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OFFICIAL JOURNAL OF THE PROCEEDINGS OF THE SENATE

FIRST SESSION OF THE SECOND GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

Fifth Day's Proceedings.

SENATE CHAMBER, Friday, January 6, 1871.

The Senate met pursuant to adjournment.

Present: Hon. O. J. Dunn, Lieutenant Governor and President of the Senate; Messrs. Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Fish, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Whitney, Wilcox—36.

Prayer by the Rev. Mr. Burch.

The minutes of the previous day's session were partially read, when their further reading was dispensed with.

The following corrections were made to the minutes, by inserting the word "prosecution" in lieu of the word "protection" in the title of the bill, of which Mr. O'Hara gave notice, and by the Secretary, supplying an omission of the printer, that "prayer was offered by Rev. Mr. Burch."

Mr. Ragan offered the following resolution:

Resolved, That a special committee of three members be elected by the Senate to examine the affairs of the Board of Metropolitan Police, and ascertain if the said board has complied with the act creating the said Board of Metropolitan Police.

Laid over.

Mr. Ray presented papers contesting the seat of Senator Noland, which were laid on the table subject to call.

Mr. Lynch offered the following resolution:

Resolved, That in all cases of contest for the seat of a member of the Senate, duly returned by the Board of Returning Officers, and sworn in according to law, the contesting party shall receive no mileage or per diem unless he establish his claim to the contested seat, and is sworn in and seated.

Mr. Lynch moved that the resolution be adopted.

Mr. Harris moved that the further consideration of the resolution be postponed until the rules be adopted, which, on a call of the yeas and nays, the Senate refused, by the following vote:

Yeas: Barber, Fish, Gallup, Harris, Herwig, Lewis, O'Hara, Ray, Smith, Todd—10.

Nays: Anderson, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Futch, Hunsaker, Ingraham, Jenks, Lynch, McMillen, Noland, Pierce, Pinchback, Ragan, Swords, Sypher, Thomas, Thompson, Twitchell, Whitney, Wilcox—24.

Mr. Lynch's resolution was then adopted.

The following report was received from the Auditor of Public Accounts:

To the Honorable President and Members of the Senate:

Pursuant to the provisions of section 189, Revised Statutes of the State of Louisiana, I have the honor to enclose a list of all persons who, as appears by the books of this office since 1865, are in default to the State on account of public moneys.

JAMES GRAHAM, Auditor.

Mr. Blackman, by unanimous consent, introduced the following joint resolution, which was read its first time and ordered printed in the journal:

WHEREAS, The disfranchisement of a large number of intelligent citizens of the State of Louisiana, under section three of the fourteenth amendment of the constitution of the United States, depriving them of the right of holding office both in the State and the federal government, with a great loss to the State, of able and valuable servants, and continuing a discrimination between American citizens that is unnecessary, illiberal and unjust; not in accordance with the true spirit of Republican government; and, whereas, by the fifth section of said fourteenth amendment, Congress can relieve by two-thirds vote all persons of said political disabilities: therefore, be it

Resolved, By the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That our Senators are instructed, and our Representatives in Congress be earnestly requested, to advocate the passage of any bill which will relieve all of our citizens of any political disabilities whatever; be it further

Resolved, That a copy of these resolutions be forwarded by his Excellency, the Governor of the State, to Senators and Representatives of the State of Louisiana now in Congress.

The following message was received from the House:

To the Honorable President and members of the Senate:

I am directed by the House to ask the concurrence of the Senate in the following bills:

House bill No. 1, an act appropriating two hundred and fifty thousand dollars to pay the mileage and per diem of members of both houses of the General Assembly, and to pay the officers, employes and contingent expenses of the same.

House bill No 2, an act to change the venue in the case of David Fisher, J. C. Olivier and Celestin Olivier, from Ascension parish to the parish of St. James.

WILLIAM VIGERS, Chief Clerk.

Mr. Hunsaker moved that House bill No. 2 be taken up and put upon its first reading.

Adopted, and bill read its first time.

Mr. Ray moved that the rules be suspended and the bill read the second time.

Mr. Blackman objected, and proceeded to discuss the question.

Mr. Todd raised the point of order that no bill could be considered until after a new apportionment of the Representative and Senatorial Districts of this State, and based his point of order on article thirty of the State constitution.

The President declined to decide the point of order, and referred it back for the Senate to decide. After discussion, and without a decision by the Senate,

Mr. Ray withdrew his motion.

After considerable discussion, Mr. Ray renewed his motion, and the constitutional rule was suspended, on a division, by a four-fifths affirmative vote, as follows: Yeas 27, nays 1; and the bill was placed upon its second reading.

[illegible]r. Smith moved to amend by striking [illegible] the words "St. James," in section one, [illegible] inserting the words "St. Charles."

[illegible] Lynch moved that the bill be ordered [illegible]sed.

[illegible] Hunsaker raised the point of order [illegible] was not necessary that the bill be [illegible]ed, it being a House bill.

[illegible]resident decided the point of order [illegible]

[illegible]illen offered a resolution as a [illegible] the body of the bill, which not [illegible]ed was not considered.

[illegible] then insisted upon his amend-

Mr. Hunsaker moved to lay the amendment of Mr. Smith on the table.

On a call of the yeas and nays the amendment was tabled by the following vote:

Yeas: Antoine, Barber, Butler, Campbell, Fish, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Noland, O'Hara, Pinchback, Ragan, Swords, Sypher, Twitchell, Wilcox—20.

