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DEBATES IN THE SENATE.

MONDAY, January 24, 1872.

RULES OF THE SENATE.

Mr. Hunsaker presented the report of the Committee on Rules. He stated that the only change made was that several committees which were thought not to be of any service were abolished, and the rule with regard to the election of committees by the Senate was changed so as to restore to the President of the Senate the power to appoint committees; and one rule with regard to the time for third reading was stricken out altogether.

Mr. Ray moved to amend the rule giving two-thirds of the Senate power to suspend the regular order of business, so as to take up any special measure, and to require in future the unanimous consent of the Senate for this purpose. He said: My object is to pursue the regular order of business under the two-thirds rule. We never pursued the regular order of business but once all last session, and much of the time of the Senate was taken up in calling the yeas and nays to ascertain if there were two-thirds concurring in the suspension of the rules. If we would adopt stringent rules we would do a great deal more business, and there would be a great deal of time saved in ascertaining what business is to be taken up. I have heard old Speakers both of Houses of Representatives and of Congress say that more than double the ordinary business can be done by legislative bodies simply by adhering strictly to the rules. As we have now left less time than is ordinarily necessary in which to transact the business of the session, I think it highly desirable we should adopt such rules as will hold us to the strict order of business.

The yeas and nays were called on Mr. Ray's motion to amend, and the President declared the motion carried by sixteen yeas to fifteen nays.

Mr. McMillen—Did the Senator vote?

President Pinchback—No sir.

Mr. McMillen—I ask the Senator to vote.

The President said he did not think he was required to vote except in case of tie.

Mr. Herwig moved to excuse the Senator from voting.

Mr. Ray—He has announced the result; it is too late now.

The President decided that the Chair having announced the vote it was too late now.

Mr. Mc-MillenHereafter I hope the Chair will vote.

Mr. Pinchback—If the Chair had voted he would have carried it any way, because he is in favor of going on with the regular order of business.

On the motion to strike out the word "elected," in rule forty-four, and put in the word "appointed."

Mr. Smith said: I do not want to annoy the Senate by a long-winded speech, but there is one singular fact to which I should like to call their attention at this particular time. It will be remembered, sir, that at the last session of this Assembly, when this question as to the election or appointment of committees was brought up, the motion to elect committees sprung from the same side of the house, from which now originates the motion to appoint.

Mr. McMillen—Reform is the watchword now.

Mr. Smith—It depends upon what kind of reform you mean. One year ago, when the sainted Oscar J. Dunn occupied the seat which you, Mr. President, now have the honor of filling—at least, I believe you feel proud to occupy the seat as his successor—when he occupied that chair—a man against whom no man who ever trod the soil of Louisiana could bring the charge that he had acted partially or unjustly—

Mr. Noland called the gentleman to order. He was wandering from the question.

Mr. Smith resumed: From the same side of the house was brought up this question of electing committees. Why? Because the same men who now accuse myself and other Republican Senators of acting in conjunction with the Democrats—these same men had then made a league with the Democrats themselves, and by promising to give them the control of some of the committees, and by promising to elect Democrats on other committees, they carried the motion.

Mr. Whitney said the statement of the gentleman was not correct. A majority of the Republican Senators voted to make the committees elective instead of appointive.

Mr. Smith—I say this, and no man can deny it—you did make a league with the Democrats.

The President—The gentleman will come to order; his remarks are a personal reflection on the Senate.

Mr. Smith—While we had a President known to be a just and impartial man these same Senators introduced the motion to elect the committees. Why? To carry out certain schemes of their own, and they know it—to carry out certain schemes which they accomplished by getting the Democratic members to act with them. Now they wish to change back. Why? Because they have succeeded in electing a gentleman whom they believe will appoint committees favorable to themselves. I do not say our present presiding officer will act unjustly. I do not think he will; but they consider they have one of their own men elected to the presidential chair.

[The confusion and talking in the lobby drowned the rest of the Senator's remarks.]

Mr. Todd came to the rescue of his colleague. Senator Blackman and others had put themselves on record, and he hoped they would not interrupt the gentleman from Jefferson till he had put himself on record.

Mr. Antoine (who was almost inaudible on account of the noise in the lobby), said, he should vote for the change. He thought it was wrong to make a Democratic compact to control the appointing of committees last year; he thought it was wrong this year. It mattered not how much he was opposed to the President of the Senate, he would leave this matter to his judgment and integrity. He did not believe the President would be so partisan as to appoint men solely for partisan purposes.

Mr. Smith—I desire to explain my position. I do not wish the Chair to understand that I doubt the ability of the Chair to appoint the committees in a proper manner, but I say if Oscar J. Dunn could not appoint committees properly, P. B. S. Pinchback can not. I say both could.

Mr. Ray—I concur in the amendment proposed. I think in all legislative bodies the Speaker or the President of the Senate ought to appoint the committees, for the reasons I endeavored to impress upon the Senators when the contrary course was proposed last session. I have full confidence in the President of the Senate; I think it is more competent for him to appoint the committees than to elect them by the Senate.

Mr. Ingraham—Consistency is a jewel. Some writers have likened it to the brilliancy of the noon-day sun. At the last session of the Senate, I voted for the appointment of the committees, because I believed then, as I believe now, that the presiding officer of this body, whoever he may be, has not only the honesty, but the capacity to appoint the committees—far more so than any caucus arrangement that the Senators may enter into. It is a direct reflection on Senators who now make this motion, that last year they were on the opposite side of the question, voting for the election of committees. I voted against you, Mr. President, as presiding officer; I did what I could to prevent your occupying that chair; but when an attempt is made in this Senate to take away from you one iota of what I believe the legitimate rights and privileges of the Chair, I shall be found voting at all times and under all circumstances against it, no matter how much I may differ with the Chair personally. In the course now taken by the Senate, the people will find only one more reason, only one more just cause for complaint against that class of men who come on here and do one thing to-day, and another to-morrow, merely to carry a point by which they hope to secure some present success.

