OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

SENATE.

Thirty-eighth Day's Proceedings.

SENATE CHAMBER,
New Orleans, Wednesday, Feb. 14, 1877.

The Senate met pursuant to adjournment, the Hon. Louis A. Wiltz, Lieutenant Governor and President of the Senate, in the chair.

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

Messrs. Ducros, Ellis, Eustis, Garland, George, Goode, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White, Zacharie—19.

Absent—Messrs. Allain, Boatner, Breaux, Bryant, Burch, Cage, Demas, Dumont, Gla. Grover, Harper, Landry, Stamps, Sutton, Twitchell, Wakefield, Young—17.

On motion of Mr. Mitchell, the reading of the journal in detail was dispensed with.

MESSAGE FROM THE HOUSE.

To the Honorable, the President and members of the Senate of the State of Louisiana:

I am directed by the House of Representatives to inform your honorable body that the House is ready to proceed to ballot for United States Senator.

Respectfully, etc.,
PETER J. TREZEVANT,
Chief Clerk.

On motion of Mr. Robertson the Senate concurred in the following House amendment to Senate bill No 12: "Insert in line 30, after the word jury,' or any two of them in the absence from the parish of the third.'"

Mr. Goode, Chairman of the Committee on Judiciary, submitted Senate bill No. 62, entitled "An act relative to the principal and sureties on official bonds," which, on motion of Mr. Goode, was read a first and second time under a suspension of the constitutional rules.

Under a further suspension of the rules the bill was considered engrossed, read a third time, finally passed, title adopted and ordered to be sent to the House for concurrence.

On motion of Mr. Goode, the vote whereby Senate bill No. 62 was finally passed was reconsidered, and that motion was laid upon the table.

On motion of Mr. Kelly, the Senate proceeded in a body to the hall of the House of Representatives for the purpose of balloting in joint session for a United States Senator.

JOINT SESSION.

The joint session was called to order by the Hon. Louis A. Wiltz, Lieutenant Governor and President of the Senate.

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

Messrs. Demas, Ducros, Ellis, Eustis, Garland, George, Goode, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—20.

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

Hon. L. Bush, Speaker, and Messrs. Aldige, Aycock, Barbin, Bridger, Billieu, Breard, Bowden, Barron, Barrett, Brady, Berry, Bell, Briggs, Cressy, Delavigne, Duke, Dupree, Estopinal, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, Hill of Orleans, Jonas, Kelly of Winn, Kelly of Orleans, Kernochan, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Richardson, Ryland, Randolph, Rolle, Robertson, Ridgley, Shakspeare, Self, Spiller, Stagg, Steele, Tremoulet, Toler, Washburne, Wood, Williams, Young of Claiborne, Young of East Baton Rouge—63.

The President declared a quorum present in both houses and that the joint assembly would now proceed to ballot for a United States Senator for the term commencing March 4 next.

The Secretary of the Senate read the names of the candidates, to wit:

Hon. B. F. Jonas of Orleans, Hon. Randall L. Gibson of Orleans, Hon. R. C. Wickliffe of West Feliciana, Hon. W. B. Egan of Caddo, Hon. W. A. Robertson of St. Landry.

The rolls of the respective branches of the General Assembly were then called, with the following result:

Senators Garland and Texada, and Representatives Kelly of Winn, Martin, Nunez and Sellers voted for Hon. W. A. Robertson—6 votes.

Senators Demas, Eustis and Robertson, and Representatives Cressy, Leonhard, Peralta, Rolle, Self and Young of Claiborne voted for Hon. L. A. Wiltz—9 votes.

Senators Wheeler and Zacharie, and Representative Billieu voted for Hon. E. D. White—3 votes.

Senators Goode, Kelly, Stubbs and Steven, and Representatives Aycock, Bridger, Breard, Bowden, Brady, Berry, Robertson, Duke, Foerster, Gaskins, Gillespie, Hun ington, Hammond, Lea, Means, Newsom, Pitts, Richardson, Shakspeare, Steele and Ridgley voted for Hon. B. F. Jonas—25 votes.

Senator Ducros and Representatives Aldige, Barrett, Bell, Briggs, Delavigne, Estopinal, Fitzpatick, Hill of Orleans, Kelly of Orleans, Leeds, Lamare, Kernochan, Stagg and Tremoulet voted for the Hon. R. L. Gibson—15 votes.

Senators Ogden, Perkins Richardson and Representatives Dupree, Lyons, Porter, Ryland, Barbin, Spiller, Toler, Wood, Williams and Young of East Baton Rouge voted for the Hon. R. C. Wickliffe—13 votes.

Senators Ellis, George, Mitchell and Sandiford, and Speaker Bush and Representatives Barron, Jonas, McGehee, Randolph, Smart, Taylor and Washburne voted for the Hon. W. B. Egan—12 votes.

