

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES. OFFICIAL JOURNAL OF THE STATE OF LOUISIANA. PROCEEDINGS OF THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA. EXTRA SESSION.

SENATE. First Day's Session.

Monday, March 7, 1870. Pursuant to the following proclamation of His Excellency the Governor of the State of Louisiana: STATE OF LOUISIANA, Executive Department, New Orleans, Feb. 27, 1870.

To the Honorable Senate and House of Representatives in General Assembly convened: Whereas, An extraordinary occasion has arisen, requiring further legislation in behalf of the interests of the State, upon subjects and matters unfinished, or not acted upon by the regular session of the General Assembly terminating this day.

Now, therefore, I, Henry C. Warmoth, Governor of the State of Louisiana, do hereby call the Senate and House of Representatives to assemble on Monday, the seventh day of March, instant, at twelve o'clock P. M. in the building known as the Mechanics' Institute, and I do hereby notify all members of the Senate and House of Representatives to be present at the time and place above mentioned.

And I do hereby specify the objects for which the General Assembly is convened in extra session, and which shall take precedence of all other business, to wit: To provide for the assessment and collection of the revenues of the State.

To make appropriations for the support of the State Government. Amendments to the present law relative to public education.

To provide for the floating indebtedness of the State, and the millita law, the registration laws, and amendments to the charter of the city of New Orleans.

Reorganization of the land office of the State, and the provision for the survey of unreserved lands of the State.

An act to restrict the power of the courts to issue writs of mandamus against the officers of the city of New Orleans, and to provide for the collection of demands for money against the corporation.

To provide for the organization of the District Courts of the parish of Orleans, and to define the jurisdiction of the several courts, relative, especially, to injunctions, mandamus, etc.

Unfinished business relative to the floating indebtedness of the State, and amendments to the present law relative to public education.

And I do hereby indicate as the length of the extra session herein called the term of ten days, commencing with said Monday, March seventh.

Given under my hand and the seal of the State, this third day of March, 1870, and of the independence of the United States the ninety-fourth. H. C. WARMOTH, By the Governor.

Geo. E. BOYER, Secretary of State. The Senate was called to order at 12 o'clock M. on this seventh day of March, in the year of our Lord eighteen hundred and seventy, by Lieutenant Governor O. J. Dunn, President of the Senate.

Present, the following Senators, viz: Messrs. Anderson, Antoine, Bacon, Beares, Blackman, Braughn, Campbell, Coupland, Darrall, Egan, Futch, Jenks, Jewell, Kelo, Kelo, Lewis, Lynch, Monette, Ogden, Packard, Pinchback, Pointexter, Ray, Smith, Todd, Whitney, Wilcox, Williams, Wittgenstein—29.

Prayer by the Chaplain, Rev. John Turner. The foregoing proclamation of the Governor was then read.

On motion of Mr. Ray, the President appointed as the committee on the part of the Senate to wait upon the Governor and notify him that the General Assembly is organized and ready to receive any communication he may have to make, Messrs. Ray and Futch.

MESSAGE TO THE HOUSE. The Secretary, by direction of the Senate, informed the House that the Senate was organized and ready for business, and that the President had appointed Messrs. Ray and Futch as a joint committee on the part of the Senate, to inform the Governor that the General Assembly is organized and ready to receive any communication he may have to submit.

MESSAGE FROM THE HOUSE. The Chief Clerk of the House of Representatives appeared, and announced that the House was organized and ready for business, and that the House committee to wait on the Governor consisted of Messrs. McVein, Roy and Haskell.

By Mr. Ray: Resolved, by the Senate of the State of Louisiana, That all bills and resolutions referred to standing committees of the Senate at the last session thereof, and which have not been reported on, be and the same are hereby referred to the corresponding standing committees of this session, and that the Secretary of the Senate be and is hereby directed to deliver such bills and resolutions to the corresponding standing committees of this session, to be acted on in due course of business, according to the rules of the Senate, and that the rules of the last session be adopted as the rules for this session.

Adopted. By Mr. Wilcox: Resolved, That the Sergeant-at-Arms of the Senate be authorized to furnish the members and officers of the Senate with three daily and two weekly papers each, the same as for last session.

Adopted. By Mr. Wilcox: Resolved, That the Senate shall meet daily, during this session, at the hour of 12 M. Also that evening sessions shall be held daily to meet at the hour of seven o'clock, P. M.

