

New Orleans Daily Crescent

OFFICIAL JOURNAL

THE STATE OF LOUISIANA

WEDNESDAY MORNING, MARCH 7, 1866.

OFFICIAL JOURNAL

REGULAR SESSION OF 1865.

SENATE

MONDAY, March 5, 1866.

The Senate met pursuant to adjournment.

Present, Hon. Albert Voorhies, Lieutenant Governor and President of the Senate; Messrs. Abney, Anderson, Armstrong, Barrow, Browning, Brulé, Burtie, Campbell, Cook, Ferguson, Fellows, Foy, Gibson, Gordon, Hough, Kavanaugh, Kenner, Laporte, Lott, Mohan, Dudley, Newton, of Jackson, Newton, of New Orleans, Palfrey, Purcell, Surges, Taylor, Walsh and Wilcox—30 Senators.

The proceedings were opened with prayer offered by Rev. Dr. Palmer, of the First Presbyterian Church.

The journal of last Friday was read and approved.

LEAVE OF ABSENCE.

On motion of Mr. Lott, leave of absence was granted to Mr. Charles A. Davis, Senator from the parish of Iberville.

On motion of Mr. Welch, leave of absence was granted to Mr. John Nelson, Senator from the parishes of Lafourche and St. Charles.

And, on motion of Mr. Anderson, leave of absence was granted to Mr. T. C. W. Ellis, Senator from the parishes of St. Helena, Livingston, St. Tammany and Washington.

RESOLUTIONS.

The President laid before the Senate the following communication from his Excellency the Governor, viz:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, New Orleans, March 5, 1866.

I have been served this day with the enclosed petition and resolutions of the Canal and Banking Company, requesting that the State canal and all the rights of the bank in and to the same.

In transmitting the resolutions for the consideration of the Senate, I would suggest that the same be made a matter of non-interference, reserving all rights of the State to claim of the bank the repairs required by the report of the Board of Directors.

(Signed) J. MADISON WELLS, Governor of Louisiana.

On motion of Mr. Kenner, the above communication and accompanying documents were ordered to be referred to the Committee on the Judiciary.

MEMORIALS.

Mr. Taylor submitted to the Senate the memorial of Frank Sargent, a citizen of Baton Rouge, praying for relief, the reading of which was dispensed with, and on motion of the same Senator, it was ordered to be referred to the Committee on Claims.

Mr. Kenner submitted to the Senate the memorial of merchants, ship owners and shippers of the port of New Orleans, praying that the rate of the port be reduced to that of other ports, as a compensation for the loss of the port, which memorial was ordered to be referred to the Committee on Commerce, Manufactures and Agriculture.

Mr. Mohan submitted to the Senate the memorial of the working men of the city of New Orleans, requesting the enactment of such laws as may cause a reduction of the number of working hours to eight, the reading of which was dispensed with, and it was ordered to be referred to a select committee of three.

Whereupon the President appointed on said committee Messrs. Mohan, Purcell and Kavanaugh.

Mr. Gordon submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Banks and Banking be instructed to examine into the necessity of containing the present board of currency, and report by bill or otherwise.

BILLS AND JOINT RESOLUTIONS INTRODUCED WITHIN THE HOUR.

The following named Senators, without previous notice and with a suspension of the rules first granted, respectively asked and obtained leave to introduce the following entitled bills, which were severally disposed of as indicated below, to-wit:

Mr. Hamilton introduced a polytechnic college, which underwent its several readings and it was adopted.

Whereupon the President appointed Messrs. Mohan, Surges and Poché, the committee on the bill.

On motion of Mr. Mohan, the Secretary was directed to request the concurrence of the House therein.

Mr. Barrow introduced a bill for the relief of Theodore Duroi and R. B. Rabaud, which underwent its first and second readings by the title, and it was ordered to be referred to the Committee on Claims.

Mr. Kennedy introduced a bill for the relief of the same, which underwent its first and second readings by the title, and it was ordered to be referred to the Committee on Claims.

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deprive parties from the right of selecting the form before which they agree to have their cases tried.

And the same Senator, from the same committee, to whom was referred Senate bill entitled an act relative to judicial mortgages recorded against insolvent debtors, submitted an adverse report.

Mr. Kenner, from the Committee on Finance, to whom was referred Senate bill, entitled an act for the relief of State tax collectors, submitted a favorable report with an amendment.

The same Senator, from the same committee, to whom was referred Senate bill entitled an act to exempt from taxation certain grounds and other property of the Yemese Deutch, submitted a favorable report with a proviso as an amendment.

