attention is re-
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he General Assem-
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is as follows:
forbidding unjust discrimination on
nt of color or race, and to provide
s for enforcing the same.
ECTION 1. Be it enacted by the Senate
House of Representatives of the State
Louisiana in General Assembly convened,
hat it shall be unlawful for any person or
persons keeping or attending any place of
public resort where a license is required, or
any public conveyance, to make any dis-
tinction or refuse any accommodation, on
account of color or race, in this State, and
any person or persons who violate the pro-
visions of this act shall be fined not exceed-
ing fifty nor less than ten dollars, by any
justice of the peace in the parish wherein
the offense shall have been committed.

"SEC. 2. Be it further enacted, etc., That it shall be the duty of the Police Commissioner, or any of them of the Metropolitan Police District, when any provisions of this act shall have been violated within said district, on affidavit filed and certified, to cause any person charged with such offense to be arrested and brought within forty-eight hours after arrest before any Justice of the Peace or Recorder in the parish wherein the offense was committed, to be tried; and it shall be the duty of said commissioner or commissioners to cause the establishment wherein the offense was committed to be closed until satisfactory assurance is given for the compliance with the law.

"SEC. 3. Be it further enacted, etc., That this act shall take effect from and after its passage."

My objections to this bill are four-fold: First—It violates a provision of our constitution, artitle ninety-four, which is as follows:

"ART. 94.—No judicial powers, except as committing magistrates in criminal cases, shall be conferred on any officers other than those mentioned in this title; except such as may be necessary in towns and cities, and the judicial powers of such officers shall not extend further than the cognizance of cases arising under the police regulations of towns and cities in the State. In any case where such officers shall assume jurisdiction over other matters than those which may arise under police regulations, or under their jurisdiction, as committing magistrates, they shall be liable to an action of damages in favor of the party injured, or his heirs, and a verdict in favor of the party injured shall *ipso facto* operate a vacation of the office of said officer."

The bill as copied above provides for the exercise of judicial powers, beyond those of committing magistrates, by any of the police commissioners in the Metropolitan district, by the Recorders of the parishes of St. Bernard and Jefferson, in the same territory, by the Recorders of New Orleans. The affidavit mentioned in the second section is to be filed with the Police Commissioner as if he were a magistrate. He is, then, if he sees fit, to issue an order of arrest, as a judge issues a warrant; and thereafter, and in the exercise of judicial discretion, he is to close the establishment until assurance satisfactory to his judicial mind is given for compliance with the law. It is plain that "judicial powers" are thus conferred of an extraordinary character, and of a kind most liable to abuse.

Again, by inadvertence, perhaps, but no less in reality, the *Parish Recorders* of St. Bernard and Jefferson are endowed with judicial powers, to try the offender and condemn him to pay the fine established by the first section. This is manifestly unlawful. These parish recorders are officers whose duty it is to take charge of certain records, chiefly of real estate, and they can no more be made to hold a court than can the collectors of taxes.

But again the recorders of New Orleans are included in the grant of judicial power made in the second section of the bill, and are to pass *finally* upon the rights of the accused to the extent of the fine imposed by section one. This is evidently illegal, as will appear by reading article ninety-four of the constitution. It is unlawful for the Legislature to confer any judicial powers, except as *committing* magistrates, upon any but the judges and justices named in the constitution.

These are not my opinions merely. They are a statement of our jurisprudence. In the case of Lafon vs. Dufocq, decided by our Supreme Court in 1854 (9 Ann. p. 350), it appeared that the Legislature had attempted to confer judicial powers on the Mayor of Baton Rouge, and the court was unanimous in holding that it could not be done under an article similar to the one in the constitution of 1863, which vested judicial power in the Supreme Court, in district courts and in justices of the peace. In the case of Maguire vs. Hughes, 13 Ann. 281, the case of Lafon was limited and explained, but it was still held that the Legislature could not confer judicial powers upon any officers except supreme, and inferior judges and justices of the peace. These decisions were made in the absence of such an express article as ninety-four of our present constitution, and on general principles.

Still more: with the article ninety-four staring us in the face, we ought to pause before passing such a bill as the one herewith returned.

I may also observe that the article ninety-four imposes a severe penalty on the officer, other than a judge or justice, who shall attempt to exercise any judicial powers beyond those of committing magistrates. In this regard the bill is pernicious, for it imposes a duty on police commissioners city recorders and parish recorders, in such a way, that if they discharge it they are liable to lose their offices by the verdict of a jury in favor of any person conceiving himself aggrieved. We ought not to put these officers thus between two fires.

