OFFICIAL:

STATE OF LOUISIANA.

PROCEEDINGS OF THE GENERAL ASSEMBLY.

JOURNAL OF THE SENATE.

Forty-First Day's Session.

SATURDAY, August 15, 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, F. L. Jewell, Kelso, Lewis, Monette, Offutt, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Thompson, Todd, White, Whitney, Wilcox, Williams, Wittgenstein—33.

Prayer by the Chaplain Rev. Mr. Turner.

On motion of Mr. O'Hara, 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. 99, an act to suppress, prevent, and punish the stealing of fruit and grain;

Favorably upon House bill No. 20, an act to regulate the practice and the dispatch of business in the District Courts of New Orleans.

Mr. Ray, from the Committee on Internal Improvements, reported favorably upon Senate bill No. 37, an act to amend an act entitled an act incorporating the Louisiana Central Stem of the Mississippi and Pacific Railroad Company.

Mr. Darrall, from the Committee on Enrollment, reported as duly enrolled an act relative to the revision of the statutes of the State generally.

Mr. Wilcox, from the Committtee on Federal Relations, made the following report:

COMMITTEE ON FEDERAL RELATIONS, Senate Chamber, New Orleans, La., August 15, 1868.

To the Honorable President and Members of the Senate:

GENTLEMEN—Your Committee to whom was referred a communication from his Excellency, the Governor, transmitting a communication from Charles Barnard, Captain and Acting Quartermaster, in charge of cemeterial operations Fifth Military District, forwarded by Major General R. C. Buchanan, with accompanying plans, etc., requesting the same to be laid before the Legislature, and asking that the jurisdiction over certain lands therein referred to be ceded to the United States, respectfully report that a joint resolution ceding to the United States jurisdiction over lands in the State of Louisiana set apart for national cemeteries, was duly passed by this honorable body on the eleventh instant, and sent to the House for concurrence on the twelfth August, 1868, covering the same lands and tracts of land as are embraced and described in the communication and plans herewith submitted.

Your committee, therefore, recommend that said communication and plans be forwarded by the Secretary of the Senate to the House of Representatives, for the further information of that body.

C. WILCOX,
Chairman Committee on Federal Relations

Mr. Campbell, from the Committee on Corporations, reported progress.

Mr. Kelso, from the Committee on Public Lands, reported progress.

RESOLUTIONS.

Mr. O'Hara: I wish to present the following resolution:

SENATE CHAMBER, August 15, 1868.

Resolved, That a joint committee be appointed, consisting of two members from the Senate and three from the House, to investigate and report on the disposition made of the public school funds of the State, and of the money raised for the purposes of public education in the city of New Orleans. And be it further resolved, that said joint committee be empowered to send for persons and papers.

Mr. O'Hara: I move that the rules be suspended to take up the resolution.

Mr. Bacon: I move that the question be put, "Shall the bill be rejected?"

The Senate rejected the bill by a rising vote of 14 yeas, 7 nays.

Mr. Ray: I wish to offer the following resolution:

Resolved, That a joint committee of two from the Senate and three from the House be appointed to examine the records of conveyances, and ascertain their condition, and whether there is anything necessary to be done to preserve and perpetuate them, and to report according to circumstances.

Mr. Ray: I ask for a suspension of the rules to take up the bill.

The rules were suspended, the joint resolution underwent its several readings, and was finally adopted.

Mr. Ray: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to amend and re-enact article 2260 of the Civil Code of the State of Louisiana, and to repeal an act entitled an act to amend and re-enact article 2260 of the Civil Code of Louisiana, approved March 13, 1867.

The bill was read twice and referred to the Judiciary Committee.

Mr. Ray: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to provide for taking the testimony of witnesses in suits pending in the Courts of this State.

The bill was read twice and referred to the Judiciary Committee.

Mr. Ray: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to incorporate the Louisiana and Arkansas railroad company.

The bill lies over under the rules.

The order of the day was called.

SPECIAL ORDER OF THE DAY.

Senate bill No. 29, an act to enable the Governor, for the more effectual preservation of the peace and good order of the State, and the better security of life and property, to take care that the laws are faithfully executed; providing for the appointment of a High Constable and Deputy Constables for each parish, and defining their duties and powers; and Senate bill No. 24, an act to organize a constabulary force for the State of Louisiana, were taken up.

Mr. Campbell: I ask for a suspension of the rules to present the report of the Joint Committee on the Metropolitan Police District bill.

The Senate refused to suspend the rules.

Senate bill No. 29 was read.

Mr. Blackman: I move to lay the bill on the table.

Mr. Campbell: I call for the yeas and nays.

The yeas and nays were ordered.

Mr. Todd: I ask for permission to explain my vote.

Permission granted.

Mr. O'Hara: I move that Mr. Campbell be also permitted to make some remarks.

The motion was adopted by a rising vote of 18 yeas, 2 nays.

