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VOLUME II—NO. 133. NEW ORLEANS, FRIDAY MORNING, SEPTEMBER 11, 1868. WHOLE NUMBER 443.

BY TELEGRAPH.

Associated Press Dispatches.

FROM WASHINGTON

LETTER FROM HENRY WARD BEECHER.

"Binckley" Worsted in a Scrimmage.

"GROUND SWELL" IN COLORADO.

Large Republican Gains.

INTERESTING FROM GEORGIA.

LATEST NEWS FROM EUROPE.

INTERESTING MISCELLANEOUS NEWS.

MARKETS, RIVER NEWS, ETC.

WASHINGTON.

Binckley Worsted in a Personal Struggle—Trans-Atlantic Mail Bonds—Dispatch from Mr. Newsham—Letter from Henry Ward Beecher.

WASHINGTON, December 10.—Internal renue Solicitor Binckley and District At- ney Courtney had a personal collision, wing out of the proceeding against Rol- s. Binckley was worsted, but neither of m was much hurt.

Postmaster General Randall is in New rk, considering the propriety of indors- $3,000,000 bonds authorized by Congress the trans-Atlantic mail. The company plying for the indorsement, have had the ds printed, but appear to have no ves- s. Randall asks the Attorney General hether the indorsement is mandatory by —otherwise he won't indorse.

Five hundred thousand bounty and back y claims have been adjusted during the st two years, involving nearly $37,000,000. The following is published here:

NEW ORLEANS, September 9, 1868.

L. Tulloch, Secretary National Union Committee:

My home in St. Francisville was robbed armed Democrats on the twenty-ninth August. They say they wanted to wash ir hands in my blood and would have my . They leveled their guns at my wife d threw burning torches upon my gallery. was not in the house at the time.

(Signed) J. P. NEWSHAM, M. C.

A committee from the Tennessee Legisla- e is here, preparing an address to the esident, which will be delivered to-night. ey say the militia bill is sure to pass, but l be a dead letter if the President sends ops enough to Tennessee.

nternal revenue receipts to-day $268,000. average receipts this week are alarm- ly small.

fter Monday next, 7 30's must be sent to United States Treasurer at Washington redemption.

bonded warehouse has been opened in ton, to which tobacco can be shipped for ort.

evenue Solicitor Binckley returned this ning, but did not report to Mr. Rollins. is engaged on an official report of his ceedings in New York.

Special Dispatch to the Missouri Democrat.]

Letter from Henry Ward Beecher.

ASHINGTON, D. C., September 7.—The onicle will publish to-morrow the follow- letter from Henry Ward Beecher to the ters' Grant and Colfax club of this city:

PEEKSKILL, N. Y., September 4, 1868.

. W. *Scriner: Dear Sir*—I received notice of my election as an honorary ber of the Printers' Grant and Colfax of Washington City. I accept the or with pleasure, and shall co-operate you in every just measure for the vic- of those fundamental principles of al and good government of which Grant Colfax are the expositors.

evolutions do not go backward, and I e every confidence that the conscience intelligence which led this great nation resist slavery and to defeat it, will now se to put the government into the very s which either were raised against or ch refused to help in its defense. The adhesion of impatient Southern men of worst type to the Democratic doctrine, uni ted since the party went into alliance slavery, cannot but be as disastrous e South as was the league with the e party before the war.

This party seems fated to lead the South desperate straits, and then to be utter- nable to help those whom it has delu- . It will do so again. Utterly lost to moderation, the convention in New York laid down a platform which will bring war to the South again, unless it is vented by the victory of the Republican y.

I am, very truly yours,

H. W. BEECHER.

ASHINGTON, September 10.—The Presi- t is engaged to-night on matters which prevent an interview with the Ten- ee delegation.

GEORGIA.

test of Ineligible Colored Members—Tacy Will Appeal to Congress—Governor's Proclamation.

ANTA, September 10.—*House*—A res- on to reconsider those adopted yester- reflecting on the Governor's message, lost.

e negro members lately declared inel- le, have published a protest addressed e speaker and members of the House, hich they enter solemn protest against outrage perpetrated on their race, and appeal, at the proper time, to Congress. protest is signed by twenty-eight ex- led members and twelve Republican mbers, accompanied by a demand that protest be entered on the jouanal of the use. This the House refused to permit.

compliance with a resolution passed the General Assembly, the Governor a proclamation in which he denies g given authority for armed or un- ed organizations, and warns the people drilling and exercising in military tac- with arms by any organized body ex- the army of the United States is un- orized, unlawful, against peace and order, and must be immediately sus- ded. He says that persons distinguished hostility to the United States are pro- ing said acts of violence by publicly de- cing laws as unconstitutional and void, the result is said acts of violence.

quotes General Grant's paroles given eral Lee's army wherein it says: Per- paroled will not be disturbed by the ed States authorities so long as they e their paroles and the laws in force e they reside.

