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OFFICIAL JOURNAL OF THE PROCEEDINGS OF THE SENATE

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

Twenty-ninth Day's Session.

SENATE CHAMBER,
Friday, February 2, 1872.

The Senate met pursuant to adjournment.

Present—Hon. P. B. S. Pinchback, Lieutenant Governor and President of the Senate, and Messrs. Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Hara, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—32.

Prayer by the Chaplain.

Reading of the minutes of the previous day's session.

Corrections made and minutes approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
Office of Chief Clerk,
New Orleans, February 2, 1872.

To the Honorable President and Members of the Senate:

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

House bill No. 288, an act to empower the police jury of Ascension parish to open a public road, etc.

House bill No. 287, to authorize the police jury of Caldwell parish to issue bonds of the parish

House bill No. 285, substitute for Senate bill No. 261.

An act defining the distances from the domicile of members of the General Assembly.

The appropriation bill.

And that the Speaker had signed enrolled bill amending the charter of the city of Carrollton.

Respectfully,
WILLIAM VIGERS,
Chief Clerk.

MESSAGES TO THE HOUSE.

The Secretary requested the signature of the Speaker of the House to the enrolled bill to be entitled an act to amend an act entitled "An act to incorporate the city of Carrollton," approved March 17, 1859, and acts supplementary thereto.

PETITIONS AND MEMORIALS.

By Mr. McMillen:

To the Honorable the Senate and House of Representatives of the State of Louisiana in General Assembly convened:

We, the undersigned petitioners, residing within the territorial limits hereinbelow set forth, with respect petition and ask your honorable body to create said territory within said limits into a parish by the name of Macon, with the town of Delhi, situated on the North Louisiana and Texas railroad, as the county site, and to pass such laws as may be necessary for the purpose of effecting the complete organization of said parish.

Boundary of the parish: Beginning where the line between townships fifteen and sixteen crosses Big creek; thence east on said line to Bayou Macon; thence down Bayou Macon to the present boundary line between Madison and Franklin parishes; thence east on said boundary line to Tensas river; thence up said river to the middle of township nineteen; thence west to Bayou Macon; thence up Bayou Macon to the middle of township twenty; thence due west to Bœuff river; thence due south to the main Big creek; thence down Big creek to the place of beginning.

William Miles,	W. A. Stewart,
H. P. Wells,	George W. Cathey,
T. H. Cleland,	J. B. Cathey,
H. W. McLemore,	J. Mongomry,
E. B. Pugh,	Thomas W. Watts,
D. J. Pugh,	J. R. Flemming,
Edward Irwin,	John N. Nash,
P. S. Graves,	Andy Head,
W. D. Childres,	Anderson King,
B. C. Redfield,	Isaac King,
D. S. Travis,	Dock Jones,
C. T. Munholland,	Barcus Piles,
John M. Butler,	Overton Harris,
Thomas A. Spiers,	Robert Stephenson,
E. B. Roberts,	Calvin Carter.
Ervin Roberts,	Thomas Hogan,
James Holdridge,	O. P. Balph,
J. W. Sumrall,	N. S. Balph,
Albert Sumrall,	J. H. Mills,
C. E. Crane,	W. T. Mills,
P. H. Toler,	Squire Oudine.
John T. Young,	Nelson Fleming,
S. M. Moore	Thomas Jones,
Jonas Coper,	C. H. Moore,
B. F. Sheridan,	John D. Jackson,
T. A. Jackson,	Lot Hubbard,
C. C. Goodwin,	S. W. Hamilton,
Elbridge Tomlin,	A. D. Morrison,
G. W. Noland,	W. J. Door,
J. A. Ott,	G. W. Montgomery,
E. M. Wilson,	Sam Sparrow,
W. B. Hardison,	A. K. Montgomery,
Henry Davidson	Frank Andrews,
O. W. Miller,	I. F. Nuly,
H. R. Wade,	W. E. Travis,
J. P. Sims,	J. Brownby,
E. M. Fleming,	G. W. Kendoll,
Edwin Deasily,	A. Armstrong,
Khybe Jackson,	Wm. Best,
John D. Paput,	J. J. Long,
Paul V. Paulifious,	Sam Best,
James K. Coplen,	T. A. Lowry,
John Hilery,	G. M. White,
Nick Powell,	Thomas Newton,
Graves Young,	Tony Newton,
Aaron Bose,	R. L. White,
Marshall Boisam,	J. Thorp,
Sam Brown,	E. W. Thorp,
George Gillaspie,	J. S. Allnutt,
Alex White,	Green Howard,
A. M. Hamer,	William Dunham,
W. W. Coke,	T. H. Rogers,
R. W. Hinigston,	John D. Jackson.
T. B. Bibbs,	J. F. Smith,
William Fuller,	Dal T. Fuller,
John W. Fuller,	Frank Miles,
J. J. Wolfe,	W. S. Stinson,
Bill Ceviner,	J. J. Conger,
John C. Stansel,	F. P. Henderson,
W. J. Wright,	S. A. Kerr,
J. W. Couch,	W. S. Anderson,
C. T. Mottley,	W. H. Butler,
W. D. Reid.	B. F. Nolan,
	Joseph Brownby.

By Mr. Thomas:

Relative to the closing of Mack's bayou, Bossier parish, etc.

