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WEDNESDAY MORNING, FEBRUARY 14, 1866.

GENERAL ASSEMBLY OF LOUISIANA.

TUESDAY, FEBRUARY 13, 1866.

Senate.

Lieutenant Governor Voorhies, President of the Senate, called the Chamber to order at noon to-day, pursuant to adjournment from yesterday.

The roll having been called it was found there were twenty-four members present.

The journal of yesterday's proceedings was read, the reading of the Governor's message in reference to the city election bill being, on motion of Mr. Mohan, dispensed with. The journal was then approved.

During the proceedings the following members were present: Messrs. Abney, Armstrong, Bell, Brusié, Burthe, Campbell, Coco, Duvigneaud, Egan, Ellis, Fellowes, Foute, Gibson, Gordon, Hough, Kavanagh, Kelso, Kenner, Lapeyre, Lott, Mohan, Newton of Jackson, Newton of Morehouse, Nelson, Poché, Purcell, Scruggs, Taylor, Welch and Wilcoxon—30.

The members absent with leave were: Messrs. Barrow, Cooley and Palfrey.

The members absent without leave were Messrs. Brownlee and Munday.

Mr. Brusié, from the Committee on Enrollments reported the joint resolution relating to the election of State Printer.

During the subsequent proceedings a message was received from the House of Representatives, through Mr. Halsey, Assistant Clerk, announcing that the Speaker had signed the joint resolution in relation to the election of State Printer, and the resolution granting leave of absence to the State Treasurer.

Mr. Foute then called for the order of the day. Grave interests were depending on it, and grave responsibilities were attached to it; and it ought to be as promptly as carefully disposed of.

The President said the question was whether the city election bill should pass notwithstanding the veto of the Governor.

Mr. Kavanagh moved that the bill do pass.

Mr. Hough said some questions had been raised in relation to the bill, which ought to be carefully considered before the vote was taken. It is only a month or two now from the regular period for holding a city election, and if this bill were not now passed, it would take place in June next. While, even if the bill were to be passed, the election could not possibly be held at the time appointed, because it would be impossible to give the required notice. He consequently could not vote for the motion. He saw nothing like very powerful argument in the veto message; but he could see no good to be derived from overruling the veto. It would be necessary to frame a new bill to give further time for holding the election; and by the time this was done, the first Monday of June, the regular time would be close at hand. The Constitution gives the people the right to elect their rulers and officers, and he would not object to that. If the bill were free from constitutional objection, there were other objections to it which he would like to have explained. It appears to be a bill amendatory of the city charter, although it does not say so. It is amendatory of the charter because it changes the time for holding the election, as fixed by that law. And a provision of the Constitution requires that no law shall be amended merely by reference to the title or to a section, without a full quotation of the portion to be amended. This bill gives no such quotation from the bill it amends, and is therefore unconstitutional. The gentleman read the 119th article of the Constitution, as follows: "No law shall be amended by reference to its title; but in such case the act revived, or section amended, shall be re-enacted and published at length."

Mr. Duvigneaud said he had no objection to the bill, but he fully agreed with the Senator from Caldwell (Mr. Hough) in the remarks he had made upon it, and, in his opinion, if the legislature were to pass the bill over the Governor's veto, it would have no effect. It might have become a legitimate measure if the legislature had previously amended the city charter so as to make it accord with the terms of the election bill, and with the terms of the Constitution. From the anxiety which some people manifested with regard to this bill, it would really seem as if they thought New Orleans must perish if an election were not held by the 12th of March—as if some terrible convulsion of nature must swallow them up. He hoped they would do something in the Senate which would satisfy the people—something good, sound and honest, and that before we come to an election some guarantees would be given to the people for the stability on which they were legislating on the laws for the municipal government of the city. There was much needed to be done before an election could take place, and the legislature had yet forty days to sit. There was plenty of time to do it in. Let us go to work earnestly and amend the city charter, and then everybody may profit by their labors. The gentleman then referred to and supported, the positions assumed by the Senator from Caldwell, (Mr. Hough,) in reference to the effect of the 119th article of the Constitution on the bill. He also objected to the bill for giving the Governor the authority to issue a proclamation ordering the election, instead of giving it to the Mayor, as provided by the city charter. So sure was he that the bill was unconstitutional, that he was satisfied it would soon be tested by a writ of quo warranto, and then if the decision of the courts were against the bill, there could be no election till January, 1867. Everybody was desirous that we should have an election, but while he also wished it, he desired to see it done properly.

Mr. Mohan said he was astonished that the Senator from New Orleans should offer any opposition to this bill whether he thought it constitutional or unconstitutional, when he had seen the unanimous opinion of the Judiciary Committees of both Houses in support of it, had seen it supported by all the legal strength of the legislature, and when he saw how earnestly all his constituents were clamoring for it. Cast your eyes abroad, said the gentleman, looking towards the bar of the Chamber, and see if many of the most respectable citizens of this great emporium are not present in manifest anxiety and solicitude to see if the bill will not be passed. [The observations of the gentleman elicited marks of approval at the bars.]

Mr. Duvigneaud rose to a point of order. He wished the gentleman to confine his remarks to the motion under consideration and not direct them to him.

[Cries at the bars, addressed to Mr. Mohan, "Go on. We want an election!"]

The President immediately called to order, and said no remarks of approbation could be permitted again, otherwise he should order the galleries to be cleared.

