OFFICIAL JOURNAL

—OF THE—

FIFTH GENERAL ASSEMBLY

—OF THE—

STATE OF LOUISIANA.

EXTRA SESSION OF 1877.

SENATE.

Thirty-third Day's Proceedings.

SENATE CHAMBER,
New Orleans, Tuesday, April 10, 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. Allain, Breaux, Ellis, Eustis, Garland, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Steven, Stubbs, Texada, Wheeler, White and Zacharie—20.

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

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

REPORTS OF COMMITTEES.

Mr. Goode, chairman of the Committee on Judiciary, reported favorably on House bill No. 246, entitled "An act to authorize and regulate the cleaning of vaults and privies; providing for the use of odorless apparatus; to fix a limit of rates and charges; to establish penalties and to repeal all laws in conflict herewith, and to repeal and to revoke all exclusive privileges heretofore granted."

Mr. Eustis rose to a question of privilege, and declared that certain statements in the New Orleans DEMOCRAT newspaper, attributed by that journal to a Mr. Hutchinson, as unfounded, and further declared that he had never entertained any such sentiments with reference to the election of a United States Senator as was credited to him in the statement in the paper.

Mr. Robertson also rose to a question of privilege, and concurred in the statement of Mr. Eustis.

Mr. Boatner submitted the following report from the Committee on Lands and Levees:

To the Honorable President and Members of the Senate:

Gentlemen—Your Committee on Lands and Levees having had under consideration Senate bill No. 96, beg leave to report the same unfavorably. While the object sought to be attained in the bill is most desirable, the committee find that it is at this time impracticable.

Respectfully submitted,
CHAS. J. BOATNER,
Chairman.

Mr. Boatner, for the same committee, reported favorably on House bill No. 226, entitled "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," etc.

And submitted the following report on Senate bill No. 114, entitled "An act to authorize the funding of the debt of the town of Plaquemine, and to provide the means of payment thereof."

To the Honorable the President and Members of the Senate:

Your Committee on Lands and Levees having had under consideration Senate bill No. 114, report the same favorably with the following amendments: to be section 5 of the bill:

Be it further enacted, etc., That this act shall not take effect nor be in force, unless a majority of the legally qualified voters of the town of Plaquemine shall assent to the funding of the debt thereof, as hereinbefore provided, at a special election held for the purpose of deciding whether the same shall be funded.

CHAS. J. BOATNER, Chairman.

RESOLUTIONS LYING OVER.

The following concurrent resolution was read and adopted, viz:

CONCURRENT RESOLUTION.

Whereas, the loss of property to the people of this State resulting from the late sectional war, and the great deterioration in value of that which was not destroyed, has left our State in such an impoverished condition as to render it impossible to afford from our own resources the facilities for education which are absolutely necessary to educate any considerable number of the youth of the State of either color.

And whereas, we regard education as the only durable basis on which a free representative government can rest; therefore, be it

Resolved by the House of Representatives of the State of Louisiana, the Senate concurring, That the Congress of the United States be respectfully petitioned to grant to this State for educational purposes all the unappropriated public lands in the State of Louisiana, or so much thereof as may be necessary, to confer upon the youth of this State, without regard to race, the benefit of education.

The following concurrent resolution was read:

CONCURRENT RESOLUTION.

Whereas, this Legislature regards the opening of the Mississippi with a deep and permanent outlet to the Gulf of Mexico through Barataria Bay as a matter of great importance to not only the city of New Orleans and the State of Louisiana, but of the whole Union, as well as the commercial interest of all civilization. Therefore be it

Resolved by the House of Representatives of the State of Louisiana, the Senate concurring, That we urgently request the Congress of the United States, at its earliest possible moment, to grant such charter or other legislation as may be necessary to enable the Barataria Canal Company to place this great enterprise properly before the capitalists of the world.

Resolved further, That no legislation is asked granting money or other subsidy of either State or National Governments.

Resolved, That copies of this preamble and these resolutions be transmitted by Hon. Speaker Louis Bush and Lieut. Gov. L. A. Wiltz to the Speaker of the national House of Representatives and to the President of the United States Senate.

On motion of Mr. Zacharie the resolution was adopted.

The resolution introduced by Mr. Mitchell on Saturday, April the 7th, relative to vouchers for the employes of the Senate for this extra session, was adopted.

