OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

SENATE.

EXTRA SESSION OF 1877.

Eighth Day's Proceedings.

SENATE CHAMBER,
New Orleans, Saturday, March 10, 1877.

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

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

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

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

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

On motion of Mr. Steven the rules were suspended to consider the favorable report of the Committee on Finance on House bill No. 193.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, March 10, 1877.

To the Honorable Senate of Louisiana:

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. Steven the report was adopted.

On motion of Mr. Steven the rules were suspended to consider House bill No. 193, entitled "An act to regulate and fix the fees and compensation of tax collectors for the collecting of all taxes throughout the State," etc.

Adopted.

On motion of Mr. Texada the bill was ordered read a third time.

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

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

Carried.

Mr. Robertson moved to reconsider the vote whereby concurrent resolution "instructing our Representatives in Congress to support the Texas and Pacific Railroad bill, asking for the subsidies of the United States government, provided the New Orleans Pacific Railway be made the subsidized branch to connect New Orleans with Shreveport and Marshall, and that the North Louisiana Railroad be made the subsidized branch to connect Vicksburg, in Mississippi, with the Texas Pacific at Shreveport" was adopted, and moved to lay that motion on the table.

Carried.

On motion of Mr. Ogden, the journal of the seventh day's proceedings was corrected as follows:

Striking out the word "adopted" after word in line 15, section 3, and insert "withdrawn."

On motion of Mr. Breaux, 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, Richardson, Robertson, Sandiford, Stubbs, Texada, Wheeler, and Zacharie—19.

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

Hon. Louis Bush, Speaker, and Messrs. Aldige, Bridger, Breard, Bowden, Barron, Brady, Buck, Berry, Barbin, Bell, Briggs, Cockerham, Carloss, Cressy, Delavigne, Duke, Dupree, Fitzpatrick, Foerster, Ferguson, Gaskins, Gillespie, Huntington, Hill of Orleans, Jonas, Kennedy, Kelly of Winn, Kelly of Orleans, Kernochan, Kidd, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Means, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Richardson, Ryland, Robertson, Rolle, Shakspeare, Singleton, Self, Spiller, Stagg, Steele, Sellers, Smart, Taylor, Tremoulet, Toler, Voorhies, Washburne, Wilde, Williams, Young of Claiborne and Young of East Baton Rouge—66.

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.

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. W. A. Robertson of St. Landry, Hon. C. B. Wheeler of Morehouse, Hon. John Young of Claiborne.

Senator Kelley withdrew the name of Hon. C. B. Wheeler of Morehouse.

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

Senator Texada and Representatives Bridger, Breard Bowden, Brady, Berry, Dupree, Gaskins, Huntington, Lyons, Lea, Leonhard, McGehee, Newsom, Peralta, Pitts, Ryland, Barbin, Shakspeare, Singleton, Spiller, Stagg, Ridgley and Wilde voted for the Hon. B. F. Jonas—24 votes.

Senators Breaux, Ducros, George, Perkins, Sandiford, and Speaker Bush and Representatives Aldige, Bell, Delavigne, Robertson, Ferguson, Fitzpatrick, Foerster, Hill of Orleans, Kennedy, Kelley of Orleans, Leeds, Lamare, Means, Kernochan, Porter, Rolle, Smart, Tremoulet and Williams voted for the Hon. R. L. Gibson—25 votes.

Senators Boatner, Ellis, Garland, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Stubbs, Wheeler, and Zacharie and Representatives Barron, Buck, Cockerham, Carloss, Cressy, Duke, Kelly of Winn, Kidd, Nunez, Richardson, Steele, Sellers, Taylor, Toler, Voorhies and Young of Claiborne voted for the Hon. W. A. Robertson—28 otes.

Senator Robertson and Representatives Sartin, Briggs, Gillespie, Jonas, Self, Washburne and Young of East Baton Rouge voted for the Hon. John Young—8 votes.

Total number of votes cast, 85; 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. Boatner, the joint assembly adjourned, and the Senate withdrew to its own chamber.

