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THE SENATE.

Sixth Day's Proceedings.

SENATE CHAMBER, New Orleans, January 6, 1877.

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

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

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Landry, Stamps, Sutton, Twitchell, Wakefield, Wheeler, Young—19.

Absent—Messrs. Boatner, Breaux, Ducros, Jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Richardson, Robertson, Steven, Weber, White, Zacharie—17.

A quorum present.

Prayer by the Rev. W. S. Alexander.

READING OF THE JOURNAL.

On motion of Senator Wakefield, the further reading of the journal was dispensed with, and the journal was adopted.

On motion of Senator Young, the Senate went into executive session.

[Senator Allain in the chair.]

Executive session having been raised, the roll was called, and the following Senators answered to their names:

Present—Messrs. Allain, Baker, Blunt, Bryant, Burch, Cage, Demas, Dumont, Gla, Hamlet, Harper, Kelso, Stamps, Sutton, Twitchell, Wakefield, Weber, Wheeler, Young—19.

Absent—Messrs. Boatner, Breaux, Ducros, Jr., Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Landry, Ogden, Richardson, Robertson, Steven, White, Zacharie—17.

A quorum present.

INTRODUCTION OF BILLS.

According to previous notice, Senator Hamlet introduced the following bill:

Senate bill No. 6, entitled an act for the relief of Presilla Jackson, Adeline Bynone, Amand Johnson and Eliza Pinkston, of Ouachita parish.

The bill was read the first time.

The constitutional rules were suspended by a four-fifths affirmative vote, and the bill was placed on its second reading, and referred to the Committee on Claims, when appointed.

RESOLUTIONS.

By unanimous consent Senator Gla introduced the following resolution:

WHEREAS, The laws of the State of Louisiana relating to an organization and support of a system of public education require of the secretary of each school district to file with his division superintendent, on or before the twentieth day of September in each year, reports of number of persons, male and female, in his district; number of schools and the branches taught; number of pupils and the average attendance of the same in the schools; number of teachers employed and the average compensation paid per week, distinguishing males from females; the length of school in days and average cost of tuition per week for each scholar; the aggregate amount paid teachers during the year and the balance of teachers' funds in the treasury; the text books used and the number of volumes in the district library, and value of apparatus belonging to the district; number of schoolhouses and their estimated value; the amount raised within the year by tax for the erection of schoolhouses; the amount for teachers' fund and for other purposes of this act, stating separately the amount for each; the amount of public funds received from the parish treasury and from other sources, stating what and how much from each; and such other information as he may deem useful; and

Whereas, The above mentioned requirements of the law are not annually complied with;

Therefore, be it resolved by the Senate that the President of the Senate appoint a committee of three members, whose duty it shall be to investigate the cause of the foregoing dereliction of duty. Said committee shall have power to send for persons and papers, and shall report the result of their investigations during the present session of the Senate.

Lies over under the rules.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, New Orleans, January 6, 1877.

To the Honorable the 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, to wit:

Senate bill No. 3, entitled an act forbidding the organization and maintenance of any military organization, company or body, not mustered into the militia of the State; defining such illegal bodies as riotous and unlawful assemblies in certain cases; making it a misdemeanor to violate this act, and prescribing punishment therefor, and providing for the disbandment of such illegal bodies.

Also, Senate bill No. 2, an act to authorize the Attorney General and district attorneys and other officers of the State to challenge jurors in criminal cases for certain causes.

Respectfully,
ROBERT F. GUICHARD,
Clerk of the House of Representatives.

By unanimous consent Senator Stamps presented a petition from H. V. Wertheru, praying for relief, which, on motion, was referred to the Committee on Finance when appointed.

Senator Stamps moved to adjourn until Monday at 9 A. M.

Senator Blunt moved to amend by striking out "nine o'clock," and inserting "ten o'clock."

Adopted.

The President announced that the Senate stood adjourned until Monday, at 10 A. M.

L. LAMANIERE, JR.,
Secretary of the Senate.

HOUSE OF REPRESENTATIVES.

Seventh Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, January 8, 1877.

The House met pursuant to adjournment, Speaker Hahn in the chair.

The roll was called and the following members answered to their names:

Speaker Hahn and Messrs. Barrington, [illegible]

… the journal was dispensed with, and it was approved.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, New Orleans, January 8, 1877.

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

I am directed by the Senate to ask concurrence of your honorable body in concurrent resolution providing for a joint committee to make the necessary preparations for the inauguration of the Governor elect.

Also, that the Senate has concurred in the passage of House bill No. 13, an act making an appropriation of $158,000 out of the general funds in the State treasury, or received in the treasury during the year 1877, for the payment of the mileage and per diem of members' salaries, of officers and employes, and contingent expenses of the General Assembly of Louisiana for the regular session of 1877, etc.

