THE LEGISLATURE.

[CONTINUED FROM THIRD PAGE.]

one year or more under the Confederate States.

Third. That he voluntarily enlisted in the rebel military service.

Fourth. That he registered himself as an open enemy to the United States government; and

Fifth. That he has not proved any open and active assistance on his part to the loyal men of Louisiana in their efforts to restore Louisiana to the Union, or relieved himself of his disability by filing the certificate of recantation required by the constitution, and he is therefore ineligible both under the provisions of the fourteenth amendment to the Constitution of the United States, and of the constitution of this State.

Thus the majority of the Senate have in our judgment, both in the manner and in the results of their proceedings in the premises, without deliberation, without reflection, and without that fair and impartial hearing of both sides of the case which even ordinary courtesy would seem to demand, upon the indorsement in one case of two, and in the other two cases of but one of the committee done injustice to the rights of the contestants and of their constituencies.

They have, moreover, overruled the solemn judgment of a large majority of their own committee, which had been formed after a long, laborious, and conscientious examination of the subject, and excluded from the representation to which they were legally entitled the loyal citizens of a large and important district.

In no spirit of partisanship or of disrespect, either toward the Senate or toward the gentlemen whose seats were contested, but acting upon a solemn sense of our duty and of our responsibility to the people whom we represent, we respectfully ask that this protest be spread upon the journal.

HUGH J. CAMPBELL,
Senator Second Senatorial District Orleans;
A. R. FRANCOIS,
CURTIS POLLARD,
ROBERT POINDEXTER.

On motion of Mr. Campbell the protest was ordered to be spread upon the minutes.

RESOLUTIONS.

Mr. O'Hara offered the following resolution:

Resolved, That Geo. W. Mader, David Wilson, and Solomon Moses be allowed the same per diem as members of the Senate to this date.

Mr. Todd moved to postpone indefinitely the consideration of the resolution.

The motion was lost by a rising vote of 10 yeas, 11 nays.

Mr. Ray moved that the following resolution, introduced by him on Wednesday, be taken up as a substitute for Mr. O'Hara's resolution:

Resolved, That the petition in the cases of George W. Mader, David Wilson, and Solomon R. Moses vs. M. A. Foute, G. H. Braughn, and R. N. Ogden, be and they are hereby withdrawn from the Committee on Election and Returns, and are dismissed by the Senate; and the contestants in said cases be allowed the per diem allowed to members of the Senate, from the first day of the session to the present time; that they be allowed to draw the same on their own warrant, countersigned by the chairman of the Committee on Contingent Expenses for the Senate.

Mr. E. L. Jewell called for the yeas and nays, which were ordered, resulting:

Yeas: Bacon, Beares, Blackman, Campbell, Coupland, Darrall, Day, Egan, François, Futch, Jenks, F. L. Jewell, Kelso, Lewis, Monette, Ogden, O'Hara, Poindexter, Packard, Pollard, Ray, Thompson, White, and Wittgenstein—24.

Nays: E. L. Jewell, Todd, Whitney, and Wilcox—4.

Mr. O'Hara asked for a suspension of the rules to introduce a bill relative to the "Orleans Slaughter House Company."

Rules suspended by a rising vote of 22 yeas, 1 nay.

The bill was being read when Mr. Blackman moved that the further reading of the bill be dispensed with.

The motion was adopted.

On motion of Mr. O'Hara the bill was ordered to be printed.

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

Rules suspended by a rising vote of 18 yeas, 1 nay.

Mr. O'Hara moved to refer the bill to the Committee on Corporations.

Mr. Packard moved to amend by referring the bill to a special committee of five.

Mr. O'Hara moved to lay Mr. Bacon's amendment on the table, and called for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Anderson, Bacon, Beares, Blackman, Coupland, Day, Egan, Foute, Futch, Jenks, E. L. Jewell, F. L. Jewell, Kelso, Monette, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Todd, White, and Wilcox—23.

Nays: Campbell, François, Whitney, and Wittgenstein—4.

The motion to lay on the table was lost.

Mr. Bacon's amendment was then adopted.

Mr. Poindexter, on a suspension of the rules, introduced a bill providing for the free passage of children attending State schools over public ferries or roads.

The bill was read twice.

Mr. O'Hara asked for a further suspension of the rules to put the bill on its third reading.

The Senate refused to suspend the rules by a rising vote of 23 yeas, 4 nays.

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

By Mr. Day:

A bill to pay off the indebtedness of the Louisiana State Penitentiary.

Read twice and, referred to the Finance Committee.

By Mr. Ray:

A bill to limit and control the assessment of parish and municipal taxes.

Read twice, on a suspension of the rules, and referred to the Committee on Corporations and Parochial Affairs.

The order of the day was taken up.

BILLS ON THEIR FIRST READING.

House bill No. 15, an act to provide for the collection of taxes in the city of New Orleans and to suspend the further issue of city notes.

