The New Orleans Crescent.

OFFICIAL JOURNAL OF THE CITY OF NEW ORLEANS.

WEDNESDAY MORNING, OCTOBER 21, 1868.

[OFFICIAL]

STATE LEGISLATURE.

NINETY-SEVENTH DAY.

Senate.

TUESDAY, Oct. 20, 1868.

The Senate was called to order by the president at 10 o'clock A. M.

The roll was called, the following members present:

Anderson, Antoine, Bacon, Beares, Braughn, Campbell, Darrell, Day, Foute, François, Futch, Jenks, Jewell, Kelso, Lewis, Lynch, O'Hara, Packard, Pinchback, Poindexter, Ray, Smith, Thompson, Todd, Whitney, Wilcox and Wittgenstein—27.

Prayer by the chaplain, Rev. Mr. Turner.

On motion of Mr. Ray, the reading of the minutes was dispensed with.

SPECIAL ORDER OF THE DAY.

By unanimous consent, on motion of Mr. Lynch, the unfinished business was taken up.

Senate resolution making an appropriation to the clerks and employés of the Senate, was taken up.

Mr. Ray—I withdraw my motion to lay the amendments on the table.

Mr. Lynch—I move the adoption of the amendments.

Adopted.

Mr. Lynch—I move to adopt the resolution as amended.

Adopted.

The special order of the day, House bill No. 222, an act to provide for the revenue of the State government and the manner of collecting the same, was taken up.

The bill was taken up section by section.

The first and second sections were adopted.

The third section was read.

Mr. Lynch—I move that this section be taken up item by item.

Adopted.

Item one, two, three, four, five and six were read and adopted.

Item seven was read and passed over informally.

Items eight, nine and ten were read and adopted.

The seventh item was read and adopted.

Sections four, five and six were read and adopted.

A message from the governor was received.

Section seven was read.

Mr. Lynch—I move to strike, after the word "be," in line three, the words "appointed by the governor by and with the advice and consent of the Senate," and inserting instead the words "elected by the qualified voters thereof."

Adopted.

The section was adopted as amended.

Section eight was read.

Mr. Lynch—I move to strike out after the word "be," in line five, the words "appointed by the governor by and with the advice and consent of the Senate," and to insert the word "elected" after the word "be" in the fifth line and to insert the words "by the qualified voters thereof" after the word "assessor" in line five.

Adopted.

Section 8 was adopted as amended.

Mr. Lynch—I move the adoption of the following as section 9:

Be it further enacted, etc., That the election of State assessors of the city of New Orleans, as provided by the two preceding sections, shall be held at the same time as the election of members of the General Assembly, and they shall hold their office for two years.

Adopted.

Messages from the governor were received.

Sections 10, 11, 12, 13, 14, 15, and 16 were read and adopted.

Section 17 was read.

Mr. Lynch—I move to amend by inserting after the word "assessor," in line two, the words "elector or."

Adopted.

The section was adopted as amended.

Sections 18 to 40, inclusive, were read and adopted.

Section 41 was read.

Mr. Lynch—I move to insert the words "elected or" after the word "person," in line two.

Adopted.

The section was adopted as amended.

Sections 42, 43, 44 and 45 were read and adopted.

Section 46 was read.

Mr. Lynch—I move the adoption of the following amendments:

After the word "Orleans," in line three, to strike out the words "there shall be appointed by the governor, with the advice and consent of the Senate," and insert "the qualified voters of each district shall elect;" in line sixth, strike out "and one collector for," and insert "the qualified voters of;" add after the word "Mississippi," in line eighth, "shall elect one tax collector at the same time with the members of the General Assembly;" in the thirteenth line, after the word "year," strike out "dating from the first day of January, 1869;" in the fifteenth line, after the word "qualified," strike out "provided that those elected at the last general election shall hold their offices until the first day of January, 1871.

Adopted.

The section was adopted as amended.

Section 49 was read.

Mr. Lynch—I move to insert after the word "their," in line — of section 49, the words "elected or."

Adopted.

The section was adopted as amended.

Sections 50 to 77, inclusive, were read and adopted.

Mr. Day—I move to reconsider the vote by which was passed section three.

Adopted.

Mr. Day—I move to amend item 11 of the section by adding at the end: "except insurance companies and banks outside of the city of New Orleans, which shall pay a tax of $250."

Mr. Ray—I move to lay the amendment on the table.

Adopted.

Mr. Futch—I move the adoption of the following proviso to item 10 of the third section:

Provided, Nothing herein contained shall be construed to apply to the proprietors of distilleries used exclusively in the distilling of fruit, but that such persons shall pay $25 as license.

Adopted.

Section three was adopted as amended.

Mr. Lynch—I move the adoption of the bill as a whole.

Adopted.

The bill was considered engrossed.

Under a further suspension of the rules the bill was read a third time and finally adopted with its title.