The Secretary was proceeding to call the yeas and nays:

Mr. Smith: I was absent when my name was called. I wish to have it recorded.

Mr. O'Hara: I ask for a suspension of the rules for that purpose.

Motion lost by a rising vote of 14 yeas, 11 nays.

Messrs. Campbell and O'Hara changed their votes from nay to yea on the motion to lay on the table.

The motion to lay on the table was adopted by the following vote:

Yeas: Anderson, Bacon, Beares, Blackman, Braughn, Campbell, Day, Egan, Foute, Futch, E. L. Jewell, F. L. Jewell, Offutt, Ogden, O'Hara, Ray, Thompson, and White—18.

Nays: Coupland, François, Kelso, Lewis, Packard, Poindexter, Pollard, Todd, Whitney, Wilcox, Williams, and Wittgenstein—12.

Mr. Campbell: I move to reconsider the vote just taken.

Mr. Blackman: I move to lay that motion on the table.

Mr. O'Hara: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Anderson, Bacon, Beares, Blackman, Braughn, Day, Egan, Foute, Futch, Jenks, E. L. Jewell, F. L. Jewell, Offutt, Ogden, Thompson, White, and Wilcox—17.

Nays: Campbell, Coupland, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Williams, and Wittgenstein—16.

Senate bill No. 24 was then taken up and read.

Mr. Blackman: I move to lay the bill on the table.

The bill was laid on the table.

Senate bill No. 89, an 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, was taken up.

Mr. Packard: I move that we take up the bill section by section.

Motion adopted.

Sections first and second were read and adopted.

Section third was read.

Mr. Packard: I move to insert after the word "bank" in line three the words "shall be authorized."

Adopted.

The section was adopted as amended.

Section four was read.

Mr. Packard: I move to insert the word "person" after the word "the" in the second line, and to substitute the word "to" for the word "as" in line five.

Adopted.

The section was adopted as amended.

Section five was read.

Mr. Packard: I move to insert at the termination of the section the words "as provided for in the first section of this act."

Adopted, and the section adopted as amended.

Section six was read and adopted.

Section seven was read.

Mr. Packard: I move to insert the word "aforesaid" after the word "parish," in line twenty-four, and to strike out the words "composed of the right bank," in lines twenty-four and twenty-five.

Adopted, and the section adopted as amended.

Sections eight and nine were read and adopted.

Section ten was read.

Mr. Packard: I move to insert the word "prescribed" after the word "penalties," in line seven.

Adopted, and the section adopted as amended.

Sections eleven and twelve were adopted.

Mr. Packard: I move that the bill be adopted as a whole as amended.

Adopted.

The bill then underwent a second and third reading and was finally adopted with its title.

A call of the roll was ordered by the President, resulting:

Anderson, Bacon, Braughn, Coupland, Darrall, Egan, François, Futch, Lewis, Monette, Offutt, Ogden, Packard, Ray, Todd, White, Whitney, Wilcox, Williams, and Wittgenstein—20.

A quorum present.

Mr. Poindexter: I move that leave of absence for five days be granted to Mr. O'Hara.

Adopted.

Mr. Bacon: I ask for a suspension of the rules to protest against the insertion in extenso upon the journal of bills that have passed the Senate.

The rules were suspended.

Mr. Braughn: I offer the following resolution and move its adoption:

Resolved, That in order to save unnecessary expense the Secretary be instructed to omit all acts, bills, and resolutions, and reports from the manuscript furnished the Public Printer for the journal; and that all acts, bills, resolutions, communications, reports, etc., be referred to by their title, or in substance; provided, however, that the Public Printer be at all times permitted to publish any bill, resolution, or communication at his own expense.

The resolution was adopted.

BILLS ON SECOND READING.

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, favorably reported upon by Judiciary Committee.

Mr. Ray: I move that this bill be made the special order of the day on Wednesday.

Adopted.

Senate bill No. 98, an act to amend and re-enact article 990 of the code of practice, reported favorably upon by the Judiciary Committee, was taken up and read.

Mr. Ray: I ask that the bill be considered engrossed and put upon its third reading.

The bill was considered engrossed, read a third time, and finally adopted with its title.

The Clerk of the House of Representatives appeared with a message and asked concurrence of the Senate in House joint resolution expressing the respect of the General Assembly of the State of Louisiana in memory of the death of the Hon. Thaddeus Stevens, late member of Congress from the State of Pennsylvania, and tendering their sympathy to the many friends and relatives of the deceased.

Mr. Anderson: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to enable lessees to bond property under provisional seizure.

Mr. Anderson: I ask for a further suspension of the rules, to take up the bill.

The rules were suspended, the bill underwent its several readings, and was finally adopted with its title.

Mr. Campbell: I ask for a suspension of the rules to submit the report of the joint committee on Senate bill No. 70, to establish a metropolitan police district.