The resolution was divided, and the first clause (meeting at 12 M.) adopted. The second and last clause the Senate refused to adopt, by the following vote: Yeas: Anderson, Antoine, Beares, Campbell, Darrall, Egan, Futch, Jenks, Jewell, Kelo, Packard, Pinchback, Pointexter, Ray, Smith, Todd, Whitney, Wilcox and Williams—11. Nays: Blackman, Braughn, Bacon, Coupland, Egan, Futch, Jenks, Lynch, Monette, Ogden, Packard, Ray, Smith, Todd, Whitney—15.

By Mr. Ray: Resolved by the Senate of the State of Louisiana, That, according to the requirements of an act entitled "An act relative to extra sessions of the General Assembly and defining the duties of the Governor in relation thereto," approved —, 1870, all bills and resolutions pending in the Senate at the closing of the regular session of the General Assembly, on the subjects or objects specified for action in the Governor's proclamation of date March 3, 1870, convening the present extra session, be and are hereby made the special order of the day for to-

day and every subsequent day of this session, in the order in which they are named in the Governor's proclamation, and that all bills or resolutions on such subjects or objects which may pass the House of Representatives, shall, as soon as reported to the Senate for action, take their place in the special order of the day in the same order as is above provided for bills and resolutions pending in the Senate, and all bills or resolutions that may be introduced into the Senate at the present session on the subjects or objects specified in the Governor's said proclamation be and are hereby fixed as the special order of the day hereafter fixed as the special order of the day for the present session, at which time the above special orders shall be first taken up.

The resolution was adopted, after being amended by substituting "one o'clock P. M." for "half-past twelve."

By Mr. Campbell: Resolved, That the resolution just adopted as to the order of business, do stand as a part of the rules of the Senate for the special session.

Adopted. There being other resolutions offered, the President ruled that, the rules of last session having been adopted for guidance this session, to entertain said resolution it would require a suspension of the two-thirds rule.

The rules were then suspended to entertain all resolutions offered.

By Mr. Bacon: Resolved, That the special committee appointed at the last session to report upon the finances of the city of New Orleans, be reappointed for this session for the purpose of devising remedies for the difficulties of the city, and to report on the financial operations and condition of the corporation of the city of New Orleans.

Adopted and the committee reappointed.

By Mr. Smith: Resolved, That as it has been impossible for the committee appointed to inquire into the manner in which the gambling classes have inserted in the revenue bill of 1869, to complete its labors, it be authorized to continue its sittings during the extra session of the Legislature.

Adopted and committee reappointed.

By Mr. Braughn: Whereas, the question of drainage is a matter important to the good government of the State, and the Representatives of the people directly interested in it.

Resolved, That all bills on the drainage of New Orleans and Jefferson City, to wit: Senate bills Nos. 89 and 240, and House bills Nos. 104 and 225, be and are hereby referred to a special committee, to be composed of Messrs. Braughn, Ogden, Packard, and Jefferson, for the purpose of examining and comparing said bills, and that said committee be instructed to report by bill or otherwise.

After considerable debate, Mr. Wittgenstein moved to lay the resolution on the table, which the Senate refused by the following vote:

Yeas: Campbell, Kelo, Whitney, Wilcox, Williams, Wittgenstein—6. Nays: Anderson, Antoine, Bacon, Beares, Blackman, Braughn, Coupland, Darrall, Egan, Futch, Jenks, Jewell, Kelo, Lewis, Lynch, Monette, Ogden, Packard, Pinchback, Pointexter, Ray, Smith, Todd—21.

The resolution was then adopted after considerable debate.

PRECEDENCE BILLS. Subjects specified in the Governor's message were then taken up.

Senate bill No. 5 (millita bill) was then taken up from third reading file, read its third and last time and finally adopted by the following vote:

Yeas: Antoine, Campbell, Coupland, Darrall, Kelo, Lynch, Monette, Ogden, Packard, Pinchback, Pointexter, Ray, Smith, Todd, Whitney, Wilcox, Williams, Wittgenstein—29.

The bill was then adopted, after filling the blank therein with the words "one hundred thousand dollars (\$100,000)."

Pending the final adoption of the foregoing bill, Mr. Blackman rose to the point of order, that under the constitution and parliamentary usage, no bill could be finally passed and have the force of law without having been read its three several times on three several days of one and the same session of the General Assembly.