GUSTA, September 10.—The Democrats nominated Mr. Thomas J. Lawson for gress in the Fourth District.

Radical Convention here to-day nom- d Hon. C. H. Prince for re-election in Fifth District.

FOREIGN.

en Victoria at Paris—Italy Asks France to Withdraw Troops from Bulgaria—Troops Reviewed by the Emperor—Concessions Made to Farragut by the Sultan of Turkey.

ARIS, September 10.—Queen Victoria has ved, and leaves via Cherbourg this even-

ONDON, September 10.—The cab strike ended.

is stated that Italy asks France to with- her troops from Bulgaria.

ARIS, September 10.—The Emperor reviewed the troops at Chalons to-day. Attendance immense.

The Queen of England is here to-day, the guest of Lord Lyons. No state ceremony is observed.

FLORENCE, September 10.—It is reported that Garibaldi has left Caprera for Naples to attend a congress of Democrats in that city.

CONSTANTINOPLE, September 10.—The concessions made to Farragut by the Sultan in allowing the flagship to pass through the Dardanelles and enter the Bosphorus causes much comment in diplomatic circles. The Sultan's consent was accorded in the most gracious manner.

COLORADO.

Republican Congressman Elected and Republican Gains.

NEW YORK, September 10.—The *Tribune* has a special from Denver City announcing the election of Mr. Bradford, Republican, Congressional delegate, and claiming Republican gains in Colorado.

MEXICO.

Insurrection in Sierra—Defeat of Insurgents at Puebla, With Loss of Artillery and Prisoners.

HAVANA, September 10.—Mexican advices report an insurrection in Sierra. The insurgents had been defeated at Puebla, losing all their artillery and many prisoners.

CONNECTICUT.

Republicans Stoned by Democrats.

NEW HAVEN, Ct., September 10.—A procession of the "Boys in Blue" was attacked with with stones, and several hurt; three dangerously.

MISCELLANEOUS.

Death of Bishop Mumford at Montreal—Chicago Propeller Capsized and Thirty Lives Lost—Claflin Nominated for Governor of Massachusetts—Tennessee Militia Bill—Personal Difficulty in Galveston.

MONTREAL, September 10.—Bishop Mumford is dead.

CHICAGO, September 10.—The propeller Heppercampus, which sailed with twenty passengers and a crew of ten persons, was found in the lake, bottom up. She had 9000 baskets of peaches on board, which probably caused her to upset.

BOSTON, September 10.—The Republicans have nominated Wm. Claflin for Governor, and Joseph Tucker for Lieutenant Govneror.

NASHVILLE, September 10.—The militia bill in its present shape requires a certificate of the loyal citizens who are freeholders, approved by a Judge, Sheriff, Attorney General, or member of the Legislature, declaring it necessary before militia will be sent to any county, said county bearing the expense. The bill thus amended will probably pass.

GALVESTON, September 10.—At a Republican meeting held here last night in the colored Methodist church, Mr. G. F. Ruby, colored, was assaulted by Dr. R. K. Smith with a pistol. Both are Radical delegates to the constitutional convention. The appearance of the police prevented further disturbance. The combattants were arrested, and made their appearance before the Recorder this morning and were each fined for disorderly conduct.

River Intelligence.

SOUTHWEST PASS, September 10, 6 P. M.—Barometer 29.50. Weather calm. No arrivals. Sailed Bark Prima Donna.

LOUISVILLE, September 10.—River rising 4 feet 9 inches in the canal. Weather wet and warm.

ST. LOUIS, September 10.—The river has risen about a foot and is still swelling.

VICKSBURG, September 10.—Passed up, Robert E. Lee at 4 P. M.

MARKETS.

Domestic Markets.

NEW YORK, September 10.—Cotton irregular; sales 800 bales; middlings 27@27½c, chiefly at the latter figure. Flour dull, superfine $7 10@8 10; extra $8 20@9 20. Wheat heavy, new white Kentucky $2 60. Corn closed dull. Mess pork $29. Lard closed easier, steam rendered 19⅞@20⅛c.; kettle rendered 20¼@20½c. Whisky active, in bond 67½c.; free $1 25@1 17½. Turpentine 43@43½c. Rosin $2 70@7. Freights quiet.

NEW YORK, September 10.—Governments closed strong; 5-20s of 1862, 112½; of 1864 109¼; of 1865 111; of 1867 108¼; 10-40s 104¼. Money easy; demand moderate; call loans 4@5; sterling heavy at 9¼; stocks generally dull, but steady. Sub-treasury balance, $88,000,000.

Gold closed weak at 144. Southern bonds strong, with a good demand, but light offerings.

Foreign Markets.

LONDON, September 10, Evening.—Consols 94. Bonds 71¼.

Bullion decreased in Bank of England £111,000.

Formosa won the Oaks stakes.

FRANKFORT, September 10.—Bonds dull, 75¼.

PARIS, September 10.—Bourse dull. Rentes 70 45.