Second—The bill violates the provisions of article six of the constitution, which declares that prosecutions shall be by indictment or information, and that the accused shall be, in all cases, entitled to a trial by jury. It is evident that in the plan of action proposed by the bill, there is no opportunity for an indictment or information. The accused is not to be apprised with legal accuracy of the nature and circumstances of the offense with which he is charged, nor is it to be so described that a record may be kept which will prevent him from being tried twice for the same offense. Nor is there any provision for a jury. The justice of the peace can not summon a jury. There is no law for that. The city recorders and parish recorders are, if possible, still more powerless in this direction.

It seems clear, then, that the Legislature have inadvertently passed a bill which seeks to deprive the prisoner of the right of being legally informed of his offense, and of being tried by a jury.

Third—The bill violates those provisions of articles six, seven, eight, nine and ten, which declare that the accused shall be entitled to a speedy trial, and that he shall be [illegible] give bail, except in capi- [illegible] is plain. The Po- [illegible] and confine [illegible] focused, and [illegible] seventy-eight [illegible] long [illegible]

[illegible] held at [illegible] sides are [illegible] is [illegible] market [illegible] 124c;

[illegible] C. WARMOTH, [illegible] vernor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the [illegible] President and Members of the [illegible]

[illegible] my approval, [illegible] and re- [illegible] "An act

am willing to grant to our colored fellow-citizens the same rights accorded to the white man, but no more. If a white citizen is unjustly ejected from a railroad car or steamboat or hotel, he may have the offending party arrested and tried for the assault committed upon his person, but he must sue the company for the damages he has sustained by being deprived of his right to ride in the railroad car, in the cabin of the steamboat or to accommodation in the hotel. The same laws will protect the person, right or privilege of the colored man, and damage, both actual and exemplary, will be accorded alike to all, if sought under existing laws. In proof of this, your attention is called to the bill of rights, title one, article thirteen, which declares that "all persons shall enjoy equal rights and privileges upon any conveyance of a public character, and all places of business or of public resort, or for which a license is required by either State, parish or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color." By a reference to the act of 1869, it will be seen, that "all persons engaged in the business of common carriers of passengers, are forbidden to refuse admission to their conveyances or expel any person therefrom, on account of race or color." This act further states, that "no person shall be refused admission to, or entertainment at any public inn, hotel or place of public resort in the State." To enforce these provisions, the act declares that "all licenses hereafter granted by this State, and by all parishes and municipalities therein, to persons engaged in business or keeping places of public resort, shall contain the express condition that the place of business or public resort shall be open to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color, and any person who shall violate the conditions of such license, shall, on conviction thereof, be punished by forfeiture of his license, and his place of business or of public resort shall be closed; and, moreover, he shall be liable, at the suit of the person aggrieved, to such damages as he shall sustain thereby, before any court of competent jurisdiction."

To enforce, still more effectually, the provisions of this act, it is further provided that "the party injured shall have a right of action to recover any damages, *exemplary* as well as *actual*, which he may sustain, before any court of competent jurisdiction."

It would appear to me that every right that any reasonable person could demand for our colored fellow-citizens, is guaranteed by this act, and until at least some well directed effort has been made, through the proper courts, to enforce its provisions, and they have been proven defective or inoperative, further legislation in this direction is unnecessary. But I can not sanction any legislation that conflicts with the constitution of the country, and which must, therefore, encourage useless litigation and only tend to perpetuate the evils it was designed to remedy.

For my own part, I must say, in conclusion, that so far as statutory law can break down the prejudices of race, I believe that we have done all that can be done by the Legislature or the government.

We have, as above shown, given to our colored fellow-citizens the means which, if resorted to by them, will enforce most fully their civil rights, and if these rights are not accorded by those who continue to hold unreasonable and wicked prejudices, after the colored people have quietly and discreetly demanded them, and been refused, then I advise an appeal to the civil courts for redress of their wrongs.

If the rights of our citizens cannot be secured by an enforcement of the civil remedy, I believe they never can be by making penal codes and applying pains and penalties. A jury will award damages to an injured colored man, when it would not decree the party who would deprive him of his rights a criminal, and impose penalties for his acts.

H. C. WARMOTH.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

A joint resolution originating with your honorable body, and entitled "A joint resolution to appoint a joint committee as a commission to appraise and make necessary transfers of public properties, statements and other necessary arrangements to finally complete the consolidation of the cities of New Orleans, Jefferson and Orleans, Right Bank, under the name and style of the city of New Orleans," is herewith returned without my approval.

I return this bill for the reason that it is entirely annecessary. The consolidation has already been effected without the expense of this committee.

