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# OFFICIAL:

## PROCEEDINGS OF THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

## THIRD SESSION.

### JOURNAL OF THE SENATE.

**Seventeenth Day's Session.**

SENATE CHAMBER, Saturday, January 22, 1870.

The Senate met pursuant to adjournment

Present, Hon. O. J. Dunn, Lieutenant Governor and President of the Senate, and Messrs. Anderson, Antoine, Bacon, Beares, Blackman, Braughn, Campbell, Coupland, Darrall, Day, Egan, Foute, Futch, Jenks, Jewell, Kelso, Lewis, Lynch, Monette, Ogden, O'Hara, Packard, Pinchback, Poindexter, Pollard, Ray, Smith, Thompson, Todd, Whitney, Wilcox, Williams, Wittgenstein—33.

Prayer by the Chaplain, Rev. Mr. Turner.

The reading of the minutes of the previous day's session was dispensed with.

Mr. Ogden rose to a personal explanation, and said: I have been credibly informed, and believe, that yesterday evening, in the heat of debate, I made use language abrupt and unparliamentary, not only to the body of the Senate, but to individuals. I regret this exceedingly, gentlemen of the Senate, because, during my career on the floor of the Senate, I have been constantly treated with the greatest courtesy and kindness by all the members, irrespective of party; and I now offer an apology for the abrupt language used by me yesterday, trusting that the Senate will receive it.

The President: I hope that members who felt themselves aggrieved yesterday, by the language of the Senator, will feel satisfied with what I know must be humiliating to any Senator, and to a gentleman of refinement and culture to make such an acknowledgment. I hope it will be received, and that any ill-feelings which may have been entertained toward the Senator will be removed, and that he will be received with the same warm feelings as heretofore.

The Secretary presented to the House for concurrence the following bills:

Senate bill No. 99, a bill to be entitled "An act for the relief of the tax payers of this State in the parishes wherein no assessment rolls were made for the years eighteen hundred and sixty-seven (1867) or eighteen hundred and sixty-eight (1868), or wherein no tax collectors were appointed, or, if appointed, failed to qualify and to enter upon the discharge of their duties before the expiration of the period fixed by law for the payment of taxes, without incurring penalty."

Also, Senate bill No. 97, to be entitled "An act to lay out, construct, locate and open a public road from the Mississippi river to the Vacherie Settlement in the parish of St. James."

Also, Senate bill No. 103, to be entitled "An act granting E. G. Pintado, Parish Judge of Assumption, leave of absence."

Also, Senate bill No. 98, to be entitled "An act to adopt and ratify the proceedings of the committee of freeholders, and of the Police Jury of the parish of St. James, under and by virtue of act of eighteen hundred and sixty-nine, number seventy-seven (77), and to lay out, construct and open a public road from the Mississippi river to the Vacherie Settlement, in the parish of St. James.

Also, Senate joint resolution No. 10, requesting our Senators and Representatives in Congress to urge the payment of the just claims of our loyal citizens.

And to request the signature of the Speaker to enrolled joint resolution, authorizing the special committee appointed to examine the accounts of the Auditor of Public Accounts to employ clerks.

And to present to you for concurrence the following Senate joint resolution, No. 12, "In relation to the duty on sugar and molasses."

And informed the House that the Senate refused to concur in House amendments to Senate joint resolution No. 3, appointing a State House committee.

REPORTS OF COMMITTEES.

Mr. Ray, from the Judiciary Committee, reported favorably on the following entitled bills:

Senate bill No. 39, "An act to encourage the establishment of manufactories of raw materials in the State, and to provide for the settlement of all taxes thereon."

Was taken up and ordered printed.

Also, on Senate bill No. 106, "An act to amend and re-enact an act entitled 'an act relative to auctioneers,' approved March 13, 1855."

Mr. Ray, from the Judiciary Committee, reported by substitute on Senate bill No. 75, to be entitled "An act to amend and re-enact section seven of an act entitled 'an act relative to bills of exchange and promissory notes,' approved March 9, 1855."

Mr. Ray, from the Judiciary Committee, reported by substitute on Senate bill No. 29, to be entitled "An act to authorize the Governor in certain cases to issue warrants for the apprehension of persons charged with murder or certain other offenses, and to provide for the arrest and examination of such person, was taken up and passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and ordered printed.

Also, by substitute on Senate bill No. 77, to be entitled "An act to extend an act entitled [illegible] ... [illegible] article 139 of the constitution of 1868," approved October 1?, 1868, was taken up and passed its first reading.

The [illegible] was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and ordered printed.

Mr. Campbell, from the Committee on Revision of the Codes, submitted the following:

To the Honorable Senate and House of Representatives of the State of Louisiana:

The undersigned, Joint Committee on the Revision of the Statutes of a general character and of the Civil Code and Code of Practice of the State of Louisiana, appointed and acting under the provisions of act No. 31 and joint resolution No. 182 of the acts of 1868, having already, in separate reports to your honorable bodies, submitted the revision of the statutes of a general character and of the Civil Code, herewith submit the work of revision of the Code of Practice, in printed form, as required by act No. 131 of 1869.