Referred to Committee on Railroads and Internal Improvements.

REPORTS OF COMMITTEES.

Mr. Hunsaker, from the Committee on Judiciary, reported favorably on Senate bill No. 286, to be entitled an act to incorporate the Monroe Bridge Company, and to authorize the company to issue its bonds and do all other acts an incorporated company may do.

Ordered printed.

Mr. Lynch submitted the following report upon the following resolution:

WHEREAS, It is currently reported that there is a large amount of outstanding vouchers from the last regular session of the Senate, which were issued upon fraudulent representations, thereby causing great loss to the State, and also to innocent holders; therefore, be it

Resolved, That a committee of three be appointed by the Chair to examine, and, if found to be correct, indorse across the face of the voucher the signature of the chairman of the committee.

The Committee on Finance report the following as a substitute for the foregoing preamble and resolution:

Resolved, That the Judiciary Committee are hereby instructed to examine all outstanding vouchers issued for expenses of the Senate during its last session, and report to the Senate at an early day upon the legality or illegality of all such vouchers issued.

JOHN LYNCH,
Chairman Finance Committee.

Mr. Gallup submitted the following report:

To the Honorable President and Members of the Senate:

Your Committee on Railroads and Internal Improvements, to whom was referred Senate bill No. 183, entitled an act to extend the charter of the West Feliciana Railroad Company, have the honor to report back the same, and recommend its passage.

JOHN R. GALLUP, Chairman.

Mr. Swords, from the Committee on Metropolitan Police, reported back Senate bill No. 293, to be entitled an act for the relief of the officers and members of the Metropolitan Police, and recommended its reference to the Committee on Finance.

So referred.

NOTICES OF BILLS.

By Mr. Lynch:

Of a bill to be entitled an act to adjust, redefine and more explicitly designate the boundaries of the different parishes of the State, and to define the duties to be hereafter performed by the special engineer in the revision of the official map of the State in connection therewith.

By Mr. Lynch:

Of a bill to be entitled an act to consolidate, limit and provide for the debt of the city of New Orleans, principal and interest, and authorize a tax for the support of the city government, and the better enforcement of the collection of all taxes.

By Mr. Ray:

Of a bill to be entitled an act for the relief of F. J. Stokes.

By Mr. Bowman:

Of a bill to be entitled an act to incorporate the New Orleans Building Association.

By Mr. Jenks:

Of a bill to be entiled an act to liquidate the indebtedness of the State to J. O. Nixon, under his contract of March 22, 1866.

By Mr. McMillen:

Of a bill to be entitled an act to create the parish of Macon, and to provide for the organization thereof.

By Mr. Thomas:

Of a bill to be entitled an act providing for closing Mack's bayou, Bossier parish, etc.

By Mr. Campbell:

Of a bill to be entitled an act to amend and re-enact sections five, six, eleven, fourteen, twenty-nine, thirty-five, thirty-six and fifty-three of an act entitled "An act to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making, and designate the officers who shall make the returns thereof; to prevent fraud, violence, intimidation, riot, tumult, bribery or corruption at elections, or at any registration or revision of registration; to limit the powers and duties of the Sheriffs of the parishes of Orleans and Jefferson; to prescribe the powers and duties of the Board and officers of the Metropolitan Police in reference to elections; to prescribe the mode of entering on the rolls of the Senate and House of Representatives the names of members; to empower the Governor to preserve peace and order, to enforce the laws, and to declare martial law during registration and elections; to limit the powers and duties of the Mayors of the cities of New Orleans and Jefferson with regard to elections; to prohibit district and parish judges from issuing certain writs to commissioners of election; to make an appropriation for the expenses of the next revision of the registration and of the next election, and to enforce article 103 of the constitution," approved March 16, 1870.

By Mr. Campbell:

Of a bill to be entitled an act to amend and re-enact sections four, eleven, thirteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-five, twenty-six, twenty-nine, thirty-one, thirty-four, thirty-six, thirty-eight and forty-three of an act entitled "An act to provide for the revision and correction of the list of registered voters of the State, the appointment of the various officers necessary therefor, and to prescribe the duties, powers and compensation of the same; to prescribe certain duties for the sextons of the cemeteries of New Orleans; to prescribe the penalties for the violation of the law, and to provide for a new registration in certain parishes and wards," approved March 16, 1870, and to repeal section forty-two of the said above entitled act.

INTRODUCTION OF BILLS.

The following bill was introduced, without previous notice, by unanimous consent:

By Mr. Lewis:

A bill to be entitled an act granting to Ferdinando Luchini, for ten years, the privilege of building a wharf and establishing a steamboat landing at Grand Ecore, on Red river, in the parish of Natchitoches and State of Louisiana, and providing for the amount of wharfage to be collected from steamboats and other vessels landing.

Passed its first reading.

The following bill was introduced according to previous notice:

By Mr. Gallup:

A bill to be entitled an act to incorporate the Louisiana Library Association, and to grant certain privileges to the same, and to provide for the maintenance and management thereof.

Passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and referred to the Committee on Judiciary.

RESOLUTIONS INTRODUCED.

By Mr. Ragan:

Resolved, That the Committee on Penitentiary proceed to Baton Rouge, and examine the condition and affairs of the Louisiana Penitentiary.

Laid over.

