ACTS

PASSED BY

The General Assembly

OF THE

STATE OF LOUISIANA,

AT THE

REGULAR SESSION,

Begun and Held at the City of Baton Rouge on the eighth day of May, A. D. 1882.

PUBLISHED BY AUTHORITY.

BATON ROUGE:
LEON JASHEMSKI, STATE PRINTER,
1882.
cannot mortgage nor encumber the donated property, except as may be prescribed in the act of donation. And said trustees shall be entitled to no remuneration for their services, unless expressly granted in the act of donation.

Sec. 7. Be it further enacted, etc., That said board of trustees shall have the power to accept and administer other donations mortis causa or inter vivos from the same or other donors, and to apply the same as may be prescribed in the subsequent act of donation. The administration of such subsequent act of donations to be governed by the directions contained in the subsequent act of donation.

Sec. 8. Be it further enacted, etc., That the provisions contained in the Revised Civil Code, or other laws of this State relative to substitutions fidei commissae or trust depositions, shall not be deemed to apply to or in any manner affect donations made for the purposes and in the manner provided by this act, and all laws or parts of laws conflicting with the provisions of this act are repealed in so far as regards the purposes of this act, but not otherwise.

R. N. OGDEN,
Speaker of the House of Representatives.

GEO. L. WALTON,
President pro temp. of the Senate.

Approved July 6, 1882.

S. D. McENERY,
Governor of the State of Louisiana.

A true copy:

WILL. A. STRONG,
Secretary of State.

---

No. 123.] JOINT RESOLUTION.

Proposing amendments to articles 81, 95, 101 and 128 of the Constitution of the State of Louisiana.

SECTION I. Be it enacted by the General Assembly of the State of Louisiana, Two-thirds of all the members elected to each House concurring, that article eighty-one (81) of the Constitution of the State of Louisiana be so amended as to read as follows:

Article 81. The Supreme Court except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute, or the fund to be distributed, whatever may be the amount therein claimed, shall exceed two thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board; to suits for nullity of marriage; to suits involving the rights to homesteads; to suits for interdiction; and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture or penalty imposed by a municipal corporation shall be in contestation, whatever may be the amount thereof, and in such cases the appeal on the law and the facts shall be directly from the court in which the case originated to the Supreme Court; and to criminal cases on questions of law alone, whenever the punishment may be inflicted.

Sec. 2. Be it further enacted, etc., That the courts of the Constitution of the State shall be read as follows:

Article 95. The Courts of provided, shall have appellation shall extend to all cases in dispute or the funds to exceed two thousand dollars, exclusive of or a thousand dollars, exclusive of

Sec. 3. Be it further enacted, etc., That the courts of the Constitution of the State shall be read as follows:

Article 101. Whenever the courts of Appellate shall concurrence, there shall be a disqualification of having the qualifications of their circuit, who shall hear the case; a judgment concurrent.

Sec. 4. Be it further enacted, etc., That the courts of the Constitution of the State shall be read as follows:

Article 128.—There shall be an appellate for said parish, in all matters, civil or criminal, amount in dispute, or fund to exceed two thousand dollars, exclusive of a thousand dollars, exclusive of

Sec. 5. Be it further enacted, etc., That the courts of the Constitution be amended as follows:

There shall be in the city of which shall be located in the bank of the Mississippi river, the qualifications required for the qualified voters for have exclusive jurisdiction over a thousand dollars, exclusive of interest.
al alone, whenever the punishment of death or imprisonment at hard labor may be inflicted or a fine exceeding three hundred dollars ($300) is actually imposed.

Sec. 2. Be it further resolved, etc., That article ninety-five (95) of the Constitution of the State of Louisiana be so amended as to read as follows:

Article 95. The Courts of Appeal, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases, civil or probate, when the matter in dispute or the funds to be distributed shall exceed one hundred dollars, exclusive of interest, and shall not exceed two thousand dollars, exclusive of interest.

Sec. 3. Be it further resolved, etc., That article one hundred and one (101) of the Constitution of the State of Louisiana be so amended as to read as follows:

Article 101. Whenever the judges composing the Courts of Appeal shall concur, their judgment shall be final. Whenever there shall be a disagreement, the two judges shall appoint a lawyer having the qualifications for a judge of the Court of Appeals of their circuit, who shall sit in the determination of the case; a judgment concurred in by any two of them shall be final.