This report includes the report made to your committee by Hon. John Ray, the person appointed to make the revision, to which report we respectfully refer your honorable bodies, as it fully explains the plan of the revision.

This report presents the work of revision in the shape of an act, to be passed by the Legislature, as it requires legislative sanction to give it the force of law.

The person appointed to make the revision availed himself of the authority given him by act No. 31 of 1868, to simplify the language, correct incongruities and supply deficiencies in the laws, which was the great purpose of revision. He was necessarily compelled to use liberally this authority in the revision of the Code of Practice.

The revision of the Code of Practice was found to be a work of great labor, requiring the most careful investigation, an accurate knowledge of the existing Code of Practice, the legislation in reference to it up to the present time, and of the decisions of the Supreme Court bearing on its several provisions, as well as of the system of laws from which it was originally derived. A correction in the translation of many of the articles was found necessary.

Whereas changes have been made under the authority vested in the person appointed to revise the Code of Practice, it requires the sanction of the law-making power to give it the force of law. Hence the work of revision is presented in the shape of an act, to be passed by the Legislature, with a title embracing all its objects, according to the requirements of article 114 of the constitution.

This revision has been made under the supervision and direction of your committee, some of the members having given considerable time to the work, and your committee have caused the work of revision to be printed in accordance with the requirements of act No. 131, of 1869, and it is herewith presented in printed form, convenient for the examination of the members of the General Assembly.

All of which is respectfully submitted,

H. J. CAMPBELL,
CHARLES W. LOWELL,
FRANK MOREY,
W. F. BLACKMAN.

Mr. Kelso, from the Committee on Public Lands and Levees, reported favorably on Senate bill No. 152, to be entitled "An act to provide for paying Joshua James for work done on the levees, and money expended by him in the preservation of the levees."

Mr. Wilcox, from the Committee on Unfinished Business, reported favorably on Senate bill No. 173 (bill of 1869), to be entitled "An act to exempt from taxation the New Orleans Methodist Repository."

Mr. Campbell, from the Committee on Corporations and Parochial Affairs, reported by substitute on Senate bill No. 64, to be entitled "An act to authorize and empower the Police Jury of each parish in the State, except the parishes of Orleans and Jefferson, to prescribe the food and fix the price of feeding the prisoners in their respective jails.

Mr. Darrall, from the Committee on Enrollment, submitted the following reports:

GENERAL ASSEMBLY OF LOUISIANA, Senate Enrollment Room, New Orleans, January 22, 1870.

To the President and Members of the Senate:

GENTLEMEN—Your Committee on Enrollment have the honor to report as having been duly engrossed the following:

Joint resolution No. —, in relation to the duty on sugar and molasses.

Respectfully,
C. B. DARRALL,
Chairman.

GENERAL ASSEMBLY OF LOUISIANA, Senate Enrollment Room, New Orleans, January 22, 1870.

To the President and Members of the Senate:

GENTLEMEN—Your Committee on Enrollment have the honor to report as having been duly engrossed the following bills, viz:

Senate bill No. 33, an act to authorize J. G. Nixon to sue the State of Louisiana.

Senate bill No. 79, an act for the relief of F. M. Stevens.

Respectfully,
C. B. DARRALL,
Chairman.

NOTICES OF BILLS.

By Mr. Day—Of a bill to be entitled "An act regulating the number of passengers to be carried by the city passenger railway cars, and making it a misdemeanor to carry more than twelve persons to each passenger car."

By Mr. O'Hara—Of a bill to be entitled "An act to encourage and promote the establishment of certain manufactories in this bill."

Also, of a bill to be entitled "An act to confer certain powers upon municipal corporate authorities, and other competent courts of jurisdiction in reference to penalties for minor criminal offenses and petty larceny."

Mr. Pinchback—Of a bill to be entitled "An act conferring power on the corporate authorities of the city of New Orleans, to protect the citizens from being injured by railroad cars and to enforce their ordinances on that subject."

By Mr. Thompson—Of a bill to be entitled "An act to incorporate the Evansville, Covington and Tangapahoa River Rail Road Company, and provide for the construction thereof. (No bonds asked for from the State.)

Also of a bill to be entitled "An act to create an annual salary for the District Attorney pro tempore."

By Mr. Kelso—Of a bill to be entitled "An act to exempt the town of Alexandria from parish taxes."

By Mr. Lynch—Of a bill to be entitled "An act relative to sale of public Lands."

BILLS INTRODUCED ACCORDING TO NOTICE.

By Mr. Day—A bill to be entitled "An act for the relief of Louis Thomas, Coroner of the parish of East Baton Rouge, for services rendered in 1869."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading and referred to the Committee on Claims.

By Mr. Antoine—A bill to be entitled "An act relative to Straight's University."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading and referred to the Finance Committee.

Under a suspension of the rules, the following bills were introduced without notice:

By Mr. Bacon—A bill to be entitled "An act to amend and re-enact article five hundred and seventy-seven of the Code of Practice."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and referred to the Judiciary Committee.

Also, a bill to be entitled "An act to prevent bribery and corruption in city or other municipal governments, such bribery or corruption and attempts thereat."