The same Senator, from the same committee, to whom was referred Senate bill entitled an act providing for the payment of the salaries of certain officers and making an appropriation of dollars therefor;

Submitted the following report:

That it is inexpedient for the legislature to act on the subject matter of this bill, and the Committee on Finance asks to be discharged from the further consideration of the same.

And the same Senator, from the same committee, to whom was referred Senate bill entitled

An act for the relief of James Crowell, of the parish of Iberville;

Submitted an adverse report.

Mr. Taylor, from the Committee on Printing, to whom was referred House bill entitled

An act to define the duties and to fix the compensation of State Printer;

Submitted a favorable report with amendments.

On motion of Mr. Taylor, the bill was made the special order of the day for Thursday next.

REPORT FROM A SELECT COMMITTEE.

Mr. Davidson, from the select committee to whom was referred Senate bill entitled

An act to amend the fifth section of an act entitled an act additional to an act relative to and regulating the collection of municipal taxes in the city of New Orleans, approved March 15, 1858, submitted a favorable report.

On motion of the same Senator, this bill was made the special order of the day for Friday next.

MESSAGE FROM THE HOUSE.

Mr. E. W. Halsey, Assistant Clerk of the House of Representatives, requested the concurrence of the Senate in the Senate resolutions of the following titles, to-wit:

An act to provide for the protection of immigrants to the State of Louisiana.

An act relative to judicial advertisements, being a substitute for Senate bill entitled an act to repeal, as approved on the 17th of March, 1855, an act to amend an act entitled an act relative to judicial advertisements, approved on the 12th of March, 1855, and to re-enact the third section of an act entitled an act relative to judicial advertisements, approved on the 12th of March, 1855.

Joint resolutions relative to the tax on gross sales and receipts.

Joint resolution instructing the Attorney General to institute certain legal proceedings in regard to the steamboat canal from Vermillion Bay to the Sabine river.

And joint resolution requesting the Governor to instruct the Attorney General to investigate certain proceedings wherein the interests of the State are involved, and report.

He also informed the Senate that the House had concurred in Senate bill entitled "an act to provide for the better management of the Institution for the Deaf, Dumb and Blind at Baton Rouge, in this State," and with amendments to Senate bill entitled "an act for the relief of the State Seminary of Learning and Military Academy, in this State," and he requested the signature of the President of the Senate to House enrolled bills of the following titles, to-wit:

An act in relation to exemption from State, parish and city taxes for the years 1862, 1863 and 1864, in certain cases.

An act to exempt tax payers from costs, interest and charges paid upon State, parish, municipal and city taxes for the years 1861, 1862, 1863 and 1864, and to relieve from payment of such costs, interest and charges, those who have not paid the same.

An act for the relief of Wade Hampton.

And an act for the relief of William Hampton.

Which bills thereupon received the signatures of the President of the Senate, and they were, by the Secretary, returned to the House.

HOUSE AND JOINT RESOLUTIONS CONSIDERED IN SENATE.

On motion of Mr. Mohan, the rules were suspended, and the Senate proceeded to the consideration of House joint resolution entitled

Joint resolution requesting the Governor to instruct the Attorney General to investigate certain proceedings wherein the interests of the State are involved, and report.

Which underwent its several readings, it was concurred in, and the Secretary was directed to inform the House thereof.

On motion of Mr. Palfrey, the rules were suspended, and the Senate proceeded to the consideration of House joint resolution to receive papers from the Surveyor General;

Which underwent its several readings and it was concurred in.

And in pursuance thereof, the President appointed Messrs. Palfrey and Burthe the committee on the part of the Senate;

And the Secretary was directed to inform the House thereof.

On motion of Mr. Kenner, the rules were suspended, and the Senate proceeded to the consideration of House joint resolution relative to the tax on gross sales and receipts;

Which underwent its first reading and was considered at its second reading.

SEN. 1. Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the time given for the payment of the tax on gross sales provided for by the act entitled "an act to provide for the prompt collection of the tax on gross sales and receipts," approved February 10th, 1865, be and the same is hereby extended until the 15th day of March, 1866, any law to the contrary notwithstanding.

On motion of Mr. Kenner, the first section was amended by striking out in the seventh line thereof the word "fifteenth" and inserting in lieu thereof the words "thirty-first."

The first section was adopted as amended.

The second section was read and adopted.

On motion of the same Senator, the rules were suspended, this bill underwent its second and third readings, it was concurred in as amended and the Secretary was directed to inform the House thereof.

SENATE BILL PASSED.

On motion of Mr. Kenner, the rules were suspended and the Senate proceeded to the consideration of Senate bill entitled "an act for the relief of State tax collectors."

