to be taken before any Justice of the Peace, in the following words:

I, A. B., do solemnly swear or affirm, that I have set down in the above assessment roll the names of all the taxable persons residing within my parish or assessment district; and all the real estate, slaves, and other taxable property, situated and being in the parish or district,

(as the case may be,) according to the best of my information; and that I have assessed the same at what I believe to be the cash value; and the said assessment roll contains a true statement of taxable personel estate of each person named in the roll, as ascertained by the affidavit of such person; and that I have in all cases, when practicable, interrogated on oath or affirmation, each person marked on the rolls and assessed for property, in the form provided for by law.

1850—136—28

Assessment rolls, how to be disposed of.

SEC. 36. The assessment rolls, thus certified by affidavit, shall, on or before the first Monday in October, be delivered by the Board of Assessors in the city of New Orleans, to the Recorder of the district in which the district assessed may be situated; and for that part of the parish of Orleans on the right bank of the river Mississippi, to the Justice of the Peace of that district; and by the Assessors of all the other parishes in this State to the Parish Recorder; and the respective officers with whom the rolls shall be lodged, shall endorse upon them the time they were received.

The Assessors and Board of Assessors shall immediately give notice by advertisements, posted in at least two public places in each parish or district, that they have lodged their assessment roll with the Recorder, Justice of the Peace, or Parish Recorder, as the case may be, in order that any person aggrieved by such assessment may appeal and have the same corrected, if found incorrect.

1850—136—29

Assessment roll, how corrected.

SEC. 37. Any person conceiving himself aggrieved by any assessment, may, within thirty days after it shall have been delivered and advertised, as required in the preceding section, make an appeal in writing, stating particularly the correction desired; on proof of the fact, the Recorder, Justice, or Parish Recorder, shall have full power and authority to correct errors.

If any omissions are discovered, or errors in the additions are found, the same may also be corrected.

1850—136—30

Recorders to extend the State and Parish tax assessed to each person.

SEC. 38. After the expiration of the thirty days, the Recorder, Justice, or Parish Recorder, shall cause to be set down in an additional column in each of the copies, the amount of taxes assessed to each tax payer as State taxes; and in another column the amount assessed to him for parish purposes.

Copies of assessment roll, how distributed.

They shall retain one of the copies among the records of their offices, and shall forward one to the Auditor of Public Accounts, and deliver one to the Tax Collectors of the parish of Orleans, and of the other parishes, with a warrant under their hands and seals, commanding the Collectors to collect from the persons named therein, the sums assessed to them respectively.

They shall not issue the warrant for collection, nor deliver the roll to any person who may have been previously charged with the collection of public money, until he shall exhibit a discharge from the proper officer of the State.

The amount of the rolls thus delivered shall be a charge against the Collector, which he shall be presumed to have collected at the period when required by law to make his final settlement with the State Treasurer.

For the services required by the Parish Recorder by this section, he shall receive such compensation as the Police Jury may determine.

Compensation of Recorder.

SEC. 39. Every Assessor who shall fail to deliver his assessment roll by the time specified above, or to perform any other duty required of him by law, shall be deemed guilty of a misdemeanor in office, and on conviction thereof, shall forfeit the commission allowed to him by law, and shall be discharged from office.

1850—187—81

Penalty for Assessors failing to perform their duty.

Any member of the Board of Assessors established by this act, failing to perform any of the duties undertaken by him, shall also forfeit his commission for the benefit of his associates, and shall be discharged from his office.

SEC. 40. The several Assessors, or Board of Assessors, shall receive annually as a compensation, three per centum on the amount of taxes on property, and one per centum on the amount of poll tax, and taxes on trades, professions and occupations, to be paid in the manner provided by law, after the copy of the roll to be lodged with the Auditor shall have been received by him.

1854—46—1

Assessors, compensation allowed them.

Their compensation shall not be less than two hundred dollars, and the amount to which the Board of Assessors may be entitled shall be divided equally among the members thereof, and shall be paid on the warrant of the several Assessors and Board of Assessors.

The Board of Assessors of New Orleans shall be entitled to receive annually from the city the same amount of compensation which shall be due them by the State for a copy of the assessment rolls, which they are required by law to furnish the city.

SEC. 41. Any Assessor who may fail, from any unavoidable cause, to make his assessment or his return thereof, within the time required by law, shall present his affidavit of that fact to the Recorder, Justice of the Peace, or to the Parish Recorder, as the case may be, setting forth the causes of his failure.

1850—187—83

Assessors may show cause for not completing the roll in time.

Which statement shall be certified to be true by two witnesses of the parish, and upon completing the assessment, and making return of the same according to law, he shall be entitled to receive the compensation allowed him by law, in the same manner as if the assessment and return had been made within the time required by law; and it shall be the duty of the Recorder, Justice of the Peace, or Parish Recorder, to grant him his warrant accordingly, which shall be accompanied by the affidavit aforesaid; and if it shall set forth unavoidable causes of failure, then the Auditor shall allow the Assessor the amount of the warrant.

1852—195—2

Vacancies, how filled.

SEC. 42. If any person elected or appointed to the office of Assessor, shall fail to give bond and security according to law, before he shall have entered upon the duties of his office, or refuse to serve, or die, or remove out of the parish, or shall be disabled from entering upon or completing the duties of his office, by sickness, or otherwise, the Board of Selectmen, or Aldermen, or the Parish Recorder of the city of New Orleans, or parish, as the case may be, shall forthwith appoint an Assessor for the unexpired term of office; who shall give the like security, and be subject to the like penalties and duties as the one in whose place he was appointed, and receive a like compensation; but such appointment shall not discharge the former Assessor or his securities from any liability incurred by them.

The several Assessors shall pursue the form and follow the instructions that may be transmitted to them by the Auditor of Public Accounts, in the execution of their duties.

1850—188—35

Taxes assessed, a lien on real estate and slaves.

SEC. 43. Taxes assessed by law on the property of any person or corporation, are hereby declared a lien and privilege on the real property and slaves of such person or corporation, to date from the first day of April of the year for which they may be assessed, any alienation thereof, or incumbrances thereon notwithstanding; and shall exist in favor of the State and parish for the respective amount of taxes assessed for each, for two years, and shall be paid by preference to all mortgages and other incumbrances.

1853—215—9

Assessors to make an enumeration of children every second year.

SEC. 44. It shall be the duty of the Assessors of the different parishes of the State, on or before the first of November, eighteen hundred and fifty-three, and every two years thereafter, to make an accurate enumeration of all the free white youth in their respective parishes, between the ages of six and sixteen years, designating distinctly the number of each sex between those ages in each of the school districts into which the parishes may be divided; which enumeration shall be made at the time the State taxes are assessed. The Assessors shall make out duplicate lists of the enumerations so made, and deliver one to the Parish Treasurer and the other he shall immediately transmit to the State Superintendent of Public Education.

They shall receive a compensation of three dollars for every hundred children enumerated, to be paid out of the general school fund, when they shall present to the Auditor a receipt from the State Superintendent for such list of enumeration.

TAX COLLECTORS.

1850—188—36

Sheriff of each parish to be Collector of taxes.

SEC. 45. The Sheriff of each and every parish of this State, except the parish of Orleans, shall collect the State tax for his parish.

1852—195—3

In New Orleans a Collector of Taxes to be elected in each district for two years.

SEC. 46. In the city of New Orleans, the qualified voters of each district shall each elect one Tax Collector in and for each district

The qualified voters of that part of the parish of Orleans on the right bank of the Mississippi shall elect one Tax Collector, at the same time with the Sheriff and Assessors. They shall hold their offices for two years, and until their successors are qualified.

1850—188—88

Bond and security to be given by Tax Collectors.

SEC. 47. The several Tax Collectors and Sheriffs who collect taxes shall, each year, before they commence the discharge of their duties, give bond and security, according to law, in a sum which shall be the full amount of the taxes levied according to the tax roll of each parish; except in the parish of Orleans, in which the bond shall be for one-third of the amount of the assessment rolls delivered to each Collector; conditioned for the faithful performance of his duty as Tax Collector, and for the just and full payment of all sums for which he may become legally liable. The bond shall be payable to the Governor of the State, and his successors in office.

1850—189—89

Bond to operate as a legal mortgage.

SEC. 48. All bonds given by Collectors of State and Parish Taxes, shall operate as a legal mortgage on all the lands, slaves, and real estate of each Collector of Taxes in favor of the State for the amount of State taxes; and for the parish, for the amount of parish taxes, when recorded according to law.

1850—189—40

Collectors failing to give bond with security to vacate their office.

Vacancy how filled.

SEC. 49. In case any Sheriff or Collector of Taxes shall fail, refuse, or neglect to give bond and security as above required, on or before the first Monday of January in each year, his office of Collector shall be deemed vacant; and such vacancy shall be filled by the Common Council of the city, or Recorder of the parish, as the case may be; but such appointment shall not exonerate the former Collector, or his securities, for any liabilities incurred by him.

1850—189—42

Licenses, when to expire.

SEC. 50. Each and every license shall expire on the thirty-first day of December in the year in which it was obtained.

1850—140—44

Auditor to furnish blank licenses to the Collectors.

SEC. 51. Each Tax Collector shall procure from the Auditor as many blank licenses for trades, professions and occupations, bearing the signature of the Auditor, as there may be, or may be likely to be, persons in his parish or district pursuing the taxed trades, professions, and occupations; and for that purpose shall present to the Auditor a list of such licenses as may be required, and receipt for the same, within the first two months of every year, under the penalty of one hundred dollars.

1850—140—45

SEC. 52. Every Collector in the country parishes, upon receiving the tax list and warrants, shall proceed to collect the taxes therein mentioned; for that purpose he shall give notice to each tax payer resident in the parish, of the amount of taxes due by such tax payer.

Manner of proceeding to collect taxes.

Every Collector in the parish of Orleans shall, by twenty days publication in a newspaper published therein, in English and French, in the manner provided for judicial advertisements, give public notice of the place at which he will be present, from the hours of ten A. M.

to two P. M., for the purpose of receiving payment from all persons indebted for taxes; which collection shall begin on the first day of August of each year; after which delay, the property of any person, whether resident or non-resident, who shall have omitted or neglected to pay his taxes, shall be dealt with as hereinafter provided; and it shall be the duty of every Collector in the country parishes, and in the city of New Orleans, to add to the list of assessment, and cause to be assessed by two property holders, any property or taxable object omitted in the list; and he shall proceed to collect the tax due thereon, after having obtained a special written authorization therefor, from the Auditor of Public Accounts.

1850—140—46

Proceedings against persons failing to pay their taxes.

1852—190—1

SEC. 53. If any person, after thirty days' notice in writing, shall fail to pay or cause to be paid the amount assessed to him, at the time and place agreeably to the notice given, the Tax Collector shall proceed to collect the same by seizure and sale of the property, except lands, as hereinafter provided.

1850—140—47

Taxes in the parishes of Orleans and Jefferson how collected.

SEC. 54. Whenever any Collector of Taxes for the parish of Orleans shall, after reasonable diligence on his part, be unable to serve a legal notice on any person owning taxes on the assessment roll, or to find his usual place of abode, in order to leave such notice in writing, it shall be his duty to publish such notice in the manner prescribed in the fifty-second section, for the same time that notices are now required to be given in other cases; and this publication shall be held to be sufficient notice to authorize the Collector to proceed to the collection of the taxes in the manner herein provided.

1850—140—48

What property may be seized and sold for taxes.

SEC. 55. In case any person shall refuse or neglect to pay the taxes assessed on him for thirty days after said notice, it shall be the duty of the Collector to seize their goods and personal property and rights and credits, and expose the same at public auction, after due notice given, as in case of Sheriffs' sales.

1852—190—1

What property may not be seized and sold for taxes.

SEC. 56. Hereafter no land or lot of ground shall be exposed to sale for the taxes due thereon, but such taxes shall be collected by seizure and sale of any other property of the owner, (resident or non-resident,) which may be found in the parish or district in which the tax may be due.

1852—190—2

Duty of Collectors of taxes as to unpaid taxes.

A list of lands on which the taxes are unpaid to be made out.

SEC. 57. On the first Monday of October, in every year, it shall be the duty of every Tax Collector of every parish of the State, to render to the Parish Recorder thereof, and in the city of New Orleans, to the Recorder of the district in which the property assessed may be situated, and for that part of the parish of Orleans on the right bank of the river Mississippi, to the Justice of the Peace of that district, a list in alphabetical order, of all lands or lots within his parish or district on which the taxes have not been paid by the owners thereof; and shall distinctly set forth, that, after diligent enquiry, he could not find other property liable to seizure and sale, sufficient to pay the

taxes due; which list shall contain a minute and particular description of the lands or lots therein set forth. At the foot of the return made in the manner aforesaid, the Tax Collector shall, before an acting Judge or Justice of the Peace, make and subscribe the following oath or affirmation:

I, ———, Tax Collector of ——— parish or district, do solemnly swear or affirm that the taxes on the lands or lots in the above list have not been paid by the owners thereof for the year ——; that I have received no part of the same, and that after diligent enquiry I have found no other property liable to seizure and sale for the same. So help me God. A. B., Tax Collector,

Parish ———

1852—109—3

Duty of Recorder and Justices to record the list, &c.

SEC. 58. The aforesaid Recorders and Justice of the Peace, upon the return of such lists with the oath or affirmation aforesaid, shall record the same, and make a certified copy of such list, and forward the same to the Auditor of Public Accounts.

1852—190—4

Effect of filing the list in the Auditor's office.

SEC. 59. The list and verification, when filed in the office of the Auditor of Public Accounts, shall be entered by him on a record kept for that purpose, and shall vest, from the day of filing, a title to the lands and lots therein returned, in the State of Louisiana, which shall be impeachable only on proof that taxes, for non-payment whereof the lands were returned forfeited, had been in fact paid to the Collector before the return of the list to the Recorder or Justice.

1852—190—5

Receipts to be given by Collectors of Taxes.

SEC. 60. Every Collector, on the receipt of any tax, shall deliver to the person paying the same, a receipt specifying the particular property on which such tax shall have been paid, for what year, and the date of such payment.

1852—191—6

Duty of Auditor when lands are wrongfully returned for unpaid taxes.

SEC. 61. On the production of the receipt of the Collector, duly made, and bearing date prior to the Collector's return, as herein required for the taxes of the year, for which any of said land may have been returned delinquent, the Auditor of Public Accounts shall execute to the owner of such receipt, a quit claim of the title of the State, under such return of the Collector, and shall recharge the Collector with the taxes allowed thereon and costs, together with fifty per cent. damages, to be collected as any other tax for which such Collector may be in default.

1858—66—1

Forfeited lands how redeemed.

SEC. 62. If any persons interested in any lot or lands forfeited to the State shall, within two years after the date of the Collector's return, pay to the Treasurer of the State, the taxes for which the same were returned, together with all the parish and other taxes due on the lot or lands, and all the taxes subsequently accrued on such land, and fifty per cent. damages thereon, the Auditor upon proof thereof, shall execute and deliver to such person a certificate of redemption of the same under the seal of his office, which shall be held

and taken as evidence of the redemption of such lands; and the lands, with the name of the person redeeming the same, and the amount paid, shall be entered on his record of the lands across the entry of the same, and the Auditor shall be entitled from the owner thereof, for such certificate, to the sum of two dollars, and no more.

1852—191—8

Auditor to certify to each Recorder a list of all lands redeemed.

SEC. 63. It shall be the duty of the Auditor, annually, on or before the first day of March, to certify to the Recorders and Justice of the Peace to whom the delinquent's lists may have been returned, a list of the lands in such parish or district which have been redeemed during the preceding year, with the date of the redemption of each tract; and it shall thereupon be the duty of the Recorder or Justice to enter the redemption so certified, on the list of forfeited lands deposited in his office opposite each tract so redeemed.

1852—191—9

Recorder's compensation.

SEC. 64. The Recorder or Justice shall be paid, on the warrant of the Auditor of Public Accounts, at the rate of twenty cents per one hundred words for each delinquent list, in full compensation.

1855—191—10

Sale of lands forfeited for taxes, when and how made.

SEC. 65. It shall be the duty of the Auditor of Public Accounts to cause to be sold annually, on the first Monday of May, by the Tax Collector of the parish or district in which the forfeited lands may be situated, for cash, to the highest bidder, all lands forfeited to the State, which shall not have been redeemed within two years, as above provided, after thirty days' notice having been given by the Tax Collector, by publication in some newspaper published in his parish; or where there is no newspaper, by notice thereof posted up at three public places in the parish; the money so collected shall be paid into the State Treasury as other taxes.

1852—195—4

Commission allowed to Collectors of taxes.

SEC. 66. The following compensation and fees are hereby allowed to Collectors for collecting the taxes levied on the assessment rolls, to be computed on the sums actually collected and paid into the Treasury, viz: on the first three thousand dollars and under, ten per cent.; on all sums above three thousand dollars, and not exceeding ten thousand dollars, five per cent.; on all sums above ten thousand dollars, three per cent.; on all amounts collected on licenses to persons pursuing trades, professions and occupations, ten per cent.; to be computed on the amount paid into the Treasury; for every seizure, one dollar and fifty cents, and for every sale, one dollar and fifty cents, to be paid out of the proceeds of the seizure and sale; for every notice to tax payers, twenty-five cents.

Fees.

1850—141—51

How Collectors are to obtain credit for unpaid taxes.

SEC. 67. Whenever any Tax Collector shall make it appear to the satisfaction of the Recorder of his parish, or in the city of New Orleans, of the Recorder of the district within which the Collector's district may be situated, or the Justice of the Peace for that portion of the parish of Orleans situated on the right bank of the Mississippi river, that any person assessed for taxes within his parish or assessment district, has become insolvent, or left the parish without leaving

sufficient property to pay his taxes, or that property has been erroneously assessed; the Parish Recorder, Municipal Recorder, or Justice of the Peace shall certify the same to the Auditor of Public Accounts, with the list of the persons so taxed, and the amout due; and for which amount the Auditor shall credit the Collector.

1850—143—59

Returns of Collectors to show the tax on lands, slaves and other objects collected.

SEC. 68. The several Collectors of State taxes, in making their returns to the Auditor of Public Accounts, of moneys collected for State taxes to be paid into the Treasury, shall state in such return the amount collected for State taxes on lands, slaves, and other objects, for taxes levied for school purposes, and also the poll tax.

1850—143—60

Collectors of the parishes of Orleans and Jefferson to settle with the Auditor monthly.

SEC. 69. Within the first five days of every month, it shall be the duty of every Tax Collector, in and for the parish of Orleans and parish of Jefferson, to have their respective accounts settled for all taxes collected or moneys received during the preceding month, and to pay the same over to the State Treasurer; and for that purpose the Collectors shall make and transmit to the Auditor of Public Accounts a statement whether they have or have not collected any taxes or licenses within the preceding month, and with an oath taken and subscribed appended thereto, that the same contains a faithful account of all taxes collected and amount received, if any, from licenses to persons pursuing trades, professions and occupations; and it shall be the duty of the several Sheriffs and Collectors of State Taxes, in all the other parishes of the State to have their accounts settled, and to make a payment and statement in like manner within the first five days of September, for all taxes collected and money received for licenses for the preceding term.

1852—196—5

Tax Collectors to make their final settlement on the first of December.

SEC. 70 On or before the first day of December, annually, the several Tax Collectors shall make their final payments into the Treasury, for the taxes due on the rolls, and on trades professions and occupations, and all other objects due in said year; and if the Collectors fail to do so, they shall be considered as defaulters, and shall be proceeded against as herein provided.

1850—143—62

Penalty for Collectors failing to settle as required by law.

SEC. 71. If any Collector shall fail or neglect to make settlement, as provided for in the two preceding sections, and pay the amount due into the Treasury, and obtain the Treasurer's receipt therefor, he shall forfeit the commission allowed to him by law, and interest at the rate of two per cent. per month on the sum withheld, to be computed from the time the same ought to have been paid until actual payment; and the Auditor of Public Accounts shall charge such delinquent accordingly, and immediately after such delinquency shall occur, may require the District Attorney of the district wherein such Tax Collector may perform his functions, to proceed against such Tax Collector and his securities by rule before any competent court, after three day's notice, for recovery of the amount due by the Tax

Collector; the suit shall have precedence on the docket of the court wherein it may be instituted over all other causes.

1850—144—63

Fees of District Attorneys.

SEC. 72. The District Attorney collecting money by virtue of the proceedings contemplated in the preceding section, shall receive two and a half per centum on the amount thereof as a compensation for collecting and paying the same into the State Treasury.

1850—144—64

Arrears of taxes to be collected.

SEC. 73. When there are arrears of any taxes in any parish, the Auditor of Public Accounts may transmit a detailed account of such arrearages of taxes to the Collectors of Taxes for the time being, in the parishes where such arrearages exist, and it shall be the duty of such Collectors to collect the same as by law they are authorized to collect the tax of their parish or district.

1850—145—69

Manner of collecting taxes due by corporations.

SEC. 74, The Collector shall demand payment of all taxes assessed on incorporated companies from the Presidents, Cashiers, Secretaries or agents, or other officers of such companies, and if not paid, shall proceed to the collection and payment thereof in the same manner as in other cases.

1858—87—1

Bonds and mortgages of Tax Collectors, how canceled.

SEC. 75. The Recorders of Mortgages of the different parishes of this State, are authorized to cancel all bonds and mortgages registered against State Tax Collectors, upon the production of the certificate from the Auditor of Public Accounts, of their having paid into the State Treasury all the State taxes which the law makes it their duty to collect, and for the faithful collection whereof, the bonds or mortgages, as the case may be, were given; and to cancel all bonds and mortgages registered against Parish Tax Collectors, upon the production of the certificate of the Parish Treasurer, of their having paid into the Parish Treasury all the parish taxes which the law makes it their duty to collect, and for the faithful collection whereof, the bonds or mortgages, as the case may be, were given.

1858—158—1

1842—522—1

Powers of Collectors of Parish Taxes.

SEC. 76. Collectors of Parish Taxes, shall have the same power to collect and enforce their payment, as the Collector of State Taxes.

1847—109—5

Collectors of Parish Taxes failing to pay over, how proceeded with.

SEC. 77. Whenever any person charged with the collection of parish taxes, shall fail to pay over the taxes collected by him within thirty days after being required to do so by the Police Jury, or other parochial authority, by a written demand, served by any Constable of the parish; the Police Jury, or other parochial authority, shall have the right on filing in the office of the Clerk of the District Court, a certified copy of his bond, and the return of the Constable showing the demand made on him, to obtain from the Clerk an execution against the Collector, for the amount which he may have so collected and failed to pay over; which execution shall have the same force and effect as the distress warrant or execution, when issued by the Auditor; and any property sold under it, shall be sold for cash without the benefit of appraisement.

SEC. 78. All Sheriffs and Collectors of Taxes, who have resigned or may hereafter resign, shall be authorized to proceed with the collection of such taxes as remain unpaid, in the same manner, and under the same responsibility as though they had remained in office.

Collectors authorized to collect the unpaid taxes after resignation, &c.

SEC. 79. In case of the death or absence of the said Collectors, or of their failure to pay the taxes into the Treasury at the period prescribed by law, from any cause, their securities shall be authorized to take into their possession, the list of the taxes remaining unpaid, and collect the same, in the same manner as the Collector could do.

1815—56—2

Sureties of Tax Collectors authorized to collect the unpaid taxes in certain cases.

Representatives of Successions to retain in their hand the tax of ten per cent. imposed on Foreigh Heirs. See ADMINISTRATORS, *Sec.* 6.
Auditor to furnish Assessor with a list, and description of taxable lands, annually. See AUDITOR OF PUBLIC ACCOUNTS, *Sec.* 6, No. 8.
To issue lisences, *Secs.* 9 and 10.
Settlement to be made with Collectors of Taxes, *Sec.* 11.
To issue distress warrants against defaulters, *Sec.* 12.
Auction sales—tax on them. See AUCTIONEERS, *Sec.* 11.
Free banking, how taxed. See BANKS, *Sec.* 35.
Charity Hospital—tax on balls, theatres, &c. See CHARITY HOSPITAL, *Secs.* 13 and 14.

ROADS AND LEVEES.