Which passed its first reading.

The constitutional rule was then suspended by a four fifths affirmative vote, the bill put on its second reading, and referred to the Judiciary Committee.

By Mr. Ray—A bill to be entitled "An act requiring the clerks of the District Courts of the parishes of Ouachita, Morehouse, Carroll and Franklin, and recorder of said parishes, to transmit certain papers and documents to the clerk of the District Court of the parish of Riceland, and the records of said parish, fixing the time within which it is to be done, and fixing penalties for a failure to comply with the requirements of this act."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and referred to the Judiciary Committee.

Also, a bill to be entitled "An act to fix the salaries of the Chief Justice and Associate Justices of the Supreme Court."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and referred to the Finance Committee.

Also, a bill to be entitled "An act relative to appeals from Justices of the Peace to the Parish Courts," which passed its first reading.

The constitutional rule was then suspended by a four-fifths vote, the bill put on its second reading, and referred to the Judiciary Committee.

JOINT RESOLUTIONS.

By Mr. Wittgenstein—A joint resolution "For the relief of Mrs. E. P. Humphreys."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the joint resolution put on its second reading, and referred to the Judiciary Committee.

Mr. Anderson introduced a joint resolution, "relating to the duty on molasses and sugar."

Which passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the joint resolution read its second time, and considered engrossed for a third reading.

The constitutional rule was further suspended by a four-fifths affirmative vote, the joint resolution read its third and last time, and finally adopted.

RESOLUTIONS.

By Mr. Packard:

*Resolved*, That the bill to regulate elections be referred to a special committee of five, to be appointed by the chair.

Mr. Ray: I rise to the point of order that the resolution can not be entertained, because the bill to which it refers is not now before the Senate, and that motions to recommit a bill can only be made when it is before the Senate for consideration.

The President: The point is well taken. The resolution is out of order.

REPORTS LYING OVER TO BE ACTED ON.

Report of Committee on Education on Senate bill No. 45, to explain, amend and re-enact section ten of an act entitled "An act to regulate public education in the State of Louisiana, and to raise revenue for the support of the same," approved March 10, 1869, to provide a penalty for further violation thereof, and relative to the free public schools of New Orleans, was taken up and adopted.

Senate bill No. 109, reported by Finance Committee, to be entitled "An act for the relief of J. H. Harden," was taken up, and passed first reading.

The constitutional rule was then suspended by a four fifths affirmative vote, the bill put on its second reading, and considered engrossed for a third reading.

The constitutional rule was further suspended by a four-fifths affirmative vote, the bill read its third and last time, and finally adopted with its title.

Mr. Braughn called up from second reading file Senate bill No. 69, "An act to amend and re-enact an act entitled 'An act providing for a summary docket in the Supreme Court,'" approved February 28, 1869, reported favorably, with the following amendment: Add, at end of section two, "And also appeals in injunction cases, staying writs of 'fieri facias,' and executory process,"

The bill was read, the amendment adopted, and the bill considered engrossed for a third reading.

The constitutional rule was then suspended, by a four-fifths affirmative vote, the bill read its third and last time, and finally adopted with its title.

Mr. Ray, under a suspension of the rules, called up Senate bill No. 59, relative to vagrants in the parish of Orleans, and city of New Orleans, which was ordered printed.

Mr. Wittgenstein asked for a suspension of the rules, to take up from first reading file House bill No. 5, "An act to repeal the thirtieth paragraph of section three of an act to provide a revenue for the support of the State government of Louisiana," etc.

The Senate refused the suspension, by the following vote, on a call of the yeas and nays, two-thirds not voting in the affirmative.

Yeas: Beares, Campbell, Darrall, Jenks, Kelso, Lewis, Monette, O'Hara, Packard, Pinchback, Poindexter, Pollard, Ray, Todd, Wilcox, Williams, Wittgenstein—17.

Nays: Anderson, Bacon, Blackman, Coupland, Day, Egan, Foute, Futch, Jewell, Lynch, Thompson—11.

REGULAR ORDER OF DAY.

The unfinished business being Senate bill No. 7, to be entitled "An act to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making and designate the officers who shall make the returns thereof; to prevent fraud, violence, intimidation, riot, tumult, bribery or corruption at elections, or at any registration or revision of registration, to limit the powers and duties of the sheriffs of the parishes of Orleans and Jefferson, to prescribe the powers and duties of the board and officers of the Metropolitan Police in reference to elections; to prescribe the mode of entering on the rolls of the Senate and House of Representatives the names of members; to empower the Governor to preserve peace and order, to enforce the laws, and to declare martial law during registrations and elections; to limit the powers and duties of the Mayors of the cities of New Orleans and Jefferson with regard to elections; to prohibit district or parish judges from issuing certain writs to commissioners of election, to make an appropriation for the expenses of the next revision of the registration and of the next election; and to enforce article one hundred and three of the constitution," being the unfinished business of yesterday, was taken up.

Mr. Packard renewed his motion to refer the bill to a special committee of five Senators.