Mr. Braughn—I ask for a suspension of the rules to take up House bill No. —, an act to incorporate the Savings and Pawners Bank of New Orleans.

Reported favorably, with amendments, by the committee on corporations.

Rules suspended and the bill read.

The amendments were concurred in.

The bill was considered engrossed.

Under a suspension of the rules the bill was read a third time and finally adopted with its title.

The following communication from the governor was read:

Mr. Braughn—I move to refer the communication to the judiciary committee, with instruction to report as soon as possible.

Mr. Foute—I ask for a suspension of the rules to introduce a bill to be entitled an act for the relief and in aid of the ladies of the Louisiana Retreat, corner Nashville avenue and Magazine street, and the Female Orphan Asylum of Carrollton.

Rules suspended and the bill read.

Mr. Foute—I ask for a further suspension of the rules to put the bill on its second reading.

Rules suspended and the bill read.

Under further suspension of the rules, the bill was read a third time and finally adopted with its title.

Mr. Braughn—I ask for a suspension of the rules to take up Senate bill No. 60—"An act to amend and re-enact article 354 of the Code of Practice," concurred in by the House of Representatives with the following amendment: Strike out after the word "judge," in the sixteenth line, section one, and insert instead the words, "as other testimony."

Rules suspended and the amendment read.

Mr. Braughn—I move the adoption of the amendment.

Adopted.

Mr. Lynch—I ask for a suspension of the rules to report a substitute for House joint resolution No. 196, relative to public documents.

Rules suspended and the substitute—"An act in relation to certain State printing"—was read.

Under suspension of the rules, the bill underwent its several readings and was finally adopted with its title.

The order of the day was called.

The following conclusion of the majority of the committee on elections was read:

Resolved, That the Hon. R. H. Day is not entitled to his seat in this body by reason of the fraud and violence used at the election on the 17th and 18th days of April last, and that the contestant, G. W. Ragan, be and hereby is entitled to take his seat as senator from the thirteenth senatorial district, State of Louisiana, and that he be sworn to fulfill the duties of the above named office.

MORTIMER SMITH.
GEORGE G. KELSO.
ROBERT POINDEXTER.
JAMES B. LEWIS.

Mr. Bacon—I ask for a call of the House.

The call was ordered; the following members present:

Messrs. Antoine, Bacon, Beares, Campbell, Darrell, Francois, Futch, Kelso, Lewis, Lynch, Monette, O'Hara, Pinchback, Poindexter, Randall, Ray, Smith, Todd, Whitney, Wilcox and Wittgenstein—21.

The main question having been ordered on a previous day, on the adoption of the first part of the conclusion of the committee, declaring vacant the seat of Mr. Day, was renewed by Mr. O'Hara.

Mr. Lynch—I call for executive session.

Mr. O'Hara—I arise to a point of order. I maintain that a call for executive session cannot be entertained under an order for the previous question.

(A message from the governor was received.)

The President—I decide the point not well taken.

Mr. O'Hara—I appeal from the decision of the chair.

The president was sustained in his decision, and the Senate went into executive session.

The executive session being raised—

Mr. Packard—I ask for a suspension of the rules to introduce a report.

Rules suspended and the following read:

Senate joint resolution No. 35, authorizing the joint committee to investigate the charges of the grand jury of the parish of Orleans in regard to Eugene McCarthy, a justice of the peace, Orleans, right bank, to sit during the interval between this and the next regular session of the general session.

Mr. Packard—I ask for a suspension of the rules to take up the resolution.

Rules suspended and resolution read.

Mr. Packard—I ask for a suspension of the rules o put the resolution on its second reading.

Rules suspended and the resolution read.

The resolution was considered engrossed.

Under further suspension of the rules the resolution was read a third time and finally adopted with its title.

Mr. Ray—I ask for a suspension of the rules to report favorably upon House bill No. 189—an act defining the duties of notaries public and sheriffs in the parish of Orleans in certain cases.

Rules suspended and the report received.

Mr. Ray—I ask for a suspension of the rules to take up the bill.

Rules suspended and the bill read.

The bill was considered engrossed.

Under a suspension of the rules the bill was read a third time.

Mr. Ray—I move that the bill do now finally pass.

Mr. Bacon—I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas—Anderson, Antoine, Campbell, Darrell, Francois, Jenks, Kelso, Lewis, Lynch, Monette, O'Hara, Packard, Pinchback, Poindexter, Ray, Smith, Todd and Wittgenstein—18.

Nays—Bacon, Braughn, Foute, Futch and Ogden—5.

The bill was passed finally and adopted with its title.

Mr. Ray—I ask for a suspension of the rules to take up House bill No. 180—an act for the relief of A. E. Lockett.

Rules suspended and the bill read.

The bill was considered engrossed.

Under a suspension of the rules the bill was read a third time and finally adopted with its title.

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
NEW ORLEANS, October 20, 1868.