LIVERPOOL, September 10, Evening.—Cotton market steady; prices declined ⅛d.; uplands 10½d.; Orleans 10¾d.; sales to-day 12,000 bales. Rosin quiet. Others unchanged.

LOUISIANA GENERAL ASSEMBLY.

PROCEEDINGS OF THE SENATE YESTERDAY

RAILROAD BILL IN THE HOUSE.

SENATE.

Sixty-Third Day's Session.

THURSDAY, September, 10, 1868.

The Senate was called to order by Lieutenant Governor Dunn, at twelve o'clock M.

The roll was called—the following members present:

Anderson, Bacon, Beares, Blackman, Braughn, Campbell, Coupland, Darrell, Day, Egan, Foute, François, Kelso, Monette, Ogden, O'Hara, Packard, Pinchback, Poindexter, Pollard, Ray, Smith, Thompson, Todd, Whitney, Wilcox, Williams, Wittegenstein—28.

Prayer by the Chaplain, Rev. Mr. Turner.

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

STANDING COMMITTEES.

Mr. Ray, from the Judiciary Committee, reported favorably upon Senate bill No. 181, an act in relation to incorporations for agricultural purposes.

Mr. Ray: I move that the bill be printed.

Adopted.

Mr. Smith, from the Committee on Elections, reported progress.

Mr. Darrall, from the Committee on Enrollment, reported as duly engrossed—

Senate bills 174, 162, 166, 34, 20, 173, 172, 44, 189, 183, and 125.

Mr. Smith from the Committee on Public Printing reported favorably upon Senate bill, an act to amend an act entitled an act relative to public printing.

Mr. Smith: I ask for a suspension of the rules to take up the bill.

The President ordered the bill to be recommitted on the representation that several members of the committee were either absent or had not signed the report.

RESOLUTIONS.

Mr. Todd: I offer the following resolution:

Resolved, That a Committee of three be appointed to investigate the work of clerks employed by the Joint Committee on the conduct of the late election, &c., and move its adoption.

The resolution was adopted by a rising vote of 12 yeas 8 nays.

Mr. Poindexter: I offer the following resolution and move its adoption:

WHEREAS, In view of the difficulty of realizing the full amount of the warrants for the pay of the members of the General Assembly, be it

Resolved, That the Warrant Clerk be and he is hereby authorized to draw warrants for the per diem of members to include the sum of twenty-five per cent in addition to the ordinary allowance.

And be it further allowed, That the Warrant Clerk be and he is authorized to draw his warrants for a sum of twenty-five per cent in addition to the ordinary allowance to the employes of the General Assembly as their per diem.

Read twice under suspension of the rules, and referred to the Finance Committee.

The Clerk of the House appeared with a message from that body, and asked concurrence of the Senate in House bill No. 198, an act authorizing the Police Jury of the parish of Jefferson to order the making of a shell road.

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

Rules suspended.

Senate bill No. 206, an act authorizing the issue of two hundred thousand dollars warrants by the Auditor on the Treasury of the State to provide, by the sale thereof, to meet the expenses of the General Assembly, was read.

The bill was taken up section by section.

The first section was read and adopted.

The second section was read.

Mr. Blackman: I offer the following substitute for the second section:

Be it further enacted, etc., That the Warrant Clerk of both Houses of the General Assembly be and he is hereby authorized and required to sell said warrants at their highest marketable value, not to exceed fifteen per cent discount, and to place the proceeds thereof in the treasury to the credit of the general fund.

Mr. Pinchback: I move that the Treasurer of the State be named to act in conjunction with the Warrant Clerk.

Mr. Blackman: I accept the amendment.

The substitute was adopted.

The third section was read and adopted.

The fourth section was read.

Mr. Coupland: I move to strike out the entire section.

Mr. Thompson: I move to lay the motion on the table.

The Senate refused to table the motion.

Mr. Thompson: I call for the yeas and nays on the motion to strike out the section.

The yeas and nays were ordered, resulting:

Yeas: Bacon, Day, Foute, Todd—4.

Nays: Anderson, Beares, Blackman, Braughn, Campbell, Darrall, Egan, François, Kelso, Ogden, Packard, Pinchback, Pollard, Ray, Thompson, Whit- ney, Wilcox, Williams—18.

The Senate refused to strike out the section.

The section was adopted.

Mr. Day: I move the adoption of the following: Provided, that the provisions of the section shall not apply to warrants already disposed of by the members and employees.

Mr. Ray: I move to lay the proviso on the table.

Mr. Thompson: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Anderson, Blackman, Braughn, Campbell, Darrell, Egan, Foute, François, Kelso, Monette, Packard, Pinchback, Poindexter, Pollard, Ray, Smith, Thompson, Whitney, Wilcox, Williams, Wittgenstein—20.

Nays: Bacon, Day, Ogden, and Todd—4.

The fifth section was read and adopted.

The bill was adopted as a whole.

Mr. Ray: I move the bill be considered engrossed for a third reading.