POWERS OF POLICE JURIES AS TO ROADS AND LEVEES.

SECTION 1. The Police Juries of all the parishes of this State are authorized to pass all such ordinences as they may deem necessary, relative to roads and levees, bridges and ditches; and to impose such fines and penalties to enforce the same, as they may judge proper and expedient, to be recovered and enforced by indictment or information.

1831—6—3
1833—91—1
Police Juries to have the control of roads, levees and bridges.

SEC. 2. The Police Juries shall direct in what manner notice shall be given to resident and non-resident proprietors, of the works to be done to their levees and roads, bridges and ditches.

1831—6—4
Notice to residents and non-residents, how given.

SEC. 3. In all cases of adjudication of works to be done to levees, roads, ditches and bridges, or other public works, it shall be the duty of the officer adjudicating the same, to cause the proces verbal of adjudication to be recorded in the mortgage record, which shall operate as a lien on the land; and in case of non-payment, the undertaker shall be entitled to an order of seizure and sale upon the presentation of said act thus recorded, annexed to this petition together with his oath showing the amount due him, and in cases of non-residence, it shall be the duty of the Judge to name an Attorney for the non-resident, upon whom service shall be made, as provided for in executory proceedings by the Code of Practice, and said Attorney shall be entitled to such compensation as the Judge may think proper, to be taxed as part of the costs.

1831—8—5
Proces verbal of adjudication to be recorded.

Absentees to be represented by an Attorney ad hoc.

The order of seizure and sale shall be executed by the Sheriff of the parish, without the benefit of appraisement, in the same manner, and subject to the same formalities as in ordinary cases of seizure.

Property to be sold without benefit of appraisement.

SEC. 4. Whenever any works to the levees, roads, &c., of any parish of this State shall have been made at the expense of the parish, it shall be lawful for the Police Jury to sue the person for whose account the works or repairs were made, and to obtain the reimbursement of the said amount, bv privilège on the land subject to the works.

1817—156—3
Police Juries to sue for works done by the parish.

ROADS AND LEVEES IN THE PARISHES ON THE MISSISSIPPI RIVER AND BAYOUS LEADING THEREFROM.

SEC. 5. Throughout all that portion of the State, watered by the Mississippi and the bayous running to and from the same which are settled, where levees are necessary to confine the waters, and to pro-

1829—76—1
Levees to be made by the riparian owners.

tect the inhabitants against inundation, the said levees shall be made by the riparian proprietors, in the proportions and at the time hereinafter prescribed.

1829—76—2

Dimensions of levees.

SEC. 6. Every levee which shall contain one perpendicular foot of water, and not above three feet, shall have at least five feet base, for each and every foot in height.

Every levee which shall contain more than three perpendicular feet of water and not above five feet, shall have at least six feet base, for each and every foot in height.

Every levee which shall contain more than five perpendicular feet of water and not above six feet, shall have at least seven feet base for each and every foot in height.

Every levee which shall contain above six perpendicular feet of water, shall have at least eight feet base for each and every foot in height.

The summit of every levee shall be of the breadth of one-third of its base; and finally, every levee shall be of such a height, that after the sinking of the earth, it be still raised one foot above the level of the water when highest.

1829—94—34

Penalty.

Any proprietor who shall contravene any of the provisions of this section, shall upon conviction, be condemned to a fine not less than two hundred, nor more than one thousand dollars.

1829—78—3

Distance from the river bank.

SEC. 7. Every new levee shall be constructed, in places where the bank is caving, at the distance of at least one arpent from the water's edge; and in places where the bank does not cave, at the distance of at least sixty feet; in both cases, the distance shall be measured from the summit of the bank of the river, under the penalty prescribed in the preceding section.

1829—78—4

On the bayous Police Juries to fix the distance.

SEC. 8. The Police Juries are authorized to determine the distance at which levees shall be made on the banks of bayous running to and from the river.

1829—78—5

Earth where to be taken from.

SEC. 9. The earth which shall be employed for the repairs and construction of a levee, shall be taken at the distance of at least twenty feet from the base of the levee on the side next the river, under the penalty prescribed in the sixth section.

1829—78—6

To be fascined.

SEC. 10. Every new levee or every portion of a levee, which shall be made anew, shall be fascined on the river side, either with palmetto or otherwise with pickets, under the penalty prescribed in the sixth section.

1829—78—7

Unsettled lands to be fascined.

SEC. 11. All new or old levees on the unsettled and uncultivated lands situated on the river or on the bayous running to and from the same or other waters connected therewith, shall be constantly fascined or palisaded.

1829—94—35

Penalty.

Any proprietor who shall contravene any of the provisions of this section, shall, on conviction, be fined not less than one hundred, nor more than five hundred dollars.

1828—78—8

One slave for every four arpents to be kept on the land during high water.

SEC. 12. Every owner of lands situated where levees are necessary to confine the waters, shall be bound to have annually on the lands, during all the time of high water, at least one slave or other person for every four arpents front of the land, for the purpose of keeping in repair levees and roads; the Inspector shall have the power to authorize a less number of slaves whenever the local circumstances may permit, under the penalty prescribed in the sixth section.

1829—80—9

Road to be given and kept in repair by the riparian owners.

SEC. 13. Every owner of lands situated on the banks of the river Mississippi, or bayous running to and from the same, or other waters connected therewith throughout this State, shall be bound to give to the public, and to keep constantly in good repair, a highway at least twenty-five feet wide, on the whole front of his property; which highway shall be swelled in its centre, and be lined on each side by a draining ditch at least one foot wide, and one foot deep.

Ditches, how to be made.

These two ditches shall communicate with each other by means of ditches at least two feet wide, which shall be made across the road at least one for every four arpents, and which shall be extended the depth of the land, so as to drain the said highway, and to facilitate the running off of the waters which filtrate through the levees,

The portions of ditches which shall cross the highway, shall be covered with bridges, each of which shall be at least twenty feet long and one-third wider than the ditch, and be made with planks two inches thick, nailed or pinned on five joists, placed level with the road in such a manner that the height of said bridges be not so sensible as to hinder the free passage of carriages or carts; the provisions of this section shall not apply to the parishes of West and East Feliciana and that part of the parish of East Baton Rouge lying above the town of Baton Rouge.

Parishes excepted.

1829—80—10

Bridges on canals to saw-mills.

SEC. 14. The bridges on the canals of saw-mills shall be solidly constructed of planks twenty feet long and two inches thick, nailed or pinned on five strong joists, and they shall have on each side, rails of at least three feet in height; the ascent to said bridges shall begin at a sufficient distance to be easy and commodious.

1829—94—36

Penalty.

Any proprietor who shall contravene any of the provisions of this, or the preceding section, shall on conviction, be fined not less than fifty nor more than two hundred and fifty dollars.

1829—80—12

Canals for irrigation how constructed.

SEC. 15. Every planter who shall let in the water, either to inundate his rice, or to water his crops, shall be bound to secure the rivulet with a good timber work, so that throughout the whole thickness of the levee, the water so let in, pass entirely upon the wood without finding itself in contact with the earth; both on the levee and on the highway across which the said rivulet shall pass, it shall be entirely covered with a bridge, made in the manner prescribed for ditches across the roads.

The said rivulet shall be stopped as soon as the rice or crops shall have been inundated or watered, in order not to injure the neighbors; and it shall in no case be wider than one foot, and the water shall not be let into the crops by means of a boundary ditch, under the penalties hereinafter established. Any proprietor, acting in contravention to the provisions of this section shall, on conviction, be condemned to a fine of not less than twenty-five, nor more than one hundred dollars.

1829—96—88
Penalties.

Powers of Inspector.

The Inspector of the section shall have the power, whenever he shall find such a proprietor in default, to oblige him to undo the works he shall have made, and to fill up and close the openings made to the levee; and to take immediately his slaves for that purpose, as also to use all the powers granted by the twenty-first section, in case the said defaulting proprietor should not have a sufficient number of slaves to do it immediately; and that, under the penalties against delinquents which are pronounced by the said twenty-first section.

1828—82—13
Crawfish holes, &c. to be stopped.

Sec. 16. It shall be the duty of every riparian owner of lands, in places where levees are necessary to confine the waters, to cause attentively and carefully to be dug and filled up every year, the holes which crawfish, muskrats or other animals, may have made in the said levees, and to adopt constantly all the necessary means to prevent the progress of those which happen during the high water as soon as they shall be apprised of it. Any proprietor who shall act in contravention to the provisions of this section, shall on conviction, be condemned to a fine of not less than one hundred, nor more than one thousand dollars.

1829—96—89
Penalty.

Power of Inspector.

The Inspector of the section, when he shall find such a proprietor in default, shall have a right to oblige him to execute the works prescribed, or shall cause them to be executed by means of a requisition, as the case may be, in the manner prescribed by the preceding section.

1829—82—14
Works and repairs on levees, roads, &c., when to be begun and finished.

Sec. 17. The work or repairs to be made annually to levees, bridges and highways, shall every year begin on the fifteenth of August, unless prevented by the waters of the river being too high; in which case the works or repairs shall be commenced as soon as the situation of the river will make it practicable; and they shall be completed on or before the first of November, under penalty against defaulters of a fine which shall not exceed one thousand dollars.

1843—10—1

1829—82—15
Inspectors to be appointed annually.

Sec. 18. The Police Jury of every parish of this State where levees are necessary to protect the inhabitants against inundations, shall meet once in every year for the purpose of proceeding to the appointment by ballot, of such number of Inspectors as shall be deemed necessary, in such a manner, however, that no Inspector shall be charged with the inspection of the roads and levees to a greater extent than three leagues.

1829—82—16

Penalty for Inspector failing or refusing to serve.

SEC. 19. No free white male person of age shall be exempt from acting as Inspector, unless he be infirm, or sixty years of age; and every Inspector so appointed. shall be bound to discharge the duties imposed upon him during the term of one year from the day of his appointment, unless he be prevented by a serious disease, or necessary absence; and any Inspector who shall fail to discharge any of the duties imposed on him as such, or who, when necessarily absent, shall fail to give notice thereof to the Police Jury; or any person, who, being appointed by the President of the Police Jury to fill the place of an Inspector, shall neglect or refuse to act until the next annual meeting of the Police Jury, shall be liable to a fine which shall not be less than fifty, nor more than two hundred dollars.

1829—84—17

To make weekly inspections during high water.

SEC. 20. It shall be the duty of the Inspector to make every week, at least during high water, one inspection of the roads and levees subject to his inspection, and to ascertain whether the obligations imposed upon the riparian proprietors have been complied with; of which inspection the inspector shall be bound to draft a proces verbal, in which, in case of contravention on the part of any proprietor he shall specify the object in which the said proprietor shall have failed to comply with the provisions of law.

Proces verbal.

1829—84—18

SEC. 21. Every Inspector shall also be bound to draft a proces verbal of the situation in which, during high water, he shall find each levee subject to his inspection, which proces verbal shall specify the repairs to be made immediately to the said levees, in order to prevent their breaking.

Inspector may order out hands.

The Inspector shall provide all the means which he shall deem expedient, in order that the repairs be made in time; and for that purpose he shall be authorized to furnish the proprietors, on urgent necessity, with any number of slaves he may deem necessary, not only from his own section, but also from the other sections of the parish, situate on the same side of the river; and every proprietor refusing to obey the orders given, or the requisitions then made by the Inspector, shall incur a fine which shall not be less than twenty-five dollars, nor more than one hundred dollars.

Penalty for refusing to obey him.

May take the hands when the owners fail to send them.

On refusal as above mentioned, the Inspector shall have the right to take all the slaves of the refractory proprietors, and employ them on the said repairs until the same be completed; and in case any proprietor should oppose by force or violence the taking of his slaves by the Inspector for the purpose aforesaid, such proprietor shall, besides the fine, be condemned, on conviction, to an imprisonment, which shall not be less than fifteen days, nor more than two months.

Penalty for opposing him.

1854—95—16

Road and Levee Inspectors to call out hands.

SEC. 22. The Road and Levee Inspectors are hereby empowered within the several parishes to call out to work on the levees therein, in case of a crevasse, or threatened crevasse, all the male slaves above the age of fifteen years and under sixty, or so many thereof as may

be deemed necessary, whose owners reside on the same side of the river or bayou within seven miles of the threatened danger; except persons on high lands, that is, lands not alluvial.

Whenever the owner of the slaves, or his agent or overseer shall refuse or neglect to furnish the slaves required by the Engineer or Inspector, the owner shall pay five dollars per day for each slave not sent under the requisition, the amount to be due to the Commissioners and recoverable in their names before any competent court, and to be paid into the Treasury of the State, as part of the Swamp Land Fund.

Whenever any slave may be furnished upon the requisition referred to in this section, the owner shall be entitled to demand and receive a compensation for his services at the rate of one dollar and fifty cents per day for each and every slave, payable out of the Swamp Land Fund, except the owner of the land upon which the crevasse occurs or threatens to occur, who is not to be considered as entitled to compensation.

In all cases where slaves are thus called out, the Inspector shall call upon all owners of slaves within the above mentioned distance, in proportion to the number of the above described slaves owned by such proprietor, he being bound to furnish necessary tools and provisions.

The compensation shall only apply to works constructed under the provisions of the Act to reclaim and drain the Swamp and Overflowed Lands, approved March 16th, 1854; and if, in the opinion of the Inspector, the slave labor called is not sufficient for the exigency of the case, he is authorized to employ such additional labor as be may deem fit, the wages of which labor shall be chargeable to the Swamp Land Fund, and shall be paid by the Commissioners on the presentation of the proper vouchers by the Inspector.

1829—86—20

Inspections to be made.

SEC. 23. Every year, on the thirtieth of August and the first of November, each Inspector shall make an inspection of the levees, bridges and highways of his section, in order to ascertain whether what is prescribed to each proprietor has been executed; and he shall draft a proces verbal thereof; and if, on the fifteenth of September, any planter should not be sufficiently advanced in the works of his levee, and the said Inspector should think that the said planter has not, nor cannot procure the necessary means for completing the said works, it shall be his duty to cause the said works to be adjudicated to the lowest bidder, after three weeks notice or publication posted up at the door of the court house; and if, at the expiration of the three weeks, there appear no bidder for the said work, the said Inspector shall employ all the means, and make use of all the powers which are granted to him by the twenty-first section, and all the penalties therein provided, shall apply to any person opposing him.

Works to be adjudicated, when the owner cannot complete them.

To be completed by the Inspector if no bidder appears.

During the interval of the publication prescribed for the adjudication to the lowest bidder, the proprietor shall always be allowed to work at his levee.

If at the expiration of that time, it is sufficiently advanced to afford reasonable ground to hope that it will be completed or repaired on or before the first of November, the adjudication to the lowest bidder on any further requisition, shall be suspended until after the said first of November; but after that day it shall be the duty of the Inspector to proceed immediately in the manner and order above established.

1829—88—21

His duty when the levee caves in.

SEC. 24. If after the said works and repairs of levees shall have been made and completed, the bank shall fall in and carry away a levee, so that the planter, to whom such an accident happens, be unable with his own hands to repair the damage in time, by the construction of a new levee, it shall be the duty of the Inspector to put immediately in requisition a number of slaves proportionate to the respective gangs of the inhabitants of the parish.

Hands to be provided with tools.

The slaves shall in this, as well as in all other cases of requisition, be provided with hoes, spades, axes and hand-barrows, and in that respect the Inspector shall exercise the powers which are granted to him by the twenty-first section, under the penalties against individuals opposing him in the discnarge of his duties, which are decreed by the said section.

1829—88—22

Oath and commission.

SEC. 25. Every Inspector, before entering in office, shall take an oath of office, as prescribed by law; a certificate, showing that he has taken such oath, shall stand in the place of a commission, and authorize the officer to act.

1829—88—23

Inspector to be accompanied by a planter as a witness.

SEC. 26. In every inspection or requisition, the Inspector shall cause himself to be accompanied by at least one planter of his section, who shall sign as witness, with said Inspector, the proces verbal of inspection, as well as all the orders and requisitions which he may issue or make during the said inspection; and any individual called upon to accompany the said Inspector, as witness, shall be bound to do it, under a penalty of a fine of five dollars, for the benefit of the parish, to be recovered on the mere declaration of the said Inspector; no planter shall be called upon as above more than three times in succession.

1843—10—1 & 2

Duty of Inspectors when one fails to act.

SEC. 27. If any Inspector of Roads and Levees shall not cause the levees in his district to be repaired or made anew by the first of November of each year, it shall be the duty of the other Inspectors appointed for the same parish, and on the same side of the river, to cause the repairs or new levees to be made; and for these purposes, they are invested with all the powers vested in the Inspectors of the respective districts, and subjected to the same penalties for omissions.

Any planter may act as Inspector in certain cases.

If there are no other Inspectors in the parish, on the same side of the river, or if they are absent, or do not act, any planter of the parish, on the same side of the river, may notify the President of the Police Jury that he undertakes to act as Inspector; and by the fact of giving such notice he shall be invested with all the powers vested in Inspectors of Roads and Levees.

1829—90—24

To be exempt from militia duty and payment of parish taxes.

SEC. 28. The Inspectors, during the year they shall exercise the said functions, shall be exempt from militia duty, and from the payment of parish taxes, and no person shall be bound to accept and fulfil the duties of Inspector for two years in succession.

1829—90—25

Proprietors liable for damages.

SEC. 29. Every proprietor whose levee shall have been broken by his own neglect, shall be liable for all damages and losses caused thereby, agreeably to articles two thousand two hundred and ninety-four and two thousand two hundred and ninety-five of the Civil Code.

1829—90—26

Compensation to owners of slaves.

SEC. 30. Whenever a requisition of slaves shall have been made to work at any levee, their owner shall have the right to claim from the owner of the levee at which his slaves shall have been working, for each day's work of each slave, the sum of one dollar, on an account certified by the Inspector, who shall have made the requisition; if he has not been otherwise paid.

Account certified to be evidence.

The account thus certified, when it shall be produced in court, shall be entitled to full credit; but the slaves thus employed shall be fed at the expense of the planter at whose work they shall have been employed.

1829—90—27

Planters may join in suit.

SEC. 31. All the planters whose slaves shall have been put in requisition to work on any levee, and who shall wish to get paid for the labor of their slaves, at the rate fixed by the foregoing section, may join, and institute, in their collective names, a joint suit against the owner at whose levee their slaves shall have been working.

They shall have the right to sue either the said owner personally, or the property itself, in case the owner shall not reside in the parish,

1829—90—28

Suits when brought. To be tried summarily.

SEC. 32. Every suit to obtain payment for labor and food of slaves employed by requisition, shall be brought in the parish, wherein the requisition and work shall have been made, and shall be tried summarily, both in the inferior and appellate court.

1829—90—29

Suits for the price of adjudication how brought.

SEC. 33. The provisions of the foregoing section shall be applicable to, and be observed in all suits for the payment of the amount at which an adjudication to the lowest bidder shall have been made. He may sue either personally, or in rem.

1829—92—30

Proceedings in rem.

SEC. 34. The action in rem, provided for in the preceding sections, shall be prosecuted in the following manner, to wit: the plaintiff shall present his petition to the court of the parish where the property on which the works shall have been made, either by requisition or by adjudication, is situated; he shall briefly state the facts, and pray that the said property be seized and sold to pay the amount

of his claim; to the petition he shall annex either the account of the day's work, due for a requisition, duly certified by the Inspector, or a copy in due form of the proces verbal of adjudication to the lowest bidder, and the certificate of the Inspector declaring that the undertaker has fulfilled the obligations contained in the proces verbal of adjudication.

On the presentation of a petition in the said form, the Court shall order the Sheriff to seize the property, and to give notice in cases of non-residents, in one of the newspapers published at New Orleans, during eight days, and in cases of residents, in the newspapers published in the parish, if there be one; if not, notice shall be given in the ordinary way, by posting said notice at the church door, court-house, nnd other public places of resort, according to law, to all persons whom it may concern, to show cause, within one month from the date of the order directed to the Sheriff, why the property thus seized should not be sold according to the prayer of the petitioner.

Notice to be given.

If at the expiration of the month no cause is shown, the court shall proceed to try the cause, ex parte, and pronounce, if there be sufficient grounds, in favor of the plaintiff; but if opposition is made, the court shall proceed to the hearing of the cause, in the usual form, In all cases the judgments shall be rendered in open court.

The Sheriff shall comply with all the formalities prescribed by law, in selling the property seized.

The adjudication may take place at the first exposure for sale, if one half of the price of appraisement is bid; if not, the adjudication shall take place at the second exposure, for cash, and for whatever it will bring.

Property how sold.

Sec. 35. The planters, or other persons to whom any sums of money may be due for works made for Roads or Levees, by virtue of requisitions or adjudications to the lowest bidder, shall have a privilege on the property, to the levees and roads of which, the works shall have been made, in preference to any other creditors, even to the vendor of the soil.

1829—94—31
Privileges.

Sec. 36. In all actions which may be brought the parties shall have the right to a jury trial, which shall be composed of planters residing in the parish, to be summoned in such manner as the Judge shall direct by a rule of court.

1829—94—32
Jury of planters to be summoned.
1805—156—6

Sec. 37. All contraventions of the provisions of the preceding sections, against which a fine or penalty is decreed, shall be deemed misdemeanors.

1829—96—40
Misdemeanors.

All such prosecutions shall be brought before the courts of the parish were the property shall be situated, although the owner should not reside in the same.

Prosecutions where carried on.

In each and every such prosecution, the accused shall be brought before the court having cognisance of the case; and for that purpose,

Accused to be held to bail.

as soon as an indictment, or information shall be laid before it, the court shall have power to issue the necessary order, to cause the accused to give bail, with approved security, for his appearance, in the usual form of bails in criminal matters; which order may be directed to the Sheriff of the parish in which the accused shall reside; and it shall be the duty of every Sheriff, to whom such orders shall be directed, to put them in execution; under penalty of a fine of one hundred dollars.

Duty of Sheriffs.

1829—98—41

Fee of District Attorney.

SEC. 38. For each prosecution and conviction, the District Attorney prosecuting, shall be entitled to a compensation of fifteen dollars, which shall be paid by the accused, if convicted, as well as other charges of the prosecution.

Jury of planters.

Such prosecutions shall always be submitted to a jury of planters, summoned and drawn in the manner prescribed by the thirty-sixth section.

1829—98—42

Inspectors to give information to District Attorneys.

SEC. 39. It shall be the duty of the Inspector of each section, to transmit without delay, to the District Attorney of the district to which the parish belongs, written and correct information respecting all violations of the provisions of the preceding sections of which the proprietors of his section may have been guilty.

1829—98—43

Fines and privilege.

SEC. 40. The parishes shall have, for all the fines which shall be decreed, a privilege which shall, in all respects, be equal to the one established by the thirty-fifth section.

1829—100—45

Penalty for closing bayous, &c.

SEC. 41. In future, no bayou which receives the waters of the Mississippi, when that river is high, and which then affords an outlet to the said waters, shall, under any pretence, be shut up, without a special law; and in case of contravention, the delinquent shall be liable to have the obstructions removed at his own cost, by the Inspector of the section, and further to be condemned to the fine imposed by the sixth section.

1829—100—46

Inspector may order new levees, &c.

SEC 42. Whenever an Inspector shall think that a levee ought to be made anew, either entirely or in part, he shall cause three neighboring planters to assist him, and shall, jointly with them, ascertain the work to be made, and notify the same, in writing, to the planter whom it may concern; and the said planter shall be bound to execute the works within the time and under the penalties prescribed by the seventeenth section.

In case this should not be done, the Inspector shall cause the said works to be executed by the planter, or in any other manner by virtue of the powers to him confided by the twenty-first section, under the penalties prescribed in the said section for the punishment of delinquents.

1829—100—47

Parish levees.

How kept up.

SEC. 43. Where there exist levees, the making and repairs of which devolve upon the parishes, all the Inspectors of such parishes shall join to cause the same to be made or repaired, by proportional

requisitions of slaves, on the proprietors within their respective sections. Their powers and the penalties shall be the same as are established by the twenty-first section against any refractory proprietor.

1829—100—48

Penalty for Inspectors neglecting their duty.

SEC. 44. Any Inspector who shall neglect to discharge any of the duties devolving upon him, shall on conviction, be condemned to a fine of not less than twenty-five, nor more than one hundred dollars, one half for the benefit of the informer.

