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LETTER OF THE ATTORNEY GENERAL

relative to the suit instituted by the State vs. the Executors of John McDonough.

NEW ORLEANS, January 12th, 1852.

HON. JOSEPH WALKER —

SIR: I have the honor to transmit herewith, for the information of the Senate, a report from Messrs. Eustis, Benjamin & Slidell, Counsellors at Law, in relation to the suit instituted by the State against the Executors of the late John McDonough, and to request that you will lay the same before the Senate.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH WALKER,
Attorney General.

NEW ORLEANS, January 12th, 1852.

HON. JOSEPH WALKER, Attorney General:

SIR: In obedience to your request, we have examined the petition filed in the case of the State vs. the Executors of John McDonough, and the exceptions filed thereto, and have the honor to report as follows:

The petition sets forth that the late John McDonough, by his last will and testament, bequeathed to the State of Louisiana the sum of one million of dollars, to be employed in the construction of a Charity Hospital in the City of New Orleans, and in the purchase of a lot of ground for the site thereof; that the Executors of said will have refused to pay over said legacy, and have declared their intention to withhold the same from the State, unless the Legislature should pass an act releasing them from all responsibility in the premises, and from all liability to account for the manner in which they have administered the estate of the said John McDonough; that the Legislature has refused to pass such act, and that the Executors are now about to render their account to the Court of Probates, and to pay over to the heirs of the said John McDonough the amount of the legacy in question, unless restrained by the order of this Court; that the said legacy is a pure donation, and that the heirs of the said John McDonough are not bound to warrant the same; that the said heirs are not liable to the State for the amount of the said legacy, nor for any part thereof, and that the Executors have no right to withhold the payment of the same from the State, on account of any claim which they may have against the heirs of the said John McDonough; that the said heirs are insolvent, and that the said Executors have no claim against the State, nor any right to withhold the payment of the said legacy on account of any claim which they may have against the heirs of the said John McDonough;