

VOLUME XV.

WEDNESDAY MORNING, FEBRUARY 7, 1866.

NUMBER 150.

TUESDAY, FEBRUARY 6, 1866.

Senate.

The Senate met today at noon, pursuant to adjournment from yesterday. Lieut. Gov. Voorhies presided.

On the calling of the roll, twenty-five members responded; a full quorum.

The journal of yesterday's proceedings was read and approved.

During the proceedings following members were in attendance: Messrs. Abney, Anderson, Armstrong, Barrow, Brule, Burlie, Campbell, Cooze, Conley, Duveigneau, Egan, Gibson, Kellar, Kenner, Lapeyre, Lott, Mohn, Munday, Nelson, Poche, Purcell, Sorrege, Taylor, Welch and Wilson.

Mr. Brule presented a memorial from Constantine Brown, asking an extension of ferry privilege, and gave notice of his intention to introduce a bill for the purpose.

Mr. Palfrey introduced a bill to abolish the office of Surveyor General, and of Registrar and Receiver of the branch land office at Winnsborough, La. In support of the measure he read a letter from a mere stranger. Mr. Bringer laid the bill of the Surveyor General, and he did some three years ago, leaving a number of valuable public documents mixed up with his private papers, and one object was to endeavor to recover them. The bill was carried through its various stages and passed.

Mr. Brule offered a bill relating to sessions in the Supreme Court. It provides for sessions at Monroe, Alexandria and Opelousas. It was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Wilcox gave notice of his intention to introduce a bill in relation to judicial advertisements.

Mr. Mohn introduced a bill for the relief of W. T. King. Read a first and second time and referred to the Committee on Claims.

On motion of Mr. Hough, the Senate extended an invitation to Major General Frank Gardner, who was present, to take a seat within the bar of the chamber. General Gardner accordingly entered and was introduced to Senators, with whom he entered into conversation, very much, apparently, to mutual gratification.

Mr. Poche called up the bill relative to the inspection of scales, weights and measures. The object of the measure is to relieve sufferers of those articles from the expense now imposed on them, under penalty of a fine of fifty dollars, of having all of them inspected, before being sold or used.

The bill was carried through its various stages and passed.

Mr. DeLoach called up the bill to repeal the homestead exemption act.

Mr. Egan moved that the bill be allowed to lie over, as the general subject was under consideration by the Legislature.

On motion of Mr. Poche, the bill was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Anderson presented a bill to authorize Caroline Vanhille, wife of Lucien Dupre, to alienate her dotal property. The bill was carried through its various stages and passed.

Mr. Palfrey presented a bill to modify the law in relation to mortgages. This measure is of such importance that we give it at length:

Article relative to the recording of mortgages in favor of minors.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, that in addition to the office of Recorder of Mortgages, now established by law, there shall be established in the city of New Orleans, an office for the recording of mortgages in favor of minors, married women, interdicted persons and absentees, and such other persons as may be designated by the Legislature.

Section 2. Be it further enacted, etc., That the office to be established under this act be styled "office of registry of mortgages, in favor of minors, married women, interdicted persons, and absentees, and such other persons as may be designated by the Legislature."

Section 3. Be it further enacted, etc., That the duties of the several clerks of courts having jurisdiction in the recording of mortgages, required of them under existing laws, to cause to be recorded in said office created by this act, in all cases in which the recording of mortgages is required, shall be performed by the clerks of said office, and such other persons as may be designated by the Legislature.

Section 4. Be it further enacted, etc., That no proceedings of family meeting, assembled for the purpose of deliberating in relation to the interests of minors, or interdicted persons, or absentees, shall be valid, unless the minutes of said meeting be filed in said office, and a certificate of the same returned to the court to which said proceedings are referred.

Section 5. Be it further enacted, etc., That the duties of the several clerks of courts having jurisdiction in the recording of mortgages, required of them under existing laws, to cause to be recorded in said office created by this act, in all cases in which the recording of mortgages is required, shall be performed by the clerks of said office, and such other persons as may be designated by the Legislature.

Section 6. Be it further enacted, etc., That no proceedings of family meeting, assembled for the purpose of deliberating in relation to the interests of minors, or interdicted persons, or absentees, shall be valid, unless the minutes of said meeting be filed in said office, and a certificate of the same returned to the court to which said proceedings are referred.

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Section 24. Be it further enacted, etc., That no proceedings of family meeting, assembled for the purpose of deliberating in relation to the interests of minors, or interdicted persons, or absentees, shall be valid, unless the minutes of said meeting be filed in said office, and a certificate of the same returned to the court to which said proceedings are referred.

dox of all said records combined; the whole to be open to the inspection of the public, upon application therefor.

