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BOARD OF ASSISTANT ALDERMEN Extra Session

OTY HALL, NEW ORLEANS, March 24, 1870

The board met pursuant to a call of the Mayor-President Fish and the following members present: Messrs. Kenry, Walsh, Camp, Sturcken, Casanave, Grandpre, Stas and Camp-2.

Mr. Camp-2 read the concluding portion of the minutes of the meeting of the twenty-second instant, and moved that they be so amended as to read that a resolution on the subject of the petition of J. Guthrie, Sr., was adopted.

The motion of Mr. Camp having been carried, he further moved a suspension of the rules to take up the resolution, which was read, as follows:

Resolved, That the Controller be and he is hereby directed to warrant on the Treasurer in favor of Joseph Guthrie for the sum of twenty-five dollars (\$25), damages caused to his property by a fire in April, 1869, for fuel furnished to steam engines Nos. 2, 7 and 10.

The above resolution was adopted on its second reading by a unanimous vote.

The following communication from the Mayor was received:

STATE OF LOUISIANA, Mayor of New Orleans, City Hall, March 24, 1870.

To the Secretary Board of Assistant Aldermen, City Hall, New Orleans, La.

Sir: Five members of the Board of Assistant Aldermen, viz: Messrs. Carter, Sturcken, Grandpre, Stas and Fish, having requested in writing, that said board be convened in extra session on the 24th inst. at half-past six o'clock, you will notify the members thereof to meet at the hour above named.

The members signing the call will explain the object of the meeting.

Respectfully, JOHN R. CONWAY, Mayor.

Mr. Carter explained the object for convening the board in extra session, when the following ordinance from the Board of Aldermen was read:

An Ordinance to insure the prompt Collection of Taxes of the City of New Orleans.

WHEREAS, The writ in the hands of the Sheriff for the tax bills of the year 1869 in favor of the city of New Orleans do not contain full and accurate description of property, or indicate the names of the owners, and as such information is indispensable in the execution of said judgments, and can only be procured by the city with great difficulty and attendant expense to the Sheriff;

Be it ordained, That the Sheriff is fully authorized to proceed forthwith to obtain the data necessary to accomplish the writ, and that for such services he shall be allowed a remuneration of five per cent on amounts paid into the treasury; provided, that the Sheriff shall receive no compensation for such services on writs ordered to be canceled, and on writs not collected, unless proceedings under the same have been stayed indefinitely by order of the Finance Committee.

Be it further ordained, That the Sheriff shall make a full detailed statement of all writs remaining in his hands on the first day of July, 1870, and the reasons for their non-collection.

Mr. Pandy here entered and took his seat.

Mr. Walsh, who was opposed to concurring in the above ordinance, was interrupted in the midst of a lengthy argument by a motion of Mr. Pandy to withdraw the ordinance, which motion prevailed.

Under a suspension of the rules, the following communication was introduced by Mr. Walsh:

To the Honorable Board of Assistant Aldermen: The petitioner hereby represents that in accordance with an act of the Legislature, No. 2, extra session of the Eighteenth District Court in and for the parish of Orleans, has been duly organized, but that there is no building or office for said court to hold its sessions.

Resolved, That the Committee on Public Buildings be authorized and directed to furnish and appropriate an office and building for the use of said court.

THOMAS LYNNE, Clerk of Eighth District Court.

The following resolution, by Mr. Walsh, was then unanimously adopted on its several readings:

Resolved, That the keeper of the Court-house be and he is hereby authorized to furnish suitable rooms for the use of the Eighth (8) District Court for the parish of Orleans, State of Louisiana, and that the same be done forthwith.

my part of the contract whenever the city fulfill their promise.

Very respectfully, P. A. FINNEY.

The Finance Committee also submitted the following report:

FINANCE COMMITTEE ROOM, No. 25 City Hall, New Orleans, February 23, 1870.

To the Honorable President and Members of the Board of Assistant Aldermen:

GENTLEMEN:—Your committee beg leave to report favorably by resolution on the communication from Mr. James Gault, President of the New Orleans Gaslight Company, dated February 16, 1870, stating that as a result of an interview with your chairman, the Board of Directors of that company had agreed to the proposed deal on certain conditions, which are embodied in the accompanying resolution.

Respectfully submitted, W. H. PEMBERTON, Chairman Finance Committee; EUGENE STAES, W. W. WALKER.