The President ruled the point not well taken.

House bill No. 132, "An act to extend the limits of the parish of Orleans, and to change the boundaries of the parishes of Orleans and Jefferson, and to consolidate the cities of New Orleans and Jefferson, and to provide for the government of the city of New Orleans, and the administration of the affairs thereof," etc., was then taken up from first reading file, read first time, and ordered printed.

Senate bill No. 209, "To amend and re-enact sections eight and nine as amended in section one of an act entitled an act to amend an act to consolidate the city of New Orleans, and to provide for the government of the city of New Orleans, and the administration of the affairs thereof, approved February 26, 1866," was then taken up from third reading file and read its third time.

Mr. Blackman: I rise to the point of order that the Senate can not pass this bill now, because the same has not been reported back to the Senate from the Committee on Unfinished Business; it being a bill of last session it is not proper to act upon it until it has been properly introduced, or brought back.

The President: Under the resolution adopted to-day, the Chair decides the point of order not well taken.

Mr. Blackman: I appeal from the decision of the Chair.

The question being, "Shall the decision of the Chair be sustained?" the President was sustained by the following vote, viz: Yeas: Antoine, Beares, Braughn, Campbell, Coupland, Egan, Jenks, Kelo, Lynch, Ogden, Packard, Pinchback, Ray, Smith, Whitney, Wilcox, Williams and Wittgenstein—15.

Nays: Bacon, Blackman, Jewell, Todd—4. The bill having been read its last time was finally adopted by the following vote: Yeas: Antoine, Beares, Campbell, Coupland, Darrall, Kelo, Lynch, Packard, Pinchback, Ray, Smith, Todd, Whitney, Wilcox and Williams—15.

Nays: Bacon, Blackman, Braughn, Egan, Futch, Jenks and Jewell—5. The title was then adopted.

MESSAGE TO THE HOUSE. The Secretary asked the concurrence of the House in Senate bill No. 209, "To amend and re-enact sections eight and nine as amended in section one of an act entitled an act to amend an act to consolidate the city of New Orleans, and to provide for the government of the city of New Orleans, and the administration of the affairs thereof," approved February 26, 1866.

House bill No. 94, "To provide for the

payment of the floating debt of the city of New Orleans," was then taken up from the first reading file and read its first time.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and, with Senate bill No. 190, "Amendatory of act supplementary to the act entitled an act to enable the city of New Orleans to fund its floating debt and to liquidate its indebtedness, approved twenty-seventh of February, 1869," referred jointly to the Finance Committee and special committee on city finances.

The House bill was ordered printed.

Under a suspension of the rules, the following entitled bills were called up, precedence business having been disposed of for the day:

Mr. Jenks called up from first reading file House bill No. 260, "An act to incorporate Millwood Female Institute, located in the town of Jackson, in the parish of East Feliciana."

Which was read its first time.

The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill read its second time.

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. Smith called up from first reading file House bill No. 327 (file of 1869), joint resolution creating the office of Justice of Peace and Constable at Frontier Station, Lake Shore, in the parish of St. John the Baptist, Louisiana.

Which was read its first time.

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

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 first reading file, House bill No. 207, "To facilitate commerce by providing for the construction of additional basins on the New Canal."

Which was read its first time.

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 Commerce.

Mr. Wilcox called up from second reading file, House bill No. 321 (file of 1869) "For the relief of William H. Hunt, Henry C. Dibble, and John B. Robinson."

Which was read its second time.

The Senate refused to suspend the rules to put the bill on its third reading.

Mr. Ray called up from third reading file House bill No. 210 (file of 1869), "To authorize A. C. Banks, Daniel Kelly, and their associates, to render navigable the Bayou Duglemonia, in the parish of Winn."

Which was read its third and last time, and finally adopted with its title.

Mr. Blackman called up from first reading file Senate bill No. 248, "An act for the relief of John L. Brown, assessor and collector of taxes for the parish of Claiborne, and relieving the taxpayers of penalties under the law, and providing for the assessment and collection of taxes for the years 1869 and 1870."

Which was read its first time.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill read a second time, and ordered 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. Wittgenstein asked a suspension of the rules to call up a bill.

