OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

EXTRA SESSION OF 1877.

SENATE.

Third Day's Proceedings.

SENATE CHAMBER,
New Orleans, Monday, March 5, 1877.

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

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

Messrs. Ducros, Ellis, Goode, Kelly, Mitchell, Perkins, Sandiford, Steven, Stubbs and Texada—10.

Absent—Messrs. Allain, Boatner, Breaux, Bryant, Burch, Cage, Demas, Dumont, Eustis, Garland, George, Glia, Grover, Harper, Landry, Ogden, Richardson, Robertson, Stamps, Sutton, Twitchell, Wakefield, Wheeler, White, Young and Zacharie—26.

No quorum.

On motion of Mr. Kelly, the Senate took a recess for one hour.

AFTER RECESS.

The Senate 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. Boatner, Breaux, Ducros, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Stubbs, Texada, Wheeler, White, Zacharie—19.

Absent—Allain, Bryant, Burch, Cage, Demas, Dumont, Eustis, Harper, Landry, Richardson, Stamps, Steven, Sutton, Twitchell, Wakefield, Young—17.

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

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:

The Judiciary Committee have had under consideration Senate bill No. 29, "An act to enlarge the jurisdiction of the Third District Court for the parish of Orleans," etc., and the undersigned, a majority of the committee, report the said bill favorably.

HENRY L. GARLAND,
E. D. WHITE,
T. C. ZACHARIE,
CHAS. J. BOATNER,
H. D. OGDEN,
C. B. WHEELER.

The undersigned, members of the Judiciary Committee, having under consideration Senate bill No. 29, extending the jurisdiction of the Third District Court, respectfully dissent from the report of the majority and report as a minority unfavorably on said bill, for the reason they consider the same unconstitutional in this; the bill proposes to confer upon the Third District Court jurisdiction over a class of cases of which under the constitution the Fourth, Fifth and Sixth District Courts have exclusive jurisdiction, and it is not in the power of the Legislature to transfer such jurisdiction to any other court.

A. B. GEORGE,
F. S. GOODE.

Which lies over under the rules.

Also, returned House bill No. 70, entitled "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.'"

Without action, for the reason that it had been turned over to the Judiciary Committee through error, and moved that it go through its proper course.

Carried.

On motion of Mr. Goode, the bill was read a first and second time, under a suspension of the constitutional rules, and referred to the Committee on Judiciary.

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

ROOMS COMMITTEE ON ENROLLMENT AND ENGROSSMENT,
New Orleans, March 5, 1877.

To the Honorable the President and Members of the Senate:

We respectfully report as properly enrolled Senate bills Nos. 65, 55, 86, 94, 81, 76, 59, 93, 82, 75, 73, 96.

Very respectfully,
LOUIS TEXADA.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, March 5, 1877.

To the Honorable the President and Members of 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.

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. Boatner, Breaux, Ducros, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Stubbs, Texada, Wheeler, White and Zacharie—19.

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

Messrs. Aldige, Barbin, Billieu, Bridger, Breard, Bowden, Barron, Brady, Berry, Bell, Briggs, Cockerham, Carloss, Cressy, Delavigne, Duke, Dupree, Estopinal, Ferguson, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, Hill of Orleans, Jonas, Kernochan, Kennedy, Kelly of Winn, Kelly of Orleans, Kidd, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Nunez, Porter, Peralta, Pitts, Robertson, Richardson, Ryland, Randolph, Rolle, Sartain, Shakspeare, Singleton, Self, Spiller, Steele, Sellers, Smart, Taylor, Tremoulet, Toler, Voorhies, Washburne, Williams, Young of Claiborne and Young of East Baton Rouge—64.

The President of the joint assembly then declared the object of this joint assembly was to ballot for a United States Senator for the term commencing March 4, 1877, in accordance with the proclamation of his Excellency Francis T. Nicholls, Governor of the State of Louisiana, dated February 28, 1877, convening the General Assembly in extraordinary session.