Read twice, and on motion of Mr. Ray, referred to the Judiciary Committee.

House bill No. 29, an act to regulate the practice and the dispatch of business in the District Courts of New Orleans.

Read twice and, under a suspension of the rules, referred to the Judiciary Committee.

House bill No. 138, joint resolution to appoint a joint committee to inquire into and report upon the practicability of establishing a metropolitan police district.

Read twice under a suspension of the rules, and on motion of Mr. Ray, referred to the Committee on Corporations and Parochial Affairs.

Mr. Ogden called the attention of the President to the want of a quorum.

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

A quorum being present, on motion of Mr. Ray, the vote to refer House bill No. 138, joint resolution to inquire into and report upon the practicability of establishing a Metropolitan District to the Committee on Corporations was reconsidered.

On motion of Mr. Ray the rules were suspended, the bill put upon its third reading, finally passed, and adopted by its title.

Senate bill No. 70, an act to organize a Metropolitan Police was taken up.

After some corrections, on motion of Mr. Campbell, 100 extra copies were ordered to be printed, and the bill referred to the Joint Committee provided for in the joint resolution previously adopted.

BILLS ON THEIR SECOND READING.

Senate bill No. 53, substitute reported by the Judiciary Committee, an act to define and regulate the costs of Clerks and Sheriffs throughout the State of Louisiana, and providing forfeitures and penalties for their overcharging and failure to perform their duties, and the mode of collecting their fees, was taken up and read.

On motion of Mr. Poindexter the consideration of the bill was postponed and made the special order of the day on Tuesday next.

Senate bill No. 77, an act to repeal an act entitled an act to license the vending of lottery tickets, approved February 21, 1866.

The bill was read twice under a suspension of the rules, and referred to the Committee on Corporations.

Mr. White asked for a suspension of the rules to introduce a bill, an act to provide for the improvement of the navigation of Red river.

The rules were suspended, and the bill read twice, and referred to the Committee on Internal Improvements.

On motion of Mr. Bacon the minutes of yesterday were corrected by substituting his name for that of Mr. Ogden as the mover "to substitute the minority report so far as it relates to Mr. Foute for the majority report."

Senate bill No. 50, an act incorporating the Louisiana Orphan Asylum company, was taken up and read.

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

Senate bill No. 86, an act extending the collection of the convention tax, and providing for the final settlement thereof, was taken up and read.

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

Senate bill No. 30, an act providing for the election of Justices of the Peace, and prescribing their powers and duties in all the parishes in the State, except the parish of Orleans, and providing an explicit fee bill for Justices of the Peace, and the mode of collecting the same.

The bill was read and made the special order of the day on Thursday next on motion of Mr. Ray.

On a suspension of the rules Mr. Poindexter introduced a bill, joint resolution directing the State Engineer to have examined the canal leading from Napoleonville, parish of Assumption, to Lake Verret, and to make estimates for cleaning and repairing the same.

Mr. Ray moved to substitute "the Board of Public Works" for "the State Engineer."

The amendment was accepted by Mr. Poindexter.

Under a suspension of the rules the bill then underwent its several readings, was finally passed and adopted by its title.

The Clerk of the House of Representatives appeared with a message from the House, and asked concurrence in House bill No. 113, an act for the relief of widows Loup and Hurst, and in House bill No. 114, an act extending protection to laborers in the exercise of the privilege of free suffrage; and also announced that the House had concurred in Senate bill No. 48, an act to provide for the revision of the statutes of the State of a general character.

Senate bill No. 87, an act postponing indefinitely the collection of back taxes, was taken up.

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

Senate bill No. 91, an act relative to the adoption of children, was taken up, on a suspension of the rules the bill underwent its third reading, was finally passed, and adopted by its title.

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

WHEREAS, Persecution for opinion's sake has been common for many years in this State, and the long training the people have had in this school is well calculated to foster feelings of intolerance, and tend to acts of violence when a free expression of political opinions is attempted, thereby abridging the rights of freemen as guaranteed in the Constitution of the United States and of this State; therefore,

Be it resolved by the Senate and House of Representatives in General Assembly convened, That any attempt on the part of any one to interfere with the people in the exercise of their undoubted right to free speech and a free press should meet with the condemnation of all good citizens, and is hereby condemned, and will be punished by the representatives of a free people.

Be it further resolved, That we concur in and approve the sentiments expressed by the Chief Magistrate of the State, when addressing an assemblage of excited citizens in front of the rooms of the Constitution Club of 1860, in this city, on the third instant, and we hereby pledge to his Excellency Governor Warmoth, the best efforts of this Assembly toward the preservation of law and order throughout the State, and will unite with him in guaranteeing to every citizen, regardless of race, color or degree, the fullest enjoyment of those inestimable blessings, life, liberty, and the pursuit of happiness.

Be it further resolved, That we invite all peaceably disposed citizens of this State to unite with us in all proper efforts to secure these blessings to all the people of our redeemed State.

