NEW ORLEANS REPUBLICAN.

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LUME II—NO. 160. NEW ORLEANS, TUESDAY EVENING, OCTOBER 13, 1868. WHOLE NUMBER 470.

TELEGRAPH.

WASHINGTON

ant Military Order.

TERFERENCE IN ELECTIONS.

ection in Pennsylvania.

T THE POLLS IN PHILADELPHIA.

NTIAL ELECTION IN ALABAMA.

NEWS FROM EUROPE.

EW SPANISH GOVERNMENT

COGNITION BY MINISTER HALE.

G WANTED FOR SPAIN.

Prisoners to be Released.

Miscellaneous Intelligence.

S, RIVER NEWS, ETC.

Dispatches to the Associated Press.

Philadelphia Suburbs—Fight the Police and Sheriffs—A y Vote Indicated.

LPHIA, October 13, Noon.—considerable fighting in the su the Sixteenth Ward a boy of s fatally shot by a deputy

twentieth ward heavy fighting is between the police and sheriffs. polls opened at seven o'clock. of voters were present at each e. The indications favor a heavy h parties claim the State, with es in favor of the Democrats.

Representation in the New Gov ent—New Captain General of —General Prim Wants a King.

October 13.—Great interest is d in Cuba regarding representa new government, and the abo slavery. Action of the Constitu on these subjects is awaited with xiety. The Ministers promise al liberties with Spain.

unta offered a loan of ten million which was taken immediately.

ral Dulce has been appointed Cap neral of Cuba.

October 13.—General Prim pub letter urging the formation of a in Spain immediately. It is said elf aspires to be King.

Proclamation Enjoining Tranquility.

A, October 13.—Lersundi has is proclamation enjoining tranquility. old mines have been discovered alajara.

River Intelligence.

SBURG, October 13.—Passed up: Big noon. River falling.

WEST PASS, October 13, Noon.— ter 29.70. Wind northeast and

steamships Maryland, Reed, Bal Witherspoon & Halsey; City of , Lockhead, New York, to Elliott Keever, and Lodona, Hovey, New G. A. Fosdick & Co. No de

Domestic Markets.

YORK, October 13, Noon.—Money 6@7 ℔ cent. Sterling 109⅛. Gold 5-20s of '62 112½. North Carolina's ditto new same. Virginia's ex-cou ; ditto new 53¼. Tennessee's ex- 65; ditto new 64¼. Flour dull ining. Wheat dull and 1@2c. Corn dull. Mess pork quiet at Lard heavy; steam 19⅛@19⅝. steady; middling uplands 26½c. quiet.

Foreign Markets.

OOL, October 12, Evening.—Cot ent; sales 20,000 bales; uplands ; middling Orleans 11@11⅛d.

October 13, Noon.—Bonds 74¼. Sugar quiet both afloat and spot.

OOL, October 13.—Noon.—Cotton Sales 12,000 bales. Middling Up Orleans 11½d. Bombay shipments instant, 3,000 bales.

RPOOL, October 13.—Afternoon.— Lard 70s 6d.

October 13.—Cotton on the spot at 1.33.

g Dispatches to the Associated Press.

WASHINGTON.

Prohibiting Military Interference ections—The Washington Star on Subject.

GTON, October 12.—General Thom He has called on the President al Schofield. It is understood the Dyer investigation having poned, General Thomas will re command at once.

or Bowman, of West Virginia, is He wants troops for the election. the moral effect of a few compa answer his purpose.

the President's order of to-day, says: "In Republican quarters it be apprehended that in those represented. the Conservatives make arrangements to choose al electors, and that President will demand that their votes be "

following order has been issued:

HEADQUARTERS OF THE ARMY, Adjutant General's Office, Washington, October 10, 1868.

Order No. 82.]

following provisions from the Con and laws of the United States, in to the election of a President and dent of the United States, to- an act of Congress prohibiting engaged in the military and ice from interfering in any gen special election in any State, are for the information and govern of all concerned.

following are the authorities quoted: le one section two of the Constitu

icle 12 of amendments to the Consti

of Congress relative to the elec President and Vice-President, ap March 1, 1792.

to establish a uniform time for on of Presidential electors. Ap January 28, 1845.

compensating persons appointed tors. Approved February 11, 1825.

order concludes:

ct to prevent officers of the army, d other persons employed in the military and naval service of the United States from interfering in elections in the States:

"Be it enacted, That it shall not be lawful for any military or naval officer of the United States, or other persons engaged in the civil, military or naval service of the United States, to order, bring, keep or have under his authority or control any troops or armed men at places where any general or special election is held in any State of the United States, unless it shall be necessary to repel armed enemies of the United States, or to keep peace at the polls; and that it shall not be lawful for any officer of the army or navy of the United States to prescribe or fix, or attempt to prescribe or fix by proclamation, order or otherwise, the qualification of voters in any of the United States or in any manner to interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any of the United States. Any officer of the army or of the navy of the United States, or other persons engaged in the civil, military or naval service of the United States, who violates this section shall, for every such offense, be liable to indictment for misdemeanor in any court of the United States having jurisdiction to hear, try or determine cases of misdemeanor, and on conviction shall pay a fine not exceeding five thousand dollars, and suffer imprisonment in the Penitentiary not less than three months, nor more than five years, at the discretion of the court trying the same. And any person convicted as aforesaid shall moreover be disqualified from holding any office of honor, trust or profit, under the Government of the United States. Provided that nothing herein contained shall be so construed as to prevent any officers, soldiers, sailors or marines from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he shall offer to vote.

SEC. 2 And be it further enacted, That any officer or person in the military or naval service of the United States who shall order or advise, or who shall directly or indirectly, by force, threats, menace, intimidation or otherwise, prevent or attempt to prevent any qualified voter of any State in the United States from freely exercising the right of suffrage at any general or special election in any States of the United States, or who shall in like manner compel or attempt to compel any officer of an election in any such State to receive a vote from a person not legally qualified to vote, or who shall impose or attempt to impose any rules or regulations for conducting such elections different from those prescribed by law, or interfere in any manner with any officer of said election in the discharge of his duties, shall for any such offense be liable to indictment for misdemeanor in any court of the United States having jurisdiction to hear, try and determine cases of misdemeanor, and on conviction thereof shall pay a fine not exceeding five thousand dollars, and suffer imprisonment in the penitentiary not exceeding five years, at the discretion of the court trying the same. And any person convicted as aforesaid, shall, moreover, be disqualified from holding any office of honor, profit or trust under the Government of the United States. Approved February 25, 1865.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant General.

PHILADELPHIA

Preparations for the Election.

PHILADELPHIA, October 12.—Business today was almost suspended. Each party is parading with bands of music, urging their friends to vote early. The Mayor, who is a Republican, has sworn in one thousand extra policemen for to-morrow. The Sheriff, who is a Democrat, has sworn in one thousand deputies. A week ago the Sheriff ordered one thousand hickory clubs for his deputies. The house where the clubs were stored was burned last night.

City quiet; no meeting to-night; politicians are engaged preparing tickets. Some fears are entertained of a collision between the Sheriff's deputies and the Mayor's extra policemen.

ALABAMA.

Proclamation for an Election—No Election for Congressmen till 1870.

MONTGOMERY, October 12.—Governor Smith has issued a proclamation for an election in this State for President, on the third of November. The proclamation is issued in accordance with the election law passed by the Legislature. Under that law there is to be no other election in this State before November, 1870. At that time Members of Congress, Governor, State officers, legislators, etc., are to be elected; the present incumbents to hold over until that time.

Registration commenced this morning in this city. The negroes largely outnumber the whites.

FOREIGN.

The Atlantic Cable of 1866 Repaired—Fenian Prisoners to be Released—The New Government Recognized by Minister Hale—Adherence of Cuba to the Provisional Junta.

WASHINGTON, October 12.—In a telegram of the fourth instant, Mr. Hale applied for instructions in view of the political situation at Madrid. The instructions were given through the same medium on the fifth inst. Mr. Hale now telegraphs that in compliance with the instructions he has recognized the new Government at Madrid. His proceeding has been confirmed.

MADRID, October 12.—The United States was the first to recognize the Provisional Junta. The Junta has declared additional reforms—among which are the abolition of the death penalty, the sanctity of private letters and domiciles. The Junta has ordered the restoration to England of the bark Tornado, with damages for her wrongful detention, and the imprisonment of the Spanish officer who ordered her seizure.

PARIS, October 12.—The *Journal des Debats* says: "Marquis Lersundi, the Captain General of Cuba, has given in his adherence to the Provisional Government. Cubans in Spain will be permitted to choose two members of the Junta.

LONDON, October 12.—The Atlantic cable, known as the cable of 1866, was repaired on Sunday, and is now working perfectly.

LONDON, October 12.—The Fenian prisoners at Dartmoor are to be released.

General Frank P. Blair was on the train from the Suspension Bridge, on Wednesday, and before the cars reached Rochester a canvass of the passengers was made, and resulted as follows: For Grant and Colfax—gentlemen, 89; ladies, 61. For Seymour and Blair—gentlemen, 47; ladies, 21. Blair voted for Seymour and himself, and jocosely asked permission to be recorded twice.