Total number of votes cast, 83; necessary to a choice, 42.

The President declared that as no one of the candidates had received a majority of the votes cast in joint assembly, there was no election.

On motion of Mr. George, the joint assembly adjourned until to-morrow at 12 o'clock m., and the Senate withdrew to its own chamber.

The Senate was called to order by Lieutenant Governor Wiltz, President of the Senate.

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

Messrs. Demas, Ducros, Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Steven, Stubbs, Texada, White and Zacharie—19.

Absent—Messrs. Allain, Boatner, Breaux, Bryant, Burch, Cage, Dumont, G'a, Harper, Landry, Sandiford, Stamps, Sutton, Twitchell, Wakefield, Whee er and Young—17.

ACTION ON REPORTS LYING OVER.

The following report of the Committee on Judiciary:

ROOMS COMMITTEE ON JUDICIARY,
New Orleans, February 8, 1877.

To the Honorable the President and members of the Senate:

Gentlemen—Your Committee on Judiciary, to whom was referred House bill No. 49, entitled "An act to amend and re-enact the act entitled "An act to amend and re-enact sections Nos. 359, 360 and 361 of the Revised Statutes, and to do away with unnecessary costs and expenses in the cancelling of official bonds," approved March 26, 1873, respectfully report favorably thereon and recommend its passage.

Respectfully,
F. S. GOODE, Chairman.

Was, on motion of Mr. Goode, adopted.

SENATE BILLS ON SECOND READING.

Senate bill No. 14, entitled "An act to repeal section 1972 of Ray's Revised Statutes of the State of Louisiana," was, on motion of Mr. Goode, indefinitely postponed.

On motion of Mr. Eustis Senate bill No. 29, entitled "An act to enlarge the jurisdiction of the Third District Court for the parish of Orleans, and to authorize said court to make special rules for the trial of causes appealed from Justice's Court," was recommitted to the Committee on Judiciary.

Mr. Eustis in the chair.

On motion of Mr. George Senate bill No. 55, entitled "An a t to create an additionul Justice of the Peace and Constable in the fourth ward of the parish of Natchitoches, to be located at False River in said parish, to define its jurisdiction and to provide for the election of the same and to prescribe the manner of filling the same," was considered engrossed.

On motion of Mr. Sandiford the constitutional rules were suspended, the bill read a third time, finally passed, title adopted and ordered sent to the House for concurrence.

Senate bill No. 56, entitled "An act to abolish all fines and penalties imposed upon judges, justices of the peace and recorders for permitting attorneys to practice before their respective courts without first exhibiting a license, and to amend and re-enact sections 1972 and 2683 of Revised Statutes of the State of Louisiana," was, on motion of Mr. Breaux, postponed until Saturday, February 17, 1877, and made the special order of the day for 1 o'clock.

On motion of Mr. Zacharie the Senate adjourned until Thursday February 15, 1877, at 12 o'clock m.

JOHN CLEGG,
Secretary of the Senate.

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STATE OF LOUISIANA.

HOUSE OF REPRESENTATIVES.

Thirty-eighth Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, La., Wednesday, Feb. 14, 1877.

The House was called to order at 11:50 o'clock a. m. Present:

Hon. L. Bush, Speaker; and Messrs. Aldige, Aycock, Barbin, Billieu, Bridger, Breard, Bowden, Barron, Barrett, Brady, Berry, Bell, Briggs, Cressy, Delavigne, Duke, Dupree, Estopinal, Fitzpatrick, Foerster, Gaskins, Gillespie, Hammond, Hill of Orleans, Jonas, Kelly of Winn, Kelly of Orleans, Kernochan, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Richardson, Robertson, Ryland, Randolph, Rolle, Shakspeare, Self, Spiller, Stagg, Steele, Sellers, Smart, Taylor, Tremoulet, Toler, Washburne, Wood, Williams, Young of Claiborne, and Young of East Baten Rouge.

Sixty-three members and a quorum of the House.

Prayer was offered by the Rev. Father Hubert of the Catholic Church.

The journal of Monday, February 12, was approved.

PETITIONS, MEMORIALS, ETC.

Mr. Tremoulet presented the petition of merchants constituting the "Coffee Trade of the City of New Orleans," asking that the House will not interfere, by act passed or by privilege granted, with the present mode of conducting the coffee business, and particularly with the inspection and weighing of coffee, and that the House except coffee as well as cotton from the act to incorporate the Board of Trade.

The petition was referred to the Committee on Agriculture, Immigration and Commerce.

Mr. Bowden presented two petitions of residents of the parishes of St. Martin and Iberia against the passage of House bill No. 3, which were ordered to be filed with said bill.