To the Hon. the President and members of the Senate:

I am instructed by his excellency the governor to inform the Senate that he has approved and signed:

Ad act to authorize the compilation of a new and official map of the State,

An act to repeal section 1 of an act entitled "an act to define more fully the powers and duties of the board of registration and supervisors thereof, for the registration of the qualified voters of the State," approved September 19th, 1868, and to make other provisions respecting the same.

F. C. REMICK, Private Secretary.

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
NEW ORLEANS, October 19, 1868.

To the Hon. the President and members of the Senate:

I am instructed by his excellency, the governor, to inform the Senate that he has approved and signed:

An act relative to elections in the State of Louisiana, and to enforce article 103 of the Contution of the State, and

An act making appropriations for the general expenses of the State for the unexpired term of the year ending the 31st day of December, 1868.

F. C. REMICK, Private Secretary.

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
NEW ORLEANS, October 19, 1868.

To the Hon. the President and members of the Senate:

I am instructed by his excellency the governor to inform the Senate that he has approved and signed:

An act to amend and re-enact the thirty-fourth section of an act entitled "an act relative to criminal proceedings," approved March 14th, 1855; and

An act providing for the free passage of children, attending free public schools, over all public ferries, or roads, over which the State has complete control.

F. C. REMICK, Private Secretary.

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
New Orleans, October 20, 1868.

To the Honorable Speaker and members of the House of Representatives:

I am instructed by his excellency, the governor, to inform the Senate that he has approved and signed:

Joint resolution appropriating five thousand dollars for the relief of the destitution occasioned by the late storm.

F. C. REMICK, Private Secretary.

EXECUTIVE DEPARTMENT,
STATE OF LOUISIANA,
New Orleans, October 20, 1868.

To the Honorable President and members of the Senate:

I am instructed by his excellency, the governor, to inform the Senate that he has approved and signed:

Joint resolution relative to the adjournment of the General Assembly.

F. C. REMICK, Private Secretary.

Mr. Bacon—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

Resolved, That the committee on commerce and manufactures be permitted to sit after the adjournment of the General Assembly for the purpose of making inquiries into the means and measures best calculated to draw the trade of the West and North, as well as of foreign countries, to New Orleans, to relieve our commerce from its hindrances and burthens, to consider the subject of inspection, to digest and prepare general laws for the incorporation of elevator and other like companies, and to suggest whatever may seem to them, after consultation with men eminent in commerce and the arts, best calculated to promote commerce and manufactures in this State, to report upon the same at the next session of the General Assembly, and that they be permitted to draw their per diem for such days as they may sit and act in pursuance of this resolution, their warrants to be issued by the warrant clerk of the Senate upon the certificate of the chairman of the committee to such service.

Mr. Bacon—I move the adoption of the resolution.

Adopted.

Mr. Lynch—I ask for a suspension of the rules to present a favorable report upon House bill No. 278, an act for the relief of Victor Gerodias.

Rules suspended and the report received.

Mr. Lynch—I ask for a suspension of the rules to take up the bill.

Rules suspended and the bill read.

The bill was considered engrossed.

Under a further suspension of the rules the bill was read a third time and finally adopted with its title.

Mr. Campbell—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

WHEREAS, by act of incorporation, approved October 5th, 1868, the New Orleans and Ship Island Canal Company are required to construct a ship canal from the Mississippi river on the upper line of said city, thence a distance of five miles through the corporate limits of said city to the Bayou Gentilly, thence to deep water at the Rigoletts, in the direction of Ship Island; and

WHEREAS, said canal will afford a water front, as wharfage, equal in extent to that afforded by the river, and safer and more desirable, as the canal will not be subject to a strong current, or the frequent rise and fall of the river; it will be more suitable for docks, navy yards, warehouses or any work of permanent structure, besides preventing disasters to commerce during the frequent storms that visit this port; steamboats, barges, etc., from the river can be locked through into said canal, and steamships and vessels of large draft, when said canal is fully completed, have access from the sea, thus obviating the low water on the bar at the mouth of the river; vessels can find a safe harbor at the Ship or Chandelier Islands, and will not require to be towed one half of the distance as now by the river, saving thereby a large amount to commerce annually; and

WHEREAS, Said canal, by connecting with the Mississippi river at New Orleans, and Ship Island in the Gulf of Mexico, and being required by said charter to be of large dimensions suitable for the vast commerce of the valley of the Mississippi, and also foreign and coastwise commerce, it is therefore eminently a work of national importance; therefore, be it

Resolved, That our senators and representatives in Congress, be and are hereby requested to ask the aid of the United States government for the completion of said canal, in such form and manner, and in such amount as shall seem to them p oper.

Mr. Campbell—I move the adoption of the resolution.

Adopted.