The first section, which reads as follows, was considered:

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the Recorder of Mortgages of the different parishes of this State are authorized and required to cancel all bonds and mortgages registered against State Tax Collectors for the years 1860, 1861, 1862, 1863 and 1864, upon the production of the certificate from the Auditor of Public Accounts of their having paid into the State treasury all the State taxes and licenses which they may have collected upon the tax rolls of the above-named years, and for the faithful collection whereof the bonds or mortgages, as the case may be, were given.

The amendment proposed by the Committee on Finance of the Senate being to add at the close of the said section the following words, to-wit:

"Which authority's certificate shall issue only on a sworn detailed statement of taxes and licenses collected and paid."

On motion of Mr. Kenner, the above amendment was adopted, and the first section was adopted as amended.

The second section was read and adopted.

On motion of Mr. Kenner, the rules were suspended, this bill underwent its second and third

readings, it was concurred in as amended, and the Secretary was directed to inform the House thereof.

UNFINISHED BUSINESS.

The unfinished business of last Friday, being House bill entitled

An act to regulate the Supreme Court, and to fix the terms thereof.

Mr. Lott moved to lay on the table the report made by the select committee of the Senate on this bill, which motion did not prevail.

The first and second sections were read and adopted.

SEN. 2. Be it further enacted, etc. That the Supreme Court shall hold its sessions in New Orleans, from the first Monday of November until the close of the month of June. At Monroe, commencing on the second Monday of July. At Alexandria, on the first Monday of August, and at Opelousas on the fourth Monday of August of each year.

The amendment proposed by the committee being to strike out in the sixth line of the third section the word "Alexandria," and to insert in lieu thereof the word "Natchitoches."

On motion of Mr. Abney, the amendment was adopted, and the third section was adopted as amended.

The fourth section was read and adopted.

SEN. 3. Be it further enacted, etc. That appeals from the parishes of St. Mary, St. Martin, St. Landry, Lafayette, Vermillion and Calcasieu, shall be returned to the Supreme Court at Opelousas.

The amendment proposed by the committee being to insert the word "Ayoeyelles" after the word "Calcasieu."

On motion of Mr. Abney, the amendment was adopted.

And the fifth section was adopted as amended.

SEN. 4. Be it further enacted, etc. That appeals from the parishes of Rapides, Bossier, Ayoeyelles, Natchitoches, DeSoto, Sabine, Cadeo and Winn shall be returned to the Supreme Court at Alexandria.

The amendment proposed by the committee being to strike out in the third line of the seventh section the word "Ayoeyelles," and in the fifth line the word "Alexandria," and to insert in lieu thereof the word "Natchitoches."

On motion of Mr. Abney, the amendment was adopted.

And the seventh section was adopted as amended.

SEN. 5. Be it further enacted, etc. That no person or persons, who keep a coffee-house or lager beer saloon for the keep for sale in any quantity any intoxicating liquor, or lager beer, shall obtain a license for keeping an immigrant boarding-house, as provided in the first section of this act, nor shall any such boarding-house be kept in a building, any portion of which is occupied for the sale of intoxicating liquors or lager beer.

Section nine was numbered section ten, was adopted, and, on further suspension of the rules, the bill was ordered to be engrossed, was read a third time and passed.

On motion of Mr. Fenner, Senate bill

An act relative to the public schools in the cities of New Orleans and Jefferson.

Was taken up out of order, under a suspension of the rules, read a second time, and referred to the Committee on Public Education.

REPORT OF A STANDING COMMITTEE.

Mr. Voorhies, chairman, on behalf of the Committee on Commerce and Manufactures, reported favorably on House bill No. 198, "an act concerning the masters and crews of the port of New Orleans," and recommended its adoption.

BILL INTRODUCED AND PASSED.

Mr. Walker introduced a bill entitled

Joint resolution relative to the tax on gross sales and receipts.

Which, on his further motion and under a suspension of the rules, underwent its several readings and was passed. The bill was ordered to be sent to the Senate on Monday next.

Mr. Walker, chairman, on behalf of the Committee on Finance, introduced a bill making apportionment for the expenses of the State for the current year, being the general appropriation bill; which, on his further motion, was ordered to be printed, and was made the special order for Tuesday, March 6.

ORDER OF THE DAY.

The unfinished business of yesterday, being Senate bill No. 171, "an act for the relief of the Louisiana State Seminary and Military Academy," was taken up on its second reading, pending the call for the year and news on Mr. Williamson's motion to lay the amendment offered by Mr. Walker on the table. The rule requiring the House to resolve itself into a committee of the whole House on appropriations was suspended. Mr. Williamson withdrew his motion to lay on the table the amendment of Mr. Walker. Mr. Walker presented the following as a substitute for the amendment offered by him yesterday:

Insert after the words "1865," in the sixteenth line the words "That the sum of \$20,000, or so much thereof as may be necessary to pay the amount borrowed by the Governor on account of said Seminary, shall be deducted from said \$20,000 and applied to the payment of the money so borrowed."

