OFFICIAL JOURNAL OF THE SECOND SESSION OF THE THIRD GENERAL ASSEMBLY OF THE STATE OF LOUISIANA

SENATE.

Twenty-first Day's Session.

SENATE CHAMBER, }
New Orleans, January 30, 1874. }

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, Barber, Belden, Blunt, Butler, Burch, Brewster, Cage, Chadbourn, Crawford, Daigle, Detiege, Glaudin, Greene, Harris, E. F. Herwig, Harper, Ingraham, Kelso, Masicot, Pollard, Rey, Sypher, Swaizie, Stamps, Thomas, Twitchell, Wharton, Weber, Whitney—30.

The President announced a quorum present.

Prayer by the chaplain.

The reading of the journal of yesterday's proceedings was dispensed with, and the journal corrected and adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
New Orleans, January 30, 1874. }

To the Honorable President and Members of the Senate:

I am directed by the House to ask the concurrence of your honorable body in the following House bills, viz:

House bill No. 77, an act to enforce article 117 of the constitution, and to prohibit certain persons from holding two offices at the same time, and to fix penalties for its violation, and to prescribe the duties of the district judges and State attorneys in relation thereto.

House bill No. 76, an act making the fourth day of March a day of public rest and *dies non*.

House bill No. 39, an act to regulate the private markets in the city of New Orleans, and for other purposes.

House bill No. 14, an act to provide for the removal of the seat of justice of the parish of St. Bernard, and to divide said parish into wards.

House bill No. 12, an act to exempt from State and municipal taxation certain property of the St. Patrick Hall Association in the city of New Orleans, and to remit back taxes on the same.

House bill No. 6, an act to amend sections two, five, six and seven of an act to incorporate the town of Waterproof, in the parish of Tensas, approved April 23, 1872.

Very respectfully,
JOHN W. ROXBOROUGH,
Assistant Clerk.

PETITIONS AND MEMORIALS.

Mr. Thomas presented a petition from the Red River Pilots' Benevolent Association, asking for State aid.

Read and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. Anderson, chairman of the Committee on Judiciary, reported favorably upon the following bills:

Senate bill No. 263, an act to authorize and empower Thomas H. Franklin, an emancipated minor, to practice law before any of the courts of this State.

Senate bill No. 207, an act to legitimate Maurice George Hughes and Mary Louise Clark Hughes.

By Mr. Butler, chairman Committee on Claims:

COMMITTEE ON CLAIMS, }
New Orleans, January 27, 1874. }

To the Honorable President and Members of the Senate:

Your Committee on Claims, to whom was referred the petition of I. M. Weymouth, for payment of bill for services rendered the State, has had the same under consideration, and find that the services were properly authorized and faithfully performed, and that the sum claimed is reasonable and ought to be paid.

To provide for the payment of said claims, your committee has prepared an act, which accompanies this report, the passage of which is recommended.

All of which is respectfully submitted.
E. BUTLER, Chairman.

Also, favorably on House bill No. 48, for relief of William B. Phillips, recommending its passage.

Also, by substitute for House bill No. 183, an act for the relief of Mrs Catharine Epps.

By Mr. Ingraham, chairman Committee on Enrollment and Engrossment:

COMMITTEE ON ENROLLMENT, }
New Orleans, January 30, 1874. }

To the Honorable President and Members of the Senate:

Your Committee on Enrollment beg leave to report as being duly enrolled the following Senate bills, viz:

Senate bill No. 246, entitled an act fixing the time of holding the District Court in the Fourth Judicial District of the State of Louisiana, comprising the parishes of St. Charles, St. John the Baptist, St. James and Ascension.

Also, Senate bill No. 247, entitled an act to fix the terms of the District Court in the Fifteenth Judicial District of the State of Louisiana.

Also, Senate bill No. 177, entitled an act ceding jurisdiction and conveying title to all State lands required for the construction of the proposed Fort St. Philip canal to the government of the United States.

Also, Senate bill No. 188, an act to incorporate the First Baptist Association of Shreveport.

Also, Senate bill No. 175, an act relative to the trial of certain suits in which provisional seizures have issued.

Also, Senate bill No. 197, an act to amend an act entitled an act to amend article 644 of the Code of Practice, approved April 23, 1872.

Respectfully,
JAMES H. INGRAHAM,
Chairman.

LEAVE OF ABSENCE.

Mr. Harris asked and obtained leave of absence for one week for Mr. Reber, the assistant minute clerk of the Senate.

NOTICES OF BILLS.

By Mr. Belden:

An act to amend and re-enact article nine of section twelve of an act entitled an act to extend the limits of the parish of Orleans, and to change the boundaries of the parishes of Orleans and Jefferson, and to consolidate the cities of New Orleans and Jefferson, and to provide for the government of the city of New Orleans and the administration of the affairs thereof, and to repeal an act entitled an act to incorporate the city of New Orleans, approved February 23, 1852, and to repeal all acts amendatory thereto, and to repeal an act entitled an act to incorporate the city of Jefferson, approved March 9, 1850, and to repeal all acts amendatory thereto, and to provide for the funding of the floating indebtedness of the corporations as consolidated by said act, approved March 16, 1870.

By Mr. Chadbourn:

An act to prevent forced sales of property at less than four-fifths of its value, and to amend and re-enact article 689 of the Code of Practice.

By Mr. Kelso:

An act to repeal an act defining certain rights and duties of State officers, approved March 6, 1872.

