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OF THE

SECOND SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA

SENATE.

Thirty-eighth Day's Session.

SENATE CHAMBER, New Orleans, February 24, 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, Blackburn, Bovee, Burch, Butler, Crawford, Detiege, Greene, Harris, Harper, Ingraham, Kelso, Masicot, Pollard, Rey, Stamps, Thomas, Twitchell, Weber, Whitney—23.

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.

PETITIONS AND MEMORIALS.

Mr. Weber submitted the following:

To the Honorable Senate and House of Representatives of the State of Louisiana, in General Assembly convened:

We, the undersigned, citizens of the town of Bayou Sara, in the parish of West Feliciana, and situated at the confluence of the Bayou Sara and the Mississippi river, respectfully represent that the Bayou Sara, a large and rapid bayou or creek, bounding the town on the west, has been for a number of years, and still is encroaching upon the town. Already many thousands of dollars worth of property has been washed away, and much more, including residences, storehouses, saw mills and tenement buildings, is imperiled.

That the impoverishment of the planting interests of the parish, upon which the town depends for its trade, has prostrated all branches of trade and industry for the present to such an extent that the property holders and business men of the town are utterly unable to pay a tax or subscription to erect works to check the caving of the banks of said bayou.

That the attention of the last Legislature being called to these facts, an appropriation of $6000 was made to construct breakwaters, etc., but that the appropriation was exhausted before the work could be completed and made effective.

Your petitioners represent that even the imperfect work has done much to protect the town, assuring complete protection in case of the completion.

Our town is protected from overflow by levees and a draining machine, and unless the washing away of the levees on the Bayou Sara creek are prevented, the town will be constantly in danger of overflow during high water.

Your petitioners therefore pray that your honorable body will grant a further appropriation of $4000 to complete the works already begun, which have cost $6000, and which, unless finished, will be useless.

E. W. Whiteman, Mayor;	F. M. Mumford,
P. Lebret,	M. Fischer,
A. Decklar,	Simon Weil,
H. Basinsky,	H. Picard,
Robert Walther,	L. Weil,
J. S. Wooster,	John F. Irvine,
W. McC. Holmes,	W. H. Tenney,
Thomas E. White,	L. D. Cohn,
M. P. Phillips,	Leopold Muller,
W. D. Phillips,	E. F. Phillips,
D. Stocking,	W. P. Phillips,
A. T. Gastrell,	John P. Mumford,
G. P. Kaufmann,	Sargent Percy,
C. T. Tooraen,	A. B. Thompson,
Th. Kuogger,	James Ferry,
Oriana Pillett,	Ed. McGinley,
John N. Labeye, Jr.,	J. A. Wells,
William Homrich,	Andrew Jackson,
Jules P. Hedam,	C. J. Wolfin,
George Mott,	John Legadin,
William Deutsch,	Robert Richardson,
E. Moore,	John Feilder,
A. E. Rybeskie,	Cass Logdne,
C. Buskel,	Elijah Gore,
Patrick Logan,	Charles Spencer,
J. V. Whichen,	F. Serff,
	A. Fischer.

On motion of Mr. Weber the petition was ordered to be printed in the journal, and referred to the Committee on Lands and Levees.

Mr. Crawford submitted the following contents of a petition, being for relief of James K. Belden, for legal services rendered the State.

Referred to the Committee on Judiciary.

[Mr. Harris in the chair.]

Mr. Pollard submitted the following petition of the citizens of the parish of Morehouse, asking that the Agricultural and Mechanical College be located in the city of Baton Rouge, in connection with the Louisiana State University.

Referred to the Committee on Agriculture, Commerce and Manufactures.

Mr. Ingraham submitted the following:

The memorial of Charles H. Walker and John B. Forgay, praying an investigating committee to inquire whether Morgan's Texas and Louisiana railroad has not forfeited its charter.

Referred to the Committee on Agriculture, Commerce and Manufactures.

REPORTS OF COMMITTEES.

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

JUDICIARY COMMITTEE, New Orleans, February 23, 1874.

To the Honorable President and Members of the Senate:

Senate bill No. 198, an act to relinquish jurisdiction to the United States over any land that may be acquired hereafter by the United States at Monroe or Shreveport for the purpose of erecting public buildings thereon. Favorably.

