OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

SENATE.

Forty-Fourth Day's Proceedings.

SENATE CHAMBER,
New Orleans, Wednesday, February 21, 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. Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White, Zacharie—19.

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

Prayer by Rev. Father Hubert.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, Feb. 21, 1877.

To the Honorable the Senate of the State of Louisiana:

Gentlemen—I am directed to inform your honorable body that the House has passed the following bills and ask the concurrence of the Senate in the same, viz:

House bill No. 70, "An act to repeal an act entitled an act to define and extend the limits of the Second Judicial District; to fix the terms of court therein, and to define and extend the jurisdiction for the Sixth and Seventh Municipal Districts of the parish of Orleans; to provide for a clerk of said court, and his compensation and term of office, and to provide for the drawing of jurors for said court, and to reannex the Sixth and Seventh Municipal Districts of the parish of Orleans to the First Judicial District."

Also, House bill No 74, "An act to repeal act No. 48, approved April 13, 1875, and to provide the manner of filling any vacancy that may exist in the office of Governor and Lieutenant Governor; to provide for the suspension from office of the Governor and Lieutenant Governor pending impeachment, and for other purposes."

Also, House bill No. 131, "An act to authorize the police jury of the parish of Lincoln to levy a special tax in said parish to build a parish jail."

Also, House bill No. 63, "An act to fix the cash deposit fees on suits brought in the district and parish courts throughout the State, the parish of Orleans excepted."

Also, House bill No. 58, "An act relative to the transfer of stocks and to amend and re-enact section 318 of the Revised Statutes of the State of Louisiana."

Also, House bill No. 64, "An act to amend and re-enact section 2528 of the Revised Statutes of the State of Louisiana."

Also, House bill No. 72, "An act to regulate the time of holding the Parish Court in the parish of Jefferson."

Also, House bill No. 86, "An act to amend and re-enact article 697 of the Revised Code of Practice."

Also, House bill No. 126, "An act relative to the oath to be taken in garnishment proceedings and to deposit for costs in garnishment."

Also, House bill No. 127, "An act to repeal act No. 40 of the acts of the Legislature for the year 1869, entitled 'An act for carrying into effect the 132d article of the Constitution and sections 3451, 3452, 3453 and 3454 of the Revised Statutes of the State of Louisiana.'"

Also, House bill No. 117, "To provide for the transfer of rights and franchises to purchasers of railroads under foreclosure of mortgage upon the same; to provide for the organization by such purchasers of new railroad companies; to authorize such new companies to borrow money, and to secure the same by mortgage; and to invest such organized companies with certain rights and powers, and to impose on them certain duties."

I am also directed to inform your honorable body that the House is now ready to meet the Senate in joint assembly to ballot for a United States Senator.

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

Mr. Steven in the chair.

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

Lieutenant Governor Wiltz in the chair.

On motion of Mr. Ogden, 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. Breaux, Demas, Ducros, Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—22.

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

Hon. L. Bush, Speaker, and Messrs. Aldige, Aycock, Billieu, Bridger, Breard, Barbin, Bowden, Barron, Barrett, Brady, Buck, Berry, Bell, Briggs, Carloss, Cressy, Delavigne, Duke, Dupree, Estopinal, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, Jonas, Kelly of Winn, Kelly of Orleans, Kernochan, Kidd, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Newsom, Nunez, Porter, Peralta Pitts, Richardson, Ryland, Randolph, Rolle, Robertson, Ridgley, Singleton, Shakspeare, Self, Stagg, Sellers, Smart, Taylor, Tremoulet, Toler, Voorhies, Washburne, Wood, Wilde, Williams, Young of Claiborne, Young of East Baton Rouge—67.

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.

Senator Texada nominated Hon. James Jeffries, of Rapides.

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

Representatives Aycock, Breard, Bowden Brady, Berry, Foerster, Huntington, Hammond Kidd, Leonhard, Newsom, Peralta, Rolle, Robertson, Shakspeare, Singleton, Stagg and Young of Claiborne voted for the Hon. B. F. Jonas—18 votes.

