New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

DEBATES OF THE HOUSE.

MONDAY, February 6, 1871.

The House having resolved itself into committee of the whole, to consider House bill N. 70, an act for the relief of Jacob Strauss, and other bills—

Mr. Kenner, of Orleans, in the chair.

Mr. Thompson, of St. Tammany: Mr. Chairman, I have been unable so far to come to the merits of this bill. I have been unable to find parties who are the parties in possession of these warrants, but the manner in which this comes before us shows me that it is not a very just bill. If Mr. Strauss or any other gentleman has a just and legal claim against the State, let us authorize him to sue the State and recover his claim in a proper manner—by an action, but don't don't, let us here, without investigating the matter, without being acquainted as to who is to come in possession of the warrants, legislate him a a certain sum of money, without his making proof that it is justly due. It is admitted that the warrants are illegal; that the State is not justly bound for them; and I can't understand why we should protect him—an innocent third holder as he claims to be—why we should be called upon to protect him any more than any other individual who has been defrauded by a sharper, by a bank check which is forged or anything of the kind. We would never have the State pay a forged bank check, nor do I think the citizens of this State should be called upon to pay this illegal debt, simply because the injured party did not display proper caution. I think the very manner in which it is attempted to force through this House this bill granting him this claim instead of a bill authorizing him to sue the State, is sufficient proof that there is something wrong in it. Therefore I am in favor of, as a substitute for that bill, to allow the gentleman to institute suit against the State for that amount; but I am opposed to the bill, and I hope that every member here will vote against it. I hope you all will reflect calmly over this, and not vote away this large sum of money to this individual who is in possession of fraudulent warrants; and I call upon the members of this House to support me in that position. I call upon them to act with some discretion in this matter. Let this party sue the State and prove his claim, and then let it be paid; but don't let it pass through in the shape of this bill without investigating the circumstances connected with it.

Mr. P. Harper, of St. Charles: Mr. Chairman: I have a few remarks to make upon this bill in the committee of the whole, and I hope that I shall do no person an injustice in this matter; but I do propose in this connection to give my reasons for opposing this bill, not because I have anything against the parties personally, but because I believe it is our duty to protect the State from what I consider to be one of the most wholesale robberies that has ever been attempted to be perpetrated upon the Legislature of the State of Louisiana. Now, I want to state what I understand to be the features of this bill, as it is supported by the friends of the bill. Now, in the first place, it is taken as a basis for their operations that Mr. Strauss is an innocent, an *innocent*, an INNOCENT holder, being swindled out of certain warrants; and, furthermore, that in his innocency he invested a certain amount of money in State securities, expecting thereby not to lose a large amount of money; but that he would gain a small profit and add a little more to his stock of wealth, and thereby help the State; that, in consequence of his being imposed upon by Mr. Wickliffe, the Auditor of Public Accounts, he lost money by buying forged warrants, and now the Legislature of the State is asked to reimburse Mr. Strauss for the amount which he paid cash in hand to George M. Wickliffe, late Auditor of Public Accounts. I understand that these are some of the reasons why the friends of this bill propose to vote for this infamous arrangement. I want to state in this matter that it is my candid opinion, from certain facts that have come to my mind, that Mr. Strauss is very far from being such an innocent party, such an innocent licensed pawn broker, pursuing his usual avocations, as he is represented to have been in the bill, by the friends of the bill. I say that it is my candid opinion that Mr. Strauss and those parties with whom he has negotiated—whether he has the money himself or not, whether he is the representative of other parties who have the money or not, I firmly believe that these very parties are the ones that made the most of the money while Mr. Wickliffe was in office, that the very minds that engineered those operations of Mr. Wickliffe are to-day before this Legislature again, trying to swindle the State of Louisiana out of thousands of dollars.