Senate bill No. 422, an act relative to criminal proceedings; to amend and re-enact section 986 of the Revised Statutes of 1869. Favorably.

Senate bill No. 263, an act relative to public advertisements and notices in country parishes. Favorably.

Senate bill No. 418, an act to amend and re-enact section one of an act entitled an act defining the duties of notaries public and sheriffs for the parish of Orleans in certain cases, approved October 21, 1868. Favorably.

Senate bill No. 410, an act to authorize R. L. Fox, of Alexandria, Louisiana, to sue the State. Reported favorably by majority of Judiciary Committee.

Senate bill No. 413, an act authorizing a majority of the jury in a civil case, and nine in a criminal case to find a verdict. Favorably.

Senate bill No. 261, an act relative to public sales and sale days, made in pursuance of decrees of courts in the parishes of Assumption, Lafourche and Terrebonne. Favorably.

Senate bill No. 356, an act to amend and re-enact an act relative to the Supreme Court, and to regulate the terms thereof, the proceedings therein, appeals thereto and witnesses against the sureties on appeal bonds, approved March 16, 1870, and for other purposes. Reported by a majority unfavorably.

Senate bill No. 366, an act to facilitate the taking of testimony, etc. Unfavorably.

Senate bill No. 324, 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 administaation 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. Faborably.

THOMAS C. ANDERSON, Chairman.

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

COMMITTEE ON ENROLLMENT AND ENGROSSMENT, New Orleans, February 21, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engrossment beg leave to report as being duly engrossed:

Senate bill No. 217, an act to consolidate and incorporate the towns of Lockport and Longville, situated in the parish of Lafourche, under one title: to fix the boundaries of said town, and to provide for the administration of the affairs thereof.

Senate bill No. 351, an act to amend and re-enact an act entitled an act to fix the terms of the district court in the Thirteenth Judicial District, approved March 5, 1869.

Senate bill No. 386, an act to abolish fees of jurors in the city of New Orleans in criminal and coroners' cases.

Senate bill No. 367, an act to remodel and renew the charter, extend and define the boundaries, and to limit and the better to define the duties and powers of the corporate authorities of the town of Homer, in the parish of Claiborne, and to repeal all conflicting laws or parts of laws.

Also, Senate joint resolution No. 36, submitting an amendment to the constitution of the State, to limit the debt of the city of New Orleans, and the issue of warrants by the officers, and prescribing certain penalties.

Respectfully,

JAMES H. INGRAHAM, Chairman.

Also:

COMMITTEE ON ENROLLMENT AND ENGROSSMENT, New Orleans, February 23, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engrossment beg leave to report, as duly engrossed, the following bills:

Senate bill No. 239, an act to establish the Charity Hospital of the city of Baton Rouge.

Senate bill No. 224, an act to make persons liable in damages for selling or giving intoxicating liquors to minors without the consent of parents or guardians.

Senate bill No. 384, an act to limit the fees of the clerk of the First District Court of the parish of Orleans.

Senate bill No. 355, an act to incorporate the town of Rayville, in the parish of Lafayette.

Senate bill No. 385, an act to limit the fees of the district attorney for the parish of Orleans.

Respectfully,

JAMES H. INGRAHAM, Chairman.

Also:

COMMITTEE ON ENROLLMENT AND ENGROSSMENT, New Orleans, February 22, 1874.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engrossment beg leave to report as duly engrossed:

Senate bill No. 369, an act creating a board of commissioners to examine and ascertain the valid outstanding indebtedness of the parish of Terrebonne, and authorizing the police jury to take up and fund the same.

Respectfully,

JAMES H. INGRAHAM, Chairman.

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

COMMITTEE ON CORPORATIONS AND PAROCHIAL AFFAIRS, New Orleans, February 23, 1874.

To the Honorable President and Members of the Senate:

Your committee, to whom was referred Senate bill No. 82, entitled, an act fixing the fees of the clerks of the district courts throughout the State, the parish of Orleans excepted, and providing the manner for collecting the same, beg leave to report by substitute and recommend its passage.

GEORGE Y. KELSO, Chairman.

Mr. Harris, chairman of the Committee on Railroads, submitted the following:

Senate bill No. 391, an act to incorporate the Bayou Lafourche Railway Company.

Favorably.

Also, Senate bill No. 337, an act to incorporate the Alexandria, Midland and Camden Railway Company, and to authorize the parishes, cities and towns on or near the line of the aforesaid company's railway to aid in the construction thereof.

