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OFFICIAL JOURNAL

OF THE

PROCEEDINGS OF THE SENATE

REGULAR SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

Thirteenth Day's Session.

SENATE CHAMBER, New Orleans, January 21, 1873.

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

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

Messrs. Anderson, Alexander, Barber, Blunt, Butler, Burch, Brewster, Cage, Greene, P. F. Herwig, E. F. Herwig, Harper, Kelso, Masicot, Pollard, Sypher, Stamps, Twitchell, Weber, Wharton—20.

The President of the Senate announced a quorum present.

Prayer by the Chaplain.

The reading of the minutes of yesterday's proceedings was dispensed with, and the President announced that the journal stood approved after the same had been corrected.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

To the Honorable President and Members of the Senate:

I am directed by the House to ask the concurrence of the Senate in House bill No. 4, entitled an act appropriating $4500 for the payment and per diem of members and employes of the board of returning officers of 1872, and the contingent expenses thereon.

JOHN W. ROXBOROUGH, Assistant Clerk.

EXECUTIVE COMMUNICATIONS.

The following communication was received from his excellency the Governor:

STATE OF LOUISIANA, Executive Department, New Orleans, January 21, 1873.

To the Honorable President and Members of the Senate:

I am directed by his excellency the Governor to inform you that he has signed an act originating in your honorable body, amending an act making an appropriation to pay the mileage and per diem of members of the General Assembly, approved January 10, 1873.

H. CONQUEST CLARKE, Private Secretary.

QUESTION OF PRIVILEGE.

Mr. Burch made a question of privilege from an article which he caused to be read from the New Orleans *Picayune* by the Secretary.

Mr. Burch denied the statement made, which he charged was a personal reflection upon the motives of the colored members of the General Assembly.

Mr. Cage also made a question upon a statement from the *Picayune* concerning his colleague, Mr. Swords. He did not wish to do his colleague injustice. He would state that his colleague had not been in his parish four times since his election.

REPORTS OF COMMITTEES.

Mr. Anderson, from the Committee on Judiciary, reported favorably upon Senate bill No. 33—a bill to be entitled an act to provide for the expropriation and means of acquiring lands by the United States for the erection of lighthouses, light keeper's house, signal stations, range lights, warehouses and revenue stations.

Ordered printed.

Mr. Herwig, from the Committee on Finance, reported favorably upon the following:

House bill No. 43, a bill to be entitled an act making an appropriation of $4500 for the payment of the per diem of members and employes of the board of returning officers of 1872, and contingent expenses thereof.

The report, by unanimous consent, was taken up and adopted.

Four-fifths of the Senate having dispensed with the constitutional rule, the bill was read the third time and finally adopted with its title.

Mr. Ingraham, from the Committee on Elections, made a report, which was ordered to lie over under the rules, concerning the contest of William Calhoun vs. J. B. Alexander.

The committee had directed the chairman to report that Mr. Alexander was entitled to his seat, and should be confirmed therein.

NOTICE OF BILLS.

By Mr. Alexander:

A bill to be entitled an act creating the parish of Little River.

INTRODUCTION OF BILLS.

Mr. Brewster, according to previous notice, introduced the following bill.

A bill to be entitled an act declaring the effect of pardons, and requiring officers of the State to recognize all persons who may have been pardoned as having been restored to all civil and political rights, privileges and immunities, and providing penalties for violation of this act.

The bill was read the first time.

Four-fifths of the members present having dispensed with the constitutional rule, the bill was read the second time, referred to the Committee on Judiciary, and, on motion of Mr. Ingraham, was ordered printed.

Also, a bill to be entitled an act relative to execution sales of property subject to mortgages and privileges.

The bill was read the first time.

Four-fifths of the members present dispensed with the constitutional rule, and the bill was read a second time, and referred to the Committee on Judiciary.

By Mr. Harris:

A bill to be entitled an act to provide for and regulate the clerical force in the Auditor's office, to fix their salaries, and to provide for the manner and conditions under which the chief clerk can act as Auditor, and for other purposes.

The bill was read the first time.

Four-fifths of the Senate dispensed with the constitutional rule, and the bill was read the second time, and referred to the Committee on Judiciary.