Residents and non-residents placed on the same footing.

The formalities to be complied with by the Inspector in inspecting the works, ordering that the same be executed, adjudicating to the lowest bidder, making requisitions, employing hands, and other requisites, shall be the same with respect to non-residents and residents; and the mode of suing for such money as may become due by non-residents in consequence of the carrying into effect of the said provisions, shall also be the same.

1829—102—52

Parishes excepted from the provisions of the preceding sections.

SEC. 45. The provisions of the preceding sections, from section five to forty-five inclusive shall not apply to the parishes of Concordia and Ouachita, except such of them as may be adopted by the Police Juries of said parishes;

1881—6—1

Nor to the parishes of Pointe Coupée, West Baton Rouge, Iberville, Plaquemines, nor St. Bernard.

1830—116—6

Works outside of the levee to be removed.

SEC. 46. If any person shall erect any work in front of the levee, on the banks of the Mississippi, out of the limits of New Orleans, either by making a new levee, building houses, sheds, dykes or keys, so as to impede its navigation, or to encroach on that part of the bank reserved by law for the use of the public, or for roads used for tracking, whether said works or buildings be only commenced or completed, without having applied to the Police Jury and obtained from them permission, the said works shall be destroyed, or removed, if susceptible thereof, to such a distance from the river, as may be required by the ordinances of the Police Jury; in either case, at the expense of the owner.

1852—192—1

Owners of lands may protect themselves by levees.

SEC. 47. The owners of plantations and other lands are hereby authorized and empowered to surround the same with levees, to protect them from inundations; but the natural drains and servitudes shall not be obstructed to the injury of any adjoining plantations or lands.

1852—192—2

Penalty for damaging levees.

SEC. 48. Any person who shall cut or otherwise damage or destroy any levee, erected for the purpose of protecting plantations or lands from inundation, shall, on conviction thereof, be subject to imprisonment in the parish prison, for a period not less than thirty days, nor more than six months, and shall further be liable by civil action, for all damages which may be sustained by the owner of the plantation or land so leveed or to any other person who may be damaged by such wrongful act.

1853—259—1
The two preceding sections not to apply to certain parishes.

SEC. 49. The provisions of the two preceding sections shall not apply to the parishes of Concordia, Tensas, Madison and Carroll.

Carroll, Madison and Catahoula.

1853—44—1
Levee district.

SEC. 50. The alluvial lands of the parishes of Carroll, Madison and Catahoula, shall be constituted a levee district.

1853—44—2
1853—203—1
Tax to be levied.

SEC. 51. For the purpose of building or making and repairing all levees in the said levee district, an annual tax of three hundred per cent. on the State mill tax, shall be levied in the parishes of Madison and Carroll, according to the State assessment roll of each year.

Catahoula exempt.

No tax for that purpose shall be levied in the parish of Catahoula.

1852—234—3
Tax when to be collected and paid over.

SEC. 52. The Sheriffs of said parishes are constituted Collectors of said taxes, and it shall be their duty to commence the collection thereof on the first Monday in October of each year, and to finish and pay over the same by the first Monday of December in each year.

1852—234—4
How collected.

SEC. 53. If any person or corporation shall refuse or neglect to pay the above specified levee tax, it shall be the duty of the Sheriffs or Collectors, in their respective parishes, to proceed to the collection of the same, in the same manner as they now collect the State taxes.

1852—285—6
Sheriffs to give bond.

SEC. 54. The Sheriffs, before entering upon the discharge of their duties as Collectors, shall give bond in the sum of five thousand dollars, with two good and solvent securities, for the faithful performance of their duties, the bond to be made payable to and approved of by the Board of Levee Commissioners hereinafter provided for, and to their successors in office.

1852—285—7
Their commissions.

SEC. 55. They shall pay over to the Treasurer hereinafter provided for, all money which they may have collected, when called upon, and they shall receive one and a half per cent. as commission on the amount collected.

1853—44—3
Levee tax to be a common fund.

SEC. 56. The levee tax shall be a common levee fund, to be applied to making and repairing all levees in the levee district.

1853—44—4
Board of Levee Commissioners.

SEC. 57. There shall be elected in each of said parishes, by the qualified voters of said levee district, three Commissioners, who shall be styled and shall constitute a "Board of Levee Commissioners."

1853—44—5
Elections.

SEC. 58. The first election of Commissioners shall be held on the first Monday in November, 1855, and biennially thereafter.

1853—44—6
How held.

SEC. 59. The Sheriffs of the said parishes of Carroll, Madison and Catahoula shall provide boxes for the different election precincts in said levee district, within his parish, and the Judges of the State elections shall hold the election for said Commissioners, and shall deposit in the boxes all the votes cast for Commissioners, and count the same as in other elections, and a due return thereof shall be made by the returning officers, as in State elections.

Returns.

1853—44—7
Certificate of election.

SEC. 60. It shall be the duty of the Sheriffs and Recorders, or District Clerks of each of said parishes, to ascertain and to give a

certificate of election to the three who may have received the highest number of votes.

1858—45—8. Who may vote for Commissioners.

SEC. 61. No person shall vote in the election of said Commissioners who is not a qualified voter under the Constitution and Laws of the State, and who does not reside on the alluvial lands in the said levee district; provided, no person shall be denied the privilege of voting who may live on the hill lands but cultivate alluvial lands.

1858—45—9 The Board to be the Judges of the qualifications of members.

SEC. 62. The Board of Commissioners shall be sole judges of the election and qualifications of its members, and shall have power to prescribe all rules and regulations necessary for determining the same.

1858—45—10 Their powers.

SEC. 63. They shall have power and authority to select their Treasurer, their several Inspectors, Engineer, and all other officers appointed by them; to fix the time for which they shall be appointed or elected, the causes of removal, the amount of the bonds to be given, and all other acts necessary to carry into effect the provisions of this law.

1858—45—11 Vacancies, how filled.

SEC. 64. If any of the Commissioners should refuse to act, or should resign or die, the remainder shall be authorized to select another to supply the vacancy, who shall hold his seat until the next regular election. Each of the parishes shall always be entitled to three Commissioners and no more.

1852—235—12 Meetings.

SEC. 65. It shall be the duty of the Board of Commissioners to meet at Providence, in the parish of Carroll, on the first Mondays of May and November in each year, and such other times as they may deem necessary.

Rules and regulations

They shall select one of their number to preside over their deliberations, who shall be called the President of the Board of Levee Commissioners; and they shall have power to make such rules and regulations as they may deem necessary, for the proper organization and the deliberations of their Board.

1852—236—13 Oath.

SEC. 66. It shall be the duty of each of the Commissioners, before entering upon the discharge of his duties, to take and subscribe an oath, that he will faithfully discharge his duty as Commissioner, which oath, so subscribed, shall be delivered to the Board of Commissioners.

1852—236—14 Treasurer.

SEC. 67. They shall elect a Treasurer, to whom the Sheriff or Collector of each of said parishes, when called upon by him, shall pay over all the money collected. The person so elected Treasurer shall give such bond and security for the performance of his duties as may be required by the Board.

1852—236—15 A Collector to be appointed when the Sheriff refuses to act.

SEC. 68. In the event of the Sheriff refusing to act as Collector of the tax, then the Board shall appoint a Collector, who shall be clothed with all the powers vested in the Sheriff, for the purpose of collecting taxes.

1853—45—12

Powers and duties of the Board.

SEC. 69. It shall be their duty to lay off levee wards on the Mississippi river, or any other river or bayou in said levee district; to appoint Levee Inspectors for each of said wards; to prescribe their duties, and the penalties for neglect thereof; and they are further empowered to employ an Engineer for said levee district, if deemed necessary.

1853—45—13

Powers relative to the collection of taxes

SEC. 70. They are authorized to receive, in payment of taxes, any indebtedness of said Board arising from the making or repairing of levees, and to make such regulations and by-laws as will facilitate the collection of said taxes; provided the same be not in conflict with some express provision of law.

1853—45—14

May make reductions from taxes.

SEC. 71. They are authorized to make proper deductions from the taxes from any or all persons who may have lands lying outside of the levee, or between the levee and the river and bayou, or who may own lands, part of which is alluvial and part hill lands; the deductions to be made upon the affidavit of the person making application as to the value of said lands when given in by him to the State Assessors, under whose assessment the tax is to be collected.

1852—236—17

Levees to be annually repaired.

SEC. 72. It shall be their duty, at their meetings on the first Monday of May of each year, to order the levees at the most important points in each of said parishes of Madison and Carroll, to be repaired or built.

1853—46—15

Duty of Inspectors.

SEC. 73. It shall be the duty of the Inspectors, together with two freeholders of his levee ward, to lay off the levees therein at a suitable distance from the bank of the river or bayou, or other water course; and the said freeholders, before entering upon the discharge of their duties, shall take an oath that they will faithfully and impartially perform their duty.

1853—46—16

Penalty for failing to pay over taxes collected.

SEC. 74. If the Sheriff or other Collector of Taxes should refuse or neglect to collect the taxes provided for by law, or should refuse to pay over any moneys in his hands, whenever called upon by the Treasurer of the Board of Commissioners, he shall forfeit his commission, and upon due proof being made that he has used, for his own purposes or benefit, any portion of said levee taxes, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, before the proper tribunal, shall be fined not less than one hundred dollars, nor more than five hundred dollars, and imprisoned at the discretion of the court, not exceeding six months.

1852—236—19

Inspectors to let out the making of the levees.

SEC. 75. It shall be the duty of each of the Inspectors to let out, to the lowest bidder, the building or repairing of the levees in their respective wards, after public notice thereof having been given, by publication in some newspaper published in the parish in which the levee shall be built or repaired, for thirty days.

1852—236—20

Bond to be given by contractors.

SEC. 76. They shall require of every person who may undertake the building or repairing of the levees, a bond, conditioned for the

faithful performance of the work undertaken; the bond to be in a sum equal to the supposed value of the services to be rendered, to be made payable to the Board of Levee Commissioners.

1852—237—21
Levees when to be completed.

SEC. 77. They shall always require the levees to be completed by the first day of February in each year.

1852—237—22
Duties of Inspectors.
Compensation.

SEC. 78. They shall perform all the duties herein prescribed, and such others as may be prescribed by the Board of Commissioners; and upon the performance thereof, each one shall be entitled to three dollars per day, whilst engaged in actual service; proof thereof to be made by the affidavit of the Inspector.

1852—237—23
May call out hands.

SEC. 79. They shall have full authority, within their respective wards, to call out to work on the levees, during high water, all the male slaves above the age of fifteen years and under sixty, or so many thereof as may be deemed necessary.

Penalty for not obeying.

Whenever the owner, his overseer or agents shall refuse or neglect to furnish said slaves, as required by the Inspector of his ward, then said owner shall pay five dollars per day for each slave not sent, said amount to constitute a part of the levee fund.

1852—237—24
Commissioners, salary of.

SEC. 80. Each member of the Board of Levee Commissioners, shall be entitled to four dollars per day, during the sitting of the Board, and eight cents per mile in going to and returning from Providence.

1852—237—25
Levees, how made.

SEC. 81. All levees shall be made as follows: All trees, stumps and logs shall be removed from the foundation of the levees, a ditch, at least three feet wide and three feet deep, shall be cut in the centre of the foundation; and the levees shall be made at least three feet above the highest water, and shall have six feet base for every foot in height, and shall have such width on top as the Inspector shall think necessary.

1852—237—26
May be adopted as part of the general levee system.

SEC. 82. All levees which may be erected, in whole or in part, under this act, and which may be selected by the State as a part of the general levee system, shall be paid for out of the proceeds arising from the sale of the overflowed and swamp lands, on the warrant of the President of the Board of Commissioners, which sum of money, when received by the Board, shall be distributed, pro rata, amongst those persons who may have paid their taxes under this act.

1858—176—1
Commissioners authorized to collect a part of the tax.

SEC. 83. The Commissioners are authorized and empowered to cause so much only of the taxes to be collected as they may deem necessary and expedient.

Tensas.

1848—158—1
Levee District.

SEC. 84. The Police Jury of the parish of Tensas shall divide the parish into five districts, to be called levee wards, giving the metes and bounds of each, and shall cause a map or plat of the same to be made and kept in the Police Clerk's office, as the property of the parish, for reference.

1848—158—1

A Levee Inspector to be appointed.

SEC. 85. They shall annually appoint a Levee Inspector, or Engineer for the parish, to continue in office until a successor be appointed; who shall, before entering upon the discharge of his duties, take and subscribe an oath to faithfully and honestly perform the duties incumbent upon him as Inspector of levees; he shall also enter into bond, with such security as the Board of Police may prescribe, which bond shall be approved by the Police Jury, and filed in the Clerk's office, and shall be subject to forfeiture for neglect or non-performance of his duties.

Oath and bond.

1850—82—1

Two Commissioners for each ward to be appointed.

SEC 86. They shall annually appoint in each levee ward, two Commissioners, whose duty it shall be to act in conjunction with the Inspector, in laying off new levees in their respective wards, and to assist him at other times, when he may deem it necessary; in case of absence or resignation of the Inspector, they shall perform all the duties belonging to the Inspector, until a successor be appointed, or until the Inspector shall return to the performance of his duties.

Oath.

Before entering upon their duties, the Commissioners shall take and subscribe an oath faithfully to perform all duties incumbent upon them as Levee Commissioners; they shall receive, as compensation, two dollars per day for each day they may act, to be paid out of the levee funds, when they shall have rendered their accounts certified by said Inspector.

Compensation.

Penalty.

In case any Commissioner appointed shall refuse to serve or neglect to perform the duties required, when called upon by the Inspector, he shall be fined in the sum of fifty dollars, to be recoverable in the name of the Police Jury.

1848—159—4

Duties of Inspector

SEC. 87. It shall be the duty of the Levee Inspector or Engineer to direct and superintend the construction and repairs of all levees in the parish, in accordance with the requisition of the Police Jury. He shall receive as compensation for his services such salary as the Police Jury may determine upon, to be paid semi-annually out of the levee fund.

Salary.

1850—82—2

Duty of Inspector.

SEC. 88. The Inspector of Levees shall cause a survey to be made of all the levees in the respective levee wards, and marked off into sections, numbering each section, and ascertaining the number of cubic yards contained in each, with the height, base and width on top, all of which shall be recorded in a book to be kept for that purpose, and placed in the Police Clerk's office for reference; the expense thereof to be paid by the parish.

1850—83—3

Contracts for making levees.

SEC. 89. When the survey has been made and the sections marked off, and the cubic yards ascertained in order to make a secure and permanent levee, then the Inspector shall let out said levee to the lowest bidder, each section as it is numbered; and shall contract for its completion, after advertising the same, not less than ten nor more than thirty days, in the ward in which said work is to be done. Whenever a levee or sections of a levee shall have been finished according

to the contract, part of which shall always be to set the same in Bermuda grass, then the Inspector shall issue a warrant payable to the contractor, which shall be a legal order upon the Treasurer of the levee fund for the amount therein specified; and all contracts shall be let out by the Inspector on or before the first Saturday in October annually.

1852—194—1
Tax to be collected.

SEC. 90. The Police Jury are authorized to levy and collect in the same manner that the State and parish taxes are now collected, an annual tax upon the assessed value of real estate as returned by the Assessors of the State taxes. Said tax, when collected, shall form a special fund for levee purposes alone.

1848—160—8
Assessment of damages when a new levee is laid off.

SEC. 91. Whenever it shall be necessary to make a new levee in the parish of Tensas, and the persons on whose lands the same may be laid off, shall feel themselves agrieved or injured thereby, the Police Jury shall appoint a jury of five disinterested freeholders of a different levee ward, who shall examine on oath, and report to the Police Jury the amount of damage that may be done the complainants, and the benefit also that may arise from the construction of the levee, and if it appear that the amount of damage is greater than the benefit accruing, the difference shall be paid out of the levee fund within a reasonable time after the report of the Jury, and any person refusing to act as one of the jury mentioned in this section, shall be fined fifty dollars.

1850—34—5
Power of Inspector in cases of urgency.

SEC. 92. In all cases of emergency when the levee or any portion thereof may be endangered, or, in the opinion of the Inspector, unsafe, and laborers cannot be speedily procured, the Inspector shall make a pro rata requisition, or if he thinks necessary, for all the able bodied force of each planter in the ward in which the labor may be required, and retain them until the levee be secured, or the work be completed; and each hand, so called upon, shall receive as a compensation one dollar per day from the time he leaves home until permitted to return; and for each hand so called and refusing to comply, the master or owner shall be fined three dollars per day for each day's absence.

1850—34—6
Labor of slaves how paid for.

SEC. 93. Whenever it may be necessary to call out the slaves of the parish to labor, and the work shall have been performed, the Inspector shall ascertain the amount due to each hand and give a certificate for the same, which certificate shall be a sufficient warrant to the Treasurer of the Levee Fund for payment when presented, and said certificate shall be receivable in payment of levee taxes.

1848—160—11
Inspector to make semi-annual reports.

SEC. 94. The Inspectors of Levees shall semi-annually, make reports to the Police Jury of the situation of the levees, specifying what work has been done, what amount of work may be required to be done, and at what points it is most needed, with all else that may be necessary in order to give full information. Should he fail in this duty, or any other, he may be proceeded against for forfeiture of bond.

1848—160—12
Fines, how appropriated.

SEC. 95. All fines and forfeitures recovered shall be paid into the treasury, and form a part of the levee fund of the parish of Tensas.

Ascension and St. James.

1852—172—1
Levees in Ascension.

SEC. 96. Whenever, in the opinion of any five or more inhabitants, whose lands would be liable to overflow from the crevasse or break in the levees situated in that part of the parish of Ascension lying on the right bank of the Mississippi, below Bayou Lafourche, it shall become necessary to make anew any of the levees, or repair those already existing, the inhabitants shall have the right of applying to the Inspector of Roads and Levees within whose district said levees are situated, in order to have them made or repaired, agreeably to law and the ordinances of the Police Jury of the parish of Ascension.

1852—173—2
Duty of Inspector.

SEC. 97. On application being made as aforesaid, it shall be the duty of the Inspector to notify, without delay, the Inspectors of Roads and Levees of the two Inspection Districts of the parish of St. James, nearest the upper line of the parish, on the right bank of the river, and request them to meet him on a day and at a place by him designated, in order to proceed jointly to an examination of the levees to which the attention of the Inspector may have been called as aforesaid.

1852—173—3
Manner of proceeding in relation to making or repairing levees.

SEC. 98. The Inspectors, or any two of them, when assembled, after a careful examination, shall decide on the necessity of the work prayed to be performed; and if they should deem such work necessary, they shall immediately notify, in writing, the owner of the land over which the levee has to be made anew or repaired, or the agent of the owner, and order him to perform the work within a given delay; and when a levee is to be made anew, they shall proceed to lay out and trace the same according to law and the regulations of the Police Jury of the parish.

1852—173—4
Notice to be given.

SEC. 99. The Inspectors, in their notice to the owner of the land or his agent, shall specify the work to be performed, and in case a new levee has to be made, shall fix the dimensions of the same, according to law and the ordinances of the Police Jury of the parish.

1852—173—5
Inspector to examine the work, and to complete them by requisition or otherwise if necessary.

SEC. 100. After the expiration of the delay granted for the performance of the work ordered, it shall be the duty of the Inspectors to make a rigid examination of the work, and in case they should find the same in an unfinished or defective condition, they shall have the right either to grant an additional delay, if, in their opinion, no risk of an overflow should be thereby incurred, or proceed at once to have the work completed at the expense of the owner of the land, by adjudication to the lowest bidder, or by requisition.

1852—173—6
Requisition, how made.

SEC. 101. In case the Inspectors aforesaid, deem it expedient to have the necessary work on the levee of a negligent or refractory planter performed by means of requisition, they shall have the power of calling out, in their respective districts, a sufficient number of hands

for the performance of the work, and the requisition shall be made in the manner and under the penalties prescribed by law or the ordinances of the parish where the requisition is made.

1852—173—7
Pay of hands.

SEC. 102. Any inhabitant of the parishes of St. James or Ascension, furnishing hands under the requisition mentioned in the preceding section, shall be entitled to payment for the labor of the hands at the rate of two dollars per day for every able bodied man, which sum shall be paid by the planter or land owner, in the building or repairing of whose levee the hands shall have been employed.

1852—173—8
Duty of Inspectors during high water.

SEC. 103. During high water, it shall be the duty of said Inspectors, or any two of them, whenever, in their opinion, the condition of the levees aforesaid is such as to excite apprehension for the safety of the district of country protected by said levees, to call out from any of the three inspection districts aforesaid, a sufficient number of hands to work on the levees with a view of preventing an overflow.

1852—174—9
Expenses to be paid by the owner of the land.
Lien.

SEC. 104. Whenever the work performed, as provided in the foregoing section, shall have been done by means of an adjudication to the lowest bidder, or by a requisition, the undertaker or planters furnishing hands, shall be paid by the owner of the land on whose levee the work shall have been performed, and shall have a lien or privilege on the land to secure the payment of the amount due as aforesaid, which privilege shall have preference over all other privileges or mortgages.

1852—174—10
Debt to bear interest.

SEC. 105. The amount due to an undertaker or to planters whose hands shall have been employed as aforesaid, shall bear interest at the rate of eight per cent. per annum, from the date of the completion of the work, until paid.

Certificate.

The amount shall be established by the certificate, to that effect, of the Inspectors, or any two of them, who shall have adjudicated the work or made the requisitions.

1852—174—11
Powers of Inspectors.

SEC. 106. The Inspectors of Roads and Levees, appointed by the Police Jury of the parish of Ascension, for that part of said parish designated in the first section, shall continue to exercise all the powers conferred by law and the ordinances of the Police Jury on Inspectors of Roads and Levees, except in cases expressly mentioned, when said Inspector shall have to exercise said powers jointly with the two other Inspectors, or any one of them.

Rapides.

1852—89—1
Parish to be divided into levee districts.
Tax for levees.

SEC. 107. The Police Jury of the parish of Rapides are authorized to lay off their parish into levee districts; and with the consent a majority of the inhabitants of said districts owning lands therein, to lay a tax upon all lands within the several districts which were overflowed in the year eighteen hundred and forty-nine, for the purpose of making levees on Red River, within the parish, and constructing such

embankments as they may consider necessary, across all bayous connecting with the river; and for the purpose also of creating and maintaining the permanent levee fund hereinafter mentioned.

Discrimination between front and back lands.

The Police Jury, in levying said tax, shall discriminate equitably between the front and back lands, so that they may be taxed as nearly as possible in proportion to the benefits to be derived by them respectively from levees; the tax so levied by the Police Jury on the front and back lands to be binding on both.

1852—39—2

Levee Commissioners to be appointed.

Duties.

SEC. 108. The Police Jury shall appoint annually, on the first Monday of June, three Levee Commissioners for each district, whose duty it shall be to locate the levees and embankments within their respective districts, and to let out contracts for constructing the same, which contracts shall be let out to the lowest bidder, after not less than twenty days' advertisement in a newspaper published at Alexandria, and by notices posted at three different places within the district.

1852—39—3

Levee Syndics.

Their duties.

SEC. 109. The Police Jury shall also appoint annually at the same time, one or more Levee Syndics in each district, whose duty it shall be to cause to be made all needful repairs or additions to the levees within their respective districts, and to do this they shall have, at all times, the power to call upon all persons in the district owning slaves, to furnish such hands as may be required to do the work, to be paid for out of the special fund on the warrant of the Syndics, countersigned by the Commissioners, at the rate of one dollar and fifty cents per day for each able-bodied hand.

Penalty for refusing to comply with requisitions.

Any person so called upon, who shall refuse or fail to comply with the requisitions, shall be fined three dollars per day for every hand that he may have refused or failed to furnish; provided, that no person shall be called on for a greater number of able-bodied hands than he actually possesses.

1852—40—4

Oaths of Syndics and Commissioners.

Compensation.

Penalty for refusing to serve.

SEC. 110. The Commissioners and Syndics aforesaid, shall take an oath, to be prescribed by the said Police Jury, obliging them to the faithful performance of their duty, and shall receive for their services two dollars per day for every day that they are actually employed, to be paid on the warrant of the President of the Police Jury; and any person refusing or failing to serve as Commissioner or Syndic, after being notified of his appointment, shall be fined fifty dollars, to be recovered before any Justice of the Peace of the parish.

