OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

SENATE.

Forty-Sixth Day's Proceedings.

SENATE CHAMBER STATE OF LOUISIANA,
New Orleans, Saturday, February 24, 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. Breaux, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White, Zacharie—19.

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

Prayer by Rev. Father Hubert.

PETITIONS AND MEMORIALS.

Mr. Robertson submitted the following memorial:

NEW ORLEANS, Feb. 23, 1877.

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

Gentlemen—The undersigned, late Assistant Secretary of State, most respectfully asks from your honorable body the necessary relief for services rendered as Assistant Secretary of State during the month of December, 1876, and up to the 8th of January, 1877, amounting to one hundred and fifteen dollars.

Respectfully,
W. H. BROWN.

And moved its reference to the Committee on Claims, and the paper was so referred.

Mr. White submitted the following memorial:

To the Honorable the Senators and Members of the House of Representatives of Louisiana:

Your undersigned memorialists, members of the bar, practicing before the courts in and for the parish of Orleans, taking cognizance of the fact that there is now under consideration before your honorable body an act known as Senate bill No. 99, the object and intent of which we understand to be, the conferring of additional or concurrent jurisdiction with the other District Courts, upon the Third District Court, presided over by Hon. F. A. Monroe, would respectfully represent that in their opinion the passage of said act would subserve the public interest and facilitate the disposal of litigation, for which in normal and ordinarily prosperous times, three courts only are insufficient, and litigants are subject to delays amounting almost to a denial of justice. The Third District Court is seldom occupied more than one to one hour and a half a day, and the time thus lost could be advantageously given to the public service.

B. R. Forman,	S. Howard McCaleb,
Semmes & Mott,	John Finney,
Walker Fearn,	Henry C. Miller,
Chas. E. Fenner,	Frank N. Butler,

And many others.

And moved that it be referred to the Committee on Judiciary, and the paper was so referred.

REPORTS OF COMMITTEES.

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

To the Honorable the President and Members of the Senate:

Your Judiciary Committee have had under consideration the memorial of citizens of the parish of St. Landry, relative to the sale of intoxicating liquors on the Sabbath, and beg leave to report that under the law of this State the police juries of the several parishes, the municipal authorities of the several towns and cities and the Board of Administrators of the city of New Orleans, have exclusive power to make such laws and regulations for the sale or the prohibition of the sale of intoxicating liquors, as they may deem advisable. Your committee do not deem it advisable to withdraw this matter from the control of the local authorities.

F. S. GOODE,
Chairman.

Which lies over under the rules.

Mr. Garland submitted the following minority report of the Committee on Judiciary:

The undersigned beg leave to report unfavorably upon House bill No. 63, because we consider it a hardship to require a litigant to pay in advance for services of the officers of the law, and because we suggest a bill as substitute, which we believe will do more substantial justice to both litigants and the officers.

HENRY L. GARLAND,
E. D. WHITE.

Which lies over under the rules.

Mr. George, chairman of the Committee on Printing, submitted the following report:

Your Committee on Printing, having had under consideration House bill No. 67, report the same favorably, with amendments.

1. Section 1, line 22, 23, 24, strike out "Lieutenant Governor, Speaker of the House of Representatives, Secretary of state, Auditor, Treasurer and Superintendent of Public Education," and insert "Attorney General," and two (2) members of the Senate and three (3) of the House, to be elected by their respective bodies upon the passage hereof, and annually thereafter during the first week of each session.

2. Same section, after "rate," in line 32, insert "not to exceed the prices hereinafter named;" line 33, after "responsible," insert "after consideration of such proposals as may be received by them;" same section, line 5, after "State," insert "provided the said Board shall be empowered to contract for the printing of the reports of the various heads of the Executive Department, and the blank work for the Auditor's Department with some other person than the State Printer hereinafter named; provided said contract be after consideration of all proposals made, and the prices thereof do not exceed the maximum fixed in this act."

3. Same section, strike out in line 20 after "of" the words "the laws of the State and;" line 22, strike out "or pamphlet."

4. Strike out section 7 and insert in lieu thereof the following: "That the State Printer shall supply each House of the General Assembly with proof sheets of the official journal containing the proceedings of the previous day of meeting; that within two (2) days after the journal of each House shall have been approved, the State Printer shall publish the same, as so approved, once in the official journal of the State, and the same matter so published shall be made up in book form as provided in paragraph 2, section 19 of this act; but in no case shall charge be made for the proof sheets to be furnished as aforesaid."

