New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

DEBATES OF THE SENATE.

TUESDAY, February 7, 1871.

INVESTIGATION OF THE CASE OF JOHN A. CHEEVERS AND R. BEAUVAIS.

Mr. Hunsaker, having introduced a joint resolution calling for the appointment of a committee to investigate the case of John A. Cheevers, District Attorney, and R. Beauvais, Judge of the Fourth Judicial District of Louisiana, said: If there are no objections I will move that this resolution be adopted at once. I would suggest that the committee to be appointed should be composed of men learned in the law in order that they may understand whether or not these men have violated their official oaths. I have been urged to this course by the constituents whom I have the honor to represent on this floor. I desire to have a fair investigation of this matter. I ask for a suspension of the rules in order that the Senate may act upon this resolution.

Mr. Smith: I object to a suspension of the rules for the purpose of acting upon this resolution, and I will state my reasons for doing so.

The President called the Senator to order, the resolution not being before the Senate.

Mr. Smith: The resolution is false upon its very face.

Mr. Hunsaker: The gentleman (Mr. Smith) has used unparliamentary language to me, and I tell him now that I will hold him responsible for that language.

The resolution laid over under the rule.

COMMITTEE ON ELECTIONS.

Mr. O'Hara moved to reconsider the vote by which the resolution offered by Senator Pinchback relative to the appointment of two additional members on the Committee on Elections was passed.

Mr. Pinchback rose to make the point of order that the object for which the resolution was passed was consummated, and therefore the motion to reconsider came too late.

The Chair decided the point not well taken.

Mr. Pinchback: I would like to be informed why the Senator (Mr. O'Hara) considers it necessary that this resolution should be reconsidered. I might vote for a reconsideration myself if I was shown some good reason for doing so. I do not think it right and proper that we should proceed to the reconsideration of a resolution which was adopted by a deliberate vote of the Senate unless some good reason is assigned for it.

Mr. O'Hara: I have a reason, and a good one, too, for asking the Senate to reconsider its action upon this resolution. Several Senators who voted yesterday in the affirmative requested me this morning to move for a reconsideration of the vote by which it was passed. The reason I voted for the resolution yesterday was because I hoped to force the Committee on Elections to make a report to the Senate. I have been assured this morning that if the Senate will let them alone, they will bring in a report within two or three days. My only desire is that they shall make a report. I care not whether the committee is composed of three or five or ten Senators. I want the question settled at once whether the gentlemen whose seats were contested here have or have not a right to the places they occupy. If they are entitled to a seat on this floor, I want them to be confirmed in that right. If they are holding their seats improperly, I want the contestants to be seated in their stead.

The order of the day was here called for, and postponed twenty minutes.

Mr. O'Hara: There is another reason which prompts me to make this motion to reconsider. We commenced this fight in the commencement of this session, and there was no Senator who took a more steadfast stand on the side I espoused than myself. I have seen the uselessness of it. The question of the election by the Senate of its standing committees has involved the State into a large amount of debt from the delay that has been occasioned to our legislation. I do not wish to attribute this deplorable fact to the efforts of any particular Senator; but it is plainly evident that we would have done a great deal more legislation if we had adhered to the old rules. This session has already extended almost to the constitutional limit, and I do not want to see the valuable time of the Senate spent in a useless fight between two factions. It does not benefit one single Senator on this floor; it does not benefit their constituencies; it benefits no one. I want to see this question settled at once, in order that we may proceed with our legislation. Every day there is some new resolution offered; some new firebrand thrown into the combustible elements which compose these factions; some effort made to stir up old quarrels again, and I am heartily tired of it.

Mr. Smith: The gentleman from Terrebonne is very inconsistent in the remarks he has just made. He says that he wants this question settled so that we can go on with our legislation, and seems to regret that any old quarrels should be raked up again. Why does he want this matter of an increase in the members of the election committee raked up again? I do not see any sufficient cause for the reconsideration of this resolution, which has been adopted by an almost overwhelming vote of the Senate, and I, therefore, move to lay the motion to reconsider on the table. Lost.

The question then recurred on the reconsideration of the vote by which the resolution was carried, on which the previous question was called by Senator Campbell.

The vote was reconsidered.

Mr. Campbell then moved to lay the resolution on the table.

Mr. Pinchback called for an executive session.

After the opening of the doors, the motion of Mr. Campbell was carried.

Mr. Fish inquired whether or not the Senators who had been appointed under the original resolution had acquired such vested rights as it would be unconstitutional to divest them of.

The President: The question is asked too late. If it had been asked at the proper time, the Chair would have answered it in the negative. It is in the power of any Senator who voted with the majority to move a reconsideration of the vote on any question within two days after its original passage. This resolution was passed yesterday, and the motion to reconsider is, consequently, in time. It is customary to move the reconsideration of any measure, no matter whether it calls for the appointment of a committee or not. It has also been the custom to change the number of Senators on committees *ad libitum*. So far as the appointment of committees is concerned, the Chair cares nothing for it. I certainly felt the indignity thrown at me in the commencement of this session, from a quarter from which I did not expect it; but I will enforce the rules which the Senate has adopted to the best of my ability.

Mr. Campbell: I rise to call the Chair to order. The members of the Senate, in the exercise of their sovereign power, chose, at the beginning of the present session, to retain to themselves a prerogative the exercise of which some Senates have conferred upon the presiding officer, and other Senates have used themselves. The Chair has characterized that action of the Senate as an indignity to himself. I do not think that remark should be allowed to pass by without protest. I desire to state on behalf of the majority, that it was not their intention to throw any indignity on the Chair in the resumption of a prerogative which the Senate had hitherto conferred upon the President.

POLICE JURIES.

