ACTS
PASSED
AT THE FIRST SESSION
OF THE
SIXTEENTH LEGISLATURE
OF THE
STATE OF LOUISIANA,
BEGAN AND HELD
IN THE CITY OF NEW ORLEANS,
On the 2d Day of January, 1843,
PUBLISHED BY AUTHORITY.
New-Orleans:
ALEXANDER C. BULLITT—STATE PRINTER,
1843.
PROPERTY OF
LAW LIBRARY OF LOUISIANA
ACTES
PASSÉS
A LA PREMIÈRE SESSION
DE LA
SEIZIÈME LÉGISLATURE
DE
L'ÉTAT DE LA LOUISIANE,
TENUE ET COMMENCEÉE
EN LA VILLE DE LA NOUVELLE-ORLEANS,
Le Deuxième Jour de Janvier 1843.
PUBLIÉS PAR AUTORITÉ.

Nouvelle Orleans:
ALEXANDER C. BULLITT—IMPRIMEUR D’ÉTAT.
1843.
interest as aforesaid: Provided, however, that the aforesaid privilege for work done, and taxes assessed, shall only take effect where an amount of the same, certified by the Treasurer and Comptroller of said city, shall have been duly recorded in the office of the Recorder of Mortgages of the Parish of Jefferson, whose duty it is hereby made to record the same.

Sec. 6. Be it further enacted, &c. That all Acts, or parts of Acts, contrary to the provisions hereof, are repealed.

(Signed) C. DERBY, Speaker of the House of Representatives.
(Signed) FELIX GARCIA, President of the Senate.
Approved, March 23d, 1832.
(Signed) A. MOUTON, Governor of the State of Louisiana.

No. 67.—AN ACT to amend an Act entitled "An Act to regulate the manner of holding elections in the Parish of Washington," approved March 14th, 1832.

Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the election directed by the Act to which this is an amendment to be held at the house of John Shillings, Sr., on Silver Creek, be held at the house now occupied by James Roberts, on Silver Creek, instead of the house of the said Shillings, and it shall be no longer necessary to hold an election at the house of the said Shillings.

(Signed) C. DERBY, Speaker of the House of Representatives.
(Signed) FELIX GARCIA, President of the Senate.
Approved, March 23d, 1832.
(Signed) A. MOUTON, Governor of the State of Louisiana.

No. 68.—RESOLUTION.

Whereas efforts are now being made to organize the militia, and in some portions of the State the organization is nearly completed; whereas the organization, so far as made, exhibits an increase of persons subject to military duty much greater than the number returned in January 1830, the date of the last returns; whereas there are now being organized throughout the State of Louisiana numerous volunteer corps; and whereas the organization will be retarded if not prevented by the want of arms—Therefore,

Be it Resolved, by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Governor be requested to apply to the General Government for five thousand stand of arms, for the purpose of arming the volunteer corps in this State.

(Signed) C. DERBY, Speaker of the House of Representatives.
(Signed) FELIX GARCIA, President of the Senate.
Approved, March 23d, 1832.
(Signed) A. MOUTON, Governor of the State of Louisiana.

No. 69.—AN ACT relative to the City Court of New Orleans.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That in cases above one hundred dollars, in which appeals to the Presiding City Court of New Orleans are allowed by law, said appeals shall be regulated and finally decided agreeably to the laws passed in relation to appeals in
said City Court of New Orleans previous to the increase of the jurisdiction of the Associate Judges from one hundred to one hundred and fifty dollars.

Sec. 2. Be it further enacted, &c. That the Clerk of the Presiding City Court shall keep a fee book, in which, from and after the passage of this law, all suits, whether originally instituted before said Court or brought thereon appeal, shall be entered in rotation of number as they are filed, and that in all said cases the Clerk shall charge day by day, and shall be entitled to receive in full all the costs incurred agreeably to the fee-bill of the Parish Court, which book shall at all times be placed in a conspicuous place in the office of said Clerk, open to the inspection of the Judge and of the parties and of members of the Bar.

Sec. 3. Be it further enacted, &c. That the said Presiding City Court of New Orleans shall, in relation to the appointment, duties, rights, liabilities and tenure of office of the Clerk thereof, be governed by the same laws which relate to the Clerk of the Parish Court of New Orleans in such matters, so far as the same are not inconsistent with the laws which relate specially to the Clerk of said City Court: Provided, that no law be so construed as to deprive the Senior Presiding Judge of the power of appointing the Clerk of his own Court in case of a vacancy.