Respectfully,
L. LAMANIERE, JR.,
Secretary of the Senate.

Mr. G. W. Shelton, of Morehouse, was sworn in as a Representative of that parish.

Mr. Dinkgrave, on a question of privilege, stated that the error made in promulgating the bill for the relief of the widow of B. H. Dinkgrave was typographical and would be corrected.

Mr. Sauer, under a suspension of the rules, called up the following Senate concurrent resolution, which was read and adopted.

Resolved, That a joint committee, to consist of five members of the Senate and seven members of the House, be appointed by their respective presiding officers, whose duty it shall be to take charge of and conduct the inauguration ceremonies of the incoming Governor and Lieutenant Governor.

The Speaker appointed the following members as the committee on the part of the House:

Messrs. Sauer, Barrington, Cole, Souer, De Lacy, Gaude and Heath.

Mr. Souer, under a suspension of the rules, offered the following concurrent resolution, which was read and adopted:

Resolved, That the House of Representatives, the Senate concurring, meet in joint session, at 12:30 P. M., for the purpose of inaugurating the Governor elect.

PETITIONS, MEMORIALS AND RESOLUTIONS.

The Speaker laid before the House a memorial from the Board of Trade, which was read and ordered to be referred to the Committee on Education, when appointed.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, New Orleans, January 8, 1877.

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

I am directed by the Senate to inform your honorable body that the Senate has concurred in House concurrent resolution fixing the hour for the ceremonies of the inauguration of the Governor elect.

Respectfully,
L. LAMANIERE, JR.,
Secretary of the Senate.

On motion of Mr. Tolliver, a recess was ordered until 3 P. M.

After the inaugural ceremonies were completed the Senate withdrew to its Chamber.

The recess having expired, the Speaker resumed the chair, and on motion of Mr. Stewart the House was adjourned until tomorrow at twelve o'clock M.

ROBERT F. GUICHARD,
Clerk of the House of Representatives.

LAWS OF THE STATE OF LOUISIANA.

PUBLISHED BY AUTHORITY.

REGULAR SESSION OF 1877.

AN ACT No. 1.

To establish an additional district court to be entitled the "Superior Civil Court for the parish of Orleans;" to define and regulate its jurisdiction and modify and regulate that of the several district courts of said parish, hitherto and now existing; to reduce the expense of taxpayers and of justice in the city of New Orleans; to abolish the Sixth and Superior District Courts for said parish; to further regulate corporations and their proceedings and dissolution and protect the assets thereof; to regulate juries and jury commissioners relative to said Superior Civil Court and increase the salary of said commissioners, and to confer additional powers on the Third District Court for the parish of Orleans.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That there shall be and is hereby created an additional district court within the parish of Orleans, to be and be entitled the "Superior Civil Court for the parish of Orleans." As soon as practicable after the passage of this act, the Governor shall appoint, as in case of original vacancy, a judge and clerk for the said court, and hereafter at every election for judges of the district courts of or for the parish of Orleans, there shall be elected in like manner a judge for the Superior Civil Court; and in like manner hereafter a clerk shall be elected for the same. Until such elections and the qualification and entering into office of their respective successors, the said offices shall continue to be filled by appointments of the Governor, by and with the advice and consent of the Senate, or to be submitted for such advice and consent at the next session of the Senate, if made within the recess of the same. The judge shall receive a salary of five thousand dollars per annum, payable on the warrant of the Auditor of Public Accounts upon the order of the judge. The clerk shall receive in compensation for his services such fees as are now fixed by law for similar services, excepting in city tax suits, wherein the fee has been hitherto fixed at two dollars, which shall be reduced to one dollar for each suit hereafter brought; in matters not specially regulated by law, he shall receive the same fees as other clerks of district courts for the parish of Orleans.

SEC. 2. Be it further enacted, etc., That the State of Louisiana and the city of New Orleans shall not be required to make deposit or give security in advance for any costs.

SEC. 3. Be it further enacted, etc., That the said Superior Civil Court for the parish of Orleans shall have original jurisdiction in all civil cases in said parish (except probate) brought in said court or transferred thereto when the amount in dispute exceeds one hundred dollars, exclusive of interest, and shall have exclusive original jurisdiction in all State and city tax suits in the parish of Orleans, and in all civil suits in said parish in which the State of Louisiana, the city of New Orleans, or the Board of Commissioners of the Metropolitan Police, or the Board of School Directors of the city of New Orleans may be a party or be interested, of whatever amount, and whether equaling, exceeding or less than one hundred dollars in amount claimed, involved or in dispute.

