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OF THE

FIFTH GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

SENATE.

Eighteenth Day's Session.

SENATE CHAMBER,
New Orleans, January 26, 1876.

The Senate met pursuant to adjournment, at twelve o'clock M., the Hon. C. C. Antoine, Lieutenant Governor and President of the Senate, in the chair.

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

Present—Messrs. Alexander, Anderson, Blunt, Breaux, Burch, Cage, Chadbourn, Detiege, George, Goode, Gla, Greene, Landry, Masicot, Ogden, Pollard, Robertson, Sypher, Weber, White, Whitney, Young—22.

Absent—Messrs. Allain, Blackburn, Brewster, Dumont, Eustis, Grover, Harper, Herwig, Kelso, Kelly, Stamps, Steven, Twitchell, Wharton—14.

Prayer was offered by the Rev. Mr. Dardis.

The journal was read, corrected and approved.

Senator Burch rose to a question of privilege, relative to an article in the New Orleans *Democrat* upon the state of affairs in Baton Rouge.

PETITIONS AND MEMORIALS.

Senator Chadbourn submitted the following petition, which was ordered to be printed in the journal, and was referred to the Committee on Corporations and Parochial Affairs.

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

The undersigned, comprising nearly the entire number of property holders and taxpayers of the city of Kenner, respectfully represent to your honorable body that said city of Kenner is entirely too small as to the population and value of property to be entitled to the dignity of a city and to bear the cost of a city government; that though all our taxes and licenses are paid up in full, their amount is wholly inadequate to defray the expenses of the city government as at present administered; that in consequence we are rapidly running into debt for no conceivable reason, and would greatly prefer to be retroceded to the parish of Jefferson and the police jury. We, therefore, respectfully request that an act to incorporate the city of Kenner, in the parish of Jefferson, left bank of the Mississippi river, State of Louisiana, and provide for the government of the same, be immediately repealed, and your petitioners will, as in duty bound, ever pray, etc.

Senator Whitney gave notice that he would move a reconsideration of the vote by which Senate bill No. 38 was finally passed.

REPORTS OF COMMITTEES.

Senator Masicot, from the Committee on Enrollment and Engrossment, submitted the following report:

COMMITTEE ON ENROLLING AND ENGROSSING,
New Orleans, January 26, 1876.

To the Honorable President and Members of the Senate:

Your Committee on Enrolling and Engrossing bills beg leave to report the following bills as having been duly engrossed, viz:

Senate bill No. 67, apportioning the State into senatorial districts, and fixing the number of Representatives, etc.

Senate bill No. 13, an act to provide for the revival of judgments where the defendant has changed his domicile.

J. A. MASICOT, Chairman.

INTRODUCTION OF BILLS ACCORDING TO PREVIOUS NOTICE.

By Senator Landry:

Senate bill No. 73, entitled an act for the relief of R. Prosper Landry, of the parish of Ascension.

The constitutional rules being suspended by a four-fifths affirmative vote of the Senate, the bill was placed upon its second reading and referred to the Committee on Claims.

By Senator Brewster:

Senate bill No. 74, an act to repeal section eleven of act No. 81, entitled an act to amend and re-enact sections one, two, three and seven, and the ninth paragraph of section nine, to add a twenty-first paragraph to section nine, and to amend and re-enact sections nineteen, twenty-one and twenty-eight of an act entitled an act to incorporate the city of Monroe, to fix its boundaries, to provide for the government, and create a recorder's office for the same, approved May 4, 1871, and after the first day of January, 1873, to exempt all property, real and personal, and all persons, firms or corporations within the corporate limits of the city of Monroe from the payment of parish taxes and licenses, and to provide for the payment of costs and fees in criminal cases originating within said corporate limits, which said act No. 81 became a law without the signature of the Governor of Louisiana on the eighth of April, 1873, and to cause all the movable and immovable property within the corporate limits of said city to be assessed and taxed for the purpose of paying the taxes due the parish of Ouachita, and to cause each and every person or persons residing within the corporate limits of said city, and who pursues or pursue any trade, profession or occupation therein, to be taxed for taxes due the parish of Ouachita, and to authorize the collector of the State and parish taxes of the parish of Ouachita to collect the taxes due said parish of Ouachita situated within said city of Monroe, and to collect the license tax due the parish of Ouachita by any person or persons pursuing any trade, profession or occupation within the corporate limits of said city.

The constitutional rules being suspended by a four-fifths affirmative vote of the Senate, the bill was placed on its second reading, and referred to the Committee on Corporations and Parochial Affairs.

NOTICES OF BILLS BY UNANIMOUS CONSENT.

By Senator Breaux:

Of a bill to be entitled an act to remit the collection of taxes on lands situated in the parish of Pointe Coupee and subject to yearly inundations from the Grand Levee crevasse.

By Senator Whitney:

Of a bill to be entitled an act to fix the salaries of the Mayor and each Administrator of the city of New Orleans.