5. Section 10, insert after paragraph 1a line 28, paragraph 1, "the laws shall be published in book form in the English language, with a list of the acts, the date of their promulgation, and an index thereto; they shall be printed upon good strong book printing paper, sized and calendared in long primer type, solid; each page twenty-four (24) ems pica in width and forty-seven (47) in length, including the running title and white lines under it, and foot line with marginal notes in nonpareil, five (5) ems pica in width to be added thereto; the same to be stitched and covered with colored paper, and two thousand (2000) copies thereof shall be delivered to the Secretary of State within thirty (30) days after the adjournment of the General Assembly, for which there shall be allowed not more than three (3) dollars per page for five (5) hundred copies, nor more than twenty-five (25) cents per page for each one (1) hundred copies in excess of five (5) hundred; the Secretary of State shall retain in his office two hundred and fifty (250) copies, and is authorized to dispose of the remainder at a price not to exceed twenty (20) per cent. advance on the original first cost of the book; the disposal to be made by the Secretary of state in such a manner as to secure the sale of said books at reasonable rates to the public; the Secretary of State to keep a detailed account of the sale as aforesaid, and turn in the proceeds thereof to the State Auditor, who shall place the same to the credit of the printing account. The Printing Board herein above provided for may, if they deem it best for a speedy and economical printing of the laws as above provided, contract therefor with some other book or job printer than the State printer; provided no contract shall be made at a cost to exceed the price hereinabove fixed.

6. Paragraph 1 to be paragraph 2; in paragraph 2, line 8, strike out two (2) and insert one (1).

Paragraph 2 to become paragraph 3.
Paragraph 3 to become paragraph 4.
Paragraph 4 to become paragraph 5.
Paragraph 5 to become paragraph 6.
Paragraph 6 to become paragraph 7.
Paragraph 7 to become paragraph 8.
Paragraph 8 to become paragraph 9.

7. Section 11, line 17, after word "a" insert "sworn," and line 27, after word "account," add "any false swearing to the account hereinabove mentioned to constitute the crime of perjury, and the person so swearing, upon conviction, to be subject to the pains and penalties provided by law for perjury."

8. Section fourteen, line twenty-eight, after word "the" insert "general."

9. After section fourteen insert the following as an additional section to become section fifteen, "That in the Parish of Orleans, where advertisements are required to be made in relation to judicial proceedings, or in the sale of property under judicial process, or in any other legal proceeding of whatever kind, they shall be published in a daily newspaper published in the English language, and which shall so have been published as a daily paper for at least one (1) year prior to the insertion of said advertisement or publication; said newspaper to be selected by the defendant or party charged with the conduct of the proceedings, provided the defendant shall make the selection within three (3) days of the service of notice of seizure or process on him; should the defendant neglect to select, the plaintiff shall have the right to do so; and should neither plaintiff nor defendant select, nor the party invested by law with the direction of the proceedings, then the sheriff, constable, clerk or other officer, as the case may be, shall select."

The newspaper so selected shall publish said advertisement in a conspicuous manner, each and every advertisement to be in the column or columns, and all under a prominent title in capitals, to wit:

Judicial advertisements—Should there be no newspaper published in said parish as aforesaid, said advertisement may be posted as now provided by existing laws.

11. Section 15 becomes section 16.

In line 19 strike out "including" and insert "outside"; in line 25 strike out "a" and insert "an English"; in line 3 strike out "now"; in line 4 strike out "in the parish of Orleans" and insert "when this act becomes operative."

12. Section 16 becomes section 17.

13. Section 17 becomes section 18.

In line five, (5) after exceed, insert 'in the parish of Orleans"; in line 9, after 'insertion," add, "and in the other parishes one (1) dollar per square or fraction thereof for the first insertion and fifty (50) cents for each subsequent insertion."

14. Section 18 becomes section 19.

In line 30 strike out "where"; and in line 31 strike out "applicable"; in line 31 strike out "which may"; in line 1 strike out "be"; insert in same line, after "printing", "in this act."

A. B. GEORGE,
Chairman.

Which lies over under the rules.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, Feb. 24, 1877.

To the Honorable the Senate of the State of Louisiana:

Gentlemen—I am instructed 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.

PETER J. TREZEVANT,
Chief Clerk.