Mr. Sypher said he wished to make a personal explanation. When he came down here last winter he was a green country boy; he did not know much more yet. He was hardly personally acquainted with the late Lieutenant Governor Dunn; really did not know whether it was better to appoint or to elect the committees. He told the distinguished Senator from the second district (Mr. Campbell) and other members that if this thing was intended as anything personal against Lieutenant Governor Dunn, he (Mr. Spyher), would not support it. Mr. Campbell replied that it was not, and cited the precedent of the United States Senate. He (Mr. Sypher), thought then it was better for the President to appoint the committees, and the longer the session lasted the more he was convinced of it.

Mr. Hunsaker—I was one of those who voted for the election of committees, but the able speeches of my friend from Ouachita, (Mr. Ray), my colleague (Mr. Sypher), and the gentleman from Jefferson (Mr. Smith), have convinced me I was wrong. [Laughter.] I am now going to vote in accordance with their views.

Mr. Coupland (who was, also, almost inaudible in consequence of the prevailing buzz), said he was certainly in favor of the amendment. He voted last year in favor of retaining the appointing power in the chair. Those who voted otherwise, and now changed their votes, reflected on the ability of the late Lieutenant Governor Dunn, or his honesty, or influence.

Mr. Campbell—I think there have been more words wasted on this subject than its importance demands. I regard the question of determining how committees shall be chosen as within the power of this body itself. If, to-day, I think it expedient to appoint the committees, I will vote to appoint them; if, to-morrow, I think it expedient to elect committees, I will vote to elect them. Last session I believed that wing to which Lieutenant Governor Dunn belonged had entered into an alliance with a mischievous, fanatical set of men, who would drive us to destruction, and I felt I would rather entrust the appointment of these committees to the Senate than to him, and in that opinion I was joined by fifteen out of twenty-nine Republicans.

Mr. Swords said he was satisfied he was wrong in his vote last year, and therefore he should vote to appoint the committees in future.

Mr. Blackman remarked that he agreed with the Senator from the second district (Mr. Cambell), that it was in the power of the majority of the Senate to do almost anything, and they had done almost anything.

Mr. McMillen suggested to strike out the words "at the beginning of each session," and let us have this thing over again every year. The Senate might want to change back again next year. There was going to be an election next fall, and perhaps there would be a new Lieutenant Governor.

Mr. Ingraham—Oh, no, we will put the Lieutenant Governor back.

The motion was carried.

Mr. Ray moved to change rule forty-nine so as to require unanimous consent to change the order of business, instead of a two-thirds vote, as heretofore.

Mr. McMillen—If this change is adopted a single member can thwart the wishes or will of the Senate at any time. I do not believe a proposition of this kind very wise or very desirable, because these are times when, in consequence of the pressure of business and the short time left in which to enact laws, it is necessary to call up bills out of their regular order. If we adopt this proposition we place it in the power of a single member to thwart thirty-two Senators. I believe it is impolitic to place so great a power in the hands of any one Senator. I, therefore, hope the amendment will not prevail.

Mr. Ray—I will state my reasons for proposing this change. It is predicated on the experience of the Senate, at the last session more particularly. I think I state correctly that the order of business was not pursued but one single day in the entire session of sixty days. I mean that when the order of the day was called the business was taken up out of its order. The consequence was that bills that affected the interests of individuals were always taken up in preference to bills of a general chararter in which the State had an interest. Bills to amend the registration and election laws introduced by me were thrown over, and bills with a personal interest were passed in preference, because two-thirds of the Senate could always be obtained to take up bills in which special interests were involved. If we adopt this amendment, when we come to the order of the day every bill will be taken up in its turn. If this is not adopted and adhered to, the majority may postpone it to another day. I appeal to Senators, if they are really in favor of reform, to accept this amendment. If they do not they will find the same thing occurring this session as last: the order business will not be pursued a single day during the whole session. What I want is that these bills of great public interest, which were defeated last session should have a fair chance this term. Senators could not do an act which will go further to defeat these measures than to oppose the amendment which I now introduce, and I can not but believe that those who now vote to continue the order of things which prevailed last session are against reform. We shall do twice the business if we adhere strictly to the order of business, and I tell those Senators who are in favor of reform measures that if they will adopt this amendment we shall be certain to get those measures up, for they have an early place on the calendar, and if this amendment is not adopted the same mode of staving off these measures which was adopted last session will be successful this. When a bill is taken up a majority can always postpone it. I do not mean by this amendment to compel the Senate to act upon a bill when taken up.

Mr. Hunsaker—The argument of the gentlemen fails altogether; the rules of the Senate can at any time be suspended by a two-thirds vote, and it is absurd to make a rule requiring a unanimous vote to do a thing when two-thirds of the Senate can at any time suspend the whole rules.

Mr. O'Hara—The only reason why I am in favor of the amendment is that it gives each Senator a chance. We all introduce our bills, and if we allow the business to take the regular order, sooner or later, we are certain to reach them: as the Senator from Ouachita (Mr. Ray) very properly says, when a bill comes up in its regular order, a motion to lay it on the table or postpone it is easily carried, and we gain more time by this than the other system.

Mr. Hunsaker moved to lay the amendment on the table.

Sixteen yeas, seventeen nays—the amendment was not tabled.

On the motion to adopt, Mr. Campbell moved to adjourn.

Seven yeas to twenty-seven nays—the Senate refused to adjourn.

The amendment was adopted by seventeen yeas to sixteen nays.

Mr. McMillen desired to change his vote from nay to yea.

