Haskell, Kent, Kavanagh, Landers, McCullen, McMillen, Melvin, Manec, Noble, Slaton, Washington, Wilson, Waters, D. Young, Zoelly—23.

Mr. Harper, of St. Charles, moved to reconsider the vote last taken.

Mr. Carr, of Orleans, moved to lay the motion to reconsider on the table.

Yeas and nays demanded, resulting as follows:

Yeas: Alexander, Adolphe, Belot, Collins, Carr, Dewees, Dufresne, Dupart, Evans, Guigonet, Garstkamp, Gray, Hill, Honore, Hutchinson, Holland, Hall, Heidenhain, Isabelle, Kavanaugh, LeBlanc, Leroy, Morris, Mollere, Mahier, Murrell, Pearce, Page, Raymond, Reese, Rey, Sterrett, Taylor, Tureaud, Umphreys, H. Williams—36.

Nays: Buckingham, Brewster, Burrel, Calhoun, Curell, Cuney, Esnard, Faulkner, Fouts, Gair, Haskell, Harper, Kent, Lott, Landers, McCullen, McMillen, Melvin, Mansion, Morand, Magee, Slaton, Washington, Waters, D. Young—25.

Section 28th was read.

Mr. Heidenhain, of Orleans, offered the following amendment, which was adopted.

After the word "court" in the third line insert "excepting the First District Court of the parish of Orleans."

Section twenty-eight as amended was adopted.

Section twenty-nine was read and adopted without amendment.

The House on motion of Mr. McMillen, of Carroll, adjourned until to-morrow, at eleven o'clock.

WM. VIGERS,
Chief Clerk House of Representatives.

Fiftieth Day's Session.

TUESDAY, August 25, 1868.

The House met pursuant to adjournment, Speaker Lowell in the chair.

Roll was called. The following members answered to their names:

Speaker Lowell, Abbot, Alexander, Antoine, adolphe, Bennett, Buckingham, Belot, Barbee, Burrel, Collins, Carr, Curell, Cuny, Desionde, Dufresne, Dupart, Evans, Esnard, Guigonet, Gair, Garstkamp, Gray, Hill, Hutchinson, Holland, Heidenhain, Isabelle, Kavanaugh, LeBlanc, Leroy, Morris, Mollere, Mahier, Murrell, Pearce, Page, Raymond, Reese, Rey, Sterrett, Taylor, Tureaud, Umphreys, H. Williams—36.

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Prayer by the Reverend Mr. Stubbs.

On motion of Mr. Garstkamp, of Jefferson, the reading of the journal was dispensed with.

Under a suspension of the rules Mr. Curell, of Orleans, presented the following petition:

To the Honorable House of Representatives of the State of Louisiana:

The petition of the undersigned, attorney at law, respectfully represents that in the spring of 1867 he was employed by his excellency Governor B. F. Flanders to prepare the necessary papers, and represent, as an attorney, the claim of the State of Louisiana before the Commissioner of the Internal Revenues for a remission of the tax assessed on the circulation of the State; that said tax at that time amounted to over ten thousand dollars in United States treasury notes; that such tax was demanded of the Treasurer monthly, and distringas threatened if the tax was not paid; that your petitioner duly appeared before the Commissioner of Internal Revenue of the United States, and presented oral and written arguments to prove the illegality of such tax, and on the decision of the said Commissioner that said tax was legal, the petitioner had the case submitted to the Attorney General of the United States, who sustained the positions assumed for the State, and under this decision the claim for said tax was abandoned, and the State released from a liability which by this time would have amounted to $20,000.

Your petitioner therefore prays, in consideration of said employment and services, that your honorable body will make an appropriation of five hundred dollars to pay him for his services in said matter, and in proof of said claim and services that he be allowed to present to your body, or the committee to which this may be referred, the certificates or the testimony of the late Governor B. F. Flanders, and the late Treasurer of the State, Adam Gilfen.

And your petitioner will ever pray, etc.,
ALEXANDER WALKER.

On motion of Mr. Gray, of St. James, it was referred to the Committee on Claims.

REPORT OF COMMITTEES.

Mr. Melvin, chairman of the Committee on Penitentiary, submitted a joint report of the Senate and House of Representatives of Louisiana on the State Penitentiary.