The following message was received from the House:

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

To the Honorable President and Members of the Senate:

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

House bill No. 218, "An act to define and regulate the duties of the reporter and the publisher of the decisions of the Supreme Court."

Also, House bill No. 270, "An act relative to the inspection of weights and measures for that portion of the parish of Orleans known as the Sixth and Seventh districts."

Also, House bill No. 247, "An act to incorporate the Louisiana State Fair Association, and to confer upon it certain rights and privileges enjoyed by the Mechanics' and Agricultural Fair Association of Louisiana."

Also, House bill No. 261, "An act to fix and regulate the fees of clerks of courts in the parish of Orleans in city tax suits."

Also, House bill No. 219, "An act to authorize the publication of a digest of the decisions of the Supreme Court in the official ournal."

Also, House bill No. 256, "An act to entitle all persons accused of crimes to testify in their own behalf."

Also, House bill No. 304, "An act to amend the charter of the Louisiana Board of Trustees for the American Printing House for the Blind, and to confer additional powers on said corporation, and for the use of the books of said Printing House for the Blind of Louisiana at the Louisiana Institution for the Blind at Baton Rouge."

Also House bill No. 213, "An act to repeal an act entitled 'An act to admit American citizens who have studied law in the legal institutions of France, Germany or England, and who have been admitted to practice in the Superior Courts of their respective countries, to practice in the several courts of Louisiana,'" approved February 14, 1873.

Also House bill No. 221, "An act entitled 'An act to amend and re-enact section 3369 of the Revised Statutes of 1870.'"

Also that the House has agreed to the Senate amendments to House bill No. 241, "An act to incorporate the Barataria Ship Canal Company."

Also, that the House refused to agree to the Senate's amendments on House bill No. 237, entitled "An act to compel assessors to assess properties heretofore exempted from taxation, belonging to church, school, benevolent or charitable institutions," and ask a Committee of Conference on the same, and that the Speaker has appointed on said committee on the part of the House Messrs. Voorhies, McGehee, Jonas, Singleton and Steele.

Also, that the House has concurred in Senate bill No. 139, "An act to determine the fees of the board of harbormasters for the port of New Orleans," with amendments as annexed to the bill.

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

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

Mr. Texada obtained unanimous consent to submit at this time a report from the Conference Committee on Senate bill No. 99:

The committee of conference appointed to adjust the disagreement of the two houses on Senate bill No. 99, recommend the concurrence of the Senate in House amendments.

LOUIS TEXADA,
Senate Committee.
HENRY P. KERNOCHAN,
Chairman House Committee.

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

The report was adopted and the Senate concurred in the amendments by the House to Senate bill No. 99, entitled "An act to amend and re-enact sections 2702, 2234 and 2708 of the Revised Statutes of the State of Louisiana of 1870, making it a crime or misdemeanor for acting or attempting to act as pilot to any vessel, inward or outward bound to or from the port of New Orleans without a license, and providing for the punishment of the same."

REPORTS OF COMMITTEES LYING OVER.

The following report on House bill No. 70 was, on motion of Mr. Goode, adopted, viz:

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

The Judiciary Committee have had under consideration House bill No. 70, "An act to repeal an act to define and extend the limits of the Second Judicial District," etc., and beg leave to report the same favorably, with the following amendments:

Strike out the fourth section and insert in lieu thereof the following:

SEC. 4. *Be it further enacted etc.*, That all laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed, and that this act take effect from and after the expiration of the term of office of the present judge of the Second Judicial District, and that the electors of the Sixth and Seventh Municipal Districts of the parish of Orleans be and they are hereby recognized as electors of the First Judicial District in any election hereafter to be held for all officers connected with the courts thereof.

F. S. GOODE, Chairman.

By unanimous consent the bill was considered at this time.

On motion of Mr. Goode, the bill was ordered read a third time, as amended.

On motion of Mr. Goode, the constitutional rule was suspended to read the bill a third time.

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."

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

Mr. Goode moved to reconsider the vote by which this bill was finally passed, and on his own motion the motion to reconsider was laid on the table.

On motion of Mr. Texada 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.