Favorably.

INTRODUCTION OF BILLS.

By Mr. Anderson:

An act to amend article 282 of the Code of Practice, and to authorize intervenors to bond property seized under attachment and sequestration.

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.

[The President in the chair.]

By Mr. Anderson:

An act authorizing the private sale of property of interdicted persons.

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. Brewster:

An act to amend an act entitled an act chartering the Monroe, Bastrop and Arkansas Railroad Company; defining the powers and duties of said company; and authorizing the company to issue its bonds, and to mortgage the property of the company to secure the payment thereof; and authorizing the sale, lease or consolidation of said railroad, approved April 10, 1873; and changing the name of said railroad company.

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 Railroads.

By Mr. Blackburn:

An act to provide for the defense of indigent persons charged with crimes, and to fix the compensation therefor.

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. Belden:

An act incorporating the Houma Fire Engine Company No. 1.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths vote and the bill read the second time.

The bill was considered engrossed.

The constitutional rule was suspended by a four-fifths vote, and the bill read the third time. The bill finally passed, the title to stand.

By Mr. Bovee:

An act punishing officers for neglect, whereby prisoners are allowed to escape.

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. Bovee:

An act relative to weights and measures.

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 Agriculture, Commerce and Manufactures.

By Mr. Weber:

An act to appropriate the sum of $4000 for the purpose of completing and perfecting the work already done under act No. 56 of 1873.

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 Lands and Levees.

REPORTS OF COMMITTEES LYING OVER.

Mr. Barber called up the report of the Committee on Unfinished Business, being Senate bill No. 423, substitute for House bill No. 191, an act incorporating the New Orleans Sanitary Excavating Company of the city of New Orleans, and granting rights and privileges thereto.

On motion of Mr. Barber, the bill was ordered to be printed and fixed for next Thursday as special order, after reading the minutes.

Mr. Bovee called up Senate bill No. 389 an act to confer certain powers upon the Roman Catholic Church of Ascension.

The bill was read the second time and considered engrossed.

The constitutional rule was suspended by a four-fifths vote, and the bill read the third time. The bill finally passed, the title to stand.

Mr. Thomas called up House bill No. 113, an act to amend an act entitled an act to establish an insane asylum, and to regulate the same; approved March 15, 1855.

On motion of Mr. Thomas the constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill was referred to the Committee on Charitable Institutions.

Mr. Harper called up House bill No. 4, report by Committee on Railroad favorably, an act to incorporate the Shreveport and Southwestern Railroad Company.

The bill was read the second time, and adopted on second reading.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

Mr. Burch called up the following report from the Committee on Corporations and Parochial Affairs:

Favorably, with amendments, on Senate bill No. 290, entitled an act to amend and re-enact an act entitled 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 officers 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 to provide for the government of the city of Baton Rouge, approved March 8, 1856, and to repeal all acts amendatory thereto.

At the end of section 2, add "under such rules and regulations, not inconsistent with law, as the council may prescribe."

Strike out in section ten, item seventeen, line eight, the word "fifty," and insert "twenty-five."

Strike out the words contained in section ten, item twenty, and insert in lieu thereof "to impose any license tax they may think proper on peddlers and hawkers, traveling exhibitions, shows, and vendors of spirituous liquors."

In section eleven, line six, after the word "taxation," strike out the balance of the section, and insert the words "except such property as is now or may hereafter be exempted from taxation under the laws of the State and of the United States.

Strike out the whole of section thirteen.

In section fifteen, line nineteen, strike out the words "on trades, professions and callings."

In section twenty-seven, line five, strike out the words "according to law," and insert "and said tax shall not be levied unless authorized by a majority vote of taxpayers of the city of Baton Rouge."

In section thirty-one, line eight, strike out "one thousand," and insert "two hundred."

In section thirty-three, strike out all after the word "of," and insert the following:

"A misdemeanor, and upon conviction shall be subject to a fine of not more than $10, or ten days' imprisonment, or both, at the discretion of the court."

Strike out the whole of section thirty-four.

Also, favorably on Senate bill No. 355, entitled an act to incorporate the town of Rayville, in the parish of Lafayette.

The report was adopted.