It shall have exclusive original jurisdiction of all suits for or involving upwards of one hundred dollars, within said parish, in which any corporation or board, private or political, established by act of the General Assembly of this State, by or before a notary public, or otherwise, under the laws of this State, or holding property within the parish of Orleans, is a party or interested, and exclusive appellate jurisdiction from justices of the peace in all such suits not exceeding one hundred dollars in amount.

It shall have [illegible] … or all public officers, for or arising out of any official act, injury or neglect of duty.

It shall have exclusive original jurisdiction in and over all rules or proceedings against the recorder of mortgages to compel the cancellation of any inscription of any tax, city or State.

It shall have exclusive original jurisdiction over all actions involving the right to or the possession of or any question of amotion from office, whether of the State, parochial, city, district or local, or of or within any corporation, private or political, created by or under the laws of the State of Louisiana; and of all suits for or involving the forfeiture or suspension of the charters, the conservation or sequestration of the assets, the prevention of waste or illegal distribution of the assets, and the dissolution or liquidation of any such corporations.

SEC. 4. Be it further enacted, etc., That in all cases in which exclusive or appellate jurisdiction is granted to the Superior Civil Court for the parish of Orleans, by this act, the same shall be construed to mean exclusive of all other district courts in or for the parish of Orleans.

SEC. 5. Be it further enacted, etc., That nothing herein contained shall be construed to prevent the Second District Court for the parish of Orleans from exercising all the powers granted by section five of act No. 2 of the extra session of 1870, approved March 16, 1870, or the Third District Court for the parish of Orleans, from exercising in cases not appealable to the Superior Civil Court the powers granted by section seven of said act; and this act shall not be held to deprive any judge or court of the power to issue injunctions to stay or regulate the execution of any order of seizure and sale, or any writ of execution or possession granted by such judge or court, and shall not be held to deprive any such judge or court of the power to issue the writ of injunction to stay the execution or enforcement of any judgment rendered, or order of seizure and sale, sequestration, attachment, writ of possession or provisional seizure made by such judge or court. And this act shall, furthermore, not be construed to in any manner limit or affect the jurisdiction and power of the Supreme Court of the State of Louisiana to issue, hear and determine any and all writs or orders, which, by the constitution or by the existing laws, said Supreme Court has authority to issue, hear and determine.

SEC. 6. Be it further enacted, etc., That nothing herein contained shall affect the jurisdiction of any district court of another judicial district and exercised outside of the limits of the parish of Orleans except as follows, to wit: Suits or proceedings against general or other officers of the State, or of any district including the parish of Orleans, or who receive their commissions at or from the seat of government and are required to make any report, settlement or account at the seat of government or within the parish of Orleans, as well as their sureties, may be held to suit, citation or process by or on behalf of the State from the Superior Civil Court herein created, notwithstanding their personal domicile be not within the parish of Orleans; and any such officer or sureties shall be held by any or all judgments, orders, injunctions or writs of sequestration or mandamus, and decisions relative to title to office issued, made or rendered by said Superior Civil Court; and no plea, exception or objection thereto shall be maintained or entertained on the ground of domicile, unless a suit between the same parties, for the same purpose, and involving the same subject matter, be pending or have been decided at the place of his alleged or claimed domicile. Services of process or notices of any kind whatever in such suit or proceedings may be made by the civil sheriff of the parish of Orleans in any part of the State, or by the sheriff of any parish within the State, wherever such party or parties may have domicile or be found.

SEC. 7. Be it further enacted, etc., That the judge of said Superior Civil Court shall be a member of the Board of District Judges for the parish of Orleans, organized by act No. 59 of the sessions of 1872, approved April 23, 1872. But said board shall not have power to bind him relative to the special jurisdiction or authority of the said Superior Civil Court.

SEC. 8. Be it further enacted, etc., That the Superior Civil Court herein created shall have power to issue writs of prohibition, injunction, mandamus and certiorari in maintenance or aid of its original jurisdiction, and of its appellate jurisdiction from any justice of the peace of or within the parish of Orleans or city of New Orleans.

SEC. 9. Be it further enacted, etc., That said Superior Civil Court shall further have exclusive original jurisdiction over all suits and proceedings in the parish of Orleans for possession of immovable property under sale of the tax collectors, or transfers under tax titles, whether from the State or city of New Orleans, or directly involving the validity of tax titles in any manner whatever.