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

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

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

Hon. L. Bush, Speaker, and Messrs. Aldige, Aycock, Bridger, Breard, Billieu, Bowden, Barbin, Brady, Buck, Berry, Bell, Briggs, Carloss, Cressy, Dayries, Delavigne, D'Avy, Duke, Dupree, Estopinal, Fobb, Ferguson, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, Hill, Kennedy, Kelly of Orleans, Kernochan, Kidd, Lyons, Leeds, Lamare, Lea, Leonhard of Orleans, Martin, Means, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Richardson, Ryland, Ridgley, Randolph, Rolle, Robertson, Sartain, Shakspeare, Singleton, Self, Spiller, Stagg, Steele, Smart, Taylor, Toler, Voorhies, Wood, Wilde, Williams, Young of Claiborne, and Young of East Baton Rouge—70.

Ninety-one members and a quorum of the joint assembly.

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. D. F. Kenner, of Orleans, Hon. James Lewis, of Orleans, Hon. E. C. Billings, of Orleans, Hon. James L. Cole, of West Baton Rouge.

Senator Allain withdrew the name of Hon. J. L. Cole, and nominated Andrew Caleza.

Mr. McGehee withdrew the name of Hon. James F. Casey.

Mr. Hammond withdrew the name of J. Harvey Brigham.

Mr. Singleton nominated the Hon. R. H. Brown, of Orleans.

Mr. Ellis nominated the Hon. Geo. W. McCranie, of Ouachita.

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

Senator Stubbs and Representative Aycock, Bowden, Brady, Dayries, Delavigne, Ferguson, Fobb, Foerster, Huntington, Hammond, Lyons, Leeds, Leonhard, Porter, Richardson, Randolph, Robertson, Shakspeare, Spiller and Wood voted for Hon. B. F. Jonas—21 votes.

Senators Goode, Breaux, Kelly, Sandiford and White, and Representatives Billieu, Buck, Fitzpatrick, Hill of Orleans, Kelly of Orleans, Kernochan, Lamare, Peralta, Rolle and Tremoulet voted for the Hon. R. L. Gibson—15 votes.

Senator Wheeler and Representatives Kennedy, Ridgley and Sartain voted for Hon. E. C. Billings—4 votes.

Senators Grover and Ogden, and Representatives Aldige, Barbin, Bell, Briggs, D'Avy, Dupree, Martin, Means, Nunez, Singleton, Stagg, Voorhies and Williams voted for Hon. R. H. Brown—19 votes.

Senators Allain, Ducros and Garland and Representatives Cressey and Estopinol voted for Jas. F. Galeza—5 votes.

Senators Ellis, George, Mitchell, Richardson, Robertson, Steven and Zacharie, and Representatives Bush, Bridger, Breard, Carloss, Duke, Gaskins, Lea, Pitts, Self, Steele, Sellers, Smart, Taylor and Young of East Baton Rouge voted for Hon. G. W. McCranie—21 votes.

Senator Texada and Representatives McGehee, Newson, Ryland, Wilde and Young of Claiborne, voted for Hon. C. J. Boatner—6 votes.

Senator Boatner and Representative Gillespie voted blank—2 votes.

Total number of votes cast 90; necessary to a choice 46.

The President declared that as no one of the candidates ha received a majority of the votes cast in joint assembly, there was no election.

On motion of Mr. White, 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. Allain, Boatner, Ellis, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Perkins, Richardson, Robertson, Steven, Stubbs, Texada, Wheeler, White and Zacharie—19.

Absent—Messrs. Breaux, Bryant, Burch, Cage, Ducros, Dumont, Eustis, Gla, Harper, Landry, Sandiford, Stamps, Sutton, Twitchell, Wakefield and Young—16.

Mr. Ogden in the chair.

The unfavorable report of the Committee on the Judiciary on House bill No. 187, entitled "An act to amend and re-enact article six hundred and forty-five of the Code of Practice," was adopted, and the bill indefinitely postponed.

PREFERRED CALLENDAR.

Senate bill No. 139, entitled "An act to determine the fees of the Board of Harbormasters of the port of New Orleans," concurred in by the House of Representatives with the following amendments, was taken up.

House amendments to Senate bill No. 139:

1. In line 19, after the word "ship," insert the words "except steamships running to Texas and Gulf ports."

2. In line 20, after the word "dollars," insert the words "for every steamship running to Texas and Gulf ports, ten dollars."

3. In line 24 strike out "five" and insert "two and a half."

The amendments were concurred in, and the bill finally passed as amended.