I didn't believe then that Mr. Wickliffe was the real guilty party, but men standing up in broad day-light, in the city of New Orleans, the men who furnished Mr. Wickliffe the money, were the real parties guilty of swindling the State of Louisiana. I say that if certain claims were brought before this Legislature, that a very great many members believe that there is sufficient evidence to arrest Mr. Strauss as accessory to this forgery; and I believe that, in justice to us, he would be arrested. I say that it can be proved that if Mr. Strauss bought these warrants they were bought under very suspicious circumstances. They were bought, in the first place, after Mr. Wickliffe was suspended from office; many of these warrants were written out in Mr. Wickliffe's own handwriting, and those warrants were sealed with a seal that was not in the Auditor's office. None of these warrants bear the evidences of indebtedness that is usually found on State warrants. And now, in support of my statements, I shall refer to the answer of defendants in the court where the suit in reference to this matter has been withdrawn, claiming that they can get the money from the State instead of spending their money for lawyers. I believe the whole thing is a hoax and a swindle; that they only brought the thing into court under pretext, that they might make some people believe there was a shadow of a claim. Here is the answer of Messrs. Hays & Nev, attorneys for the Board of State Liquidation, composed of Governor Warmoth, John G. Gaines and Auditor Graham:

Respondents specially deny that the pieces of paper called warrants in relator's petition are warrants of the State of Louisiana; they deny that said warrants represent any claim against the State; they deny that there was any appropriation by the Legislature to meet any such apparent claims.

They assert that G. M. Wickliffe was Auditor of the State of Louisiana until his infamous and nefarious conduct as an officer—his cheating and robbing the treasury of the State led to his impeachment by the Legislature and removal from office.

That previous to said impeachment the said Wickliffe was suspended from office by the Governor, who removed him from the building wherein the Auditor's office was held.

That having access to the blanks of said office the said Wickliffe stole a certain number of forms of warrants before he left, and filled them up as his ingenuity suggested, with names of parties who might probably have claims against the State.

That these so-called warrants came into the possession of the relator long after the removal of said Wickliffe from office, and under circumstances so suspicious that relator can not claim the right of holder of commercial paper (even if warrants were negotiable paper, which is denied) purchased in good faith before maturity.

That the law requires that every warrant drawn by the Auditor shall be entered in a book kept for that purpose, in such manner as to show the number, date and amount of such warrant, and the name of the person in whose favor and for what purpose drawn.

That the said so-called warrants were not so entered, and the Auditor's office contains no indication of the existence of any such paper; that they bear dates of issuance when it was legally impossible any such warrants could have been drawn for any claim which they purport to represent.

That the names of the payees of said warrants are all forgeries, so that relator can claim no title, and the right and title of relator is specially denied.

That the claim of relator can in no way come within the act of No. 69, as it applies only to debts contracted and adjusted prior to April 1, 1870. That the so-called warrants do not in any way represent a debt of the State; that the State of Louisiana is bound by her real officers only when they act in accordance with law, and that such an officer's illegal acts bind only himself and sureties, and not the State.

That Wickliffe was not an officer of the State when he forged the said warrants and when he issued the same.

I want to state another thing that I think can be proved—that when Mr. Wickliffe sold these warrants to Mr. Strauss he sold them at the hour of midnight, with a slouch hat upon his head, false whiskers upon his face, and his cloak drawn over to conceal his person. If any person can not imagine that there were suspicious circumstances in this, I don't know how it is possible for us to think that the purchaser of these warrants could not have had his doubts whether he was an accessory after the fact or not. There is nothing in law nor equity which will justify the Legislature in appropriating anything for the benefit of Mr. Strauss. I have before me the opinion of the Auditor of Public Accounts, in this matter, wherein he says: "Neither in law nor equity is there the slightest foundation for this claim." I believe this is nothing but a raking up of the old sores of the old Wickliffe arrangement; I believe that if Mr. Wickliffe did impose upon this gentleman, he was getting a small share—a very small iota of the thousands of dollars—perhaps the $500,000 of bad coupons; and perhaps, if you trace the matter up, these very parties are the parties who hold the $500,000 of bad coupons, and there was a probability that the money might be paid again by the Legislature of the State of Louisiana.

I say, if we can not do anything more, this matter, at least, should be more thoroughly ventilated, because it goes back into the old history of the Wickliffe affair, and I have my honest belief that these gentlemen would not want their affairs examined into very closely, because there might be some suspicion that they were implicated in this transaction. Now, although a great deal more might be said upon this matter, I shall leave it to the House. I now move that the committee recommend to the House the indefinite postponement of this bill.

