

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS HOUSE OF REPRESENTATIVES FIRST SESSION OF THE SECOND GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

Forty-Ninth Day—Evening Session. HOUSE OF REPRESENTATIVES, Wednesday, March 16, 1871. The House met pursuant to adjournment.

Speaker Carter in the chair. The roll was called and the following members answered to their names:

- Messrs. Carter, Abell, Adolphe, Antoine, Barker, Barrett, Blunt, Bowen, Brewster, Buckingham, Burch, Butler, Carr, Cochran, Crawford, Darby, Darinsburg, Davidson, Dewees, Durio, Ellis, Fontelle, Gardner, Garstkamp, H. Lott, Lynch, Mahoney, Marie, Marvyn, Matthews, McFarland, McHenry, Moore, Morphy, Murray, Oplatok, Pond, Raby, Riley, Sartain, Schumacher, Stanton, Stevens, Tatum, Thompson, Ullman, Verrett, Wands, Washington, Waters, Whyland, E. Williams, H. Williams, Wilson, Worrall, York—67.

[Mr. Moncreux, of Caddo, in the chair.] SPECIAL ORDER OF THE DAY.

House bill No. 281, an act to provide for the payment of the indebtedness created by the levee commissioners of Tenness and of Carroll and Madison contracts for levee purposes in pursuance of law, being the special order for the evening, was taken up, it being on its third reading, and final passage, whereas the yeas and nays were demanded by Messrs. Stamps, of Jefferson, and Matthews, of Tenness, with the following result:

Yeas: Abell, Adolphe, Antoine, Barrett, Brewster, Burch, Darinsburg, Davis, Demas, Dewees, Faulkner, Gaddis, Garstkamp, P. Harper, W. Harper, Hempstead, Hyams, H. Lott, Lynch, Marie, Marvyn, Matthews, McHenry, Moore, Morphy, Murray, Otto, Oplatok, Overton, Pond, Raby, Sartain, Stevens, Tatum, Thompson, Tureaud, Wands, Washington, of Assumption, E. Williams, Wilson, Young—45.

Mr. J. B. Lott, of Rapides, asked permission to record his vote on the passage of the bill, which was granted.

Yeas: 46. Nays: none. The bill was passed.

Mr. Tureaud, of St. James, moved for a reconsideration of the vote just taken, and to lay that on the table.

Carried. [The Speaker resumed the chair.] MESSAGE FROM THE SENATE.

The Secretary of the Senate was announced with the following message: To the Honorable Speaker and Members of the House of Representatives.

Herewith I return without my approval "an act for the relief of James O. Nixon, late State Printer."

By this bill it is proposed to give to a gentleman who was late the official printer of the State some fifty thousand dollars to reimburse him for alleged losses on State warrants. I can see no just reason for making such a discrimination in favor of Mr. Nixon. He has sustained no greater loss in proportion than every other debtor of the State. If it is proper to make such an appropriation, if the faith of the State is pledged, as asserted in this act, then, in all justice, some two millions of dollars should be at once appropriated to reimburse all who have lost during the past four years by reason of the depreciation of warrants.

But Mr. Nixon has no just claim against the State. He has already received \$173,472 for printing and advertising during a period of two years. When he contracted with the State he knew that he would be paid in warrants, and his prices were fixed accordingly. If appropriations of this character do not cease, the State will soon be irretrievably bankrupt. The property of the State is assessed at its full value. The rate of taxation is now so high that it cannot be safely increased; and yet the estimated receipts for the ensuing year will not exceed the amount necessary to pay the interest on our bonds and the very large budget of current expenses of the government.

H. C. WARMOTH, Governor of Louisiana.

The Speaker put the question— Will the House, upon a reconsideration, agree to pass the bill, the veto of the Governor to the contrary notwithstanding?

The roll being called the following is the result: Yeas: Abell, Adolphe, Antoine, Barker, Barrett, Blunt, Bowen, Brewster, Buckingham, Burch, Butler, Carr, Cochran, Crawford, Darby, Darinsburg, Davidson, Dewees, Durio, Ellis, Fontelle, Gardner, Garstkamp, P. Harper, W. Harper, Hempstead, Huston, Johnson, Kearson, Kenner, Killen, LaSalle, Laurent, H. Lott, J. B. Lott, Lynch, Mahoney, Marie, Marvyn, Matthews, McFarland, McHenry, Moore, Morphy, Murray, Otto, Pond, Raby, Riley, Sartain, Schumacher, Stanton, Stevens, Tatum, Thompson, Ullman, Verrett, Wands, Washington, of Assumption, E. Williams, H. Williams, Wilson, Worrall, York—91.

Nays: Quinn, Tureaud—2. And the veto of the Governor was not sustained.

The Speaker also laid before the House the following veto of the Governor: STATE OF LOUISIANA, Executive Department, New Orleans, February 23, 1871.

Herewith I return, without my approval, an act entitled "an act to promote the interest of commerce by establishing the Louisiana Warehouse Company, and guaranteeing the bonds thereof."

By this act it is proposed to establish the Louisiana Warehouse Company, although it would be beneficial to all such corporations should be established under a general law. I cannot consent to sign the bill, however, because it provides that the State shall guarantee the bonds of the State for the collection of one hundred thousand dollars of bonds to be issued by the company.

