

New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS OF THE FOURTH GENERAL ASSEMBLY OF THE STATE OF LOUISIANA SENATE.

Twentieth Day's Session. SENATE CHAMBER. New Orleans, January 27, 1875.

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

The Senators on roll call were as follows: Present—Messrs. Alexander, Allain, Breaux, Brewster, Burch, Cade, Crozier, Dettiege, Gie, Greene, Harper, Herwig, Kelso, Landry, Moore, Pollard, Weber, Wharton, Young.

The President announced that there was a quorum present and the prayer by the Chaplain.

The Secretary commenced to read the journal.

On the motion of Mr. Allain, the further reading of the journal was dispensed with, and the journal corrected and approved.

MESSAGE FROM THE HOUSE. HOUSE OF REPRESENTATIVES. New Orleans, January 27, 1875.

To the Honorable President and Members of the Senate: I am directed by the House to ask the concurrence of your honorable body in House Bill No. 16, an act to incorporate the Friends Brothers Benevolent Association of Delta, Madison parish, Louisiana.

JOHN W. ROXBOROUGH, Assistant Clerk.

PETITIONS AND MEMORIALS. Mr. Brewster presented a petition from Messrs. Dan T. Head, Ariah Millsaps and others, merchants of Triana, Louisiana, representing that under the present ruling of the Supreme Court, all vendors of dry goods and groceries, selling in whole sale packages, are compelled to pay wholesale prices, whereas the aggregate trade of Triana does not exceed \$400,000; that eighteen persons, comprising fourteen firms, pay each a license of \$100; that the merchants of North Louisiana are exempt from that tax; that also, merchants west of Triana who come in competition are selling same class and quantities of merchandise on retail licenses, and that they there, are asked that by special legislation they be required to pay only retail license.

The petition was referred to the Committee on Finance.

NOTICES OF BILLS. By Mr. Gie: Of a bill to be entitled an act to amend Act No. 112, session 1874, entitled an act to incorporate the town of Providence, to change the boundary of the said corporate limits, and to change sections nine, ten and eleven of said act so as to confer further powers on the said body corporate.

INTRODUCTION OF BILLS. Mr. Brewster, by unanimous consent, introduced the following bill: To be entitled an act to provide for the taking of the State census.

The bill was read the first time.

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

By Mr. Crozier: A bill to be entitled an act to incorporate the New Orleans Great Western and Pacific Railroad Company, and to expedite the construction of their road. Authorizing other railroad companies to consolidate therewith, and providing for the reduction of the actual and contingent liabilities of the State of Louisiana.

The bill was read the first time.

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

SPECIAL ORDER OF THE DAY. The veto message of a bill to be entitled an act authorizing the attorney for the town of Donaldsonville, Louisiana, to institute suit to declare forfeited a charter granted by the General Assembly, under Act No. 16, extra session of 1870, was taken up.

The bill was read in part, and further reading was dispensed with.

On motion of Messrs. Weber and Cade, the veto message and bill were postponed till next Monday at one o'clock.

The following veto message was taken up: EXECUTIVE DEPARTMENT. New Orleans, January 4, 1875.

To the Honorable President and Members of the Senate: I return without my approval a bill originating in the Senate, to limit the fees of the district attorney of the parish of Orleans. This was one of a series of reform measures reducing the expenses of the city which I submitted to the last Legislature. Had the bill passed, it would have reduced my approval with the rest, and would have then been fair and just; but as the Legislature refused to reduce the fees of the district attorney, amounting to nearly \$100,000 a year, in cost, and the fee of the criminal sheriff, amounting to about the same sum in city scrip, I think, under the circumstances, to reduce the fees of the district attorney, which do not exceed \$7000 a year, would be an act of injustice to a faithful and efficient officer.

This view was concurred in by the late City Council, to whom I submitted the bill.

WILLIAM P. KELLOGG, Governor.

Mr. Whitney moved that the further reading be dispensed with, and that the veto message and bill be postponed till next Wednesday week.

The Senate refused to table.

The Senate finally adopted the motion to postpone till next Wednesday week.