Mr. Faulkner, of Caldwell: Mr. Chairman, I propose to look into this matter coolly. I do not propose to get excited, and I am astonished at my friend from St. Charles (Mr. Harper), that he should permit himself to get into a passion, so calm and quiet and good as he is usually, he who is usually so kind-hearted and who can sympathize with the shortcomings of his fellow-men to such an extent, could, in one moment, as it were, fly off at a tangent. I propose to look at this matter in accordance with the customs of business and commercial transactions. There is no necessity of abusing any body. If it is right and correct, if these warrants were issued by an officer of the State, and that before he was arrested and charged with high crimes, while he was performing his official duties, what ground is there for charging complicity with Mr. Wickliffe on the part of these parties. Were not these warrants issued in the ordinary course of State business? But the Auditor, the agent of the State for that purpose; in all the affairs of life, in law and in equity, the agent can bind his principal. If he issued these warrants in the usual way and manner to Mr. Strauss, or any other gentleman, what evidence is there, what appearance of evidence is there, that Mr. Strauss was in complicity with Mr. Wickliffe? These warrants ante-date the action of the Legislature, with regard to the impeachment of Mr. Wickliffe. Even supposing these warrants had been purchased after he had been charged and condemned, they would have been bought and sold on Carondelet street, and elsewhere, as many others have been; but it turns out in the course of time that Mr. Wickliffe, while pursuing his official duties as Auditor, took into his head to issue warrants not authorized by law; how were the purchasers to know that? But he was the agent of the State of Louisiana, and you can't go behind that. My distinguished friend on my right (Mr. Thompson) says it would be better for him to sue the State. I think not. If this is right, if he is the innocent holder of the warrants, if there is no evidence of complicity but that the parties acted in good faith, it is for the Legislature to say that the present Auditor of Public Accounts shall protect him in his rights, even if the present Auditor doesn't wish so to do. Mr. Strauss purchased these warrants in good faith, like he has purchased hundreds of thousands before, and like any other broker has purchased them before and since; and I say if the evidence shows this, then it is proper for this General Assembly to say that the Auditor shall issue the warrants named in the bill. Our committee gave this matter several days; they brought into requisition every way to inquire into it, and their report is that Mr. Strauss, from the evidence gathered by them, purchased these warrants in good faith—purchased them on the faith of the State of Louisiana; and if that is the fact, the State of Louisiana is bound to issue warrants equivalent to them. It is a matter, as I before remarked, to look at coolly, calmly and deliberately. It is your duty as representatives, if you believe that Strauss purchased these warrants in good faith, to protect him, as you have done hundreds of thousands of men heretofore, and will do again, and as every Legislature in every State in this Union has done in similar cases and under similar circumstances.

And we have got not alone to protect a citizen of the State of Louisiana in his rights, but we have another duty to perform; that is, to protect the integrity of the State of Louisiana. Every man knows that a man can not ignore the acts of his agent, when that agent has acted within his powers. We all know what the powers of the Auditor are. It is an office created by the constitution. He is the financial agent of the State; and when he performs business in pursuance with his powers, the State of Louisiana is bound not to ignore his acts. Suppose you employ me to do a certain thing; in doing it you are bound to ratify all my acts in doing it, although I may have done you a grievous wrong by doing it. So the State of Louisiana is bound by the acts of Mr. Wickliffe, while he was Auditor.

Now, Mr. Chairman, I don't believe in ghost stories. The gentleman from St. Charles (Mr. Harper) told something like a ghost story. He laid it at the hour of midnight, with a slouched hat, and something like hobgobblins, raw head and bloody bones [Laughter]; and all about this good citizen, Mr. Strauss. I don't believe that ghost story.

Now, Mr. Speaker, I believe that Mr. Strauss acquired these warrants in a proper manner. We can afford to look at this thing coolly, calmly and deliberately, and decide it for the best interests of the State of Louisiana. Therefore I move that the committee recommend to the House the adoption of the preamble.