Mr. Campbell—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

WHEREAS, The Rev. Mr. John Turner acted in his ministerial capacity prior to his appointment as chaplain of the Senate; be it therefore

Resolved, That he is entitled to his per diem from the first day of the session, and that the warrant clerk be and he is hereby authorized and directed to draw a warrant in favor of the Rev. Mr. Turner upon the treasurer of the State from the first day of the session, except for such time as already paid for, to be paid out of the contingent fund of the Senate.

Mr. Campbell—I move the adoption of the resolution.

Mr. Pinchback—I move as a substitute that Mr. Turner be allowed $200 extra compensation for service rendered the Senate in his official capacity, and that the warrant clerk be authorized to draw a warrant for that amount upon the treasurer of the State in favor of Mr. Turner, to be paid out of the contingent fund of the Senate.

Adopted.

Mr. Campbell—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

Resolved, That the president of the Senate be and he is hereby authorized to contract for the printing of 500 copies of the debates of the Senate, for the use of its members, for this session, in pamphlet form, the price thereof not to exceed $5 per page; the same to be revised and prepared by the official reporter, for which he shall continue to receive his per diem for the time necessary for the preparation of said debates.

Mr. Campbell—I move the adoption of the resolution.

Mr. Braughn—I move to amend by providing that the price per page shall not exceed $3 instead of $5.

Mr. Campbell—I accept the amendment.

Mr. Lynch—I move to amend by providing that the debates shall be printed in type known as "Long Primer solid."

Mr. Campbell—I accept the amendment.

The resolution was adopted as amended.

Mr. Campbell—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

WHEREAS, In view of the faithful and arduous services rendered by the messengers of the Senate and of the Senate committees; therefore,

Be it resolved by the Senate of the State of Louisiana, That the warrant clerk be and hereby is authorized to issue a warrant in favor of Henry Taylor and Philip Perrin, messengers, for the sum of eighty ($80) dollars each, payable out of the contingent fund of the Senate.

Mr. Campbell—I move the adoption of the resolution.

Mr. Anderson—I move to amend as follows:

Be it further resolved, That the Rev. Mr. Jackson, whose ministerial services have on several occasions been tendered to the Senate, be allowed a compensation of $60.

Be it further resolved, That the sergeant-at-arms and his assistant be allowed each the sum of $80 as extra compensation for the efficient services in their official capacity, the whole to be paid in the same manner as provided for the two first-named employés included in this resolution.

Mr. Campbell—I accept the amendment.

The resolution was adopted as amended.

Mr. Wittgenstein—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

Be it resolved, That George W. Ragan, the contestant from Baton Rouge of the seat of Hon. R. H. Day, be and he is hereby allowed the amount of his per diem and mileage from the commencement of this session.

Mr. Wittgenstein—I move the adoption of the resolution.

Adopted.

Mr. Antoine—I ask for a suspension of the rules to take up a resolution presented yesterday.

Rules suspended and the following read:

Resolved, That the committee on elections and returns be and are hereby authorized to continue in session during the time that may elapse between the adjournment of this and the next session of this Senate, for the purpose of taking evidence in the contested election cases now before that committee, with a view to be prepared to report on same at an early day of the next session of this body: *Provided*, No member shall receive any per diem for any day the committee are not actually in session; and that the warrant clerk is hereby authorized to draw his w rrant for the per diem of said members and clerks upon the auditor in payment of such services, upon the certificate of the chairman of said committee.

Mr. Antoine—I move the adoption of the resolution.

Mr. Braughn—I move to amend by adding the following proviso:

"Provided a majority of the members of the committee sit at least three hours per day."

Mr. Antoine—I accept the amendment.

The resolution was adopted as amended.

The following communication, received by the president, was read:

OCTOBER 20, 1868.

Hon. Oscar J. Dunn, Lieutenant Governor and President of the Senate, State of Louisiana:

Sir—I have the honor to acknowledge the receipt of a copy of the joint resolution passed by both houses of General Assembly, tendering me a unanimous vote of thanks for my efforts in representing the interests of our State at the Paris Universal Exposition of 1867.

Your appreciation of my duties well performed as chief commissioner and general agent from Louisiana, will ever remain an incentive to promote the welfare of our State wherever my services can inure to her advantage.

I beg, sir, you will make known to the honorable members of the Senate my cordial thanks for the honors conferred upon me.

Your most obedient servant,
EDWARD GOTTHEIL,
Chief Commissioner from Louisiana to Paris Exposition.

The communication was received and ordered to be spread upon the minutes.

Mr. Braughn—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

Be it resolved by the Senate of Louisiana, That the sum of two hundred and fifty dollars ($250,) be and the same is hereby appropriated to Mr. S. D. Oliver, assistant warrant clerk, as compensation for his faithful performance of his duties, rendered to the General Assembly, and that the warrant clerk be and is hereby authorized to issue a warrant in his favor for said amount, to be paid from the contingent fund.

Mr. Braughn—I move the adoption of the resolution.

Adopted.

Mr. Braughn—I ask for a suspension of the rules to introduce a resolution.

