FICIAL:

TE OF LOUISIANA.

PROCEEDINGS

OF THE

ERAL ASSEMBLY.

ERAL OF THE SENATE.

Thirty-Fifth Day's Session.

SATURDAY, August 8, 1868.

Senate was called to order by the at twelve o'clock.

ll was called; present the following

:

son, Bacon, Braughn, Campbell, d, Day, Egan, Foute, François, Jenks, E. L. Jewell, F. L. Jewell, Lewis, Lynch, Monette, Offutt, Packard, Poindexter, Pollard, Ray, Todd, White, Whitney, Wilcox, Wil- Wittgenstein—30.

r by the Chaplain, Rev. Mr. Tur

otion of Mr. Coupland the minutes pensed with after a correction by ch.

STANDING COMMITTEES.

ay, from the Committee on the Ju- reported progress.

ports from other committees.

RESOLUTIONS.

Blackman offered the following joint on:

resolved by the Senate and House of ntatives in General Assembly con- That a committee of five, two from ate and three from the house, to be ed by the President of the Senate Speaker of the House respectively, purpose of inquiring into the num- clerks and employes of the General ly, and to report as soon as possible if said employes are excessive in and whether or not the services of f said employes could not be dis- with.

solution was read.

Blackman asked for a suspension of s, to read the resolution a second

ules were suspended, and the reso- read.

otion of Mr. Blackman the rules suspended, and the bill considered d for a third reading.

Blackman asked for a further suspen- the rules for a third reading.

ules were suspended, and the resolu- d.

otion of Mr. Blackman the bill was finally, and adopted by its title.

NOTICES OF BILLS.

Packard gave notice that on a future would introduce a bill entitled an cribing the time and mode of hold- ctions for State and parish officers, making returns thereof.

oute gave notice that on Monday he introduce a bill for the relief of olition Female Orphan Asylum.

Hara gave notice that on Monday ld introduce a bill in relation to ice Jury Wards of Terrebonne

ld gave notice that on some future would introduce a bill to repeal an roved March 22, 1866, to authorize ons who have obtained the proper to open, and keep open at all hours day, private markets, stores, or in any part of the city of New Or- e, the sale of meats, game, poultry, s, fruits, and fresh fish.

S ACCORDING TO PREVIOUS NOTICE.

for the relief of Michael McGinnis oduced and read.

tion of Mr. Ray the rules were sus- the bill read a second time, and re- the Committee on Claims.

mpbell introduced an act to incor- he Loan and Pledge Association.

ckard, on a suspension of the rules, ice that on a future day he would e a bill entitled an act defining the nd powers of the Police Jury of the f Orleans, right bank.

pch asked for a suspension of the take up Senate bill No. 74, substi- Senate bill No. 20, and House bill n act to amend an act entitled an tive to public printing, approved 1868.

ules were suspended and the bill

pch moved to amend the first sec- nserting the words "or it already as soon after this bill shall have fter the word "selection" in line

endment was adopted.

pch moved to amend section fourth g after the word "square" in line words "for the entire term of such vent, and in proportion thereto nger term."

endment was adopted.

ckman moved to strike out all after "proper" in line nineteen of sec- to the word "such" in line twen- the same section.

y moved to lay Mr. Blackman's n the table.

ell called for the yes and nays.

s and nays were ordered, result-

Campbell, François, Jenks, E. L. Kelso, Monette, O'Hara, Packard, er, Pollard, Ray, Smith, Whitney, Williams, and Wittgenstein—20.

Anderson, Bacon, Blackman, Day, Egan, Futch, and White—8.

ckman's amendment was laid on

erk of the House of Representa- peared, with a message from the ed asked concurrence of the Sen- ose bill No. 86, an act authorizing Auditor to employ two additional messengers, and House bill No. resolution appropriating exclu- e balance of one hundred and fifty dollars for the payment of mem- ers, and employes of the General

ion of Mr. Lynch Senate bill No. considered engrossed for a third

pch asked for a suspension of the ut the bill on its third reading.

e were suspended and the bill

ion of Mr. Lynch the bill was ally as amended, and adopted

e

pch asked for a suspension of the ake up Senate bill No. 35, an act to e the New Iberia, Vermillionville, Railroad Company.

was being read, when on motion further reading of the bill was with.

on of Mr. Ray the bill was taken by section.

second, third, fourth, fifth, and ions were read and adopted.

ith section was read.

pland moved to substitute the word "two" for the word "three" in line six.

The motion was lost.

