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GENERAL ASSEMBLY OF LOUISIANA.

WEDNESDAY, JANUARY 24, 1866.

Senate.

Pursuant to adjournment from yesterday, the Senate met at noon to-day, Lieut. Gov. Voorhies presiding.

On calling the roll twenty members responded, but four other members afterwards appeared, when there were present, besides the President, Messrs. Anderson, Bell, Brusle, Burthe, Campbell, Coco, Cooley, Ellis, Fellowes, Foute, Gibson, Gordon, Kavanaugh, Kenner, Lapayre, Munday, Newton of Jackson, Newton of Morehouse, Palfrey, Taylor, Scruggs, Welch and Wilcoxon—24; a full quorum.

Prayer was offered by the Rev. Father Jeremiah Moynihan.

The minutes of the proceedings of yesterday were read, approved, and ordered to be entered.

Mr. Gibson inquired whether there was any necessity for two such committees as one on Public Works, Lands and Levees, and one on Inundations, or whether the one was not included in the other. He saw that his name was announced on both committees, and if there was any distinction between them, he would like to know what it was, as he desired to do his duty.

The President said that the Committee on Inundations was a select committee.

Mr. Gibson asked if there could be any use in having both a standing committee and a select one upon the same subject. If there was, of course both might be continued.

Mr. Munday complained that there was such a confusion about the Chamber that he could not hear what was going on. He said that he could conceive that it might be very proper to continue both committees. The Committee on Public Works, Lands and Levees was an old one. Owing to the late inundations by the wilful breaking of the levees, it was right that some means should be devised by which the best lands in the State might be reclaimed. A select committee had been appointed to see that the taxation was properly laid, and that the high lands should not be taxed for the benefit of the low lands, because this was thought the best mode by which the desired result could be arrived at. That committee had prepared a bill which had received the assent of all the members, with the exception of one or two. It was not proper to speak of what were the doings in the other house, but it was hoped that the committee would be accepted as best adapted to the reclaiming of the lands, perhaps with the joint co-operation of the other House. The plan proposed was to divide the inundated regions into districts, and provide the necessary regulations for their protection. He suggested that it would, therefore, be better that the committees should remain as they were.

Mr. Gibson begged leave to correct the gentleman. The bill to which he had alluded had come from the Committee on Public Works, Lands and Levees. No bill whatever had ever come from the Committee on Inundation.

Mr. Palfrey asked the gentleman if any report had ever been submitted to the Senate on the authority of the Committee on Inundation. He had never known there was such a committee. He supposed it must have been swept away by the inundations. (Laughter.)

Mr. Munday explained that he had been under a mistake as to the committee which had acted on the subject.

Mr. Gibson, with deference, thought that one of the two committees was superfluous, and he therefore moved that the Committee on Inundation be abolished.

Mr. Palfrey would second the motion, if in order.

The question was put, and Mr. Gibson's motion was unanimously carried.

Mr. Foote said he found he had been placed on five committees, and as he was unable to attend to the duties of all of them he would ask to be relieved from sitting on one of them—the Enrolling Committee.

On the question being put, the gentleman was relieved according to his request.

The President appointed Mr. Wilcoxon to the place thus vacated.

A message was laid before the Senate, with the report of the State Treasurer, showing the condition of the Treasury and its operations from the 1st of October, 1864, to the 31st of December, 1865. The assets on hand and receipts amounted to $1,519,442; the expenditures to $921,714. Of the balance $462,513 was in Confederate notes. The report was received and referred to the Committee on Finance.

The annual report of the Board of Currency was laid before the Senate and referred to the Committee on Banks and Banking.

Mr. Palfrey presented a resolution that the Committee on Public Works, Lands and Levees, should be instructed to inquire and report upon the propriety of repealing the act entitled "an act to enable certain persons hereinafter named to construct a steamboat canal from Vermillion Bay to the Sabine river, at a point near the mouth of Neches river, in Texas," approved April 4, 1865. By the first section the parties named are Duncan Smith, H. T. Burgess and R. W. Jones, of Louisiana; W. C. Phillips, M. A. Southworth and John Hancock, of Texas. The canal to be four feet deep and forty feet wide. The right of way, with one hundred feet of land on each side of the canal, and the right to take any material belonging to the State for its construction, is granted them. By the second clause vessels using it were to pay not more than $1 per ton, or fifty cents for less than fifty miles; the owners of the canal to have the right to detain the vessels in default of such payment, and the vessels to carry State or National troops free of toll. By the third section all lands between the canal and the coast of the Gulf of Mexico, the islands in the lakes, and the land for twenty miles on the other or north side of the canal were to be granted to the parties named at twenty-five cents per acre, they to commence the canal within four months after the termination of the war, and complete it within three years, and to pay the price of the land within ten years. By the fourth section they are required to deposit maps of the route; on their completing twenty-five miles of it, the Governor was to issue titles for one-fifth of the land granted, which they may sell, both they and the purchaser remaining liable for the price, if not paid. By the fifth section they are authorized to use, but not to sell, any of the land, timber or other material on it till the price be fully paid; they to pay all expenses. By the sixth section, if they completed half of the canal in the time specified, they were to forfeit all their rights if the other half were not completed within five years thereafter. By the seventh section, all the granted lands not sold were to be free from taxation for the ten years. By the eighth section, after fifty years, the canal, with one hundred feet of the land on each side, with all improvements, etc., were to revert to the State. The motion of the gentleman was unanimously adopted.