1852—40—5

Levee fund.

Treasurer.

SEC. 111. The Police Jury shall set apart such an amount as they may deem necessary out of the levee tax, to form a permanent levee fund, to be maintained by an annual tax to be levied by them in the same manner as in the first section directed, for the purpose of paying the Commissioners and Syndics, Assessors and Collector, and also for work done and of defraying any other expenses connected with the levees in the several districts; they shall appoint a Treasurer of the

whole levee fund, who shall receive such compensation as may be fixed by them. He shall keep separate accounts of all money collected in the several districts, and no funds collected in one district shall ever be expended for the benefit of another district.

Separate account for each district to be kept.

The Treasurer shall give bond in favor of the President of the Police Jury, with such security as the Police Jury may deem sufficient for the faithful performance of his duties.

To give bond.

SEC. 112. The Police Jury shall appoint annually, on the first Monday of June, an Assessor and Collector of the Levee Taxes, who shall receive such compensation as the Police Jury shall determine.

1852—40—6

Assessor and Collector.

The assessment shall be advertised and the taxes collected in the same manner as those of the State.

Manner of assessing and collecting taxes.

The assessment shall operate as a lien and legal mortgage on the property assessed from the date of the advertisement of the assessment roll; provided, however, that the original owner of any lands sold for the levee taxes, may redeem the same at any time within two years from the day of sale by refunding the purchase money, and paying besides twenty per cent. thereon to the purchaser at the sale for taxes.

Lien on property assessed.

Redemption of lands sold for taxes.

SEC. 113. All persons who may have paid taxes, or made levees in commutation of their levee taxes, under any law heretofore passed which may be received and accepted by the Commissioners as properly located and constructed, shall be allowed a credit on any taxes that may be levied by virtue of this Act. to the amount paid by them, or to the value of the levees made according to the estimate and allowance of the Commissioners of the district.

1852—40—7

Commutation of levee taxes.

SEC. 114. The Police Jury shall have power to cause the levees within said parish, and on Red River, to be connected throughout the whole extent of said parish, and for this purpose to make embankments across bayous connecting with said river.

1850—199—2

Police Jury may close bayous, &c.

Catahoula.

SEC. 115. The Police Jury of the parish of Catahoula shall have full and unlimited power to establish levee wards within its limits, and enforce the construction of levees therein.

1852—97—1

Power of Police Jury to establish levee wards, &c.

SEC. 116. They shall have power to cause, with a previous notice of thirty days, the election in each levee ward by the qualified voters thereof, of three Levee Commissioners, who shall choose one Inspector; the term of office, duties and qualifications of the Commissioners and Inspector to be prescribed by the Police Jury.

1852—97—2

Levee Commissioners and Inspector.

SEC. 117. They shall have power also to levy and enforce the collection of such taxes, as may be deemed necessary in any ward, for the construction of levees therein; the fund so raised to be expended upon the levees in the ward wherein the same is collected.

1852—97—3

Taxes for levees.

Concordia and Ouachita.

1829—102—51

Powers granted to the Police Juries of Concordia and Ouachita relative to roads and levees.

SEC. 118. The Police Juries of the parishes of Concordia and Ouachita shall have plenary and unlimited power to make such enactments with regard to roads and levees, within their respective limits, as may be deemed necessary and proper by those bodies, including the power to authorize the assessment and collection of any taxes which they may deem necessary on the private land claims within any levee district established by them, to cover the expenses of leveeing any public land included in such district or other necessary work or expense authorized by any ordinance of said juries respectively.

1829—102—52

Natural drains may be stopped.

SEC. 119. If, in the exercise of the powers granted by the foregoing section, the Police Juries of the Parishes of Concordia or Ouachita find it necessary to stop the natural drain of one or more tracts of land, in order to protect several other tracts, or a considerable district of country, from inundation, they shall have power to do so.

Damages allowed.

If any individual, the natural drain of whose land shall have been so authorized to be stopped, should deem himself damaged thereby, he may, at the same or at the next regular meeting of the said Police Jury, claim indemnity therefor; and it shall then be the duty of said body to appoint a jury of six freeholders of the parish, not interested in said levee district, a majority of whom shall after due examination, agree upon and make a report under oath, to the President of the Police Jury, stating the damages which they may judge said claimant would sustain, and also appropriating or assessing upon the other lands benefited by said levee, the damages aforesaid, in proportion to the benefit to be derived to said lands respectively; and the owners thereof shall pay the sums so assessed upon the lands respectively. Nothing contained in this section shall apply to the Ouachita river, or lands bordering on it.

How assessed.

1829—104—55

Enactments to enforce their ordinances.

SEC. 120. The Police Juries of said two parishes are authorized to make such enactments and regulations as may be necessary to enforce the execution of the ordinances that may be enacted, under the provisions of the two preceding sections.

Ascension, St. James, St. Charles, St. John the Baptist, Plaquemines, Assumption, Lafourche and Sabine.

1853—242—1

Powers of Police Juries relative to roads and levees.

SEC. 121. The Police Juries of the parishes of Ascension, St. James, St. Charles, St. John the Baptist, Plaquemines, Assumption, Lafourche and Sabine, are hereby authorized to pass all ordinances they may deem necessary relative to roads and levees, bridges and ditches, and to impose such fines and penalties to enforce the same as they may judge proper and expedient, to be recovered and enforced by indictment or information before any competent court.

1853—242—2

Notices, how given.

SEC. 122. The Police Juries of the above mentioned parishes shall direct in what manner notice shall be given to resident and non-

resident proprietors of land within their respective parishes, of the work to be done to their levees and roads, bridges and ditches.

1858—242—3

Adjudication of work to be recorded.

SEC. 123. In all cases of adjudication of the work to be done to the levees, roads, ditches and bridges, or other public works, on any lands in said parishes, it shall be the duty of the officer adjudicating the same, to cause the proces verbal of adjudication to be recorded by the Parish Recorder, which shall operate as a lien on said land; and in case of non-payment, the undertaker, on the completion of the work, shall be entitled to an order of seizure and sale upon the presentation of said act thus recorded and annexed to his petition, together with his oath, showing the amount due to him, which order of seizure and sale shall be granted by the District Judge, whatever the amount may be; and in cases of non-residence, it shall be the duty of the Judge to name an Attorney for the non-resident, upon whom service shall be made as provided for in executory proceedings, and said Attorney shall be entitled to such compensation as said Judge may think proper, to be taxed as part of the costs.

Executory process.

The said order of seizure and sale shall be executed by the Sheriff of the parish, after an advertisement of thirty days, without the benefit of appraisement, in the same manner and subject to the same formalities as in ordinary cases of seizure and sale.

1858—243—4

Lien to be preserved.

SEC. 124. If any informality in the proceedings relative to the adjudication of the work ordered to be done, shall deprive the undertaker of his right to a writ of seizure and sale, he shall still have and retain a lien from the recording of proces verbal, which may be enforced by an ordinary action.

1858—243—5

Inspectors of roads and levees to be appointed.

SEC. 125. The Police Juries of the above mentioned parishes are authorized to appoint one or more Inspectors of levees and roads, and other public works, and to pay them such compensation as they may deem proper.

Pointe Coupée.

1848—169—1

Powers of Police Jury as to roads and levees.

SEC. 126. In all cases when it shall become necessary to sell any levee or road for the making anew, or repairing of the same, in the parish of Pointe Coupée, the Police Jury of said parish is authorized to become the purchasers of any such works or repairs.

After said works are completed, the Police Jury is authorized to prosecute their claim or lien on any such property, and should the land be sold, for the making or repairing of the roads and levees on the same, then the said Police Jury, by and with the consent of the majority of its members, shall have the right to purchase and to hold and administer it as the property of said parish, or to dispose of it as they may think proper to the best interest of said parish.

1848—169—2

Annual tax for roads and levees.

SEC. 127. It shall be the duty of the Police Jury of the parish of Pointe Coupée to levy an annual tax, not to exceed the one-half of a

mill on a dollar on the estimated value of all the property subject to taxation not otherwise hereinafter provided for in said parish, which tax shall be collected by the Collector of the parish taxes in the same manner and form that the parish tax is now collected; and shall form a special and distinct fund in the parish treasury for the repairs or making of roads and levees; and the Parish Treasurer shall keep a separate and distinct account of all taxes so collected.

1848—169—3

Front proprietors who keep up their levees to be exempt from this tax.

SEC. 128. The front proprietors on the Mississippi river, Atchafalaya or Old River, in the limits of the said parish of Pointe Coupée, who have their front levees made, or who shall hereafter make them agreeably to law, shall be exempt from paying the road and levee tax set forth in the preceding section, on lands or any other property thereon situated, to the extent of their several fronts on said rivers, and running back forty arpents.

1848—169—4

Powers of Police Jury.

SEC. 129. The Police Jury of the parish of Pointe Coupée is authorized to dispose of said road and levee fund for the making of any new levee where the old one has been carried away from the caving in of the bank of the Mississippi river; to divide the said parish into levee words or districts; and to do all things in their best judgment to keep the roads and levees in good order and repair, so as to protect the parish from inundations during the high water of the Mississippi river.

ROADS.

1818—54—1

What shall be deemed public roads.

SEC. 130. All roads in this State that have been opened, laid out or appointed by virtue of any act of the Legislature heretofore made, or by virtue of an order of any of the Police Juries in their respective parishes, are hereby declared to be public roads, as are also all roads made on the front of their respective tracts of lands by individuals, when the said lands have their front on any of the rivers or bayous within this State. It shall be lawful for any individual through whose land the Police Jury shall cause a public road to be laid out, to claim a just compensation therefor.

Compensation to owners of land taken for roads.

1818—54—2

Roads to be laid out by a jury of freeholders.

Duty of Jury.

To assess the damages.

SEC. 131. All roads to be hereafter opened and made, shall be laid out by a jury of freeholders, consisting of not less than six inhabitants of the parish where the said road is to be made, to be appointed for that purpose by the Police Jury; it shall be the duty of the said jury of freeholders to trace and lay out such road to the greatest advantage of the inhabitants, and as little as may be to the prejudice of enclosures, and assess such damages as any person may sustain. They shall take the following oath:

Oath.

"I, A. B., do solemnly swear, that I will lay out the road now directed to be laid out by the Police Jury of the parish of ——— to the greatest ease and advantage of the inhabitants, and with as little prejudice to inclosures as may be, without favor or affection,

malice or hatred, and to the best of my skill and knowledge. So help me God."

All damages assessed by the said jury to any individual through whose land the road may run, shall be deemed a parish charge, and be paid by the Treasurer of said parish.

Damages assessed how paid.

Nothing in this section shall be so construed as to give a right to any individual to claim damages for the laying out of a road along the front of his land, according to the former customs existing in this State; nor to effect in any manner the rights of individuals to any batture or alluvion already formed or which hereafter may be formed on the front of any tract of land which lies on any navigable river or water course within the limits of this State; nor to prevent any owner of the soil on which a public road shall pass, to resume the use and possession of such soil whenever the said road shall have been abandoned by the public, or shall have been transferred elsewhere with the consent of the owner and with that of the competent authority.

Whenever any individual, through whose land a road laid out as aforesaid shall pass, may be dissatisfied with the decision of the freeholders laying out the same, either as to the course the same is to take, or the damages to him assessed, he may have an appeal to the District Court for the parish in which said road lies; provided he prosecute the same at the next session of the said court after the laying out of the said road or the assessment of the damages; and no appeal shall be set aside for want of form in bringing the sale before the courts. Injunctions to stay proceedings may be issued on said cases when the case requires the same.

Owner may appeal from the findings of the jury.

SEC. 132. All roads so laid out shall be deemed public roads, and shall be at least twenty-five feet wide; and when to the overseers of roads it may be deemed expedient to make or repair causeways on the said road, they shall be at least fourteen feet wide, and the earth necessary to raise or cover such causeway, shall be taken from each side of the causeway equally, and so as to form a drain on each side of the same.

1818—56—8

Width of roads.

Causeways, how made.

The overseers of public roads are hereby directed to have completely cut and cleared, all stumps for the width of sixteen feet in the centre of the highways under their care; the necessary bridges through swamps and over small runs, creeks or streams, are hereafter directed to be made of the same width.

Duty of overseers of roads.

SEC 133. It shall be the duty of the Police Juries to divide their parishes into as many districts as they may think proper for the appointment of overseers of roads. They shall annually appoint overseers of the highways or roads, who are to summon all male persons from the age of fifteen to forty-five (except ministers of the Gospel, and such other persons as are or shall be exempt) to meet at such places and times as to them, the said overseers, shall seem convenient,

1818—62—13
1818—54—5
1820—28—1

Road districts, and overseers of roads.

Duty of overseers.

Persons exempt from road duty.

Penalty for not working.

excepting such as may send two slaves, or other two sufficient hands, to work on the public roads; and whosoever shall, upon such summons, refuse or neglect to do and perform their duty, shall forfeit and pay the sum of one dollar per day for each person so neglecting or refusing, to be recovered by judgment before any Justice of the Peace of the parish, and paid by said Justice to the overseer, and by him to be expended in hiring other hands to work on said roads.

1818—58—6
1829—102—51
1830—116—10

Duty of Overseer to call out hands to work the roads.

SEC. 134. It shall be the duty of each overseer, to be appointed as aforesaid, to call and summon each owner of slaves, (or overseer of each plantation, in the absence of the owner,) to send all the male slaves in their possession, between the age of fifteen and forty-five, to work on the road, at such time and place as the overseer of roads shall in such notification point out; and each and every person refusing or neglecting to send their slaves as aforesaid, shall forfeit and pay the sum of one dollar per day for each slave not sent, to be recovered by judgment, before any Justice of the Peace of the parish, and paid by the said Justice to the road overseer, and by him to be expended in hiring other hands to work on said roads.

Not to work more than twelve days.

No overseer shall have a right to call out any free person, nor their slaves, to work on the said roads, more than twelve days in each year, and in the parishes of St. Tammany, Washington and Lafayette, not more than six days, and the parish of St. Landry not more than eight days.

1834—97—7

1818—58—7

Penalty for refusing to serve as Overseer.

SEC. 135. Any person refusing to serve as an overseer on any road, shall forfeit and pay the sum of one hundred dollars, to be recovered by and in the name of the parish.

1842—74—1
1836—150—5

Not to serve oftener than once in three years.

No person shall be compelled to serve as overseer more than once in three years, (except in the parishes of Rapides and Avoyelles, where they cannot be made to serve more than once in every two years.) The overseer shall give notice to each free person, and the masters, mistresses, or overseers of slaves, what kind of tools they and each of them shall bring, and work with on the roads, at the time of summoning. No person shall be liable to any fine for not appearing and doing his duty, unless he shall be summoned ten days before the day appointed for working.

To give ten days' notice.

1818—60—8

To set up guideposts.

SEC 136. All overseers of roads shall cause to be set up at the forks of all roads within their several districts, a post, with arms pointing the way of each and every road, with directions to the most public places to which they lead, with the number of miles from that place, as near as can be computed.

Penalty for neglect of the overseer.

Every overseer who shall neglect or refuse to do so, and to keep the same in repair, shall forfeit and pay, for every such neglect, the sum of twenty dollars; and every person who shall wantonly remove, knock down or deface the said directions, shall, for every such offence,

forfeit and pay the sum of twenty dollars, to be recovered before any Justice of the Peace, by any person suing for the same.

Penalty for injuring guide boards.

SEC. 137. The road overseers shall cause the public roads within their districts respectively, to be exactly measured when the same has not already been done, and shall, at the end of each mile, mark, in a legible and durable manner, the number of such miles, beginning, continuing and making the numbers in such manner as the Police Jury of each parish shall respectively direct. They shall keep and repair such marks and numbers within their districts; and every overseer neglecting or refusing to mark the miles within his district, for the space of thirty days after his appointment to office, shall forfeit and pay the sum of ten dollars.

1818—60—9

To put up mile boards.

Penalty.

SEC. 138. If any person shall erect or cause to be erected, any bars across any public roads, or lay any timber thereon, or obstruct in any manner the free passage thereof, they shall forfeit and pay the sum of fifty dollars, to be recovered by any person suing for the same and to the use and benefit of the person so suing.

1818—60—10

Penalty for obstructing roads.

No person shall turn, alter or change any public road, unless it be by order of the Police Jury, under the penalty of one hundred dollars for each month the said road is altered or turned out of its old course; to be recovered, one-half to the use of the person suing for the same.

Penalty for changing the road.

SEC. 139. In case of failure or neglect of any overseer of roads, to discharge faithfully the duties herein imposed, it shall be lawful for the different Grand Juries of this State to present the said overseers to their respective District Courts, for neglect or refusal to perform their duties; and upon such presentment, it shall be the duty of the District Attorneys to prosecute the said overseers; and upon trial and conviction, they shall be fined by the Court in a sum not less than one hundred dollars, nor more than five hundred dollars. It shall be the duty of the Clerks of the Police Juries to transmit, within ten days previous to each session of said District Courts, to the Clerks of court, a list of the overseers of roads in their respective parishes, under penalty of a fine not less than twenty dollars, to be sued for by the President of the Police Jury. It shall be the duty of the District Judges of this State, at each session of their several courts, to charge the Grand Jury to inquire into the state of the roads of their respective parishes, and lay before the said Juries the list of the overseers, in order that the said Juries may know which of said overseers may be liable to prosecution for a failure to perform the duties imposed on them.

1818—60—11

1837—48—1

Grand Juries to present overseers neglecting their duty.

Fine to be imposed on conviction.

Clerk of Police Jury to furnish a list of road overseers.

Judges to charge Grand Jury.

SEC. 140. The provisions of the ten preceding sections, from sections 130 to 139, inclusive, shall not extend to the parish of St. Martin, nor to any of the parishes on the Mississippi river, except the parishes of East and West Feliciana, East Baton Rouge and Concordia.

1818—62—14

1847—83—1

Certain parishes exempted.

1843—104—1
Pointe Coupée.

The provisions contained in sections 130, 131, 132 and 138, shall be in force in the parish of Pointe Coupée.

1839—4—2
Hands may be called out at one day's notice to remove obstructions.

SEC. 141. Whenever it shall be necessary for the public convenience that any road, bridge, or causeway, be immediately made or repaired, or that any obstruction in such road, bridge or causeway, be removed, it shall be lawful for the overseer of such road to call out a sufficient number of the hands bound to work on such road, bridge or causeway, to perform the work required, on giving one day's notice.

1837—48—8
List of slaves liable to road duty, to be furnished.

SEC. 142. All persons owning slaves, subject to work on roads, shall, under a penalty of fifty dollars, furnish a list on oath, of the number of hands owned by him within the road district in which said slaves are subject to work, when required by the overseer or syndic of said road district.

St. Landry, St. Mary, Vermillion and Lafayette.

1833—73—1
Road to be furnished in the rear of the front concessions.

SEC. 143. Any person wishing to enclose more than five arpents beyond an ordinary depth of forty arpents already enclosed, shall be bound to furnish a road of sixty feet between the first and second depth, which road shall be kept in repair at the expense of the parish.

St. Landry, Rapides, Avoyelles and Catahoula.

1836—149—1
Police Juries may authorize each person to work the roads on his own land.

SEC. 144. The Police Jury of the parishes of St. Landry, Rapides and Avoyelles, shall have, and they are hereby invested with power, so to alter or modify the road laws of the State applicable to the said parishes, as to grant permission to the freeholders and taxable persons in any of the road districts in the said parishes; to keep up and maintain in good order the public roads within their district, by working each on or across the front of his land, and in a body on such parts of the road as may pass over the public lands, under such rules and penalties as the said Police Jury may prescribe, whenever a majority of the freeholders and voters in such district shall petition the said Police Jury to do so.

1836—149—2
Powers of Police Jury in St. Landry.

SEC. 145. The Police Jury of the parish of St. Landry shall have further power, whenever they are requested thereto by the petition of a majority of the freeholders and voters of any district in said parish, to levy a tax on such road district and expend the same in letting out or contracting for keeping up and maintaining in good order the public roads in such districts, for such length of time as may be agreed upon by the freeholders and voters, and Police Jury.

1836—149—3
Further powers.

SEC. 146. The Police Jury of St. Landry shall have power to ordain that every person who shall be adjudged to pay a fine or fines, that the said Jury may impose for the infraction of any of their ordinances, and who shall not have any property out of which such fine can be collected, and who shall refuse or neglect to pay such fine or fines, when lawfully called on so to do, shall be imprisoned for a term

not exceeding thirty days, at the expense of said parish; but which expense may be at any time collected from the said person, if he thereafter acquire any property out of which the same may be made, on a writ of fieri facias.

1837—41—3

Powers of Police Jury of Catahoula.

SEC. 147. The Police Jury of the parish of Catahoula shall be invested with all the powers granted to the Police Jury of the parishes of St. Landry, Rapides and Avoyelles, in the three preceding sections.

St. Landry, Rapides and Avoyelles.

1850—218—1

Draw-bridges.

SEC. 148. The planters and other inhabitants along the Bayou Crocodile, in the parish of St. Landry, and along the Bayou Bœuf, in the parishes of St. Landry, Avoyelles and Rapides, shall be authorized to construct draw-bridges over said bayous; provided, that said draw-bridges shall be so constructed as to leave an opening of thirty feet.

1850—218—2

Penalty for injuring them.

SEC. 149. Whoever shall injure the bridges so constructed, with any boat, through carelessness or wilfulness, shall be responsible in damages to the owners of said bridges, and shall, moreover, be subject to a penalty in a sum not exceeding two thousand dollars, to be prosecuted and recovered by the District Attorney for the district in which the damage may be sustained.

1850—218—3

Draws to be raised, &c.

SEC. 150. It shall be the duty of the owners of said bridges to have the draws raised for any boat, on the application of the master or owner of the boat.

St. Mary and St. Landry.

1834—96—3

Proprietor to keep up but one road.

SEC. 151. In no case shall any proprietor of land in the parishes of St. Mary or St. Landry, be bound to make, keep up and repair more than one public road across his land; and in the event that any public road shall be laid out diagonally across or along the side line of any such land, in that case, the Police Jury shall decide what portion of such road shall be made, kept up and repaired by the proprietor. The balance of such road shall be made, kept up and repaired at the the expense of the parish. All roads across or through any lands belonging to the United States, shall be made, kept up and repaired at the expense of the parish.

Roads to be kept up by the parish.

1834—96—4

Notice to be given to non-residents.

SEC. 152. In all cases, when roads are to be made, kept up and repaired, through or across lands belonging to non-residents, sixty days' previous public notice, published in the nearest public newspaper, shall be deemed a sufficient notice. This and the preceding section shall apply only to the parish of St. Mary.

1834—96—5

A certain road to be kept up by the parish.

SEC. 153. That part of the public road beginning at the angle of the road going through the plantation of Winthrop S. Harding, near Bayou Teche, and leading towards the town of Franklin, in the said

parish of St. Mary; and also the balance of said road from the bridge on Bayou Yockley, to the limits of said town of Franklin, shall be made, kept up and repaired at the expense of the said parish, and that the Police Jury of said parish shall have the power to raise taxes of a sufficient amount for the keeping and repairing of the said roads and necessary bridges.

1884—97—6

Police Jury to fix the time for completing the roads.

SEC. 154. The Police Jury of said parish shall fix the time of the year at which all the public roads in said parish are to be completed.

Tensas.

1848—162—1

Police Jury to form road districts.

SEC. 155. It shall be the duty of the Police Jury of the parish of Tensas, annually, at their meeting in the spring, to divide and lay off into districts of not less than two nor more than eight miles in length, all the public roads in said parish, and to number and designate the same.

1848—162—2

Overseers of roads to be appointed.

SEC. 156. They shall annually appoint overseers of the roads, one for each district, whose duty it shall be to number all the hands belonging to his district; to notify them of the time and place for working said roads; to superintend and direct them during the time for which they are called out. The overseer shall be required to take an oath to faithfully and impartially perform all the duties incumbent upon him in virtue of such office

Their duties.

1848—162—3

Hands to be apportioned among the districts.