Also—

To the Honorable the Senate of the State of Louisiana:

Your Committee on Printing having under consideration Senate bill No. 15, respectfully report unfavorably on the same, for the reason that House bill No. 67, on which they have reported favorably, includes all the purposes and objects of this bill.

A. B. GEORGE, Chairman.

On motion of Mr. Perkins the journals of February 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 19, 20 and 21 were approved as printed.

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. Breaux, Ellis, Eustis, Garland, George, Goode, Grover, 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, Billieu, Bridger, Breard, Barbin, Bowden, Brady, Buck, Berry, Bell, Briggs, Carloss, Cressy, Delavigne, Duke, Dupree, 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, Peralta, Pitts, Richardson, Ryland, Randolph, Rolle, Robertson, Ridgley, Shakspeare, Singleton, Self, Spiller, Stagg, Steele, Sellers, Smart, Taylor, Tremoulet, Voorhies, 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, Hon. W. T. Hall of Morehouse.

Senators Stubbs, Perkins, Robertson and Wheeler, and Representatives Bridger, Breard, Hammond and Washburne voted for the Hon. W. T. Hall—8 votes.

Representatives Aycock, Bowden, Brady, Berry, Dupree, Foerster, Gaskins, Huntington, Kidd, Lyons, Lea, Leonhard, Newsom, Peralta, Robertson, Ridgley, Shakspeare, Singleton, Stagg, Steele and Young of Claiborne voted for Hon. B. F. Jonas—23 votes.

Representatives Delavigne, Ryland, Barbin, Self, Spiller, Wood, Williams and Young of East Baton Rouge, voted for the Hon. R. C. Wickliffe—8 votes.

Senators George and Grover and Representatives Briggs, Carloss, Duke, Jonas, Means, McGehee, Pitts, Randolph, Smart and Taylor voted for Hon. W. B. Egan—12 votes.

Representatives Buck, Bell, Fitzpatrick, Kelly of Orleans, Leeds, Lamare, Kernochan, Billieu and Tremoulet voted for Hon. R. L. Gibson—9 votes.

Senators Breaux, Ellis, Eustis, Garland, Kelly, Ogden, Sandiford, Texada, White and Zacharie, and Speaker Bush and Representatives Aldidge, Cressy, Gillespie, Kelly of Winn, Martin, Nunez, Richardson, Rolle, Sellers and Voorhies voted for Hon. W. A. Robertson—21 votes.

Total number of votes cast 82; necessary to a choice 42.

The President declared that as no one of the 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, Ellis, Eustis, Garlan George Goode, Grover, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie,—19.

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

INTRODUCTION OF BILLS.

Mr. Garland obtained unanimous consent to introduce, without previous notice, Senate bill No 84, entitled An act to better secure holders of life insurance policies in this State; to provide a reserve fund therefor, and for other purposes.

Which was read a first and second time under a suspension of the constitutional rules, and referred to the Committee on Corporations and Parochial Affairs.

Mr. Goode obtained unanimous consent to introduce, without previous notice, Senate bill No. 85, entitled "An act making Sunday a day of public rest and *dies non*, and repealing all laws by which any other day is made a day of public rest and *dies non*."

Which was read a first and second time under a suspension of the constitutional rules and referred to the committee on Judiciary.

Mr. White obtained unanimous consent to introduce without previous notice, Senate bill No. 86, entitled "An act defining the mileage to be paid members of the General Assembly when an extra session is called prior to the adjournment of the regular session."

Which was read a first and second time under a suspension of the constitutional rules and referred to the committee on Finance.

Mr. George obtained unanimous consent to introduce without previous notice, Senate bill No. 88, entitled "An act to regulate and limit the liability of parishes of this State, the parish of Orleans excepted, for costs and fees in criminal proceedings before Justices of the Peace and in Parish and District Courts."

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

Also, Senate bill No. 87, entitled "An act to repeal section one hundred and fourteen (114) of the Revised Statutes of the State of Louisiana."

Which was read a first and second time under a suspension of the constitutional rules.

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

On motion of Mr. George 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.

Under previous notice Mr. Mitchell introduced Senate bill No. 89 entitled "An act to authorize the Police Jury of the parish of Claiborne to issue bonds for certain purposes."

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

On motion of Mr. Wheeler, leave of absence for three days was granted Mr. Demas on account of sickness.