Mr. Mohan was sorry the Senator from Orleans, (Mr. Duvigneaud,) had taken his remarks as personal. He was merely speaking of the desire the people have for an election in the city, and calling the Senator's attention to it. The Senator had said that he objected to the bill because it required the Governor to issue his proclamation, ordering the election, instead of leaving it for the Mayor to do, as the city charter requires. He held the city charter in his hand, and would like the Senator to show him the section making any such requirement. As to the arguments the Senator had advanced against the constitutionality of the bill, he had only to understand that we are now in exceptional circumstances, to perceive the utter fallaciousness of the positions he had assumed. He had but to understand that we are not now legislating to provide for successors to constitutionally elected officers, but to fill vacancies caused by extraordinary circumstances attendant upon a state of war, and temporarily filled under military orders, and sustained by military power. What constitutionality adapted to times and circumstances of peace alone could meet these conditions? We are not attempting to alter the city charter at all. We are simply trying to get back the right to elect our own officers, and there is no unconstitutionality in that, for even the Constitution of 1864 says, in article 133, "The citizens of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of said city, pursuant to the mode of elections which shall be prescribed by the legislature." The Senator had told us that there was no necessity for haste, and that we could very well wait till June, the regular election period, by which time we could give guarantees. Now, he would ask Senators, where we should find guarantees that if we waited till June his Excellency would accord us his assent to the privilege then? Is it in the fact that his Excellency would then be a civil Governor? Why, he was civil Governor in June last, when he was called on by the legislature of 1864 to order an election, and he put the bill in his pocket! He will put the bill in his pocket again next June, if he be allowed the opportunity! He was satisfied that his Excellency Governor Wells would never order an election till he was compelled! And "why this haste," asks the Senator from New Orleans (Mr. Duvigneaud), as the Governor had asked in his message. He had explained, when the bill first came up, one reason why there should be no delay in dealing with the bill. The reason was, that, on the first Monday in April, an important election of directors of the Jackson railroad was to take place. The Mayor of the city will then have to cast the votes for two millions of dollars worth of the shares in that road, and to appoint three directors of the road in the interest of the city. And everybody knows with what sort of an eye the present military holder of the office of Mayor looks towards that railroad. No exposition was necessary. Everybody knows it. The present military incumbent of the Mayoralty may mean well, and he may not; but that is not the question. It was reported that he once had what was styled "a mission to Mecca" on the subject. He would do more than that if he could! And if there were no election under this bill, he would do that more! But in doing anything, he does not represent the people! Still less does he represent the feeling of the military as shown in Gen. Canby's order issued a day or two since. And not at all does he represent the wishes of the President as illustrated in a letter to the Hon. Senator from Orleans (Mr. Purcell.) He would not read the message of the Governor on the subject, because it had been laid before members; but he must say that he had read as carefully as any member could; he had been able to find no logic in it, nothing in it. And he asked others to say what they had found in it except an objection to the election of city officers! If there was any logic, or sympathy, or patriotism in it, he would succumb to it. But there was nothing of the kind. If there was any argument at all in it, it went to show that there ought to be an election as soon as possible; for, as the argument was that as the population of the city increased, so the fitness of it decreased for election purposes, so the sooner the election was held so much the greater must be the fitness of the people for an election. He really hoped that Senators would consider all these things, and not think of refusing to the people of New Orleans the little privilege—the small boon—of self-government small in the sense of the grant as it was now asked, and yet one of the most inestimable belonging to man.

Mr. Duvigneaud, in response to the call of the Senator from New Orleans, in reference to the question about the proclamation for the city election being issued by the Governor instead of the Mayor, referred to the thirteenth section of the city charter as supporting his views; and he added there was another material objection to the bill to an election under the charter, in that it provided that the Mayor, Aldermen and so forth should have a property qualification which the Constitution expressly prohibits.

Mr. Mohan contended that the thirteenth section of the city charter had no reference whatever to the election of anybody but inspectors and clerks, and in proof read it as follows:

SEC. 13. *Be it further enacted, etc.*, That the election at each of said precincts shall be conducted by three inspectors of election, one of whom shall be appointed by the Mayor of the city of New Orleans, for the time being, one by the Board of Aldermen, and one by the Board of Assistant Aldermen. Two clerks shall also be appointed at each of said precincts; one by the Board of Aldermen, the other by the Board of Assistant Aldermen, and they shall possess the same qualifications required for the officers named in section seven, without the qualification as to property. The said inspectors and clerks shall be legally qualified voters of the precincts in which they act, and shall be severally sworn by the Mayor two days previous to the election, according to the provisions of the 90th article of the Constitution of the State; and they shall take the further oath that they possess the qualifications prescribed by this act. Said inspectors and clerks shall be appointed at least ten days before the election, and the Mayor shall cause to be published in the official journal, at least five days before the election, a proclamation setting forth the day on which the election is to take place, the precincts and polls established, the names of the inspectors and clerks at each, and the hour at which the polls will be opened and closed; *Provided*, That in case of a vacancy in the office of inspector or clerk of any precinct, arising from the neglect or refusal of either board to appoint, or the neglect or refusal of the person appointed to attend, or the sickness or death of the person appointed, it shall be the duty of the Mayor to supply the place of the absent inspector, and of the inspectors to supply the place of the absent clerk.

Mr. Gordon followed in exposition of the fallacies raised against the bill. He urged that the property qualification in the clause was a mere dead letter, not at all invalidating the whole law. As chairman of the joint committee on amendments to the city charter, he would state that it had been felt desirable to amend it in many respects; but that after full reflection it had been determined that the present was no time for fundamental propositions to be discussed or even entertained.

Mr. Kenner said he hardly thought it necessary to add much to what had already been so ably urged in support of the motion before the Senate. He observed that while the Governor said he had constitutional scruples and doubts, he did not say one word to show that he had any particular constitutional exceptions to take to the bill. He merely hints at them. As for argument, there was none in the message. It was left for the Senator from Caldwell, (Mr. Hough,) and the Senator from New Orleans, (Mr. Duvigneaud,) to ferret out what was meant. The Governor himself did not appear to be certain about the question of constitutionality but the members referred to had none whatever! They paraded them without a shadow of doubt! Nobody, however, agreed with them any more than with the Governor. The simple fact was that the people were endeavoring to get relieved from the state of things which had existed for the past three or four years, to relieve themselves from the suspension of their normal condition. The gentleman ably enforced all the positions already taken by Senators who had previously suggested them, and illustrated with a force to which a mere summary cannot do justice, and a summary is all that we can give. He remarked that perhaps the Governor intended by some of his remarks to refer to the days of thuggery, and to intimate that he thought that those would get worse with the lapse of time. How then could they get better by June? The Governor said amendments ought to be made to the city charter. Why did he not suggest and particularize them? What limits were proposed? Was an officer to be a property-holder? Was he to be a native born American? Is he to speak only the English language—the French, the German, the Irish? He protested against allowing feeling to run away with sense. But he felt strongly on this subject. He wished at the same time that no word, no act of his should do anything to cause a breach between the Executive and the other branches of the legislature. This he knew was the general feeling as well as his; and he hoped it would not be forced. There was plenty of room for mutual accommodation, and he hoped for it. As to the time for the city election, it was quite competent for the legislature to say it should take place in five days.