REPORTS OF COMMITTEES LYING OVER. The following reports were taken up: To the Honorable President and Members of the Senate: Your Committee on Auditing and Supervising the Expenses of the Senate for the regular session of 1874 respectfully submit the following report: The expenses of the Senate, arranged under their appropriate readings, are as follows:

Mileage and per diem of Senators.....\$25,333 00

Mileage and per diem of constant-ants..... 4,774 00

Contingent expenses..... 11,482 50

Sergeant-at-Arms' department..... 4,811 00

Secretary's department..... 5,299 00

Enrolling Committee..... 420 00

Judiciary Committee..... 420 00

Finance Committee..... 420 00

Committee on Contingent Expenses..... 420 00

Railroad Committee..... 420 00

Contested Election Committee..... 420 00

Auditing and Supervising Expenses..... 500 00

Penitentiary Committee..... 392 00

Parish of Terrebonne committee..... 278 00

Committee on Charitable Institutions..... 1,656 00

Unexpended appropriation to the credit of the Senate of 1874 and 1875, \$21,282 08. All of which is respectfully submitted. E. F. HERWIG, Chairman.

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Penitentiary Committee..... 392 00

Parish of Terrebonne committee..... 278 00

Committee on Charitable Institutions..... 1,656 00

Private Secretary of Lieutenant Governor..... 420 00

Warrants issued under resolutions of Senate..... 5,124 00

Total expenses.....\$7,986 75

Balance to credit of Senate unexpended, appropriation of 1874..... 3,013 25

All of which is respectfully submitted. E. F. HERWIG, Chairman.

Mr. Herwig moved to adopt the report. Mr. Burch moved that the report be referred to a special committee to be appointed by the Chair.

Mr. Cade made the point of order that no special committee could be appointed to perform the duties belonging to the standing committees.

The President sustained the point of order, and declared the motion out of order.

Mr. Burch moved to refer the report to the standing Committee on Finance, with instructions that said committee investigate the question as to what has become of the unexpended balance of the appropriations to the members and officers of the Senate for the years of 1873 and 1874.

Mr. Weber moved that the committee to investigate the books and accounts of the Auditor and Treasurer, under sections 1540 and 1562, be, and are hereby requested to examine the report of the Committee on Auditing and Supervising the Expenses of the Senate, and ascertain what disposition has been made of the Auditor and Treasurer of the balance of appropriation undrawn by the Senate.

Mr. Burch made a point of order that the joint special committee to examine the Auditor's and Treasurer's books can not entertain anything except what is specially designated by law, and the rule applied to this special committee same as others.

The President sustained the point of order, and declared the motion of Mr. Weber out of order.

Mr. Sypher moved that the report from the Committee on Contingent Expenses of the Senate be recommitted to the same committee, with instructions to ascertain and report to this Senate what disposition had been made of the unexpended balances for past years.

The Senate voted to adopt the motion of Mr. Sypher to recommit to said committee.

REGULAR ORDER OF THE DAY, HOUSE BILLS ON FIRST READING. The following bill was taken up and read the first time:

An act to incorporate the Friendly Brothers Benevolent Association of Delta, Madison parish, Louisiana.

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

By Mr. Crozier: A bill to be entitled an act to incorporate the New Orleans Great Western and Pacific Railroad Company, and to expedite the construction of their road. Authorizing other railroad companies to consolidate therewith, and providing for the reduction of the actual and contingent liabilities of the State of Louisiana.

The bill was read the first time.

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To the Honorable President and Members of the Senate: I return without my approval a bill originating in the Senate, to limit the fees of the district attorney of the parish of Orleans. This was one of a series of reform measures reducing the expenses of the city which I submitted to the last Legislature. Had the bill passed, it would have reduced my approval with the rest, and would have then been fair and just; but as the Legislature refused to reduce the fees of the district attorney, amounting to nearly \$100,000 a year, in cost, and the fee of the criminal sheriff, amounting to about the same sum in city scrip, I think, under the circumstances, to reduce the fees of the district attorney, which do not exceed \$7000 a year, would be an act of injustice to a faithful and efficient officer.