By Mr. Bovee:

An act to incorporate the city of Donaldson, in the parish of Ascension, defining its boundaries, providing for the government thereof, and funding all legal indebtedness of the corporation of Donaldsonville; repealing act No. 89 of 1870, revising and amending the charter of Donaldsonville, and all laws in conflict with this act.

By Mr. Barber:

A bill to provide for the renumbering of houses and lots in the different streets of the city of New Orleans, and to define the duties of the Mayor and City Council in relation thereto.

By Mr. Brewster:

A bill to be entitled an act to fix the term of the Fourteenth Judicial District Court of the State of Louisiana.

Also, a bill to be entitled an act to facilitate the testimony, and for other purposes.

By Mr. Cage:

A bill to be entitled an act to define the duties of the several clerks of courts of the several districts of this State in relation to the security of bonds, etc.

By Mr Thomas:

A bill to be entitled an act for the relief of the Red River Pilots' Benevolent Association.

By Mr. Anderson:

A bill to be entitled an act to authorize and direct the State Auditor to draw his warrant upon the State treasury, etc.

Also, a bill explanatory of the sixteenth paragraph of the first section of act No. 14, approved March 5, 1872.

A bill entitled an act relative to the trial of causes in the Supreme Court of Louisiana.

By Mr. Whitney:

A bill to be entitled an act to define and regulate the fees of the clerks, sheriffs, recorders and notaries public throughout the State of Louisiana (except the parish of Orleans), and providing for forfeitures and penalties for overcharging or failing to perform their duties, and the mode of collecting their fees.

INTRODUCTION OF BILLS ACCORDING TO PREVIOUS NOTICE.

By Mr. Wharton:

A bill to be entitled an act to incorporate the Iberville College.

The bill was read the first time.

Lies over.

By Mr. Stamps:

A bill to be entitled an act for the relief of Benjamin Campbell and his minor child, Estelle E. Campbell.

The bill was read the first time.

Lies over.

By Mr. Ingraham:

A bill to be entitled an act to establish a criminal district court for the parish of Orleans, for the purpose of establishing its jurisdiction, and for the purpose of appointing a judge and clerk thereof.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time, and referred to the Committee on Judiciary.

[Mr. Anderson in the chair.]

By Mr. Ingraham:

A bill to be entitled an act to change the name of Benjamin Carrillon to Benjamin Cohen Da Silva Abenator.

Mr. Ingraham moved to suspend the constitutional rule to put the bill to a second reading.

On call of the yeas and nays the Senate voted to suspend the constitutional rule by the following vote:

Yeas—Anderson, Barber, Belden, Burch, Blackburn, Butler, Brewster, Cage, Chadbourn, Daigle, Detiege, Glaudin, Greene, Harris, E. F. Herwig, Harper, Ingraham, Masicot, Rey, Swaizie, Stamps, Thomas, Weber, Wharton, Whitney—25.

Nays—Alexander, Blunt, Bovee, Crawford, Kelso, Pollard, Sypher—7.

The bill was read the second time and referred to the Committee on Judiciary.

By Mr. Anderson:

A bill to be entitled an act to repeal all laws regulating conventional interest.

Read the first time.

Lies over.

By Mr. Masicot:

A bill to be entitled an act relative to criminal proceedings.

Read the first time.

Lies over.

By Mr. Ingraham:

A bill to be entitled an act to amend and re-enact section eighteen of an act entitled an act relative to criminal proceedings, approved March 14, 1855.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Judiciary.

By Mr. Anderson, by unanimous consent:

A bill to be entitled an act explanatory of the fifteenth paragraph of the first section of act No. 14, approved March 5, 1872.

The bill was read the first time.

Lies over.

By Mr. Anderson, by unanimous consent:

A bill to be entitled an act to authorize and direct the State Auditor to draw his warrant upon the State treasury for compensation of clerks, costs in State tax suits brought in the Fourth and Eighth District Courts for the parish of Orleans in the years 1871 and 1872, and making appropriation therefor.

The bill was read the first time.

Lies over.

By Mr. Cage:

A bill to be entitled an act to further define the duties of the several clerks of courts of the several district courts of this State, in relation to the securities on bonds, in cases of attachment, sequestration, injunction and account of debtors; providing penalties for violation of this act, and in certain cases authorizing the Governor to suspend from office said clerks, and appoint a person to act ad interim, and authorizing proceedings against delinquent clerks, and that the same be tried in chambers.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time, and referred to the Committee on Judiciary.

By Mr. Barber:

A bill to be entitled an act to provide for the renumbering of houses and lots in the different streets of the city of New Orleans, and to define the duties of the Mayor and City Council in relation thereto.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Corporations and Parochial Affairs.

BILLS CALLED UP BY UNANIMOUS CONSENT.

By Mr. Weber:

Senate bill No. 291, a bill to be entitled an act to amend article 3012 of the Civil Code of Louisiana.

The bill was taken up on second reading.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Judiciary.

Also, Senate bill No. 297, a bill to be entitled an act for the relief of John Hancock.

The bill was taken up on second reading.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Claims.

By Mr. Burch:

Senate bill No. 290, an act granting corporate privileges to the inhabitants of the city of Baton Rouge, in the parish of East Baton Rouge, and to provide for the government of the affairs thereof, and to repeal an act entitled an act to amend the several acts relative to the police and government of the city of Baton Rouge, approved April 2, 1853, and to repeal an act providing for the government of the city of Baton Rouge, approved March 8, 1856, and to repeal all acts amendatory thereto.

