

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS

THE SENATE YESTERDAY. Thirty-third Day's Session.

SENATE CHAMBER, Wednesday, February 7, 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, Kelo, 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 was dispensed with.

Corrections made at suggestion of Secretary, and minutes adopted as corrected.

The President announced the appointment on behalf of the Senate of the following Senators as members of the joint committee authorized by section 1543 of the Revised Statutes, relative to investigating the affairs of certain banks:

Messrs. Harris, Todd and Blackman.

MESSAGE TO THE HOUSE.

The Secretary presented to the House for its consideration Senate bill No. 229, to be entitled an act to change the name of Thomas Holloway Lewis to Thomas Holloway Lewis Belden; and informed the House that the Senate had concurred in House bill No. 110, for the relief of William Bendell also, with amendments in House bill No. 286, to amend section seven of an act to provide a revenue, etc., approved March 3, 1871—act No. 42, 1871, to authorize the levy and collection of a tax for the maintenance and support of the free public schools in the city of New Orleans, etc.; and presented to the House the concurrent resolution providing for a joint committee under article 1543 Revised Statutes; also Senate bill No. 291, to incorporate the town of Coushatta in the parish of Red River; and requested the signature of the Speaker to enrolled bill appropriating to Mrs. Ellen B. Dunn, widow of the late Lieutenant Governor O. J. Dunn, the balance of the salary that would have been due him, etc.

REPORTS OF OFFICERS.

STATE OF LOUISIANA, ATTORNEY GENERAL'S OFFICE, New Orleans, February 7, 1872.

To the Honorable President and Members of the Senate:

I have the honor to submit herewith my annual report for the year 1871.

Respectfully,

S. BELDEN, Attorney General.

On motion of Mr. Hunsaker, the report was referred to the Judiciary Committee.

PETITIONS AND MEMORIALS.

By Mr. Ray: A petition of 206 citizens of Richland and adjoining parishes, praying for the creation of a levee district west of the Bayou Macon and east of the Ouachita river.

Laid over.

REPORTS OF COMMITTEES.

Mr. Hunsaker, from the Committee on Judiciary, reported, without action, on Senate resolution No. 21, to be entitled joint resolution amending the constitution of the State of Louisiana.

Unfavorably on Senate bill No. 319, to be entitled an act for the relief of the Female Orphan Society, to cancel and annul all taxes and tax assessments upon all the property thereof, and to exempt the same from taxation. Also, Senate bill No. 302, to be entitled an act relative to continuances in the trial of criminal causes in the courts of this State.

And also submitted the following report:

COMMITTEE ON JUDICIARY, February 7, 1872.

To the Honorable President and Members of the Senate:

The Committee on Judiciary direct me to report back Senate bill No. 290, entitled "An act to apportion the State into Senatorial districts, etc., and to state that, after a careful examination of the constitution of the State, they are of the opinion that said bill is unconstitutional, in that that the General Assembly, at its session in 1871, passed, in accordance with article twenty-one of the constitution, a bill to apportion the State into Senatorial districts, etc., and to state that, after an examination has been made as directed in the twentieth article, the General Assembly shall not pass any law till an apportionment of representatives in both houses of the General Assembly be made." The committee are of the opinion that the General Assembly are prohibited by the constitution from passing any apportionment bill until after the census of 1870 has been taken, in accordance with article twenty of the constitution. The committee are of the opinion that the passage of this bill would in effect declare that the Legislature failed to pass an act on the subject, as required by article thirty of the constitution, and thereby declare all laws passed at the session of 1871 and of the present session null. They, therefore, recommend that the bill do not pass.

OSCAR F. HUNSAKER, Chairman.

Mr. Lynch, from the Committee on Finance, reported back without action Senate bill No. 293, to be entitled an act for the relief of the officers and members of the Metropolitan Police, and submitted the following resolution:

Resolved, That the committees on Charitable Institutions, Public Lands and Leases, Pensions, Health and Quarantine, Election and Registration, Printing, Public Education, and Militia, are hereby directed to furnish, as early as a day as possible, the Finance Committee with estimates for appropriations necessary to meet the obligations of the State the current year for the different objects assigned to those committees respectively.

