New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE SENATE YESTERDAY.

Thirty-second Day's Session.

SENATE CHAMBER,
New Orleans, February 13, 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, Belden, Brewster, Burch, Butler, Crawford, Daigle, Greene, Glaudin, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Rey, Stamps, Sypher, Swaizie, Thomas, Weber, Whitney—21.

The President announced a quorum present.

Prayer by the chaplain.

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

EXECUTIVE MESSAGES.

The President caused the following to be read:

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

In accordance with the recommendations contained in my annual message, measures have been drawn up under the supervision of the City Council, and a committee of the Chamber of Commerce, for the relief of the city of New Orleans. A number of these acts will be laid before you to-day, each accompanied by a special executive message explanatory of its provisions. The passage of these bills, and of other similar acts which I have this day laid before the House of Representatives, will at once effect an annual reduction in the compulsory expenditures of the city of New Orleans of nearly $1,000,000, and will enable the authorities to reduce city taxation at least five-eighths of one per cent. This consideration alone should entitle the measures to your immediate and favorable consideration; but I believe some of the reforms proposed, especially the abolition of jury fees, will be highly beneficial to the public interests in other respects.

In view of the importance of the subject and of the advanced stage of your session, I earnestly urge the reference of these bills to the appropriate committees, and I request action by your body at the earliest moment.

WILLIAM. P. KELLOGG,
Governor.

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

I beg leave to lay before you a joint resolution proposing a constitutional amendment intended to prevent the possibility of any further increase of the debt of the city, and also to prevent the issue by the city of warrants or certificates of indebtedness, except against funds actually in the treasury. I believe this measure, if adopted by you, will receive the almost unanimous support of the people of the State at the next election, and as it can not be otherwise than a most salutary measure I recommend early and favorable action.

WILLIAM P. KELLOGG,
Governor.

Joint resolution submitting an amendment to the constitution of the State; to limit the debt of New Orleans and the issue of warrants by the officers, and prescribing certain penalties.

SECTION 1. Be it resoved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, two-thirds of the members elected to each House agreeing thereto, That at the general election for members of the General Assembly, which will take place in November, 1874, an amendment to the constitution of the State shall be submitted to the qualified electors of the State for their ratification or rejection, in the words following:

Article —. The city of New Orleans shall not hereafter increase her debt in any manner or form, or under any pretext. After the first day of January, 1875, no evidence of indebtedness, or warrant for payment of money, shall be issued by any officer of said city, except against cash actually in the treasury. Any person violating the prohibitions of this article shall, on conviction, be punished by imprisonment for not less than two nor more than ten years, and by a fine of not less than $3000 nor more than $10,000.

SEC. 2. Be it further resolved, etc., That at next said general election the wishes of the electors in the premises shall be expressed by printed or written ballots as follows: "For the amendment limiting the debt of New Orleans," or "Against the amendment limiting the debt of New Orleans;" and the said ballots shall be counted and returns made, and the result declared, as in the case of election of State officers.

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

The act submitted herewith, limiting the fees of the clerk of the First District Court, is a measure which has been called for by successive city administrations. There is now before the Senate a bill providing for changes in the criminal judicature of the city, which, if passed, may necessitate some modifications in the act now submitted, but if the principle involved in this act be embodied in legislation, a saving to the city of New Orleans of at least $15,000 per annum will be effected, and the fees that the clerk of the Criminal Court will then receive from the city will be fully $4000 per annum more than was received by the clerk of the same court for similar services in 1868. This bill should be passed.

WILLIAM P. KELLOGG,
Governor.

An act to limit the fees of the clerk of the First District Court for the parish of Orleans.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That from and after the passage of this act the nominal scale of fees of the clerk of the First District Court for the parish of Orleans, and the method of approval of his bills shall, for purposes of calculation only, remain the same as heretofore prescribed by law, but that from and after the first day of March, 1874, the said clerk shall not be entitled to demand from the city of New Orleans or otherwise, nor shall the city of New Orleans be required to pay a greater sum than $900 per calendar month for all fees and services of said clerk during such month.

SEC. 2. Be it further enacted, etc., That this act shall take effect from and after its passage, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

I inclose an act limiting the fees of the district attorney for the parish of Orleans. The proposed measure, while leaving the district attorney ample compensation, will reduce the amount now paid that officer by the city of New Orleans between three and four thousand dollars per annum. I recommend the passage of this bill.

WILLIAM P. KELLOGG,
Governor.

An act to limit the fees of the district attorney for the parish of Orleans.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That from the first day of March, 1874, the fee of the district attorney for the parish of Orleans shall be seven dollars and fifty cents for each conviction, and the city of New Orleans shall not be required to pay him any larger sum for any conviction obtained after said first of March, 1874.

SEC. 2. Be it further enacted, etc., That all laws or parts of laws contrary to this act be repealed, and this act shall take effect from and after its passage.

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

I recommend the passage of an act abolishing the fees of jurors in the city of New Orleans in coroners' and criminal cases. A draft of a bill for this purpose is forwarded herewith. It has been found by experience that the payment of jurors results in crowding the panel with professional jurymen—persons without character or legitimate occupation, who hang around the coroners' offices or get themselves summoned as grand or petty jurymen in the criminal courts, simply to obtain the fees, or, if opportunity offers, to accept bribes to defeat the ends of justice. The abolition of jury fees will effect a saving to the city of nearly $50,000 a year, and will bring about a much needed reform in criminal and coroners' cases. I strongly recommend the immediate passage of this law.