Let every loyal man who would save the country from rebel rule go forward promptly and register.

OFFICIAL.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF LOUISIANA.

JOURNAL OF THE SENATE.

Ninetieth Day's Session.

MONDAY, October 12, 1868.

The Senate was called to order by the President at twelve o'clock M.

The roll was called, the following members present:

Antoine, Bacon, Beares, Braughn, Campbell, Coupland, Darrall, Day, Foute, Francois, Futch, Jenks, Jewell, Kelso, Lewis, Lynch, Monette, Ogden, O'Hara, Packard, Pinchback, Poindexter, Pollard, Randall, Ray, Thompson, Todd, Wilcox—28.

Prayer by the Chaplain, Rev. Mr. Turner.

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

RESOLUTIONS.

Senate joint resolution No. 33, appropriating one hundred dollars each to the members of the police force who have attended in their official capacity the sessions of the Legislature of 1868, was read.

Mr. Lynch: 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 further suspension of the rules the resolution was read a third time, and finally adopted with its title.

According to previous notice, Senate bill No. 46, an act to empower McFarlane, Straight & Co. to sue the State, was read.

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

The Senate refused to suspend the rules.

Mr. Todd: I ask for a suspension of the rules to present a petition from the Mayor, Council and people of Carrollton, asking to be excluded from the provisions of the Metropolitan bill.

Rules suspended and the petition read.

Mr. Todd: I move that the petition be ordered to be printed.

Adopted.

Mr. O'Hara: I move that the petition be referred to the Committee on Corporations.

Adopted.

Mr. Campbell: I ask for a suspension of the rules to take up Senate joint resolution tion No. 28, relative to the sitting of the joint committee on the conduct of the late election, and the condition of peace and good order in the State, during the recess of the General Assembly.

Rules suspended and the bill read.

The bill lies over.

Mr. Day: I ask for a suspension of the rules to present a resolution.

Rules suspended and the following read:

Resolved, That Leon Gaste and Augustus Williams be allowed their per diem and mileage as witnesses in the case of Geo. W. Reagan vs. R. H. Day, and that the chairman of the Committee on Elections be and he is hereby directed to certify to the number of days the above named parties have attended before the Committee on Elections, and that the Committee on Auditing and Supervising Expenses be and is hereby directed to approve the same.

Mr. Day: I move the adoption of the resolution.

Adopted.

Mr. Packard: I ask for a suspension of the rules to introduce a bill, to be entitled an act defining more fully the duties of the police juries of the several parishes in the State wherein there are levees or other public works to be built or repaired in their respective parishes in connection with the general duties of the Board of Public Works.

Rules suspended, the bill read.

Under a further suspension of the rules the bill was read a second time and referred to the Committee on Corporations and Parochial Affairs.

Mr. Lewis: I ask for a suspension of the rules to take up Senate bill No. 200, an act to incorporate the Louisiana Grain Elevator and Flouring Company.

Rules suspended.

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 to insert in line thirty-seven, after the word "the" the words "right of."

Adopted.

Mr. Braughn: I move that further consideration of the bill be postponed and that it be referred to the city delegation.

Mr. Lynch was called to the chair.

Mr. Braughn's motion was adopted.

The President resumed the chair.

Mr. Campbell: I ask for a suspension of the rules to take up House bill No. 224, a joint resolution appropriating $300 for the relief of the widow of Michael Butler, police officer, who was brutally murdered while in the discharge of his duty.

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 concurred in with its title.

Mr. Braughn: I ask for a suspension of the rules to take up House bill No. 134, an act to regulate and define the duties and to stipulate the jurisdiction and emoluments of Coroner.

Rules suspended and the bill read.

The bill was considered engrossed.

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

Mr. Bacon: I ask for a suspension of the rules to take up House bill No. 203, an act for the relief of Chas. E. Fortier and Mrs. Hypolite Fortier.

Rules suspended and the bill read.

The bill was considered engrossed.

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

Mr. Kelso: I ask for a suspension of the rules to take up Senate bill No. 232, substitute, an act to amend and re-enact an act entitled an act providing against usurpation, intrusion into, or the unlawful holding or exercising a public office or franchise in this State, approved September 8, 1868, returned from the House with amendments.

Rules suspended and the amendments read.

Mr. Ray: I move that the Senate concur in the House amendments.

Adopted.

Mr. Campbell: I ask for a suspension of the rules to take up House bill No. 8, an act relative to notaries public.

Rules suspended and the bill read.