By Mr. Harris:

A bill to be entitled an act to amend an act providing for the registration and payment of State warrants and certificates of indebtedness and creating a fund for the payment of the same; also, abolishing the redemption of the State debt fund and the free school fund, and making provisions for the State to meet its obligations to the last named fund abolished; also, prescribing a fine against the State Treasurer for a failure to perform his duty, and for other purposes.

The bill was read the first time.

Four-fifths of the Senate having dispensed with the constitutional rule, the bill was read the second time and put on the calendar.

On motion of Mr. Butler, the following Senate bill, No. 11, a bill to be entitled an act for the relief of C. T. Estlin, was taken up and read:

WHEREAS, By virtue of section No. 6 of act No. 81, approved May 25, 1872, the Auditor of Public Accounts and the State Treasurer were authorized and required to dispose of, at public auction, to the highest bidder, certain bonds belonging to the "free school fund" and the "redemption of the State debt fund" to the fund for the redemption of the floating debt of the State; and

Whereas, Charles T. Estlin, as appears from the certificates of said Auditor of Public Accounts and said State Treasurer, was employed by them as auctioneer for the sale of said bonds; and

Whereas, Said act No. 81 failed and omitted to provide for the payment of the commissions of said auctioneer for his service as aforesaid;

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That a commission of one-half of one per cent on the net proceeds of said sale be and the same is hereby appropriated to said Charles T. Estlin, auctioneer, in full compensation for his services aforesaid, and that the Auditor of Public Accounts is hereby authorized and directed to warrant on the State Treasurer for the sum of $5186 83, the same being one-half of one per cent on the sum of $1,097,367 75, the net proceeds of said sale.

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

On motion of Mr. Burch, the bill was made the special order of the day for Saturday next at one o'clock, and ordered to be printed in the journal.

BILLS INTRODUCED.

By Senator Brewster:

Senate bill No. 44, a bill to be entitled an act relating to the State Library; providing for a board of trustees for the government of the same and the election of State Librarian, and defining her duties.

Bill was read first time.

Four-fifths of the Senate having dispensed with the constitutional rule, the bill was read the second time and referred to Committee on Libraries.

BILLS TAKEN UP FROM THE CALENDAR.

House bill No. 11, a bill to be entitled an act repealing the act creating a commission to erect a State House.

Mr. Butler moved the bill be indefinitely postponed.

The Senate refused to postpone indefinitely, and finally referred the bill to the Committee on Retrenchment and Reform.

The Secretary took up the following bill and read the same:

House bill No. 11, a bill to be entitled an act to fix the terms of the Third Judicial District Court of the State of Louisiana.

The bill having been read the first time, four-fifths of the Senators having dispensed with the constitutional rule, the bill was read the second time and referred to the Committee on Judiciary.

Also took up House bill No. 46, a bill to be entitled an act to change and fix the time for holding the sessions of the District Court in the parish of Lafayette, in the Sixteenth Judicial District.

The bill having been adopted on its second reading, on motion of Mr. Harris, four-fifths of the Senate having dispensed with the constitutional rule, was read the third time and finally adopted with its title.

Mr. Ingraham called up House bill No. 35, being a joint resolution appropriating $4133 33 to make good the deficiency in the appropriation for payment of the salary of Secretary of State and Assistant Secretary of State.

The bill was read the first time.

Four-fifths of the Senate dispensed with the constitutional rule, the bill was read the second time and adopted on second reading, and referred to the Committee on Judiciary.

By Mr. Twitchell:

Senate bill No. 22, a bill to be entitled an act punishing extortion in office by the public officers of the State of Louisiana, and for other purposes.

The bill was referred to the Committee on Retrenchment and Reform.

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

On motion of Mr. Twitchell, the bill was referred to the Committee on Drainage, Canals and Inland Navigation.

The Secretary took up from the table the following:

House bill No. 38, being joint resolution to memorialize Congress to pass a bill regulating a steam postal line between the ports of New Orleans, Mexico and South America.

Four-fifths of the Senate having dispensed with the constitutional rule, the bill was read the second time and referred to the Committee on Agriculture, Commerce and Manufactures.

Also, House bill No. 24, a bill to be entitled an act to release the inhabitants of the town of Donaldsonville from the payment of parish taxes.

The bill was read the second time and referred to the Committee on Corporations and Parochial Affairs.

By Mr. Ingraham:

Senate bill No. 6, a bill to be entitled an act to prevent the careless use of firearms.

