

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS OF THE SECOND SESSION OF THE THIRD GENERAL ASSEMBLY OF THE STATE OF LOUISIANA

Forty-fifth Day's Session—Morning. SENATE CHAMBER, New Orleans, Thursday, March 5, 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, Alexander, Barber, Belden, Blackburn, Blunt, Bovee, Brewer, Cane, Chabourn, Crawford, Detiege, Daigle, Greene, Glaudin, Harris, E. F. Herwig, Harper, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Thomas, Weber, Wharton, Whitney—25.

The President announced a quorum present. Prayer by the Chaplain. The reading of the journal of yesterday's proceedings was dispensed with, and the journal corrected and adopted.

MESSAGE FROM THE HOUSE. HOUSE OF REPRESENTATIVES, New Orleans, March 5, 1874. To the Honorable President and Members of the Senate:

I am directed by the House of Representatives to inform your honorable body that the House has concurred in the following Senate bills, viz: Senate bill No. 312, entitled an act explanatory of the fifth paragraph of the first section of act No. 14, approved March 5, 1872.

Senate bill No. 420, entitled an act making claims of each year payable only from the revenues of that year. Senate bill No. 467, entitled an act to amend and re-enact sections one and two of act No. 19 of 1873, entitled an act to amend sections seven, eight and seven of an act entitled an act to regulate the conduct and maintain the freedom and purity of elections, etc.

Also, asks concurrence in the following House bills, viz: House bill No. 184, entitled an act to prohibit the payment of claims of persons who are indebted to the State. House bill No. 240, entitled an act relative to the appointment and qualifications of curators of vacant successions.

Also, House bill No. 416, entitled an act authorizing writs of attachment in actions arising from offenses or quasi offenses. Also, House bill No. 429, entitled the general appropriation bill.

Also, House bill No. 429, entitled an act to insure equitable assessment on property, real and personal, in the State of Louisiana, by admitting testimony as to its actual market value in suits to enforce the collection of taxes.

Also, House bill No. 164, entitled an act to amend article 124 of the Code of Practice. Also, House bill No. 194, entitled an act to amend and re-enact article 879 of the Code of Practice.

Also, House bill No. 66, entitled an act repealing section 257, part of section 357, and section 374 of the Revised Statutes of 1870.

Also, House bill No. 288, entitled an act to exempt certain property from seizure by landlords for rent. Also, House bill No. 260, entitled an act to fix the terms of court of the Fifth Judicial District.

Also, House bill No. 249, entitled an act for the restoration to citizenship of L. D. Whigham. Also, House bill No. 131, entitled an act to authorize the police jury of the parish of Rapides to issue bonds for certain purposes.

Also, House bill No. 279, entitled an act relative to appeals to the Supreme Court from the parish of Avoyelles. Also, substitute for House bill No. 3, entitled House bill No. 234, entitled an act to provide a homestead for certain persons, certain property from seizure and sale; to provide the same, and to provide a homestead for widows and children in necessary circumstances, and to repeal all laws or parts of laws in conflict with this act.

Also, House bill No. 291, entitled an act to provide for supplying the led of public records and other papers consumed by the burning of the courthouse in the parish of Grant on the thirteenth day of April, 1873.

Also, House bill No. 180, entitled an act to establish a ferry across the Mermentau river, between the parishes of St. Landry and Calcasieu. Also, House bill No. 301, entitled an act to provide for abolishing town or city boards of school directors, and to provide that where the same may not be necessary; to limit the fees of tax collectors on all school moneys to five per cent; to restrict and regulate parish and other school laws and regulations; to provide for text books; to restrict further enumerations of school children and regulate the apportionment of school funds, and to provide for the recovery of lands and other assets claimed for educational purposes.

House bill No. 288, entitled an act authorizing the police juries of the several parishes in this State to make laws and regulations for the employment of persons sentenced to imprisonment in the parish jail or the public works of their respective parishes.

House bill No. 217, entitled an act to give laborers and mechanics a privileged lien upon the movables and immovables on which they may have been employed, and for other purposes. House bill No. 311, entitled substitute for House bill No. 357, an act to authorize and enforce the recovery of the parish of New Orleans of certain obligations of said city in payment of back taxes.