Mr. Ray moved to lay the commitment on the table, which the Senate refused to do by the following vote:

Yeas: Antoine, Beares, Campbell, Darrall, Kelso, Monette, Pinchback, Poindexter, Pollard, Ray, Todd, Whitney, Wilcox, Wittgenstein—14.

Nays: Anderson, Bacon, Blackman, Braughn, Coupland, Day, Egan, Foute, Futch, Jenks, Jewell, Lewis, Lynch, Ogden, O'Hara, Packard, Thompson, Williams—18.

The motion to recommit was then adopted by the following vote:

Yeas: Anderson, Bacon, Beares, Blackman, Braughn, Coupland, Day, Eagan, Foute, Futch, Jenks, Jewell, Lynch, Ogden, Packard, Smith, Thompson, Williams—18.

Nays: Antoine, Campbell, Darrall, Kelso, Monette, O'Hara, Pinchback, Poindexter, Pollard, Ray, Todd, Whitney, Wilcox, Wittgenstein—14.

Mr. Braughn: I move to adjourn.

The Senate refused to adjourn by the following vote:

Yeas: Anderson, Bacon, Beares, Blackman, Braughn, Foute, Jenks, Jewell, Ogden, Thompson, Williams—11.

Nays: Antoine, Campbell, Coupland, Darrall, Day, Eagan, Futch, Kelso, Lynch, Monette, O'Hara, Packard, Pinchback, Poindexter, Pollard, Ray, Smith, Todd, Whitney, Wilcox, Wittgenstein—21.

Mr. Braughn moved to reconsider the vote to refer in the election bill.

And after some debate, Mr. Ray moved to adjourn, which motion was adopted, by the following vote:

Yeas: Anderson, Antoine, Bacon, Beares, Blackman, Braughn, Campbell, Coupland, Darrall, Egan, Foute, Jenks, Jewell, Kelso, Lynch, Monette, Ogden, O'Hara, Pinchback, Poindexter, Pollard, Ray, Smith, Thompson, Todd, Whitney, Wilcox, Williams, Wittgenstein—29.

Nays: Day, Futch, Packard—3.

The President then announced that the Senate stood adjourned until Monday, at twelve o'clock M.

CHARLES H. MERRITT,
Secretary of the Senate.

### DEBATES OF THE SENATE.

MONDAY, January 24, 1870.

The President having appointed as a special committee on the election bill Messrs. Packard, Pinchback, Ray, Futch and Egan—

Mr. Packard: As the chairman of the committee to whom this election bill is referred, I would ask the unanimous consent of the Senate that when it is reported back by the committee it shall resume its place upon the calendar as unfinished business. My object in offering the resolution to have it referred on Saturday was not to delay action upon it, or have it lose its place upon the calendar, but that it might be amended in some respects.

By unanimous consent the Senate so ordered.

Mr. Packard sent to the desk of the Senate the following resolution:

"*Resolved*, That the minority reports made by certain members of the Judiciary Committee be printed in the journal of the Senate."

Mr Packard: I also send to the desk of the Secretary a newspaper article which explains my motive in offering the resolution.

The article was read, as follows:

"WHEN WILL THIS GENERAL ASSEMBLY END?

"We do not mean the session, but the body which was elected on the seventeenth and eighteenth of April, 1868. One-half of the Senators and all the Representatives are to go out of political existence when this body ceases to be, and their successors are thereafter to be elected. But when will this happen?

"The Senator from Orleans, right bank, Mr. C. C. Packard, brother of Mr. S. B. Packard, United States Marshal, and lately, if not now, the managing man of the Republican party, has taken occasion, in reporting as a member of the Judiciary Committee on the election bill, to examine into this question, and he comes to the very startling conclusion that this Legislature will constitutionally exist until such time as a session can be had after the United States census shall be taken in 1870, and its result announced.

"As it is unlikely that the census will be completed, so as to be operative as a basis of an apportionment to be made in 1870, Mr. Packard concludes that this present Legislature must meet again next year at least, and that its existence will be prolonged until it shall have made the apportionment.

"The argument made is quite ingenious, and as it would evidently give the present Legislature another year of life, and its members the moderate constitutional and legal, and the excessive illegal and unlawful, not to say unconstitutional, profits which the rings are almost confessed to make, it is likely to be received with much favor. But it is specious and not substantial in its reasoning and conclusions, and the Senator, who seems to be honest and fair in his general action, has probably been deceived by the arguments which others have addressed to him.

"He bases his conclusions upon the dictum of article twenty of the constitution, that 'representation shall be equal and uniform; that 'after the first General Assembly elected under this constitution, it shall be ascertained and regulated by the total population, each parish in the State being entitled to at least one representative;' and that 'until the State census of 1875, the apportionment of the State shall be made on the basis of the census of the United States for the year 1870.'

"He assumes that an apportionment is necessary, and provision requisite for each of the newly created parishes, before another election can take place, which may be true; but that such apportionment must be made on the basis of the census of 1870, and that although article sixteen distinctly and positively declares, without a word of reservation there or elsewhere, that 'the members of the House of Representatives shall continue in office for two years from the day of the closing of the general elections,' that this provision does not apply to the present General Assembly, for he assumes that this General Assembly is to be 'provisional,' or extra constitutional, and endows it with perennial existence, unless it makes an apportionment under the census of 1870.