Rules suspended, and report received.

Mr. Campbell: I move that the bill be made the special order of the day on Monday next at one o'clock.

Mr. Blackman: I move to lay the bill on the table.

Mr. Campbell: I rise to a point of order; the bill is not before the Senate, and can not be subject to a motion to lay on the table.

Mr. Bacon: If the bill is not before the Senate neither motion is in order.

Mr. Blackman: Mr. President, do you decide that the bill is before the Senate?

The President: The bill is not properly before the Senate.

The bill lies over under the rules.

Mr. Ray: I ask for a suspension of the rules to take up House joint resolution relative to the recounting of votes cast at the last election in the city of New Orleans.

The rules were suspended and bill taken up

Mr. Braughn: I move to postpone the bill indefinitely.

Motion adopted.

Mr. Bacon: I move to adjourn.

Adopted.

Forty-Second Day's Session.

MONDAY, August 17, 1868.

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

The roll was called, present the following members:

Anderson, Bacon, Blackman, Beares, Campbell, Coupland, Darrall, Egan, François, E. L. Jewell, F. L. Jewell, Kelso, Packard, Poindexter, Pollard Ray, Thompson, Todd, White, Whitney, Wilcox, Williams, Wittgenstein—23.

Prayer by the Chaplain, Rev. Mr. Turner.

Mr. Coupland: I move that the reading of the minutes be dispensed with.

Adopted.

STANDING COMMITTEES.

Mr. Ray, from the Judiciary Committee, reported favorably as follows:

Upon Senate bill No. 97, an act to amend article 1670 of the Civil Code.

Upon Senate bill No. 124, an act to amend and re-enact article 2260 of the Civil Code of the State of Louisiana, and to repeal an act entitled an act to amend and re-enact article 2260 of the Civil Code of Louisiana, approved March 13, 1867.

Upon an act to re-establish the burnt records of the parish of Winn, with amendments.

Upon Senate bill 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 on the eighth of March, 1866, etc., with amendments.

Mr. Campbell, from the Committee on Corporations, reported favorably upon Senate bill 102, an act relative to the division of the Eleventh Ward of the parish of Terrebonne.

Several committees reported progress.

Mr. Williams: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to amend and re-enact the fourth section of an act entitled an act regulating sheriffs' and coroners' sales and writs of *fieri facias*, approved 1855.

Read twice and referred to the Judiciary Committee.

BILLS ACCORDING TO PREVIOUS NOTICE.

Senate bill No 129, an act to repeal an act entitled an act to authorize all persons who have obtained a proper license to open and keep open at all hours of the day private markets, stores, or stands in any part of the city of New Orleans for the sale of meats, game, poultry, vegetables, fruit, and fresh fish, was taken up and read.

Lies over under the rules.

BILLS ON THEIR FIRST READING.

House bill No. 144 joint resolution expressing the respect of the General Assembly of the State of Louisiana in memory of the death of the Hon. Thaddeus Stevens, late member of Congress from the State of Pennsylvania, and tendering their sympathy to the many friends and relatives of the deceased, was taken up and read.

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

Mr. Jewell, of Orleans: I object.

Mr. O'Hara: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Blackman, Campbell, Coupland, François, Kelso, Lewis, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Todd, Wilcox, Williams, and Wittgenstein—16.

Nays: Beares, E. L. Jewell, F. L. Jewell, Offutt, Thompson, White, and Whitney—7.

The rules were not suspended.

BILLS ON SECOND READING.

Senate bill No. 70, to establish a metropolitan police and to provide for the government thereof, was taken up and read.

Mr. Campbell: I move to take up the bill section by section.

Adopted.

The first and second sections were read and adopted.

The third section was read.

Mr. Wittgenstein: I move that the words "appointed by the Governor of Louisiana" be stricken out, and the words "elected by the General Assembly" be inserted.

Mr. Blackman: I move to lay the amendment on the table.

Mr. Smith: I call for the yeas and nays.

The yeas and nays were ordered, resulting—

Yeas: Anderson, Bacon, Blackman, Coupland, Campbell, Egan, François, E. L. Jewell, F. L. Jewell, Kelso, Offutt, O'Hara, Packard, Poindexter, Ray, Thompson, and White—17.

Nays: Pollard, Smith, Todd, Whitney, Wilcox, Williams, and Wittgenstein—7.

The amendment was laid on the table.

Section three was then adopted.

Section four was read.

Mr. Packard: I move that the following amendments be made: After the word "that," in line 2, insert the word "if." Insert the word "if" after the word "or" in line 4; strike out the words "who" in lines 5 and 8; insert the words "if he" in line 11; insert the word "he" in line 14; strike out the words "in either case" in line 15; strike out the words "to have" in line 16 and insert instead the words "as having;" strike out the word "have" in line 17 and strike out the letter "d" in the word "vacated" in the same line; and in line 17, after the word "and" insert the words "be compelled."