The bill was considered engrossed as amended.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

Mr. Brewster called up Senate bill No. 403, being substitute for Senate bill No. 304, an act proposing an amendment to the constitution of the State of Louisiana, changing the day for holding the general election, reported favorably from the Judiciary Committee.

Report adopted.

The bill was read the second time, and considered engrossed.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

On call of the yeas and nays:

Yeas—Anderson, Barber, Belden, Blackburn, Blunt, Bovee, Brewster, Burch, Butler, Cage, Chadbourn, Crawford, Daigle, Greene, Glaudin, Harris, E. F. Herwig, Kelso, Pollard, Rey, Stamps, Sypher, Thomas, Weber, Whitney—25.

Nays—None.

Mr. Harris called up Senate bill No. 404, substitute for Senate bill No. 250, entitled an act to provide for the greater security of the public in the making and issue of promissory notes secured by mortgage on property situated in the parish of Orleans, and fixing the fees for paraphing said notes.

The bill was considered engrossed.

Mr. Harris moved to suspend the constitutional rule.

Mr. Thomas moved that the bill be indefinitely postponed.

Mr. Harris moved to lay the motion on the table.

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

Yeas—Anderson, Barber, Belden, Bovee, Blackburn, Burch, Butler, Chadbourn, Greene, Harris, E. F. Herwig, Pollard, Sypher, Wharton, Whitney—15.

Nays—Blunt, Brewster, Daigle, Detiege, Glaudin, Harper, Thomas, Twitchell, Weber—10.

Mr. Harris moved to postpone the bill till to-morrow immediately after the reading of the minutes.

Mr. Brewster moved to table the motion.

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

Yeas—Blunt, Brewster, Daigle, Detiege, Glaudin, Harper, Kelso, Thomas, Twitchell, Weber, Wharton—11.

Nays—Anderson, Barber, Belden, Blackburn, Bovee, Burch, Cage, Chadbourn, Crawford, Greene, Harris, E. F. Herwig, Ingraham, Pollard, Stamps, Sypher, Whitney—17.

The question then recurred on the motion of Mr. Harris to fix the bill for to-morrow, after the reading of the minutes.

So fixed.

Mr. Bovee called up Senate bill No. 326, substitute for Senate bill No. 325, an act to incorporate the city of Donaldsonville, 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.

The bill was read the second time, and considered engrossed.

The constitutional rule was suspended by a four-fifths vote, and the bill read the third time.

The bill finally passed, the title to stand.

Mr. Stamps called up Senate bill No. 308, an act for the relief Benjamin Campbell and his minor child, Estelle E. Campbell.

On motion of Mr. Stamps, the bill was considered engrossed.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

Mr. Anderson called up Senate bill No. 312, an act explanatory of the fifteenth paragraph of the first section of act No. 14, approved March 5, 1872.

The bill was read the second time, and considered engrossed.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed on call of the yeas and nays by the following vote:

Yeas—Anderson, Barber, Belden, Bovee, Burch, Butler, Cage, Chadbourn, Crawford, Daigle, Greene, Glaudin, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Rey, Stamps, Thomas—21.

Nays—Blunt, Detiege, Pollard, Twitchell, Wharton—5.

Title to stand.

Mr. Pollard called up Senate bill No. 363, an act to authorize the district judges throughout the State to order, either before or after arrest, any person charged with committing a crime to any jail or prison within the State for safety, when the jail or prison of the parish in which the crime was committed or warrant of arrest issued is unsafe or unfit for the security of prisoners.

The bill was considered engrossed.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

Mr. Whitney called up Senate bill No. 235, authorizing the sale of property by tax collectors for delinquent taxes, providing for their redemption, requiring the Auditor to make title in the name of the State, prohibiting the issue of injunction, etc., reported by the Committee on Judiciary as follows:

In section one, on line seven, strike out the words "transfer by private sale," and substitute words "transfer by public act, passed before a notary or parish recorder and two subscribing witnesses."

On line nine, strike out the whole line.

On line ten, strike out the word "or."

On line fifteen, after the word "costs," add the words "which act of sale shall be duly recorded in the notarial records of the parish where the land is situated."

In section two, on line three, strike out the words "at private," and on line four strike out the word "sale." On line eight, between the words "of" and "sale," insert the words "recording said act of." In section three, on line three, between the words "of" and "sale," insert the words "recording said act of." On line seven, between the words "present" and "the," insert the words "a duly certified copy of." As amended, your committee would respectfully recommend its passage.