"Now, no exception in favor of this General Assembly is made in article sixteen, which cuts off the representative life of the members of the House two years after the close of the election. This is positive and fixed; and though the next General Assembly ought to be apportioned upon the basis of total population, and each parish have a representation, and though this total population basis could but be ascertained by having a census taken in time for it, yet it is nowhere expressly declared that such an apportionment can not be made on a fair legislative estimate of the population. The only census distinctly required, is that of 1875, and every ten years after. The apportionment for the election of 1872 must be made on the basis of the census of 1870. That for 1870 may be made on the basis of total population as estimated by the Legislature.

"The report tries to get around the unequivocal, positive and unmistakable declarations of article sixteen, that the terms of the members of the lower house, and consequently of one-half those Senators, will expire two years from the closing day of the election, by insisting that this means 'the first Monday in November every two years,' as mentioned in article seventeen, and that this Legislature was provided for separately, to be elected on seventeenth and eighteenth April, 1868.

"If there were anything in this quibble, it would apply more to this Legislature than to any subsequent one; for article seventeen says the election in November shall be completed 'in one day,' while the allusion in article sixteen to 'the day of the closing of the general elections,' must certainly refer to a case when there is both an opening and a closing day.

"But we have no space to continue this subject further at this time."

A part of the above having been read by the Secretary—

Mr. Packard: I think the Senate is satisfied, from what has been read, that these reports which have thus been slandered and misrepresented, without giving the public either an abstract or the reports in full, that the statements in that paragraph are without any foundation whatever. Had this newspaper—as almost any fair newspaper would have done—given the reports before commenting on them, this resolution would have been unnecessary. The article also cast a decided slur upon the General Assembly. I do not propose to go into a discussion upon that, but I wish the minority reports be printed, in order that the public might know what they are.

Senate bill No. 110, "an act to authorize the purchase of four hundred copies of the new digest of the Louisiana Reports," being under consideration.—

Mr. Ray: The object of this bill is to buy 400 copies of the digest of the decisions of the Supreme Court, which is a continuation of the digest from the time that Hennen closed it down to the present time. I have examined this work and think it is well and very properly got up. It is prepared mainly on the plan of Hennen. I think it is nothing but right that the State should take a sufficient number to supply its judicial and other officers—400 copies at $12 50 a volume, which is considered a very reasonable price.

The bill was passed.

Senate bill No. 93, "an act to amend and re-enact the Civil Code of Louisiana," etc., being under consideration—

Mr. Ray: Session before last an act was passed appointing a joint committee to revise the statutes, Civil Code, and the Code of Practice of this State. The committee was authorized to employ some one to do this work, under their supervision. I had the honor of being selected by the committee, and in November, 1868, the work was commenced. The Legislature required the report to be made at the next session. That was found impossible, but by employing considerable force the work is now completed. The revision of the Civil Code has been prepared with great care. The work has been performed, in the main, by one of the most distinguished lawyers in the State, Isaiah Garrett, of Monroe. The revision of the Civil Code contains all the changes that have been made upon the old Civil Code of 1825, by action of the Legislature. All that portion that was abrogated by the constitution of 1868 and the laws of Congress bearing on our constitution has been erased, and every provision of the law that had reference to the subject contained in the Civil Code has been carefully revised and reduced to articles. All the old articles of the Civil Code that had become obsolete have been omitted, and all the amendments that were yet in force have been incorporated in a separate part. A new numbering of the articles was found necessary; but where the old articles have been retained, the old number is inserted in brackets. There are 2556 articles altogether, a few more than there were in the old code. This revision is now submitted by the committee in a shape of an act, to be passed by the Legislature. It was incompetent to pass this act, comprehending many objects, unless they were expressed in the title, but if presented in different acts, the title could be no further than it is as presented in this one act. In any other way it would be almost impossible to revise the code without taking up each title by itself; but, according to the present constitution, if the title expresses the objects of the act following, there is no difficulty. The constitution of 1852 provided that an act could not be on more than one subject, consequently, in 1855, when the statutes were revised, they had to pass separate acts upon every statute, which is the reason why they are so voluminous; but the constitution of 1868 provides that any number of subjects may be treated in an act if the title expresses them all.

It would be impossible for us to spare time to read over all the articles of the Civil Code. Most of it consists of the old code; the only changes are those made necessary by new legislation since the adoption of the constitution of 1868. Of course the committee who had charge of the revision gave a good deal of attention to it, but the person chiefly to be relied upon is the one appointed to revise it. If any amendments are hereafter found necessary, they can be made by separate acts.