The following resolution, accompanying the above report, was, on motion of Mr. Walsh, ordered to lie over subject to call:

Resolved, That the amount of the tax bills of the Gas Company for 1869, payable in 1869, from the amount of the gas bills due for January and February, 1870, and that the balance of said bills be paid cash.

The board then adjourned.

JOHN TOBIN, Secretary.

DEBATES OF THE SENATE

TUESDAY, March 30, 1870.

Mr. Pinchback: Mr. President, I desire to introduce a resolution to file habeas corpus.

At the close of last session a rule was adopted to the effect that each Senator should file in the House a bill, to call up a bill from the calendar, and I think it will be desirable to adopt the same resolution now.

Mr. Lynch: Mr. President, I rise to a point of order. I would inquire whether there is not a resolution pending now?

Mr. Pinchback: Well, I have asked for a suspension of the rules to introduce this; even if there was a resolution pending, it would not come up until after the morning session.

Mr. Pinchback: I move to make the hour one o'clock.

Mr. Pinchback: My object is simply to give us a chance to do some business, so as not to have the rules suspended every ten minutes for the introduction of petitions, memorials, bills and everything else.

Mr. Packard: A resolution has already been introduced to allow Senators to introduce bills.

Mr. Bacon: Mr. President, I would suggest an amendment.

Mr. Pinchback: I don't care how you amend the resolution; all I want is to adopt some system that will be fair and equitable, and giving every Senator a chance to get the floor, but I do not desire to have that advantage. I want to expedite business and I don't care what shape you put it in.

Mr. Packard: I suggest to have it take effect at one o'clock.

Mr. Bacon: I would suggest that we should not adopt any rule which amounts to a suspension of the rules; as each Senator's name is called he should have a right to have the floor in order to take up any bill on the calendar, but it will not do to grant him a suspension of the rules for that.

Mr. Pinchback: Then offer your amendment.

Mr. Campbell: Mr. President, I would inquire whether this will not conflict with the bills mentioned in the Governor's proclamation?

Mr. Pinchback: I suppose they will be "orders of the day" and acted upon as such.

Mr. Futch: Then it should not be fixed at one o'clock, for that is the hour for the order of the day.

The President: We have already adopted our rules, and this resolution proposes to alter the rules. I have no objection, after receiving reports of committees, the first thing in order is notices of bills, bills according to previous notice, joint resolutions and action on reports lying over.

Mr. Pinchback: Mr. President, the Senators will observe that this is a very fair rule that I propose; it is certainly not for my own benefit. I can get up as quick as anybody, and business will be conducted with much more fairness if we adopt some such system. There seems to be some difference of opinion as to when the resolution ought to go into effect; my idea was to give the committees time to report.

The President: But then you would cut off the privilege of acting on these reports.

Mr. Pinchback: One of the Senators suggests that it go into effect at the hour of the order of the day.

Mr. Bacon: This is what I propose as an amendment.

Mr. Packard: That I think would operate very badly.

Mr. Wilcox: Mr. President, I believe that the best way is to take up the calendar just as it is, and bring up every bill and let it be disposed of as the majority may desire. I don't see any objection of allowing each Senator to call up a bill and never make anything by it, so I think it is better just to take up the calendar.

Mr. Pinchback: I withdraw the resolution.

in the bill. I ask the Senators to observe that yesterday a little bill was introduced with two little sections which the Senate refused to pass, and about forty Senators sprang up and insisted on it going to a committee, and here is a long bill, I don't know how many sections, proposing to give \$12,500 per mile indorsement on the bonds of the State, and I don't know how the State is paying for interest on such mortgages, but it is millions upon millions, and yet here the gentlemen come forward and ask \$12,500 per mile, without the bill even going before a committee. I ask that the bill be referred to the Committee on Railroads, and if the chairman reports favorably, I have no objection, but let it take its regular course.

Mr. Blackman: Mr. President, I have only one word to say. It is that the bill asks nothing from the State. It is only an act of incorporation, asking only the indorsement on the second mortgage bonds of the State, and the company itself pays the interest, and the very moment the company fails to do that, and all the rights and privileges, are done away with.

Mr. Pinchback: Then let it go before a committee.

Mr. Blackman: It will be utterly impossible, then, to pass the bill this session. This bill is to benefit that section of the State, and will not ask one penny cent from the State. The company pays the interest on the bonds; but we simply ask that you give us the same benefits that you give to other sections of the State. We hope that the Senate will not refer the bill, but pass it through at once.