LEAVE OF ABSENCE.

On the motion of Mr. Bowden leave of absence was granted to Mr. Spiller for four days, beginning on Friday, February 16.

NOTICE OF BILLS.

Mr. Lea of St. Helena, gave notice that he would at some future day introduce a bill for the protection of game during certain seasons of the year, and providing penalties for the destruction of the same.

Mr. Steele gave notice of a bill creating an additional justice of the peace and constable in the parish of Union.

BILLS INTRODUCED.

Mr. Martin asked and obtained leave to introduce, without previous notice given, a bill entitled House bill No. 114, An act relative to the town of Royville in the parish of Lafayette.

Under a suspension of the constitutional rule the bill was passed to its second reading, placed upon the calendar, and referred to the Committee on Corporations.

SENATE BILLS—FIRST READING.

The following Senate bills were severally read and, under a suspension of the rules, passed to their second reading and referred to the Committee on the Judiciary:

Senate bill No. 28, "An act relative to the recusation of judges and district attorneys in criminal cases, and to amend and re-enact section 1067 of the Revised Statutes of the State of Louisiana. Approved 14th March, 1870."

Senate bill No. 53, "An act to provide for the promulgation of laws when the Governor has failed, or shall fail to return the same as required by article 66 of the constitution, as in cases where, after reaching the Governor, the enrolled copy has been lost or mislaid, or for any reason not been returned; and to provide for the signing by the President of the Senate and Speaker of the House of duplicate enrolled copies of all laws."

And Senate bill No. 54, "An act to remit penalties on delinquent taxes in certain cases."

JOINT SESSION.

At 12:25 o'clock p. m. the Senate entered the Hall of Representatives, Hon. Louis A. Wiltz, Lieutenant Governor, presiding, for the purpose of uniting with the House in a joint session of the General Assembly with a view to further balloting for a Senator to represent the State of Louisiana in the Senate of the United States for the term beginning March 4, 1877.

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

Messrs. Demas, Ducros, Ellis, Eustis, George, Garland, Goode, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie.

Twenty Senators and a quorum of the Senate.

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

Hon. L. Bush, Speaker; and Messrs. A'dige, Aycock, Barbin, Bridger, Breard, Bowden, Barron, Barrett, Brady, Berry, Bell, Briggs, Billieu, Cressy, Delavigne, Duke, Dupree, Estopinal, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, Hill of Orleans, Jonas, Kelly of Winn, Kelly of Orleans, Kernochan, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Ryland, Richardson, Randolph, Robertson, Rolle, Ridgley, Self, Shakspeare, Spiller, Stagg Steele, Sellers, Smart, Tremoulet, Toler, Washburne, Wood, Williams, Young of Claiborne, Young of East Baton Rouge.

Sixty-three members and a quorum of the House.

The purpose of this joint session was announced by the presiding officer, and the nominations were read as follows:

Messrs. Aldige, Barrett, Bell, Briggs, Delavigne, Estopinal, Fitzpatrick, Hill of Orleans, Kelly of Orleans, Leeds, Lamare, Kernochan, Stagg and Tremoulet—14.

The following members voted for the Hon. R. C. Wickliffe:

Messrs. Barbin, Dupree, Lyons, Porter, Ryland, Spiller, Toler, Wood, Williams and Young of East Baton Rouge—10.

The following members voted for the Hon. W. B. Eagan:

Speaker Bush and Messrs. Barron, Jonas, McGehee, Randolph, Smart, Taylor and Washburne—8.

The following members voted for the Hon. W. A. Robertson:

Messrs. Kelly of Winn, Martin, Nunez and Sellers—4.

Total vote, 83; necessary to a choice, 42.

No one candidate having received a majority of all the votes cast, it was declared by the presiding officer that there had been no election and the Senate, on motion of Mr. Perkins, withdrew to its chamber.

BILLS ON THIRD READING.

The business of the House being resumed, House bill No. 71, "An act to repeal act No. 74, approved September, 14, 1868; act No. 44, approved February 27, 1869; act No. 87, approved March 6, 1869; act No. 92, a proved March 8, 1869; act No. 94, approved March 30, 1870; act No. 37, approved March 5, 1873; act No. 64, approved March 26, 1873; act No. 33, approved February 26, 1874; act No. 60, approved March 17, 1874, and act No. 16, approved March 25, 1875; and to authorize the Mayor and Administrators of the city of New Orleans to organize and maintain such police as may be necessary for the order and good government of said city," was taken up on its third reading as the unfinished business of the session of Saturday, February 10, pending the motion that the bill be finally passed. The bill was read a third time and passed. The title of the bill was amended in accordance with the recommendation of the aforesaid committee as follows:

After the word city, in the seventeenth line, to add the words, "and to assume control of the Fire Alarm Telegraph." And to add after the last word in the last line (20) the words "and to limit the annual expense of the same."