Sec. 4. Be it further resolved, etc., That article one hundred and twenty-eight (128) of the Constitution of the State of Louisiana be so amended as to read as follows:

Article 128—There shall be in the parish of Orleans a Court of Appeals for said parish, with exclusive appellate jurisdiction in all matters, civil or probate, arising in said parish where the amount in dispute, or fund to be distributed exceeds one hundred dollars, exclusive of interest; and said court shall be presided over by two judges, who shall be elected by the General Assembly in joint session; they shall be residents and voters of the city of New Orleans, possessing all the qualifications necessary for judges of Circuit Courts of Appeal throughout the State; and they shall each receive an annual salary of four thousand dollars, payable monthly upon their respective warrants. Said appeals shall be upon questions of law alone, in all cases involving less than five hundred dollars, exclusive of interest, and upon the law and the facts in other cases. It shall sit in the city of New Orleans from the first Monday of November to the last Monday of June of each year; it shall have authority to issue writs of mandamus, prohibition, certiorari and habeas corpus in aid of its appellate jurisdiction.

Sec. 5. Be it further resolved, etc., That Article 135 of the Constitution be amended so as to read as follows, viz: there shall be in the city of New Orleans four city courts, one court of civil, city courts of New Orleans, member of courts, jurisdiction of the courts, election, qualifications, pay, and duties of the judges, clerk of the said court, their salaries and bonds.

R. N. OGDEN,
Speaker of the House of Representatives.

GEO. L. WALTON,
President pro tem. of the Senate.

S. D. MCENERY,
Governor of the State of Louisiana.

JOHN B. LEE,
Secretary of State.
late the salaries, territorial division of jurisdiction, the manner of executing their process, the fee bill, and proceedings which shall govern them; they shall have authority to execute commissions to take testimony, and shall receive therefor such fees as may be allowed by law. The General Assembly may increase the number of city courts for the said parish, not to exceed eight in all, until otherwise provided by law. Each of said courts shall have one clerk, to be elected for the term of four years by the qualified voters of the parish, who shall receive a salary of twelve hundred dollars per annum, and no more, and whose qualifications, bond and duties shall be regulated by law.

SEC. 6. Be it further resolved, etc., That Article 130 of the Constitution be amended so as to read as follows, viz:

Article 130. For the parish of Orleans there shall be two district courts and no more. One of said courts shall be known as the Civil District Court for the parish of Orleans; and the other as the Criminal District Court for the parish of Orleans.

The former shall consist of not less than five judges, and the latter not less than two judges having the qualifications prescribed for district judges throughout the State. The said judges shall be appointed by the Governor by and with the advice and consent of the Senate, for the term of eight years. The first appointment shall be made as follows: Three judges of the Civil District Court for four years and two judges for eight years. One judge of the Criminal District Court for four years and one for eight years, the terms to be designated in their commissions. The said judges shall receive each four thousand dollars per annum. Said Civil District Court shall have exclusive and general probate, and exclusive civil jurisdiction in all cases when the amount in dispute or to be distributed exceeds one hundred dollars exclusive of interest, and exclusive appellate jurisdiction from the city courts of the parish of Orleans, when the amount in dispute exceeds twenty-five dollars exclusive of interest. All causes filed in said courts shall be equally allotted and assigned among said judges, in accordance with rules of court to be adopted for the purpose. In case of recusation of any judge in any cause, such cause shall be reassigned, or in case of absence from the parish, sickness or the disability of the judge to whom said cause may have been assigned, any judge of said court may issue or grant conservatory writs or orders. In other respects each judge shall have exclusive control over every cause assigned to him from its inception to its final determination in said court. The Criminal District Court shall have criminal jurisdiction only. All prosecutions instituted in said court shall be equally apportioned between said judges by lot. Each judge, or his successor, shall have exclusive control over every cause falling to him from its inception to its final determination in said court. In case of vacancy or recusation causes assigned shall be reassigned under order of court.