Mr. Bacon: Mr. President, I will state my reasons why the bill should pass. It is carrying out the objects of a bill which the Senate passed at the close of the Governor's veto, and it is filed in the House, and I believe that the House will pass this bill, and it being for the same purpose, I see no reason for it going to a committee, when the Senate has already deliberated upon it.

Mr. Futch: Mr. President, I do not desire to speak on this bill, but I would like to understand it, and to hear the title of it. I do not entirely approve of this. I have several times voted for appropriations of money, and my principles and ideas and feelings are such that I would like to understand this bill. I do not understand it. I can not help it; but it seems to me that a reference is very proper, and a reference is asked for. I certainly can not, in this way, support a bill which is not explained to the Senate and explained to the public. Not that I think the people may say why, but I understand what we are doing, but we ought to understand ourselves what we are doing, so that when we go before the people we ought at least to give some reason for our action here. I do not like the bill, because nobody understands it, not even the title of it.

The year and days were called on by Mr. Pinchback's motion to refer, and it was lost by 4 yeas to 21 nays.

Mr. Wilcox: I move that the bill be considered engrossed.

Mr. Pinchback: In order to give the gentlemen an idea of the way we have to work we must again take a little foolish opposition on bills that we are interested in. I move to indefinitely postpone this, and I call for the yeas and nays.

This motion was lost by a vote of 3 yeas to 21 nays.

Mr. Pinchback: Mr. President, I call for an additional section under the thirteenth article of the constitution.

Mr. Pinchback: Mr. President, I move now that we proceed to the consideration of executive business.

Mr. Blackman: I accept the amendment of Senator Pinchback. I have no objection to incorporating the principles of the thirteenth article of the constitution.

Mr. Pinchback: Mr. President, I have moved that we proceed to the consideration of executive business.

Mr. Todd: In the chair: I decided that there was a motion before the Senate at this time.

Mr. Pinchback: I shall have to appeal from the decision of the Chair, meaning no discourtesy to the Chair.

Mr. Bacon: I must say, Mr. President, that I think that ruling of the Chair is contrary to previous rulings of the Chair.

Mr. Bacon: I must say, Mr. President, that I think that ruling of the Chair is contrary to previous rulings of the Chair.

Mr. Todd: In the chair: I find out from the rules that the Chair was mistaken.

Mr. Wittgenstein: I rise now to a point of order; it is this: Mr. Pinchback had the floor at the time Mr. Pinchback made the motion.

Mr. Todd: In the chair: I think that point well taken.

Mr. Pinchback: I think that point is not well taken. I think, whether technically or not, I was entitled to the floor; I had a right to make the motion, and I take precedence. Now, the Chair has corrected an erroneous decision that he made.

Mr. Wilcox: I would like to inquire of the Chair, whether we have any executive business.

Mr. Ogen: I would ask how the Chair decided the question.

Mr. Todd: In the chair: The Sergeant-at-Arms will clear the lobby.

The Senate went into executive session, but after a few moments the doors were reopened, and the consideration of the bill resumed.

Mr. Pinchback: I would like to amend the bill so as to incorporate a clause similar to that in the Chattanooga Railroad bill.

The additional section proposed by Mr. Pinchback was read.

Mr. Pinchback: I do not like that as well. In order not to take up the time of the Senate I would simply say, mine is exactly similar to that in the Chattanooga bill.

The President: You are wasting a great deal of time; this question has already been decided.

Mr. Pinchback: My amendment has already been adopted.

The provision of the Chattanooga bill was read.

Lovers be authorized to investigate the affairs of the railroad in the West.

Mr. Lynch: Mr. President, if the Senator will allow me I will explain. I am a member of that committee, and we have several important bills before us. I therefore believe that a special committee would be better. I am prepared to discuss the question now, and I don't see how the State is paying for interest on such mortgages, but it is millions upon millions, and yet here the gentlemen come forward and ask \$12,500 per mile, without the bill even going before a committee.

Mr. Wittgenstein: I move to refer it to the Committee on Public Works and to adjourn.

Mr. Campbell: Mr. President, I hope the gentlemen will withdraw that motion. In justice to the members of the Board of Public Works, I ask that the matter be investigated.

Mr. Todd: I rise to a privileged question. In the motion for adjournment, the Committee on Public Lands and Levees; I knew very well that Mr. Lynch was on that committee, and I did not think he would have any objection, and I did not want to run the State into any unnecessary expense. I am opposed to raising any special committee.