Mr. Campbell: I move that the bill be made the special order of the day to-morrow at one o'clock.

Adopted.

Mr. Ray; I ask for a suspension of the rules to take up Senate bill No. 157, an act to amend and re-enact the thirty-fourth section of an act entitled an act relative to criminal proceedings, approved March 14, 1855, returned from the House with an amendment.

Mr. Ray: I move that the House amendment be concurred in.

Adopted.

Mr. Ray: I ask for a suspension of the rules to take up Senate bill No. 67, an act relative to attachments, returned from the House with an amendment.

Rules suspended and the amendments read.

Mr. Ray: I move that the House amendment be concurred in.

Adopted.

Mr. Ray: I ask for a suspension of the rules to take up Senate bill No. 120, an act providing for the free passage of children attending free public schools over all public ferries and roads, returned from the House with an amendment.

Rules suspended and the amendment read.

Mr. Ray: I move that the House amendment be concurred in.

Mr. Ray: I ask for a suspension of the rules to take up Senate bill No. 68, an act requiring a special term of the Supreme Court to be holden at Monroe, Louisiana, and fixing the time thereof, returned from the House with an amendment.

Rules suspended and the bill read.

The bill lies over.

Mr. Ray: I ask for a suspension of the rules to take up Senate bill No. 224, an act granting certain ferry privileges to J. B. François, of the parish of St. Martin, State of Louisiana.

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. Day: I ask for a suspension of the rules to take up Senate joint resolution No. 25, authorizing the Majors of the various municipal corporations throughout the State to perform the rite of marriage.

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.

The Senate went into executive session upon the call of Mr. Pinchback.

The executive session being raised, Mr. Darrall having asked to be relieved as a member of the Committee on Elections, the President appointed Mr. Lewis to fill the vacancy.

Mr. Campbell, from the Committee on Corporations, under a suspension of the rules, reported favorably upon Senate bill No. 277, an act defining more fully the duties of police juries in the State wherein there are levees or other public works to be built or repaired in their respective parishes in connection with the general duties of the Board of Public Works.

Mr. Lynch: I ask for a suspension of the rules to take up Senate bill No. 87, an act postponing indefinitely the collection of back taxes.

Rules suspended and the bill read.

The bill was considered engrossed.

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

Mr. Wilcox: I ask for a suspension of the rules to take up Senate bill No. 228, an act to authorize attorneys at law from other States to practice in the courts of this State.

Rules suspended and bill read.

The bill was considered engrossed, and under a further suspension of the rules underwent its third and final reading, and was finally adopted.

The Senate adjourned.

CHARLES H. MERRITT,
Secretary of the Senate.

JOURNAL OF THE HOUSE.

Ninety-First Day's Session.

MONDAY, October 12, 1868.

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

The roll being called, fifty-eight members answered to their names:

Speaker Lowell, Alexander, Adolphe, Buckingham, Belot, Brewster, Barbee, Burrel, Bergeron, Collins, Cuny, Crawford, Dewees, Dufresne, Demarest, Dupart, Evans, Esnard, Faulkner, Guigonet, Gair, Garstkamp, Guidry, Hill, Hanlon, Harper, Hutchinson, Holland, Hall, Isabelle, Leroy, L'Hoste, V. M. Lange, Morris, McVean, Morand, May, Mathews, Magee, Noble, Pearce, Pratt, Prejean, Reese, Rey, Slaton, Sterrett, Simms, Taylor, Umphreys, Walsh, Washington, Wren, Wm. C. Williams, H. Williams, Waters, Wiltz, Zoelly—58.

Prayer by Rev. Mr. Satchell.

On motion of Mr. Wiltz, of Orleans, the reading of the journal was dispensed with.

On motion of Mr. Wiltz, of Orleans, Mr. Rengstorff, of Orleans, was sworn in by the Speaker and took his seat.

Under a suspension of the rules, Mr. Dewees, of Bienville, introduced the following resolution which was adopted:

WHEREAS, In order that the resources and advantages of the State of Louisiana may be fully and concisely set forth for the purpose of rendering the same a source of information to immigrants and to aid them in seeking homes, land and employment, be it

Resolved, By the House of Representatives, that the report of Hon. J. B. Robertson in relation to the agricultural, manufacturing and mineral resources of the State, the annual report of J. C. Kathman, Chief of the Bureau of Immigration, and the report of Edward Gottheil, Chief Commissioner and General Agent of the State of Louisiana to the Paris Exposition of 1867, be contained in one volume, and five thousand copies thereof be published for the members of the General Assembly for distribution.