Adopted.

The section was adopted as amended.

Section five was read.

Mr. Campbell: I move to strike out the word "ten" and insert the word "six" in line 6.

Adopted.

The section was adopted as amended.

Sections 6, 7, 8, 9, and 10 were read and adopted.

Section 11 was read.

Mr. Smith: I move to expunge the whole section.

The motion was lost.

Section 11 was then adopted.

Sections 12 to 19 inclusive were read and adopted.

Section 20 was read.

Mr. Campbell: I move to substitute the word "not" for "no" in line 19.

Adopted.

The section, as amended, was adopted.

Section twenty-one was read and adopted.

Section twenty-two was read.

Mr. Campbell: I move to strike out the word "first" in line eleven, and the word "chief" in line twelve.

Adopted.

The section, as amended, was adopted.

Sections twenty-three to thirty-three inclusive were adopted.

Section thirty-four was read.

Mr. Campbell: I move to strike out the word "magistrate" wherever it occurs in the section, and insert the word "court," and to insert the word "which" for the word "who" in line thirty-one.

Adopted.

Mr. Campbell: I move to strike out in lines 30 and 31, the words "of the Metropolitan Police District," and insert the words "of competent jurisdiction of such city or parish where such ferryboat, manufactory, slaughter-house, tenement-house or edifice is maintained."

The section was adopted.

Sections thirty-five to thirty-eight inclusive were adopted.

A message from the Governor was received.

The thirty-ninth section was read.

Mr. Campbell: I move to strike out the word "magistrate" in line nine, and insert "court of competent jurisdiction" instead; strike out the word "magistrate" in line eleven, and insert the word "court;" to strike out the words "magistrate may," and insert instead the words "court shall" in line sixteen.

The section was adopted as amended.

Section forty was read.

Mr. Campbell: I move to strike out the words "the magistrate" and insert instead the words "such court" in line five.

Adopted.

Sections forty-one, forty-two, and forty-three were then read and adopted.

Section forty-four was read.

Mr. Campbell: I move that the word "magistrate" in line twenty-three be stricken out and the word "court" be inserted instead: that the words "or parish" be inserted after the word "city" in line twenty-three; that the word "court" be substituted for the word "magistrate" in line twenty-eight, and the words "hold its regular session" be substituted for the words "regularly hold his court" in lines twenty-eight and twenty-nine; that the words "court is not in session" be substituted for the words "magistrate is not holding court" in lines twenty-nine and thirty; and that the word "court" be substituted for the word "magistrate" in line thirty-six.

Adopted.

Section forty-five was read and adopted.

Section forty-six was read.

Mr. Campbell: I move to substitute the words "court of competent jurisdiction" for the word "magistrate" in line twenty-nine.

Adopted.

The section was adopted asamended.

Section forty-seven was read and adopted.

Section forty-eight was read.

Mr. Campbell: I move to strike out the words "statutary powers of" in line seven, and insert instead the words "all powers now conferred by law upon."

Adopted.

The section was adopted as amended.

Sections forty-nine to fifty-eight inclusive were then read and adopted.

Mr. Campbell: I move to reconsider the vote upon the adoption of section fifteen.

Adopted.

Mr. Campbell: I move to strike out the words "and statuary powers of," and insert "powers now conferred by law upon."

Adopted.

The section as amended was adopted.

Mr. O'Hara: I move to reconsider the vote on the adoption of section three.

The Senate refused to reconsider, by a rising vote of 10 yeas to 12 nays.

Mr. O'Hara: I offer the following additional section:

And be it further enacted, etc., That the entire cost of the police service under this act, for all purposes whatever, shall not exceed six hundred thousand dollars per annum.

Mr. Campbell: I move to lay that additional section on the table.

Mr. Bacon: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Campbell, Coupland, François, Jenks, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Wilcox, Williams, Wittgenstein—17.

Nays: Anderson, Bacon, Blackman, Braughn, Darrall, Egan, Foute, Futch, E. L. Jewell, F. L. Jewell, Offutt, Ogden, Thompson, White—14.

The additional section was laid on the table.

Mr. Campbell: I offer the following as an additional section:

Be it further enacted, That all persons who may be arrested under the provisions of this act, shall be admitted to bail in the manner and by the courts or officers now prescribed by law.

Adopted.

Mr. Campbell: I move the adoption of the bill as a whole.

Adopted by a rising vote of 17 yeas to 11 nays.

Mr. Campbell: I move that the bill be considered engrossed for a third reading.

Adopted.

Mr. Campbell: I ask for a suspension of the rules to put the bill on its third reading.

The Senate refused to suspend the rules.

Mr. Campbell: I move that the bill be made the special order of the day at one o'clock to-morrow.

Mr. Blackman: I move to postpone the bill indefinitely.

Mr. Smith: I move to lay that motion on the table.