WILLIAM P. KELLOGG,
Governor.

An act to abolish fees of jurors in the city of New Orleans in criminal and coroners' cases.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That from and after the passage of this act no fee shall be paid to grand or petty jurors in any criminal court in the parish of Orleans, nor to any juror on any inquest before a coroner in said parish.

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

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

I recommend that the number of municipal police courts, established by act No. 95, session of 1873, be reduced from four to two. It is believed two courts will be sufficient to transact all the business that may come before them. This reduction is urged by the City Council, and is, I believe, just and reasonable.

WILLIAM P. KELLOGG,
Governor.

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

I submit to the Senate an act reducing the expenses of the city of New Orleans in the matter of the maintenance of prisoners confined in the Parish Prison. All city governments for some years past, of whatever political party composed, have asked a modification of the law which compels the city to pay for the maintenance of prisoners in the Parish Prison, a daily charge nearly four times as great as the average cost of keeping prisoners in institutions left under the control of the City Council. The bill submitted trenches upon no rights of the criminal sheriff, but its effect, if adopted, would be to save to the city nearly $50,000 a year.

This measure is one that I specially urged upon the General Assembly in my annual message, and I trust it will be referred to the appropriate committee, with a view to immediate consideration at your hands.

WILLIAM P. KELLOGG,
Governor.

An act to reduce the expenses of the city of New Orleans; to regulate the duties and provide for the compensation of the criminal sheriff of the parish of Orleans, and to authorize said city to abolish the Workhouse and other places of incarceration.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sheriff for the Criminal Court for the parish of Orleans shall be the executive officer of the Criminal Court, and shall have charge of the Parish Prison, and shall have a salary of $6000 per annum, payable monthly by the city of New Orleans, which shall be in full compensation for all fees, costs and services of said sheriff, of every name and nature. He shall, in addition, have the appointment of eight deputies, who shall receive salaries, to be fixed by the Board of Administrators, and paid monthly by the city; provided, that none of said deputies shall receive less than $75 per month, nor more than $200 per month; said deputies shall, under the control of the sheriff, see to the proper and secure custody of all prisoners, and perform such other duties as he may direct. With the approval of the Criminal Court, the sheriff aforesaid shall make regulations necessary to the safe keeping, custody and prevention of escape of prisoners. All repairs and ameliorations of the jail and its cells, apartments and places of admission or egress required for these purposes, by the said sheriff, and approved by the court, shall be made by the Administrator of Public Buildings, at the expense of the city. Additional deputies, at salaries not exceeding those herein provided, may be allowed, on the certificate of the judge of the Criminal Court, that the same are required for the safe keeping of prisoners, but not unless the City Council concur. The city shall warm and light the prison, and feed, clothe and furnish medicines, medical attendance, cooking, bedding, and all necessary supplies and attention to the prisoners (except such unconvicted prisoners as may not require the same), and for such purposes the City Council shall adopt all requisite and appropriate ordinances. All fees of the sheriff of the Criminal Court, for feeding, clothing and maintenance of prisoners, and all turnkey's fees, and all other fees, are hereby forbidden to be paid by the city.

SEC. 2. Be it further enacted, etc., That the Board of Administrators shall have the right, in their discretion, to abolish the Workhouse and all other places heretofore used by the city for the incarceration of prisoners or criminals, except the Parish Prison, the House of Refuge, and a police jail or jails, for the temporary confinement of petty offenders.

SEC. 3. Be it further enacted, etc., That all laws and parts of laws in conflict with this act be and the same are hereby repealed as far as they so conflict, and this act shall take effect from and after its passage.

STATE OF LOUISIANA,
Executive Department,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

At the request of the City Council, I submit an act authorizing certain exchanges or renewals of city bonds. This bill has been prepared in view of the fact that a considerable number of city bonds will mature during the present year, and there are no present means of paying them. I recommend its passage.

WILLIAM P. KELLOGG,
Governor.

An act to amend an act entitled an act to authorize the Council of the city of New Orleans to levy a police tax; to regulate levies of taxes, the proceedings of the tax suits and the jurisdiction of the district courts for the parish of Orleans in reference thereto; to define and punish forgery in certain cases; to authorize the funding of the floating debt; to consolidate, limit and provide for the debt of the city of New Orleans, principal and interest; to authorize a tax for the support of the city government, and to establish a fiscal agency, defining its duties, and for the better enforcement of the collection of all taxes, approved April 26, 1872.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the second paragraph or subdivision of section thirteen of act No. 73, approved April 26, 1872, be amended and re-enacted to read as follows: "And for any bonds of the city, not matured, the Council may, by ordinance, authorize the issue of consolidated gold bonds in exchange, provided, that in all exchanges so authorized the consolidated gold bonds issued in exchange shall be rated at par, and the bonds taken in exchange therefor shall be received by the city at the rate of not more than eighty cents on the dollar."