J. H. McVEAN,
Parish of Caddo.

Under a suspension of the rules, Mr. Harper, of St. Charles, chairman of the Judiciary Committee, introduced the following resolution, which was adopted:

Resolved, That the clerk of the Judiciary Committee, O. P. Hebert, be allowed his per diem, from the sixteenth of August to the eighth of September, 1868, inclusive.

P. HARPER,
Chairman;
C. RODNEY MAY,
HARRY LOTT,
ISAAC H. CRAWFORD,
G. H. HILL,
B. C. WREN,
JAS. R. CURELL.

Under a suspension of the rules, Mr. Antoine introduced the following resolution:

Be it resolved, That Samuel Carter, who unsuccessfully contested the seat of J. E. Rengstorff, as Representative of the Ninth Representative District of the parish of Orleans, be allowed per diem from the commencement of this session until the date when the case was decided against him.

Mr. McVean, of Caddo, moved to refer the resolution to the Committee on Elections and Qualifications.

Lost.

On motion of Mr. Antoine, of Orleans, the resolution was adopted.

Under a suspension of the rules, Mr. De Grange, of Orleans, introduced the following resolution which was adopted:

Resolved, That a committee of five members of this House shall be appointed by the Speaker to investigate the alleged charge of corruption and bribery in the lottery bill.

Resolved, That they have power to call and send for persons and papers.

The Speaker appointed the following committee called for by Mr. De Grange's resolution:

Messrs. De Grange, of Orleans; McMillen, of Carroll; Burrel, of St. John Baptist; Brewster, of Ouachita; Robert Lange, of East Baton Rouge.

On motion of Mr. Washington, of Assumption, ten days leave of absence was granted to Mr. Mollere, of Assumption.

REPORT OF SELECT COMMITTEE.

The Select Committee appointed to investigate whether the registration offices in the parish of Orleans had been closed, etc., submitted the following report, which was received and accepted, and on motion of Mr. Heidenhain, of Orleans, ordered to be printed in the journal, and made the special order of the day for to-morrow at one o'clock P. M:

To the Honorable the Speaker and Members of the House of Representatives of the State of Louisiana:

The undersigned members of your special committee appointed to investigate and report if in the parish of Orleans any offices for the registration of electors under the law have been closed, whether temporarily or permanently, and if yea, by what authority they have been closed, have the honor to report that they have investigated and found:

That a number of the Supervisors appointed by the Board of Registrars did on the eighth and ninth instant close their offices, after consultation with and by the advice of Messrs. Baker and Ferguson, members of said Board, and contrary to the advice and instructions of the other member thereof, Mr. Geo. A. Fosdick. The reason alleged for the closing of said offices is that the injunction issued to the Supervisors from the Sixth District Court of New Orleans was in direct conflict with the instructions from the Board of Registrars, and that the Supervisors could not continue registering under the instructions without incurring the penalties attached to a contempt of court for disobeying the order of Judge Cooley, of the Sixth District Court.

Your committee in justice must premise that although the act to create a Board of Registration to superintend the registration of the qualified electors of the State gives the Supervisors concurrent powers with the Registrars, fixed their term of office and therefore makes them independent of and not liable to removal by the Registrars, yet the construction placed by some of the Supervisors upon section first of the act "to define more fully the powers and duties of the Board of Registration and Supervising thereof, for the registration of the qualified voters of the State," is such that we believe that many of them in all candor thought themselves liable to removal if they disobeyed the instructions of the Registrars, whether said instructions were legal or illegal. At any rate they thought they should be guided in their actions by the Board's interpretation of the law, and upon receiving the injunction from the Sixth District Court they thought themselves in a dilemma from which they could only extricate themselves by closing their offices. Though our construction of the law is different, we are disposed to give many of them credit for honest motives. We must add, however, that when they applied for advice and instructions to the Board of Registrars, they should have been told to keep their offices open under the rules laid down for their guidance by the proper tribunal for the interpretation of laws.

We have already said that the alleged cause for the closing of the offices was the conflict between the rules or instructions of the Board of Registrars and the order of Judge Cooley. Although we think that the mandates of courts of justice should be obeyed implicitly by all executive and ministerial officers, and we doubt the right or propriety of this House questioning the validity of these mandates or the correctness of the judicial officer who issues them, except by the manner prescribed by law or the Constitution, yet your committee, to meet the objects of this investigation, have thought proper to sift the merits themselves of the question in order to throw the blame where it should justly fall.

Granting that the word rules in section first of the act "to define more fully, etc," quoted above can be construed to mean instructions on the proper interpretation of the original law, which some of your committee deny, yet, the same section says that these rules shall be accompanied with a transcript of the constitutional, naturalization and other laws pertaining to the qualification of elections, upon which said rules shall be based.