The title was adopted as amended.

SPECIAL ORDER OF THE DAY.

House bill No. 44, An act to authorize James Legendre, an emancipated minor, to practice law before any of the courts of this State.

Being the special order of the day for this day at one o'clock, p. m., was taken up, pending the question of the final passage of the bill by the House, notwithstanding the disapproval and objections of the Governor.

The object ons of the Governor were read and ordered to be spread upon the journal, as follows:

EXECUTIVE DEPARTMENT,
State of Louisiana,
New Orleans, Feb. 10, 1877.

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

Gentlemen—I have the honor to return herewith, without my approval, an act originated in your honorable body, entitled "An act to authorize James Legendre, an emancipated minor, to practice law before any of the courts of this State."

Article 113 of the State constitution declares that "The General Assembly may enact general laws regulating the adoption of children, *emancipation of minors*, and the granting of divorces; but no special laws shall be passed relating to particular or individual cases."

I think the purpose of the framers of the constitution was to prevent particular individuals, belonging to a class subject to disqualification by reason of age, from gaining the vantage ground of others belonging to the same class, by means of special legislation in their favor. Not only was the time of the Legislature taken up in listening to and discussing the special personal reasons for these exceptional cases, but heavy expenses to the State attended action thereon; above all the legislative department was subject at all times to misconstruction as to the grounds of its action, a decision in one case favorable to the applicant, followed in the next case by one unfavorable, often gave rise to dissatisfaction and complaint. These were the evils sought to be avoided, and I think legislation should be shaped so as not to obstruct the operation of this remedial provision of the constitution. It is possible that a strict legal or judicial construction of article 113 of the constitution might result in establishing that this particular bill is not obnoxious to the letter of that article, but in my opinion it is clearly violative of its spirit and purpose. Whether this bill be held to be a mere modification of the general law relative to attorneys at law, and a removal in a particular case of a condition precedent to the exercise of a profession, rather than direct legislation upon the subject of minority, it is none the less true that its effect will be to remove from a particular person disabilities which result solely from his age, and place him by a special law on a footing more favorable than others similarly situated.

I am of opinion that the spirit of the constitution is opposed to special legislation leading to this result, and am therefore constrained to return the bill with these my objections.

Respectfu ly,
FRANCIS T. NICHOLLS,
Governor of Louisiana.

The yeas and nays were ordered on the final passage of the bill as follows:

Yeas—Messrs. Carloss, Estopinal, Huntington, Jonas, Lea, Means, Newsom, Peralta, Rolle, Randolph, Shakspeare, Tremoulet, Young of East Baton Rouge—13.

Nays—Hon. Louis Bush, Speaker, and Messrs. Aldige, Aycock, Barbin, Bridger, Breard, Bowden, Barrett, Brady, Buck, Berry, Bell, Billieu, Cressy, Delavigne, Duke, Dupree, Foerster, Gaskins, Gillespie, Hammond, Hill of Orleans, Kernochan, Kelly of Orleans, Lyons, Leeds, Lamare, Leonhard of Orleans, Martin, McGehee, Nunez, Porter, Pitts, Richardson, Ridgley, Self, Spiller, Stagg, Steele, Sellers, Smart, Taylor, Toler, Washburne, Wood, Williams, Young of Claiborne—48.

Less than two-thirds of the members voting having voted for the passage of the bill, it was declared lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
New Orleans, Feb. 12, 1877.

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

Gentlemen—I am directed by the Senate to inform your honorable body that the Senate has concurred in the following House bills:

House bill No. 62, entitled, "An act to provide for the better management of the charitable institutions of the State, and for certain penalties."

And House bill No. 88, entitled "An act to change the name of Thomas Jefferson Mount to that of Sylvester Egerton Richardson."

Also, to inform you that the Senate has passed Senate bill No. 50, entitled "An act to instruct the local authorities of the parish of St. Bernard to remove back to the legal courthouse of said parish on Bayou Terre-aux-Bœufs, the parish and court records, effects and furniture; to repeal 'An act entitled an act to provide for the removal of the seat of justice of St. Bernard, and divide said pari-h into wards,' approved April 14, 1874, and to authorize the Police Jury of said parish, if sustained by the popular vote, to change the seat of justice of said parish."

Also, Senate bill No. 62, entitled "An act relative to the principals and sureties on official bonds," and to request the concurrence of your honorable body in the same.

Also, to inform you that the Senate has concurred in House amendments to Senate bill No. 12, entitled "An act to amend and re-enact section 351 of the Revised Statutes of the State of Louisiana, in relation to bonds of public officers, approved March 14, 1877."