The act "reorganizing the police juries of this State, making the parish judges members, and perform the duties of presidents thereof, prescribing the number thereof and the mode of election, and fixing their duties and compensation, and making clerks of the district courts in each parish clerks of the police juries, and providing how their compensation shall be fixed," having been called up—

Mr. Whitney said: I am of the opinion that that part of the act which makes parish judges ex-officio presidents of the police juries, is unconstitutional. Article No. 117 of the constitution says: "No person shall hold or exercise, at the same time, more than one office of trust or profit, except that of justice of the peace or notary public."

Mr. Anderson: I move to strike out the word "three," in line sixteen, and insert in lieu thereof the word "five," thereby making the number of police jurors five instead of three. I shall either insist upon that amendment or I shall insist upon the exception of the parish of St. Landry from the operation of this bill. Three jurors would certainly be too small a number for a large parish like that. The majority of them might not live within forty miles of the courthouse. Three men could hardly be found in the parish who would be willing to assume all the responsibilities of police jurors and to bear alone the abuse that is generally heaped upon them. I think that five would be a better number than three. Add to those five the parish judge, who would be the president ex-officio of the police jury, and it would be a very respectable body.

Mr. Lynch: I have very great respect for the Senator from St. Landry, and if he is a specimen of the police jurors of his parish, I think I would be satisfied with a jury composed of one man if I resided there. But I think that a law of this kind should be general in its operation, as was aptly remarked by the distinguished Senator from Ouachita a few days ago in reference to another bill. I have no doubt that the parish of St. Landry will be well attended to by a police jury composed of three men.

Mr. Ray: I would suggest that as the parish of St. Landry is one of the largest parishes in the State, in point of population, outside of the parish of Orleans, and as the Senator from that parish prefers to have the police jury composed of five men instead of three, we might make an exception in its favor. I hope, however, that this bill will be made general, as far as possible.

Mr. Whitney: I think the parish of Tensas should have five police jurors instead of three, and I offer that as an amendment.

Mr. O'Hara: I think that Terrebonne is a very large parish, and the people would be better satisfied, I think, with five police jurors than with three. I therefore propose that it be excepted from the operation of this bill.

Mr. Jenks: The parish which I have the honor to represent is a very large parish, and I think it should also be excepted from the operation of this bill.

Mr. Smith: I believe that I represent one of the largest parishes outside of the parish of Orleans, and I would like to have it excepted also.

Mr. Anderson: There seems to be many objections to this bill, and I think it would be well to have it recommitted to the judiciary committee, and then let the different Senators go before the committee, and suggest those amendments which would be agreeable to them. I therefore move that the bill be recommitted.

Mr. Ray: I hope the gentleman will withdraw the motion before a vote is taken upon it. We can easily ascertain the opinion of the Senate, by a direct vote on the question, as to whether the police juries should be composed of three or five members.

Mr. Anderson: I insist upon my motion to recommit the bill, because I am certain that it will not pass as it now stands.

Mr. Ray: This bill, in my opinion, is a very important one and of very general interest to the people of the State. I can not see how any good can result from the recommittal of the bill to the judiciary committee, in order to ascertain whether five or three would be the best number of jurors to compose the police juries. The committee would not be able to judge on that point as well as the Senate. The best way to ascertain whether three or five would be the best number would be to put it to a direct vote of the Senate.

Mr. Anderson: There are other objections to this bill besides the objection I have mentioned in reference to the number of jurors. As the bill now stands I can not vote for it, and that is the reason I make this motion to recommit it. Another great objection to the bill is it makes the parish judge ex-officio president of the jury. While I admit that the parish judge would be a very proper man for the position, yet I think he has too much to do in his judicial capacity to allow him to discharge properly the duties incumbent upon the president of the police jury. It would be better to have the president elected by the members from among themselves. Another objection I have is that the compensation is fixed at only two dollars a day. No man living forty or fifty miles from the parish courthouse would be willing to travel all that distance for the paltry sum of two dollars a day. I have not read the bill very carefully, and it may contain other objectionable features. I think it should be referred again to the judiciary committee, in order that they may prepare another bill which will be more acceptable to the Senate than this. The money which is expended by the police juries does not come out of the treasury of the State; it is exclusively a parish matter. The per diem of the members and the expenses of public improvements are paid by the parish, and it is therefore a matter of great interest to the people. I insist upon my motion to recommit the bill.

Mr. Lynch suggested that the Senate should go into a committee of the whole and amend the bill at once.

Mr. Anderson said that it could not be properly amended in that way.

Mr. Ray moved to lay the motion to recommit on the table. Not carried.

Mr. Ray: The object of the motion to recommit this bill, as stated by the Senator, is to have it defeated altogether. I suppose that is his object, because no question has been raised which would render it necessary for the committee to investigate the subject again, and make an amended report upon it. I am satisfied that if the Senator will examine this bill thoroughly, he will find that it meets his views precisely. In matters of detail it can easily be amended by the Senate. If the compensation allowed to the jurors is not sufficient, we can easily raise it, and if the number of jurors to each police jury is not enough we can easily increase the number. The committee cannot decide those questions satisfactorily to the Senate. As to the question whether or not the parish judge shall be ex-officio president of the police jury, that is a question which is open to the discussion of the Senate. The question now is, whether the Senate shall, without any discussion on the matter at all, recommit the bill to the judiciary committee. If that motion is adopted it will have the effect of killing this measure for this session. I believe that this subject is one of great public importance. I have lived in this State for a great number of years, and I am perfectly satisfied that some change is needed in the present system of organizing police juries. Under the system proposed by this bill the expenses of each parish would be greatly increased. Where the parishes are divided up into wards, it becomes a matter of little importance who are elected members of the police jury, and generally persons are selected who are not of much importance in the parish. The consequence is that the business of the police juries is very loosely conducted. The object of this bill is to get the best men of each parish on the police juries, which will save the parish a great expense. In my opinion, there is no bill before this Legislature of more public importance than this one. It may be defective in some particulars, but in the main it is correct. It does not apply to the parishes of Orleans and Jefferson on account of their peculiar organization, but it is an important matter to the other parishes of the State. I hope the Senate will not consent to the recommittal of the bill.