REPORTS OF COMMITTEES LYING OVER.

Senate bill No. 310, to be entitled an act establishing the Seventeenth and Nineteenth Judicial Districts, and providing the time of holding the courts in said districts and parishes, and the time for which the judges and district attorneys in said districts shall hold their offices.

Passed first reading.

RESOLUTIONS LYING OVER.

Mr. Blackman called up the following:

WHEREAS, There are two vacancies in the Senate, occasioned by the death of Senators Fish and Pearce; therefore be it

Resolved, That the Governor be informed, officially, by the Secretary of the Senate, and requested to order an election to fill the vacancies, according to law.

The pending motion on the resolution, being the motion of Mr. Hunsaker to refer to Committee on Election and Registration, the motion was adopted, on a call of the yeas and nays, by the following vote:

Yeas—Anderson, Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Kelso, Lynch, Noland, O'Hara, Ragan, Smith, Swords, Todd, Twitchell—16.

Nays—Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, Lewis, Ray, Smith, Sypher, Thomas, Thompson, Todd, Wilcox—14.

By Mr. Hunsaker:

Resolved, That the President of the Senate dismiss all assistant sergeants-at-arms appointed by him, and that they be allowed pay for thirty days, and no more.

Mr. Lynch moved to amend by striking out the words "thirty days" and inserting instead thereof the words "the days actually in service."

Amendment accepted.

On motion of Mr. Lewis the resolution was tabled subject to call.

By Mr. Ray:

The following addition to the rules of the Senate is hereby proposed:

That every bill or resolution referred to any committee, standing or special, shall be reported back to the Senate by such committee within five days from the time it was so referred. A failure to so report any bill or resolution shall operate as a withdrawal of the same from said committee, and place it before the Senate in its regular order on the calendar, as though it had been reported by the committee.

Mr. Ray moved to amend by striking out "five" and inserting "seven."

On motion of Mr. Gallup the resolution was laid on the table, on a call of the yeas and nays, by the following vote:

Yeas—Anderson, Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Jenks, Kelso, Lynch, Noland, O'Hara, Pinchback, Ragan, Swords, Todd, Twitchell—17.

Nays—Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, Lewis, Ray, Smith, Sypher, Thomas, Thompson, Wilcox—13.

Mr. Lynch requested to be excused from the special committee to consider House bill No. 292, relative to suspending N. A. Robinson from office.

Excused, and Mr. Harris appointed to fill the vacancy.

By Mr. O'Hara:

Resolved, That the Sergeant-at-Arms of the Senate be instructed to procure postage stamps and stamped envelopes to the amount of $10 for each member of the Senate, to be paid out of the contingent fund.

Mr. O'Hara moved to amend by striking out "$10" and inserting "$5."

Mr. Sypher moved to amend by excepting himself from the provisions of the resolution.

Amendment accepted.

Mr. Blackman moved to amend by adding "three daily papers."

Mr. Thompson moved to lay the resolution and amendment on the table.

Refused.

The amendments were then adopted, and the resolution adopted as amended.

Mr. Sypher raised the point of order that no Senator could vote upon the resolution, as each was personally interested.

The President decided the point not well taken.

By Mr. Ray:

Resolved, That the Governor be requested to furnish the Senate with a detailed account of the items of expenditure of the fund appropriated by act No. 72, of 1871, being items "for the arming, equipment and uniforming of the State militia, $75,000, and for expenses of the State militia in case of necessity, $75,000, to be paid out under direction of the Governor of the State."

Adopted.

By Mr. Blackman:

Resolved, That a special committee of three members of the Senate be appointed by the President of the Senate to investigate the situation of the Citizens' Bank toward the State in regard to the State bonds issued to said bank; to ascertain what amount of said bonds are outstanding, what security exists to secure their final payment with accruing interest, and whether the bank has complied with its obligations to the State in relation to said bonds; and further, to investigate the action of said bank in relation to the sale of $250,000 of State bonds held by the bank as a pledge: whether said bank pursued the forms of law in relation thereto; and further, to ascertain whether said bank has faithfully discharged its duty as financial agent of the State. Also, that said committee be directed to inquire into the condition of the bonds issued to the Consolidated Association, to ascertain how many of such bonds are outstanding, what amount of interest is due and unpaid, what surety exists for their payment, and whether the liquidators of said association have faithfully complied with their duty and the law in relatien thereto: that said committee be authorized to send for persons, books and papers to enable them to perform the duties required of them by this resolution, and that said committee report by bill or otherwise.

Pending consideration of the above, the order of the day was called, and, on motion of Mr. Blackman, was postponed one half hour, on a division, by the following vote—yeas, fifteen; nays, eight.

Mr. Blackman moved to amend by striking out the words "a special committee of three members of the Senate to be appointed by the President of the Senate," and inserting in lieu thereof the words "the Committee on Banks and Banking be instructed;" and also to add at the end of the resolution the following: "And be authorized to employ an expert."

Mr. Lynch moved to further amend by adding: "the compensation of such expert not to exceed $10 per diem."

Amendments adopted, and resolution adopted as amended.

During the discussion of the above, on Mr. Blackman offering a concurrent resolution as a substitute, Mr. Campbell raised the point of order that a concurrent resolution was not a proper substitute for a simple resolution.

The President held the point well taken.