H. C. WARMOTH,
Governor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

An act originating with your honorable body, entitled "An act to lease the New Orleans City Waterworks," etc., is herewith returned without my approval.

The city of New Orleans having full legal authority to manage all of its own affairs, and its Administrators being fully competent to conduct them, I deem the legislation attempted in this bill superfluous and unnecessary. I know of no necessity for compelling the city of New Orleans to sell its property to these gentlemen.

H. C. WARMOTH,
Governor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

Herewith I return, without my approval, an act entitled "An act granting certain privileges to the Louisiana Canal and Land Improvement Company."

I regard this as one of the most pernicious bills that could pass any Legislature. It is no less than a scheme, concocted by a body of rapacious speculators, to appropriate for their own use the bayous and navigable streams in the State of Louisiana, as well as to engross several millions of acres of land belonging to the State. Its monstrosity is so apparent, that the chief incorporator himself declared to me that it was not the bill he thought, and intended should pass; and that he regarded certain odious amendments as intended to kill the measure entirely.

It has certainly done that thing.

H. C. WARMOTH,
Governor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

Herewith I return, without my approval, an act entitled "An act to grant ferry privileges to Henry Henchert, Conrad Henchert, J. W. B. Evans, R. G. Gardner and Aaron Wright, their heirs or assigns."

I object to this bill because it is one by which certain parties, for their own aggrandizement, seek to gain possession of a ferry privilege, now owned by and a source of revenue to the parish of Jefferson, and because I fail to perceive that any public benefit would result from the change, while, on the other hand, it would occasion a loss of revenue to the parish.

H. C. WARMOTH,
Governor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

Herewith I return, without my approval, an act entitled "An act to incorporate the Louisiana Joint Stock Bank, to be located in the city of New Orleans, Louisiana."

This bill, if passed, would, by its im- [illegible] construction, exempt the bank from [illegible] wholesome. It provides that an interest of [illegible] 25 ₱ bbl; [illegible] three per cent shall be paid on [illegible] State of Louisiana, city [illegible] in [illegible] tors, administrators, [illegible] vent [illegible] shall have re- [illegible] take [illegible] bank, and in [illegible] greed [illegible] may in- [illegible] day [illegible] be exempt [illegible]

[illegible] C. WARMOTH, [illegible] vernor of Louisiana.

STATE OF LOUISIANA, Executive Department, [illegible] Orleans, January 2, 1871.

[illegible] ent and Members of the [illegible]

[illegible] my approval, [illegible] and re- [illegible] "An act

[illegible] over, [illegible] to [illegible]

To the [illegible] House of R[illegible]

Herewith I return to the House an act entitled "An act to aid the Medical Department of Straight University," without my approval.

The grounds of my objection are, that the University in question, being a private educational institution, it is not competent for the General Assembly to make an appropriation of public funds for its support. In proof of which your attention is respectfully called to article 110 of the constitution, which says: "No appropriation shall be made by the General Assembly for the support of any private school or any private institution of learning whatever."

H. C. WARMOTH,
Governor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

Herewith I return, without my approval, an act entitled "An act for the relief of John Hancock."

My reason for so doing is that I fail to perceive why the State is expected to reimburse a person for a warrant which has been lost, any more than for a bond, either lost or destroyed. In all probability, the warrant has long since been paid, and is now in the treasury—paid in possibly for taxes. The bill should not become a law.

H. C. WARMOTH,
Governor of Louisiana.

STATE OF LOUISIANA, Executive Department, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

An act originating with your honorable body, entitled "An act to incorporate the Alexandria, Homer and Felton Railroad Company, and to grant State aid thereto," is herewith returned without my approval.

This bill is subject to the cardinal objection that it not only grants to the company unlimited power to extend its branch lines of railroad anywhere within the State, but it requires the State to guaranty the payment of the second mortgage bonds on the same. This would be almost equivalent to sanctioning their monopoly of all the railroad interests in the State.

H. C. WARMOTH,
Governor of Louisiana.

The following message was then received from the House:

HOUSE OF REPRESENTATIVES, New Orleans, January 2, 1871.

To the Honorable President and Members of the Senate:

I am directed by the House to inform the Senate that the House is organized and ready to proceed with business, and that the Speaker has appointed a committee of three on the part of the House, composed of Messrs. E. W. Dewees, Anthony Overton and Norbert A. Llambias, together with the committee on the part of the Senate, and inform the Governor of the same.

WILLIAM VIGERS,
Chief Clerk.

Mr. O'Hara moved that the Senate do now adjourn.