The bill was taken up on second reading.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Corporations and Parochial Affairs.

By Mr. Blackburn:

A bill entitled an act to legalize the bonds issued by the parish of Webster to build and complete a courthouse in said parish, and to legalize the tax levied to pay the same.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote, the bill read the second time and referred to the Committee on Corporations and Parochial Affairs.

INTRODUCTION OF RESOLUTIONS.

By Mr. Barber:

Resolved, That the President of the Senate be authorized to appoint an official "short hand" reporter and assistant, the former to receive $15 per day, and the latter to receive $8.

Mr. Barber moved to suspend the Senate rules to enable the Senate to act upon the resolution.

On call of the yeas and nays the Senate refused to suspend the rules by the following vote:

Yeas—Anderson, Barber, Belden, Blackburn, Burch, Chadbourn, Detiege, Greene, Harper, Kelso, Rey, Sypher, Stamps, Twitchell, Weber, Wharton, Whitney—17.

Nays—Alexander, Blunt, Bovee, Butler, Brewster, Cage, Crawford, Daigle, Glaudin, Harris, Masicot, Pollard, Swaizie, Thomas—14.

[The President in the chair.]

UNFINISHED BUSINESS.

The President announced that unfinished business was in order.

On motion of Mr. Wharton, the unfinished business was postponed for thirty minutes.

Mr. Chadbourn called up, by unanimous consent, Senate bill No. 259, to be entitled an act to require parents and guardians of children to give them an opportunity of education in public or private schools.

On motion of Mr. Chadbourn the bill was fixed for next Tuesday at one o'clock as the special order, and ordered to be printed.

REPORTS OF THE COMMITTEES LYING OVER.

Mr. Chadbourn called up Senate bill No. 209, substitute for Senate bill No. 220, reported to the Senate by a majority of the Committee on Judiciary recommending it to be passed, entitled an act to abolish the Superior District Court for the parish of Orleans, to provide for the exercise of the jurisdiction previously held by it, and for the transfer of the cases and records of the said court, to provide for a custodian of the records of said court and for his salary and fees.

The Secretary took up the minority report, on motion of Mr. Crawford.

On motion of Mr. Harris, the reading of the report was dispensed with.

Mr. Chadbourn offered a substitute for the substitute.

The President decided that the substitute could not be received at that stage of the bill.

Mr. Wharton moved to indefinitely postpone the whole subject matter.

Mr. Chadbourn moved to lay the motion to postpone on the table.

On call of the yeas and nays the Senate refused to lay the motion to postpone on the table by the following vote:

Yeas—Barber, Belden, Butler, Burch, Cage, Chadbourn, Daigle, Glaudin, Harris, Ingraham, Masicot, Stamps, Thomas—13.

Nays—Alexander Blackburn, Brewster, Blunt, Bovee, Crawford, Detiege, Greene, E. F. Herwig, Harper, Kelso, Pollard, Sypher, Twitchell, Weber, Wharton, Whitney—17.

On motion of Mr. Ingraham the Senate went into executive session.

Executive session having been raised, the following Senators answered to their names:

Messrs. Anderson, Alexander, Blackburn, Belden, Blunt, Bovee, Butler, Brewster, Burch, Cage, Chadbourn, Crawford, Daigle, Detiege, Glaudin, Greene, Harris, Ingraham, Kelso, Masicot, Pollard, Rey, Sypher, Stamps, Swaizie, Thomas, Twitchell, Weber, Whitney—29.

The President announced a quorum present.

The President then announced that the pending question was the motion to indefinitely postpone the whole subject matter relative to substitute for Senate bill No. 220.

Mr. Blunt moved to adjourn until Monday at 12 M.

On call of the yeas and nays the Senate refused to adjourn:

Yeas—Alexander, Blunt, Bovee, Brewster, Crawford, Greene, Harper, E. F. Herwig, Pollard, Sypher, Twitchell, Weber, Whitney—13.

Nays—Anderson, Belden, Blackburn, Butler, Burch, Cage, Chadbourn, Daigle, Detiege, Glaudin, Harris, Ingraham, Kelso, Masicot, Rey, Stamps, Swaizie, Thomas—18.

The question then recurred upon the pending motion to postpone indefinitely.

Mr. Barber moved for the previous question.

Main question was ordered.

On call of the yeas and nays the Senate refused to indefinitely postpone the whole subject matter:

Yeas—Alexander, Blunt, Bovee, Brewster, Crawford, Greene, E. F. Herwig, Pollard, Sypher, Wharton, Whitney—11.

Nays—Anderson, Barber, Belden, Blackburn, Butler, Burch, Cage, Chadbourn, Daigle, Glaudin, Harris, Harper, Ingraham, Kelso, Masicot, Rey, Stamps, Swaizie, Thomas, Twitchell, Weber—21.

Mr. Harris moved that the whole subject matter be recommitted to the Committee on Judiciary.

Adopted.

Mr. Harris called up House bill No. 39, to be entitled an act relative to the unlicensed sale of lottery tickets in the city of New Orleans, and conferring on the police courts the power to suppress the same.

The bill was read the second time.

Mr. Harris moved that the bill be adopted on its second reading, and called for the previous question on the motion.

Mr. Sypher demanded the yeas and nays.