Mr. Bacon: I think it would be hasty to act upon this volume in this way, although I have confidence in the integrity, and fidelity and ability of the gentlemen who have undertaken this duty. I agree with the Senator that it would be now impossible for us to examine it throughout, even if we were organized in a sixty days' session for that special purpose, to go through the Civil Code, without saying anything about the Revised Statutes. But if we lay over this matter and do not act upon it at this session, it can be examined not by a commission but by members of the bar throughout the State, who will form themselves into a voluntary commission to examine this revision, and see that it is correctly made; and, if there be any mistakes of any kind, will detect them and give notice thereof through their representatives. It is their interest to look it through, and there are enough bookworms among them, being of careful and studious habits, who will undertake to do this of their own motive as a pastime or recreation. I will call the attention of the Senator from Ouachita and his colleague upon the commission, to the fact that there are discrepancies in the code as originally passed; discrepancies in the translation of French into English, and it should be provided for by subsequent legislation, if there be any errors in the typography as the manuscript or the proof reading—and the very best proof readers are liable to make mistakes, which unaccustomed proof readers are much more liable. If there be any such discrepancies, it may prove a very great detriment to a large interest of the State to make it a law. It seems to me that the better course would be to lay this revision, both of the Civil Code, and the Revised Statutes, and the Code of Practice over till the succeeding Legislature, so that they may have been examined by competent men, and by any of us, who may have had professional training or are better calculated for the task, especially as we are engaged in ordinary legislation. Therefore, I say, that while I have confidence in the integrity and good faith and ability of the gentlemen who undertook those revisions, it requires more of such faith as legislators than we can exercise as such, to take the revision of these gentlemen and enact it as law; it is like passing an important bill to appropriate money, or raise bonds, or anything of that kind without reading it; and for the very reason that we have not time to go through with it now, I trust it will be laid over till the next General Assembly.

Mr. Todd: Will the next General Assembly be any more intelligent than this?

Mr. Bacon: The Senator from Jefferson asks whether the next General Assembly will be any more intelligent than this. I fear it will not, but I think the intelligence of the next General Assembly will be aided by the examination which members of the bar will give to these provisions, and after it has been considered by them it will be time enough to pass it. The law as it stood heretofore we can alter by special amendments on parts necessary, so that no harm can be done by laying the revision over. Is there, has been any alteration or changes effecting property or personal rights—and it is possible such alterations have been made, with the best intentions on the part of the revisors, it is better to let this matter go over till the next General Assembly, when it will have the advantage of the suggestions from members of the bar.

Mr. Blackman: It seems to me unnecessary to refer this act, which has been gotten up by some of the most able lawyers of the State, thoroughly acquainted with the jurisprudence of the State, and who have been for a long time practising in it from the time it was admitted into the Federal Union up to the present time. To refer it now—after having been carefully revised by these skilled lawyers, looked over by them and thoroughly examined—to refer it now to outsiders seems to me unnecessary. Does the Senator suppose that the members of the bar of New Orleans, or any other bar, would devote the time—and it would take one year for any lawyer to examine it, and see whether there be any verbal inaccuracies in it—it would be a strange proposition, for lawyers never do anything without pay, and I am well satisfied that no lawyer will undertake this work without pay. Elijah Garrett is an old practitioner in this state, and there is not a more able lawyer in it. He has devoted his whole time to this work. It would be an impossibility for members of the General Assembly to examine this work in sixty, or a hundred and fifty days. It is possible that there are some verbal inaccuracies, as any such work is liable to, and if there are any the next Legislature can alter it, if necessary. I therefore hope there will be no second to the motion to postpone action of the General Assembly. We have long needed a revision of the code, and it has been carefully and ably prepared.

The bill under discussion was passed.

House bill No. 67, joint resolution authorizing a joint committee of the General Assembly to investigate the charges of bribery and corruption in connection with the passage of the Penitentiary bill of last session, being under discussion—

Mr. O'Hara: I see that resolution proposes to take notice of some newspaper article; some gentleman has attacked the members of the House, and they come forward with a resolution to investigate these charges. Now, according to my views of this matter, I think that if any person charged me with committing any such act, I would be acting foolishly were I to ask a committee to look over the whole country to find out whether I was guilty or not. Some one says members of the General Assembly have been bribed, have taken money or something else for the passage of a certain bill; some gentleman, with honest indignation, arises and wants a committee appointed to find out whether he has got the money or not. I think it is the place of the of the gentleman who charges the General Assembly with corruption, first to substantiate his charges. For my part, I am not and never have been in favor of examining into the one thousand and one tales that are circulated on the streets, not only against members of the General Assembly, but against everybody occupying official position. It does not become our duty to notice every frivolous remark that may appear in a newspaper. Certain papers in the beginning of the session informed us that certain members of the General Assembly had graduated in the Penitentiary. (Laughter.) According to this resolution we ought to have appointed a committee to find out who these members are. I look upon this as the same material, and therefore I shall move to dispose of the resolution in short order. I move to indefinitely postpone it.

Mr. Antoine: As I might not have the opportunity of explaining my vote, I desire to say here that I am compelled to take the same position that Major General Benjamin F. Butler took when asked why he had not replied to certain newspaper charges made against him, in regard to "spoons that they charged he stole in New Orleans." I must say that, if we undertake to sustain that resolution, we would have to investigate every charge made by every newspaper, both in this city and in the State. There is no doubt but that newspapers may have some substantial reasons for making such assertions, or to write such articles; but if we were to undertake this work, we would have time for nothing else; therefore, I favor the motion to indefinitely postpone.