Mr. Ragan called up the following resolution, previously introduced by Mr. Hunsaker:

Resolved, That the President of the Senate be and he is hereby authorized and instructed to contract for the publication in pamphlet form of five hundred copies each of the debates of the last and present sessions of the Senate, for the use of members, to be printed in type known as "long primer solid," the price thereof not to exceed two dollars and seventy-five cents per page, to be paid out of the contingent fund of the Senate; the same to be revised, prepared and properly indexed as to subjects and Senators by the official reporter of the Senate, for which he shall receive thirty days' pay; the debates of last session to be printed before the adjournment of the General Assembly, and those of the present session to be printed within thirty days after the adjournment of the General Assembly.

Mr. Thompson moved to refer to the Committee on Libraries.

On motion of Mr. Ragan, the motion to refer was laid on the table.

Pending discussion of the resolution, the order of the day was called.

REGULAR ORDER OF THE DAY—BILLS ON FIRST READING.

House bill No. 285, to be entitled an act defining the distances from the domicile of members of the General Assembly to the State House, fixing the mode of ascertaining the per diem of members of the General Assembly for the time engaged in going to and returning from the State House, and the mileage to be paid, and the number of employes of the General Assembly, and their compensation, and defining their duties, and making an appropriation to defray the expenses of the General Assembly.

Passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, and the bill put on its second reading.

On motion of Mr. McMillen the bill was taken up section by section.

Section one was read and adopted.

Section two was read.

Mr. Sypher moved to postpone the further consideration of the bill; that it be ordered printed and made the special order of the day for Tuesday next at 1 P. M.

Refused.

Mr. Ragan moved to refer to a joint committee of the House and Senate.

Mr. Lewis moved to table the motion to refer.

Mr. Lynch raised the point of order that the bill could not be referred to a joint committee of the House and Senate, as the House had already agreed to the bill, and any reference, if made, should be to a special committee of the Senate.

The President held the point well taken.

Mr. Ragan moved that a committee of conference be appointed.

On motion of Mr. Blackman, the motion was laid on the table.

Section two was re-read.

The Senate went into executive session.

Executive session having been raised, Mr. Ray moved to strike out the words "$2000," fixing the salary of the Chief Clerks, and insert in lieu thereof the words "$1000."

Adopted.

Mr. Noland moved to refer the bill to a special committee of three.

Refused.

Mr. Ray moved to amend by striking out the words "$1800," fixing the salary of assistant clerks, and insert in lieu thereof the words "$750."

Mr. Noland moved to adjourn.

Refused.

The amendment of Mr. Ray was then adopted.

Mr. Ray moved to amend by striking out the words "$1500," fixing the salary of minute clerks, and insert in lieu thereof the words, "$600."

Adopted.

Mr. Ray moved to strike out the words, "and one assistant minute clerk of the House."

Adopted.

Section two was then adopted as amended.

Section three was read.

Mr. Ray moved to amend by striking out the words "$2000," fixing the salary of sergeants-at-arms, and inserting in lieu there of the words "$1000."

Mr. Noland moved to table the motion.

Refused.

The amendment was then adopted.

Mr. Ray moved to amend by striking out the words "$5000," fixing the amount of bond to be given by the Sergeant-at-Arms, and inserting in lieu thereof the words "$2500," and to strike out the words, "within five days," limiting the time within which such bond shall be given, and inserting in lieu thereof the words, "within ten days."

The amendments were adopted.

[Senator Jenks in the chair.]

Section three was then adopted as amended.

Section four was read and adopted.

Section five was read.

Mr. O'Hara moved to strike out the words "six dollars" fixing per diem of doorkeepers, and insert in lieu thereof the words "eight dollars."

Adopted.

The section was then adopted as amended.

Section six was read and adopted.

Section seven was read.

Mr. McMillen moved to amend by fixing the number of pages for the Senate at "five" instead of "four."

Adopted.

The section was then adopted as amended.

Section eight was read.

Mr. Noland moved to strike out the section.

Mr. Ray moved to lay that motion on the table, which, on a call of the yeas and nays the Senate ordered by the following vote:

Yeas—Antoine, Blackman, Bowman, Butler, Coupland, Daigle, Herwig, Ingraham, Jenks, Lynch, McMillen, Ray, Smith, Sypher, Thomas, Thompson, Twitchell, Wilcox—18.

Nays—Anderson, Barber, Gallup, Harris, Hunsaker, Noland, O'Hara, Ragan, Todd—9.

Mr. Hunsaker moved to add to the section the following:

Provided, That any other standing committee, other than those named, may employ clerks whenever the Senate may specially empower said committees to do so, by resolution of the Senate.

On motion of Mr. Gallup, the amendment was laid on the table.

Mr. Ray moved to amend by striking out the words "ten dollars," fixing the per diem of the clerk of the Committee on Contingent Expenses, and inserting in lieu thereof the words "eight dollars."

Adopted.

[The President resumed the chair.]

Mr. Noland moved to postpone the further consideration of the bill until Monday next, at two o'clock P. M., which, on a call of the yeas and nays, the Senate refused by the following vote:

Yeas—Anderson, Gallup, Harris, Hunsaker, Noland, O'Hara, Ragan, Todd—8.