Senators Kelly, White, and Speaker Bush and Representatives Billieu, Buck, Bell, Cressy, Delavigne, Estopinal, Fitzpatrick, Kernochan, Kelly of Orleans, Leeds, Lamare and Tremoulet voted for the Hon. R. L. Gibson—15 votes.

Senator Richardson and Representatives Barbin, Dupree, Lyons, Porter, Ryland, Toler, Williams and Young of East Baton Rouge voted for Hon. R. C. Wickliffe—9 votes.

Senators George and Goode and Representatives Bridger, Barron, Briggs, Duke, Means, Randolph and Washburne voted for Hon. W. B. Egan—9 votes.

Senators Breaux, Demas, Ducros, Garland, Ogden and Zacharie and Representatives Gillespie, McGehee and Sellers voted for Hon. W. A. Robertson—8 votes.

Senators Ellis, Eustis, Grover, Stubbs, Mitchell, Perkins, Robertson, Sandiford, Steven, Texada and Wheeler and Representatives Aldige, Barret, Carloss, Gaskins, Jonas, Kelly of Winn, Lea, Martin, Nunez, Pitts, Richardson, Ridgley, Self, Smart, Taylor, Voorhies, Wood and White voted for Hon. James Jeffries—29 votes.

Total number of votes cast 89, necessary to a choice 45.

The President declared that as neither candidate had received a majority of the votes cast in joint assembly, there was no election.

On motion of Mr. Robertson, 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. Breaux, Demas, Ducros, Eustis, Garland, George, Goode, Kelly, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—19.

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

Mr. Robertson in the chair.

MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,
State of Louisiana,
New Orleans, February 19, 1877.

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

Gentlemen—I am directed by the Governor to inform the Senate that his Excellency has approved and signed the following Senate bills, to-wit:

"An act making the warrants issued for the salary of all constitutional officers, accruing after the first day of January, 1877, receivable for all taxes and licenses due and payable in the same year to the General Fund of the State."

"An act to amend and re-enact section 351 of the Revised Statutes of Louisiana, in relation to the bonds of public officers," approved March 14, 1870, and

"An act relative to the principal and sureties on official bonds."

Respectfully,
DUNCAN S. GAGE, JR.,
Private Secretary.

REPORTS OF COMMITTEES.

Mr. Goode, chairman of the Committee on Judiciary, submitted the following report:

To the Honorable President and Members of the Senate:

Your Committee on Judiciary have had under consideration Senate bill No. 72, entitled "An act to authorize the Governor to appoint an Assistant Attorney General, etc.," and a majority of the committee report the same favorably, with an additional section annexed to this report, to be section 7 of the bill, section 7 to become section 8 and section 8 to become section 9.

F. S. GOODE, Chairman.

SEC. 7. *Be it enacted, etc.*, That all laws or parts of laws authorizing the Auditor of Public Accounts or Treasurer of the State to employ special counsel, be and the same are hereby repealed.

Mr. Eustis dissents from the report.

Lies over under the rules.

Mr. Kelly, Chairman of the Committee on Metropolitan Police, submitted the following report:

ROOMS COMMITTEE ON METROPOLITAN POLICE,
New Orleans, February 21, 1877.

To the Honorable the President and Members of the Senate:

Gentlemen—Your Committee on Metropolitan Police, to whom was referred Senate bill No. 76, report favorably thereon and recommend its passage.

WM. J. KELLY, Chairman.

On motion of Mr. Kelly, the rules were suspended to consider the report at this time.

On motion of Mr. Kelly, the report was adopted.

Senate bill No. 76, "An act to repeal an act entitled 'An act to provide for the payment of the militia or police force called out to suppress riots or public disturbances, or to enforce the laws, by the parishes in which services are rendered, and the mode and manner of levying and collecting the taxes therefor, and for suit against the parish.'"

Was, on motion of Mr. Kelly, considered engrossed and ordered read a third time.

On motion of Mr. Kelly, the constitutional rules were suspended to place the bill upon its third reading. The bill was read a third time, finally passed, title adopted, and ordered sent to the House for concurrence.

NOTICES OF BILLS.