Aside from the constitutional objection which I have there, I think this an unwise measure. There can be no reason given why the State of Louisiana should insure commercial paper, to be issued by the gentlemen who desire to form this company, in order to set them up in an ordinary business. In the past the State has not only granted subsidies and loaned its credit to corporations organized to carry out important works of internal improvement and public utility. Such aid was given upon the assumption that the entire State would be benefited and enriched, and thereby the taxation diminished; but this is a private enterprise, calculated to enrich the stockholders in the company.

It is true that the vote proposed may "promote commerce" by furnishing better warehouse facilities than the city of New Orleans now has; but this is no more a legitimate State enterprise than every other proved cotton receipt or corn crib throughout the State.

When the bill first reached me, I supposed it provided for the State's indorsement of three million dollars of bonds. Subsequently upon examining section four, I find that the capital stock is fixed at three hundred thousand dollars, which, however, may be increased to five times that amount by a vote of the stockholders. Subsequent sections provide that bonds may be issued to the amount of the capital stock, and that after certain security has been furnished, the Governor shall indorse upon such bonds the State's guarantee to the holders thereof of the payment of principal and interest.

This is not a good business transaction on its face. If the company could furnish good enough security to justify the State in indorsing its paper, it ought to be able to borrow the money it needed, and which it proposes to raise upon the credit of the State. But the State has no adequate security. That to be furnished may be worthless long before the bonds mature, and the State would have to pay the interest.

248, the general appropriation bill, was considered and passed its first reading, and was referred to the omnibus bill committee.

The special committee appointed to investigate the charges against Hon. George W. Carter, of Cameron, submitted the following report, which was received and read:

To the Honorable Speaker and Members of the House of Representatives: GENTLEMEN: Your special committee to consider and report upon the case of Hon. G. W. Carter, member from Cameron parish, beg leave to state that they have had the matter referred to them, and submit the following report and resolution for your adoption:

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In examining these charges, your committee took the testimony of Mr. Graham, Auditor of Public Accounts, and of Mr. McKnight, chief deputy inspector of stock, and Mr. R. Bloomer.

We also had before us the books of the Auditor of Public Accounts, and the reports of said inspector, together with letters from the Auditor of Public Accounts, Alfred Phillips, Esq., and of Attorney General Belden, to whom the late question was referred, and the law relating to the duties of the Auditor of Public Accounts, and made a part of this report.

It appears from the testimony that reports were promptly made whenever any public funds were in the hands of the inspector, and that said reports were verified by the inspector of the Auditor, and accepted by the Auditor of Public Accounts.

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The whole amount involved was fifty-two hundred (\$5200) dollars, covering a period of eighteen months, under the construction of Mr. Graham, while the State would receive half of the net proceeds, and the inspector compensation to the inspector and deputies. The whole of the remainder would be doubly consumed by office expenses and litigation, thus making the office worthless.

Mr. Carter, in order to pay the expenses of the law by his attorney, Mr. Alfred Phillips, of the firm of Roselius & Phillips, not recognizing the Auditor as a law officer authorized arbitrarily and unadvisedly to construe the law, and to create a revenue for the payment of said bills and the interest thereon.

House bill No. 189, an act for the relief of the trustees of the New Orleans Methodist Depository, to exempt their property from taxation.

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We also had before us the books of the Auditor of Public Accounts, and the reports of said inspector, together with letters from the Auditor of Public Accounts, Alfred Phillips, Esq., and of Attorney General Belden, to whom the late question was referred, and the law relating to the duties of the Auditor of Public Accounts, and made a part of this report.

It appears from the testimony that reports were promptly made whenever any public funds were in the hands of the inspector, and that said reports were verified by the inspector of the Auditor, and accepted by the Auditor of Public Accounts.

It is further stated that the reports were promptly made and delivered, except in one instance during the absence of the inspector. His deputy, Mr. McKnight, thinking he detected an error in the report, collected the fees and the inspector of stock; in the meanwhile informing the Auditor of his reasons for so doing. It appears further in the testimony that there was a difference between the inspector and the Auditor of Public Accounts in the law creating the office of inspector of stock. The law prescribes that one-half of the proceeds of the office should be retained by the inspector, and the other half paid to the Auditor of Public Accounts.

The law prescribes that one-half of the proceeds of the office should be retained by the inspector, and the other half paid to the Auditor of Public Accounts. The inspector construed the law to mean that he should retain one-half of the net proceeds, less the necessary expenses of the office, and the expense of collecting the fees, and the other half the State should receive the other half; but the Auditor claimed for the State one-half of the gross proceeds of the office, thus retaining the net proceeds only to pay the clerk's hire, stationery, and the expense of all litigation, though said litigation was as necessary for the protection of the State as of the inspector.

The whole amount involved was fifty-two hundred (\$5200) dollars, covering a period of eighteen months, under the construction of Mr. Graham, while the State would receive half of the net proceeds, and the inspector compensation to the inspector and deputies. The whole of the remainder would be doubly consumed by office expenses and litigation, thus making the office worthless.

Mr. Carter, in order to pay the expenses of the law by