After some other motions had been made, the committee, upon motion of Mr. Faulkner, of Caldwell, rose and reported progress, and asked leave to sit again.

TUESDAY, February 7, 1871.

The House met at noon.
Speaker Carter in the chair.
Ninety-two members present.
Prayer by the Chaplain.

Mr. Brewster, of Ouachita: I wish to move a reconsideration of the vote taken by the House yesterday upon an act to define and limit the jurisdiction of justices of the peace in the parish of Orleans. The friends of the bill believe if the vote is reconsidered and the matter explained to the House, that the bill will be passed by the House. By request, I make that motion.

Mr. Quinn, of Orleans: I move to lay that motion upon the table.

The motion to table the motion to reconsider prevailed by a recorded vote of 51 yeas to 15 nays.

A resolution having been offered by Mr. Burch, of East Baton Rouge, providing for a visit of the Committee on Penitentiary to the State Penitentiary—

Mr. Burch, of East Baton Rouge: I can not imagine why members should object to this; this is part of the duty of this committee, and I only offered this resolution in order to get the consent of the House to do so. If it is the opinion of gentlemen on this floor that it is unnecessary for this committee to perform its duty, we might take it into consideration when they bring forward their results and go against it. I believe each committee has its particular business to perform, and when they are about to perform it, it seems somewhat singular that there are gentlemen here who wish to interfere with it. I only offered this resolution, as I said before, in order to proceed with the duties devolving upon the committee. If there is any other committee here who has business of a like character to perform, I should cheerfully vote to give them like facilities. Gentlemen upon this floor would like to know what the penitentiary is doing, how it is getting along, and what it has done; and we can not get at that in any other way except by a report of its legitimate committee.

Mr. Kenner, of Orleans: The reason I objected to the resolution was, that I believe it is within the power of the committee and the duty of the committee to go there without any resolution of the House.

Mr. Burch: I beg your pardon; there is something else necessary.

Mr. Kenner: I withdraw the objection.

The resolution was adopted.

Mr. Kenner, of Orleans, having called up a resolution providing for the employment of a clerk and expert by the Committee on Public Park, and objection having been made—

Mr. Kenner, of Orleans: I don't see why gentlemen on this floor should object to that committee having an expert. There is work before that committee, and we must attend to it. The property holders who have been taxed and paid their money want to know what has become of it. There is no improvement upon that park yet.

Mr. Brown, of Ascension: I move to amend the resolution by striking out the word "expert."

Mr. Kenner: I accept the amendment.

Mr. Carr: I would state that this money is in the city treasury, probably deposited with the fiscal agent, and in order to get at the funds and know what has become of them it is necessary that a clerk or expert should first examine the books of the city and then the bank account of the city of New Orleans with the fiscal agent.

The resolution as amended was adopted.

Mr. Bickham: I move a reconsideration of the vote by which yesterday we decided to hold night sessions. I have been in the Legislature fifteen years, and have never seen any good come from night sessions yet.

Mr. Antoine, of Orleans: I move to lay that motion on the table.

The motion to table was lost—yeas 38, nays 46.