Mr. Wheeler gave notice that at some future day he would introduce a bill entitled "An act to amend and re-enact section 3233 of Revised Statutes.

INTRODUCTION OF BILLS.

Mr. Stubbs obtained unanimous consent to introduce, without previous notice, Senate bill No. 80, entitled "An act to provide for the building a levee at what is known as Bass Crevasse, in the parish of Carroll; to repair the levee above and adjacent to said crevasse; to appoint commissioners to contract for such construction and repairs; to require the State Engineer to lay off and supervise such work; to appropriate money to pay the cost of such works; to authorize the issue of State warrants for such amount, payable out of levee taxes due, and collectible for the year 1877, and receivable for said taxes, and to repeal all laws or parts of laws in conflict with this act."

Which was read a first and second time under a suspension of the constitutional rules and referred to the Committee on Lands and Levees.

INTRODUCTION OF RESOLUTIONS.

Mr. Goode introduced the following resolution:

Whereas, the efforts of this State to secure railway communication with Red River and with the State of Texas, have, so far, been abortive and are likely to remain barren notwithstanding the many millions of dollars appropriated in aid thereof; and

Whereas, the prospect, once so fair, of securing the desired communication through Mr. Charles Morgan, is now more than clouded by reason of uncertain and protracted litigation; and

Whereas, the depressed condition of affairs renders it impracticable for the state or its citizens to carry out this paramount measure, and, as in the opinion of this body Mr. Charles Morgan can give tone and vitality to the enterprise and bring it speedily to a successful termination; therefore, be it

Resolved, That the Committee on Railroads and Internal improvements be, and it is hereby authorized and empowed to consult Mr. Charles Morgan or his agents and ascertain whether he can be induced to renew his efforts to extend his "Morgan's Louisiana and Texas Railroad" west of Morgan City, and report to this body what legislation, if any, is necessary and competent in the premises.

Which lies over under the rules.

Mr. Wheeler introduced the following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring, That the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives be instructed to frame an act redistricting the judicial districts of the State and reducing the number thereof, and to report the same at as early a day as practicable.

Which lies over under the rules.

ACTION ON REPORTS LYING OVER.

Mr. Goode called up the report of the Committee on Judiciary on Senate bills Nos. 60 and 64, reported by substitute and moved the adoption of the report, on which motion Mr. Demas demanded the yeas and nays.

The roll being called resulted as follows:

Yeas—Messrs. Breaux, Ducros, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—19 Senators.

Nays—Mr. Demas—1 Senator.

Absent — Messrs. Allain, Boatner, Bryant, Burch, Cage, Dumont, Ellis, Gla, Harper, Landry, Mitchell, Stamps, Sutton, Twitchell, Wakefield and Young—16 Senators.

And the report was adopted.

On motion of Mr. Goode, Senate bill No. 81, substitute for Senate bills Nos. 60 and 64, entitled "An act to repeal sections 3451, 3452, 3453 3454 of the Revised Statutes of 1870," was read the first time.

On motion of Mr. Goode, the constitutional rules were suspended and the bill read a second time.

On motion of Mr. Goode, the bill was considered engrossed and ordered read a third time.

Mr. Goode moved a suspension of the constitutional rules to place the bill upon its third reading, on which motion Mr Demas demanded the yeas and nays, the roll being called resulted as follows:

Yeas—Messrs. Breaux, Ducros, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—19.

Nays—Mr. Demas—1.

Absent—Messrs. Allain, Boatner, Bryant, Burch, Cage, Dumont, Ellis, Gla, Harper, Landry, Mitchell, Stamps, Sutton, Twitchell, Wakefield and Young—16.

And the rules were suspended.

The bill was read a third time and finally passed.

Mr. Goode offered the following amendment to the title:

Insert after the figures "1870" the words "and the act No. 40, approved February 24, 1869."

Title adopted as amended and ordered sent to the House for concurrence.

Mr. Perkins, chairman of Committee on Health and Quarantine, called up report of committee on Senate bill No. 41, entitled "An act to abolish quarantine, and to repeal sections 3032 and following sections of the Revised Statutes of this State, approved March 14, 1870, and all other acts relative thereto."