Mr. Kenner moved that bill No. 39, entitled "an act for the organization of corporations to engage in a factorage and commission business," be taken up, read a first time, the rules suspended, and the bill read a second time, with a view to its reference to the Judiciary Committee, in accordance with the resolution of Monday making it the order for to-day. The bill, he said, had already been before the Senate, and acted upon by a committee at the late extra session. While he was up he would take occasion to state that he had since yesterday carefully examined the question whether the Senate could properly, after the close of an extra session, at an ensuing session resume the unfinished business of the former at the stage in which it had been left. He had read the various authorities and precedents, and had the honor to lay them before the Lieutenant Governor now presiding over the Senate, and he was satisfied that it could not be properly done.

There was no necessity for him to read the authorities to the Senate. The question was distinctly settled by Jefferson's manual, and others, to which members could refer for themselves.

The bill was read a first and second time, and referred to the Judiciary Committee. By the first section, the corporations must consist of not less than six persons, and have a capital of not less than one million of dollars, of which one-half must be subscribed before commencing business. By the second section, the duration of the corporation is limited to twenty-five years, and the usual corporate privileges are accorded. By the third, the charters are required to give all particulars of name, domicil, object, representative officer, capital, number of shares, mode of election of directors and mode of liquidation. By the fourth, charters are required to be recorded and published for thirty days. By the fifth, stockholders representing three-fourths of the stock represented at a meeting may alter or dissolve the corporation. By the sixth, insolvency forfeits the charter, and provision is made for liquidating the affairs of the corporation. By the seventh, the liability of the stockholders is limited to the amounts due on their shares; and no mere formality is to invalidate the charter, or extend the stockholders liability. By the eighth, privilege is given for all advances, supplies, etc., for the year last past, and so much as is due of the current year, on the product of the last year and the crop of the present year. The ninth and tenth clauses enforce the act from time of passage, and repeal inconsistent laws.

On motion, under the suspension of the rules, the following bills were read a first and second time and referred to the Judiciary Committee: Mr. Brusle's act to amend and re-enact section 5 of the act relative to sureties, approved March 18, 1865; Mr. Wilcoxon's acts providing for the drawing of juries in the parishes of St. Martin and Vermillion, conferring additional powers on clerks of district courts, and relative to seizures and sales.

Mr. Taylor presented a bill providing for the election of district and parochial officers throughout the State. It was read a first time, and under suspension of the rules taken up for a second reading. It provides that the Governor shall issue his proclamation ordering a general election in thirty days thereafter.

Mr. Gibson said that on the general subject of elections there was a general purpose in the Senate which would probably succeed, and render this bill unnecessary. The intention was, he believed, to pass a measure providing for the calling a convention. If he understood the effect of calling a convention, it would do away with all officers previously elected or appointed, and at present exercising their functions. It seemed to him, therefore, that it would be not only unnecessary but useless to pass bills for the purpose of authorizing elections in the meantime, merely to do away with them immediately afterwards. If we are to have a Convention, why not do away with other election measures? He was averse to the multiplying of legislation. He had always been an advocate for the calling of a Convention, and he believed the people of the State desire it, and that the interests of the State require it. If he was in error in these views, he would be ready to vote on this measure, as he thought the people ought to be allowed to vote and dispose of their offices as they desired. But if there was to be a Convention, there could be no use in having this election ordered.

The bill was then read a second time and referred to the Judiciary Committee.

Mr. Mohan presented a joint resolution providing for an election of municipal officers for the city of New Orleans. It was read a first and second time, when the gentleman moved that it be printed and made the order of the day for to-morrow at one o'clock.

Mr. Bell objected that this was too short a time to allow the printing of the bill and its consideration by members before dealing with it. He therefore moved that it be made the order for the day after to-morrow.

Mr. Mohan wished to lay this motion on the table. He wished this matter disposed of as early as possible, because very important matters depend upon it. In April next, an election for directors of the Jackson Railroad will take place, and the city having a large vote in it, it was of vital interest to the city that the present incumbent of the mayoralty should not be allowed to carry out his design of getting that railroad in his grasp, as he was trying to do, and as he would succeed in doing, if an election were not previously held. His object was, therefore, to have an election by the third Monday in March, so as to check that design. The bill would have to go before the House after being disposed of by the Senate, and there was no time to be lost. A day might prove of great consequence. It was well understood that the present incumbent of the mayoralty desired to take the Jackson Railroad out of the hands in which the people had placed it, and turn it over to others, perhaps to foreigners.

On a division, the motion to lay Mr. Bell's motion on the table was lost.

Mr. Bell's motion was then put and negatived.

Mr. Mohan's motion to print and make the special order of the day for to-morrow was then put and carried.

Mr. Burthe, on behalf of Mr. Duvignaud, who was absent, presented bills relative to legal and judicial advertisements in the parish of Orleans, and to create parish courts throughout the State, except in the parish of Orleans. They were severally read a first and second time and referred to the Judiciary Committee.

Mr. Lapeyre presented a bill, which he stated had been before the Senate at the late extra session, reported on by the Judiciary Committee and recommitted. The importance and necessity of the bill could not but be apparent, and he would move for a suspension of the rules for the purpose of having it read a first and second time and referred to the Judiciary Committee. It was an act to suspend prescription in certain cases. It was read and referred as moved.

Mr. Lapeyre gave notice of his intention to bring in a bill providing for the liquidation of certain banks, which had passed the Senate at the late extra session, but failed in the House for want of time.