Mr. Duvigneaud again explained his grounds of opposition to the bill.

Mr. Egan, in a speech to which we can do no justice for want of space and time, went over the grounds already taken in support of the motion to pass the bill over the Governor's veto; and he supported them with great force and effect.

Mr. Foute accepted the expositions of the Senator from Ascension, (Mr. Kenner,) and the Senator from Assumption, (Mr. Egan,) as adequate and rendering it unnecessary for him to say anything further in support of the motion and the bill.

After some few further observations from Messrs. Hough and Mohan, in which nothing new was developed, the question was put on the motion that the bill pass the Governor's veto notwithstanding. The vote was as follows:

Yeas—Messrs. Abney, Armstrong, Brusié, Burthe, Campbell, Coco, Egan, Ellis, Fellowes, Foute, Gibson, Gordon, Kavanagh, Kelso, Kenner, Lapeyre, Lott, Mohan, Newton of Jackson, Newton of Morehouse, Nelson, Poché, Purcell, Scruggs, Taylor, Welch, and Wilcoxon—27.

Nays—Messrs. Bell, Duvigneaud and Hough.

The bill was, therefore, declared passed; and on motion, it was ordered to be sent to the House of Representatives, with an announcement of the result of the vote in the Senate on the question.

On motion of Mr. Egan, leave of absence was granted to Mr. Ellis.

On motion of Mr. Duvigneaud, a bill for the relief of the Widow A. Dufilho, Jr., was referred to the Committee on Claims.

On motion of Mr. Gordon, after a brief discussion, an act amending the city charter, so as to make the office of Controller elective, was made the order of the day for Friday, and ordered to be printed.

On motion of Mr. Brusié a bill granting ferry privileges opposite Plaquemine to Wm. Brown, was referred to the Committee on Parochial Affairs.

On motion of Mr. Newton a bill to fix the compensation of the State Printer was referred to the Committee on Printing.

A communication from the Hebrew Association for the building of the new synagogue, asking the autographs of Senators on parchment by the 25th inst., to be deposited with the corner stone, was received, and on motion of Mr. Bell was ordered to be spread upon the minutes.

Mr. Kenner, from the Finance Committee, presented an unfavorable report on the bill to raise a revenue, etc. On motion of Mr. Egan, it was made the order of the day for the day after to-morrow, and ordered to be printed.

Mr. Kenner, from the Finance Committee, presented an unfavorable report on the bill relative to licenses and taxes. On motion of Mr. Duvigneaud, it was made the order of the day for Monday next, and ordered to be printed.

On motion of Mr. Lott, the bill to regulate the sale of property seized under an order of seizure and sale or writ of *fieri facias*, was made the order of the day for Tuesday next.

Then the Senate adjourned to noon to-morrow, February 14, 1866.

House of Representatives.

The House came to order at 12 M., Speaker Cage presiding.

Prayer by Rev. Father Chalons.

Mr. Elam, from the Judiciary Committee, reported favorably on House bill for excavating the mouths of the Mississippi river.

On House bill to restore the records of the parish of Rapides, and to ratify the appointment by Governor Wells of a commissioner for that purpose.

A joint resolution, introduced by Mr. Walker, granting leave of absence to the State Treasurer for forty days, was passed.

BILLS INTRODUCED.

By Mr. Snider: To render interested persons competent witnesses. Referred to Judiciary Committee.

By Mr. Nutt: Joint resolution accepting donation of land granted by act of Congress, approved July 2d, 1862, for the benefit of agriculture and mechanic arts. Referred to Committee on Public Education.

By Mr. Thieneman; Relative to the commission of syndics, administrators, executors and curators. Referred to the Judiciary Committee.

MISCELLANEOUS.

A letter was read from Mr. L. Myer, Secretary of the Hebrew Association Tememe Derech, asking by direction of the society, the autographs of the Speaker and members of the House, on parchment, to be deposited beneath the corner stone of their synagogue on Carondelet street. On motion of Mr. Scanlan the Sergeant-at-Arms was directed to procure a parchment for the purpose.

On motion of Mr. Austin, the bill defining the duties and fixing the compensation of State Printer was fixed for Friday next at 10 o'clock.

Mr. Walker moved to take up the bill, on its second and third reading, to ratify and confirm the appointment of levee commissioners by the Governor, but the House refused to suspend the rules.

The Senate bill for the relief of tax payers, by suspending the collection of taxes for 1860, 1861, 1862, 1863 and 1864, until 1868, was then taken up as the order of the day, being unfinished business of yesterday, and after a full discussion of Mr. Bailey's proposition to exclude from the bill municipal taxes, was referred to a special committee appointed by the Chair, viz: Messrs. Elam, McConnell, Jonas, Sambola, Bailey, Austin and Eustis. Before referring, Mr. Bailey's amendment was adopted. Yeas, 52; nays, 32.

THE CITY ELECTION BILL AND GOVERNOR'S VETO.

At this stage of the proceedings an unusual crowd rushed into the hall, filling the space allotted to spectators. Presently Col. Kelly, Secretary of the Senate, delivered a message announcing the passage by that body, by a majority of two-thirds, as prescribed by the Constitution, of the bill ordering an election for municipal officers for the city of New Orleans, notwithstanding the Governor's objections, and requesting the concurrence of the House.