And moved its adoption.

Adopted.

On motion of Mr. Perkins, Senate bill No. 41 was indefinitely postponed.

Mr. Texada, Chairman of the Committee on Enrollment, submitted the following report:

ROOMS COMMITTEE ON ENROLLMENT AND ENGROSSMENT,
New Orleans, February 21, 1877.

To the Honorable the President and Members of the Senate:

Your Committee on Enrollment and Engrossment respectfully beg to report as properly enrolled Senate bill No. 53, entitled "An act to provide for the promulgation of laws where the Governor has failed, or shall fail to return the same, as required by article 66 of the Constitution," etc.

Also, Senate bill No. 28, entitled "An act in relation to recusation of judges and district attorneys in criminal cases," etc.

Respectfully,
LEWIS TEXADA, Chairman.

Mr. Ogden, chairman of the Committee on Public Education, called up the report of the committee and the following resolutions relative to the State University at Baton Rouge:

Resolved, That the Committee on Finance be and is hereby instructed to report by bill or otherwise for the payment of the sum of thirty-six thousand three hundred and ninety dollars to the State University, and to be applied to the settlement of its debts and liabilities by the Board of Supervisors.

Resolved, That the said committee be further instructed to report by bill or otherwise for the settlement and adjustment of the debts due by the said State University.

Resolved, That the Judiciary Committee be instructed to report whether or not special legislation be required to enable the Secretary of State and the State Treasurer, as custodians of the bonds of the University, or the supervisors of said University, to exchange said bonds for the consolidated bonds of the State of Louisiana, under act No. 3 of the session of the Legislature of 1874, and if such special legislation be required, to report the same by bill or otherwise.

Which lies over under the rules.

And moved its adoption.

Mr. Demas moved, as a substitute, to postpone the report and resolution until Friday, February 23, and it be made the special order of the day for 1 o'clock.

Carried.

Mr. Ogden called up the following report of the Committee on Public Education:

To the Honorable the President and Members of the Senate of the State of Louisiana:

Your Committee on Public Education, to whom was referred the memorial of the Trustees of Concord Institute, praying for legislative enactment to prohibit the sale of intoxicating liquors within the incorporated limits of the town of Shiloh, would respectfully report that special legislation is unnecessary. The police juries of the several parishes, and the municipal authorities of the several towns and cities, have exclusive power to make such laws and such regulations for the sale or prohibition of the sale of intoxicating liquors as they may deem advisable, and to grant or withhold licenses from drinking houses and shops within the limits of any city, ward of a parish or town, as the majority of the legal voters may determine by ballot. (Revised Statutes, section 2778.)

Respectfully submitted,
H. D. OGDEN, Chairman.

And moved its adoption.

Adopted.

Lieutenant Governor Wiltz in the chair.

Mr. Kelly obtained unanimous consent to submit the following majority report:

ROOM COMMITTEE ON METROPOLITAN POLICE.

To the Honorable the President and Members of the Senate:

Gentlemen—Your Committee on Metropolitan Police to whom was referred House bill No. 71, having the same under consideration, a majority of your committee report favorably thereon with the following amendment: in section three, line twelve, strike out the words "three hundred thousand" and insert in lieu thereof the words "three hundred and fifty thousand."

WM. J. KELLY, Chairman.

Mr. Ogden obtained unanimous consent to submit the following minority report:

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

The undersigned, member of the Committee on Metropolitan Police, to which House bill No. 71, to repeal several acts in relation to the Metropolitan Police, and to authorize the city of New Orleans to establish, organize and maintain a proper and sufficient police force, etc., would respectfully report that he dissents from the report of the majority of the committee, and begs leave to report by substitute.

H. D. OGDEN.

Which lies over under the rules.

SENATE BILLS ON SECOND READING.

Senate bill No. 11, entitled "An act to limit the amount to be paid by the city of New Orleans for the support of the public schools; to reduce the expenses thereof," etc., was, on motion of Mr. Kelly, postponed one week.