The yeas and nays being called for, the result was as follows:

Yeas—Antoine, Barber, Blackman, Bowman, Butler, Coupland, Fish, Harris, Herwig, Hunsaker, Jenks, Keiso, Lewis, O'Hara, Pinckback, Ray, Smith, Thomas, Todd—19.

Nays—Anderson, Campbell, Gallup, Hunsaker, Lynch, McMillen, Noland, Pierce, Ragan, Swords, Sypher, Thompson, Twitchell, Whitney, Wilcox—15.

The President of the Senate then announced that the Senate stood adjourned until to-morrow, the third instant, at 12 M.

CHARLES H. MERRITT,
Secretary of the Senate.

OFFICIAL JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

FIRST SESSION

OF THE

SECOND GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

First Day's Proceedings.

HOUSE OF REPRESENTATIVES, January 2, 1871.

The House was called to order at 12 M., by William Vigers, Chief Clerk, who proceeded to call the roll as returned by the Secretary of State, and the following members responded to their names:

Messrs. Abel, Adolphe, Antoine, Baker, Barker, Barrett, Barrow, Belot, Bentley, Bickham, Blunt, Bowen, Brewster, Broussard, Brown, Bryan, Buchanan, Burch, Butler, Care, Carter, Darby, Darinsburg, Davidson, Davis, Demas, Dewees, Douglass, Durio, Faulkner, Floyd, Fontelieu, Gaddis, Gardner, Garstkamp, W. Harper, Hempstead, Huston, Hyams, Johnson, Kearson, Kenner, Kinsella, LaSaliniere, Laurent, Llambias, H. Lott, J. B. Lott, Lynch, Mahoney, Marie, Marvin, Matthews, McCarty, McFarland, Meadows, Moncure, Morphy, Morris, Murray, Ong, Oplatek, Otto, Overton, Pond, Quinn, Raby, Riley, Ringgold, Sartain, Schumacher, Smith, Souer, Stamps, Stanton, Stevens, Tatman, Thompson, Tounoir, Tureaud, Ullman, Wand, Washington of Assumption, Washington of Concordia, Wheyland, Williams, Yorke, Young—88.

Quorum present.

Prayer by Rev. Dr. Daily.

Mr. Burch, of East Baton Rouge, moved that Mr. Kenner, of Orleans, be elected Speaker pro tem.

Mr. Dewees, of De Soto, offered the following substitute: "That the House proceed to a permanent organization," and called for the previous question, which was ordered, and the substitute adopted.

Mr. Burch, of East Baton Rouge, moved to reconsider the vote just taken.

Mr. Dewees, of De Soto, moved to lay the motion to reconsider on the table, which prevailed by a rising vote of yeas 56, nays 26.

Nominations for Speaker being in order,

Mr. Dewees, of De Soto, nominated Mr. Mortimer Carr, of De Soto.

Mr. Antoine, of Orleans, nominated Mr. J. Henry Burch, of East Baton Rouge.

Mr. Quinn, of Orleans, nominated Mr. Isaac Ullman, of Orleans.

Mr. Garstkamp, of Jefferson, moved that the nominations be closed.

Carried.

The roll was called with the following result:

The following members voted for Mr. Carr:

Abel, Adolphe, Baker, Barker, Barrow, Belot, Bentley, Blunt, Bowen, Brewster, Broussard, Brown, Bryan, Buchanan, Butler, Carter, Darby, Darinsburg, Davidson, Davis, Demas, Dewees, Douglass, Durio, Faulkner, Floyd, Fontelieu, Gaddis, Gardner, Garstkamp, P. Harper, Hempstead, Huston, Hyams, Johnson, Kenner, Kinsella, La Saliniere, Laurent, Llambias, H. Lott, J. B. Lott, Lynch, Mahoney, Marie, Marvin, Matthews, McCarty, McFarland, Meadows, Moncure, Moore, Morphy, Morris, Murray, Nelson, Ong, Oplatek, Otto, Overton, Pond, Quinn, Riley, Ringgold, Sartain, Schumacher, Smith, Souer, Stamps, Stanton, Stevens, Tatman, Thompson, Tounoir, Tureaud, Ullman, Wand, Washington (Assumption), Wa[illegible], Wand, Washington [illegible]liams, Wilson, Worrall, Wheyland, E. Wil- [illegible] Yorke, Young—85.

The following members voted for J. H. Burch:

Antoi[illegible] Barrett, Crawford W. [illegible] [illegible] received a [illegible] votes cast, was declared elected Speaker of the House of Representatives.

Mr. Hempstead, of Iberville, moved that a committee of four be appointed by the Clerk to conduct the Speaker elect to the chair.

Carried.