Mr. Whitney hoped the bill would be recommitted. He did not think it proper to concentrate in three men and a president the powers which police juries generally possessed.

Mr. Anderson: My object is not to defeat the bill, but to make it acceptable to the members of the Senate and to the people whom they represent. I am satisfied that it is not so as it stands at present. With all due deference to the legal opinion of the distinguished Senator from Ouachita, I must express my opinion that the bill is unconstitutional as it reads at present. In the first place, it provides that the parish judge shall be president ex officio of the police jury. I consider that section in direct contravention of article one hundred and seventeen of the constitution. Another section of the bill provides that no person shall be eligible to the office of police juror unless he shall have been a resident of the parish for two consecutive years previous to the election. The constitution provides that ten days residence in the parish shall be sufficient, if the party has been long enough in the State. I think also that the compensation is too small, and that the number of members of the police juries should be increased. I think that three is too small a number to govern a large parish, to tax the people and to dispose of their money as they please. If these objectionable features can be amended so that they will satisfy the people of the State, I will vote for the bill; but as it now stands, I am not in favor of it.

Mr. Ray: In reference to the constitutionality of that section of the bill which permits the parish judge to act as president of the police jury, the Supreme Court has decided that he is entirely competent to do so. He is competent to hold any other office except that of judge of the Supreme Court or judge of the district court. The Supreme Court has held that a man could not be a clerk of two courts, but that parish judges could hold two offices at the same time. It is perfectly proper for the Legislature to assign to the parish judge, as one of his duties, the right to preside over the police jury of his parish, and even to make him a member of it. Therefore, so far as that objection is concerned, it does not affect the constitutionality of the bill at all; and there would be no necessity for striking out that particular section unless it was the opinion of the Senate that the parish judge would not be the proper party to preside over the police jury. In my opinion, he is the most proper party for that position, because he is elected directly by the people, and is generally well acquainted with the parish. By having an officer of the police jury located at the parish seat, all the irregularities which result from the action of police juries generally will be avoided.

Mr. Hunsaker: I agree with the legal opinion expressed by the Senator from Ouachita, that parish judges are not included in the officers who are prohibited from receiving the fees and emoluments of two offices at the same time. I also coincide in his opinion that the parish judge is a very important acquisition to the police jury, because he comes nearer to representing the people of his parish than almost anybody else in it. The parish judges are generally intelligent men, and will make good members of the police juries. It is necessary for the police jury to have some recognized head, in order to give them some force and character.

Mr. Anderson: I notice that no one but myself has touched upon that section of the bill which prescribes the qualifications of members of the police jury. My remarks upon that subject seem to be unanswerable. I do not believe anyhow that the Legislature can assign any duties to parish judges other than those provided for in the constitution. I renew my motion to recommit the bill to the judiciary committee. Carried.

IMPROVEMENT OF BAYOUS D'ARBONNE AND CORNIE.

The bill providing for the improvement of the navigation of bayous d'Arbonne and Cornie having been taken up—

Mr. Futch said: I move that this bill be considered as engrossed. For the information of Senators who are not acquainted with the location of these two streams, I will make a few remarks in explanation of the bill. Bayous d'Arbonne and Cornie are in the northern part of the State. Bayou d'Arbonne heads somewhere in the parish of Claiborne, I believe, and bayou Cornie in Union county, Arkansas. They form a junction in the parish of Union by the Cornie emptying into the d'Arbonne. From the point of junction, the d'Arbonne runs through two parishes and empties into the Ouachita river a few miles above Trenton. There are no inland streams in the State of more importance than these two, because they run through a large section of country, and probably no other inland stream in the State needs improvement as much as they do. I have introduced this measure at the earnest request of the people of that section. It is not introduced for the purpose of speculation, or for the purpose of boasting that we have at last received an appropriation from the General Assembly to assist in the development of that section of country; but because it is a matter of great interest and importance to a large section of the State. These streams are navigable for steamboats, and steamboats have navigated them for many years, although the navigation has been very difficult. Bayou d'Arbonne is sufficiently wide and deep for the navigation of steamboats as large, perhaps, as those which navigate the Ouachita river; but it is extremely crooked. Some of the bends are so short that even small boats cannot make much headway. The timber has grown up on the banks clear down to the edge of the water, and the overhanging branches are very much in the way of the boats. It is for the purpose of cleaning out and opening these streams, removing the timber from the banks, and, wherever it can be done, making cut-offs at the short bends, that this appropriation is asked for. At some places a cut-off of a few yards will be sufficient. I am not certain that we can do much with the small amount asked for in this bill, but the work that it will do will be of great benefit to the people of that section. I ask that this amount be handed over to the Police Jury of Union parish, as I desire it to be paid into the hands of men who will make it go as far as possible. I am quite sure that they will do everything possible to make this appropriation as profitable as possible. The work is to be done right there, near their homes, where they can constantly attend to it. We have in that parish now, and I hope will continue to have in the future, a police jury which is not only honest, but industrious.

Mr. Todd: They must be Democrats, if they are honest. [Laughter.]

Mr. Futch: No, there is not a Democrat on the jury. I hope there will be no serious objection to this bill. It is asking a very small amount from the State for the benefit of a large portion of the population. We all know that the people of that section do not get their fair proportion of the advantages and benefits of the expenditure of the public money. They pay liberally for the improvement of other sections of the State, and they do so willingly and promptly. We have very few tax suits in that country; the people pay their debts. I do not ask the General Assembly to pass this measure as a favor to those people, but I ask it in the name of justice and impartiality. If there is no objection, I would like to have the bill considered as engrossed.