Mr. Gordon introduced a bill providing for the sale or lease of the new canal. It was read a first and second time and referred to the Finance Committee.

Mr. Scruggs presented a bill to legalize all civil acts done by civil officers of Louisiana during the past five years, from the passing of the ordinance of secession to the inauguration of Gov. Wells. It was read a first and second time and referred to the Judiciary Committee.

Mr. Newton, of Morehouse, presented a bill for the relief of W. T. Hall, which was read a first and second time and referred to the Finance Committee; also, a bill in relation to insurance companies, which was read a first and second time and referred to the Finance Committee.

Mr. Ellis presented bills to reorganize inferior courts and fixing the terms thereof, throughout the State, excepting New Orleans, and also for the city and parish of New Orleans. They were severally read a first and second time and referred to the Judiciary Committee.

Mr. Foute presented a petition from hardware merchants of New Orleans, which was referred to the Committee on Manufactures, Agriculture and Commerce.

Mr. Munday said Mr. Foute yesterday presented a report from the joint committee appointed to inquire into the claims of Messrs. Hahn and Cutler to represent the State of Louisiana in the U. S. Senate, and asked that 500 copies of it should be printed. The report had been withdrawn from the possession of the Senate, and taken before the House of Representatives, where it would be ordered to be printed. He would therefore move a reconsideration of the vote in the Senate yesterday, in reference to it.

Mr. Kenner inquired by what right any member of the other House, or anybody else, had withdrawn a document from the possession of the Senate?

After a brief explanatory discussion between Messrs. Foute, Munday and others, it appeared that the report properly belonged to the House; that it had been inadvertently sent to the Senate; that it was sent in the original manuscript to the printer; that it was taken from him for the purpose of furnishing him with a copy of it, and that it was then sent to the House.

The vote of yesterday was then reconsidered and the resolution rescinded.

Mr. Palfrey presented a bill to reduce the police wards of the parish of St. Mary to five in number, which, under suspension of the rules, was carried through its several stages and passed.

Mr. Anderson presented a bill to provide for the emancipation of minors, which was read first and second time, and referred to the Judiciary Committee.

Mr. Gordon offered a resolution that the Sergeant-at-Arms request the Librarian to procure a complete set of the laws of Louisiana to be kept in the Senate Chamber for the use of members.

On motion of Mr. Mohan the resolution was amended so as to include the Constitution of 1864.

The resolution was then passed.

On motion of Mr. Gordon the Senate then adjourned to 12 M., to-morrow, Jan. 25th, 1866.

House of Representatives.

The House met at 12 M. Seventy-four members present; Speaker Cage in the Chair.

Prayer was offered by Rev. Dr. Hedges.

The Chair announced the following as the committee on the part of the House, under the resolution of Mr. Walker, providing for the appointment of a joint committee to inquire into the justice, expediency and legality of relief against debts and obligations created for slaves and other property set free or destroyed by the late war, viz: Messrs. Walker, Eustis, Simmonds, McDonald, Gates, Montgomery, Scott, Halsey and Fenner.

THE CONSTITUTION OF THE STATE.

Mr. Eustis offered the following resolution:

Resolved, That a joint committee, composed of nine members of the House and —— of the Senate, be appointed to report any necessary changes and amendments to the Constitution of 1864, and that all proposed amendments be referred to this committee.

Mr. Eustis addressed the House in support of the resolution. It, he observed, was the logical consequence of the course of the House at the late called session. It was then deemed inexpedient to call upon the people to assemble in convention to frame a constitution, and it must have occurred to others as well as himself that the conclusion thus reached was impelled by the force of circumstances, by grave reasons of public economy and by weighty reasons of State policy. Those reasons had lost none of their force since. They had not been modified, but existed with greater force now. They had been strengthened and multiplied. The consideration, therefore, presented itself, what was the next step to be taken? He reached it by the resolution before the House, and he sought a test vote by that resolution. Should they again enact the spectacle, witnessed during the extra session, of spending two entire weeks in discussing the convention question without arriving at any conclusion, and only determining upon indefinite postponement? Should they repeat the vain labor of that session and the wasteful expenditure of time? The will of the House would be expressed in its vote on the resolution. He would abstain from discussing the question of a convention. He acted upon the reasonable proposition that the question had been maturely considered by the committee, which had had that subject in charge, and which included some of the most talented members and ablest lawyers in the House. They had failed in unanimity. Not only had they failed in unanimity, so far were even those of the majority from being unanimous, that they submitted to a graceful capitulation.

If this was the finality of the question, might not the Assembly answer the reasonable demands of the people, by amending the Constitution of 1864? He was not an advocate of a thorough revision of that instrument, but there were considerations relating to it to which he could not turn a deaf ear. He could not ignore the fact that by the arbitrament of the sword, the original government of Louisiana had become defunct, and the people might well ask should they be left to suffer, under the many irregularities incidental to the anomalous condition of affairs which had existed for some time. Was it not the duty of the Assembly to secure the people against the effects of these irregularities? The committee could accomplish, by amendment to the Constitution, everything absolutely needful at present, and another recommendation to the course contemplated in the resolution, was that the Speaker would have an opportunity of appointing a committee, not radically opposed to any measure contemplating a recognition of the Constitution of 1864.