Respectfully, etc.,
JOHN CLEGG,
Secretary of the Senate.

COMMITTEE OF THE WHOLE.

The House, in pursuance of leave granted, resolved itself into a Committee of the Whole House for the purpose of further considering the general revenue bill, No. 54, and on rising reported progress and asked leave to sit again to-morrow, Thursday, at 1 o'clock p. m.

Leave was granted.

Senate bill No. 62, "An act relative to principals and sureties on official bonds," was taken up on its first reading.

Under a suspension of the constitutional rule, on motion of Mr. Jonas, the bill was passed to its second reading.

On motion of Mr. Leeds the following amendment was adopted:

After the word "officer," in the fourteenth line of section 1, add the words: "provided that in all cases where the salaries, fees and perquisites of officers who have already given bond shall be reduced, such officers shall give new bond in conformity with the provisions of this act."

Under a further suspension of the rules the bill was read a third time and passed.

House bill No. 105, the Legislative Compensation bill, was, on motion of Mr. McGehee, reassigned as the special order of the day for Saturday, February 17, at one o'clock, p. m.

On motion, the House adjourned.

PETER J. TREZEVANT,
Chief Clerk

OFFICIAL.

LAWS OF THE STATE OF LOUISIANA.

PUBLISHED BY AUTHORITY.

REGULAR SESSION OF 1877.

[No. 8. AN ACT.

To incorporate the town of Ouachita City in the parish of Union; to provide for the election of Mayor and Councilmen; to define their duties; and to provide for the government 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 residents of the town of Ouachita City in the parish of Union are hereby created and made a corporation and body politic by the name and style of Mayor and Councilmen of the town of Ouachita City, and by that name shall be capable of suing and being sued, and contracting and being contracted with, of purchasing or receiving by donation, holding and conveying any estate, real or personal, for the use and benefit of said town, and shall have all the powers necessary and proper for carrying out the purposes for which this corporation is created.

They shall have power of raising money by taxation for the purposes of said corporation, on the real and personal property situated therein; and also of raising money for corporation purposes by a license tax on all trades, occupations and professions of every kind and description, upon which the State levies a license tax; *provided*, that the tax upon the property shall not exceed five mills on the assessed value thereof, and the license tax on trades, occupations and professions shall not exceed the license tax levied by the State.

SEC. 2. *Be it further enacted, etc.*, That the limits and boundaries of said town shall be as follows, viz: Stating at the mouth of Cypress Bayou where said branch empties into Ouachita river, from thence westward along the north bank of said ba ou to the line which divides the northwest and northeast quarters of section seventeen (17), township twenty, north range four (4) east; thence northward along said line one half mile; thence eastward to the Benoit Spring on the bank of the Ouachita river; thence along the margin of said river to the place of beginning.

SEC. 3. *Be it further enacted, etc.*, That the government of said town of Ouachita City shall consist of a Mayor and three Councilmen, any two of whom, with the Mayor, shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted, etc.*, That on the first Monday of May, 1877, and on the first Monday in May every year thereafter, an election shall be held in said town for a Mayor and three Councilmen, of which the Mayor shall give ten days' public notice by posting in three public places of said town; that at said elections the electors shall be voters of the parish, and have had an actual residence within the corporate limits of said town for twenty days prior to the election; that the said election shall be held and supervised by three commissioners appointed by the Mayor, from the citizens of said town for that purpose, who shall also hold elections to fill vacancies, and who shall take an oath before the Mayor or any Justice of the Peace, to faithfully discharge the duties as Commissioners of Election. That on election days they shall open the polls at 8 o'clock a. m. and close at 3 o'clock p. m., at which time they shall make up a statement of the election returns under oath, and deliver the same to the Mayor and Councilmen, who shall declare the result, and the officers thus declared elected shall enter upon the discharge of their duties as such within three days thereafter by taking the oath of office before the Mayor or any Justice of the Peace. When the office of Mayor becomes vacant, it shall be the duty of the Councilmen or any one of them, to order an election to fill said vacancy, after giving three days notice thereof. That when a vacancy occurs in the office of any Councilman, the Mayor shall order an election to fill said vacancy by giving three days notice thereof. That should a vacancy occur in all the offices, any Justice in and for Ward Number Two, shall order an election by giving ten days' notice thereof as required above, and shall appoint the Commissioners for holding the same, who shall make their returns to the Justice ordering the election, who shall declare the result.

SEC. 5. *Be it further enacted, etc.*, That the Mayor and Councilmen shall hold their meetings as often as once every month, at a time and place they may select, and at such other times as he or a majority of the Councilmen may deem necessary, or five or more electors of the corporation may require. At all meetings of the Board of Councilmen the Mayor shall preside, and in case of the absence of the Mayor, or his inability to attend to the duties of his office, the senior Councilman present shall preside at all meetings of the board, at which time it will require two Councilmen besides the chairman to constitute a quorum, and during the absence of the Mayor the said senior Councilman shall be subject to all the duties imposed by, and shall have all the powers conferred by this act upon said Mayor.