SEC. 7. Be it further resolved, etc., That the aforesaid proposed amendments having been read in each house of the General Assembly, on three separate days, and with the yeas and nays thereon having been entered on the journal of each house, the Secretary of State shall publish the amendments in each other parish in weeks preceding the next Regular Assembly session, and that amendments shall be submitted to the voters of each parish for approval or rejection in the same manner as in other parishes.

SEC. 8. Be it further resolved, etc., That the aforesaid amendments shall be submitted to the voters of each parish for approval or rejection in the same manner as in other parishes.

Approved July 6, 1822.

A true copy:

WILL. A. STRONG,
Secretary of State.

No. 126.

To make effective the two amendments, to prescribe the time, place, and manner of holding the elections, and to require the returns of the same to be made at such times and places as the General Assembly may by law provide, and to require the returns of the same to be made at such times and places as the General Assembly may by law provide.
division of jurisdiction, the manner of naming the jurors, the fee bill, and proceedings which shall have authority to execute committing warrants, and shall receive therefor such fees as the General Assembly may prescribe by law. Each of said courts shall be held for the term of four years by the parish, which shall receive a salary of seven hundred dollars per annum, and no more, and whose decisions shall be regulated by law.

Resolved, etc., That Article 130 of the constitution be so amended as to read as follows, viz:

In the Parish of Orleans there shall be two District Courts. One of said courts shall be known as the Orleans District Court for the Parish of Orleans, and shall have exclusive and concurrent jurisdiction in civil and criminal cases where the amount in controversy does not exceed two hundred dollars. Said District Court shall have exclusive jurisdiction in all cases where the amount in controversy exceeds two hundred dollars, and exclusive appellate jurisdiction from all lower courts in Orleans Parish, when the amount in controversy exceeds five hundred dollars exclusive of interest. All cases shall be equally allotted and assigned in a manner to accord with rules of court to be on in case of recusation of any judge sitting in case of absence, or the disability of the judge not having been assigned, any judge of said District Court shall have exclusive control over every case of vacancy or recusation causing it under order of court.

Resolved, etc., That the aforesaid proposed amendment to the Constitution be referred to a committee to hold in each house of the General Assembly days, and with the yeas and nays on the journal of each house, the same to be published in two newspapers published in the parish of Orleans, and in one paper in each other parish in which a newspaper is published, for three months preceding the next election for representatives.

SEC. 8. Be it further resolved, etc., That at said election the aforesaid amendments shall be submitted to the electors for their approval or rejection in such manner as to enable the electors to vote on each of said amendments separately. The ballots shall be read and counted respectively, as follows, to-wit:

"For amendment to Article 81, relative to jurisdiction of Supreme Court," or "Against amendment to article 81, relative to jurisdiction of Supreme Court." "For amendment to article 95, relative to jurisdiction of Courts of Appeal," or "Against amendment to article 95, relative to jurisdiction of Courts of Appeal." "For amendment to Article 101, relative to trial of cases in Courts of Appeal when the judges disagree," or "Against amendment to article 101, relative to trial of cases in Courts of Appeal when the judges disagree." "For amendment to article 128, relative to jurisdiction of Courts of Appeal for parish of Orleans," or "Against amendment to article 128, relative to jurisdiction of Courts of Appeal for parish of Orleans," or "Against amendment to article 135, relative to jurisdiction of the City Courts of the parish of Orleans," or "Against amendment to article 135, relative to jurisdiction of the City Courts of the parish of Orleans," or "Against amendment to article 130, relative to the jurisdiction of the Civil District Courts of the parish of Orleans," or "Against amendment to article 130, relative to the jurisdiction of the Civil District Courts of the parish of Orleans." How returns shall be made and proclaimed.

R. N. OGDEN,
Speaker of the House of Representatives.

GEO. L. WALTON,
President pro tem. of the Senate.

Approved July 6, 1882.

S. D. McENERY,
Governor of the State of Louisiana.

A true copy:

WILL. A. STRONG,
Secretary of State.

No. 128.

AN ACT

To make effective the two hundred and ninth article of the Constitution, to prescribe the manner in which such elections may be held in the parishes and incorporated cities, towns and municipalities in this State, for the purpose of levying, special taxes for the purpose of constructing public buildings, bridges and works of public improvements in the parishes, cities and towns.