SEC. 2. Be it further enacted, etc., That the third paragraph or subdivision of section thirteen of said act be amended and re-enacted to read as follows: "For all bonds fully matured and payable so soon as the term they are issued for shall have expired, and which the city shall not have available funds to pay in cash, the city may exchange consolidated gold bonds at par on demand of the holders of the bonds so matured, or the city may renew any matured bonds for a period of twenty years by agreement with the holder thereof, said holder to retain the original bond, with the period of renewal stamped across the face thereof, and the city to attach thereto coupons payable in the same manner as coupons on the original bond, and for the same amount."

SEC. 3. Be it further enacted, etc., That this act shall take effect from and after its passage, and that all laws or parts of laws conflicting herewith be and the same are hereby repealed.

After reading the foregoing, Mr. Burch moved that the several bills and messages be referred to the appropriate committees.

The following was taken up:

An act to reduce the expenses of the city of New Orleans; to regulate the duties and provide for the compensation of the criminal sheriff of the parish of Orleans, and to authorize said city to abolish its Workhouse and other places of incarceration.

On motion of Mr. Burch, 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 Finance, and ordered printed.

The following was taken up:

An act to amend an act entitled an act to authorize the Council of New Orleans to levy a police tax; to regulate levies of taxes, the proceedings of tax suits, and the jurisdiction of the district courts for the parish of Orleans in reference thereto; to define and punish forgery in certain cases; to authorize the funding of the floating debt: to consolidate, limit and provide for the debt of the city of New Orleans, principal and interest: to authorize a tax for the support of the city government, and to establish a fiscal agency, defining its duties, and for the better enforcement of the collection of all taxes, approved April 26, 1872.

On motion of Mr. Burch, 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 Finance, and ordered printed.

The following was taken up:

An act to limit the fees of the clerk of the First District Court for the parish of Orleans.

On motion of Mr. Burch 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 Commitee on Judiciary and orded printed.

The following was taken up:

An act to abolish fees of jurors in the city of New Orleans, criminal and coroners' cases.

On motion of Mr. Burch 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 and ordered to be printed.

The following was taken up:

An act to limit the fees of the district attorney for the parish of Orleans.

On motion of Mr. Burch 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, and ordered printed.

The following was taken up:

Joint resolution submitting an amendment to the constitution of the State to limit the debt of New Orleans and issue of warrants by the officers, and prescribing certain penalties.

On motion of Mr. Burch 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 Finance, and ordered printed.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, February 13, 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 bill, viz:

House bill No. 176, to enable the New Orleans, Mobile and Texas Railroad Company, the successor of the corporation of that name, existing under act of the Legislature of Alabama, with power from other States to construct railroads, to convey to the New Orleans and Texas Railroad Company a portion of their railroad's corporate property, rights, privileges and franchises, and to define the powers of said corporation.

Very respectfully,
JOHN W. ROXBOROUGH,
Assistant Clerk.

HOUSE OF REPRESENTATIVES,
New Orleans, February 13, 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 bill, viz:

An act to exempt all property situated in the town of Mansfield, parish of De Soto, from the payment of parish taxes.

Also, that the House has concurred in Senate bill No. 237, entitled an act granting exclusive ferry privileges to Ed. D. Triplett and his heirs across the Mississippi river at Mount Pleasant plantation, in the parish of East Baton Rouge, State of Louisiana.

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

PETITIONS AND MEMORIALS.

By Mr. Anderson:

Petition of the citizens of the town of Washington, asking to be exempt from assisting in defraying the expense of criminal prosecutions in the parish of St. Landry.

Referred to the Committee on Corporations and Parochial Affairs.

By Mr. Burch:

Petition of the citizens of the city of Baton Rouge, asking that the Agricultural and Mechanical College fund be given to the Louisiana State University, on condition that the tuition of every Louisiana student be free of charge.

Referred to the Committee on Public Education.

By Mr. Burch:

Petition of the citizens of West Baton Rouge, asking that the Agricultural and Mechanical College fund be given to the Louisiana State University on condition that tuition be free to every Louisiana student.

Referred to the Committee on Public Education.

REPORTS OF COMMITTEES.

Mr. Anderson, chairman of the Judiciary Committee, submitted the following report:

JUDICIARY COMMITTEE,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Judiciary, to whom was referred House bill No. 43, respectfully report the same favorably, with the following amendments, to wit:

On page five, line twenty-four, strike out the word "two" and insert the word "one;" and in line twenty-five, same page, strike out the words "five hundred thousand dollars" and insert the words "two hundred and fifty thousand dollars."

On page six, line ten, add after the word "offender" the words, "that all resolutions or ordinances of the board of administrators, making provisions for the issue of any bonds under this act, shall not have effect of law, or be valid unless the resolution or ordinance issuing said bonds be submitted to the legal and qualified voters of the city of Shreveport for approval or rejection, and fifteen days' notice of the election to be held for said purposes shall be given in one or more newspapers published in said city; said election to be conducted in accordance with existing laws governing elections."

With these amendments your committee respectfully recommend the passage of the bill.

Senate bill No. 370, an act to limit the right of compulsory process of witnesses in criminal cases on preliminary examination in the parish of St. Landry. Favorably.

Senate bill No. 319, an act to prevent forced sales of property at less than four-four-fifths of its value, and to amend and re-enact article 680 of the Code of Practice. Favorably, with amendments as follows:

In line fourteen strike out the word "thirty" and insert "fifteen."

Senate bill No. 59, an act to regulate the private markets in the city of New Orleans, and for other purposes. Favorably.