Mr. Jonas was opposed to the resolution, for two reasons: first, because the object was to dodge the constitutional convention question. The measure of the Committee on Constitutional Amendments, reported at the extra session, was not defeated, it was postponed. Nor was the postponement agreed to because there was not a concurrence of opinion among the friends of the measure, or because it did not accord with the views of a majority of the committee, but because they yielded to the pressure demanding that other matters of importance and of immediate necessity should have precedence. This was the reason which influenced the committee in yielding to a postponement. He denied that the advocates of a convention were responsible for the delays in legislation during the late session. On the contrary, at every hazard of reputation for consistency and good faith to the people they yielded, and left no obstacle in the path of the Assembly, so that whatever failures occurred could not be attributed to them, but was attributable to other sources. As a representative of the same respectable and intelligent constituency, which had sent to the House the gentleman who had introduced the resolution under consideration, he felt called upon to protest emphatically against the course proposed, and to declare his purpose to redeem, at the earliest moment practical, the pledge he and all elected with him had given the people to call a constitutional convention. The performance of that pledge had been unavoidably postponed, but that postponement did not release those who had given it. His second objection to the resolution was that there was a standing committee of the House on constitutional amendments, and to raise a select committee, to whom all proposals for amendments should be referred, was a reflection on the standing committee. He therefore moved to lay the resolution on the table.

Mr. Bailey suggested that as this was a test question, it would be better to take the sense of the House directly upon the adoption of the resolution.

The Speaker remarked that other gentlemen might wish to give their views, and the motion to lay on the table cut off debate.

Mr. Jonas withdrew his motion for the present to allow discussion.

Mr. Tucker regretted that the resolution had been introduced. He had not supposed that the omission of the Assembly at the called session would have been assumed to be a solemn judgment against the calling of a convention. Nor was the assumption authorized. It would be recollected that when the committee reported at that session a proposition for a convention, a postponement of the question was urged upon the ground that the subject could not be properly considered during an extra session convened for special purposes, in which the constitution question was not embraced, and that it would be wise and expedient to defer the matter until the regular session, when it could not only be entertained without doubt as to legality or propriety, but ample time could be had for mature deliberation. Pledged as he was to vote for a convention he had yielded to those reasons, and so had many other gentlemen in his situation. But now it was claimed that because they had consented to a postponement they had surrendered. Such, he was satisfied, was not the conviction of the House, and such, he knew, was not the design of the supporters of the bill reported by the committee.

Now, more than ever, he deemed it an imperative duty to pass an act calling a Convention. During the recess he had freely consulted with his constituents on the subject, and after his intercourse with them he felt that he could not hesitate as to his course. They, and he believed he might add the great mass of the people of the State, demanded a constitution framed by their own servants. It was demanded by imperative and momentous interests of the State. The resolution proposed that a committee of the Assembly should perform the high functions of a Constitutional Convention. They had much better confine themselves to their appropriate duties of ordinary legislation. The construction or establishment of a constitution was not within their legitimate sphere of duties. Whatever the design of the framer of the resolution might be, in effect it was an effort to establish a constitution which had no existence as an organic law of the State. The constitution of 1864 contained in itself a provision which killed it. Article 64 provided that before the instrument became the organic law, it should be submitted to the people of every parish on the 1st of February, 1865, for ratification or rejection. It had never been so submitted, and even admitting that it had been framed by the duly chosen representatives of the people of the whole State, was it not patent that it was to be regarded as non-existent?

But it was urged that the election of this Legislature and of the State officers constituting the government of the State, under the proclamation of the Governor, was a recognition of the Constitution of 1864, and, therefore, it was binding. But was it not absurd to argue that the Governor had authority to designate a constitution for the State? He could not breathe the breath of life into an instrument, which, by its own conditions, was defunct. The people only could give it vitality, and so far as the House had evidence of the popular opinion the public voice was for repudiating and not ratifying the instrument. Then how could this Legislature proceed to amend a constitution which was not the constitution of the State? If any constitution was in existence, it was that of 1852, which had never been abrogated. In the Constitution of 1864 there was no foundation to build upon. It was void *ab initio*. In choosing a State government, in the meeting of the Legislature, in acts of legislation, without having any recognized fundamental law, the people of the State had simply yielded to a current of unavoidable events, but in so yielding they had granted authority to no officer, to no law-making body to set up a constitution for them. The people demanded a constitution of their own making, and it was the duty of the Assembly to provide for a convention which shall represent the dignity of the people, and to which shall be delegated their whole power. It was frittering away time, in seeking to give life to a dead carcas.

After denouncing the Constitution of 1864 as an unlawful and bastard production, Mr. Tucker asked what power existed anywhere to dissolve the Constitution under which Louisiana had been admitted into the Union? The Constitution of 1852, he contended, was still the Constitution of the State, but as a great revolution had thrown things into such confusion as they were, and as the result of that revolution had involved the necessity of great organic changes, a new Constitution was indispensable. But it was not for a legislative committee, or a legislature itself, to usurp the office of framing the instrument. To amend the Constitution of 1864 to make it an acceptable law, would require a revision of the whole instrument. He had, from his own examination, found over twenty amendments necessary. And such a multiplicity of amendments it was impracticable to submit to the people in a satisfactory manner. The report of the committee, at the extra session, covered the whole ground, It proposed to submit the question of convention or no convention to the people themselves. What objection could there be to that? And if the people decided in the affirmative, provision was made for an election. Thus the whole subject was left to those most deeply interested. The members of this assembly had been pledged by the programme of election for a convention, and what voice, he asked, had released them from that pledge? He, for one, should abide by the popular mandate and vote for a convention at the earliest day.