The first rule or instruction of the Registrars, which Judge Cooley's order enjoins the Supervisors from executing, is contained in the following words, beginning at the page five of said rules:

Quite a large number of naturalization papers have been issued from the District Courts of New Orleans since July 4, 1868, during the recess of the court, when the court only sat in chambers. Application for citizenship must be made in open court. Evidence must be taken by oral examination of witnesses, not by previously prepared affidavits. Such is the decision of the United States Supreme Court. The Board is, therefore, of opinion that all naturalization papers issued from the District Courts during vacation, except the Second District Court, were illegally issued. The District Courts adjourned from July 4 to November 1, 1868, and no naturalization papers issued in that interval ought to be recognized.

Your committee would here state that they have, in person, consulted the Attorney General of the State upon this question, as well as the others involved in this matter, and at his own request report that he is emphatically of opinion that the above instructions just quoted are contrary to law. For the purposes of naturalization, the Constitution and legislation of the United States (see Constitution of the United States and acts of 1802) gives to the Courts of Record of this State and the other States of the Union powers which could not be affected by any State legislation, and even if the District Courts issued naturalization papers in Chambers, as is stated by the Registrars, their power to do so could not be questioned. It is well known, however, that the naturalization papers alluded to were issued in open court, by tribunals whose rights to issue them cannot be questioned. These certificates of naturalization are moreover judgments which cannot be questioned by a Board of Registrars or Supervisors, but must be attacked by action for nullity or reversed upon appeal to proper tribunal. The Board of Registrars had therefore no right to issue such a rule or instruction to the Supervisors, and by so doing, are responsible for placing them in the embarrassing dilemma of which they complain.

The other rule made for the governance of the Supervisors, and which involved them in their difficulties, is the one relative to form three, as styled by the Registrars in their instructions on page three. They say:

Form No. 3 is for those who take the benefit of the proviso of article ninety-nine of the Constitution, in which they claim "that prior to the first of January, 1868, they favored reconstruction and openly and actively assisted the loyal men of the State to restore Louisiana to her position in the Union."

This oath is, in its terms, very explicit, if read carefully. A large number of persons will probably propose to take it, but it must be remembered that the words of the oath are, "openly and actively assisted in restoring the State to her position in the Union." Taking an active part for the purpose of defeating the adoption of the Constitution of the State does not meet the case; nay, even voting for the Constitution does not meet it. The aid must have been given openly and actively before January 1, 1868.

It must be borne in mind that the only way in which any person could have aided reconstruction prior to January 1, 1868, was by favoring and voting for a Convention to revise the Constitution of the State at the election held on September 27 and 28, 1867. Those who opposed and voted against a Convention did not aid reconstruction, for had a majority of the people voted against it, this State would no more have been reconstructed than is Mississippi at the present time. Under these instructions the Supervisors, or some of them, have seen fit to interrogate persons applying for registration after they have taken the oath prescribed in the registration act (section five) for those who "claim to be relieved from the disabilities contained in the second clause of the aforesaid affidavit, under the proviso to article ninety-nine of the Constitution;" the purport and object of their interrogations being as to the manner in which they had aided reconstruction—whether they had voted for or against a Convention, for or against the Constitution, etc.

In support of its conclusions upon this question, your committee is again authorized to use the opinion of the Attorney General of the State. The act prescribes the necessary affidavit for those who though previously disfranchised became re-enfranchised by the assistance which they gave, or attempted to give, in the reconstruction of the State, and the penalty prescribed in the section was evidently considered sufficient to deter any one disqualified from subscribing to a false oath.

The words of the same section, five, which have sometimes been quoted in defense of the instructions of the Registrars, and which reads: "That taking and subscribing the affidavits required by the preceding part of this section shall not prevent the Registrars or Supervisors from receiving other evidence, showing that the party applying for registration is not entitled to register, and they shall have a right to examine under oath, to be administered by themselves, or other competent authority, any witness to prove any fact pertinent to the right of any one to register, and shall decide from the evidence whether the party so applying is entitled to register, subject to appeal to the Board of Registration, which Board shall have power to hear and determine such appeals, do not apply to the case in point, as the requirements of the oath in question, in the contingency which we are now discussing, follows the paragraph just quoted, and has, therefore, no connection with it. As we have already shown, the law-maker provided such a penalty as he thought would be sufficient, and did not leave it discretionary with the Supervisors whether to accept the affidavit as final or not. The applicant should be registered without any further examination, subject to a prosecution for perjury if he has sworn falsely.