House bill No. 347, entitled an act punishing the unlawful interference by any person or officer with the property of another. House bill No. 360, entitled an act imposing license taxes upon persons engaged in buying and selling seed cotton, and on persons vending drug connection with their business Respectfully,

WILLIAM VIGERS, Chief Clerk.

The item rent of Public Buildings, was taken up. Mr. Sypber called up House bill No. 32. The President declared that under the resolution creating the omnibus committee all House bills are referred without action to said committee, as fast as the same are reported from the House.

On motion of Mr. Bovee, by unanimous consent, the following was taken up on third reading: Senate bill No. 348, an act relative to the payment of parish taxes by incorporated cities or towns.

The bill was read the third time. The bill finally passed, the title to stand. By unanimous consent the following was taken up on third reading: House bill No. 328, an act reducing the expenses of holding inquests in the parish of Orleans, and to provide for the payment of salaries to the coroners of said parish.

The bill was read the third time. The bill finally passed, the title to stand. Mr. Brewer asked for a suspension of the Senate rules to introduce a joint resolution.

On the call of the yeas and nays the rules were suspended by the following vote: Yeas—Alexander, Anderson, Barber, Belden, Blackburn, Blunt, Bovee, Brewer, Cane, Chabourn, Crawford, Detiege, Daigle, Greene, Glaudin, Harris, E. F. Herwig, Harper, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Thomas, Weber, Wharton, Whitney, E. F. Herwig, Harper, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Thomas, Weber, Wharton, Whitney—25.

Sypber, Twitchell, Weber, Wharton, Whitney—27. Nay—Thomas—1. The joint resolution was taken up as follows: Joint resolution relative United States Senator J. R. West. The bill was read the first time. The constitutional rule was suspended, by four-fifths vote, the bill read the second time. 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, on call of yeas and nays, by the following vote: Yeas—Alexander, Anderson, Barber, Belden, Blackburn, Blunt, Bovee, Brewer, Cane, Chabourn, Crawford, Detiege, Daigle, Greene, Glaudin, Harris, Harper, E. F. Herwig, Ingraham, Kelso, Masioc, Pollard, Rey, Stamps, Sypber, Twitchell, Whitney—25. Nay—Thomas—1.

Mr. Harris, chairman of the omnibus committee, reported the following: House bill No. 429, an act making appropriations for the general expenses of the State for the year ending the thirty-first day of December, A. D. 1874, and recommended that the bill be taken up at once. The bill was ordered to be taken up. The bill was read the first time. The constitutional rule was suspended by a four-fifths vote and the bill read the second time.

On motion of Mr. Harris the bill was taken up to be considered item by item. Section first: The first item was read and adopted. All the items following the first item were read and adopted, item by item, down to the item "salary of keeper of the State House."

On motion to adopt this item, Mr. Harris offered the following amendment: Strike out "Jed Stokes" and the words "for 1873." Adopted. Mr. Chabourn moved to strike out "\$50,000" and insert "\$18,800."

Mr. Harris moved to table the motion. On call of the yeas and nays the Senate refused to table by the following vote: Yeas—Anderson, Barber, Belden, Blackburn, Bovee, Cane, Harris, Sypber—8. Nays—Alexander, Brewer, Butler, Blunt, Burch, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—21.

Mr. Harris moved to strike out "\$30,000" and insert "\$10,000." Mr. Brewer raised the point of order that the amendment offered by Mr. Chabourn was the pending motion.

The President held the point well taken, and stated that Mr. Harris had moved as substitute that "\$40,000" be inserted in lieu of "\$18,800," and moved the previous question. The main question was ordered on the substitute of Mr. Harris.

The Senate then refused to adopt the substitute by the following vote on call of the yeas and nays: Yeas—Anderson, Blackburn, Cane, Harris, Stamps, Sypber, Thomas—7. Nays—Alexander, Barber, Belden, Blackburn, Bovee, Cane, Harris, Sypber—8.

Nays—Alexander, Brewer, Butler, Blunt, Burch, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—21. Mr. Harris moved to strike out "\$30,000" and insert "\$10,000."

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so much thereof as may be necessary, the same to be paid out of the interest tax fund. Mr. Cane moved to table the substitute of Mr. Harris. Senate refused to table. Mr. Anderson moved to strike out the word "parishes," and insert "townships," in the substitute of Mr. Harris. Accepted by Mr. Harris. The substitute as amended was then adopted for the entire items of interest "school funds."