SEC. 10. Be it further enacted, etc., That pending proceedings to ascertain or decree the forfeiture or suspension of the charter of any corporation for waste, fraud, violation of law, expiration of charter or other cause, on due showing or complaint by one or more officers, creditors or stockholders, the court may appoint one or more receivers or managers for the time being, and shall be empowered to require bond with good and sufficient surety, in favor of the Governor of the State, and any and all persons interested; such bond may be sued upon at any time in said Superior Civil Court by any such person interested, and increased or renewed if insufficient or the security be or become unsatisfactory. Such receivers or managers may, on the order of the court, be empowered to collect debts, and levy and enforce the payment of dues and installments, and to transact business required by the proper interest of all parties concerned, in lieu of the usual officers or directors. On decree of forfeiture, dissolution or liquidation, one or more liquidators shall be appointed by the court to act under its directions and according to law, and not otherwise. And the court shall be empowered to dismiss or supersede the same for cause, and to require, increase or new bonds with surety. And any appeal from such order of dismissal or supersedure, or concerning bonds, shall be devolutive only.

SEC. 11. Be it further enacted, etc., That in suits now or hereafter brought within or under the exclusive original jurisdiction of the Superior Civil Court aforesaid, or made hereafter cognizable herein, by proceedings taken in the Superior Civil Court or in the court previously entertaining such suit or suits, the Superior Civil Court shall hear and determine and have jurisdiction on all the other questions involved, as well as all those giving it exclusive jurisdiction; and all suits in other district courts so becoming cognizable, now or hereafter, in the Superior Civil Court, shall be *ipso facto* transferred thereto; such transfer shall be made and the record in such suits shall be deliverable on the demand of the clerk of the Superior Civil Court or the order of the judge of said court, and the civil sheriff of the parish shall enforce such order if opposed in every case or suit transferred by or under this act. And no order of any judge of the court from which such record is demanded shall be of any validity in opposition thereto.

SEC. 12. Be it further enacted, etc., That the Sixth District Court for the parish of Orleans shall be and is hereby vacated, discontinued and abolished. All the records and suits of the same, except such as are herein transferred to or made cognizable in the Superior Civil Court, shall be transferred to and heard and determined in the Third District Court for the parish of Orleans, which said Third District Court shall, in addition to the jurisdiction thereto remaining under this and previous acts, shall have such further and like concurrent jurisdiction as the Fourth and Fifth District Courts for the parish of Orleans shall hereafter possess.

SEC. 13. Be it further enacted, etc., That act No. 7 of the extra session of the Legislature convened December 9, 1872, [illegible] … this act shall be construed to impair the claim or lien and privilege for costs of the clerk of the late Superior District Court.

SEC. 14. Be it further enacted, etc., That the said Superior Civil Court shall adopt such jury terms as may appear necessary and convenient, and shall have authority to require at any time drawings of such number of jurors as it may order from the jury commissioners of the parish of Orleans; and from the number so drawn to form a jury list not exceeding one hundred, who shall serve for one month from the completion of the panel, unless discharged; and it may complete any petty jury by summoning talesmen, as is usual in such cases.

The salaries of the jury commissioners for the parish of Orleans are hereby increased to one thousand dollars per annum, each, payable quarterly, by the Administrator of Finance of the city of New Orleans.

SEC. 15. Be it further enacted, etc., That the judge of the Superior Civil Court shall select from the rooms and offices lately occupied by the Superior District Court and Sixth District Court, and from any other rooms in the courthouse not hitherto occupied as court rooms and offices, suitable apartments for said Superior Civil Court and its officers; provided, the court may remove at any time or occupy any other location assigned by the Council of the city of New Orleans, and approved by the judge; and the Council, on the order of the judge, shall be required to procure such eligible location and due furniture for the court, and cause the same to be taken care of and supplied with fuel and attendance for the use of the court.

SEC. 16. Be it further enacted, etc., That in any case when the judge of the Superior Civil Court may be recused, and when he is not personally interested in the matters in contestation, he shall select a lawyer, having the qualifications required for a judge of his court, to try such cases. And when the judge is personally interested in the suit, he shall call upon another district judge of any district in the State to try the case. In all other cases of absence, inability, declension to serve or temporary vacancy, original or otherwise, he may in like manner call on, or the Governor may assign, a district judge of the State to act in the case or cases, or for the time being.

SEC. 17. Be it further enacted, etc., That the civil sheriff of the parish of Orleans is charged with the duties of sheriff of the Superior Civil Court, and with opening said court on the order of the judge thereto appointed or temporarily assigned. In case of his inability or neglect or refusal to perform any such duty, the judge may call upon any coroner or appoint a sheriff pro tempore for said court, and the Governor may, in case of refusal, remove the civil sheriff from office.

SEC. 18. Be it further enacted, etc., That all laws or parts or provisions of laws conflicting with this act be and the same are hereby repealed, as far as so conflicting, and this act shall have force and effect from and after its passage.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 4, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 2.