Mr. Burch, of East Baton Rouge: Mr. Speaker, I believe this resolution is on the reconsideration of the resolution adopted yesterday, to hold night sessions. I voted yesterday in favor of holding night sessions. I am free to confess that had I read two or three of the periodicals of this city, I don't know that I might have voted so readily for it. We are here trying to do the legislation of the State to the best of our ability. It is true that we have consumed some time without doing a great deal. The fact is, that heretofore this Legislature has been accused of doing some very hasty legislation, when they had sixty days to do it in; now that we have our a little while to do this, we are still accused of doing hasty legislation. We are assailed on all sides by the press of this city as to the hasty legislation done by us, and also been said by one journal that I saw lately, that we propose, under cover of night, to do some work which would not bear the light on it, or words to that effect. I propose now to give them the full benefit of their opinion, and all that we do, to do in broad daylight. It is true, I believe, that as so much time has been expended without going through with the ordinary course of legislation which has been brought before us, that we certainly should do what we come here—further the ends we came here for. I wish the House to notice that but a day or two ago the House had so much business here that we wanted night sessions; and I wish to inform the House that but a day or two ago a resolution was before the Senate to take a recess of ten days. I believe now, if there is so much more work for the House to do than the Senate, we would like to know what it is. I for one rose to have it understood that it is necessary for us to work under cover of night to perform those duties which they say will not out the light of day. For that reason, although yesterday I voted in favor of holding night sessions, in order that we might expedite legislation that is necessary, I have come to the conclusion that if we work only in the day time for the protection of these unprotected citizens of New Orleans—I care not say the State, but for the protection of the citizens of New Orleans we propose to do as little of their dirty work, as they call it—forcing bills through the Legislature—as we possibly can. The consequence is, if we only have day sessions, we will not have so much chance for forcing bills through the House. If we have night sessions the cry may come back that we are acting day and night to burden this State with taxation, and to fill our pockets, as they tell us. I must say that while I am willing to do everything that is considered necessary and equitable and proper to give ample time to the Legislature to do its duty, I am unwilling that it should be taken advantage of by those who would seek to write it down. If this Legislature would sit day and night for three months to come, I care not what benefits their actions might do to the public, it would not receive commendation, for that reason I propose that we shall sit here during legitimate hours and perform the legitimate legislation which it is our duty to perform. Toward the close of this session, if it is necessary, in order to carry through bills that have already accumulated before us, that we shall have night sessions, I shall cheerfully vote for them. But as the Senate thinks it can hold a ten day recess while the House wants night sessions, it seems to me that we are in advance of the time, and we can wait at least for a week or two, and ascertain whether we can get through the business or not then if we want them we can have night sessions. Therefore, I say, while I yesterday voted in favor of night sessions I shall to-day record my vote against it.

Mr. Davidson, of Livingston: I decline to make a suggestion to the House. Any man who has ever had much experience in the House, will tell you that there has never been any good resulting from night sessions. There is a way to settle all this and a very simple way, that is to pass a resolution which a gentleman has in his hand, providing that the House will meet at twelve o'clock every day; and not adjourn until four, and that a four-fifths vote will be necessary to suspend the rule. This has been done before and the results have always been satisfactory. If you have one week of night sessions you will quit them.

Mr. Lynch, of Iberville: I am in favor of reconsidering the resolution. Nothing good can come out of night sessions. It will open the door to lobbying and irregulated and ill-digested legislation. We are already flooded with bills that we have not had time to analyze and examine carefully. I think we would subserve the interests of the State better even if we go away from here at the end of sixty days' labor and leave a large amount of business undone than to have hasty and ill-digested legislation. I am therefore in favor of reconsidering the vote by which we are to hold evening sessions. Lobbyists and corruptionists will overrun us in the evening, and I do not propose to give them the opportunity—

Mr. La Saliniere, of St. Martin: I call the gentleman to order. He is making insinuations about members of this House.

Mr. Lynch: I am saying nothing about the members of this House. I am talking about lobbyists.

The Speaker pro tem: The gentleman is in order.

Mr. Lynch: I think that we should sit here in broad daylight, and not open the door to corruption, and the bad influences to be brought upon this body if it sit in the evening.

The motion to reconsider the vote adopting the resolution prevailed. The resolution was then laid on the table.

House bill No. 86, relative to public education, having come up as the special order of the day, and a motion having been made to adopt the first section—

Mr. Brewster, of Ouachita: Before that question is put, I would like to make a few remarks on what I think is a mistake. The committee recommended that the salary of the clerk should be $4000, and I see it here stated by the clerk that the salary is $3500.

The Clerk: Here is the original.

Mr. Worrall, of Jefferson: I am satisfied that this is a mistake, and ask that it be corrected. That can be done without referring the bill back.

Mr. Brewster, of Ouachita: I move that it be amended by making the salary of the superintendent $4000 instead of $3500. Up to the year 1862 this State had a superintendent who was paid actually between $12,000 and $15,000 a year. After General Butler took possession of the city there was a reorganization of the school department under the Union forces, and the salary was made $5000. After that again, under the Democratic administration, the salary was increased to $7000. At the present time it is well known that the superintendent has a larger field than he ever had before, for his district includes Algiers and Jefferson, and consequently more work devolves upon him than upon any former superintendent. I think, considering the prices they have been paid, $4000 is a moderate sum. The city of Boston and other Northern cities pay more salary to their superintendents than the whole school board of Louisiana gets. It is my opinion that a man of ability will not take this position without a good salary. I am opposed to extravagance as much as any man, but I want to see justice done. I want to pay such salaries that we can get good men to work, so as we can make the school system of New Orleans what it is in other cities.

