

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.

JOURNAL OF THE SENATE.

Second Day's Session. SENATE CHAMBER, Tuesday, March 8, 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, Egan, Fatch, J. Jones, Jewell, Kelso, Lynch, Monette, Ozden, Packard, Pinchback, Poindeux, Ray, Smith, Todd, Whitney, Wilcox, Williams, Wittgenstein—28.

Prayer by the Chaplain, Rev. John Turner.

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

MESSAGE TO THE HOUSE.

The Secretary asked the concurrence of the House in the following Senate bills, viz:

No. 5, "To organize, arm and equip a uniformed militia," etc.

No. 213, "For the relief of John L. Brown."

No. 252, "To lay out and open a road to connect the Grand Point Settlement, in St. James Parish, with the Mississippi river," and informed the House of the concurrence of the Senate in the following named House bills, viz:

No. 327, file of 1869, "To create the office of Justice of the Peace and Constable, at Frontier Station," etc.

No. 210, file of 1869, "To authorize A. C. Banks, Daniel Kelly and their associates to render navigable Bayou Dugdemonia," etc.

No. 260, "To incorporate Millwood Female Institute," etc.

Mr. Ogden presented a petition from the Ladies of Providence, "asking for relief," which was received and referred to the Finance Committee.

REPORTS OF COMMITTEES.

Mr. Darrall, from the Enrollment Committee, submitted the following report:

GENERAL ASSEMBLY OF LOUISIANA, Senate Enrollment Room, New Orleans, March 5, 1870.

To the Honorable President and Members of the Senate:

GENTLEMEN—Your Committee on Enrollment beg leave to report as having been duly engaged, the following bills, viz:

Senate bill No. 5, "An act to organize, arm and equip a uniformed militia," etc.

Senate bill No. 213, "An act for the relief of John L. Brown, Assessor and Collector of Taxes for the Parish of Claiborne," etc.

Senate bill No. 252, "An act to incorporate the Millwood Female Institute," etc.

Senate bill No. 327, "To create the office of Justice of the Peace and Constable, at Frontier Station," etc.

Senate bill No. 210, "To authorize A. C. Banks, Daniel Kelly and their associates to render navigable Bayou Dugdemonia," etc.

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The bill was then 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.

REGULAR ORDER OF THE DAY—UNFINISHED BUSINESS. The resolution offered by Mr. Lynch, on yesterday, as follows: 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.

Under a suspension of the rules, Mr. Campbell submitted a report by the Committee on Education, which was ordered printed. Also reported favorably on Senate bill No. —, "An act granting certain privileges to the Louisiana Canal and Land Improvement Company."

HOUSE BILLS ON FIRST READING. House bill No. 253, "Granting to Joseph Torres, the exclusive privilege of keeping a ferry across the Mississippi at Shreve's cut-off, in the parishes of Pointe Coupee and West Feliciana and Concordia."

Which was read its first time. Under a suspension of the rules, Mr. Campbell submitted a report by the Committee on Education, which was ordered printed.

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

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

House bill No. 27, "To incorporate the Louisiana Commercial, Agricultural, and Emigrant Association," etc.

Which was read its first time. The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill put on its second reading and referred to the Committee on Internal Improvements, and ordered printed.

House bill No. 113, "To incorporate the New Orleans Square Block Granite Pavement Company."

Which was read its first time. The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill put on its second reading and referred to the Committee on Banks and Banking.

House bill No. 288, file of 1869, "To incorporate the Grand Bayou and Mansfield Railroad Company."

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

House bill No. 241, "Joint resolution asking an appropriation from the United States to provide obstructions for the upper Red river."

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

House bill No. 241, "Joint resolution asking an appropriation from the United States to provide obstructions for the upper Red river."

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

House bill No. 203, "Authorizing the Board of Control to sue for the indebtedness of parties to the Louisiana Penitentiary previous to the lease."

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

House bill 238, "granting leave of absence to O. J. Flagg, Parish Judge of the parish of St. Charles," which was read the first time.