The bill was read the second time and ordered to the calendar for engrossment and third reading.

ON SECOND READING.

By Mr. Ingraham:

Senate bill No. 36, a bill to be entitled an act creating the office of inspector of railroads and canals, defining the duties and fixing the salaries thereof.

The bill was read the second time, and, on motion of Mr. Barber, was referred to the Committee on Railroads.

The Senate then went into executive session.

Executive session having been raised, on motion of Mr. Stamps, the Senate voted to adjourn until to-morrow at the usual hour.

The President then announced that the Senate stood adjourned till Wednesday, January 22, 1873, at twelve o'clock M.

P. E. BECHTEL, Secretary of the Senate.

OFFICIAL JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

REGULAR SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA

Fourteenth Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, January 22, 1873.

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

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

Speaker Lowell and Messrs. Allain, Armstead, Antoine, Baker, Boyd, Benham, Blackstone, Boatner, Barrow, Carey, Connaughton, Cousin, D. C. Davis, R. R. Davis, Decker, Devezin, Dejoie, Dupont, Elliot, Fontelieu, Greene, Heffner, Hubeau, Hill, Hahn, Heath, Hedgepath, M. Jones, Judice, Keating, Kirkman, Kenyon, Kern, Keys, Lewis, Lawes, Murrell (Latourche), Mahoney, Mayo, Martinet, Marie, Mathews, Montaldo, Peyton, Page, Raby, Rochon, Rodrigues, Sawyer, Stewart, Sartain, Suaer, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Wiggin, Ward, Wands—65.

A quorum present.

Prayer by the Rev. E. Green.

On motion of Mr. Montaldo, of Orleans, the reading of the journal in detail was dispensed with.

On motion, the journal was approved.

RESOLUTIONS.

Mr. Benham, of Carroll, introduced House bill No. 76, entitled a joint resolution relative to the United States Mint building to be used as a State House.

Passed first and second readings under a suspension of the constitutional rules.

Lies over under the rules.

Mr. Hahn, of St. Charles, chairman of the special committee on city parks, requested the Speaker to appoint some one instead of Mr. Jones, of Cameron, on that committee. Whereupon Mr. Gantt, of St. Landry, was appointed to fill the vacancy.

Mr. Mathews, of Tensas, introduced the following joint resolution:

House bill No. 77, entitled joint resolution to fix the compensation of certain officers of the General Assembly for the extra session thereof, begun December 9, 1872, and authorizing the payment thereof and for other purposes.

Passed first and second readings, under a suspension of the constitutional rules.

On motion, the bill was considered engrossed.

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

Mr. Williams, of East Baton Rouge, asked leave of absence for the Committee on Penitentiary for four days.

Granted.

Mr. Mathews, of Tensas, chairman of the Committee on Contingent Expenses, made the following report:

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

Your committee have had under consideration the accompanying resolution, and, after fully investigating the matter, report it to the House and recommend its adoption as amended.

JAMES S. MATHEWS, Chairman.

Which, on motion, was received.

Mr. Mathews called up the following resolution, reported by the Committee on Contingent Expenses, which was adopted:

WHEREAS, In accordance with the provision of law it is made the duty of the sergeant-at-arms to prepare the House for the services of the General Assembly; in performing that duty for the extra session commencing December 9, 1872, the following persons were employed for the time opposite their respective names, viz:

Pence Magloire, from November 10 to December 15.

Samuel King, from November 23 to December 15, twenty-three days.

Edward Moore, November 18 to December 10, twenty-three days.

Daniel Warren, November 23 to December 15, twenty-three days.

Samuel Walker, November 23 to December 10, eighteen days.

Richard Simpson, November 23 to December 9, fifteen days.

Dominique Blanchisio, November 27, one day.

Louis Raymond, November 18 to December 15.

John Kerigan, November 23 to December 10, twenty days.

G. A. Cook, November 23 to December 10, eighteen days.

John Reynolds, November 23 to December 10, eighteen days.

R. J. Walker, November 15 to December 9.

Fritz Plannanchinett, November 23 to December 15, twenty-three days; therefore, be it

Resolved, That the Committee on Contingent Expenses, when appointed, is hereby directed to issue vouchers to the persons so employed for their services rendered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, New Orleans, January 22, 1873.