Mr. Poindexter: Mr. President, I am opposed to that bill. I believe any one that wants to come to this State can come, and we have the same privilege to go to any other State, and I don't think it is our duty to invite citizens to come to this State unless they desire to come. We have people by the hundreds now who are starving. There are hundreds of men in the city of New Orleans to-day who can get no employment, who have to live upon the mercy and charity of their friends and of the public. I move to strike out the first part of this resolution.

Mr. Thompson: Mr. President, it seems to me that there is something in this resolution which is rather an aspersion upon the character of the people of Louisiana. I am satisfied that any man can freely express his opinion now, and that so far as the preamble is concerned, it is false.

Mr. O'Hara moved to adopt the resolution.

Mr. Bacon moved to strike out the preamble.

The motion was adopted.

Mr. Day moved the adoption of the resolution as amended.

Adopted unanimously.

The title was then adopted.

The Senate then went into executive session.

The executive session being raised, Mr. Ray called up House bill No. 86, an act authorizing the State Auditor to employ two additional clerks and messengers.

The bill was read.

The following amendments to section first, reported by the Committee on Judiciary, were adopted on motion of Mr. Ray:

Insert the word "each" after the word "dollars," so that the bill will read "two additional clerks at a salary of fifteen hundred dollars each per annum."

Strike out "two" and insert "one," so that the bill will read, "and one messenger at a salary of seven hundred and fifty dollars per annum."

On motion of Mr. Ray the several sections of the bill were adopted as amended.

The bill was then adopted as a whole on motion of Mr. Ray.

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

On a suspension of the rules the bill was read a third time.

Mr. Ray asked for a further suspension to put the bill on its final passage.

Mr. Todd called for the yeas and nays, which were ordered, resulting:

Yeas: Anderson, Braughn, Campbell, Coupland, Darrall, Day, Egan, François, Futch, Jenks, F. L. Jewell, Kelso, Monette, Packard, Poindexter, Pollard, Ray, Todd, White, Wilcox, and Wittgenstein—21.

Nays: Bacon—1.

The rules were suspended, and the bill passed finally and adopted by its title.

Mr. Ray called up House bill No. 17, an act relative to monitions, reported favorably upon by the Judiciary Committee.

On a suspension of the rules, on motion of Mr. Ray, the bill was read.

On motion of Mr. Ray, the word "extended" in line six was substituted for the word "entitled."

The bill lies over under the rules.

The President announced as joint committee on Metropolitan Police—Campbell, Ray and Foute.

Special Committee on Slaughter-houses—Packard, Todd, Bacon, Coupland and Ogden.

Mr. Ray called up Senate bill No. 114, an act relative to delinquent tax collectors.

On a suspension of the rules the bill underwent its several readings and was finally passed and adopted by its title.

On motion of Mr. Ray the Senate adjourned.

CHARLES H. MERRITT,
Secretary of the Senate.

Fortieth Day's Session.

FRIDAY, August 14, 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, Braughn, Campbell, Coupland, Darrall, Day, Egan, Foute, François, Futch, Jenks, E. L. Jewell, F. L. Jewell, Kelso, Lewis, Monette, Offutt, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Thompson, Todd, White, Whitney, Wilcox, Williams, Wittgenstein—34.

Prayer by the Chaplain, Rev. Mr. Turner.

On motion of Mr. Jenks, the reading of the minutes was dispensed with.

REPORTS OF STANDING COMMITTEES.

Mr. Campbell, from the Committee on Corporations and Parochial Affairs, reported an act relative to the collection of taxes, with the recommendation that it be referred to the Committee on Judiciary.

The bill was referred.

Mr. Ray, from the Committee on Judiciary, reported a substitute for Senate bill No. 96, an act to provide for the trial of jury cases in the parish of Orleans, and fixing the Seventh District Court for the trial of jury cases.

Also favorably upon House bill 25, an act providing a remedy against the unlawful holding of a public office or franchise in this State.

Mr. Ray, from the Committee on Internal Improvements, reported favorably upon House bill No. 56, an act relative to the New Orleans, Mobile, and Chattanooga railroad company.

Lies over.

Under a suspension of the rules, Mr. Ray introduced an act fixing the time for holding the term of Court in the Twelfth Judicial District, which, under further suspension of the rules, passed its second and third readings, and was finally adopted. The title was then adopted.

Mr. O'Hara presented a protest against the action of the majority of the Senate in the contested election cases of Messrs. Braughn, Foute, and Ogden, and asked that it be spread upon the minutes.

The protest was read.

Mr. O'Hara moved that it be spread upon the minutes.

Mr. Wilcox moved to lay the motion on the table.

Mr. Wittgenstein moved that the protest be returned to its author, and not received until made respectful in its language.

I second the motion of Mr. Wittgenstein that the protest be returned.

Mr. Todd called for the reading of the protest. Protest read.