Mr. Blackman: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Campbell, Coupland, Darrall, François, Jenks, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Wilcox, Williams, and Wittgenstein—18.

Nays: Anderson, Bacon, Blackman, Braughn, Egan, Foute, Futch, E. L. Jewell, F. L. Jewell, Offutt, Thompson, and White—12.

The motion to postpone indefinitely was laid on the table.

Mr. Blackman: I move to adjourn.

The motion was lost.

Mr. Campbell: I call for the previous question.

The Clerk of the House of Representatives appeared with a message and announced that the House had concurred in Senate bill No. 42, an act to ascertain the eligibility of persons elected or appointed to office, etc., with amendments, and in Senate bill No. 55, an act to determine the mode of filling vacancies in all offices for which provision is not made by the constitution, without amendments.

The previous question was ordered.

Mr. Day was granted leave of absence until Wednesday.

The bill was then made the special order of the day at one o'clock to-morrow.

The Senate went into executive session.

The executive session being raised—

The President: I appoint Messrs. Whitney, Anderson, and Ray the committee to wait upon the Governor, and according to Mr. E. L. Jewell's resolution to inquire into the names of the 150 men murdered in the State, and other matters.

Mr. Ray moved to adjourn.

Adopted.

CHAS. H. MERRITT,
Secretary Senate.

Forty-Third Day's Proceedings.

TUESDAY, August 18, 1868.

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

The roll was called; present the following members:

Anderson, Blackman, Bacon, Beuves, Braughn, Campbell, Coupland, Darrall, Day, Egan, François, Futch, E. L. Jewell, Kelso, Lewis, Monette, Offutt, Ogden, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Thompson, Todd, White, Wilcox, Whitney, Williams, Wittgenstein—28.

Prayer by the Chaplain, Rev. Mr. Turner.

REPORTS OF STANDING COMMITTEES.

Mr. Ray, from the Committee on Judiciary, reported favorably with amendments upon Senate bill No. 125, an act to provide for taking the testimony of witnesses in suits pending in the courts of this State, and moved that it be printed and made the special order of the day for Monday next.

Adopted.

Mr. Smith, from the Committee on Elections, presented the following report:

SENATE COMMITTEE ON ELECTIONS, New Orleans, August 15, 1868.

To the Honorable Members of the Senate:

By a resolution of the Committee on Elections, as no contestant for the seat of the Hon. R. W. Futch has appeared before them, the following affidavit of Mr. Thomas L. Johnson is respectfully returned to your honorable body for its action, with the request that the committee be relieved from further consideration of the subject.

MORTIMER F. SMITH,
Chairman.

Mr. Anderson: I move that the rules be suspended to act at once upon the report of the committee.

Rules suspended.

An affidavit before R. H. Shannon, United States Commissioner, inclosed with the report of the committee was read. It alleges that R. W. Futch is not a registered voter.

Mr. Anderson: I understand the report of the committee to be that Mr. Futch is entitled to his seat. I move that the report be adopted.

The President: The Chair is of opinion that this report should lie over until Mr. Futch is present.

Mr. Blackman moved that the affidavit and petition be dismissed.

Mr. Campbell moved that it be referred to the judiciary committee.

The President: The motion to adopt takes precedence.

Mr. Braughn: The committee recommend that the affidavit be withdrawn. I move that the report of the committee be adopted, and that the affidavit be laid on the table.

Mr. Campbell: I withdraw my motion, and move that the affidavit and the report be referred to the Committee on Judiciary. I ask whether a motion to commit does not take precedence of any other motion?

The President: The Chair is of the opinion that the motion of the Senator from the First District is in order from this fact. The effect of laying the affidavit on the table will be that it will there be subject to be taken up at any time. Now, should any Senator be disposed to take up the matter, and consider the question of eligibility, it can be done.

The President: The Chair will state also that each member is sworn to support the constitution as well as myself, and if the gentleman is not eligible to his seat, it devolves upon them to take measures to prevent it. The mere fact of laying the affidavit upon the table makes it the property of the Senate, and it could be taken up and considered at any time.

The question being on adopting the report of the committee and laying the affidavit upon the table—

Mr. O'Hara called for a division of the question.

The report of the committee was adopted.

The motion to lay the affidavit upon the table was lost:

Yeas 10; nays 11.

On motion of Mr. Campbell the affidavit was referred to the Committee on the Judiciary.

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

Mr. Campbell, from the Committee on Corporations and Parochial Affairs, reported favorably upon Senate bill No. 108, a bill for the relief of the poor and indigent of the State of Louisiana.

Mr. Packard, from the Special Committee on the New Orleans Slaughterhouse Company bill, Senate bill No. 121, reported favorably.

Mr. Todd asked that this bill might lie upon the table until he had time to make a minority report.

The Chair: It lies upon the table until Friday next, being a local bill.

MOTIONS.

Mr. Braughn: I have in my hands a memorial from a charitable institution. I presume that under the head of motions it is in order.