The Clerk appointed Messrs. Hempstead of Iberville, Kenner, of Orleans, Davis, of Orleans, and Davidson, of Livingston.

Mr. Carr, after being escorted to the chair, was sworn in by Mr. Davidson, of Livingston.

Mr. Carr then delivered the following remarks:

Gentlemen of the House of Representatives: Language seems inadequate to express the thanks and gratitude I feel for the distinguished honor of being selected to preside over this remarkable body. This mark of distinction. I attribute more to your personal esteem and good-will than to any merits I may possess as a presiding officer.

Gentlemen, much important business should and will be transacted at this session of the Legislature; many matters calculated to create excitement, arouse passion, and lead to angry debate, may be expected to be brought before you.

Let me urge upon you, the necessity of lending the Chair all necessary assistance for the maintenance of order and a strict adherence to the rules, and to evince towards each other, that kind and brotherly feeling so conducive to harmonious and successful action in bringing about results for the public benefit. Let us all feel that we have an important mission to fulfill, and that upon our actions here will depend, in a great measure, the future welfare and prosperity of our State. Let us apply ourselves to our duties with earnestness and patriotism, and a great victory will crown our efforts.

Let us guard well the liberties of the people which have been confided to us, and vie with each other in doing the most for their good.

Again thanking you for the flattering mark of your esteem which has called me to this position, and pledging myself to an earnest and patriotic desire to discharge my duties with impartiality toward all, I shall now proceed with the regular order of business.

The members were then sworn in by the Speaker elect.

Mr. Lott, of Rapides, moved that the House proceed to the election of a Chief Clerk.

Carried.

Mr. Dewees, of DeSoto, moved that Mr. Vigers be elected Chief Clerk by acclamation.

Carried.

Mr. Vigers was then declared elected by acclamation, and sworn in by the Speaker as Chief Clerk.

The following message was received from the Senate:

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

I am directed by the Senate to inform your honorable body that it is now organized, and has appointed a committee to act in conjunction with a similar committee on the part of the House, and wait upon the Governor to inform him that the General Assembly is organized, and ready to receive any communication he may have to make.

Committee on the part of the Senate, Messrs. Ingraham and Blackman.

CHARLES H. MERRITT,
Secretary.

The Speaker ordered the Clerk to inform the Senate, that the House had organized and appointed Messrs. E. W. Dewees, of De Soto; Anthony Overton, of Ouachita; Norbert A. Llambias, of Orleans, as a committee of three, to act in conjunction with the Senate Committee, to wait upon his Excellency the Governor, to inform him that the General Assembly was permanently organized for the transaction of business.

The committee having returned, stated through its chairman, that the Governor would communicate with the House in a few moments.

Mr. Yorke, of Carroll, moved that a committee of five be appointed by the Speaker to revise the rules of the House, and that the Speaker be the chairman of said committee.

Carried.

The following members were appointed: Messrs. P. Jones Yorke, of Carroll; H. Mahoney, of Plaquemine; F. Otto, of Orleans; Ernest Broussard, of Iberia, and Bush W. Baker, of Franklin.

MESSAGES FROM THE GOVERNOR.

The Secretary of the Governor was announced with several messages from his Excellency.

Mr. Davidson, of Livingston, moved to dispense with the reading of the messages, and that they be printed and laid upon the desks of the members, and made the special order of the day for Thursday next, at one o'clock P. M.

Carried.

On motion of Mr. Hempstead, of Iberville, the House was adjourned until to-morrow at twelve o'clock M.

WILLIAM VIGERS,
Chief Clerk House of Representatives.

LAWS OF THE STATE OF LOUISIANA

PUBLISHED BY AUTHORITY.

AN ACT No. 99.

Relative to vagrants in the parish of Orleans and city of New Orleans, and repealing an act entitled "An act relative to vagrants in the Metropolitan District," approved March 6, 1869.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That all idle persons [that] not having visible means to maintain themselves, live without employment; all persons wandering abroad, and lodging in taverns, groceries, beer-houses, outhouses, market-places, sheds or barns, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms, shall be deemed vagrants.

SEC. 2. Be it further enacted, etc., That it shall be the duty of any sheriff, constable, policeman or other peace officer, whenever required by any person to carry such vagrant before the Board of Metropolitan Police, or any commissioner of the said Board of Metropolitan Police, at such place to be designated by the said board to be examined, whether or not, there is sufficient grounds for such arrest. If the arrest is improper and not justified, the prisoner shall be released and set at liberty immediately. If, after a brief and summary examination which shall take place within twenty-four hours from such arrest, Sundays and holidays not included, it appears that the arrest was made on sufficient grounds, it shall be the duty of said board or of said commissioners detailed by said board, to designate a Justice of the Peace in the parish of Orleans, or the Recorder of the city of New Orleans, before whom the party charged with vagrancy, shall be forthwith sent for examination and trial, which shall take place within forty-eight hours, to begin from the time the prisoner and papers were receipted for by said Justice of the Peace or Recorder.