On call for the yeas and nays the Senate ordered the main question:

Yeas—Anderson, Barber, Belden, Blackburn, Butler, Burch, Cage, Chadbourn, Detiege, Daigle, Glaudin, Harris, Ingraham, Kelso, Masicot, Rey, Stamps, Swaizie, Thomas—19.

Nays—Alexander, Blunt, Bovee, Brewster, Crawford, Greene, E. F. Herwig, Harper, Pollard, Sypher, Twitchell, Wharton, Weber, Whitney—14.

The question then recurred upon the motion of Mr. Harris, to adopt the bill on its second reading.

On call of the yeas and nays the Senate voted to adopt the bill on its second reading:

Yeas—Anderson, Barber, Blackburn, Belden, Butler, Burch, Cage, Chadbourn, Daigle, Detiege, Glaudin, Harris, Ingraham, Kelso, Masicot, Pollard, Rey, Stamps, Swaizie, Thomas—20.

Nays—Alexander, Blunt, Bovee, Brewster, Crawford, Greene, E. F. Herwig, Harper, Sypher, Twitchell, Weber, Wharton, Whitney—13.

Mr. Pollard moved to adjourn until Monday next.

On call of the yeas and nays the Senate refused to adjourn by the following vote:

Yeas—Alexander, Blunt, Bovee, Brewster, Crawford, Greene, E. F. Herwig, Harper, Pollard, Sypher, Twitchell, Weber, Wharton, Whitney—14.

Nays—Anderson, Barber, Belden, Blackburn, Butler, Burch, Cage, Chadbourn, Daigle, Detiege, Glaudin, Harris, Ingraham, Kelso, Masicot, Rey, Stamps, Swaizie, Thomas—19.

Mr. Harris called up House bill No. 38, entitled an act relative to crimes and offenses: to declare the sale of illegal lottery tickets on the drawing of any illegal lottery a misdemeanor, and to provide for the punishment of the same, and to regulate the evidence to be received upon trial of said offenses.

The bill was read the second time.

Mr. Harris moved that the bill be adopted on its second reading, and demanded the previous question.

The main question was ordered.

Mr. Sypher moved to lay the bill on the table.

The President decided that the motion was not in order, as the main question had been ordered.

Mr. Sypher raised the point of order that the motion to lay on the table took precedence, and quoted rule sixteen.

The President decided the point not well taken, as the main question had been ordered by a vote.

On call of the yeas and nays, the Senate voted to adopt the bill on its second reading by the following vote:

Yeas—Anderson, Barber, Blackburn, Belden, Butler, Burch, Cage, Chadbourn, Daigle, Detiege, Glaudin, Harris, Harper, Ingraham, Kelso, Masicot, Pollard, Rey, Stamps, Swaizie, Thomas, Weber—22.

Nays—Alexander, Blunt, Bovee, Crawford, Greene, E. F. Herwig, Sypher, Twitchell, Wharton, Whitney—10.

RESOLUTIONS LYING OVER.

Mr. Twitchell called up and moved to adopt the following resolution:

Resolved, That E. F. Herwig, chairman of the Committee on Auditing and Supervising the Expenses of the Senate, be and is hereby authorized to issue and sign certificates on the Senate last appropriation of last session for the pay of members, contestants and the contingent expenses of last session.

Adopted.

Mr. Twitchell moved to adjourn until Monday.

On call of the yeas and nays the Senate refused to adjourn until Monday:

Yeas—Alexander, Blunt, Bovee, Brewster, Crawford, Detiege, Greene, E. F. Herwig, Harper, Pollard, Sypher, Twitchell, Weber, Wharton, Whitney—15.

Nays—Anderson, Barber, Belden, Blackburn, Butler, Burch, Cage, Chadbourn, Daigle, Glaudin, Harris, Ingraham, Kelso, Masicot, Rey, Stamps, Swaizie, Thomas—18.

On motion of Mr. Thomas and on call of the yeas and nays the Senate voted to adjourn until to-morrow:

Yeas—Anderson, Barber, Belden, Blackburn, Butler, Burch, Cage, Chadbourn, Detiege, Daigle, Glaudin, Harris, Harper, Ingraham, Masicot, Rey, Stamps, Swaizie, Thomas, Twitchell, Weber, Wharton, Whitney—23.

Nays—Blunt, Bovee, Brewster, Crawford, Greene, E. F. Herwig, Kelso, Pollard, Sypher—9.

The President then announced that the Senate stood adjourned until Saturday, January 31, 1874, at 12 M.

P. E. BECHTEL,
Secretary of the Senate.

DEBATES IN THE HOUSE.

Sixth Day's Proceedings.

NEW ORLEANS, January 12, 1874.

A PRIVILEGED QUESTION.

Mr. Montaldo, of Orleans, third ward, rose to a question of privilege and said:

I notice in yesterday's issue of the oldest and best paper in the city of New Orleans, and claiming to be the most reliable paper in the South, an article in which it states that I am of Indian extraction. I believe the gentlemen connected with the oldest and best have derived their information from the same reliable sources from which they receive all of their reliable informations. I believe the same paper some time ago stated I was a colored man from the third ward; now they state I am of Indian extraction. Mr. Speaker, if the gentlemen connected with the *Picayune* can or will receive any reliable information, I will state to them that I am neither the colored man from the third ward, nor of Indian extraction, but that I am the extraction of French and Italian. Now, Mr. Speaker, I do not mention this because I feel aggrieved, but simply to show how ridiculous it is for any one to look to the *Picayune* for any publication in which there is any truth.