The memorial was read by its title, being the report of the Board of Directors of St. Vincent and St. Thomas for destitute Catholic boys, and memorial to the honorable President and Senate of the State of Louisiana.

On motion of Mr. Braughn the report and memorial were received, and referred to the Committee on Charitable Institutions.

SPECIAL ORDER OF THE DAY.

Senate bill No. 53, an act to define and regulate the costs of the Clerks, Sheriffs, Recorders, and Notaries Public throughout the State of Louisiana, and provide forfeitures and penalties for their overcharging and failing to perform their duties, and the mode of collecting their fees, was taken up.

SEC. 10. Be it further enacted, etc., That the Recorders and Notaries Public shall be entitled to demand and receive at the time the services may be performed, the following fees of office, and no more, and that they shall not be entitled to charge for any other services they may perform, or be required to perform as Recorders and Notaries Public.

For writing original acts of any kind, including recording the same, per hundred words, twenty cents.

When an act notarial in form is written out by some other party and passed before the Recorder or Notary Public, as a notarial act, the fees shall be twenty-five cents for passing the act, and ten cents for every hundred words for recording the same.

For every necessary certificate and seal to every notarial act, twenty-five cents, and no notarial act shall have more than one certificate and seal.

For making copies of all official documents, ten cents for every hundred words. For certificate and seal to every copy, twenty-five cents.

For proving up an act under private signature, twenty-five cents.

For recording an act under private signature ten cents for every hundred words, and twenty-five cents for the certificate and seal showing the recording thereof.

For certificates of mortgages with seal one dollar, and for every hundred words after the first four hundred, twenty cents.

For canceling mortgages with certificate and seal thereof, one dollar.

The parties in the notarial act may by written clause in the act dispense with the certificate of mortgage required by article three thousand three hundred and twenty-eight of the Civil Code, and in such cases the Recorder or Notary Public shall not be entitled to charge for such certificate.

For fixing seals on effects of deceased persons two dollars.

For swearing each appraiser or expert twenty five cents.

For recording acts passed before other Notaries Public ten cents for every hundred words, and twenty-five cents for the certificate and seal, provided there is not over one certificate and seal.

For making inventories of successions or other property out of office, fifty cents per hour, provided not more than twelve hours per day shall be charged, together with twenty cents per hundred words for the process verbal of the inventory, and recording it, and twenty-five cents for the certificate and seal thereon.

For making inventories in office there shall only be charged twenty cents for every hundred words for taking and recording the same, and twenty-five cents for the certificate and seal.

For making partitions, twenty cents for every hundred words, including recording the same, and twenty-five cents for the certificate and seal.

SEC. 11. Be it further enacted, etc., That it shall be the duty of the Recorder or Notary Public, if required by the person having the services performed, as described in the foregoing section of this act, to give an explicit fee bill receipted to such person on his paying the fees for all services performed, which shall be evidence of payment.

On motion of Mr. Ray the bill was read section by section.

Mr. Ray said this bill was a reduction of the former fee bills of these officers. Its aim is to give these officers a fair and just compensation for their services, and no more.

Upon the reading of the first section Mr. Ray moved its adoption.

Adopted.

Section two was read.

Mr. Ray moved to amend line ninety-three by striking out "sixty" and inserting "forty."

Amendment adopted.

The section as amended was then adopted.

Sections three and four were read and adopted.

Section five was read.

Mr. Ray moved to strike out lines fifteen and sixteen, and the word "case" in line seventeen.

Amendment adopted.

Section five was then adopted as amended.

Section six was read.

Mr. Ray moved, in line four, instead of the word "suits," to insert the word "writs"

The amendment was adopted.

The section as amended was adopted.

Section seven was read.

Mr. Ray moved to strike out from the word "it" in line ninety-five to the end of the section.

The amendment was adopted.

Section seven was adopted.

Sections eight and nine were read and adopted.

Mr. Ray offered an additional section as section ten.

The section was read and adopted.

Mr. Ray offered an additional section as section eleven.

The section was read and adopted.

Section twelve was read.

Mr. Ray moved to insert at the end of line two, "Recorder or Notary Public."

The amendment was adopted.

Section twelve was adopted as amended.

Section thirteen was read.

Mr. Ray moved in line six to strike out the word "and," and after the word "eighteen" to insert the words "and nineteen."

The amendment was adopted.

The section as amended was adopted.

Section fourteen was read and adopted.

On motion of Mr. Ray the vote on section two was reconsidered, and the words "except the parish of Orleans" inserted at the end of line 91.

The amendment was adopted, and the section as amended was adopted.

The bill was then adopted as a whole.

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

On motion of Mr. Ray the bill was finally adopted.

An amendment to the title was adopted and the title adopted.

Senate bill No. 80, an act providing for the election of Justices of the Peace, and prescribing their powers and duties in all the parishes of this State except the parish of Orleans, was taken up.