The report of the committee was adopted.

The bill was read the second time and considered engrossed as amended.

The constitutional rule was suspended by a four-fifths vote, and the bill read the third time. The bill finally passed on call of the roll, as follows:

Yeas—Anderson, Barber, Belden, Blunt, Bovee, Burch, Cage, Chadbourn, Crawford, Greene, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Pollard, Rey, Sypher, Twitchell, Weber, Whitney—22.

Nays—Brewster, Butler, Daigle, Detiege, Glaudin, Thomas—6.

The title to stand.

Mr. Blunt called up Senate bill No. 406, an act to regulate the disbursement of moneys collected by tax collectors under the law on judgments against the several parishes throughout the State.

Mr. Harris moved that the whole subject matter be laid on the table.

The Senate refused to table.

Mr. Harris moved that the bill be indefinitely postponed.

UNFINISHED BUSINESS.

The President declared the unfinished business was Senate bill No. 312.

The motion pending at adjournment on Saturday was that the bill be considered engrossed.

Mr. Bovee moved that the bill be postponed till next Monday, immediately after the reading of the minutes.

Adopted.

[Mr. Anderson in the chair.]

SPECIAL ORDER OF THE DAY.

Mr. Harris called up Senate bill No. 314, an act to provide for conventional mortgages on movables, their recordation, rights of priority and extinction; to provide penalties for any fraud in the creation thereof; to declare certain acts misdemeanors, and fixing punishment for same; to provide for the recordation of leases, and to limit the lessors' lien.

Mr. Blunt moved that the bill be indefinitely postponed and demanded the previous question.

Not ordered.

Mr. Blunt demanded the yeas and nays on the motion to postpone.

On call of the yeas and nays the Senate refused to indefinitely postpone the bill:

Yeas—Blackburn, Blunt, Detiege—3.

Nays—Anderson, Belden, Bovee, Brewster, Burch, Cage, Daigle, Greene, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Pollard, Rey, Stamps, Thomas, Weber, Whitney—19.

The bill finally passed, title to stand.

Mr. Harris called up House bill No. 224, an act to authorize John Frederick Braun and Anna Maria Richter, his wife, to change the name of their adopted child, Lisetta Margaretta Urman to Lizetta Marguerettа Braun.

The bill was read the second time and was adopted on second reading.

The constitutional rule was suspended by a four fifths vote and the bill read the third time.

The bill finally passed, the title to stand.

Mr. Harris called up House bill No. 89, an act to allow each parish surveyor to employ a deputy surveyor.

The bill was read the second time and adopted.

The constitutional rule was suspended by a four-fifths vote and the bill read the third time. The bill finally passed, the title to stand.

Mr. Harper called up Senate bill No. 368, an act for the relief of Alice Douglas, wife of James Phelps, and Emma D. Douglas, wife of Henry S. Carter, and pay the damage done by the State of Louisiana in constructing levees at Willow Chute and Benoit's bayou, in Bossier parish, Louisiana.

Mr. Harper moved to consider the bill engrossed.

Mr. Whitney asked for a call of the house, to determine whether there was a quorum present.

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

Messrs. Anderson, Belden, Blunt, Burch, Chadbourn, Daigle, Detiege, Greene, Harris, Harper, Ingraham, Kelso, Masicot, Pollard, Rey, Stamps, Sypher, Thomas, Weber, Whitney—20.

The President announced a quorum present.

Mr. Thomas moved to strike out "sixteen" and insert "ten" before the word "thousand."

Mr. Barber moved to indefinitely postpone the bill.

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

Mr. Harper seconded the motion.

Mr. Harris moved that the whole subject matter be laid on the table.

On call of the yeas and nays, the Senate refused to lay the whole subject matter on the table:

Yeas—Barber, Bovee, Burch, Crawford, Chadbourn, Detiege, Glaudin, Harris, Pollard, Whitney—10.

Nays—Anderson, Belden, Blunt, Butler, Cage, Greene, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Rey, Thomas, Twitchell—14.

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

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

Messrs. Blackburn, Blunt, Bovee, Brewster, Burch, Butler, Chadbourn, Crawford, Daigle, Detiege, Greene, Glaudin, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Pollard, Rey, Stamps, Thomas, Twitchell, Wharton, Whitney—25.