On motion of Mr. Mathews, of Tensas, further consideration of the report was postponed until Monday next. Five hundred copies of the report in pamphlet form ordered to be printed.

Committee on Internal Improvements submitted the following report:

To the Honorable Speaker and Members of the House of Representatives of the State of Louisiana:

GENTLEMEN—Your Committee on Internal Improvements to whom was referred Senate bill No. 88, entitled "an act to amend and readopt section first of an act entitled "an act for the corporation, organization, etc., of works of public improvement, etc.," approved March 14, 1855," meet respectfully report favorably.

(Signed) A. J. DEMAREST,
Chairman.
W. C. MELVIN,
M. BAYMOND,
D. YOUNG,
JAMES McCULLEN.

The report was received, adopted, and placed on the calendar for the third reading.

Mr. Curell, of Orleans, member of the Judiciary Committee, submitted the following minority report on House bill No. 11:

HOUSE OF REPRESENTATIVES,
Room Committee on Judiciary,
New Orleans, August 24, 1868.

To the Honorable Speaker and Members of the House of Representatives:

The undersigned, a member of this committee, to which was referred House bill No. —, entitled an act to protect the people in their civil and public rights, begs leave to present this, his minority report, adverse to the recommendation of the majority of this committee.

Of the many reasons for which this bill should not be adopted, the undersigned first urges its unconstitutionality.

The late State Convention saw fit to follow in the footsteps of its predecessor in recognizing the principles of vested rights engrafted upon the constitutions of our sister states, and embodied this recognition of rights in article 110 of the constitution of 1868, which reads, "No ex post facto law nor any law impairing the obligation of contracts shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation made."

The bill to protect all persons in their civil and public rights, the text of which I consider not only not in accordance with the title, but directly violative thereof, provides no adequate compensation, while it clearly divests the vested rights of proprietors of establishments and places of public entertainment, and that, too, for no purpose of public utility.

This House should not, by its haste to grant new powers, yet unknown, boldly attempt to legislate the constitutional Convention out of the proper exercise of those vested rights we need and must have, for the protection of the people to maintain these in their possession.

The undersigned, with the late Chief Justice Chase, would like to improve the constitution upon this House, but, as a citizen, he prefers to see property, under the law, in the keeping of a Democratic Court and one which is not now particularly interested in the violating and breaking down of vested rights.

The bill proposes that "persons" may sue after forty days, and that "persons" may be fined $1000 for refusing to do what Chas. E. Fortier, according to special agreement, undertook to do, and for the payment of this debt one city of the State is responsible.

All of which is respectfully submitted.

C. M. WICKLIFFE,
Auditor of State.

On motion of Mr. Noble, of Orleans, the

AUDITOR'S OFFICE,
State of Louisiana,
New Orleans, August 20, 1868.

To the Honorable Speaker of the House of Representatives:

SIR: In obedience to the law which says: "Section 16—In all cases where the law recognizes a claim for money against the State, and no appropriation shall have been made to pay the same, the Auditor shall audit and settle the same, give the claimant a certificate of the amount thereof, under his official seal, if demanded, and shall report the same to the General Assembly with as little delay as possible," (See Revised Statutes, 1866, section 16, page 26,) respectfully begs leave to make the following report:

Upon application of Mr. Chas. E. Fortier for payment of one-half of a claim for three thousand dollars, against the State of Louisiana as per judgment rendered by the Honorable Guy Duplantier, Judge of the Sixth District Court of the city of New Orleans, a copy of the judgment of which Honorable Court is hereunto annexed, and upon the legal advising of the Hon. Slatcon Belden, Attorney General of Louisiana, a copy of whose written opinion is hereunto annexed, I have granted to Mr. Chas. E. Fortier a certificate of indebtedness on the part of the State for his individual claim, as per judgment, amounting to $1500, with legal interest thereon from April 6, 1867, for which certificate of indebtedness I promise to issue my warrant whenever the General Assembly shall make appropriation for the payment of the same.

As the case seems to be a very clear one of just indebtedness on the part of the State, and I have full authority conferred and obligated under the law to issue the certificate of the whole claim of $3000, and as Mr. Fortier has been legally out of his just rights for a long period of time, and delayed by the action of the State in the premises, I feel it my duty to recommend the speedy passage of a bill of relief in favor of Chas. E. Fortier, according to special agreement, and to the payment of this debt one-half by the State and the other half by the City of New Orleans.