Nays—Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Herwig, Ingraham, Jenks, Lewis, Lynch, Ray, Smith, Sypher, Thomas, Thompson, Twitchell, Wilcox—20.

Mr. Gallup moved to indefinitely postpone the consideration of the bill, which, on a call of the yeas and nays, the Senate refused by the following vote:

Yeas—Gallup, Hunsaker Noland, Ragan, Todd—5.

Nays—Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Harris, Herwig, Ingraham, Lewis, Lynch, O'Hara, Pinchback, Ray, Smith, Sypher, Thomas, Thompson, Twitchell, Wilcox—23.

Mr. Noland moved to adjourn, which the Senate refused.

Mr. Thomas moved to adopt the section as amended.

Upon which motion Mr. Ray called for the previous question.

The main question was ordered.

The section was then adopted as amended on a call of the yeas and nays, by the following vote:

Yeas—Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Herwig, Ingraham, Lewis, Lynch, Pinchback, Ray, Smith, Sypher, Thomas, Thompson, Twitchell, Wilcox—20.

Nays—Gallup, Harris, Hunsaker, Noland, O'Hara, Ragan, Todd—7.

Mr. Campbell moved to reconsider the vote by which section eight was adopted.

Mr. Blackman moved to lay the motion on the table.

Adopted.

Mr. Gallup moved to adjourn till Monday next.

Refused.

Mr. Gallup called for executive session, which call being seconded—

Mr. Blackman raised the point of order that executive session cannot be demanded twice on the same bill on the same day.

The President held the point well taken.

Section nine was read.

Mr. Ray moved to amend by fixing the number of porters of the House at six.

Adopted.

Mr. Barber moved to amend by fixing the number of porters of the Senate at four instead of three.

Adopted.

On motion of Mr. Ray, the section was adopted as amended.

Section ten was read.

Mr. Barber moved to strike out all that portion of the section relative to providing rooms outside the State buildings.

Adopted.

On motion of Mr. Ray, the section was adopted as amended.

Section eleven was read.

[Senator Hunsaker in the chair.]

Mr. McMillen moved to strike out all that portion of the section referring to a Warrant Clerk, which, on motion of Mr. O'Hara, and on a call of the yeas and nays, was ordered to lie on the table by the following vote:

Yeas—Antoine, Blackman, Bowman, Butler, Daigle, Gallup, Kelso, O'Hara, Ragan, Smith, Swords, Thompson, Todd, Twitchell, Wilcox—15.

Nays—Campbell, Coupland, Herwig, Hunsaker, Ingraham, Jenks, Lynch, McMillen, Ray, Sypher, Thomas—11.

On motion of Mr. Blackman, the section was adopted.

Mr. Blackman moved to reconsider the vote just taken, and to lay the motion to reconsider on the table, which, on a call of the yeas and nays, was ordered by the following vote:

Yeas—Antoine, Blackman, Bowman, Butler, Campbell, Daigle, Gallup, Lewis, O'Hara, Pinchback, Ragan, Ray, Smith, Swords, Sypher, Thompson, Wilcox—17.

Nays—Coupland, Herwig, Hunsaker, Ingraham, Jenks, Lynch, McMillen, Thomas, Twitchell—9.

Mr. McMillen asked that the Senators who were in the President's room when the question was put to table the motion to reconsider be permitted to record their votes.

Mr. O'Hara raised the point of order that under rule twenty-four of the Senate, such Senators could not record their votes without unanimous consent.

[The President resumed the chair.]

The President decided the point of order well taken.

Mr. McMillen appealed from the decision of the Chair.

Mr. Todd moved to adjourn till Monday at 12 M.

Mr. Blackman raised the point of order that a motion to adjourn could not be entertained pending an announcement of a vote.

The President held the point of order well taken.

On a call of the yeas and nays the decision of the Chair, relative to Mr. McMillen's appeal, was sustained by the following vote:

Yeas—Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Gallup, Herwig, Ingraham, Lewis, Lynch, O'Hara, Ragan, Ray, Smith, Sypher, Thomas, Thompson, Twitchell, Wilcox—22.

Nays — McMillen, Noland, Swords, Todd—4.

Section twelve was read.

Mr. Gallup moved to strike out the proviso.

On motion of Mr. Ray, and on a call of the yeas and nays,the motion of Mr. Gallup was ordered to lie on the table by the following vote:

Yeas—Antoine, Blackman, Bowman, Butler, Campbell, Daigle, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, Ray, Smith, Swords, Sypher, Thomas, Twitchell, Wilcox—20.

Nays—Barber, Gallup, Harris, Noland, Ragan—5.

The section was then adopted.

Mr. Campbell offered the following as an additional section:

Be it further enacted, etc., That nothing in this act shall be construed to forbid either house of the General Assembly to authorize the standing Committee on Enrollment of Bills to employ such additional clerks as either house may deem necessary.

Mr. Ray moved to lay the additional section on the table, which, on a call of the yeas and nays, the Senate refused by the following vote:

Yeas—Antoine, Blackman, Bowman, Coupland, Herwig, Ingraham, Lewis, Lynch, Ray, Sypher, Thomas, Todd. Twitchell—13.

Nays—Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Jenks, McMillen, Noland, O'Hara, Ragan, Smith, Swords, Wilcox—14.

Mr. Harris moved to amend the amendment of Mr. Campbell by striking out the words "on enrollment of bills."