THOMAS C. ANDERSON,
Chairman.

The following minority report was submitted by Mr. Crawford:

COMMITTEE ON JUDICIARY,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

The undersigned, member of the Judiciary Committee of the Senate, respectfully submits the following minority report on House bill No. 59, an act to regulate the private markets in the city of New Orleans, etc.

If this bill should become a law and be enforced, it would close up all the private markets within twelve squares of a public market in the city of New Orleans, and all places where fresh meat, poultry and fresh fish are sold, although the persons carrying on said business had paid and obtained a license for the entire year, for the first section says that "it is hereby made unlawful for any person to conduct, carry on or continue any private market;" and the third section says that the party violating this act shall be subject to a fine of $100, or imprisonment not less than three months or more than six months, or both, at the discretion of the court; and the sixth section enacts that this act shall take effect from and after its passage.

These provisions in the said bill are clearly unconstitutional for the reason that those persons within the prescribed limits who have paid for and obtained a license from the law-making power to carry on said free markets during the year 1874, have a contract with the State and city, and therefore have a vested right which can not be divested during the contract, neither can the obligations of their license or contract be impaired only when it is for purposes of public utility, and in this case before their rights can be taken from them adequate compensation must be made, and there is no provision in this bill which declares that it is for the public utility or any making of provisions for compensating the persons sought to be deprived of their vested rights. In support of the objections and reasons, I will refer to article 110 of the State constitution, which says, that "no law impairing the obligation of contracts shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation made."

The Supreme Court decided, that "any law imposing conditions not in the contract, when made, or dispensing with those that were made, is unconstitutional. See 4 La. R., p. 94. And, again, in 12 La. R., the court held, that "the Legislature can not abridge any right a contract confers."

Story on the Constitution says, that since the American revolution no State government can take away vested rights of property, or take the property of A, and transfer it to B, by mere legislative act.

If this act was to become law, it would take the right from the owner of the private market to sell fresh meat and poultry and fresh fish, and transfer it to the lessees of the public markets.

I will, before closing this report, make the further objection to this act, that it creates for the present year a very oppressive monopoly, which will be felt most by the large majority of the population of New Orleans, to wit: the poor widows and the laboring portion of the population. This act will compel them to go at least six squares to buy their fresh meat and fish, which is a large item in a city like this, where nine months in the year it is so warm that it necessitates the purchasing of fresh meats every day, if a person uses fresh meat, and as the public markets are all leased during this year to a few individuals, this law will be legislating for their special benefit, and will add largely to their profits, and will not bring into the city treasury one dollar before the first of January, 1875, and it will enhance the price of fresh meat and fish at least twenty per cent, which the consumer will have to pay, for it cuts off competition, and even to-day fresh meat can be purchased much cheaper at the private markets than at the public markets; and what would the price be if the private markets were suppressed within twelve squares of a public market?

The object of this act is not to protect the public health, and is not so stated in the title; and even if it was, we would answer that that is not a good reason, for the Board of Health has power to regulate private houses and residences so as not to be detrimental to the public health. And I presume they have the power and do regulate both the private and public markets in the entire city.

I therefore recommend that the bill be indefinitely postponed.

ISAAC H. CRAWFORD,
Minority of Committee on Judiciary.

Mr. Ingraham, chairman of the Committee on Enrollment and Engrossment, submitted the following:

COMMITTEE ON ENROLLMENT,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engrossment beg leave to report Senate bill No. 333, entitled an act to change the name of William Robertson to that of Stanley H. Leriche, as being duly enrolled.

And as being duly engrossed, Senate bill No. 240, entitled an act making appropriations to pay the expenses of the State auditing committee appointed by his Excellency Governor Kellogg and confirmed by the honorable the Superior District Court of the parish of Orleans.

Also, Senate bill No. 381, entitled an act relative to Mississippi Fire Company No. 2 of the city of New Orleans, a corporation organized under the provisions of the laws of this State providing for the organization of certain corporations in this State, approved April 3, 1847, continuing it as a body politic, with certain powers, privileges and franchises.

Respectfully,
JAMES H. INGRAHAM, Chairman.

By Mr. Butler, chairman of the Committee on Claims:

COMMITTEE ON CLAIMS,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Claims, to whom was recommitted House bill No. 48, entitled an act for the relief of W. B. Phillips, would respectfully state that the testimony in reference to the same is in the hands of the Secretary of the Senate.

The sworn statements of witnesses discloses the following facts, viz: That in the year 1870, W. B. Phillips was parish judge of Grant parish, and that he cultivated the Rock Island plantation in said parish; and that in that year he made and shipped to James N. Given, commission merchant in this city, some sixty-five bales of cotton; and that in the following year he had planted thirty-five acres of cotton more than in the year 1870. That some time in the month of September, 1871, an armed mob of conspirators against the officers and legal government of this State burned his residence and contents, killed the recorder of the parish, and forced said Phillips and his employes to abandon his place and crop, whereby said Phillips lost some sixty bales of cotton, 1000 barrels of corn, stock, farming implements, etc., to the amount of $12,000 or $15,000.