SEC. 157. They shall annually assign to each district the hands which shall be required to do the work, dividing and appropriating all the hands in the parish to the different districts, as nearly as possible, according to the amount of work required to be done in each, but in no case shall hands be required to go more than five miles from their home to work on roads, nor be required to do more than ten days' work during any one year, for each hand legally called upon the road.

1848—162—4

Persons liable to road duty.

SEC. 158. The overseers shall notify all the males between the ages of sixteen and fifty years, except the ministers of the gospel and practicing physicians.

1848—163—5

Overseers to make annual reports.

SEC. 159. The Police Jury shall require each overseer of roads to render a written report at the end of the term for which he is appointed, showing the condition of the road and the number of days' work that has been expended upon it, with the number of hands liable to work in the district; and it shall be his further duty, when he has notified hands, and they, or any one of them, shall have refused to comply, to make a return thereof, and prosecute them, or their masters, in the name of the Police Jury, and upon conviction, they shall be fined two dollars for each day's service neglected to be performed.

To prosecute those who fail to work.

1848—163—6

Penalty for overseers neglecting their duty.

SEC. 160. Each overseer appointed by the Police Jury, who shall refuse to act, or fail to discharge his duty, shall be fined in the sum of fifty dollars, to be recovered in the name of the Police Jury.

SEC. 161. All fines and forfeitures shall be paid into the parish treasury and appropriated to the districts from which the same has been received, for the benefit of the ward.

1848—163—7
Fines how appropriated.

Franklin.

SEC. 162. The Police Jury of the parish of Franklin shall, in addition to the powers already granted to them by law, have authority to exempt citizens of said parish from performing duty on the public roads, and in lieu thereof require them to perform the same, amount of labor in improving the navigation of the creeks and bayous in said parish.

1847—186—1
Powers of Police Jury to commute for working on roads.

SEC. 163. The citizens exempt from road duty, and who may be required to perform service in improving creeks and bayous, shall, while so employed, be governed by the same laws and regulations that now exist in relation to public roads.

1847—186—2
What laws to govern.

SEC. 164. A majority of all the members elected to the Police Jury shall be required to carry into effect the provisions of the two preceding sections.

1847—186—3
Majority of all the members necessary.

Terrebonne.

SEC. 165. The Police Jury of the parish of Terrebonne is hereby empowered to make all such regulations as they may deem expedient as to the proportion, direction, laying out, making and repairing of roads and bridges within the said parish, to appoint such inspectors, commissioners or other officers, as they may deem necessary to carry into effect the powers herein granted, and to impose and determine the quantum of fine against all such as shall transgress their regulations and ordinances.

1842—390—1
Powers of Police Jury.

SEC. 166. Whenever any person shall neglect, omit or refuse to comply with the regulations and ordinances of the Police Jury of the parish of Terrebonne, relative to roads and bridges, or to do the works or repairs, as ordered by said regulations and ordinances, the said Police Jury, or the person or persons acting under their authority, shall notify said person of his or her neglect, in person, or at his or her domicil, if domiciliated in said parish; or by posting up the same at the doors of the court house and Recorder's office, and by advertisement in a newspaper, if any be published in said parish, or at Thibodeauxville, if not domiciliated therein; and ten days after said notice, if the said person thus neglecting, omitting or refusing to comply be domiciliated in said parish, and thirty days if not domiciliated therein, the said Police Jury, or the person or persons acting under their authority, may bring their action against said delinquent person and proceed to execution as in all other suits under the laws of this State, or sell the said work or works or repairs to the lowest bidder, after twenty days advertisement in the English and French languages, at the door of the court house and Recorder's office.

1842—390—3
Delinquents, how proceeded against.

1837—42—5
Right of redemption.

The owner of any land sold for said works and repairs, may redeem the same within one year after the sale, by paying double the price for which it sold, and also the expenses attending the sale.

1842—392—4
Privilege.

SEC. 167. Any person who shall have purchased and executed said works or repairs, shall have a privilege on the lands on which they shall have been done, for the sum for which he shall have contracted to do said works or repairs, and all necessary expenses, either in notifying said persons thus neglecting, omitting or refusing to comply as aforesaid, or otherwise, shall be entitled to the same privilege.

Union.

1842—202—1
Public roads to be classed.

SEC. 168. The Police Jury of the parish of Union shall have the power to class the public roads in said parish, in any number of grades they may deem proper, not exceeding three; provided, the largest class shall not be less than is provided in the one hundred and thirty-second section preceding; and the smallest large enough to be traveled with ease by carts, wagons, &c.

1842—202—2
Apportionment of hands.

SEC. 169. The Police Jury of said parish, in laying out the road districts and distributing the hands on the different roads, shall always apportion them according to its class in such manner that an equal amount of labor shall be performed on each road in proportion to its size and the nature of the country through which it runs.

1842—202—3
Persons liable to road duty.

SEC. 170. Hereafter, no person in said parish shall be exempted from working the public roads therein by the mere fact of having two slaves subject to road duty.

St. Bernard.

1839—108—1
Public road.

SEC. 171. The road situated in the parish of St. Bernard, running along the bayou Terre aux Bœufs, and leading from the river Mississippi to Benkeque in Terre aux Bœufs, is declared a public road.

1839—110—2
Proprietors to give a road.

SEC. 172. Proprietors on the shores of bayou Terre aux Bœufs shall be bound to deliver a road known as a public road, and the same shall be permanent on the banks of said bayou.

1839—110—3
Roads and levees to be kept up by the proprietors.

SEC. 173. The laying out, making, opening and keeping in repair of the levees or dykes, and of the public roads in the parish of St. Bernard, shall be at the expense of the proprietors or owners of the lands on, through or in front of which said levees or roads have been or may be made or laid out; and said levees and public roads shall be laid out, made, opened, kept up and repaired, agreeably and in conformity to such regulations or ordinances which have been passed or made, or may be passed or made, from time to time, by the Police Jury of said parish of St. Bernard.

1839—110—4
Obstructions to the road or bayou to be removed.

SEC. 174. If any person shall shut up, by means of a fence or any other obstruction, or in any way obstruct any part of the bayou of Terre aux Bœufs from the Mississippi river to the lake, or any public

road acknowledged as such, or of which the public shall be in actual possession, in the parish of St. Bernard, the Police Jury of said parish shall have the power to cause the said fence, or other obstruction, to be removed at the expense of the person who shall have erected the same, after having given written notice to said person, if he be known and reside in the parish, to destroy or remove the same within any delay the said Police Jury shall determine; or if said person be not known or does not reside in the parish, the said Police Jury shall cause the said fences or other obstructions to be removed, or sold if said objects are saleable, after three days' notice, posted up at the court house of said parish.

1839—110—5
Power of Police Jury to destroy obstructions.

SEC. 175. If any person shall make any works or building, or cause houses, sheds, dykes or keys to be made, in front and outside of the levees already existing in the limits of the parish of St. Bernard, whether said works, buildings, houses, sheds, dykes or keys be only commenced, or completed, without being authorized by the Police Jury, they shall have the power to cause the works so commenced or completed, to be destroyed at the expense of the owner of the same, without being obliged to apply to a Court of Justice. The provisions of this section shall extend to all works which might be made between the levee and the waters of the Mississippi river in its lowest stage.

1839—112—6
Powers as to levees and roads.

SEC. 176. The Police Jury is also authorized to cause to be made to the levees and public roads in said parish the repairs that they shall deem proper after notice given to the proprietors within any delay that said Police Jury shall determine; and they are further authorized to cause said repairs to be made without delay, at the cost of the proprietors who have neglected to have them made; provided, that in case of imminent danger, the said Police Jury shall proceed to the execution of the works without any previous notice.

1839—112—7
Ditches and canals

SEC. 177. They shall also have the right of fixing the breadth and depth of the ditches on each aside and across the public roads, and to cause to be filled up all ditches which shall be of a larger dimension than that fixed by said Police Jury, and this at the expense of the person who shall have made said ditches; of forbidding the digging of ditches or canals across the public road or the bayou of Terre aux Bœufs, under such penalty as they may deem convenient to fix.

And if any person shall cause any ditch or canal to be made across the public roads or the bayou of Terre aux Bœufs, in contravention of the ordinances or regulations of the Police Jury, they shall have the right to cause said ditches or canals to be filled up and destroyed, at the expense of the person who shall have caused said ditches or canals to be made.

Plaquemines.

1848—E. S.—20—1
Proprietors to keep up the roads and levees on their fronts.

SEC. 178. All owners of land situated in the parish of Plaquemines, on the banks of the Mississippi, shall be bound to keep a road

and levee in good order for public use, on the whole front of said land, under the penalty of not less than ten dollars, nor more than three hundred dollars.

1840—56—2
Roads, how constructed.

SEC. 179. The said road shall be at least twenty feet wide, raised in the centre, in a manner sufficient to facilitate the running off of the waters, and shall have on each side a ditch, at least eighteen inches wide and not more than two feet deep, and a sufficient number of cross ditches; to be covered the whole breadth of the road with good and solid planks, supported by five strong joists; the number of those ditches to be determined by the Syndic.

1840—57—3
Levees, how built.

SEC. 180. The levee shall have at least six feet base for each foot in height; and if it should be more than four feet in height, its base shall be nine feet for each foot in height; the top shall be one-third the breadth of its base. The height of said levee is to be measured on the side of the road, and to be accepted by the Syndic and two planters of said parish.

1848—E. S.—20—2
Duty of Syndic with regard to roads and levees.

SEC 181. Whenever it be necessary, in the opinion of the Syndic of Roads and Levees of said parish, or of the Syndic of the district wherein any lands may be situated to make a levee or road, or both, in front of any land in said parish, or whenever it may be necessary, in the opinion of said Syndic, to make repairs to any roads, levees or road ditches on any lands; then it shall be the duty of the Syndic to notify the owner of said lands to make said levees or roads, or the said repairs, as the case may be; said notice shall be given in writing by the Syndic to the owner of said lands, in person, or by leaving the same with some free person, apparently above the age of fourteen years, at his domicil.

Notices to be given.

In case the owners of said land do not reside in the parish, then the notice shall be made by publication for ten days, in English and French, in some newspaper printed in the city of New Orleans.

Contents of notice.

The notice shall state substantially the nature of the works to be done, the approximate distance of the land on which they are required to be done from the court house, and on which bank of the river it may be situated; (and in case the Syndic be in doubt as to the owner, or the owner be unknown, it shall not be necessary to insert the owner's name.) It shall state the delay within which the works are required to be done, which delay shall be prescribed by the police regulations of the parish. The Syndic shall retain a copy of said notice, on the back of which he shall make return of the manner of the service, which said return shall make full proof of service.

In case said work be not made within the delay named, the Police Jury are hereby authorized to call together three freeholders of the parish to assess the value of the works necessary to be done.

1840—58—5

Certain works to be done at the expense of the owners, and without notice.

SEC. 182 Whenever it shall be necessary to make, immediately, repairs to the roads and levees on the land of a person not residing in said parish, and who has no one living on said land, such as repairing a bridge, or the levee in high water, or clearing the ditches in order to drain the road, the Syndic, or the person charged with the superintending of the roads and levees, is authorized to cause said repairs to be made at the expense of the owner, by hired laborers, at two dollars per day, without notifying the proprietor.

1840—58—6

Compensation of Syndic.

SEC. 183. The Syndic, or the person intrusted to superintend the repairs or works to be made to the roads and levees of non-residents of said parish, shall be entitled to three dollars per day during the time he shall be employed in superintending said repairs or works.

1848—E. S.—20—3

Duty of District Attorney.

SEC. 184. In case said works be not made within the delay named in said notice, it shall be the duty of the District Attorney, on requisition of the Police Jury, to proceed in the District Court of said parish, against the owner of said lands, for the fine contemplated by the first section of this act, for the use of said Police Jury.

Citation to non-residents.

In case the owner be not a resident of the parish, the citation to the suit brought against him, may be notified to him by publication, three times in French and English, during the space of ten days, in some newspaper printed in the city of New Orleans.

1848—E. S.—21—4

Suits to be instituted.

SEC. 185. The Police Jury shall be entitled to institute suit for the recovery of said assessment, and the costs of court incident to the suit; the citation to said suit, in case the owner of said lands do not reside in the parish, shall be made by publication, three times in French and English, during ten days, in one of the newspapers published in New Orleans; and if the name of said non-resident be unknown, the land shall be described in said publication as hereinbefore provided for.

1848—E. S.—21—5

Order of seizure and sale, when to issue.

SEC. 186. When judgment shall be rendered against said owner, or said lands, either after hearing or by default, the Police Jury shall be entitled to a writ of seizure and sale, immediately after the expiration of the delay for taking a suspensive appeal for the amount of the judgment rendered in the suit, for recovering the fine, and for the amount of the judgment rendered in the suit for the value of the works and repairs, on oath being made by the Syndic of the parish, or of the district, as the case may be, that said works have been made by authority of the Police Jury, of the description mentioned in the assessment; said oath shall be filed by the District Clerk, with the papers in the cause.

1840—59—10

How to be executed.

SEC. 187. The Sheriff of said parish upon receiving the order of seizure and sale, shall first seize the movable property in said parish, belonging to said person, and shall sell the same after ten days advertisement in the parish; and if no movable property can be found, then the said Sheriff shall seize and sell the land of said person, with

all the improvements thereon, and without any appraisement, after thirty days advertisement in one of the newspapers printed in the city of New Orleans, and at the court house door of said parish, and shall adjudicate for cash to the person who shall take the smallest portion of said land for the amount of said judgment, including all the costs and interests; said sale shall be made at the seat of justice of said parish.

1848—E, S.—21—6
Notice of judgment not necessary.

SEC. 188. Notice of final judgment in a cause under the provisions of this act, shall not hereafter be necessary.

1848—E. S.—21—7
Property sold to be free from mortgages.

SEC. 189. The purchasers of any property sold in conformity with these provisions, shall hold the same free from all privileges, claims or mortgages.

Parish of Orleans.

1840—180—16
Levees in the unincorporated parts of the parish of Orleans, how kept up.

SEC. 190. The keeping up and repairing of the levees situated in that portion of the parish of Orleans, not a city, borough, or villages and as such incorporated, shall be at the charge of the whole of the proprietors of the lots situated on the said real property; and for that purpose the Police Jury shall cause to be valued every one of the said lots; the making and repairing of the levees shall be in proportion to their valuation; provided, that in the valuation, the improvements shall not be included.

See "PUBLIC LANDS"—"POLICE JURIES."

SALVAGE.

1850—216—1
Salvage allowed on cotton saved.

SECTION 1. Any person who shall recover, save and place upon the bank or land, any bale of cotton found floating in any of the waters of this State, and not in the possession or under the actual control of the owner or carrier thereof, shall be entitled to demand and receive from the owner, his agent, consignee or insurer, the sum of two dollars and fifty cents for each bale of cotton so recovered and saved from the water as aforesaid, and also the additional sum of fifty cents for each bale so saved as aforesaid which may have been shipped to the city of New Orleans, as hereinafter provided, previous to its being demanded by the owner, his agent, consignee or insurer.

1850—216—2
What persons are entitled to claim the cotton on paying charges.

SEC. 2. The master of the boat or vessel from which such floating cotton may have been lost or thrown overboard, the shipper, consignee and insurers of such cotton or any of them, shall be entitled to demand and receive the possession of the same after first paying the salvage fees as provided for in the preceding section.

1850—217—3

Duty of the salvor in case the cotton is not claimed.

SEC. 3. If the owner, his agent, consignee or insurer, should not demand such cotton from the salvor, within ten days after it shall have been recovered from the water, then it shall be the duty of the salvor within the further term of ten days, to ship the same to the city of New Orleans; and the merchant there receiving the same shall cause it to be advertised for five days in a newspaper published in that city as cotton found, describing each bale by its original marks or brands; and if after the expiration of the said five days, the owner, his agent, consignee or insurer shall not claim said cotton, it shall then be the duty of the merchant to sell the same and deposit the proceeds, after deducting the salvage fees, freight and charges, in the hands of the Treasurer of the Charity Hospital, in the city of New Orleans, together with an account of said sale and charges; and the salvor failing to ship such cotton, as directed herein, shall forfeit all right to demand and receive compensation for salvage.

To be advertised and sold in New Orleans.

Proceeds how disposed of.

1850—217—4

Penalty for refusing to deliver cotton, &c.

SEC. 4. Any person who shall fail or refuse to surrender or deliver to the owner, his agent, consignee or insurer, any bale or bales of cotton which may have been recovered or saved in the manner hereinbefore mentioned, after the salvage fees shall have been paid or tendered to him; and any person who shall secrete, convert to his own use, or sell, otherwise than is allowed by this act, any bale or bales of cotton, so saved by him from the water, or which may have been placed in his charge by the salvor, shall be deemed to be guilty of a felony, and upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and shall be confined at hard labor in the penitentiary for a term not exceeding one year.

SEAMEN.

1822—4—1
1841—67—1

Certificate of discharge to be given.

SECTION 1. The master of every vessel arriving from sea, at any port of this State, shall give to every person shipped on board such vessel, who shall be entitled to his discharge, or who shall be discharged there, a certificate in the following form:

A. B., one of the crew of the ship or vessel called the ———, of ————, on her voyage from ———— to ————, is hereby discharged.

Dated ——— of ————, in the year of ————.

(Signed) C. D., Commanding said vessel.

1822—4—2

Desertions to be reported.

Advertisement how made.

SEC. 2. If any seaman shall desert from any vessel in any of the ports of this State, or in the voyage from the sea up to either of them, the master of the vessel shall, within twelve hours after his arrival, if such desertion shall have taken place before his arrival, or within twelve hours after the desertion, if it shall happen in port, make out an advertisement containing the name of the seaman and of the vessel to which he belonged, together with a description of the person of the deserter; which advertisement shall be signed by the master, and within the time aforesaid, put up in the office of the Mayor of the city of New Orleans.

1841—67—2

Advertisements out of New Orleans, how made.

SEC. 3. In all seaports in this State, other than that of the city of New Orleans, the advertisements required by law shall be made at the courthouse of the parish in which the port may be situated; and the legal proceedings herein provided for, shall be had before and determined by any of the Justices of the Peace of the port.

1822—4—3

No seaman to be shipped, unless he produces his discharge.

Penalty.

SEC. 4. No master of a vessel, nor any person for him, shall ship any seaman who shall not produce such discharge, unless he shall previously thereto, give twelve hours notice that such seaman has applied to be shipped without a discharge, to all the masters of vessels then in port, who have within two months next before advertised any deserter from their vessels. Until the expiration of which twelve hours, the master of any vessel to whom such seaman may apply to be shipped, is authorized to detain him on board his vessel, to the end that he may be reclaimed if he is a deserter; but if such seaman be not so reclaimed, it shall then be lawful to engage him without producing any such certificate. And if any master of a vessel shall ship any seaman contrary to the provisions of this section, he shall forfeit fifty dollars, to be recovered by any person who will sue for the same.

1822—6—4

Proceedings on refusal to give a discharge.

SEC. 5. The Justice of the Peace, on the verbal complaint of any person, that he is entitled to receive his discharge, and that the same is denied by the master of the vessel to which he belonged, shall issue a citation, directed to the master, commanding him to appear before him, to show cause why such certificate should not be granted; the Justice shall examine, in a summary way, into the circumstances of the case, and if he finds that the seaman is entitled to his discharge, he shall give judgment to that effect; and if the discharge has been previously demanded and refused, he shall add to the judgment an order that the defendant pay to the complainant ten dollars for his damages, and pay the costs of the proceedings; and a

copy of so much of the judgment as orders the discharge, shall be given to the complainant, which shall have all the effect of a legal discharge.

1839—118—1

Bond to be given by shipping masters.

SEC. 6. It shall be the duty of all persons who shall carry on the business of shipping seamen, previous to their engaging in the same, to give bond with two good securities, freeholders of the parish, payable to the Governor and his successors in office, in the penal sum of ten thousand dollars, conditioned as follows: that he (the shipping master) and his securities shall be liable in solido, for the price and value of any slave or slaves who may have been regularly shipped by the said shipping master, and carried out of the State of Louisiana; the same to be recovered by the owner of such slave, with all damages accruing thereon, by prosecuting upon the bond; provided, that said bond shall not become void by the first or any other recovery, but may be put in suit and recoveries be had thereon as often as any breach of the condition may happen, until the full amount of the bond shall be paid.

Penalty for failing to do so.

And any person who shall act as a shipping master without complying with the foregoing conditions, shall be fined one thousand dollars, and suffer imprisonment for six months at hard labor.

1839—120—2

Penalty on masters for employing shipping masters who have not complied with the provisions of the preceding section.

SEC. 7. Whenever any master or owner of any ship or vessel, steamboat or other craft, trading to the port of New Orleans, shall, while in said port, find it necessary to ship any seaman, cook or steward, for said ship or vessel, it shall not be lawful for them, under penalty of a fine of one thousand dollars, and imprisonment at hard labor for six months, to employ any shipping master or other person, excepting they have complied with the preceding section.

1839—120—3

Fines to be recovered for the benefit of Charity Hospital.

SEC. 8. All fines incurred under the provisions of the foregoing sections, shall be recovered for the benefit of the New Orleans Charity Hospital, and may be prosecuted at the instance of the institution.

1839—120—4

Owners of vessels liable to owners of slaves, &c.

SEC. 9. The owner of such ship, steamboat or other water craft, and the master thereof, as well as the vessel, steamboat or other craft, shall be liable to the owner of any slave so taken out of the State, for the value of said slave.

1843—83—1

Shippers of seamen to give new security in certain cases.

SEC. 10. All persons engaged in the business of shipping seamen, who have given bond in conformity with law, shall, in case of death, bankruptcy, or the removal from the State of his sureties, be compelled, within fifteen days thereafter, to renew his bond; and in case of neglect or refusal, the person so offending shall be fined five hundred dollars, together with all costs.

1843—83—2

Bonds, when to be considered void.

SEC. 11. Whenever the sureties above named, or either of them, shall remove from the State, die or become bankrupt, the bonds signed by them shall be considered null and void, as regards the persons carrying on the business of shipping seamen.

SECRETARY OF STATE.

CONSTITUTIONAL PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Secretary to hold office for two years.

ARTICLE 55. There shall be a Secretary of State, who shall hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary, shall attest them. He shall, when required, lay the said register, and all papers. minutes and vouchers relative to his office before either House of the General Assembly; and shall perform such other duties as may be enjoined on him by law.

His duties.

How elected.

ART. 57. The Secretary of State shall be elected by the qualified electors of the State. And in case of any vacancy caused by the death, resignation or absence of the Secretary of State, the Governor shall order an election to fill said vacancy.

Vacancy how filled.

1888—24—3

Laws to be numbered and registered.

SECTION 1. The Secretary of State shall number all acts or resolutions, and keep a register thereof, and shall endorse thereon the day on which they may be filed in his office, after receiving the sanction of the Executive. Copies of all acts and resolutions shall be delivered by the Secretary of State to the State Printer, in the order in which they may be filed in his office; and he shall endorse on the originals the day on which the copies may be delivered to the State Printer; who shall publish such acts or resolutions in the State gazette, in numerical order, as they shall have been numbered by the Secretary of State.

Copies to be furnished the State Printer.

Duty of State Printer.

Secretary to receive an annual salary.

SEC. 2. The Secretary shall receive an annual salary of two thousand dollars, payable quarterly, on his own warrant.

Secretary to keep a register of laws as published. See LAWS, *Sec.* 2.
Duty of Secretary of State as to the State Printer and the State Printing. See STATE PRINTER, *Secs.* 6 *et seq.*
His duty as to the State Library. See STATE LIBRARY.
To keep the seal of the State. See PUBLIC SEAL.

SEQUESTRATION.

See Amendments to Code of Practice, *Secs.* 21 to 24.

SHERIFFS.

Section 1. There shall be elected a Sheriff in each parish of this State, on the first Monday of November, eighteen hundred and fifty-five, and every two years thereafter. He shall hold his office for two years, unless sooner removed.

1813—142—1
1853—134—2
One Sheriff to be elected for each parish.