SEC. 3. Be it further enacted, etc., That if, after trial, the Justice of the Peace or [illegible] shall [illegible] board of [illegible] and said Justice or [illegible] issue a warrant to commit [illegible] vagrant to the Workhouse of the city for any time not exceeding six months, there to be kept at hard labor; or if such vagrant be a proper object of charity, to some place of refuge to be provided by the Common Council of the city of New Orleans. The cost for maintaining said vagrants, arrested on the right bank of the Mississippi river, shall be charged to the Police Jury of the right bank of the parish of Orleans, reimbursed by them to the city of New Orleans.

SEC. 4. Be it further enacted, etc., That if any child shall be found begging for alms, or soliciting charity from door to door, [to] or in any street, highway or public place, such child shall be deemed a vagrant, and any Recorder or Justice of the Peace, in the city of New Orleans or parish of Orleans, shall commit him or her to such place of refuge as may be provided by the city or parochial authorities, and the child shall be there detained, kept, employed and instructed in such useful labor as he or she shall be able to perform, until discharged therefrom.

SEC. 5. Be it further enacted, etc., That all vagrants apprehended with any picklock or other instrument, with the probable intention to feloniously break in and enter any dwelling-house, shop, store, office, church, courthouse, out house appurtenant to a dwelling-house, yard or garden, or with any offensive weapon with probable intent to feloniously assault any person, or who shall be found in any dwelling house, yard or garden with probable intent to steal or commit any crime or felony, shall be sent before the First District Court for the parish of Orleans, and, upon conviction by the verdict of a jury, shall be punished with imprisonment, with or without hard labor, for a period not exceeding two years.

SEC. 6. Be it further enacted, etc., That any person arrested under the provisions of this act, shall have the right to a trial by jury before the First District Court for the parish of Orleans: Provided, Such right is claimed before sentence by the Recorder or Justice of the Peace of the city of New Orleans, or parish of Orleans, before whom the examination shall take place; and it shall be the duty of said Recorder or Justice of the Peace to commit the prisoner to the First District Court for the parish of Orleans, to be tried by a jury; and upon conviction, all vagrants or persons who do not belong to that class described in, and to be [furnished] (punished) by section five, of this act, shall be punished with imprisonment in the Workhouse of the city of New Orleans for the period not exceeding one year; and if such vagrant be a proper object of charity, he shall be sent to some place of refuge, to be provided for by the Common Council of New Orleans.

SEC. 7. Be it further enacted, etc. That all persons condemned and sentenced by virtue of this act, without verdict of jury, may be released by the Board of Metropolitan Police, in the following cases only:

First—If the vagrant belongs to any other parish of the State, and the Police Jury or any municipal corporation of said parish, recommend his release.

Second—If he is from any other State, if his release is recommended and claimed by the city, town or county to which he belongs.

Third—If he is a foreigner, and the consul or consular agent of his nation recommends and claims his release, and not to return to the State of Louisiana.

Fourth—If the Board of Metropolitan Police have reason to presume that the vagrant is repentant and will demean himself and behave himself as an unoffending and law-abiding person, and is claimed and vouched for by two responsible citizens and property-holders of the parish or city of New Orleans, that they will furnish said vagrant with permanent employment and work.

SEC. 8. Be it further enacted, etc., That all persons harboring vagrants, knowing them to be such, shall, upon conviction, be fined in a sum not exceeding one hundred dollars nor less than fifty dollars, recoverable in the same, and by the Board of Metropolitan Police, before any Recorder or Justice of the Peace of the city of New Orleans.

SEC. 9. Be it further enacted, etc., That the act entitled "An act relative to vagrants in the Metropolitan District," approved March sixth, eighteen hundred and sixty-nine, be and the same is hereby repealed.

SEC. 10. Be it further enacted, etc., That all laws or parts of laws contrary to the provisions of this act, be and the same are hereby repealed.

SEC. 11. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) MORTIMER CARR.
Speaker of the House of Representatives.
(Signed) OSCAR J. DUNN.
Lieutenant Governor and President of the Senate.

Approved January 2, 1871.
(Signed) H. C. WARMOTH.
Governor of the State of Louisiana.

A true copy:
GEO. E. BOVEE,
Secretary of State.

SHERIFF'S SALES.