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

ROOMS SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT,
New Orleans, February 24, 1877.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engrossment beg to report as properly enrolled:

Senate bill No. 54, substitute for Senate bill No. 20, entitled an act "To remit penalties on delinquent taxes in certain cases."

Respectfully,
LEWIS TEXADA, Chairman.

SPECIAL ORDER OF THE DAY.

Senate bill No. 18, entitled An act in relation to expenses in criminal proceedings in all the parishes of the State and in the city of New Orleans, and to amend section 1042 of the Revised Statutes of the State of Louisiana, approved 14th March, 1870, was, on motion of Mr. Robertson, postponed until Monday, February 26, 1877, and made the special order of the day at one o'clock.

Mr. Wheeler called up 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.

And moved its adoption. Adopted.

UNFINISHED BUSINESS.

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.'"

Mr. Robertson moved to reconsider the vote whereby the bill was taken up section by section, on which motion Mr. Ellis demanded the yeas and nays. The roll being called, resulted as follows:

Yeas—Messrs. Breaux, Eustis, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Steven, Zacharie—13 Senators.

Nays—Messrs. Ellis, Garland, Richardson, Stubbs, Texada, Wheeler, White—7 Senators.

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

And the motion prevailed.

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

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

Mr. Robertson demanded a reading of the bill.

On motion of Mr. White, the reading of the bill in detail was dispensed with.

Mr. White offered the following amendment to section 18, and moved its adoption:

Section 18, line two strike out "State" and insert "city."

Line 40 strike out "State" and insert "city."

Mr. Wheeler offered the following as additional sections to the bill, and moved its adoption:

SEC. 26. *Be it further enacted, etc.*, That for the constant and efficient supervision of the public schools, the State shall be and is hereby divided into fourteen divisions, to be constituted as follows:

First Division—The First, shall include the city of New Orleans.

Second Division—The Second, shall embrace the parishes of Livingston, St. Helena, Tangipahoa, Washington and St. Tammany.

Third Division—The Third, the parishes of St. John Baptiste, St. Charles, Jefferson, St. Bernard and Plaquemine.

Fourth Division—The Fourth, the parishes of St. James, Assumption, Lafourche and Terrebonne.

Fifth Division—The parishes of Ascension, East and West Baton Rouge and East and West Feliciana.

Sixth Division—The Sixth, the parishes of Iberville, St. Martin, Iberia, Vermillion and St. Mary.

Seventh Division—The Seventh, the parishes of St. Landry, Lafayette, Calcasieu and Cameron.

Eighth Division—The Eighth, the parishes of Pointe Coupee, Avoyelles, Rapides and Vernon.

Ninth Division—The Ninth, the parishes of De Soto, Sabine, Red River and Natchitoches.

Tenth Division—The Tenth, the parishes of Caddo, Bossier, Webster and Claiborne.

Eleventh Division—The Eleventh, the parishes of Bienville, Jackson, Lincoln and Union.

Twelfth Division—The Twelfth, the parishes of Ouachita, Morehouse, Richland and Caldwell.

Thirteenth Division—The Thirteenth, the parishes of Carroll, Madison, Franklin and Tensas.

Fourteenth Division—The Fourteenth, the parishes of Concordia, Catahoula, Grant and Winn.

SEC. 27. *Be it further enacted, etc.*, That as soon as expedient after the passage of this act, the State Board of Education shall, for each of the fourteen divisions except the first, appoint one division inspector, who shall be a resident voter of the division for which he is appointed, and a citizen of liberal education and experienced in the science and art of teaching. The division inspector so appointed shall take the oath required of State officers, and forward a duplicate of said oath to the State Superintendent and shall respectively hold him to office, subject to the pleasure of the State board. Each of them shall visit and examine all the public schools in his division at least twice in each year; suggest to the teachers thereof such improvements in the organization of their classes and in the methods of instruction and discipline as he shall deem necessary and practicable; address or confer with the people of the respective parishes for the promotion of the cause of education and urge a regular and punctual attendance of children at all the schools opened in the several school districts. He shall perform such other duties as have heretofore been imposed on division superintendents, and as have not been abrogated by the provisions of this act, or as shall be prescribed by the State Superintendent, and make full reports annually, within the first ten days of October, to the State Board of Education, the results of his inspection and examination of the schools of his division, and of such other matters as shall have been intrusted to his charge.