Sec. 2. The Sheriff of the parish of Orleans shall give bond in the sum of fifty thousand dollars, with two securities, as required by law; and in all the other parishes, the Sheriff shall, in like manner, give bond in the sum of six thousand dollars, with the following conditions, to wit:

1813—144—2
1844—13
To give bond.

"The condition of the above obligation is such, that whereas, the above bound, A. B, has been (elected or appointed) Sheriff of the parish of ————. Now if the said A. B. shall well and faithfully execute and make true returns, according to law, of all such writs, orders and process as shall come into his hands, as Sheriff aforesaid, and well and truly pay over all sums of money that shall come into his hands as Sheriff aforesaid, to the person entitled by law to the same, and shall faithfully do and perform all such other duties as may be required of him by law, then the above obligation to be void, otherwise to remain in full force and virtue."

Sec. 3. The bond may be put in suit against the Sheriff, and his securities, when in behalf of the State by the Attorney General or District Attorney of the district, in the name of the Governor for the

1813—146—2
Bond how sued on.

time being, for the use of the State; and in all other cases in the name, for the use, and at the request of the party injured.

The bond shall not become void by a first or any other recovery, but may be put in suit and recoveries had, as often as any breach of the conditions thereof shall happen; provided the securities shall not be liable for more than the penalty of the bond.

1818—150—9

Penalty for acting without having qualified.

SEC 4. Any person who shall presume to act as Sheriff before he shall have qualified according to law, shall forfeit and pay five hundred dollars.

1818—142—1

Their duties.

SEC. 5. It shall be the duty of each Sheriff or deputy to attend every court that shall be held in their respective parishes; to execute all writs, orders and process of the court or Judge thereof, that may be issued to them directed; and do and perform all other duties that may be required of them by law.

Each Sheriff shall, moreover, be keeper of the public jail of his parish, and shall, by all lawful means, preserve the peace and apprehend all disturbers thereof, and other public offenders.

1818—30—23

They shall also attend on the Supreme Court, when sitting in their parish.

1815—44—1
1848—92—1

Deputies.

SEC. 6. The Sheriff is authorized to appoint as many deputies as he may think necessary, to be sworn in by any officer vested with the power of administering oaths.

1815—44—2

Sheriffs and deputies to swear appraisers.

SEC. 7. The Sheriffs and their deputies are authorized to administer the oath required by law, to all appraisers of property, under seizure, sequestration, or order of attachment; for such service they shall not be entitled to any compensation, and this privilege shall not extend further than to the objects mentioned.

1805—182—13

To summon the posse comitatus.

SEC. 8. Every Sheriff shall have the power to call for the aid and command the services of every able bodied inhabitant of his parish, to preserve the peace in cases of riot; to execute the process of court in cases where resistance is made or threatened; and every person so called, who shall refuse to render such assistance may be punished by fine at the discretion of the court, not exceeding twenty-five dollars.

Penalty for refusing.

1826—174—16 & 17

Penalty for not returning writs of fieri facias.

SEC. 9. All writs of fieri facias issued by the Clerks of the several courts throughout this State, shall be made returnable by them in not less than thirty nor more than seventy days.

It shall be the duty of each of the Sheriffs of the different parishes in this State to return all writs, directed to them, into the Clerk's office from which they issued, on or before the return day mentioned therein; and also to pay over any money received thereon, to the party entitled to the same, or their attorney; and in default of any of the duties imposed on him in this section, he shall become liable to the party entitled to the benefit of the writ for the full amount specified therein, which shall be recovered on motion before the dis-

trict court in the parish in which the Sheriff acts and resides, after ten days' notice.

1827—44—2

Sheriffs and Coroners to execute all writs in the hands of their predecessors.

SEC. 10. After the Sheriffs and Coroners newly elected shall have entered upon the discharge of their duties, they shall have power to carry into execution all writs and judicial orders directed to their predecessors and not definitely acted upon by them, and to make thereon all necessary returns.

1837—34—1

Prescription.

SEC. 11. No Sheriff, nor his security, shall be able to prescribe against his acts of misfeasance, nonfeasance, costs, offences and quasi-offences, but after the lapse of two years from the day of the omission or commission of the acts complained of.

SHERIFF OF NEW ORLEANS.

1841—17—13

The Sheriff to have his deeds recorded in the Register's office.

SEC. 12. It shall be the duty of the Sheriff of the parish of Orleans to cause to be recorded in the Conveyance Office, in the city of New Orleans, all judicial sales of real property and slaves made by him, besides having the sales recorded in the Clerk's office, as is now required by law.

1840—31—9

To furnish a list of property sold to the Board of Assessors.

SEC. 13. It shall be his duty, every month, to transmit to the Board of Assessors a list of all the real estates, situated in the parish of Orleans, seized and sold by him, which list shall contain the names of plaintiffs and defendants, the name of the purchaser, and the size and situation of the property sold.

1840—31—10

Penalty for failure.

SEC. 14. In case the Sheriff or Register of Conveyances shall neglect or refuse to comply with the provisions of the preceding section, he shall be liable to a fine of five hundred dollars for every offence, on the demand of the Board of Assessors.

1848—79—1

No real estate to be transferred till the taxes are paid.

SEC. 15. Hereafter, neither the Sheriff nor the Notaries of the parishes of Orleans and Jefferson shall pass or execute any act for the sale, transfer or exchange of any real estate situated within said parishes, unless the State, parish and municipal taxes due on the same, be first paid, to be shown by the Tax Collector's receipt, or a certificate to that purpose.

1848—79—2

Penalty.

SEC. 16. The Sheriff or Notary Public violating the provisions of the preceding section, shall, upon conviction thereof, be fined in a sum of not less than fifty, nor more than two hundred dollars, for each violation, to be recovered by the District Attorney, for the use of the free schools of the parishes of Orleans and Jefferson, before any competent tribunal

1842—212—2

Sheriff in New Orleans may demand his costs in 60 days.

SEC. 17. The Sheriff of the parish of Orleans is empowered to require security for his fees of office, which fees shall be demandable from the plaintiff sixty days after the commencement of each suit, on his detailed certificate, approved by the Judge or Clerk of the court in which the costs originated.

SHERIFF'S SALES, AND WRITS OF FIERI FACIAS.

SECTION 1. The writs of execution or of fieri facias shall be in the following form: 1805—168—9 Form of fi. fa.

Vs. No. } STATE OF LOUISIANA.
——————Court,
Parish of——————

THE STATE OF LOUISIANA,

To the Sheriff of the Parish of——————, *Greeting:*

We command you, that by seizure and sale of the property, real and personal, rights and credits of——————— in the manner prescribed by law, you cause to be made the sum of ——————dollars, and ————cents, debt, with interest thereon from the ——— day of ——— 18— until paid, at the rate of —— per centum per annum; and also the sum of ——————— dollars and ———cents, costs, as well as your own costs and charges: to satisfy a judgment lately rendered against the said ——————— ——————— in our ——————— Court for the parish of ——————— in favor of the said ———————————. And how you shall have executed this writ you make return to our said Court in seventy days, as the law directs.

Witness, the Honorable ——————, Judge of the said Court, this ——————— day of ——————— in the year of our Lord 18—.

——————————
Clerk of said Court.

SEC. 2. It shall be the duty of each of the Sheriffs of the different parishes in this State to return all writs directed to him into the Clerk's office from which they issued on or before the return day mentioned therein; and also to pay over any moneys received thereon, to the party entitled to the same or their attorney; and in default of any of the duties imposed on him in this section, he shall become liable to the party or parties entitled to the benefit of said writ, for the full amount specified therein, which shall be recovered on motion before the District Court in the parish in which the said Sheriff acts and resides, after ten days' notice. 1826—174—17 Sheriffs to return writs on or before the return day. Penalty for failing to do so.

SEC. 3. A copy of any sale or deed of conveyance, heretofore made and executed, or which may hereafter be made and executed, by any Sheriff or any other person exercising and performing the duties of Sheriff in this State, certified to be a correct copy from the record by the Clerk or Deputy Clerk of the Court in whose office such sale or deed of conveyance is or may be recorded, shall be received as evidence in the same manner and have the same effect in every respect as a duly certified copy of an authentic act; and if the original of any such sale or deed of conveyance has been lost or mislaid, without the same having been recorded in the office of the Parish Recorder of the parish in which such sale or deed of conveyance has been made 1828—154—11 A duly certified copy of a Sheriff's deed from the Clerk's record to be evidence.

and executed, then a copy of the same, certified as aforesaid, being recorded in such office, shall have the same effect in every respect, from the time the same shall be recorded as if the original had been recorded; provided, however, that the affidavit of any person interested in having such sale or deed of conveyance recorded, shall be deemed sufficient to establish that the same has been lost or mislaid, and authorize the recording of the same as aforesaid.

1842—210—1

Sheriff's sales, where to be made.

SEC. 4. Hereafter all Sheriff's and Coroner's sales shall be advertised to take place, and shall take place at the court house, or at some other public place in the vicinity of said court house, on the first Saturday in each month, commencing at eleven o'clock, after the expiration of the time required by law for advertisement of such sales; and the said Sheriff or Coroner shall have the right to adjourn said sale to the Monday following, and then from day to day, only in case there shall not be time to conclude the same in one day; provided, however, nothing contained in this section shall deprive the defendant of the privilege now enjoyed by him of having his plantation or slaves, or either, when they are under seizure, offered for sale at his domicil, upon his giving notice to the proper officers within three days after notice of seizure.

1842—210—2 & 3

Defendant may retain property seized, until the day of sale.

SEC. 5. The defendant in execution, whose property has been seized, shall have the right to retain such property in his own possession from the time of such seizure until the day of sale, on condition that said defendant shall execute his bond in favor of the plaintiff in execution in solido with one or more good and sufficient securities, domiciliated in the parish, for an amount one-half over and above the estimated value of the property seized, conditioned for the faithful delivery of the property at the time of sale, which bond shall be filed in the office from which the writ issued, within ten days after the date thereof; and upon a forfeiture of said bond, which fact shall be made to appear by the certificate of the officer charged with the execution of the writ, the same shall have effect as a twelve months' bond, and execution shall issue thereon on application of the plaintiff or his attorney, against all the parties to said bond.

Bond, how forfeited and recovered.

This and the preceding section shall not apply to the parish of Orleans.

1822—84—2

Demand on fi. fa. not necessary.

SEC. 6. In no case hereafter shall it be necessary for the Sheriff to give notice to the defendant to pay the money on an execution before proceeding to levy by virtue of the same.

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See SHERIFFS,—AUCTION SALES.

See CODE OF PRACTICE, *Arts.* 641 *et seq.*

A specific bill of all costs to be endorsed on writs of fieri facias. See CLERKS OF COURT, *Sec.* 19.

Writs of fieri facias to be returned within seventy days. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 58.

Application for appraisement to be made before the day of sale. *Sec.* 62.

The title of the suit to be inserted in advertisements. *Sec.* 63.

Two days' notice to appoint appraisers sufficient. *Sec.* 64.

Appraisers to be sworn by the Sheriff or his deputy. *Sec.* 65.

SHIP BUILDING.

SECTION 1. A reward or bonus is offered and shall be given by this State to each and every person, or association of persons, whether resident of this State or otherwise, who shall build and complete, or cause to be built and completed, within this State, any ship or vessel of a tonnage each of more than one hundred tons burthen; which reward or bonus shall be five dollars per ton, customhouse measurement, for each and every ship or vessel, and for each and every sea-going steamer so built and completed as aforesaid; and four dollars per ton for each and every river or lake steamer so built and completed as aforesaid. 1852—213—1 Reward for ship-building in this State.

SEC. 2. Any person demanding the reward or bonus, shall file in the office of the Secretary of State a certificate signed by the Collector of the port and the builder; which shall state the name of the builder, the name and tonnage of the ship or other vessel, and that said ship or other vessel was wholly built and completed within this State, and upon the production of a copy of said certificate, countersigned by the Secretary of State, it shall be the duty of the Auditor of Public Accounts to give to the holder of said certified copy a warrant upon the Treasurer for the amount to which he may be entitled. 1852—214—2 Formalities to be complied with.

SEC. 3. This act shall be in force during the term of five years from the 18th day of March, 1852. 1852—214—3 How long to be in force

SLANDER AND LIBEL.

SECTION 1. Whenever any civil suit for slander, defamation, or for a libel, shall be instituted in any court of this State, it shall be lawful for the defendant to plead in justification the truth of the slan- 1821—54—1 Defendant may plead the truth in justification in civil cases.

derous, defamatory or libelous words, or matter, for the uttering or publishing of which he may be sued, and in the trial of the issue in such suit, to maintain and prove his said plea by all legal evidence.

1847—28—1

In criminal prosecutions.

SEC. 2. In all prosecutions for libel, the truth may be given in evidence; and if it shall appear that the matter charged as libelous, is, and was published with good motives, and for justifiable ends, the party shall be acquitted.

SLAVES.

See BLACK CODE.

STATE ENGINEER.

1842—422—3
1853—231—1

State Engineer to have the superintendence of public works.

SECTION 1. The superintendence and direction of the public works shall be entrusted to an Engineer skilled in the theory and practice of his profession, who shall be appointed annually by the Governor, by and with the advice and consent of the Senate, and he shall receive an annual salary of three thousand dollars, payable quarterly out of the general fund, to be drawn on the warrant of the Auditor of Public Accounts.

1842—423—4
1850—86—1

His Secretary to be an Assistant Engineer

His salary.

SEC. 2. In the appointment of a Secretary to keep the books and proceedings of his office, the Engineer shall appoint an Assistant Engineer, who shall be capable of making any surveys, plans and estimates which the Engineer may entrust to his charge, and the salary of the Secretary and Assistant State Engineer shall be fixed at two thousand dollars per annum, payable on the warrant of the State Engineer.

1882—154—2

Office, where to be kept.

SEC. 3 He shall keep his office at the Seat of Government, where shall be deposited all the archives, plans and documents appertaining to the office.

1882—154—3

His duties.

SEC. 4. It shall be his duty to make such plans, surveys and estimates as may be directed by law; and whenever any work of internal improvement shall be directed, it shall be his duty to superintend its progress, and generally to do and perform the duty of Civil Engineer, in the prosecution and completion of all public works authorized and directed by law.

Whenever the Engineer shall not be occupied as aforesaid, the Governor shall then be authorized to order him to make such plans, surveys and estimates as he shall deem necessary and expedient.

SEC. 5. It shall be his duty to report to the Legislature, at or near the commencement of each annual session thereof, the exact state of the fund for internal improvement; the progress and condition of the works; the surveys, plans, and estimated expense of such new works as he may recommend to the patronage of the Legislature, together with such other information as he may have in his power to collect in relation to the objects committed to his charge. He shall also submit his books and vouchers for expenditures to the Legislature, or a committee appointed to investigate them.

1842—424—6
Annual report.

See "INTERNAL IMPROVEMENTS."

STATE LIBRARY.

SECTION 1. There shall be established a Public Library of the State of Louisiana, which shall be placed in the State House.

1838—95—1
Library established.

SEC. 2. It shall be the duty of the Secretary of State, annually to appoint a competent person as Librarian, who shall receive, in full compensation for his services, on his own warrant, the sum of one thousand dollars per annum, payable quarterly.

1844—44—2
1852—185—1
Librarian to be appointed.

SEC. 3. Before entering upon the duties of his office, the Librarian shall give bond to the State of Louisiana, in the sum of five thousand dollars, with sufficient security to the satisfaction of the Governor, and conditioned as the law directs, for the faithful performance of his duties, and the proper care and custody of the books and papers delivered to him. The bond shall be deposited in the office of the Secretary of State.

1838—95—4
To give bond.

SEC. 4. Before the Librarian shall take possession of the State Library, an inventory shall be taken of the books and papers, clearly and distinctly setting forth all the printed books, and the manucripts,

1838—95—6 & 7
Inventory.

which shall be placed under the care and custody of the Librarian. The inventory shall be taken under the inspection of the Secretary of State and State Treasurer.

1838—95—8
How disposed of.

SEC. 5. Two copies of said inventory shall be made, both certified to be correct by the signatures of the Secretary of State, of the Librarian and of the State Treasurer.

One of said copies shall be deposited in the office of the Secretary of State, and the Librarian shall retain the other.

1844—44—8
Books, &c. to be placed under his charge.

SEC. 6. All books, statutes, manuscripts, plans, maps, papers and documents, of every description belonging to the State, shall be placed under the charge and responsibility of the said Librarian; and the rooms now occupied by the Library, and such other rooms as may be needed, shall be exclusively employed for its use.

1844—44—4
Catalogues.

SEC. 7. In addition to the inventory required to be made, it shall be the duty of the Librarian, immediately after his appointment, to make two exact catalogues, so as to class separately the books and documents which are to be preserved, from those which are to be distributed or for sale.

1838—95—2
Secretary of State to establish rules.

SEC. 8. The Secretary of State shall establish such rules, regulations and restrictions not inconsistent with law, in relation to the Library, as he may deem proper, and from time to time, alter and amend the same.

1844—45—5
Librarian to attend daily.

SEC. 9. It shall be the duty of the Librarian to attend every day, Sundays excepted, and to see that the Library confided to his care, shall suffer no injury; and in case of neglect or inattention to his duties, the Secretary of State shall forthwith remove him.

1852—134—1
Duty of Librarian during the session of the Legislature.

SEC. 10. He shall keep the Library opened from ten o'clock, A. M., until three o'clock, P. M., Sundays and holidays excepted, and during the session of the Legislature, until seven o'clock, P. M.

1838—95—9
Duty of Librarian at the expiration of his appointment.

SEC. 11. The Librarian, on retiring from office, shall be bound to account for all the books and papers which may have been mentioned in the inventory, and such as he may have received since; and in case the books cannot be accounted for, or procured, he shall pay such sum, not exceeding the amount of the bond, as by the Secretary and Treasurer of State shall be deemed a sufficient compensation for the loss of such books.

1838—96—12
Library to be free.

SEC. 12 Every citizen of this State shall have free access to the Library, provided no book be taken out of the same, except when for the use of either branch of the Legislature.

1853—266—1
Exchanges with foreign governments.

SEC. 13. The State Librarian is authorized, under the direction of the Secretary of State, to exchange with the Several States of this Union, or with any foreign government, scientific institute or person, any books of this State; such as Reports of the Supreme Court, Codes, Digests, Statutes, &c., for other books.

SEC. 14. All the books of the State, those for distribution among the courts and parishes, and the public officers, as well as those remaining permanently in the State Library, shall be placed under the control of the Secretary of State, who shall direct and see that this duty is performed by the State Librarian.

1852—168—5

Secretary of State to see to the distribution of books.

SEC. 15. The volumes of the Reports hereafter published shall be distributed as follows: two copies thereof to the Clerk of the House of Representatives, and two copies to the Secretary of the Senate, for the use of the said Houses; one copy to the Governor, one to the Attorney General, one to the Secretary of State, one to the Treasurer, one to the Auditor of Public Accounts, and one to the Surveyor General, for the use of their respective offices; one copy to each of the Judges of the Supreme and District Courts, and one copy to each of the Clerks of said Courts, for the use of their Courts respectively; one copy to the Library of Congress, one to the Attorney General of the United States, and one copy to the Executive of each of the States of the Union.

1846—91—11

Distribution of the Reports of Supreme Court.

SEC. 16. The Journals of the Senate and House of Representatives shall be distributed among the Justices of the Peace in the different parishes of the State, so that each Justice shall have a copy of each, to be delivered on their order.

1848—85—1

Distribution of the Journals.

SEC. 17. Under the direction of the Secretary of State, the State Librarian is authorized to sell and dispose of the remaining copies of Louisiana Reports, Robinson's Reports and the Civil Code of Louisiana, published in 1838, at three dollars each volume, and not less; Martin's Reports, republished by Thomas Gibbes Morgan, at four dollars; the Consolidation and Revision of the Statutes, prepared by Pierce, Taylor and King, one dollar each copy; and the pamphlet copies of the Statutes of the State, at fifty cents each copy; provided that a sufficient number of copies of each be preserved for the public service.

1853—266—2

Books to be sold.

STATE PRINTER.

1847—68—3

A State Printer to be elected for two years.

SECTION 1. An election for State Printer shall be held on the second Monday of the first regular session of each General Assembly. He shall hold his office for two years, and until his successor is elected and qualified.

1846—22—3

To give bond.

SEC. 2 He shall, immediately after his election, enter into bonds, in the sum of five thousand dollars, with good and sufficient security, to be approved by the State Treasurer, for the prompt and faithful performance of his duties.

1838—23—2

His duty.

SEC. 3. He shall print each bill, report, or other document, that may be delivered to him by the order of either House, in the order in which they shall be numbered and delivered to him; and shall return them in like manner, so that no subsequent number shall be printed or returned until all previous numbers shall have been first returned, unless otherwise specially ordered.

1838—24—4

Bills, reports, &c., when to be printed.

SEC. 4. All bills, reports, or other documents, which may be ordered for printing, shall be printed and returned to the House which may have ordered it, within three days after delivery to the State Printer, unless, on motion, a longer delay be granted.

1836—8—1

1852—78—1

To do all State printing for the State officers.

SEC. 5. The State Printer shall be bound to perform all the printing, of what nature soever, which shall be necessary to be done, for the use of both branches of the State Legislature, of the Executive, and of all officers of the several departments of State.

1852—78—1

Reports to be made by State officers.

All officers of the several departments of the State, who, by existing or future laws, may be required to make reports to the General Assembly, shall cause the same to be printed by the State Printer, for the use of the Legislatue, and shall present the same within the first week of each session. It shall be the duty of the State Printer, to print and publish a daily newspaper, in the English and French languages.

State Printer to publish a paper.

1836—9—4

Laws and Journals, when to be printed.

SEC. 6. The State Printer shall finish and have ready for delivery the acts of the General Assembly, and the Journals of both Houses, within thirty days from the time when copies of the same shall have been delivered to him by the Secretary of State, under pain of forfeiting and paying the sum of twenty-five dollars for each and every day he shall be in default, after the expiration of the time.

Duty of Secretary of State.

It shall be the duty of the Secretary of State to deliver to the State Printer, within thirty days next after the adjournment, sine die, of both Houses of the Legislature, duly certified copies of all the acts

passed during the session, under the same penalty herein imposed on the State Printer.

The Secretary of State shall forward to each member of the Legislature, one copy of the Journals, and one copy of the Acts of the Legislature.

Copy of Journal and Laws to be furnished members of the Legislature.

SEC. 7. The Journals of each day, of both Houses, shall be printed in the State paper, within two days after the same shall have been read and approved, under the penalty of twenty five dollars for each failure.

1836—9—5
Daily Journals.

SEC. 8. The State Printer shall deliver to the Secretary of State, copies of each of his gazettes containing any of the Laws or Resolutions of the General Assembly of this State, which shall be hereafter enacted or agreed to, immediately after the same shall have been published therein, and as soon as practicable thereafter, he shall cause the said gazettes to be sent to the Judges and Clerks of courts; and it shall be their duty to preserve the said gazettes carefully in their respective courts for the use thereof until they shall have received the copies of the Laws in pamphlet form.

1831—76—4
The State gazette containg the laws, how distributed.

SEC. 9. The State Printer shall receive ten dollars for every three hundred papers delivered to the Secretary of State, as directed by the first section.

1831—78—2
Compensation.

SEC. 10. The work shall be performed, as prescribed in the following items, and paid for at the prices specified, to wit:

1847—67—2
Printing, how to be executed and paid for

Item 1st.—The Laws shall be published in the English and French languages; the English upon the odd and the French upon the even page, with a list of the Acts, the date of their promulgation, and an index thereto attached; they shall be printed on good strong book printing paper, on long primer type, solid, each page fifty-seven lines long, including running title, white line under it, and foot line, and thirty ems in width, with the marginal notes in nonpareil, seven ems in width, to be added thereto.

Laws.

The same to be stitched, and covered with colored paper, and delivered within the time fixed by law; for which there shall be allowed four dollars per page, for two thousand copies, the number that shall be furnished annually, unless otherwise directed; for every additional two hundred and fifty copies, twenty-five cents per page.

Item 2d.—There shall be two hundred and fifty copies of the Journals of each House, in book form, in the English and French languages, on minion type, solid, and made up from the journal matter, as published in the newspaper; the pages to be eighty-one lines in length, including running title, white line under it, and foot line; the book to be covered and stitched in the same manner as the laws, and delivered within the time fixed by law.