On motion of Mr. Lewis the seventh section was adopted.

The eighth section was read.

Mr. Bacon moved to strike out all of line thirty, and insert the words "passage of this act."

Mr. Bacon's amendment was adopted.

On motion of Mr. Lewis the eighth section was adopted as amended.

The ninth, tenth, and eleventh sections were read and adopted on motion of Mr. Lewis.

The twelfth section was read.

Mr. Foute moved to amend the section by striking out all the words after the word "act," in line ten, to the word "and," at the beginning of line twelve.

Mr. Foute's amendment was adopted.

On motion of Mr. Foute section twelve was adopted as amended.

Sections thirteen and fourteen were read, and on motion of Mr. Lewis were adopted.

Mr. Foute asked for a suspension of the rules to put the bill on its third reading.

The rules were suspended and the bill read.

On motion of Mr. Foute the bill was passed finally as amended, and adopted by its title.

Mr. Lynch asked for a suspension of the rules to take up Senate bill No. 18, an act to regulate proceedings in reference to persons claiming the benefits of article ninety-nine of the constitution of the State, concurred in by the House with an amendment.

The amendment was read as follows:

SEC. 3. No person shall be required to make the above recantation who prior to the first of January, 1868, favored the execution of the laws of the United States popularly known as the reconstruction acts of Congress, and openly and actively assisted the loyal men of the State in their efforts to restore Louisiana to her position in the Union. The oath of such person before any authority authorized to administer the same shall be *prima facie* evidence of the fact.

SEC. 4. This act shall take effect from and after its passage.

Mr. Packard asked for a suspension of the rules to take up on its third reading Senate bill No. 31.

On motion of Mr. Ray the amendment was concurred in.

On motion of Mr. Ray, Mr. Lynch was granted leave of absence for fifteen days.

On motion of Mr. Coupland Mr. Thompson was granted leave of absence for five days.

Mr. Ray asked for a suspension of the rules to take up Senate Bill 31.

An act creating a board of registration to superintend the registration of the qualified electors of the State.

The rules were suspended and the bill read.

On motion of Mr. Packard the bill was finally passed as amended, and adopted by its title.

Mr. O'Hara asked for a suspension of the rules to take up House bill No. 27, joint resolution authorizing Thomas W. Conway, Superintendent of Public Education, to rent an office and to employ an assistant and a clerk.

The rules were suspended.

Pending the reading of the bill a call was made for an executive session.

The Senate went into executive session.

The executive session having been raised, the Senate adjourned.

Thirty-Sixth Day's Session.

MONDAY, August 10, 1868.

The Senate was called to order by the President at eleven o'clock.

No quorum present.

The President ordered the Sergeant-at-Arms to bring in absent members.

At half-past eleven o'clock the roll was called a second time, present the following members:

Anderson, Bacon, Blackman, Braughn, Campbell, Coupland, Day, Egan, Foute, François, Jenks, E. L. Jewell, Kelso, Offutt, O'Hara, Poindexter, Pollard, Ray, Smith, Todd, White, Whitney, Wilcox, Williams, and Wittgenstein—23.

Prayer by the Rev. Mr. Kingston.

The reading of the minutes was dispensed with.

STANDING COMMITTEES.

The following committees reported progress:

Mr. Ray, from the Committee on Judiciary.

Mr. Smith from the Committee on Elections.

Mr. O'Hara from the Committee on Claims.

Mr. Ray from the Committee on Internal Improvements.

Mr. Day from the Committee on Visiting the Penitentiary.

Mr. Campbell from the Committee on Corporations, reported favorably upon Senate bill No. 89, act relative to the inspection of weights and measures in that portion of the parish of Orleans on the right bank of the river Mississippi.

NOTICES OF BILLS.

By Mr. Day:

Notice that on a future day he will introduce a bill for the relief of the parishes of Washington, St. Martin, Livingston, Rapides, Terrebonne, Jefferson, St. Tammany, Caddo, city of Jefferson, and parish of St. Charles, making appropriations to pay school warrants 384, 385, 387, 389, 390, 391, 392, 393, 423, and 429.

BILLS ACCORDING TO PREVIOUS NOTICE.

Mr. O'Hara introduced Senate bill No. 102, an act relative to the division of the eleventh ward of the parish of Terrebonne, which was read.

On motion of Mr. O'Hara the rules were suspended, the bill read a second time, and referred to the Committee on Corporations.

Mr. Ray asked for a suspension of the rules to introduce a bill to provide pensions for the veterans of 1814-15, according to the requirements of article 124 of the constitution of 1868.