House bill No. 219, entitled "An act to authorize the police juries of certain specified parishes to levy an annual tax for parochial purposes not exceeding fourteen and one-half mills on the dollar on taxable property," was taken up and further consideration was postponed.

House bill No. 269, entitled "An act to repeal articles 1221, 1222 and 1223 of the Revised Civil Code, and sections 3683 and 3684 of the Revised Statutes of the State of Louisiana."

Was taken up, and on motion of Mr. White, further consideration was postponed.

House bill No. 218, entitled "An act to define and regulate the duties of the reporter and the publisher of the decisions of the Supreme Court," was read the first time.

On motion of Mr. White, the constitutional rule was suspended and the bill read a second time and referred to the Committee on Printing.

House bill No. 219, entitled "An act to authorize the publication of a digest of the decisions of the Supreme Court in the official journal."

Was read the first time.

On motion of Mr. Steven, the constitutional rule was suspended, the bill read the second time and referred to the Committee on Printing.

House bill No. 256, entitled "An act to entitle all persons accused of crime to testify in their own behalf."

Was read a first time.

On motion of Mr. Steven, the constitutional rule was suspended, the bill was read the second time, and referred to the Committee on the Judiciary.

House bill No. 304, entitled "An act to amend the charter of the Louisiana Board of Trustees for the American Printing House for the Blind, and to confer additional powers on said corporation, and for the use of the books of said Printing House for the Blind of Louisiana, at the Louisiana Institution for the Blind at Baton Rouge."

Was read the first time.

On motion of Mr. Steven the constitutional rule was suspended, the bill read the second time and referred to the Committee on Corporations and Parochial Affairs.

House bill No. 261, entitled "An act to fix and regulate the fees of clerks of courts in the parish of Orleans in city tax suits," was read the first time.

On motion of Mr. Steven the constitutional rule was suspended, the bill read the second time and referred to the Committee on the Judiciary.

House bill No. 270, entitled "An act relative to the inspection of weights and measures for the Sixth and Seventh Districts."

Was read the first time.

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

House bill No. 247, entitled "An act to incorporate the Louisiana State Fair Association, and to confer upon it certain rights and privileges enjoyed by the Mechanics and Agricultural Fair Association of Louisiana."

Was read the first time.

On motion of Mr. Steven the constitutional rule was suspended, the bill read the second time and referred to the Committee on Corporations and Parochial Affairs.

House bill No. 298, entitled "An act to create recorders' courts in the city of New Orleans, and to provide for the election of recorders, to define their jurisdiction, qualifications and powers, and to replace an act entitled 'An act establishing four municipal courts in the city of New Orleans, and defining the jurisdiction and officers thereof, and repealing all laws establishing recorders' courts, and providing for the transfer of the records from the recorders' courts to the said municipal courts and for other purposes."

Was taken up under the favorable report of the majority of the Committee on the Judiciary, submitted on yesterday.

Mr. Robertson moved that further consideration of the bill be postponed, and that it be ordered printed with the report of the committee, which motion was lost by a rising vote of yeas 8 to nays 11.

Mr. Wheeler in the chair.

The following message was received from the House of Representatives:

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

To the Honorable the Senate of the State of Louisiana:

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

House bill No. 231, "An act to amend and re-enact section 2447 of the Revised Statutes of the State of Louisiana."

Also, House bill No. 330, "An act to authorize the city of New Orleans to bring suit in any court of competent jurisdiction in the parish of Orleans."

PETER J. TREZEVANT,
Chief Clerk.

On motion of Mr. Grover, House bill No. 298 was taken up, section by section.

The first section was read and adopted.

The second section was read.

Mr. White offered the following as a substitute for section 2:

SECTION 2. *Be it further enacted, etc.*, That the Governor shall, within ten days after the promulgation of this act, by and with the advice of the Senate, appoint two persons competent to be a recorder of each of said courts, who shall hold their offices for four years, or until their successors shall have been appointed and qualified as above provided.

And moved its adoption.

Upon which motion Mr. Ellis demanded the yeas and nays with the following result:

Yeas—Messrs. Allain, Breaux, Garland, George, Robertson, Steven, Texada, Wheeler and White—9.

Nays—Messrs. Ducros, Ellis, Eustis, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Sandiford, Stubbs and Zacharie—12.

Absent—Messrs. Boatner, Bryant, Burch, Cage, Dumont, Gla, Harper, Landry, Perkins, Sutton, Stamps, Twitchell, Wakefield and Young—14.