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

I am directed to inform your honorable body that the Senate concurs in the following House bills:

House bill No. 15, an act making an appropriation for the payment of members, officers and employes of the board of returning officers.

House bill No. 16, an act relative to holding the sessions of the District Court, parish of Lafayette.

Very respectfully,

P. E. BECHTEL, Secretary of the Senate.

NOTICES OF BILLS.

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

By Mr. Montaldo, of Orleans:

An act to confirm, ratify, explain, extend and modify the act known as the act to incorporate the Crescent City Waterworks.

By Mr. Guichard, of St. Bernard:

An act for the relief of Charles Cavaroc and heirs of H. B. Lebeau.

By Mr. Marie, of Terrebonne:

An act to regulate the hours of work of laborers and mechanics, etc.

By Mr. Washington, of Concordia:

An act for the relief of J. C. and C. Oliver, late sheriff of St. James parish.

By Mr. Demas, of St. John the Baptist:

An act to amend and reenact section eight of article 1872.

An act to provide for the inspection of coal oil and illuminating oil or fluids, and all other explosive or combustible articles of merchandise dangerous to life and property, and providing the manner of storage for the same, and for other purposes.

INTRODUCTION OF BILLS.

According to previous notice, the following bills were introduced:

By Mr. Kern, of Jefferson:

House bill No. 78, entitled an act for the relief of all purchasers of real estate sold at public auction to satisfy judgments for State, parish or municipal taxes, and to quiet such purchasers in their possession and validate their titles thereto.

Passed first and second readings, under a suspension of the constitutional rules, and referred to the Committee on Judiciary.

By Mr. Stewart, of Tensas:

House bill No. 79, an act to compel the New Orleans and Carrollton Railroad Company to lower their track even with the streets of the city of New Orleans.

Passed first and second readings under a suspension of the constitutional rules, and referred to the Committee on Railroads.

By Mr. Baker, of Bossier:

House bill No. 80, entitled an act to protect citizens in their rights to property under the homestead laws of this State, and to fix penalties and damages for violation of the provisions of the homestead acts.

Passed first and second readings under a suspension of the constitutional rules, and referred to the Committee on Judiciary.

By Mr. Antoine, of St. Mary:

House bill No. 81, entitled an act to create, locate, make and open a new public road on the eastern side of the Bayou Teche, parish of St. Mary.

Passed first and second readings under a suspension of the constitutional rules, and referred to the Committee on Parochial Affairs.

By Mr. Bryant, of East Baton Rouge:

House resolution No. 82, as follows:

Resolved, That a joint committee of five, three on the part of the House and two from the Senate, be appointed to examine the State House in Baton Rouge, and ascertain what amount will be necessary to repair that building, and report the same to this body within thirty days from the adoption of this resolution.

Passed first and second readings, under a suspension of the constitutional rules, and on motion of Mr. Dewees, of Red River, was referred to the Committee on Public Buildings.

By Mr. Sewell, of Orleans, House bill No. 83, entitled a joint resolution relative to the appointment of a commission to investigate the affairs of the New Orleans, Mobile and Chattanooga Railroad Company.

Passed first and second readings, under a suspension of the constitutional rules.

Mr. Sonor, of Avoyelles, moved to refer to the Committee on Railroads.

Mr. Sewell, of Orleans, moved to lay that motion on the table, on which the yeas and nays were demanded by Messrs. Sewell, of Orleans, and Williams, of East Baton Rouge, resulting as follows:

Yeas—Bryant, Boatner, Barrow, D. C. Davis, Dejoie, Dupiers, Gantt, Kirkman, Kern, Lawes, Martinet, Raby, Rochon, Rodrigues, Sewell, Williams—16.

Nays—Armstead, Antoine, Baker, Boyd, Benham, Carey, Connaughton, Cousin, R. R. Davis, Decker, Devezin, Dewees, Elliot, Greene, Gair, Guichard, Hubeau, Hill, Hahn, Heath, Hedgepath, Keating, Kenyon, Keys, Lewis, Mahoney, Mayo, Marie, Mathews, Montaldo, Peyton, Page, Soner, Stewart, Sartain, Suaer, Southard, Sutton, Thomas, Tureaud, Wilson, Worthy, Washington, Wiggin, Ward—45.

The House refused to table the motion to refer.

Mr. Gantt, of St. Landry, called for the order of the day.

UNFINISHED BUSINESS.