SEC. 6. *Be it further enacted, etc.*, That the Mayor of Ouachita City shall be, and is hereby invested with judicial powers, which shall only extend to the cognizance of all cases arising under the police regulations of said town, with authority to try summarily all parties who may be brought before him for violations of the police regulations of said town, and his authority shall extend to fine and imprisonment of parties convicted before him, the fine in no case to exceed fifty dollars for each offense, and the imprisonment not to exceed twenty days, and it shall be the duty of the Mayor to see that all the regulations and ordinances of said town are faithfully executed; that said Mayor and Councilmen shall have power to pass any by-laws for their own government and the government of the officers of said town, and any regulations and ordinances in writing not inconsistent with the Constitution and laws of the United States, or of this State, as they may deem proper, in relation to public markets, streets, alleys, highways and sidewalks, and to disorderly houses, drinking saloons, gambling houses and nuisances generally; to establish facilities for protection against fire to town; watch and police; to levy and collect taxes and licenses, and to determine the mode of assessing and collecting the same; to impose such fines and penalties for a breach of their by-laws, regulations and ordinances as they may think proper, subject to the limitations of this act.

SEC. 7. *Be it further enacted, etc.*, That the Mayor and Councilmen of said town shall at the first regular meeting after each annual election, elect by ballot, suitable persons to fill the offices of Clerk, Treasurer, Assessor and Collector and Marshal of said Corporation, who shall hold their offices for one year, unless sooner removed for cause, and the office of Assessor and Collector and Marshal may be conferred upon the same person; and it is made the imperative duty of the Mayor and Councilmen to remove the Assessor and Collector should he fail to make satisfactory monthly settlements. That the compensation of the officers appointed or elected by the Mayor and Councilmen shall be fixed by the said board. The Mayor of said town shall receive an annual salary, the amount to be fixed by the Mayor and Councilmen, which shall not exceed fifty dollars.

SEC. 8. *Be it further enacted, etc.*, That the Assessor and Collector shall have the same power and means to inforce the payment of the corporation taxes and licenses levied by the Mayor and Councilmen as are given to Assessors and Collectors of State and parish taxes to enforce the payment of taxes and licenses due the State and parishes. The Marshal shall be Chief of Police, and shall attend the meetings of the Mayor and Councilmen; shall arrest all persons he may see violating the police regulations of the town, or who may be charged with the same, and carry them before the Mayor for trial; that he shall be the executive officer in all proceedings before him, when acting as police magistrate; be keeper of town prison or catahoose; collect all fines assessed by the Mayor, and imprison in said lockup any one sentenced to imprisonment by the Mayor, and see that they are properly cared for while in prison; that he shall pay over to the Treasurer at the close of each week, all fines by him collected due the corporation; that he shall be authorized, when necessary, to appoint as many special deputies as the Mayor may deem proper.

SEC. 9. *Be it further enacted, etc.*, That the Governor of the State of Louisiana shall immediately after the passage of this act, appoint a Mayor and three Councilmen in and for the town of Ouachita City, who shall hold their several offices until the first Monday in May, 1877, or until their successors are duly appointed, or elected, and qualified.

SEC. 10. *Be it further enacted, etc.*, That the Mayor and Councilmen shall have control of the bank of the Ouachita River, within the limits of the corporation, and shall have the power to pass ordinances regulating the landing of trading and other boats within said limits.

SEC. 11. *Be it further enacted, etc.*, That the valuation of property for taxation by the corporation shall not be in excess of valuation made by the State; and the Mayor and Councilmen shall annually cause to be prepared a roll of all the taxable property within the corporate limits, by the first Monday in February in each year, which shall be subject, after public notice, to examination by all taxpayers within the corporate limits; all taxes assessed as aforesaid shall be due and collectible on and after the third Monday in February.

SEC. 12. *Be it further enacted, etc.*, That all laws and parts of laws in conflict with this act be and are hereby repealed, and that this act shall take effect from and after its passage.

(Signed) LOUIS BUSH,
Speaker of the House of Representatives.
(Signed) LOUIS A. WILTZ,
Lieutenant Governor and President of the Senate.

Approved February 14, 1877.
(Signed) FRANCIS T. NICHOLLS,
Governor of the State of Louisiana.

A true copy:
WILL. A. STRONG, Secretary of State.

AUCTION SALES.

By Nash & Hodgson.

EXTENSIVE LAND SALE.

