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PROCEEDINGS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

EXTRA SESSION.

JOURNAL OF THE SENATE.

First Day's Session.

SENATE CHAMBER,
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, March 3, 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, under the powers vested in me by article sixty-four of the constitution of the State, and by act No. 19, of the acts of 1870, entitled "An act relative to extra sessions of the General Assembly, and defining the duties of the Governor in reference thereto;" do issue this, my proclamation, convening the General Assembly of the State for the transaction of business, at the city of New Orleans, on Monday, the seventh day of March, instant, at twelve o'clock M., in the building known as the Mechanics' Institute, and I do hereby notify all members of the Senate and House of Representatives to assemble 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.

The militia law, the registration laws, and amendments to the charter of the city of New Orleans.

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

An act is needed to restrict the power of the courts to issue writs of mandamus against the officers of the city of New Orleans for the object of collecting demands for money against the corporation.

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

Unfinished business relative to the floating indebtedness and other matters important to the good government of the corporation of New Orleans.

And I do hereby indicate as the length of said 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. BOVEE, Secretary of State.

The Senate was called to order at 12 o'clock M, 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, Foute, Futch, Jenks, Jewell, Kelso, Lewis, Lynch, Monette, Ogden, Packard, Pinchback, Poindexter, 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 committe 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.

The President announced the following committees:

COMMITTEE ON JUDICIARY.

Messrs. Ray, Packard, Campbell, Blackman and Ogden.

COMMITTEE ON FINANCE.

Messrs. Lynch, Campbell, Antoine, Egan and Anderson.

COMMITTEE ON ENROLLMENT.

Messrs. Darrall, Monette, Coupland, Egan and Day.

COMMITTEE ON AUDITING AND SUPERVISING THE EXPENSES OF THE SENATE.

Messrs. Packard, Coupland, O'Hara, Pollard and Thompson.

COMMITTEE ON MILITIA.

Messrs. Pinchback, Smith and Thompson.

COMMITTEE ON CLAIMS.

Messrs. Antoine, Coupland and Egan.

COMMITTEE ON COMMERCE AND MANUFACTURES.

Messrs. Coupland, Bacon and Kelso.

COMMITTEE ON UNFINISHED BUSINESS.

Messrs. Wilcox, Antoine and Futch.

COMMITTEE ON PUBLIC EDUCATION.

Messrs. Campbell, Lynch, Jenks, Pinchback and Egan.

COMMITTEE ON INTERNAL IMPROVEMENTS.

Messrs. Ray, Todd, Braughn, Beares and O'Hara.

COMMITTEE ON PRINTING.

Messrs. Smith, Campbell, Poindexter, Jewell and Wittgenstein.

COMMITTEE ON BANKS AND BANKING.

Messrs. Anderson, Lynch, Monette, Lewis and Foute.

COMMITTEE ON FEDERAL RELATIONS,

Messrs. Jenks, Pollard, and Offutt.

COMMITTEE ON VISITING THE PENITENTIARY.

Messrs. Beares, Pollard, Day, Whitney and Wittgenstein.

COMMITTEE ON CORPORATIONS AND PAROCHIAL AFFAIRS.

Messrs. Campbell, Packard, Pinchback, Bacon and Foute.

COMMITTEE ON CHARITABLE INSTITUTIONS.

Messrs. Lewis, Wittgenstein, Poindexter, Ogden, and Day.

COMMITTEE ON PUBLIC LANDS AND LEVEES.

Messrs. Kelso, Packard, Lynch, Blackman and Fitch.

COMMITTEE ON PUBLIC BUILDINGS.

Messrs. Todd, Monette, Williams, Thompson and Wilcox.

COMMITTEE ON RAILROADS.

Messrs. Lynch, Pinchback, Wittgenstein, Futch and Bacon.

COMMITTEE ON HEALTH AND QUARANTINE.

Messrs. Whitney, Darrall, Lewis, Egan and Braughn.

COMMITTEE ON LIBRARIES.

Messrs. Poindexter, Williams and Offutt

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. McVean, Rey and Haskell.