Rules suspended and the following read:

Be it resolved, That the resolution which required the committee on elections to first inquire into and report upon the eligibility of those whose seats are contested in this body, be and is hereby rescinded, in order that the committee shall not be restricted, during the vacation, in its full examination of both the charges of ineligibility and fraud, and be enabled to report upon al cases before them fully at the next session of the Senate.

And be it further resolved, That the number of witnesses who may be summoned to give testimony shall not be limited, but left to the discretion and judgment of the committee to decide.

Mr. Braughn—I move the adoption of the resolution.

Adopted.

Mr. Bacon—I ask for a suspension of the rules to introduce a joint resolution respecting joint committees of the respective houses of the General Assembly.

Rules suspended and the resolution read.

Mr. Bacon—I ask for a suspension of the rules to put the resolution on its second reading.

Rules suspended and the resolution read.

The resolution was considered engrossed.

Under a suspension of the rules the resolution was read a third time and finally adopted with its title.

Mr. Lynch—I move that when the Senate adjourns it adjourns until 7 o'clock this evening.

Adopted.

Mr. Anderson—I ask for a suspension of the rules to take up House bill No. 272, an act for the relief of Frank Huguet.

Rules suspended and the bill read.

Mr. Anderson—I ask for a further suspension of the rules to put the bill on its second reading.

Rules suspended and the bill read.

The bill was considered engrossed.

Under a further suspension of the rules the bill was read a third time and finally adopted with its title.

Mr. O'Hara—I ask for a suspension of the rules to take up House bill No. 254, an act appropriating money to pay the claim of J. Edmonston.

Rules suspended and the bill read.

Mr. O'Hara—I ask for a suspension of the rules to put the bill on its second reading.

Rules suspended and the bill read.

The bill was considered engrossed.

Under a further suspension of the rules the bill was read a third time and finally adopted with its title.

Mr. Wittgenstein—I ask for a suspension of the rules to take up House bill No. —, an act for the relief of J. C. Kathman, late chief of bureau of immigration.

Mr. Lynch—I move to adjourn.

Adopted by a rising vote of 16 yeas, 8 nays.

In the Senate Thursday, October 15, 1868, the constabulary bill being under consideration—

Mr. Thompson—Mr. President, I arise for the purpose of opposing the bill now before us for consideration. It is a bill which I conceive to be of a partisan character. It looks to the arming of one political party for the purpose of intimidating and ostracising the other. I am opposed to any innovations upon existing laws, and opposed to any infringements upon the powers heretofore delegated to the civil authorities of the State. And I am surprised to find the senator from Ouachita advocating a bill which comes in direct conflict with a bill prepared by himself granting new and additional powers to the sheriffs and constables througout the State. That bill, I conceive, to be adequate to meet all the emergencies of the times. I allude to the act proposed on the 1st of October, which gives sheriffs and constables power to call out a posse to quell disturbances that might occur in the State.

This bill, I think, gives ample power into the hands of the sheriffs throughout the State to suppress any infraction of law that might arise, and is amply sufficient to meet all the exigencies of the times. And why now give this authority into the hands of other parties? I am opposed to this excessive partisan legislation, in this continued innovation upon existing laws and usages, upon the rights of civil officers, and the powers they have heretofore exercised. I believe there will be a conflict of authority between these constables and the sheriffs before resort can be had to the courts. A conflict of authority will arise and destroy the very object aimed at in this bill. I am not disposed to make any threats. Far from it. I am an advocate of peace; but I say local collisions will occur between these parties, which may result in blood-shed and the violation of the laws instead of their preservation. If this bill passes a counter organization will be gotten up for the purpose of resisting its encroachments upon the rights of individuals, and will, as I have stated, result in an effusion of blood. Local collisions will occur throughout the State, and the lives of good men will be jeopardized and the peace and harmony of communities will be destroyed.

Mr. Campbell—I will ask the senator the name of that organization.

Mr. Thompson—The sheriffs are the conservators of the peace and the bill referred to gives them additional powers to call any person to quell disturbances and to preserve the peace. This power has always been lodged in the hands of the sheriff, and I see no necessity for a change. These are my objections to the bill.

Mr. Lynch—I will ask the senator a question: Have you reason to believe that if the chief of police was applied to by the sheriff that he would refuse to comply with this law?

Mr. Thompson—I do not know what the result would be, but I have reason to believe that a conflict of authority would arise which would lead to serious consequences. We must remember that we are now legislating in times of trouble and great political excitement; the passions of parties are easily aroused, and it is the duty of the people to frown down every attempt at ostracism or the exercising of unlawful power.

Mr. Campbell—Will the senator specify what rights which the people enjoy under the Constitution are taken away from them by this bill?