Mr. Ray: I rise to second the motion of the Senator from Union (Mr. Futch), that this bill be considered as engrossed. As I live in that section of the State, and as one of these bayous (d'Arbonne) passes through my parish, a few remarks on my part would not be inappropriate. The improvement of the navigation of Bayou d'Arbonne will very materially benefit the parishes of Ouachita, Jackson, Union and Claiborne. Some years ago there was a different system of carrying on public works than at present exists. Boats were then sent into the different bayous of the State for the purpose of cleaning them out. I had the honor at that time to be a member of the Legislature, and I recollect that an order was procured to send the hands of the State, with the necessary machinery, into this bayou for the purpose of improving it. Previous to this time it was not navigable for steamboats. It was partially improved at that time up to the town of Farmersville. For a long time after that cleaning it was navigable up to that point, but now the obstructions to navigation are so numerous that only a small class of boats can go up there, and even they can only get up in high water. These bayous are susceptible of being made navigable for a long distance above by improving them and taking away the timbers from the banks. I know these facts from my own personal observation, as I am very well acquainted with those bayous. I know that if they are cleaned out and improved there will be three times the amount of navigation that there is now; and that the people of these four parishes—Ouachita, Union, Jackson, and Claiborne—so far as their facilities for transportation are concerned, will be greatly benefited. There is no other bayou in the State which is more worthy the attention of the Legislature than this one, except it be, perhaps, the Bayou Bartholomew, which is a larger and longer bayou, although it is not as important a stream as Bayou d'Arbonne. The amount asked for in this bill is not all that is necessary to have this work properly done. But a proper expenditure of even such a small amount would immensely improve the navigation of these streams, and be of incalculable benefit to the people of that section. If I had any objection to the bill at all, it would be based upon the fact that the amount appropriated is too small, but I know that the persons to whom the money is to be paid will make an honest disposition of it. The country which this bill is proposed to benefit is a very rich cotton country, and where that great staple has to be hauled now forty or fifty miles to be shipped, it would have to be hauled only ten or fifteen miles if the navigation of these bayous was improved.

[The remarks of Senator Todd were not heard distinctly enough by the reporter to enable him to give a verbatim report of them. The following is the best synopsis that can be given]:

Mr. Todd: I propose to know something about these bayous that are being discussed now, and if I am not much mistaken Senator Ray's railroad runs almost parallel to one of them. This bayou that he speaks of as being so large and navigable, has a dam across it, and a sawmill and probably has not enough water in it six months in the year to run that mill. That is about forty miles from where the railroad of Senator Ray crosses the river; so that the people would not have to haul their cotton very far. Then, Senator Futch has got a railroad in Concordia that crosses both these bayous above the head of navigation. People in that country never have to haul their cotton very far. In fact, there is very little cotton raised there. The Senator talks about that being a great cotton country, but a glance at the statistics will show that it raises a small amount of cotton in comparison with other sections of the State. Some of the farmers there make five or ten bales of cotton yearly, and they can easily haul that much to the town of Monroe for shipment. It can not be called a cotton growing country. The people there raise wheat, and rice, and corn mostly. They are farmers, simply, and raise nearly everything they require for home use. I oppose this bill because I believe the amount asked for is more than the cotton raised in that country in the next ten years will be worth. I now move to postpone the further consideration of this bill for one week.

Mr. Ray: I am surprised at the errors made by the Senator from Jefferson, in the few remarks that he has made. I have lived in that section of the State twenty-six years, and am acquainted with nearly every part of it. Many of the statements of the Senator are unreliable, to my personal knowledge. In the first place, there is no water mill at all on the bayou d'Arbonne, and there never was one.

Mr. Todd: There was one opposite Vienna during the war, when you and I were in the Confederacy. [Laughter.]

Mr. Ray: There was an attempt made at one time to build one, but, to my certain knowledge, the project was abandoned. That was the only effort that was ever made to put up a water-mill on that stream. There is a mill opposite Vienna, but it is not run by water power, it is run by steam. In regard to the assertion of the Senator, that hardly any cotton would come down these bayous if they were improved, I will remark that three-fourths of the cotton raised in that part of the State would come down those two bayous if they were made navigable. The railroads which the Senator refers to have, unfortunately, not been built yet. I hope that both the railroad in which I have an interest, and the one in which Senator Futch is interested, will be built sometime in the future; but I do not think that these people should be deprived of the use of these two bayous simply because there is a prospect that these two railroads will be built. If they *were* built, they would run a long distance from these two bayous. The railroad in which I am interested will not run closer than eight miles to Bayou d'Arbonne at the nearest point, and the further you go up the further off it will be. They do not run parallel to each other by a long ways. I think this is a serious matter to the people of that section. They have a right to expect that some appropriation should be made to aid them in increasing their facilities of getting their produce to a market. The Bayou d'Arbonne is navigable for nearly six months in the year, (never less than four), clear up to the mouth of Bayou Cornie, and for two or three months in the year it is navigable for a long distance above that point. The amount asked for in the bill will not be enough to have all the necessary work done; but it is as much as the State can appropriate at present in that direction. I hope the Senate will pass the bill.

The question then recurred on the motion of Senator Todd to postpone the reconsideration of the bill for one week.

The Senate refused to postpone.

The bill was considered engrossed.

Adjourned.

DEBATES OF THE HOUSE.

MONDAY, February 13, 1871.