Adopted.

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

Mr. Todd: I give notice that I will move a reconsideration of the final adoption of the bill to-morrow.

Mr. Blackman: I move to reconsider the vote immediately.

Mr. Packard: I move to lay the motion of Mr. Blackman on the table.

Adopted.

Mr. Day: I ask for a suspension of the rules to take up a bill.

Rules suspended.

Joint resolution No. —, regulating the time of settlement of State Tax Collectors, was read.

Mr. Thompson: I move to insert "thirty-first of December" instead of "thirty-first of November."

The bill was read a second time under a suspension of the rules and referred to the Judiciary Committee.

Mr. Smith: I ask for a suspension of the rules to offer a resolution.

Rules suspended and the following read:

Resolved by the Senate, That the Committee on Elections be and they are hereby authorized and directed when any member, not less than three months, to proceed and take the testimony of any witness or witnesses who may attend.

Mr. Poindexter: I move to amend by making the committee consist of five instead of seven members.

Mr. Todd: I move to lay the whole matter on the table.

Mr. Smith: I call for the yeas and nays.

The yeas and nays were ordered, resulting:

Yeas: Anderson, Day, Egan, Foute, and Todd—5.

Nays: Braughn, Campbell, Coupland, Darrall, François, Kelso, Monette, Packard, Pinchback, Poindexter, Pollard, Ray, Smith, Thompson, Whitney, Wilcox, Williams, Wittgenstein—18.

The Senate refused to lay the whole matter on the table.

Mr. Poindexter's resolution was not entertained, he having not received a second.

Mr. Smith's resolution was adopted.

Mr. Packard: I ask for a suspension of the rules to give notice of a resolution.

Rules suspended.

Mr. Packard: I give notice that to-morrow I will offer a resolution to establish a new rule for the government of the Senate.

Mr. Anderson: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to carry into effect article 132 of the constitution.

SPECIAL ORDER OF THE DAY—HOUSE BILLS ON FIRST READING.

House joint resolution No. 209, providing for the payment of members and employes, and prohibiting speculation in warrants for the payment of contingent expenses.

Read twice and referred to the Judiciary Committee.

Senate bill No. 187, an act defining more particularly the duties of Sheriffs, Coroners, Constables, and Clerks of Courts, and providing penalties for their failure to perform their duties, and for contempt of Court, and the powers of the Judges over such officers, was read.

The bill was taken up section by section.

The first and second sections were read and adopted.

The third section was read.

Mr. Ray: I move that the blank in the seventh line be filled up by inserting the words "ten days."

Adopted.

The section was adopted as amended.

The fourth and fifth sections were read and adopted.

The sixth section was read.

Mr. Ray: I move to insert the words "said officer," after the word officer in the twenty-first line.

Adopted.

The section was adopted as amended.

The seventh section was read.

Mr. Ray: I move to insert the word "district" before the word Judge, in the thirty-ninth line.

Adopted.

The section was adopted as amended.

The eighth section was read and adopted.

The bill was adopted as a whole.

Mr. Ray: I move that the bill be considered engrossed for a third reading.

The bill was considered engrossed.

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

House bill No. 105, an act to provide for the relief of the Treasury of the State, was read.

Mr. Ray: I move that the bill be made the special order of the day on Wednesday.

Adopted.

Senate bill No. 79, an act fixing the salaries of the District Judges of the State was read.

Mr. Ray: I move that the bill be considered engrossed for a third reading.

Adopted.

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

Mr. Todd: I ask for a suspension of the rules to take up a bill.

Rules suspended.

Senate bill No. 193, an act to authorize the collection of back taxes due the city of Carrollton, was read.

Mr. Todd: I move that the bill be considered engrossed for a third reading.

Adopted.

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

Mr. Thompson: I ask for a suspension of the rules to introduce a bill.

Rules suspended.

An act to provide for the payment of the back taxes due the State, in State notes and warrants of the Auditor of Public Accounts, and granting an extension of time to the Tax Collectors for the collection 'of the tax of 1867 to the first day of January, 1869.

Read twice under suspension of the rules and referred to the Finace Committe.

The President called Mr. Anderson to the chair.

Mr. Braughn: I ask for a suspension of the rules to take from the table a bill.

Rules suspended.

Senate bill No. —, an act to amend and re-enact article 351 of the Code of Practice, was read.

Mr. Braughn: I move that the bill be considered engrossed for a third reading.

The rules were suspended, the bill read a third time, and adopted by its title.

Mr. O'Hara: I ask for a suspension of the rules to take up a bill.

Rules suspended.

Senate bill No. 202, an act to create and assist the Louisiana Homestead Association, was read.

Mr. O'Hara: I move that the bill be referred to the Committee on Public Lands.

Adopted.

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

Rules suspended.

Senate bill No. 198, an act to create a recorder's court in the city of Shreveport, was read.

Mr. Ray: I move that the bill be considered engrossed for a third reading.

Adopted.