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

Hon. B. F. Jonas of Orleans, Hon. Randall L. Gibson of Orleans, Hon. W. A. Robertson of St. Landry.

Senator Mitchell withdrew the nomination of Hon. Jas. C. Egan, of Claiborne.

Senator Kelly nominated Hon. C. B. Wheeler, of Morehouse.

Representative Sartain nominated Hon. Jno. Young, of Claiborne.

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

Senators Stubbs and Wheeler, and Representatives Aycock, Breard, Bowden, Brady, Berry, Cockerham, Delavigne, Robertson, Ferguson, Foerster, Huntington, Kidd, Peralta, Pitts, Ryland, Randolph, Barbin, Shakspeare, Singleton, voted for the Hon. B. F Jonas—21 votes.

Senator Ducros, and Representatives Bell, Estopinal, Fitzpatrick, Hill of Orleans, Kelly of Orleans, Leeds, Lamare, Kernochan, McGehee, Porter, Rolle, Smart, Tremoulet, and Williams voted for the Hon. Randall L. Gibson—15 votes.

Senators Garland and Grover, and Representatives Gillespie, Jonas, Kelly of Winn, Martin, Richardson, Billieu, and Sellers voted for the Hon. W. A. Robertson—9 votes.

Senators Boatner, Ellis and George, and Representatives Bridger, Barron, Carloss, Cressy, Duke, Gaskins, Lyons, Leonhard, Means, Nunez, Sartain, Self, Spiller, Stagg, Voorhies, Washburne and Young of East Baton Rouge voted for the Hon. John Young of Claiborne—20 votes.

Senators Breaux, Goode, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Texada, White and Zacharie, and Representatives Briggs, Dupree, Hammond, Kennedy, Steele, Taylor, Toler and Young of Claiborne voted for the Hon. C. B. Wheeler of Morehouse—19 votes.

Total number of votes cast 84; necessary to a choice 43.

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. Perkins, the joint assembly journed 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. Boatner, Breaux, Ducros, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Stubbs, Texada, Wheeler, White and Zacharie—19.

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

Mr. Grover called up the special order of the day, Senate bill No. 83, entitled "An act to repeal act No. 74, approved September 14, 1868; act No. 44, approved February 27, 1869; act No. 87, approved March 6, 1869; act No. 92, approved March 8, 1869; act No. 94, approved March 30, 1870; act No. 37, approved March 5, 1873; act No. 64, approved March 26, 1873; act No. 33, approved February 26, 1874; act No. 60, approved March 17, 1874, and act No. 16, approved March 24, 1875, and to organize the police of the city of New Orleans; to create a Police Board therein, and to limit the cost thereof, and to give the management and control of the Fire Alarm Telegraph to the city of New Orleans."

And House bill No. 71, entitled "An act to repeal act No. 74, approved September 14, 1868; act No. 44, approved Feb. 27, 1869; act No. 87, approved March 6, 1869; act No. 92, approved March 8, 1869; act No. 94, approved March 30, 1870; act No. 37, approved March 5, 1873; act No. 64, approved March 26, 1873; act No. 33, approved Feb. 26, 1874; act No. 60, approved March 17, 1874, and act No. 16, approved March 24, 1875; and to authorize the city of New Orleans to establish, organize and maintain a proper and sufficient police force, to preserve order and good government within the corporate limits of said city, and to assume control of the Fire Alarm Telegraph, and to pass ordinances providing for the control, direction and pay of the said police force, and to limit the annual expense of the same."

On motion of Mr. Robertson, they were postponed for ten minutes.

INTRODUCTION OF BILLS.

Mr. Ellis obtained unanimous consent to introduce, without previous notice, Senate bill No. 103, entitled "An act to authorize the Auditor of Public Accounts to accept and approve the bonds of State tax collectors, and to repeal all laws requiring said bonds to be approved by any other officer."

Which was read a first time, and on motion of Mr. Ellis the constitutional rules were suspended and the bill read a second time.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, March 5, 1877.

