

OFFICIAL JOURNAL

FIFTH GENERAL ASSEMBLY

STATE OF LOUISIANA

SENATE

Forty-Seventh Day's Proceedings.

SENATE CHAMBER, New Orleans, Monday, February 26, 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:

Yeas—Messrs. Breaux, Ducros, Ellis, Eustis, Garland, George, Goode, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandford, St. Julien, St. Louis, Texada, Wheeler and Zacharie—39 Senators.

Absent—Messrs. Allain, Bryant, Burch, Caze, Dumas, Dumont, G. A. Harper, Landry, Stamps, Sutton, Twitcheil, Wakefield, Young—18 Senators.

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

MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, State of Louisiana, New Orleans, February 26, 1877.

To the Honorable President and Members of the Louisiana Senate:

Gentlemen—I am directed by the Governor to inform you that his Excellency has this day approved and signed an act originated in your honorable body, entitled:

"An act to provide for the promulgation of laws when the Governor has failed, or shall fail, to return the same, as provided by article 10 of the Constitution, in cases where, after reaching the Governor, the enrolled copy has been returned and by reason thereof, the President of the Senate and Speaker of the House of Representatives of duplicate enrolled copies of all laws."

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

SPECIAL ORDER OF THE DAY.

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. 2 of the acts of 1870, and to amend act No. 2 of the acts of 1870, in the State of Louisiana, and city of New Orleans, and to raise a revenue for that purpose."

On motion of Mr. Texada, the vote whereby Senate bill No. 79 was considered engrossed was reconsidered.

On motion of Mr. Robertson the vote whereby the following amendments, offered by Mr. Wheeler as additional sections were adopted, was reconsidered:

SEC. 26. Be it further enacted, etc., That for the constant and efficient supervision of the public schools in this State, the State shall be 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, Iberville, Vermilion and St. Mary.

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 Fifth, 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, Vermilion and St. Mary.

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

Eighth Division—The Eighth, the parishes of De Cade, Cade, Avoyelles, Rapides and Verdon.

Ninth Division—The Ninth, the parishes of Pointe Coupee, St. Landry and Natchitoches.

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

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

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

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

Fourteenth Division—The Fourteenth, the parishes of Concordia, Calhoun, 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 resident in 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 shall receive a salary, to be fixed by the State Board of Education, and shall be required to visit and examine all the public schools in his division at least twice in each year; suggest improvements in the organization of their classes and in the methods of instruction; and in such cases as he shall deem necessary and practicable, he shall confer with the people of the respective parishes for the promotion of the cause of education and arrange for the removal of the children at all the schools opened in the several school districts. He shall perform such other duties as have heretofore been imposed on division inspectors, and shall be held to account as shall be provided by the provisions of this act, or as shall be prescribed by the State Superintendent, and make reports 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 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 complied to the satisfaction of the State Superintendent with all the obligations imposed on him by this act.

On motion of Mr. Eustis, the amendments were laid on the table.

Mr. Wheeler offered the following amendment as an additional section to be known as section 28:

SEC. 28. Be it further enacted, etc., That there shall be appointed one State inspector for each parish in the State a parish superintendent, who shall perform such duties as may be imposed upon him by the Parish Board of School Directors, and who shall be held to account as shall be provided by the provisions of this act, and such other duties as may be imposed on him by the State Superintendent or by the State Board of Education, and said parish superintendent shall receive such compensation as may be allowed him by the State Board of Education, not to exceed three hundred dollars per annum.

Mr. Robertson offered the following as a substitute to the amendment offered by Mr. Wheeler:

SEC. 28. That the parish judges of the several parishes are hereby constituted and appointed inspectors of schools of their respective parishes; and it is hereby made their duty to visit and inspect each free public school in their parish at least once in each quarter, and in such visit shall make such inspection and report as may be required by the State Board of Education.

Mr. Eustis made the point of order that the substitute was out of order and could not be entertained, as the amendment had not been put.

The Chair decided the point well taken.

On motion of Mr. Robertson the amendments were laid on the table.

Mr. Robertson offered the following as an additional section:

SEC. 28. Be it further enacted, etc., That the parish judges of the several parishes are hereby constituted and appointed inspectors of schools of their respective parishes, and it is their duty to visit and inspect each free public school in their parish at least once in each quarter, and in such visit shall make such inspection and report as may be required by the State Board of Education.

Mr. Wheeler offered the following as a substitute to the section offered by Mr. Robertson:

SEC. 28. Be it further enacted, etc., That there shall be appointed by the State Board of Education, one division inspector for each parish in the State a parish superintendent, who shall perform such duties as may be imposed upon him by the Parish Board of School Directors, and who shall be held to account as shall be provided by the provisions of this act, and such other duties as may be imposed on him by the State Superintendent or by the State Board of Education, and said parish superintendent shall receive such compensation as may be allowed him by the police jury

of his parish out of any funds raised in said parish by special tax for school purposes.

Mr. Robertson moved to lay the substitute on the table and demanded the yeas and nays.

Mr. Boatner asked to be excused from voting, as he had been absent and was not thoroughly conversant with the subject under consideration.

Granted.

The roll being called resulted as follows:

Yeas—Messrs. Breaux, Garland, George, Grover, Goode, Perkins, Richardson, Robertson, Sandford, St. Julien, St. Louis, Texada, Wheeler and Zacharie—39 Senators.