RESOLUTIONS.

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 rule fifty-seven 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, Kelso, Packard, Poindexter, Wittgenstein, Wilcox, Williams—11.

Nays: Blackman, Braughn, Bacon, Coupland, Egan, Futch, Jenks, Lynch, Monette, Ogden, Pinchback, 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 close of the last 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 orders 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 Governors'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 orders 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 resolutions 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 late 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 reported by them to exist respecting 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 clause was 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 New Orleans," and therefore should be left with the Representatives of the people directly interested in it,

Be 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. 154 and 225, be and they are hereby referred to a special committee, to be composed of all the Senators for the parishes of Orleans 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, Kelso, Whitney, Wilcox, Williams, Wittgenstein—6.

Nays: Anderson, Antoine, Bacon, Beares, Blackman, Braughn, Coupland, Darrall, Egan, Futch, Jenks, Jewell, Lynch, Monette, Ogden, Packard, Pinchback, Poindexter, 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 (militia 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, Kelso, Lynch, Monette, Packard, Pinchback, Poindexter, Ray, Wilcox, Williams, Wittgenstein—14.

Nays: Bacon, Blackman, Braughn, Egan, Jenks, Jewell, Ogden—7.

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 goverement 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, Kelso, Lynch, Ogden, Packard, Pinchback, Ray, Smith, Whitney, Wilcox, Williams and Wittgenstein—18.

Nays: Bacon, Blackman, Jewell, Todd—4.

The bill having been read its last time was finally adopted by the following vote, viz:

Yeas: Antoine, Beares, Campbell, Coupland, Darrall, Kelso, Lynch, Packard, Pinchback, Ray, Smith, Todd, Whitney, Wilcox and Williams—15.

Nays: Bacon, Blackman, Braughn, Egan, Foute, Futch, Jenks and Jewell—8.

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 ac entitled an act to amend an act entitled 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 and 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. 200, "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 Frenier 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 suspeaded 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 Dugdemonia, 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, Foute, Jewell, Jenks, Lynch—9.

Nays: Antoine, Beares, Braughn, Kelso, Monette, Ogden, Packard, Pinchback, Poindexter, Smith, Wittgenstein, Wilcox, Williams—13.

The rules were then suspended by the following vote:

Yeas: Antoine, Beares, Braughn, Darrall, Foute, Jenks, Kelso, Monette, Ogden, Packard, Pinchback, Poindexter, Randall, Smith, Wittgenstein, Wilcox, Williams—16.

Nays: Anderson, Blackman, Bacon, Futch, Jewell, Lynch, Whitney—7.

The bill was then taken up and ordered printed.

Mr. Wittgenstein, under a suspension of the rules, and without notice, introduced the following entitled bill: "An act to lay out and open a road to connect the Grand Point Settlement, in St. James parish, and the Mississippi river.

Which was read its first time.

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

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

Mr. Packard, under a suspension of the rules, introduced the following resolution:

WHEREAS, The Auditor of Public Accounts did on the twenty-fourth day of February, 1869, certify that he had lost or mislaid two warrants of the Warrant Clerk—one for ninety six dollars and the other for one hundred and twelve dollars; and whereas, the present Auditor, James Graham, certifies that said warrants have not been audited; be it

Resolved, That the chairman of the Committee on Contingent Expenses of the Senate be directed to approve a voucher for the above amount, and that the Warrant Clerk be directed to issue warrants, bearing even date with the original warrants, and to write across the face of said warrants, in red ink, "duplicate," and have the same audited and pay the amounts of the same.

Which was adopted.

Mr. Lynch, under a suspension of the rules, introduced the following resolution:

Resolved, That a special committee of three be appointed by the Senate to examine into the conduct of the Board of Public Works, and the engineers and other employees of said Board, and report to the Senate on the manner in which said Board and employees have performed the duties prescribed by law or other proper authority. The committee is hereby authorized to send for persons and papers, and compel the attendance of witnesses.