The amendment was adopted.

Mr. Walker moved to amend the first section further by striking out all from the word "years," in the twentieth line down to the proviso in the forty-fifth line.

Mr. Austin moved that the amendment be laid on the table, on which motion the yeas and nays were called for by Messrs. Austin and Bailey, with the following result:

Yeas—Messrs. Anderson, J. Anderson, Samuel, Austin, Alverson, Addison, Barry, Barry, Bruton, Collins, Davernport, Dagle, Deporier, DeLaBarre, Duffie, Dugas, Bastin, Eager, Eldridge, Edwards, Pagot, Fenner, Forest, Fishburn, Pula, Gats, Har- rison, Head, Hatch, Henderson, Jones, Kelly, Kid- dle, Kile, Lagrone, Leeds, LeBlanc, Merendith, McKelvey, McCreary, McDonald, McCloy, More- land, Montgomery, Murray, Nelligan, Nutt, Or- mond, Peterson, Phillips James, Powell, Pupo, Reagen, Richardson, Richards, Rogers, Ryan, Sambola, Simons, Smith, Sille, Scott, Solomon, Teta, Texada, Theriot, Thienemann, Voorhies, Walker, Williamson, Williamson and Weeks—74 Representatives.

Prayer was offered by the Rev. Father Cornelius Moynihan.

The journal of yesterday was read and approved.

On motion of Mr. Deporier, Senate bill No. 168, an act to repeal an act approved on the 17th of March, 1859, entitled an act to amend an act entitled an act relative to judicial advertisements, approved on the 12th of March, 1855, and to re-enact the third section of the act entitled an act relative to judicial advertisements, approved on the 12th of March, 1855, was taken up out of its regular order, and, on his further motion, the substitute reported by the Committee on the Judiciary was adopted in lieu of the Senate bill, and the said substitute bill entitled an act relative to judicial advertisements, on his further motion, and under a suspension of the rules, was read a second and third time and passed.

On motion of Mr. Solomon, House bill No. 284; an act to authorize the common council of the city of New Orleans to levy a tax in said city, urban and rural parts, and to levise a tax in said portions of the city and for the purposes hereinafter set forth;

Was withdrawn from the files of the Committee on Amendments to the City Charter, and made the special order for Tuesday next, and was ordered to be printed.

MESSAGE FROM THE GOVERNOR.

The following communication was received from his Excellency the Governor:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT, New Orleans, March 2, 1866.

I am instructed by his Excellency the Governor to inform the House that he has approved and signed:

An act to incorporate the town of Vienna, in the parish of Jackson;

An act providing for an election of municipal officers in the town of Paracouville, in the parish of Iberville;

An act relative to persons arrested within the limits of the city of New Orleans and parish of Orleans;

An act for the relief of J. H. Ris, Assistant Clerk of the House of Representatives for the year 1865;

An act to provide for the payment of contingent expenses of the House of Representatives;

Joint resolutions authorizing the Governor to provide buildings for the use of the State;

An act to change the name of Brownson Ker, a minor, son of David Ker, of the parish of St. Mary, to John Brownson Ker;

An act fixing the terms of district courts;

An act to amend an act entitled an act to incorporate the town of Farmville, in the parish of Union, approved the 15th of February, 1852, and to repeal an act to amend the fifth section of the aforesaid act, approved the 10th of March, 1853, approved the 30th of April, 1855.

N. C. SNETHEN, Private Secretary.

Mr. DeLabarre, chairman, in behalf of Committee on Enrolled Bills, reported as correctly enrolled the following, to-wit:

An act to refund the tax payers costs, interest and

charges paid upon State, parish, municipal and city taxes, for the years 1861, 1862, 1863 and 1864, and to relieve from payment of such costs, interest and charges those who have not paid the same.

An act in relation to exemption from State, parish and city taxes for the years 1862, 1863, 1864 and 1865, in certain cases.

An act for the relief of William Hampton.

An act for the relief of Wade Hampton.

On motion of Mr. Williamson, House bill No. 212, "an act to provide for the protection of immigrants to the State of Louisiana."

Was taken up out of its regular order.

On motion of Mr. Scanlan, the bill was amended by inserting the word "immigrant or immigrants" in lieu of the word "emigrant or emigrants," wherever the latter occur.