The message of the Governor stating his objections to the bill having been read by direction of the Speaker,

On motion of Mr. Jonas a call of the House was ordered and ninety-four members answered.

Mr. Jonas then moved that the House proceed to the consideration of the bill.

Mr. Scanlan seconded the motion. Greatly to his surprise he had understood that a list was being handed round this morning, in which his name was placed as one of the members who would vote to sustain the veto. Nothing could have been less authorized. He could not be induced to support the Governor in this measure, a support of whom was to deny to the people of New Orleans the exercise of their chartered rights, the restoration of which they had grievous reasons to crave for.

Mr. Eustis had been a listener to the debates in the Senate on the subject of this veto and confessed himself at a loss to account for the course of the executive. The first objection of his Excellency was presented as constitutional, but in so very general and vague a manner, that it was impossible to know what the constitutional impediment to an election was. What part or what article of the constitution would be violated was left to the imagination. Senators had to resort to conjecture as to what this constitutional objection was, that lurked so mysteriously in the message, and it was supposed to consist in an assumed disregard of the constitutional provisions that no law should be revived or amended by reference to its title, but the act revived or section amended should be re-enacted, and that every law should embrace but one object and that should be expressed in the title. It seemed to be held that the bill which had been vetoed was an amendment to the city charter, and that the title should have so described it, but it would be a vain labor for the most astute lawyer to discover wherein the bill was unconstitutional.

The city of New Orleans had been placed under military rule by a general order of Major General Butler. Under that order officers had been appointed to administer the city government by successive military orders, and that government was in every sense as much a military government as a court martial was a military tribunal. At the close of the war the insurgent States were measurably restored to civil government, and military agents were everywhere directed by the President, as far as possible, to return to the people, municipal and parochial governments; to restore to them their natural and civil rights. The military authorities had invited the people of Richmond, Charleston, Savannah, Mobile, and of other cities and towns of the South, to elect their own municipal rulers and govern themselves in accordance with the constitutions and laws of their respective States. But this right was withheld from the citizens of New Orleans. Elsewhere those ruling under military authority had confined their administrations to acts of conservation and preservation, but in New Orleans the military appointees went further. They sold the property and the franchises of the corporation. They seemed to regard their powers as unlimited. It was under these circumstances that the people of the city demanded from their representatives a law that would restore them to their chartered rights. More powerfully than any other municipal body in the South they were urged to seek a change, for their property and their most important franchises were being disposed of without authority of law, civil or military. Hence it was the unanimous wish of the people of New Orleans to be relieved from this worse than military power—a power acting without military or civil law.

Another striking circumstance in this connection was that, in other States, Governors, provisional and elected, sought to have the people replaced in possession of their municipal privileges and rights, whilst in Louisiana it was seen that a Governor chosen by the people was interposing, unaccountably, to prevent the people of this great city from managing their own local affairs. In view of all the facts and circumstances, no measure of the Executive could have evoked so deep a feeling as that which had been evoked by this message. Regarding the natural rights of the people under their restored liberties, and examining the message with all the attention due to it, not a solitary argument was to be found to give weight to its vague constitutional reference; not a solitary reason of public policy, consistent with justice, was to be discovered in it; and the Assembly to whom it was addressed was left in the dark as to the motives that influenced it. The reasons so feebly presented were suggestive only as to improvements claimed to be necessary in the laws, but could not be properly urged as cause for denying the people of New Orleans their just and lawful privileges and rights.

When the power exercised by the Governor was considered and the feebleness of his objections regarded, the conclusion must be that in his hands the functions of the executive office were such as were not contemplated by the Constitution, for with such exercises of authority as the present every legislative act could be thwarted by him. When it was reflected that this Governor, whose duty it was to assist in the restoration of civil government was opposing measures for that purpose, the Assembly would see what herculean labors were before them, for although the Constitution allowed laws to be passed by a simple majority of a bare quorum, to overcome Executive vetoes required a vote of two-thirds of all the members of each House. He did not wish to impugn motives, but was constrained to say that this act of the Governor was an act of the highest civil tyranny that could be exercised by a civil functionary. The exercise of the veto power, even when exercised by the President of the United States had always been obnoxious, for it could be used to paralyze the legislative branch, and was only justifiable when the legislature clearly violated the fundamental law. Looking at the past it would be observed that whenever the veto power had been arbitrarily exercised, the highest popular excitement had resulted, and it was due to free institutions and popular government to emphatically rebuke such tyranny.

Mr. Jonas reminded the House of the unanimity with which this bill had passed both houses, and the remarkable unanimity with which it had been sustained by the representatives of the city, who simply echoed the universal wish of the people of New Orleans to be restored to the management of their own affairs. For ten days the mountain had been in labor and now the mouse had come forth. This legislature had thought it a duty to return to the people of New Orleans their civil status and their civil government, to place those people again under the ægis of the constitution and the laws. The bill was passed and sent to the Governor. For ten days it was before him. During that whole time the public and legislature were agitated with rumors as to the intentions of his Excellency. Now the mouse of this lengthy parturition was before them.

To gentlemen from the country, Mr. Jonas would say that the city delegation had done all in its power to prevent this collision. Hearing the outgivings on the street that the Governor intended to veto the bill, they waited upon him, in a body, and solicited information as to his objections, and expressed their desire to accord legislative action, so far as it could properly be done with his views. He objected that the charter should be amended before an election was held. His attention was directed to the 133d article of the Constitution:

The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of said city, pursuant to the mode of elections which shall be prescribed by the legislature, etc., etc.

The Governor pointed to the second section of the article directing the organization of a police board. He was informed that a bill had been passed for that and only awaited his signature to become law. The delegation supposed all objection had been removed and left with that impression. He failed then to mention any of the objections now made by him.

Mr. Jonas took up the message and examined objection after objection, seriatim, arguing the truthlessness and absurdity of the objections.