Mr. Ray: I desire to say a word in regard to this resolution. I think it rather undignified to take such prominent notice of newspaper articles, but in consequence of the connection that I have had with this bill, I would like the charges investigated. I was the author of the bill, and I believe, wrote every word in it, as originally proposed. I was in favor of the bill and supported it all through; and as to there being any bribery and corruption in its passage, as far as I am concerned, I know of none, and would like to have the matter investigated. I believe the bill was a good one and to the interest of the State; there may have been some abuses that I know nothing about, but as far as I am concerned, it is as pure as any other bill passed by the Legislature; and as to compensation or any other consideration, even good will, I certainly know of none. I say, therefore, I would like to have this matter investigated, although I think it undignified on the part of the Legislature to take notice of such articles.

Mr. Bacon: I would remark in reply to what has been said by the Senator from Terrebonne (Mr. O'Hara), that these are special charges made by one, who professes to be able to substantiate them, and therefore not the same as an anonymous article or statement made in general terms on the streets. The party who makes these charges signed his name thereto, and professes to be able to prove what he charges; and I feel that it deserves to be investigated.

Mr. Pinchback: Inasmuch as it is said, that this bill was passed by distribution of these bonds, I would ask the gentleman, did he get his bonds? (Laughter).

Mr. Todd: I voted with the minority when the bill was up, but I shall vote to indefinitely postpone this joint resolution, because I neither saw nor heard of any bribery.

Mr. Thompson: I understand that the parties gave bonds for the faithful performance of their duties, and that they complied with the conditions of the bonds, and that the bonds were canceled. It is, therefore, not the business of the Legislature to investigate this matter. I am told that a committee has visited the Penitentiary, and I would like to see their report before I vote to support this resolution.

Mr. Coupland: After the remarks made by Senator Thompson, I would move to lay the resolution on the table subject to call, so that we may ascertain what is the report of the Committee on the Penitentiary.

Mr. Bacon: The question is whether, in procuring the passage of this bill, improper means were used—not that they have not bought any machinery, or complied with the terms of the bonds. The charges of Mr. Winfree are, that a note of five thousand dollars, which came into his hands, was alleged by the parties who gave it, and who were the promissors of the note, to have been given to somebody in the Legislature in consideration of his vote in favor of this bill. It may be true that machinery has been bought to a large amount, but it may also be true that this $5000 note was given for such consideration. Mr. Winfree says that he was compelled to compromise and take one half the face, because the promissors declared it had been given as an illegal consideration, because given for the purpose of bribery, and they would not pay.

The President: Would it not be well to investigate what party it was that gave this money for bribery?

Mr. Antoine: If Mr. Winfree knows personally that members have accepted bribes, he has a perfect right to go to the courts and sue on that ground; but I do not know that it is our business to take cognizance of his charges, or pass such a resolution; if we do we will have to take cognizance of every newspaper article in regard to the General Assembly.

Mr. Lynch: I move that this joint resolution be referred to the Committee on Penitentiary.

The President: Does Senator O'Hara withdraw his motion to postpone indefinitely?

Mr. O'Hara: I do not.

Mr. Day: I have no confidence in the report published in the Times; I think it is without foundation. Nevertheless, I think it is due to this body to pass this resolution promptly, and let the inquiry or investigation be made searching, so that the falsehood may be fixed where it properly belongs; and I think we owe it to the House, too, to pass it.

Mr. Foute: There seems to be a misunderstanding in regard to this resolution. God knows, if there is any corruption in the Senate I would like to see it in... but I do not believe that this Se... Legislature, as you call it, or as... by some, is sufficiently deluded... purpose of their actions, to take... of what appears to be almost an... communication to a newspaper... of New Orleans. The proper way,... would be for any complainant... memorial to this body, then it w... quired into. I know very well th... is expressed from time to time th... and D are members of this L... they do not seem to understand... people are coming to a transition... really, are actually—many of the... most of them—with honorable... motives. Many of our people—... some of them here occasionally,... often, with their arms around the... of these black and tan leg... have been enriched beyond... merits on their successful,... efforts, by the simple conscienti... of these people. Now, sir, I thin... defy any inquiry, come from what... may, but I propose to meet the... exactly as they are. If Mr. Win... paper of our friend (Mr. Bacon) o... else chooses to assail this body, it... an individual, it wounds not... charged with any action; but I d... to undignify this body any more th... been undignified. "There are m... between Heaven and earth, Hora... dreamed of in our philosophy." ... what has been the leading and g... of our legislation? It is very... there are three or four bills passed... excited the comments of the pe... caused conversations at various... and dinner parties given, etc., ... Ship Island Canal bill, the Slau... bill, and two or three other compa... or, I might say, family of bills. But... that hurt me, sir, or you, or the in... any man of honor, who sits upon th...

There are other things to conside... besides these newspaper bullets... every man can throw, such as... What's his name?

Mr. Todd: Mr. Winfree.