JOINT RESOLUTIONS.

By Senator Burch:

Joint resolution No. 5, to instruct the Attorney General to institute proceedings to forfeit the franchises, rights and privileges conferred on the Mississippi and Mexican Gulf Ship Canal Company under act No. 30 of the acts of 1871, entitled an act for the drainage of New Orleans.

Lies over.

By Senator Brewster:

Joint resolution No. 6, instructing the Senators and requesting the Representatives of Louisiana in Congress to secure, if possible, the passage of an act by the national legislature appropriating the proceeds of the cotton tax collected in the States of Missouri, Tennessee, Arkansas Mississippi and Louisiana, to the construction and repair of a system of levees upon the Mississippi river and its tributaries, to be constructed and maintained under national supervision and control.

On motion of Senator Brewster, the constitutional rule was suspended by a four-fifths affirmative vote of the Senate, and the joint resolution was placed upon its second reading and referred to the Committee on Judiciary.

By Senator Brewster:

Joint resolution No. 7, instructing the Senators and requesting the Representatives of Louisiana in Congress to secure the passage by the national legislature, of an act granting appropriate pensions to the veterans of the war with Mexico, their widows and minor orphans.

The constitutional rules being suspended by a four-fifths affirmative vote of the Senate, the joint resolution was placed upon its second reading and referred to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

The Chief Clerk of the House was announced with the following message:

HOUSE OF REPRESENTATIVES,
New Orleans, January 26, 1876.

To the Honorable President and Members of the Senate:

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

House bill No. 10, an act relative to the public printing, advertisements, etc., of the city of New Orleans.

House bill No. 12, an act to regulate the manner of making advertisement in judicial proceedings, etc., in the parishes other than Orleans.

House bill No. 36, an act to increase the number of jurors drawn in the parish of Claiborne, etc.

House bill No. 48, an act to provide for the time, manner and place of holding elections in this State, etc.

Respectfully, etc.,

PETER J. TREZEVANT,
Chief Clerk.

RESOLUTION.

By Senator Gla:

Resolved, That a committee of three be appointed by the President, whose duty it shall be to investigate how, why and by by what process the bonds of the State were issued to the Mississippi and Mexican Gulf Ship Canal Company to the amount of several hundred thousand dollars, and by the acts or connivance of what State officers said fraud was perpetrated, and also to inquire into the acts of the State engineer in reference to the above and other matters. Said committee to be vested with full power to send for persons and papers, and to report within ten days the result of their investigation, with whatever suggestions they may think proper.

Lies over.

ACTION ON REPORTS OF COMMITTEES LYING OVER.

Senator Chadbourn called up the following report from the Judiciary Committee:

On Senate bill No. 21, entitled an act to empower police juries to enact and enforce ordinances for the protection of game and fish. Favorably.

Senator Chadbourn moved the adoption of the report.

Adopted.

The bill passed its second reading.

Senator Masicot moved that the bill be considered engrossed.

Senator Young moved to indefinitely postpone the bill.

Senator Masicot moved to lay the motion to postpone on the table.

Senator Allain called for the yeas and nays, with the following result:

Yeas — Alexander, Anderson, Burch, Cage, Chadbourn, Dumont, George, Goode, Grover, Herwig, Kelly, Masicot, Ogden, Robertson, Steven, Sypher, Wharton, White, Whitney—19.

Nays — Allain, Blunt, Brewster, Detiege, Gla, Greene, Harper, Kelso, Landry, Pollard, Twitchell, Weber, Young—13.

Absent — Blackburn, Breaux, Eustis, Stamps—4.

And the motion to table was adopted.

Senator Allain offered the following amendment:

Provided that no section of this bill shall prohibit the fishing of shrimps, sardines and crawfish in any parish of this State.

Senator Masicot accepted the amendment.

The President (Senator Burch in the chair) ruled that amendments are out of order on the ground that the bill has passed its second reading and that a motion to engross is pending.

Senator Wharton made the point of order that prior to a vote ordering the engrossment of a Senate bill, and while the motion to engross is pending, a motion to amend is in order.

The President ruled the point not well taken.

Senator Wharton appealed from the decision of the chair.

Senator Allain called for the previous question on the appeal.

The main question was ordered.

The roll being called on sustaining the Chair, the vote resulted as follows:

Yeas—Alexander, Cage, Chadbourn, Dumont, Harper, Masicot, Stamps, Twitchell—8.

Nays—Allain, Blunt, Brewster, Detiege, George, Goode, Greene, Grover, Kelso, Landry, Ogden, Pollard, Robertson, Steven, Sypher, Weber, Wharton, White, Whitney, Young—20.

Absent—Anderson, Blackburn, Breaux, Eustis, Gla, Herwig, Kelly—7.

And the Chair was not sustained.

The amendment of Senator Allain was then declared to be in order.