Nays: Anderson, Blackman, Bowman, Coupland, Daigle, Futch, Lewis, Lynch, McMillen, Ray, Smith, Thomas, Thompson, Todd—14.

Mr. Thompson moved to lay the whole subject matter on the table, which the Senate refused.

Mr. Lewis moved to amend by striking out the words "St. James," in section two, and inserting the words "St. John the Baptist."

Mr. Hunsaker moved to lay the amendment of Mr. Lewis on the table.

Adopted.

Mr. Wilcox moved that the bill be adopted on its second reading, and on a call of the yeas and nays, the bill was so adopted by the following vote:

Yeas: Anderson, Antoine, Barber, Butler, Campbell, Fish, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Swords, Sypher, Twitchell, Wilcox—25.

Nays: Blackman, Bowman, Coupland, Daigle, Futch, McMillen, Smith, Thomas, Thompson, Todd—10.

Mr. Hunsaker moved that the constitutional rule be further suspended, and the bill put on its final reading, which was lost on a call of the yeas and nays, by the following vote:

Yeas: Anderson, Antoine, Barber, Butler, Campbell, Fish, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Swords, Sypher, Twitchell, Whitney, Wilcox—27.

Nays: Blackman, Bowman, Coupland, Daigle, Futch, Smith, Thomas, Thompson, Todd—9.

Four-fifths not voting in the affirmative.

Mr. O'Hara moved to adjourn.

Adopted.

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

CHARLES H. MERRITT, Secretary of Senate.

OFFICIAL JOURNAL OF THE HOUSE OF REPRESENTATIVES

FIRST SESSION OF THE SECOND GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

Sixth Day's Proceedings.

HOUSE OF REPRESENTATIVES, Saturday, January 7, 1871.

The House met pursuant to adjournment.

Speaker Carr in the chair.

The roll was called and the following members answered to their names:

Messrs. Carr, Abell, Adolphe, Antoine, Baker, Barker, Barrett, Barrow, Belot, Bentley, Bickham, Blunt, Bowen, Brewster, Broussard, Brown, Bryan, Buchanan, Buckingham, Burch, Butler, Carter, Chachere, Cochran, Crawford, Darby, Davidson, Davis, Demas, Dewees, Dario, Ellis, Faulkner, Floyd, Fontelieu, Gaddis, Gardner, Garstkamp, W. Harper, Hempstead, Huston, Hyams, Johnson, Kearson, Kenner, Kinsella, La Saliniere, Laurent, Llambias, H. Lott, J. Lott, Lynch, Mahoney, Marie, Marvin, Matthews, McCarty, McFarland, Meadows, Moncure, Moore, Morphy, Murray, Nelson, Ong, Oplatek, Otto, Overton, Pond, Quinn, Raby, Riley, Ringgold, Sartain, Schumacher, Smith, Soaer, Stamps, Stanton, Tatman, Thompson, Tureaud, Ullman, Verrett, Wands, Washington, of Assumption, Washington, of Concordia, Waters, Wheyland, E. Williams, H. Williams, Wilson, Worrall, Yorke—94.

Quorum present.

Prayer by the Rev. Mr. Armstead.

Mr. Kenner, of Orleans, gave notice that he would, on Monday, move for a reconsideration of the resolution passed yesterday relative to the appointment of a stenographer.

Messrs. George Washington, of Assumption, and J. Henri Burch, of East Baton Rouge, offered the following resolutions, which were read and unanimously adopted:

WHEREAS, It has pleased an All-Wise Providence to remove from our midst our fellow-representative from the parish of Assumption, the Hon. Joseph S. Douglass; therefore be it

Resolved, That in respect to the memory of our late colleague, the Hon. Joseph S. Douglass, that this House do now adjourn to meet on Monday, the ninth instant, at twelve o'clock M.; and be it further

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate.

WHEREAS, Joseph l'Official, a member elect from the parish of East Baton Rouge, was killed in the riot at Baton Rouge, on the night of November the seventh, 1870, therefore be it

Resolved, That in respect to the memory of our colleague, that this House adjourn to meet Monday, January 9, at twelve o'clock, and be it further

Resolved, That the Clerk of this House be directed to transmit a copy of these resolutions to the Senate, and to his widow.

The House was then declared adjourned until Monday, the ninth instant, at 12 M.

WILLIAM VIGERS, Chief Clerk.

DEBATES OF THE SENATE.

FRIDAY, January 6, 1871.

[CONTINUED.]

Mr. Blackman said: I do not pretend to enter into the details of this matter. I do not know anything about the guilt or innocence of the parties concerned. I will even concede to the gentleman that they are innocent; but their guilt or innocence does not enter into this question at all. What I stated before, and what I state now, is, that I consider the law sufficient. I refer Senators to section 1022, on page 201 of the Revised Statutes. [Mr. Blackman here read the section referred to.] Now, I say, if that is the law of the State, I think it amply and fully meets the demands of these prisoners. I will take the gentleman with his own statement. If such a state of affairs exists in the parish of Ascension; if the public mind is so violently prejudiced against these men, as he states; if they cannot get a fair and impartial trial, then the Judge of the District Court has no discretionary powers; he must follow the law; he *must* grant a change of venue if applied for. If he is a man who can be warped by public prejudice, then the Supreme Court is open to the prisoners—a mandamus can be applied for and obtained, commanding him to do his duty. I say again, sir, that the law is sufficient. Why, if we pass this law we will always be receiving applications for similar laws. Any man can get such a law passed if he wishes time to procure testimony, or if he wishes to delay his trial in any way. All he has to do is simply to come to the Legislature and ask for a change of venue. I say that this is wrong in principle and wrong in practice. I say nothing as to the guilt or innocence of these men. If they were innocent of the charge that was brought against them, I would be the first one to say that they were so, and ought not to be punished; and if they were guilty, I would be the first to say that they should be punished. You are aware, Mr. President, that complaint after complaint, that speech after speech has been made in reference to violations of law and the trampling underfoot of the rights of the people. Senators have said on this floor repeatedly that we must have a statute, and that we must see that the law is executed, and see that crime is punished. That is the note that has been sounded in almost every speech political in its character or nature. Now, the law has been made, and made amply sufficient to meet the demands of all classes of citizens. Let the gentlemen stick to their own laws. Do not change the law in one single instance; do not ask the Legislature of the State, simply because these are your political friends, to make a change, for it defeats the ends of justice.