Pending a motion to adopt the resolution, a motion to adjourn being adopted by the following vote:

Yeas: Antoine, Beares, Coupland, Foute, Monette, Pinchback, Poindexter, Smith, Wittgenstein, Whitney, Williams—11.

Nays: Braughn, Bacon, Campbell, Futch, Kelso, Lynch, Ogden, Packard, Wilcox—9.

The President announced that the Senate stood adjourned until to-morrow, the eight instant, at twelve o'clock M.

CHARLES H. MERRITT,
Secretary of the Senate.

DEBATES IN THE SENATE.

THURSDAY, February 17, 1870.

[CONTINUED.]

The Chattanooga Railroad bill being under consideration—

Mr. Bacon: I think Senator Campbell had the floor properly upon the motion to take up the bill section by section.

The President: That motion has been decided.

Mr. Bacon: The Chair improperly put the question while Mr. Campbell had the floor.

The President: Well, it is carried now. If the Senator wishes to impeach the Chair, I wish he would fix to right.

Mr. Ray: I ask whether Senator Campbell had the floor?

The President: He has not it properly until the section is read.

Mr. Ray: That is what I supposed. I believe the motion to adjourn is in order. This bill will then be the unfinished business when the Senate meets again. I may have some suggestions to make. I do not intend to act factiously upon it. I hope the Senate will not go on with it to-night.

The President: The Chair did not hear a second to the motion to adjourn.

Mr. Campbell: How can you put a motion from any other person than myself when I have the floor?

The President: The Chair did recognize you as having the floor, but there was nothing to have the floor on. If you had waited for the section to be read you could have had the floor then properly.

Mr. Campbell: Begging pardon of the Chair, I claimed the floor immediately on its announcement that the motion to table the motion to refer was carried. While I had the floor a motion was made to take it up, section by section.

The President: And just as soon as that motion was decided you lost the floor.

Mr. Campbell: It could not have been put while I had the floor.

The President: I do not understand it so. You seconded the motion, and the chair understood the previous question to be called. The motion now is to adjourn.

Motion to adjourn lost; twelve yeas, twenty one nays.

Mr. Campbell: Mr. President—

Mr. Coupland: What is the question now?

The President: Senator Campbell has the floor. I suppose he will state. I understand there is a motion to take the bill up section by section.

The motion to take up the bill, section by section, was adopted.

Section one was read as far as the end of the first clause.

Mr. Blackman: I now move—

Mr. Lynch: I insist on his going no further, until the section is through with.

The Secretary read the remainder of the section.

Mr. Blackman: I rise to a point of order. The section has been already read. It says, "And be it further enacted." I move to strike out the first section of the bill down to the words, "And be it further enacted."

No second.

Mr. Lynch: I move to amend by—

The amendment of Mr. Lynch was adopted.

Mr. Ogden: I move to adopt the section as amended.

Mr. Bacon: I rise to move to strike out the residue of this section, and now, sir, I wish to give my reasons for this.

Mr. O'Hara: The gentleman having made his motion must take his seat.

The President: If he makes a motion to strike out he may give his reasons for it.

Mr. Bacon: I wanted to speak to the general merits of the bill, but being unable to get the floor I have waited for it to be taken up section by section, thinking I might have a better chance when we came to consider the several sections. I shall confine myself, however, to the subject matter immediately before us, and if I become discursive I trust I shall not take any great amount of time.

Mr. Blackman: Bacon, you have no right to speak; you are going to oppose the bill. (Laughter.)

Mr. Bacon: I shall not speak at all if you keep interrupting me. This first paragraph is one which proposes to direct the carrying out of certain ordinances of the city of New Orleans. It has been made my duty to track up all these matters connected with our railroad business for a long time. I know a good deal about it. I have heard gentlemen making statements here oracularly in regard to things as to which they know nothing, as to the progress of affairs and the action of individuals which they have heard from persons interested in these matters within the last four or five days, and they repeat the assertions of others to you, but of themselves they know little or nothing about these transactions.