Mr. Thomas offered the following item, to be added to section one: Appropriation to pay the publisher, B. Bloomfield, for the use of the State, for 250 copies, each, of the Civil Code and the Code of Practice, with the statutory amendments thereto of the General Assembly, including those of the session of 1874, and with the references of the decisions of the Supreme Court of the State of Louisiana; and for 250 copies of the Revised Statutes, with the statutory amendments of the General Assembly thereto, including those of the session of 1874, to be paid upon the production of a receipt of the Secretary of State of their delivery, \$6875. Adopted.

Mr. Burch called up the special order of the day, which was postponed till three o'clock: Senate bill No. 417, an act entitled "a code of reform and prison discipline" for the Louisiana State Penitentiary; to provide places of confinement and their different denominations, their construction, different classes of prisoners and their accommodations; relative to the "school of reform;" of the persons to be admitted; of the mode of reception; of the employment of the distribution of time; of diet, lodging and clothing; of the police; of rewards and punishments; of the discharge from the school of reform; relative to the officers and attendants of the different places of confinement and their several duties; of the appointment of the officers; of the duties and powers of the board of control; of the duties common to the wardens of the Penitentiary and school of reform; of the qualifications of the teachers of the Penitentiary and school of reform; of the matrons and their duties; relative to the treatment of the prisoners in the Penitentiary; of their reception; of the labor of the male convicts; of the treatment of prisoners confined for life; of the clothing and diet of the convicts; of the treatment of the female convicts; relative to the punishment in either place of confinement; abolishing flogging, inhuman and excessive punishment, and prescribing the mode of the same, and creating the office of inspector; to provide a code of reform and prison discipline, and to establish places of confinement for offenders against the laws of the State.

The item concerning land interest school fund for the parish of Rapides was read. Mr. Twitchell moved to strike out the item from the bill. On call of the yeas and nays the Senate voted to strike out by the following vote: Yeas—Barber, Butler, Cane, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Rey, Sypber, Stamps, Sypber, Thomas, Twitchell, Weber, Wharton, Whitney—16. Nays—Alexander, Belden, Burch, Cane, Harris, Harper, Ingraham, Kelso, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—21.

The first item of the miscellaneous appropriations was read and adopted, and subsequent items down to the item of the assistant engineer for Red River, "\$3000." Mr. Harris moved to strike out the item "\$3000."

Mr. Twitchell moved to lay the motion on the table. On call of the yeas and nays the Senate refused to strike out by the following vote: Yeas—Alexander, Belden, Blackburn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Masioc, Pollard, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—18. The item was then adopted.

All further items concerning engineers were adopted, down to the item for "contingent expenses of the Board of State Engineers." Mr. Wharton moved to strike out the item.

Mr. Whitney moved to table the motion. On call of the yeas and nays the Senate voted to table the motion to strike out, viz: Yeas—Anderson, Barber, Belden, Blackburn, Bovee, Butler, Cane, Chabourn, Crawford, Greene, Harper, Ingraham, Swaize, Twitchell, Whitney—15. Nays—Alexander, Blackburn, Brewer, Butler, Cane, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—23.

Nays—Alexander, Anderson, Barber, Belden, Blackburn, Bovee, Cane, Harris, Sypber—8. Nays—Alexander, Brewer, Butler, Blunt, Burch, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—21. Mr. Harris moved to strike out "\$30,000" and insert "\$10,000."

Mr. Brewer raised the point of order that the amendment offered by Mr. Chabourn was the pending motion. The President held the point well taken, and stated that Mr. Harris had moved as substitute that "\$40,000" be inserted in lieu of "\$18,800," and moved the previous question.

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Mr. Butler moved to reconsider the vote just taken. On motion of Mr. Harris the motion to reconsider was laid on the table. Mr. Barber offered the following item: That the sum of \$30,000 to be drawn upon the warrant of the Governor, be appropriated for the State militia. Mr. Harris made the point of order that the item could not be entertained. The President sustained the point of order.

Mr. Barber appealed from the decision of Mr. Harris moved to table the appeal. Tabled. Mr. Barber moved to suspend the Senate rules for the purpose of introducing an item. Mr. Harris seconded the motion and demanded the yeas and nays.

