

The system prevailing in the Executive branch of our State Government wears the stamp of progress, and would be exceedingly laughable were not great interests at stake. However, it is in keeping with the business ideas and general management of Radical officials, and we give our readers the benefit of it:

NEW ORLEANS, May 2, 1871.

*His Excellency Gov. H. C. Warmoth:*

Sir—I am this day in receipt of a communication from the Incorporators of the Crescent City Water Works Company, requesting the publication of House bill No. 270, entitled an act to incorporate the Crescent City Water Works, etc., claiming that said bill has become a law by "constitutional limitation" and should be officially promulgated.

I have also an affidavit made by the Minute Clerk of the House of Representatives, affirming that on the 25th day of February House bills Nos. 22 and 270, commonly known as the Bayou Bartholomew and Crescent City Water Works bills were delivered and receipted for at the residence of your Excellency in the city. Since the adjournment of the General Assembly, House bill No. 22 has been allowed to become a law by "constitutional limitation," and is now known as act No. 45, of 1871.

Interested parties urge that if House bill No. 22 is now a law, that House bill No. 270 must of necessity be a law also.

Believing there must be some good and sufficient reason for your action in reference to this bill, I would respectfully request such information upon the subject as your Excellency may be willing to impart, that I may be enabled to give the incorporators a proper answer to their inquiries. Very respectfully,

GEO. E. BOVEE, Secretary of State.

Governor Warmoth replies:

NEW ORLEANS, May 4, 1871.

*Geo. E. Bovee, Secretary of State:*

Sir—Your communication relative to House bills Nos. 22 and 270, commonly known as the Bayou Bartholomew and Crescent City Water Works bills, is duly received. In reply, I would respectfully state that the above mentioned bills were not received at the Executive office until the 27th day of February of this year, at which time they were receipted for by my Secretary in the usual form, as should appear in the receipt book of the Clerk of the House of Representatives. The Bayou Bartholomew bill was subsequently sent to your office without my approval, with instructions that the act should become a law by limitation; while the Crescent City Water Works bill is still in my possession, awaiting either my signature or disapproval.

Article 66 of the constitution of this State provides that "if any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return, in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law."

As it is essentially necessary that the five days shall have expired before an act can become a law by constitutional limitation, I fail to perceive how either of these acts can be said to have become a law by such limitation, when the five days' limit does not expire until the first day of the next session of the General Assembly; consequently, your statement that since the adjournment of the General Assembly House bill No. 22 has been allowed to become a law by constitutional limitation, and that it is now known as act No. 45, of 1871, evidences that the act has been improperly promulgated as having become a law by such limitation.

I am at a loss to understand how the improper promulgation of House bill No. 22, or, as it is commonly known, the Bayou Bartholomew bill, can be made use of as an argument to prove that the Crescent City Water Works bill, which was received at the same time and which is still before me, has become a law.

One error should not surely be used as an argument in favor of the commission of another.

Trusting that my reply will afford you such information as will enable you to submit satisfactory answers to the inquiries of the incorporators of the Crescent City Water Works, I have the honor to remain, very respectfully,

H. C. WARMOTH,

Governor of Louisiana.