Mr. Thieneman remarked that no one was more urgent than he was at the extra session for a convention. He was then opposed to any delay, because he believed a Convention was a wish of the people, and because he supposed the State was about to be readmitted into the Union immediately. But, since then, a great change had come over the people, as well as over members of this body. Doubtless a valid constitution for the State should be formed some time, but was the State now in a condition to frame a constitution? Her senators and representatives had been refused admission into Congress. In point of fact Louisiana in her present condition was not a State. He now believed the most discreet course would be to take the sense of the people on the Convention question, and let them decide for themselves whether they would incur the expense of framing a constitution that might be declared a nullity at Washington.

Mr. Elam, in reply to the argument of Mr. Tucker, contended that the bill for an election on the convention question, which had been reported by the Committee at the extra session, had ceased to be a subject of consideration, inasmuch as it had died when the session closed. The resolution before the House he regarded as a proper measure. It simply asked for a committee, to which constitutional amendments proposed should be referred. Gentlemen assumed that the constitution of 1864 was not binding. If it was not, what warrant had the members of the Assembly for being there making laws? By what warrant did the Governor and other State officers exercise power? He was no apologist for that Constitution, and, under ordinary circumstances, he should not regard it as binding, but he was compelled in the present anomalous condition of affairs, to consider it as binding, as a consequence of the conquest of Louisiana by the arms of the United States. In that view, it was as legally binding as if enacted freely and fairly by the whole people of the State. They could not ignore the fact, it stared them full in the face, whatever way they turned, that they were bound to obey Executive proclamations and military orders in all things, and the Constitution of 1864 was the creature of military orders. No law can now be enforced in the State but by the consent or sufferance of the Federal Government. It was well to bear this in mind. If the people were free to act their own pleasure, no one would call a convention sooner than he would, but was it wise, with the present aspect of affairs, with the status of the Southern States, yet undecided, in the hands of an inimical majority in Congress, to seek the framing of a constitution. There was no guarantee that the dominant party in Congress would not force upon the country the scheme now before them to deprive the Southern States of the few rights they are now exercising, and such a period of suspense and anxiety was no time to go into constitution-making. The country was yet in the throes of revolution, and it was wise to wait and see what the end would be.

Mr. Fenner would not allow himself now to be drawn into a discussion of the merits of the Constitution of 1864, or of the convention question, but as a member of the Committee of the House, he should regard the passage of the resolution being considered as a reflection on that committee, for all its duties would be transferred to the special committee proposed. He could see no justifiable reason for such reflection. He did not believe the members of the committee were so wedded to their individual opinions that they would ignore the clearly expressed wishes of the House on any subject that might be referred to them, and should therefore regard the resolution as invidious. Should it pass he should ask to be excused from serving any longer on the committee.

Mr. McConnell did not deem it necessary now to discuss the convention question, but as chairman of the Committee on Constitutional Amendments, gentlemen on all sides of the House would bear him out in saying that he had declared his purpose of abstaining from pressing the convention subject, in view of the present inauspicious condition of affairs at Washington. He wished to wait until the special committee of Congress charged with the consideration of the affairs of the Southern States had reported, and their report was acted upon by Congress before taking any step in the direction of constitution making. And while the committee of which he had the honor of being chairman was thus quietly awaiting the development of Congressional action, why was this resolution sprung upon the House? It should be recollected that the committee appointed at the extra session to collect evidence against the right of Hahn and Cutler to senatorial seats had just reported to the Senate of this Assembly, and that subject and the subject of the Constitution of 1864 were intimately connected. The committee had obtained proof that of the five thousand and odd votes cast in New Orleans, but nine hundred and odd had a semblance of legal right to vote. Yet it was asked to pass a resolution recognizing that Constitution of 1864. In regard to the arguments of Messrs. Tucker and Elam, each was right in part. The Constitution of 1864 was part of the government of Louisiana, so long as upheld by the United States, but there was a distinction which every lawyer would understand, which was that between "government" and "constitution." Yet by going on to amend that instrument, it would be made a constitution by indirection. They would be assuming a power not conferred upon them, for the people only were competent to make constitutions directly or by delegated authority. But strongly opposed as he was to the constitution of 1864, if the House should insist upon adopting it as a basis for amendment, he would not, either as a member of the committee or a member of the House, fritter away time by vainly resisting the will of the majority, or offering unavailing objections. He still believed that the wisest course to pursue was to continue quietly awaiting the turn of events, and meantime let this constitutional question remain in abeyance. Mr. McConnell concluded his remarks by showing the multiplicity of amendments needed by the Constitution of 1864, and arguing the impracticability of accomplishing such an extensive modification through legislative action.

Mr. Eustis disclaimed any intention of reflecting upon the committee whose members thought they saw such a purpose in the resolution. On the contrary, if they had rightly understood him they would have perceived that he was paying the highest compliment to their patriotism and steadfast adherence to conscientious convictions, in radical opposition to the Constitution of 1864. And besides he did not wish to throw upon that committee the arduous labors that would have to be performed under his resolution. They would have to study and revise every article of the instrument and consider the numerous judicial and legal acts, doubts in regard to the validity of which so deeply concerned the people. He also had it in view that under his resolution the Chair would be afforded the opportunity of selecting from the whole House the members best qualified for this work. In one sense, it was true the committee would be exercising the functions of a Convention, but the ability and wisdom for such a task was to be had in the House, and after all their work had to pass the ordeal of popular examination.