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

The Senate adjourned.

In the Senate, Tuesday, September 8, 1868,

Substitute from Judiciary Committee for Senate bill No. 175, an act to amend the sixteenth section of an act entitled an act relative to criminal proceedings, approved March 14, 1855, and providing the manner of drawing for jurors in criminal cases, was read.

Mr. Ray: The main object of this bill is to prevent the influence that is often exercised by the judge's charge upon the minds of juries. Much evil not unfrequently results from the fact that after a case has been very fully argued by both the defendant and plaintiff, the judge makes a longer speech to the jury than either of the parties, and the position he occupies, it often results in great injury to the case. The object of this bill is to prevent the judge from doing anything of this kind, and to require that, where any charge at all is given, it shall be written by the party desiring it, and then be either approved or disapproved by the judge. If it is disapproved, it does not go to the jury at all. This is the law as I understand, Mr. President, in many other States, and it is said to work well. It never has been tried in this State, though we have taken some steps in that direction. In former years the judge was controlled entirely by the old English rule which authorized the judge to express his opinion upon the evidence as well as the law of the case. But for the last few years the law has taken away from the judge the right to express any opinion upon the evidence. That is now the law; the judge has no right to take up the evidence or give any opinion in regard to its credibility; but he may give an opinion in regard to the law applicable to the case. The object of this law is to prevent the judge from giving any opinion at all in regard to the law, and to make it necessary for the plaintiff or defendant, should either of them desire a change, to reduce the same to writing, when the judge can approve or disapprove it. If approved it will go to the jury. The Judiciary Committee are unanimous in recommending this bill.

Mr. Bacon: Mr. President, it has been my misfortune, sir, to practice law under a statute precisely like the one proposed by the gentleman, in two different States—the State of Mississippi and the State of Texas. The Senator from Claiborne, on my right, is proposing to add another section, which prevails in this city now—to give the defendant the closing argument in the case.

That system was invented and tried in Mississippi for a time, and it has prevailed in Texas during all the time that the Civil Code and the Code of Practice was the revolver and the bowie knife. It is intended, sir, to enable men to get rid of justice—to prevent conviction in any case if a man has means enough to employ lawyers to worry down a jury and a court, and finally get the last word, and thus, whether by bullying or money, to procure a verdict of acquittal. For one, sir, having seen the practical operation of this system of favoring the criminal, and of having laws upon the statute book merely as scarecrows, without any intention of providing for the conviction of men for crime, I am opposed to them. I am opposed to any such advantages being given to criminals, and opposed to any such inducements being offered to crime. Our difficulties are not because we have not laws enough, but because the laws are not executed. And they are not executed because we give criminals every chance to get clear, and give no chance to the officers of the law to bring them to justice.

Now, sir, as one who sincerely desires to see order restored to the State, I am in favor of taking away the advantages in favor of crime. I want to see every man allowed what the law gives him, whether it tends to his conviction or acquittal. There is no good reason why he who sits upon the bench, holding the scales of justice in his hands, should not at least pronounce the law to these jurors, ignorant and uninstructed upon the law, as they often are, whether they be merchants, or laborers, or planters, or whatever they may be.

The Judge sitting on the bench, holding the scales of justice, and having no prejudice either for or against one party or the other, is certainly most competent to declare the law to the jury. These jurors have no right to decide what the law is; they have no knowledge upon the subject. They are without any knowledge as to the law, and there sits before them a man, sir, as you do here in this body, who has no interest with one or the other, and who has made the law his study for at least ten years, and from that perhaps to fifty, whose place it is to expound the law to that jury, and give them the true and legal effect of the facts, if facts be proved. And, sir, I think that those who profess here that they desire lawlessness to be done away with are doing their best to promote lawlessness and increase crime by giving additional opportunities and facilities to criminals to escape its just penalties. I can not declare with one breath that I am anxious to put down crime and in the next so act that criminals shall always escape its effects and penalties. In those States in which violence has gone unpunished the most extensively, just such provisions prevail; and in those States where violence has been prevented by strict execution of the law and adherence to all the past usuages of the law, violence and crime have been diminished and prevented. And, sir, I am sorry to see any proposition urged here that I believe will further encumber the execution of law and encourage the commission of crime. In their deliberations it is often necessary for juries to pass upon intricate laws upon the strict execution of which depends the peace and order of the community. They can not be expected to do this correctly and safely with instruction from the learned and impartial judge who presides over them.

Mr. Blackman: Mr. President, I offer the following additional section to the bill. "That the defendant in all criminal trials be, and he is hereby entitled to the closing argument in the case."

I cannot agree with the gentleman from Orleans in his argument. The jury in many criminal cases are not only by law the judges of the evidence, but also of the law. This bill only proposes to take away the right of the judge who presides over the court of justice, to give additional instructions to the jury after the attorneys upon both sides have read the law and rehearsed the evidence. In other words, it takes away his right to explain the law or tell them what his opinion is of the law.