Absent—Messrs. Allain, Bryant, Burch, Caze, Dumas, Dumont, G. A. Harper, Landry, Stamps, Sutton, Twitcheil, Wakefield, Young—18.

And the motion to table prevailed.

On motion of Mr. Ogden the section offered by Mr. Robertson was laid upon the table.

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

On motion of Mr. Ogden 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.

Mr. Ogden moved to reconsider the vote whereby the bill was finally passed and moved to lay that motion on the table.

And the latter motion prevailed.

MESSAGE FROM THE GOVERNOR.

HOUSE OF REPRESENTATIVES, New Orleans, February 26, 1877.

To the Honorable the Senate of the State of Louisiana:

Gentlemen—I am instructed to inform your honorable body that the House has concurred in the following Senate bill, viz:

"An act to amend and re-enact article 3774 of the Revised Civil Code of the State of Louisiana."

Also, Senate bill No. 45, "An act to authorize the State to contract with any person or persons to establish the forms under which the same may be effected; to authorize such contractor to issue bonds in aid of the State to secure the same, and to enumerate and confer certain powers on such consolidated companies."

Also, with amendments, Senate bill No. 52, "An act relative to juries in the State of Louisiana, the parishes of Orleans and Jefferson excepted; to determine the qualifications of jurors; to provide for the appointment of a jury commission for each parish; to prescribe the manner of procuring a general venire and of drawing juries to give certain powers to district judges; to provide for the compensation of jurors; and for other purposes."

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

PETER J. TREZEVANT, Chief Clerk.

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.

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:

Yeas—Messrs. Boatner, Breaux, Ducros, Ellis, Eustis, Garland, George, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandford, St. Julien, St. Louis, Texada, Wheeler, White and Zacharie—39.

Absent—Messrs. Allain, Bryant, Burch, Caze, Dumas, Dumont, G. A. Harper, Landry, Stamps, Sutton, Twitcheil, Wakefield, Young—18.

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

Yeas—Messrs. Breaux, Ducros, Ellis, Eustis, Garland, George, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandford, St. Julien, St. Louis, Texada, Wheeler, White and Zacharie—39.

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Absent—Messrs. Allain, Bryant, Burch, Caze, Dumas, Dumont, G. A. Harper, Landry, Stamps, Sutton, Twitcheil, Wakefield, Young—18.

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

The second section, as reported by the Committee on Judiciary, was read and, on motion of Mr. Robertson, adopted.

The third section was read and on motion of Mr. Robertson adopted.

The fourth section was read and on motion of Mr. Robertson adopted.

The fifth section was read and on motion of Mr. Robertson adopted.

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

On motion of Mr. Robertson the constitutional rules were suspended to place the bill upon its third reading.

On motion of Mr. Robertson the bill was read a third time, finally passed, title adopted and ordered sent to the House for concurrence.

Mr. White obtained unanimous consent to introduce, without previous notice, Senate bill No. 80, entitled "An act to amend and re-enact sections 2 of an act entitled an act creating a Superior Criminal Court for the parish of Orleans; defining the jurisdiction thereof; providing for a judge and clerks for that court; and defining their duties and powers; restricting and regulating the jurisdiction of the First District Court for the parish of Orleans."

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

REPORTS OF COMMITTEES.

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

ROOMS SENATE JUDICIARY COMMITTEE, February 26, 1877.

To the Honorable the President and members of the Senate:

Gentlemen—The Committee on the Judiciary have had under consideration House bill No. 80, entitled "An act to amend and re-enact sections 2 of an act creating a Superior Criminal Court for the parish of Orleans; defining the jurisdiction thereof; providing for a judge and clerks for that court; and defining their duties and powers; restricting and regulating the jurisdiction of the First District Court for the parish of Orleans."

Also, favorably on House bill No. 81, entitled "An act to amend and re-enact sections 2 of an act creating a Superior Criminal Court for the parish of Orleans; defining the jurisdiction thereof; providing for a judge and clerks for that court; and defining their duties and powers; restricting and regulating the jurisdiction of the First District Court for the parish of Orleans."

Also, favorably on House bill No. 82, "An act to incorporate the Exempt Society of Mechanics' Fire Company Number 1475."

F. S. GOODE, Chairman Judiciary Committee.

Which is over under the rules.

Mr. Stevenson, Chairman of the Committee on Finance, submitted the following report:

ROOMS SENATE FINANCE COMMITTEE, February 26, 1877.

To the Honorable the President and members of the Senate:

Gentlemen—Your committee, to whom was referred Senate bill No. 83, entitled "An act defining mileage to be paid members of the General Assembly when an extra session is called prior to the adjournment of the regular session; and for other purposes," have the honor to report favorably.

Respectfully submitted, WILLIAMS STEVEN, Chairman.

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

On motion of Mr. Stevenson the report was adopted.

On motion of Mr. Stevenson Senate bill No. 83 was considered engrossed and ordered read a third time.

On motion of Mr. Stevenson 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.

Mr. Kelly obtained unanimous consent to call up the report of the Committee on Judiciary on Senate bill No. 82, entitled "An act to incorporate the Exempt Society of Mechanics' Fire Company No. 6."

On motion of Mr. Kelly the report was adopted.

On motion of Mr. Kelly the bill was 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