As to the remarks of the Senator that the lawyer employed in this case is afraid to go to the parish of Ascension to defend these prisoners, I will say that I would blush for very shame if I was employed to defend a man, and was such a physical and moral coward as to be afraid to go into the parish to do my duty. Has the profession of the law got down to that—that they are too cowardly to trust themselves in that parish to defend these men? But I believe that they are not so much cowards as the gentleman makes believe. If they are so, morally and physically, then it is the duty of the District Judge, when the prisoners are arraigned before him, to appoint counsel to defend them, if they are not able to employ one; and it is the duty of every licensed lawyer in the State to defend a criminal when he is applied to. He is compelled by his license to do so. It is not a matter of choice, but it is the duty of any lawyer at the bar to defend a criminal who can not employ other counsel. He is an officer of the court, and he must obey the orders of that court. I apprehend that the bar of Ascension is not composed of such cowards as that.

Mr. Hunsaker: I will inform the honorable Senators that nearly all the lawyers in the parish are on the side of the prosecution.

Mr. Blackman: Then the judge can not proceed with the trial. I say that this measure is partisan in its character; that it makes the Legislature of the State subservient to partisan ends. If these men be innocent, I apprehend that there are enough men in the parish of Ascension to say upon their oaths that they are so. The law is sufficient. Let it take its course, and if they be guilty, let them suffer the punishment that the law provides. But so far as we are concerned, let it not be said that we have been instrumental in rescuing these parties from the clutches of the law. We must not participate in their guilt or in their crime.

Now, sir, there is a Republican Judge and a Republican District Attorney in that district, and in the same parish where the trial is to take place, there are about eighteen hundred colored people to twelve hundred whites. That is the way the matter stands. The jury which will try them must be composed mainly of colored men, as they compose the majority of the voters in that parish. I say again, let not such legislation as this pass. It has not been done in the history of the State of Louisiana before, nor has it been done in the history of any other State, for when a law becomes general in its character it is expected that the people will abide by the simple expression of its will.

Mr. Ray: I know nothing, and therefore can say nothing of the merits of the case except what the honorable Senator from Ascension has stated here; but what I do want to say is that if this bill is passed, it will not be a precedent in the history of this Legislature. All the old Senators will recollect that at the last session of the Legislature, a bill was passed, changing the venue from the parish of Catahoula to the parish of Jefferson, in the case of Mr. Jones, under circumstances less strong than those that have been made manifest in this case. That bill met with the approval of every Senator. I do not think I heard a single dissenting voice to it. I say, therefore, that we have a precedent to this case, and that a similar case may very often arise hereafter. I desire to have this bill read and considered at as early a time as possible, because I understand from the Senator from Ascension that a special term of the court has been called in that parish for the very purpose of trying this case, and that the court is about to go into session. Therefore, it is necessary that the Senate should take some action on the matter at once, if it takes any action on it at all. Although the law has been so shaped that the Judge himself may order a change of venue, or that the District Attorney may move to have that change made—although the law upon the subject is very liberal in behalf of the accused—yet in this instance the position is taken by the Senator from that parish that there is such excitement there that the Judge himself is under the pressure of public opinion and would not feel safe in discharging his duties according to law. But I do not pretend to argue the case on its merits, because I do not yet know what the bill is. What I wish to state, was simply that there was a precedent for this case, and that similar cases may arise in the future. I do not look into this thing in any party light, because I do not know whether these prisoners are Republicans or Democrats, nor do I know whether the officers of the court are Republicans or Democrats. I do not care whether they are one or the other, because I have as much confidence in a Democrat as I have in a Republican. Every man ought to want these men to have a fair trial. If they are convicted, let them be punished, and if they are innocent, let them be discharged from custody. All the gentleman asks now is for a suspension of the rules to have the bill read a second time. I hope that the Senate will agree with me in granting his request.

Mr. Hunsaker: I want to make an explanation. I have been in the city for two or three weeks, and therefore can not speak from my own knowledge; but I have been told that the feeling is so great against these men in that parish, and the determination to convict them is so strong, that even the ordinary processes in examining criminals have been dispensed with. The Parish Judge has been enjoined from examining these men, and the parties that want to have them convicted have managed to have a special term of the court called to put them on trial for their lives. All their witnesses reside in the parish of St. James, and I know that not one of them has been summoned to appear before the court. Hence, the men who have been charged with this murder go to their trial without a single hour of preparation. When I tell this Senate that the determination is so strong to convict these men that their prosecutors have actually resorted to the Judge to keep him from examining these men, I take it that the Senator can not vote against this measure. If the Senator from Claiborne stood on the floor in the attitude that I do, he would perhaps think differently. If these men have committed a crime, they will be prosecuted just as strongly in St. James as in Ascension; but one feature will be absent in St. James, and that will be prejudice. It has not been the practice in this country to enjoin the judge from examining criminals when he is the regularly constituted person to do those things. I say that when the Parish Judge has been enjoined from interfering with the case when it is his duty to do so, that it is not right that these prisoners should be brought up to slaughter like sheep in a butchers' pen. Whoever heard of such a thing as this in a prosecution of this kind—that the whole bar of the parish are arrayed against the prisoners. This is why I invoke the aid of the Legislature to stop this persecution.