To the Honorable the Senate of the State of Louisiana:

Gentlemen—I am instructed to inform your honoroble body that the House has concurred in Senate concurrent resolution "relative to Capt. James B. Eads and the South Pass Jetties."

Also, that the House has passed House bill No. 175, "An act making the receiving or delivering of seed cotton in the night-time, sold, bartered, or otherwise disposed of, a misdemeanor, and prescribing the penalty therefor," and ask the concurrence of the Senate in the same.

Respectfully,
PETER J. TREZEVANT,
Chief Clerk.

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

On motion of Mr. Ellis 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. Ellis moved to reconsider the vote whereby the bill finally passed and moved to lay that motion on the table.

Carried.

INTRODUCTION OF RESOLUTIONS.

Mr. Goode offered the following resolution:

Whereas, the following Senators, viz:
T. T. Allain, Fourteenth Senatorial District.
J. E. Bryant, Sixteenth Senatorial District.
J. H. Burch, Thirteenth Senatorial District.
Thos. A. Cage, Eighth Senatorial District.
J. A. Dumont, Fifth Senatorial District.
J. A. Gla, Seventeenth Senatorial District.
William Harper, Twenty-first Senatorial District.
Pierre Landry, Seventh Senatorial District.
T. B. Stamps, Sixth Senatorial District.
Isaac Sutton, Ninth Senatorial District.
M. H. Twitchell, Twenty-second Senatorial District.
S. Wakefield, Fourteenth Senatorial District.
David Young, Fifteenth Senatorial District.
Have been absent from the Senate since the 1st day of January, 1877.

Whereas, the names of the said Senators have been carried on the roll of the Senate, and have been called by the Secretary every day since the said date; and

Whereas, the people in the said Senatorial District should be represented in this Senate in order that their rights and interests should be properly understood and protected; therefore, be it

Resolved, That the Committee on Election be directed to inquire whether the seats of the said absent Senators should not be declared vacant and to report what action should be taken in the premises.

Which lies over under the rules.

Mr. Robertson offered the following resolution:

Resolved, That for the remainder of this session, whenever the business on the calendar of the Senate shall not have been disposed of before 3½ o'clock p. m., a recess shall be taken until 7 p. m. and an evening session be held.

On motion of Mr. Robertson, the rules were suspended to consider the resolution at this time.

On motion of Mr. Robertson, the resolution was adopted.

On motion of Mr. White, the special order of the day, Senate bill No. 83 and House bill No. 71, were further postponed for ten minutes.

Mr. White offered the following resolution:

Resolved, That the regular business shall be gone through with daily before any special order or other business be attended to, after to-day.

Mr. White moved a suspension of the rules to consider the resolution at this time, and demanded the yeas and nays. The roll being called, resulted as follows:

Yeas—Messrs. Boatner, Breaux, Ellis, Garland, George, Goode, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Stubbs, Texada, Wheeler, White and Zacharie—17.

Nays—Messrs. Ducros and Grover—2.

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

And the rules were suspended.

On motion of Mr. White the resolution was adopted.

SPECIAL ORDER OF THE DAY.

House bill No. 71, entitled "An act to repeal act No. 74, approved Sept. 14, 1868; act No. 44, approved Feb. 27, 1869; act No. 87, approved March 6, 1869; act No. 92, approved March 8, 1869; act No. 94, approved March 30, 1870; act No. 37, approved March 5, 1873; act No. 64, approved March 26, 1873; act No. 33, approved Feb. 26 1874; act No. 60, approved March 17, 1874, and act No. 16, approved March 24, 1875, and to authorize the city of New Orleans to establish, organize and maintain a proper and sufficient police force, to preserve order and good government, within the corporate limits of said city, and to assume control of the Fire Alarm Telegraph, and to pass ordinances providing for the control, direction and pay of the said police force, and to limit the annual expense of the same.