Even, however, if the supervisor, after the applicant has taken the oath, could receive other evidence showing that he is not entitled to register, the Constitution of the United States, first amendment, article five forbids that any person should in a criminal matter be made a witness against himself, and would therefore prohibit the investigation prescribed by the Board of Registrars into the qualifications of an applicant who, if he has sworn falsely can be prosecuted for perjury.

Your committee are therefore of opinion that the Board of Registration (or rather the majority thereof) whatever may have been their motives, however commendable or censurable they may be, have exceeded their powers in issuing to the Supervisors rules not based upon the constitutional, naturalization and other laws pertaining to the qualification of electors and would recommend the repeal of section 1, in the 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, and also the repeal, if necessary, of the instructions or rules already issued by the Board of Registrars.

Respectfully submitted,

JAMES R. CURELL,
Chairman;
E. W. DEWEES,
JERRY A. HALL.

REPORTS OF STANDING COMMITTEES.

The Committee on Claims submitted the following report, which was received and accepted:

COMMITTEE ROOMS, October 11, 1868.

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

GENTLEMEN—Your Committee on Claims beg leave to report favorably, by substitute, on House bill No. 204, an act for the relief of Victor Gerodias, for money necessarily disbursed by him for extra stationery, books, and clerk hire, to effect the collection and settlement of State taxes for the years 1861, 1862, 1863 and 1864, it being clearly proven to your committee that the sum of twenty-five hundred dollars was actually and necessarily paid out by said Victor Gerodias, respectfully recommend the passage of the following act, substituted for House bill 204.

J. H. McVEAN,
Chairman on Claims;
W. POPE NOBLE,
S. E. CUNY.

House bill No. 278, substitute to House bill No. 204, an act for the relief of Victor Gerodias.

On motion of Mr. Rey, of Orleans, and under a suspension of the rules, the bill was read twice and referred to the Committee of the Whole.

The same committee submitted the following report, which was received and accepted:

COMMITTEE ROOMS, House of Representatives, New Orleans, October 12, 1868.

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

GENTLEMEN—Your Committee on Claims beg leave to report favorably to making an appropriation of one thousand and twelve dollars and fifty cents to pay George W. Sizer for the rent of house No. 104 on Camp street, New Orleans, which was used by the Board of Health of the State of Louisiana.

Your committee therefore respectfully recommend the passage of the following act.

J. H. McVEAN,
Chairman on Claims;
S. E. CUNY,
W. POPE NOBLE.

House bill No. 279, an act for the relief of George W. Sizer, reported by the Committee on Claims, was placed on its first reading.

Under a suspension of the rules, Mr. Heidenhain, of Orleans, gave notice that to-morrow he will introduce a bill entitled an act providing for the building of a levee in the rear of the city of New Orleans.

Under a suspension of the rules, the following bills were introduced by Mr. Garstkamp, of Jefferson:

House bill No. 280, an act to incorporate Kenner Fire Company No. 1, of the town of Kenner, parish of Jefferson.

First and second readings and referred to the Committee on Corporations.

By Mr. McVean, of Caddo:

House bill No. 281, joint resolution to inquire into the recent disturbances in the parishes of St. Landry, Bossier and Caddo.

First and Second readings and referred to the Committee.

Mr. Faulkner, of Caldwell, moved to suspend the rules to introduce a bill.

Mr. McMillen, of Carroll, objected, and called for the yeas and nays, resulting as follows:

Yeas: Abbot, Belot, Brewster, Burrel, Bergeron, Collins, Carr, Cuny, Crawford, Dewees, Dufresne, Demarest, Dupart, Evans, Eager, Esnard, Faulkner, Gair, Garstkamp, Hill, Hanton, Hutchinson, Holland, Hall, Leroy, L'Hoste, Lott, V. M. Lange, R. Lange, Morris, McVean, Melvin, Noble, Pearce, Prejean, Simms, Raymond, Reese, Rey, Taylor, Umphreys, Washington, Wilson, William C. Williams, Wiltz, Zoelly—46.

Nays: Alexexander, Buckingham, Barbee, Curell, De Grange, Guidry, Heidenhain, Lee, McCullen, McMillen, Morand, May, Mathews, Magee, Pratt, Rengstorff, Slaton, Walsh, Wren, H. Williams, Waters—21.

The rules were suspended and the following House bill (No. 282) introduced:

An act to amend and re-enact section first of an act entitled an act to establish a Board of Public Works for the State of Louisiana and to define the duties of the same, approved September 10, 1868.

First reading.

Mr. Belot, of Orleans, called for the special order of the day—Senate bill No. 74.