When the House last adjourned the following amendments to House bill No. 6, entitled "an act to incorporate the Louisiana Central Railroad Company," were under consideration:

In section twenty, line seven, insert, after the word "Alexandria," the words "and Natchitoches;" in line forty-seven, after the word "otherwise," insert "provided, further, that the police juries of any of the above named parishes shall be required, on the written application of any fifty qualified voters of said parish, to submit said ordinance to the electors of said parish, and in any of the cities or towns above mentioned the mayor and town council, on the written application of any fifteen qualified electors, shall submit the agreement to the electors of said city or town."

On motion the amendments were agreed to.

The following amendment was read:

Strike out all of section twenty-one and insert:

SEC. 21. Be it further enacted, etc., That nothing in this act contained shall be construed as interfering with or divesting the New Orleans, Mobile and Texas Railroad Company, or any other railroad company, of any of its rights or privileges under existing laws, nor shall it be construed as giving up or abandoning any right which the State of Louisiana may now have to stock or any other interest of or in the said New Orleans, Mobile and Texas Railroad Company; and this law shall not take effect or be of any force unless the company chartered by this act shall, through their board of directors, file in the office of the Secretary of State, within ninety days from and after the date of the passage and approval of this act a written acceptance thereof, signed by a majority of the directors of said company, and when so accepted the rights and franchises granted by this act to said company shall be deemed to be and shall be binding contracts between the State of Louisiana and the said company, and shall not be impaired, disturbed or modified by subsequent legislation, except with the consent and on the petition of said company, provided, that the terms and specifications of this charter are complied with.

MESSAGE FROM THE GOVERNOR.

STATE OF LOUISIANA, Executive Department, New Orleans, January 22, 1873.

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

I am directed by his excellency the Governor to inform you that he has this day signed the joint resolutions, originating in your honorable body, requesting the Senators and members of Congress from the State of Louisiana to urge the passage of a civil rights bill, and the establishment of a United States judicial district in North Louisiana.

H. CONQUEST CLARKE, Private Secretary.

The Speaker announced the following committee:

Committee to investigate the records of the last General Assembly, to ascertain what acts thereof, if any, have become laws without the signature of the Governor, and whether the same have been promulgated according to law—Percy Baker, of Bossier; E. W. Dewees, of Red River; W. F. Southard, of Ouachita; Cain Sartain, of Carroll; A. Dejoie, of Orleans.

Mr. Demas, of St. John the Baptist, moved to adjourn until to-morrow at twelve o'clock, on which Messrs. Gair, of East Feliciana, and Hahn, of St. Charles, demanded the yeas and nays, resulting as follows:

Yeas—Armstead, Antoine, Bowman, Bryant, Barrow, Demas, R. R. Davis, Decker, Devezin, Dejoie, Elliot, Fontelieu, Greene, Guichard, Hubeau, Hedgepath, Judice, Kenyon, Kern, Keys, Landry, Lawes, Mavo, Martinet, Marie, Mathews, Montaldo, Raby, Rochon, Rodrigues, Sawyer, Stewart, Sartain, Sewell, Wilson, Worthy, Washington, Ward, Wands—38.

Nays—Baker, Boyd, Benham, Blackstone, Connaughton, Demas, Dewees, Gair, Gantt, Heffner, Hill, Hahn, Heath, M. Jones, Keating, Kirkman, Peyton, Page, Soner, Suaer, Southard, Thomas, Tureaud, Williams, Wiggin—24.

The Speaker announced that the House stood adjourned until to-morrow, at twelve o'clock M.

WILLIAM VIGERS, Chief Clerk.

THE SENATE YESTERDAY.

Fourteenth Day's Session.

SENATE CHAMBER, New Orleans, January 22, 1873.

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

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

Messrs. Anderson, Alexander, Barber, Blunt, Burch, Brewster, Cage, Greene, P. F. Herwig, E. F. Herwig, Harper, Ingraham, Kelso, Masicot, Pollard, Sypher, Stamps, Twitchell, Weber, Wharton—20.

The President of the Senate announced a quorum present.

Prayer by the Chaplain.

The reading of the minutes of yesterday's proceedings was dispensed with, and the President announced that the journal stood approved, the same having been corrected.

EXECUTIVE COMMUNICATIONS.

STATE OF LOUISIANA, Executive Department, New Orleans, January 22, 1873.