Mr. Antoine objected to the Senator changing his vote after the vote had been announced.

The Chair ruled the point not well taken, as the Chair had not announced the vote.

Mr. Hunsaker and other Senators changed their votes, and the rule was declared adopted by nineteen yeas to fourteen nays.

THE STATE HOUSE.

On the appropriation bill being called up, Mr. Campbell objected to the proviso authorizing the Mechanics' Institute to be used for party conventions. He objected to the recognition of party convention in a legislative act.

Mr. Ray thought the State convention ought to be held at the capitol. He saw no objection to it. On the contrary, it seemed altogether proper. It had been said that the hall of the House of Representatives and the Senate Chamber were too often used for purposes for which it was doubtful that they should be used. He was in favor of either prohibiting the use of the halls during the recess for any purpose whatever, or of designating how they should be used.

Mr. Campbell's amendment was adopted.

Mr. Ray moved the further amendment that the halls of the Senate and House of Representatives should be used for no purpose when the Legislature was not in session.

Mr. Campbell—I shall oppose this motion simply because it has been the general custom to leave this matter to the control and discretion of the Governor and Lieutenant Governor. I am opposed to saying by law they shall be used for any purpose, and I am opposed to saying by law they shall not. Therefore I move to lay the motion of the Senator from Ouachita on the table.

The motion to table was carried.

Lieutenant Governor Pinchback—For the information of the Senate I will state that if I have charge of the Senate Chamber it shall not be used for improper purposes with my consent.

An amendment of Mr. Ray's, that the State House should not be used during the recess except with the joint sanction of the Governor and Lieutenant Governor, was carried.

THURSDAY, January 25, 1872.

SESSION OF THE SIXTEENTH OF JANUARY.

Mr. Thomas—I desire to know from the Secretary what has been done with regard to the journal of the sixteenth of January—whether the journal of that day's session has been adopted or not?

The Assistant Secretary stated that the journal of that day's session had never been adopted.

Mr. Thomas—I move the adoption of the journal of that day.

Mr. Lynch called for the reading of the journal. The minutes of the proceedings of the sixteenth showed that eighteen Senators were present, and that the election and registration and other laws were repealed.

Mr. Blackman—I do not see the necessity of reading the whole journal. The only question is whether eighteen Senators were a quorum, and whether you are going to adopt their action.

Mr. McMillen—There was a quorum.

Mr. Blackman—I understand not; the Chair has so decided.

Mr. McMillen—But his decision was overruled. I want to know the question before the Senate.

Lieutenant Governor Pinchback—The reading of the journal.

Mr. McMillen—I want it to be proceeded with; it is good reading, and I like to hear it.

Mr. Thomas—And so do I if it means anything; if it means anything but a farce.

Mr. McMillen—We hold that it does mean something, and we propose to show so this morning.

Lieutenant Governor Pinchback—Rule No. 7 reads, "That the President shall have the right to examine and correct the journal before it is printed." Following that rule, the Secretary generally submits to me the journal to see if it is correct before sending it to the printer. He and I compare our ideas, and if we find anything left out we put it in. The journal is then sent to the official printer, and, if there are no objections made, it is then supposed to be adopted.

Mr. Lynch—You do not understand by that that your decision is final, and that the Senate has not the right to revise or correct the journal.

Lieutenant Governor Pinchback—At any time, sir, prior to its adoption.

Mr. Hunsaker—I want to know if there is no order of the day. I want to know why we do not proceed to business?

Lieutenant Governor Pinchback stated that the hour for the order of the day had arrived, but, there being no objections, he had allowed the discussion to proceed.

Mr. Hunsaker—I objected.

Mr. McMillen asked under what rule the order of the day was called for one o'clock.

Lieutenant Governor Pinchback replied: Under general custom.

Mr. McMillen—The reading of the journal stands first on our order of proceedings. This is the reading of the journal of one of the sessions that never has been read, and never has been adopted.

Mr. Todd moved to adjourn.

The Senate adjourned.

FRIDAY, January 27, 1872.

THE WARRANT CLERK.

A communication being received from J. Pinckney Smith, Warrant Clerk, Mr. Blackman moved that it be referred to a special committee of three.

Mr. Hunsaker said there was a special committee appointed last session, consisting of Lieutenant Governor Pinchback (then Senator Pinchback), Senator Campbell, and himself, as chairman, to investigate the books and accounts of the Warrant Clerk. This committee had only refrained from reporting because they wanted the views of Senator Coupland; they wanted him satisfied on the subject.

Mr. Lewis—This committee, that has had a year before it, has certainly had time to make a report long since, and should at any rate have been ready to report immediately on the meeting of the present session of the Senate. If they can not make their report now, after having had ten months of leisure, with no legislative business to attend to, there is little hope of their making a report, now that their legislative duties are added to their other avocations. This is a demand of the Warrant Clerk, who has been publicly assailed on the streets, in the press, and everywhere, as being connected with the swindles of the last Legislature. For an investigation I see no disadvantage in having an additional committee, so that one may act as a check on the other. This is supposed to be a Legislature of dishonest men. The people so declare it; and if it be so, I propose to put a check on dishonesty by setting conflicting interests to work so that we may arrive at the truth. If there has been dishonesty either on the part of the Committee on Contingent Expenses or Warrant Clerk, or any other officer, let the fault fall where it is due. There is no risk in this additional committee; on the contrary, the appointing of two committees will prevent either of them speculating on the interest of anybody, even if they are disposed to do so. I second the motion.