Mr. Ogden offered Senate bill No. 83, entitled "An act to repeal act No. 74, approved September 14, 1868; act No. 44, approved February 27 1869; act No. 87, approved March 6, 1869; act No. 92, approved March 8, 1869; act No. 94, approved March 30, 1870; act No. 37, approved March 5, 1873; act No. 64, approved March 26, 1873; act No. 33, approved February 26, 1874; act No. 60, approved March 17, 1874, and act No. 16, approved March 24, 1875, and to organize the police of the city of New Orleans; to create a police board therein, and to limit the cost thereof, and to give the management and control of the Fire Alarm Telegraph to the city of New Orleans,' as a substitute for House bill No. 71.

Mr. Kelly moved to lay the substitute on the table.

Mr. Robertson made the point of order that the majority report must be considered first.

The chair decided the point not well taken.

Mr. Ogden demanded the yeas and nays on the motion of Mr. Kelly. The roll being called resulted as follows:

Yeas—Messrs. Ducros, Grover, Kelly, Robertson and Steven—5.

Nays—Messrs. Boatner, Breaux, Ellis, Garland, George, Goode, Mitchell, Ogden, Perkins, Sandiford, Stubbs, Texada, Wheeler, White and Zacharie—15.

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

And the motion to table was lost.

Mr. Steven made the point of order that as the House bill had been read first it was the subject before the Senate.

The Chair decided the point well taken, and also decided that such being the case it did not preclude the motion made by Mr. Ogden, and the motion to table having been lost the question recurred upon the motion made by Mr. Ogden.

Mr. Robertson demanded the yeas and nays on the motion of Mr. Ogden. The roll being called resulted as follows:

Yeas—Messrs. Boatner, Ogden, Texada and Wheeler—4.

Nays—Messrs. Breaux, Ducros, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Perkins Robertson, Sandiford, Steven, Stubbs, White and Zacharie—16.

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

And the motion was lost.

On motion of Mr. Robertson, House bill No. 71 was taken up section by section.

Mr. White obtained unanimous consent to withdraw Senate bill No. 102, entitled "An act to establish a Board of Police for the city of New Orleans, and to prescribe their powers and duties."

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

The second section was read.

Mr. White moved, as an amendment, to strike out the section and insert the following in lieu thereof.

SECTION 2. *Be it further enacted, etc.*, That there is hereby established an executive department of the municipal government of the city of New Orleans to be known as the Board of Police. Said board shall consist of five commissioners in addition to the Administrator of Police of the city of New Orleans and the Mayor thereof, who shall be ex officio a member and president thereof, to be chosen in the manner hereinafter prescribed, and a majority of said board shall constitute a quorum for the transaction of business.

That the Mayor shall nominate, and with the advice and consent of the Common Council, appoint the commissioners of said board, and the said commissioners shall hold office for one, two, three, four and five years, to be determined by lot upon their appointment, and at the expiration of the term of each of said commissioners the Mayor as aforesaid shall appoint a commissioner, who shall hold office for five years. Said board shall possess the powers and perform the duties enjoined by this act.

Mr. Robertson offered the following substitute for the motion of Mr. White:

Substitute for section 2: That a police board for the city of New Orleans is hereby created and constituted to consist of the Lieutenant Governor, who shall ex-officio be President of the board, the Mayor of the city of New Orleans, the Administrator of Finance, the Administrator of Accounts, the Administrator of Police, who shall ex-officio be the executive officer of the police force, and three citizens of the city of New Orleans, to be appointed by the Governor by and with the advice and consent of the Senate, none of whom shall receive any compensation whatever as members of the board, and said Police Board so constituted shall, on and after the 15th day of ——, 1877, establish and organize a proper and efficient police force to preserve order and good government within the corporate limits of said city, and shall assume the management and control of the Fire Alarm Telegraph.

Mr. White offered the following amendment to the substitute of Mr. Robertson: Insert after the word "board" the following, viz: "To hold office for one, two and three years, to be determined by lot upon their appointment, and until their successors are qualified and appointed. The Governor to appoint at the expiration of the term, a commissioner who shall hold office for three years."