The President announced a quorum present.

The President announced that the pending motion was to table the motion to indefinitely postpone the bill.

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

Yeas—Blunt, Butler, Detiege, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Pollard, Stamps, Thomas, Twitchell—12.

Nays—Blackburn, Bovee, Burch, Brewster, Chadbourn, Crawford, Daigle, Greene, Glaudin, Harris, Rey, Wharton, Whitney—13.

On call of the yeas and nays the Senate voted to postpone the bill indefinitely by the following vote:

Yeas—Barber, Blackburn, Bovee, Burch, Brewster, Chadbourn, Crawford, Detiege, Greene, Glaudin, Harris, Rey, Wharton, Whitney—14.

Nays—Anderson, Blunt, Butler, Daigle, Harper, E. F. Herwig, Ingraham, Kelso, Masicot, Pollard, Thomas, Twitchell, Weber—13.

Mr. Harper called up the following:

Senate bill No. 412, an act authorizing the Governor to appoint an assistant attorney general, regulating his office, defining his duties and fixing his compensation, and authorizing certain officers to appear by attorneys selected by them.

Mr. Whitney moved that the bill be printed and fixed for the special order at one o'clock Thursday.

Adopted.

The Secretary called the name of Mr. Herwig.

Mr. Herwig called up report on House bill No. 212, as reported by the committee of conference, and moved that the report of the majority be adopted. The report is as follows:

NEW ORLEANS, February 21, 1874.

To the Honorable President and Members of the Senate:

The joint committee of the Senate and House of Representatives, to whom you had referred a substitute for House bill No. 212, beg leave to report unfavorably on the amendments of the Senate to House bill No. 238, and respectfully recommend that this body would rescind its action.

E. F. HERWIG,
WILLIAM HARPER,
GEORGE E. BOVEE,
E. W. DEWEES,
CHARLES MONTALDO,
ROBERT T. GUICHARD,
D. HILL.

Mr. Stamps moved the previous question, on the motion of Mr. Herwig.

Ordered.

On call of the yeas and nays the Senate refused to adopt the majority report of the joint committee of conference:

Yeas—Blunt, Bovee, Daigle, Detiege, Greene, Glaudin, Harper, Kelso, Masicot, Rey, Twitchell—11.

Nays—Anderson, Barber, Belden, Blackburn, Brewster, Burch, Butler, Chadbourn, Cage, Crawford, Harris, Ingraham, Pollard, Stamps, Thomas, Weber, Wharton, Whitney—18.

Mr. Harris moved that the Senate do now adhere to the Senate amendment.

Adopted.

Mr. Herwig called up Senate bill No. 238, an act for the extension of the charter of the Crescent Mutual Insurance Company.

The bill was read the second time and considered engrossed.

The constitutional rule was suspended by a four-fifths vote, the bill read the third time. The bill finally passed, the title to stand.

Mr. Belden being absent at the time his name was called, obtained leave to call up a resolution, as follows:

Resolved, That Henry C. Sidney, who acted as clerk of the special Senate committee, to investigate the riot in the parish of Terrebonne, be allowed mileage and per diem in the following amount, to wit, fifty dollars.

Mr. Belden moved to adopt the resolution and demanded the previous question.

Main question was ordered.

On call of the yeas and nays, the Senate voted to adopt the resolution by the following vote:

Yeas—Anderson, Belden, Bovee, Butler, Cage, Chadbourn, Crawford, Daigle, Greene, Glaudin, Harris, Harper, E. F. Herwig, Ingraham, Masicot, Rey, Stamps, Whitney—18.

Nays—Barber, Blackburn, Blunt, Brewster, Burch, Pollard, Sypher, Thomas, Weber—9.

Mr. Belden called up the following:

Senate bill No. 297, reported as a substitute from the Committee on Claims, an act to authorize John Hancock to sue the State.

Mr. Harper moved to indefinitely postpone.

Mr. Cage moved to table the motion to postpone.

Mr. Barber moved to adjourn.

The President then announced that the Senate stood adjourned until Tuesday, February 24, 1874, at 11 A. M.

P. E. BECHTEL, Secretary of the Senate.

HOUSE OF REPRESENTATIVES.

Thirty-eighth Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, February 24, 1874.

The House met pursuant to adjournment, and was called to order by the Chief Clerk, who called Mr. Mathews, of Tensas, to the chair.

