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OFFICIAL JOURNAL OF THE PROCEEDINGS OF THE SENATE EXTRA SESSION OF THE THIRD GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

Fourth Day's Session.

NEW ORLEANS, December 12, 1872.

Pursuant to adjournment the Senate met at 12 o'clock M.

Hon. A. B. Harris, Lieutenant Governor and President, called the Senate to order.

On call of the roll the following Senators answered to their names:

Messrs. Anderson, Barber, Blunt, Butler, Brewster, Burch, Cane, P. F. Herwig, E. F. Herwig, Harper, Ingraham, Jenks, Kelo, Noland, Pollard, Spher, Stamps, Sypher, Twichell, Weber, Wharton, Worrall, and the President of the Senate—22.

Prayer was offered by the Rev. C. H. Thompson.

Reading of the minutes were dispensed with on motion of Mr. Stamps.

QUESTIONS OF PRIVILEGE. Mr. Stamps raised a question of privilege concerning a statement in the extra New Orleans Times of last evening, representing him as being present in person with a body pretending to be the Senate of Louisiana, assembled at Lyceum Hall. He denied having anything to do with that pretended body, and did not intend to have, and pronounced the allegation false.

REPORTS FROM COMMITTEES. Mr. Ingraham, chairman of the special committee concerning the acts of the General Assembly of 1872, reported progress and asked for further time to complete the report, which was granted.

Mr. Jenks, in the chair, intimated to the Senate that, as chairman of a committee, he would at a future time in the session make a report.

NOTICES OF BILLS. By Mr. Weber: Notice that he would at a future day introduce a bill to be entitled an act to extend the limits of the corporation of the town of Bayou Sara, and for other purposes.

By Mr. Burch: Of a bill to be entitled an act to provide for the government for the city of Baton Rouge and administration of the affairs thereof.

By Mr. Ingraham: Of a bill to be entitled an act to enforce article 104 of the constitution.

Also a bill to be entitled an act to enforce article 132 of the constitution.

Also, an act to classify the State debt.

INTRODUCTION OF BILLS. By Mr. Sypher: A bill to be entitled an act to authorize the State Auditor to issue a bond of Charles H. Walker for \$1000 in lieu of one destroyed by fire.

By unanimous consent the bill was introduced and put on its first reading. Having been once read, the bill lies over to come up in order for its second reading.

On call of Mr. Butler, the Senate went into executive session.

Executive session being raised, on call of the roll the following answered to their names:

Messrs. Anderson, Barber, Blunt, Butler, Burch, Brewster, Cane, Harris, Herwig, Herwig, Harper, Ingraham, Jenks, Kelo, Noland, Pollard, Spher, Stamps, Sypher, Twichell, Weber, Wharton, Worrall and President Harris.

REPORTS OF COMMITTEE, AS PER NOTICE. The report by the special committee appointed to investigate the reports of the press concerning alleged allegiance of certain Senators with a pretended Senate at the City Hall, is as follows:

NEW ORLEANS, December 12, 1872. To the Honorable President and Members of the Senate:

Your committee, authorized and instructed to inquire into the truth of the allegations of the press regarding the action of certain Senators, recognized by and heretofore participating in the proceedings of this body, in their being present at and taking part in the proceedings of a pretended Senate convened at the City Hall, beg leave to report that they have made the inquiry by personally meeting a portion of said Senators, and find from their statements that the allegations are true as to the following Senators, viz: Messrs. Booth, Campbell, Daigle, Hunsaker, McMillen, Thomas, &c.

L. B. JENKS, Chairman. THOMAS C. ANDERSON, J. HENRI BURCH, A. J. SYLVESTER, WILLIAM HARPER.

RESOLUTIONS INTRODUCED. Mr. Cane introduced the following resolution, which lies over:

Resolved, That a committee of three be appointed by the President of the Senate

to investigate the affairs of the Metropolitan Police Board, with power to report by bill or otherwise.