To the Honorable President and Members of the Senate:

I am directed by his excellency the Governor to inform you that the act originating in the Senate amending and reenacting the act organizing the police juries of the State, has become a law without his signature by constitutional limitation.

H. CONQUEST CLARKE, Private Secretary.

NOTICE OF BILLS.

By Mr. Blunt:

To be entitled an act to abolish the parish of Sabine, Louisiana.

By Mr. Burch:

A bill to be entitled an act amending sections seven, eight and nine of act No. 11, passed at the second session of the General Assembly of the State of Louisiana.

INTRODUCTION OF BILLS.

Mr. Barber, by unanimous consent, introduced a bill to be entitled an act to amend an act entitled an act to organize, arm and equip a uniformed militia, approved—

On motion of Mr. Barber, four-fifths of the Senate having dispensed with the constitutional rule, the bill was read the second time and referred to the Committee on Militia.

Mr. Brewster, according to previous notice, introduced a bill to be entitled an act to incorporate the North Louisiana Bayou Improvement and Navigation Company.

The bill was read the first time.

On motion of Mr. Brewster, four-fifths of the Senate dispensed with the constitutional rule, the bill was read the second time and referred to Committee on Inland Navigation, etc.

REPORTS OF COMMITTEES TAKING OVER.

Mr. Ingraham called up the report made by the Committee on Elections in the contested case of Calhoun vs. Alexander, which was read, as follows:

COMMITTEE ON ELECTIONS AND QUALIFICATIONS, January 21, 1873.

1. The petition of William S. Calhoun, claiming a seat in this body from the Twenty-fourth Senatorial district was not presented in accordance with section 1423 of (Ray) Revised Statutes of 1870.

2. The petition of William S. Calhoun does not represent that he received any votes in any other than the parish of Grant, except by reference in general terms.

3. The returns, as promulgated by the returning board, show that the vote for Senator in the Twenty-fourth Senatorial district was as follows:

Parish.	Alexander.	Kelly.	Hayes.
Winn	54	416	147
Grant	650	180	190
Catahoula	687	372	293
Total	1391	1268	630

From the foregoing return, Mr. Calhoun does not appear to have received a single vote. Even if Mr. Calhoun received 800 votes, as claimed by him, he would still be beaten by Mr Alexander, as also by Mr. Kelly.

4. Your committee therefore recommend that the petition of W. S. Calhoun be dismissed, and that the following resolution be adopted:

Resolved, That James R. Alexander be and is hereby confirmed in his seat as Senator from the Twenty-fourth Senatorial district.

All of which is respectfully submitted.

JAMES H. INGRAHAM, Chairman:

THOMAS C. ANDERSON,
T. B. STAMPS,
O. H. BREWSTER.

On motion of Mr. Harris, on call, by Mr. Ingraham duly seconded, of the yeas and nays, the resolution offered in the report of the Committee on Elections was adopted by the following vote:

Yeas — Anderson, Barber, Blackburn, Blunt, Butler, Burch, Cage, Greene, Harris, E. F. Herwig, Harper, Ingraham, Kelso, Masicot, Pollard, Sypher, Stamps, Twitchell, Wharton—19.

Nays—None.

Mr. Ingraham moved that the vote just taken be reconsidered.

On motion of Mr. Harris the motion to reconsider was ordered to lie on the table by a vote of the Senate.

JOINT RESOLUTION.

By Mr. Burch:

Creating a joint special committee to be known as the Committee on Apportionment to report what may be necessary to carry into effect article twenty of the State constitution relative to apportionment.

WHEREAS, Article twenty of the State constitution provides that representation in the General Assembly shall be equal and uniform, and such representation shall be ascertained and regulated by the total population, the census of the United States of 1870 being the basis of estimate until the year 1875, each parish being entitled to at least one representative in the House of Representatives, and

Whereas, The present distribution of the State into districts is unjust and unequal, because of the increase in population, changes of parish boundaries, and other causes; therefore,

SECTION 1. Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That a committee of two on the part of the Senate, to be appointed by the President of the Senate, and three on the part of the House, to be appointed by the Speaker of the House of Representatives, who shall constitute a joint special committee to be known as the committee on apportionment, who shall have charge of all questions pertaining to apportionment and division of the State into representative or senatorial districts.