Mr. Foute: Well, Mr. Winfree. I... know him. He may be an honest... man; but he has assailed honora... good men in this card of his. Let... before this Senate with a proper... let him ask some Senator to intr... and not go about and get it done by... such little attacks upon honora... good men. I know some of these g... really and honestly want the passag... bill, and I know, as the Senat... Ouachita has said, that there are... supported that bill with integrity... pose, without one dollar of inter... either prospective or present. Wh... Winfree, who assumes to assail th... ple? And why do we dignify his... degree of importance by taking no... communication?

Now, sir, there are questions... upon this Senate—universal amn... versal suffrage, general educat... others—to pass, on which I will... fiercest Republican of you all. I do... a race which has been hitherto opp... you will—use the strongest langu... please; I merely make the illustr... grow up in our midst without ed... That is point No. 1.

And to illustrate it—and I did s... was called rebel legislation in 1... very thing—you must provide for th... tion of these people. Now as to... amnesty: It is due to the Southern... and every man of honor who has... this Senate, that he should be now... before the God of reason and religi... versal amnesty; yes, I want our... friends to feel the benefit of unive... nesty, if there is any benefit in... there be evils, I want them carried al... it. Now, sir, there is my political c... when a man gets up from these... duties to take up Mr. Philip So... communication to a newspaper, I s... is not worthy the dignity of the... Dignify yourselves. Come up to th... of the position which you assume... Now, sir, if there be in this Sena... the other body, Hessians and Sw... flight on either side, as they are... for it, I am not their soldier—

Mr. Jewell: I would interrupt th... man to inquire what is before the... I do not think that universal am... anything to do with this resolution.

Mr. Foute: I am looking to the l... legislation, and I have a perfect ri... so. If you wish to make a mot... into Committee of the Whole, I am... of that; I am so. I am discussin... which I really believe affect the in... all true hearted and patriotic me... country. I know it from leading... distinguished men of this city; th... are just what I have expressed,... did not borrow them from them.... this kind of legislation is altogether... sary. I would not oppose the app... any committee or a thousand co... but if you pass this resolution, you... somebody in the newspapers, t... probably, making just such charg... wicked flee, when no man pursueth.

The motion to postpone indefi... lost by a vote of three yeas to t... nays.

Mr. Anderson: I voted yes on the... postpone, because I thought it was... fied for such a thing to be taken... by the Senate. I did not vote for... tentiary bill, because I was not he... time it passed; but if I had been, I... should have voted for it; and I... tain no man could have charged... anything improper in connection... I think it improper in this Sena... tain any such resolution.

The President: I was in hopes t... the resolution was first read that... pass, but on reflection, and seei... was introduced by a certain par... own information, I came to the c... that it was undignified for this bo... the resolution, from the fact th... gentleman knows any member to... ceived bribes he should have... party.

Mr Coupland: I renew the moti... fer the joint resolution to the Com... Penitentiary.

The resolution was so referred.

[TO BE CONTINUED.]

### THE GOOD FELLOW...

This is a popular and be... flourishing order in our city. T... Lodge meets annually in Nove... specially at the call of the Grand...

The style of the society is "Anc... of Good Fellows." It works und... tional Grand Lodge, a moveable b... last met at Cincinnati.

The following is a list of the o... lodges now working:

**Grand Lodge of Louisia...**

Vincent Pianelias, M. H. G. Ma...
A. L. Tissot, R. H. Dy. G. M...
Joseph Pianelias, R. H. Sr. G. W...
P. Relimpio, R. H. Jr. G. Warde...
Julien Michel, R. H. Grand Cha...
Manuel Truch, R. H. Grand Trea...
A. A. Canon, R. H. Grand Secre...
A. Gast, R. H. Grand Tyler.
Grand Master's address: Corner... and Dauphine streets.

**Liberal Lodge, No. 5.**

Jose Pianelias, W. Grand.
Jose Suarez, W. V. Grand.
Henry Touvin, W. Secretary.
V. Pianelias, W. Treasurer.
J. Relimpio, Sr. Warden.
B. Ojeda, Jr. Warden.
A. Garbo, Sr. Tyler.
A. Marti, Jr. Tyler.
M. Pelayo, Financial Secretary.
Liberal Lodge meets on the se... fourth Tuesdays of each month,... Star Hall, St. Louis street, near... alley.

**Lodge Esperance, No. 1...**

W. Grand, Julien Michel.
V. V. Grand, Ellacin Levy.
W. Chaplain, Constant Maufry.
W. Secretary, E. Mondleght.
W. Treasurer, G. Gast.
W. Sr. Warden, J. L. Sarjac.
W. Jr. Warden, E. Gilly.
W. Sr. Tyler, J. Gratard.
W. Jr. Tyler, ———.
Meets every first and third... Polar Star Hall, St. Louis street.

**Harmony Lodge, No. 1...**

Meets on the first and third S... each month, in Polar Star Hall.
E. A. Louis, W. Grand.
E. O. Galvin, W. V. Grand.
Henry Grass, W. Chaplain.
E. A. Chauviere, W. R. Secreta...
M. P. Schnell, W. J. Secretary.
O. Wall, W. Treasurer.