Authorizing the Governor of the State of Louisiana to assume charge of the Capitol buildings, and to empower him to maintain peace and order therein and in its vicinity.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Governor of the State of Louisiana be and is hereby requested and authorized to continue in charge of the State House, and to maintain peace and order therein; provided, that he shall not have power to interfere with the Sergeant-at-Arms of either house of the General Assembly acting under orders of either house, or of the presiding officer during the sessions of the same in their respective halls. The Governor shall have power to maintain peace and order in the State House and in the vicinity of the State House at all times, and for that purpose he may use the military forces of the State.

SEC. 2. Be it further enacted, etc., That this act shall have force and effect from and after its passage, and all laws or parts of laws in conflict with this act be and they are hereby repealed.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 6, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 3.

Making an appropriation of two hundred thousand dollars, or so much thereof as may be necessary for the maintenance of the militia of the State during the year 1877, and to regulate the disbursement of the same.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the sum of two hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the support and maintenance of the militia of the State during the year 1877.

SEC. 2. Be it further enacted, etc., That the money herein appropriated shall be disbursed under the existing militia laws by proper military vouchers, upon the approval of the Governor in his capacity as Commander-in-Chief.

SEC. 3. Be it further enacted, etc., That the Governor, as commander-in-chief, shall not assign any militia officer to duty under pay out of said appropriation who is not in actual command of troops, and no militial officer shall receive pay out of such appropriation as such unless in actual command of troops.

SEC. 4. Be it further enacted, etc., That no back militia claims shall in any way be paid out of this appropriation.

SEC. 5. Be it further enacted, etc., That this act shall take effect from and after its passage. All laws conflicting herewith are hereby repealed.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 6, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 4.

For the relief of the widow of B. H. Dinkgrave, late tax collector of the parish of Ouachita.

WHEREAS, B. H. Dinkgrave, late tax collector of the parish of Ouachita, August 13, 1876, and had prior to his death performed a large part of the labor and incurred the greater portion of the expenses incident to the collection of State taxes due in 1876, although but a small portion of the taxes due had been paid prior to his decease, and consequently compensation for the labor performed can not be claimed under existing laws; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives in General Assembly convened, That whatever sum not to exceed twenty-five hundred dollars that may be found to be due to the State by said Dinkgrave on final adjustment of his accounts with the State accounts, is hereby appropriated for the benefit of the widow of said B. H. Dinkgrave, and for the sole purpose of balancing the accounts of said B. H. Dinkgrave with the State. [illegible]

SEC. 2. [illegible] … amount of this appropriation, to be credited to the funds respectively to which the indebtedness of said B. H. Dinkgrave shall be shown on final adjustment to be due.

SEC. 3. Be it further enacted, etc., That this act shall take effect from and after its passage.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 6, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 5.

To authorize the Attorney General and district attorneys and other prosecuting officers of the State to challenge jurors in criminal cases for certain causes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That upon the trial of any person upon an indictment for conspiracy, for murder, for assault with intent to kill, for assault with a deadly weapon, for assault and battery, or for any violation of the election and registration laws, or for any violation of any statute forbidding the organization of illegal military bodies, it shall be sufficient cause for challenge, for cause, by the State of any juror presented, that he is a member of any association, society or organization, secret or open, military or civil, to which the accused may have belonged, if it shall appear from the indictment or information that the accused was a member of such body, association, society or organization when the crime is alleged to have been committed, and if it shall appear from the indictment or information that the accused is charged with the commission of such crime, in connection with such organization or body, or with any member or members thereof.

SEC. 2. Be it further enacted, etc., That this act shall take effect from and after its passage, and that all laws or parts of laws in conflict herewith are hereby repealed, so far as they so conflict.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 6, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 6.

Forbidding the organization and maintenance of any military organization, company or body not mustered into the militia of the State; defining such illegal bodies as riotous and unlawful assemblies in certain cases; making it a misdemeanor to violate this act, and prescribing a punishment therefor, and providing for the disbandment of such illegal bodies.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That all military organizations within the State shall be organized and maintained under the militia laws thereunto providing, and it shall be unlawful to organize or maintain any military organization or body, except it shall be mustered into the State militia under the militia laws existing or which may be hereafter enacted. All bodies, combinations, associations or companies which have provided themselves or which may provide themselves with military arms, shall be deemed military organizations within the meaning of this act.

SEC. 2. Be it further enacted, etc., That it shall be the duty of the Governor of the State [to] require and to command the disbandment and dispersal of any military organization, body or company existing or organized in violation of the provisions of this act whenever he shall deem the existence or formation of such organization, body or company to endanger the public peace or to be organized for any unlawful purpose.