This first paragraph proposes to enforce upon the city of New Orleans certain ordinances passed by the city. It proposes to compel the city of New Orleans to carry out these ordinances. Now, you will find by this very first section undue advantage is taken of the city. But, sir, if these ordinances, which the city has passed, ought to be carried out, and the city ought to perform that which it seems they have been led to unduly award to the Chattanooga Railroad Company, the courts of the State are open to the company, and they could enforce their rights through the courts without any additional mandate and direction from the Legislature to the city, requiring it to give up its property and interest, and perform work for the benefit of this company in grading and opening streets, and it is one which the company can not require from individuals, under the constitution of the State and the constitution of the United States, without previously paying for all that it requires from these individuals.

Mr. Smith: The judiciary is corrupt.

Mr. Bacon: Yes, sir; and if the judiciary is any more corrupt than there is corruption elsewhere, I am very much mistaken. The fourteenth line begins thus: "And the city is required," etc. Why, sir, when this company goes through the plantation of an individual, they have to make their own road between them. Why should the city be compelled to open a place for this company; to purchase property and pay for it, and open a road for this company. Why should it not, when it comes into the city of New Orleans, go to the same expense and labor as when it goes through the plantations of people in the country? Why should the city of New Orleans be made to expend the money of its citizens, raised by taxation, to purchase property and to open and grade and fix it for this company? Is there any justice in that? Why should I, as a citizen of New Orleans, be compelled to pay a tax for this company in addition to the bounty it gets from the State to open streets and build bridges for its benefit? Now, sir, if the company has obtained advantages from New Orleans through what the Senator on my left calls the corruption of its officers, let it go to the courts and enforce its claim there, not come to the Legislature to compel the city government to carry out its ordinance, which has given it such an extraordinary advantage.

The section further says: "It shall be the duty of the authorities," etc. (Mr. Bacon here read from the section.) Now, sir, it can go to the court now, and in the ordinary delays of judicial proceedings, can obtain whatever is just under the ordinances that have been made. This, sir, is asking an unjust advantage of the city of New Orleans. These gentlemen, who have never left the country parishes to come up here and legislate for us, they would resist the taking away of a dollar's worth of property belonging to them, unless it was paid for by the company; but when they come up here they are willing to put taxes on us to force us to give to this company the right of way and then grade and fix it up for them. Now, sir, from the next paragraph of this, I am astonished that the gentlemen who say they do not wish to give any undue judicial advantages should introduce such things as this.

(Mr. Bacon here read from the section). Now, sir, this is the property of which the Senator from the First District spoke, which he says in his argument in favor of this grant, I believe the Senator from Claiborne is in favor of this bill himself, as he is drowning out my voice by speaking against it. (Laughter.) The Senator from the First District declared to us here, that these side walks, twelve feet in width, were guaranteed to the people of New Orleans, by Bernard and Marigny when he laid out these streets for a public walk, and yet this Legislature proposes to take away from the people of New Orleans, to whom it was, as the gentleman himself says, given for a public walk, and give it for the uses of this private corporation. The excuse given by the gentleman is that it was granted by the city many years ago to the Pontchartrain railroad, but they did not use it. If the Pontchartrain railroad did not use it, neither should the Chattanooga railroad company. Instead of undertaking to give it to the Chattanooga company, the Pontchartrain railroad should return it to the public use for which it was first dedicated; but, sir, it can not be taken away. This Indian policy of taking away what has already been given to one and giving it to another, is neither fair or just. Now, sir, these sections contain these three extraordinary grants to this company, and I call the attention of those gentlemen who said they would not allow any extra judicial power to be given to this company, to these portions of it, (Mr. Bacon here read from the sections), forbidding the courts to exercise any judicial power on this subject. (Mr. Bacon here read further from the section.) Thus, sir, it is constituted an empire, giving optional powers to do those things, and the courts are forbidden to interfere with it, even although they interfere on behalf of the public interest. If the public are entitled, as the Senator from the First District says, to the use of twelve feet of banquette on each side for their recreation and use, and although it may be insisted there is a right already invested in the Pontcha train Railroad company to use and employ these banquettes, if this public right of use does not any longer exist, yet this company is authorized without proceeding, to deprive the present possessor of it in a judicial manner as other people have to do, and as every individual citizen has to do. The Legislature undertakes to give to this company the power to go and take possession of this piece of ground, and to use it not only against the present possessors of it, who are entitled to be sued and to resist it in the ordinary way by the courts of law, but the public, who are entitled to the use of it, as the Senator from the First District said, having been dedicated to their use, and they permitted to do this without the interposition of court, absolutely fixing the ownership. The actual decrees of court are set aside by this undertaking of the Legislature of the State of Louisiana, and yet gentlemen tell me here they are going to eliminate from the bill all the unconstitutional and extra judicial grants. Now, I ask, if such is their intention, that they strike out these provisions from the bill. I would like, sir, while I am standing here, if it be not improper, and not objected to, to reply to some remarks made by Senators respecting the policy proposed in this bill.