Mr. Faulkner, of Caldwell, having called up the Governor's veto of the act incorporating the Louisiana Land Company and Loan and Savings Bank—

Mr. Faulkner, of Caldwell: Mr. Speaker, it will be discovered, in reading this bill, that in its provisions it asks no State aid whatever. On the contrary, it puts some money in the State treasury for educational purposes. It also furnishes facilities to residents in the interior of the State that they greatly need, and which they can not now obtain from the banking corporations in the city of New Orleans. The provisions of this bill accommodate themselves to the general interests of the State by accommodating those who need money facilities. I therefore move that the House pass the bill, the Governor's veto notwithstanding.

Mr. Brewster, of Ouachita: Mr. Speaker, This bill was passed during the last session, and from that time to this I have never seen the act. But I want the members of this General Assembly to understand its provisions fully. From the bill I have just heard read, it appears that it gives the power to issue money. Every man on this floor will remember what a curse our banking system was before the war, when almost every parish in the State had its little bank throwing out money. For one, I never can support any bill which will throw us back on that old abominable system. I don't wish to occupy the time of the House, but merely wish to call your attention to that one fact, which, I think, is sufficient condemnation of it.

The bill passed, the Governor's veto notwithstanding—yeas 83, nays 8.

The House being in committee of the whole, and having under consideration bill for the relief of William Tell Hook and Ladder Company, of Jefferson parish—

Mr. Garstkamp, of Jefferson: This is a fire company in Jefferson parish, who have not yet received any State aid. They now want aid to repair their enginehouse, etc. They protect all the parish of Jefferson, right bank, extending ten miles.

Mr. Carr, of De Soto: Mr. Chairman, what right have we, as representing the State, to give aid to a fire company in any town? That is a thing I never heard of before. It is bad enough when we give to charitable institutions in the State; it is not done in any other State in the Union. But this is the first time I ever heard of the State being asked to build enginehouses. If the people of the late city of Jefferson want this fire company——

Mr. Garstkamp: It is not situated there. It is on the right bank of the Mississippi river, Jefferson city is on the left; and besides, the gentleman well knows that every session of the Legislature there is an appropriation made for the Fire Department of New Orleans.

Mr. Carr: No, I don't. Is the property of the people of De Soto parish to be taxed for the benefit of the parish of Jefferson? When we want an engine in the town of Mansfield we will assess the property in the town of Mansfield to pay for it. I am opposed to voting money out of the State treasury to build enginehouses in Orleans, or any other parish. Why, the parish of Carroll, or St. James, or any other parish might ask the same thing. If they need a fire company, let them assess the people of Jefferson parish. I move that the committee recommend the indefinite postponement of the bill.

Mr. Garstkamp: I would state that there was an appropriation made to the Fire Department of New Orleans, but when this company comes and asks for a similar appropriation there is a great cry. This company has never received a single cent of the appropriations made to the Fire Department of New Orleans in 1866, 1868 and 1869; but at the present moment the enginehouse is in bad condition and they can't repair it themselves, and now all they ask is this small appropriation to make the repairs.

Mr. Carr: Why don't they assess the property? If they need this money why should they apply to the Legislature? Is the entire State benefited by this one engine? Not at all. It is a local matter entirely.

Mr. Harper, of St. Charles: We have some very valuable and splendid sugarhouses in the parish of St. Charles. We need there also a fire company, and I am opposed to building any enginehouse in the parish of Jefferson unless I can have a part of that money to build an enginehouse in the parish of St. Charles, in order to put out fires in those valuable sugarhouses. And if I can have one there, and so on in every parish in the State, I have no objection that the parish of Jefferson shall also be supplied with enginehouses.

The committee recommended that the bill do not pass—yeas 57; nays 9.

The bill for the relief of Protector Fire Company, of Jefferson parish, being before the committee—

Mr. Carr, of De Soto: I would like to know how much tax he desires to levy on the people of this State?

Mr. Garstkamp, of Jefferson: I will answer that question. The gentleman very well knows that in 1870 I myself opposed the annexation of the Fifth District to New Orleans, but they would consolidate Jefferson City with New Orleans; and you put on such heavy taxes that the people up there can not support their fire companies. You made an appropriation for the Fire Department, and they never got a cent of it. By consolidation you raised the taxes so high that they can not support it, and they have to apply to the State. I move that the bill be recommended for adoption.

Mr. Bryan, of Calcasieu: It seems to me that to ask for an appropriation of this kind is positively and absolutely absurd. If one corporation should get aid of this kind, so should another. I am interested in a little town way back near the line between Texas and Louisiana, and I contend that I have just as much right to ask for State aid to organize a fire company, buy an engine and build a house for it as this company has. If this city of Jefferson is so heavily taxed, as the gentleman says, through its being joined to this city, that they can not bear it, they ought to call upon the corporation of New Orleans for help, and not upon the State.

Mr. Lynch, of Iberville: I think it is very improper, very unwise, and very inexpedient for this House to grant aid in the manner in which this aid is sought. If they want to buy a steam engine, and if they have organized a fire company, and they want to make it more effective, and better able to give assistance in saving life and property, let them apply to the city of New Orleans, of which they are a component part. At any rate they had no fire work in the City of Jefferson. The fire companies there are more for ornament than use. They make a magnificent show on the fourth of March, when the fire companies turn out, but I don't think they have ever rendered much service. On that ground I am totally opposed to giving them State aid. It is a bad precedent.

Mr. Burch, of East Baton Rouge: If I understand this bill, it asks aid for a fire company in Jefferson parish. That fire company ought to be entitled to the benefits of the Firemen's Association. But if the gentlemen will recollect, the appropriation to the Firemen's Benevolent Association was made prior to the annexation of this parish of Jefferson to New Orleans. This fire company has applied to this association, and the association refused to give them aid on the score that the appropriation was made before they were brought into the jurisdiction of the city. They have no means but this to obtain aid; now they come to the Legislature, and ask for $2000. Mr. Milton Morris says it is too much. I bet if it was for his church in St. James he wouldn't say so. I don't think that this is such an exorbitant appropriation.