EMBRACING OVER 17,000 ACRES OF CHOICE, WELL SELECTED LANDS IN THE VARIOUS PARISHES, AND VALUABLE LOTS IN NEW ORLEANS, ON LONG CREDIT, AT AUCTION.

SUCCESSIONS OF HENRY M. AND LAURA M. HYAMS, HIS WIFE, BOTH DECEASED, CONSOLIDATED.

Second District Court for the Parish of Orleans—No. 38,151.

BY NASH AND HODGSON—W. I. Hodgson, Auctioneer—Office No. 13 Carondelet street—On SATURDAY, March 24, 1877, at twelve o'clock m., at the St. Charles Auction Exchange, in the basement rotunda of the St. Charles Hotel in the city of New Orleans, by virtue and in pursuance of two several orders of the Hon. A. L. Tissot, Judge of the Second District Court for the parish of Orleans, one dated January 19, and the other January 29, 1876, court docket No. 38,151, for account of the above named successions, at public auction, will be sold—

PROPERTIES OF HENRY M. HYAMS.

Orleans Parish.

1. ONE LOT OF GROUND, in the First District of this city, being lot No. 10 in the square bounded by Common, Bank, Broad and Dorgenois streets, measuring 30 feet front on Banks street, by a depth of 100 feet, all between parallel lines, American measure, according to a plan by H. Moelhausen, deposited in the office of B. Phillips, late notary in this city.

2. AN UNDIVIDED THREE-FOURTHS interest in lots Nos. 8 to 13, inclusive, in the Second District of this city, in the square bounded by Canal, Customhouse, Napoleon and Solomon streets, each having a front on Customhouse street of 32 feet, lots Nos. 8 and 9 having each a depth of 127 feet, No. 10 a depth of 112 feet on the division line of lot No. 11, which has a depth of 95 feet on the side next to lot No. 12, which has a depth of 78 feet, on the side next to lot No. 13, which has a depth and front on Solomon street of 55 feet 11 inches 2 lines; lot No. 13 forming the corner of Customhouse and Solomon streets; all more or less, American measure.

Iberville Parish.

Southwestern District of Louisiana, to-wit:

In township eight south, range ten east—The south half and northeast quarter of section sixty-four, together 493.20 acres.

Avoyelles Parish.

Southwestern District of Louisiana:

In township three north, range five east—AN UNDIVIDED ONE-HALF of the following lands, to-wit:

The west half of the west half of section two, containing 158.67 acres; all of fractional section three of 58.33 acres; the fractional northeast quarter of section fourteen, of 107.85 acres; the southwest quarter and the fractional southeast quarter of section fifteen, of 319.78 acres; together 544 63 acres.

One undivided half is 322.31 acres.

THE ENTIRE INTEREST in the following tract, bought from Charles Koek.

In township 1, N Range, 6 east, southwest quarter of southwest quarter of section nineteen, 39.75 acres; west half of section and west half of northeast quarter of section thirty, 397.58 acres; east of half section and east half of northwest quarter of section thirty-one, 396.70 acres. Total 834 03 acres.

In township 1, N Range, 5 east, south half of southeast quarter of section twenty-four, 79.76 acres; northeast quarter of section twenty-five, 159 72 acres. Total 239.48 acres.

In township 1, North Range, 6 east, west half and southeast quarter of northwest quarter, southwest quarter and north half of southeast quarter of section thirty-two, 359.46 acres; northwest quarter of southwest quarter and north half of southeast quarter of section thirty-three, 121.03 acres; north half of southwest quarter of section thirty-four, 80.62 acres; southeast quarter of southwest quarter and southeast quarter of section thirty-five, 200.97 acres; southwest quarter of southwest quarter, and southwest quarter of southeast quarter of section thirty-six, 80.46 acres. Total 842.59 acres.

In township 1, South Range, 6 east, northeast quarter of northwest quarter of section one, 40.05 acres. Making the aggregate in entire interest in Avoyelles parish 1,956.15 acres.

Parish of Rapides.

SOUTHWESTERN DISTRICT, LOUISIANA

In township No. 5, North Range 4 west the northeast quarter of southwest quarter and south half of northeast quarter of section two, 116.37 acres; northwest quarter west half of northeast quarter and north half of southwest quarter of section one, 396.73 acres—together 513.30 acres.

In township 6, North Range 4 west, south half of northwest quarter and west half of southwest quarter of section twenty-five, 160 acres; east half of southeast quarter section twenty-three, 79.81 acres; southwest quarter of southwest quarter and northwest quarter of northwest quarter of section thirty-six, 77.55 acres—together 317.36 acres. Making a total in Rapides of 830.66 acres.

Parish of Catahoula.

DISTRICT NORTH OF RED RIVER, LA.

