New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE COURTS.

United States District Court.

The following petition has been filed in the United States District Court:

In the matter of C. A. Weed & Co., and C. A. Weed and J. H. McKee.—The petition of E. E. Norton, herein appearing as the assignee of the estate surrendered by the above named bankrupts, with respect, represents:

That heretofore, viz: on the —— day of ——, A. D. 186–, he commenced summary proceedings in the above entitled matter, to compel the transfer by W. H. C. King & Co., the pretended proprietors of a certain public journal published in the city of New Orleans, and known as the "New Orleans *Times*," of a certain interest therein to your petitioner as assignee as aforesaid, which was in truth the property of the said Charl s A. Weed at the time of his adjudication as a bankrupt, and which he ought, as in duty bound, to have surrendered to your petitioner as assignee as aforesaid, to be by him administered as part of his said estate, and the proceeds to be distributed among the creditors of him, the said Charles A. Weed, according to the provisions of an act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; but which he, the said C. A. Weed, wickedly contriving and confederating with the said W. H. C. King, and others to your petitioner unknown, to cheat, wrong and defraud the creditors of the said C. A. Weed, and to defeat, avoid and evade the provisions, objects and ends of the said act, had concealed, covered up and attempted to place beyond the pursuit of his said creditors and of your petitioner as assignee as aforesaid, by placing the same under the name and control of the said W. H. C. King, and others to your petitioner unknown, and falsely alleging and pretending said journal to be the exclusive property of the said W. H. C. King, and others to your petitioner unknown, in which the said Weed had no interest or property whatever.

A copy of which proceeding is hereto annexed, for reference, and prayed to be taken as part hereof.

Your petitioner further shows unto your honor that said proceeding has never been heard, tried, dismissed or disposed of, but is now pending, and even since the institution thereof, has been pending and undecided before your honor; that, by virtue of the adjudication of bankruptcy made against the said C. A. Weed, and the assignment by him made of all his estate to your petitioner for the benefit of the creditors of him, the said C. A. Weed, and of the institution and pendency of said proceedings, and of the provision of said act of Congress, your honor became seized of and has since retained jurisdiction of the said estate of the said C. A. Weed, save in so far as the same may have been administered and distributed under the supervision of your honor, and of all questions and proceedings in relation to said estate, and particularly the proceedings aforesaid.

Your petitioner further shows unto your honor that since the institution of said proceedings, viz: on the — day of ——, 186—, said W. H. C. King departed this life, leaving him surviving, Mrs. King, his wife, and two minor children. That under and by virtue of an order made by the honorable the Second District Court for the parish of Orleans, said Mrs. King has been recognized as executrix of the last will and testament of said W. H. C. King, and natural tutrix of her said minor children, and has duly qualified in said capacities and entered upon her trusts, and is now seized of her said estates in her said capacities, as surviving in community.

Your petitioner further shows, that not only was the *Times* newspaper fraudulently placed and standing in the name of the said W. H. C. King, the property of the said C. A. Weed, but that the said W. H. C. King was justly and truly indebted unto the said C. A. Weed in the sum of $20,000. That the said C. A. Weed, fraudulently contriving and colluding with the said W. H. C. King to wrong, cheat and defraud the creditors of him, the said C. A. Weed, and to conceal his said property and to place the same beyond the reach of his creditors and to hinder, delay and defraud them, and to evade the operations and provisions of said act of Congress, purposely omitted to place said indebtedness upon his schedules, or to account for the same with your petitioner as assignee as aforesaid, or to inform your petitioner of the existence of said indebtedness.

That long subsequently to the institution of said proceeding; and within the two years last past, your petitioner has discovered that the said C. A. Weed has been guilty of another fraud in the disposition of his said estate and upon the creditors of his said estate, and upon your petitioner as assignee as aforesaid, in this, to wit: that the said C. A. Weed, fraudulently colluding, combining and confederating with one J. B. Hoyt, a brother-in-law of him, the said C. A. Weed, to cheat, defraud, hinder and delay the creditors of him, the said C. A. Weed, has fraudulently represented him, the said J. B. Hoyt, to be the owner of an undivided one-half interest in the said *Times* newspaper, and the said J. B. Hoyt has fraudulently claimed to be the owner of said interest in said *Times* newspaper, to the great wrong and injury of the creditors of said estate, and of your petitioner as assignee as aforesaid. And your petitioner further represents that during all the time that said J. B. Hoyt has fraudulently claimed and pretended to be the owner and proprietor of said interest in said *Times* newspaper, the gains and profits derived from the publishing, advertising and vending of the same have been very great, and, during said period in which said Hoyt has made the said fraudulent claim, have amounted to at least the sum of $150,000. That during the said time the said Hoyt has received, had, and enjoyed one-half of all the revenues, profits and benefits derived from the publishing and vending of said journal, to the manifest great wrong and injury of the said creditors of the said estate, and of your petitioner as assignee as aforesaid. That said sum so derived as aforesaid from the publishing and vending of said journal, of right belongs to and should be distributed among the creditors of said estate, and would have been enjoyed by and distributed among them but for the wrongful and fraudulent conspiracy of the said J. B. Hoyt and C. A. Weed, and others to your petitioner unknown.