Mr. Thompson—It deprives sheriffs of the time-honored principle they have heretofore had as the conservators of the peace and places it in the hands of political men and political parties. The history of this government has demonstrated the fact that the dominant party is always disposed to oppress and intimidate the weaker party. You say that there is no peace and order in the State. Then you had better send at once for the "boys in blue" to preserve the peace; the bayonet is no longer a terror to the Southern people.

The federal military authority is one that we are bound to respect and will respect, as men of both parties. If such measures as this prevail, the day will come when the people of Louisiana would welcome the bayonet in the hands of the United States soldier to preserve the peace, in preference to the proposed bill. There is a fear existing in the minds of many persons that there will be a collision between the two races, and I say it is far preferable that the stars and stripes should wave over every hamlet and village in the State of Louisiana, than that the repose of the country should be continually disturbed by partisans and local politicians. It is wrong and it is criminal. If our laws are not sufficient as they are, if the civil officers fail to do their duty under the increased legislation here, I say give us the bayonet, in the hands of men who are sworn to protect the peace and dignity of the State. I do not wish any party ostracised, but I fear this bill will result in the ostracism of some men. It is placing with a political party power which it ought not to exercise, and we deprive the sheriffs of that power which they have had heretofore. We ignore a right which they have hitherto possessed, simply because certain sheriffs may be of a certain political faith.

In my parish we have had United States soldiers ever since the surrender. They are orderly and peaceful and perform their duty; and our people respect them, and when there was a prospect of that soldiery being taken from our parish, the commanding general was petitioned to let them remain, because we knew they were the conservators of the peace, and that they would protect the white man and the black man alike. I am opposed to allowing *any* political party to get all the power into their hands and ostracise the weaker, which this bill proposes to do. There are true men of all parties, who have the interest and welfare of the people of the State of Louisiana at heart, but there are others who have not, and I do not believe it would be possible for a force such as is contemplated in this bill to exercise such authority as is contemplated in this bill without abusing it. It will result, I fear, in local collisions and a conflict of authority, and will result in no good to the country. I hope that senators will reject the bill.

Mr. Ray—Mr. President, I regret very much to see questions that should come up for discussion upon their own merits run into a partisan discussion. We see it every day. A bill comes up that does not suit certain gentlemen, and they can see nothing in it but partisanship. Now, I think there is nothing of the kind in this bill. For my part, I shall not oppose or support any bill upon any such grounds. Unless I can see that the bill is unconstitutional, or that the policy of it is incorrect, I shall not support it, but as to making a political question out of any bill that may come up, because it is not exactly the measure I would propose, I would not do it, nor do I think it is the method that should be adopted by an upright legislator in discussion.

Now, Mr. President, without going through all the points of my argument again, I can see no constitutional objection that can be urged against this bill. It is unnecessary to repeat what I said upon the first part of it. As to the parish of Jefferson, and the proposition of Senator Todd to strike out the section because the sheriff of that parish happens to be a Republican, has nothing to do with the question. The bill which was passed in the early part of this month, and which I had the honor to introduce, is, I think, a good bill. It defines more particularly the duties of sheriffs, and provides a penalty for failing to perform them. That bill applies to all the parishes of the State—the parish of Orleans as well as others. It makes it the duty of the judges to see that writs are executed by sheriffs; but, at the time it passed, the metropolitan police bill had not become a law, and it is because that bill has become a law, regulating the parishes of Orleans, Jefferson and St. Bernard, that I think it is now correct policy to look to that police as a source of power to which, when necessary, the sheriffs may apply for aid in executing the law. There are two organizations to preserve the peace. Now, I think it is very prudential as provided by this bill, to consolidate these forces, so that there may be no pretext for collision. The metropolitan police bill provides an organization expressly for the purpose of keeping the peace in these three parishes. Now, when it becomes necessary for the sheriffs—who are not shorn of any of their duties at all by this law—to execute a writ and they are not able to do it of their own physical power, they can call upon this metropolitan police for a sufficient force. I give no political significance to this bill, nor will I enter into a political discussion in connection with it. It has properly no political bearing whatever.

The senator from St. Helena has spoken about federal bayonets. Have we not by a joint resolution applied to the federal executive for military aid in executing the laws in this State, and been refused? Are we not to pass laws here that are necessary to maintain peace and order in the State? I thought that was one of the objects of a Legislature.

I hope, Mr. President, this bill will pass. I think it looks in the right direction, and that its effect will be to avoid a collision, instead of bringing one about.

Mr. Futch—Mr. President, before this bill is finally passed, I would like to call the attention of the Senate to one thing that seems objectionable. It is very important on many occasions that the sheriff should have at his immediate command a force sufficient to quell any disturbance. The possibility of putting down a disturbance oftentimes depends upon having some one at hand to call upon without delay. When disturbances occur there are generally people standing around, and the sheriff can call around him a *posse comitatus* without delay. Under this bill he is deprived of that right.