Mr. Coupland—So far as the regular standing committee to investigate the Warrant Clerk's books is concerned, I would like to state that there was no disposition shown on the part of the majority of that committee to examine into his books at all, especially by the chairman, up to the twenty-ninth of December last. I got notice, after the adjournment of the last Legislature, that the committee would meet in the Senate Chamber at twelve o'clock M. on a day named. I came here and met Senator Pinchback. Mr. Pinckney Smith was here with his books, but the chairman was not present. I got another notice, and came here and met Senator Pinchback again, and again the chairman was not in attendance. The thing slept until the twenty-ninth of December last, ten months, when I received written notice to meet in the Senate Chamber, to make a report. This was on a Friday. We had Friday and Saturday only to examine the books preparatory to making a report to submit to the Legislature on the following Monday. They had allowed the Warrant Clerk to go on for ten months; they had allowed him to be mandamused and enjoined; and now to come in at the last hour, and make such an examination as was proposed, I would not do, because in the time left us we could not make a report creditable to ourselves or just to the Warrant Clerk. There has been no disposition on the part of the regular committee to examine into this matter, and I am in favor of a special committee.

Mr. Hunsaker—There have been some remarks made with a tendency to reflect upon me.

Mr. Coupland—Not at all.

Mr. Hunsaker—The President of the Senate will bear me out, and I call upon the Sergeant-at-Arms to confirm me, that notices have been sent to the Senator several times.

Mr. Coupland—I rise—

Mr. Hunsaker—I will produce the envelopes to-morrow. The Lieutenant Governor and myself went carefully over the books, but declined to report until Mr. Coupland was satisfied. I have nothing to conceal or cover up. I am as far removed from the Warrant Clerk and his interests as anybody. I have never received a dollar from him except as mileage and per diem. I have never even had a voucher paid by him except for mileage and per diem, and if the object of the gentleman be to reflect upon this committee, I want an investigation. If I have not made a report it is because I wanted the Senator from the third district to examine into the matter, and I ask him now to name a day to go over these books and papers. I promise during the next week I shall make a report, and then I shall urge myself that an additional committee be appointed to examine these books and accounts; but the only reason why I oppose the appointment of this additional committee now is because I desire that the committee of which I am chairman shall be respected. I will not allow my motives to be impugned by any Senator on this floor.

Mr. Lewis—I desire to cast no aspersions on my intimate friend, Judge Hunsaker; I have no doubt of his honesty; but I did say—if I did not I meant to say—that it is a general belief that, where opportunities offered, committees often blackmailed persons interested in order to get a report in their special favor. I think it would be justice to the Warrant Clerk and a protection to my friends, that another committee, with different interests, should be appointed, so that this could not be done, and so that the people could not possibly charge it on them. The committee would simply be a check on the other, and for this reason I am in favor of the appointment of a special committee, as much for the protection of the regular committee as for any other reason.

Mr. McMillen moved as a substitute that the communication of the Warrant Clerk be referred to the committee of the last session.

Mr. Lewis moved to lay that motion on the table.

The Senate refused to table the motion—thirteen yeas to fourteen nays.

Mr. Lynch—I am in favor of the strictest investigation, but I think it a matter of courtesy to this committee, as they have promised to report at an early day, that the matter should be referred to them.

Mr. Hunsaker—I will state that if this substitute is adopted it is my intention to move that Senator Blackman be appointed to fill the vacancy on the committee caused by the election of the Lieutenant Governor to the speakership.

The substitute was adopted, and Mr. Blackman was appointed on the committee to fill the place of Lieutenant Governor Pinchback.

THE VACANCIES IN THE SENATE.

On the motion to appoint a committee to notify the Governor of the deaths of Senators Pierce and Fish—

Mr. McMillen said: I am in faver of the object of this resolution; that is, to notify the Governor of the death of two of our number. This fact has never been announced on this floor, but I presume we all admit it to be true. I do not see the use, however, of appointing a committee for this purpose. I suggest that the resolution be changed so as to instruct the Secretary to notify the Governor of the vacancies.

Mr. Blackman—Will the Governor accept such a notice?

Mr. McMillen—Certainly he will; the Secretary writes a letter, it becomes a matter of record, and then the Governor will order an election.

Mr. Blackman—What is the objection to appointing a committee?

Mr. McMillen—Because it is an unusual course.

Mr. Blackman—Then pass a resolution, and send him a copy.

Mr. McMillen—I will agree to that.

Mr. Hunsaker—My only object is to avoid the excitement and expense of an election at this time. If an election were ordered the Senators could not get in before the close of the session. I would suggest, as a means of avoiding expense to the State and the excitement of an election, that this matter be referred to the Committee on Election and Qualifications, with a view for them to report back, so that the Governor may know of the fact in time for the general election in 1872. This avoids unnecessary expense to the State, and a great deal of excitement to the city. There is still another point. Under what law can an election be held? I do not know if there is any election law or not. My friend from Claiborne wants a fair deal, and I know that he is not willing to submit to an election under the old regime. I move to refer this matter to the Committee on Election and Qualifications.

Mr. Gallup seconded the motion.

Mr. Ingraham—It is well known to the Senate that there are two vacancies in this body. The first fact is that the Secretary has omitted from the roll the names of Senators Fish and Pierce. Senator Pierce, I know, is dead, for in connection with the executive I attended his funeral. Every Senator on this floor represents on an average nineteen thousand people; the consequence is that by the unfilled vacancy occasioned by the death of Senator Fish, nineteen thousand people are left without representation in the Senate of Louisiana. Senator Pierce, by a strange change of circumstances, represented over forty thousand people in the Fourth District. They are without representation here, and their interests require as much attention here as the people of the parish of St. James.

It being now one o'clock, the President called for the order of the day.

Mr. Ray moved to postpone the order of the day until two o'clock.

Mr. Hunsaker objected.

The Chair decided that without unanimous concent the order of the day could not be postponed.

RECOVERY OF STATE COTTON.