Mr. Kelly moved the adoption of the substitute as amended by Mr. White.

Mr. Texada in the chair.

Mr. Ogden offered the following additional amendment to the substitute of Mr. Robertson:

To strike out all after the word "board" to the words "Fire Alarm Telegraph."

Amendment accepted.

Mr. White demanded the yeas and nays on the adoption of the substitute as amended. The roll being called resulted as follows:

Yeas—Messrs. Breaux, Ellis, Mitchell, Ogden and Wheeler—5.

Nays—Messrs. Boatner, Ducros, Garland, George, Goode, Grover, Kiely, Perkins, Robertson, Sandiford, Steven, Stubbs, Texada, White and Zacharie—15.

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

And the motion was lost.

Lieutenant Gov. Wiltz in the chair.

On motion of Mr. Grover the Senate went into executive session.

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

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

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

Mr. Ellis moved that the Senate adjourn until to-morrow, March 6, 1877, at 12 o'clock m.

Lost.

Mr. Kelly moved that the Senate take a recess until 7 o'clock p. m.

Lost.

Mr. Robertson offered the following as a substitute for the second section of the bill:

That a Police Board for the city of New Orleans is hereby created and constituted to consist of the Lieutenant Governor, who shall ex-officio be President of the board, the Mayor of the city of New Orleans, the Administrator of Finance, the Administrator of Accounts, the Administrator of Police, who shall ex-officio be the executive officer of the police force, and three citizens of the city of New Orleans to be appointed by the Governor, by and with the advice and consent of the Senate, none of whom shall receive any compensation whatever, as members of the board; and said Police Board, so constituted, shall on and after the 15th day of ——, 1877, establish and organize a proper and efficient police force to preserve order and good government within the corporate limits of said city.

Moved the previous question upon its adoption, on which motion Mr. Garland demanded the yeas and nays. The roll being called, resulted as follows:

Yeas—Messrs. Grover, Mitchell and Stubbs—3.

Nays—Messrs. Boatner, Breaux, Ducros, Ellis, Garland, George, Goode, Kelly, Ogden, Perkins, Robertson, Sandiford, Steven, Texada, Wheeler, White and Zacharie—17.

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

And the motion was lost.

Mr. Ogden offered the following amendment to the substitute offered by Mr. Robertson:

To strike out all after the word "board" to the words "Fire Alarm Telegraph."

And moved its adoption.

Mr. Robertson moved the adoption of the substitute.

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

Yeas—Messrs. Boatner, Breaux, Ellis, Grover, Kelly, Mitchell, Robertson, Steven and Wheeler—9.

Nays—Messrs. Ducros, Garland, George, Goode, Ogden, Perkins, Sandiford, Stubbs, Texada, White and Zacharie—11.

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

And the motion was lost.

Mr. White obtained unanimous consent to introduce, without previous notice, Senate bill No. 104, entitled "An act to establish a Board of Police for the city of New Orleans, and to prescribe their powers and duties."

Which was read a first time. Under a suspension of the constitutional rules the bill was read a second time and referred to the Committee on Metropolitan Police.

Mr. Grover moved to recommit Senate bill No. 83 and House bill No. 71 to the Committee on Metropolitan Police, with instructions to report on all bills relating to the matter under consideration on Wednesday morning, on which motion Mr. Kelly demanded the yeas and nays. The roll being called, resulted as follows:

Yeas—Messrs. Breaux, Ellis, Grover, Mitchell Ogden, Robertson, Steven, Wheeler and White—9.

Nays—Messrs. Boatner, Ducros, Garland, George, Goode, Kelly, Perkins, Sandiford, Stubbs, Texada and Zacharie—11.

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

And the motion was lost.

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

After the words "through" in line four insert the words "The Lieutenant Governor who shall be ex-officio the President of the Board and."

Mr. Ogden offered as a substitute for the second section sections 2, 3, 4, and 5 of Senate bill No. 83.