The rules were suspended, and the bill read twice.

On motion of Mr. Ray the bill was referred to the Judiciary Committee.

Mr. Ray asked for a suspension of the rules to introduce a bill, an act to amend the first section of an act entitled an act to incorporate the town of Mouroe, in the parish of Ouachita, and to provide for the government of the same, approved March 8, 1866.

The rules were suspended, and the bill read twice.

On motion of Mr. Ray the bill was referred to the Committee on the Judiciary.

The Clerk of the House of Representatives appeared with a message from the House, asking concurrence of the Senate in House bill No. 109, an act to prohibit the formation and continuance of military organizations, except such as are established by law and that form part of the State militia.

Mr. Ray asked for a suspension of the rules, to introduce a bill for the relief of Robert J. Caldwell.

The rules were suspended and the bill read twice.

On motion of Mr. Ray, the bill was referred to the Committee on Claims.

Mr. Day, from the Committee on Enrollment, reported as duly enrolled an act to regulate proceedings in reference to persons claiming the benefits of article ninety-nine of the constitution of the State.

UNFINISHED BUSINESS.

Mr. Campbell called up House bill No. 37, an act to empower the Superintendent of Public Education to rent a suitable building for his office, and to appoint one assistant superintendent and one secretary.

After some debate,

Mr. E. L. Jewell moved to lay the whole matter on the table.

Mr. O'Hara called for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Bacon, Blackman, Beares, Braughn, Day, Egan, Jewell, E. L., Jewell, F. L. Offutt, and White—10.

Nays: Anderson, Campbell, Coupland, François, Kelso, Monette, O'Hara, Packard, Pollard, Poindexter, Ray, Smith, Wilcox, Williams, and Wittgenstein—15.

Mr. Campbell moved the postponement of the bill, and that it be made the special order of the day for to-morrow at one o'clock P. M.

Adopted.

Mr. Wittgenstein asked for a suspension of the rules to introduce a bill—joint resolution, ceding to the United States jurisdiction over lands in the State of Louisiana set apart for national cemeteries.

The rules were suspended and the bill read twice.

On motion of Mr. Wittgenstein, the bill was referred to the Committee on Federal Relations.

BILLS ON THEIR FIRST READING.

House bill No 17, an act to amend an act entitled an act relative to monitions, and the mode of proceedings to secure purchasers at tax sales, was taken up and read.

Mr. Ray asked for a suspension of the rules to put the bill on its second reading.

The rules were suspended and the bill read.

On motion of Mr. Ray the bill was referred to the Judiciary Committee.

House bill No. 107, joint resolution guaranteeing the right of free speech to all citizens of this State, was taken up and read.

Lies over under the rules.

House bill No 86, an act to re-establish the burnt records of the parish of Winn was taken up and read.

Mr. Ray asked for a suspension of the rules to put the bill on its second reading.

The rules were suspended and the bill read.

On motion of Mr. Ray the bill was referred to the Judiciary Committee.

House bill No. 25, an act providing a remedy against usurpation, intrusion into, or the unlawful holding or exercising a public office or franchise in this State, was taken up and read.

Mr. Ray asked for a suspension of the rules to put the bill on its second reading.

The rules were suspended and the bill read.

On motion of Mr. Ray the bill was referred to the Judiciary Committee.

House bill No. 86, an act authorizing the State Auditor to employ two additional clerks and messengers, was taken up and read.

Mr. Ray asked for a suspension of the rules to put the bill on its second reading.

The rules were suspended, and the bill read.

On motion of Mr. Ray the bill was referred to the Finance Committee.

House bill No. 126, joint resolution appropriating exclusively the balance of $150,000 for the payment of the members, officers, and employes of the General Assembly, was taken up and read.

Mr. Ray asked for a suspension of the rules to put the bill on its second reading.

The rules were suspended, and the bill read.

On motion of Mr. Ray the bill was finally passed and adopted by its title.

SPECIAL ORDER OF THE DAY.

House bill No. 89, an act to authorize the organization of a uniformed militia, and to provide for its instruction and duties, was taken up and read.

On motion of Mr. Ray the bill was taken up section by section.

The first section was read.

On motion of Mr. Campbell, the first section was adopted.

The second section was read.

Mr. Ray moved to substitute the word "forty" for the word "thirty" in line 5.

The amendment of Mr. Ray was adopted.

On motion of Mr. Campbell the second section was adopted.

A message from the Governor was received.