And the substitute was not adopted.

Lieutenant Governor Wiltz in the chair.

Mr. Grover offered the following as substitute for section two:

"*Be it further enacted, etc.*, That the Mayor of the city of New Orleans shall nominate, and by and with the advice and consent of the Board of Administrators, shall, within ten days after the promulgation of this act, appoint a recorder for each of said courts, who shall hold his office for four years, or until his successor shall have been appointed and qualified, as above provided."

And on his motion the substitute was adopted.

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. Allain, Breaux, Ducros, Ellis, Eustis, Garland, George, Goode, Grover, Kelly, Ogden, Perkins, Richardson, Robertson, Steven, Stubbs, White and Zacharie—18.

Absent—Messrs. Boatner, Bryant, Burch, Cage, Dumont, Gla, Harper, Landry, Mitchell, Sandiford, Stamps, Sutton, Texada, Twitchell, Wakefield, Wheeler and Young—17.

Mr. Kelly moved that the Senate adjourn until to-morrow at 12 o'clock m., which motion was lost.

Mr. Robertson moved to adjourn until to-morrow, at 11 o'clock, a. m.

Lost.

Mr. Robertson moved to adjourn until to-morrow, at 11 o'clock, a. m.

Mr. Ogden made the point of order that the motion to adjourn until 11 o'clock to-morrow was out of order, the Senate having just refused to adjourn to that hour, and no business had been transacted since.

The Chair decided the point not well taken, for the reason that no quorum being present the only motion in order was a motion to adjourn or send for absent Senators.

Mr. Robertson demanded the yeas and nays upon his motion, with the following result:

Yeas—Messrs. Allain, Boatner, Ellis, Garland, Kelly, Robertson, Steven, Stubbs and Zacharie—9.

Nays—Messrs. Ducros, Eustis, George, Goode, Grover, Ogden, Perkins, Richardson, and White—9.

Absent—Messrs. Breaux, Bryant, Burch, Cage, Dumont, Gla, Harper, Landry, Mitchell, Sandiford, Stamps, Sutton, Texada, Twitchell, Wakefield, Wheeler and Young—17.

The Senate being equally divided, the President voted in the affirmative, and declared the Senate adjourned until Wednesday, April 11, 1877, at 11 o'clock a. m.

JOHN CLEGG,
Secretary of the Senate.

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—OF THE—

STATE OF LOUISIANA.

EXTRA SESSION OF 1877.

HOUSE OF REPRESENTATIVES.

Thirty-third Day's Proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, Tuesday, April 10, 1877.

The House was called to order at 11:40, a. m. Present:

Hon. L. Bush, Speaker, and Messrs. Aldige, Aycock, Bridger, Breard, Billieu, Bowden, Barron, Barbin, Brady, Bell, Briggs, Carloss, Cressy, Dayries, Delavigne, D'Avy, Duke, Dupree, Estopinal, Ferguson, Foerster, Gaskins, Gillespie, Hammond, Kennedy, Kelly of Orleans, Kernochan, Lyons, Leeds Lamare, Lea, Leonhard of Orleans, Martin, McGehee, Newsom, Nunez, Porter, Peralta, Pitts, Richardson, Ridgley, Ryland, Routon, Rolle, Robertson, Sartain, Shakspeare, Singleton, Self, Spiller, Stagg, Stewart, Steele, Sellers, Smart, Taylor, Tremoulet, Toler, Voorhies, Wood, Wilde, Williams, Young of Claiborne, Young of East Baton Rouge.

Sixty-five members and a quorum.

Prayer was offered by the Rev. Dr. Percival.

The journal of April 9 was approved.

COMMITTEE SERVICE.

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

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

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

Gentlemen—Your Committee on Judiciary beg leave to report as follows:

Unfavorably on resolution to compensate "Ursin Jacob."

Unfavorably on House bill No. 24, "An act to provide for the appointment of a commission to prepare and report a draft of statutes of the State of Louisiana, and to prescribe their duties and compensation, and for the printing of their report."

Unfavorably on House bill No. 314, "An act to amend 'An act to protect the health of the city of New Orleans, to locate the stock landing and slaughter-houses, and to incorporate the Crescent City Live Stock Landing and Slaughter-House Company.'"