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, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—20.

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

PETITIONS AND MEMORIALS.

Mr. Ogden submitted the petition of the Sisters of Charity in behalf of the New Orleans Female Orphan Asylum, and moved that it be referred to the Committee on Charitable Institutions, and the paper was so referred.

REPORTS OF COMMITTEES.

Mr. Goode, chairman of the Committee on Judiciary, submitted the following majority report on Senate bill No. 119:

ROOMS COMMITTEE ON JUDICIARY,
New Orleans, March 10, 1877.

To the Honorable the President and Members of the Senate:

Gentlemen—A majority of your committee to whom was referred Senate bill No. 119, respectfully report favorably thereon with the following amendment: Insert the word "actual-ly" after the word "and" in the third line of the third section.

Respectfully,
F. S. GOODE, Chairman.

Mr. Garland gave notice that he would file a minority report.

Mr. Goode, Chairman of the Committee on Judiciary, submitted the following report on Senate bill No. 88.

Your committee, to whom was referred Senate bill No. 88, "An act to regulate and limit the liability of the parishes of this State, the parish of Orleans excepted, for costs and fees in criminal proceedings and trials before justices of the peace, and in district and parish courts, report favorably on the same, with the following amendments: They present as substitute for sections two and three, the following:

SEC. 11. *Be it further enacted, etc.*, That in compensation for all services rendered in criminal proceedings and trials before justices of the peace and in district and parish courts, where the costs and fees are chargeable to the respective parishes, the fees of the clerks of the courts, sheriffs, constables and justices of the peace throughout the State, the parish of Orleans excepted, are hereby limited and fixed at fifty per centum of the fees and costs as now fixed by existing law, and the parochial authorities are prohibited from increasing the fees and costs in criminal proceedings as now fixed, by law.

And that section four become section three, section five become section four, section six become section five, and section seven become section six.

F. S. GOODE,
Chairman.

Which lie over under the rules.

Mr. Steven, chairman of the Committee on Finance, submitted the following report:

ROOMS SENATE FINANCE COMMITTEE,
New Orleans, March 10, 1877.

To the Honorable the President and Members of the Senate:

Gentlemen—Your committee, to whom was referred Senate bill No. 61, entitled "An act fixing the compensation of the members of the General Assembly of the State of Louisiana for their services in attending going to and returning from the session of their respective houses;" beg leave to report favorable.

Also, Senate bill No. 109, entitled "An act to facilitate the collection of city taxes, due or to be come due the city of New Orleans;" beg leave to report by substitute.

Also, Senate bill No. 69, entitled "An act making certain State warrants receivable for the four-mill general State tax due by delinquents;" beg leave to report back the same without action, as a bill of a similar nature has already passed both the House and Senate.

Also, Senate bill No. 68, entitled "An act regulating the terms of prescription for taxes and the lien by which they are secured;" beg leave to report unfavorably.

Respectfully submitted,
(Signed) WILL. STEVEN, Chairman.

On motion of Mr. Grover the rules were suspended to consider the report of the Committee on Finance on Senate bill No. 109, reported by substitute.

On motion of Mr. Grover the report was adopted.

Mr. Grover moved to suspend the rules to take up Senate bill No. 111, substitute for Senate bill No. 109, entitled "An act to facilitate the collection of taxes throughout the State."

Lost.

Mr. Grover in the chair.

SPECIAL ORDER OF THE DAY.

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."

On motion of Mr. Breaux the bill was taken up section by section.

The first section was read.

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

Strike out in section one, lines thirteen and fourteen, "from and after the passage of this act," and insert "from and after the 1st of June, 1877."

Adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
New Orleans, March 10, 1877.

To the Honorable the Senate of Louisiana:

I am instructed to inform your honorable body that the House has finally passed the following House bills, and asks the concurrence of the Senate in the same:

House bill No. 153: "An act to reorganize and render more efficient the Board of Health of the State of Louisiana; to define its powers and prescribe its duties, and those of quarantine and other officers under its control; to provide for its expenses, and for the recording of births, deaths and marriages in the parish of Orleans; for the inspection of cattle and meat in said parish, and to provide penalties for the enforcement of this act and for violation of same, and for the ordinance and orders made in pursuance thereof."