The third section was read.

Mr. Blackman moved to amend by striking out in the fifteenth line the words "in his discretion," and to insert after the word "lieutenant" in the nineteenth line the words "after their election by said company."

Mr. Campbell moved to lay Mr. Blackman's amendment on the table.

A rising vote being taken resulted in 12 yeas, 12 nays—a tie.

The President ordered the yeas and nays to be taked on the question, with the following result:

Yeas: Campbell, François, Jenks, Kelso, Monette, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Todd, Whitney, Wilcox, and Wittgenstein—15.

Nays: Anderson, Bacon, Blackman, Braughn, Darrall, Day, Egan, Foute, F. L. Jewell, Offutt, and White—11.

Mr. Blackman's amendments were laid on the table.

On motion of Mr. Campbell section second was adopted.

Section three was read.

On motion of Mr. Campbell section three was adopted.

Section four was read.

On motion of Mr. Day the word "nor" was substituted for the word "or" in line three.

On motion of Mr. Campbell the section was adopted.

Section five was read.

[The Clerk of the House of Representatives appeared with a message from the House asking concurrence of the Senate in House bill No. 56, an act relative to the New Orleans and Chattanooga Railroad Company, a corporation of the State of Alabama, and authorizing and empowering said railroad company to exercise and enjoy its corporate powers and franchises in the State of Louisiana.]

Mr. Smith moved to substitute "the tactics of Casey" for the "tactics of the United States army" in lines five and six.

Mr. Blackman moved to lay Mr. Smith's amendment on the table.

The amendment was tabled.

On motion of Mr. Campbell the section was adopted.

Section six was read.

Mr. Ray moved to amend by striking out all of the section after the word "army" in line eighteen.

The amendment was adopted.

The section was adopted on motion of Mr. Ray.

Section seven was read.

On motion of Mr. Campbell, the section was adopted.

Mr. O'Hara offered the following as section eight:

Be it further enacted, That when the said militia companies are in actual service on account of riot or disorder they shall be paid and rationed out of the treasury of said parish.

On motion of Mr. Blackman, the additional section was laid on the table.

Mr. Campbell offered the following as section eight:

Be it further enacted, That all acts or parts of acts conflicting with this act be and they are hereby repealed.

On motion of Mr. Campbell, the additional section was adopted.

Section nine was read.

On motion of Mr. Campbell, the section was adopted.

On motion of Mr. Ray, the bill was adopted as a whole as amended.

Mr. Ray moved that the amendments be considered engrossed for a third reading of the bill.

Adopted.

Mr. Ray asked for a suspension of the rules to put the bill on its third reading.

Objected to by Mr. Smith.

The President ordered the yeas and nays, which resulted as follows:

Yeas: Anderson, Bacon, Beares, Blackman, Campbell, Coupland, Darrall, Day, Egan, Foute, François, Jenks, Monette, Offutt, O'Hara, Packard, Pollard, Ray, White, Whitney, Wilcox, and Wittgenstein—22.

Nays: Smith—1.

The rules were suspended and the bill read.

On motion of Mr. Ray, the bill passed finally and was adopted by its title.

The following is the bill as amended:

To authorize the Organization of the Uniformed Militia, and to provide for its Instruction and Duties.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That in any parish in this State one or more companies, battalions, and regiments of uniformed militia may be organized, armed, and instructed in accordance with the provisions of this act.

SEC. 2. Be it further enacted, etc., That whenever in any parish not less than twenty or more than sixty citizens between the ages of eighteen and forty five years shall form themselves into a company, and shall uniform themselves in such style as shall have been approved by the Governor, and shall apply for permission to organize such company, and to be exempt from duty in any other militia corps, the Governor shall have the authority in his discretion to approve such organization, and to commission from its members a Captain, First Lieutenant, and Second Lieutenant, and the said Captain shall have authority to appoint by warrant the non-commissioned officers of such company, and said company shall become a portion of the militia of this State.

SEC. 3. Be it further enacted, etc., That whenever in any parish not less than two or more than five such companies shall be organized and approved by the Governor, he shall have authority to organize the same as a battalion, and commission a Major, Adjutant, and Quartermaster thereof, and such battalion shall become a portion of the militia of this State.

SEC. 4. Be it further enacted, etc., That whenever not less than six nor more than ten such companies shall have been organized and approved by the Governor, it shall be lawful for the Governor to organize the same into a regiment and commission a Colonel, Lieutenant Colonel, and Surgeon thereof, and such regiment shall become a portion of the militia of the State.