Unfavorably on Senate bill No. 137, "An act to amend and re-enact act No. 11 of the acts of 1873, entitled 'An act declaring it a crime to usurp a public office and providing for the punishment of such offense; providing that if any public officer shall adhere to or recognize any usurper his office shall be forfeited and considered abandoned, and directing and regulating legal proceedings to have such abandonment and forfeiture declared; authorizing the Governor to declare such forfeiture and abandonment in certain cases and to remove such officers," etc.

Favorably by majority of committee on House bill No. 325, "An act to prohibit the keepers of bar-rooms, drinking saloons, groceries and coffee-houses from selling or giving intoxicating liquors to minors and to prescribe penalties for a violation of the provision of this act."

Favorably with amendment, by majority of Committee, on "Joint resolution referring to extra compensation of chairman of Committee on Enrollment and Contingent Expenses of the House, and of Finance and Enrollment of the Senate."

Favorably by substitute on "Resolution for the payment of the clerks and employees of the House of Representatives."

By special report, hereto annexed, on "Resolution offered by Mr. Bush, relative to the construction of article 39 of the constitution of Louisiana and section 1531 of the Revised Statutes.

J. S. BILLIEU,
Acting Chairman.

Also, the following special report:

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

The Committee on the Judiciary, to whom was referred the resolution of Mr. Bush instructing said committee to examine and report as to "whether section 1532 of the Revised Statutes allowing the Speaker additional compensation, is not violative of article 39 of the state constitution," have the honor to report that in their opinion section 1532 is not violative of article 39 of the constitution.

That the compensation of eight dollars per day to the speaker is a salary of office, and not additional compensation allowed to him as a member.

Respectfully submitted,
B. F. JONAS, Chairman.

On the resolution relative to the payment of clerks and employes of the House of Representatives, the Committee on the Judiciary reported favorably by substitute.

Under a suspension of the rules the substitute was taken up and read as follows:

Be it resolved by the House of Representatives, That the appointment of clerks by the following standing committees for the extra session of 1877, to wit: The Committee on the Judiciary, on Ways and Means, on Claims, on Railroads, on Contingent Expenses, and on Engrossment and Enrollment, be and the same are hereby authorized and ratified.

Resolved, That the chairman of the Committee on Contingent Expenses shall issue a certificate to said clerks in accordance with the provisions of section 8 of act No. 11, approved February 26, 1872, and that certificate shall be issued to the clerk of the Committee on Engrossment and Enrollment for such number of days, not exceeding "ten," as may be directed by the Committee on Engrossment and Enrollment.

Be it further resolved, That the chief clerk of the House, and the assistant clerk, the minute clerk and assistant to the clerk of the House shall be paid at the same rate per diem for the extra session as was received by them at the regular session, and the time for which the chief clerk, assistant clerk, minute clerk and assistant to the clerk shall be entitled to said per diem shall extend ten days beyond the close of the extra session, and the same rule shall apply to the payment of the sergeant-at-arms, except that the time for which his per diem shall be paid, shall extend five days beyond the close of the present session.

Mr. McGehee moved to amend the first resolution by inserting after the figures "1872" in line 15 the words "for the number of days they have actually served, except the clerks on contingent Expenses, Judiciary and Engrossment and Enrollment, who shall be paid the full time."

Mr. Sartain moved that the amendment be laid upon the table.

On which motion the yeas and nays were called as follows:

Yeas—Messrs. Billieu, Bowden, Brady, Carloss, Cressy, D'Avy, Duke, Dupree, Fitzpatrick, Ferguson, Gaskins, Huntington, Hammond, Kidd, Lamare, Martin, Nunez, Porter, Peralta, Ridgley, Routon, Rolle, Shakspeare, Stewart, Steele, Voorhies, Wood, Williams, Young of Claiborne and Young of East Baton Rouge—30.

Nays—Hon. L. Bush, Speaker, and Messrs. Aldige, Aycock, Bridger, Breard, Barbin, Buck, Bell, Briggs, Dayries, Estopinal, Fobb, Foerster, Gillespie, Hill of Orleans, Kelly of Orleans, Kernochan, Lyons, Leeds, Lea, Leonhard of Orleans, Means, McGehee, Newsom, Pitts, Richardson, Ryland, Randolph, Sartain, Self, Spiller, Stagg, Smart, Taylor, Tremoulet and Toler—36.

The motion to lay upon the table was lost.