Senate bill No. 19, entitled "An act to confer additional powers upon justices of the peace, and to authorize them to authenticate acts passed or acknowledged before them."

Reported unfavorably by the Committee on Judiciary.

On motion of Mr. Goode, the report was adopted, and the bill indefinitely postponed.

Senate bill No. 45, entitled "An act to change the time for holding the terms of the District Courts in the parishes of Sabine and Red River, and to fix a return day for appeals from the parish of Red River." Favorably.

On motion of Mr. Sandiford, the bill was considered engrossed and ordered read a third time.

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

Senate bill No. 47, entitled "An act to provide for obtaining and publishing reports of banks, saving institutions and trust companies organized under the laws of the State of Louisiana."

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, La., February 21, 1877.

To the Honorable the Senate of the State of Louisiana:

Gentlemen—I am directed to inform your honorable body that the House recedes from its amendment to Senate bill No. 54, and that the House concurs in said bill.

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

On motion of Mr. Steven, the bill was considered engrossed and ordered read a third time.

On motion of Mr. Steven, the constitutional rules were suspended, to place the bill upon its third reading and final passage.

The bill was read a third time, finally passed, title adopted and ordered sent to the House for concurrence.

Senate bill No. 52, entitled "An act to provide for the removal of certain cases from the parish or probate courts into the district courts; to prescribe the class of cases and the manner of removing the same."

Was, on motion of Mr. Goode, indefinitely postponed.

Mr. Goode, Chairman of the Committee on Judiciary, obtained unanimous consent to call up report of the committee on Senate bill No. 37.

On motion of Mr. Goode, the report was adopted, and the bill referred to the Committee on Canals, Drainage and Inland Navigation.

Senate bill No. 79, entitled "An act to regulate public education in Louisiana; to provide a revenue for the same; to impose certain penalties; to repeal sections of the Revised Statutes from section 1217 inclusive to section 1297 inclusive, and to repeal act No. 6 of the acts of 1870, entitled 'An act to regulate public education in the State of Louisiana and city of New Orleans and to raise a revenue for that purpose.'"

Was, on motion of Mr. Ogden, taken up section by section.

The first section was read.

Mr. Texada offered the following amendment:

Strike out in the 5th line "and such other." Strike out in the 6th line "as may be."

Mr. Robertson offered the following amendment to the amendment offered by Mr. Texada:

In lines 5 and 6 strike out the words "common and such other schools as" and insert in lieu thereof the words "free public schools that."

Which, on motion of Mr. Robertson, was adopted.

Mr. Kelly offered the following amendment and moved its adoption:

In line 17 strike out "two" and insert "five."

On which motion Mr. Ellis demanded the yeas and nays, the roll being called, resulted as follows:

Yeas—Messrs. Breaux, Kelly, Mitchell, Perkins and Stubbs—5.

Nays—Messrs. Demas, Ducros, Ellis, Eustis, Garland, George, Grover, Ogden, Richardson, Robertson, Sandiford, Texada, Wheeler, White and Zacharie—15.

Absent—Messrs. Allain, Boatner, Bryant, Burch, Cage, Dumont, Gla, Goode, Harper, Landry, Stamps, Steven, Sutton, Twitchell, Wakefield and Young—16.

And the amendment was lost.

Mr. Robertson offered the following amendment and moved its adoption:

In line 15, after the word "Education," insert "The President of the University of Louisiana in New Orleans, and the President of the Louisiana State University and Agricultural College at Baton Rouge."

Which was lost.

Mr. White offered the following amendment and moved its adoption:

Line 40, after the word "cases," add "said board shall have no power to contract debt or issue any evidence thereof."

Lost.

Mr White offered the following amendment and moved its adoption:

Line 40, after "case," "that said board shall have no power to issue evidence of debt of any kind, except as may hereinafter be provided."

Adopted.

On motion of Mr. Ogden the first section as amended was adopted.

The second section was read.

Mr. Robertson offered the following amendment and moved its adoption:

In line 11, section 2, insert the word "free" after the words "government of."

Adopted.