Mr. Harris, as he gave notice that he would at this time introduce the following resolution, asked that the same be taken up for consideration.

WHEREAS, The following members of the Senate, to wit: Hugh J. Campbell, Albert Voorhis, Ed. Booth, F. Daigle, O. F. Hunsaker, B. F. Jones, W. L. McMillen, S. M. Thomas and S. M. Todd have been and are now participating in an illegal meeting styling itself the State Senate, in the City Hall, in violation of the constitution of the State, and in contempt of the Senate and its orders: Therefore be it

Resolved, That the named Senators are not present in their seats in the Senate Chamber on Friday, December 13, at the hour of 1 P. M., or present some reason for their absence satisfactory to the Senate, the Senate, being then in session, will proceed to expel the said Senators.

Mr. Harris moved the resolution be adopted.

Mr. Brewster moved to amend by substituting the words "Monday, sixteenth instant," instead of "Friday, thirteenth."

On a call of the yeas and nays the Senate refused to amend, by the following vote:

Yeas—Anderson, Butler, Brewster, Green, P. F. Herwig, Jenks, Noland, Twichell—16.

Nays—Barber, Blackburn, Blunt, Burch, Cane, Harris, E. F. Herwig, Harper, Ingraham, Kelo, Pollard, Spher, Stamps, Weber, Wharton, Worrall—16.

Mr. Worrall moved to amend by substituting "Saturday, fourteenth instant," instead of "Friday, thirteenth."

On a call of the yeas and nays the Senate refused to amend, by the following vote:

Yeas—Anderson, Barber, Butler, Brewster, P. F. Herwig, Jenks, Noland, Twichell, Worrall, Wharton—10.

Nays—Blackburn, Blunt, Burch, Cane, Green, Harris, E. F. Herwig, Harper, Ingraham, Jenks, Pollard, Spher, Stamps, Weber, Wharton—17.

Mr. Twichell moved that the words "Friday, thirteenth, at one o'clock," be stricken out, and the words "Saturday, fourteenth, at two o'clock," be inserted.

Mr. Harris moved to lay all the amendments upon the table.

On call of the yeas, the amendments were laid upon the table by the following vote:

Yeas—Blackburn, Blunt, Burch, Cane, Green, Harris, Herwig, Harper, Ingraham, Jenks, Pollard, Spher, Stamps, Weber, Wharton—17.

Nays—Anderson, Barber, Butler, Brewster, Herwig, Noland, Twichell, Worrall—5.

On motion of Mr. Harris the resolution as first introduced was adopted on call of the yeas and nays by the following vote:

Yeas—Barber, Blackburn, Blunt, Burch, Cane, Green, Harris, Herwig, Harper, Ingraham, Jenks, Kelo, Pollard, Spher, Stamps, Weber, Wharton—15.

Nays—Anderson, Butler, Brewster, P. F. Herwig, Jenks, Noland, Twichell, Worrall—7.

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By unanimous consent the bill was introduced and put on its first reading. Having been once read, the bill lies over to come up in order for its second reading.

On call of Mr. Butler, the Senate went into executive session.

Executive session being raised, on call of the roll the following answered to their names:

Messrs. Anderson, Barber, Blunt, Butler, Burch, Brewster, Cane, Harris, Herwig, Herwig, Harper, Ingraham, Jenks, Kelo, Noland, Pollard, Spher, Stamps, Sypher, Twichell, Weber, Wharton, Worrall and President Harris.

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L. B. JENKS, Chairman. THOMAS C. ANDERSON, J. HENRI BURCH, A. J. SYLVESTER, WILLIAM HARPER.

RESOLUTIONS INTRODUCED. Mr. Cane introduced the following resolution, which lies over:

Resolved, That a committee of three be appointed by the President of the Senate

reading of the journal was dispensed with, and approved.

Mr. Sutton, of St. Mary, asked (three days' leave of absence for Mr. Antoine, of St. Mary, which was granted.