The yeas and nays were ordered on Mr. Wittgenstein's motion, resulting:

Yeas: Anderson, Blackman, Coupland, Egan, Jenks, Jewell, E. L. Jewell, F. L. Kelso, Offutt, Ogden, Packard, Ray, White, Wilcox, Williams, Wittgenstein—16.

Nays: Campbell, Darrall, Day, François, Futch, Lewis, Monette, Poindexter, Pollard—9.

So the protest was returned to Senator O'Hara.

Mr. Wilcox offered the following resolution:

Resolved, That a vote of censure be passed upon Senator O'Hara for attempting to spread upon the journal of the Senate a protest which we conceive to be disrespectful to the members of this honorable body.

Mr. Poindexter moved to lay the resolution on the table.

The resolution was laid on the table.

Mr. Campbell asked for a suspension of the rules to introduce an act authorizing J. Madison Wells to sue the State of Louisiana.

The rules were suspended, the bill read twice, and referred to the Judiciary Committee.

BILLS ON FIRST READING.

House bill No. 113, an act for the relief of Widows Marie Loupe and Martha Hurst, was read, and lies over under the rules.

House bill No. 114, an act extending protection to laborers in the privilege and exercise of free suffrage, was read.

On motion of Mr. Ray the rules were suspended and the bill read a second time.

Mr. Ray moved that the bill be referred to the Judiciary Committee.

Referred.

SPECIAL ORDER OF THE DAY.

House bill 26, an act making a new division of the State of Louisiana into five Congressional districts, was taken up.

Mr. Ray moved that the bill be engrossed for its third reading.

Mr. Ray renewed his motion that the bill be considered engrossed.

Seconded by Mr. Jewell, of Orleans.

The motion to consider the bill engrossed was adopted.

Mr. Ray moved that the bill pass.

The bill was passed on a division—yeas 19, nays 6, and the title adopted.

LOCAL BILLS.

House bill No. 23, joint resolution relative to recounting of ballots cast in the election on the seventeenth and eighteenth of April, 1868, in the city of New Orleans, was taken up.

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

Senate bill No. 6, an act for the relief of the Printers of the late Convention.

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

Senate bill No. 52, an act to amend an act additional to an act relative to the collection of municipal taxes in the city of New Orleans, approved March 17, 1859, and to regulate the collection of said taxes, was taken up and read.

On motion of Mr. Bacon the bill was ordered to be printed, and was made the special order of the day for Wednesday next.

Senate bill No. 103, an act to amend the first section of an act entitled an act to incorporate the town of Monroe in the parish of Ouachita, and to provide for the government of the same, approved March 13, 1866, was taken up, and on motion of Mr. Ray recommitted to the Committee on the Judiciary.

Senate bill No. 21, an act for the relief of William Pearson, of Union parish, was taken up and read.

On motion of Mr. Ray the rules were suspended, the bill put on its third reading, and adopted with its title.

Senate bill No. 54, an act giving jurisdiction to the Third, Fourth, Fifth, Sixth, and Seventh District Courts to try certain cases, reported favorably upon by the Judiciary Committee.

On motion of Mr. Ray the bill was considered engrossed, the rules suspended for a third reading, and the bill finally adopted with its title.

Senate bill No. 27, an act for the relief of Charles O. Hardy and A. F. Wrotnowsky, reported favorably upon by the Committee on Claims, was taken up and read.

On motion of Mr. O'Hara it was considered engrossed, the rules suspended for a third reading, and the bill read and finally adopted with its title.

Senate bill No. 82, an act relative to the tutorship of the minor children of R. W. and S. L. Godwin, deceased, reported favorably upon by the Judiciary Committee, was taken up and read.

On motion of Mr. Ray the bill was considered engrossed, the rules suspended for a third reading, and the bill finally adopted with its title.

Senate bill No. 69, an act granting to Gabrial Mullen the exclusive right to build a toll bridge across the Amite river, reported favorably upon by the Committee on Corporations, was taken up and informally passed over for the time being.

Subsequently the bill was on motion of Mr. Thompson, of St. Helena, considered engrossed, the rules suspended for a third reading, the bill finally passed, and its title adopted.

Senate bill No. 116, an act to amend the charter of the city of New Iberia was taken up and read.

On motion of Mr. Ray the bill was considered engrossed, the rules suspended for a third reading, and finally adopted with its title.

Senate bill No. 115, an act to incorporate Vigilant Fire Company No. 1, of the town of New Iberia, was taken up.

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

Senate bill No. 64, an act to incorporate the North Louisiana and Texas Railroad Company, favorably reported by the Committee on Internal Improvements, was taken up.

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

Sections one to twenty-three inclusive were read and adopted.

On motion of Mr. Blackman the bill was considered engrossed, under a suspension of the rules, read a third time, and finally adopted with its title.

Senate bill No. 104, an act to provide pensions for the veterans of 1814-15, according to the requirements of article one hundred and twenty-four of the constitution of 1868, was taken up.