ON CONTESTED ELECTION CASES, FIRST AND SECOND WARDS.

Mr. Young—I move that the papers now in the hands of the Committee on Elections and Qualifications, relative to the late contestant cases in the first ward of the parish of Orleans, be withdrawn from that committee.

Mr. Montaldo—I second the motion.

Mr. Mathews, of Tensas—I move to lay the whole matter upon the table.

Mr. Benham, of Carroll—I do not know anything about these cases. I would like to know from the chairman of the committee what has been done in the case.

Mr. Tureaud—The committee will be ready to report in a day or two.

Mr. Benham—The Committee on Elections and Qualifications will be ready to act upon it in a day or two. I do not believe in taking cases out of the hands of the committee in that way.

Mr. Young—I will state, sir, for the information of my friend from Carroll (Mr. Benham), that these cases have already been reported on by the Committee on Elections and Qualifications. I hope that he will bear me out himself when I say there is not a member on this floor fairer in his dealings than myself. I believe, sir, that the papers that the committee now hold in their hands are sufficient to establish their case beyond a doubt. And that is the reason why I make the motion that all the papers pertaining be withdrawn from the committee, so as to let them come before the House and let the House act upon them. My friend from Carroll will bear me out that we seated him on no better ground than we intend to seat these members from the first ward, and I stand here willing, if I find that the cases from the other wards present themselves to my mind as clear as that from the first ward, to support them, otherwise I will not; and there is no man in this House who will be more willing to vote for them than I will. I hope that my friend from Carroll will withdraw his objection.

The motion to withdraw the papers prevailed.

Mr. Young then introduced a resolution notifying the two gentlemen from the first ward, whose names appear on the roll of the House, that unless they appeared at or before one o'clock the next day and claimed their seats they would be declared vacant, and Messrs. J. L. Langles and R. T. Thompson seated in their place.

Mr. Mathews, of Tensas, took the floor and said: I think that these election cases were before the House last session. I understood the report, but the House at that time was not satisfied, and therefore they delayed taking any action on the case. Now their seats will be declared vacant, and the following gentlemen will be seated in their stead: J. L. Langles and R. T. Thompson. These two gentlemen, whose seats you want to vacate, have been sworn in. You, gentlemen, know very well that if they were not elected, the Lynch returning board would not have seated them. I do not desire to oppose any Republican's admission here, simply because he is a Republican, but I am opposed to seating Republicans here when they are not elected. It is immaterial to me whether these men are Republicans or Democrats. I have no objection to their being members here if they can show to this House that they were legally and fairly elected. But there has been no such evidence presented to this House. I am satisfied, gentlemen, that if those two men were elected that the Lynch-Hawkins returning board would have seated them in this House. I hope that we are not to push this thing. I hope that these gentlemen will not be seated until the committee has had ample time to examine the case.

Mr. Murrell, of Lafourche—That little speech may be well enough, but what better offer do these gentlemen want, after allowing them to fight the State, than to come in and take their seats.

Mr. Montaldo—Mr. Speaker, it is a well-known fact that there were over two tickets in the field in that ward, and it is conceded that there is no Democratic candidate that can carry the ward when there are two tickets. I am satisfied that these members we propose to seat have been elected by over 250 majority, and do not see how the members on this floor can conscientiously vote against the resolution. The report of the Committee on Elections and Qualification, of last session, lies in the hands of the clerk, at this present time. It has been postponed from day to day, and there is always the same excuse. Here we are, in the last session of the Legislature, and that almost gone by, and then you want to deprive these members of the right of their seats.

[Mr. T. T. Allain in the chair.]

Mr. Young, of Concordia—I will state to my friend from Tensas (Mr. Mathews) that I do not know any one of those gentlemen; I do not know which is a Democrat or a Republican; I do not know Langles or Thompson; I offer this resolution because the case demands it. Now, sir, if the time stated in that resolution which I offered, is not sufficient, why we can give them longer time. I want every one on this floor to speak on this question, as it is a question of vital importance, touching the rights of the people of this State.

Mr. Demas, of St. John the Baptist—I move that the resolution be adopted. Carried.

Mr. Montaldo, of Orleans—I desire to take up the case of the contested election in the second ward. I want to state my reasons for so doing. We have the report of the Committee on Elections on these cases, they are materially the same as the other contested cases. We have everything here to prove that fact, that the gentlemen were duly elected and qualified members of this House. I do not think anybody here will object to the gentlemen taking their seats, subject to contest.

Mr. Young, of Concordia—I object to the proposition made by my friend, Mr. Montaldo. Now, sir, the resolution that has been offered is not as strong as the previous one. We gave those gentlemen ample time to put in their appearance. We gave them due notice. We declared their seats vacant. Now, I will not vote for anything that my conscience does not dictate to me as fair and right. I do not think that it is right to go into a wholesale business of this kind. I want a little more time given us to reflect on these cases, and treat them with some modesty. If the gentleman will substitute some other day, Thursday, Friday, or some other time, then we can act on these cases.

On motion of Mr. Young, the House adjourned.

Seventh Day's Proceedings.

NEW ORLEANS, January 13, 1874.

ON THE AUDITOR'S REPORT.