On motion of Mr. Ray, and on a call of the yeas and nays, the amendment of Mr. Harris was ordered to lie on the table by the following vote:

Yeas—Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Gallup, Herwig, Ingraham, Jenks, Lewis, Lynch, Noland, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Twitchell, Wilcox—23.

Nays—Harris, Hunsaker, Ragan, Todd—4.

Mr. Sypher moved to amend the amendment of Mr. Campbell, by requiring a two-thirds vote to authorize the employment of additional clerks.

Amendment accepted.

On motion of Mr. Harris, and on a call of the yeas and nays, the additional section offered by Mr. Campbell was ordered to lie on the table by the following vote:

Yeas—Blackman, Bowman, Coupland, Daigle, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, Ragan, Ray, Sypher, Thomas, Twitchell, Wilcox—18.

Nays—Antoine, Barber, Campbell, Gallup, Ingraham, Kelso, Noland, O'Hara, Swords, Todd—10.

Section thirteen was read.

Mr. O'Hara, moved to adjourn, which the Senate refused by the following vote, on a call of the yeas and nays:

Yeas—Butler, Harris, McMillen, O'Hara, Todd—5.

Nays—Antoine, Barber, Blackman, Bowman, Campbell, Coupland, Daigle, Gallup, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, Noland, Pinchback, Ragan, Ray, Swords, Sypher, Thomas, Twitchell, Wilcox—24.

Mr. Campbell offered the following amendment. To strike out all after the words "sixth and seventh of December, A. D. 1871," down to and including the words "after the payment of the appropriation herein made," and to insert the following in lieu thereof:

That to obtain the money necessary for the purposes of this act, the Governor of the State be and he is hereby authorized to negotiate a loan at a rate not higher than eight per cent per annum, and to this end to draw a warrant on the Auditor for the amount of this appropriation, which shall have preference over all other warrants on the general fund, and he is authorized to pledge this warrant as security for the loan aforesaid; and said money, when borrowed, shall be deposited in the treasury as a fund sacred to the purposes of this act; provided, that the warrants heretofore preferred by law shall be paid before those issued under this act, out of any funds not obtained under this appropriation.

The amendment of Mr. Campbell was adopted.

On motion of Mr. Blackman, the vote by which the amendment was adopted was reconsidered, on a call of the yeas and nays, by the following vote:

Yeas—Barber, Blackman, Bowman, Coupland, Daigle, Gallup, Harris, Herwig, Ingraham, Lewis, Noland, O'Hara, Pinchback, Ray, Smith, Wilcox—16.

Nays — Campbell, Hunsaker, Jenks, Lynch, McMillen, Ragan, Swords, Twitchell—8.

Mr. Blackman moved to lay the amendment of Mr. Campbell on the table.

Adopted.

Mr. Ray moved to amend by striking out "$150,000" and inserting "$175,000."

Adopted.

Mr. Hunsaker moved to amend by fixing the amount for contingent expenses of the Senate at "$10,000," instead of "$5000."

Adopted.

Mr. McMillen offered the following amendment: By adding to the end of the section:

Provided, further, that the warrants heretofore preferred by law shall be paid in their proper order out of the taxes as they are collected.

Adopted.

Mr. Hunsaker moved to adjourn.

Refused.

Mr. Gallup offered the following amendment:

Provided, however, that no Senator or Representative shall receive any pay as per diem for any day such Senator or Representative may have absented himself from the session of the General Assembly, at the State Capitol, from the commencement of the present session to the close of the same, without leave of absense first obtained; provided, this section shall not apply in case of the absense of any Senator or Representative, caused by sickness.

On motion of Mr. Ingraham, the amendment of Mr. Gallup was ordered to lie on the table.

Section thirteen was then adopted as amended.

Section fourteen was read.

[Mr. Campbell in the char.]

Mr. Wilcox moved to adjourn.

Refused.

Mr. Blackman moved to amend by adding the following:

Provided, That no warrant or certificate issued prior to the first of December, 1871, shall be paid out of the funds appropriated in this bill.

By unanimous consent, the words "ten thousand dollars," in section thirteen, fixing the amount appropriated for contingent expenses of the Senate, were stricken out, and "seventeen thousand dollars" inserted in lieu thereof.

Mr. Harris moved to table Mr. Blackman's amendment to section fourteen.

Adopted.

Section fourteen was adopted.

Section fifteen was read.

Mr. McMillen moved to amend by adding, after the word "postmaster," the words "of each house."

Adopted.

The section was adopted as amended.

Section sixteen was read.

Mr. Noland moved to lay the section on the table.

On motion of Mr. Ray, the motion of Mr. Noland was ordered to lie on the table.

Section sixteen was adopted.

On motion of Mr. Ray, the bill was adopted as amended.

On motion of Mr. Blackman, the amendments were considered engrossed.

The constitutional rule was then suspended by a four-fiths affirmative vote, the bill read its third and last time, and finally adopted with its title.

Mr. Harris moved to declare the office of Warrant Clerk vacant.

Messrs. Blackman and Coupland raised the point of order that the motion was out of order.

The Chair held the point not well taken.

Mr. Ingraham raised the point of order that the bill just passed having provided for the election of a Warrant Clerk at each session, the office was vacant, and the motion to vacate, therefore, out of order.