Mr. Lynch: That would not be in order, I think. I now move to lay the amendment of Senator Bacon on the table.

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

The amendment of Mr. Bacon was laid on the table—yeas 21, nays 13.

Mr. Futch: Mr. President, I am surprised at the position of Senators here. I supposed that this whole section was to be stricken out.

Mr. Lynch: I move the adoption of the section as amended, and call the previous question.

The main question was ordered, and the section adopted as amended.

Mr. Ray: I appeal again to the Senate to adjourn. I have read this bill but once, supposing there would be an opportunity to examine it carefully. I think there are objectionable features in it. I do not make the motion in any spirit of factious opposition but I appeal to the sense of justice of the Senate, as the bill will come up as unfinished business to-morrow, to adjourn and give us, who have not had the opportunity, to examine the bill.

The motion to adjourn was lost.

Mr. Blackman: I now hope that there is not a man upon the floor of this Senate who will make a single objection to this bill. They can not suspend the constitutional rule which requires four-fifths of the members present, and I am tired of sitting here to hear the bill discussed. I ask the minority who are opposed to the bill to let it pass without opposition. They can not suspend the rules.

Section two of the bill was read.

Mr. Wittgenstein: I move the adoption of this section.

Mr. Ray: I suppose it is the intention of the majority to force this bill through to-night. I am very sorry that intention is manifest, as it is my desire to give this bill a very careful examination. I have no doubt that the gentlemen have carefully examined it who intend to pass it; but it has been sprung upon us, so far as taking it up for immediate consideration is concerned. I am satisfied that every Senator is prepared to support a bill that is properly framed and guarded. As I have only read this bill once, I can not tell, on the reading of the sections at this hour, to-night, what amendments I would propose. I am opposed to the whole bill; but if it has to pass, I should like to have it pruned of inconsistency and improprieties, and, therefore, I shall not say another word upon it to-night if they determine to pass it, but I shall say this, that they have passed it without giving those opposed to it, at least myself, a proper time for examination of a bill of so much importance. If the State is to be saddled with a debt of three millions of dollars, for which it procures nothing in return except the general benefit to the State, by the construction of this road, it is a matter of great importance that the bill should be properly guarded. When we were discussing the Texas bill yesterday, of three million dollars, which was a matter of much greater interest to the State, immediately great objection was made, and they asked a reduction of the amount to two millions, for fear the credit of the State would suffer. Now, we are asked to pass a bill giving a railroad a gratuity of three million dollars without any return for two or three years. Will this not affect the credit of our State? I say, then, I am opposed to this whole bill; but if it is to pass, I would like to make such examination and amendments as will make it less intolerable. For this reason I again move an adjournment. The motion to adjourn was lost.