Mr. Gair, of East Feliciana, asked (two days' leave of absence for Mr. Trahan, of St. James, which was granted.

The Speaker announced the following committee to examine the charges against Governor Warmoth, and prepare articles of impeachment: M. Hahn, of St. Charles, chairman; L. S. Rodrigues, of Orleans; J. B. Wands, of Tangipahoa; W. F. Southard, of Ouachita; John Gair, of East Feliciana.

Speaker Lowell called the attention of the House to an article published in the New Orleans Times, which contained gross charges against his character, and gave notice that whenever the Democratic members were present, he would ask for a committee to examine into the same.

Mr. Gair, of East Feliciana, gave notice that he would, on to-morrow, introduce a resolution relative to the members who had attended the Lyceum Hall Legislature.

The following gentlemen denied having been present at the Lyceum Hall Legislature, as reported by their official organ, viz: Messrs. Rochon, of St. Mary; Hubeau, of Jefferson, and Kern, of Jefferson.

NOTICE OF BILLS. The following gentlemen gave notice that they would, at some future day, introduce the following bills:

By Mr. Wilson, of East Baton Rouge: An act inhibiting the exclusion of colored students from the Seminary of Learning and Military Academy at East Baton Rouge, and for other purposes.

By Mr. Devezin, of Orleans: An act regulating the labor system of the State of Louisiana.

By Mr. Sauer, of Iberia: An act for the relief of David Hayes, of Iberia.

By Mr. Sartain, of Carroll: An act to amend sections 2729 and 2730 of the Revised Statutes of the State of Louisiana.

By Mr. Kirkman, of Calcasieu: An act to regulate the sales of State lands in the State of Louisiana.

By Mr. Antoine, of St. Mary: An act for the opening and dredging of Bayou Plaquemine.

Also, an act to build up a public road on the east side of Bayou Teche.

By Mr. Demas, of St. John the Baptist: An act regulating the time for hunting.

By Mr. Bryan, of East Baton Rouge: An act to enforce the thirteenth article of the constitution of the State.

Mr. Souer, of Avoyelles, asked the suspension of the rules to introduce a bill.

On the suspension of the rules the yeas and nays were demanded by Messrs. Gair, of East Feliciana, and Young, of Concordia, resulting as follows:

Yeas—Allain, Armisted, Antoine, Bowman, Bryant, Baker, Boyd, Blackstone, Barrow, Comaughton, Couzin, Demas, Davis, Devezin, Dejean, Dumont, Daynes, Dewees, Elliott, Green, Gair, Guichard, Heffner, Hahn, Hill, Heath, Hedgepath, Paul Jones, M. Jones, Keating, Kirkman, Kenyon, Kern, Keys, King, King, Lewis, Landry, Lawes, Marvin, Murrell (Laferriere), Murrell (Madison), Murrell (Madison), Page, Paris, Rochon, Souer, Sawyer, Sartain, Sauer, Southard, Sutton, Sewell, Thomas, Trahan, Williams, Wilson, Washington, Ward, Wands—52.

Nays—Benham, Marvin, Marie, Young—4.

The rules being suspended, House bill No. 4, entitled joint resolution extending the term of the extraordinary session of the General Assembly, was placed on its first reading.

Under a suspension of the constitutional rules, the bill was placed on its second reading.

Under a further suspension of the constitutional rules, the bill was considered, engrossed, and placed on its third reading.

On the final passage of the bill, the yeas and nays were demanded by Messrs. Young, of Concordia, and Allain, of West Baton Rouge, resulting as follows:

Yeas—Allain, Armisted, Antoine, Bowman, Bryant, Baker, Boyd, Blackstone, Barrow, Comaughton, Couzin, Dejean, Davis, Devezin, Dejean, Dumont, Daynes, Dewees, Elliott, Green, Gair, Guichard, Heffner, Hahn, Hill, Heath, Hedgepath, Paul Jones, M. Jones, Keating, Kirkman, Kenyon, Kern, Keys, King, King, Lewis, Landry, Lawes, Marvin, Murrell (Laferriere), Murrell (Madison), Murrell (Madison), Page, Paris, Rochon, Souer, Sawyer, Sartain, Sauer, Southard, Sutton, Sewell, Thomas, Trahan, Williams, Wilson, Washington, Ward, Wands—61.