Arthur Olivier, agent of Mrs. Charles G. Olivier, vs. City of New Orleans.—Fourth District Court for the parish of Orleans, No. 24,313.

BY VIRTUE OF A WRIT OF SEIZURE AND sale to me directed by the Honorable the Fourth District Court for the Parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, February 4, 1871, at twelve o'clock M., the following described property, to-wit:

A CERTAIN PORTION OR LOT OF GROUND, together with all the buildings and improvements thereon and appurtenances thereof, and all the rights, ways, servitudes, privileges and advantages thereunto belonging, situated in the bourg Duverge, right bank of the river Mississippi, in this parish, designated on a plan made by A. D'Hemecourt, surveyor, on the eighteenth of March, 1842, deposited in the office of the late Louis T. Caire, notary public in this city as plan number twenty-two, of his book of plans number four his, as lot number four of square number eight, bounded by Villere, Seguin, Bartholomy and Delaronde streets. Said lot measures one hundred and eleven feet front on Villere street, one hundred and eighty-three feet deep between parallel lines, and one hundred and ten feet eight inches and ten lines in width in the rear; being the same property purchased by the Police Jury parish of Orleans Right Bank, now forming the Fifth District of the city of New Orleans, from Mrs. Widow Charles G. Olivier, as per act passed before E. G. Gottschalk, a notary public in this city, bearing date the first of December, 1866.

Seized in the above suit.

Terms—In cash for a sufficient amount to pay plaintiff's claim, to wit: the sum of one thousand dollars ($1000), with interest thereon at eight per cent per annum from December 1, 1866, till the day of sale; five per cent attorney's fees; thirty-five dollars and ninety-five cents ($35 95) premium of insurance; three dollars and eighty-five cents ($3 85) costs of protest; five dollars ($5) costs of copy of act and costs of suit.

2. The purchaser to assume (to the extent of the amount of his bid) the payment of a note secured by concurrent mortgage on said property, drawn by John Brownlee, President of said Police Jury, to the order of said Police Jury, and for it be him indorsed, dated December 1, 1866, for the sum of one thousand dollars ($1000), payable five years after date, at the Canal Bank, in this city, and bearing interest at the rate of eight per cent per annum from date till paid.

3. And the balance of the price of adjudication, if any, cash on the spot.

C. S. SAUVINET,
ja3 17 3c1 Sheriff of the Parish of Orleans.

L. F. Barrett vs. F. C. Mahan—Sixth District Court for the parish of Orleans, No. 1224.

BY VIRTUE OF A WRIT OF FIERI FACIAS to me directed by the Honorable the Sixth District Court for the Parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on TUESDAY, January 17, 1871, at twelve o'clock M., the following described property, to wit:—

TWO CERTAIN LOTS OF GROUND, together with the buildings and improvements thereon, and all rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, situate in the faubourg Sanlet, First District of this city, in the square bounded by St. Charles (late Nayades), Clio, Prytania and Calliope streets and designated by the numbers three and four, on a plan made by Charles F. Zimpel, late surveyor, dated April 3, 1835, and deposited in the office of William Christy, late a notary public in this city. Which said lots adjoin each other and measure, each, twenty-six feet seven inches and five lines front on St. Charles (late Nayades) street by one hundred and twenty feet in depth, between parallel lines, American measure, bounded in the rear by an alley, fourteen feet wide, common to said lots and others bordering thereon. Being the same property acquired by the defendant, Francis Clark Mahan, by purchase from the succession of J. W. Breedlove and wife, as per act passed before A. Hero, Jr., notary public in this city, on the eighth of February, 1869.

Seized in the above suit.

Terms—Cash on the spot.

C. S. SAUVINET,
de16 ja2 [illegible] Sheriff of the Parish of Orleans.

[illegible] JOHN NELSON (Successor to John M. Nelson), [illegible] Proprietor of the MAGNOLIA NURSE[illegible] OLD DEPOT, corner of [illegible] a superior [illegible]

[illegible] TRIMPER [illegible] James H. [illegible] On SAT[illegible]DAY, Dec[illegible]

SHERIFF'S SALES.

Powell vs. Anthony J. Sansoni—[illegible] District Court for the Parish of Orleans, No. [illegible]

BY VIRTUE OF A WRIT OF FIERI FACIAS to me directed by the Honorable the Seventh District Court for the parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, on the premises hereinafter designated, on SATURDAY, January 14, 1871, at half past four o'clock P. M., the following described property, to wit—

The balance unsold of the CONTENTS AND FIXTURES OF A COFFEE-HOUSE, situated at Nos. 22½ and 24 Carodelet street, in the First District of this city, as per inventory, which may be seen in my office.