Mr. Lynch: As one opposed to this bill, except in its modified form, I would simply state that it has been printed over three weeks in its original form before these amendments were proposed to-night. It has been accessible to every member in the Senate and in the House. I feared it myself that this bill would be sprung on us before those modifications were made. But it seems strange, after all this time, that a further delay should be urged. The Senator from Ouachita says he is opposed to the whole bill. I gave him credit, then—a week's—for a little more progress than he was entitled to. In answer to what he has said, I have this to remark, that I have facts within my own knowledge that this gratuity given to this company, paradoxical as it may seem, will enhance the credit of the State. I assert that I believe I can convince any Senator who will call on me that it is the action of the incorporators of this railroad company which has caused the bonds of the State to appreciate in the last thirty days thirty or forty per cent. Now, sir, in the face of public denunciation of this scheme, and of Senators who support it as enemies to their country, and in the face of measures looking toward repudiation, these bonds have appreciated in forty days fifteen per cent, and in addition to that one of the largest stockholders in the company is now, sir, in Europe, making a market for the bonds of Louisiana, and placing them in permanent investment, and bringing them into greater demand every week; and I look to their going up still higher unless by some ill-advised legislation, or such resolutions as those passed at the Lafayette Square meeting should induce people to believe that there is something in the wind about repudiation. But, so far from this three million dollars gratuity depreciating the credit of the State, I am told the capitalists of Europe—one of the largest capitalists in the world—is now a stockholder in this company, and the fact being known, the bonds appreciated in three days ten per cent. I speak from information within my own knowledge. Now, sir, I for one am prepared to go on and vote for this bill for to-night.

Mr. Coupland: The Senator from Carroll has stated his surprise at the action of Senators in asking time, and stated that the bill had been printed three weeks. That I grant; but I would like to know when these amendments have been laid before Senators? They are laid before the Senate now for the first time.

Section two was then adopted.

Section three was read.

Mr. Lynch: I move the adoption of the section.

Mr. Braughn: I move that all of section three, after line fifty-two, be stricken out.

Mr. O'Hara: I move to lay that motion on the table.

The yeas and nays being ordered, the amendment was laid on the table.

Mr. Lynch: I renew the motion to adopt the section.

Mr. Bacon: Mr. President, I wish to give some good and substantial reasons why this section should not be adopted. The section proposes to give this company absolution from any liability for damages in any case which may go against them in the courts for damages done to passengers, carried by them free.

Mr. Beares: That is the case on all railroads.

Mr. Bacon: Well, the gentleman does not understand as much about this as I do. Now, I venture to say, sir, that the passengers carried free by railroads do them more good, and, in fact, pay them more, than those who are carried by them for hire, for money, which they receive. The reason is as good why they should be responsible for the damage done to those carried free, as those that they are in the habit of carrying for hire. I will appeal to any member here who is acquainted with railroading, or who has had intercourse with railroad officers, if those whom they are in the habit of carrying free are not more useful to them than those from whom they receive hire. In most cases they put on the back of a free pass that the roalroad company will not be responsible for damages or losses that might happen to such parties. The courts have held that every principle of justice will hold them responsible where their employes are careless and indifferent, and damage happens to those persons. But if the reason given is that they are carried free, that is not a reason why they should be exempt, because the persons whom they carry free do them more good than others, and all railroad men will tell you that. Newspaper men, steamboat men, legislators do them more good than those from whom they receive pay. So that is not a good reason way they value a man's life at only a thousand dollars and his limbs at only the amount he pays for his pass. Then, sir, as to the employes, the excuse made for the employes is that they are going into a risky business, but that is no reason; their poverty compels them to go into this risky business, and if the carelessness of the engineer or a broken bridge cause the death of a breakman or any other employe whose poverty compels him to go on the road, they should pay the damage for the loss of his life as well for the man who pays his passage. They should vote down this whole proposition. It is unjust—the courts have decided that it is unjust, even where the passenger has accepted a ticket with this indorsement, that the company will not be liable—courts not only of the United States, but the courts of every State, that they are liable, because it was bad in principle to allow them to be exempt from this liability of a common carrier. It would be wrong for us, toward our constituents, to accept this feature in this bill, and others who may come in our territory, and pass over it. We may not feel any inconvenience for this, but we are legislating for others, and we should not except this company from these liabilities, which may affect the welfare of our constituents and fellow citizens. I trust, sir, that this section will not be adopted, and for the purpose of testing this matter, I shall ask that the yeas and nays be called upon the adoption of this section.

