

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

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

Fifty-first Day's Session. SENATE CHAMBER, Thursday, February 29, 1872. The Senate met pursuant to adjournment.

Present—Hon. P. B. S. Pinchback, Lieutenant Governor and President of the Senate, Messrs. Anderson, Barber, Blackman, Bowman, Butler, Campbell, Copland, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox, Wilcox—33.

Prayer by the Chaplain. MESSAGES FROM THE HOUSE. HOUSE OF REPRESENTATIVES, February 29, 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: House bill No. 478, an act to authorize the police jury of the parish of St. Helena to issue bonds for each year, and to regulate the payment of costs of appeals.

House bill No. 479, an act to incorporate the New Orleans Oil and Powder Depot and Warehouse Company, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

Also, a concurrent resolution in House concurrent resolution relative to the compensation of the clerks and employes of the General Assembly of the State of Louisiana for the session of 1871-72.

And that the House has concurred in Senate concurrent resolutions, as follows: Concurrent resolution, by Mr. O'Hara, relative to Barataria, Lafourche and Terrebonne Navigation Company.

Concurrent resolution, by Mr. Campbell, relative to New Orleans and Northeastern Railroad.

Concurrent resolution, by Mr. Harris, relative to joint special committee, in accordance with section 1543 of Revised Statutes.

Also, that the House has concurred in the following Senate bills: Senate bill No. 294, an act to amend and re-enact section two of an act entitled an act to form a new parish, to be called the parish of Red River.

Senate bill No. 308, an act to incorporate an independent hook and ladder fire company in the town of Alexandria, etc.

Respectfully, A. C. WHITNEY, Assistant Clerk. HOUSE OF REPRESENTATIVES, February 29, 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: House bill No. 475, an act to authorize the Council of the city of New Orleans to levy a police tax, to regulate levies of taxes, and to provide for the collection of the same.

Also, that the House has concurred in Senate concurrent resolution (by Mr. Lynch), relative to introduction of bills.

Respectfully, C. WHITNEY, Assistant Clerk House of Representatives.

REPORTS OF COMMITTEES. The standing Committee on Reforms to which was referred the memorial of Lucy Stone, Julia Ward Howe, Mary Green, Mrs. Dr. Walker and other strong-minded and patriotic women of this State, and the memorial from the General Assembly of the State of Louisiana, to add them in obtaining their rights, and particularly the right to vote, beg leave to report favorably upon the same, and to bring before the Senate the organization at this time of the females of strong mind, over the entire country, into a fifth party as an absolute necessity—expressing the hope that the qualifications of the memorialists to bring about the reform we so much need. We have every assurance they can quiet the excitement of politicians, influence the General Assembly, and bring about a reform which many other good and wholesome things your Committee on Reforms have not thus far been able to accomplish.

S. M. THOMAS, Chairman. MAJORITY REPORT. To the Honorable President and Members of the Senate: The Committee on Banks and Banking, to which was referred the memorial of the Citizens' Bank of Louisiana, and also an inquiry into the condition of the Consolidated Association of the Planters of Louisiana, herewith submit the following report: By virtue of law enacted on the thirteenth of January, 1856, to provide a capital for the Citizens' Bank, State bonds have been issued at various times for that purpose, amounting in the aggregate to \$7,150,000, maturing from the first of February, 1857, to the first of February, 1872.

Of these bonds of \$2,800,000 have been paid, leaving \$4,350,000, maturing as follows: \$1,200,000 on the first of February, 1857; \$1,200,000 on the first of February, 1858; \$900,000 on the first of February, 1859; \$1,200,000 on the first of February, 1860.

The guarantee for their payment consists in mortgages on real estate in Louisiana, amounting to \$14,000,000, and in bonds which property is located in the city of New Orleans, and the remaining two-thirds in the country parishes. An additional liability, growing out of the bonds issued, arises from coupons in the sum of \$7,000,000, which are detested by agreed extension to the years 1872, 1873, 1874 and 1875. There may be a small amount of coupons outstanding, now due and unpaid; it is, however, believed they have not been offered for payment, and funds are provided to meet them whenever presented.

By act No. 5 of the Legislature, approved February 18, 1866, the issue of \$250,000 of State bonds was authorized, to redeem certain certificates of indebtedness ordered under that act. These bonds, under joint resolution No. 10, approved March 16, 1870, were to be deposited in the Citizens' Bank as a pledge to secure the loan of \$125,000 made by that bank to the State. The joint resolution No. 10, already cited, created a board of commissioners, comprising the president of the bank, the Governor and the State Treasurer, who were empowered to negotiate the sale of these bonds at their own discretion. The bonds were accordingly sold under instructions from the commission on the tenth of May, 1871, at sixty-four cents net, realizing of May, 1871, of \$160,000. From this sum was deducted the principal and interest of the loan, then amounting to \$131,100, leaving a surplus amounting to \$28,900, which was banked to the credit of the State coupon fund.