The message of the Governor was read vetoing the bill providing for the appointment of a committee to obtain compensation for cotton, sugar, etc., belonging to the State, improperly taken possession of by the government of the United States at the time of the surrender.

Mr. Blackman said—I was the author of this resolution, and for these reasons: I was informed by gentlemen cognizant of the facts—some of the best citizens of the State—that at the time of the surrender at Shreveport, where the then State government under Confederate authority was established, there were immense quantities of cotton, sugar, and other valuable products and property, which were taken possession of by the United States authorities as captured property under the act of Congress. This act extended to abandoned property in the South, but under no circumstances could it be considered that the act of Congress authorized the general government or its officers, after the surrender of the Confederate army and after they had retired from the field, to take possession of $6,000,000 or $8,000,000 of cotton and sugar belonging to the State. As I am informed, the officers of the general government, in violation of the law, did take possession of this amount of property belonging to the State and placed the proceeds in the coffers of the United States. It was for the purpose of investigating these facts—of finding out how much property has been taken possesion of, and how much it was worth, and of presenting to Congress a memorial requesting that the State be reimbursed the value of property thus illegally taken away by its revenue officers, that I introduced this resolution. I thought it very proper legislation, and I think so now. Some of the best citizens of the State are cognizant of the facts. The books of Governor Allen and his cotton agents will exhibit all that is necessary to establish a basis for this claim. They are here in the city of New Orleans. If the property did belong to the State of Louisiana, and was surreptitiously taken possession of by the federal government it should be returned to the State. There is no expense to the State involved in this resolution; it provides no mileage or per diem; it does not provide that they shall receive any compensation except a percentage out of the amount which they may recover for the State. I therefore considered the resolution not only a proper but an unimportant one. If the property belongs to us let us claim it; if it does not—if, after a fair investigation the commission decides that the State government has no claim on the general government—no harm is done. Perhaps the Governor does not understand the objects and purport of this resolution; perhaps he was not cognizant of the fact that there was a large amount of property belonging to the State taken possession of by the officers of the United States government. There is another object I had in view in the introduction of this resolution. A large number of the citizens of the State of Louisiana, during the troublous times of 1864 and 1865, when one portion of the State was inundated and a portion of the people up Red River and on the Teche were in a starving condition, were destitute of the necessaries of life. There were other portions of the people who had cotton and sugar. An appeal was made to them, and for charitable purposes they gladly granted to these starving peeple of Louisiana, through the then executive, Governor Allen, their cotton and sugar, and the proceeds were distributed among the impoverished and starving. These people now claim, and I think justly, compensation for the amount of cotton, sugar and supplies which, in time of war, they advanced to the State government, not for war purposes, but for purposes of charity. The State being in rebellion is no reason why all the bonds of society should be unloosed. It is no reason why a charitable object should not be pursued. It is no reason why care should not be taken of the suffering and starving poor. The object of the resolution was not only to obtain what was due the State of Louisiana, but to return to those citizens who were patriotic enough to aid the suffering and distressed in their hour of trouble, to return to them out of the proceeds recovered from the national government, the amount advanced by them to the State.

Mr. McMillen inquired in what year these contributions were made.

Mr. Blackman—Some in 1865.

Mr. McMillen—Who was Governor then?

Mr. Blackman—Governor Allen.

Mr. McMillen—Were there not two Governors?

Mr. Blackman—Yes, there were two governments existing. I do not propose to discuss the constitutional question as to whether the government at New Orleans was the only lawful and loyal government, which it is now claimed it was, and which, perhaps, it was. The very moment the bayonet was withdrawn; the very moment there was no obstruction to the execution of the laws; the very moment the State of Louisiana surrendered, that very moment the legal and lawful government of Louisiana was in New Orleans, and that government became the owner of all the property belonging to the State of Louisiana. If the position of the gentleman is right, there was a legal government in Louisiana in 1865, and the State became the lawful owner of this property the very moment the confederates surrendered. This is not an extraordinary demand; it is a thing done by almost every State government. The State of Louisiana has as much right to make its claim as a private individual has. If we can make out our case, as I am informed we can, the appointment of this committee will not cost the State one cent, and may bring from four to eight millions of dollars to the State government. I therefore hope, in view of the facts I have stated, that the Senate will pass this resolution over the veto of the Governor.

[Mr. Harris in the chair.]

RECUSATION OF DEFENDANTS IN DISTRICT COURTS OF NEW ORLEANS.

The message of the Governor vetoing the bill in reference to the above named subject having been taken up—

Mr. Ray said: Mr. President, as the introducer of this bill, I desire to say that the veto message does not properly cover it. There are in the parish of Orleans four district courts of concurrent jurisdiction, and it very frequently happens that the presiding judges entertain different views on the same question, without being actuated by any improper motives. It is probable also that they may sometimes entertain prejudice against parties defendant in cases before them. The plaintiff has a right to institute his suit in any court he pleases, and if the point involved has been decided in a similar case previously in his favor, he will, in all probability, bring his suit before the court which has so decided. He may also know that a particular judge entertains animosity against the party he desires to sue, which will induce him to bring his suit before that judge. The object of this bill is to give the defendant also the right to select the court before which his case shall be tried. It provides that he may, before any proceedings are had, recuse the judge and name two of the other three courts to either one of which the case shall be transferred for trial, the choice being left to the court. All suits for amounts under $500 are appealable, and I am told that parties plaintiff frequently remit enough on their claims to make the case unappealable, and then bring it before a judge whom they know it prejudiced against the other party, or who has decidad favorably a similar case previously. I do not intend in any way to impeach the integrity or honesty of the district judges here. It is perfectly natural that they should sometimes differ in their legal opinions, and, as I said before, they are but human and may entertain animosity or prejudice against one of the parties litigant. In the latter case there is no redress for the defendant if the case should be unappealable. No injustice can be done by the passage of this bill over the veto of his excellency. The special jurisdiction of the Eighth District Court is not to be interfered with. I was informed at the last session of the General Assembly by several eminent lawyers of this city that the passage of such a bill as this would be beneficial to the administration of justice. I am satisfied that the Governor, when he vetoed it, did not have its merits properly presented to his mind. I make these observations in reference to the bill, not because I have any private interest in it, as it does not apply to the country courts, but because I desire exact and equal justice to be meted out to both parties litigant in the courts here. The progress of litigation will not be delayed in the slightest degree, as the bill provides that the recusation shall be filed before any proceedings are had, and that the case shall be transferred immediately to the other court to be tried in due course of law. It has been prepared by a very able and ingenious lawyer of this city.