The resolution was taken up by unanimous consent, and, on motion of Mr. Todd, was adopted.

Mr. Barber, on behalf of a majority of the Committee on Militia, reported favorably on Senate bill No. 298, to be entitled an act to provide for the expenses of the State militia.

On request of Mr. Daigle, further time was granted him to submit a minority report respecting said bill.

COMMITTEE ON ENROLLMENT, February 7, 1872.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engraving beg leave to report as duly enrolled and engrossed the following bills, to wit:

Senate bill No. 291, appropriating to Mrs. Ellen B. Dunn, widow of the late Lieutenant Governor Oscar J. Dunn, the balance of the salary that would have been due him had he lived to the end of his term of service.

Senate bill No. 291, an act to incorporate the town of Coushatta, in the parish of Red River.

THOMAS H. NOLAND, Chairman.

COMMITTEE ON ENROLLMENT, February 7, 1872.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment and Engraving beg leave to report as duly enrolled and engrossed the following bills, to wit:

Senate bill No. 273, an act to provide for the government of the city of Baton Rouge, and the administration of the affairs thereof.

THOMAS H. NOLAND, Chairman.

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grossment, beg leave to report as duly engrossed, the following concurrent resolutions:

Senate concurrent resolution in accordance with section 1543, of the Revised Statutes.

THOMAS H. NOLAND, Chairman.

Mr. Blackman moved that the Committee on Printing be instructed to report on the printing bill to-morrow.

So ordered.

NOTICES OF BILLS.

By Mr. Twitchell: Of a bill entitled an act to incorporate a horse railroad company from Grand Ecore to Natchitoches.

By Mr. Barber: Of a bill to be entitled an act to amend an act to organize and equip a uniformed militia, approved April 3, 1870.

By Mr. Swords: Of a bill to be entitled an act to amend an act entitled "an act to extend the limits of the parish of Orleans, and to change the boundaries of the parishes of Orleans and Jefferson, and to consolidate the cities of New Orleans and Jefferson, and to provide for the government of the city of New Orleans and the administration of the affairs thereof," approved March 16, 1870.

By Mr. Ray—Of the following entitled bills: Of an act to amend article 611 of the Code of Practice.

Of an act to amend articles 675, 679, 683, 706, 707, 708, 713, 715, 718, and 402 of the Code of Practice, and to repeal articles 681, 685, 710 and 493 of the Code of Practice of the State of Louisiana.

Of an act to regulate certain criminal proceedings in the district and parish courts.

Of an act relative to the crimes of perjury and subornation of perjury.

Of an act to create a levee district, to be composed of the parishes of Richland, Morehouse, that part of Carroll and Franklin west of the Bayou Macon, and of Ouachita and Caldwell east of the Ouachita.

Of an act for the relief of William P. Harper.

Of an act to amend article 644 of the Code of Practice.

By Mr. Daigle: Of a bill to be entitled an act for the relief of Alexander Lazano, Solomon W. Andrews, Benjamin F. White, John H. Overton, Joachim Joubert, Henry L. Garland, Gabriel Lyons, Egbert O. Hays, Jacob Lyons, Abraham Harman, William P. Harman, and Therence Iansonne, of St. Landry parish.

INTRODUCTION OF BILLS.

The following bills were introduced according to previous notice:

By Mr. Twitchell: Senate joint resolution No. 22, to be entitled a joint resolution addressing out of office Minor D. Edmondson, parish judge of the parish of Sabine, for reason of absence from the said parish and failure to discharge the duties of his office.

Passed its first reading.

ACTION ON REPORTS OF COMMITTEES LYING OVER.

[Mr. Harris in the chair.]

The amendments recommended by the committee of conference, and concurred in by the House, were taken up for consideration.

In the first amendment was read:

In section two, line seventeen, strike out the words "two thousand," and insert "eighteen hundred."

Mr. Blackman moved that the amendment be adopted.

[The President in the chair.]

Mr. Todd moved that the Senate concur in the first amendment.