Mr. Lynch: I second the call.

Mr. Coupland: I would like very much to vote for this section of the bill, on account of a certain provision as to discrimination in the employment of their laborers, on account of color, were there not some other objectionable features contained in it, which will force me to vote against it. I do not consider it is necessary to put in this clause, because we have what is known as the civil rights bill, and that, I believe, will be enforced, and that will be a simple superfluity to stick it in here. As I have a right to do so, I will call for a division of the question.

The President: What do you propose to divide?

Mr. Coupland: The first clause comes down to line fifty-one; the second clause commences at line fifty-two and includes line sixty-four. I want to vote on the first clause of the section, from line one down to fifty-one.

The President: Have you a second for the call of the division of the question?

Mr. Bacon: I second the call.

Mr. Jenks: I object to a call for a division. I make the point that it can not be done any more than you can make a call for a division upon another section, line by line.

The President: The Senator certainly has the right to call for a division, but the Senate can decide whether they will entertain it or not.

The motion to divide the question was lost—twenty-two yeas; ten nays.

The yeas and nays, section three, was adopted.

Section four was read.

Mr. Lynch: Mr. President, I move to amend this section by striking out, commencing at the one hundred and thirteenth line, after the word "Rapides," commencing with the word "and" and striking all out down to and including the word "Arkansas," in the one hundred and twentieth line.

Mr. Blackman: As this is an amendment of Senator Lynch, I will make an amendment that will include both his and mine.

Mr. Lynch: I object to any amendment to my amendment.

Mr. Blackman: I think Senator Lynch will accede to my amendment.

[Mr. Blackman proceeded to oppose the bill which, at his request, is omitted—Reporter.]

Mr. Lynch: Mr. President, I feel so deep an interest in the section of the country to which the Senator from Claiborne alludes, that if I supposed the effect would be as he prophesies, I certainly would agree with him, but the argument he makes is precisely the argument made in Illinois when there were only two railroads in the State. My experience of railroads is, that the more you have, the more will be needed. Wherever railroads go, population follows; and I have no doubt that the building of this road to Shreveport will create a local trade which will support it. One word about charters and franchises being granted. I am opposed to railroad franchises to parties who have not the means to build them. I now call for my motion to amend by striking out.

Mr. Blackman: I now propose as an amendment to strike out from line 92 the portion relating to the construction of a branch railroad to Shreveport. I wish to strike that out, and confine this company to its road from here to Texas, as originally proposed, and in accordance with the rights and privileges of the original charter.

The President: I have not heard a second to the amendment.

Mr. Anderson: I hope the Senate will not strike out that part. That is the very thing that makes the bill particularly desirable to me, and for which I support it.

Mr. Lynch: I move to lay the amendment of Senator Blackman on the table.

Tabled. Yeas 23, nays 9

The amendment of Mr. Lynch was then adopted.

Mr. Lynch: I have another amendment to offer, to strike out from the word "and" in line one hundred and forty-six down to the word "Arkansas" in line one hundred and forty-seven; also strike out from the word "and" in line one hundred and sixty-three down to the word "Arkansas" in line one hundred and sixty-four inclusive.

Adopted.

Mr. Lynch: I move the adoption of section four as amended.

Mr. Bacon: I wish to propose another amendment. Preceding that clause which relates to the construction of railroads in the northeast, is a provision "that there is hereby granted to the said company, the right to construct and maintain a passenger depot," etc. That is one sir, and then again, I desire to strike out from line one hundred and ten, to the end of the section, and respecting this I desire to make a few remarks. The first part which I wish stricken out is that which proposes that the State of Louisiana shall give to this company five hundred feet in length and the full breadth of the property which belongs to the city of New Orleans and the inhabitants of New Orleans, and does not belong, one inch of it, to the State of Louisiana, which has no more right to take it than I have to take your property on which you live, and the State of Louisiana can, with as much propriety, give away your individual property as it can give this neutral ground on Claiborne street to the railroad company. True, it is in public use, but it is in public use for a spec