

OFFICIAL:

JOURNAL OF THE CONSTITUTIONAL CONVENTION OF LOUISIANA.

FIFTY-SEVENTH DAY.

New Orleans, Wednesday, Feb. 5, 1863. The convention met pursuant to adjournment, and was called to order by the president at 10 A. M.

The roll was called, and the following members answered to their names: J. G. Tallifero, president; Messrs. Baker, Belden, Bertonneau, Blackburn, Bonafel, Brown, Burrel, Crane, Cromwell, Dearing, Depassant, G. Dupart, U. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Guichard, Harper, Harris, Harrison, Ingraham, J. H. Isabelle, Thomas Isabelle, Kelo, Lange, Leroy, Marie, Martin, Meade, Mendow, Morris, Moses, Murrel, Myers, Oliver, Poindeux, Pierre, Poindeux, Pollard, Reagan, Reas, Riard, Rodriguez, Rousseau, Scott, Snider, Twichell, Underwood, Vandergriff, Wickliffe, Williams, Wilson—66 members present.

By Rev. Josiah Fiske. The minutes were read and adopted. Mr. Reagan called up his resolution, lying over from February 3, as follows:

WHEREAS, Many of the members of this convention, by circumstances of necessity, have been compelled to make unreasonable and exorbitant disbursements upon their warrants, which unjustly reduces their per diem below its legal allowance; and

Whereas, It is deemed impossible for this convention to enable its members to avoid such sacrifices therefore, be it

Resolved, That any member of this convention, the secretary and chief enrolling clerk, on presentation of evidence deemed competent by the convention, that they made such disbursements as above, shall receive from the warrant clerk a warrant equivalent to such disbursements. Provided, Such extra allowance shall not exceed two hundred dollars to each member or employee provided for there. That no allowance shall be made on the discount of warrants after the first day of February, 1863.

Which was indefinitely postponed. Mr. Smith offered the following:

Resolved, That a committee of three be appointed to examine the city charter and report the changes necessary to secure the equal rights and privileges of all citizens, without regard to race, color or previous condition.

Adopted. The chair appointed as the committee Messrs. Smith, R. H. Isabelle, and Belden.

Mr. Moses moved that the president be permitted to record his vote upon article 145, minority report, which was consented to.

The president voted yes. UNFINISHED BUSINESS. Mr. Bertonneau moved to reconsider the vote on article 155, minority report.

Adopted. Mr. Bertonneau moved to adopt in his place article 140, majority report, as follows:

ART. 142. Institutions for the support of the insane, the education and support of the blind, and the deaf and dumb, shall always be fostered by the state, and be subject to such regulations as may be prescribed by the general assembly.

Adopted. Mr. Wickliffe moved to reconsider the vote on article 156, minority report.

Adopted. Mr. Wickliffe moved to amend by striking out the words "this article" and inserting the words "the articles under this title."

ART. — The general assembly shall provide for the organization of a volunteer militia, which shall be armed and equipped at the expense of the state.

ART. — The governor shall be commander-in-chief of the militia, and shall appoint and commission all officers. Appointments above the grade of colonel shall be subject to confirmation or rejection by the senate; every militia officer before entering upon his duties shall take and subscribe the oath prescribed for officers of the United States army, and the oath prescribed by this constitution.

ART. — The governor shall have power to call the militia into active service for the preservation of law and order, or when the public safety may require it. The militia when in active service shall receive the same pay and allowance as the United States army.

Mr. Tinchant moved to amend by striking out all after the word "title," and inserting:

The general assembly shall organize the state militia, and all able bodied male citizens between the ages of twenty and forty-five years who are not disfranchised by the constitution and laws of this state, or by the constitution and laws of the United States, shall be liable to militia duty. It shall also be the duty of the general assembly to prevent by proper legislation that any distinctions may be made in any division, brigade, regiment, company, or battery of said state militia between citizens on account of race, color, or previous condition.