Henry Shorten, of Baton Rouge, testifies that he was sent up as deputy United States marshal to arrest parties charged with the outrage, and that he found said place abandoned by said Phillips and his hands, and that he traced from his (Phillips') ginhouse to near the boundary line of Winn parish thirty bales of cotton, and that his wagons and stock were driven off in that direction. He states, under oath, that he would estimate Phillips' loss at from $12,000 to $15,000.

Such were the facts upon which the Senate Committee on Claims, in the year A. D. 1873, made a favorable report, and such were the reasons why your committee, this session recommended its passage.

The testimony clearly shows that this wrong and injury was done in pursuance of a conspiracy against the legal government of the State; and, in the opinion of your committee, both equity and law demand that some relief should be granted said Phillips. But inasmuch as we are inaugurating an era of retrenchment and reform, your committee would recede from their former report, and recommend the following amendment: Strike out the words "twelve thousand five hundred" and insert "five thousand dollars," and, so amended, would respectfully recommend its passage.

Respectfully,
E. BUTLER, Chairman.

Mr. Ingraham moved to order the report of the Committee on Claims to be printed in the journal.

Mr. Stamps moved to lay the motion to print on the table.

On call of the yeas and nays the Senate voted to lay the motion to print on the table:

Yeas—Anderson, Barber, Belden, Blunt, Brewster, Burch, Butler, Chadbourn, Detiege, Daigle, Greene, Masicot, Stamps, Swaizie, Weber, Whitney—16.

Nays — Alexander, Bovee, Crawford, Harper, E. F. Herwig, Ingraham, Kelso, Thomas—8.

Also, Mr. Butler, chairman of the Committee on Claims, on Senate bill No. 321, an act for the relief the Red River Pilots' Benevolent Association, reported favorably and recommended that the bill and petition be referred to the Committee on Finance for the purpose of including the same in the general appropriation.

Mr. Blunt, chairman of the Committee on Agriculture, Commerce and Manufactures, submitted the following report:

COMMITTEE ON AGRICULTURE, COMMERCE AND MANUFACTURES, New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Agriculture, Commerce and Manufactures beg leave to report that we have had under consideration Senate bills Nos. 189 and 278, and that we respectfully report them back for your consideration, without action.

Respectfully,
RAFORD BLUNT,
Chairman.

Mr. Brewster, chairman of the Committee on Education, submitted the following report:

COMMITTEE ON EDUCATION,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Education, to whom was referred House bill No. 170, relative to the McDonogh land scrip, beg leave to report that we had the same under consideration, and recommend its passage.

O. H. BREWSTER, Chairman;
J. HENRI BURCH,
C. J. GREENE,
GEORGE Y. KELSO,
E. L. WEBER,
WILLIAM HARPER,
M. H. TWITCHELL.

Mr. Kelso, chairman of the Committee on Corporations and Parochial Affairs, submitted the following report:

COMMITTEE ON CORPORATIONS AND Parochial Affairs,
New Orleans February 13, 1874.

To the Honorable President and Members of the Senate:

Your committee respectfully reports as follows:

Favorably upon Senate bill No. 222, entitled an act authorizing the supervisors of registration of the parishes of St. John the Baptist and St. James to hold an election at the Vacherie Settlement, submitting to the residents thereof the question as to which of the above parishes they may wish to be attached as an entirety, and the manner of holding the same, and directing the police jury, etc.

Favorably upon Senate bill No. 339, entitled an act to incorporate the St. Louis and St. Angelo Benevolent Association.

Favorably upon House bill No. 90, entitled an act to incorporate Good Shepherd's Conclave No. 2 of Louisiana.

Favorably, with amendments, on Senate bill No. 221, entitled an act in relation to the corporation of the town of Opelousas, in the parish of St. Landry.

Strike out in section three, line eight, after the word "corporation" and to the word "shall;" in line nine, the words "who have paid the poll tax imposed upon them by virtue of this act." Same section, strike out after the word "qualified" in line eighteen down to the word "the" in line twenty-three.

Strike out in section fourteen, in line seventeen, all after the word "purpose."

In section fifteen, after the word "impose," in line two, strike out remainder of section and insert, "and collect annually such license tax as they may deem proper on traveling exhibitions or shows, on peddlers and hawkers, and upon the vendors of spirituous liquors in any form. They may also require a special permit for any person or persons giving a public ball within the corporation limits, for which a license of $2 50 shall be paid."

Strike out, in section sixteen, after the word "large," in line nineteen, all down to the word "and" in line twenty-one.

In section seventeen, line sixteen, strike out "$100" and insert "$25."

Strike out all of section nineteen.

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

All of which is respectfully submitted.

GEORGE Y. KELSO, Chairman;
M. H. TWITCHELL,
WILLIAM HARPER,
GEORGE E. BOVEE,
THOMAS C. ANDERSON.

Mr. Bovee, chairman of the Committee on Charitable Institutions, submitted the following report:

COMMITTEE ON CHARITABLE INSTITUTIONS,
New Orleans, February 13, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Charitable Institutions, to whom was referred Senate bill No. 239, entitled an act to establish the Charity Hospital of the city of Baton Rouge, beg leave to report the same favorably, and recommend its passage.

Respectfully,
GEORGE E. BOVEE,
Chairman;
J. HENRI BURCH,
E. L. WEBER,
J. A. MASICOT,
A. J. SYPHER.

NOTICES OF BILLS.