Senator Harper moved to lay the whole subject matter on the table.

Senator Young called for the yeas and nays, with the following result:

Yeas—Allain, Blunt, Breaux, Cage, Detiege, Harper, Herwig, Kelso, Landry, Pollard, Twitchell, Weber, Wharton, Young—14.

Nays—Alexander, Burch, Chadbourn, Dumont, George, Goode, Greene, Grover, Masicot, Ogden, Robertson, Stamps, Steven, White, Whitney—15.

Absent—Anderson, Blackburn, Brewster, Eustis, Gla, Kelly, Sypher—7.

And the Senate refused to table the whole subject matter.

Senator Masicot called for executive session.

Executive session having been raised, on the call of the roll the following Senators answered to their names:

Present—Messrs. Allain, Blunt, Breaux, Brewster, Burch, Detiege, Dumont, George, Goode, Gla, Greene, Grover, Harper, Landry, Ogden, Robertson, Stamps, Steven, Twitchell, Weber, Wharton, White—22.

Absent — Messrs. Alexander, Anderson, Blackburn, Cage, Chadbourn, Eustis, Herwig, Kelso, Kelly, Masicot, Pollard, Sypher, Young—14.

When executive session was called, Senator Allain's amendment was pending.

Senator Allain moved its adoption.

Adopted.

Senator Roberton moved that the bill be recommitted with the amendment.

Adopted.

Senator Twitchell, from the Committee on Corporations and Parochial Affairs, made the following report:

COMMITTEE ON CORPORATIONS AND PAROCHIAL AFFAIRS,
New Orleans, January 26, 1876.

To the Honorable President and Members of the Senate:

Your Committee on Corporations and Parochial Affairs have had under consideration Senate bill No. 10, an act to incorporate the town of Clinton, which they report favorably with amendments as follows, viz:

In line ten, section three, after the word "act," strike out lines ten, eleven, twelve and thirteen, ending with the word "Clinton."

In line three, section four, strike out all after the words "not to exceed," and insert "one per cent."

In line ten, section four, insert "not to exceed the State license."

In line fifteen, section four, strike out the word "fifty" and insert "twenty."

Strike out sections eight, nine and ten.

In line two, section eleven, strike out all after "incorporation" and insert "according to law."

Strike out section thirteen.

M. H. TWITCHELL, Chairman.

Lies over.

Senator Twitchell gave the following notice:

I give notice that I will move an amendment to rule thirty-three at some future day.

Senator Robertson asked and obtained unanimous consent to call up House bill No. 48, entitled an act to provide for the time, manner and place of holding elections in this State; to provide for the appointment of commissioners of election, and directing the mode of counting and compiling of votes, and making the returns of the election, and directing the promulgation of the results of elections; to provide penalties for intimidation and violence at the polls, and other attempts to prevent a fair, free and peaceable election; to provide proceedings for contest for office, and to repeal all other laws inconsistent with the provisions of this act.

The bill passed its first reading and was ordered printed.

Senator Robertson asked and obtained unanimous consent to call up House bill No. 10, entitled an act relative to the public printing, and the publications of the ordinances, advertisements and proceedings, etc., of the city of New Orleans.

The bill passed its first reading and was ordered printed.

Senator Robinson asked and obtained unanimous consent to call up House bill No. 12, entitled an act to regulate the manner of making advertisements in judicial proceedings and sales of property under judicial proceedings in all parishes other than that of Orleans, regulating the price thereof, and directing the manner and price at which contracts should be made by police juries or municipal corporations, except New Orleans, for public printing.

The bill passed its first reading and was ordered printed.

The constitutional rules being suspended by a four-fifths affirmative vote of the Senate, the bill was placed upon its second reading, and referred to the Committee on Printing.

On motion of Senator Harper the Senate was declared adjourned until to-morrow at 12 M.

P. E. BECHTEL,
Secretary of the Senate.

HOUSE OF REPRESENTATIVES.

Twentieth Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, January 27, 1876.

The House met pursuant to adjournment, and was called to order by the Hon. E. D. Estilette, Speaker, in the chair.

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

Speaker Estilette, and Messrs. Aldige, Booth, Byrne, Burkhardt, Bayley, Blaffer, Bower, Butler, Baker, Beasley, Billiu, Carville, Collins, Carmouche, Carloss, DeBlanc, Dugas, Durr, Dickenson, Demas, Delhommer, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Guichard, Grant, Gilmore, Hall, Hill of Ascension, Hahn, Hubeau, Hill of Ouachita, Honore, Hammond, Jeffries, Johnson of Caddo, Johnson of Lafourche, Jones of Lincoln, Jones of Pointe Coupee, Koontz, Kummel, Keeting, Kelly, Keyes, Kidd, Luckett, Levisee, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, McCollam, Martin, Murrell, Milon, McAlpine, Nunez, Pascal, Parker, Piles, Pipes, Roman, Richardson, Randall, Ridgely, Ray, Smith, Sutton, Self, Sneer, Sartain, Seeman, Sibilski, Schenck, Stafford, Stewart, Schuler, Thomas, Voorhies, Vidrine, Wiltz, Wilson, Woods of Ouachita, Woods of West Baton Rouge, Walters, Wells, Webb, Yorke, Young—92.