The compensation of each of these division inspectors shall be a sum to be fixed by the State Board of Education, not exceeding one thousand dollars per annum, payable in quarterly installments out of the current school fund on the warrant of the State Board of Education; provided, that said division inspector shall previously have compiled to the satisfaction of the State Superintendent with all the obligations imposed on him by law.

MESSAGE FROM THE HOUSE.

New Orleans, Feb. 24, 1877.

To the Honorable the Senate of the State of Louisiana:

I am directed by the House of Representatives to inform your honorable body that the House has passed House bill No. 145, and to ask the concurrence of the Senate in the same.

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

Mr. Breaux offered the following amendment to the amendment offered by Mr. Wheeler, and moved its adoption:

"And it is further provided that the said Division Superintendents shall perform their functions free of cost."

Mr. Eustis in the chair.

The amendment was lost.

Mr. Zacharie demanded the yeas and nays upon the adoption of the amendments offered by Mr. Wheeler.

The roll being called, resulted as follows:

Yeas—Messrs. Ducros, Eustis, Grover, Kelly, Mitchell, Robertson, Sandiford, Steven, Texada, Wheeler, White, Zacharie—12.

Nays—Messrs. Breaux, Ellis, Garland, George, Goode, Ogden, Perkins, Richardson, Stubbs—9.

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

And the amendments were adopted.

On motion of Mr. Ogden section 26 of the bill was made section 28.

On motion of Mr. Ogden section 27 of the bill was made section 29.

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

After "parish" add in line 11, section 18, "provided that all the poll tax collected in any parish shall be apportioned to said parish."

Adopted.

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

Line 16, section 29, after "a" add "provided that the amount thus raised by said taxation shall not exceed the sum to be produced by taxation at the rate of two mills on the dollar of the assessment of the parish of Orleans; except that where said amount does not reach three hundred thousand dollars, the said city shall be authorized, if she deems proper, to include that amount."

Adopted.

Mr. White offered the following amendment:

Section 29. After "required," in line 5, insert "annually in making up their budget of city expenses to include therein." Strike out "within thirty days after receiving from the city Board of School Directors an estimate of."

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

Yeas—Messrs. Breaux, Eustis, White, Zacharie—4.

Nays—Messrs. Ducros, Ellis, George, Goode, Grover, Kelly, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada—14.

Absent—Messrs. Allain, Boatner, Burch, Bryant, Cage, Demas, Dumont, Garland, Gla, Harper, Landry, Mitchell, Stamps, Sutton, Twitchell, Wakefield, Wheeler and Young—18.

No quorum voting.

Several Senators appearing, the Chair directed a second calling of the roll, which resulted as follows:

Yeas—Messrs. Breaux, Eustis, Goode, Grover, Mitchell, Perkins, Richardson, Robertson, Steven, Stubbs, Texada, White, Zacharie—13.

Nays—Messrs. Ducros, Ellis, George, Kelly, Ogden, Sandiford, Wheeler—7.

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

And the amendment was adopted.

Mr. Grover moved to consider the bill engrossed and ordered read a third time, and demanded the yeas and nays. The roll being called, resulted as follows:

Yeas—Mr. Ducros—1.

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

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

And the motion was lost.

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

After the word "dollars," line 20, section 29 insert "and provided further that the rate of taxation for this purpose shall not exceed one fourth of one per cent."

Adopted.

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

In section 29, line 16, strike out "hereinafter" and insert "hereinbefore."

Adopted.

On motion of Mr. Robertson the bill was considered engrossed.

On motion of Mr. Robertson the bill was made the special order of the day for Monday, February 26, 1877, immediately after the reading of the journal.

On motion of Mr. Zacharie the contested election case of Falls vs. Stamps was postponed until Wednesday, February 28, 1877, and made the special order of the day.

Mr. George moved to reconsider the vote whereby Senate bill No. 87 passed, and moved to lay that motion on the table. And the latter motion prevailed.

On motion of Mr. Grover the Senate adjourned until Monday, February 26, 1877, at 12 o'clock m.

JOHN CLEGG,
Secretary of the Senate.

OFFICIAL JOURNAL

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FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

HOUSE OF REPRESENTATIVES.

Forty-sixth Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, La., Saturday, Feb. 24, 1877.

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

Hon. L. Bush, Speaker, and Messrs. Aldige, Bridger, Breard, Bowden, Barron, Brady, Buck, Berry, Bell, Barbin, Billieu, Carloss, Cressy, Delavigne, Duke, Dupree, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, 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, Spiller, Stagg, Steele, Sellers, Smart, Taylor, Tremoulet, Voorhies, Washburne, Wood, Wilde, Williams, Young of Claiborne, Young of East Baton Rouge.