By Mr. Masicot:

A bill regulating the fees of the district attorney, clerk and criminal sheriff of the parish of Orleans, defining their duties, and repealing act No. 101 of the regular session and act No. 49 of the extra session of 1870.

By Mr. Thomas:

An act to attach the parish of Rapides to the Seventh Judicial District.

By Mr. Burch:

A bill recommending a code of prison reform and discipline for the Louisiana State Penitentiary.

Also, an act to modify, temporarily, the organization of the Louisiana State University.

INTRODUCTION OF BILLS.

By Mr. Bovee, by unanimous consent:

To confer certain powers upon the Roman Catholic Church of Ascension.

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.

ACTION ON REPORTS OF COMMITTEES LYING OVER.

House bill No. 129, an act for the relief of John Lewis, of the city of New Orleans, was taken up.

On motion of Mr. Butler, the bill was read the second time.

Mr. Butler moved the bill be adopted on second reading.

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

Yeas—Barber, Belden, Bovee, Butler, Chadbourn, Crawford, Glaudin, Harper, Ingraham, Kelso, Masicot, Rey, Swaizie—13.

Nays — Blackburn, Brewster, Daigle, Greene, Harris, Sypher, Thomas, Wharton, Weber—9.

Mr. Butler moved to suspend the constitutional rule for a third reading.

On call of the yeas and nays the Senate refused to suspend the constitutional rules, four-fifths not voting in the affirmative:

Yeas—Barber, Belden, Bovee, Butler, Chadbourn, Crawford, Glaudin, Harris, Harper, Ingraham, Kelso, Masicot, Rey, Stamps—14.

Nays—Blackburn, Blunt, Brewster, Daigle, Greene, Sypher, Thomas, Twitchell, Weber, Wharton—10.

Mr. Butler called for the special order of the day.

The President announced the unfinished business to be Senate bill No. 237, entitled an act to authorize the police jury of the parish of Plaquemines to issue bonds and to provide for the redemption therof.

[Mr. Whitney in the chair.]

Mr. Thomas moved that the bill be considered engrossed.

Mr. Bovee moved that further consideration of the bill be postponed till next Thursday.

Mr. Butler moved to lay that motion on the table.

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

Yeas—Anderson, Barber, Belden, Blackburn, Brewster, Burch, Butler, Daigle, Detiege, Greene, Glaudin, Harper, Ingraham, Masicot, Rey, Stamps, Sypher, Swaizie, Thomas, Twitchell, Weber—21.

Nays—Alexander, Blunt, Bovee, Harris, Kelso, Whitney—6.

The President announced the pending question to be the motion to engross the bill.

Mr. Bovee moved that the bill be referred to the Committee on Parochial Affairs.

Mr. Butler moved to lay the motion to recommit on the table.

On a call of the yeas and nays the Senate voted to lay the motion on the table:

Yeas—Anderson, Barber, Belden, Blackburn, Brewster, Burch, Butler, Daigle, Detiege, Greene, Glaudin, Harris, Harper, Ingraham, Masicot, Rey, Stamps, Swaizie, Thomas, Twitchell, Weber, Wharton—22.

Nays—Alexander, Blunt, Bovee, Crawford, Kelso, Sypher—6.

The Chair announced the pending question to be to order the bill to be engrossed and read the third time.

On motion of Mr. Butler the main question was ordered to be now put.

Under the operation of the previous question the bill was ordered to be engrossed for a third reading.

SPECIAL ORDER OF THE DAY.

Senate bill No. 350, to amend and reenact sections 15 and 27 of an act of the General Assembly of the State of Louisiana, entitled an act to amend and reenact an act entitled an act to establish a Metropolitan Police District, and to provide for the government thereof, approved September 14, 1868, approved March 8, 1869, and to change the fiscal year of the Board of Metropolitan Police; directing it to make estimates and apportionments; providing for the election of a fiscal agent, and prescribing his duties; prescribing the manner in which the tax for police purposes shall be collected and paid, and providing the manner in which Metropolitan Police warrants shall be received for taxes and licenses by the corporations composing the Metropolitan Police District; directing how moneys shall be drawn from the fiscal agent and paid out by the treasurer of the board of police; authorizing the Board of Police Commissioners to negotiate loans when necessary, and to provide for their payments; prescribing the manner in which sheriffs of the parishes of Orleans, Jefferson and St. Bernard shall receive Metropolitan Police warrants for taxes, and fixing a penalty for non-compliance therewith; authorizing the Board of Police Commissioners to draw upon the Metropolitan Police fund for certain purposes; to repeal laws and parts of laws in conflict with this act, was taken up.

Mr. Ingraham moved the bill be considered section by section.

Adopted.

The first section was read and adopted.

The second section was read and adopted.

The third section was read and adopted.

The fourth section was read.

Mr. Barber moved to strike out the word 'prior' in line sixty six, and insert the word "subsequent."

Mr. Belden moved to lay the motion to strike out and insert on the table.

On call of yeas and nays, the Senate voted to lay the motion on the table:

Yeas—Alexander, Anderson, Blackburn, Barber, Belden, Bovee, Brewster, Burch, Butler, Crawford, Daigle, Glaudin, Harper, Ingraham, Kelso, Masicot, Stamps, Thomas, Weber—19.

Nays—Blunt, Detiege, Rey, Sypher, Twitchell—5.

Section four was then adopted.