Mr. Burch, of East Baton Rouge: Having received the information which the gentleman from Ouachita has given us, I can't see any reason for demanding that this compensation should not be increased. If, in the old ante bellum times he speaks of, it required seven thousand dollars to pay division superintendents or the superintendents of schools who had only under their jurisdiction the white children of this city, it seems to me, in this time, when they have not only the same class of children, but also a large number of newly created pupils, who now enjoy the benefits of the scholastic law, that they should also receive something worthy of their hire; and I say that with the class of children that are to-day obtaining education in this city, they certainly would require a man of talent and ability who would give his whole time, who would devote every moment to this work, in order to forward the great work of education in this city. If we require such a man as this, he should be compensated for his labor commensurate with the same; he should be satisfied that he was thought worthy of his hire; and he should have something, too, to satisfy him that while in the performance of his duty—

Mr. Davidson, of Livingston: I desire to take a point of order. There is nothing before the House. This section they are talking about is in the middle of the bill; you have the first section before you; I insist that the House shall proceed regularly. I move that this bill be taken up section by section.

Mr. Burch: I yield the floor, but I would ask the gentleman from Livingston a question. It seems to me it took you a mighty long while to find out there wasn't anything before the House.

Mr. Davidson: I found you wrong and then I let you know of it.

Mr. Worrall, of Jefferson: There is something before the House. I moved that the bill be referred back to the committee, with instructions to report back in ten minutes.

Mr. Burch: I move to lay that motion on the table. Motion tabled.

Mr. Thompson, of St. Tammany: I ask a reconsideration of the vote just taken in order to introduce an amendment, and I wish to give my reasons for offering that amendment.

It was moved to table the motion to reconsider.

Mr. Monroe, of Caddo: Will the House not indulge us and allow us to state our reasons for asking this?

Cries of "question," "question."

The motion to reconsider was tabled by a recorded vote of 57 yeas to 28 nays.

The remaining portion of this day's session was devoted to a discussion of the remaining sections of the school bill, and will be published in full on Thursday, the 9th instant.—[REPORTER.]

DEBATES OF THE SENATE.

FRIDAY, February 3, 1871.

BILL FOR THE RELIEF OF REV. J. C. DOREMUS.

The bill for the relief of Rev. J. C. Doremus, Chaplain of the Louisiana State Penitentiary, having been called up—

Mr. Ragan said: I will explain to the Senate the nature of this bill, though I deem it unnecessary to say much on the subject. The gentleman whom it is intended to relieve was appointed by the Governor in 1866 as a member of the board of control of the penitentiary. By that board he was chosen chaplain of that institution, and he served thereafter in both capacities. In addition to this, he performed a very valuable service to the institution by drafting rules for the government of the penitentiary. I have upon my desk a list of the creditors of the penitentiary, over the signature of the present clerk, who has served in that capacity for several years.

On that list appears the name of J. C. Doremus as a creditor for the amount which it is proposed to give him in the bill. He has also a certificate from the president of the board of control, which was given to him by virtue of an act passed on the fourth of January last, making an appropriation to pay the indebtedness of that institution. The reason that Mr. Doremus has not been paid is that the important connection which he sustained toward the Southwestern Bible Society in New Orleans prevented him from going to Baton Rouge to present his claim until the appropriation made by the General Assembly was exhausted. Under these circumstances, I think this is a just claim, and I hope no objection will be made to its payment. I now move that the bill be considered as engrossed.

Mr. Lynch: I would suggest to the honorable Senator from Baton Rouge that the printing and publication of this bill in all the newspapers of the State would cost more than the claim amounts to.