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

Under a suspension of the rules, Mr. Lay called up from second reading file, the following entitled bill: "Substitute for Senate bill No. 29, an act to authorize the Governor in certain cases to issue warrants for the apprehension of persons charged with murder and certain other offenses, and to provide for the arrest and examination of such persons."

Which was read a second time. Mr. Ray moved to fill the blank in section four, line eight, with the word "five," and in line twelve, same section, to fill the blank with the word "two."

The amendments were adopted. Mr. Fatch moved to add a proviso at the end of section two—"Provided, that nothing in this section shall be construed to deprive the accused of the right to have compulsory process to compel the attendance of witnesses in his favor before the committing magistrate."

Adopted. Year: Anderson, Antoine, Beares, Fouts, Monette, Pinchback—6.

The bill was then ordered engrossed for a third reading.

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

Mr. Ray, under a suspension of the rules, called up from second reading file, House bill No. 289, "Relative to crimes and offenses."

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

Under a suspension of the rules, Senate bill No. 218, "To incorporate the town of Washington, in the parish of St. Landry," etc., from second reading file.

Which was read a second time and considered engrossed for a third reading.

Jefferson, by the Police Jury of the left bank of said parish, and for the payment thereof, etc., (from second reading file), which was read a second time.

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

Under a suspension of the rules, Mr. Packard offered the following resolution: Resolved, That all the committees that were authorized to employ clerks and messengers during the last session be hereby authorized to employ the same number of clerks during the present session, if the same number be deemed necessary by the chairman of said committees, and the journal and entry clerks and Special Committee on Drainage.

Adopted. Under a suspension of the rules, Mr. Jenks introduced, without notice, a bill to be entitled an act "For the relief of Ernest Calley, late Assessor of the parish of Iberville."

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

Under a suspension of the rules, Mr. Bacon called up Senate bill No. 235, "Relative to the New Orleans and Great North River Railroad Company, authorizing its extension to the Mississippi river through the city of New Orleans," etc.

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

First amendment: At the end of first section add—

Provided, That steam shall not be used as a motive power on Delord or St. Joseph street, from Kamper street to the levee.

Second amendment: Insert the following as section two.

It is enacted, That this act shall take effect as soon as the directors of said corporation shall amend their rules and regulations relative to passengers, as to comply with the requirements of the thirteenth article of the constitution of this State, a certificate to that effect to be filed in the office of the Secretary of State.

The amendments of the House were concurred in.

Mr. Wilcox, under a suspension of the rules, introduced the following entitled bill: "To incorporate the Feliciana Savings and Exchange Bank."

Which was read its first time. The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill put on its second reading and referred to the Committee on Banks and Banking.

Mr. Campbell, under a suspension of the rules, called up from second reading file Senate bill No. 25, "To incorporate the Farmers and Manufacturers Aid Association."

Which was read its first time. The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill put on its second reading and referred to the Committee on Banks and Banking.

Mr. Carr: I hope it will be postponed in order that we may have a chance to read it and see whether or not it requires amendment. The Governor has no right to force the House to consider any particular measure, one of the most important we have had before us since the first organization of this General Assembly, and we should not let it pass without the most careful attention. It has much to do with the financial future of the State and it should, therefore, be handled carefully and not carelessly.

Mr. G. Carr: The question is on the motion of the gentleman from Caldo, Mr. McVean, to postpone further consideration of this bill until the next session.

Mr. G. Carr: Does not this bill require to be considered in Committee of the Whole?

Mr. Carr: Yes, sir; it is already in Committee of the Whole.

Mr. G. Carr: I move that the House resolve itself into a Committee of the Whole for the consideration of this bill.

Mr. Noble in the chair.

Chair: The Chair is informed that when this session first opened the first section of the bill had been adopted by the House, and the second section was then read.

Mr. G. Carr: I call now, Mr. Chairman, for the reading of the first section.