The Chair held the point of order not well taken.

Mr. Lewis moved to adjourn, which the Senate refused, on a call of the yeas and nays, by the following vote:

Yeas—Antoine, Blackman, Bowman, Coupland, Daigle, Ingraham, Lewis, Ray, Smith, Twitchell, Wilcox—11.

Nays—Barber, Butler, Campbell, Gallup, Harris, Herwig, Hunsaker, Kelso, Lynch, McMillen, Noland, O'Hara, Ragan—13.

[The President resumed the chair.]

Mr. Gallup moved that the motion of Mr. Harris be ordered to lie on the table.

Discussion having arisen Mr. O'Hara raised the point of order that a motion to table was not debatable, which point the President held well taken.

Mr. Ingraham renewed his point of order made above.

The President held the point not well taken.

On a call of the yeas and nays the motion of Mr. Harris was laid on the table by the following vote:

Yeas—Antoine, Blackman, Bowman, Butler, Coupland, Daigle, Gallup, Herwig, Ingraham, Kelso, Lewis, Noland, O'Hara, Ragan, Ray, Smith, Twitchell, Wilcox—18.

Nays—Barber, Campbell, Harris, Lynch, McMillen—5.

Mr. O'Hara moved to reconsider the vote just taken, which motion the President declared not in order.

Mr. Lewis moved that the Senate adjourn until to-morrow, at 12 M.

Adopted.

The President then annunced that the Senate stood adjourned until Saturday, the third instant, at 12 M.

CHARLES H. MERRITT,
Secretary of the Senate.

DEBATES IN THE SENATE.

SATURDAY, January 27, 1872.

PERSONAL EXPLANATION OF SENATOR ANDERSON.

Mr. Anderson—I see the *National Republican* makes an attack upon me this morning in relation to certain certificates of indebtedness which were paid last year. I desire to say that they were on the market just like any other certificates, and open to purchase by any person. They were not issued for any illegal purpose, as far as I am aware. The bill providing for their payment passed the House of Representatives, but was defeated in the Senate by two or three votes. The certificates were examined, found correct and indorsed by the Auditor of Public Accounts. They were issued in 1866 by the then Auditor, and approved by Governor Wells. That paper also makes a charge against Governor Warmoth and Mr. Gaines. Neither of those gentlemen knew anything of the transaction. A portion of these certificates were left at the Auditor's office for one day, and about ten days afterward the balance were left there for examination. I hope the Senate will refer the matter to the Finance Committee, with instructions to investigate it thoroughly and report thereon.

Mr. Campbell moved to refer the matter to the Finance Committee for investigation.

Mr. Ray—If I am not mistaken, there is a resolution now before the Senate providing for the investigation of this same subject. The motion of Senator Campbell is, therefore, out of order.

The President thought the motion was in order.

Mr. Coupland—Can the Senator (Mr. Anderson) take advantage of a personal explanation to make a motion which would otherwise be out of order?

The President—I think he can.

Mr. Sypher—It is a bad sign when a Senator asks that a matter in which he is personally interested shall be referred to himself. I would like to have a select committee appointed composed of Senators who are not interested in the result. That would certainly look better than to refer it to the Finance Committee, of which the Senator (Mr. Anderson) is a member.

Mr. Anderson—It is true I am a member of the Finance Committee, but, of course, I should not serve in that capacity in the investigation of this matter.

Mr. Ingraham—I desire to call up the resolution I offered the other day as a substitute for the motion of Senator Campbell.

Mr McMillen said it was out of order.

The Chair thought it was in order.

Mr. Ingraham—I was somewhat surprised, on looking over the report of the Auditor of Public Accounts, to see in the list of expenditures for the past year the following item: "Payment of certificates issued to Benjamin Weil, according to contracts of June 27, 1864, $140,894 82." Not being satisfied as to the authority of the Auditor or the board of liquidation to take up these warrants, I consulted the journal of the House for 1868 and 1869. I noticed there had been several ineffectual attempts made to pass a bill for the relief of Benjamin Weil, and the proceedings of the Senate show that some Senators thought the claim illegal, the supplies having been contracted for under the Confederacy, and the payment of such claims being prohibited by the constitution. I was not only surprised at seeing this item in the Auditor's report, but Senators Blackman and Ray also expressed their astonishment at it. I went to the Auditor's office on Saturday and inquired under what law this claim had been paid. I was told by the chief clerk that it had been paid by order of the Board of Liquidation, and I was also informed that it was paid without the consent of the Auditor and by the Governor and Mr. Gaines.

Mr. Anderson—That is a false statement on the part of the informant of the Senator. The certificates were left in the Auditor's office, examined, found correct, and certified to.

Mr. Ingraham—I believe the Senator from Ouachita (Mr. Ray) has received the same, or very nearly the same, information. I desire this resolution to provide also for the investigation of another item, to which our attention has been called in the Auditor's report. It seems that the lessees of the Penitentiary have been paid the enormous sum of $257,856 27, also on certificates of indebtedness, which, added to the Wiel claim, makes the total sum of $398,751 09 in certificates of indebtedness which have been taken up by the board of liquidation without any authority in law. Well may the people of the State demand reform when they see the public money expended and obligations incurred by the State without warrant or authority. I desire this matter to be referred to a special committee of three, and hope my resolution will pass.