Mr. Steven made the point of order that the substitute could not be entertained at this time, as there was an amendment before the Senate to the section which had not been acted upon.

The Chair decided the point well taken.

Mr. Robertson moved the adoption of his amendment, on which motion Mr. Zacharie demanded the yeas and nays. The roll being called resulted as follows:

Yeas—Messrs. Boatner, Breaux, Ellis, Garland, Grover, Kelly, Mitchell, Robertson, Steven and Wheeler—10.

Nays—Messrs. Ducros, George, Goode, Ogden, Perkins, Sandiford, Stubbs, Texada, White and Zacharie—10.

Absent—Allain, Bryant, Burch, Cage, Demas, Dumont, Eustis, Gla, Harper, Landry, Richardson, Stamps, Sutton, Twitchell, Wakefield and Young—16.

And the motion to adopt was lost.

Lieutenant Governor Wiltz in the chair.

Mr. Ogden offered as a substitute for the second section of House bill No. 71, sections two, three, four and five of Senate bill No. 83.

Mr. Robertson made the point of order that the motion could not be entertained, as the hour of 3:30 o'clock had arrived, and that under the rule adopted by the Senate this morning nothing was in order but a recess until 7 o'clock p. m.

The Chair decided the point well taken, and declared that the Senate would now take a recess until 7 o'clock p. m.

Evening Session.

The Senate 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. Boatner, Breaux, Ellis, Garland, Goode, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—17.

Absent—Messrs. Allain, Bryant, Burch, Cage, Demas, Ducros, Dumont, Eustis, George, Gla, Grover, Harper, Landry, Richardson, Stamps, Sutton, Twitchell and Wakefield—19.

No quorum.

On motion of Mr. Steven, the Senate adjourned until Tuesday, March 6, 1877, at 12 o'clock m.

JOHN CLEGG,
Secretary of the Senate.

OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

HOUSE OF REPRESENTATIVES.

EXTRA SESSION.

Third Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, Monday, March 5, 1877.

Hon. L. Bush, Speaker, being absent on account of sickness, the House was called to order by the Chief Clerk at 12 o'clock m., and Mr. Lyons was called to the chair.

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

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

Sixty-eight members and a quorum.

The journal of March 3 was corrected and approved.

Mr. Bridger presented the following resolution:

Whereas, our time is limited, and a large amount of business indispensable for the interests of the State remains to be done. Therefore be it

Resolved, That hereafter the regular hour of meeting shall be at 11 o'clock a. m. each day, and that each and every member of this House will consider it his duty to be in his seat promptly at that hour, unless detained by circumstances over which he has no control.

The resolution was adopted.

COMMITTEE SERVICE.

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

ROOMS COMMITTEE ON JUDICIARY,
New Orleans, March 5, 1877.

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

Gentlemen—Your Committee on the Judiciary have had under consideration House bill No. 124, "An act to repeal the act of 1868, entitled 'An act to increase the revenues of the State, and to authorize the incorporation and establishment of the Louisiana State Lottery,'" and to repeal certain acts now in force, and most respectfully ask for further time to report.

B. F. JONAS, Chairman.

A motion to grant further time to the committee was made.

Mr. Fitzpatrick offered as an amendment that the time granted should be only till Wednesday next.

Mr. Jonas moved that the motion to amend be laid upon the table, on which motion Mr. Toler called for the yeas and nays, with the following result:

Yeas—Messrs. Aldige, Aycock, Barbin, Billieu, Brady, Berry, Cockerham, Carloss, Cressy, Delavigne, Duke, Dupree, Estopinal, Gaskins, Gillespie, Huntington, Hammond, Jonas, Kennedy, Kelly of Winn, Kernochan, Kidd, Lyons, Leeds, Leonhard of Orleans, Martin, McGehee, Nunez, Peralta, Pitts, Richardson, Ryland, Randolph, Rolle, Shakspeare, Singleton Self, Spiller, Steele, Sellers, Smart, Sartain, Taylor, Tremoulet, Voorhies, Washburne, Wilde, Williams, Young of Claiborne, Young of East Baton Rouge—yeas 51.