SEC. 3. Be it further enacted, etc., That whenever the Governor shall deem it his duty under section two of this act to disband any organization existing or formed in violation of this act he shall give official notice to such organization to disband. Such notice may be served by any militia officer of the State upon any officer or member of such illegal organization, body or company. If such illegal organization, body or company shall not thereupon disband, the Governor shall issue his proclamation, commanding such organization to disband. In such proclamation the Governor may name any officer or officers, member or members of such illegal organization, company or body, specially commanding him or them to so disband such illegal organization. If any such person or persons so named in such proclamation of the Governor shall neglect or refuse to obey such proclamation, and shall neglect or refuse to so disband, such organization, company or body, he or they, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined and imprisoned at the discretion of the court. Any person or persons who shall thereafter act with or drill with, or who shall appear upon any public highway with arms in company with any such illegal body, company or organization, or as members of such as a military body, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished with fine and imprisonment in the discretion of the court.

SEC. 4. Be it further enacted, etc., That if it shall become necessary the Governor may direct the law officers of the State to institute any civil suit or process to enforce the disbandment of any illegal organization, company or body within the meaning of this act, and he, the Governor, may, if it shall become necessary, use the militia of the State to enforce any order or process of court in the premises.

SEC. 5. Be it further enacted, etc., That if any illegal military body, company or organization, within the meaning of this act, shall appear upon any public streets or highways, or in any public place, after having been commanded to disband by the Governor as hereinbefore provided, such illegal military body, company or organization and the members thereof shall be deemed a riotous and unlawful assemblage, and may be dispersed under the provisions of act No. 7 of 1873, approved January 4, 1873, and entitled an act to suppress riotous and unlawful assemblies, etc.

SEC. 6. Be it further enacted, etc., That all laws conflicting herewith be and are hereby repealed, and this act shall take effect from and after its passage.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 6, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 7.

To amend and re-enact sections 134, 977, 998, 1021, 1028, 1029, 1031, 1172, 1936, 1964 and 3891 of the Revised Statutes of the State of Louisiana, and to authorize and empower the Attorney General, assistant attorney general, district attorneys and district attorneys pro tempore to administer oaths in criminal cases, and to repeal all conflicting laws, and to authorize the Governor to assign the assistant attorney general to perform certain duties in certain cases.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That section 977 of the Revised Statutes of the State of Louisiana, be and the same is hereby amended and re-enacted so as to read as follows: All prosecutions shall be by indictment or information.

SEC. 2. [illegible] … the fact by causing all persons they may have reason to believe have knowledge of the fact to be summoned before some judge or justice of the peace, that their depositions may be taken. Said summons shall run and be served in any part of the State by any sheriff or other officer designated by the Attorney General; and provided, further, that whenever the Attorney General shall be informed that an offense, whether capital or otherwise, has been committed in any parish in this State, and that no proper complaint has been made as above provided, or that proper action has not been taken upon such complaint when made, he, the Attorney General, or at his instance and by his authority the district attorney or district attorney pro tempore for such parish, may, and it is made his duty at any time, either during any term, general or special, or during vacation [to] file an information for such offense against any person or persons accused of having committed, or in any manner participated in the commission of such offense; and any and all judges of courts of competent jurisdiction throughout this State shall at any and all times, either during any term, general or special, or during vacation, receive such information, and cause the same to be properly filed, and shall take such immediate action thereon under the law as may be necessary to secure the arrest and confinement of the accused.

SEC. 3. Be it further enacted, etc., That section 1936 of the Revised Statutes of the State of Louisiana be and the same is hereby amended and re-enacted so as to read as follows: That the judges of the district and parish courts of this State shall have authority to administer oaths, to grant, at chambers, orders relating to curators of interdicted persons, all orders relating to surrenders by insolvent debtors, and the appointment and administration of syndics, orders of arrest, attachment, sequestration, provisional seizure and injunction, and all orders relating thereto, writs of habeas corpus, orders of seizure and sale on executory process, orders for commissions to take testimony, to receive, cause to be filed, and to take proper action upon information filed as provided for in section two of this act, amending section 134 of the Revised Statutes of this State, and generally to grant all other orders not required by law to be granted in open court, and in case of the absence, sickness, inability or refusal to act of any judge to whom such information shall be presented as provided in this act, then upon application by petition of the Attorney General, or any district attorney or district attorney protempore, to any district judge of this State, such judge is hereby authorized and required to cause the same to be filed and to take such action as may be necessary to cause the arrest and confinement of such accused person or persons.

SEC. 4. Be it further enacted, etc., That sections 1021, 1172, 1964 and 3891 of the Revised Statutes of the State of Louisiana be and the same are hereby amended and re-enacted so as to read as follows: Upon the application of the Attorney General, district attorney or district attorney protempore authorized by the Attorney General, the judge shall, in any criminal prosecution in this State, either before or after arraignment, change the venue in behalf of the State to any parish in the same or any other district of the State designated by the Attorney General, and where, in the opinion of the Attorney General, a fair and competent jury can be obtained for the trial of such accused.