Also, House bill No. 214, "An act to provide for the disposition of offal garbage, night soil and dead animals, in the parishes of Orleans, Jefferson and St. Bernard, and to provide for the disposition of offal, droppings of slaughter-houses and dead animals in said parishes.

Also, House bill No. 183, entitled "An act to incorporate the Mississippi and Terre-aux-Boufs Railroad Company."

Also, House bill No. 210, "An act to charter the Alexandria and South Arkansas Railroad."

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

Mr. Stubbs offered the following amendment to the first section and moved its adoption:

Section 1, strike out lines 6 and 7; also that part of line 9 after the word "state;" strike out all of lines 10, 11 and 12, and part of line 18 before the word "shall."

Adopted.

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

The second section was read.

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

Section 2, in line 30, strike out after the word "companies;" strike out all of line 31; strike out part of line 32, including the word "chartered," in lines 87 and 88; strike out after the word "company" the words "doing business in the" and insert the words "incorporated under the laws of this."

Adopted.

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

The third section was read.

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

Section 3, strike out all of line 3 and insert in lieu thereof the word "aforesaid." In line 4 strike out the word "Louisiana." In line 12 strike out the words "either directly or." Also all of line 13.

Adopted.

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

Section 3, in line 15, strike out the words "two thousand" and insert "twenty-five hundred."

Adopted.

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

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

The fifth section was read.

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

Strike out all of line 2 after the word "that." Also, strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.

Adopted.

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

Mr. Robertson offered the following as section six, and moved its adoption:

Be it further enacted, etc., That any company not incorporated under the laws of the State, doing business in the State, may avail itself of the provisions of this act, if it shall see fit so to do, by complying with the requirements thereof.

On a rising vote the President declared no quorum voting.

The President directed a call of the Senate.

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

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

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

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

To add to the 4th section, provided that nothing herein shall be construed to prevent any foreign corporation from doing business in this State by reason of not availing itself of this privilege.

Adopted.

Mr. Robertson offered the following amendment to be added to the 4th section, and moved its adoption.

"But if any company not incorporated under the laws of this State shall accept the provisions of this act they shall thereafter be subject to all the fines and penalties imposed by the same."

Adopted.

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

Mr. Zacharie offered the following additional section, and moved its adoption:

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
New Orleans, March, 10, 1877.

To the Honorable the Senate of Louisiana:

Gentlemen—I am directed to inform your honorable body that the House has agreed to the first, second, third, fifth and sixth amendments of the Senate to House bill No. 71, "An act to repeal act No. 74, approved September 14 1868, etc., and to authorize the city of New Orleans to establish, organize and maintain a proper and sufficient police force," etc., and disagrees to the fourth, seventh, eighth, ninth, tenth and eleventh amendments of the Senate to said bill, and asks the appointment of a committee on conference on the same; and to inform you that the Speaker has appointed on the part of the House Messrs. Jonas, Voorhies and McGehee.

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

SEC. 7. *Be it further enacted, etc.*, That each and every life insurance company doing business in the State of Louisiana, whether the same be incorporated under the laws of this State or not; and whether the said company does business therein as a mother company, or through an agency or branch of such company, shall be required annually on the first day of January, or within ninety days thereafter, to prepare, under oath, and deposit in the office of the State Auditor, a statement, showing:

First—The number of policies issued during the year.

Second—The amount of insurance effected thereby.

Third—The amount of premiums received during the year.

Fourth—The amount received for interest and all other receipts during the year, classifying the items.

Fifth—The amount of losses paid during the year.

Sixth—The amount of losses unpaid, giving the reasons for such non-payment.

Seventh—The amount of expenses, classifying the items.

Eighth—The whole number of policies in force, specifying the description.

Ninth—The amount of liabilities or risks thereon, and of all other liabilities.

