

OFFICIAL JOURNAL

FIFTH GENERAL ASSEMBLY

STATE OF LOUISIANA

EXTRA SESSION OF 1877

SENATE

Forty-second Day's Proceedings

SENATE CHAMBER, New Orleans, Friday, April 20, 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. Boanier, Breaux, Bryan, Dumas, Garland, Glavin, Gooch, Kelly, Perkins, Richardson, Robertson, Sandiford, Stevens, Stubbs, Texada, Wheeler, White and Zacharie—19.

Absent—Messrs. Allain, Burch, Caze, Demas, Dumont, Eustis, George, Grover, Harper, Landry, Mitchell, Stamps, Sutton, Twichell, Wakefield and Young—17.

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

INTRODUCTION OF BILLS

Mr. Goode obtained unanimous consent to introduce without previous notice Senate bill No. 163, entitled "An act for the relief of J. P. Vigurie, Tax Collector for the parish of Terrebonne."

Which was read a first time.

On motion of Mr. Goode the constitutional rule was suspended and the bill read a second time.

On motion of Mr. Goode the bill was considered en passant and ordered read a third time.

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

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

And the motion to table prevailed.

UNFINISHED BUSINESS

House bill No. 352, entitled "An act to amend and re-enact section 1 of act 41, approved March 5, 1875, entitled 'An act declaring it a crime to usurp a public office and providing the punishment for such offense; providing that if any public officer shall adhere to or recognize any usurper, his office shall be forfeited.'"

On its second reading.

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

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

ACTION ON REPORTS LYING OVER

On motion of Mr. Richardson, the favorable report of the Committee on Commerce, on House bill No. 295, was adopted.

SENATE BILLS ON SECOND READING

Senate bill No. 147, entitled "An act to provide for the revision of the Statutes of a general character."

Reported unfavorably by the Committee on Judiciary.

On motion of Mr. Goode the report of the committee was adopted, and the bill indefinitely postponed.

SENATE BILLS ON THIRD READING

Senate bill No. 153, entitled "An act to enable the police jury of Iberville, to levy a tax on all the taxable property within the limits of the said parish, not to exceed fourteen mills on the dollar."

Was, on motion of Mr. Allain, indefinitely postponed.

On motion of Mr. Goode, the rules were suspended to take up House bill No. 297, entitled "An act authorizing and empowering the police jury of the parish of East Baton Rouge to bond the indebtedness of said parish."

Concurred in by the House, with the following amendments to the Senate amendments to the bill:

HOUSE AMENDMENTS TO SENATE AMENDMENTS TO HOUSE BILL 297.

Add to the amendment of the Senate at the end of section 2:

"And provided it shall be optional with the police jury to fund these judgments or not, as in their discretion they may determine, and provided this act shall cease to be operative after the 1st of November, 1878."

On motion of Mr. Goode, the Senate concurred in the House amendments, and the bill was finally passed as amended.

HOUSE BILLS ON FIRST READING

House bill No. 300, entitled "An act to authorize and direct the City Council of the city of New Orleans to cause St. Joseph and other streets, which have been closed or obstructed by the New Orleans, Mobile and Texas Railroad Company, to be opened to public use, and to repeal all laws conflicting herewith."

Was read a first time.

On motion of Mr. Robertson, the constitutional rule was suspended, the bill read a second time and referred to the Committee on Public Health and Quarantine.

House bill No. 303, entitled "An act to repeal act No. 83, entitled 'An act to incorporate the town of St. Francisville in the parish of West Feliciana.'"

Was read a first time.

On motion of Mr. Goode the constitutional rule was suspended and the bill read a second time.

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

On motion of Mr. Goode the constitutional rule was 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 the bill finally passed, and moved to lay that motion on the table.

And the motion to table prevailed.

House bill No. 305, entitled "An act to prohibit the opening 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 provisions of this act."

Was read a first time.

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

House bill No. 323, entitled "An act to amend section 3042 of the Revised Statutes of 1870."

Was read a first time.

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

House bill No. 337, entitled "An act to repeal an act entitled 'An act to incorporate the Lafourche and Terrebonne Draining and Land Improvement Company, and to define their duties, privileges, powers and responsibilities,' being act No. 105, acts of 1870."