The fifth section was then read and adopted.

The sixth section was then read.

Mr. Detiege moved to strke out all from line twenty-seven to the end of the section.

Mr. Harris moved to table the motion to strike out.

Tabled.

The seventh section was read.

Mr. Harris moved to strike out the words "and commission," in line fifteen.

Adopted.

The section was adopted as amended.

The eighth section was read and adopted.

The ninth section was read and adopted.

The tenth section was read and adopted.

The eleventh section was read and adopted.

Mr. Ingraham moved that the bill be ordered to be engrossed for a third reading.

On motion of Mr. Stamps, the Senate went into executive session.

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

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

The President announced a quorum present.

The President announced the pending question to be the ordering the bill to be engrossed for a third reading.

While Mr. Stamps was speaking upon the conduct of certain policemen, Mr. Harris raised the point of order that the order to engross was the pending question.

The President sustained the point of order and desired Mr. Stamps to confine himself to the pending question.

The bill was considered engrossed.

Mr. Ingraham moved to suspend the constitutional rule.

On call of the yeas and nays, the constitutional was suspended by the following vote:

Yeas—Alexander, Anderson, Barber, Belden, Blackburn, Blunt, Bovee, Brewster, Burch, Butler, Chadbourn, Crawford, Daigle, Greene, Glaudin, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Rey, Stamps, Sypher, Swaizie, Twitchell, Weber, Wharton, Whitney—29.

Nays—Detiege, Thomas—2.

The bill was read the third time.

Mr. Ingraham moved the bill do finally pass.

On call of the yeas and nays, the bill finally passed by the following vote:

Yeas—Anderson, Alexander, Blackburn, Belden, Barber, Blunt, Bovee, Brewster, Burch, Butler, Chadbourn, Crawford, Glaudin, Greene, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Rey, Stamps, Sypher, Swaizie, Twitchell, Weber, Wharton, Whitney—28.

Nays—Detiege, Thomas—2.

The title to stand.

Mr. Thomas moved to adjourn.

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

Yeas — Anderson, Belden, Blackburn, Blunt, Bovee, Burch, Butler, Daigle, Detiege, Greene, Harris, Harper, Ingraham, Masicot, Rey, Stamps, Sypher, Swaizie, Thomas, Whitney—20.

Nays — Barber, Brewster, Chadbourn, Crawford, E. F. Herwig, Kelso, Twitchell, Wharton—8.

The President then announced that the Senate stood adjourned until Saturday, February 14, 1874, at 12 M.

SHERIFF'S SALES.

Bertrand Dintraus vs. François Lacroix.

FIFTH DISTRICT COURT FOR THE PARISH OF Orleans, No. 5185.—By virtue of a writ of fieri facias to me directed by the honorable the Fifth District Court for the parish of Orleans, in the above entitled cause, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets in the Second District of this city, on SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

A CERTAIN SQUARE OF GROUND, together with all appurtenances thereunto belonging, situated in the First District of this city, designated by the number twenty-three, on a plan drawn by Oliver & Martin, late surveyors, dated March 9, 1867, and deposited as plan number twenty-two of the book of plans number seven, in the office of Amedee Ducatel, notary public in this city. The said square of ground is bounded by Murat, Alexander, Gasquet and Palmyra streets, and is composed of twenty-six lots, numbered from one to twenty-six inclusive, measuring three hundred and fourteen feet two inches front on each of Palmyra and Gasquet streets, and three hundred and nineteen feet seven inches six lines front on each of Murat and Alexander streets. Being the same property acquired by the defendant herein by purchase from P. Nougue, per act passed before Abel Dreyfous, notary public in this city, on the thirteenth of July, 1870.

Seized in the above suit.

Terms—Cash on the spot.

W. P. HARPER,
fe10 26 mh14 Sheriff of the Parish of Orleans.

John G. Ryan vs. Michael Lacy; Same vs. Same.

SIXTH DISTRICT COURT FOR THE PARISH OF Orleans, Nos. 5574 and 5581.—By virtue of two writs of fieri facias to me directed by the honorable the Sixth District Court for the parish of Orleans in the above entitled causes, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

A CERTAIN LOT OF GROUND, with all the rights, buildings and improvements thereon, situated in the First District of this city, in square bounded by Tchoupitoulas, North Market, St. Joseph and New Levee streets designated as number five, on plan of C. A Hedin, late surveyor, and deposited in the office of L. Hermann, late a notary public in this city; said lot forms the corner of Tchoupitoulas street, and measures nineteen feet five and a half inches in width in the rear, fifty-five feet five inches three lines in depth, and front on St. Joseph street, and fifty-eight feet four inches six and a half lines in depth on the other side, dividing it from lot number four. The property above described includes an alley way, fronting on St. Joseph street, with a depth of about nineteen feet five inches four lines, and is part of the lot above described.

Seized in the above suits.

Terms—Cash on the spot.

W. P. HARPER,
fe10 26 mh14 Sheriff of the Parish of Orleans.

The City of New Orleans vs. George W. Race; Same vs. Same.