Nays—Benham, Demas, Hahn, Marie, Mathews, Young—6.

The bill finally passed, title adopted, and ordered to be sent to the Senate for concurrence.

Mr. Dewees, of Red River, chairman of the Committee on Elections and Qualifications, submitted the reports and evidence in the contested election cases of Judice v. Trahan and Davis and Decker v. Kummel and McConnell, also the case of W. K. Johnson, of the parish of Avoyelles, and moved that the case of J. N. Judice, of Lafayette, be taken up first.

The Clerk was ordered to read the following evidence in the case of Judice vs. Trahan:

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

Your committee has examined the evidence in the case of Judice against Trahan, and report in favor of Mr. Judice, it having been clearly shown from evidence submitted that Mr. Judice was legally elected.

E. W. DEWEES, Chairman.

NEW ORLEANS, December 10, 1872.

Hon. Charles W. Lowell, Speaker of the House of Representatives:

I have the honor to inclose to you for the consideration of the honorable body over which you preside, the within affidavit of the State Supervisor of Registration for the parish of Lafayette, and to request that my name be placed on the roll of the House, and that I be sworn in and allowed to take my seat as the Representative for the parish of Lafayette.

J. A. JUDICE.

The total vote cast for Mr. J. D. Trahan, fusion candidate for the Legislature, was 380.

The total vote for Mr. A. J. Judice, Republican candidate for the same place, was 305, thus giving Mr. Trahan a majority of seventy-five votes, providing the election at the Canero was legal. It is noted that the polls held at Canero there were ninety-three votes cast, of which Mr. Trahan received a majority of seventy-nine.

For the reason above given, I, in my official report as State supervisor of registration for the parish, protested against counting or canvassing the vote cast at the Canero polls, and recommended that, on account of the irregularities and frauds there practiced, the vote at said polls should be thrown out, and that Mr. Judice be declared elected to the House by a majority over Trahan of four votes.

P. MARTIN, State Supervisor of Registration, parish of Lafayette.

Sworn to and subscribed before me this seventh day of December, 1872, at New Orleans, Louisiana.

O. A. RICE, United States Commissioner, District of Louisiana.

United States of America, State of Louisiana—Be it enacted by the authority of the said qualified United States commissioner for the District of Louisiana, Mr. F. Martin,

who, being sworn, states that he is State supervisor of registration for the parish of Lafayette, State of Louisiana, by appointment of his Excellency H. C. Warmoth, Governor of the State, and that he acted in said capacity, and discharged the duties of that office during and since the election held on the fourth day of November, 1872.

Affiant further states that he made due return of said election to the State registrar of voters for the State of Louisiana, and further, that in said report certain objections and protests against the validity of the counting of the votes of the polls held at Canero, in said parish, for the following reasons: In the polls held at Canero, Republicans were prevented from voting for the candidates of their choice by intimidation on the part of the opposition, and in many instances voters were obliged by undue influences to vote against their wishes, and for candidates whom they did not wish elected.

State of Louisiana, parish of Orleans.—Personally appeared before me, a duly constituted authority, August Melchior, who, being sworn, states that he was a commissioner of election at the polls, held at Canero, Lafayette parish, at the election held on the fourth day of November, 1872. Affiant further states that at said polls legal voters were prevented from voting as they pleased; one of the commissioners of election, Rosemond Cormier, by name, insisted on the ballot-box as a protest of the voters, and opening and inspecting the same, against the express protest of voters and of affiant; Cormier insisted that he was not a free and fair expression of the will of the people, and that said votes cast at said polls should be thrown out.