Mr. Noble: The action of a former session now falls under consideration. I call for a reading of the first section.

Chair: The Clerk will read the first section.

The section was read.

Mr. Carr: I have, since we had this bill under consideration before, figured up what amount will be realized from an act of this kind. It will realize more than one-half of the amount we propose to appropriate. Of course the remainder will suffer, but I think we can keep up the credit of the State if we appropriate only one-half of the amount we propose to appropriate.

Mr. Noble: I want to see the original bill. The Chair will not furnish the original bill. The Chair will not furnish the original bill.

Mr. Carr: I want to see the original bill. The Chair will not furnish the original bill.

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assessment and collection of a revenue for the support of the State. Mr. McVean: I move it be postponed until the next session, after the reading of the minutes immediately after the reading of the bill.

Mr. G. Carr: I object. Mr. Washington: I hope the motion to postpone will not prevail. We have been called on to vote for a specific purpose, and that is to take action in certain bills designated by the Governor in his proclamation. I hope this General Assembly will not be so cowardly as to neglect its duty, and I don't think we have the right to disregard and set at naught the wishes of the executive, as shadowed forth in his proclamation concerning this General Assembly.

Mr. G. Carr: I rise to a point of order. Speaker Carr: Please state your point of order.

Mr. G. Carr: We have already adopted a resolution, offered by the gentleman from Caldo, which makes it obligatory upon us to consider these measures in the order in which they are named in the proclamation of the Governor. I don't think it is in our power to postpone now.

Mr. Noble: I raise another point, and that is that the bill, as it stands, has not complied with the proclamation, as far as giving it preference is concerned, and the House is now at liberty to make what disposition it pleases.

Speaker Carr: The Chair will settle both of these points in a very few words. Those bills mentioned in the Governor's proclamation shall take precedence. Those bills which will be taken up first, but once taken up the House can dispose of them as the House deems subject and proper. They may be laid on the table, they may be postponed indefinitely, they may be taken up before the House the matter of preference is settled. The Chair therefore declines to take any action on the point of order now taken, and that of the gentleman from Rapides is well taken.

Mr. Noble: This talk about the Governor's proclamation is all nonsense. It is a heavy tax it is no affair of the State. If the city government is bad, the city of New Orleans is bad, and as I have already said, the city government is bad. We are imposing an exorbitant tax when we assess five mills. It is not too much, nor is it more than the people are willing to pay.

Mr. Noble: I am opposed to both of these amendments. I think five mills and five cents is a heavy tax, and while I think five mills too much, I believe three mills too little. I had hoped this bill would have been passed long ago. I had hoped that we would have pointed out those large corporations in the State which do not pay any tax, and that we would have made them pay a cent on their rolling stock. Five mills is plenty—a very high—and would be sufficient for those wealthy corporations.

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debtedness must necessarily remain unpaid and what with heavy interests and from other causes rapidly augmenting. Under the system he advocates the people are not relieved, but rather oppressed. I believe every man ought to pay his debts when they are due, and I believe the same ought to be true of the State. I believe every property holder is willing to pay his share of the taxes imposed to pay the honest debts of the State. They are intelligent and they know that it is their interest to do so. I believe, therefore, that we should not be so cowardly as to neglect our duty, and I don't think we have the right to disregard and set at naught the wishes of the executive, as shadowed forth in his proclamation concerning this General Assembly.

Mr. McMillen: Well, Mr. Chairman, I can assure you we are going to get along in this State under the tax sufficient to pay the current expenses of the State government. The bill now under consideration was drafted before we had an opportunity to vote on it. It is a heavy tax, and while I think five mills too much, I believe three mills too little.

Mr. G. Carr: I rise to a point of order. Speaker Carr: Please state your point of order.

Mr. G. Carr: We have already adopted a resolution, offered by the gentleman from Caldo, which makes it obligatory upon us to consider these measures in the order in which they are named in the proclamation of the Governor. I don't think it is in our power to postpone now.

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