SEC 5. Be it further enacted, etc., That the said uniformed companies, battalions, and regiments shall be instructed in the tactics of the United States army, and it shall be their duty, at least four times in each year, to parade for inspection and review. They shall be supplied with proper arms and equipments by the State, for which receipts shall be given, and for which returns shall be made in accordance with such regulations as the Governor shall prescribe.

SEC. 6. Be it further enacted, etc., That the members of such uniformed militia companies, battalions, or regiments shall be exempt from duty in any other military organization. They shall be subject to be called out, either as companies, battalions, or regiments by the Governor into active service to suppress insurrection, rebellion, or riot, or repel invasion; and shall during such necessary active service, and at no other time, be entitled to the same pay, allowances, and rations as provided by the laws of the United States for officers and soldiers of its army.

SEC. 7. Be it further enacted, etc., That if at any time any company, battalion, or regiment organized under this act shall neglect its duty in respect to drill, discipline, or parade, it shall be lawful for the Governor to dissolve such company, battalion, or regiment (and in case a battalion or regiment be dissolved, to assign its companies to some other organization, or to maintain them independently), and to demand and receive from the same all arms, equipments, and other public property which may have been delivered to the same under the provisions of this act.

SEC. 8. Be it further enacted, etc., That all acts or parts of acts conflicting with this act be and they are hereby repealed.

SEC. 9. Be it further enacted, etc., That this act shall take effect from and after its passage.

Senate bill No. 19, an act to establish a Board of Public Works for the State of Louisiana, and to define the duties of the same, was taken up and read.

On motion of Mr. Ray, the bill was taken up section by section.

The first and second sections were read.

On motion of Mr. Ray the sections were adopted.

The third section was read.

Mr. Ray moved to amend by striking out all of the section from the beginning of line nine, and inserting the following: "That the Third District shall comprise all that part of the State south and west of the Mississippi river to the Gulf and the Texas State line, from its mouth to the mouth of Red river, and bounded on the north by the parishes of Rapides and Avoyelles.

"That the Fourth District shall comprise all that portion of the State bounded on the south by the parishes of Pointe Coupee, St. Landry, and Calcasieu, on the east by the Mississippi river to the northern boundary of Concordia parish, and including the parishes of Concordia, Catahoula, Winn, Bienville, Claiborne, and the parishes lying south and west of said parishes to the Texas State line.

"That the Fifth District shall embrace the parishes of Tensas, Madison, Carroll, Morehouse, Ouachita, Caldwell, Franklin, Jackson, and Union."

On motion of Mr. Ray the amendment was adopted.

On motion of Mr. Ray the section was adopted.

The fourth section was read and on motion of Mr. Ray was adopted.

Mr. Wilcox moved to reconsider the vote on the adoption of section third.

Adopted.

Mr. Wilcox moved to amend section third by inserting the words "State line" in line fifteen, after the word "Mississippi," and to strike out all after the word "Mississippi" in line 15, to include line 17.

Adopted.

The section was then adopted as amended.

Section five was read.

Mr. Bacon moved to amend by inserting "not to exceed $200 per month" after the word "determine" in line seven.

Mr. Bacon's amendment was adopted.

The sixth, seventh, eighth, and ninth section were read and adopted on motion of Mr. Ray.

On motion of Mr. Ray the bill as amended was adopted as a whole.

On motion of Mr. Ray the bill was considered engrossed for a third reading.

Mr. Ray asked for a suspension of the rules to put the bill on its third reading.

The rules were suspended and the bill read.

On motion of Mr. Ray the bill was passed finally and adopted by its title.

A call being made to go into executive session, the Senate went into executive session and adjourned thereafter.

Thirty-Seventh Day's Proceedings.

TUESDAY, August 11, 1868.

The Senate was called to order by the President at eleven o'clock.

The roll was called, present the following members:

Anderson, Bacon, Beares, Blackman, Campbell, Coupland, Darrall, Day, Egan, François, Futch, Jenks, E. L. Jewell, F. L. Jewell, Kelso, Lewis, Monette, Offutt, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Todd, White, Whitney, Wilcox, Williams, and Wittgenstein—30.

Prayer by the Chaplain Rev. Mr. Turner.

On motion of Mr. Ray the reading of the minutes was dispensed with.

STANDING COMMITTEES.

Mr. Ray, from the Committee on the Judiciary, reported a substitute for Senate bill No. 90, an act to create a Recorder's Court in the city of Jefferson.