Your petitioner further shows unto your honor that the said J. B. Hoyt is a non-resident of the State of Louisiana, and resides in and is a citizen of the State of Connecticut, beyond the jurisdiction of this honorable court, and beyond the reach of the process thereof, but is now temporarily therein residing in said city of New Orleans.

Your petitioner further charges and alleges, and so the truth is, that the said C. A. Weed, bankrupt, and the said W. H. C. King and the said J. B. Hoyt fraudulently and wrongfully confederated and combined and contrived to cheat and defraud the creditors of him, the said C. A. Weed, and your petitioner, as assignee, as aforesaid, by placing the said journal, the New Orleans *Times*, in the name of the said W. H. C. King & Co., and J. B. Hoyt, as aforesaid, and to represent and falsely pretend that the said W. H. C. King, J. B. Hoyt and W. H. C. King & Co., and not the said C. A. Weed, were the real and true owners of the said journal; and that all the frauds and endeavors to cheat, wrong and defraud the said creditors of the said C. A. Weed, and your petitioner, as assignee, as aforesaid, were part and parcel of the collusion, contrivance and agreement of the said C. A. Weed, J. B. Hoyt and W. H. C. King, and the said C. A. Weed resorted to and sought to cheat and defraud his said creditors, and to hinder, delay and impede the operation of said act of Congress, and to evade the same in the manners and ways hereinbefore described, with the full knowledge, aid and assistance of the said W. H. C. King and J. B. Hoyt, in each and every endeavor as hereinbefore recited.

And your petitioner charges that the said C. A. Weed, J. B. Hoyt and W. H. C. King and others, to your petitioner unknown, have confederated, colluded and combined to commit and perform the several frauds hereinbefore recited. Wherefore your petitioner prays that said proceedings against W. H. C. King, deceased, be revived, and that Mrs. W. H. C. King, his widow, in her own right, and as administratrix and curatrix of her minor children, be substituted to the place of her said husband, and this suit proceed against her and the estate and interests represented by her and derived from her said deceased husband; and he further prays that a copy of this petition be served upon the said Mrs. W. H. C. King, surviving widow in community, tutrix of her minor children, and administratrix of the estate of her deceased husband, and upon the said J. B. Hoyt, and that, after due proceedings be had, judgment may be rendered decreeing the said C. A. Weed to have been at the time of his adjudication as a bankrupt the sole owner of the said *Times* newspaper, and the transfers to and pretended titles of the said Mrs. W. H. C. King, surviving widow in community, natural tutrix of her minor children, and administratrix, etc., claiming title thereto through her said husband, and of the said J. B. Hoyt, fraudulent, null and void, and wholly inoperative as against your said petitioner as assignee, and that your petitioner, as assignee, was entitled to the possession and administration of said journal from the date of the assignment made to him by the said C. A. Weed as aforesaid, and entitled, from said last named dates to all the revenues, issues and profits realized from the publication and vending of said journal from said last named date, and the possession of the said W. H. C. King, Mrs. W. H. C. King and J. B. Hoyt, wrongful and fraudulent; and he further prays that he may be recognized, as assignee as aforesaid, as the sole owner of said journal from the date of the assignment to him by the said C. A. Weed. And your petitioner further prays that the said Mrs. W. H. C. King, as surviving widow in community, and natural tutrix of her minor children, and as administratrix of the estate of the said W. H. C. King, deceased, may be adjudged and decreed to be indebted to your petitioner in the full sum of $20,000, with interest thereon from judicial demand, and that your petitioner have judgment against her in her individual and representative capacities as aforesaid, for said last mentioned sum, and that he have judgment against the said J. B. Hoyt for the said sum of $150,000, with interest thereon from judicial demand, and he prays for all general and special relief.

AUG. DEB. HUGHES, Attorney.

ORDER OF COURT.

Let a copy of the foregoing petition be served upon J. B. Hoyt and Mrs. W. H. C. King individually, and as surviving widow in community and natural tutrix of her minor children, and let them show cause on Saturday, January 11, 1873, at 11 A. M., why the prayer of said petitioner should not be granted.

E. H. DURELL, Judge.

In the United States District Court yesterday, Judge Durell presiding, in the case in bankruptcy of D. Valentine & Co. vs. E. Dreyfus & Co., a motion was made to reduce the bail of the defendants, now in custody, which motion was taken under advisement by the court. Bail for the parties had been previously fixed at $50,000.