Sworn to and subscribed before me this thirteenth day of December, 1872, at New Orleans, Louisiana.

E. B. MENTZ, Assistant Secretary of State.

Mr. Hahn, of St. Charles, moved that the report and evidence be printed and laid on the desks of the members.

Mr. Devezin, of Orleans, offered the following amendment: That the report be received and adopted.

Pending the motion to adopt, Mr. Paris, of Orleans, called up the special order of the day.

SPECIAL ORDER OF THE DAY. The following resolution by Mr. Sewell, of Orleans, was called up:

WHEREAS, Certain members of this body, to wit: Hugh J. Campbell, Albert Voorhis, Ed. Booth, F. Daigle, O. F. Hunsaker, B. F. Jones, W. L. McMillen, S. M. Thomas and S. M. Todd have been and are now participating in an illegal meeting styling itself the State Senate, in the City Hall, in violation of the constitution of the State, and in contempt of the Senate and its orders: Therefore be it

Resolved, That the named Senators are not present in their seats in the Senate Chamber on Friday, December 13, at the hour of 1 P. M., or present some reason for their absence satisfactory to the Senate, the Senate, being then in session, will proceed to expel the said Senators.

Mr. Harris moved the resolution be adopted.

Mr. Brewster moved to amend by substituting the words "Monday, sixteenth instant," instead of "Friday, thirteenth."

On a call of the yeas and nays the Senate refused to amend, by the following vote:

Yeas—Anderson, Butler, Brewster, Green, P. F. Herwig, Jenks, Noland, Twichell—16.

Nays—Barber, Blackburn, Blunt, Burch, Cane, Harris, E. F. Herwig, Harper, Ingraham, Kelo, Pollard, Spher, Stamps, Weber, Wharton, Worrall—16.

Mr. Worrall moved to amend by substituting "Saturday, fourteenth instant," instead of "Friday, thirteenth."

On a call of the yeas and nays the Senate refused to amend, by the following vote:

Yeas—Anderson, Barber, Butler, Brewster, P. F. Herwig, Jenks, Noland, Twichell, Worrall, Wharton—10.

Nays—Blackburn, Blunt, Burch, Cane, Green, Harris, Herwig, Harper, Ingraham, Jenks, Pollard, Spher, Stamps, Weber, Wharton—17.

Mr. Twichell moved that the words "Friday, thirteenth, at one o'clock," be stricken out, and the words "Saturday, fourteenth, at two o'clock," be inserted.

Mr. Harris moved to lay all the amendments upon the table.

On call of the yeas, the amendments were laid upon the table by the following vote:

Yeas—Blackburn, Blunt, Burch, Cane, Green, Harris, Herwig, Harper, Ingraham, Jenks, Pollard, Spher, Stamps, Weber, Wharton—17.

Nays—Anderson, Barber, Butler, Brewster, Herwig, Noland, Twichell, Worrall—5.

On motion of Mr. Harris the resolution as first introduced was adopted on call of the yeas and nays by the following vote:

Yeas—Barber, Blackburn, Blunt, Burch, Cane, Green, Harris, Herwig, Harper, Ingraham, Jenks, Kelo, Pollard, Spher, Stamps, Weber, Wharton—15.

Nays—Anderson, Butler, Brewster, P. F. Herwig, Jenks, Noland, Twichell, Worrall—7.

Fourth Day's Session.

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Hon. A. B. Harris, Lieutenant Governor and President, called the Senate to order.

On call of the roll the following Senators answered to their names:

Messrs. Anderson, Barber, Blunt, Butler, Brewster, Burch, Cane, P. F. Herwig, E. F. Herwig, Harper, Ingraham, Jenks, Kelo, Noland, Pollard, Spher, Stamps, Sypher, Twichell, Weber, Wharton, Worrall, and the President of the Senate—22.

Prayer was offered by the Rev. C. H. Thompson.

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By unanimous consent the bill was introduced and put on its first reading. Having been once read, the bill lies over to come up in order for its second reading.

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