Tenth—The amount of capital stock, and how invested.

Eleventh—The amount of assets other than capital, specifying the particular source from whence they have been derived, and the manner in which they are invested; what amount is invested in real estate, in stock, promissory notes, and other securities, and what amount is loaned on bonds and mortgages, or deeds of trust, stocks, policies of the company, and other securities, specifying the kinds and amounts.

Twelth—The amount of dividend declared to stockholders and policy holders, respectively, and how much remains unpaid.

Thirteenth—A tabular statement of the policies in force for the whole term of life, showing what number for each age of life, and what amount of risk, were issued or continued in force the first year of the existence of the company, during the second year, and so on up to the time of making such statement.

Fourteenth—A tabular statement of the policies in force for a shorter period than the whole term of life, showing what number for each age of life and for what amount of risk were issued or continued in force during the first year of the company's existence, during the second year, and so on up to the time of making such statement.

It shall be the duty of the Auditor to arrange the information contained in the above statements in a tabular form, or in abstract, and he shall make annual report of same, which shall be published.

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

After "required" insert "within ninty days from the passage of this act, and."

Adopted.

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

Mr. Zacharie offered the following additional section and moved its adoption.

SEC. 8. *Be it further enacted, etc.*, That upon the failure of any life insurance company to file with the State Auditor the statement provided for and required by the preceding section, number 1, such company shall be enjoined at the suit of the State from doing any business, except adjusting and paying losses and receiving premiums on policies written prior to the date when such statement should have been filed; *provided*, that it shall be the duty of the Auditor, on or before the second Monday of March in each year, to report to the Attorney General any delinquent company as aforesaid, and it shall be the duty of the Attorney General to proceed without delay to enjoin said company from doing business in the State, as aforesaid.

Adopted.

The ninth section was read, and on motion of Mr. Robertson, was 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, the bill 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 Joint Resolution No. 1, entitled "Joint resolution creating a joint committee of the Senate and House on a charter for the city of New Orleans, to sit during the recess of the General Assembly, and report to the next session of the General Assembly."

Which was read.

On motion of Mr. White the constitutional rules were suspended to place the resolution on its second reading. The resolution was read a second time.

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

Strike out "said members to be elected by each house" and insert "to be appointed by the presiding officer of each house."

Adopted.

On motion of Mr. White the third section was stricken out.

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

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

Mr. Robertson obtained unanimous consent to introduce without previous notice Senate bill No. 112, entitled "An act for the relief of the State Commissioner of Engineers and of the Secretary of the Board of Levee Commissioners of Engineers for the current years of 1875 and 1876," which was read a first and second time under a suspension of the constitutional rules, and referred to the Committee on Claims.

Mr. Goode obtained unanimous consent to call up the report of the Committee on Judiciary on Senate bill No. 88, and moved its adoption.

Adopted.

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

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

Carried.

Mr. Richardson obtained unanimous consent to introduce at this time the following report of the Committee on Commerce and Manufactures:

ROOMS COMMITTEE ON COMMERCE AND MANUFACTURES,
New Orleans, March 10, 1877.

To the President and Members of the Senate:

Gentlemen—Your committee, to whom was referred House bill No. 115, respectfully report favorably thereon and recommend its passage.

Respectfully, HARDY RICHARDSON,
Chairman.

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

On motion of Mr. Richardson the report was adopted.

On motion of Mr. Richardson, House bill No. 115, entitled "An act to regulate the office of wardens for the port of New Orleans, and to repeal sections 2217 and 2229 of the Revised Statutes of Louisiana," was ordered read a third time.

On motion of Mr. Richardson, the constitutional rules were suspended to place the bill on its third reading.

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

Mr. Richardson moved to reconsider the vote whereby House bill No. 115 finally passed, and moved to lay that motion on the table.

Carried.

Mr. Richardson obtained unanimous consent to submit the following report of the Committee on Commerce and Manufactures:

ROOMS COMMITTEE ON COMMERCE AND MANUFACTURES,
New Orleans, March 10, 1877.