Superior District Court.

The injunction granted by this court against the State Auditor and State Treasurer, to restrain them from the payment of certain warrants and appropriations in excess of the constitutional limit of the State debt, reported in the REPUBLICAN of Wednesday, embraces the following jobs, schemes and warrants:

1. The appropriation of $20,000, made by act of December 30, 1870, to aid the German society, the conditions of the act not having been complied with.

2. The appropriation of $75,000, for expenses of State militia, by act No. 72 of 1871, no expenses having been incurred and none necessary.

3. The sum of $31,740, for interest on the bonds to the free school fund.

4. The sum of $10,720, to pay interest on the bonds issued for the relief of P. J. Kennedy.

5. The sum of $28,795 14, and $50,000 appropriated by act No. 72 of 1871.

6. The amount of $30,181 83, to liquidate a pretended claim of Murphy and Frizzel.

7. The appropriation of $100,000 to the Citizens' Bank and the Louisiana National Bank for a loan obtained for closing crevasses in 1871, said loan being unauthorized by law and not for the benefit of the State.

8. The appropriation of $3346 17, to be used, with the unexpended balance of the appropriation by act No. 72 of 1871, the same being unnecessary to pay any indebtedness of the Board of Public Works, the same being a disguised donation of the friends of the treasury in favor of J. S. Dickey, of $3584, and of Thomas O'Meally for $6288 96.

9. Appropriation by same act of $31,740 to pay interest on the bonds issued to the free school fund, and also $28,795 14 to pay interest on the United States deposit fund. Also $50,000 for interest due under act No. 182 of 1871, for the reason that those funds had been abolished.

10. Appropriation by same act of $8160 for interest on bonds to the seminary fund, created by act 182 of 1857, said bonds having been issued contrary to law.

11 and 12. Appropriations by same act of $10,720 and $200,000 for interest on bonds issued to the Mobile and Texas Railroad Company, in exchange for stock of said company, the same being a disguised donation for the benefit of a private corporation, and without consideration, and in violation of article 111 of the constitution of the State.

13. Appropriation of $1000 to pay expenses of State militia for 1872.

14. To pay William Wright $270 95.

15. Any and all interest coupons that may be presented for warrant or payment under act to incorporate the Baton Rouge and Vicksburg Railroad Company, approved December 30, 1869, the company having forfeited their charter.

16. Any and all interest coupons issued by virtue of an act approved February 25, 1870, for work done on the levees by contract with the Board of Public Works by the issue of bonds of the State for $3,000,000.

17. Any installment due under the act authorizing the State to subscribe to one hundred shares of the Mississippi Valley Navigation Company.

18. Any and all bonds issued under act for the relief of P. J. Kennedy, and appropriating to him $134,408 89.

19. Any and all bonds issued under act to incorporate the Arkansas and Delta Railroad Company, none of the conditions of the act having been complied with.

20. Any and all bonds or coupons for the payment of money under act No. 4, relative to the Louisiana Levee Company, approved February 28, 1871, which appropriates $1,000,000 a year for twenty-one years, to be collected by taxation, the act being in violation of the amendment of the constitution which limits the State debt to $25,000,000.

21. Any bonds or coupons issued under act incorporating the Southeastern Railroad Company.

22. All claims for payment under act creating the Mississippi Packet Company, and subscribing to $250,000 of its stock.

23. All warrants issued under the act to locate the site of a new State House, the debt thereby created amounting to $1,500,000.

24. The appropriation under act for improving Bayou Darbonne, amounting to $75,000.

25. The appropriations for the Alexandria, Kenner and Fulton Railroad Company.

26. Any and all bonds or coupons issued for the Louisiana Warehouse Company.

27. The sum of $53,500 for removing obstructions from the Comite river, the work being for the benefit of individuals.

28. The appropriation of $60,000 for the Bayou Cotablieu.

29. The appropriation of $100,000 for cleaning Bayou Portage.

30. Any bonds under act guaranteeing the second mortgage bonds of the Chattanooga and Mobile railroad, this act creating a debt of $2,500,000.

31. All bonds under act to charter the North Louisiana and Texas Railroad Company, and the Louisiana and Texas railroad.

32. Any and all warrants which may have been issued by the late Auditor, James Graham, on any contracts for printing blanks made by Governor Warmoth, in which he was not assisted by the Lieutenant Governor or Speaker of the House of Representatives. Petitioner further represents that the amendment to the constitution limits the State debt to $25,000,000, and all bonds issued in excess of that amount are illegal and void.

An injunction was granted by Judge Hawkins prohibiting the payment of the claims specified.