Now, sir, I have not been long in the practice of the law, but it is my humble opinion that if you give the right to the judge to explain the law to the jury, you almost give him the power to convict or acquit. Animosities which exist in the bosom of men, and which we all know human nature is incapable of entirely throwing off, sway the judge in giving his charge to the jury upon questions of law. Now, sir, the object of this bill is to prevent any undue influence being exercised by the Judge over the minds of the jury, by leaving it entirely to the jury to decide the law and the evidence. If the prisoner be guilty the jury can decide and make up their verdict just as well without assistance from the judge as with it. Therefore, Mr. President, I think this is a good bill; and more especially, sir, do I believe the additional section ought to be added to the bill to give the criminal, when he is charged with a high crime, the last argument upon the case, because it is within the province of a District Attorney to influence and prejudice to a great extent the minds of the jury against the prisoner, when he knows the prisoner has no reply. He may go outside of his legitimate argument; he may go outside of the law and the evidence and appeal directly to the passions and prejudices of the community in which the case is tried, and by this means he may secure the conviction of a man who should be cleared both by the law and the evidence. Therefore, I think it is nothing more than what is dictated by common humanity to give a man who may be on trial for life the last argument in the case, and with that additional section I shall support the bill.

Mr. Bacon: I will tell you that that amendment was originated by Senator Foot, of Mississippi, to carry a murderer out of jusjustice, just thirty years ago. (Laughter.)

Mr. Foute: Mr. President, I don't see any necessity for an amendment to this bill, or for the bill itself. It will change very materially certain very well defined landmarks in the administration of justice. Now, sir, as to the amendment offered by the Senator from Claiborne, I know that it is adopted in the adjoining State of Mississippi, my own old State, and I believe it has worked very well. But that part of the bill which prevents the judge from charging the jury upon the law, will greatly obstruct the administration of justice on the part of the State, and protect criminals also. To prevent the judge from explaining the law to the jury, however enlightened or ignorant the jury may be, takes away the powers which every constitutional law that I know of confers upon him in any and every country. I know of no independent judge who would obey such a law, and certainly if I was on the bench I would not do it. The judge knows the law and it is his province to instruct the jury in regard to it. If it is desirable or proper that this law should be past we had better take the judge off the bench and abolish his office entirely, for in passing this law you disarm him and deprive him of the very powers he is put upon the bench to exercise. This is the part of the bill that I object to.

Mr. Campbell: Mr. President, on the question upon which the honorable Senator from the First District has spoken, I also wish to speak. But the only question at present before the House, as I understand it, is upon the amendment of Senator Blackman.

The amendment of Senator Blackman was then adopted.

Mr. Campbell: Before the bill is ordered engrossed I desire to say few words upon it.

I fully agree, sir, with the learned and honorable Senator from the First District, and the Senator from the Fourth District, in their opposition to one provision of this bill; and I would go further than they do, and say this: that in my opinion, with my limited knowledge of law and experience in its practice before the Courts of the country, it is one of the grossest and most alarming innovations upon the institutions and laws of the country that has ever been brought before any Legislature.

I have heard, but I am not certain, that in some of the Northwestern States a provision of this kind was adopted, where there was a general prejudice against the profession of the law felt by an ignorant and uneducated populace. It amounts to merely this—putting in the hands of twelve men, who know just as much about law sometimes, as a horse or a mule, not only the disposal of the facts, but also the law of the case. It is truly absurd and ridiculous—the idea of taking from the judiciary the power to interpret the laws of the country; of taking that power from them and putting it in the hands of twelve men who know no more about law than a mule! A celebrated lawyer once said that God Almighty knew everything in this world except one, and that was what was concealed in the bowels of a petty jury. And I appeal to the experience of every lawyer here as to the truth of the assertion. Even upon the most patent facts you will find a jury to disagree, upon a mere question of facts plain and apparent. It is dragging down the jurisprudence of the country to make it a mere farce; and not only that, I go further than the Senator from the First District in this: I say this bill is clearly unconstitutional. We have three grand departments in this State under the constitution—the legislative, the executive, and the judicial. The power of interpreting and construing the laws of the State in all their applications and bearings upon practical matters of business, is firmly vested in the judiciary by the constitution.

This bill, as I believe, strikes at the fundamental provisions of the constitution. I am unwilling, sir, as a citizen of this State, as a person liable to go before the courts at any time, to intrust my rights to a set of men who know nothing about law—men who are no more qualified to interpret laws than they are to interpret the course of comets, or decide the laws of chemistry, or any other scientific question upon which they have never bestowed a thought. This is a grave question involving the rights of the people. I hope that Senators will seriously reflect upon this bill before acting upon it. It seems to me a bill that tends to break down every barrier set up by the judiciary to protect men in their legal rights, and to make appeals to the courts a mere game of chance.

Mr. Ray: Mr. President, I consider this a bill of extraordinary importance; much may be said upon both sides. I move that the bill be printed and postponed until next Monday, and made the special order of the day for that day.