Mr. Ragan: It matters not what the cost to the State will be. The claimant is entitled to three hundred and three dollars, which the State owes him and the State should bear the expense of the printing.

Mr. Pinchback suggested that the bill should be referred to the Committee on Appropriations, in order that it might be included in the general appropriation bill. He was in favor of paying the amount claimed, but he agreed with the Senator from Carroll, that the cost of printing and publication would amount to more than the claim was worth.

Mr. Ragan accepted the suggestion of Senator Pinchback, and the bill was referred to the Committee on Appropriations.

TERMS OF PARISH COURTS.

The bill fixing the terms of the Parish Courts of the State of Louisiana having been called up—

Mr. Ray remarked that the bill had been introduced in order to correct an ambiguity which existed in the original act, but it was not intended to change the law as it stood at present.

Mr. Blackman: I move that the bill be amended so as to except from its operation the parishes of Claiborne, Bienville, Jackson and Union. I know that this is the wish of the people of those parishes. It is a great inconvenience, as the law now stands, to the people and the legal fraternity to attend court.

Mr. Ray: If the law is good for one district it is good for the whole of the State. It should be general in its character. From the first organization of the State up to 1846, the arrangement proposed to be established by this bill was in force. The probate business was attended to monthly and the ordinary business every other month. That system was found to work remarkably well during that time. It is a great object to have the probate business attended to. I do not think we can adopt a better system than that which the experience of thirty years has proven to be the best. I move, therefore, that the amendment of the Senator from Claiborne be laid on the table.

Mr. Blackman: This is a matter of very great importance to the people of the section of country which I represent. They complain most bitterly of being brought to the court every month. Instead of the courts being looked up to with that degree of respect which courts of justice should always command, the people become more and more disgusted with them every month. If the gentleman thinks it is necessary to have a term of the court every month for the transaction of probate business, I am willing that it should be so; but I think the court should be in session for the trial of ordinary cases but once every three months. I think it would be no more than an act of courtesy on the part of the Senate to me to make the change which the members of the bar and the people of my district desire to be made. I do not see the necessity for a term of the parish court every month. I will, therefore, modify my amendment so as to provide that the parish judge shall hold a probate term once every month and a term for the trial of ordinary cases once every three months.

Mr. Ray: I think the Senator is mistaken when he states that the people of his section complain of this law, or that they are even interested in it. The lawyers may have some interest in the matter; but I do not think the people care anything about it. Now I do not wish to see the present system changed. It has been a long time in operation and has worked very well. It is not only the people of the district represented by the Senator from Claiborne who have a right to discuss this matter, but also the citizens of other districts who may have claims against them. Suits may be instituted against residents of that district by citizens of New Orleans or any parish in the State, and consequently they have as much interest in this matter as the people of Claiborne have. I do not know that I would so much object to the holding of court there for probate business monthly, and for the trial of ordinary cases every three months, but I am opposed to making one rule for one district and another for the balance of the State. There is another point that I wish to make. There is a great deal of criminal business carried on in the parish courts. Generally the criminals are poor men and are unable to give bail for their appearance. They would have to go to jail and remain there two or three months before they could be tried. They might be perfectly willing to go before the parish judge and stand their trial, even without a jury; but under this amendment offered by Senator Blackman they would be obliged to remain in jail at least a month longer. In the cases before the Parish Court of Ouachita, three out of every four are criminal cases. It is easy to see how unjust it would be to make those criminals wait two or three months in jail before they would have a trial. All these considerations put together induce me to think that it would be very injudicious to change the time of holding the Parish Court in the parish of Claiborne, or in any other parish.

Mr. Blackman: I take this view of the law: That the parish judge can try any criminal who waives a trial by jury, no matter whether his court is in session or not.

Mr. Ray: That would be an impracticable rule. I would like very much to accommodate the gentleman, but I really think that the public interest would not be served by the adoption of his amendment. I therefore move to lay it on the table. Carried.