On motion of Mr. Ray the blank was filled up with "$150" (a year.)

On motion of Mr. Ray the bill was considered engrossed, the rules suspended for a third reading, and the bill finally adopted with its title.

House bill No. 42, an act to re-establish the burnt records of the parish of Winn, was taken up, and on motion of Mr. Ray recommitted to the Committee on Judiciary.

Under a suspension of the rules, Mr. O'Hara presented the report of the Committee on Claims, reporting favorably upon Senate bill No. 38—an act for the relief of J. Edmonston.

The President appointed as members of the Joint Committee on the part of the Senate, to examine into the accounts of the Board of Registration, Senators Jenks and Futch.

Senate bill No. 89, an act relative to the inspection of weights and measures in that portion of the parish of Orleans situated on the right bank of the river Mississippi, was taken up.

On motion of Mr. Packard the bill was made the special order of the day for Saturday the fifteenth instant.

Mr. Ray called up House bill No. 56—an act relative to the New Orleans, Mobile, and Chattanooga Railroad Company.

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

Sections one to fourteen inclusive were taken up and adopted.

On motion of Mr. Ray the bill was considered engrossed, the rules suspended for a third reading, and the bill finally adopted with its title.

The following is the bill as passed:

An act relative to the New Orleans, Mobile, and Chattanooga Railroad Company, a corporation of the State of Alabama, and authorizing and empowering said company to exercise and enjoy its corporate powers and franchises in the State of Louisiana.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the New Orleans, Mobile, and Chattanooga Railroad Company, a corporation incorporated, organized, and existing under and by virtue of its act of incorporation duly enacted by the Legislature of the State of Alabama, entitled an act to incorporate the New Orleans, Mobile, and Chattanooga Railroad Company, approved November 24, 1866, and amended by an act approved February 12, 1867, is hereby recognized and approved as a body politic and corporate, with all the powers, privileges, rights, and franchises granted to it by the said State of Alabama, in and by said act of incorporation, hereby adopting, confirming, and approving all the provisions of said act of incorporation granted to said company, so far as the same may be applicable to this State, and may be adopted, approved, and confirmed thereby. The said company is hereby invested with the powers, privileges, and franchises granted to it in its said act of incorporation, and is empowered and authorized to exercise and enjoy the same in the State of Louisiana, and to have, exercise, and enjoy all the rights, powers, privileges, and franchises pertaining to corporate bodies within the said State of Louisiana necessary for the full enjoyment and exercise of said rights, powers, privileges, and franchises granted and secured to it by its said act of incorporation, and necessary to secure, attain, and accomplish the objects and purposes of its incorporation, in the same manner and with the like power and effect as if said company had been incorporated by virtue of any grant or law of this State, subject only to the conditions, provisions, and restrictions of this act as hereinafter set forth.

SEC. 2. Be it further enacted, etc., That to enable said company to accomplish the purposes and objects of its incorporation, the furtherance and pursuit of which in the State of Louisiana is hereby granted, the said company is hereby empowered and authorized:

First—To locate, construct, and build, and thereafter to own, maintain, and use, by running thereon its engines, cars, and trains of cars, a railroad, with one or more tracks and suitable turnouts from any point between Calliope and Girod streets and between Delta street and the Levee in the city of New Orleans, along and upon the Levee in said city, or along and upon a street or streets near the Levee, as may be deemed most proper and expedient (provided, that the grounds and buildings now owned by the Pontchartrain Railroad company or any other railroad company between Girod, Poydras, Delta, and Water streets, shall not in any manner be interfered with), to a point at or near the junction of the Levee and Spain street, thence by a curved line to Enghein street; thence along and upon Enghein street and Lafayette Avenue to Claiborne street, and thence upon such a course or route as may be deemed by a majority of the directors of said company most proper, expedient, or necessary, and best adapted for the public accommodation, to any point on the line between the State of Louisiana and the State of Mississippi, and thence extending the same through the States of Mississippi and Alabama to the city of Mobile, in the State of Alabama, and thence to other places, as provided in said act of incorporation. Provided, That in the construction of that part of said railroad and the tracks and turnouts thereof between Calliope street and Claiborne street the said company shall not in any manner obstruct or impair the drainage of the streets along, upon, or across which the said part of said railroad is hereby located, and that the said company shall at all times, in the construction and maintenance of the said part of the railroad, conform with the levels and grades to be established by the City Surveyor of New Orleans; and whenever the company shall find it necessary to cover the channel of any drain, the sides thereof shall be first protected with bricks or wood in a good and substantial manner, and such covered channel shall be kept in repair, open and clear for the passage of water, by said company; and the said part of said railroad shall be so constructed and maintained as not to in any manner unnecessarily impair the usefulness of any street, or impede the traffic thereon.