Mr. White offered the following amendment and moved its adoption:

Line 17, after "the" add "free public schools."

Adopted.

Mr. Texada offered the following amendment and moved its adoption:

In line 20, strike out "two" and insert "four;" to insert "five" instead of "four."

Adopted.

Mr. Garland offered the following amendment and moved its adoption:

After the word "sued," in line 5 of section 2, insert "to accept donations *inter vivos* or *mortis causa*."

Adopted.

Mr. Robertson offered the following amendment and moved its adoption:

In line 35, section 2, before the word "public" insert the word "free."

Adopted.

On motion of Mr. Ogden the section as amended was adopted.

The third section was read.

Mr. Robertson offered the following amendment and moved its adoption:

In line 13, section 3, strike out the word "two" and insert the word "three."

Adopted.

Mr. Robertson offered the following amendment, and moved its adoption:

In line 9, section 3, after the word "the," insert the word "free."

Adopted.

Mr. Garland offered the following amendment and moved its adoption:

After the word "citizen," in line 8, insert "being residents of said parish for one year."

Adopted.

Mr. White offered the following amendment and moved its adoption:

In line seven strike out "five" and insert "three," and strike out "nine" and insert "five."

Lost.

On motion of Mr. Ogden, the section as amended was adopted.

The fourth section was read.

Mr. Breaux offered the following amendment and moved its adoption:

In line 6, section 4, insert after the words "Secretary" the words "and Treasurer."

Lost.

Mr. George offered the following amendment and moved its adoption:

Strike out word "and" in line 56, and in line 53 insert after the word "provided" the words "and such sums as may be donated to the use of the public school fund by public-spirited citizens."

Adopted.

Mr. Robertson offered the following amendment and moved its adoption:

Section 4, line 36, after the word "appointed" add the words "on a rigid written examination."

Lost.

Mr. Robertson offered the following amendment and moved its adoption:

In line 42, section 4, strike out the word "parish" and insert the words "free public."

Adopted.

Mr. Robertson offered the following amendment and moved its adoption.

In lines 60, 95 and 101, before the word "public," insert the word "free."

Adopted.

Mr. White offered the following amendment:

Line 76, after "mandatory," "said board shall have no power to issue negotiable evidence of debt."

Mr. Demas in the chair.

And demanded the yeas and nays on its adoption, the roll being called resulted as follows:

Yeas—Messrs. Breaux, Demas, Ellis, Eustis, Garland, Kelly, Mitchell, Richardson, Stubbs, Texada and White—11.

Nays—Messrs. Ducros, George, Goode, Ogden, Perkins, Robertson, Sandiford, Wheeler and Zacharie—9.

Absent—Messrs. Allain, Boatner, Bryant, Burch, Cage, Dumont, Gla, Grover, Harper, Landry, Stamps, Steven, Sutton, Twitchell, Wakefield and Young—16.

And the amendment was adopted.

Lieutenant Governor Wiltz in the chair.

On motion of Mr. Ogden, the section as amended was adopted.

On motion of Mr. White, the Senate went into executive session.

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

Messrs. Breaux, Demas, Ducros, Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Stubbs, Steven, Texada, Wheeler, White and Zacharie—21.

Absent—Messrs. Allain, Boatner, Bryant, Burch, Cage, Dumont, Gla, Harper, Landry, Stamps, Sandiford, Sutton, Twitchell, Wakefield and Young—15.

Mr. Eustis moved that the Senate adjourn until Friday, February 23 1877, at 12 o'clock, and demanded the yeas and nays upon the motion.

The roll being called resulted as follows:

Yeas—Messsrs. Breaux, Demas, Eustis, Garland, George, Goode, Grover, Mitchell, Perkins, Robertson, Steven, Wheeler and Zacharie—13.

Nays—Messrs. Ducros, Ellis, Kelly, Ogden, Richardson, Stubbs, Texada and White—8.

Absent—Messrs. Allain, Boatner, Bryant, Burch, Cage, Dumont, Gla, Harper, Landry, Sandiford, Stamps, Sutton, Twitchell, Wakefield and Young—15.