The President ruled that it could not be done after the expiration of the morning hour, unless by unanimous consent, as a resolution, adopted this morning, fixed the subjects designated in the Governor's proclamation as special orders of the day after one o'clock.

Mr. Wittgenstein appealed from the decision of the Chair.

The decision of the Chair was not sustained, on a call of the roll, as follows: Yeas: Anderson, Blackman, Bacon, Darrall, Futch, Futch, Jewell, Jenks, Lynch—9.

Nays: Antoine, Beares, Braughn, Kelo, Monette, Ogden, Packard, Pinchback, Pointexter, Ray, Smith, Wittgenstein, Wilcox, Williams—13.

The rules were then suspended by the following vote: Yeas: Antoine, Beares, Braughn, Darrall, Futch, Jenks, Kelo, Lynch, Monette, Ogden, Packard, Pinchback, Pointexter, Ray, Smith, Whitney, Wilcox, Williams—16.

Resolved, That the rules prescribing the order of business, be and are hereby amended to conform to the following: "During this session of the Legislature the consideration of the business indicated by His Excellency, the Governor of the State, in his proclamation convening the present extra session, shall be entered upon daily immediately after the reading of the minutes of the preceding day's session, and such business, and no other, shall be considered for the space of two hours, within which the consideration of general business may be entered upon."

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order of the day for to-day and every subsequent day of this session, in the order in which they are named in the Governor's proclamation; and that all bills or resolutions on such subjects or objects which may pass the Senate, shall, as soon as reported to the House for action, take their place in the special order of the day in the same order as is above provided for bills and resolutions pending in the House, and all bills or resolutions that may be introduced into the House at the present session on the subjects or objects specified in the Governor's said proclamation, be and are hereby fixed as the special order of the day as soon as introduced, and that half-past twelve o'clock P. M. be and is hereby fixed as the time for taking up the order of the day for the present session, at which time the above special order shall be first taken up.

Mr. Walsh, of DeSoto, moved to lay the substitute on the table.

Carried, by a rising vote of yeas thirty-seven, nays fourteen.

On motion, the resolution was adopted.

The Chair announced the following Standing Committees:

JUDICIARY. Peter Harper, of St. Charles, chairman; James B. Currier, of Orleans; Harry Lott, of Rapides; J. E. Renegorff, of Orleans; William Murrell, of Lafourche; Willis Prescott, of St. Landry; T. Simms, of St. Landry.

INTERNAL IMPROVEMENTS. John Gair, of East Feliciana, chairman; P. G. Deslonde, of Terrebonne; A. Lee, of St. Bernard; W. H. Pierce, of Livingston; W. M. Holland, of Tensas; H. C. Tournoir, of Pointe Coupee; W. H. Haskell, of Calcasieu.

ADDRESS. H. Heidenhain, of Orleans, chairman; E. Honore, of Pointe Coupee; G. R. May, of Orleans; J. H. McVein, of Caddo; Octave Belot, of Orleans; J. R. Currell, of Orleans; Stephen Umphreys, of De Soto.

ENROLLMENT. Joseph Masson, of Orleans, chairman; John P. Gair, of Terrebonne; G. R. May, of Orleans; George Washington, of Assumption; P. G. Deslonde, of Iverville; J. B. Landers, of Union; Paul Gaidry, of Terrebonne.

FINISHED BUSINESS. John Pierce, of Bossier, chairman; H. Heidenhain, of Orleans; Henry L. By, of Orleans; R. J. Morand, of Plaquemine; E. S. Wilson, of Catahoula; E. LeBlanc, of Avoyelles; John Page, of Jefferson.

The Chair announced that the first bill to be considered by the House, according to the proclamation of the Governor, was House bill No. 66, revenue bill.

Mr. McVein, of Caddo, moved to postpone House bill No. 66 until to-morrow.

Lost by a rising vote of yeas twenty-two, nays twenty-nine.

Mr. Garskamp, of Jefferson, moved that House bill No. 66 be referred to the Committee of the Whole.

Carried.

Mr. Garskamp, of Jefferson, moved that the House resolve itself into Committee of the Whole, to consider House bill No. 66.

Carried.

COMMITTEE OF THE WHOLE. Mr. Noble, of Orleans, in the chair.

First section read.

Mr. Gray moved that the committee rise.

No quorum voted.

The Speaker resumed the chair.

The chairman of the committee reported that, pending consideration of the first section of House bill No.