Also favorably upon a bill to provide for pensions for the veterans of 1814-15, according to the requirements of article 124 of the constitution of 1868.

Mr. Ray, from the Committee on Internal Improvements, reported progress.

Mr. Beares, from the Committee on Visiting the Penitentiary, reported progress.

Mr. Wilcox, from the Committee on Federal Relations, reported favorably upon Senate joint resolution ceding to the United States jurisdiction over land in the State of Louisiana for national cemeteries.

Mr. Wilcox asked for a suspension of the rules to put the bill on its third reading.

The rules were suspended, the bill considered engrossed, and read a third time.

On motion of Mr. Wilcox the bill was passed finally and adopted by its title.

Mr. Ray offered a petition from citizens of the parish of Iberville adversely to the opening of Bayou Plaquemines.

On motion of Mr. Ray the petition was received and the reading dispensed with.

MOTIONS.

Mr. Ray moved that the order of the day be changed from one o'clock to twelve o'clock M. daily.

RESOLUTIONS.

Mr. Day offered the following resolution:

WHEREAS it is of the utmost importance that the members of the General Assembly of the State of Louisiana, as well as the various civil officers of the State, should be supplied with a copy each of the Civil Code, Code of Practice, and Revised Statutes, in order to enable them fully and intelligently to discharge their respective duties. Therefore, be it

Resolved by the Senate that the Judiciary Committee be requested to examine into the number of copies of the Civil Code and Code of Practice now on hand belonging to the State, and report as to the necessity of revising said Civil Code and Code of Practice, and also the statutes of the State, and bring such bill as in their judgment may be necessary to meet the requirements of the case.

The resolution was adopted.

Mr. Ray asked for a suspension of the rules to introduce a bill, an act exempting from seizure the wages of employes of the city of New Orleans.

The rules were suspended and the bill read.

Mr. Ray asked for a further suspension of the rules to put the bill on its second reading.

The rules were suspended and the bill read.

Mr. Ray moved to strike out the word "dollars" in line sixteen, and insert instead the words "not less than one hundred dollars per annum, and as much more as the Police Jury may fix," and in line twenty-one to substitute the word "recover" for "receive."

Mr. Ray's amendments were adopted, and the ninth section thereafter adopted as amended.

The tenth, eleventh, and twelfth sections were then adopted on motion of Mr. Ray.

On motion of Mr. Ray the bill was adopted as a whole.

On motion of Mr. Ray the rules were suspended and the bill underwent its second and third readings, passed finally, and was adopted by its title.

The bill as amended is as follows:

Senate bill No. 57—

An act providing for the appointment of a District Attorney pro tempore by each parish, who shall be Parish Attorney, and defining his duties and powers, and the mode of proceeding in criminal cases in the district and parish courts, and providing for the salary and fees of the Parish and District Attorneys pro tempore.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That within thirty days after the date of the promulgation of this act, there shall be appointed a District Attorney pro tempore in each parish in this State, except the parish of Orleans, by the Police Jury of the parish. And in the event of the failure of the Police Jury to make such appointment within the time aforesaid the Parish Judge of the parish shall make such appointment; and in the event of the death, resignation, or other disability of such District Attorney pro tempore, attend to the duties required of him in this act, the Parish Judge shall fill the vacancy by appointment to continue for the term for which the District Attorney for the district was appointed or elected.

SEC. 2. Be it further enacted, etc., That the District Attorneys pro tempore authorized to be appointed by the first section of this act shall hold their offices for and during the same period the District Attorney for the Judicial District was elected or appointed. He shall have all the qualifications required to hold office in the State, and shall attest his eligibility to office, and take the same oath of office required of all other officers of this State.

SEC 3. Be it further enacted, etc., That the said District Attorneys pro tempore are hereby authorized and required to discharge and perform each and any duty required by law of the District Attorney for the district, both in the Supreme, District, and Parish Courts, and before committing courts, for the parish in which they may be appointed, in the absence of the District Attorney for the district, or in case of his disability or refusal to act.

SEC. 4. Be it further enacted, etc., That it shall be the duty of the District Attorneys pro tempore to attend the regular terms of the Parish Courts at which criminal cases may be tried, and in the absence of the District Attorney to file informations in said courts against all persons accused of crimes in such parishes which may be cognizable in said courts, and upon filing such informations it shall be the duty of said courts to cause warrants to issue for the arrest of such accused persons, and to fix the amount of bail bond to be given by them when arrested, and to take such bonds, or to authorize the Sheriff, Coroner, or some Constable to do so, which bail bonds shall be forfeited, prosecuted on, and collected in the same way in the Parish Courts when the amount does not exceed five hundred dollars, as bonds taken to appear in the District Court.