Now, sir, I do not see how any gentleman upon this floor, that simply desires that justice should be administered between man and man, can vote against this proposition. It takes nothing from the State; it takes nothing from the prosecutors, but it simply gives justice to the prisoners. If this were a bill to take this question out of the hands of the court, or if it were a proposition to divest any officer of the law of any right or power to prosecute these prisoners, it would be a different question; but it still leaves the whole machinery of the State in the same condition as before, to try these prisoners. I would not ask that this change should be made if all the witnesses for the defense did not reside in St. James, and if they were not men who are very poor, and can not move about from one parish to another. This is intended to be in fact a snap judgment. It is a predetermined thing on the part of some men to have these men convicted by force of muscle.

Mr. McMillen: The discussion on the motion now before the Senate has elicited information of a startling character in regard to the situation of affairs in one of the parishes of this State. I have been unprepared to believe that such a state of things could possibly exist in any civilized community. In that portion of the State from whence I come, I know that it is impossible for such a state of things to exist, for there we are a law-abiding and peaceable people. If the picture drawn by the Senator from Ascension be true, then this bill stops far short of what should be done by this General Assembly in the premises. If mob law rules in Ascension parish; if injunctions prevent a committing magistrate from inquiring into any particular crime that has been committed; if parties are urging the Judge of the District Court into a hasty, illegal and improper investigation into a crime with which any citizens of this State are charged, and for which, if convicted, they will suffer the extreme penalty of the law, then, I say, that this Legislature should do something more than to change the venue from one parish to another. We ought to suppress the mob, to stay the insurrection and restore order to that community if possible. Let us arrest all other business, stop everything, and by proper means endeavor to enforce the law in that parish. Let us enact a law which will call upon the Governor of the State to declare that parish in a state of insurrection. Let us call him from his work in the selection of a man to represent this State in the United States Senate, close the whisky shops on Dryades and St. Charles streets, and call the attention of the General Assembly to the enactment of some law that will secure order and peace, and further the ends of justice. Let us, Mr. President, if this state of things exists in Ascension parish, enact a law, not changing the venue, but enforcing the law where it has been violated. Let us pass a bill declaring that parish in a state of insurrection; call upon Major General Campbell, and let him carry his division into that part of Louisiana; call upon Brigadier General Hunsaker, and let him carry his legions up there; call upon Henry C. Warmoth, and let him call the army and navy of the State of Louisiana to march up there to enforce the law. Change the venue when the District Judge is driven by public opinion to the untimely investigation of a crime! Change the venue only when the lawyers of the city of New Orleans do not dare to go up into that parish to defend people who are charged with the commission of crime! Change the venue when all the bar of Ascension parish are arrayed in obedience to the demands of the people of that parish upon the side of mob violence against the law! Are we to be satisfied with a simple change of venue in this state of affairs? By no means. If this be the true picture that portrays the true state of things in Ascension parish, let us enact a law which will change the appearance of that picture. Let us enact a law which will secure justice, which will ensure a fair trial to these prisoners, and which will prevent District Judges from issuing injunctions when committing magistrates are sitting to determine whether A, B, or C shall be arrayed upon a charge of murder before the District Court of that district. If this be the true state of things in Ascension parish, I am in favor of making the iron heel of the military force of the State be felt in order to secure law, justice and liberty in that parish. Instead of having this bill read once, twice or three times, and wasting the precious moments in the discussion of its merits, let us refer this matter to the proper committee, and have a proper law formed, which will secure justice both to those who are accused of this crime and to those who are prosecuting them. If the Judge has been derelict in his duty, let us address him out of office. If the committing magistrate has not done his duty let us address him out of office. If *any* officer has been derelict in his duty let us address him out of office; and then, if we can not get Republicans to do their duty, let us get Democrats to go up there and do their duties for them. I do not know, nor do I care, what the politics of the officers of the law are. They should be above and beyond the influences which control and determine the actions of ordinary men in their party associations. They should be far above intimidation; and, if necessary, should hold themselves ready to die in order that justice should be given to all men, and that the laws of the State, which they are authorized to enforce, shall be enforced. No man who sits upon the bench, and who is influenced by intimidation or by public opinion, either for or against a prisoner, is worthy to wear the judicial ermine. If there is such a judge in the Judicial District represented by my friend from Ascension, I say let us address him out of office, and put a man in his place who will enforce the law, or until we can get a man who will enforce the law, let us stop the enforcement of everything: take possession of Ascension parish, and send the militia there, instead of spending our time unnecessarily and fruitlessly here in seeking our own political ends, which seems to be the sum and substance of our business at this time. Let us attend to the enforcement of the law in that parish, and let us make it effectual, so that it will be an example for all time to come, to the people of this State.