On motion of Mr. O'Hara the bill was made the special order of the day on Thursday next.

Mr. Blackman called up Senate bill No. 126, an act to incoporate the Louisiana and Arkansas railroad company.

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

Section one was read.

Mr. Blackman moved the adoption of the first section.

The section was adopted.

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

Section six was read.

Mr. Egan moved to insert as names of commissioners E. H. McGinty, A. B. Reagan, and R. B. Williams, of the parish of Winn.

Adopted.

The Chief Clerk of the House of Representatives appeared with a message from the House asking concurrence in the following bills:

House bill No. 85, an act for the emancipation of George Crockett Phillips.

House bill No. 87, an act providing that the flag of the United States shall wave over all public offices and institutions.

House bill No. 79, an act fixing the salaries of District Judges in the State.

House bill No. 99, an act to amend an act entitled an act, and the amendment thereto, concerning the town of Bastrop in the parish of Morehouse.

Sections 7, 8, 9, 10, 11, 12, 13, 14, were read and adopted; an additional section to be added.

Mr. Egan offered a substitute for section fifteen, which was read and adopted.

Sections sixteen to twenty-three, inclusive, were read and adopted.

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

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

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

Mr. Campbell called up bill No. 70, an act to establish a metropolitan police district and to provide for the government thereof, on its third reading.

Mr. Campbell moved the previous question.

The previous question was ordered.

Mr. Braughn called for the yeas and nays on the final adoption of the bill, which were ordered, resulting:

Yeas: Campbell, Coupland, Darrall, François, Kelso, Lewis, Monette, O'Hara, Packard, Poindexter, Pollard, Ray, Smith, Whitney, Wilcox, Williams, and Wittgenstein—17.

Nays: Anderson, Bacon, Blackman, Braughn, Day, Egan, Foute, Futch, E. L. Jewell, F. L. Jewell, Offutt, and White—12.

Messrs. Foute and Egan having entered pending the vote, were permitted, by a vote of yeas 16, nays 8, to record their votes in the negative.

The title of the bill was then adopted.

On motion of Mr. Ray Senate bill No. 99, substitute for an act to prevent the stealing of fruit, grain, etc., was taken up, and the first section read.

Mr. Poindexter offered an amendment, and subsequently withdrew it.

On motion of Mr. Campbell the bi[ll] ordered to lie over until Thursday.

On motion of Mr. Ray House bill N[o.] an act to amend an act entitled an a[ct relative] to monitions, mode of proceedi[ng] to secure purchasers at tax sal[es] taken up.

On motion of Mr. Wittgenstein the [House] adjourned.

JOURNAL OF THE HOU[SE.]

Forty-Second Day's Sessio[n.]

SATURDAY, August 15

The House met pursuant to adjou[rnment], Speaker Lowell in the chair.

The roll being called, fifty-nine m[embers] answered to their names:

Speaker Lowell, Abbot, Alexand[er], toine, Adolphe, Bennett, Brewster, Burrel, Bergeron, Collins, Carr, Dewees, Dufresne, De Grange, Du[…] part, Esnard, Faulkner, Fouts, G[…] Gair, Garstkamp, Guidry, Hill, H[…] Hanlon, Honore, Harper, Hutchins[…] land, Hall, Heidenhain, Isabelle, Landers, Mollere, Mahier, Murrel[…] sion, Morey, Morand, Matthews, Pearce, Page, Pierce, Raymond, Rey, Slaton, Tureaud, Umphreys, Washington, Wren, N. Young, Yo[…]

Prayer by Chaplain Kingston.

On motion of Mr. Tureaud, of St. […] the reading of the journal was di[spensed] with.

Under a suspension of the ru[les, Mr.] Esnard, of St. Mary, introduced [the fol]lowing resolution, which lies over u[nder the] rules:

Resolved, That the Committee o[…] ways is hereby authorized to vi[sit such] railways as in their opinion may be necessary, in order that they may report thereon.

Be it further resolved, That such [visita]tion shall take place during a rece[ss of the] House.

On motion of Mr. Faulkner, of O[…] the Speaker was requested to appoi[nt …] Judiciary and Public Lands and […] Committees two members to act p[…] during the absence of Messrs. Pratt, […]borne, and Prescott, of St. Landry.

REPORTS OF STANDING COMMITT[EES.]

The Committee on Enrollment s[ubmitted] the following report, which was [received] and adopted:

ENROLLMENT DEPA[RTMENT], House of Representa[tives], New Orleans, Augu[st …]

To the Honorable Speaker and Mem[bers of the] House of Representatives:

Your Committee on Enrollment h[ave the] honor to report that the following b[ills have] been duly engrossed, to wit:

An act relative to draining ce[rtain por]tions of Orleans and Jefferson.

Preamble and resolution to h[ave the] United States flag wave over al[l public] offices and institutions.