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

Messrs. Armstead, Antoine, Bowman, Boyd, Benham, Bickham, Butler, Barrow, Carey, Cockerham, Carr, Connaughton, Cousin, Demas, Davidson, R. R. Davis, Decker, Devezin, Dejoie, Dewees, Dumont, Estilette, Elliot, Fontelieu, Fernandez, Greene, Gair, Heffner, Humble, Hubeau, Hill, P. Jones, M. Jones, Johnson, Keating, Kirkman, Kenyon, D. King, Lewis, Landry, Lawes, Little, Moreland, Murrell of Madison, Martinet, Mathews, Montaldo, Nichols, Norris, Price, Page, Prescott, Prevost, Raby, Rochon, Rodrigues, Sawyer, Stewart, Sartain, Snaer, Simms, Southard, Smith, Sutton, Sewell, Smart, Trahan, Thomas, Williams, D. Wilson, Worthy, Washington—73.

A quorum present.

Prayer by the Rev. Mr. Burch, of Baton Rouge.

On motion of Mr. Hill, of Ouachita, the reading of the journal was dispensed with.

SPECIAL ORDER OF THE DAY.

House bill No. 96, entitled an act for the relief of a *L'Avenir*, a newspaper published in the city of New Orleans, Louisiana.

Reported favorably by committee of the whole, recommending its passage.

On motion of Mr. Murrell, of Madison, the report of the committee was adopted.

On motion the bill was considered engrossed, and passed its third reading under suspension of the constitutional rules, and on its final passage the yeas and nays were demanded by Messrs. Tureaud, of St. James, and Hill, of Ouachita, resulting as follows:

Yeas—Antoine, Bowman, Boyd, Blackstone, Bickham, Butler, Barrow, Carey, Connaughton, Cousin, Demas, D. C. Davis, Decker, Devezin, Dejoie, Desarzant, Elliot, Fontelieu, Fernandez, Forstall, Guichard, Heffner, Hubeau, Heath, M. Jones, Keating, Kenyon, Kern, D. King, Lewis, Landry, Marvin, Murrell of Latourche, Murrell of Madison, Mayo, Marie, Montaldo, Nichols, Page, Prevost, Raby, Rochon, Rodrigues, Sawyer, Snaer, Simms, Sutton, Sewell, Thomas, Tureaud, Williams, D. Wilson, Worthy, Washington, Ward—55.

Nays—Armstead, Boatner, Cockerham, Carr, R. R. Davis, Dewees, Estilette, Greene, Humble, Hill, P. Jones, Johnson, Kirkman, V. O. King, Lawes, Little, Moreland, Mathews, Norris, Price, Peyton, Prescott, Stewart, Sartain, Southard, Smith, Trahan, Wands—28.

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

Mr. Guichard, of St. Bernard, moved to reconsider the vote just taken and to lay that motion on the table.

Carried.

PETITIONS AND MEMORIALS.

Mr. Souer, of Avoyelles, presented a petition from certain parties, asking for an appropriation for building levees.

RESOLUTIONS.

Mr. Simms, of St. Landry, offered the following resolution:

Resolved, That the committee to investigate the accounts of the Committee on Contingent Expenses for the extra session of 1872 and the regular session of 1873, be and is hereby directed to report to-morrow.

Lies over under the rules.

Mr. Estilette, of St. Landry, offered the following resolution:

WHEREAS, The time to intervene between this day and the final adjournment of the General Assembly of the State of Louisiana is too short to allow action on all the bills already pending before this House; and,

Whereas, It is necessary that some method should be adopted to secure the passage of such measures as the interests of the State demand; therefore, be it

Resolved, That the Speaker appoint a committee of five, whose duty it shall be to carefully examine and report to this House, within the shortest delay, such bills already introduced, or to be introduced, which, on account of their importance, entitle them to precedence over other bills for final action.

Lies over under the rules.

Mr. Rodrigues, of Orleans, moved a suspension of the rules to take up House bill No. 237, entitled an act to repeal all previous acts relative to sampling, inspections and sales of tobacco.