Second—To locate, construct, and build, and thereafter to own, maintain, manage, and use, by running thereon its engines, cars, and trains of cars, and railroads, with one or more tracks and suitable turnouts, from a point on Rampart street, between Lafayette street and Girod street, in the city of New Orleans, across, along, and upon intervening streets and grounds, to Locust street; thence across, along, and upon intervening streets and grounds, in such a course as may be deemed necessary by a majority of the directors of said company, to the neutral ground in the centre of Claiborne street; thence along and upon the central portion of said neutral ground in the centre of Claiborne street to St. Bernard avenue; thence in a direct line with Claiborne street to the line of Lafayette avenue, and thence upon such a course or route as may be deemed by a majority of the directors of said company most proper, expedient or necessary, and best adapted for the public accommodation (to any point on the line of railroad herein-before authorized, between the junction of Lafayette avenue with Claiborne street and the said line and the State line; and thence along said line of railroad), to any point on the line between the State of Louisiana and the State of Mississippi, and thence extending the same through the States of Mississippi and Alabama to the city of Mobile, in the State of Alabama; and thence to other places, as provided in said act of incorporation. (And the said company may, if it shall be deemed by a majority of its directors expedient and necessary for its interests, locate, construct, maintain, and use, as hereinbefore designated, a railroad, with one or more tracks, and necessary turnouts, from the junction of Claiborne street and St. Bernard avenue, along the central portion of the neutral ground in the centre of Claiborne street to Elysian Fields street; and thence easterly by such a course as may be deemed proper and expedient by a majority of the directors of the company, to a junction with the line of railroad hereinbefore authorized, and southerly along and upon Elysian Fields street to the levee line hereinbefore authorized.) And the said company may locate, construct, and build, and thereafter own, maintain, manage, and use, by running thereon its cars drawn by the power of horses or mules, a railroad with one track upon and along Girod street, from Liberty street to the Mississippi river, with necessary turnouts, to and from a freight depot located on any grounds near the levee which the said company may acquire for the purpose; but in the construction of such railroad in Girod street, and the turnouts thereof, only such iron rails shall be used as shall least impede the traffic of the streets, and such as shall be approved by the City Surveyor. And the said company may locate, construct, and thereafter maintain and use, for the safe and convenient transaction of its business, a passenger depot and a freight depot, and other structures, as it may deem necessary for its business and purposes, upon the three blocks of ground bounded by Girod street, Liberty street, Lafayette street, and Rampart street, in the city of New Orleans; and may close and occupy for such purpose that portion of Franklin street, and that portion of Basin street lying between Girod street and Lafayette street, in said city; and the said company may inclose for its business and purposes the three blocks of ground bounded by Perillat street, Locust street, Lafayette street, and Liberty street, in said city; and may close and occupy for its business and purposes that portion of Freret street, and that portion of Howard street lying between Perillat street and Lafayette street, and that portion of Perillat street lying between Liberty street and Locust street, in said city of New Orleans. Provided, however, That the said company shall, before constructing said depots, acquire the title to all private property to be occupied and used therefor, by purchase or in accordance with the provisions of this act.

And provided further, That the said company shall, for its crossing of Carondelet canal, construct and maintain a drawbridge adapted and suitable for its own use, and the free use of the public, and the passage of carriages and vehicles, which, when open, shall give a clear space for the passage of vessels of not less than fifty (50) feet in width, and said company, after the construction of said drawbridge, shall at all times thereafter provide that said drawbridge shall be opened for the passage of any and all vessels seeking to pass through the same, without unnecessary delay, and to keep the same always in repair and good order for the aforesaid use of the public.

And provided further, That in the construction of that part of said railroad, and the tracks and turnouts thereof, between the levee and Elysian Fields street the said company shall not, in any manner, obstruct or impair the drainage of the streets along, upon, or across which the said railroad is hereby located, and that the said company shall at all times in the construction and maintenance of the said part of said railroad, conform with the levels and grades to be established by the City Surveyor of New Orleans; and whenever the said company shall find it necessary to cover the channel of any drain, the sides thereof shall be first protected with bricks or wood in good and substantial manner, and such covered channel shall be kept in repair, open and clear passage of water by said company; and the said part of said railroad shall be so constructed and maintained as not to in any manner unnecessarily impair the usefulness of any streets, or impede the traffic thereon.

Third—To construct and build, and thereafter to own, maintain, manage, and use, by running thereon its engines, cars, and trains of cars, a railroad, with one or more tracks and suitable turnouts, upon such a course or route as may be deemed by a majority of the directors of said company most proper, expedient, or necessary, and best adapted for the public accommodation, and most for the interest of said company, from its terminus as hereinbefore designated, on or near the levee, in the city of New Orleans in the State of Louisiana, toward and to any point on the line between the State of Louisiana and the State of Texas. Provided, however, that the part of the said railroad within the corporate limits of the city of New Orleans shall be located and built upon and along the levee, or upon and along a street or streets near the levee, unless otherwise authorized by the municipal council of the said city of New Orleans. And provided further, that the crossing of the Mississippi river, unless otherwise authorized hereafter, shall be by means of a ferryboat of suitable construction for the transfer of engines, cars, and trains of cars.