SUPERIOR DISTRICT COURT FOR THE PARISH of Orleans, Nos. 733 and 59,736.—By virtue of two writs of fieri facias to me directed by the honorable the Superior District Court for the parish of Orleans, in the above entitled causes, for city taxes for the years 1871 and 1873, I will proceed to sell at public auction, at the Merchants and Auctioneers' Exchange, Royal street, between Canal and Customhouse streets, in the Second District of this city, on SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

1. A LOT OF GROUND in square number thirty-four, in the Fourth District of this city, bounded by Jackson, Annunciation, Philip and Chippewa streets, known as lot number seven, and measuring sixty-four by one hundred and twenty-seven feet.

2. A SQUARE OF GROUND in the Sixth District of this city, known as number two hundred and sixty-nine, and bounded by Chestnut, Peniston, Camp and Amelia streets, and measuring two hundred and twenty-one feet by three hundred and twenty-two feet.

3. A SQUARE OF GROUND in the same district, known as square number three hundred and twenty-seven, bounded by Plaquemine, Peniston, Perrier and Amelia streets, and measuring two hundred fifteen feet by two hundred and one feet.

Seized in the above suits.

Terms—Cash on the spot.

W. P. HARPER,
fe10 26 mh14 Sheriff of the Parish of Orleans.

Rose Cammack vs. John Hays.

FIFTH DISTRICT COURT FOR THE PARISH OF Orleans, No. 4394.—By virtue of a writ of seizure and sale to me directed by the honorable the Fifth 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 WEDNESDAY, March 11, 1874, at twelve o'clock M., the following described lot of ground, together with the buildings and improvements thereon and appurtenances thereof to wit—

1. TWO CERTAIN LOTS OF GROUND, situated in the Second District of this city, in the square bounded by Bienville, Villere, Customhouse and Robertson streets, designated by the numbers ten and eleven, on a plan drawn by Louis Bringier, late surveyor general, annexed to an act of sale from Charles Papet, passed in the office of Louis Fereand, late a notary public in this city, on the ninth day of June, 1831, said lots having in American measure, each, twenty-six feet ten inches front on Villere street, by sixty-three feet eleven inches in depth; said lot eleven forming the corner of Villere and Bienville streets. Said lot number ten was acquired by the defendant herein by purchase from Charles Emmanuel Lomine, per act before A. Boudousquie, late a notary in this city, on the eighth of April, 1858, and said lot eleven was acquired by said defendant by purchase from the estate of Charlotte Diggs, the deceased widow of James Diggs, per act passed before the same notary on the twenty-sixth of March, 1858.

2. A LOT OR PORTION OF GROUND, situated in the same district and square, measuring, in American measure, twenty-six feet ten inches three lines front on said Villere street, by a depth between parallel lines of sixty-three feet eleven inches, being the portion next to Customhouse street of that portion of the original lot number three, according to a plan drawn by Depouilly, dated nineteenth of January, 1836, deposited in the office of Gustave Le Gardeur, then a notary public in this city, and was acquired by said defendant herein by purchase from Mrs. Mary Lee Clark, widow of the late Moses P. Clark, per act passed before the late Thomas J. Beck, a notary public in this city, on the eighteenth of June, 1857.

Seized in the above suit.

Terms—Cash on the spot.

W. P. HARPER,
fe7 20 mh11 Sheriff of the Parish of Orleans.

Accommodation Bank (Hays & New Subrogated) vs. F. C. Mahan—F. C. Mahan vs. Accommodation Bank (Hays & New subrogated).

SUPERIOR DISTRICT COURT FOR THE PARISH of Orleans, Nos. 375 and 3599.—By virtue of an alias writ and a writ of fieri facias to me directed by the honorable the Superior District Court for the parish of Orleans, in the above entitled causes, 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 WEDNESDAY, February 25, 1874, at twelve o'clock M., the following described property, to wit—

1. FOUR ONE THOUSAND DOLLAR STATE WARRANTS.

2. FIFTY SHARES of the capital stock of the Loan and Pledge Association, or the Accommodation Bank of Louisiana, which were placed in pledge by the defendant, F. C. Mahan, to said institution.

3. AND TEN SHARES of the capital stock of the said institution, standing in the name of said defendant, F. C. Mahan, on the books of said Loan and Pledge Association.

And on the same day, at the hour of one o'clock P. M., at Regan's stables, No. 134 Baronne street, in the First District of this city—

ONE HORSE, ONE PHAETON AND HARNESS.

Seized in the above suits.

Terms—Cash on the spot.

W. P. HARPER,
fe13 19 25 Sheriff of the Parish of Orleans.

Bernard McFeely vs. Joseph Root.

SIXTH DISTRICT COURT FOR THE PARISH OF Orleans, No. 5707.—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 SATURDAY, March 14, 1874, at twelve o'clock M., the following described property, to wit—

TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, situated in the First District of this city, in the square bounded by Common, Palmyra, Roman and Prieur streets, designated by the numbers sixteen and seventeen of square number twenty-eight, on a plan by Joseph Pilie, late surveyor, on the first of May, 1840, deposited in the office of David L. McCay, late a notary public in this city. Said lots measure each twenty-five feet front on Prieur street, by a depth of one hundred and forty-eight feet six inches, between parallel lines, and was acquired by purchase from W. R. Bell, as per act passed before Thomas J. Beck, late a notary public in this city, dated June 24, 1871.

Seized in the above suit.

Terms—Cash on the spot.

W. P. HARPER,
fe10 26 mh14 Sheriff of the Parish of Orleans.