On motion of Mr. Woods, of West Baton Rouge, the reading of the minutes was dispensed with, and their adoption was deferred until to-morrow.

Mr. Sartain moved to amend the minutes of the twenty-fifth instant so as to insert at the close thereof the following words: "Mr. Sartain moved a reconsideration. Pending that motion, on motion of Mr. Demas, the House adjourned until to-morrow at twelve o'clock M."

On motion of Mr. Woods, of West Baton Rouge, the adoption of the minutes of the twenty-fifth instant, and Mr. Sartain's amendment thereto, was deferred until to-morrow.

The Speaker announced the following select committees:

On the select committee to investigate the books of the Superintendent of Public Education—Mr. Vidrine.

And on the select committee to investigate the mode of paying warrants by the State Treasurer—Messrs. Hahn, Beasley and McCollam.

SPECIAL ORDER OF THE DAY.

This being the day set apart for the consideration of Senate bill No. 67, entitled an act apportioning the State into senatorial districts, and fixing the number of Representatives to be elected from each parish and representative district in the State, and designating in what senatorial districts Senators are to be elected at the next general election, and designating the representative number of population, and repealing all laws or parts of laws contrary to or in conflict with the provisions of this act, the same was taken up and read section by section.

The first section being under consideration, Mr. Demas moved to strike out in the forty-second line the word "one," and insert in lieu thereof the word "two," so as to read as follows:

The parish of St. John the Baptist, two Representatives.

On motion of Mr. Keeting, Mr. Demas' amendment was ordered to lie on the table.

Mr. Demas moved that the parishes of St. James and St. John the Baptist shall constitute the seventh senatorial district and shall elect one Senator.

On motion of Mr. Wilson, Mr. Demas' motion was ordered to lie on the table.

Mr. Ray moved the adoption of the first section of the bill, and upon that motion he called for the previous question.

Mr. Hunsaker raised a point of order that Mr. Ray's motion embraced two objects, which motion was overruled by the Chair.

The Speaker then put the question, "Shall the main question be now put?" which was carried in the affirmative, and the first section was adopted.

The second section of the bill was read, and on motion of Mr. Ray was adopted.

The third section was read and adopted.

On motion of Mr. Ray the bill was adopted as a whole.

On motion of the same member this bill underwent its second reading.

On motion of Mr. Keeting the rules were suspended and this bill underwent its third reading.

The same member moved the adoption of the title of the bill, and upon that motion he called for the previous question.

The question was then put by the Speaker, "Shall the main question be now put?" which was carried in the affirmative, and on the final adoption of the bill Mr. Hunsaker called for the yeas and nays, which resulted as follows, to wit:

Yeas—Aldige, Booth, Byrne, Blaffer, Bayley, Bower, Baker, Beasley, Billiu, Brice, Collins, Carmouche, Cousin, Carloss, Dupre, DeBlanc, Dugas, Durr, Dewees, Delhommer, Dunn, Edwards of Tangipahoa, Edwards of Richland, Guichard, Grant, Gilmore, Gracien, Hall, Honore, Hammond, Jeffries, Jourdain, Johnson of Caddo, Johnson of Lafourche, Jones of Lincoln, Jones of Pointe Coupee, Koontz, Kummel, Keeting, Kelly, Keyes, Kidd, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, Murrell, Milon, Mat'hews of Tensas, McCollam, McAlpine, Nunez, Piles, Parker, Pipes, Richardson, Randall, Ridgely, Ray, Raby, Smith, Self, Sneer, Sartain, Souer, Seeman, Sibilski, Schenck, Stafford, Stewart, Schuler, Vidrine, Walker, Wiltz, Wilson, Walters, Wells, Webb, Yorke, Young—83.

Nays—Burkhardt, Butler, Carville, Davidson, Dickenson, Demas, Hill of Ascension, Hahn, Hill of Ouachita, Hunsaker, Lane, Lowell, Woods of Ouachita, Woods of West Baton Rouge—14.

So the bill passed.

Mr. Guichard moved to reconsider the vote just given, and, on motion of the same member, the motion to reconsider was ordered to lie on the table.

On motion of Mr. Ray, the rules were suspended, and the House took up House bill No. 115, entitled an act to change the name of the town of Brashear to Morgan City, and to amend and re-enact an act entitled an act to incorporate the town of Brashear, in the parish of St. Mary, approved April 27, 1871.

On motion of Mr. Demas, the rules were suspended, and this bill underwent its third reading and passed.