Sec. 11. Be it further enacted, etc., That the acts of said recorder, created by this act, shall be subject to the seal and signature of said recorder, and the same shall be subject to the seal and signature of the Recorder of Mortgages, or other ministerial officers of this State under existing laws.

Sec. 12. Be it further enacted, etc., That immediately after the passage of this act, it shall be the duty of the Governor to appoint, by and with the consent of the Senate, a Registrar and Receiver of Mortgages, for the office established under this act, to hold the office during the term of four years.

Sec. 13. Be it further enacted, etc., That this act shall go into effect immediately after its passage, and that all laws or parts of laws contrary to this act, be, and the same are hereby repealed.

In presenting the bill, Mr. Palfrey said he wished that a measure of this importance had been taken up by more capable hands. The great desire of all was to facilitate the introduction of capital, and one indispensable means to this end, no matter what else might be done, is the removal of the uncertainty existing and the risks run under the present mortgage system.

Mr. Palfrey moved to amend the bill, so as to provide for the recording of mortgages in favor of minors, married women, interdicted persons, and absentees, and such other persons as may be designated by the Legislature.

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Mr. Hough said he was in favor of a bill of this kind; but he thought it just to the parties of Merchants, Caldwell and Ochsler, which had never been included in any levee system. He had doubts whether there were in those parishes any alluvial lands, and he asked why, if those parishes were included, all the parishes on the left river should not also be included.

Mr. Lott thought the gentleman's objection not well founded. It really was of no consequence where the water came from; and if the Senate were to commence excluding certain districts on such grounds as had been urged, there could be no limit placed to the exclusions.

The question was then put on the adoption of the bill, and carried, on the yeas and nays being called, by the following vote:

Yeas—Messrs. Barrow, Brule, Cooley, Duveigneau, Egan, Gibson, Kellar, Kenner, Lapeyre, Lott, Mohn, Munday, Nelson, Poche, Purcell, Sorrege, Taylor and Welch—21.

Nays—Messrs. Anderson, Burlie, Campbell, Cooze, Hough, Newton, Jackson, and Newton of Morehouse—7.

In this case, again, the Secretary announced the vote as 20 to 7, and we cannot rectify the error. We followed the vote as closely as we could, and can only account for the discrepancy by reference to the prevailing buzz and confusion.

The bill was then taken up for a third reading. Mr. Foster moved a reconsideration of the twenty-first section, on the ground that in giving the commissioners authority to fix their own pay, it gave far too great power over the large amount of funds that would have to pass through their hands.

The motion was agreed to. Mr. Welch moved to amend by making the payment to the commissioners six dollars per diem for each day of active service on the Board, and fifty cents per diem for traveling expenses.

The motion was agreed to. Mr. Palfrey moved to reconsider the first section and strike out the amendment, "other lands subject to inundation," introduced by Mr. Davigneau.

The motion was carried, and then the bill was adopted on its second reading.

Then the Senate adjourned to tomorrow, Wednesday, February 7, at noon.

House of Representatives.

The House met at 12 M. Mr. Egan, Speaker pro tem, in the Chair.

Prayer by Rev. Father Chaloux.

Mr. Lagrove, in the course of the sitting, rose to a question of privilege, to make a personal explanation. In presenting his resolution yesterday, he had, he said, been misapprehended, and in order to place himself right, he requested that his explanation be spread upon the minutes. The privilege was accorded, and his statement was read as follows:

In justice to myself and to my standing in this House, I must state that, in introducing a resolution yesterday, in regard to an article published in the New Orleans Times, I had no intention of offering any general government for a particular purpose, and that the article in question was published in the Times of this city. Many of our personal friends, and stand very high in my estimation. I have no doubt that if the members so eager to have my resolution tabled, had taken the trouble to read the article in question, they would have pursued another course. I am a slave to no clique or party, and will always endeavor to remain neutral in the proceedings of this House.

In our report of the proceedings yesterday, on the bill to give the election of Treasurer, Surveyor, etc., of the city of New Orleans to the Common Council, it was, by a typographical error, made to appear that the object of Mr. Lemmie's amendment, giving the election of Comptroller to the people was to guard against collision between that officer and the Treasurer, whereas it should have read as follows:

A resolution offered by Mr. Snider, was adopted, for the appointment of a committee to pay a visit of examination in conjunction with a Senate committee, to the State University.

FINANCIAL MEASURES—THE LEVEE FUND.

On motion of Mr. Walker, the rules were suspended to take up, out of its order, the bill reported by the Finance Committee, to authorize the issue of certificates of indebtedness and of bonds for funding the same, and for other purposes.