We regret that the limits to which we are restricted in the next issue compel us to cut off our abstract of Mr. Jonas' speech, and so with Messrs. Austin, McConnell, Williamson, Waggaman and Stille. The three first named gentleman addressed the House against the veto, the two latter in its favor.

Mr. McConnell moved the previous question, and it was unanimously ordered.

The question was then put by the Speaker, "shall the bill pass, the objections of the Governor notwithstanding? The Clerk will call the yeas and nays."

The vote was as follows:

Yeas—Messrs. Anderson J., Anderson Samuel, Austin, Addison, Bailey, Bensel, Blackman, Brown, Buie, Braton, Collins, Couvillon, Davenport, Daigle, Deblanc, Delamare, Deporter, DeLabarre, Decker, Drew, Ditto, Duralde, Eager, Elam, Eldridge, Eustis, Edwards, Fagot, Fenner, Frérot, Fishburn, Fulda, Gaiser, Green, Gottschalk, Hanlon, Halsey, Harrison, Head, Hatch, Hays, Henderson, Higgins, Holt, Hudspeth, Jonas, Kelly, Kidd, Kile, Labranche, Leeds, Lemarie, LeBlanc, Lewis, Lipscomb, Meredith, McEnery, McConnell, McDonald, McGee, McCloskey, Moreland, Montgomery, Murray, Nutt, Ormond, Peterson, Phillips Jas., Phillips Alf., Powell Pujo, Regenberg, Richardson, Richards, Roman, Rogers, Robinson, Ryan, Sambola, Scanlan, Seger, Simonds, Snider, Smith, Scott, Solomon, Theriot, Thieneman, Tucker, Voorhies, Whittington, Wiltz, Williamson and Weeks—93 yeas.

Nays—Messrs. Bonnabel, Eastin, Lagrone, McKelvey, Stille, Tete, Walker and Waggaman—8.

The Clerk having reported the vote to the Speaker, he said, "The House consists of one hundred and eighteen members. Two-thirds of that number, the majority necessary to overrule the objections of the Executive are seventy-nine. The vote stands ninety-three for the bill; eight against it. The bill is therefore passed."

Applause in the lobby was checked by the Speaker.

Mr. Tucker moved a reconsideration.

Mr. Elam moved to lay the motion on the table, and Mr. Elam's motion was unanimously adopted.

The Chair announced that Mr. Robinson asked to be excused from serving on the Committee on Banks and Banking, as he was cashier of a bank. The request was granted, and the Speaker designated Mr. Leeds as Chairman of the Committee, and appointed Mr. McConnell to fill the vacancy.

Shortly after the House adjourned.

From South Carolina.

A "FREEDMAN'S" DEMONSTRATION ON NORTHERN EMIGRANTS—EXTRAORDINARY AFFAIR ON JOHN'S ISLAND.

[From the Charleston Courier, Feb. 7.]

Last Friday, a party of gentlemen, on a visit here from Pennsylvania, for the purpose of buying land, etc., accompanied by two or three citizens, obtained the consent of General Sickles to visit all the islands adjacent to the city. The party were fortunate, also, in being tendered by General Sickles the use of the United States steam transport Mary Frances, and on Saturday morning they left the city and proceeded to the lower end of John's Island, at the junction of the Stono with the Kiawah river.

The party went ashore, but were unable to reach the plantation which they desired to examine and ascertain whether it would answer the purpose of their business. They returned to the steamer, previously agreeing to make another trial next morning. The party hailed a number of negroes in a small boat going to the next plantation, and were told not to land at night, or they would certainly be shot.

On Sunday morning they again landed and proceeded towards the settlement, inquiring the way of the negroes. They were shown how to reach the main land, but on approaching the houses observed considerable excitement among the people. They continued on their way, however, and on crossing from the marsh to the main land, on entering an old field, a body of negro men, armed with various kinds of weapons, approached them. When within twenty yards, the leader of the negroes cried "halt." The party stood still, when the leader came up and demanded their business.

The nature of the visit was explained to them, and the desire expressed that the party be allowed to proceed unmolested. During the conversation a gang of negroes surrounded them and became very threatening and abusive, and the party, thinking they were not likely to succeed in their object, determined to return. This, however, the negroes promptly refused to allow, and threats of instant murder were made on all sides. Only two or three of them were willing to permit them to return to their boat.

After a violent altercation of words and several attempts at violence to the visitors, the negroes decided to escort their now prisoners to the quarters of the commissary, a sergeant of the 35th U. S. C. T., about twelve miles distant. The party earnestly entreated the negroes to permit them to return to their boat, but their entreaties were unavailing, although the party agreed to steer directly to the commissary's post. They also suggested to the negroes to accompany them on the boat, but this was also refused.

They were then compelled to walk through the heavy sand the entire length of the island. The crowd of negroes continued to increase—all armed with muskets, rifles, shot-guns, revolvers, bayonets on sticks, scythes, axes, hatchets, clubs, etc., while the women had hoes, pitchforks and clubs. Permission was given to send word to the captain of the Mary Frances to steam round to the place to which they were forced to walk.

On their route they were accompanied by a yelling, cursing, threatening crowd of negroes, freedmen, women and children. As they advanced they were continually met by other negroes, running to the scene; all armed, and breathing out the most severe and summary punishment for daring to land upon their island, where no white man had any right, or should ever dare to come.

After proceeding about a mile and a half they were halted, the crowd still increasing, and becoming more violent. Here they were met by two freedmen, named Sam Flood and George Roberts, and quieted the crowd to some extent. Roberts being able to read, the party showed their authority from Gen. Sickles, Gen. Devens and Gen. Howard, at Washington, and Gen. R. K. Scott, at Charleston. The crowd refused to recognize the papers, and said if the persons who wrote them were there, they would serve them the same way.

Threats were made against the captain of the steamboat, and regrets that they had not attacked the vessel the previous night and murdered the captain and crew and burned the vessel. Flood and Roberts endeavored to persuade the crowd to allow them to return, satisfied the party was right, but the crowd were determined to march them to the commissary's.