Mr. Ray moved to reconsider the vote just given, and on his motion the motion to reconsider was ordered to lie on the table.

Mr. Demas offered the following resolution, which was adopted:

Resolved, That the Committee on Lands and Levees be instructed to inquire of the Levee Company why the closing of Bonnet Carre crevasse is continually postponed, and how much damage said crevasse has caused the Jackson railroad, and whether the water which escapes through said crevasse is needed to scour out the jetties at South Pass, and to inquire of the State Engineer whether the influx of river water into Lake Pontchartrain is likely to fill up said lake, and to inquire of the Board of Health whether the conversion of Lake Pontchartrain into a fresh water swamp will act injuriously upon the health of the city of New Orleans, and to inquire whether the price of fish in the New Orleans market is increased by the crevasse water driving salt water fish from Lake Pontchartrain, and to inquire what public purpose is subserved by permitting said crevasse to remain open.

Mr. Byrne submitted the following resolution, which was ordered to lie over under the rules:

WHEREAS, On account of the action of some few members of this House, legislation, now so much needed and urgent demanded by the people of this State, has been greatly retarded; and as the present session is rapidly drawing to a close; therefore be it

Resolved, That in addition to the regular day sessions, this House will hereafter hold night sessions, beginning at 7 P. M., for the transaction of business.

On motion of Mr. Booth:

Ordered, That hereafter when petitions, memorials and resolutions are in order the Clerk shall call the parishes alphabetically, and as each parish is called it shall be in order for the member for the same to introduce such petition, memorial or resolution as he may desire; and that when the introduction of bills is in order the same method of alphabetical calling of parishes shall be adopted for the same object and purpose, and that the Committee on Rules be requested to report an amendment to the rules, which amendment shall embody the spirit and intention of this motion.

On motion of Mr. Matthews, of Tensas, Mr. Booth's motion was amended by adding the following proviso:

Provided, that the Clerk shall, each day, commence at the name succeeding the one he left off at the day previous.

Mr. Souer submitted the following resolution, which was ordered to lie over under the rules:

Resolved, That after the first name of the roll has been called, and pending the call of the roll, no member shall be allowed to speak or explain his vote, except first having asked and received the unanimous consent of the House, and all questions of order arising out of the calling of the roll shall be decided peremptorily, and without debate, by the Speaker.

Mr. Pipes moved to reconsider the vote, on yesterday, on the final passage of House bill No. 178, entitled an act empowering the city of Baton Rouge to impose a license tax on occupations and callings.

The reconsideration being granted, on motion of Mr. Wiltz, the further consideration of the bill was postponed and made the special order of the day for next Thursday, 1 P. M.

NOTICES OF BILLS.

The hereinafter named members respectively gave notice of their intention to introduce the following entitled bills:

Mr. Hall:

An act to postpone the forced collection of back taxes, and authorizing the payment of same within time specified in the legal obligations of this State, by a parish, and under certain circumstances remitting all costs and penalties.

Also, an act for the relief of those persons whose property has been sold for taxes.

An act to amend and re-enact an act entitled an act to authorize the Council of New Orleans to levy a police tax, to regulate the collection of revenue, etc., known as act No. 73 of the acts of 1872.

Mr. Hunsaker:

An act for the relief of J. P. Landry, of St. James parish.

Mr. Keeting:

An act to authorize the city of Shreveport to levy a tax for the use of the fire department of the city of Shreveport.

Mr. Bower:

An act to amend article two of an act to incorporate the Citizens Savings Bank, approved April 24, 1872, and to authorize said corporation to acquire and dispose of real estate, hold trust funds, receive on deposit from minors and married women, and pay out the same without the authorization of the parent, tutor or husband.

Mr. Nunez:

An act making it the duty of the supervisor of registration to keep his office opened only one day when registration is being had for election of municipal authorities.

Mr. Luckett:

An act for the protection of physicians.

Also, bill to confer certain powers and privileges to Charity Hospital Medical College.

Mr. Byrne:

An act to regulate loans and interest.

Mr. Milton Jones:

An act to open the State roads from New Texas Landing to the parish of Pointe Coupee.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor of the State:

STATE OF LOUISIANA,
Executive Department,
New Orleans, January 27, 1876.

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

I have the honor to transmit herewith for the information of the General Assembly:

Annual report of the State Treasurer.

Annual report of the Secretary of State.

Reports of Levee Commission, of engineers and commission of persons.

Reports of board of control and wardens and lessees of the Louisiana State Penitentiary, and the report of the superintendent of the Louisiana State University for the year 1875.

These are all the reports of the several heads of departments and lessees and directors of State institutions which have been furnished me up to date, in accordance with section 2611, Revised Statutes.

WM. P. KELLOGG, Governor.

STATE OF LOUISIANA,
Executive Department,
New Orleans, January 27, 1876.