He would not consume time in discussing all the arguments urged against the resolution, but he would direct attention to a single point. He entered upon his legislative duties decidedly in favor of a Convention, but when the Assembly positively assumed the position of a Legislature, he conceived that they surrendered all objections to the validity of the Constitution of 1864. Such being the case, they should have no more postponements, no more uncertainty. Could gentlemen say when this suspense and agitation would cease? It appeared to him that the interests of the State demanded an end of them. As for himself, he had no amendment to offer, but it was time the door was opened for those who had. He illustrated and enforced this proposition by referring to a bill introduced yesterday, to legalize certain judicial and other legal acts performed during the war, and arguing that the Legislature was not competent to decide what was or what was not legal in the administration of law.

He could not see that amending the Constitution of 1864 tied them for an hour to that instrument, for the very next day after the restoration of the State to her original rights, a Convention could be called. He concluded with an argument against the expediency or wisdom of awaiting the action of Congress, and, meantime, leaving the people in the many uncertainties, even in their most delicate relations, resulting from conflicts of authority during the war.

Mr. Jonas renewed his motion to lay the resolution on the table, and the motion was lost—yeas, 38; nays, 47—as follows:

Yeas—Austin, Blackman, Collins, Davenport, Deblanc, Delamore, De Labarre, Duralde, Eager, Fenner, Freret, Fishburn, Fulda, Gottschalk, Halsey, Head, Hudspeth, Jonas, Kelly, Kidd, Labranche, McEnery, McConnell, McCloskey, Montgomery, Murray, Peterson, Phillips Jas., Phillips Alf., Powell, Regenberg, Robinson, Sambola, Smith, Theriot, Thieneman, Tucker and Voorhies—38.

Nays—Alverson, Bailey, Barry, Bensel, Brown, Couvillon, Deporter, Decker, Drew, Dugas, Eastin, Elam, Eldridge, Eustis, Ewing, Edwards, Gates, Gaisser, Gantt, Hatch, Hays, Higgins, Kent, Kile, Lagroue, LeBlanc, Meredith, McKelvey, McDonald, McGee, Moreland, Ormond, Pujo, Prudhomme, Richards, Roman, Rogers, Ryan, Scanlan, Stille, Solomon, Tete, Walker, Whittington, Wiltz, Waggaman and Weeks—47.

Mr. Jonas then offered the following as a substitute:

Resolved, That all proposed amendments to the Constitution of 1864 be referred to the House Committee on Amendments to the Constitution.

Mr. Elam raised a point of order that the substitute as putting before the House the very question which had just been decided, whether the House would refer certain matters to a standing committee or to a special committee could not be entertained.

The Speaker decided that the objection was correct, and ruled the substitute out of order.

By permission of the Chair, a division was had upon this point of order. Messrs. Tucker and Jonas differed from the Chair, and Mr. Scanlan maintained that the ruling of the Speaker was correct.

Mr. Elam, to end the discussion, withdrew his objection, and moved to lay the substitute on the table, and it was laid on the table—yeas 44, nays 33.

Mr. McConnell tendered his resignation as chairman of the Committee on Constitutional Amendments.

Mr. Jonas urged that the resolution indirectly changed the rules of the House, and as every proposition to amend the rules should lie over one day, unless four-fifths of the members present agreed to take the proposition up immediately, the resolution was not properly a subject of present consideration.

The Chair decided that the objection was not well taken, because he did not regard the resolution as an amendment to the rules.

Mr. Waggaman said he had hoped that the explanation of the author of the resolution would have sufficed to satisfy the members of the standing committee that no reflection upon them was intended, but as it had not, he would move a reconsideration of the vote by which Mr. Jonas' substitute was laid on the table.

The question being put, the vote was a tie, 36 to 36, and the Speaker, by his casting vote, decided the reconsideration was had.

Mr. McConnell said he had not offered his resignation from the committee from any personal feeling, but because he thought it was the wish of the House, from its vote on this question, that the head of the committee should entertain views different from his own.

The resolution and substitute still before the House, on motion of Mr. Fenner, an adjournment to 12 o'clock to-morrow was had.

TELEGRAPHIC DISPATCHES.

NEWS FROM WASHINGTON.

Interesting Proceedings in Congress.

A BILL INTRODUCED ASKING RIGHT OF SUFFRAGE TO WOMEN.

Some Questions Asked and Answered.

CONSTITUTIONAL AMENDMENT ADOPTED BY N. J.

LATEST FOREIGN NEWS.

COMMERCIAL INTELLIGENCE.

FROM SOUTHWEST PASS.

Highly Important Foreign and Interesting Miscellaneous News.

[Associated Press Dispatches.]

WASHINGTON, Jan. 24.—*Senate.*—Mr. Saulsbury, of Delaware, made a speech in opposition to the enlargement of the Freedmen's Bureau.

Mr. Fessenden, of Maine, in replying said the war would never have occurred but for the encouragement given by the Democratic party to Southern aggressions.

Pending the discussion, Mr. Henderson offered a joint resolution to amend the Constitution prohibiting any State from withdrawing the elective franchise on account of color.

The House resumed the consideration of the Constitutional amendment relative to the basis of representation.

Mr. Brooks, of New York, caused to be read a petition from Susan B. Anthony, asking that the right of suffrage be given to women.