If they come to this Legislature next year and ask for another appropriation, I think it would be time to tell them to go to the city of New Orleans. But, since they can not get aid from the Firemen's Benevolent Association, they ask the State for it. This fire company is something beneficial. I believe it is well known that the gentlemen who belong to it are men who have been identified with the Republican party in that parish for a long time. It is pretty hard to get $2000. I will only say to the gentleman that brought it in that he should have made it $2,000,000 and it would have passed right off.

The committee recommended to the House that the bill do not pass.

The committee having under consideration the bill for the relief of Polycarpe Fortier—

Mr. Garstkamp, of Jefferson: This is a levee contractor who built some levees in 1866–'67. When the work was finished they offered him levee bonds at eighty cents, which he had to receive, and afterward he had to sell them at a loss of thirty per cent, so that he was a loser of fifty cents on each dollar of his contract; and now he asks that the State shall make the contract good. There were similar bills passed this House last session, if I am not mistaken.

Mr. Barrett, of Orleans: Where was that levee built?

Mr. Garstkamp: I refer the gentleman to the engineer who measured the work. My head is not big enough to hold everything.

Mr. Barrett: I am sorry that I differ with my distinguished friend from Jefferson, but if we give this to this gentleman now—I understand that he was to receive bonds for the work which he has done—and was forced to sell them at twenty cents on the dollar, if I recollect properly. If this gentleman succeeds in carrying this bill through the House now, we might take every man to-day who has been connected with the Metropolitan Police force who has received warrants, and sold them at a large discount, and we might bring in a bill relieving them every one, simply because they have been forced to sell their warrants at a discount. Gentlemen take these contracts at their own risk, and the State certainly should not be responsible if they lose; if they do it is their own loss, and not the loss of the State. Therefore I am opposed to this bill.

Mr. Worrall, of Jefferson: I think when the committee understands this claim they will be willing to report favorably upon it. It seems to be a very simple matter. A gentleman takes a contract to build certain levees. The Board of Public Works, after an examination of these levees, report favorably, accepting the work—

Mr. Yorke, of Carroll: Do you know whether the board has accepted that work?

Mr. Worrall: Yes. The board accepted this work, and certify that he is entitled to a certain sum of money in cash. It appears that the contractor has debts pressing upon him, probably from the workmen, poor people, who are obliged to have their money, and he, like a good man, not being able to obtain the whole amount in cash that he is entitled to, accepts the best that he can. It is simply a question that comes before us that we must settle at some time. It is a question of feeding these money sharks, who get at the present time more than one-third or one-half of all the money that is paid out by the State. [Mr. Worrall made some other remarks in this connection, but they were inaudible at the reporter's desk.]

The committee recommended to the House that the bill do not pass. Yeas 28, nays 49.

The committee then rose.

The House having under consideration bill for the relief of Mr. Remick, Tax Collector of Vermilion parish—

Mr. Carr, of DeSoto: I would state that Mr. Remick has a certificate from the State Auditor, showing that this money was paid into the treasury of the State.

The certificate was read.

Mr. Quinn, of Orleans: I would like the gentleman from De Soto, Mr. Carr, to explain how the gentleman overpaid himself. It is something unknown for a man to pay more than he owes. It has been hard enough heretofore to get out of tax collectors what they owe.

Mr. Garstkamp, of Jefferson: I will simply say that through error of the tax collector, he paid more than he owed. The Auditor has examined the assessment rolls of that parish, and found that he overpaid his account $1000, and he gave him a certificate to show that. Any gentleman is liable to make a mistake of that kind. That certificate ought to be sufficient for us. He asks nothing but his own money.

Mr. Quinn: All I have to say to that is that these tax collectors should receive honorable mention from the State Legislature for having overpaid themselves. That is more than the tax collectors of this parish have ever done.

Mr. Brewster, of Ouachita: A number of tax collectors have paid into the State treasury more money than the law requires, and, as the law now stands, the Auditor or Treasurer can not return them the money; and we must pass an act in order to allow these gentlemen to get their money back again.

The bill finally passed.

At 3:30 P. M. the House adjourned until to-morrow.

Manchester, New Hampshire, must be a dull and unsatisfactory place. They have only had one alarm of fire there in seven years.

THE POUGHKEEPSIE DISASTER.

Testimony of a Conductor.

POUGHKEEPSIE, February 9.—The coroner's investigation of the railroad disaster continued to-day. The most important witness was Edgar Underwood, conductor of the oil train. Underwood testified as follows:

The oil train was extra train No. 3. My train does not run on time, not being a regular train, and had the right of way when passing on card time. According to the rules of the railroad my card time was fifteen miles per hour. I was not then making that time. The running gear of my train was last examined at Greenbush, and at the water station we looked over the train ourselves. We stopped at Coxsackie, Hudson and Hyde Park, on our way down, and examinations were made with hammers. Could not say whether the train had been examined.

That night at Coxsackie and Hyde Park went the whole length of the train on one side, and two of my men on the other, making an examination of the running gear. Before we reached Coxsackie I discovered a hot box, and, in consequence thereof, could not make Hudson ahead of the regular train. So I took the side track at Coxsackie, where we cooled the journal, staying there ten minutes after the regular train, and twenty-five minutes altogether. That hot journal gave me no more trouble that night. It was one of the tank cars, the ninth one from the caboose. It had twenty-five cars, all told. My attention was first called to the trouble of my train by the night watchman at New Hamburg. As we passed the station, he called. I was in the caboose at the time, and heard him come out and put on the rear brake, and told the caboose men to give the engineer the signal by dropping the white light.