Mr. Ray—There is no necessity of it for the execution of writs. It is very easy for him to apply to the police and get immediate assistance. The metropolitan police are appointed expressly to preserve the peace, and they are, or should be, always present or easily accessible. The sheriff is not a conservator of the peace. There is no law that makes him so; he only executes the writs of the law. Every judge and magistrate is a conservator of the peace, but the sheriff is a mere executive officer; if he has a writ to execute and needs aid, it is for him to apply to the proper authority and get that aid. The proper authority is the metropolitan police, who are the conservators of the peace.

[To be Continued.]

House of Representatives.

The House met at 11 o'clock.

A resolution giving the clerk of the contingent expense committee $150 extra. The vote stood on this 46 to 13, when Mr. Pratt raised the point that by the rules of the House, extra compensation can only be granted employés of the House by a two-thirds vote of the members elected to the House. The chair decided the point well taken, so the resolution fell through.

A resolution authorizing the charitable institutions committee to employ a clerk until the first of next January. Adopted.

A resolution authorizing the State printer to print five hundred copies of the journal of the House. Adopted.

A resolution authorizing the railroads committee to sit as long as they choose. Lost.

One ordering the printing of two thousand copies of the report of the "peace and order committee" lies over.

One giving the chairman of each committee $150 extra compensation. Lies over.

One giving the warrant clerk $300 extra. Lies over.

McMillan here said he wanted to give each member of the House forty acres and a mule. (Laughter.)

A resolution stating that as the House had decided to adjourn without taking a recess, the various House committees ordered to sit during the recess be discharged. Adopted.

Pending the consideration of this, McMillan introduced a resolution authorizing the committee of the whole House to sit from now till the commencement of the next session, and to be paid double mileage and per diem during that time.

Senate bill for the relief of James R. Andrews, sheriff and tax collector of Rapides parish, read three times and finally passed.

A House joint resolution authorizing the committee on banks and banking to sit until the next session of the General Assembly. Lies over.

A resolution ordering the appointment of a committee to wait upon the governor and announce to him that the General Assembly is ready to adjourn. Adopted.

A letter from E. Gotthell, acknowledging the reception of the vote of thanks tendered him by the General Assembly; and a communication from the State librarian requesting any member having books of the State in his possession, to return them at once.

Report of the committee of investigation into the affairs of Algiers progress, a request to sit as much longer as they choose, and a recommendation that Eugene Macarty, the accused justice of the peace, be suspended from office by the governor until such time as the investigations shall be concluded. A bill to that effect submitted by them lies over.

Senate bill granting extension of time to State tax collectors and making warrants and other State paper receivable for back taxes. Finally passed.

Senate bill authorizing the police juries of parishes subject to overflow to erect levees, making it compulsory upon each citizen of such parishes to work upon the levees, and providing for the payment of such workmen by the State. Amended, on motion of Kent, of St. Helena, so as to make each parish pay for the building of its own levee front, and finally passed by 43 to 21.

Pierce, of Livingston, then rose and said that he renewed his motion, made on Monday, to reconsider the vote by which the governor's veto of the $5,000,000 city bond bill was sustained. On Monday the speaker ruled the motion out of order and the matter was dropped. When Pierce made the motion yesterday Mr. Pratt objected to it as being out of order, when D. H. Reese, of Lafourche, who was in the chair, ruled the motion in order. A great deal of discussion here followed, Mr. Pratt and Mr. Kent taking frequent points of order, until, before the roll was called, the speaker, Mr. Lowell, resumed the chair. He decided that his ruling of Monday was right. Pierce took an appeal, and the appeal was sustained by 49 to 24. The vote to reconsider was then carried by 48 to 25; when the question was put, "Shall the bill pass notwithstanding the objections of the governor?" and the roll being called the vote stood, 53 yeas to 19 nays, and the bill passed the House and was sent to the Senate for their action.

House bill transferring the Insane Asylum from the third district to Jefferson city. Read once and lies over.

The minority report of Mr. Kent, from the election's committee, in the case of Kavanaugh, Democrat, elected by the people, vs. Noah Douglass, a Radical black man, not elected, was read. He showed how Mr. Kavanagh had received a clear majority of over 300 votes; but notwithstanding this, by a vote of 42 to 16, the House adopted the majority report of the committee, which, under the pretence of fraud, ousted Mr. Kavanagh, and installed in his place the negro Douglass, never elected by the people. Douglass was sworn in at once.

An act to amend article 2260 of the Civil Code. Passed.

An act relative to presidential electors. Passed.

An act for the relief of Edward Gotthiel. Passed; 30 to 21.

An act further defining the jurisdiction of parish courts in the State.

An act increasing the salary of the surgeon of the metropolitan police. Pending the consideration of this, Isabelle took the floor, and stated that the item in the metropolitan police law which gives the governor power to remove the board *was not in the bill when it passed the House*, and wanted to know how it was that this was the case. No answer at all. The surgeon's salary bill lies over.