Mr. Stevens asked Mr. Brooks if he was in favor of it.

Mr. Brooks replied yes if the negroes were permitted to vote, as he preferred his own color and white women above the negro.

These remarks brought loud applause from the galleries.

A series of resolutions were referred to the Committee on Reconstruction opposing the State rights doctrine, denying the right of secession, and advocating setting apart all the territory of Texas for the use of the colored people, in order to separate the two races.

WASHINGTON, Jan. 24.—*Senate.*—Mr. Brown presented a petition for an amendment to the Constitution asking the extension of the right of suffrage to women.

Mr. McDougal spoke against the enlargement of the powers of the Freedmen's Bureau.

NEW YORK, Jan. 24.—The Tribune's special says the Treasury has paid five counterfeit interest coupons within a few days. Measures are taking to discover the author of the fraud.

NEW YORK, Jan. 24.—Cotton closed at 50c. for middling. Flour, $7 85. Oats, 56c. Pork, $29 50. Hogs, $12 75. Lard, 18c. Gold, 139¼.

The Commercial's Washington special says the Committee on Ways and Means have decided on Morrill's bill—that the bill is virtually lost. The repealed bill will not likely be restored. An appeal to Congress will be necessary, for McCulloch relies upon the success of his foreign loans, to carry out his project for resumption.

It says the Reconstruction Committee have agreed to report in favor of the Constitutional amendment, allowing Congress to regulate the elective franchise within the States.

WASHINGTON, Jan. 24.—*Senate*—Mr. Davis moved to strike out that portion of the Bureau bill confirming the titles given by Sherman to the Sea Island lands for three years, and also opposed the bill.

The Senate refused to strike out by ten against thirty-two.

Mr. Davis moved to strike out the provision for the purchase of land for the freedmen, which was rejected.

Mr. Davis offered an amendment restricting the operations of the Bureau to localities where civil law is not in operation, which was also rejected.

Mr. McDougall offered a substitute for the whole bill providing that the President be authorized to execute the existing laws for the benefit of freedmen, and use military force therefor.

The House resumed its consideration of the joint resolution proposing an amendment to the Constitution on direct taxes and representation.

Mr. Lawrence, of Ohio, advocated his amendment making the voters in each State precisely equal.

WASHINGTON, Jan. 24.—The Supreme Court has confirmed the decree of condemnation of the British ship Admiral, with a cargo of salt and coal, which was captured by the U. S. steamer Alabama, December 18, 1861, and taken to Philadelphia as a prize.

WASHINGTON, Jan. 24.—Mrs. Stephen A. Douglas was married to Major Robert Williams last evening.

The national convention of soldiers and sailors have adopted a petition asking Congress to raise the pensions of private soldiers to fifteen dollars.

NEW YORK, Jan. 24.—A movement is making for the resumption of business of the Columbia Insurance Company.

The Navy Department has information that the Shenandoah is shortly expected from Liverpool.

NEW YORK, Jan. 24.—Strenuous efforts are making by ex-Gov. Andrew, of Massachusetts, and Evarts and Choate for the release of the steamer Meteor, they believing the character of the ship is the reverse of what has been stated.

Officials, however, have no doubt she is intended for a Chilian privateer. Heavy planks were found on board, supposed to be for construction on the forward deck to mount a 300 pounder, which, according to the District Attorney's information, she was to take on board.

The steamer Scotia took $337,000 in gold for Europe to-day.

NEW YORK, Jan. 24.—The cigar makers held a meeting to petition Congress to reduce the tax on domestic and increase the duty on imported cigars.

The Commissioners of Customs have ordered an increase of revenue officers on the Canadian frontier to prevent smuggling, which tends to increase because the St. Lawrence is frozen over.

NEW YORK, Jan. 24.—The propeller Meteor was seized at the instance of the Spanish Consul on suspicion of having cleared intending to enter the Chilian service.

NEW YORK, Jan. 24.—A merchant vessel, alleged to be intended for the Chilian service, was seized upon through Spanish representations.

Wall street is stagnant. The loan market is easy at 5 per cent. Stocks are depressed and lower. Government stocks are well sustained.

NEW YORK, Jan. 24.—It is reported Col. O'Mahoney intends soon to leave for Paris.

It is rumored that the steamship Fort Morgan, the name of which was recently changed to the Cuba, has sailed for Baltimore, under circumstances indicating that she is a Fenian privateer.

Rio Janeiro letters say Gen. Lopez continues to resist the advance of the Allies up the Paraguay river, but had not sufficient sailors to man his vessels. It is said he has imprisoned the Spanish and Argentine consuls, for what cause was unknown.

The Brazilians are fearful their Argentine and Uruguay allies may espouse the cause of Paraguay at any time.

MONTREAL, Jan. 24.—The Board of Trade has passed a resolution that the Welland canal must be enlarged to the same size as the St. Lawrence Canal.

TRENTON, N. J., Jan. 24.—The joint resolutions on the Constitutional Amendment passed the Senate by 13 against 8.

PHILADELPHIA, Jan. 24.—Hon. Oswald Thompson, Judge of the Court of Common Pleas, died yesterday of paralysis.

UTICA, Jan. 24.—The immense engine of the Utica steam cotton mill fell to pieces this morning from falling off the walking beam, and will probably stop operations during the winter.

NASHVILLE, Jan. 24.—The negro testimony bill passed on the second reading in the House by 36 to 33.