SEC. 5. Be it further enacted, etc., That at each term of the Parish Court at which criminal jurisdiction may be exercised, all accused persons against whom informations may have been or may be filed in the Parish Courts, and who are under arrest, or who have given bond for their appearance in said courts, and all accused persons in actual custody charged with other offenses cognizable before the Parish Courts, shall appear, if under bond, or be brought by the Sheriff or other officer, if in actual custody, before the Parish Court, and such accused shall without being required to make any motion, plea, or answer to such information, first decide whether they will waive trial by jury in the case; which decision of the accused shall be entered on the minutes of the Court: and should he decide not to waive trial by jury, the information, warrant, recognizance, bond, if any, and a copy of his decision, and all the proceedings in the case shall be transferred to the District Court for trial; and such accused shall be required to appear in the District Court, and there answer the charge, the same as if all the proceedings had been had in that Court, and he shall be liable to have his bond forfeited, and incur all other penalties by his failure to appear and defend the case in the District Court, the same as if the proceedings had been all had and commenced in that Court.

SEC. 6. Be it further enacted, etc., That if the person charged with an offense shall decide to waive trial by jury, such decision shall be entered on the minutes of the Parish Court, and the Parish Court shall then take cognizance of the case and proceed to try and determine the case. And it shall be the duty of said District Attorney pro tempore for the parish, in the absence of the District Attorney for the district, to represent the State, and prosecute such accused in the Parish Court, and to perform all the duties required of the District Attorney in such cases.

SEC. 7. Be it further enacted, etc., That in all cases of indictment or information originating and filed in the district courts of the several parishes in this State, except the parish of Orleans, when the penalty is not necessarily imprisonment at hard labor or death, before the accused shall be required to file any motion, plea, or other defense, he will be required to decide whether he will waive trial by jury in the case, which decision shall be entered on the minutes of the court, and if the accused shall decide that he waives trial by jury, the District Court shall proceed to try the case, and if for any cause the case is not tried during that term of the District Court, then the indictment or information, with the recognizance bond and a copy of all the minutes of the District Court in relation to the case, and all papers and records in possession of the Clerk or any other officer of the District Court shall be transferred to the Parish Court, and the Parish Court shall take jurisdiction of and try, and determine the case according to law; and the District Attorney *pro tempore* shall, in the absence of the District Attorney, represent the State in such cases in the Parish Court.

SEC. 8. Be it further enacted, etc., That the District Attorney pro tempore of any parish shall be authorized to take all legal proceedings to procure the forfeiture of any recognizance bond for the appearance of any party accused in the Parish Court, or any such bond transferred in any criminal case from the District Court to the Parish Court for trial, as is provided for in this act; Provided, the principal of said bond does not exceed five hundred dollars; if so, the case in which any bond exceeding in principal five hundred dollars was pending, or had been tried in the Parish Court, and the accused had forfeited his bond by his failure to comply with its terms, the bond, with a copy of the orders of the Parish Court, showing the forfeiture of the bond must be certified and transferred to the District Court, which bond, and the orders of the Parish Court, shall be legal evidence to be proceeded on in the District Court to obtain judgment of forfeiture on such bond, and the same shall be proceeded on in the District Court according to law.

SEC. 9. Be it further enacted, etc., That the District Attorneys pro tempore, appointed according to the provisions of this act, shall be the parish attorneys for the parishes for which they are appointed District Attorneys pro tempore, and shall represent such parish in any case in which such parish may be interested, and perform such other duties as attorneys for the benefit of such parish as may be required by the Police Jury; that they shall be paid by such parish a salary of not less than one hundred dollars per annum, and as much more as the Police Jury may fix, out of the treasury of such parish quarterly, on their own warrant, and the further sum of five per cent commissions on any amount they may recover in any suit in favor of such parish; and a fee of five per cent on the amount for defending any suit in which such parish is defendant, to be paid by the parish.

SEC. 10. Be it further enacted, etc., That the said District Attorney pro tempore for any parish shall be entitled to receive the sum of ten dollars on each criminal prosecution in which the accused shall be convicted in the Parish Court when he acts as prosecuting, attorney to be taxed with the costs, and that whenever the District Attorney for the district shall not attend any term of the District Court, or when he is recused, and the District Attorney pro tempore appointed by this act shall be required to prosecute on behalf of the State, or to represent the State in any suit, such District Attorney pro tempore shall be paid such amount as may be allowed by the Court, to be paid by the Auditor of the State out of the salary of the District Attorney on the warrant of the Judge.