One of the party being crippled, efforts were made to procure a horse or mule, but this was also refused by the negroes. Finding entreaty of no avail, and that the crowd only continued to increase in numbers and fierceness, they proceeded on their way.

For four hours—from 10 A. M., to 2 P. M., they were marched over the island. In front were about five or six horsemen, followed by some eight or ten footmen, the prisoners bringing up the rear, with an armed guard on either side, followed by a mob of about one hundred and fifty, violently abusive and threatening.

At each plantation new accessions were made to the crowd, the women and children lining the road, and joining in as the party passed. At one place a man stood with a pole, not less than twelve feet long, which he raised, intending to strike, but was prevented by the guard. At another place a man named Armstrong came riding in, cocked his gun, and would have shot one of the party had not his horse been seized by the bridle by one, and his gun taken by another.

About 2 o'clock they reached Townsend's place, where a freedman named Sam Johnson resides, who had been appointed by some officer of the Freedmen's Bureau as a general supervisor over the negroes on the island. This man being some distance from the house, the party were halted and compelled to wait for him, although within about two miles of the commissary's.

Here they were exhibited on the steps of the mansion, with a heavy guard of men in front of them, a crowd of women behind; the former ready at any moment to fire upon them, and the latter abusing the prisoners not only with horrible language, but by poking them with sticks, etc. There was one United States colored soldier at the place, whom they desired to carry information of their condition to the sergeant, and offered to pay him for so doing, but he would not consent, handing the written note after he had talked with some of the captors, who evidently dissuaded him from complying with the request. Several times while waiting here, Flood, who still befriended the prisoners, was taken to one side by the gang, and efforts were made to let them take the party into the woods, doubtless to murder them, but he stood firm in his refusal.

After setting in the sun for two hours, not even allowed to enter the house, and all the time exposed to imminent danger and insult, the man having cocked his gun to shoot one of the party, Sam Johnson arrived. He acted with great promptness and at once started with them to the commissary's, taking only a few men with him. When within about a mile of the commissary's they met the sergeant coming to the rescue.

The sergeant informed the men who had arrested the prisoners that they were acting entirely without authority, and that any person, white or black, was privileged to come upon the island whenever they chose and be unmolested. He relieved them at once from arrest.

The scene during the day beggars description, and resembled a scene in a heathen country, cannibals dancing around and gloating over their intended victims before giving them the fatal blow which was likely to descend at any moment. Reasoning with them was thrown away. They said they knew no law but their own, that the island was theirs and no white man should ever come upon it. They care for no general or no authority.

Local Intelligence.

MARDI GRAS.—Making up for time lost, in the Madri Gras sense of the word, seemed to be the order of the day, in regard to the doings about town yesterday. The weather in the morning appeared undecided, as to whether or not the day could be celebrated by quaint mummers and merry maskers who had pre-determined to make a carnival day of it. The early forenoon gave them strong hopes of being able to carry out their gay design, and the full noon assured them that they might do so without fear of having a damper put upon their amusements.

Thereupon the time lost, again in the Mardi Gras sense of the word, during the past few years, commenced to be made up for. After the sun reached the meridian—but did not reach as soon as desirable—the streets were flocked, to use an expression of "poesy," with youths of various sizes who were resolved to enjoy as long a day as they could, and by persons of larger growth and longer age and of an adventurous disposition who wished to carnivalise as early and as late as possible. Then the people turned out to see the sights, by hundreds, for some time, but by thousands for a couple of hours before the Mistick Krewe were announced to make their appearance.

About that time the sidewalks of the various thoroughfares leading to Canal street were thronged by crowds of both sexes, of all ages, moving quietly, for the crowding would not permit them to do otherwise, but steadily towards the great point of attraction, the Clay Statue, where it was known the Krewe would assemble. Finding that the great boulevard would not accomodate them, the immense gathering of our citizens and visitors formed, "in mass," as we may well say, "on the proposed line," from its extreme right to its extreme left.

The procession moved as soon as the order could be given, and preceded by a splendid military band, and accompanied by a corps of freedmen lantern bearers, the Krewe marched in quick time on the route, astonishing and convulsing the younger portion of the community with laughter, and affording a pleasant surprise and a rare enjoyment to older folks.

The Krewe moved up Camp street to Julia, down Julia to St. Charles, down St. Charles to the Municipal Hall, where they paid their respects to his Honor the Mayor, and were received in a courteous and hospitable manner; after which they proceeded to the Varieties Theater, where the celebration was continued, and an account of which will be found in our editorial column.

The outside Mardi Gras festivities, on the streets, in the various ball rooms, and elsewhere, were kept up until almost the hour when daylight did appear.

Many scenes of violence, it might be expected, would have occurred, but we are pleased to say that such was not the case.

OUTRAGE BY A NEGRO SOLDIER.—A negro soldier whose name we did not learn, acted in a most outrageous and violent manner about 4 o'clock last evening. He went into a yard near the corner of Magazine and Julia streets, carrying a bayonet in his hand, and uttered the most sanguinary threats against white people generally. He then went into an alley way, and assailed a youth, and stabbed him in the cheek with the weapon he had. A woman who saw the occurrence called for some one to arrest the fellow, and citizen J. Henry took him into custody. Another negro soldier then came up and demanded the release of the offender, but Henry refused to comply and was only enabled to bring his prisoner away by representing that he had the authority of a day police officer. Being joined by citizen Henry Watson, they brought the negro some distance and delivered him over to officer Davis of the First District police. The officer was conducting the prisoner along Magazine street when he was met by a colored squad of the provost guard, who forced Davis to give up the offender. We presume the matter will be brought to the notice of the military, by the civil authorities, for the conduct of the fellow is represented to merit the severest censure and punishment.