In the Superior District Court, in the case of the State of Louisiana by the Attorney General, upon the information of Henry C. Warmoth, Frank J. Herron, John Lynch, James Longstreet and Jacob Hawkins, board of returning officers, vs. Jack Wharton, F. H. Hatch and Durant DaPonte, the petition of intervention of A. P. Field, Attorney General, for the purpose of appeal was filed. The petitioner sets forth that he has an interest in the result of the above entitled suit, numbered 13,545 of the docket of the late Eighth District Court, and number eighteen of the docket of this honorable court, and has been aggrieved by the judgment rendered therein, and petitions to be allowed to intervene, and asks for an appeal to the Supreme Court of the State.

Judge Hawkins recusing himself, Judge B. L. Lynch, of the Fourth District Court, sitting in his place, granted the motion to appeal. Messrs. John Ray and H. C. Dibble appeared for petitioner.

OFFICIAL JOURNAL

OF THE

PROCEEDINGS OF THE SENATE

EXTRA SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

Nineteenth Day's Session.

SENATE CHAMBER, New Orleans, December 31, 1872.

The Senate met pursuant to adjournment, and was called to order by Hon. A. B. Harris, Lieutenant Governor of the State and President of the Senate.

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

Hon. A. B. Harris, and Messrs. Alexander, Barber, Blunt, Burch, Blackburn, Greene, E. F. Herwig, Harper, Hunsaker, Ingraham, Kelso, Masicot, Sypher, Noland, Todd, Twitchell, Wharton—18.

The President announced that there was not a quorum present, and ordered the Sergeant-at-Arms to bring in absent members.

Other members coming in, to wit: Messrs. Brewster and Butler, the President announced that there was then a quorum present.

Prayer by the Chaplain.

Reading of the minutes of Monday's proceedings was dispensed with and the President announced that the journal of Monday's proceedings stood approved, the same having been corrected by order of the Senate.

Mr. Burch raised a question of privilege, as follows: That his name was recorded as voting the negative on the question of the suspension of the constitutional rule to adopt the bill for special tax collectors' appropriation on third reading; stated that he should have been recorded by the Secretary on the call of the yeas and nays as voting yea instead of nay, and desired the correction to be so made.

The correction was ordered by the President.

EXECUTIVE COMMUNICATION.

STATE OF LOUISIANA, Executive Department, New Orleans, December 31, 1872.

To the Honorable President and Members of the Senate:

I have the honor to transmit herewith for the information of your honorable body the "annual report of the Board of Metropolitan Police, for the year ending thirtieth of September, 1872."

P. B. S. PINCHBACK,
Lieutenant Governor, Acting Governor of the State of Louisiana.

The message was received and ordered printed, the usual number for the use of the Senate.

MESSAGE FROM THE HOUSE.

NEW ORLEANS, December 31, 1872.

To the Honorable President and Members of the Senate:

I am directed by the House to ask the concurrence of the Senate, in the following House Bills, viz: House Bill No. 19, an act prescribing the duties and powers of the Governor in relation to insubordination in military organizations, constituting a part of the State militia.

House Bill No. 33, an act to suppress riotous and unlawful assemblies and to provide for the punishment of persons participating therein, and to define the duties of officers of the State in regard thereto, and to punish officers and others for neglect or refusal to discharge and perform duties imposed upon them by law; also, joint resolution No. 31, requesting the Senators and Representatives in Congress to obtain a United States Judicial District in North Louisiana.

Very respectfully, etc.,
JOHN W. ROXBOROUGH, Assistant Clerk.

REPORTS OF COMMITTEES.

By Mr. Twitchel, chairman, from the Committee on Auditing and Supervising the expenses of the Senate for session for 1872.

Ordered to be printed in the journal.

COMMITTEE ON AUDITING AND SUPERVISING the expenses of the Senate, New Orleans, December 31, 1872.

To the Honorable President and Members of the Senate:

Your Committee on Auditing and Supervising the Expenses of the Senate, for the session of 1872, respectfully submit the following report:

The expenses of the Senate, arranged under their appropriate headings, are as follows:

Committees—	
Judiciary	$420 00
Finance	385 00
Militia	385 00
Enrollment and Engrossment	7,780 00
Claims	420 00
Public Education	385 00
Banks and Banking	665 00
Auditing and Supervising the Expenses of the Senate	665 00
Corporations and Parochial Affairs	385 00
Charitable Institutions	709 00
Public Lands and Levees	385 00
Parks and Public Buildings	210 00
Railroads and Internal Improvements	585 00
Pensions	385 00
Retrenchment and Reform	385 00
Contested Elections	420 00
Health and Quarantine	385 00
Metropolitan Police	385 00
To examine books of the Auditor (special)	175 00
To classify the State debt (special)	1,000 00
Total expense for committees, standing and special	$16,421 00
Mileage of Senators to and from extra and regular session	$19,474 10
Per diem of Senators for extra and regular session	19,600 00
Sergeant-at-Arms' department	15,154 50
Secretary's department	7,080 00
Postoffice department	684 55
Warrant Clerk's department	1,749 00
Private Secretary to Lieutenant Governor	490 00
Mrs. O. J. Dunn, balance due her husband	960 00
Total expenses for extra and regular session	$82,213 45
The whole amount appropriated for the use of the Senate was	$85,000 00
Deducting from which the total expenses	82,213 45
Shows a balance of	$2,786 55