The Chair announced that the Senate stood adjourned until Friday, February 23, 1877, at 12 o'clock m.

JOHN CLEGG,
Secretary of the Senate.

BURNETT'S FLAVORING EXTRACTS.—*The superiority of these extracts consists in their perfect purity and great strength.* They are warranted free from the poisonous oils and acids which enter into the composition of many of the factitious fruit flavors now in the market. They are not only true to their names, but are prepared from fruits of the best quality, and are so highly concentrated that a comparatively small quantity only need be used.

OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

HOUSE OF REPRESENTATIVES.

Forty-fourth Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, La., Wednesday, Feb. 21, 1877.

The House was called to order at 11:40 o'clock a. m. Present:

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

Sixty-two members and a quorum.

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

The journal of February 20 was approved.

PETITIONS, MEMORIALS AND RESOLUTIONS.

Mr. Barrett presented the memorial of citizens of Rapides parish, praying for improvement to bayous Bœuf and Crocodile.

Referred to the Committee on Lands and Levees, with instruction to report by bill or otherwise at an early day.

Mr. Berry presented the memorial of Charles Curtis, which was referred to the Committee on Claims.

COMMITTEE SERVICE.

Mr. Jonas presented the following report:

SENATE CHAMBER STATE OF LOUISIANA,
New Orleans, February 20, 1877.

To the Honorable Speaker and Members of the House:

Your Committee on Conference having had under consideration Senate bill No. 54, recommend that the House recede from its amendment.

Respectfully submitted,
B. F. JONAS,
Chairman House Committee.
WILL. STEVEN,
Chairman Senate Committee.

The report was adopted, and the House receded from the said amendment, which was as follows:

Section 1, line 6, after the word "State" insert the word "municipal."

On the motion of Mr. Jonas, the bill was put upon its final passage, on which the yeas and nays were called for by Mr. Bowden, with the following result:

Yeas—Hon. L. Bush, Speaker, and Messrs. Aldige, Billieu, Bridger, Breard, Bowden, Barron, Brady, Buck, Carloss, Cressy, Delavigne, Duke, Dupree, Gaskins, Gillespie Hammond, Jonas, Kernochan, Kelly of Winn, Kelly of Orleans, Kidd, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Richardson, Ryland, Randolph, Rolle, Robertson, Ridgley, Shakspeare, Self, Smart, Taylor, Tremoulet, Toler, Voorhies, Washburne, Wood, Wilde, Williams, Young of Claiberne, Young of East Baton Rouge—54.

Nays—Messrs. Aycock, Barrett, Berry, Bell, Fitzpatrick, Foerster, Huntington, Singleton, Stagg, Sellers.—10.

The bill was passed and returned to the Senate with notice of concurrence.

HOUSE BILLS REPORTED AS ENROLLED.

Mr. E. E. Kidd, Chairman Committee on Enrollment, reports that the following bills have been properly enrolled, to wit:

Bill No. 57, "An act relative to insurance companies not incorporated by the laws of this State, and requiring them to appoint agents on whom legal process may be served, and providing penalties for a violation of the provisions thereof."

Bill No. 41, "An act fixing or providing for the salary or compensation to be paid to the Clerk of the Superior Criminal Court for the parish of Orleans, and the deputy and assistant clerks thereof and the mode of payment thereof."

Bill No. 122, "An act to authorize and require the city of New Orleans to receive certificates issued since the 8th of January, 1877, and those to be issued by the Board of Metropolitan Police, in payment of the salaries and expenses of the Metropolitan Police, not to exceed the sum of forty-five thousand dollars, in payment of the tax levied for police purposes for the current year."

Bill No. 110, "An act to fix the compensation of the Clerk of the First District Court for the parish of Orleans; to authorize the appointment of deputy clerks of said court, and to provide for the payment of the salaries of said clerk and deputies."

Bill No. 93, "An act fixing the return day for appeals from the courts of the parish of Tangipahoa to the Supreme Court."

Bill No. 46, substitute for bill No. 20, "An act to authorize plaintiffs in suits by provisional seizure to bond property after the expiration of ten days, when the defendant has failed or neglected to bond the same."