DON'T GO UNDER.—This is good advice, as a general thing, but we mean it in this instance to have a practical application. The gallery of the building at the corner of St. Charles and Lafayette streets, used as the First District police office, is in a dangerous condition, and liable to fall at any moment. We would suggest that as it is neither useful nor ornamental, and has assumed a dangerous and suspicious character, that it be abolished.

CHARTRES STREET IN REQUEST.—Since the City Railroad Company have commenced laying a track down Old Levee street, Chartres street is in great request by those engaged in the transportation business. During the busy hours of the day every description of vehicle, from the airiest of buggies to the cotton drays of mammoth proportions, may be seen wending their way up or down town, and generally the slow gait is slow, for the thoroughfare is narrow, and every block or two a colliding takes place, and then "left-handed prayers" are uttered that would do credit to that army that was so celebrated for profanity. A great deal of skillful handling of the lines is necessary to get through without rubbing violently against one's neighbor.

ARRESTS.—Charles Williams, colored, was arrested last evening in the Second District by officer McGuire, on a charge of attempting to rob Michael Rourke on Chartres street.

Etienne Branzar, of the 81st U. S. colored infantry, was taken into custody by officer Devonshire, on Levee street, Second District, on a charge of committing an assault and battery on John Rice.

BADLY INJURED.—During the crowding that took place last night at the Varieties Theater, officer Williams, of the First District police, was struck in the head with a stick by some person unknown to him, and rather severely hurt. The assailant succeeded in making his escape.

SHOOTING.—A man was shot about 8 o'clock last night, near the corner of Camp and Girod streets, it is alleged, by a person, who was one of the members of the so-called Legislature of 1864, and who figured prominently, not long ago, in the papers in regard to electioneering business. It is said that some flour was thrown on him, that he went away, and returned after procuring a pistol, and shot the man whom he supposed had thrown the flour. He got away at the time, but the police are on his track, we presume. The wounded man was conveyed to the Charity Hospital.

BURGLARY.—The residence of Mr. Dobson, on Montegut street, between Moreau and Levee, was entered about half-past 6 o'clock yesterday morning and robbed of about $400 worth of clothing. The thieves entered by a window in the rear of the premises. The scoundrels, not content with taking all they could carry, set fire to a chest full of clothing, which we presume they were unable to carry off. The fire was fortunately discovered in time to prevent any serious damage being done.

RECORDER KREUBER'S COURT.—G. Barber was arraigned on a charge of stealing a pocket-book containing some money and various small articles, belonging to a colored woman named Pauline. He was remanded to await examination.

Some parties charged with cotton stealing were ordered to be workhoused for short terms, and a few offenders against good morals were appropriately punished.

PROVOST COURT—*Judge Benedict.*—The case of Joseph Brenet, charged with wrongful possession of government property, was continued until next Wednesday.

The case of Alex. Eget and John Louis, 81st U. S. C. I., charged with disturbing the peace of the City Railroad cars, was also continued until the 14th inst.

RECORDER GASTINEL'S COURT.—The business of this court yesterday was chiefly of a financial character. Artilia Morgan, colored, was fined $30 for insulting B. Gastinel; Emily Beauregard, for a similar offense, was charged the same amount; Adolph Clark and Peter Smith, colored, for carrying concealed weapons, were fined $25 each; George Schtiee, for the same offending, was fined the same amount.

The charge of burglary against Charles Ferguson was investigated and dismissed.

DIGNIFIED LEGISLATORS.—The world has been edified with many-columned accounts in the Nashville newspapers of the sad end of four youthful malefactors, executed last Friday near this city, and I shall not weary the readers of the Republican with any account of the execution in this letter; yet I trust I shall be pardoned for mentioning an incident, in connection with this tragedy, which I should be ashamed to mention if the Tennessee legislature were a body chosen by the people. On the day previous to the public execution the body adjourned to a day subsequent to the 26th; and it was well understood, though the fact was not mentioned in the parliamentary proceedings, that the object was to afford certain members who desired it, an opportunity to attend "the hanging." In parlance there was no secret made of such intention. I trust I shall not incur the penalties of the sedition act when I declare it is with shame the fact is here chronicled that a body of men pretending to be the legislative power of a great commonwealth—the commonwealth of Jackson, and Grundy, and Polk—adjourned their grave deliberations to batten their eyes on the execution of four depraved teamster boys.—[Missouri Republican.

What is the difference between a honeycomb and honeymoon? A honeycomb consists of a number of "small cells," and a honeymoon consists of one "great sell."

TELEGRAPHIC DISPATCHES.

EAST INDIAN SHIP WRECKED.

THE PROCEEDINGS OF CONGRESS.

VanDyke Confident of N. Y. Collectorship—Death of R. C. Archbishop Fitzpatrick.

Defaulting Norfolk Banker Absconded—Columbian Marine Insurance Co. Wound up. Constitutional Amendment from Reconstruction Committee.

Congress to Make Laws to Protect Citizens of States—Resolution Inquiring into Tubular Boilers Adopted.

TEXAS CONVENTION PROCEEDINGS.

RIVER NEWS—MARKETS—ETC., ETC.

[Associated Press Dispatches.]

WASHINGTON, Feb. 13—*Senate.*—Mr. Fessenden, from the Reconstruction Committee, reported a joint resolution to amend the Constitution with an article that Congress shall have the power to make all the laws necessary and proper to secure the citizens of each State the privileges and immunities of the citizens of the several States, and to all persons of the several States equal protection in their rights of life, liberty and property.

Mr. Brown's resolution was adopted, instructing the Committee on Commerce to inquire what legislation was necessary to protect the lives of passengers on the Western steamers from the explosion of tubular boilers.

The House is considering contested election cases.

AUSTIN, Feb. 12.—Gov. Hamilton's message to the Convention calls attention to the absolute requirements of the general government touching the doctrine of absolute State sovereignty, the abolition of slavery, the rights of the blacks to testify in courts of justice and to be protected in person and property, and the repudiation of the Confederate war debt.