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

In response to a resolution of your honorable body, of date January 21, 1876, requesting me to furnish the House with all the information I have "in regard to the reported disturbance in the parishes of East and West Feliciana, East Baton Rouge and St. Helena," I have the honor to transmit herewith such facts and official reports as have come to my knowledge or are in my possession.

EAST FELICIANA.

A disturbed condition of affairs began to manifest itself in the parish of East Feliciana early in the summer of 1875. The parish has a frontier of about twenty miles bordering upon the State of Mississippi, and Clinton, the parish seat, is distant only a few miles from counties in Mississippi which at that time were considerably disturbed. An election campaign was in progress in the neighboring State, attended by excitement and violence. On the eighth of July I received the following dispatch:

CLINTON, July 7, 10:10 P. M.

His Excellency W. P. Kellogg, Governor, New Orleans:

I am unable to preserve the peace and protect life and property. Excitement very high between white and colored. Matter of impossibility to execute the orders of the courts. Answer immediately.

HENRY SMITH,
Sheriff of East Feliciana, Louisiana.

To which the following reply was sent:

STATE OF LOUISIANA,
Executive Department,
New Orleans, July 8, 1875.

To Henry Smith, Sheriff East Feliciana, Clinton, Louisiana:

Order all rioters and illegal assemblies to disperse. Call upon all good citizens of both races to aid you in maintaining order and enforcing the laws. If any persons persist in setting the law at defiance, summon a posse comitatus of law-abiding citizens and arrest all offenders.

WM. P. KELLOGG.

About this time John Gair, formerly a member of the House of Representatives from the parish of East Feliciana; Hon R. R. Ray, the present member of the House from that parish, and T. M. J. Clark, recorder of the parish, waited upon me at the State House in this city and represented that they had been compelled to flee from their homes in East Feliciana, and were threatened with death if they returned to the parish. I subsequently had interviews with gentlemen of influence and prominence in that parish, and in the early part of August, when I left the State for a short time, I had every assurance from them that peace would be preserved.

Early in September, however, the following communications were received by Lieutenant Governor C. C. Antoine, Acting Governor:

BATON ROUGE, September 1, 1875.

Governor C. C. Antoine:

SIR—I am in Baton Rouge and not able to get home or to my place of business. I have been creditably informed that they (the white people) on hearing that I had returned, surrounded my home, for the purpose of molesting me, as I suppose. I have also been told by the sheriff, Smith, that it would not be safe for me to return. The executive officers of the parish make no attempt to put the public in possession of this information, or to arrest the guilty parties. Unless some steps are taken by your excellency to bring both the sheriff and the violators of the law to an account, there is no safety for an official in the parish of East Feliciana. As recorder of that parish, I am unable, personally, to perform the duties of my office, on account of having to exile myself from my home and my office.

Hoping, sir, that the matter will meet with your favorable consideration, I am

Yours respectfully,
T. M. J. CLARK,
Recorder.

SHERIFF'S OFFICE, PARISH OF EAST FELICIANA,
Clinton, La., September 4, 1875.

To his Excellency, the Governor of the State of Louisiana:

SIR—As sheriff of this parish, I am unable to make an arrest without interference, and I have been waited upon by J. A. Norwood and J. W. Saunders, and notified by them that I could no longer keep in my employ Mr. Samuel Chapman, one of my deputies, who is a faithful officer, and has up to this time faithfully and impartially performed his duty as deputy. No personal objection is raised, only that he is a colored man and a Republican.

To mention the various outrages that have taken place within the last two months, and are still continuing, would be of no use at this time. As sheriff of the parish, I am unable to perform my duties and protect life and property, and I call upon your excellency to furnish me with such protection as may be at your command to enable me to perform my duties and prevent the many outrages that are of a daily occurrence. I call your attention to the fact that Mr. Clark, the recorder of this parish, has been compelled to leave both his office and his home.

Hoping, sir, this will meet with your early consideration and reply,

Very respectfully,
HENRY SMITH,
Sheriff of East Feliciana.

On the ninth of October the following dispatch was received:

BATON ROUGE, October 8, 1875.

Governor Antoine, New Orleans:

While performing my duties as sheriff of East Feliciana, I was assaulted and driven out of the courthouse and shot yesterday—compelled to flee from the parish to save my life.

HENRY SMITH,
Sheriff East Feliciana.

The Acting Governor telegraphed to the judge and sheriff for official reports, and received the following statements:

BATON ROUGE, La., October 9, 1875.