This view was concurred in by the late City Council, to whom I submitted the bill.

WILLIAM P. KELLOGG, Governor.

Mr. Whitney moved that the further reading be dispensed with, and that the veto message and bill be postponed till next Wednesday week.

The Senate refused to table.

The Senate finally adopted the motion to postpone till next Wednesday week.

Resolved, That the Committee on Retrenchment and Reform be and are hereby instructed to examine the books of the Committee on Contingent Expenses for the session of 1874, and that they shall have power to send for persons and papers, and employ a clerk, who shall be paid by the Committee on Contingent Expenses; provided that the said clerk shall be paid only for such time as he shall be actually employed.

Mr. Sartain, of Carroll, moved to amend by striking out that portion relative to the employment of a clerk.

Mr. Jourdain, of Orleans, moved to lay the amendment on the table, on which the yeas and nays were demanded with the following result:

Yeas—Armistead, Butler, Connaughton, Cousin, DeLacey, Floyd, Guichard, Gracien, Hubeau, Johnson, Johnson of Cade, Jones of Pointe Coupee, Keating, Levesie, Milton, Marie, Richards, Souer, Thomas, Wright—20.

Nays—Sayer, Sprack, Hahn, Baker, Carville, Crawford, Drury, Davidson, Dewees, Dickenson, Gilman, Hill of Ascension, Hill of Ouachita, Honore, Hunsaker, Johnson of De Soto, Lane, Lowell, Mathews of Tensas, Murrell, Parker, Pierion, Pointe Coupee, Souer, Trier, Tripier, Wilson, Woods, Ward, York—37.

The amendment was adopted.

The resolution as amended was adopted.

Mr. Ray, of East Feliciana, submitted papers in the contested election case of the parish of East Feliciana, which were referred to the Committee on Elections and Qualifications.

NOTICES OF BILLS. Notices were given that at some future time the following entitled bills would be introduced:

By Demas, of St. John: An act to abolish the present charter of the city of New Orleans, and to provide for the government of the said city.

By Mr. Stewart, of Tensas: An act to abolish the Board of Harbor Masters and Port Wardens of the city of New Orleans and for other purposes.

By Mr. Dewees, of Red River: An act to provide for funding the debt due the Louisiana Company, and for other purposes.

By Mr. Souer, of Avoyelles: A joint resolution for the relief of Marian Genevieve Beaulac, wife of Francis J. C. Monin, and Louis Cayer, authorizing them to enter certain lands, in the parish of Avoyelles, purchased by them.

Also, an act incorporating the town of Cottonport, in the parish of Avoyelles, and providing for the organization thereof.

The following communication from the Auditor was read:

STATE OF LOUISIANA, Auditor General. New Orleans, January 27, 1875.

To the Honorable Speaker and Members of the House of Representatives: In my report for the year 1874, the name of Mr. O. Delahoussaye, Sr., State tax collector for the parish of St. Martin, appears as a defaulter for the sum of \$19,345 66. The sum of \$6275 31 of this amount was made good by return of his certified delinquent list, and the balance settled satisfactory to this office.

Very respectfully, CHARLES CLINTON, Auditor.

Mr. Hunsaker, of St. James, by unanimous consent, introduced the following resolution, which was read:

Resolved, That all officers and employees of the State who are allowed a contingent fund, and have drawn against the same in the exercise of their official functions, are hereby directed to furnish a detailed account of said expenditure to this House within the delay, as is now provided by law, and the Chief Clerk of the House of Representatives is hereby directed to serve a copy of this resolution on all officers and employees of the State who are allowed a contingent fund.

Mr. Guichard, of St. Bernard, offered the following amendment, which was accepted: And provided further, that the Chief Clerk shall notify the heads of the different departments of the State government, who have failed to send their annual report, that they are to do so immediately in accordance with the law governing the same.

The resolution, as amended, was adopted.

MESSAGE FROM THE SENATE. The following message was received: SENATE CHAMBER. New Orleans, January 27, 1875.