Sixty-four members and a quorum of the House.

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

The journal of Feb. 23 was approved.

Mr. Kidd offered the following:

DECLARATION BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF LOUISIANA.

We, the Representatives of the people of the State of Louisiana, duly elected by and direct from the people, fully aware, from positive knowledge, of the feelings and determination that impel and control them, do declare that under no circumstances will the people of this State pay tribute to any other State government than that at whose head stands the man of their choice—their endeared and truly elected Governor, Francis T. Nicholls.

And we do further declare the utter impossibility of gathering the taxes by any other authority, and that any attempt to gather them by other authority than the Nicholls government will not only prove abortive, but lead to lamentable civil strife, if not to bloodshed and actual war.

And we, the Representatives of the people of the State, do solemnly declare that we are in perfect sympathy with the people, and under all circumstances we will aid, encourage and maintain them in their determination.

Mr. Bridger moved that the declaration be referred to the Committee on Federal Relations.

On the motion of Mr. Gillespie, the motion to refer was laid upon the table.

The declaration was unanimously adopted.

COMMITTEE SERVICE.

Mr. Huntington, chairman, on behalf of the Committee on Claims, presented the following report:

ROOMS OF COMMITTEE ON CLAIMS,
New Orleans, Feb'y 23, 1877.

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

The Committee on Claims, to whom was referred House bill No. 102, entitled "An act for the relief of John Jas. Taylor and Phoebe Ann Duncan, children of Milton Taylor, deceased, etc.," beg leave to report unfavorably on the said bill.

E. W. HUNTINGTON,
Chairman.

Mr. Jonas, chairman, on behalf of the Committee on the Judiciary, presented the following report:

NEW ORLEANS, Feb. 24, 1877.

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

Your Committee on Judiciary have the honor to make the following report:

Favorably by substitute on House bill No. 100, "An act to prohibit the purchase or sale or barter or exchange of seed cotton during the night time and between the hours of sunset and sunrise, and to provide penalties and for prosecutions for violations of this act."

Favorably by substitute on House bill No. 126, "An act to provide for the speedy administration of criminal justice in the country parishes; to reduce the expenses thereof; to extend and define the jurisdiction of justices of the peace in the country parishes in criminal cases; and to provide for trial by juries before justices of the peace in all criminal cases where the punishment is not necessarily imprisonment in the penitentiary, and to point out and regulate the mode of procedure therein."

Favorably by substitute on House bill No. 69, "An act to amend and re-enact an act entitled an act to provide for funding obligations of the State by exchange for bonds; to provide for principal and interest of said bonds; to establish a board of liquidation; to authorize certain judicial proceedings against it; to define and punish violations of this act; to prohibit certain officers diverting funds except as provided by law and to punish violations therefor; to levy a continuing tax and provide a continuing appropriation for said bonds; to make a contract between the State and holders of said bonds; to prohibit injunctions in certain cases; to limit the indebtedness of the State and to limit State taxes; to annul certain grants of State aid; to prohibit the modification, novation or extension of any contract heretofore made for State aid; to provide for the receipt of certain warrants for certain taxes and to repeal all conflicting laws; to create a fiscal agent; to define the duties of said agent, of the State Treasurer, the Board of Liquidation and the Auditor, and to repeal all laws in conflict herewith."

Your committee beg leave respectfully to recommend the adoption and immediate passage of the substitute for House bill No. 69.

Favorably on Senate bill No. 45—

"An act to change the time for holding the term of the District Court in the parishes of Sabine and Red River, and to fix a return day for appeals from the parish of Red River."

Favorably on 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 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." Approved 18th August, 1874.

Favorably, with amendments, on Senate bill No. 81, substitute for Senate bills Nos. 60 and 64—

"An act to repeal sections 3451, 3452, 3453 and 3454 of Revised Statutes of 1870, and the act No. 49." Approved February 24, 1869.

By substitute on House bill No. 84—

"An act to repeal an act entitled an act providing for the appointment of public administrators, and defining the duties of the same."

Your committee beg leave respectfully to submit a special report (attached) on section 85 (printed) of House bill No. 54, referred to them February 23, 1877.

B. F. JONAS, Chairman.

Mr. Leeds in the chair.