Until after the first of January, 1878, the privilege of organizing into volunteer corps of militia in this state shall be granted only to such persons qualified as hereinbefore stated, who may during the late war or rebellion have given unquestionable evidence of their loyalty to the United States, and the general assembly may pass such laws and make such appropriations by which they may be enabled to effect one efficient organization.

The militia officers shall take the same oath as the officers of the United States army.

Laid on the table. The question upon Mr. Newham's substitute was taken article by article. Article first, reading as follows:

ART. — It shall be the duty of the general assembly to organize the militia of the state, and all able bodied male citizens between the ages of eighteen and forty-five years, not disqualified by the laws of the United States and of this state, shall be subject to militia duty.

Was adopted. Mr. Pinchback moved to amend the second article by striking out all after the word "article," and inserting:

ART. 144. The governor shall appoint all commissioned officers, subject to confirmation or rejection by the senate, except the staff officers, who shall be appointed by their respective chiefs, and commissioned by the governor. All militia officers shall take and subscribe to the oath prescribed for officers of the United States army, and the oath prescribed for officers in this state.

Mr. Gair moved the previous question. Mr. Crane moved to lay the motion of Mr. Pinchback on the table.

The chair ruled the motion to table not in order. Mr. Crane appealed.

The chair was sustained. The question recurring upon the amendment of Mr. Pinchback, it was adopted.

The question recurring upon the third article of Mr. Newham's amendment, it was rejected.

The question recurring upon the fourth article of the amendment, it was adopted.

amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of this constitution. If more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

Mr. Crane moved to amend by striking out "two-thirds" and inserting "majority."

Laid on the table. The title and article as reported were adopted.

Mr. R. H. Isabelle moved to adopt title XI, majority report.

Mr. Pinchback moved to adopt article 144, majority report.

Pending which the convention adjourned till to-morrow at 10 o'clock A. M.

A true copy: WM. VIGERS, Secretary.

FIFTY-EIGHTH DAY.

New Orleans, February 6, 1863. The convention met pursuant to adjournment, and was called to order by Mr. Crane at 10 A. M.

The roll was called, and the following members answered to their names: Messrs. Bertonneau, Blandin, Bonafel, Burrel, Cooley, Crane, Crawford, Cromwell, Cansy, Dearing, Depassant, Dupont, Douglas, Dupart U., Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harper, Harris, Harrison, Ingraham, Isabelle, R. H. Isabelle, Thomson, J. H. Isabelle, Landers, Lange, Leroy, Marie, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newham, Oliver, Poindeux, Pollard, Reagan, Riard, Riggs, Rodriguez, Smith, Snider, Scott, Twichell, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—62 members present.

The minutes were read and adopted. The following communication from the official printer was received and referred to the committee on printing:

OFFICE OF NEW ORLEANS TRIBUNE, 125 N. CANAL STREET, NEW ORLEANS, LOUISIANA, Feb. 11, 1863. To the President and Members of the Constitutional Convention of Louisiana: GENTLEMEN—Herewith you will please find your bill with addition of printing executed to date, to which we respectfully call your attention.

Your most obedient servants, J. B. ROUDANEZ & CO., Official Printers. Mr. Cooley moved that a sum of \$150 be appropriated in favor of the Commercial Bulletin for favors furnished to this convention.

Lies over. ORIGINAL RESOLUTIONS. By Mr. Tinchant: Resolved, That a committee of three be appointed to confer with the editors of the newspapers who furnished copies to this convention, and ascertain the amount due to them by this body.

Laid on the table. Mr. R. I. Cromwell called up his resolution, lying over from February 3, 1863.

ART. — All persons who do now and have heretofore lived and cohabited together as husband and wife, shall be taken and held in law as legally married; and their issue shall be taken and held as legitimate for all purposes in law.

Resolved, That it shall be an article of the constitution of Louisiana. Mr. Thomas Isabelle moved to lay on the table.