The motion was adopted.

In the Senate, Wednesday, September 9, the Registration bill, as reported from the Conference Committee, being under consideration, the first section was read.

Mr. Bacon: If there are any additional formalities to be gone through with before these Commissioners go to work, it will greatly delay the work. The preparation of this pamphlet will cause a week's delay in the registration. There is too little time now for a complete registration, and that latter clause, which seems to forbid the Supervisors from going to work until this pamphlet is prepared and sent on, should be stricken out.

Mr. Packard: Mr. President, in reply to the Senator, I think it will facilitate the work of the Board of Supervisors to have these rules. Books and stationery must be procured, and while this is being done these rules will assist the Supervisors in the parishes in preparing themselves for a proper discharge of their duties. When these books are sent out all the rules and regulations necessary will be sent with them.

Mr. Bacon: I think the pamphlet is a good idea, but what I think is unwise is to make of this a pre-requisite to their beginning their work. If they don't happen to get the work they can't go on.

Mr. Packard: There is very little work to get out the pamphlet.

Mr. Bacon: We have got too much red tape about the registration this year anyhow. Intelligent and sensible men meet me on the street every day and want to know how many are disfranchised by the fourteenth amendmenth of the Constitution of the United States—men of excellent intelligence, superior minds, who insist upon it that their present registration papers are all that is sufficient. Under all these circumstances I do not want any more red tape twisted about this work of registration, and the remote parts of the State will hardly get these documents before the registration takes place. The mails are so slow that it takes nearly thirty days to carry a letter to the farthest off parishes of the State; and if with the addition to the great quantity of blanks already required we have something more added, the people of Union parish, and other remote parishes, may not hear of a registration at all until the day of election. Now, I am very anxious that the gentleman's pamphlet should be prepared, but I don't want to have it stuck in there that until they get the pamphlet there shall be no registration.

Mr. Packard: If the gentleman will yield a moment I will explain the object of it. It is well known that the books can be prepared here and sent to the parishes a great deal cheaper and more surely, and that we shall facilitate registration by so doing and so long as we have yet to prepare the books, and the registration is to be made in the books, it is just as well while preparing the books that they should prepare the pamphlets. These rules are to instruct Supervisors as to who are entitled to register, and who are not; and it seems that we can not progress until we have an understanding in the parishes who are to register, and who are not. The amendment which provides that copies shall be forwarded forthwith is by unanimous consent of the committee.

Mr. Campbell: Mr. President, I wish to make a remark upon this registration bill. I was in favor, owing to the lateness of the day at which this bill is to become a law, and in order that perfect fairness and justice should be extended to all parties in the State, and to the minority in the General Assembly—I was in favor of taking the military registration under the military commanders, as a basis, in order that it might not be said that, by any design on our part, this registration was postponed in order to prevent a full registration of the people of the State. But I am informed this morning that the books of registration cannot be obtained for any portion of the State except the parish of Orleans, and that such a provision would therefore be inoperative. If that is correct I will not make such a motion: but if these books can be obtained I would be in favor of adopting that registration as a basis, if it can be done.

Mr. Bacon: I will say, Mr. President, that if, as the gentleman says, the books are extant for the parish of Orleans they can be used for this parish, and I hope he will introduce a bill to that effect. It will be impossible for the registers of this parish to register all the voters of the third ward alone—the ward in which we sit—because there is a great deal more to be gone through with under this bill—under the act we have passed—than under that under which General Sheridan registered. We have three times as many formalities to go through with, and this third ward alone contains more voters than these three Supervisors are competent to register within the time limited. This very bill of ours requires a majority of the registrars to be present to undertake a registration. Clerks can not do it. A majority must be present. I trust, therefore, that my colleague from the Second District, will at least, if it be impossible to obtain the books of registration of the other parishes, introduce a bill which will make it applicable to this parish. Those are in the hands of the State Registrar for the city. I think if application was made to the military commander they could be found, and that he would cause them to be delivered over. As a measure of justice to the people whom I represent here—people of all parties—I would urge this course; for if lawyers and merchants are unable to get it through their heads—what they must do to vote at the next election—we must expect others more ignorant to be uninformed; I therefore trust that the gentleman will introduce some plan by which an entire registration can be had. I was under the impression that the bill would provide a sufficiently large board for the timely registration of this city. There should be two members for this ward alone.

It will take them several days to meet and talk the matter over, and there is very little time to be actually employed in the registration. The books for the country parishes were sent to the Sheriffs. The Secretary informed me that he was so informed by the Secretaries. The bill as it now stands is incomplete.

Mr. Packard: I will read article twenty-five of the constitution. "At its first session under the constitution, the General Assembly shall provide by law that the names and residences of all qualified electors shall be registered in order to entitle them to vote; but the registry shall be free of cost to the electors."