To the Honorable Speaker and Members of the House of Representatives: I am directed to inform your honorable body that the Senate concurs in the passage of the following concurrent resolution: Relative to the suspension of Anthony Drayton, clerk of the Fifteenth Judicial District Court of Louisiana.

Respectfully, P. E. BECHTEL, Secretary of the Senate.

INTRODUCTION OF BILLS. Previous notice having been given, Mr. Hunsaker, of St. James, introduced House Bill No. 24, an act to repeal act No. 87, offered March 5, 1870, entitled an act providing for the appointment of public administrators, and defining the duties of the same.

Read first time.

The constitutional rule being suspended, it was read a second time and referred to the Committee on Judiciary and its printing ordered.

Mr. Hunsaker, of St. James, having given previous notice, introduced House bill No. 25, an act to amend article No. 162 of the Code of Practice.

Read first time.

Under a suspension of the constitutional rules, the bill was read a second time, referred to the Committee on Judiciary, and its printing was ordered.

Previous notice having been given, Mr. Hunsaker, of St. James, introduced House Bill No. 26, an act to amend an act No. 73, 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 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 taxes, approved April 26, 1872, and to restrict the lien of the city of New Orleans and State taxes.

Read first time.

The constitutional rules being suspended, the bill was read again and referred to the Committee on Penitentiary.

Under a previous notice Mr. Guichard, of St. Bernard, introduced House Bill No. 43, an act to emancipate Althea Dumontier, of the parish of Orleans.

Read first time.

The constitutional rules being suspended, the bill was read a second time, and referred to the Committee on Agriculture.

Mr. Pierson, of Natchitoches, having given previous notice, introduced House Bill No. 42, an act entitled an act providing the payment of the certificates of indebtedness issued by the Board of Control of the Louisiana State Penitentiary.

Read first time.

The constitutional rules being suspended, the bill was read again and referred to the Committee on Penitentiary.

Under a previous notice Mr. Guichard, of St. Bernard, introduced House Bill No. 43, an act to emancipate Althea Dumontier, of the parish of Orleans.

Read first time.

The constitutional rules being suspended, the bill was read a second time, and referred to the Committee on Corporations.

Mr. Drury, of Assumption, having given previous notice, introduced House Bill No. 28, an act to amend the assessing and collecting of the tax known as the park tax of the city of New Orleans for a period of five years, and to repeal section eighteen of act No. 84, approved March 16, 1874.

Read first time.

The constitutional rule having been suspended, the bill was read a second time, referred to the Committee on Retrenchment and Reform, and its printing ordered.

Under a previous notice Mr. Ward, of Grant, introduced House bill No. 29, entitled an act to change and fix the boundary of certain townships as may belong to the parish of Grant, and for the disposition of such parts of townships as may be detached.

Read first time.

The constitutional rule being suspended, the bill was read a second time, referred to the Committee on Retrenchment and Reform, and its printing ordered.

Under a previous notice Mr. Ward, of Grant, introduced House bill No. 29, entitled an act to change and fix the boundary of certain townships as may belong to the parish of Grant, and for the disposition of such parts of townships as may be detached.

Read first time.

Under a suspension of the constitutional rule the bill was again read and referred to the Committee on Parochial Affairs.

Mr. Grant, of Morehouse, having given previous notice, introduced House bill No. 30, entitled an act for the relief of James Monett, of the parish of Morehouse, and for other purposes.

Read first time.

The constitutional rules having been suspended, the bill was again read and referred to the Committee on Claims.

Under previous notice Mr. Drury, of Assumption, introduced House bill No. 31, an act to provide for the payment of the salaries of the constitutional and legal officers and employees of the State, to provide a special fund to be known as the salary fund, to provide for the registry of all warrants issued to officers for their salaries, and for the payment of the warrants in the order of registration, and to provide for the receipt by tax collectors of warrants issued for salaries in payment of all taxes collected by the State, and providing a penalty for the infringement of this act by the Treasurer of the State.

Read first time.

The constitutional rules were suspended and the bill was read a second time, and referred to the Committee on Ways and Means.

Its printing was ordered.