Mr. Smith raised the point of order that the committee of conference had no authority to offer amendments to the bill.

The President stated that that question was not under consideration, as the question now was whether the Senate should concur in the amendments adopted by the House or the recommendation of that committee.

On a call of the yeas and nays, the Senate refused to concur in the first amendment by the following vote:

Yeas—Anderson, Antoine, Barber, Butler, Gallup, Harris, Hunsaker, Kelo, Lewis, Lynch, McMillen, Noland, O'Hara, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell—17.

Nays—Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, Jenks, Kelo, Lynch, McMillen, Noland, Pinchback, Ragan, Swords, Sypher, Todd, Twitchell—15.

Nays—Antoine, Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, O'Hara, Ray, Smith, Thomas, Thompson, Wilcox—13.

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

Yeas—Butler, Gallup, Harris, Ingraham, Noland, Pinchback, Ragan, Todd, Wilcox—10.

Nays—Anderson, Antoine, Barber, Blackman, Bowman, Coupland, Daigle, Herwig, Hunsaker, Jenks, Kelo, Lewis, Lynch, McMillen, Noland, Pinchback, Ragan, Swords, Sypher, Todd, Twitchell—22.

The second amendment was read.

In line thirty-nine, strike out the words "eighteen hundred," and insert in lieu thereof the words "sixteen hundred."

Mr. Blackman moved that the Senate do not concur.

Adopted.

The order of the day being called, Mr. Blackman moved that it be postponed until half-past one o'clock.

Adopted.

Mr. Hunsaker offered an amendment to House bill No. 285.

Mr. O'Hara raised the point of order that the Senate could not consider the amendments offered by the committee.

The President held the point not well taken, for reasons cited by him above, in deciding Mr. Smith's point of order.

Mr. Blackman raised the point of order that the bill was not now under consideration, and therefore Mr. Hunsaker's amendment not in order.

The President held the point well taken.

Mr. Todd raised the point of order that the amendments recommended by the committee of conference were not before the Senate.

The President held, as above, that he regarded the amendments suggested by the committee, and adopted by the House, and those portions of the bill thus amended, as now before the Senate for consideration, but referred the point to the Senate to determine.

Mr. Hunsaker raised the point of order that the question for consideration was, first, the amendments proposed by the committee, and the Senate refusing to concur in such amendments, the bill itself came before the Senate for consideration.

The President held the point not well taken, for this reason, if none other, that the Senate had not yet refused to concur in the amendments as a whole, but only the first two, the others being yet to be considered.

Mr. Hunsaker then offered a substitute for the report of the committee.

Mr. Blackman raised the point of order that no substitute for the report could be entertained.

The President held the point well taken. The President then announced that he regarded the only action to be taken by the

Senate was either to concur or non-concur in the amendments.

The order of the day was called.

Mr. McMillen raised the point of order that the special order of the day takes precedence over the unfinished business.

The President held the point not well taken, and instructed the Secretary to take up the unfinished business.

Substitute for Senate bill No. 274, registration bill.

Mr. Hunsaker moved to postpone the order of the day one hour in order to consider the appropriation bill, which, on a call of the yeas and nays, the Senate refused by the following vote:

Yeas—Anderson, Barber, Butler, Gallup, Harris, Hunsaker, Ingraham, Kelo, Lewis, Noland, Ray, Swords, Todd—13.

Nays—Antoine, Blackman, Bowman, Coupland, Daigle, Herwig, Jenks, Lynch, McMillen, Noland, Pinchback, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell—19.

Mr. Noland called for executive session.

Mr. Blackman raised the point of order that the call could not be entertained, as executive session had once been called on this bill.

The President held the point well taken.

UNFINISHED BUSINESS.

Substitute for Senate bill No. 274, to be entitled an act to amend and re-enact sections one, three, four, eleven, thirteen, fifteen, sixteen, nineteen, twenty-one, twenty-two, twenty-six, twenty-nine, thirty-three, thirty-four, thirty-five, thirty-six, thirty-eight and forty-two 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 seventeen and forty-one of the said above entitled act.