Adopted—yeas 49, nays 19—as follows: Yeas: Bertonneau, Blandin, Bonafel, Burrel, Cooley, Crane, Crawford, Depassant, G. Dupart, Donata, G. Dupart, U. Dupart, Duplessis, Esnard, Esnard, Gair, Gould, Harris, Harrison, Heintand, Ingraham, J. H. Isabelle, Thomas Isabelle, Jones, Kelo, Lange, Leroy, Marie, Meadows, McLeran, Moses, Newham, Pollard, Reagan, Riard, Riggs, Rodriguez, Snider, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—49 yeas.

Nays: Antoine, Brown, Cromwell, Donato, Francois, Guichard, Harper, Lange, Meadows, Morris, Murrel, Myers, Oliver, Poindeux, Pollard, Reagan, Riard, Riggs, Rodriguez, Snider, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—19 nays.

Mr. R. H. Isabelle recorded the following reasons for his vote: I vote yes because the courts are made open to all persons, without distinction of race, color, or previous condition, to marry and legalize their children.

Mr. Ingraham moved to reconsider the vote just taken. Mr. Bertonneau moved to lay the motion to reconsider on the table.

Adopted—yeas 41, nays 17—as follows: Yeas: Antoine, Bertonneau, Blandin, Bonafel, Cooley, Crane, Crawford, Depassant, G. Dupart, Esnard, Esnard, Gair, Gould, Harris, Harrison, Ingraham, J. H. Isabelle, Thomas Isabelle, Kelo, Leroy, Landers, Lange, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newham, Oliver, Poindeux, Pollard, Reagan, Riard, Riggs, Rodriguez, Snider, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—41 yeas.

Nays: Burrel, Cromwell, P. G. Desoule, Douglas, Francois, Harper, Jones, Lange, Meadows, McMillan, Murrel, Pierre, Poindeux, Pollard, Scott, Tinchant, Williams—17.

Mr. Packard offered the following resolution.

AN ORDINANCE. WHEREAS, The act of congress of the 23rd of March, 1867, sets forth as one of the purposes of the assembling of this convention to "establish a civil government" for the state;

Be it ordained by the people of the state of Louisiana in convention assembled, That a board of registration for the state be appointed by this convention, to consist of seven members thereof, whose term of office shall begin with the adjournment of the convention and end with the inauguration of state officers, as provided for in the constitution.

Be it further ordained, etc. That it shall be the duty of said board to elect a chairman from among its members, and a secretary, and that all public notices, proclamations, and orders shall be signed by the president and attested by the secretary.

Be it further ordained, etc. That the said board shall have power and authority to make rules, regulations, and orders concerning the registration of voters, the duties of registration, the holding of elections, the duties of commissioners of the respective polls, the making of returns, and the announcement of the results of the election; Provided, That such rules, regulations, and orders shall in no wise conflict with the provisions of the acts known as the reconstruction acts, or with the schedule or ordinance contained in the constitution to be submitted by this convention, or with the lawful authority of the district commander, exercised in pursuance and furtherance of said acts and provisions.

shall be in co-operation with and furtherance of the same. Their authority shall extend to all matters of execution or detail not fully provided for in said reconstruction acts and constitution; and in case of the non-action of any officer of the state, or the district commander, or any omission in carrying out said laws, regulations, ordinances, or details "necessary to carry into effect the purposes" of said acts according to their letter and spirit.

Be it further ordained, etc. That they shall be empowered for the administration of oaths of office, and the issuing of commissions to act in cases of vacancy, or the non-action or omission to perform their duties of any or all elective officers.

Be it further ordained, etc. That it shall be the duty of said board to fix the salary and regulate the duties of all officers of election ordered to be held by the reconstruction acts and the constitution, and their acts in pursuance thereof shall be commendatory to the legislature, whose duty it shall be to appropriate a just and equitable sum in payment of all salaries and expenses in cancel.

And moved to suspend the rules to place it upon its final passage. Lost. Mr. Meadows called up his resolution, lying over from January 31:

Resolved, That the Rev. Josiah Fiske shall receive a sum of three hundred dollars for his services from the state treasury; the same to be paid after this convention shall have finished its work.

Mr. Blandin moved to lay the resolution on the table. Adopted.