Was read a first time.

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

House bill No. 339, entitled "An act to incorporate the Washington Steam Fire Engine Com-

pany No. 1, of the city of Baton Rouge, Louisiana."

Was read a first time.

On motion of Mr. Grover the constitutional rule was suspended and the bill read a second time.

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

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

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

And the motion to table prevailed.

House bill No. 340, entitled "An act providing for the cleaning out of natural streams or bayous, or canals, in the parishes of Lafourche and Terrebonne, allowing taxation therefor, and permitting the police juries of said parishes, or of either, and the town of Thibodaux, to guarantee the cost of said drainages by the issuance of bonds, payable in a series of twenty years, fixing the manner and time of payment, fixing the rate of interest on said bonds, and for other purposes."

Was read a first time.

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

House bill No. 345, entitled "Joint resolution for the relief of the police jury, parish of Jefferson, left blank."

Was read a first time.

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

House bill No. 350, entitled "An act relative to juries in the Second Judicial District Court, parish of Orleans."

Was read a first time.

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

HOUSE BILLS ON SECOND READING

House bill No. 158, entitled "An act to authorize the police juries to fix the rate of taxation to be levied for parish taxes and licenses in the several parishes of this State, except the parish of Orleans, and to repeal conflicting laws."

On motion of Mr. Stubbs the bill was indefinitely postponed.

House bill No. 164, entitled "An act to re-enact an act supplemental to an act entitled 'An act to incorporate the New Orleans Mechanics' Society,' approved March 6, 1838.'"

Reported unfavorably by the Committee on Judiciary.

On motion of Mr. Goode the report of the committee was adopted and the bill indefinitely postponed.

House bill No. 288, entitled "An act to amend and re-enact article one thousand one hundred and sixteen of the Code of Practice."

Reported favorably by the Judiciary Committee.

On motion of Mr. Goode the report of the committee was adopted.

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

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

HOUSE BILLS ON THIRD READING

House bill No. 298, entitled "An act to promote legal education by requiring better qualifications for candidates for admission to the bar."

Mr. Mitchell moved the indefinite postponement of the bill and demanded the yeas and nays.

The roll being called resulted as follows: Yeas—Messrs. Allain, Breaux, Bryant, Eustis, Garland, Glavin, Gooch, Kelly, Perkins, Richardson, Robertson, Sandiford, Stevens, Stubbs, Texada, Wheeler, White and Zacharie—13.

Absent—Messrs. Burch, Caze, Demas, Dumont, Grover, Harper, Kelly, Landry, Stamps, Sutton, Twichell and Wakefield—12.

And the motion to postpone prevailed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, New Orleans, April 20, 1877.

To the Honorable the Senate of the State of Louisiana:

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

Senate bill No. 152, "An act to amend and re-enact an act entitled 'An act to authorize the Governor to remove, for cause or incompetency, any officer or appointee whose appointment is vested in him under existing laws.'"

Also, Senate bill No. 151, "An act to authorize the police jury of the parish of Morehouse to levy a special tax to build a parish jail."

Also, Senate bill No. 157, "An act to create recorders' courts in the city of New Orleans, and to provide for the appointment and election of recorders, to define their jurisdiction, qualifications and powers, and to amend an act entitled 'An act establishing four municipal courts in the city of New Orleans.'"

I am also directed to inform your honorable body that the House is now ready to meet. An act to amend and re-enact an act entitled "An act to amend and re-enact an act to authorize the Governor to remove, for cause or incompetency, any officer or appointee whose appointment is vested in him under existing laws."

Also, Senate bill No. 151, "An act to authorize the police jury of the parish of Morehouse to levy a special tax to build a parish jail."

Also, Senate bill No. 157, "An act to create recorders' courts in the city of New Orleans, and to provide for the appointment and election of recorders, to define their jurisdiction, qualifications and powers, and to amend an act entitled 'An act establishing four municipal courts in the city of New Orleans.'"

I am also directed to inform your honorable body that the House is now ready to meet. An act to amend and re-enact an act to authorize the Governor to remove, for cause or incompetency, any officer or appointee whose appointment is vested in him under existing laws."