Bill No. 31, "An act relative to the Louisiana Equitable Life Insurance Company, and to continue the same in force."

Bill No. 68, "An act amending and re-enacting section three thousand seven hundred and seventy-three (3773) of the Revised Statutes; defining the duties of the State Treasurer; defining and providing for the punishment of violations of this act, and repealing all laws in conflict therewith."

E. E. KIDD, Chairman.

Mr. Bowden, Chairman, on behalf of the Committee on Parochial Affairs, reported as folows:

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

Gentlemen—Your Committee on Parochial Affairs beg leave to report upon the following bills:

Favorably, with amendments, upon Senate bill No. 50, entitled "An act to instruct the legal 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, and to repeal an act act entitled 'An act to provide for the removal of the seat of justice of the parish of St. Bernard, and redivide said parish 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."

Unfavorably upon House bill No. 111, entitled "An act repealing section 2792 of the Revised Statutes, and providing for the election of parish tax collectors by the Police Juries of the various parishes throughout the State."

Unfavorably upon House bill No. 112, entitled "An act to amend and re-enact sections 3373 and 3387 of the Revised Statutes of the State of Louisiana, and to repeal all laws in conflict or inconsistent with the provisions of this act."

Favorably upon Senate bill No. 55, entitled "An act to create an additional Justice of the Peace and Constable in the Fourth Ward of the parish of Natchitoches, to be located on 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.

L. H. BOWDEN, Chairman.

Mr. Washburne offered the following resolution:

Whereas, the habit of members in leaving the hall each day is persisted in to such an extent as to render legislation impossible, to the very great detriment of the State; therefore,

Be it resolved, That members are prohibited from leaving the building during the session of the House, without the consent of the House being first obtained thereto, and from leaving the hall for more than ten minutes at a time, under the penalty of being brought before the bar of the House, and publicly rebuked by the Speaker of the House.

Lies over under the rules.

JOINT SESSION.

A joint session of the General Assembly was held for the purpose of further balloting for a Senator to represent the State of Lousiana in the Senate of the United States for the term beginning March 4, 1877, Hon. Louis A. Wiltz, Lieutenant Governor and President of the Senate, presiding.

The roll of the Senate was called when the following Senators answered to their names:

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

Twenty-two Senators and a quorum of the Senate.

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

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

Sixty-seven 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. Jonas, Gibson, Wickliffe, Egan and Robertson.

Mr. Texada, of the Senate, nominated Hon. James Jeffries, of the parish of Rapides.

There being no further nominations, the roll of the Senate was called, with the following result:

Senators Kelly and White voted for Hon. R. L. Gibson—2 votes.

Senator Richardson voted for Hon. R. C. Wickliffe—1 vote.

Senators George and Goode voted for Hon. W. B. Egan—2 votes.

Senators Breaux, Demas, Ducros, Garland, Ogden and Zacharie voted for Hon. W. A. Robertson—6 votes.

Senators Ellis, Eustis, Grover, Stubbs, Mitchell, Perkins, Robertson, Sandiford, Steven, Texada and Wheeler voted for Hon. James Jeffries—11 votes.

The roll of the House was called, when the following members voted for Hon. B. F. Jonas:

Messrs. Aycock, Breard, Bowden, Brady, Berry, Foerster, Huntington, Hammond, Kidd, Leonhard, Newsom, Peralta, Rolle, Robertson, Shakspeare, Singleton, Stagg and Young of Claiborne—18.

The following members voted for the Hon. Randall L. Gibson:

Speaker Bush and Messrs. Billieu, Buck, Bell, Cressy, Delavigne, Estopinal, Fitzpatrick, Kernochan, Kelly of Orleans, Leeds, Lamare and Tremoulet—13.

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

Messrs. Barbin, Dupre, Lyons, Porter, Ryland, Toler and Young of East Baton Rouge—8.

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

Messrs. Bridger, Barron, Briggs, Duke, Means, Randolph and Washburne—7.

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

Messrs. Gillespie, McGehee and Sellers—3.

The following members voted for the Hon. James Je