Mr. Pratt, of Claiborne, here arose and demanded of the temporary chairman, who was Morey, from Ouachita, a reason for not, when he had demanded a division on a certain *viva voce* vote on the bill last mentioned, putting the question. The temporary speaker declined to explain.

The Senate amendments to the general revenue law came up. All but one were concurred in.

House joint resolution giving to every member of the General Assembly 25 per cent. additional pay. Passed.

In voting on this Douglass's name, the new negro member elected yesterday by the House, was called, when the speaker said he knew no such member of the House. It appears that Noah Douglass had been sworn in by the temporary chairman, Morey, which swearing in the speaker would not recognize. So Douglass was brought up again by Isabelle, and was duly sworn in for the second time in one day.

When the House adjourned till 7 o'clock tonight.

EVENING SESSION.

The remaining Senate amendment to the revenue bill was concurred in.

House bill for the relief of Geo. W. Sizer. Passed.

Senate amendments to bill making State warrants and all other redeemable State paper receivable for State taxes. One of the amendments strikes out just the most important clause in the bill, that which forbids the speculation in warrants by tax collectors; and another gives the tax collectors till the 20th December, 1868, for a final settlement.

All the amendments concurred in.

Senate amendments to the bill appropriating $100,000 for registration purposes.

Amendments, all unimportant, concurred in.

House joint resolution authorizing the joint "peace and order" committee to sit from now to the second Monday in next January.

Passed.

Senate act supplementary to act of incorporation of Amite City.

Finally passed.

An act to amend article 81 of the Civil Code.

Lies over to the next session.

Senate bill in relation to ferry privileges to C. B. Townes, in parish of Madison, and indorsing the contract entered into between the police jury of that parish and Mr. Townes. Lies over till next session.

Senate bill relative to collection of taxes due the city of New Orleans for 1867. Finally passed.

Senate bill exempting from taxation the Workingmen's Mutual Life Insurance Company of Louisiana. Lost on its final passage.

Senate bill for the relief of Wm. G. Bell, of St. Landry parish. Finally passed.

Senate bill authorizing attorneys-at-law of any other State to practice before the courts of this State. Lies over till next session.

An act to exempt the Mutual Aid and Benevolent Life Insurance Association of Louisiana from taxation. Lies over.

An act to aid in the construction of the New Orleans and Ship Island Canal. Lies over till next session.

Senate bill defining the duties of the police juries of those parishes having a levee front. Finally passed.

Senate bill for the relief of the orphan asylum corner of Nashville avenue and Magazine streets, city of Carrollton. Lies over.

Senate bill authorizing the members of those committees ordered to sit after the adjournment of the General Assembly to draw per diem and mileage, if so authorized by the house which orders them to sit. Finally passed.

Senate bill forming the new parish of Iberia. Passed finally.

Senate bill relative to the appointment of deputy sheriffs in the parishes of Orleans, Jefferson and St. Bernard. Passed finally.

Senate bill repealing the law of 1866 relative to publication of judicial advertisements in the French language. Passed finally.

Senate bill indefinitely postponing the collection of back State taxes, from 1861 to 1865 inclusive. Indefinitely postponed.

Senate bill authorizing the city of Carrollton to sell certain property. Indefinitely postponed.

Senate bill granting certain ferry privileges to J. B. Francois, of St. Martin parish.

Lies over.

Senate bill amending the law of September 3, 1868, regarding the manner of transacting business in the district courts of the parish of Orleans.

Lies over.

Senate bill giving to district and parish courts the right to try mandamuses in chambers during the recess of such courts.

Finally passed.

Senate bill supplementary to act of incorporation of the New Orleans News Association.

This exempts the company from taxation.

Indefinitely postponed.

Senate bill regulating the appraisement of property under seizure or in succession cases in the parishes of Orleans and Jefferson.

Lies over.

Senate joint resolution authorizing mayors throughout the State to perform the marriage ceremony.

Lies over.

Senate bill adding to the joint committee on the city charter one member from each municipal district represented in the General Assembly. Lies over.

Senate bill authorizing the governor to appoint two delegates to the immigration convention which meets in Baltimore on the 17th of October. Indefinitely postponed.

Senate bill appropriating $500 to repair the books and records in the office of the recorder of conveyances of the parish of Orleans. This bill makes the city of New Orleans pay the expense. Finally passed.

A resolution giving to the two Radical contestants of the seats of Messrs. Bergeron and Briou, members elected from St. Martin parish, whose cases have not yet been decided, mileage and per diem for the whole session.

Adopted.

Senate resolution authorizing the special committee appointed to investigate the charges against Eugene Macarthy, an Algiers justice of the peace, to set after the adjournment of the General Assembly.

Pending its consideration, the House went into committee of the whole, Harper, of St. Charles, in the chair.

The committee took up the bill for the relief of Messrs. Huger & Jones, present lessees of the penitentiary. In debate on this bill one honorable gent