Mr. Sartain moved to reconsider the vote just taken, stating that he had voted in the negative for that purpose. His motion to reconsider was lost. He then requested that his vote might be recorded in the affirmative, which request was granted.

On the adoption of the amendment, the yeas and nays were called for, as follows:

Yeas—Hon. L. Bush, Speaker, and Messrs. Aldige, Bridger, Breard, Buck Bell, Briggs, Delavigne, Duke, Estopinal, Fobb, Foerster, Gillespie, Hill of Orleans, Kelly of Orleans, Kernochan, Lyons, Leeds, Lea, Leonhard of Orleans, Means, McGehee, Newsom, Peralta, Richardson, Ryland, Randolph, Shakspeare, Spiller, Stagg, Smart, Taylor, Tremoulet and Wood—35.

Nays—Messrs. Aycock, Billieu, Bowden, Barbin, Brady, Carloss, Cressy, Dayries, D'Avy, Dupree, Ferguson, Fitzpatrick, Gaskins, Huntington, Hammond, Kidd, Lamare, Martin Nunez, Porter, Ryland, Ridgley, Routon, Rolle, Sartain, Steele, Toler, Voorhies, Williams, Young of Claiborne and Young of East Baton Rouge—29.

The amendment was adopted, and the resolution was adopted as amended.

The second resolution was adopted.

Mr. Voorhies gave notice that he would to-morrow morning move a reconsideration of the vote on the adoption of the resolution.

Mr. Voorhies, chairman, on behalf of the Committee on Railroads, reported favorably on House bill No. 327, "An act to repeal an act entitled 'An act to incorporate the New Orleans, Baton Rouge and Vicksburg Railroad Company, and to expedite the construction of their road, No. 143, approved December 30, 1869;' also, act No. 80, approved March 16, 1870, and act No. 145, approved December 30, 1869."

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

Mr. Voorhies moved a reconsideration of the vote on the passage of the bill, and on his own motion the motion to reconsider was laid upon the table.

Mr. Dupree, chairman, on behalf of the Committee on Health and Quarantine, reported as follows:

On House bill No. 329, "An act to amend section 3042 of the Revised Statutes of 1870."

Favorably.

Mr. Leeds, chairman on behalf of the Committee on Public Education, reported as follows:

HOUSE OF REPRESENTATIVES,
New Orleans, April —, 1877.

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

Gentlemen—Your Committee on Public Education report as follows:

On House bill No. 320, and recommends that it be referred to the Committee on Judiciary.

On Senate bill No. 140, with amendments, and recommend its passage.

CHAS. J. LEEDS, Chairman.

Said House bill No. 320 was taken up and referred to the Committee on the Judiciary, in accordance with the above report.

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

ROOMS COMMITTEE ON CORPORATIONS,
New Orleans, April 10, 1877.

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

Your Committee on Corporations, to whom was referred House bill No. 332, entitled "An act to incorporate the Orleans Steam Engine Company No. 21 of the city of New Orleans," beg leave to report favorably on said bill.

T. B. LYONS, Chairman.

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

Mr. Kidd, chairman, on behalf of the Committee on Enrollment, reported as correctly enrolled House bills Nos. 289, 293 and 171.

Mr. Kernochan, on behalf of the Committee on Conference, reported as follows:

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

Gentlemen—Your Committee of Conference, upon Senate bill No. 99, beg leave to report that the Senate Conference Committee has agreed to the House amendments upon said bill.

Respectfully, etc.,
HENRY P. KERNOCHAN.

Mr. Young of Claiborne presented the following resolution:

Resolved, That the thanks of this House are due, and are now respectfully tendered to the Rev. Dr Palmer, Rev. Dr. Perceival and Rev. Faher Hubert, for their faithful and devoted services, gratuitously rendered, in opening our daily sessions with prayer.

Under a suspension of the rules the resolution was taken up and unanimously adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, STATE OF LOUISIANA,
New Orleans, April 10, 1877.

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

Gentlemen—I am directed to inform your honorable body that the Lieutenant Governor and President of the Senate has signed duly enrolled Senate bill No. 108, entitled "An act to amend act No. 125," etc., and to request the signature of the Speaker of the House of Representatives to the same.

Respectfully,
JOHN CLEGG, Secretary.

JOINT SESSION.