To the Honorable President and Members of the Senate:

Gentlemen—Your committee, to whom was referred House bill No. 135, respectfully report favorably thereon, and recommend its passage.

HARDY RICHARDSON, Chairman.

On motion of Mr. Richardson, the constitutional rules were suspended to consider the report at the time.

On motion of Mr. Richardson the report was adopted.

On motion of Mr. Richardson House bill No. 135, entitled "An act to amend and re-enact section 1682 of the Revised Statutes of 1870," was ordered read a third time.

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

Mr. Richardson moved to reconsider the vote whereby House bill No. 135 finally passed, and moved to lay that motion on the table.

Carried.

On motion of Mr. Goode the rules were suspended to take up House bills on their first reading.

House bill No. 183, entitled "An act to incorporate the Mississippi, Terre-aux-Boufs and Lake Railroad Company and to define its powers and authority," was, on motion of Mr. Goode, read the first time.

On motion of Mr. Goode the constitutional rules were suspended, the bill read a second time and referred to the Committee on Railroads.

House bill No. 210, entitled "An act to charter the Alexandria and South Arkansas Railroad," was read a first time.

On motion of Mr. Goode the constitutional rules were suspended, the bill read a second time and referred to the Committee on Railroads.

House bill No. 153, entitled "An act to reorganize and render more efficient the Board of Health of the State of Louisiana, to define its powers and prescribe its duties and those of quarantine and other officers under its control; to provide for its expenses, and for the recording of births, deaths and marriages in the parish of Orleans; for the inspection of cattle and meat in said parish; to provide penalties for the enforcement of this act and for violation of the same, and for the ordinances and orders made in pursuance thereof," was read a first time.

On motion of Mr. Goode the constitutional rules were suspended, the bill read a second time and referred to the Committee on Public Health and Quarantine.

House bill No. 214, entitled "An act to provide for the disposition of offal, garbage, night soil and dead animals within the parishes of Jefferson, Orleans and St. Bernard; and to provide for the disposition of offal, droppings of slaughter houses and dead animals in said parishes," was read a first time.

On motion of Mr. Goode, the constitutional rules were suspended, the bill read a second time and referred to the Committee on Public Health and Quarantine.

On motion of Mr. Goode, the rules were suspended to consider the message from the House relative to House bill No. 71.

On motion of Mr. Steven, the President appointed the following named Senators as a committee of conference on the part of the Senate on House bill No. 71, viz., Senators Steven, Ogden and Kelly.

Mr. Garland obtained unanimous consent to submit the following report:

SENATE CHAMBER,
New Orleans, March 10, 1877.

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

Your Committee on Claims, to whom was referred the "Memorial of Frank Huguet," beg leave to report that no sufficient proof has been presented to them to justify a favorable report and to recommend a bill for the relief of the memorialist.

But your committee are of opinion that the memorialist, Huguet, should have an opportunity to establish his claim by judicial proceedings, and, therefore, report the bill hereto annexed and recommend its passage.

HENRY L. GARLAND,
H. D. OGDEN,
F. S. GOODE,
HARDY RICHARDSON.

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

The following messages were received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
New Orleans, March 10, 1877.

To the Honorable the Senate of the State of Louisiana:

Gentlemen—I have the honor to return without my approval an act originated in your honorable body, entitled "An act annexing the parishes of Iberia and St. Martin to the Sixteenth Judicial District, and providing that the said parishes shall form a part of that Judicial District, and annexing the parish of St. Mary to the Fifteenth Judicial District, and providing that it shall be one of the parishes in the said district, and the parish of Cameron to the Eighth Judicial District, of which it shall form a part, and for abolishing the Third Judicial District."

The bill has as its result to cause the people of the parishes of St. Mary, St. Martin, Iberia and Cameron to have their causes brought before and passed upon by judges not elected by them, and further to deprive of his office the judge of the Third Judicial District Court by special legislation. Whilst I by no means hold that an officer himself has a vested right to the office which he occupies, I am of opinion that the right granted by article 83 of the Constitution to the election of a parish to have a voice in the selection of their judge, is trenched upon by the provisions of this bill.