SEC. 2. Be it further resolved, That said committee shall report by bill whatever legislation may be necessary for the purpose herein indicated, and at as early a day as may be practicable, and that for the purpose of securing an apportionment of the State that shall be fair and just to the people thereof, said committee may sit and act, if necessary, during the recess of the General Assembly, and present its report to the next session of the General Assembly.

SEC. 3. Be it further resolved, That said committee shall organize and enter upon its duties as soon as appointed, and this resolution shall take effect from and after its passage.

Resolution read first time.

On motion of Mr. Burch, the resolution was ordered to be printed in the journal, and to lie over for second reading.

By Mr. Blackburn, according to previous notice:

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of $1200 be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be paid to A. P. Field, Attorney General, on his own warrant, to pay for office rooms for 1873, in which to transact the business of the State.

The joint resolution was read the first time, and under the rules lies over to come up on second reading.

RESOLUTIONS.

By Mr. Sypher:

WHEREAS, The New Orleans, Mobile and Texas Railroad Company, a corporation of the State of Alabama, has received from this State aid to the extent of —— millions of dollars; therefore be it

Resolved, That for the purpose of protecting the interest of the State, the Committee on Railroads and Internal Improvements of the Senate be and they are hereby directed to investigate into the affairs of said company, with a view to ascertain if the said company complied with their charter and obligations to the State, and to report to this Senate the result of their investigation by bill, resolution, or otherwise; and to fully carry out the spirit and intent of this resolution, the committee be and they are hereby authorized to employ an expert, to be paid such amount as agreed upon, out of the contingent fund of the Senate.

On motion of Mr. Sypher, the resolution was ordered to be printed in the journal.

JOINT RESOLUTIONS CALLED UP.

Mr. Burch called up the joint resolution, for the purpose of second reading, with a view to final passage, asking Congress to give its material assistance in the suppression of slavery in the island of Cuba.

By consent, the resolution was taken up and read.

Mr. Burch moved that the resolution be considered engrossed and ordered to third reading, with a view to final adoption, and on that motion he desired to speak.

The President then announced the pending question to be engrossment and third reading of the bill.

Mr. Burch spoke at length upon the merits of the resolution in favor of its final passage.

At the conclusion of the remarks of Mr. Burch, on motion of Mr. Harris, the joint resolution was considered engrossed.

Four-fifths of the members present having dispensed with the constitutional rule, the resolution was read the third time and finally adopted with its title.

BILLS CALLED UP.

Mr. Harris called up Senate bill No. 18, and moved the same be considered engrossed and ordered to a third reading.

A bill to be entitled an act to amend an act providing for the registration and payment of State warrants and certificates of indebtedness, and creating a fund for the payment of the same; also, abolishing the redemption of the State debt fund and the free school fund, and making provisions for the State to meet its obligations to the last named fund abolished; also, prescribing a fine against the State Treasurer for a failure to perform his duty, and for other purposes.

Mr. Wharton moved to commit the bill to the appropriate committee—Judiciary.

Mr. Harris moved that the motion to commit be ordered to lie on the table.

Messrs. Wharton and Sypher demanded the yeas and nays upon the question to lie on the table.

The motion to order to lie on the table was adopted by the Senate by the following vote:

Yeas—Anderson, Barber, Blackburn, Butler, Burch, Brewster, Greene, Harris, Ingraham, Masicot, Stamps—11.

Nays—Alexander, Blunt, P. F. Herwig, Harper, Pollard, Sypher, Twitchell, Wharton—8.

Mr. Harris called up his previous motion to consider engrossed and order to third reading.

Mr. Twitchell then moved that the bill be committed to Committee on Finance.

Mr. Harris moved to order to lie on the table the motion to commit.

On call of the yeas and nays, the vote was a tie as follows:

Yeas—Barber, Blackburn, Butler, Burch, Brewster, Greene, Harris, Ingraham, Masicot, Stamps—10.

Nays—Anderson, Alexander, Blunt, P. F. Herwig, Harper, Pollard, Sypher, Twitchell, Weber, Wharton—10.

The Chair announced that the vote upon the question was a tie. The President of the Senate, exercising his constitutional prerogative, gave the casting vote in the negative.

The Secretary declared the vote, stating that the Chair had given the casting vote against the motion to order to lie on the table the motion to commit to the Committee on Finance.