The bill was read a first and second time, and passed without debate, and ordered to be sent to the Senate. It provides that two million of dollars of certificates of indebtedness, of such denominations as the Governor shall determine, shall be issued by the State to pay its current expenses; that those certificates shall be payable one year after date, without interest, and receive for all due to the State, the full amount of the principal and interest; and that bonds shall be issued by the Governor to the amount of one million of dollars, payable in forty years, and bearing interest at six per cent. per annum, for the funding of said certificates to that extent. The bill also provides that besides the interest, the Treasurer shall set aside annually a sufficient sum to purchase two and a half per cent. of these bonds, which would extinguish the entire debt in forty years.

This bill having been reported, on motion of Mr. Walker, the bill, reported by the Finance Committee, to authorize the Treasurer to return five hundred thousand dollars from the general fund to the Levee and Drainage Fund, and to authorize the payment of the same for levee purposes, was taken up, and being upon its second reading, was discussed for several hours.

Mr. Hough objected to the bill. The money taken during the war, and must have been for war purposes. The payment of the war debt was prohibited and he could not consent to support such a bill as this until all the creditors of the State were paid upon a like footing. This was an indirect way of paying the war debt, and he moved to amend the bill by saying that the money should be "loaned" instead of "returned."

Mr. Tucker thought it a curious point the gentleman had made. It was competent for the State to borrow from the levee fund, and it was not, in competent to borrow, it was competent to pay; it was not, that the borrowing was a loan, and the State was responsible to the fund. This was the leg of the matter and he was opposed to the amendment.

Mr. Leeks proposed the word "transfer." That, he thought, would be the most accurate word to use in the connection.

Mr. Snider maintained that the original word conveyed a correct idea of the obligation of the State.

Mr. Head argued that essentially the bill was a scheme to take indirectly the whole State to build levees, and he should oppose any proposition for a general tax for sectional purposes.

Mr. Bailey denied the phraseology of the bill correct, as truly indicating the nature of the transaction and the duty of the State.

Mr. Snider thought the duty to replace the amount in the levee fund was clear. If the proposition had been to pay a war debt, he should have opposed it, but in this case the money had only been taken from one pocket to put it in another, and in such case he should discard all such extreme notions about the war debt.

Mr. Simons observed that there seemed to be a great misconception of the nature of this case. The money proposed to be returned had been taken from the swamp land fund. That fund was a name given to certain money set aside for a specific purpose. The fund had no personality; it could not make a contract, could not object or assent to anything the State sought to do with it, and it was therefore a misuse of language to

up, requiring the police of New Orleans to report arrests made by them, the cause and authority, within twenty-four hours after the arrest is made, and requiring Records to make a speedy disposition of cases awaiting examination. An amendment recommended by the Judiciary Committee, requiring arrests to be reported immediately, having been adopted, the bill as amended was passed.

On motion of Mr. Tucker, the bill providing for the lease of the new canal was committed to the Finance Committee.

The stay law bills, which were the order of the day, having been passed over until the usual hour for adjournment had arrived, were together with the Senate bill for the liquidation of certain banks, made the order of the day for Tuesday next.

And the House then adjourned.

Mr. Head defended his amendment, and vindicated his purpose as correct. The Swamp Land or Levee Fund, was not the creation of a general tax, but a fund in the benefits of which the State at large had no interest. It was not, for instance, the school fund, for the benefit of all, and money taken from which, for other purposes, could properly be restored by general taxation, but it was a fund exclusively for the benefit of land-owners, to overflow, one in which the interest was special and local. The money taken from it he knew to have been taken for war purposes, and the State had no more right to pay it than if it was due to Mississippi.

Mr. Snider moved to strike out the amendments on the table, and the motion prevailed.

Mr. Snider moved to strike out the figures indicating the sum to be paid, and insert such words as would provide for the return of the exact sum taken from the fund.

Mr. Williamson, opposing the amendment, was proposed in the belief that the amount taken from the fund was not to be returned, but to be used for other purposes, and he returned, asked the Chairman of the Finance Committee to inform the House on that point.

Mr. Walker said the amount taken was over six hundred thousand dollars.

Mr. Tucker had another objection to the amendment, that the Treasurer might regard the obligation as a war debt, and think it his duty to refuse to pay it, and he thought it his duty to specify, and the bill to be specifically mandatory upon the Treasurer. The money was needed in fund, without any possible contingency of a failure to return it.

Mr. Snider withdrew the amendment.

Mr. Kent was opposed to the measure, as paying part of the war debt the State had contracted, and he thought it his duty to refuse to do so, and he thought it his duty to specify, and the bill to be specifically mandatory upon the Treasurer. The money was needed in fund, without any possible contingency of a failure to return it.

Mr. Snider withdrew the amendment.

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