Mr. Campbell: I have given very little attention to this subject and have not spoken of it at all, nor would I have spoken on the subject had not some remarks been made by the Senator from Carroll. I have been very much entertained by his humor and wit; but I could not, at the same time, refrain from thinking of the old proverb about the boy and the frogs in the old familiar fable, "It is fun to you; but it is death to the frogs." While I admire the sincerity, the candor and the earnestness of the gentleman in his peculiar view of this case, yet, if the circumstances presented to us by the Senator from Ascension be true, this case is too urgent for us to wait for this elaborate remedy, that the gentleman has suggested—calling out the militia, etc.: which remedy would take up the time of the General Assembly for two or three weeks. If the statements are true, these two poor men will be hung before his remedy can be adopted. I remember another instance of a similar kind, which is not without parallel in the State of Louisiana, where a vendetta existed for a long time, and embroiled a great many persons in the State, and which resulted in the most outrageous, violence and murde- got up by respectable gentlemen—gentler men descended from the highest families. In that vendetta the whole community of the parish, and of the neighboring parishes, were so engaged, on one side or the other, that no man, whether he was juror or lawyer, dared commit himself either way. This is a matter of history in our State, and you all know it. Now, when that case was brought up before the Senate, there was not a single Senator, if I remember right, who, knowing the facts, questioned the rightness of the action of the Senate in removing the case for trial to some other parish, on account of the excited state of the people on both sides, which rendered the administration of justice impossible. The two men concerned here are not members of a community which has succeeded in arraying on either side a powerful faction. I do not know whether they are white or colored; but I presume, from the facts that have been stated, that they are really common people, and have no support except what poverty or influence can obtain for them. I do know that the spirit of the people ran wild at that time, and very naturally, too. My own blood ran cold. I simply say that the judgment ought not to fall on the innocent. If they are guilty of the crime with which they are charged, no punishment under heaven is too severe for them. Knowing the feeling that existed in that parish at one time, and knowing that such feeling can not have passed away by this time, I recognize the justice of the appeal of these parties to change the venue.

I am sorry that the Senator, in his elaborate plea for a reform of the habits of the people, should have forgotten the imminent danger to which these poor men are exposed.

Mr. Barlet said that this was one of the questions that the Senate should take action upon, if it acted upon anything. He thought that these parties should be removed to another parish where the people that would try them would not be governed by any unjust influences. He said that all these parties asked was that when the arms of the law were paralyzed, the State should stretch out its strong legislative power to give them justice and to make the laws of the State be properly and impartially executed. He believed in the law being enforced, no matter of what political complexion the parties were. He said that he happened to be present in the Second District Court when these men were tried, and he noticed that the lawyer from that very parish insisted on their being returned back again to the parish where he wanted them prosecuted. He was sorry to see that the opposition to this measure came from the side that it did. It has been the demand of the Democrats that the law should be enforced, that the courts should be open, and that a fair and impartial action of the courts should not be obstructed, and now they oppose a measure which looked to a proper administration of justice in this case. He hoped there would not be a solitary Senator who would wish to place himself on record as being against this bill.

Mr. Hunsaker said that he desired to explain away a wrong impression that evidently rested on the minds of some Senators. He said that the same District Judge attended the District Court in both parishes; that it was not his desire to move the parties away from the jurisdiction of the judge, but simply to move them to another community.

Mr. Ingraham said he had been credibly informed by some members of the lower House that there existed a very excited state of feeling in the parish of Ascension against these prisoners now charged with murder, and that the feeling was so bitter between the friends of each side that it might possibly lead to bloodshed.

The rules were then suspended, and the bill was read a second time.

A motion being made to pass the bill to its third and final reading—

Mr. Smith said: I am willing to do everything in this case that I can to have these accused parties fairly and impartially tried. If they are innocent, I wish to see them acquitted; and if they are guilty, I wish to see them hung. But I would like to hear some other reason than has been given why they should be tried in the parish of St. James. Are the citizens of that parish more educated or more competent to sit as jurymen than the citizens of other parishes? I do not think they are, and I would like to hear some good reasons why the change of venue should not be made to the parish of St. Charles or St. John the Baptist, both of which parishes are in the same district. As to the remarks of the gentleman in reference to all the witnesses being in St. James parish, I think that is a very frivolous argument. If these witnesses have no means to go to another parish to attend the trial, the Sheriff can very easily find means to get them there. There is always a way to accomplish these things. I am willing to see this case transferred to any parish where there is no feeling either for or against the parties, and where the trial may be fair and impartial. I think the reason given by the gentleman for not doing so is not sufficient. I am not particular in what parish they are tried, outside of the parish of St. James. I do not wish to see them taken to a place where the public opinion is entirely in their favor.

The Senate refused to suspend the rules, and then adjourned.

SATURDAY, January 7, 1871.

Mr. Blackman moved to take up the resolution offered yesterday, in reference to giving instructions to the Senators and Representatives from this State in Congress, to advocate the passage of any bill for the removal of political disabilities of citizens of this State, for the purpose of amending it. He said that he had forgotten yesterday in offering the resolution, that action had already been taken by Mr. Kellogg and Mr. Harris, and, he believed, by the Representatives in Congress also, on this subject. He therefore desired to change the wording of the resolution so as to make it read, in substance, that the General Assembly cordially indorsed their attempts to have such disabilities removed, and earnestly requested them to make every effort to have such a bill passed.