I am further of the opinion that one of the chief bulwarks of a state is the independence of its judiciary, and that the breaking up of the judicial districts during the term of office of judges would have as its effect to impair that independence.

I am not to be understood as expressing any opinion whatever as to the legality or propriety of a general redistricting of the State, but confine myself strictly to the case of the abolishing of a particular court by special act before the expiration of the term of office of the incumbent, and the placing of the citizens of the various sub-divisions which compose the district under the jurisdiction of a judge not elected by them.

For these reasons I feel constrained to return this bill with these my objections.

Respectfully,
FRANCIS T. NICHOLLS,
Governor of Louisiana.

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

To the Honorable the Senate of Louisiana:

Gentlemen—I am directed by his Excellency the Governor to inform you that he has this day approved and signed the following acts originated in your honorable body, and entitled respectively: An act to confer additional powers on the justices of the peace of the parish of St. Landry; an act to amend and re-enact article 3274 of the Revised Civil Code of the State of Louisiana; an act relative to juries in and for the State of Louisiana, the parish of Orleans excepted, to determine the qualifications of jurors, to exempt certain persons from serving on juries, to provide for a jury commission in each parish, to prescribe the manner of procuring a general venire and of drawing juries; to give certain discretionary powers to the district judges; to provide for the summoning of jurors; to compel their attendance; for their compensation, taxing jury costs in civil jury cases; an act to incorporate the exempt society, Mechanics' Fire Company No. 6; an act to create an additional justice of the peace and constable in the Fourth Ward of the parish of Natchitoches, to be located on Pa'se River in said parish; to define its jurisdiction, and to provide for the election of the same, and to prescribe the manner of filling the same.

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

On motion of Mr. Garland the report was adopted.

On motion of Mr. Garland the rules were suspended to consider Senate bill No. 13, entitled "An act for the relief of Frank Huguet, of the parish of East Baton Rouge; and to authorize said Frank Huguet to institute and carry on judicial proceedings against the State of Louisiana," reported by the Committee on Claims. The bill was read a first time.

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

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

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

Mr. Garland moved to reconsider the vote whereby Senate bill No. 113 finally passed, and moved to lay that motion on the table. Carried

Mr. Goode in the chair.

Mr. White obtained unanimous consent to introduce without previous notice Senate joint resolution No. 2, entitled "Joint resolution creating a commission to sit during the recess of the General Assembly for the purpose of submitting suggestions to the next General Assembly as to any amendments to the Constitution of the State deemed by it necessary or expedient."

Which was read a first time.

On motion of Mr. Robertson, 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, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—20.

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

On motion of Mr. George the Senate adjourned until Monday, March 12, 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 OF 1877.

Eighth Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, La., Saturday, March 10, 1877.

The House was called to order at 11:20 o'clock a. m. Present:

Hon. L. Bush, Speaker, and Messrs. Aldige, Aycock, Bridger, Breard, Bowden, Barron, Brady, Buck, Berry, Bell, Briggs, Barbin, Billich, Cockerham, Carloss, Cressy, Delavigne, Duke, Dupree, Fitzpatrick, Foerster, Ferguson, Gaskins, Gillespie, Huntington, Hill of Orleans, Kennedy, Kelly of Orleans, Kidd, Kernochan, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Means, McGehee, Nunez, Peralta, Pitts, Richardson, Ryland, Rolle, Robertson, Shakspeare, Singleton, Self, Spiller, Stagg, Sellers, Smart, Sartain, Taylor, Tremoulet, Toler, Voorhies, Washburne, Wilde, Williams, Young of Claiborne and Young of East Baton Rouge.

Sixty-one members and a quorum.

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

The journal of March 9 was corrected and approved.

Mr. Frank Leefe was sworn as Enrolling Clerk.

COMMITTEE SERVICE.