Mr. Reagan offered the following resolution as an article of the constitution: A parish attorney shall be elected by the police jury of each parish, the parishes of Orleans and Jefferson excepted, who shall receive such pay as may be allowed by the police jury of their respective parishes. Their duties shall be to represent their respective parishes in all civil business in which they may be interested, and shall, besides, represent all persons in criminal matters within their jurisdiction who are unable to employ counsel for their defense; Provided, That the parishes of Orleans and Jefferson shall make such provisions as shall seem to persons the service of counsel learned in the law, where they are charged with the commission of any offense and are unable to employ counsel for their defense.

Mr. Harris moved to lay on the table. Adopted.

Article 144, majority report, being under consideration, was adopted as follows: ART. 147. The legislature of succession of the state of Louisiana, passed 10th January, 1861, is hereby declared to be null and void. The constitution adopted in 1845, and all previous constitutions in the state of Louisiana, are hereby declared to be superseded by this constitution.

Mr. Thomas Isabelle: Article 148, majority report, as follows: ART. 148. The legislature of the state of Louisiana, passed 10th January, 1861, is hereby declared to be null and void.

Mr. Blandin moved to lay the resolution on the table. Adopted.

Mr. Blandin moved to lay the resolution on the table. Adopted.

the New Canal and Basin," approved March 14, 1867. "An act to amend and re-enact the 23rd section of an act entitled "An act relative to crimes and offenses," approved December 20, 1865.

"An act for the punishment of persons for tampering with, persuading, or enticing away, harboring, feeding, or secreting laborers, servants, or apprentices," approved December 21, 1865.

"An act to punish, in certain cases, the employers of laborers and apprentices," approved December 21, 1865.

"An act in relation to exemption from state, parish, and city taxes for the years 1862, 1863, 1864, and 1865, in certain cases," certified 16th March, 1866.

"An act granting ferry privileges to C. K. Marshall, his heir or assigns," approved March 10, 1866.

"An act to authorize the board of levee commissioners of the levee district in the parishes of Madison and Carroll to issue bonds," etc., etc., approved March 22, 1867.

Section third of "An act to organize the police of New Orleans and to create a police board therein," approved 14th February, 1866.

Mr. Jones moved to amend by striking out all after the word "adopted," in the sixth line. Mr. Underwood moved to lay the amendment on the table.

Mr. Jones withdrew his amendment, and moved to amend by striking out all after the word "valid," in the thirteenth line.

The amendment was lost—yeas 4, nays 56—as follows: Yeas: Cooley, U. Dupart, Harrison, Jones—4 yeas.

Nays: Antoine, Belden, Bertonneau, Blandin, Bonafel, Brown, Burrel, Butler, Crane, Crawford, Cromwell, Dearing, Depassant, Donato, Douglas, G. Dupart, Esnard, Esnard, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harris, R. H. Isabelle, Thomas Isabelle, Kelo, Landers, Lange, Marie, Meadows, McLeran, Morris, Moses, Murrel, Murel, Myers, Oliver, Poindeux, Pollard, Reagan, Riard, Riggs, Rodriguez, Scott, Snider, Twichell, Tinchant, Twichell, Underwood, Vidal, Waples, Wickliffe, Williams, Wilson—nays 56.

And the article was adopted as reported. Mr. Jones explained his vote as follows: I vote yes because the insertion of these laws will encumber the constitution, and will not go into effect by their being placed in the constitution any sooner than they would if left to the legislature, as congress will have to adopt the constitution before these laws can be annulled by the force of this constitution, and that the legislature will meet, and will be able to expunge those laws months before this constitution can be placed in force by the ratification of congress.

Mr. Brown moved to reconsider the vote just taken. Laid on the table. By Mr. Gair: Article 146, majority report, as follows: ART. 149. The laws relative to the duties of officers shall remain in force, though contrary to this constitution, and the several duties be performed by the respective officers until the organization of the government under this constitution.