Mr. Ray remarked that if it was desired that action should be taken on the part of the United States Congress, it would be better to strike out the words in the preamble "illiberal and unjust, and not in accordance with the true spirit of a Republican government." He stated that he had no objection to the amendment offered by the Senator from Claiborne, but that he merely wished these words in the preamble to be stricken out.

The President called the attention of Mr. Ray to the fact that it was customary in parliamentary usage to have the preamble come up last.

The Clerk of the House of Representatives having appeared and asked the concurrence of the Senate to a joint resolution, that the General Assembly should adjourn in respect to the memory of Messrs. L'Official and Douglass, deceased—

Mr. Ragan said: Mr. President, that resolution contains a name which is familiar to my mind, and hearing it called up under these peculiar circumstances, it renews, in my bosom, emotions of the deepest sorrow. I knew Mr. L'Official, and had known him for years, and it is with mournful pleasure that I say now, that, the more I knew him, the more I respected and liked him. The scene of his career is located in the parish of East Baton Rouge. He was everywhere acknowledged, by those who knew him, to be a man of sterling integrity and great ability. His appearance among his associates would indicate that he was a man of independence because he evinced a knowledge of the honesty of his purposes. He stood side by side with me and fought faithfully the late campaign, enduring many hardships and manifesting great ability; but just as he had fought his good fight—just as he had finished his great work—in an unfortunate and unhappy moment, in the heat of passion, a party of malicious men assaulted him, and he was taken away from this sublunary sphere to enjoy, as I hope, the reward of a good and faithful man in heaven.

Mr. Swords: I can not allow this moment to pass without saying something in reference to my deceased friend, Mr. Douglass, from Assumption, with whom I have been associated for a number of years. He was a man unknown to many of you, but still, in that parish, he has been long known and respected for his sterling integrity, for his undoubted Republicanism, and for his zealousness in behalf of the cause of his people. There is no young man in that parish, or anywhere in that vicinity, who has a higher or brighter reputation than he had. I move the adoption of the resolution brought from the House of Representatives.

The Senate adopted the joint resolution and then adjourned.

Before leaving their seats, the Senators were requested by the President to remain a few moments, until he made the following remarks:

The President: As your presiding officer, it becomes my duty to contradict an assertion that has been made against me. I perceive that, in the message of the Governor vetoing the act to amend the Metropolitan Police law, the Lieutenant Governor is set down as receiving the following salaries:

"As Lieutenant Governor, $5000," which is correct.

"For contingent expenses, as member of Metropolitan Police Board, of which he is required to render no account, $1000."

I have never received any sum for contingent expenses from the Metropolitan Police Board. The State, it is true, has granted me for the last two years, a contingent fund of a thousand dollars a year, but I am happy to say that up to this time I have not used a dollar of it, nor do I expect to do so.

The message goes on further to say:

"As President of the Senate sixty days, at eight dollars, $480."

It is true, that the last Legislature *did* vote that to me, but it was not a fixed thing, nor is it now, nor do I expect anything of the kind.

Then it goes on:

"As President of the Board of Veteran Commissioners, $480."

The last Legislature did pass a law making the Speaker of the House of Representatives, the Lieutenant Governor and the Secretary of State members of this Board of Commissioners, allowing them eight dollars a day for their services. That board, however, did not sit but thirty days; and, consequently, the statement that I received four hundred and eighty dollars is incorrect, because I have not received that amount.

I simply make this statement in order that it may not go out to the world that I am making an independent fortune from my position. The item of $1000 is incorrect, and the two items of $480 each are also incorrect. I do not mean to cast any reflection on the Governor, but I say that whoever informed him of these things made false representations to him; for there is not a word of this correct. I do not accuse the Governor of doing anything wrong, but there must be some maliciousness somewhere. I believe this is only brought forward to injure me in the community.

I would state again that I have never received anything as a contingent fund from the Board of Metropolitan Police. I am happy to learn that a committee has been called for in the House of Representatives to examine into the books and accounts of the Metropolitan Police Board. I hope that they will be examined thoroughly. I want my friends, and everybody, to know that I have performed no official act that I am ashamed or afraid to have investigated.

Small Farms.

The New Iberia *Times* has this sensible article:

The parish of Iberia is leading off nobly in the work of recuperation. Many of her small farmers, unable to borrow money from New Orleans merchants, or any other people, commenced, after the war, to cultivate their own lands, with their own hands which God gave them; required their own children to work, and obtained such labor as they could secure with such means as they possessed.

These people made from ten to fifty or sixty hogsheads of sugar, and a small crop of cotton; made their corn, sweet and Irish potatoes. Some made rice, raised chickens, kept cows, and spent but little money. Many of them cultivated their crops with creole ponies of their own raising. Some of them sold chickens and eggs, potatoes, corn, fat hogs, and other things, and their sugar and molasses or cotton left them with money in their pockets at the end of the year, their debts paid, and an abundance of provisions laid up for winter and spring.

Great numbers of white people in this parish and in the parishes of St. Martin, Vermillion, Lafayette and St. Landry, with no aid from others, and almost without realizing the fact, have laid the foundation for prosperity in future years; some of them are on the road to wealth.

Is not this the true way for farmers, as a class, to succeed? Have not the farmers all over the Western country succeeded thus? Who now constitute the wealthy farmers of Ohio, Indiana and Illinois? Did not most of the old stock once live in log cabins? Did they not once plow, and hoe, and help gather their crops? Did not their industrious wives manage their household affairs with prudence and economy?

What is the history of the generation of planters all over the South, who have just passed away? Did not the most wealthy and prosperous of them, from the northern boundary of Kentucky to the Gulf of Mexico, formerly labor, and economize, and live in log houses.