Previous notice having been given, Mr. Parker, of Jefferson, introduced House Bill No. 32, an act to incorporate the First Regular Baptist Church of the town of Gretna, Jefferson parish, Louisiana.

Read first time.

The constitutional rules having been suspended, the bill was again read and referred to the Committee on Corporations.

Under previous notice Mr. Jones, of Pointe Coupee, introduced House Bill No. 33, an act appropriating to Mrs. Susan Smith, widow of the late Hon. William Smith, Representative from the parish of Pointe Coupee, the sum of \$1000, being in full of all her claim on behalf of her deceased husband.

Read first time.

Under a suspension of the constitutional rule the bill was read a second time and referred to the Committee on Claims.

Under previous notice Mr. Butler, of Ascension, introduced House bill No. 34, an act to amend and re-enact section 2853 of the Revised Statutes, and providing a penalty thereof.

Read first time.

The constitutional rules having been suspended, the bill was again read and referred to the Committee on Judiciary.

Its printing was ordered.

Mr. Thomas, of Bossier, having given previous notice, introduced House bill No. 35, an act to repeal and act entitled an act to increase the salary of the district attorney of the Tenth Judicial District of the State of Louisiana.

Read first time.

Under a suspension of the constitutional rules the bill was again read and referred to the Judiciary Committee.

Mr. Baker, of Bossier, having given previous notice, introduced House Bill No. 36, an act to pay for stationary, etc., procured by the State registrar of voters for registration purposes.

Read first time.

The constitutional rules being suspended, it was read a second time and referred to the Committee on Appropriations.

Under a previous notice, Mr. Tripier, of East Baton Rouge, introduced House bill No. 37, an act to prohibit the buying and selling of produce between the hours of 6 P. M. and 5:30 A. M., and providing a penalty for the violation of said act.

Read first time.

Under a suspension of the constitutional rule the bill was again read, and referred to the Committee on Judiciary.

Mr. Armistead, of West Feliciana, having given previous notice, introduced House bill No. 38, an act to incorporate the Farmer's Co-operative Association of West Feliciana, Louisiana.

Read first time.

Under a suspension of the constitutional rules the bill was again read, and referred to the Committee on Corporations.

Mr. Johnson, of De Soto, having given previous notice, introduced House bill No. 39, an act to enforce act No. 75 of 1873, to provide for the organization of a militia throughout the State.

Read first time.

The constitutional rules being suspended it was again read and referred to the Committee on Militia.

Under a previous notice, Mr. Mathews, of Tensas, introduced House bill No. 40, an act for the purchase of the files of the Louisiana Courier, and to provide for the payment thereof.

Read first time.

Mr. Butler, of Ascension, having given previous notice, introduced House Bill No. 41, an act to prevent the sale of intoxicating liquors on the Sabbath.

Read first time.

Under a suspension of the constitutional rules it was read a second time, and referred to the Committee on Agriculture.

Mr. Pierson, of Natchitoches, having given previous notice, introduced House Bill No. 42, an act entitled an act providing the payment of the certificates of indebtedness issued by the Board of Control of the Louisiana State Penitentiary.

Read first time.

The constitutional rules being suspended, the bill was read again and referred to the Committee on Penitentiary.

Under a previous notice Mr. Guichard, of St. Bernard, introduced House Bill No. 43, an act to emancipate Althea Dumontier, of the parish of Orleans.

Read first time.

pay mileage and per diem of the members of the Board of Returning Officers and the employee, and contingent expenses thereof.

Read first time.

The constitutional rules being suspended, it was again read and referred to the Committee on Appropriations.

Under previous notice, Mr. Levesie, of Cade, introduced House bill No. 45, an act to amend and re-enact section one of an act entitled an act to authorize the police jury of the parish of Cade to issue bonds.

Read first time.

The constitutional rules being suspended, the bill was again read and referred to the Committee on Judiciary.

Mr. Gracien, of Orleans, having given previous notice, introduced House bill No. 46, an act to pay the constable of the fifth justice of the peace in criminal cases as per fee bill in Revised Statutes of 1870.

Read first time.

The constitutional rules being suspended, the bill was again read, and referred to the Committee on Judiciary.