Mr. Campbell—The magnitude of the evil of which the Senator from Ouachita (Mr. Ray) complains, has not been exaggerated. I am told by very good authority that the judge of one of our district courts has decided claims against the city, all of less than $500 each, amounting in the aggregate to $150,000 or $200,000, it being held that the plaintiff, by a fictitious assignment of his claim into different parcels, may sue for thousands of dollars and make the suits unappealable. The judge of the Sixth District Court, on account of the hostility he entertains toward the city government, has allowed his legal opinion to be prejudiced to such an extent that such cases are brought before him entirely. The result is that the city has been mulcted to a heavy amount. I submit, however, that the proper way to remedy this evil is to enact a law giving protection to the city in cases under $500. The great grievance complained of is that a party may, by fictitious assignments, make a claim of $500 or more unappealable. I understand that the same prejudice exists in the mind of, the judge of the Sixth District Court against the school board and the Metropolitan Police Board, and that judgments to a very large amount have been obtained upon fraudulent claims against those bodies. I think the objections of his excellency are weighty. I will call the attention of Senator Ray to the fact that this bill, if it became a law, would give to the defendant the right which the plaintiff has now—the privilege of choosing the court in which his case shall be tried—depriving the plaintiff of all option in the matter.

The veto of the Governor was sustained.

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

DEBATES IN THE HOUSE.

FRIDAY, February 9, 1872.

The appropriation bill was sent up from the Senate, asking that another conference committee be appointed.

Mr. Dewees said: Mr. Speaker, I hope the House will refuse to appoint this conference committee. We appointed one committee, and they met; they agreed upon a bill, and when the bill was reported to the Senate, those men that voted for it in the committee room voted against it down stairs. Now, sir, we can not believe in them, and I hope the House will refuse to grant the request.

Mr. Davidson, of Livingston—Mr. Speaker, I wish to make a statement to the House. The reason the bill did not pass the Senate was because we refused to leave the clause giving the Senate $17,500 for contingent expenses. I told them before I would sign that bill we would do without it. I now ask unanimous consent to introduce a bill that I think will do all that is required.

The bill was read.

Mr. Garstkamp—I would ask the gentleman if that bill provides for the session of 1871 or 1872?

Mr. Davidson—For 1872.

Mr. Harry Lott, of Rapides—I would ask the gentleman if the bill provides for the extra session of the Senate.

Mr. Davidson—It does.

Mr. Lott—Then I object.

Mr. Davidson—Then it will kill the bill.

The bill was finally passed.

Mr. Bryan of Calcasieu said, in reference to the report of the Committee on Parochial Affairs:

Mr. Speaker—There is a motion to adopt the report of the committee (which is favorable) on the bill to change the boundaries of Cameron, Calcasieu, St. Landry and Vermilion.

Now, sir, as this is a matter in which the people of Cameron and those which have the honor to represent are interested, I desire, before taking the vote on the adoption of the report, to make a few remarks relative thereto.

Mr. Fontelieu and others, in the absence of the Representative of Cameron parish, introduced a bill, substantiated by a memorial with quite a list of names, asking this Legislature to change the boundaries of Cameron, and the location of her parish site to a point outside of the said parish as it now exits, and at a distance of about sixty miles from the present courthouse. The boundary which this bill will establish, if passed, is so near my parish site as may make it necessary to move the courthouse to give it a central position in the parish, at a probable cost of ten or fifteen thousand dollars. Mr. Clerk, please hand me the memorial accompanying this bill; I wish to see how many genuine signatures it contains of the citizens of Cameron and Calcasieu.

The petition is not produced. This is very significant, indeed. A petition or memorial asking for the passage of a bill, and filed with it, but lost or mislaid at the very time when it should be exhibited for inspection, is, certainly, if it is the document it purports to be, very remarkable. Now, Mr. Speaker, if this was a measure of reform, and to the interest of the people of the parishes of Calcasieu and Cameron, I would be ready to give it my support; but as it is just the reverse, I am forced to oppose it.

I hope that the House will reject the report of the committee.

I now, sir, call for the yeas and nays on the motion to adopt the report of the committee.

Speaker Brewster—Before the House acts on this motion I desire to say a few words. I ask the members of this House when they propose to legislate? You all know there are many important measures of reform to be passed, and we have but a few days more to perform our duties. Monday will be Lincoln's birth-day, a day set apart by you as a holiday. Tuesday will be Mardi Gras, and there will be no session that day. And then comes the twenty-second of February, which is a national holiday. Now, I ask the House when it proposes to legislate? We have been here the best of the session and have actually succeeded in doing nothing.

I, for one—if we do not accomplish these desired reforms—will be ashamed to go back to my constituents and tell them we have not carried through the reforms they so much need. I would suggest to the House that it remain in daily session until four or five o'clock. Then we can get through the calendar—the regular order of business. If we do not, we will be under the necessity of holding night sessions, at which, the members all know, there is considerable discussion and excitement, and very little business accomplished. I make these remarks with the hope that the House will proceed to business. If, as the people desire, proper legislation is not accomplished, the responsibility will not be upon the Speaker.