WILMINGTON, Jan. 24.—The Sampson County Court having sentenced a negro to be sold into servitude for drawing a pistol on a white man, Mayor Wickersham ordered the Court and all parties under arrest.

PITTSBURG, Jan. 24.—The river is stationary, with six feet six inches by the pier mark.

CINCINNATI, Jan. 24.—A special says three hundred barrels of crude oil have arrived from Creelsboro, on the Cumberland river.

A resolution has been introduced into the Kentucky Legislature requesting Green Clay Smith to resign as a member of Congress on account of his radical republicanism.

Nearly all the white troops have been withdrawn from Kentucky, which is now garrisoned by negroes.

Forty-one wells of oil are in operation in Barren county, Kentucky.

Methodist Episcopal Bishop Morris is lying dangerously ill at Xenia, Ohio.

LOUISVILLE, Jan. 24.—Tobacco has declined 50 cents on common grades. Flour $8 80. Corn 55c. Oats 48c. Hay $13. Mess pork $29. Bacon and shoulders 15c.; clear sides 19c. Hams 24c. Lard, in tierces, 18c. Whisky $2 25.

LOUISVILLE, Jan. 24.—Cotton dull at 45c. Mess Pork, $29. Lard, in tierces, 18c. Bacon shoulders and clear sides, 19½c. Hams, 24c. Corn 55@60c. Oats, 48c. Flour, $7. Leaf tobacco declined 50c. on lower grade; sales, 186 hogsheads. Whisky, $2 25.

NASHVILLE, Jan. 24.—The steamer Cumberland left to-day with 350 bales of cotton and a large number of passengers for New Orleans.

CINCINNATI, Jan. 24.—Flour, $7 50. Corn declined 1c. and Oats 1½c. Cotton, 46c. Whisky, $2 28½ in bond. Hogs, $11 50. Lard, 17½c.

SOUTHWEST PASS, Jan. 24.—The Magnolia from the Westward reports all quiet at Bagdad. The Tarter is inside the bar.

SOUTHWEST PASS, Jan. 24—12 M.—The steamships Tartar and Magnolia passed up this morning.

The British ship Crusader, from Liverpool, the Spanish bark Tamaulipas, from Matanzas, and the brig Mary White, from Galveston, are inside the bar, awaiting steam.

The steamship Empire bound out is at anchor inside.

The Leviathan arrived down with a tow, this morning.

The tugs Rio Grande, Switzerland and Hollyhock are outside.

Wind southeast—fresh. It is still very foggy on the bar.

6 P. M.—The ship Crusader, the brig Mary White, the schooner Talisman, the bark Tamaulipas and the brig Rival passed up this evening.

The steamers Rapidan and Thames went to sea at 5:30.

The British ship Tea Foster is on the bar. The British ships Anna Dorothea and Theo. Knoop are at anchor outside.

There is nothing else in sight. The fog has all cleared off.

[From Yesterday's Evening Papers.]

WASHINGTON, Jan. 23.—The Senate is engaged in the discussion of the bill to enlarge the Freedmen's Bureau. No vote has been taken on the bill.

NEW YORK, Jan. 23.—Cotton declining; sales 1500 bales at 49@50c.

Gold 139⅞.

FOR MEXICO.—We understand that Gen. John S. Williams, widely known by his gallantly won soubriquet of "Cerro Gordo," leaves Nashville on to-morrow, with sixty emigrants, for Mexico.

It is a source of great regret that a gentleman of the ability, wealth and popular influence of Gen. Williams should leave Kentucky at this juncture, when the services of all her sons are so much needed. But we cannot do else than wish the hero of so many adventures—this knight, trusty and valiant—the most entire success in his new venture. He does not go to Mexico a stranger, for in the capacity of a soldier he traveled over the greater portion of that country years ago. With the language he is thoroughly conversant, and will, in every respect, make a valuable acquisition to the empire of Maximilian. Thousands of blessings will be wafted from every section of Kentucky upon the enterprise of Gen. Williams.—[Louisville Courier, 15th.

LOUISIANA SUGAR CROP.—Our neighbors of the Price Current, desirous of ascertaining the full statistics of the present sugar crop, publish the following, which we assist in giving circulation to:

We are now engaged in obtaining the returns of the quantity of sugar made in the State this season, so as to enable us to present to the public a tabular statement similar to the one we published last year. We would feel much obliged, therefore, to planters and others throughout the State, if they would aid us in our labors, by furnishing us with such information on the subject as they have at command. All that we want is the name of the plantation, the number of hogsheads of sugar made on it during the season just closed, and the name of the parish wherein the plantation is situated. With these data we expect to make up a comparative statement of some interest to our patrons and the public generally.

VALUABLE LIBRARY SOLD.—At an administrator's sale yesterday, the valuable library of the late Col. A. J. Pickett, historian of Alabama, was sold to the highest bidder, who was Col. M. L. Woods, son-in-law of the deceased. Many of the books were purchased by Col. Pickett at fabulous prices, and only found in Europe after diligent search. They were indispensable to him in the preparation of his history of our State, and expense was no obstacle in his way. There are volumes in this library which but few libraries in the world contain. We are glad that the library has fallen into such good hands.—[Ledger, 19th.

A man in New York has been sentenced to three months' imprisonment for attempting to hang himself.

The proposition to pay equal bounties to all soldiers, the early, as well as the late enlisted, it is ascertained would compel the country to pay about $534,000,000. The assumption of the State debts, and of the counties and towns, would amount to as much more.