Unexpended to the credit of the Senate and it is believed that all the claims audited by this committee, and for which vouchers have been issued, have been paid, leaving none upon the market or in the hands of individual creditors.

The late Auditor of Public Accounts has paid certain vouchers of the session of 1871 out of the appropriation of 1872, which reduces the above balance so that the amount now undrawn in the treasury to the credit of the Senate is only about $900. For these payments the committee are in no wise responsible.

The mileage account is larger than for former years, by reason of the extra session of the Senate held December 6 and 7, 1871, which necessitated the payment of mileage to the same amount as was paid for the regular session of 1872.

The expenses of the Sergeant-at-Arms' department are swelled by charging thereto the per diem of the special sergeants-at-arms authorized to be appointed and paid by resolution of the Senate, for the month of January.

All of which is respectfully submitted by order of the committee.

M. H. TWITCHELL, Chairman.

REPORTS OF COMMITTEES LYING OVER.

On motion of Mr. Twitchell the report of the Committee on Finance, by substitute for the House bill No. 10, to be entitled an act making an appropriation to pay the mileage and per diem of the members, salaries of officers and employes, and the contingent expenses of the extra session convened commenced December 9, 1872, of the third General Assembly of the State of Louisiana, by appropriating and providing for the sale of $75,000 of legislative warrants, and declaring the manner of disbursing the amount realized by the sale of said warrants and for said warrants and for their redemption, was taken up and report adopted.

By unanimous consent the bill reported as substitute for House bill No. 10 by the Committee on Finance was ordered to first reading and read. Pending the consideration of the bill the Senate ordered an executive session.

Executive session having been raised, on call of the roll the following Senators answered to their names:

Hon. A. B. Harris, Lieutenant Governor and President of the Senate, and Messrs. Alexander, Barber, Blunt, Burch, Blackburn, Brewster, Greene, P. F. Herwig, E. F. Herwig, Hunsaker, Harper, Ingraham, Jenks, Masicot, Noland, Pollard, Sypher, Stamps, Twitchell, Weber, Wharton—22.

The President of the Senate announced a quorum present.

The unfinished business of the Senate being the report by substitute of House bill No. 10, the bill being on second reading, on motion of Mr. Brewster, the substitute for House bill No. 10 was ordered to lie on the table subject to call.

SPECIAL ORDER OF THE DAY.

On motion of Mr. Hunsaker, the special order of the day was taken up, being a bill to be entitled an act appropriating $19,500, or so much thereof as may be necessary, to enable the Auditor of Public Accounts to make and exact prompt settlements with tax collectors.

The bill came up by special order for its third reading and final passage.

The bill was read the third time and finally adopted by the Senate, with its title to stand as stated.

ANNOUNCEMENT OF COMMITTEE.

The Committee on Libraries was announced by the President to be Messrs. Stamps, Weber and Blunt.

HOUSE BILLS TAKEN UP.

On motion of Mr. Ingraham, the following, House bill No. 33, was taken up by unanimous consent:

An act to suppress riotous and unlawful assemblies, and to provide for the punishment of persons participating therein, and to define the duties of the officers of the State in regard thereto, and to punish officers and others for neglect or refusal to discharge and perform duties imposed upon them by law.

The bill was put on its first reading and read.

The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill ordered to its second reading and read, and adopted on its reading and ordered ready for its third reading.

The constitutional rule was then suspended by the requisite four-fifths affirmative vote, and the bill put on its third reading and finally adopted with its title, to stand as stated.

On motion of Mr. Brewster, House bills on the calendar were taken up.

On call, House bill No. 11, to be entitled an act repealing an act creating a commission to erect a State House, was taken up and passed its first reading, and left to come up on its second reading.

Also, on call, was taken up House bill No. 13, to be entitled an act to amend and re-enact section fifteen of the act entitled an act defining the distances from the domiciles of members of the General Assembly to the State House; fixing the mode of ascertaining the per diem of members of the General Assembly for the time engaged in going to and returning from the State House, and the mileage to be paid, and the number of employes of the General Assembly and their compensation, and defining their duties, and making an appropriation to defray the expenses of the General Assembly, and to repeal act No. 52 of 1869.