SATURDAY, February 10, 1872.

Mr. Dewees rose to a question of privilege and said:

Mr. Speaker, in this morning's *Times* I notice in the testimony of a man named John Burke that he makes charges against me before the congressional committee, and I want to show how utterly false the charges are. I never knew that he was the receiver of the United States Land Office in this city, and I never called at his office and had the conversation which he testifies before the committee. He said that Mr. Carr drew a pistol on the third of January in this House. That is another falsehood. Mr. Carr did not draw a pistol. Now I do not deny being arrested in 1866, but how was it done? I was at that time chief of the military police under Captain Morse, who was acting provost marshal. Colonel Lemley, a lawyer, came to the marshal's office, and gave information that his men were under arrest in the Fourth District, and they were refused a hearing by the recorder. The provost marshal asked me to investigate the case. I went to the place where they were confined, and while there I was locked up, for what, at that time, I did not know. I was kept there two days. I, after considerable trouble, succeeded in procuring a man to carry a note to Henry Train, Esq., a lawyer. This gentleman had me brought before Judge Abell on a writ of habeas corpus, and I was released on giving $1000 bail to appear when summoned. Up to this time no charge has been preferred against. I was informed some time afterward that two men had been arrested with a bundle of clothes in their possession, and that they had said I advised them to commit robberies. This charge was preferred against me and assigned as the reason of my arrest. A few months before my first arrest I was ordered to place a guard around a man's house for the purpose of securing his arrest. I was then charged with going to the man's house with an armed force to rob him. My case was brought up in the First District Court, when the prosecutors offered to enter a nolle prosequi, but the proposition was refused, and the case submitted to a jury, and they rendered a verdict of not guilty without leaving their seats. Now, I have letters from prominent men showing my entire innocence on all these charges. One of these letters is from General Baird, and another from the foreman of the jury, entirely exonerating me from these four charges. I ask that they may be printed in the journal.

Mr. Carr, of De Soto—I also rise to a personal explanation. I notice in this morning's *Picayune*, in the testimony of one John Burke before the congressional committee, he says that he saw me with a pistol drawn on the floor of this House, on the fourth day of January. Now, Mr. Speaker, that man is a perjurer. He tells a falsehood.

I testified before the congressional committee that I did not have a pistol in my hand Thursday. In answer to their question, "Did you have a pistol in your hand?" I answered, "No, I did not; I did not have a firearm of any kind, neither pistol, revolver, knife or any thing; I had a pistol on my person, but I did not have it in my hand." And I defy any one to tell me that they saw either pistol, knife, revolver, or firearms of any kind. If any man says I did, that man is a liar.

Also the charge made on the day previous, in regard to my receiving a bribe from the Jackson railroad, is malicious and false entirely.

The subject of registration was brought up, and Mr. Murray arose to a privileged question, and said: Mr. Speaker—I come here as a Republican, and I am in as much for reform as any member upon this floor, for I do not intend to vote for anything that will affect the interests of the people I represent, and I will not vote to repeal the election laws.

The Speaker—I must call the gentleman to order; he can not rise to a privileged question at this time.

Mr. Carr—I think this motion of the gentleman from St. Tammany should prevail. We cannot surely oppose that. Let us take up the bill section by section Let us take the obnoxious sections and debate them, then we can get at the bottom of it and modify them if we so wish. The bill as it comes from the Senate is almost the same as it is upon the statute books, and it has but few changes. Let us read the bill, and what we do not like we can amend. We are pledged to reform, Mr. Speaker, and yet we find these members who cried for reform some time ago now vote to postpone the bill. What harm can we do in reading it? If you do not like it, the objectionable passages you can amend. I am willing to stay until ten o'clock to-night if it is necessary, for I want this registration law modified so as to make it acceptable to my constituents. What parts of it we do not like we can cut out and send back to the Senate.

I have read it carefully and find but little change in it; it is almost the same old law, and I know that both Democrats and Republicans are in favor of amending the old registration law. Now, we have two bills. We surely ought to take up one or the other and to go to work on it. Now is the time to show what we intend to do. Now is the time to show that we are working for reform, and I hope the members will see it in that light, and not waste any more time, but simply go to work and show their intentions to the people. Let us take up the bill immediately and debate it by clauses.

Mr. Carr to Mr. Young—I was elected just as fair and honorable as you were.

Mr. Faulkner, of Caldwell—I hope the members will adopt the motion of the gentleman from St. Tammany. We have but little time to act and make these desired reform measures which the people of this State demand, and which we as Representatives have sworn to accomplish. Now, I am in favor of considering this bill. The people expect us to do something to reform and modify this registration law. Let us give some proof of our oaths to the people we represent, and I hope the motion made to consider this registration bill will be carried this time, so that we may be able to make the desired change.

Mr. Peter Harper, of St. Charles—I understand this motion is to bring the registration bill before the House. I approve of the motion, and hope my friends will lend a listening ear to the bill, so that they may make and amend as it may suit the people of the State, and by the debating of the bill considerable light will be thrown upon this registration law; it will show the position of the members in reference to this law. I am in favor of having the votes counted; let them be cast one by one and then counted. This bill is an important one; but not so important to the Republicans as they think. They need have no fear of the registration law being changed; the Republican majority is over 5,000, and they need have no fear whatever.

I do not think we need a new registration law in my parish. When a man wants to register he does so and his vote is counted, so I do not think it is necessary in my parish, for no complaint has been made. The gentlemen here are mistaken as to its importance. The Republicans have nothing to fear for. We have 5000 majority at least.