On which the yeas and nays were demanded by Messrs. Rodrigues, of Orleans, and Davidson, of Livingston, resulting as follows:

Yeas—Antoine, Bowman, Bryant, Benham, Blackstone, Boatner, Bickham, Butler, Barrow, Cockerham, Carr, Connaughton, Demas, Davidson, R. R. Davis, Decker, Desarzant, Dewees, Estilette, Elliot, Fontelieu, Gair, Heffner, Humble, Hubeau, Hill, Hahn, Heath, M. Jones, Johnson, Keating, Kenyon, D. King, V. O. King, Lawes, Little, Moreland, Murrell of Lafourche, Murrell of Madison, Mahoney, Martinet, Marie, Norris, Price, Peyton, Page, Prescott, Raby, Rochon, Rodrigues, Sawyer, Sartain, Snaer, Simms, Southard, Smith, Sutton, Sewell, Smart, Trahan, Thomas, Williams, D. Wilson, J. P. Wilson, Worthy, Washington, Ward, Wands, Young—84.

Nays—Antoine, Baker, Boatner, Cockerham, Estilette, Heffner, Hahn, V. O. King, Little, Moreland, Martinet, Norris, Price, Prescott, Thomas—15.

Two-thirds of the members elect voting in the affirmative, the bill was declared as finally passed, title adopted and notice of same ordered to be sent to the Senate.

NOTICES OF BILLS.

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

By Mr. Elliot, of Orleans:

An act to incorporate the Rising Sons of Honor No. 2 Benevolent Association of New Orleans, Louisiana.

By Mr. Sartain, of Carroll:

An act entitled joint resolution to propose to the people an amendment to the constitution of the State, altering and amending article thirty-nine of the constitution of the State of Louisiana, and providing that under certain circumstances the session of the Legislature may be prolonged more than sixty days.

Mr. Kern, of Jefferson, chairman Committee on Canals and Drainage, submitted the following report:

COMMITTEE ON CANALS AND DRAINAGE, New Orleans, February 24, 1874.

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

Your Committee on Canals and Drainage, among other matters called to their attention, deemed it their duty to examine the work done on the New canal. On proceeding to do so it was found necessary to make certain measurements to enable them to arrive at just conclusions. As they were not familiar with such duties—in fact did not have the necessary instruments with which these measurements were to be made—they deemed it advisable to request your honorable body to pass a resolution directing the chief engineer to make the necessary measurements and report to this committee. A resolution to this effect was passed by this honorable House and its contents communicated to the chief engineer. The absence of that officer in the discharge of his duties in the interior of the State caused some delay. On his return, however, accompanied by some members of the committee, the State engineer began his examination, which he subsequently carried on in the manner and with the results mentioned by him in the subjoined communication, which we approve, and which we make a part of this our report, with the request that the same be adopted by this honorable body.

All of which is respectfully submitted.

WILLIAM KERN, Chairman:
A. DEJOIE,
W. G. ELLIOT,
P. LANDRY,
JOHN R. SMART.

INTRODUCTION OF BILLS.

According to previous notice, the following bills were introduced and passed their first and second readings, under suspension of the constitutional rule, and referred to their appropriate committees:

By Mr. Kern, of Jefferson:

House bill No. 387, entitled an act to regulate the free navigation of the rivers and navigable waters of Louisiana, and to prevent any violation of the same.

Calendared for third reading.

By Mr. Landry, of Ascension:

House bill No. 388, entitled an act to exempt certain property from seizure by landlords for rent.

Calendared for third reading.

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

House bill No. 389, entitled an act to reduce the expenses of public printing, providing for the printing for the several parishes, and for judicial notices and advertisements of forced sales.

Referred to the Committee on Printing, and ordered printed in the journal, as follows:

An act to reduce the expenses of public printing; providing for the printing for the several parishes, and for judicial notices and advertisements of forced sales.

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 official proceedings of the Legislature, and the promulgation of statutes and official acts, and promulgations at the public expense, shall be restricted to the official journal of the State, published at the seat of government.

SEC. 2. Be it further enacted, etc., That official proceedings and advertisements of the several parishes (the parish of Orleans excepted) shall be published at the expense of such parishes only in journals to be selected by the respective police juries.

SEC. 3. Be it further enacted, etc., That judicial advertisements of the nature of summons, monitions or notices shall be published in such paper as the judge of the court from which the same shall emanate shall select; and advertisements of sales upon execution shall be published in such paper as the defendant, within three days notice, shall designate, otherwise the judge shall select the same.

SEC. 4. Be it