The bill was put on its first reading and read, and ordered to a second reading.

On motion the bill was then indefinitely postponed.

Also on call was taken up House bill No. 19, to be entitled an act prescribing the duties and powers of the Governor in relation to insubordination in military organizations constituting a part of the State militia.

On motion of Mr. Barber the bill was put on its first reading and read, and ordered to its second reading.

The constitutional rule was then suspended and the bill put on its second reading, read and adopted, and ordered to a third reading.

The constitutional rule was then suspended and the bill read the third time and adopted with its title, to stand as stated.

Also on call was taken up House resolution No. 31, to be entitled a joint resolution requesting the Senators and Representatives in Congress to obtain a United States judicial district in North Louisiana.

The joint resolution was put on first reading, read and ordered to its second reading.

The constitutional rule was then suspended by a four-fifths affirmative vote and bill put on second reading and read.

The bill was then referred to the Committee on Judiciary.

On motion of Mr. Ingraham, Senate voted that when it adjourned it should adjourn to meet Thursday, the second day of January, 1873.

Senate then voted to adjourn.

The President then announced that the Senate stood adjourned till Thursday, January 2, 1873, at twelve o'clock M.

CHARLES H. MERRITT, Secretary of Senate.

Senator Corbet was a heavy loser by the fire at Portland, Oregon, recently as, in addition to the block of brick stores bearing his name, he was the owner of the *Oregonian* newspaper, the materials of which were damaged by removal. Attorney General Williams was the owner of a house which was burned to the ground.

OFFICIAL JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

EXTRA SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA

Eighteenth Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, January 2, 1873.

Pursuant to adjournment the House met at twelve o'clock M., and was called to order by the Chief Clerk, who requested Mr. Allain, of West Baton Rouge, to take the chair.

The roll being called, the following members answered to their names:

Speaker C. W. Lowell and Messrs. Allain, Armstead, Antoine, Bowman, Baker, Boyd, Blackstone, Barrow, Connaughton, Cousin, Demas, D. C. Davis, R. R. Davis, Decker, Devezin, Dejoie, Dewees, Elliot, Greene, Grant, Gair, Gantt, Heffner, Heath, Hedgepath, Paul Jones, M. Jones, Keating, Kenyon, Keys, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Martinet, Marie, Montaldo, Raby, Rochon, Rodrigues, Souer, Sawyer, Stewart, Sartain, Snaer, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Ward, Wands—58.

A quorum present.

[Speaker Lowell in the chair.]

Prayer by the Rev. E. Green.

MESSAGE FROM THE SENATE.

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

I am directed by the Senate to present for your consideration the following Senate bills:

No. 13, to be entitled an act for the relief of Joseph N. Shawhan.

No. 15, to be entitled an act to amend and re-enact an act reorganizing the police juries of the State, etc.

No. 16, to be entitled an act appropriating $19,500, or so much thereof as may be necessary, to enable the Auditor of Public Accounts to make and exact prompt settlements with tax tollectors.

And to inform you that the Senate has concurred in the following House bills:

No. 19, prescribing the duties and powers of the Governor in relation to insubordination, etc.

No. 33, to suppress riotous and unlawful assemblies, etc.

CHARLES H. MERRITT, Secretary of the Senate.

On motion of Mr. Sartain, of Carroll, the reading of the journal in detail was dispensed with.

On motion of Mr. Williams, of East Baton Rouge, the journal was approved.

NOTICES OF BILLS.

The following gentlemen gave notice that they would, on some future day, introduce the following bills:

By Mr. Sewell, of Orleans:

An act to abolish the fees of office of the clerk of the First District Court for the parish of Orleans, so far as is payable by the city of New Orleans, and to provide for his compensation by salary.

An act to reduce the expenses of the city of New Orleans by the reduction of the expenses of justices in the parish of Orleans, and to abolish jury fees in criminal cases, and to curtail exemptions from jury duty.

An act reducing the charges attending the holding of inquests in the parish of Orleans, and to provide for the payment of salaries to the coroners of said parish.

An act repealing the City Park tax, authorizing the selling of portions of the City Park in lots, and settling all existing debts and mortgages.

An act to enforce successfully and promptly the payment of taxes due to the State of Louisiana and the city of New Orleans.

By Mr. Baker, of Bossier:

An act entitled an act to amend and re-enact section 1010 of the Revised Statues of Louisiana.

By Mr. Blackstone, of Natchitoches:

An act for the relief of William H. Hiestand, late parish judge of the parish of Natchitoches.

By Mr. Gair, of East Feliciana:

An act repealing the registration and election law.

INTRODUCTION OF BILLS.