SEC. 5. Be it further enacted, etc., That sections 1028 and 1031 of the Revised Statutes of the State be and the same are hereby amended and re-enacted, so as to read as follows: Changes of venue in any criminal prosecution in this State may be granted, on behalf of the accused, to an adjoining parish of the State, whenever there has been no previous change of venue or application on behalf of the State, either before or after arraignment, upon the proper application being made to the judge, either in open court or at chambers; provided that such application on behalf of the accused shall be considered as a final answer to the indictment, in the same manner as if the accused had pleaded not guilty; provided further, that the Attorney General, or district attorney authorized by the Attorney General, may, nevertheless, change the venue on behalf of the State, as hereinbefore provided.

SEC. 6. Be it further enacted, etc., That section 1029 of the Revised Statutes of this State be and the same is hereby amended and re-enacted so as to read as follows: When a change of venue shall be awarded, either upon the application of the State or the accused, it shall be the duty of the sheriff immediately to convey the accused to the parish to which the cause shall have been removed, and to deliver him to the sheriff of said parish, whose duty it shall be to hold him in safe custody until otherwise ordered by the court; and for compensation and necessary expenses attending such transfer the sheriff shall be paid by the Treasurer of the State upon the approval of his account therefor by the Attorney General.

SEC. 7. Be it further enacted, etc., That the Attorney General, assistant attorney general, district attorneys, and district attorneys pro tempore in this State are hereby empowered and authorized to administer oaths to witnesses in criminal matters.

SEC. 8. Be it further enacted, etc., That the Governor may at any time assign the assistant attorney general to perform the duties hereinbefore imposed upon the Attorney General or district attorneys in case of the absence, or neglect or refusal of the Attorney General or district attorney to perform any duty imposed upon him by this act.

SEC. 9. Be it further enacted, etc., That section 998 of the Revised Statutes of this State be and the same is hereby amended and re-enacted so as to read as follows: That in all criminal prosecutions wherein the defendant is allowed peremptory challenges the State shall also be allowed, without cause, the same number of challenges allowed the defendants in such case by law.

SEC. 10. Be it further enacted, etc., That this act shall take effect and be in force from and after its passage, and all laws or parts of laws conflicting with the provisions of this act are hereby repealed so far as conflicting.

(Signed) MICHAEL HAHN,
Speaker of the House of Representatives.
(Signed) C. C. ANTOINE,
Lieutenant Governor and President of the Senate.
Approved January 6, 1877.
(Signed) WM. P. KELLOGG,
Governor of the State of Louisiana.
A true copy:
P. G. DESLONDE,
Secretary of State.

AN ACT No. 8.

Making an appropriation of one hundred and fifty-eight thousand dollars, out of the general funds in the State treasury, or received in the treasury during the year 1877, for the payment of the mileage and per diem of members, salaries of officers and employes, and contingent expenses of the General Assembly of Louisiana for the regular session of 1877, directing the Auditor of Public Accounts to issue warrants to the chairman of the Contingent Expenses Committee of the House, and to the chairman of the committee on auditing and supervising the accounts of the Senate on the Treasurer, and making such warrants receivable for State licenses; directing the Treasurer of the State to receive such warrants in settlement with tax collectors, and to provide for the disbursement of the amount appropriated.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the sum of one hundred and fifty-eight thousand dollars, or as much thereof as may be necessary, be and is hereby appropriated out of any money in the treasury to the credit of the general fund, or that may be received in the treasury to the credit of the general fund, not otherwise appropriated, for the payment of the mileage and per diem of the members, salaries of officers and employes, and contingent expenses of the General Assembly during its regular session of 1877, said sum to be appropriated as follows, to wit: To pay mileage and per diem of members, salaries of officers and employes of the House of Representatives, seventy-five thousand dollars; [illegible] … bers, salaries of officers and … the Senate, thirty-… thousand … pay contingent expenses of the … cluding furniture, etc., for the … Senate, nineteen thousand doll…

SEC. 2. Be it further enacted … it shall be the duty of the Co… Auditing and Supervising the … the Senate and the Committee … gent Expenses of the House of … tatives to issue, when demanded … presentation of proper eviden… cate certifying the amount d… member of their respective ho… mileage and per diem, and to … officers and employes of their … houses his salary, which certi… issued shall be approved on the … Senate by its presiding officer, … part of the House of Represe… the Speaker thereof; and the … Public Accounts shall and is he… ed and required to issue his war… amount of said certificates on th… and the treasurer is hereby dir… the said warrants, and the C… Contingent Expenses of the Ho… Committee on Auditing and … Accounts of the Senate shall is… ficate in excess of the amount ap… by this act, and that no warra… tive vouchers or other evidence… edness issued prior to January 1 … be paid out of the appropriatio… this act, excepting mileage and … the members of the extra se… Senate of 1876.