I do not wish to deprive any one from voting or registering. No one wishes to prevent a person from registering in this State, no matter whether he be a Democrat or Republican. I do not see why objections are made against this bill. We ought to have sense enough to know whether it intends to deprive a Republican from registering; if we can not we ought to let it go. If we have not sense enough to know whether the bill is a safe one, we have not sense enough to vote; and I again say there is not that importance attached to this bill that many members think there is. The Democrats opposed this registration law because it gave the same privileges to the black men as to the white. In 1870 a great change occurred. This was all the Republicans could ask for. It gave them all the privileges that the whites enjoyed, and now they have nothing to fear. I hope the members will not spend any more time in filibustering, but at once proceed to take the bill up.

Mr. Young, of Concordia—I want to know by what rules the Speaker of this House is governed. My friend (Mr. Demas) moved that the yeas and nays be called on this question, and his call was seconded by some fifteen or twenty members, and yet the Speaker refused to put his question. Now, I will here state that my friends here are opposed to pushing this bill to-day. The colored vote is all opposed to it at this time. We are not opposed to retrenchment and reform, but we are opposed to this bill unless we have it printed and laid upon our desks, and we will do all we can against its passage to-day. This is an advantage, and we mean to take all the advantage we can.

The Speaker—If Mr. Demas had made a motion in the proper time, and the Chair had heard it, he would have put it before the House in a parliamentary manner; but the Speaker heard no such motion, and I will here state that it is a wonder that the Speaker hears any motion, as there is so much confusion and noise.

Mr. Barrett—I rise to a question of information. Is this the Senate bill?

The Speaker—It is.

Mr. Barrett—Then I call upon every colored member upon this floor to vote against it, untli it is printed and laid upon our desks. I am in favor of reform, as much as any member upon this floor; but as a Republican I will not vote for anything that will be detrimental to my people.

Mr. Davidson—I desire to say but a few words on this subject. I had hoped that after what Mr. Harper had said that the members would understand the situation thoroughly; but it seems they do not; and I had hoped that they might go along without any trouble; but it seems they can not. I will say here that there is nothing wrong in this bill, and I hope the members will allow the bill to come up, so that we can settle the question. We have but a few days yet; let us go to work and accomplish these reforms.

The bill was ordered to be printed, and made the special order of the day for Wednesday at one o'clock.

A Swindling Clerk Arrested.

John N. Ehle, clerk of the Third Auditor's office of the Treasury Department, was arrested last week on a warrant at the instance of the Third Auditor, who charges him with stealing from the files of the office certain abstracts and evidence of indebtedness on which to base a fraudulent claim against the government. The Third Auditor says that the accused used one set of vouchers by filing them in connection with a fraudulent claim, but at present it is impossible to tell whether he ever succeeded in actually obtaining any similar claims through the office. Ehle, as he abstracted the papers, passed them over to a supposed confederate, but who in reality was a detective employed to watch his operations. He was required to give bond.

This is a special to the Chicago *Tribune*:

WASHINGTON, February 8.—In regard to the charge that six packages of cigars addressed to the President and Secretaries Fish and Robeson had been smuggled at Key West, the agents of the steamship line publish the following statement:

"The facts are that several packages did arrive by the Liberty addressed to each of the gentlemen named. The packages were regularly and duly manifested, and, on the arrival of the vessel, entered at the Customhouse, examined and appraised by the regularly constituted officer, and the duties paid. None of the packages contained cigars, but, on the contrary, consisted of guava jelly and conserves."

The Indianapolis *Journal* has repeatedly expressed its strong preference for the renomination of General Grant, but under the light of recent developments it sees proper to make this important proviso: Quite a number of Indiana papers have spoken favorably of Mr. Colfax's candidacy for the Presidency. For him it is claimed that he would have more friends and supporters among the disaffected elements of the Republican party than any one who has been named. The friends of Trumbull, Schurz, Sumner, Logan, Fenton and Greeley, would, it is said, all cordially unite in his support, and it is becoming a serious question whether Grant or any other man can be elected in spite of their opposition. It is also urged that ever since the death of Mr. Lincoln the Republican party has been divided, and that the renomination of Grant would not be likely to heal our dissensions. It is worth while to consider the propriety of a course that might entail upon us four years more of bitter warfare inside of the ranks of the Republican party. At all events, let us travel carefully over the dangerous places, and not shut our eyes to passing events. We are glad to see the press of the State speak with becoming freedom on this all important subject.

A Chicago *Times'* reporter has interviewed the British consul at Chicago on the subject of the threatened war: "He had no idea there would be a war. If there was, it would be an exceedingly popular one, and probably benefit all parties, as he considered that the farthest England would go would be to lose her possessions on this continent, and then ask if we were satisfied, and ready to make peace. She would rather do that, he thought, than keep Canada and pay the Alabama claims. For in reality Canada was a big burden on England."

A New York man has been attacked by elephantiasis, or swelling of the system. At each of his regular meals he consumes one of beef, a half dozen potatoes and a quart of soup. The physician who is endeavoring to save him allows him, besides his regular meals, six ounces of whisky, four eggs, twenty-four oysters, six quarts of milk, one pound of beef, two quarts of beef soup, a half pound of crackers, one quart of rice, and some gruel. The poor wretch has already attained a weight of 500 pounds, and is rapidly expanding.

The New York *Commercial Advertiser* says that Grant is not afraid of anything but the *Courier Journal*. Grant *is* afraid of the *Courier-Journal*. A man who has accepted as many presents as Grant has a right to be afraid of anything that would cost him $12 a year.—*Louisville Courier Journal.*

Yes, and he would have as much right to be "afraid" if it only cost him fifty cents—afraid of being very badly cheated.—*New York Commercial Advertiser.*