According to previous notice the following bills were introduced:

By Mr. Montaldo, of Orleans:

House bill No. 37, entitled an act to allow the city of New Orleans to construct locks near the mouth of the New Orleans canal and Bayou St. John.

Passed first and second reading, under a suspension of the constitutional rules, and referred to the Committee on Lands and Levees.

By Mr. Devezin, of Orleans:

House bill No. 38, entitled an act to incorporate the Pelican Lodge Knights Cash of the State of Louisiana. Passed first and second readings under a suspension of the constitutional rules, and on motion was considered engrossed.

Under a further suspension of the constitutional rules the bill was placed on its third reading. The bill finally passed, title adopted and ordered to be sent to the Senate for concurrence.

By Mr. Paris, of Orleans:

House bill No. 39, entitled an act to incorporate the Economy and Mutual Aid Association of New Orleans, Louisiana. Passed first and second readings under a suspension of the constitutional rules.

Mr. Dewees, of Red River, moved that the bill be printed.

Mr. Demas, of St. John the Baptist, moved that the motion to print be laid on the table, on which the yeas and nays were demanded by Messrs. Dewees, of Red River, and Tureaud, of St. James, resulting as follows:

Yeas—Armstead, Boyd, Barrow, Cousin, Demas, R. R. Davis, Decker, Dumont, Grant, Gantt, Heffner, Hedgepath, P. Jones, M. Jones, Kenyon, Keys, Little, Murrell (Madison), Mahoney, Mayo, Marie, Rodrigues, Souer, Sawyer, Southard, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Ward, Young—33.

Nays—Allain, Antoine, Baker, Connaughton, D. C. Davis, Devezin, Dejoie, Dewees, Elliot, Greene, Guichard, Hubeau, Heath, Keating, Murrell (Latourche) Martinet, Montaldo, Raby, Rochon, Sartain, Snaer, Sutton, Sewell, Wands—24.

[Mr. Allain in the chair.]

Mr. Dewees, of Red River, moved to adjourn until to-morrow at twelve o'clock M., on which the yeas and nays were demanded by Messrs. Dewees, of Red River, and Montaldo, of Orleans, resulting as follows:

Yeas—Allain, Armstead, Bowman, Baker, D. C. Davis, Dumont, Dewees, Grant, Guichard, Heath, Raby, Snaer—12.

Nays—Antoine, Boyd, Blackstone, Barrow, Connaughton, Cousin, Demas, R. R. Davis, Decker, Dejoie, Elliot, Greene, Gair, Gantt, Heffner, Hubeau, Hedgepath, P. Jones, M. Jones, Keating, Kenyon, Keys, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Martinet, Marie, McCaleb, Paris, Rochon, Rodrigues, Souer, Sawyer, Sartain, Southard, Sutton, Sewell, Thomas, Tureaud, Williams Wilson, Worthy, Washington, Ward, Young—46.

The House refused to adjourn.

On motion of Mr. Tureaud, of St. James, House bill No. 39 was considered engrossed.

REGULAR ORDER OF THE DAY.

On motion of Mr. Young, of Concordia, the order of the day was postponed for ten minutes.

Mr. Demas, of St. John the Baptist, moved that House bill No. 39 be referred to the Committee on Corporations and be printed.

Carried.

Mr. Demas, of St. John the Baptist, moved that the special committee of five, to which House bill No. 33 was referred, be required to make their report on next Friday.

Carried.

UNFINISHED BUSINESS.

Substitute for House bill No. 32, entitled an act requesting the Senators and members of the House of Representatives of the State of Louisiana to urge the passage of a civil rights bill insuring the civil rights of all American citizens, through Congress, was called.

Mr. Young, of Concordia, moved to adjourn until to-morrow at twelve o'clock M., on which the yeas and nays were demanded by Messrs. Young, of Concordia, and Gantt, of St. Landry, resulting as follows:

Yeas—Allain, Boyd, Connaughton, Grant, Gantt, Heffner, Judice, Souer, Washington, Young—10.

Nays—Armstead, Antoine, Bowman, Barrow, Blackstone, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dumont, Dewees, Elliot, Greene, Gair, Guichard, Hubeau, Hedgepath, M. Jones, Keating, Kenyon, Keys, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Martinet, Marie, Montaldo, Paris, Raby, Rochon, Rodrigues, Sawyer, Stewart, Sartain, Snaer, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Worthy, Wiggin, Ward—47.

The House refused to adjourn.

Substitute for House bill No. 32 was read.

Mr. Mahoney, of Plaquemines, moved to adjourn until to-morrow at twelve o'clock M., on which the yeas and nays were demanded by Messrs. Sartain, of Carroll, and Murrell, of Lafourche, resulting as follows:

Nays—Allain, Armstead, Boyd, Connaughton, D. C. Davis, Dejoie, Dumont, Greene, Grant, Gair, Gantt, Heffner, Heath, Hedgepath, P. Jones, Kenyon, Mahoney, Mayo, Marie, Paris, Stewart, Washington, Young—23.