SEC. 3. Be it further enacted, … the chairman of the committee … gent Expenses of the House an… man of the Committee on Auditi… pervising Accounts of the Senate … a certificate in their own favor … by the presiding officers of each … the Auditor of Public Accou… amount of the appropriation m… tion one of this act for contingen… and the Auditor shall issue his w… such sums as the respective chai… indicate, and the chairmen of sa… tees shall issue a certificate t… tingent creditor, which shall b… by the presiding officers of the … House, and the said chairmen w… such certificate out of the conti… in their hands; and be it furth… that the warrants issued in acco… section two of this act are hereb… ceivable for all licenses due th… ing the year 1877, and the seve… lectors throughout the State … directed to receive the same in … for licenses, and the State Tre… receive the said warrants as cash … settlement with tax collectors.

SEC. 4. Be it further enacted, … the certificates issued by the C… the Committee on Contingent E… the House, approved by the Sp… House, and the certificates iss… Committee on Auditing and … the Accounts of the Senate, a… the presiding officer of the Se… cordance with section two of th… be considered by the Auditor of … counts of the State as full and fi… of a legal debt against the Sta… Auditor shall, on presentation … tificate, immediately issue a war… Treasurer of the State for the … the certificate or certificates so … the warrants to be drawn on the … printed in section one of this act…

SEC. 5. Be it further enacted, … at the next session of the Gener… the Auditor of Public Accounts … sent to the said General Assem… ed, itemized account of every … sued by him for the mileage, p… salary of the officers of the pre… Assembly, and the Committee … and Supervising the Accounts … ate, and the Committee on Con… penses of the House shall, at th… sion of the General Assembly, pre… respective houses a detailed, ite… of each and every voucher issue… respectively, the number, amou… favor drawn, and the person d… voucher, and that said itemi… after said presentation shall … with the books of the Audit… Accounts and of said commit… ported back to both branches of … Assembly.

SEC. 6. Be it further enacted, … all laws or parts of laws in co… this act be and the same are … pealed, and that this act take… and after its passage.

(Signed) MICHAEL H…
Speaker of the House of Rep…
(Signed) C. C. ANTOIN…
Lieutenant Governor and Pres…
Senate.
Approved January 8, 1877.
(Signed) WM. P. KELL…
Governor of the State of…
A true copy:
P. G. DESLONDE,
Secretary …

SESSIONS OF 187…

AN ACT

Fixing the fees of the clerks of … courts throughout the State … of Orleans excepted), and pr… manner of collecting the sam…

SECTION 1. Be it enacted by … and House of Representatives … of Louisiana in General Assemb… That the clerks of the several di… throughout the State (the paris… excepted) shall be entitled to … receive the following fees of o…

For indorsing, registering an… tion, ten cents.

For indorsing, registering a… swers, ten cents.

For copying all instrument… not otherwise provided for, ea… dred words, fifteen cents.

For issuing citation, with … tificate, fifty cents.

For copy of citation, with ce… ficate, forty cents.

For issuing attachment, and … ty-five cents.

For copy of attachment, and … cents.

For issuing fieri facias, with … lar.

For issuing order of seizure … one dollar.

For issuing order of sequest… seal, one dollar.

For issuing writ of certiorari … seventy-five cents.

For issuing injunction, with … five cents.

For issuing writs of habeas … seal, and the proceedings there… shall be made by the clerk or sh… in civil cases.

For issuing writ of mandam… seventy-five cents.

For issuing writ of distringas … seventy-five cents.

For issuing subpena *duces* … seal, seventy-five cents.

For issuing subpenas for wi… seal, fifteen cents.

For copy of subpena, with ce… tificate, fifteen cents.

For issuing writ of possession … fifty cents.

For each order of partition … fifty cents.

For issuing notice of judgment … twenty-five cents.

For every continuance, ten c…

For issuing citation of app… and certificate, fifty cents.

For copy of citation, with … tificate, forty cents.

For issuing attachment to … into court, with seal, forty cen…

For issuing venire facias … which a jury may be prayed f… trict court, to be charged t… that upon filing the petition … cents.

For swearing jury, twenty f…

For swearing each witness, …

For entering final judgment, … ter how many parties, to be … once in each case, seventy-fiv…

For every interlocutory j… matter how many parties, thir…

For each order of court … minutes of the court, not ot… vided for, fifteen cents.

For copies of the same, with … tificate, twenty-five cents.

For filing and registering … ments, ten cents.

For setting cause for trial … same, ten cents.

[illegible]