In township 3, N. Range 6 east, the fractional section ten, 23 90 acres, lots two, three and four of section eleven, 70.90 acres; and fractional section twelve, 15.56 acres. Together 110.46 acres.

In township 5, N. Range 6 east, west half of southwest quarter of section four, 83.23 acres; east half of southeast quarter of section five, 82.21 acres; east half of east half of section eight, 160.27 acres; west half of west half of section nine, 165.86 acres; east half of northeast quarter of section seventeen, 79.89 acres; fractional southeast quarter of section thirty-two, 32.03 acres; and southwest quarter of section thirty-three, 160 acres. Together 763.55 acres.

Lake Lardo Island, in same township—Being the fractional southeast and southwest quarters of section thirty, 139.61 acres; fractional northeast quarter of section thirty-one, 27.54 acres; fractional southwest quarter of section twenty-nine, 5.71 acres; and fractional northwest quarter of section thirty-two, 120.36 acres. Together 293.22 acres. Making total in this township 1,056.77 acres.

In township 4, N. Range 6 east, the west half of northwest quarter and southwest quarter of southwest quarter of section four, 119.90 acres; lots one and two, section five, 68.50 acres.

The fractional northeast quarter, west half and southeast quarter of southeast quarter, and north half of southwest quarter of section eight, 344.50 acres; lot six of section nine, 41 acres; north half and southwest quarter of northeast quarter of section seventeen, 120.15 acres; lot eight, section nineteen, 28 acres; southwest quarter section twenty, 159.80 acres; lot nine and south half of southwest quarter, section twenty-six, 126.30 acres; south half of southeast quarter section twenty-seven, 80 acres; north half section, fractional east half of southwest quarter, and fractional west half of southeast quarter of section twenty-nine, 372.40 acres; northeast quarter north half and southeast quarter of northwest quarter, north half and southeast quarter of southeast quarter of section thirty-three, 324 acres; section thirty-four, 687.62 acres; west fractional half section, northwest quarter and fractional southwest quarter of northeast quarter, and fractional northwest quarter of southeast quarter of section thirty-five, 445.79 acres—making total in township 4, N. Range 6 E. 3082.77 acres, and in the parish of Catahoula 4250 acres.

Parish of Concordia.

DISTRICT NORTH OF RED RIVER.

In township 5, N. Range 6 east, northeast quarter of northwest quarter of section twelve, 40.30 acres; west half of northwest quarter, and northwest quarter of southwest quarter of section thirty-five, 120 acres; east fractional half, and southwest quarter of northwest quarter, east half section and southwest quarter of section thirty-four, 563.33 acres; fractional southeast quarter of section thirty-three, 53.72 acres. Total in township, 777.55 acres.

In township 5, N. Range 7 east, west half of south quarter of section twenty-nine, 80.20 acres; west half and northeast quarter of northwest quarter of section thirty-two, 120.15 acres; south half of northeast quarter and southeast quarter of northwest quarter, and lots one, two and three of section thirty-one, 225.10 acres; and the "Lam tract," being northwest quarter of southeast quarter, and fractional northeast quarter of southwest quarter of section twenty, 69.50 acres. Total in township, 495.95 acres, making the aggregate in parish of Concordia 1273.80 acres.

Parish of Caldwell.

DISTRICT NORTH OF RED RIVER.

HAMS TIMBER TRACT.—In township 14, N. Range 4 east, south half of southwest quarter of section four, 79.34 acres; south half and northwest quarter of southeast quarter of section five, 117.24 acres; northeast quarter and east half of southeast quarter of section eight, 241.58 acres; west half section and west half and southeast quarter of southeast quarter of section nine, 435.45 acres.

Tract near Lemoine or Montaine—Lots one and two of section thirty-two, 61.48 acres; lots one and two, section twenty-nine, 65.40 acres; lot two, southeast quarter of northwest quarter southwest quarter section, west half of southeast quarter and southwest quarter of northeast quarter of section twenty-eight, 351.42 acres; north half of north half of section thirty-three, 160.18 acres; north half and southeast quarter of northwest quarter, and west half and southeast quarter of northeast quarter of section thirty-four, 237.99 acres—together, 1749.08 acres.

And the undivided half of the following lands, formerly owned by H. M. Hyams and D. C. Labatt:

In township 13, north range 4 east, north half of northeast quarter of section three, 80 acres; and

In township 14, north range 4 east, lots three, four, five and six of section thirty-two, 145.13 acres; south half section, south half of northwest quarter and south half of northeast quarter of section thirty-three, 475.32 acres; and south half section and southwest quarter of northwest quarter of section thirty-four, 358.83 acres; together 980.31 acres. Total in tract 1060.31 acres, the undivided half interest in the tract being 530.15 acres, making the aggregate in Caldwell parish 2279.23 acres.

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