Mr. Huntington, chairman, on behalf of the Committee on Claims, reported as follows:

Favorably, by bill, on claim of the New Orleans DEMOCRAT for $285, for advertisements ordered by Michael Hahn, Register of Voters.

Unfavorably on Senate bill for the relief of Mrs. M. J. Lewis, of the Parish of Ouachita.

Favorably by bill on claim of Cyprien A. Guillory, Jos. Landerneau and J. D. Hagerty, for return of money paid by them in error to the State of Louisiana.

On the motion of Mr. Kidd the above entitled Senate bill No. 51 was taken up and made the special order of the day for Tuesday, March 13, at 1 o'clock p. m.

Mr. Lyons, chairman, on behalf of the Committee on Corporations:

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

Your Committee on Corporations, to whom was referred House bills Nos. 90 and 174 beg leave to report:

On House bill No. 90, entitled "An act to incorporate the Madison Transportation Company," that they have been unable to obtain information in regard to the streams proposed to be improved under said act, and whether the improvements proposed will be detrimental to the interests of the State, and therefore beg leave to return said bill without action.

Favorably, with amendment, on House bill No. 173, entitled "An act to incorporate the town of Many, in the parish of Sabine, to provide for the election of its officers and to define their powers and duties and to provide for the government of the same."

Respectfully submitted,
T. B. LYONS, Chairman.

On the motion of Mr. Wille the above entitled House bill No. 90 was recommitted to the Committee on Corporations.

On the motion of Mr. Self the above entitled House bill No. 173 was taken up under the favorable report of the Committee on Corporations.

The amendment recommended by the committee was adopted as follows:

After the word "then", in line 13, page 2, insert the words "and every two years thereafter."

Under a suspension of the rules the bill as amended was taken as engrossed, read a third time and passed. The title was adopted.

Mr. Bowden, chairman, on behalf of the Committee on Parochial Affairs, reported as follows;

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

Your Committee on Parochial Affairs, to whom was referred an act, No. 225, to authorize the people of the parish of Livingston to hold an election in order to locate the seat of justice in said parish, and to locate the same, have considered said bill and beg leave to report favorably and recommend that said bill do pass.

L. H. BOWDEN,
Chairman.

On the motion of Mr. Bowden, the above entitled House bill No. 225 was taken up and held as engrossed.

Under a suspension of the rules, the bill was read a third time and passed. The title was adopted.

Mr. Washburne, chairman, on behalf of the Committee on Lands and Levees, reported by a bill, which, on his motion, was read, and under a suspension of the rules, was passed to its second reading.

On his further motion it was ordered that the bill be printed in the journal, and made the special order of the day for Tuesday, March 13, at 2 o'clock p. m.

HOUSE BILL NO. 226.

AN ACT

To provide for a more adequate protection of the alluvial lands of the State against the dangers and damages of overflow; to abolish and reorganize the present Board of State Engineers; to abridge the duties and compensation of the present commission of engineers and the commission of persons; to create certain engineer districts and to provide for the appointment of a State engineer and two district engineers for the management of all public works therein; to provide for the subdivision of these engineer districts into certain levee districts, and for the management of the same by local commissioners; to provide for a central board of control, which shall have supervision over all matters relating to contracts, both State and local, and general control over all the levee interests of the State, and to provide the means necessary to carry out effectually all of the objects herein instituted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened*, That all levees and other dependent works required for the reclamation and protection of the alluvial lands of the State, against the dangers and damages of overflow, together with all other works of a public nature, shall hereafter be planned, executed and maintained under the direction of a Department of Engineers, acting in concert with a central Board of Control, and with certain Parish and District Commissioners, to be so so constituted and appointed, and with such powers and duties as shall be prescribed as hereinafter set forth:

SEC. 2. *Be it further enacted, etc.*, That the State shall henceforth be divided into three engineer districts, viz.:

District No. 1, embracing all of the area east of the Mississippi river from the Mississippi State line to the head of the Passes, thence by the centre of the channel of South Pass to the Gulf of Mexico.