Journals.

The compensation for which shall be fifty cents per page, including everything; each additional two hundred and fifty copies, twenty-five cents per page.

Bills and Resolutions.

Item 3d.—Bills and resolutions shall be printed on foolscap paper, in the English and French, unless otherwise directed, on long primer type, or small pica, leaded; to be twenty ems long primer in width, and eighty lines in length, the lines and sections to be numbered and worked broadside.

Two hundred and fifty copies shall be printed; two hundred copies to be furnished to the House, and fifty copies to the Senate.

For the first one hundred copies, or less, three dollars per page, including everything, and fifty-five cents for every additional one hundred copies.

Reports, pamphlets, &c.

Item 4th.—For all reports, documents, or other matter, in book or pamphlet form, in the English and French languages, for two hundred and fifty copies, in long primer type, one dollar and fifty cents per page, the page to be fifty-seven lines in length, including running title, white line under it, and foot line, and thirty-four ems in width; and for every additional two hundred and fifty copies, seventeen and a half cents per page.

Rule and figure work.

Item 5th.—For all rule and figure work, contained in the journals, reports, documents or laws, one dollar per thousand ems may be charged in addition to the rate fixed above; and for rule or figure work separately, fifty cents per one thousand ems additional may be charged, which must be distinctly set forth in the bill rendered to the Auditor.

Blanks, whole sheet, folio post size.

Item 6th.—For all blanks, folio post size, whole sheet, ten dollars per ream; each additional half ream, three dollars and seventy-five cents. If only a half ream, or less, is ordered, seven dollars and fifty cents shall be paid for it.

Blanks, half sheet, folio post size.

Item 7th.—For all blanks, folio post size, half sheet, eight dollars per ream; each additional half ream, two dollars and fifty cents. If only a half ream, or less, is ordered, five dollars and thirty-seven and a half cents shall be paid for it.

Blanks, cap size, whole sheet.

Item 8th.—For all blanks, cap size, whole sheet, seven dollars and twenty-five cents per ream; for each additional half ream, two dollars and twenty-five cents. If only a half ream, or less, is ordered, five dollars and twenty cents shall be allowed for it.

Half sheet.

Item 9th.—For all blanks, cap size, half sheet, six dollars per ream; each additional half ream, one dollar and twenty-five cents. If only a half ream, or less, is ordered, four dollars and twenty cents shall be paid for it.

Publications in newspaper.

Item 10th.—For all matter published in the newspaper, per folio, (the space of one hundred words) or less, twenty cents for the first insertion, and ten cents for each subsequent insertion.

1846—22—4

When to render his account.

Sec. 11. The State Printer shall, on the first Monday of every month, render to the Auditor of Public Accounts, a full and true account of all the work done for account of the State during the pre

ceding month; which account shall be affirmed or sworn to as being correct, and in accordance with the manner, mode and rates established by law, when the Auditor shall audit the same, if found correct.

How paid.

SEC. 12. If the State Printer shall fail to give bond within five days after his election, the General Assembly shall proceed to elect another, which shall annul the first election; and in case the printing ordered by the Senate or House, should not be done within a reasonable time, the Secretary or Clerk, as the case may be, shall, upon the order of the Senate or House, be authorized to employ another printer to execute any portion of the work of the Senate or House; and charge to the account of the State Printer the excess for executing such work above what is herein allowed. And it shall be the duty of the Clerk or Secretary to transmit the account to the Auditor, who shall charge the excess as aforesaid to the State Printer.

1846—22—5
1847—68—2
On failure to give security, another printer to be elected.

On the failure of the State Printer to perform the duties required above, the Legislature, if in session—or if during the recess, the Governor—may consider the office vacant, and the Legislature may at once elect a successor for the unexpired term, or the Governor may appoint a successor to serve till his successor shall have been elected by the Legislature.

SEC. 13. The Secretary of the Senate and Clerk of the House of Representatives shall regularly number each bill, report or other document, of any kind whatsoever, which may be ordered for printing by either House, the number of which shall be endorsed thereon: Printing, No. —, and shall make a corresponding entry thereof in the bill book, and shall also endorse on the bill, report, or other document, the day on which the same shall have been ordered for printing, and the day of delivery to the State Printer, through the Sergent-at-Arms, and make corresponding entries thereof in the bill book.

1838—28—1
Duty of Secretary of the Senate and Clerk of the House.

SEC. 14. The Secretary of State shall, in like manner, number all Acts or Resolutions, and keep a register thereof, and shall endorse thereon the day on which they may be filed in his office, after receiving the sanction of the Executive; copies of which shall be delivered by the Secretary of State to the State Printer, in the order in which they may be filed in his office, and he shall endorse on the orignal of such Acts and Resolutions, the day on which he may deliver a copy thereof the the State Printer, who shall publish them in the State gazette in numerical order, as they shall have been numbered by the Secretary of State.

1838—24—3
Duty of Secretary of State.

STATE TREASURER.

CONSTITUTIONAL PROVISIONS.

STATUTORY PROVISIONS.

CONSTITUTIONAL PROVISIONS.

Treasurer to hold office for two years.

ARTICLE 56. There shall be a Treasurer of the State, who shall hold his office during the term of two years.

ART. 57. The Treasurer of the State shall be elected by the qualified electors of the State.

Vacancy how filled

In case of vacancy caused by death, resignation, or absence, the Governor shall order an election to fill the vacancy.

1847—17—3

To give bond and security within ten days.

SECTION 1. The Treasurer shall, within ten days after being officially informed of his election, and before he shall be commissioned, or enter on the discharge of the duties of his office, execute and deliver to the Governor, a bond payable to the Governor for the time being, and his successors in office, for the sum of fifty thousand dollars, with not less than five good and solvent securities, freeholders within, and citizens of the State, to be approved by the Governor and Senate, conditioned for the faithful performance of all the duties required or which may be required of him by law; and if he fail to give such bond and security within ten days, the office shall be deemed vacant, and the Governor shall order a new election to fill the vacancy.

Otherwise office to be be vacant.

1847—17—4

Statement to be made by each security.

SEC. 2. Each security, when he signs the Treasurer's bond, shall write down in words at length, opposite his name on the left, the amount he is willing to swear he is worth, and shall make oath before

the Governor, or some Judge, or Justice of the Peace of the State, in writing, to be laid before the Senate by the Governor, that he believes himself to be worth the sum written opposite his name, after the payment of all debts, which he is liable for. The securities shall be bound in solido.

1847—17—5
Bond to be approved by the Governor and Senate.

SEC. 3. The Governor shall endorse on the bond, his approval of it; and the President of the Senate shall also endorse thereon, that it is approved of by the Senate; the bond so endorsed shall be delivered by the Governor to the Secretary of State, who shall record and keep the same in his office.

1847—17—6
Treasurer's commission and oath.

SEC. 4. He shall be commissioned by the Governor, and before entering upon the discharge of the duties of his office, shall take and subscribe the oath prescribed in the 90th Article of the Constitution, which shall be endorsed on his commission; but his commission shall not be issued by the Governor until the bond and security shall have been given, and approved by the Governor and Senate.

1847—17—7
Duty of Treasurer.

SEC. 5. It shall be the duty of the Treasurer—

First—To receive and safely keep all the moneys of this State, not expressly required by law to be received and kept by some other person.

Second—To disburse the public money, upon warrants drawn upon him according to law, and not otherwise.

Third—To keep a true, just and comprehensive account of all public money received and disbursed, in books to be kept for that purpose, in which he shall state from whom moneys have been received, and on what account; and to whom and on what account disbursed.

Fourth—To keep a true and just account of each head of appropriations made by law, and the disbursements under the same.

Fifth—To render his account to the Auditor of Public Accounts quarterly, or oftener, if required for settlement.

Sixth—To report to the Governor, ten days prior to the commencement of each regular session of the General Assembly, to be by him laid before each House thereof with his message, a detailed statement of the condition of the treasury, and its operations during the preceding fiscal year.

Seventh—To give information in writing to either House of the General Assembly when required, upon any subject connected with the treasury, or touching any duty of his office.

Eighth—To perform all such other duties as may be required of him by law.

1847—18—8
To give duplicate receipts.

SEC. 6. He shall grant duplicate receipts under the seal of his office, for all sums of money paid into the treasury, and the person receiving the same shall deposit one of them with the Auditor, who shall credit such person accordingly, and charge the treasury with the amount.

1847—18—9

Each warrant to be endorsed.

SEC. 7. The Treasurer shall endorse on each warrant drawn by the Auditor, its payment, and the date of it; and shall sign his name thereto.

1825—126—1

Payments to be made to the party or to his order.

SEC. 8. He shall pay over all money that may become due to any person or corporation by the State, into their own hands, or by order from them, and in no other manner whatever, any order of seizure or attachment to the contrary notwithstanding.

1847—18—11

1850—75—1

Money to be deposited in bank.

SEC. 9. It shall be his duty do deposit all money belonging to the State, within three days after the receipt thereof, in the branch of the Louisiana State Bank at the seat of the government. He shall keep an account with the bank, showing the date and the amount of each particular deposit made in it.

May be removed in certain cases.

He may, with the consent of the Governor, remove the public money from its place of deposit, should he deem it unsafe, and place it in such bank, or place of safe keeping, as may be approved by the Governor. In the event of such removal, he shall report his reasons therefor, at the next session of the General Assembly.

1847—24—37

To reside at the seat of government.

SEC. 10. The Treasurer shall reside at the seat of government, and shall keep his office in the State House.

1847—24—38

Seal of office.

SEC. 11. He shall keep a seal of office, to be furnished at the expense of the State, which shall be used to authenticate all writings, papers, documents, &c., certified from his office.

1847—24—39

Letter book.

SEC. 12. He shall also keep a letter book, in which shall be copied all official letters, which may be written by him.

1847—24—40

Authorized to administer oaths in certain cases.

SEC. 13. He shall have authority to administer oaths required and allowed by law, in all matters touching the duties of his office.

1847—24—41

To have access to books of the Auditor, and other offices.

SEC. 14. He shall have free access to the books of the Auditor, and to all officers of the State, for the inspection of all books, accounts, and papers, which may concern the duties of his office.

1847—24—43

To submit his accounts to a joint committee of the General Assembly.

SEC. 15. It shall be the duty of the Treasurer to submit all of his books, accounts, vouchers, and other official documents in his office, to a joint committee of the General Assembly, to be appointed immediately after the commencement of each regular session, for examination, and settlement; and whenever, and as often as the General Assembly may think proper to order such examination, and settlement.

1847—25—44

Duty of General Assembly to appoint a joint committee.

SEC. 16. It shall be the duty of the General Assembly to appoint such committee, at the commencement of each regular session; who shall examine the books, accounts, vouchers, and other official documents of his office, and make a full and detailed report thereof, to both Houses of the General Assembly.

1847—25—45

Duty of the committee if their report is favorable.

SEC. 17. If the report be favorable, and approved by each House, an order shall be made directing the joint committee to cause the proper entries to be made in his books, showing the result of the settlement.

SEC. 18. If the committee shall make an unfavorable report, and find that he has not performed the duties required of him by law; or that he has been guilty of any misdemeanor in office; and such report be approved of by both Houses of the General Assembly; an order shall be made directing the Governor to cause suit to be brought against him, on his official bond; and to cause him to be prosecuted for a misdemeanor. On conviction, he shall be suspended from the discharge of the functions of his office and be incapable of being again elected to such office.

1847—25—46

Course to be pursued if their report is unfavorable.

SEC. 19. Should the Treasurer willfully neglect or refuse to perform any duty enjoined by law, or be guilty of any oppression or extortion in the performance of any duty of his office, or receive any fee or reward not allowed by law; or should he, by color of his office, knowingly do any act not authorized by law, or in any other manner than is required by law; or illegally use or misapply any of the money belonging to the State, he shall be deemed guilty of a misdemeanor in office; and upon conviction, shall be fined not less than one thousand dollars, and imprisoned in the penitentiary at hard labor for not less than five years.

1847—24—42

Fine and imprisonment for misdemeanor in office.

SEC. 20. If the Treasurer shall willfully and illegally refuse to pay any warrant lawfully drawn upon the treasury, having the funds in hand to pay the same, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, shall be fined in a sum of not less than five hundred dollars, for the use of the State; and shall forfeit and pay to the holder of such warrant, four-fold the amount thereof, to be recovered against him, and his security on his official bond.

1847—18—10

Penalty for refusing to pay warrants, having funds in hand.

SEC. 21. He shall receive an annual salary of two thousand five hundred dollars, to be paid quarterly on his own warrant.

1852—222—1

Salary.

SEC. 22. The Treasurer shall be allowed a Clerk whose salary shall be two thousand dollars per annum.

1845—68—25

Clerk

Banks—Bonds deposited with the Auditor, to be filed in the Treasurer's office. See BANKS, *Sec.* 15.

The Treasurer a member of the Board of Currency. See BOARD OF CURRENCY.

Treasurer, to be receiver of public money from the sale of lands. See PUBLIC LANDS, *Secs.* 44 *et seq.*

STEAMBOATS.

1834—57—5

Penalties in case of accidents.

SECTION 1. Any accident except such as is impossible to be foreseen or avoided, that may happen to any steamboat from racing, carrying higher steam than may be allowed by law, running into or foul of another boat; or that may occur whilst the captain, pilot or engineer is engaged in gambling, or attending to any game of chance or hazard; or whenever an accident happens from the boat being overloaded; the owner of the boat shall be responsible for all loss or damage, and shall be barred from the recovery of freight or insurance; and the officers violating the provisions of this section, shall be subject to a fine of not less than five hundred nor more than two thousand dollars, and imprisonment for not less than three months nor more than three years; and in the event of loss of life being the result of such accident, then said officers shall be adjudged guilty of manslaughter.

1834—57—7

Gunpowder—notice to be given.

SEC. 2. When gunpowder is shipped on board of a steamboat, it shall be stowed away at as great a distance as possible from the furnace, and a written notification of the fact shall be placed in three conspicuous parts of the boat; and in the event of such notification not being so exhibited, then for any loss of property, or life, for which the powder may be deemed the cause, the owner and captain shall be liable to the penalty provided in the preceding section.

1834—58—8

Penalty for shipping gunpowder without notice.

SEC. 3. Any person who shall ship or put on board, or cause to be shipped or put on board of any steamboat within this State, any gunpowder, without giving notice thereof at the time of making the shipment to the master or clerk of said boat, shall be liable to a penalty of two hundred dollars, which may be sued for and recovered by the owner, captain or clerk of said boat, for his own use and benefit; and in case of any loss of property in consequence of gunpowder being on board of said boat, the shipper that shall have failed to give due notice, as herein required, shall be liable therefor, or for any injury done to any person or to their family; and in case of the loss of life, the person who shall have shipped the same without giving due notice thereof shall, on conviction, be adjudged guilty of manslaughter.

1834—59—12

Iron tiller ropes to be used.

SEC. 4. It shall be the duty of the captains and owners, or the agent of every steamboat, under the penalties mentioned in the

first section, to substitute an iron chain for the rope now used as a tiller rope.

1842—280—1
1824—36—1

Penalty for taking wood without the owner's consent.

SEC. 5. Whenever the captain or other person in command of any steamboat, shall take or cause to be taken from any wood-yard, any cord wood or wood of any other kind, he shall pay for such wood the price demanded by the owner thereof. In case of refusal or neglect to pay the price so demanded in the current coin of the United States, the owner of the boat shall pay the price thereof, together with fifty per cent. on such price, as damages resulting from the non-payment thereof; provided that such damages shall in no case exceed fifty dollars, unless on proof of damage to a greater extent.

1842—282—2

Affidavit of owner to be prima facie evidence.

SEC. 6. It shall not be necessary for the owner of wood to furnish proof of his claim against any steamboat for cord wood taken, other than his affidavit, setting forth all the material facts connected with the taking of such wood, and refusal to pay therefor, accompanied with a certificate of the Judge, or of a Justice of the Peace, in case of the absence or death of the Judge of the parish in which the affiant lives, that he is of good standing as to veracity, and is a citizen of that parish; which affidavit and certificate shall be prima facie evidence; and any person making such affidavit falsely shall be guilty of perjury, and shall, on conviction, be punished according to law.

1842—282—6

Claim for wood to be a privilege.

SEC. 7. The claim against steamboat owners for cord wood, shall be the first privilege against steamboats. for and during the term of eight months from the time that such claim accrues, as regards all boats running beyond the limits of the State, and three months for boats running within the limits of the State.

1832—148—1

Lights to be carried by steamers.

SEC. 8. All captains or commanders of steamboats navigating lakes, rivers or bayous, within the jurisdiction of the State of Louisiana, shall when running during the night, be compelled to hoist each two lights, both on the hurricane deck, one forward, and the other at the stern; which lights shall be kept up without intermission throughout the night, under the penalty of five hundred dollars for every failure or neglect, to be recovered of the captain or other commanding officer of such steamboat, one-half of which penalty shall be for the use of the informer.

1858—159

Privilege for damages caused by collisions, &c.

SEC. 9. In all cases where any loss or damage has been caused to the person or property of any individual by any carelessness, neglect or want of skill, in the direction or management of any steamboat, barge, flatboat, water craft or raft, the party injured shall have a privilege to rank after the privileges specified by the Civil Code, Article three thousand two hundred and four, and continue for the same length of time and in the same manner provided for other privileges by the said Article of the Civil Code, upon such steamboat, barge, flatboat, water craft or raft, for the amount of the loss or damage sustained, and may proceed by attachment or in rem to recover

the same. Before so proceeding he, or if he be absent, his agent or attorney, shall swear to the amount of the loss or damage sustained, and file a bond with good and sufficient security in favor of the owners of the steamboat, barge, flatboat, water craft or raft, whomsoever they may be, whether their names be known or not, for a sum exceeding by one-half the amount of that which is claimed, as a security for the payment of such damages as the owners may recover against him, in case it should be decided that the attachment or proceeding was wrongfully obtained. It shall be sufficient for the oath required to be taken by the agent or attorney to be to the best of his knowledge or belief.

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See SALVAGE.

SUBROGATION.

Surety on twelve months' bond, subrogated to the rights of the judgment creditor, by payment, when the judgment debtor is the principal in the bond. See SURETY, *Sec.* 4.

SUCCESSIONS.

1842—300—

Successions of persons domiciliated out of the State, how administered.

SECTION 1. The succession of persons domiciliated out of the State of Louisiana, and leaving property in this State, at their demise, shall be opened and administered upon as are those of the citizens of the State; and the Judge before whom such successions shall be opened, shall proceed to the appointment or confirmation of the officer to administer it, under the name and in the manner pointed out by the existing laws.

1828—156—15

Heirs to give security before taking possession of estates in certain cases.

SEC. 2. In obtaining possession of the effects of a succession, the heirs shall not be permitted, under any pretence whatsoever, to have an actual delivery of any property of such succession which may be in suit, or to receive any money of said succession when there shall be claims thereon pending in said courts, unless they previously give bond with good and sufficient security, if the plaintiffs in such suits require it; which security shall be one-fourth over and above the amount of the claims for money thus claimed, or of the appraised value of the property in suit, which estimation shall be made by two appraisers appointed by the Judge.

1842—302—6

Suits on bonds of administrators, &c., when brought.

Sureties not to be sued until the principal is discussed.

SEC. 3. The court in which the succession was opened, shall have exclusive cognizance of all suits against sureties on bonds of appeal, and all others which they are bound by law to receive or exact from appellants and administrators, tutors, curators and executors generally; and no such suit shall be instituted against the security, until the necessary steps have been taken to enforce payment against the principal.

1826—140—7 & 8

Successions to be administered by Syndics in certain cases.

SEC. 4. Whenever a succession shall have been renounced by the heirs; or, whenever it shall be accepted under the benefit of an inventory, and neither the beneficiary heirs, their attorney in fact, tutor, or curator, will accept the administration and give the security required by law, and when, after fifteen days notice, given in the usual manner, no one presents himself to administer upon the estate, and gives the security required, a meeting of the creditors of such succession shall be ordered to be held for the purpose of electing Syndics to administer thereon. The same forms shall be observed in the choice of Syndics, the sale of the property, the administration and settlement of the estate, as are prescribed for the administration of estates ceded by insolvent debtors, saving and reserving to the beneficiary heirs, all their rights and claims as creditors, and their rights to any surplus which may remain after paying the debts of the succession.

Nothing herein contained shall be so construed as to apply to successions under five hundred dollars.

1826—142—9

The surplus, after paying debts, to be paid to the heirs.

SEC. 5. In all cases of renunciations of successions by the heirs, if there shall remain a surplus after payment of all the debts, the same shall be paid over to the heirs who have made the renunciation, their heirs or assigns, as the case may be.

1826—148—10

Allowance to be made for the children in certain cases.

SEC. 6. In all cases where the property of a succession shall be administered by Syndics, the Judge of the court shall order to be paid such reasonable sum of money as to him shall appear proper for the maintenance of the heirs, being children of the deceased, for the period of one year, and until their claims against the succession shall be ascertained and paid.

1842—434—4

Foreign heirs and legatees to pay a tax of ten per cent. on estates inherited by them.

SEC. 7. Each and every person, not being domiciliated in this State, and not being a citizen of any State or Territory in the Union, who shall be entitled, whether as heir, legatee or donee, to the whole or any part of the succession of a person deceased, whether such person shall have died in this State or elsewhere, shall pay a tax of ten per cent. on all sums, or on the value of all property which he may actually receive from said succession, or so much thereof as is situated in this State after deducting all debts due by said succession. When the inheritance, donation or legacy consists of specific property, and the same has not been sold, the appraisement thereof in the inventory shall be considered as the value thereof.

1850—146—76

Representatives of estates to retain the tax in their hands.

Every executor, curator, tutor or administrator having the charge or administration of succession property belonging in whole or in part, to a person residing out of this State, and being a citizen of any other State or Territory, shall be bound to retain in his hands the amount of the tax imposed, and to pay over the same to the State Treasurer, or to the officer appointed by him; in default whereof every such executor, curator, tutor or administrator, and his securities, shall be liable for the amount thereof.

1850—146—77

Duty of Clerks of courts.

SEC. 8. It shall be the special duty of the Clerks of courts to see that the tax imposed by the preceding section be collected and paid over; and each of said Clerks shall be bound to furnish to the Auditor, once in a year, a statement or list of the successions opened in his parish, whereof persons who are neither residents of this State nor citizens of any other State or Territory in the United States, are heirs, legatees, or donees, in whole or in part, and of the amount accruing to such persons; and any Clerk failing to furnish such statement or to comply with the provisions of the laws relative to vacant successions, shall be subject to a fine not exceeding five hundred dollars, for each and every omission, and shall be responsible to the State for the amount due.

Vacant estates.

1820—96—12

Penalty for taking possession of vacant estates without authority.

SEC. 9. In case any person shall take possession of a vacant estate, or a part thereof, without being duly authorized to that effect, with the intent of converting the same to his own use, he shall be prosecuted by information, and on conviction thereof, shall be fined not exceeding two thousand dollars, to the benefit of the State, and shall be, moreover, liable to pay all the debts of the said estate, exclusive of the damages to be claimed by the parties who may have suffered thereby.

1853—294—8

Days on which Clerks may homologate accounts.

SEC. 10. The first Saturday in every month shall be fixed as the only day on which the Clerks shall have the right to homologate accounts and tableaux of distribution; and no account or tableaux shall be approved or homologated until the heirs, or their legal representatives, or the parties interested therein, who reside within the parish in which the court having jurisdiction of the matter is held, shall

have been legally cited, in the manner required by law, to bring parties into court, and the legal delay for considering or opposing such accounts shall have elapsed.

1853—294—4

Notice to be given to the heirs residing out of the parish.

SEC. 11. No account shall be homologated and approved until the heirs or their representatives, or the parties interested therein who reside out of the parish in which the court having jurisdiction of the matter is held, shall have been notified for at least thirty days; which notice shall be given by advertisement, in the same manner as an advertisement of Sheriff sales are made in the parish, and shall have the same effect as a citation regularly issued and served; nor until the legal delay for considering and opposing such account shall have elapsed. But, neither advertisement nor citation shall be necessary in any case when the heirs or their legal representatives, or other persons interested, consent to the homologation of the accounts.