Mr. Lynch: Mr. President, I will state that the resolution contemplates no expense whatever; the clerk receives no additional compensation, and there is no other additional expense; I do not wish to take up the time of the Senate discussing the question now.

Mr. Todd: I move to lay on the table Mr. Lynch's amendment.

This motion prevailed, and Mr. Lynch's resolution was adopted.

Mr. Ray: I move a suspension of the rules to place the bill on its second reading.

Mr. Futch: Mr. President, I would like to see that bill.

Mr. Ray: I move to take it up section by section, there are several sections of the bill, or let it be read through first.

The bill was read.

Mr. Ray: Mr. President, in section four of the bill, there is a line eight and another in line twelve. I move to fill the blank in line eight with "five dollars per day," I think that will be a reasonable compensation. This bill contemplates the necessity of sending men from one parish into another for the purpose of arresting persons charged with murder and certain other offenses, and to provide for the arrest and examination of such persons.

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Mr. Ray: I move a suspension of the rules to place the bill on its second reading.

are called up, then the bills mentioned in the Governor's proclamation are to have the preference, but not if there be a bill already before the Senate. If there is no measure pending before the Senate and there is a bill ready among those, then that special bill has the preference; but while the Senate has a bill under consideration, no other bill shall be considered to demand that it must give way for the purpose of taking up one of those bills.

Mr. Lynch: Mr. President, I call for the reading of the resolution passed yesterday.

Mr. Darrall: Mr. President, I move to adjourn.

The Senate adjourned.

OFFICIAL

LAWS OF THE UNITED STATES

Passed at the Second Session of the Forty-first Congress.

[PUBLIC-NO. 13.] AN ACT to authorize officers of the executive departments to administer oaths in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer or clerk of any of the executive departments of the government, who shall lawfully be required to investigate frauds or attempts to defraud on the government, or any irregularity or misconduct of any officer or agent of the United States, shall have power to administer oaths to witnesses taken in the course of any such investigation.

Approved, March 7, 1870.

[PUBLIC-NO. 20.] AN ACT to amend an act entitled "An act to extend the time for the Little Rock and Fort Harrison Railroad Company to complete the first section of twenty miles of said road," approved April ten, eighteen hundred and sixty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of an act entitled "An act to extend the time for the Little Rock and Fort Harrison Railroad Company to complete the first section of twenty miles of said road," approved April ten, eighteen hundred and sixty-nine, and the same hereby is repealed.

Approved, March 8, 1870.

[PUBLIC-NO. 21.] AN ACT to authorize the Secretary of War to place at the disposal of the Secretary of the National Asylum for Disabled Volunteer Soldiers, certain condemned ordnance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby authorized and directed to place at the disposal of the Secretary of the National Asylum for Disabled Volunteer Soldiers, twelve pieces of condemned ordnance from the arsenal of Rock Island, for the purpose of completing the first section of twenty miles of said road, approved April ten, eighteen hundred and sixty-nine.

Approved, March 8, 1870.

[PUBLIC-NO. 22.] AN ACT to amend an act entitled "An act providing for the sale of a portion of the Fort Gratiot military reservation, in St. Clair county, in the State of Michigan," approved July twentieth, eighteen hundred and sixty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act providing for the sale of a portion of the Fort Gratiot military reservation in St. Clair county, in the State of Michigan," approved July twentieth, eighteen hundred and sixty-eight, and the same is hereby amended by adding to the second section thereof the following to wit: "Provided, That there shall be a point at which the northern line of the reservation, in perpetuity, for public roads, to be designated and known as 'Pine Grove Park,' all that portion of said military reservation known and described as follows, to wit: commencing at a point on the St. Clair river bank, being north sixty degrees and fifty-five minutes east, one chain and seventy-five links from the southeast corner of the Fort Gratiot military reservation, thence south six degrees and fifty-five minutes west, eleven chains and fifteen links, at right angles with and to intersect the east line of Harrison avenue, extending thence south twenty-nine degrees and five minutes east, along the east line of said avenue, twenty chains; thence north sixty degrees and fifty-five minutes west, along the boundary line in the St. Clair river; thence north along said boundary line a point at which the northern line of the above-described 'Pine Grove Park' extended in a right line easterly would intersect the same; thence westerly along said extended northern line to the place of beginning. Containing twenty and ninety hundredths acres of land, together with the river front adjoining thereto."