A joint session of the General Assembly was held for the purpose of further balloting for a Senator to represent the State of 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. Allain, Ducros, Ellis, Boatner, Breaux, Garland, George, Goode, Grover, Kelly, Mitchell, Ogden, Richardson, Robertson, Sandiford, Stubbs, Steven, Texada, White, Wheeler and Zacharie.

Twenty-one Senators.

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

Hon. Louis Bush, Speaker, and Messrs. Aldige, Aycock, Bridger, Breard, Billieu, Bowden, Barbin, Brady, Buck, Bell, Briggs, Carloss, Cressy, Dayries, Delavigne, D'Avy, Duke, Dupree, Estopinal, Fobb, Ferguson, Fitzpatrick, Foerster, Gaskins, Gillespie, Huntington, Hammond, Hill of Orleans, Kennedy, Kelly of Orleans, Kernochan, Kidd, Lyons, Leeds, Lea, Lamare, Leonhard of Orleans, Martin, McGehee, Means, Newsom, Nunez, Porter, Peralta, Pitts, Ryland, Richardson, Ridgley, Randolph, Rolle, Robertson, Sartain, Singleton, Sellers, Shakspeare, Self, Stagg, Spiller, Steele, Smart, Taylor, Toler, Tremoulet, Voorhies, Wood, Wilde, Williams, Young of Claiborne and Young of East Baton Rouge.

Seventy members and a quorum.

The presiding officer announced that the General Assembly of the State of Louisiana had met in this joint assembly, 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.

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

Messrs. Jonas, Gibson, Lewis, Williamson, Billings, Randolph, Brigham and Casey.

Mr. Allain of the Senate withdrew the name of the Hon. J. Randolph.

Mr. Hammond withdrew the name of the Hon. Harvey Brigham.

Mr. McGehee withdrew the name of the Hon. James F. Casey.

Mr. Singleton nominated the Hon. R. H. Brown of Orleans.

Senator Ellis nominated the Hon. Geo. W. McCranie of Ouachita.

Mr. Allain of the Senate nominated Hon. Jas. F. Caleza.

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

Senator Stubbs voted for Hon. B. F. Jonas—1 vote.

Senators Breaux, Goode, Kelly, Sandiford and White voted for Hon. R. L. Gibson—5 votes.

Senator Wheeler voted for Hon. E. C. Billings—1 vote.

Senators Grover and Ogden voted for Hon. R. H Brown—2 votes.

Senators Allain, Ducros and Garland voted for James F. Caleza—3 votes.

Senators Ellis, George, Mitchell, Richardson, Robertson, Steven and Zacharie voted for Hon. G. W. McCranie—7 votes.

Senator Texada voted for Hon. C. J. Boatner—1 vote.

Senator Boatner voted blank—1 vote.

The roll of the House was called, when

Messrs. Aycock, Bowden, Brady, Dayries, Delavigne, Ferguson, Fobb, Foerster, Huntington, Hammond, Lyons, Leeds, Leonhard, Porter, Richardson, Randolph, Robertson, Shakspeare, Spiller and Wood voted for the Hon. B. F. Jonas—20 votes.

Messrs. Billieu, Buck, Fitzpatrick, Hill of Orleans, Kelly of Orleans, Kernochan, Lamare, Peralta, Rolle and Tremoulet voted for the Hon. Randall L. Gibson—10.

Messrs. Aldige, Barbin, Bell, Briggs, D'Avy, Dupree, Martin, Means, Nunez, Singleton, Stagg, Voorhies and Williams voted for the Hon. R. H. Brown—13.

Speaker Bush and Messrs. Bridger, Breard, Carloss, Duke, Gaskins, Lea, Pitts, Self, Steele, Sellers, Smart, Taylor and Young of East Baton Rouge voted for the Hon. G. W. McCranie—14.

Messrs. Kennedy, Ridgley and Sartain voted for the Hon. E. C. Billings—3.

Messrs. McGehee, Newsom, Ryland, Wilde and Young of Claiborne voted for the Hon. C. J. Boatner—5.

Messrs. Cressy and Estopinal voted for Mr. Galeaza—2

Mr. Gillespie voted blank.

Total vote, 90; necessary to a choice, 46.

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. Allain, of the Senate, the joint assembly adjourned, and the Senate withdrew to its chamber.

HOUSE BUSINESS RESUMED.

The call of the roll after the joint session was dispensed