Mr. Davidson, of Livingston—I would like to ask the Chair whether the Auditor has made his report to this body, as required by the law of this State? I would like to know how these gentlemen present can make or pretend to make any appropriation until the Auditor has made his report? The law calls for it, and it should be forthcoming.

The Speaker—The Auditor has not submitted any report to this House.

Mr. Davidson—I do not desire that a special committee be appointed to examine into this case, but I have the right to make this inquiry, both for myself and on behalf of the members of this House, whether this State officer, who has constituted himself an Atlas to carry on his shoulders the burden of the finances of the State, has any good and sufficient reason for disobeying the law. I desire that the Committee of Ways and Means inquire of the Auditor why his report has not been rendered. This House can not act on the subject of appropriations until it hears from the Auditor.

Mr. Wands, of Tangipahoa—The committee has waited on Mr. Clinton, and his answer was that he would submit his report to this House by to-morrow.

Mr. Davidson—That answer is not sufficient. I want to know why the Auditor has not complied with the law, and why the report is not here.

The House ordered the Committee on Ways and Means to take immediate action.

Mr. Young, of Concordia—The resolution which I offered yesterday, and which passed this House, authorizing the seating as members of this House of two gentlemen from the first ward, providing the members whose names are on the roll are not in their seats at one o'clock to-day. Now, Mr. Speaker, I move you that those gentlemen, Messrs. Langles and Thompson, be sworn in.

Mr. Gair—I rise to a point of order. This resolution declares no members' seats vacant. It requires a two thirds vote of this House to declare them vacant. I contend that these members that have been expelled have not been expelled according to law. I was absent when the vote was taken on the resolution yesterday, and I do not understand how it passed.

By the Chair—The record will indicate that it passed unanimously. If the gentleman from East Feliciana had been present at the time of its passage and then raised his point of order, the ruling of the Chair might have been in his favor. But it comes to late now. There is no doubt the point that it required a two-thirds vote, is well taken if the record could show that any member had not voted in favor of the resolution. The language of the resolution throws the *onus probandi* on the members whose seats were or are to be vacated. I hope the gentleman will appeal from the decision of the Chair, as I do not want to be the cause of keeping any member out of his seat. I want the House to decide.

Mr. Gair—I appeal from the decision of the Chair, I would like the gentleman to state the ruling, so that it can be distinctly understood as it is a matter of vital importance. The point of order that I raised was that the reading of the resolution agreeing that it was adopted yesterday, by the unanimous consent of the whole House, was only a notice to these gentlemen that if at one o'clock they were not in their seats, they would be expelled and some body else put in their places. I take the point because I say that it requires a two-thirds vote to expell them. I call for the yeas and nays on the Chair's decision.

Mr. Hahn—I was not present when this resolution was passed, suppose these two gentlemen had made their appearance what would have happened?

The Speaker—I do not know.

Mr. Young—They would keep their seats.

Mr. Gair—I would like to know into what kind of a position we are to place ourselves. The resolution which passed this House does not say that the seats are vacant, or should be, or were vacant, it only says that they will be declared vacant. Now I will say again that it requires a two thirds vote to do it. I bear no ill feeling against the contestants. But I do not intend to do anything that my conscience tells me is not right. If the necessary two-thirds vote had supported the resolution, and that resolution vacated the seats, then these members had received no notice, for when they will come here in pursuance of such a notice, they will be told that their seats are now occupied and their case decided against them. Suppose that a certain case was going on in which I was interested, and it so happened that I did not appear in court at the proper time and the judge decided against me without a hearing. I call these gentlemen to their own argument. They say that the resolution was adopted; why do you want to give notice for something that was decided yesterday? I call for the direct vote on the decision of the Chair. Let us have the yeas and nays.

The Chair was not sustained on a call of the roll.

Mr. Gair—I move to lay the whole subject matter on the table.

Mr. Montaldo—You may as well make a report. Do not keep the men coming here every day. Let us take them in, or keep them out.

Mr. Young, in the chair, proceeded to state the question as it stood, but Speaker Lowell returning before he had gone very far, he referred the whole matter to him.

Whereupon, on motion of Mr. Gair, the House adjourned.

MARSHAL'S MONITIONS.

George Williams. John Comford and John Clark vs. the steamer Favorite.

IN THE UNITED STATES DISTRICT COURT, District of Louisiana, Nos. 10,330, 10,338 and 10,341.—In obedience to an admiralty warrant to me directed in the above entitled suit, I have seized and taken into my possession—

THE STEAMER FAVORITE, now libeled by George Williams, John Comford and John Clarke, for the causes set forth in the libels now pending in the District Court of the United States.

And I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title or interest in or to the same, to be and appear at a district court of the United States, for the district aforesaid, to be holden at the city of New Orleans, on the first Monday of February, to show cause, if any they have or can, why the said steamer should not be condemned and sold agreeably to the prayer of libelants.

United States Marshal's office, New Orleans, January 13, 1874.

S. B. PACKARD,
United States Marshal.
ja14 20 29 fe1

Edward Morrison et al. vs. Steamboat Lottie.

IN THE UNITED STATES DISTRICT COURT, District of Louisiana, No. 10,350.—In obedience to an admiralty warrant to me directed in the above entitled suit, I have seized and taken into my possession—

THE STEAMBOAT LOTTIE, her tackle, apparel, etc., now libeled by Edward Morrison et al., for the causes set forth in the libel now pending in the District Court of the United States.