Also, Senate bill No. 151, "An act to authorize the police jury of the parish of Morehouse to levy a special tax to build a parish jail."

Also, Senate bill No. 157, "An act to create recorders' courts in the city of New Orleans, and to provide for the appointment and election of recorders, to define their jurisdiction, qualifications and powers, and to amend an act entitled 'An act establishing four municipal courts in the city of New Orleans.'"

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Representative Kelly nominated Hon. Albert Voorhies, of Orleans.

Senator Mitchell nominated the Hon. Geo. W. Dupre, of Orleans.

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

Senators Aycock, Bowden, Barbin, Brooks, Berry, Ferguson, Fobb, Gillespie, Hammond, Johnson, Roubin, Baby, Shakspeare, Singleton, Voorhies, Washington, Watson, Washburn, Walker, Wood, Willie, Young of Claiborne and Young of East Baton Rouge—21.

Senators George and Sandiford, and Representatives Delavigne, Fitzpatrick, Kelly, O'Connell, Tremoulet, Williams, and Young of East Baton Rouge, voted for Hon. B. F. Jones—12 votes.

Senators Grover and Zacharie voted for Hon. E. J. BARRETT, Representative of Rapides.

Senators Allain and Representatives Drury, Durden, Dayries, D'Avy, Holt, Kennedy, McMillan, Eustis, Stewart and Barrett voted for Hon. H. O. Giesley—11 votes.

Senators Bryant, Glavin and Wheeler voted for Hon. W. L. McMillan—9 votes.

Senators Goode, Kelly and Richardson and Representatives Aldige, Brady, Buck, Gillis, Carsons, Cressy, Duke, Dupree, Foerster, Gaskins, Huntington, Jones, Kelly of Winn, Lyons, Leonard, Means, McGehee, Newman, Nunez, Pitts, Richardson, Ryland, Rolfe, Robertson, Sartain, Self, Spiller, Stagg, Steele, Sellers, Taylor, Toler, Vooch, Washburn, Watson, Washburn, Wood, Willie, Young of Claiborne and Young of East Baton Rouge—38 votes.

Senators Breaux, Duros, Ellis, Garland, Mitchell, Robertson and White and Representatives Young and Zacharie—21 votes.

Senators O'Connell and Texada and Representatives Bell, Porter, Randolph, Smart and Gaudet voted blank—7 votes.

Representative Barron voted for Hon. D. B. Penn—1 vote.

Representatives Drew and DeLacy voted for Hon. Lewis—2 votes.

Total votes cast 101; necessary to a choice 55. The President declared that as no one of the candidates had received a majority of the votes cast in joint assembly there was no election.

On motion of Mr. Allain 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, Breaux, Breaux, Bryant, Duros, Eustis, Garland, George, Glavin, Gooch, Mitchell, Ogden, Perkins, Richardson, Robertson, Sandiford, Stevens, Stubbs, Texada, Wheeler, White, Young and Zacharie—21.

Absent—Messrs. Burch, Caze, Demas, Dumont, Grover, Harper, Kelly, Landry, Stamps, Sutton, Twichell and Wakefield—12.

HOUSE BILL 361, entitled "An act to amend the charter of the Louisiana Board of Trustees of the American Printing House for the Blind, and to confer additional powers on said printing house for the blind of Louisiana Institution for the Blind at Baton Rouge."

Reported unfavorably by the Committee on Judiciary.

Mr. Mitchell moved to adopt the report of the committee and the bill indefinitely postponed.

On which motion, Mr. White demanded the yeas and nays.

The roll being called resulted as follows: Yeas—Messrs. Allain, Boanier, Breaux, Bryant, Duros, Eustis, Garland, George, Gooch, Mitchell, Ogden, Perkins, Richardson, Sandiford, Stevens, Stubbs, Texada, Wheeler and Zacharie—19.

Nays—Messrs. Ellis, Glavin, Perkins and White—4.

Absent—Messrs. Burch, Caze, Demas, Dumont, Grover, Harper, Kelly, Landry, Stamps, Sutton, Twichell and Wakefield—12.

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