I stood on the caboose and kept the signal till we got near the drawbridge. Did not hear the whistle for brakes. Think I felt the engineer reverse the engine, though I am not certain. It is down grade there. If he saw the signal it was his business to blow for brakes. We generally use a signal cord, but that night it was not safe to string it. It is called a bell cord. We had a short train and thought it was not worth while. It is used generally to give the engineer information when a train breaks apart. It would have been difficult for the engineer to get the signal from it if it had been strung in consequence of stringing it through the brake handles. It is an order of the road that it shall be strung on all trains. If we had had cord we would have tried to pull it, but I don't think we could have succeeded. I don't think the engineer could have been notified that way if there had been a cord. A bell cord has been strung over forty-five cars.

When I put on the brakes the speed of the train was slacked and we were running slow enough to get off before we got to that portion of the bridge which spans the road north of the draw-bridge. It is down grade there, and a hard matter to stop the train in any way. I had three brakemen on the train—one on the engine and two in the caboose. The proper place for the second brakeman is in the middle of the train, but there was no place for him to stand there on that train, except on three or four boards over the oil tank. It is not safe for a man to go there when the train is running. The walk for him over the top of the cars to the brake is about three feet wide. So far as orders are concerned, it was the duty of my brakemen to be in the middle of the train. So far as box cars are concerned, a brakeman can't stand with safety on the platform of the oil car. My train consisted of an engine, six express oil cars, two box cars and a caboose.

The stock car in the centre of the train had brakes on it, and was between two tank cars, and no brakeman could stand on it. Even if one had been there, he could have controlled but one car, whereas where he was he could control six. If he had been there he could have discerned the accident. I would have you understand it was to our interest to have a man at the rear. The brakes in the rear were all good, and we had them on as soon as we could. The order for a man to be in the middle of the train was given, because he can work from there to the rear. The night was very cold. I was looking out of the rear window of the caboose, and the rear brakeman was at the door. When I left the caboose after the train stopped, I went down to the very car that was off. The train then at a dead stand, and eleven cars ahead of the broken car were detached and on the south side of the drawbridge. I don't know how far they were; I could not see. I went down the track on the east side of my train.

The broken car was forward. One train was left back, and the other cars had gone on. It was lying on the up track, nearly crosswise, one end higher than the other. When I saw the situation, I at once ordered the brakeman down the road with a red light. I knew the express was behind, because we should have passed it before we got there. We couldn't go down on either track, because the track was blockaded. When I hallooed on the engine to go down with the red light, the broken car was on the east track and my train on the other. The engineer heard the man halloo, and hallooed back all right. It was half a minute after I gave the order to send the red light before the man started and hallooed all right. Then the man to whom I gave the order hallooed look out, express coming. It all happened in an instant almost. It was twenty or twenty-five feet north of the tank on the east track, on the south draw or bridge, when I gave the order.

When I first saw the express she was about one hundred feet off. I dropped my light for a signal, and think the engineer of the express blowed down brakes. I saw the express in thirty seconds after the man warned me. From the time my train stopped until the collision occurred not over two minutes elapsed. I was on the bridge near the draw when the locomotive struck the tank. I don't know that any signal was set on the draw. The first thing I knew after the collision was getting up off the ice in the river, eighteen or twenty feet from the draw. I don't know how I got there. I think the train was nearly stopped when it struck the oil tank. I heard the express train whistle a minute before I got off my train. She appeared to be between the water tank and drawbridge. I could not tell exactly where she was. The oil car was not unusually heavily laden.

There was a light signaling all right on the drawbridge tower. If a man had been there, I don't think he would have had time to change it to a danger signal. It would take a half minute to put on the brakes. If I had had two more brakemen on my train, I could not have stopped before I got to the draw. I think the broken truck under the stock car tore the track up. We kept a man on the engine whose duty it is to watch the rear signals from both sides of the engine when going around curves. It is a straight line out New Hamburg station. My engineer must have known something was wrong when we put on the brakes. It is my duty to see the bell cord strung. For the way we were situated that night we were running as safe as we could. We can hold our train in eighty rods. All the tank cars of the train were burned. There were seven of them at Hyde Park coming down. I had not a warm journal on the whole train. I have been on the road three years.

REVOLTING OUTRAGES ON THE DEAD.

The *Tribune* says in regard to the railroad disaster it is a remarkable fact that none of the leading officials of the road have personally superintended the recovery of the slain, and that bodies taken out have been subjected to the grossest indignities, and personal effects recovered have been stolen. The bodies have been dragged by means of a rope fastened around waists, over ice, broken ties and snow to the morgue car, and tossed in like dead sheep. Ladies' under garments have been held up by heartless boys and men, and ribald jokes passed on them. Half the village have possessed themselves of so-called mementoes of the disaster in the shape of clothing, and even whole packages of baggage. All this has been done without the slightest interference of officials. Two or three well-known thieves were put out of the place, but returned in a few hours. It is true that there is a railroad policeman on the ground, but he is fishing for plunder like the rest.

A New York special of the tenth, to the Cincinnati *Gazette*, says:

A reporter at the scene of the accident on the Hudson River railway says: "A startling fact has come to light with regard to the disaster. The train was lured to destruction by a false signal, for which the parsimony of the company was directly responsible. The signal posts upon which the lights were hung at night stood at the draw, and until this winter a man has always been on duty at that point, with instructions to mind the bridge and signal the trains. Two months ago, for the sake of economy, this watch was removed, and the care of the bridge was added to the duties of the man stationed at the water tank, nearly a quarter of a mile below. Trains were to be flagged from the tank instead of the bridge, and at night the white light, indicating all right, was left permanently hanging at the post, seventy rods from the nearest watchman.

The road curves somewhat at Wappingers creek, but for nearly two miles south of the bridge there is nothing to obstruct the view of the signal post. The express seems from the most careful accounts to have been about a mile and a half distant when the oil car fell across the track, and if the danger signal had been displayed instantly the train could easily have been stopped. It was almost directly under the white light that the accident happened. If the signalman had been within reach of his signal, where he ought to have been, he could probably have shown the red light in time to avert the disaster. Accounts of witnesses are of course somewhat confused, but according to testimony it was at least three minutes after the fall of the oil car before the engine struck it.