And I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title or interest in or to the same, to be and appear at a District Court of the United States for the district aforesaid, to be holden at the city of New Orleans on the first Monday of March, 1874, to show cause, if any they have or can, why the said steamboat should not be condemned and sold agreeably to the prayer of libelants.

United States Marshal's office, New Orleans, January 29, 1874.

S. B. PACKARD,
United States Marshal.
ja30 fe11 22 mh 11

James Paul vs. the Bark Ilex and Cargo.

IN THE UNITED STATES DISTRICT COURT, District of Louisiana, No. 10,343.—In obedience to an admiralty warrant to me directed in the above entitled suit, I have seized and taken into my possession—

THE BARK ILEX AND CARGO, now libeled by James Paul for the causes set forth in the libel now pending in the District Court of the United States.

And I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title or interest in or to the same, to be and appear at a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on the third Monday of February, to show cause, if any they have or can, why the said bark and cargo should not be condemned and sold agreeably to the prayer of libelant.

United States Marshal's office, New Orleans, January 20, 1874.

S. B. PACKARD,
United States Marshal.
ja21 23 fe2 15

Joseph Whitefield vs. Steamship St. Louis, her tackle, etc.

IN THE UNITED STATES DISTRICT COURT, District of Louisiana, No. 10,329.—In obedience to an admiralty warrant to me directed in above entitled suit, I have seized and taken into my possession—

THE STEAMSHIP ST. LOUIS, her tackle, boats, etc., now libeled by Joseph Whitefield for the causes set forth in the libel now pending in the District Court of the United States.

And I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title or interest in or to the same, to be and appear at a District Court of the United States, for the district aforesaid, to be holden at the city of New Orleans, on the first Monday of February, 1874, to show cause if any they have or can, why the said steamship should not be condemned, and be sold agreeably to the prayer of libelant.

United States Marshal's office, January 5, 1874.

S. B. PACKARD,
United States Marshal.
ja6 20 27 fe1

SUCCESSION NOTICES.

Succession of Joseph Scherer.

PARTIES HAVING CLAIMS AGAINST THE above succession are requested to come forward and present the same, and all parties indebted to the same are notified to settle within the next thirty days, at the office of her agent, Mr. F. Oberheuser, No. 13 Exchange place.

ANNA SCHERER,
Tutrix.
ja8 1m

Succession of Alex. Wheless.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 35,966.—Whereas, E. C. Feinoud has petitioned the court for letters of administration on the estate of the late Alex. Wheless, deceased, intestate. Notice is hereby given to all whom it may concern to show cause within ten days why the prayer of the said petitioner should not be granted.

By order of the Court.

ja31 fe3 7* FRANK PACE, JR., Clerk.

Succession of Mrs. Barbara Habisreitinger.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,887.—Whereas, George Habisreitinger has petitioned the court for letters of administration on the estate of the late Mrs. Barbara Habisreitinger, deceased, intestate. Notice is hereby given to all whom it may concern, to show cause within ten days why the prayer of the said petitioner should not be granted.

By order of the Court.

ja31 fe4 10* FRANK PACE, JR., Clerk.

Succession of B. Buscker.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,512.—Notice is hereby given to the creditors of this estate, and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by the administratrix of this estate should not be homologated and approved and the funds distributed in accordance therewith.

By order of the Court.

ja27 31 fe4* FRANK PACE, JR., Clerk.

Succession of Edward S. Rea.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 33,455.—Notice is hereby given to the creditors of this estate, and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by William R. Verlander, the administrator of this estate, should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the court.

ja31 fe3 7* FRANK PACE, JR., Clerk.

Succession of L. G. Helisberg.

PARISH COURT, PARISH OF ST. BERNARD—No. 7.—Whereas, F. A. Dealo de has petitioned this court for letters of dative testamentary executorship on the estate of the late L. G. Helisberg, deceased. Notice is hereby given to all whom it may concern to show cause, within ten days, why the prayer of the said petition should not be granted.

By order of the Court.

F. A. BARROSSE, Clerk.

Parish of St. Bernard, January 24, 1874.
ja28 fe2 7*

Succession of Alex Wheless.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 35,966.—Notice is hereby given to the creditors of this estate, and to all other person interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by John S. Wells, the administrator of this estate, should not be homologated and approved and the funds distributed in accordance therewith.

By order of the Court.

ja30 fe3 7* FRANK PACE, JR., Clerk.

Succession of William A. Kent.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,324.—Notice is hereby given to the creditors of this estate, and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by the testamentary executors of this estate should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

ja29 fe3 6* FRANK PACE, JR., Clerk.

Succession of Patrick Bannon.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,864.—Whereas, Terence A. Cahill has petitioned the court for letters of administration on the estate of the late Patrick Bannon, deceased, intestate. Notice is hereby given to all whom it may concern to show cause within ten days why the prayer of said petitioner should not be granted.

By order of the Court.

ja29 fe3 7* FRANK PACE, JR., Clerk.

Succession of Thomas Collins.

SECOND DISTRICT COURT FOR THE PARISH OF Orleans, No. 36,5[illegible]3.—Whereas, Bernard H. Collins has petitioned the court for letters of dative testamentary executorship on the estate of the late Thomas Collins, deceased, intestate. Notice is hereby given to all whom it may concern to show cause, within ten days, why the prayer of the said petitioner should not be granted.

By order of the Court.

ja28 fe1 5* FRANK PACE, JR., Clerk.