Section three was read, and, on motion of Mr. Ray, line forty-eight was amended by adding, after the words "next general," the words "or special."

Adopted.

On motion of Mr. Todd the words "except in the parish of Jefferson the same shall be commenced sixty days," after the word "days" in line seven, section three.

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

Section four was then read, and, on motion of Mr. Ray, adopted.

Section five was then read.

Mr. Blackman proposed the following substitute for the section:

Sec. 5. Be it further enacted, etc., That the police juries of the several parishes shall appoint the supervisors of registration for their respective parishes, except the parish of Orleans, and that in the parish of Orleans and city of New Orleans the Mayor and Administrators of the city of New Orleans shall appoint the supervisors of registration for the several wards of the city of New Orleans.

Mr. McMillen moved to lay the substitute on the table.

The substitute was ordered to lie on the table, on a call of the yeas and nays, by the following vote:

Yeas—Anderson, Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Ingraham, Jenks, Kelo, Lynch, McMillen, Noland, O'Hara, Pinchback, Ragan, Swords, Todd, Thomas, Twitchell—20.

Nays—Antoine, Blackman, Bowman, Coupland, Daigle, Herwig, Ray, Smith, Sypher, Thompson, Wilcox—11.

Mr. McMillen moved to adopt section five, and upon that motion he called for the previous question.

On a call of the yeas and nays the main question was ordered by the following vote:

Yeas—Anderson, Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Jenks, Kelo, Lynch, McMillen, Noland, Pinchback, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Wilcox—14.

Nays—Antoine, Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, O'Hara, Ray, Smith, Thomas, Thompson, Wilcox—13.

Mr. Sypher moved to reconsider the vote adopting section five.

Mr. Harris moved to lay the motion of Mr. Sypher on the table.

On a call of the yeas and nays the motion to reconsider was ordered to lie on the table by the following vote:

Yeas—Anderson, Barber, Butler, Campbell, Gallup, Harris, Hunsaker, Jenks, Kelo, Lynch, McMillen, Noland, Pinchback, Ragan, Swords, Todd, Twitchell—17.

Nays—Antoine, Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Thompson, Wilcox—15.

Mr. Ray offered the following as an additional section, to follow section five:

That it shall be the duty of the Governor to submit to the Senate, before the close of this session, the names of persons for supervisors of registration for each parish, and each ward of the city of New Orleans, and if he fails to do so, that then the police juries of such parishes as he may not have named appointments for to appoint the supervisors thereof.

Mr. Blackman moved to amend by authorizing the Mayor and Administrators of the city of New Orleans to appoint supervisors for such wards, appointments for which shall not have been named by the Governor and submitted to the Senate.

Mr. Ray accepted the amendment, moved the adoption of the additional section, and, upon that motion, called for the previous question.

Mr. Kagan raised the point of order that the additional section offered was in conflict with section five, which had been adopted.

The President held the point not well taken.

Mr. McMillen appealed from the decision of the Chair.

Mr. Smith made the point of order that debate pending the call of the previous question was not in order.

The President held the point not well taken till after the main question had been ordered.

Mr. McMillen then withdrew his appeal from the decision of the Chair.

The question then recurred on the ordering of the main question.

On a call of the yeas and nays the main question was ordered by the following vote:

Yeas—Anderson, Antoine, Blackman, Bowman, Butler, Coupland, Daigle, Herwig, Ingraham, Jenks, Lynch, Lewis, Noland, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell—13.

Nays—Antoine, Blackman, Bowman, Coupland, Daigle, Herwig, Ingraham, O'Hara, Ray, Smith, Thomas, Thompson, Wilcox—19.

On a call of the yeas and nays, the Senate refused to adopt the additional section, and, upon that motion, called for the previous question.

Senator Cassey—You might as well object to General Hillyer's testimony being taken down.

Senator Pratt—Allow me, if you please, to ask you a question, and I think if I can not examine a witness on the case we might as well abandon the investigation, so far as I am concerned.

On the point being called, all the members present voted against Senator Pratt's motion, except Pratt himself.