Terms—This being the second and last auction, the said property will be definitely adjudicated to the highest and last bidder for whatever it will bring, at twelve months' credit, the purchasers furnishing bond, with good and solvent security, bearing seven per cent interest per annum from date until paid.

Said purchasers deducting from their bids, and paying in cash their proportion in the costs and charges, which amount altogether to the sum of fifty dollars, or thereabouts.

C. S. SAUVINET,
ja6 7 14 Sheriff of the Parish of Orleans.

Delmas & Grillin vs. George McNeil, [illegible] Seventh District for the parish of Orleans, No. [illegible]

BY VIRTUE OF A WRIT OF FIERI FACIAS to me directed by the Honorable the Seventh District Court for the parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, on the premises hereinafter designated, on SATURDAY, January 14, 1871, at half-past four o'clock P. M., the following described property, to wit:

The Household FURNITURE AND MOVABLE EFFECTS contained in the premises, No. 144 Thirty street, between Annunciation and Laurel streets, in the Fourth District of this city, as per inventory, which may be seen in my office.

Seized in the above suit.

Terms—Cash on the spot.

C. S. SAUVINET,
ja6 7 14 Sheriff of the Parish of Orleans.

Myrtile Courcelle vs. William Whitfield et al.—Fourth District Court for the parish of Orleans, No. 24,251.

BY VIRTUE OF A WRIT OF FIERI FACIAS TO me directed by the Honorable the Fourth District Court for the parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, at the Merchants and Auctioneers Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, January 10, 1871, at twelve o'clock M., the following described property to wit—

A CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, rights, ways, servitudes, privileges and advantages thereunto belonging or in any wise appertaining, situated in suburb St. Mary, First District of this city, in the square bounded by St. Joseph, Julia, Magazine and Poucher streets, which said lot of ground measures, more or less, thirty-one feet seven inches and ten lines front on St. Joseph street, by sixty-three feet eleven inches and three lines in depth, between parallel lines, American measure, according to a plan drawn by H. Moelhausen, late surveyor, dated ninth of November, 1840, deposited for reference in the office of D. I. Ricardo, late notary public in this city.

Being the same property which the defendant Whitfield acquired by purchase from H. W. Pavey, by act before D. I. Ricardo, late a notary public in this city, on the tenth of March, 1847.

Seized in the above suit.

Terms—Cash on the spot.

C. S. SAUVINET,
de10 25 ja10 Sheriff of the Parish of Orleans.

Mrs. Camille Sauvinet, Wife of Theodore Lewis vs. Henry M. Hyams—Seventh District Court for the parish of Orleans, No. 3246.

BY VIRTUE OF A WRIT OF SEIZURE AND SALE directed by the Honorable the Seventh District Court for the parish of Orleans, in the above entitled cause, to Thomas L. Maxwell, late Sheriff, and by said late Sheriff to me transferred, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on TUESDAY, January 17, 1871, at 12 o'clock M., the following described property, to wit—

1. TWO LOTS OF GROUND, with the improvements thereon, situate in the First District of the city, at the southwest corner of Canal and Claiborne streets, and measuring together fifty-four feet front on said Canal street, by a depth and front on said Claiborne street of one hundred and [illegible] feet.

2. SIX LOTS OF GROUND, with the improvements thereon, situate in the Second District of this city, in the square bounded by Canal, Rocheblave, Tonti and Customhouse streets. The said lots adjoin each other, and measure each twenty-five feet front on Canal street, by one hundred and ten feet in depth. One of said lots forming the corner of Canal and Rocheblave streets.

As will more fully appear by reference to an act passed before Theodore Guyol, notary public in this city, dated twenty-first of January, 1861.

Seized in the above suit.

Terms—Cash on the spot.

C. S. SAUVINET,
de16 ja3 17 Sheriff of the parish of Orleans.

Merchants' Mutual Insurance Company vs. Samuel Hill William—Fifth District Court for the parish of Orleans, No. 8201.

BY VIRTUE OF A WRIT OF SEIZURE AND SALE directed by the Honorable the Fifth District Court for the parish of Orleans, in the above entitled cause, to Thomas L. Maxwell, late Sheriff, and by said late Sheriff to me transferred, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, January 14, 1871, at twelve o'clock M., the following described property, to wit—

A certain portion of ground situated in the Fourth District of this city in the square bounded by Nayades, Apollo, First and Second streets, measuring fifty-two feet front on Second street by a depth of one hundred and twenty-six feet six inches between parallel lines, being composed of the whole of lot number six, and twenty-two feet