On the motion of Mr. Jonas House bill No. 69 was taken up on its second reading, under the foregoing favorable report by substitute, which was adopted in lieu of the original bill. The bill was read, and, under a suspension of the constitutional rule, was passed to its second reading, and was placed upon the calendar as House bill No. 145:

An act to enforce effectually the constitutional amendments, proposed January twenty-fourth, eighteen hundred and seventy-four, ratified at the general election held on the 2nd of November, eighteen hundred and seventy-four, relative to the State debt and the funding thereof; to protect the interests of the State and the holders of the bonds issued by virtue of said amendments; and, for that purpose, to amend and re-enact an act entitled "An act to provide for funding obligations of the State by exchange for bonds; to provide for principal and interest of said bonds; to establish a board of liquidation; to authorize certain judicial proceedings against it; to define and punish violations of this act; to prevent certain officers diverting funds, except as provided by law, and to punish violations therefor; to levy a continuing tax and provide a continuing appropriation for said bonds; to make a contract between the State and holders of said bonds; to prohibit injunctions in certain cases; to limit the indebtedness of the State and to limit State taxes; to annul certain grants of State aid; to prohibit the modification, novation or extension of any contract heretofore made for State aid; to provide for the receipt of certain warrants for certain taxes, and to repeal all conflicting laws," being act No. 3, approved twenty-fourth January, eighteen hundred and seventy-four; to create a fiscal agent and to define the duties of said agent; to prescribe and define the duties and powers of the Board of Liquidation, of the State Treasurer and of the Auditor of Public Accounts, and making certain specific appropriations.

The bill was read section by section.

Section 1 was adopted.

Section 2 was adopted.

Section 3 was read. On motion of Mr. Jonas the House resolved itself into a committee of the whole House, Mr. Voorhies in the chair, for the consideration of the bill, as it involved an appropriation. On rising the committee reported through its chairman, recommending the passage of the bill. The report was adopted. The bill was taken as engrossed and under a further suspension of the rules was read a third time and passed. The title was adopted.

Mr. Young, of Claiborne, moved a reconsideration of the vote of the House on the final passage of the bill, and on his motion the motion to reconsider was laid upon the table.

SPECIAL ORDER OF THE DAY.

House bill No. 54, the special order of the day, was, on motion of Mr. McGehee, postponed to 2 o'clock p. m., and subsequently on the motion of Mr. Buck it was postponed to Monday, February 26, at 1 o'clock p. m.

On the motion of Mr. Voorhies Senate bill No. 65, "An act to authorize the consolidation of connecting or intersecting railroad companies; to establish the forms under which the same may be effected; to authorize such consolidated companies to issue bonds and to secure the same by mortgage, and to enumerate and confer certain powers on such consolidated companies," was taken up under the favorable report of the Committee on Railroads, was read a third time under a suspension of the rules, and was passed. The title was approved and the bill was sent to the Senate with notice of concurrence.

MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,
State of Louisiana,
New Orleans, February 24, 1877.

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

Gentlemen—I am directed by his Excellency the Governor to notify you that he has this day signed and approved an act originated in your honorable body, entitled "An act to amend and re-enact the act entitled 'an act to amend and re-enact sections 359, 360 and 361 of Revised Statutes, and to do away with unnecessary costs and expenses in the canceling of official bonds,'" approved March twenty-sixth (26th), eighteen hundred and seventy-three (1873.)

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

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. J. H. Grover, President of the Senate pro tempore, presiding.

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

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

Twenty Senators and a quorum of the Senate.

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

Hon. L. Bush, Speaker; and Messrs. Aldige, Aycock, Billieu, Barbin, Breard, Bridger, Bowden, Brady, Buck, Berry, Bell, Briggs, Carloss, Cressy, Delavigne, Duke, Dupree, 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, Peralta, Pitts, Richardson, Ryland, Randolph, Rolle, Robertson, Singleton, Shakspeare, Self, Spiller, Stagg, Steele, Sellers, Smart, Taylor, Tremoulet, Voorhies, Washburne, Wood, Wilde, Williams, Young of Claiborne and 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. Jonas, Gibson, Wickliffe, Egan, Robertson, Jeffries and Hall.

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

Senators Stubbs, Perkins, Robertson and Wheeler, voted for Hon. W. T. Hall—4 votes.

Senators Grover, Richardson and Steven, voted for Hon. R. C. Wickliffe—3 votes.

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

Senators Brea