All of which is respectfully submitted.

C. M. WICKLIFFE,
Auditor of State.

On motion of Mr. Noble, of Orleans, the

communication was referred to the Committee on Claims.

Mr. Carr, of Orleans, moved that the rules be suspended to take up House bill 164.

Rules suspended.

House bill 164 was placed on its second reading, and on motion of Mr. Carr, of Orleans, referred to the Committee of the Whole.

The House resolved itself into a Committee of the Whole for the consideration of House bill No. 164.

Mr. Isabelle, of Orleans, was called to the chair.

After discussing the merits of the bill, Mr. McVean, of Caddo, moved that the committee rise and recommend the passage of the bill.

Carried.

The Speaker resumed the chair.

The committee through its chairman submitted its report, which was received.

Mr. McVean, of Caddo, asked a suspension of the rules to place House bill No. 164 on its third reading.

The rules were suspended.

The following bill passed its third reading, final passage, adopted by its title, and ordered to be sent to the Senate for concurrence.

An act providing for certain appropriations.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the following sums be and they are appropriated for the following purposes:

For contingent expenses, and hire of clerks and employes of the Executive	$ 5000
Auditor	5000
Treasurer	5000
Attorney General	1000
Secretary of State	2000
Printing and advertising	50,000

SEC. 2. Be it enacted, etc., That this act shall take effect from and after its passage.

UNFINISHED BUSINESS.

Senate bill No. 70 being under consideration section thirty was read and adopted without amendments.

Section thirty-one was read.

Mr. Noble called for the yeas and nays on the adoption of the section, resulting as follows:

Yeas: Abbot, Alexander, Antoine, Adolphe, Belot, Brewster, Burrel, Calhoun, Carr, Dewees, Dupart, Evans, Esnard, Guigonet, Gray, Honore, Harper, Hutchinson, Holland, Heidenhain, Isabelle, LeBlanc, Leroy, Lott, Morris, Mollere, Mahier, McVean, Murrell, Mansion, Morand, Matthews, Page, Raymond, Rey, Smith, Sterrett, Tureaud, Umphreys, Walsh, H. Williams, Yorke, D. Young—43.

Nays: Bennett, Barbee, Curell, Desionde, Dufresne, Gair, Garstkamp, Hill, Hanlon, Kent, Landers, Magee, Noble, Washington, Waters, Zoelly—16.

Sections thirty-two, thirty-three, and thirty-four were read and adopted without amendment.

Section thirty-five was read.

Mr. Carr, of Orleans, offered the following amendment:

To strike out from the word "premises" in the thirty-third line to the end of the section.

Carried.

The section as amended was adopted.

Section thirty-six was adopted without amendments.

Section thirty-seven was read.

Mr. Carr, of Orleans, offered the following amendments:

In the thirty-third line strike out the word "Controller" and insert "Treasurer."

Amendment adopted.

The section as amended was adopted.

Sections thirty-eigat, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven were read and adopted without amendments.

Section forty-eight was read.

Mr. Noble, of Orleans, called for the yeas and nays on the adoption of the section, resulting as follows:

Yeas: Abbot, Alexander, Adolphe, Belot, Collins, Calhoun, Carr, Cuny, Desionde, Dewees, Dupart, Evans, Esnard, Guigonet, Gray, Honore, Hutchinson, Holland, Hall, Heidenhain, Isabelle, Le Blanc, Leroy, Lott, Landers, Morris, Mollere, Mahier, McVean, Murrell, Morand, Pearce, Page, Raymond, Reese, Rey, Sterrett, Taylor, Tureaud, Umphreys, Walsh, Washington, H. Williams, D. Young—45.

Nays: Bennett, Buckingham, Barbee, Gair, Garstkamp, Hanlon, Kent, Noble, Waters, Zoelly—10.

Mr. Landers, of Union, moved to reconsider the vote on section forty-eight.

Mr. Murrell, of Lafourche, moved to lay the motion to reconsider on the table.

Carried.

Section forty-nine was read.

Mr. Carr, of Orleans, offered the following amendment:

In the sixteenth line strike out the words "of the State."

Carried.

Mr. Landers, of Union, moved to strike out the whole section.

Mr. Carr, of Orleans, moved to lay the motion on the table.

Carried.