To Lieutenant Governor and Acting Governor C. C. Antoine:

SIR—I here give you the particulars of the late troubles in East Feliciana. It has been stated by some parties the troubles were caused by myself in a personal difficulty. Such is not the case. Monday, October 4, 1875, the day fixed by law for convening the district court, the same set of men were in Clinton, armed with revolvers; but the district judge not getting there on the above date, the court was adjourned until Thursday, October 7. On that day these men were again in Clinton as above stated. After the drawing of the grand jury had been completed, remarks were made by these same men, numbering about thirty or forty, that they did not intend to allow the district court to go on, and on leaving the courtroom to go to my office I met some colored men and was talking to them. A young man named Alex Skipwith, apparently the leader of the crowd, came to where I was standing in the courthouse yard, near my office, and said that some one across the street said that I had better be careful how I talked to men that were on the jury. I asked him who it was that said so. He refused to give me the name. I told him to go and tell the one that said so to attend to his business, and I would attend to mine. Neither of these colored men that I was talking to were members of the grand or petty jury. He went about ten steps from me and gave a signal, which was answered by J. A. Norwood and J. W. Saunders. I turned then to go into the courtroom, seeing that some harm was intended me in performing my duties as sheriff of the parish. Skipwith, Norwood and Saunders went up the stairway just ahead of me, Skipwith putting himself in the courtroom door, and as I passed he kicked me. I turned and asked him why he did this? He replied I had better go on or that he would do worse; that he intended to kill me and that blue-bellied son of a b——h (meaning, as I suppose, the district judge). About this time thirty or forty armed men were at the courthouse door, and commenced loud talking. The judge then told me to invite them into the courtroom to be seated, which I did. They refused and told me to go on, or they would give me a seat. They kept up such loud talking that the lawyers left the courtroom, with the exception of D. C. Hardee. He started out, when the judge called him (Colonel Hardee) and asked him if there was no way he could keep the men quiet, for if not, it would be impossible for him to go on with the court. D. C. Hardee told him (the judge) that was what those men intended to do; that they intended to get rid of him and the sheriff, and not allow the district court to go on; seeing that they intended to murder me in the courthouse, I attempted to make my escape, and in coming out I was assaulted by Lewis Moore and Alexander Skipwith. On getting down stairs, seeing Skipwith and the crowd that he was leading drawing their revolvers, I hastened to get out of their way; there must have been sixty or seventy shots fired at me, one taking effect in the right hip—the only one that struck me. I was captured, brought back to the courthouse, and was told to sign my resignation, and to leave the town, and that I would be allowed five minutes to leave. As to the signing of my resignation, I refused. After I was captured quite a number wanted to kill me. It was only a godsend that my life was spared. I succeeded in making my escape to Baton Rouge through the woods, as they had the roads picketed.

I am here, and have had a doctor. My wound is painful, but not dangerous. There has scarcely a night passed in East Feliciana for the last two months that has not witnessed the murdering or shooting of some colored man. The loyal people there are at the mercy of an armed mob.

Hoping that this letter will meet with your early and favorable consideration, I remain your obedient servant,

HENRY SMITH,
Sheriff of East Feliciana.

NEW ORLEANS, October 15, 1875.

Hon. C. C. Antoine, Acting Governor State of Louisiana:

SIR—Agreeably to your request by telegraph, I have the honor to submit the following statement connected with the opening and adjournment of the Fifth Judicial District Court in and for the parish of East Feliciana:

The court opened at 10 A. M., October 7, the sheriff, Henry Smith, in attendance. The grand jury was impaneled, charged by the court and retired to their room, with the district attorney, A. E. Read, Esq. The civil and criminal dockets were then called and cases assigned.

An appeal case from the parish court was taken up, and the trial proceeding, when the sheriff came into the courtroom, and in a loud voice, attracting the attention of the court, seemed to be wrangling with some person in the passage leading to the courtroom. I directed him to keep order, as the controversy in which he was engaged interrupted the proceedings of the court. He came within the bar and sat down. I then saw several persons in the doorway smoking, with their hats on. I directed the sheriff to request them to take seats within the courtroom or to cease smoking and take their hats off. They withdrew from the door into the passage beyond the view of the court, the sheriff returning within the bar.

The case on trial proceeded, and hearing a disturbance in the passage-way, I called D. C. Hardee, Esq., to the bench, and said to him we must have order or the court can not go on. He replied that from the appearance of the crowd he saw about the courthouse he thought it doubtful whether Smith could keep order; that they were persons not to be trifled with. I rejoined, you know better whether he can control them or not. He then asked me if I was not aware of the opposition to Henry Smith. I replied that I had seen reports in the newspapers, but could not believe they were true. While this conversation was going on, the sheriff left the court-room without my knowledge, and, as I was afterwards informed and believed, while near the foot of the stairs was set upon by the same persons with whom he was previously disputing. He then ran into the courthouse yard, and while there was fired upon by the crowd. I should judge twenty pistol shots were fired. I heard some one remark in the the courtroom that they were shooting at Smith. Including the members of the bar, about twenty persons were then in the courtroom. Looking into the courtyard I saw Henry Smith limping, and an excited crowd talking to him. A consultation took place between several members of the bar, citizens and myself; some advised that the court adjourn *sine die*, some an adjournment for a few days, others stating that with Smith as sheriff it was impossible for the court to proceed. One gentleman gave as a reason why the court should adjourn *sine die* that if word should go into the country that Smith had been shot both whites and colored would flock into town and a conflict would be inevitable; word of adjournment would stop them.