Nays—Messrs. Bridger, Bowden, Barron, Briggs, Ferguson, Fitzpatrick, Foerster, Kelly, of Orleans, Lamare, Means, Porter, Robertson, Stagg, Toler—nays 14.

The motion to lay upon the table prevailed, and the motion to grant further time without express limitation prevailed.

NOTICE OF BILLS.

Mr. Ferguson gave notice that he would at a future time introduce a bill providing for a justice of the peace and constable in the Seventh District, parish of Orleans.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER STATE OF LOUISIANA,
New Orleans, March 5, 1877.

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

Gentlemen—I am directed by the Senate to inform your honorable body that the Senate has finally passed and requests your concurrence in Senate bill No. 77, entitled "An act to change the eastern boundary of the parish of Pointe Coupee."

Also Senate bill No. 103, entitled "An act to authorize the Auditor of Public Accounts to accept and approve the bonds of State Tax Collectors, and to repeal all other laws requiring said bonds to be approved by any other officer."

Very respectfully, etc.,
JOHN CLEGG,
Secretary of the Senate.

BILLS INTRODUCED.

The following named members asked and obtained leave to introduce, out of the regular order of business, the following entitled bills, which were read, and under a suspension of the constitutional rule were severally passed to their second reading and referred to committees, as follows:

By Mr. Toler—

House bill No. 181, "An act to exempt notaries public in the parish of Richland from paying license on said office."

To the Committee on the Judiciary.

By Mr. Fitzpatrick—

House bill No. 182, "An act to cause the city of New Orleans to devote such portion as may be necessary of the revenues of each year, and set the same aside for the purpose of paying its Fire Department."

To the Special Committee on City Affairs.

By Mr. Estopinal—

House bill No. 183, "An act to incorporate the Mississippi and Terre-aux-Bœufs and Lake Railroad Company and to define its powers and authority."

To the Committee on Corporations.

By Mr. Voorhies—

House bill No. 184, "An act to exempt landed property in the parish of Orleans from drainage tax."

To the Committee on Drainage.

By Mr. Fitzpatrick—

House bill No. 185, "An act to cause the city of New Orleans to issue warrants or certificates of indebtedness to the Firemen's Charitable Association for past indebtedness for the years 1874, 1875 and 1876, and to make such warrants or certificates of indebtedness receivable for the back taxes of the years the deficiencies for which they represent.

To the Special Committee on City Affairs.

By Mr. Kidd—

House bill No. 186, "An act to amend and reenact section 992 of the Revised Statutes, relative to the crime of carrying concealed weapons."

To the Committee on the Judiciary.

By Mr. Gaskins—

House bill No. 187, "An act to amend and reenact article 645 of the Code of Practice.

To the Committee on the Judiciary.

By Mr. Billieu—

House bill No. 190, "An act relative to taxing lands in the parish of Lafourche for Drainage purposes."

To the Committee on Parochial Affairs.

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 Louisiana in the Senate of the United States for the term beginning March 4, 1877, Hon. L. 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. Boatner, Breaux, Ducros, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Stubbs, Texada, Wheeler, White and Zacharie.

Nineteen Senators and a quorum of the Senate.

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

Messrs. Aldige, Bridger Breard, Bowden, Barron, Brady, Berry, Bell, Briggs, Barbin, Billieu, Cockerham, Carloss, Cressy, Delavigne, Duke, Dupree, Estopinal, Fitzpatrick, Foerster, Ferguson, Gaskins, Gillespie, Huntington, Hammond, Hill of Orleans, Jonas, Kennedy, Kernochan, Kelly of Winn, Kelly of Orleans, Kidd, Lyons, Leeds, Lamare, Leonhard of Orleans, Martin, Means, McGehee, Nunez, Porter, Peralta, Pitts, Richardson, Ryland, Randolph, Rolle, Shakspeare, Singleton, Self, Spiller, Steele, Sellers, Smart, Taylor, Tremoulet, Toler, Voorhies, Washburne, Williams, Young of Claiborne, Young of East Baton Rouge.