Fourth—To construct, establish, or purchase in the State of Louisiana, and thereafter to own, maintain, and use suitable wharves, piers, warehouses, steamboats, harbors, depots, stations, and other works and appurtenances connected with and incidental to said railroad and the business of said company, and by the directors of said company deemed necessary and expedient for said company to own and manage.

Fifth—To take, transport, carry, and convey persons and property upon its said railroads and its boats by power of steam or any other power, and to receive for the same such tolls and charges as shall be established by the directors of said company.

Sixth—To obtain and receive by purchase, grant, gift, devise, and bequest, and to have and to hold real and personal estate in the State of Louisiana for the objects, purposes, and business of said company, and to extent provided and set forth in its said act of incorporation, and in this act, excepting that in the taking and holding of lands for the use of said company, as lands taken for public use, the said company shall take and obtain the same as in this act provided.

Seventh—To lay out its said railroads and to construct the same not exceeding two hundred feet in width upon any lands of the State of Louisiana, and to take, hold, and use for the purpose of necessary depots, stations, cuttings, turnouts, and for obtaining stone, gravel earth, and timber for the construction of its said railroad, any lands of the State of Louisiana lying along or upon or adjacent to the route or course of said railroad that may be necessary for the construction, maintenance, and security of said railroad; Provided, however, that any and all damages that may be occasioned or that may arise to any person, corporation, or association other than the State of Louisiana by the taking and using of such lands and material for the use of said company as aforesaid, shall be assessed and paid for by said company, as provided in this act.

Eighth—To construct and maintain its said railroad or any part of the same, and to have the right of way therefor across or along or upon any waters, water course, river, lake, bay, inlet, street, highway, turnpike, or canal within the State of Louisiana which the course of said railroad may intersect, touch, or cross, provided the said company shall preserve any water course, street, highway, turnpike, or canal which its said railroad may so pass upon, along, intersect, touch, or cross, so as not to impair its usefulness to the public unnecessarily; or if temporarily impaired in and during the construction of said railroad, the said company shall restore the same to its former state, or to such a state that its usefulness and convenience to the public shall not be unnecessarily impaired, or materially impaired or injured; and it is also provided that said company is authorized and empowered to construct and maintain its said railroad over and across the waters of the State of Louisiana, known as the Pass Chef Menteur, Little Rigolet, Great Rigolet, or that part of Lake Pontchartrain east of the west line of Point aux Herbs, and the West Pearl river, and other streams and bayous between Lake Pontchartrain and Pearl river, and Pearl river by bridges; provided, however, that in the channel of that part of Lake Pontchartrain hereinbefore named there shall be constructed and maintained by said company a drawbridge, which, when open, shall give a clear space for the passage of vessels of not less than one hundred feet in width; and in the channel of the Pearl river the said company shall construct and maintain a drawbridge, which, when open, shall give clear space for the passage of vessels of not less than sixty feet in width, except in case the company shall locate their road across the Great Rigolet at a point south of (or below) the principal entrance of Pearl river into the Great Rigolet, when the company shall only be required to construct one drawbridge, which shall be in the channel of the Great Rigolet, as hereinbefore named; and said company, after the construction of the said drawbridges or drawbridge, shall at all times thereafter provide that said drawbridges or drawbridge shall be opened for the passage of any and all vessels seeking to pass through the same, without unnecessary delay. It is also provided that such part of this section as relates to Pearl river, if the line of the road shall be located across the said river at a point where it constitutes the boundary line between the State of Louisiana and the State of Mississippi, shall not take effect until the State of Mississippi has consented to, and authorized the same, or said company has built such a bridge across said Pearl river for its said railroad as shall be in accordance with this section, and also with any authority or power granted to said company by the State of Mississippi in the premises; and such drawbridge may be built in the centre of the channel of said Pearl river, or in that portion of the same within the territory of the State of Mississippi or of this State, as most convenient for public use.

Ninth—That the said Company is hereby authorized and empowered to obtain, by grant or otherwise, from any incorporated city or village within the State of Louisiana that may be situated upon its railroad, any rights, privileges, or franchises that any of said incorporated cities or villages may choose to grant in reference to the construction, maintenance, and management of the railroad of said Company, its depots, cars, locomotives, and its business within the limits of such, or any of said incorporated cities and villages; and any such incorporated city or village as herein before named, is hereby authorized and empowered to grant to said Company any such rights, privileges, and franchises as it may deem proper and advisable; and such rights, privileges, and franchises when granted to and accepted by said Company from any such incorporated city or village, shall be deemed and taken as rights, privileges, and franchises vested and confirmed in said company, and not liable to be hereafter revoked, changed, injured, or impaired, except with the consent of said company, and the rights, privileges, and franchises which have been heretofore granted to said company by the city of New Orleans are hereby recognized, approved, and vested and confirmed in said company, subject to all the benefits and provisions of this act.