Adopted. By Mr. Oliver: Article 147, majority report, as follows: ART. 150. The legislature shall provide for the removal of causes now pending in the courts of this state to courts created by or under this constitution.

Adopted. Mr. Wickliffe moved to adopt the following as an article of the constitution: ART. — The general assembly shall provide for the introduction of the common law in lieu of the present civil system, said system of common law to go into operation and effect on the first day of January, 1871.

Mr. Waples moved to lay the motion of Mr. Wickliffe on the table. Adopted—yeas 36, nays 27—as follows: Yeas: Belden, Bertonneau, Blandin, Bonafel, Butler, Cooley, Crane, Crawford, Depassant, Depassant, Donato, G. Dupart, Esnard, Esnard, Gair, Guichard, R. H. Isabelle, Thomas Isabelle, Kelo, Lange, Meadows, Moses, Murrel, Murel, Myers, Oliver, Poindeux, Pollard, Reagan, Riard, Riggs, Rodriguez, Snider, Underwood, Vandergriff, Waples—36 yeas.

Nays: Antoine, Brown, Cromwell, P. G. Desoule, Douglas, U. Dupart, Esnard, Francois, Guichard, Harper, Harrison, Jones, Landers, Lange, McLeran, Morris, Moses, Murrel, Myers, Oliver, Poindeux, Pollard, Reagan, Riard, Riggs, Rodriguez, Snider, Twichell, Underwood, Vandergriff, Wickliffe, Williams, Wilson—27 nays.

Mr. Brown moved to adopt the following as an article of the constitution: ART. — Hervey repeals article 115, approved May 7, 1857, authorizing the issue of four millions of bonds for levee purposes.

Mr. Brown withdrew the article, and submitted the following in its place: ART. — The act 118 of the general assembly of 1857, issuing four millions of dollars in levee bonds, is hereby repealed.

LEGAL NOTICES. ESTATE OF AUGUSTUS V. BARRING. OFFICE UNITED STATES MARSHAL, DISTRICT OF LOUISIANA, New Orleans, February 11, 1863.

THIS IS TO GIVE NOTICE THAT ON THE 10th day of February, A. D. 1863, a WARRANT IN BANKRUPTCY was issued against the estate of AUGUSTUS V. BARRING, of said District of Louisiana, in which it was alleged that a bankrupt was guilty of certain offenses...

ESTATE OF WILLIAM M. STUART. OFFICE UNITED STATES MARSHAL, DISTRICT OF LOUISIANA, New Orleans, February 11, 1863.

THIS IS TO GIVE NOTICE THAT ON THE 10th day of February, A. D. 1863, a WARRANT IN BANKRUPTCY was issued against the estate of WILLIAM M. STUART, of said District of Louisiana, in which it was alleged that a bankrupt was guilty of certain offenses...

ESTATE OF JEROME G. BENDER. OFFICE UNITED STATES MARSHAL, DISTRICT OF LOUISIANA, New Orleans, February 11, 1863.

THIS IS TO GIVE NOTICE THAT ON THE 10th day of February, A. D. 1863, a WARRANT IN BANKRUPTCY was issued against the estate of JEROME G. BENDER, of said District of Louisiana, in which it was alleged that a bankrupt was guilty of certain offenses...

United States vs. One Bill and a Half. IN THE UNITED STATES DISTRICT COURT, for the District of Louisiana, No. 106—1863.

United States vs. Two Barrels of Whisky. IN THE UNITED STATES DISTRICT COURT, for the District of Louisiana, No. 106—1863.

United States vs. Two Barrels of Whisky. IN THE UNITED STATES DISTRICT COURT, for the District of Louisiana, No. 106—1863.

United States vs. One Bill and a Half. IN THE UNITED STATES DISTRICT COURT, for the District of Louisiana, No. 106—1863.

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United States vs. One Bill and a Half. IN THE UNITED STATES DISTRICT COURT, for the District of Louisiana, No. 106—1863.

U. S. MARSHAL'S MORTIFICATION. Miller & Co. vs. Merchants of New Orleans, No. 106—1863.

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