Sixty-four members and a quorum of the House.

The presiding officer announced that the General Assembly of the State of Louisiana had met in this joint session, as required by law, for the purpose of balloting for a Senator to represent the State of Louisiana in the Senate of the United States for the term beginning March 4, 1877.

Nominations were read as follows: Messrs. Jonas, Gibson, Egan and Robertson.

Mr. Mitchell, of the Senate, withdrew the name of Hon. Jas. C. Egan, of Claiborne.

Mr. Kelly, of the Senate, nominated the Hon. C. B. Wheeler.

Mr. Sartain, of the House, nominated the Hon. Jno. Young of Claiborne.

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

Senators Stubbs and Wheeler voted for the Hon. B. F. Jonas—2 votes.

Senator Ducros voted for the Hon. R. L. Gibson—1 vote.

Senators Garland and Grover voted for the Hon. W. A. Robertson—2 votes.

Senators Boatner, Ellis and George voted for the Hon. John Young of Claiborne—3 votes.

Senators Breaux, Goode, Kelly, Mitchell, Ogden, Perkins, Robertson, Sandiford, Texada, White and Zacharie voted for the Hon. C. B. Wheeler—11 votes.

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

Messrs. Aycock, Breard, Bowden, Brady, Berry, Barbin, Cockerham, Delavigne, Foerster, Ferguson, Huntington, Kidd, Peralta, Pitts, Ryland, Randolph, Robertson, Shakspeare and Singleton—19 votes.

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

Messrs. Bell, Estopinal, Fitzpatrick, Hill of Orleans, Kelly of Orleans, Leeds, Lamare, Kernochan, McGehee, Porter, Rolle, Smart, Tremoulet and Williams—14 votes.

The following members voted for the Hon. C. B. Wheeler:

Messrs. Briggs, Dupree, Hammond, Kennedy, Steele, Taylor, Toler and Young of Claiborne—8.

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

Messrs. Gillespie, Jonas, Kelly of Winn, Martin, Richardson, Billieu and Sellers—7.

The following members voted for the Hon. John Young, of Claiborne:

Messrs. Bridger, Sartain, Barron, Carloss, Cressy, Duke, Gaskins, Lyons, Leonhard, Means, Nunez, Self, Spiller, Stagg, Voorhies, Washburne and Young of East Baton Rouge—17.

Total vote 83; necessary to a choice 43.

No one candidate having received a majority of all the votes cast, the presiding officer declared that there had been no election.

On motion of Mr. Boatner, of the Senate, the joint assembly adjourned and the Senate withdrew to its chamber.

HOUSE BUSINESS RESUMED.

Senate bill No. 87, "An act to repeal section 114 of the Revised Statutes of the State of Louisiana."

Was taken up on its second reading under the favorable report of the Committee on the Judiciary, and was passed to its third reading.

HOUSE BILLS ON SECOND READING.

House bill No. 3, "An act to repeal an act entitled 'An act to form a new parish to be called the parish of Iberia,' approved October 30, 1868."

Was taken up on its second reading and laid over subject to call.

House bill No. 199, "An act to provide for the relief of persons and corporations whose property has been sold for taxes, and creditors with mortgages and other liens; to remit penalties thereon, and to provide for the manner of redeeming said properties," was laid upon the table subject to call.

House bill No. 111, 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, under the unfavorable report of the Committee on Parochial Affairs, was laid upon the table subject to call.

House bill No. 112, "An act to amend and reenact 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," under like unfavorable report from same committee, was postponed indefinitely.

House bill No. 114, "An act relative to the town of Royville, in the parish of Lafayette, and exempting persons and property within the limits of said town from the payment of all parish taxes, except for courthouse or jail purposes," under the unfavorable report of the Committee on Corporations was referred to the Committee