Succession of M. Auguste.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,834.—Whereas, John Gendry has petitioned the court for letters of administration on the estate of the late M. Auguste, deceased, intestate. Notice is hereby given to all whom it may concern to show cause within ten days why the prayer of the said petitioner should not be granted.

By order of the Court.

ja28 fe1 5* FRANK PACE, JR., Clerk.

Succession of Hippolite Percival.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,495.—Notice is hereby given to the creditors of this estate and to all other persons herein interested, to show cause within ten days, from the present notification, if any they have or can, why the account presented by the administratrix of this estate should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

ja28 fe1 5* FRANK PACE, JR., Clerk.

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Remember that for all affections of the THROAT AND LUNGS

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Chemist, Nos. 23 and 25 Elysian Fields street.
ja4 eod 1m

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N. B.—All fees honorably returned to patients who do not receive their full value, as a quid pro quo. fe20 1y

CONSTABLES' SALES.

Thomas McCarty vs. William Martin and Charles Joseph, Intervenor — Second Justice Court for the parish of Orleans, No. 2429.

BY VIRTUE OF A WRIT OF FIERI FACIAS TO me directed by the Hon. W. L. Evans, second justice of the peace in and for the parish of Orleans, in the above numbered and entitled suit, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Customhouse and Canal streets, on FRIDAY, February 13, 1874, at twelve o'clock M—

A LOT OF GROUND, situated in the First District of this city, in the square bounded by Perdido, Rocheblave, Gravier and Dolnonde, late Dorgenois, streets. The said lot is designated by the No. 11, forming the corner of Perdido and Rocheblave streets, and measuring, in American measure, 31 feet 5 inches 6 lines front on Perdido street, 120 feet in depth and 33 feet 1 inch 3½ lines wide in the rear, the whole, according to a plan of said square made by A. Pessac, architect, on the nineteenth of March, 1870, together with the circumstances and dependencies to the said lot belonging. Said lot was acquired by act of sale before Joseph Cuvillier, notary public, from the heirs of E. C. Cammack to Charles Joseph, August 9, 1873.

Seized in the above stated suit.

Terms—The purchaser has to assume a mortgage of $175, with interest. 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, bearing eight per cent interest per annum from date, and special mortgage on the property sold until final payment. Said purchaser will have to deduct and pay in cash the printing and constable's fees and furthermore the State and city taxes, the amount of which is not yet ascertained.

ja29 fe7 13 JOHN McCORMICK, Constable.

William G. Vincent, agent of Mrs. L. G. James, vs. Robert Chapsky; same vs. same—Second Justice Court for the Parish of Orleans, Nos. 5054 and 5265.

BY VIRTUE OF TWO WRITS OF FIERI FACIAS to me directed by the Hon. W. L. Evans, Second Justice of the Peace in and for the parish of Orleans, in the above numbered and entitled suits, I will proceed to sell at public auction, at No. 44 Magazine street, on TUESDAY, February 10, 1874, commencing at 11 A. M.—

THE CONTENTS of store No. 44 Magazine street, consisting of Stencil Cuts, Stencil Materials, Presses, Inks, etc.

Seized in the above stated suits.

Terms—Cash on the spot.

ja30 fe5 10 JOHN McCORMICK, Constable.

Succession of John H. Evans.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 29,570.—Notice is hereby given to the creditors of this estate, and to all other persons herein interested, to show cause within ten days from the present notification, if any they have or can, why the account presented by the executor and universal legatee of this estate should not be homologated and approved, and the funds distributed in accordance therewith.

By order of the Court.

ja25 29 fe1* FRANK PACE, JR., Clerk.

Succession of Felice Tonna.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 36,795.—Notice is hereby given to the creditors of this estate and to all other persons herein interested to show cause, within ten days from the present notification, if any they have or can, why the account presented by Joseph Macheca as agent of the heirs of this estate, should not be homologated and approved, and the funds distributed in accordance therewith, and said Joseph Macheca be discharged and relieved from any further trust, responsibility and liability in the premises.

By order of the Court.

ja25 29 fe1* FRANK PACE, JR., Clerk.

Anthony Zwible vs. P. F. Ladoux—Second Justice Court for the Parish of Orleans, No. 4973.

BY VIRTUE OF A WRIT OF FIERI FACIAS to me directed by the Hon. W. L. Evans, second justice of the peace in and for the parish of Orleans, in the above stated suit, I will proceed to sell at public auction, in front of Abbott's Stable, on Rampart street, between Perdido and Gravier streets, on MONDAY, February 2, 1874, at twelve o'clock M.—

ONE TWO WHEELED SPRING CART.

Seized in the above suit.

Terms—Cash on the spot.

ja 22 27 fe1 JOHN McCORMICK, Constable.

Luc Beebe vs. Joseph Levy—Second Justice Court for the parish of Orleans, No. 5138.

BY VIRTUE OF A WRIT OF FIERI FACIAS TO me directed by the Hon. W. L. Evans, second justice of the peace in and for the parish of Orleans, in the above suit, I will proceed to sell at public auction, on MONDAY, February 9, 1874, at my warehouse, No. 142 Girod street, at twelve o'clock M.—

A LOT OF HOUSEHOLD FURNITURE.

Seized in the above numbered and entitled suits.

Terms—Cash on the spot in United States currency.

ja[illegible] JOHN McCORMICK, Constable.