I was reluctantly forced to the conclusion that the business of the court could not be proceeded with, its orders executed or its process enforced in the then temper of the public mind, and decided to adjourn. A deputy sheriff remaining in the courtroom I resumed the bench and directed him to adjourn the court sine die.

Subsequent to the adjournment, the gentlemen present assured me that personally I was in no danger, that no indignity was intended or would be permitted; but for fear some reckless person would offend they proffered their protection. Stating that I apprehended no danger, but if they thought there was any danger I would accept their aid, two or three members of the bar and several citizens walked with me to my hotel.

During the evening Colonel F. Powers, soon after his arrival, called on me, stating that he was authorized to say that if I would open court in the morning he would have 100 picked men, if necessary, to preserve order and execute the process of the court. I stated that it was too late. Other persons expressed regret at the adjournment, stating that if Captain Fuqua had been appointed deputy sheriff when the court opened, the disturbance would have been avoided. During the night the streets of Clinton were patroled by citizens, they giving as a reason the preservation of the public peace. The next morning I left by the railroad for my residence in Iberville. The district attorney left by the same train.

This all occurred within my observation, and refraining from suggestion or comment, I simply state facts.

I have the honor to be, very respectfully,

E. F. DEWING,
Judge Fifth Judicial District of Louisiana.

In view of these occurrences the following official communication was addressed to the Attorney General:

STATE OF LOUISIANA,
Executive Department,
New Orleans, October 11, 1875.

Hon. A. P. Field, Attorney General of Louisiana:

SIR—Public exigencies, in my judgment, require that the injunction now resting on the appropriation made for militia purposes (viz. $25,000) for the current year should be released, at least in part, and on behalf of the State I hereby authorise and request you to apply to the honorable the Superior District Court for the release of $5000 of that amount. Very respectfully,

C. C. ANTOINE,
Lieutenant and Acting Governor of Louisiana.

The following order was also issued:

STATE OF LOUISIANA,
Executive Department,
New Orleans, October 12, 1875.

It having been officially represented to the executive that the civil officers and the courts of the State in the parish of East Feliciana have been interrupted in the discharge of their official duties by armed violence and lawless disturbances and assaults, it is hereby ordered that Major General Hugh J. Campbell, commanding First Division Louisiana State Militia, proceed forthwith to Clinton, the parish seat of East Feliciana, and make thorough investigation and report of the facts. He will also extend all aid possible to the civil authorities in restoring public order and tranquillity and securing obedience to the processes of the courts.

C. C. ANTOINE,
Lieutenant and Acting Governor.

The following letter was subsequently addressed to Judge Dewing:

STATE OF LOUISIANA,
Executive Department,
New Orleans, October 15, 1875.

Hon. E. W. Dewing, Judge of the Fifth Judicial District:

SIR—I have received your report of the circumstances attending the opening and violent interruption and adjournment of your court in East Feliciana on the seventh instant. I have also received information from other sources that a condition of lawlessness and turbulence most detrimental to the welfare of the community has prevailed unchecked for some time in that parish and in the adjoining parishes.

The interests of the whole people require that the courts should be respected and protected in the enforcement of the laws and the administration of justice, and that all armed violence should be suppressed. I can not but think that the great majority of the citizens of East Feliciana are in favor of the maintenance of public peace and order, and if called upon will sustain the proper authorities against mob violence.

With a view, therefore, of securing a proper observance of the laws, and in order that parties aggrieved may not be deprived of their legal remedy in the courts through the violent acts of lawless persons, I suggest that you call a special term of your court, to meet in East Feliciana on as early a day as practicable, and I believe that the law-abiding citizens of the parish will cooperate with the State authorities in preserving the peace and maintaining the dignity of the court.

Very respectfully,

C. C. ANTOINE,
Lieutenant Governor and Acting Governor.

On the same day the subjoined dispatch was received at the executive office from the mayor of Baton Rouge:

BATON ROUGE, October 14, 4:15 P. M.

To Acting Governor Antoine, New Orleans:

John Gair was arrested here yesterday by legal warrant by Deputy Sheriff Woodward, of East Feliciana, charged as an accessory before the fact of poisoning Dr. J. W. Saunders, and was taken from this city at 2 P. M. by deputy sheriff and posse toward Clinton. Reported shot to death on the road, and his sister-in-law hung in the courthouse square there.

HENRY SCHORTEN, Mayor.

A special dispatch to the New Orleans *Picayune* furnished additional particulars as follows:

CLINTON, October 14, 11:30 A. M.

The posse in charge of Gair, and conducting him from Baton Rouge to Clinton, were overpowered