The rules were suspended by the following vote: Yeas—Alexander, Anderson, Barber, Belden, Blackburn, Bovee, Brewer, Butler, Cane, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Sypber, Thomas, Twitchell, Whitney—23. Nays—Blunt, Harris, Kelso, Masioc, Stamps, Sypber, Thomas, Twitchell, Whitney—3.

Mr. Barber submitted the following item: That the sum of \$20,000, to be drawn by the Governor, be appropriated for the State militia. Moved its adoption, and called for the previous question. The main question was ordered.

On call of the yeas and nays, the Senate voted to adopt the item, viz: Yeas—Alexander, Anderson, Blackburn, Barber, Bovee, Burch, Butler, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Sypber, Thomas, Twitchell, Whitney—26. Nays—Blunt, Harris, Kelso, Masioc, Stamps, Sypber, Thomas, Twitchell, Whitney—3.

Mr. Bovee moved to strike out "\$8000" and insert "\$12,000" in the item for the institution of the Blind. Adopted. Mr. Blackburn offered the following item: Appropriation for the State Printer \$100,000, and for official journals throughout the different parishes of the State \$25,000, or so much thereof as may be necessary.

On motion of Mr. Ingraham the following was struck out: Appropriation for Firemen's Charitable Association \$5000. On motion of Mr. Blunt, the item referring to Luke Madden was struck out. Mr. Twitchell moved the following item be struck out: Louisiana Asylum for Colored Orphans, situated corner of Hospital and Tonti streets, \$1000.

Mr. Butler moved to lay on the table the motion to strike out. On call of the yeas and nays the Senate refused to lay on the table by the following vote: Yeas—Barber, Butler, Cane, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Rey, Sypber, Stamps, Sypber, Thomas, Twitchell, Weber, Wharton, Whitney—14. Nays—Anderson, Belden, Blackburn, Bovee, Cane, Harris, Sypber—8.

On the vote Mr. Anderson, in the chair, decided the motion lost. The item was struck out by order of the Senate. The balance of the first section was adopted, item after item. The section was adopted as amended.

Section two was taken up and item after item adopted down to the appropriation relative to K. F. Harrison, as expert, \$500. On motion of Mr. Whitney the item was struck out. On motion of Mr. Whitney, the item of appropriation for W. P. Harper, civil sheriff, parish of Orleans, was struck out on call of the yeas and nays, by the following vote: Yeas—Alexander, Barber, Belden, Blackburn, Blunt, Brewer, Burch, Butler, Cane, Chabourn, Crawford, Greene, Harper, Ingraham, Swaize, Twitchell, Whitney—18. The item was then adopted.

All further items concerning engineers were adopted, down to the item for "contingent expenses of the Board of State Engineers." Mr. Wharton moved to strike out the item.

Mr. Whitney moved to table the motion. On call of the yeas and nays the Senate voted to table the motion to strike out, viz: Yeas—Anderson, Barber, Belden, Blackburn, Bovee, Butler, Cane, Chabourn, Crawford, Greene, Harper, Ingraham, Swaize, Twitchell, Whitney—15. Nays—Alexander, Blackburn, Brewer, Butler, Cane, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Masioc, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—23.

Nays—Alexander, Anderson, Barber, Belden, Blackburn, Bovee, Cane, Harris, Sypber—8. Nays—Alexander, Brewer, Butler, Blunt, Burch, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—21. Mr. Harris moved to strike out "\$30,000" and insert "\$10,000."

Mr. Brewer raised the point of order that the amendment offered by Mr. Chabourn was the pending motion. The President held the point well taken, and stated that Mr. Harris had moved as substitute that "\$40,000" be inserted in lieu of "\$18,800," and moved the previous question.

The main question was ordered on the substitute of Mr. Harris. The Senate then refused to adopt the substitute by the following vote on call of the yeas and nays: Yeas—Anderson, Blackburn, Cane, Harris, Stamps, Sypber, Thomas—7. Nays—Alexander, Barber, Belden, Blackburn, Bovee, Cane, Harris, Sypber—8.

Nays—Alexander, Brewer, Butler, Blunt, Burch, Chabourn, Crawford, Detiege, Greene, Glaudin, Harris, E. F. Herwig, Ingraham, Kelso, Pollard, Rey, Sypber, Stamps, Thomas, Twitchell, Weber, Wharton, Whitney—21. Mr. Harris moved to strike out "\$30,000" and insert "\$10,000."

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