Mr. Landers, of Union, called for the yeas and nays on the adoption of the section, with the following result:

Yeas: Abbot, Adolphe, Belot, Burrel, Collins, Calhoun, Carr, Cuny, Desionde, Dewees, Dufresne, Dupart, Evans, Esnard, Guigonet, Garstkamp, Gray, Hill, Honore, Harper, Hutchinson, Hall, Heidenhain, Isabelle, LeBlanc, Leroy, Morris, Mollere, Mahier, McMillen, McVean, Murrell, Mansion, Morand, Pearce, Page, Raymond, Rey, Taylor, Tureaud, Umphreys, Walsh, Washington, H. Williams, Yorke, D. Young—37.

Nays: Alexander, Bennett, Buckingham, Barbee, Faulkner, Haskell, Hanlon, Kent, Landers, Meece, Noble, Pierce, Prescott, Sterrett, Waters, Zoelly—16.

Sections fifty and fifty-one were read and adopted without amendments.

Section fifty-two was read:

Mr. Garstkamp, of Jefferson, offered the following amendments:

In the ninth line, strike out $3500, and insert $2500.

Mr. Raymond, of Jefferson, moved to lay the amendment on the table.

Mr. Garstkamp called for the yeas and nays. The result was as follows:

Yeas: Antoine, Collens, Carr, Cuny, Reese, Guigonet, Honore, Heidenhain, Isabelle, Le Blanc, Leroy, Lott, Marrel, Raymond, Umphreys, Wren, H. Williams—19.

Nays: Alexander, Bennett, Buckingham, Belot, Brewster, Barbee, Calhoun, Desionde, Dufresne, Demarest, Dupart, Esnard, Faulkner, Garstkamp, Gray, Gundry, Hill, Haskell, Harper, Hutchinson, Hall, Kent, Landers, Morris, Mollere, McMillen, McVean, Morey, Magee, Mansion, Morand, Pierce, Prescott, Rey, Sterrett, Taylor, Tureaud, Walsh, Washington, Waters, D. Young, Zoelly—45.

Mr. Isabelle, of Orleans, moved to strike out "$2500," and insert "$1000."

Mr. Washington, of Assumption, moved to lay the amendment on the table.

Mr. Isabelle, of Orleans, called for the yeas and nays, which resulted as follows:

Yeas: Abbot, Alexander, Antoine, Adolphe, Bennett, Buckingham, Barbee, Curell, Evans, Faulkner, Fouts, Garstkamp, Hill, Haskell, Harper, Hall, Kent, Leroy, Mollere, McVean, Manion, May, Noble, Pierce, Prescott, Rey, Slaton, Taylor, Tureaud, Walsh, Washington, Wren, H. Williams, D. Young—32.

Nays: Belot, Collins, Calhoun, Carr, Desionde, Dewees, Dufresne, Demarest, Kavanaugh, Gray, Hanlon, Hutchinson, Holland, Heidenhain, Isabelle, Lee, Lott, Landers, Morris, Morey, Matthews, Pearce, Raymond, Reese, Sterrett, Umphreys, Waters, Wilson, Yorke, N. Young, D. Young—27.

Sections fifty and fifty-one were read and adopted without amendments.

Section fifty-two was read:

Mr. Garstkamp, of Jefferson, offered the following amendments:

In the ninth line, strike out $3500, and insert $2200.

Mr. Raymond, of Jefferson, moved to lay the amendment on the table.

Mr. Garstkamp called for the yeas and nays. The result was as follows:

Yeas: Antoine, Collens, Carr, Cuny, Reese, Guigonet, Honore, Heidenhain, Isabelle, Le Blanc, Leroy, Lott, Marrel, Raymond, Umphreys, Wren, H. Williams—19.

Nays: Alexander, Bennett, Buckingham, Belot, Brewster, Barbee, Calhoun, Desionde, Dufresne, Demarest, Dupart, Esnard, Faulkner, Garstkamp, Gray, Gundry, Hill, Haskell, Harper, Hutchinson, Hall, Kent, Landers, Morris, Mollere, McMillen, McVean, Morey, Magee, Mansion, Morand, Pierce, Prescott, Rey, Sterrett, Taylor, Tureaud, Walsh, Washington, Waters, D. Young, Zoelly—45.

Mr. Isabelle, of Orleans, moved to strike out "$2200