Mr. Burrel, of St. John Baptist, moved to postpone the consideration of the bill until three o'clock P. M.

Carried.

MESSAGE FROM THE SENATE.

The Secretary of the Senate was announced informing the House that the Senate had concurred in House bill No. 269, an act making an appropriation of one hundred thousand dollars for the payment of per diem and mileage of members, employes and officers, and for the contingent expenses of the General Assembly.

Also, asking concurrence in Senate joint resolution No. 30, respecting the committee on the city Charter;

And in Senate bill No. 265, an act to amend and re-enact article No. 2260 of the Civil Code of Louisiana, and to repeal an act entitled an act to amend and re-enact article 2260 of the Civil Code of the State of Louisiana, approved March 13, 1867.

Mr. Reese, of Lafourche, in the chair.

On motion of Mr. Pratt, of Claiborne, the rules were suspended and substitute to House bill No. 268 was taken up, an act to regulate the collection and payment of taxes.

The bill was taken up section by section.

Section first was read.

Mr. Heidenhain moved to postpone the bill indefinitely.

Lost.

Mr. Lee, of St. Bernard, moved to strike out section 1, and insert Mr. McMillen's amendment to Senate bill No. 246, as follows:

That tax collectors throughout the State are hereby authorized and required to receive in payment of the taxes due to the State all matured coupons of interest of bonds issued prior to January 1, 1861, and subsequent to January 1, 1864, all certificates of indebtedness issued under and by authority of act No. 5 of the General Assembly of 1866 approved February 9, 1866, all warrants or certificates of indebtedness issued by the Constitutional Convention of 1868, or by the Board of Registration appointed by said Convention, all warrants issued or to be issued by the Auditor of Public Accounts against appropriations made by this or any previous Legislature: Provided, That this section shall not be construed to apply to taxes due for the Convention, levee or school funds.

Mr. Harper, of St. Charles, moved to lay the amendment on the table.

Carried.

The amendment was laid on the table.

On motion of Mr. Harper, of St. Charles, section first was adopted.

Mr. Heidenhain called for the yeas and nays.

The Chair decided the call for the yeas and nays out of order as the Chair had not heard it seconded previous to the announcement of the adoption of the section.

Mr. McMillen, of Carroll, stated that he had seconded the call for the yeas and nays, and appealed from the decision of the Chair, and called for the yeas and nays, resulting as follows:

Yeas: Abbot, Adolphe, Buckingham, Brewster, Barbee, Burrel, Collins, Carr, Cuny, Crawford, Dewees, Dufresne, De-Grange, Dupart, Evans, Eager, Faulkner, Fouts, Guigonet, Gair, Garstkamp, Hill, Hanlon, Harper, L'Hoste, Lott, V. M. Lange, R. Lange, Morris, McVean, Melvin, May, Mathews, Magee, Noble, Pearce, Pratt, Prejean, Raymond, Rey, Slaton, Simms, Taylor, Umphreys, Walsh, Washington, Wilson, William C. Williams, H. Williams—49.

Nays: Antoine, Hutchinton, Holland, Heidenhain, Kent, Leroy, McMillen, Morand, Sterrett, Wren, Waters—11.

The decision of the Chair was sustained.

Section second was read.

Mr. McVean, of Caddo, moved to strike out "January" and insert "June."

The amendment was adopted.

Mr. Dewees, of Bienville, moved to strike out after the words "expenses of" the words "the State in any department," and insert "members and employes of the General Assembly."

Carried.

Amendment adopted.

Section second as amended was adopted.

Section third was read.

Mr. Heidenhain, of Orleans, moved to strike out the section.

Motion laid on the table.

Section third was adopted.

Sections fourth, fifth and sixth were read and adopted.

On motion of Mr. Pratt, of Orleans, the rules were suspended and the bill considered engrossed.

Mr. Crawford, of Franklin, moved a reconsideration of the vote just taken.

Mr. Pratt, of Claiborne, moved to lay the motion to reconsider on the table.

Carried.

Mr. McVean, of Caddo, moved to suspend the rules to place the bill on its third reading and final passage.

Rules suspended, bill read a third time, placed on its final passage, title adopted and ordered to be sent to the Senate for concurrence.

An Act to Regulate the Collection and Payment of Taxes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That all taxes and licenses due the State of Louisiana prior to the year 1865 shall be payable in State notes, State warrants, or any other redeemable State paper.

SEC. 2. Be it further enacted, etc., That all licenses and taxes due the State of Louisiana since the year 1864, and that may hereafter become due, shall be payable in United States currency: Provided, That all

[CONTINUED ON FOURTH PAGE.]