1853—295—5

Opposition to be referred to the court for decision.

SEC. 12. Whenever opposition is made to any account or tableau before its homologation, it shall be referred for decision to the court, and all further proceedings therein by the Clerk, shall be suspended.

1846—64—2

Small successions to be administered by Clerks in certain cases.

SEC. 13. Whenever it shall be found by the Clerk that a succession is so small, or so much in debt, that no person will apply for, or will be willing to accept the curatorship, or when a vacancy exists in such appointment which no one demands the nomination to, the Clerk shall assume the administration of such succession.

He shall cause the effects of the succession to be sold and the proceeds to be applied to the payment of its debts; and the whole to be done in as summary a manner as possible, to diminish costs, provided this section is not to apply to successions amounting to more than five hundred dollars.

1840—110—1

Successions under $1,500, how settled.

SEC. 14. In all successions, the property belonging to which, is situated at the Cheniere Caminada, Grand Isle, in the parish of Jefferson, the value of which does not exceed fifteen hundred dollars, any Justice of the Peace of that place shall have the same powers that are granted to the Clerk of the District Court of the parish of Jefferson, for the settlement of said successions, and shall be entitled to the same emoluments for his services.

1840—112—2

Justices may make inventories in the Cheniere Caminada.

SEC. 15. Said Justices of the Peace may be commissioned by any court of this State, to inventory property situated at the Cheniere Caminada belonging to successions opened in the parish of Jefferson, or any other parish in this State.

1840—112—8

To send copies to the Clerk's office.

SEC. 16. In all successions opened in the parish of Jefferson, the said Justice of the Peace shall transmit to the office of the Clerk of the District Court of Jefferson, certified copies of all acts of procedure done by him, under the authority of the two preceding sections, within ninety days.

See ADMINISTRATORS—EXECUTORS—CLERKS—PARTITIONS—ABSENTEE—COMMUNITY OF ACQUETS AND GAINS.

Estates of persons absent for more than ten years, to be settled like vacant estates when there are no heirs. See ABSENTEE.

Suits against administrators, &c., to be continued, by making the heirs parties. See ADMINISTRATORS, *Sec.* 1.

Executors, Administrators, Syndics, &c., to deposit money in bank. See ADMINISTRATORS, *Sec.* 2.

To exhibit an account of funds on hand. See ADMINISTRATORS, *Sec.* 3.

To render an account once in twelve months.

To remain in office until the estate is settled.

To give additional security, when required.

Representatives of successions to make sales, or to employ the Sheriff or an auctioneer.

To qualify within ten days.

The heir or surviving partner authorized to purchase at sales, &c. See ADMINISTRATORS, *Secs.* 4 to 9.

Succession sales, how advertised. See ADVERTISEMENTS.

Succession sales, by whom made. See AUCTION SALES, *Sec.* 7.

Bank stock may be sold and transferred by the heirs residing out of the State, without their being recognized as such by our courts. See BANKS, *Sec.* 40.

Successions under five hundred dollars, how administered. See AMENDMENTS TO THE CIVIL CODE, *Sec.* 15.

Minors—Successions falling to them accepted by operation of law. See MINORS, *Sec.* 16.

Clerks to administer successions under five hundred dollars in value, when no one else will do so. See CLERKS, *Sec.* 15.

SURETY.

1854—31—1

Sureties out of the parish to be received.

SECTION 1. Whenever it shall be made to appear to the satisfaction of the Judge of any of the courts of this State, having jurisdiction thereof, that any person who has been appointed to discharge the duties of administrator, executor, tutor, curator or of any fiduciary trust whatever, is unable to give security in the parish, then, and in such case, the Judge shall have power to order that sureties residing in any other parish be received.

SEC. 2. In all cases where surety is tendered of persons residing out of the parish, the Judge alone shall pass upon the sufficiency thereof, and shall require such proof as he may deem necessary.

1854—82—2
The Judge to accept the security in such cases.

SEC. 3. All actions on bonds against the sureties aforesaid, may be instituted in the parish and court having original jurisdiction of the subject matter, and the parties thereto, when legally cited, shall be subject to the jurisdiction of the said courts.

1854—82—3
Suits on bond where brought.

SEC. 4. Whenever a person bound as security upon a twelve months' bond, has paid the same, he shall be subrogated to all the rights which the original creditor had at the time such bond was given, or at the time the bond is paid by such security; provided, however, that this section shall only apply where the property has been adjudicated to the defendant in the judgment, and he is the principal upon such twelve months' bond.

1854—115—1
Sureties on twelve months' bonds subrogated to the rights of the principal in certain cases.

SEC. 5. No suit shall be instituted against any sucurity, on an appeal bond, nor on the bond of any administrator, tutor, curator, executor or syndic, until the necessary steps have been taken, to enforce payment against the principal.

1842—302—6
Suit not to be brought against surety, until the principal is discussed.

Bonds.—Sureties on official bonds not to be proceeded against, until the property of the principal is discussed. See BONDS, *Sec.* 4.

Sureties may stipulate the amount for which they will become liable. *Sec.* 5.

Sureties may be released, in what manner. *Secs.* 9 and 10.

Sureties taken by Sheriffs to be objected to within twenty days. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 13.

Sureties on bonds given by debtors under arrest, how rendered liable, *Sec.* 14.

Sureties on bonds given by garnishees for the forthcoming of property, how rendered liable. *Sec.* 20.

Sureties on injunction bonds liable in solido for damages, &c. *Sec.* 28.

Sureties on appeal bond, how proceeded against. *Sec.* 56.

SURVEYOR.

1818—158—1

Surveyor General and Parish Surveyors to be appointed.

Section 1. There shall be a Surveyor nominated, and by and with the advice and consent of the Senate, commissioned by the Governor for each and every parish of this State, except the parishes of St. James, Ascension, Assumption, Lafourche and Terrebonne, who shall reside in the parish of his appointment; the one appointed for the parish of Orleans shall be ex-officio Surveyor General of the State. Before they enter on the duties of their office, they shall take the Constitutional oath well and truly to execute and perform the duties of their office; and moreover shall give bond with good and sufficient security, to be approved according to law; the Surveyor General in a sum of six thousand dollars, and the other Surveyors in a sum of two thousand dollars, payable to the Governor and his successors in office, and conditioned for the due performance of the duties of their office.

To give bond.

1818—158—2

Qualifications of Surveyor General.

Sec. 2. Besides the scientific knowledge requisite for his profession, the Surveyor General shall possess a thorough knowledge of the English, French and Spanish languages; he shall keep his office in New Orleans, in a fire-proof house.

1842—444—1

His salary, deputies.

1827—124—2

Sec. 3. The Surveyor General shall receive an annual salary of six hundred dollars. He may appoint one or more deputies at his own expense and responsibility.

1818—158—4

Parish Surveyors, their duties.

Sec. 4. It shall be the duty of the said Surveyors faithfully to execute all orders of survey directed to them by any of the courts of this State, and to make all surveys of lands lying in their respective parishes, and to which the United States have no claim, at the request of the owners or proprietors thereof; and generally to do whatsoever in the surveying, measuring and dividing of lands that may be required of them by any person wishing the same done; and in all their mensurations, they shall be governed by the English perch or pole; provided, however, that in the plans and certificates of surveys which they shall make out, they shall be bound to add to every designation of an English measure, the relation it bears with the measure formerly used in this State

Plans and certificates how to be made.

1818—160—5

Fees by whom to be paid.

Sec. 5. The fees chargeable by the Surveyors, shall be paid by the party desiring their services; and where the services shall be rendered in obedience to an order of a court, in a suit therein depending, the Surveyor shall make and state an account of his fees for such services written in words at full length on the back of one of the plats

by him returned to the court; and the same shall be allowed in the bill of costs to be taxed against the losing party as other costs; but where it shall sppear that the survey or any part thereof was made at the instance of the party cast in the suit, so much of the said fees as accrue on the work done by the Surveyor for such party, shall not be taxed.

When to be taxed as costs.

SEC. 6. It shall be their duty, whenever called on for that purpose, to re-survey and re-mark, and bound any tract of land in their respective parishes, where the old marks are defaced or are likely to decay and perish, or where by any cause they are destroyed; taking special care in all such cases, to be governed by the original surveys, patents or title deeds of such tracts; and they shall make a plain report and certificate of all such re-marks and boundaries by them made as aforesaid; of which report and certificate they shall deliver a certified copy to the owner, if he requires it.

1818—160—6

Re-surveys.

SEC. 7. The chain carriers and markers shall be allowed each a dollar per day, for their services as such, to be paid in the same manner as is provided for Surveyors.

1818—160—7

Pay of chain carriers and markers.

SEC. 8. Each Surveyor is authorized and required to administer an oath to each of his chain carriers, faithfully and diligently to perform his duties as chain carrier, without favor, affection, or partiality; and it shall be the duty of each of the Surveyors to write the name of each of his chain carriers down on the plat made of a tract of land for which they carried the chain in the surveying thereof.

1818—160—8

To be sworn.

SEC. 9. It shall be their duty, whenever called on to make a re-survey, as provided by the preceding sections, to notify the adjoining landholders of the day on which he will commence the said survey, that they may attend, or cause somebody else to attend in their behalf, if they think proper; he shall note the same on the plat, by putting down the names of the persons notified, and the number of days notice he gave each of them.

1818—160—9

Surveyor to notify adjoining landholders.

SEC. 10. It shall be their duty to record by order of dates, in a book kept for that purpose, all the plats and reports of surveys made by them; and the Surveyor General, besides the private register for the parish of Orleans, shall keep a general register in which he shall record the plats and reports of the operations made by him, and the plats and reports of the operations made by the Parish Surveyors, who shall be bound to forward him every three months, certified copies of their operations in their respective parishes; and all certified copies of the plats and reports of surveys thus recorded, as well as of the titles and papers which are to be delivered to the Surveyor General by the said Surveyors, under their hand and the seal which they are hereby authorized to adopt, shall be entitled to full credit in all the courts of this State.

1818—162—10

To keep a record.

Duty of Surveyor General.

Parish Surveyors to report to Surveyor General.

Copies to be evidence.

1818—162—11
Surveyor's fees.

SEC. 11. They shall be entitled to demand and receive for their respective services, the following fees, to wit:

For mileage in repairing to and returning from any place where a survey is to be made, per mile - - -	$0 12½
For measuring the front of any tract of land on any bayou or river, for every arpent running measure, - - -	25
For measuring depth line, where the line touches cypress swamps, and for measuring back lines, for every arpent, -	25
For running a straight line, for every mile, - -	4 00
For meandering a water course, for every arpent, - -	25
For every plat of a tract of land, including the record, -	5 00
For every certified copy of such plat, - - - -	2 50
For planting every corner post, - - - - - -	1 00
For any additional tract of land comprehended in a plat with surveys and boundaries established, - - - -	5 00
For measuring every lot in a town, suburb or other place divided into lots, for every foot, - - - - - -	01
For every original plat of any such lot, including the record, - - - - - - - - - - -	3 00
For every certified copy of such plat, and of the certificate of survey, - - - - - - - - - - -	2 50
For every additional tract of land in a connected plat, -	2 00

1818—162—12
Penalty for demanding fees not allowed by law.

SEC. 12. In case the said Surveyors should demand or receive for any of the services mentioned, any other fees than those above fixed and established; or if they should demand or receive any of the said fees without having performed the services; or if they should demand or receive any other or higher fees than those allowed to them, the said Surveyor shall, for every such offence, be fined in a sum of fifty dollars in favor of the party aggrieved, besides the restoration of the fees so unjustly demanded and received.

1827—124—3
Surveyor of East Baton Rouge authorised to act in Iberville.

SEC. 13. The Surveyor appointed for the parish of East Baton Rouge, shall be authorized to survey in the parish of Iberville, whenever requested to do so.

1832—150—1
Surveyor for St. James, Ascension, Assumption, Lafourche and Terrebonne.

SEC. 14. There shall be a Surveyor nominated, and by and with the consent of the Senate, commissioned by the Governor, for the parishes of St. James, Ascension, Assumption, Lafourche and Terrebonne. He shall take the constitutional oath, well and truly to perform and execute the duties of his office; and moreover shall give bond with good and sufficient security, to be approved according to law, in the sum of five thousand dollars, payable to the Governor or his successors in office, and conditioned for the due performance of the duties of his office.

Bond to be given.

1832—150—2
His duties.

SEC. 15. It shall be his duty to perform the same services as are required of Parish Surveyors; provided, however, that he shall not

be required to make reports or returns of his operations to the Surveyor General of the State; but shall keep an office in the town of Donaldsonville, and shall deliver the records thereof to his successor in office.

SEC. 16. He shall be entitled to demand and receive for his servies, the fees allowed to Surveyors by law, and shall have power to appoint one or more deputies, for whom he shall be responsible. 1832—150—3 Fees.

TRUST FUNDS.

SECTION 1. All moneys which may be received into the treasury, from and after the first day of January, eighteen hundred and forty-nine, from the sale of any property belonging to this State, from the sale of any stocks, or from any dividends due or to become due, from any bank or banks, not otherwise appropriated; or from any taxes due prior to the first day of January, eighteen hundred and forty-seven; or from any money now in the treasury belonging to the seminary fund or free school fund, or any moneys which may hereafter be received into the treasury belonging to said seminary funds or said free school fund, which are by law required to be vested into a permanent fund arising from the ten per cent. of the net proceeds of the public lands of the United States accruing to this State, or from any other source whatever; or any unappropriated surplus of the internal improvement fund, and any unappropriated surplus of the road and levee fund, remaining in the treasury at the end of each and every fiscal year, commencing on the first of January next, eighteen hundred and forty-nine; and any moneys in the treasury at the end of each and every fiscal year, exceeding by fifty thousand dollars the necessary expenditures and appropriations according to existing laws, shall be employed in the purchase of the existing outstanding bonds of this State not due; provided, the same can be purchased at a rate not above par. 1848—E. S.—16—1 Outstanding bonds to be purchased.

SEC. 2. It shall be the duty of the Auditor and Treasurer, to make up a correct statement of the balances and surpluses provided for in the preceding section, at the end of each and every fiscal year, and after advertising thirty days for proposals, the said Auditor and Treasurer shall, with the Governor of the State, proceed to purchase such bonds as may be offered at the lowest rate or on terms most advantageous to the State. 1848—E. S.—17—2 Purchases, how made.

1848—E. S.—17—3

Interest to be paid.

SEC. 3. An interest at the rate of six per cent. per annum shall be allowed on all the moneys employed as stipulated in the two preceding sections, arising from the seminary fund, ten per cent. free school fund, internal improvement fund and road and levee fund; and the same shall be carried to the credit of said funds respectively; and the interest so accruing to the road and levee fund, and the internal improvement fund, together with the principal so employed, shall be reimbursed whenever the same may be required.

TUTORS.

See MINORS,—FAMILY MEETINGS.

To retain in their hands the tax of ten per cent. imposed on foreign legatees. See ADMINISTRATORS, *Sec.* 6.

Tutors &c., to leave an agent during temporary absence. See AMENDMENTS TO CIVIL CODE, *Sec.* 14.

Proceedings when no one will take the tutorship and give security. See MINORS, *Sec.* 4.

Foreign Tutors may remove the property of their wards, &c. *Secs.* 5 & 6.

Natural Tutors may give a special mortgage, in lieu of the general one. *Sec.* 7.

Tutors authorized to give sureties residing out of the parish. See *Secs.* 1, 2 & 3.

UNDER-TUTOR.

See FAMILY MEETINGS,—MINORS.
" TUTORS.

UNITED STATES SENATORS.

CONSTITUTIONAL PROVISION.

CONSTITUTION.

How elected.

ARTICLE 34. In the year in which a regular election for a Senator of the United States is to take place, the members of the General

Assembly shall meet in the hall of the House of Representatives on the Monday following the meeting of the Legislature, and proceed to the said election.

SECTION 1. On the first Monday following the meeting of the Legislature, in the session thereof commencing in the year in which the term of office of any Senator chosen to represent this State in the Congress of the United States of America shall expire, or, in case there is no session of the Legislature in such year, then in the year next preceding such year, the two Houses shall meet in the hall of the House of Representatives, and proceed to a choice of a Senator to represent this State in the Congress of the United States of America, in place of the Senator going out of office; and the person having the greatest number of votes, shall be declared duly elected Senator; provided such number be a majority of all the members present. 1846—3—2 Time and manner of holding election.

SEC. 2. Whenever the seat of a Senator shall become vacant before the expiration of the time for which he is or shall be chosen, another Senator shall be chosen in his place, as aforesaid, within eight days after the Legislature shall have notice of such vacancy at the place where they shall then be sitting. 1812—32—2 Vacancy how filled.

SEC. 3. Whenever any Senator shall be chosen as aforesaid, copies of the resolutions of the Senate and House of Representatives testifying such choice, signed by the President of the Senate and Speaker of the House of Representatives, shall be delivered to each person so chosen a Senator as evidence of such choice. 1812—32—3 Credentials.

SEC. 4. Whenever the seat of a Senator shall become vacant during the recess of the Legislature, the Governor may make a temporary appointment until the next meeting of the Legislature, which shall then fill such vacancy in the manner before mentioned. 1812—34—4 Governor may fill vacancy in a certain case.

VENUE.

Change of Venue in criminal cases. See CRIMINAL PROCEEDINGS, *Secs.* 46 *et seq.*

Change of Venue in civil cases. See JUDICIARY DEPARTMENT, *Secs.* 66 *et seq.*

WARRANTY.

When defendant is cast, judgment to be rendered in his favor against his warrantors, &c

Sheriffs, &c., not to recover Attorney's fees in certain cases. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 85.

WITNESS.

1813—34—29

Witnesses in civil cases not to be compelled to attend court out of their parish.

SECTION 1. Witnesses in civil cases shall never be compelled to attend any court out of the parish wherein they reside, but when their testimony shall be wanted, the court having cognizance of the case shall issue their commission authorizing some magistrate or any person of the parish wherein the witness shall reside, to examine such witness and receive his deposition.

1818—6—1

Testimony of the Ursuline Nuns, how taken.

SEC. 2. No member of the religious order called the St. Ursuline Nuns, established in the city of New Orleans, shall be compelled by any writ or process whatever, to appear in any court to give testimony or be examined as a witness in any civil suit whatever; but the deposition of such member shall be taken in the convent of the said St. Uursuline Nuns, under such rules, regulations and restrictions as are prescribed for the taking of testimony, when the witness resides in any other parish than that in which the suit is pending

1853—251—1

Witnesses not compelled to attend at a second term until paid for the previous term.

SEC. 3. Any witness who may have been summoned to attend any of the courts of this State, to testify in a civil case, and shall have attended, claimed and received a certificate therefor, shall not again be compelled to obey any summons for attending said court in said case at a subsequent term, until he be paid by the party by whom he was summoned.

1828—12

Members of political corporations competent witnesses.

SEC. 4. The interest that any witness may have as a member of a corporation, civil or religious, shall not be considered as a sufficient reason for excluding his testimony in a case in which the said corporation is a party, unless the said witness have in the cause a particular interest, distinct from that which he has in common with the other members of the said corporation; provided, however, that the interest which the stockholders of any bank, insurance companies, and other moneyed institutions of that kind, shall be considered as a sufficient reason not to admit the said stockholders as competent witnesses in any case where the said banks and other moneyed institutions may be parties.

SEC. 5. Whenever it shall be necessary to take the depositions of witnesses in this State, under commissioners from any other State or territory, to be used as evidence in suits depending therein, it shall be lawful for any Justice of the Peace within this State, on the application to that effect made by the commissioner of such State or territory, to use, if necessary, the same compulsory process to cause witnesses to appear and depose as in cases arising under the jurisdiction of any of the courts of this State.

1843—106—1

Justices of the Peace may summon witnesses to testify on application of a commissioner.

SEC. 6. In every case now pending, or which may hereafter be instituted in any of the courts of this State, which are by law provided with Clerks, in which the Judge of the court may be a material witness, the Clerk of the court shall administer the oath to the Judge, and shall take down his evidence in writing, if required by either party in the cause; and in such courts as may not be provided with Clerks, it shall be lawful for any officer authorized by law to administer oaths, to administer the oath to, and take down the evidence of the Judge in writing, and the Clerk, or other officer, shall certify and sign the evidence, and the same shall be filed and used as evidence in the cause; provided, however, that the above formalities may be dispensed with, by consent of parties, in all cases, and the evidence of the Judge taken in any other manner and form that may be agreed upon by them.

1828—152—6

Testimony of the presiding Judge how taken.

SEC. 7. Witnesses in criminal prosecutions residing not more than five miles from the seat of justice, are not entitled to any compensation. When residing at a greater distance than five miles, they shall be paid for each day they may be detained on the trial of a cause one dollar, and six and a quarter cents for each mile they may necessarily travel going and coming.

1843—61—1
1809—64—11
1807—66—8

Compensation of witnesses in civil cases.

SEC. 8. Witnesses who are summoned to testify in prosecutions pending in other parishes than those in which they reside shall receive a compensation of five cents for every mile they may necessarily travel in going and returning, and two dollars for every day they may be necessarily in attendance upon the court; and the Sheriff shall receive five cents for every mile he may necessarily travel, going and returning in executing any attachment issued for witnesses residing out of the parish.

1845—89—8

Compensation of witnesses living out of the parish.

SEC. 9. No Sheriff, Deputy Sheriff, Police Officer, or Juror, while attending court as such, shall be allowed any compensation for attendance as a witness in any criminal case; nor shall any person be allowed for such attendance, more than is allowed in one case on the same day, or mileage for more than one case at a time.

1843—67—11

No pay allowed certain witnesses.

SEC. 10. Every witness who shall attend, upon a summons from the Supreme Court, upon the trial of a Clerk before said court, shall receive the sum of two dollars for every twenty miles he may necessarily travel in going to and returning therefrom, and the like amount

1826—210—10

Compensation of witnesses attending Supreme Court on trial of a Clerk.

for every day he shall attend; to be paid by the State, upon a warrant signed by two of the Judges and attested by the Clerk of the court.

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See "Costs and Fees."

Summons for witnesses may issue before the case is set for trial. See Amendments to Code of Practice, *Sec.* 44.

Judges may be examined as witnesses, how sworn, &c. *Secs.* 31 and 45.

Witnesses in criminal prosecutions. See Criminal Proceedings, *Sec.* 61 *et seq.*

Witnesses attending Supreme Court on the trial of a Clerk, how paid. See Clerks, *Sec.* 3.

Compensation of witnesses in civil cases. See Code of Practice, *Art.* 472.

Mileage and per diem of witnesses attending to give evidence in obedience to a summons issued by the Senate or House of Representatives. See General Assembly, *Sec.* 9.

WOMEN.

1828—22—1

Unmarried women may bind themselves as sureties or endorsers.

Section 1. It shall be lawful for widows and unmarried women of age, to bind themselves as sureties or endorsers for other persons, in the same manner and with the same validity as men who are of full age.

1835—158—2

Married women may renounce their matrimonial rights.

Sec. 2. Married women aged above twenty-one years, shall have the right, with the consent of their husbands, by act passed before a notary public, to renounce in favor of third persons, their matrimonial, dotal, paraphernal and other rights; provided, that the notary public, before receiving the signature of any married woman, shall detail in the act, and explain verbally to said married woman, out of the presence of her husband, the nature of her rights and of the contract she agrees to.

1858—89—1

May appoint agents.

Sec. 3. It shall be lawful for any married woman having a mortgage or privilege on the property of her husband, to appoint one or more agents with power in her behalf during her temporary or permanent absence from the State, to intervene in any contract of mortgage or sale, made by the husband, and sign in her behalf such renunciation of said mortgage or privilege as the wife herself might do if personally present, and the said power may be either general or special, and may be executed in the United States before any Judge or Jus-

tice of the Peace, or Notary or Commissioner of this State, and in foreign countries, before any Consul, Vice Consul, or Consular or Commercal Agent of the United States.

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See "HUSBAND AND WIFE."—DIVORCE.

No woman to be required to answer interrogatories in open court, unless upon affidavit, &c. See AMENDMENTS TO CODE OF PRACTICE, *Sec.* 32.