SEC. 11. Be it further enacted, etc., That the District Attorneys pro tempore shall make a written report to the Attorney General of the State by the first day of December each year, stating the number of prosecutions for crimes in the Parish Courts of their respective parishes, the nature of the crimes so prosecuted, the number of convictions, and such other facts as to them may seem important to be communicated to the General Assembly.

SEC. 12. Be it further enacted, etc., That all laws or parts of laws inconsistent with or contrary to the provisions of this act be and the same are hereby repealed.

Mr. Bacon, on a suspension of the rules, gave notice of a bill to incorporate the "Mercantile College."

Mr. Ray, on a suspension of the rules, called up Senate bill No. 90, substitute reported by Judiciary Committee to create a Recorder's Court for the parish of Jefferson.

On motion of Mr. Todd the salary of the Recorder was amended to be $1800 instead of $2500.

The bill went through its various readings and was finally passed.

On a suspension of the rules Mr. Ray called up Senate bill No. 88, an act to amend and readopt an act relative to corporations and public improvements.

The bill went through its various readings and was finally adopted.

The order of the day was taken up.

BILLS ON THEIR FIRST READING.

House bill No 109, an act to prohibit the formation and continuance of military organizations, except such as are established by law and that form part of the State militia, was taken up and read.

Mr. Blackman asked for a suspension of the rules to put the bill on its second reading.

The rules were suspended and the bill read.

On motion of Mr. Blackman the bill was referred to the Committee on Militia.

House bill No. 56, an act relative to the New Orleans, Mobile, and Chattanooga Railroad Company, a corporation of the State of Alabama, and authorizing and empowering the said company to exercise and enjoy its corporate powers and franchises in the State of Louisiana, was taken up and read.

On a suspension of the rules, the bill was put on second reading.

On motion of Mr. Ray the bill was referred to the Committee on Internal Improvements.

SPECIAL ORDER OF THE DAY.

House bill No. 37, an act to empower the State Superintendent of Public Education to rent a suitable building for his office, and to appoint an assistant Superintendent and one Secretary.

After a lengthy debate, on motion of Mr. Ray, the bill was recommitted to the Committee on Public Education.

The President: I will state to the Senate that House bill No. 66 known as the Lottery Bill, is before me for my signature. The law requires me to sign it, but I do so under protest. I regard it as a monopoly, and a detriment to the financial interests of the City and State. I wish my protest spread upon the minutes.

The Assistant Clerk of the House of Representatives appeared, and announced that the House had concurred in the amendments of the Senate to House bill No. 89, an act to authorize the organization of a uniformed militia, and to provide for its instruction and duties, except in the amendment to section six.

On motion the bill was taken up.

Mr. Ray moved that a Committee of Conference, consisting of three members of the Senate, be appointed, and that the House be notified that the Senate adhere to its amendment in section six, and that the House be requested to appoint a committee to confer with the Senate.

Adopted.

BILLS ON THEIR SECOND READING.

Senate joint resolution No. 8, for the recovery of the State and city bonds and other property at Washington City, D. C., substitute for House bill No. 24, returned from the House of Representatives with the information that the House adhered to its own bill, was taken up.

On motion of Mr. Ray the bill was laid on the table subject to call.

Senate bill No. 79, an act to establish a Metropolitan Police, was taken up.

On motion of Mr. Campbell the bill was made the special order of the day on Thursday next at one o'clock P. M.

Senate bill No. 24, an act to organize a constabulary force for the State, reported unfavorably upon by a majority of the Committee on Corporations and Parochial Affairs, and Senate bill No. 29, minority report, from the same committee, were taken up.

On motion of Mr. Campbell the bills were ordered to be printed and made the special order of the day on Saturday.

House bill No. 12, an act permitting Judges to act as counsel in certain cases, was taken up.

On motion of Mr. Ray the bill was laid on the table, subject to call.

Senate bill No. 73, an act defining the duties and compensation of State Tax Collectors.

On motion of Mr. Ray the bill was postponed indefinitely.

House bill No. 41, an act tendering a vote of thanks to the President and members of the Board of Registration.

The President called Mr. Jenks to the chair.

The bill was read and lies over under the rules.

The President resumed the chair.

Mr. Todd moved to adjourn.

The motion was lost.