District No. 2, embracing that portion of the area of the State west of the Mississippi river, included in the following bounds, viz., beginning at the mouth of the Sabine river, thence up said river to the basis range line in the present parish of Vernon, thence east along said range line to the township line between ranges two and three east, thence due north on the township line to its intersection with Red river, thence down Red river to its junction with the Mississippi, and thence down the west bank of the Mississippi river through the centre of the channel of South Pass to the Gulf of Mexico and around the shore of said Gulf to the point of beginning.

District No. 3 shall embrace all the rest of the State, principally north of Red river, not included in the area already described for the bounds of the other two districts. These engineer districts shall likewise be sub-divided into certain levee districts, as follows, to wit:

Engineer district No. 1 shall comprise three levee districts, to be known respectively, as Baton Rouge sub-district, New Orleans sub-district and Pointe-a-la-Hache sub-district. The Baton Rouge sub-district shall embrace the area contained in the following bounds, viz: the parish of Jefferson, left bank; St. John, left bank; St. James, left bank; Assension, left bank, and the entire parishes of East Baton Rouge and West Feliciana. The New Orleans sub-district shall embrace the area included in the parish of Orleans, left bank. And the Pointe-a-la-Hache sub-district shall include the entire parish of St. Bernard, and the parish of Plaquemines, left bank.

Engineer district No. 2 shall comprise two levee districts to be known respectively as Algiers sub-district and Plaquemine sub-district. The Algiers sub-district shall embrace the area contained in the following bounds, viz: the parish of St. James, right bank, St. John, right bank, the entire parish of St. Charles, Lafourche, east of the bayou, Jefferson, right bank, Orleans, right bank, and Plaquemines, right bank.

The Plaquemines sub-district shall embrace the area contained in the following bounds, viz: the parish of Avoyelles, south of Red River, Assension, right bank, the entire parishes of Pointe Coupee, St. Landry, West Baton Rouge, Iberville, St. Martin, Lafayette, Assumption, Iberia, St. Mary, Terrebonne, and Lafourche, west of the bayou.

Engineer district No. 3 shall comprise four levee districts, to be known respectively as the Delta sub district, the Monroe sub-district, the Colfax sub-district and the Grand Ecore sub-district.

The Delta sub-district shall embrace the area contained in the following bounds, viz: the entire parishes of Concordia, Catahoula, Tensas, Madison and Carroll, and that portion of Avoyelles north of Red River.

The Monroe sub-district shall embrace the area contained in the following bounds, viz. the entire parishes of Morehouse, Ouachita, Richland, Caldwell and Franklin.

The Colfax sub-district shall embrace the area contained in the following bounds, viz, the entire parish of Bossier, Red River, left bank, Natchitoches, left bank, the entire parish of Grant, and the parish of Rapides, left bank.

The Grand Ecore sub-district shall embrace the area contained in the following bounds, viz, the entire parish of Caddo and the right bank of Red River, Natchitoches and Rapides.

The object aimed at in arranging these particular sub-divisions is to have no territory attached to any one district which is dependent for protection upon any other levees than those in that district, and to combine as far as possible a community of interest in each separate district among the owners of land therein subject to overflow, and also to facilitate the local levee interests as are hereinafter provided for and specified.

SEC. 3. *Be it further enacted, etc.*, That Act No. 7 of 1871 creating a Board of State Engineers, and all subsequent acts amendatory thereto, be and the same are hereby repealed and all offices created thereunder are also hereby abolished. Immediately after the passage of this act, or as soon thereafter as practicable, the Governor shall appoint a State Engineer and two District Engineers, who shall have general charge of all works of internal improvement in the state, and who shall perform such other special duties in connection with the levees as are hereinafter specified. The State Engineer, in addition to such office duties as may be assigned to him, shall take charge of all field work in engineer district No. 1 both for the State and for the local authorities, and the other two engineers shall be assigned for duty respectively in such districts as the Governor in his appointments may direct. The state engineer and the engineer of district No. 2 shall each of them establish and keep their domicile at the State capital, and the engineer of district No. 3 shall do likewise at