The early discipline of the small farmer makes him economical, attentive to his business, and industrious. They can not afford to waste the products of their labor. These habits, with continued industry, on such a soil, and in such a climate as ours, will, in the end, make them all prosperous and independent.

Plenty of such farmers can be found in the parishes west of Iberia, and in this parish, and some can be found in St. Mary. And in these efforts of men who are comparatively poor, this parish bases her strongest hopes of future wealth and independence. The example and success of industrious and prudent farmers who become independent will be noticed and followed. There is no royal road to success in farming. The one whose necessary family expenses can be reduced to the lowest figures, and who can make a hogshead of sugar, a bale of cotton, and a bushel of corn cheaper than his neighbors, will seldom need to borrow money. He will, in due time, have money to lend.

If ten thousand white families, such as we have noticed, could be planted on all of these bayous and prairies, in five years money would be abundant in Southwestern Louisiana; there would be no clamor for more laborers; schools, stores, mechanics, steamers, and newspapers would flourish as they never flourished before; and this would be the prettiest and happiest white men's country on the face of the earth. And we feel proud that Iberia is leading off so nobly in this work of regenerating and redeeming the State.

A Drunken Congressman Beating His Wife, the Daughter of Simon Cameron.

WASHINGTON, December 26.—An affair of a somewhat private nature, if a public defamation and castigation of the wife of a drunken member of Congress by her husband can be private, astonished the town last Wednesday night. It was in Willard's Hotel. For some time past Richard J. Haldeman, Democratic member from the York district of Pennsylvania, has been on a grand debauch. Ten days ago he entered the House of Representatives so maudlin drunk that he arose, holding on to his desk; and after a rapping of the Speaker's hammer had failed to seat him, he was left standing until some of his friends got him off to the cloak room.

His wife, a lady of refinement and spotless character, the daughter of Senator Simon Cameron, of Pennsylvania, mortified beyond measure, sought him out and endeavored to get him sobered down, and though failing in her labors, did not despair, but clung to the wreck.

On Wednesday night, toward midnight, the wife of a United States Senator, whose husband was at the Senate attending the night session on the San Domingo resolution, was aroused by loud and infamous language in an adjoining room, addressed to the wife of Haldeman by that debauched Representative; and then hearing blows, the Senator's wife rang for help. Soon the proprietor and two or three servants were brought to the hall, and two members of Congress were roused from their rooms by the loud shrieks of a female voice, mingled with the exclamation of "Don't, Richard, don't! don't!" The hotel proprietor, Mr. Sykes, at once hammered on the door, and warned the wretch Haldeman that unless he instantly ceased his violence, he would spend the night in the police station. He stammered out a maudlin "Yes," and his wife not appealing to those who had by that time arrived in the hall, for protection, they did not feel warranted in forcing the door open and taking her away.

A servant was stationed in the hall to watch for further trouble, and again, at half-past one and at four A. M., it became necessary to pound on his door to frighten the ruffian from further violence.

On the next morning the cowardly wife-beater was ordered to leave the house at once, and never to return, and his wife was invited to remain. Her face was shockingly bruised, both eyes were blacked, and other marks of this demon's brutality were on her person.

She said that the fiend had twice knocked her down, had kicked and choked and bruised her, yet she still thought it her duty to remain with the loathsome wretch, and try to reform him; and on that day they both left for York—he a drunken sot, and she a disfigured, heart-broken, humiliated wife.

Frozen to Death.

Tuesday was a cold, blustering day in this locality. Nevertheless, it was, in the estimation of some people, a fine rabbit hunting day, because the snow was deep. It lay six inches on the ground—an unusual depth for this latitude. It had chiefly fallen on Monday, and Mr. Rabbit was bound to leave his retreat to hunt water and food, making tracks by which the hunter could trace him. Mr. William Hyde, Mr. Riggins and Sanford Howard, among many others, resolved to seize the occasion for some sport. They started out, going up by ex-Sheriff Dulle's place, and then off across the country in the direction of widow Stone's. They found a rabbit's track, and treed him.

Very soon they captured him; but the cold and the fatigue of traveling through the deep snow cooled their hunting ardor. They hesitated about pursuing the hunt, and finally resolved to build a fire and warm themselves. This was done. They kindled a fire and tried to make themselves comfortable. The bleak wind and the driving wind forbade it. They resolved to return to town.

They reached Mr. Dulle's place fatigued and chilled through. On the way, Sanford, the colored boy, complained of being tired and of hunger too. He asked them at first to carry the axe he had been carrying; and the rabbit too. They took them. Meanwhile his little dog seemed the briskest of the party.

Arrived at Dulle's, the party halted to rest. Sanford spoke of going to a house near by to warm himself. But he did not. Hyde and Riggins perched themselves on the fence. Sanford lay down in the snow behind Dulle's barn. Where he lay he was out of sight of the others, but they could talk with him.

A brief time they rested, when Mr. Hyde called to Sanford. There was no response, and he was not in sight. They supposed he had gone away to warm himself. Hyde and Riggins came to town.

The night passed, and morning came. Sanford had not made his appearance at Mr. Grieshammer's. Mr. Hyde was alarmed He at once instituted inquiries. He found that Sanford's mother knew nothing of him. Mr. Hyde, with some friends, hurried away to the neighborhood of Dulle's.

Long the party searched. He was not to be heard of at any of the houses around. They went through the cornfields and woods and ravines. At last they returned to the point where on the previous night they had left him. They went behind the barn. They found the boy.