The President then announced the question to be the motion to commit to the Committee on Finance.

Mr. Harris then moved that the bill be indefinitely postponed.

Mr. Butler moved that the motion to indefinitely postpone be ordered to lie upon the table.

On the question of whether the motion to indefinitely postpone was debatable, the Chair decided it was.

Mr. Butler raised the question of order that the motion to order to lie on the table was not debatable, and that he made the motion to order to lie the motion to postpone on the table.

The Chair ruled that the motion of the Senator from Plaquemines did not seem to have had a second.

Mr. Harris afterward, by consent, withdrew the motion to indefinitely postpone.

POINTS RAISED DURING THE DEBATE.

Mr. Blunt, during the debate, desired time to consider these questions for himself, and did not admit that a portion of the Senators should furnish brains for him on these questions, and favored the motion to commit.

Mr. Harris, in reply, made a question of privilege, being a member to whom the Senator alluded, made the point:

That whatever God has failed to do in his handiworks, it would be sacrilegious for man to attempt.

The President then announced the question to be to commit to Committee on Finance.

On call of the yeas and nays by two members of the Senate, the Senate was again a tie, as follows:

Yeas—Anderson, Alexander, Blunt, P. F. Herwig, E. F. Herwig, Harper, Sypher, Twitchell, Weber, Wharton—10.

Nays—Barber, Blackburn, Burch, Brewster, Cage, Greene, Harris, Ingraham, Masicot, Stamps—10.

The President gave the casting vote yea, which ordered the bill to the Committee on Finance, and so announced by the Secretary.

The Senate then went into executive session.

Executive session having been raised, on motion of Mr. Barber, the Senate voted to adjourn until to-morrow at the usual hour.

The President then announced that the Senate stood adjourned till Thursday, January 23, 1873, at twelve o'clock M.

SHERIFF'S SALES.

F. P. Martinez et als. vs. Louisiana Fertilizer Manufacturing Company.

SIXTH DISTRICT COURT FOR THE PARISH OF Orleans, No. 3062.—By virtue of a writ of seizure and sale 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 THURSDAY, February 6, 1873, at twelve o'clock M., the following described property, to wit—

1. ALL THE BUILDINGS AND IMPROVEMENTS built and put up by said company on a certain square of ground situated in the First District of this city, bounded by Common, Gayoso, Gravier and Dupre streets.

2. ALL THE BUILDINGS AND IMPROVEMENTS built and put up by said company on another square of ground adjoining the above, bounded by Common, Dupre, Gravier and Salcedo streets.

3. AN ENGINE, BOILER AND FIXTURES.
4. A HYDRAULIC PRESS.
5. A MIXER.
6. And finally, other merchandise, fixtures and articles sold to the said factory.

Seized in the above suit.

Terms—This being the second and last auction, the said property will be definitely adjudicated to the highest and last bidder, for what it will bring, at twelve months' credit, the purchaser furnishing bond, with good and solvent security, conditioned according to law, and special mortgage on the property sold until final payment. Said purchaser shall have to deduct and pay in cash the amount of printing, sheriff's and clerk's fees, etc., say about two hundred and fifty dollars, and, furthermore, the State, parish and municipal taxes, the amount of which is not yet ascertained.

W. P. HARPER, Sheriff of the Parish of Orleans.

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George Eretez, Joseph David, subrogated, vs. D. Deobons et al.

SIXTH DISTRICT COURT FOR THE PARISH of Orleans, No. 19,064.—By virtue of a writ of fieri facias against M. Labusquiere, 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 MONDAY, January 27, 1873, at twelve o'clock M., the following described property, to wit—

ALL THE RIGHT, TITLE AND INTEREST of the defendant, M. Labusquiere, in and to a certain promissory note, being in the words and figures as follows, to wit:

NEW ORLEANS, July 7, 1867.

Six months after date I will pay to M. Labusquiere or his order, the sum of fifteen hundred and forty six dollars and sixty-three cents, value received in merchandise.

(Signed) P. DUFFOUR.
(Indorsed) M. LABUSQUIERE.

Balance amount on the note and on the account.

Amount received—$109, $66 65, $47, $64 49, $18 97, total $256 31.

Seized in the above suit.

Terms—Cash on the spot.

W. P. HARPER, Sheriff of the Parish of Orleans.

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Nathaniel Montross vs. Samuel Jamison.

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