In the Convention, Judge Lattimer, from Red River, introduced the following:

"The people of Texas, in convention assembled, ordain and declare the so-called ordinance of secession, adopted by the so-called convention of the State of Texas, at the city of Austin, February 1, 1861, and all of the acts and proceedings of said so-called convention, shall be and the same are declared to have been null and void, and of no effect whatever from the date of their adoption, and they do hereby further declare that neither the State of Texas, nor any other State of the Federal Union, has the right, in the Constitution of the United States, to secede or withdraw from the Union."

On motion by Judge Frazier to lay the resolution on the table was lost by 45 to 38.

A substitute by Judge Hancock declaring the action revolutionary and therefore void, and the secession ordinance were all referred.

Another resolution enforcing the binding effect of all the laws passed since the date of the Convention, not in conflict with the Constitution of the United States, some action on education, and a proposal to increase the number of Supreme Court Judges completed the proceedings.

SOUTHWEST PASS, February 13.—The following named vessels are at anchor inside the bar bound up:

Bark Deney, from Havana, with a cargo of sugar and molasses.

Spanish brig Nueva Sabino, from Havana, with a similar cargo.

Schooner Lizzie Bertrand, from Boston.

Schooner Isaac Morse from New York with a general cargo.

Schooners Brazos, Oriental and Welcome from Matamoros, and schooner Henrietta from Brazos.

A ship and a bark, names unknown, are outside bound in.

Nothing else in sight. Wind northeast—light.

BOSTON, Feb. 13.—The ship Hamlet, Capt. Stevens, from Calcutta for Boston, with a valuable cargo of East India goods, went ashore in the fog at Orlans, Cape Cod, and is a total loss. The vessel's back is broken, and she is full of water. The crew was saved.

The U. S. steamer Pawtucket ran ashore off Cape Cod, but was gotten off without damage.

NEW YORK, Feb. 13.—The Post's Washington special says the Ways and Means Committee of the House are considering the tax on whisky, cotton and incomes, and will soon report.

Mr. Van Dyke's friends are confident he will shortly be appointed collector for the port of New York.

BOSTON, Feb. 13.—Catholic Bishop, Fitzpatrick, died last night after a lingering illness.

NEW YORK, Feb. 13.—The Herald's Fortress Monroe correspondent, says Willard, a banker of Norfolk, is a defaulter in the sum of $40,000, and has left that place.

The Columbian Marine Insurance Company are to wind up their affairs.

The steamer Star of the Union, from New Orleans on the 4th, has arrived at this port.

PITTSBURG, Feb. 13.—The river is rising with twelve feet three inches in the channel. Weather mild—indicating rain.

NEW YORK, Feb. 13.—Cotton more active and firmer at 45c. Flour irregular. Whisky dull at $2 23. Wheat dull and declined 2c. Corn, 81c. Coffee quiet; St. Domingo, 12½. Sugar quiet and firm; Cuba Muscovado, 12¾c; Havana, 13¼c. Molasses quiet; New Orleans, 86c@$1 10. Pork, $28 87½. Money more active at 6 per cent. Sterling exchange a shade firmer at 107¼. Gold closed at 138½. Government stocks scarcely so firm. Stocks strong. United States 6's, 5-20's, '62 coupons, 103¾@105; 10-40's coupons, 94¼.

CINCINNATI, Feb. 13.—Flour unchanged at $7 75. Corn dull at 53c. Oats 35c. Hogs dull and nominal. Pork nominal at $29. Bulk meats and bacon dull. Lard 18c. Cotton and whisky dull and nominal.

LOUISVILLE, Feb. 13.—Tobacco very active, at full prices. Corn 60c. Oats 46c. Flour $7 25 for superfine, $9 50@10 50 for extra family. Pork $29. Bacon shoulders 14½c. and clear sides 19c. Hams 23c. Lard in tierces 18c. Whisky $2 23.

[From Yesterday's Evening Papers.]

NEW YORK, Feb. 13.—A large meeting was held last night at the Cooper Institute. Speeches were delivered by Messrs. Spencer, Geo. Francis Train, Fernando Wood, Killian and others.

The Tribune says Mr. Adams, our Minister to England, will probably return home and be succeeded by Mr. Motley or Mr. Marsh.

The disbursements of the Treasury for the week ending the 10th, reached $4,400,000. During the same period, $500,000 of certificates of indebtedness were issued. The receipts of the Internal Revenue for the same period amounted to $4,771,000. The national bank currency issued comprised $1,750,000. The total amount issued to date is $253,000,000.

NEW YORK, Feb. 13.—The Tribune says great indignation was felt by Dr. Sunderland's parishioners because the trustees of his church in Washington consented to its use for the lecture of Fred. Douglas.

Several pieces of heavy cannon have recently been purchased in New York for Gen. Sweeney.

Vera Cruz advices say immense supplies of ordinance and ordnance stores, recently arrived, have been forwarded to the capital.

Gen Grant's speech at Mrs. Douglas' wedding: "I am right glad to see you all."

LADY BACHELORS.—Another young lady has been admitted to the degree of Bachelor of Arts in France. She is named M'lle Antonia Callerrier, is twenty years old, and was placed in the first class.

What is the world coming to when young ladies turn bachelors?

The report, recently going the rounds of the Northern press, that Gen. Forest was "running a steam saw-mill in North Mississippi," probably grew out of the fact that he formerly ran a threshing machine in that end of the State.

Gen. Buford, late C. S. A., now living in Kentucky, has recently imported the stallion "Leamington" from England at a cost of of $22,000, and two thorough bred mares at a cost of 500 guineas each. They have arrived at his farm in Woodford county.

The St. Louis Democrat announces the arrival in that city of Gen. S. B. Buckner.

The Oil of Palm and Mace gives strength and beauty to the hair. For sale by T. W. Wright, 33 Bienville street.

LONGLEAF YELLOW PINE LUMBER.—J. Benj. Chandler, 47 Carondelet street, is now ready to fill orders for any quantity.