Yeas—Antoine, Bowman, Blackstone, Barrow, Cousin, Demas, R. R. Davis, Decker, Devezin, Elliot, Guichard, Hubeau, M. Jones, Judice, Keating, Keys, Murrell (Lafourche), Murrell (Madison), Martinet, Montaldo, Raby, Rochon, Rodrigues, Souer, Sawyer, Sartain, Snaer, Southard, Sewell, Thomas, Williams, Wilson, Worthy, Ward, Wands—35.

The House refused to adjourn.

Mr. Rodrigues, of Orleans, moved that the main question be ordered, on which the yeas and nays were demanded by Messrs. Young and Washington, of Concordia, resulting as follows:

Yeas—Allain, Armstead, Antoine, Bowman, Boyd, Barrow, Connaughton, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dumont, Dewees, Elliot, Grant, Gair, Gantt, Guichard, Heffner, Hubeau, Hedgepath, M. Jones, Judice, Keating, Kenyon, Keyes, Murrell (Lafourche), Murrell (Madison), Mayo, Martinet, Marie, Montaldo, Paris, Raby, Rochon, Rodrigues, Souer, Sawyer, Stewart, Sartain, Snaer, Southard, Sewell, Thomas, Williams, Wilson, Worthy, Ward, Wands—51.

Nays—Greene, Mahoney, Washington, Young—4.

Main question was ordered.

On the final passage of the substitute for House bill No. 32, the yeas and nays were demanded by Messrs. Young, of Concordia, and Mahoney, of Plaquemines, resulting as follows:

Yeas—Allain, Armstead, Antoine, Bowman, Boyd, Barrow, Connaughton, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dumont, Dewees, Elliot, Greene, Grant, Gair, Gantt, Guichard, Heffner, Hubeau, Heath, Hedgepath, M. Jones, Keating, Kenyon, Keys, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Martinet, Marie, Montaldo, Paris, Rochon, Rodrigues, Souer, Sawyer, Stewart, Sartain, Snaer, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Ward, Wands, Young—57.

Nays—None.

Mr. Dewees, of Red River, moved that the Committee on Ways and Means ascertain from the Attorney General his object in taking out an injunction prohibiting the fiscal agent from paying the interest on the State debt, and that they report within five days.

Adopted.

Mr. Young, of Concordia, moved to reconsider the vote by which the substitute for House bill No. 32 was adopted.

Mr. Montaldo, of Orleans, moved to lay the motion to reconsider on the table, on which the yeas and nays were demanded by Messrs. Young, of Concordia, and Mahoney, of Plaquemines, resulting as follows:

Yeas—Allain, Antoine, Bowman, Baker, Boyd, Blackstone, Connaughton, Cousin, D. C. Davis, R. R. Davis, Devezin, Dumont, Dewees, Elliot, Grant, Gair, Gantt, Guichard, Heffner, Hubeau, Heath, Hedgepath, M. Jones, Judice, Keating, Kenyon, Keys, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Martinet, Marie, Montaldo, Paris, Rochon, Rodrigues, Souer, Sawyer, Sartain, Southard, Sutton, Sewell, Thomas, Williams, Wilson, Worthy, Ward, Wands, Young—50.

Nays—Armstead, Greene, Washington—3.

Carried.

Mr. Wands, of Tangipahoa' called up Senate bill No. 16, entitled an act appropriating $19,500, or so much thereof as may be necessary to enable the Auditor of Public Accounts to make and exact prompt settlement with tax collectors.

Mr. Demas, of St. John the Baptist, moved that the rules be suspended, by which the House would be obliged to resolve itself into a committee of the whole to consider Senate bill No. 16.

Carried.

Under a suspension of the constitutional rules the bill passed its second reading.

Mr. Demas, of St. John the Baptist, moved a further suspension of the constitutional rules to place the bill on its third reading and final passage.

Carried.

The bill finally passed, title adopted and notice of concurrence ordered to be sent to Senate.

The Speaker announced the following committees:

Committee on New Canal Company—Henry Demas, of St. John the Baptist, chairman; Samuel Thomas, of Bossier; M. P. Blackstone, of Natchitoches.

Committee on Affairs of City Railroad Company—L. Sewell, of Orleans, chairman; John Boyd, of Caddo; R. R. Davis, of Orleans; V. O. King, of Orleans; William Jones, of Point Coupee.

Special Committee of Five—M. Hahn, of St. Charles, chairman; W. Murrell, of Madison; H. Demas, of St. John the Baptist; Charles Montaldo, of Orleans;