Mr. Lynch—I did not intend to say anything upon this subject, but it has been assumed that the Finance Committee is opposed to reform, and opposed to the investigation of any claim which has been illegally collected from the State, and I deem it my duty to reply. I say to the Senator from the Third District (Mr. Ingraham), and the Senator from Ouachita (Mr. Ray), that I know nothing as to the manner in which this claim was paid, and, so far as I am concerned, it shall be thoroughly investigated by the committee of which I am chairman, if it is directed to do so. I have passed upon this claim more than once; I believed it to be illegal then, and I believe so now; but I do not set up my opinion against that of Senators who think otherwise. I doubt whether this matter could be investigated more thoroughly by a special committee than by the Finance Committee. This custom of appointing special committees to investigate matters which come within the purview of regular committees should not be tolerated longer, as it tends to cast suspicion upon the committees regularly appointed.

Mr. Ray—In looking over the report of the Auditor two days ago, I found this item of $140,894 82 as having been paid on the certificates of indebtedness issued in favor of Benjamin Weil. I recollect of that claim being before the Legislature at least two sessions since 1868. At those different times I carefully investigated it, and arrived at the conclusion that it was fraudulent, and without any basis either in law or equity. I knew the Legislature had made no appropriation to meet it, and was, therefore, surprised to see it in the Auditor's accounts. I forthwith proceeded to the office of the Auditor, and inquired under what authority these certificates had been paid. He told me they had been paid under the orders of the liquidators, in accordance with the law of 1870.

Mr. McMillen—When were they paid?

Mr. Ray—In March, 1871, I think. They were paid under the law passed in 1870, and not under the supplemental bill adopted in 1871. I asked the Auditor how it was that they were paid under the orders of the board of liquidation, as I could find nothing in the act authorizing them to pay such claims. He said that when the liquidators met in the Governor's office (Mr. Lynch being present), he (the Auditor) objected to their payment as not coming within the purview of the law, but that the Governor and Mr. Gaines thought they did, Mr. Lynch concurring in that opinion. He was, therefore, overruled, and had nothing to do in the matter but his ordinary routine of business.

Mr. Lynch—Do I understand the Senator to say that the Auditor told him I assented to the legality of the claim?

Mr. Ray—He said that when the board of liquidation first met in the Governor's office, Mr. Lynch, Mr. Gaines and his excellency being present, the question came up as to whether these were the kind of certificates that were embraced by the law, and that Mr. Lynch concurred in the opinion of the Governor and Mr. Gaines.

Mr. McMillen—Did he mean his own certificates?

Mr. Ray—He meant that any certificates of indebtedness were to be included.

Mr. Lynch—Will the Senator explain what he means by "any certificates of indebtednes?"

Mr. Ray—There are cases where the Auditor is authorized to issue his certificates of indebtedness when no appropriation has been made. He said he was opposed to paying any of those that did not in his opinion, come within the meaning of that law, but was overruled. An examination of that law satisfies me that Mr. Graham was right, and that there was no authority for the board of liquidation to pay any claim when the Legislature had not made an appropriation to cover it. The Senators who were here in 1868 and 1869 know very well that this claim of Benjamin Weil was before the Legislature two or three times and was rejected in every instance. Mr. Peralta, formerly Auditor of the State, as will be seen by examination of his last report, issued a large number of these certificates of indebtedness, and the Legislature has only made an appropriation to pay one of them since the reconstruction of the State. I have forgotten in whose favor that certificate was drawn. I apprehend that all the balance of these certificates are included in the miscellaneous debts of the State, as reported by the Auditor. This matter should be thoroughly investigated in order that we may ascertain whether the board of liquidation has paid claims without any warrant in law and inasmuch as the Auditor informed me that Mr. Lynch had expressed an opinion on the subject, and that Senator Anderson, another member of the Finance Committee, is directly interested in the result, I think it proper to appoint a special committee for that purpose. I do not wish to say anything disrespectful of Senator Lynch; I merely think his judgment was in error when he expressed that opinion.

Mr. Hunsaker—I think it advisable to refer the whole matter to the Judicary Committee, as it will give the Senator from Ouachita (Mr. Ray), an opportunity to participate in the investigation, and no member of that committee has had anything to do with it. I make that motion.

Mr. Smith—I can not conceive why Senators should not desire the appointment of a special committee, as it will not cost the State a cent.

Mr. Hunsaker—My object in making the motion was to cut off unnecessary debate in order that we might proceed to regular business.

Mr. Anderson—It is very strange that after these certificates had been left at the office of the Auditor, examined and certified to, and were paid by the Citizens' Bank, Mr. Graham should come in and object to them, as the gentleman from Ouachita (Mr. Ray) states.

Mr. Lynch—The Senator from Ouachita (Mr. Ray) has repeated a statement of Mr. Graham, Auditor, that when the board of liquidation had their first meeting I was present, and assented to the opinion of the Governor and Mr. Gaines as to what constituted the floating debt of the State. I do not remember now, but I presume I did do so, and I would say the same thing to-day if I were called upon to express my opinion. When certificates of indebtedness are presented to the Auditor of Public Accounts, examined and found to have been issued in accordance with law, and for valuable consideration which the State has received, he issues his certificate and the State is indebted to the holder of the claim for a certain amount. I claim that it then