Approved, March 18, 1870.

[PUBLIC-NO. 23.] AN ACT to confirm the appointment and amend certain laws of the Territory of Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appointments of all members of the legislative assemblies of the Territory of Arizona, elected and convened in the years eighteen hundred and sixty six, eighteen hundred and sixty seven, and eighteen hundred and sixty eight, and the laws of said Territory, enacted by the said assemblies, and which are in accordance with the laws of said Territory, be and is hereby declared legal and valid under the organic act.

Sec. 2. And be it further enacted, That an election for members of the next legislative assembly, and for all township, county, and district officers, and for delegates to the territorial convention of the Territory of Arizona, shall be held upon the Tuesday after the first Monday of November, in the year eighteen hundred and seventy, and the governor shall be elected by the people of said Territory, and shall be entitled, and such appointment shall be based upon the population as shown by the census to be taken in the year eighteen hundred and sixty nine, under the law of the United States, and if such census is not completed in time, then the apportionment shall be made according to the census as shown by the last census to be obtained. Said election shall be conducted in conformity to the laws of the Territory and of Congress; and the term of office of township, county, and district officers shall expire upon the thirty-first day of December, eighteen hundred and seventy, and that of all officers elected as herein provided shall expire upon the first day of January, eighteen hundred and seventy-one.

Sec. 3. And be it further enacted, That the persons thus elected to the next legislative assembly shall meet at the Capitol on the second Wednesday of January, eighteen hundred and seventy-one.

Sec. 4. And be it further enacted, That the governor shall fix by appointment all vacant offices in the Territory, until the thirty-first day of December, eighteen hundred and seventy, and until the same time he may remove township, county, and district officers, and fill their places whenever in his judgment the public interest will be promoted thereby.

Sec. 5. And be it further enacted, That justices of the peace in said Territory of Arizona shall not have jurisdiction of any matter in controversy where the title or boundaries of land may be in dispute, or where the title or boundaries shall exceed three hundred dollars.

Approved, March 23, 1870.

[PUBLIC-RESOLUTION-NO. 15.] JOINT RESOLUTION making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives of the United States for the fiscal year ending June thirtieth, eighteen hundred and seventy.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following deficiencies be and they are hereby appropriated out of any money in the treasury not otherwise appropriated:

To defray expenses of folding documents, including material and labor, thirty-seven thousand five hundred dollars.

For pay of three mail carriers at one thousand and ninety-five dollars each, three thousand two hundred and eighty-five dollars.

For pay of laborers, six thousand one hundred and twenty-five dollars.

Approved, March 16, 1870.

[PUBLIC-RESOLUTION-NO. 16.] JOINT RESOLUTION relative to Legislative fund of Washington Territory.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation of twenty thousand dollars for the per diem and mileage of the members of the territorial assembly for the Territory of Washington, at its second biennial session, which was made by act of Congress, December, eighteen hundred and sixty-nine, and for the incidental expenses of the same, contained in the act "to supply deficiencies," approved April ten, eighteen hundred and sixty-nine, shall be applicable to the payment of the per diem and mileage of the members of the territorial assembly of said Territory, which met during the month of October, eighteen hundred and sixty-nine, and of the incidental expenses of said session.

Approved, March 18, 1870.

America in Congress assembled, That the following articles and the same are hereby appropriated out of any money in the treasury not otherwise appropriated:

To defray expenses of folding documents, including material and labor, thirty-seven thousand five hundred dollars.

For pay of three mail carriers at one thousand and ninety-five dollars each, three thousand two hundred and eighty-five dollars.

For pay of laborers, six thousand one hundred and twenty-five dollars.

Approved, March 16, 1870.

[PUBLIC-RESOLUTION-NO. 17.] JOINT RESOLUTION granting condemned guns to the National Asylum for Disabled Volunteer Soldiers.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to turn over to the managers of the National Asylum for Disabled Volunteer Soldiers, at Dayton, Ohio, such number of condemned arms and bronze guns on hand, unfit for army purposes, as may be desired and sufficient for ornamentation of the cemetery and soldier's monument on the grounds of said asylum.

Approved, March 23, 1870.

[PUBLIC-RESOLUTION-NO. 18.] A RESOLUTION to transfer an appropriation for the Public Buildings.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized and directed to transfer to the National Asylum for Disabled Volunteer Soldiers, the sum of six hundred and sixty-nine dollars, and the same hereby is repealed.