He was lying there behind Mr. Dulle's barn within seventy-five yards of Mr. Dulle's house. He seemed to be asleep, his faithful dog reposing on his outstretched arm! They felt of him. His limbs had the rigidity of marble. He was dead!—*Jefferson City Tribune.*

A MIRACLE.—While the mist was falling on Friday morning, slowly, but still in sufficient quantities to wet any one to the skin, unprotected by waterproof or umbrella, and while the fog hung over the city like a pall, obscuring the sun and sky, a little miss of sweet sixteen came into Washburn's photograph gallery and breathlessly asked for the portraits of herself, which he, not expecting the fog and mist, had promised to have ready at that hour. "Not ready," said Mr Washburn, with a bow; "what could I do on such a morning?" "*Oh*, Mr. Washburn! Aunt Lizzie goes away this very afternoon, and I do *so* wish her to have one. Now, *please* try and make one for me." Who could resist such sweet importunity? Mr. Washburn went out in the wet, to the big camera which stands on the balcony. The negative had been placed there before the rain began to fall, and he almost hopelessly put in the sensitive paper. The little maid watched his every movement; and, when all was adjusted, stole out on the balcony behind him and peeped into the camera. When, lo! the clouds above parting a moment, a powerful ray of light descended and printed his picture. "A miracle! a miracle!" exclaimed Washburn. "No," thought we, "it was her bright eyes and sweet smile which brought Old Sol from behind the scenes." And we did not find it in our hearts to scold him for it either.

Stepping into Blackmar's Temple of Music, No. 201 Canal street, the other day, we noticed a large addition, not only to his splendid stock of the best and cheapest pianos in the country, but also a fine addition to his collection of melodeons and parlor organs. The rapid sale of those instruments indicates their growing popularity, and shows that the taste for music is taking a healthy direction.

We have often thought, when seeing the head of a family with limited means, seeking a cheap musical instrument of the piano kind, that his children might be instructed, and we have thought why does he not purchase a parlor organ? An instrument of that kind has many advantages. In the first place, a small sum will buy it when entirely new. In the second place, the instrument never needs tuning or repairing if the least care be taken of it. It is very portable and occupies but very little room, which in small houses is no small matter. The musical effects of which it is capable are of the highest order, and while the more practice obtained the better the player becomes, it does not require the incessant practice necessary to obtain respectable proficiency on the piano. Besides all this, a player on the parlor organ obtains a clearer and deeper insight into the mysteries of music, with less practice than on any other instrument, from the nature of the instrument itself. We advise those who wish their children to cultivate music to procure a parlor organ from Blackmar.

"I have called, sir," said a young gent to Mr. Anderson, the photographer, yesterday, "to ask if you can get me a copy of my sister's photograph ready within an half hour?" "I can, sir," replied Mr. Anderson, "provided you can inform me which it is." "That," answered the young man, pointing to a large colored Rembrandt in the case. Now we thought this was strange, for the portrait in question was of a brunette, and he who claimed to be her brother had as red a head as ever was seen. Mr. Anderson seemed to be struck with the same idea as ourself, for he stared at the applicant with a sort of stupified astonishment: "Your sister!" said he. "Why, Mr. P., whom everybody knows in this city, never was married but once, and I'll just swear that Mrs. P. told me, no longer than last week, that Miss Laura was her only child." "Well," stammered the fellow, "I love her a confounded sight more than if I was her brother, anyhow." "Get out," shouted the-by-this-time-irate Anderson, "or I'll have you arrested for an attempt to run away with another man's daughter."

REAL FRENCH WINES AND LIQUORS.—We publish this morning a partial catalogue of the splendid assortment of wines and liquors recently imported by Messrs. Vor. Maignan & Laborde, Nos. 23 and 25 Bienville street. Messrs. Maignan & Laborde have long enjoyed the reputation of importing some of the best and purest wines, brandies and liquors ever brought to the United States, and the stock which they now offer to their customers will compare favorably with any they ever had. Cognacs, of seventy years old, of the best brands, too; Roussillon, Rions, Beaurech, Capdeville and Larronde frere's clarets in casks, and a hundred other brands in cases; Chateau Yquem and Haut Santerne white wines, Old London Dock port and sherry and Burgundies which would tempt a trappist. Added to these are all kinds of brandied fruits, fruits in juice, etc., all of the very best quality. We can not too strongly recommend the house nor their stock to our readers.

WILCOX & GIBBS' SEWING MACHINES.—A practical friend of ours, who was engaged to be married to a girl of fortune, a few days since sent his intended one of the above-named sewing machines as a present. Upon calling on her the next afternoon, she declared herself incompetent to use it. "For," said she, "it's so difficult to understand." He left the house, and the next day called upon the old man, and asked to be released from his engagement. "For," explained he, "a woman who is such an infernal fool that she finds Wilcox & Gibbs' Sewing Machine difficult to understand, will never do to be the mother of my children."

NEW YEAR'S DRY GOODS.—Mr. H. Daspit, on Magazine street, near the market, has a stock of recently imported dry goods, which will deserve the attention of purchasers, while his prices are so reasonable withal that no one who ever visits his store leaves it without buying. His motto is quick sales and moderate profits; and he acts up to it. Go and see his stock.

Among the visitors at the Treasury Department a few days ago was Miss Vinnie Ream. It is understood that she will shortly enter the matrimonial state, and be led to the marriage altar by a Washingtonian.