The freight conductor testified that the brakeman who tried to carry the danger light forward from the caboose was unable to make his way over the obstructed trestle-work, and a man from the engine consequently got down upon the ice, and hurried toward the bank. How many precious seconds were lost in this scrambling back and forth is not certain, but, in all probability, enough to make the difference between life and death plain. The fact is, that when the fraction of a minute was precious beyond calculation, the false beacon indicated safety, and the guard, whose duty it was to change it, was placed so far away that he could not reach it. The reporter says the officers of the railway have tried to keep this information from the newspapers, and it was obtained from residents of the neighborhood.

Public Lands.

The Attorney General has rendered the following opinion of the authority of the government to withdraw from the market lands unsurveyed bordering on the track of subsidized railroads:

DEPARTMENT OF JUSTICE, February 4, 1871.

Hon. Columbus Delano, Secretary of the Interior:

SIR—Your communication of the sixteenth ultimo requesting my opinion upon the question, whether the President or the Secretary of the Interior has the power to withdraw from the market, and reserve from sale and other disposal the public lands of the United States not yet surveyed, falling within the operation of an act for a grant of land to the State of Arkansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State, approved March 3, 1863, 12 United States Statues, page seventy-two.

The immediate occasion of this call for an opinion from the department is this, that one of the aided railroads, that from Atchison via Topeka to the western line of the State in the direction of Fort Union and Santa Fe, New Mexico, having already filed two maps of the definite location of the road, to wit: between Atchison and Emporia and between Emporia and Wachita which have been accepted by the Secretary of the Interior, has now filed a map of the definite location of the road between Wachita and Fort Dodge; and you have been requested to withdraw from pre-emption, homestead, and other disposal the lands within the limits specified by the act on each side of the track of this location. If the lands were surveyed, no question would arise; but this part of the road traverses lands which are unsurveyed, and it has been considered questionable whether they are now subject to the same definite appropriation for the use of the road.

I find nothing in the act which in any way limits the donation to lands already surveyed. When Congress authorized this company to so construct its road through the public lands and gave to it alternate sections on each side, it must have been the intention that the grants should go as far and as fast as the road should go. The only difficulty is in indicating distinctly the lands which shall be thus reserved; but I think that the reservation can be made and that the effect of it will be to give to the company a preference to purchasers and claimants by right of pre-emption or homestead of such lands within the prescribed limits as when surveyed shall answer the description in the grant, to wit, every alternate section of land designated by odd numbers for ten sections in width on each side of said road.

Claimants by right of pre-emption and homestead settlements must take care if they enter upon unsurveyed lands to select such as shall not belong to the railroad company under this reservation when the lands to which the company's right has attached come to be defined by survey. In the language of Attorney General Cushing, Seventh Opinions, p. 246, such withdrawal is the only means of preventing anticipatory private appropriation in the case of railroad grants.

Very respectfully,
Your obedient servant.
A. T. AKERMAN, Attorney General.

Newport and Cincinnati Bridge.

This is a special to the St. Louis *Democrat*:

WASHINGTON, February 9.—The House Committee on Commerce agreed to-day to report Colonel Stevenson's joint resolution on the Newport and Cincinnati bridge, with the single amendment of striking out "one hundred" and inserting "ninety" feet. The resolution as adopted reads as follows:

"That it shall be unlawful for the Newport and Cincinnati Bridge Company, or any other company or person, to proceed in the erection of the bridge now being constructed over the Ohio river from the city of Cincinnati, Ohio, to the city of Newport, Kentucky, unless the bridge shall be so constructed that the channel span shall have, under said span, a clear headway at low water of ninety feet below the floor beams suspended from the bottom of the posts."

The discussion to-day lasted nearly two hours. An amendment to compensate the bridge company was lost, eight to four.

The vote on the elevation of one hundred feet was a tie, but finally ninety feet was agreed to without a formal division.

Mr. Mathews' plan for compensation was rejected promptly and decisively, and it will meet a similar fate in the Senate committee; upon this point there is an overwhelming sentiment in Congress against the bridge company. The House committee thought ninety feet over the main channel span, with the draw according to the original plan, would sufficiently accommodate both interests.

This subject has occupied the attention of the House committee every meeting but one for four weeks, and the members have finally come to see that the principle involved is very important, and fully justifies the time given to its consideration. It is proposed when the resolution comes before the House to strike out ninety and insert one hundred.

Terrible Whirlwind in Pointe Coupee Parish.

On the night of the fifth instant, a heavy rain, attended by hail, thunder and lightning, fell in this part of our parish. At the same time, a tornado, or whirlwind, swept with great violence over the quarters of Captain Morrison, throwing down and destroying four buildings and killing three colored women. Passing on to Mr. Sneed's, close by, his quarters, stable, carriage-house, kitchen, store-room, etc., were utterly demolished. The ruin is complete. The trees are all twisted off. A cooking stove was carried some distance off and dashed into a thousand pieces. One colored woman and a valuable horse were killed. The tornado seemed to have spent its force before reaching Mr. Belzon's place, for a portion only of his dwelling house was carried off. And it seems that it had lost its violence by the time it reached the Hopkin's plantation, as the only damage was to his cane shed.

In looking at the wreck, it has more the appearance of the havoc of a whirlwind than a tornado. It was a mysterious and fearful visitation. In a moment—in the twinkling of an eye—thousands of dollars worth of property was destroyed, and four human beings cut off in the midst of health. Well has it been said, "in the midst of life we are in death." Whence came this storm? Who guided it? Whither did it go? All a mystery.