An act to give jurisdiction to t[he …] District Court of the parish of O[rleans in] certain cases.

An act to amend an act to pro[vide for] supplying the loss of the public rec[ords and] other papers consumed by the bu[rning of] the courthouse in the parish of […] during the month of May, 1864, and [for] the appointment by Governor W[…] commissioner for that purpose.

An act to provide for the indent[ure of] persons under eighteen years of [age con]victed before courts of the State o[f Louisi]ana exercising jurisdiction of any c[rime not] capital to responsible parties u[ntil such] persons have attained the age of t[…] years instead of committing them [to the] Prison or Penitentiary.

An act for the emancipation o[f George] Crockett Phillips.

Joint resolution expressing the [respect] of the General Assembly of the [State of] Louisiana, in the memory of the [death of] the Honorable Thaddeus Stevens l[ate mem]ber of Congress, from the State of [Pennsyl]vania, and tendering their sympath[y to the] many friends and relatives of the [deceased].

Respectfully submitted.

Mr. McMillen, of Carroll, chairm[an of the] Committee on Corporations, repor[ted favor]ably without amendment Hous[e bill No.] 99, which was ordered to be engro[ssed.]

An act to amend an act entitled an [act, and] the amendments thereto conce[rning the] town of Bastrop, in the parish [of More]house.

SECTION 1. Be it enacted by th[e Senate] and House of Representatives of [the State] of Louisiana in General Assembly c[onvened,] That section second of an act en[titled an] act concerning the town of Bastro[p, in the] parish of Morehouse, approved […] 1860, and the amendment thereto, March 9, 1861, be further amended [and re-]enacted so as to read as follows, […] the trustees of said town shall [have] power to assess such an amount of […] they may deem proper, not to e[xceed the] sum of five thousand dollars pe[r annum,] to be collected in the usual ma[nner, and] that all property situated within t[he limits] of the present corporation of […] square, upon which the State le[vies a tax] shall be subject to taxation by sai[d corpora]tion.

SEC. 2. And be it further ena[cted, That] the trustees of said town shall h[ave author]ity to elect a Street Commission[er, whose] duty shall be defined and salar[y fixed by] said Board of Trustees.

SEC. 3. Be it further enac[ted, That] all laws or part of laws confli[cting here]with be and the same are hereby [repealed.]

SEC. 4. Be it further enacted, [That this] act shall take effect from and aft[er its pas]sage.

The same committee reported b[ack House] bill No. 132, and recommended it[s indefinite] postponement.

Mr. De Grange, of Orleans, m[oved that] the bill be postponed until Satu[rday.]

Carried.

The Committee on Contingent [Expenses] submitted the following report, [which was] received and accepted:

HOUSE OF REPRE[SENTATIVES], Rooms of Committee on Contingent E[xpenses], New Orleans, La., Aug[ust …]

To the Honorable Speaker and Mem[bers of the] House of Representatives:

GENTLEMEN—Your Committee [on Con]tingent Expenses have the honor [to report] the following act:

An act appropriating $100,000 f[or payment] of mileage and per diem of me[mbers and] employes of the General Assem[bly, and] contingent expenses of the same.

Respectfully,

FRANK MO[…]
Chairman Committee Contingent [Expenses.]

The above bill, No. 46, repor[ted by the] committee, was placed on its [first read]ing.

On motion of Mr. Morey, of Or[leans, the] rules were suspended, the bill pl[aced on its] second reading, and referred t[o the Com]mittee of the Whole; 150 copies [ordered to] be printed.

The Committee on Claims sub[mitted the] following report, which was re[ceived and] accepted:

To the Honorable the Speaker and Me[mbers of the] House of Representatives of the S[tate of Loui]siana:

The Committee on Claims, to [whom was] referred a resolution offered by [Mr.] Isabelle, to allow four months s[alary to …] W. Handlin for the vacation ter[m …] of the Third District Court of Ne[w Orleans,] of which he had been Judge, m[ake their] report as follows:

They have examined into the f[acts of the] case, and have ascertained the[m to be as] follows: On the third of Nove[mber …] said Handlin was appointed Ju[dge of] said court by George F. Shepley, [Mili]tary Governor. On the thirteen[th …] 1864, the said Handlin, in a su[it …] "John Osman and wife vs. Char[…] No. 17,946 of the docket of said c[ourt, de]cided that slavery still existed in [the parish] of Orleans, and that the plaint[iffs, being] slaves, could not maintain an [action in] court. Slavery had already been [abolished] in this State by an ordinance of t[he Conven]tion of 1864, then in session, and [the insti]tution had also been impair[ed and] absolutely done away with. […] from the Military Commande[r of the] department. For rendering th[is decision] Judge Handlin was the next d[ay removed] from office by Governor Hahn, […] sides setting forth the facts a[bove men]tioned, officially stated that Jud[…]