Mr. Blackman: This is the first time in the history of the Senate of Louisiana that any Senator was supposed not to know what the wishes of his constituents were on a simply local matter, which affected only themselves, or their public officers and attorneys. Such local matters have always been left to the judgment of the local representative. I wish to reply to a point which the Senator from Ouachita has made, and upon which he seems to have laid great weight in the discussion of this question. The parish judge has no criminal jurisdiction unless the prisoner comes before him and waives his right to a jury trial. In such cases, it does not depend upon the regular term of the court whether the prisoner shall have a speedy trial or not; but it is left entirely to the discretion of the parish judge. I have never known the Parish Judge of Claiborne parish to exercise any criminal jurisdiction whatever, except in the way of committing prisoners. The accused parties almost invariably demand a trial by jury. If there is a case where the criminal waives his right to a jury trial, the judge can try him at any time he is brought before him. It does not make any difference whether he has a regular session of his court once in three months, or once in ten months, the criminal has a right to demand an immediate trial if he waives the right which the law gives him. I now ask the Senate to pass the amendment which I now offer, excepting the parish of Claiborne from the operation of this bill, and providing that the Probate Court shall be held once a month, and the court for the trial of ordinary cases once every three months. No longer than three or four days ago, when the Senator from Ouachita introduced a petition from the people of Carroll and some other parishes, asking for the creation of a new parish, the Honorable Senator from Carroll (Mr. McMillen), who now votes against me on this question, said that he was supposed to know what the wishes of his constituents were, and he, therefore, moved that the bill accompanying the petition be rejected. I voted with him on that question, not as an indignity to the gentleman from Ouachita, but because I was willing to submit to the Senator in all local matters affecting his own district. The very moment the Senate refuses to accord to me that same privilege, it reflects upon me as a Senator. I hope the amendment will prevail.

Mr. McMillen: As the honorable Senator from Claiborne has seen proper to allude to my action on this question, and to refer to some remarks I made on the bill introduced some days since by the Senator from Ouachita, I will explain the position that I have taken on this measure. I do not believe that in a law fixing the terms of the parish courts of the State there should be any exceptions made in favor of any particular parish or district. I believe that the law should be uniform in its operation and general in its application. I do not even know why the parish of Jefferson is excepted from the operation of the act. There may be some good reason for it, but until I am informed why it should be so, I shall vote against that part of the bill also.

I think it would be unwise to fix the terms of courts according to the wishes or caprices of the people of any particular section or parish. The judicial district in which I reside is composed of the parishes of Tensas, Concordia, Madison and Carroll. The law which fixes the time of holding the District Court in that district provides that it shall be held in each parish in the order which they come on the river—first in Concordia, second in Tensas, third in Madison, and last in Carroll. This makes it very inconvenient for the people of my parish. We would like to be the first in order; but we can not all be first. I do not regard this as a purely local matter, our action upon which should be governed by the wishes of any local representative as to his particular section of the State. If it concerned the parish of Claiborne alone, I would gladly extend to him the same courtesy that I desire him to extend to me.

Mr. Ray: The Senator from Claiborne has stated that any person accused of a crime which gives the parish courts jurisdiction, has a right to demand a trial at any time from the parish judge, if he waives his right to a trial by jury. That can only be done when the parish court is in session. The Judge of the Claiborne District Court has made a different ruling on this subject from the other district judges in the State; and it is for that reason that so few criminal cases have been tried by the parish judge of that parish. That ruling was, if I understood it properly, that a criminal prosecution could not originate in the parish court, but that it must originate in the district court. That ruling precludes the parish court from the prosecution of criminal business, and prevents the party from obtaining a trial until he has been in jail two or three months. I coincide with the views expressed by the Senator from Carroll, that our judicial system should be uniform throughout the State. In Jefferson, the Parish Court is in session all the time, so there is no necessity of fixing the terms of that court. I insist that this law should be made to operate on all alike. If it was a matter of purely local importance, then I would be in favor of leaving this matter entirely to the judgment of the Senator from Claiborne, but the whole State is interested in it. I move, therefore, to lay the amendment on the table.

The Senate refused to table the amendment.

Mr. Blackman moved its adoption.

Mr. Ray: I would much rather prefer that the bill should be defeated than that this amendment should be incorporated in it. I therefore move its recommittal to the Judiciary Committee.

After the transaction of some further business, on which there was no debate, the Senate adjourned.

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