(Signed) C. DERBYGNY, Speaker of the House of Representatives.
(Approved, March 23d, 1833.)
A. MOUTON, Governor of the State of Louisiana.

No. 70.—AN ACT to amend the Article three thousand one hundred and eighty-four of the Civil Code.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That an article three thousand one hundred and eighty-four of the Civil Code 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."

Sec. 2. Be it further enacted, &c. That 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 furnishers of supplies, as granted by the present act.

Sec. 3. And be it further enacted, &c. That this Act shall be in force from and after its promulgation.

(Signed) C. DERBYGNY, Speaker of the House of Representatives.
(FELIX GARCIA, President of the Senate.
(Approved, March 23d, 1833.)
A. MOUTON, Governor of the State of Louisiana.

No. 71.—AN ACT to amend the laws relative to partitions, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That 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 said co-proprietors may institute an action for partition of the whole of said tract in any one of such Parishes.

Sec. 2. Be it further enacted, &c. That 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, appels portés par devant ladite Cour de Cité, antérieurement à l’époque où la juridiction des juges associés, fut portée de cent à cent cinquante piastres.

Sec. 2me. Il est de plus décrété, &c.; Que le greffier de la Cour supérieure de Cité, sera tenu à dater de la passation de cet acte, d’insérer dans un livre de frais tenu à cet effet, tous les procès portés par devant ladite Cour, soit en première instance, soit sur appel, et ce dans l’ordre de la mise en Cour de ces procès; et que dans tous les cas, ledit greffier réclamera et aura le droit de recevoir, jour par jour, le montant total des frais faits en se réglant sur le tarif de la Cour de paroisse; et ledit livre de frais sera placé dans un endroit apparent dans le bureau du greffier, afin qu’en tout temps, le juge, les parties intéressées et les membres du barreau puissent y avoir accès.

Sec. 3me. Il est de plus décrété, &c.; Que ladite Cour de Cité de la Nouvelle-Oléans, en ce qui concerne la nomination, les devoirs, les droits du greffier de ladite Cour, le cautement à fournir par lui et les conditions de sa place, sera régie par les lois faites relativement au greffier de la Cour de paroisse d’Oléans, en semblables matières, en tant que lesdites lois ne sont point incompatibles avec les lois faites spécialement touchant le greffier de la Cour de Cité; bien entendu qu’aucune loi ne pourra s’interpréter de manière à priver le juge du droit de nommer le greffier de sa Cour dans le cas où cette place deviendrait vacante.

(Signé) C. DERBYGNY, Orateur de la Chambre des Représentants.
(FELIX GARCIA, Président du Sénat.
(Approuvé le 23 mars 1833.)
A. MOUTON, Gouverneur de l’Etat de la Louisiane.

No. 71.—ACTE pour amender l’article trois mille cent quatre-vingt-quatre du Code civil.

SECTION 1. Il est décrété par le Sénat et la Chambre des Représentants de l’Etat de la Louisiane, réunis en assemblée générale; Que l’article trois mille cent quatre-vingt-quatre du Code civil doit être modifié de manière à insérer après les mots "gérans et économés" les mots suivants: "et les dettes contractées pour les fournitures nécessaires faites à toute ferme ou habitation."

Sec. 2me. Il est de plus décrété, &c.; Que le privilège des gérans et économés, tel qu’il est concédé par ledit article trois mille cent quatre-vingt-quatre, aura la primauté sur celui du fournisseur, accordé par le présent acte.

Sec. 3me. Il est de plus décrété, &c.; Que cet acte aura force de loi à dater de sa promulgation.

(Signé) C. DERBYGNY, Orateur de la Chambre des Représentants.
(FELIX GARCIA, Président du Sénat.
(Approuvé le 23 mars 1833.)
A. MOUTON, Gouverneur de l’Etat de la Louisiane.

No. 71.—ACTE pour amender les lois relatives aux partages.

SECTION 1. Il est décrété par le Sénat et la Chambre des Représentants de l’Etat de la Louisiane, réunis en assemblée générale; Que toutes les fois que deux ou plusieurs individus seront co-propriétaires d’une étendue de terre continue, située en partie dans différentes paroisses, chacun des co-propriétaires ou un plus grand nombre d’entre eux aura le droit d’instituer une action pour le partage de la totalité de ladite terre dans chacune desdites paroisses.

Sec. 2me. Il est de plus décrété, &c.; Que dans tout partage judiciaire, par suite duquel le bien a été divisé en nature, les hypothéques et