SEC. 3. Be it further enacted, etc., That said company, being hereby authorized to purchase, receive, and hold such real estate as may be necessary and convenient in accomplishing the object for which said company is organized, it may, by its agents, surveyors, engineers, and servants, enter upon all lands and tenements through which it may conclude to make such railroads, and survey, lay out, and construct the same, and may agree and contract for the land or right of way, with the owners of the land through which it intends to make said roads. In case said lands belong to the estate of any deceased persons, then with the executor or administrator of such; or in case of the same belonging to a minor, or a person *non compos mentis,* then with his or her guardian, or in case said lands be held by trustees of school sections, or other trustees of estates, then with such trustees. And said executors, administrators, guardians, and trustees, are hereby declared competent for such estate, person, or minor, to contract with said company to use, occupy, and possess the lands of such estates, persons, minors, or trustees, so far as may be useful or necessary for the purposes of said railroad, and the act and deed of such executors, administrators, guardians, or trustees in relation thereto, shall pass a title in such lands in the same manner as if the said deed or act was made or done by a legal owner, of full age and sound mind; and such executor, administrator, guardian, or trustee shall account to those interested in their respective bonds for the amount paid him in pursuance of such agreement and composition; and if the said company and the parties representing lands prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire (in case of disagreement), shall vest title according to its terms.

SEC. 4. Be it further enacted, etc., That if said company is unable to agree for the purchase of any real estate, or the right of way thereupon, or any estate therein required for the use and purposes of said company, as provided in the preceding section, or is unable to obtain the title or right of way thereto, it shall have the right to acquire title of the same in the following manner: The said company may apply to the District Court of the parish in which the land—the title wherein is sought—is situated for the appointment of commissioners of appeal, at any general or special term, or to any judge thereof, in vacation; and application shall be made in writing and signed by the president or one of the directors of said company, or by an agent or attorney of said company authorized for that purpose, and substantially set forth and state:

First—It must be entitled so as to describe the court wherein or the judge to whom the application is made, and the character of the application.

Second—The name and official character of the person applying in behalf of the company must be stated.

Third—The real estate which the company seek to acquire must be described by metes and bounds, and the estate therein which the company seeks to acquire must be set forth; and several parcels of land, owned by different persons, may be included in one application.

Fourth—That the company has not been able to acquire the estate in said lands required, and the reason of such inability.

Fifth—The names of all owners or parties interested in said real estate, so far as the same are known to the applicant, must be set forth, and if not known, that fact must be stated; a copy of such application and notice of the time and place the same will be presented, must be served on all persons named in said application, as owners or interested in said real estate, at least five days prior to the presentation of the same, provided such owners so named are residents, and can be found within the State of Louisiana, and are not infants, idiots, or persons of unsound minds, and in that case upon their tutors, curators, or guardians.

SEC. 5. Be it further enacted, etc., That on presentation of the application to the court or judge therein named, and no person appearing to oppose said application, and whenever it shall satisfactorily appear from said application, and proofs thereunto attached, that service of notice of the time and place of the presentation of said application upon all the owners and persons interested in said land has been made, the said court, or the judge thereof, shall forthwith make an order appointing three disinterested and competent freeholders who reside in the parish where the premises are situated, or an adjoining parish thereto, as Commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken by said company for its purposes, and shall fix the time and place for the first meeting of said Commissioners. In case any person who shall be the owner or who shall have a vested interest in said premises, shall appear at the time and place of the presentation of such application, the said court or judge, before making said appointment of Commissioners, may hear such person and said company in relation to the persons proposed for appointment as such Commissioners, their place of residence, their competency and interest; and after such hearing, the said court or judge shall make an appointment of three Commissioners, as aforesaid, in accordance with the discretion and judgment of said court or judge. In case it shall appear by said application that any person or any of the persons owning or interested in the said premises described in the application, or any part of the same, are not known to the said company, or are not residents of the parish wherein said real estate is situate, or can not be found therein after due diligence, or are infants, idiots, or persons of unsound mind, then, and in such case, the said Court or Judge, before making said appointment of Commissioners, shall make such inquiries as to such owners and parties interested in said premises, and shall make such orders for service of notice upon them, or upon any persons in regard to said application, and such other order or orders in the premises as the said court or judge may deem necessary, proper and just; and shall then make such appointment of Commissioners as aforesaid, and in connection therewith make such orders as to the service of any future notice upon the owners of said premises, of the meeting and appraisement of said Commissioners, and the confirmation of the same, as may seem to said Court or Judge equitable and just.

SEC. 6. Be it further enacted, etc., That the Commissioners so appointed, or a majority of them, shall hold their first meeting at a time and place appointed by the Court or Judge, and may adjourn from time to time at their discretion; they shall take and subscribe an oath before any officer authorized to administer oaths in the State of Louisiana, to the effect that they and each of them will impartially, and to the best of their judgment and ability, perform [illegible]