This matter has been already investigated and talked over, and it is conceded that so long as we have got to have a registration for those not already registered it will not facilitate things to adopt the old registration, for the reason that many of those already registered under the reconstruction acts may not be entitled to register under the constitution unless they have filed their certificate or recantation oath. And so long as the registration must be gone through to register those not already registered, it will be about as much work to omit those already registered as to include them. We do not know who is registered, and unless the party applies we must go through all the books to find whether a man is registered or not, and I can't concieve how we can adopt the old registration without violating article twenty-five of the constitution.

I move that the rules be suspended to put the bill on its final reading.

The bill was finally adopted.

House bill No. 111, an act levying a special tax, etc., being under consideration, Mr. Ray moved that it be read section by section.

Adopted.

Section first having been read—

Mr. Ray, Mr. President, I regard this bill as perhaps of more importance than any one bill before the Legislature.

The object of this bill is to provide for the payment of the mature indebtedness of the State. The different amounts of State indebtedness now mature, consist first of coupons on bonds past due, State notes that have been paid out for the past indebtedness of the State: next are warrants paid out for previous appropriations unpaid. Next is the debt created for the expenses of the convention. These four amounts of indebtedness which are now due, or will be on the first of January next, will amount to $2,000,000, in round numbers. This tax that is now proposed is a special tax for the purpose of meeting this indebtedness of the State.

Now, Mr. President, our State Treasury is empty. There is no means whatever provided by which this mature indebtedness of the State can be settled, and it is necessary to enable us to carry on the State government, and to protect the State from inundation through the levies and otherwise. Now, it is quite out of the question for us to extend the credit of the State to amount to any thing unless the Legislature shall provide means to settle the indebtedness of the State: and the main object of the bill is to give the State credit by meeting our mature liabilities. It is for the purpose of carrying on the State government and protect us from overflow and other disasters that we should protect the credit of the State. We ought to authorize the sale of the four millions of levee bonds already issued, or provide for the issue of new bonds. We can not expect our credit to be maintained without meeting our mature obligations. Hence it is, that after a most cautious consideration by the Finance Committee of the Senate, and the Committee of Ways and Means of the House, and after conferring with men who are believed to understand these things the best in the community, and after conferring with all classes of taxpayers, it is unanimously thought that this bill is the best possible plan that could be devised for keeping up the State credit, to do what honest men ought to do to provide for the payment of the debts of the State. The bill was passed with considerable unanimity by the Ways and Means Committee of the House, and the Finance Committee of the Senate. They have sought information from every source from the commencement of the session up to the present time in order to qualify themselves for action upon it. I have myself gone to every man that I thought was competent to offer a mature and correct opinion upon the subject—merchants, mechanics and every class of men I have met with, and their opinion has been most unanimous that the safest, and really the only plan by which we could give the State credit now is to levy a tax sufficient to meet the mature indebtedness of the State. With this explanation of the first section of the bill, its material portion, I will further observe that the back taxes, due in 1861, 1862, 1863 and 1864 that have not been collected are suspended by law until the first of next January. There is a bill now in the House, which will doubtless be passed, suspending the payment of these taxes.

The voice of the Legislature is almost unanimous in favor of remitting the taxes of 1861, 1862, 1863 and 1864. With this explanation I shall move that the first section of this bill be adopted.

Sections one and two of the bill were then adopted.

Mr. Blackman: I offer an additional section, to be section third:

Be it further enacted, etc., That the taxes now due the State for the years 1861, 1862, 1863, and 1864 be and they are hereby remitted, and shall not be collected.

The additional section was adopted.

Mr. Braughn: The people of New Orleans having in their possession a large amount of city money expect to pay their taxes in the city currency.

Mr. Blackman: This has no reference to the city currency or taxes, but to the taxes due the State.

The bill was finally passed.

House bill twenty-eight, an act to incorporate the town of Alexandria, having been read,

Mr. Blackman presented a petition signed by 120 citizens of Alexandria, and said:

Mr. President, I presume that Mr. Kelso, who represents the District in which Alexandria is situated, knows the parties who have signed this petition. The principal property-holders and citizens of the place do not seem to desire that the corporation should be changed and its limits extended. They beg of the Legislature to defeat the measure, and have taken the trouble of sending forward this petition. It is a duty that we owe to these citizens, and a mark of respect that representatives should always pay to their constituents to defeat a measure which is obnoxious to them. I am not from that district; Mr. Kelso is; but whether I be from a district or not, if the people of a district a-k my services to oppose a bill which, as seems to be the case with this, is obnoxious to their best citizens and property-holders, I shall ever be ready to present their petitions, and defend them so far as I can from unjust legislation whether their own representatives do or not. This petition is signed by both colored and white citizens.

On motion of Mr. Ray, further consideration of the bill was postponed until Friday, September 11.

HOUSE OF REPRESENTATIVES.

Sixty-Fourth Day's Session.

THURSDAY, September 10, 1868.

The House met pursuant to adjournment, Speaker Lowell in the chair.

[CONTINUED ON FOURTH PAGE.]