Under joint resolution No. 48, approved March 1, 1869, \$100,000 of the State six per cent bonds of 1866, as a pledge for loans made by the State to the bank, and amounting to \$248,000. These bonds were sold according to law, under joint resolution No. 10, approved March 16, 1870, from which the loan and interest, then amounting to \$268,367.60, was deducted; leaving a surplus of \$80,632.40, which was transferred to State coupon fund.

changers of \$2,000,000, at ninety cents, less the charges and interest, the proceeds of which sale, amounting to \$1,756,655.92, were transferred to the State Treasurer. The remaining \$1,000,000 were bought by P. B. S. Pinchback, also at ninety cents, less the interest, giving as net proceeds \$886,707.17, which was made payable in warrants of the Board of Public Works, and which were exchanged for the Auditor's warrants, and it has had due course through the State treasury.

The Citizens' Bank, as fiscal agent of the State, made the following disposition of the \$3,000,000 of bonds issued in pursuance of an act, No. 49, passed in extra session, and approved March 15, 1870: \$2,000,000 of these bonds were delivered to Hunt & Macaulay, for \$1,438,038.49, which was transferred to the State Treasurer; \$993,000 were, under proper instructions, exchanged by the bank for evidences of debts of the State, which have had due course through the Auditor's and Treasurer's departments; and \$700,000 were sold for currency at seventy-two cents, the return of \$504,000, which, in April and June of 1871, was transferred to the State treasury.

The special and general inquiries enjoined by your instructions having thus been made, and their result embodied in the foregoing report, I am respectfully to report to you my opinion that the Citizens' Bank has faithfully discharged its duty as fiscal agent of the State.

The Consolidated Association of the Planters of Louisiana was created by an act of the Legislature approved February 22, 1871, with a capital of \$2,500,000, the faith of the State being pledged for the same. Two thousand five hundred bonds of \$500 each were accordingly issued to cover that amount, and deposited with the State Treasurer. The bonds were secured and their payment provided for by the deposit of \$3,000,000 of stockholders' mortgage bonds as collateral pledges in the vaults of the association. The subsequent operations of the bank disclosed the facts that ultimate loss was inevitable; that the assets of the bank would be insufficient to meet its debts, and that a contribution from the stockholders would be required to meet the deficiency. The Legislature, on April 5, 1871, enacted a law which authorized the managers to extend the terms of payment of the bonds to six, twelve, fifteen and eighteen years, and that they should also exact an annual contribution from the stockholders adequate to meet the obligations of the State as they fell due. In compliance with this act, a contribution of \$400,000 was levied and made payable by annual installments in seventeen years, by apportioning \$6 to the amount to be paid on each share of stock.

And that the outstanding State bonds amounted to \$1,376,000, which was divided into five payments, as follows: \$275,200 on June 30, 1874; \$275,200 on June 30, 1875; \$275,200 on June 30, 1876; \$275,200 on June 30, 1877; and \$275,200 on June 30, 1878.

The first three payments were punctually made, and also a part of the fourth. But owing to the losses entailed upon the stockholders by the fire, the balance of the fourth payment, together with the fifth and last, could not be paid, leaving a balance still remaining due in 1876 of \$340,800. In that year the Legislature authorized the managers of the association, and on the twenty-sixth of February, authorized a further extension of ten years in which to liquidate the affairs of the association. Under this act the amount was divided into four installments, maturing as follows: \$135,200 on June 30, 1879; \$135,200 on June 30, 1880; \$135,200 on June 30, 1881; and \$135,200 on June 30, 1882.

These amounts have not been promptly met, only \$34,450 having been paid up to this date, leaving as a balance due upon the outstanding bonds the sum of \$306,350, to which should be added, as the additional debt of the bank, \$400,000 of State bonds and coupons now due, giving as the aggregate amount of indebtedness the sum of \$706,350. The original mortgages securing the State bonds are reported to be sufficient to guarantee the State against any eventual loss.

The State bonds paid previous to the first act of legislative relief above cited were delivered at their several periods of payment, to the Governor, as they appear by the receipts on file at the bank.

The State holds two thousand shares of the capital stock as a bonus, with a credit of \$200,000. Dividends have been declared at various times and placed to her credit, though the losses and disasters of the association will certainly not enable it to declare any ultimate dividends at the period of its liquidation.

The State, it should be observed, though entitled to her share of any declared dividend, has never been held to be liable for any of the contributions levied to cover the interest on the bonds of the State. The Supreme Court of Louisiana, before which this question was tested under authority of the Legislature to sue the State, granted on the nineteenth of December, 1868, a judgment in favor of the State.

THOMAS C. ANDERSON, Chairman. JOHN LYNCH, GEORGE Y. KELSO.

COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 389, an act to incorporate the Dunn Monumental and Tomb Association of Louisiana.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 390, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 391, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 392, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 393, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 394, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 395, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 396, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 397, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 398, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 399, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

THOMAS H. NOLAND, Chairman. COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 400, an act to incorporate the Citizens' Bank of Louisiana, and to authorize the police juries of the parishes of East and West Feliciana to issue bonds for certain purposes.

COMMITTEE ON ENROLLMENT. To the Honorable President and Members of the Senate: Your Committee on Enrollment and Engraving beg leave to report as duly enrolled: Senate bill No. 381, an act to incorporate the town of Waterloo, in the parish of Orleans, and to divide the State into judicial districts; to fix the terms of holding courts in the parishes throughout the State; to fix the salaries of district judges, and specifying how the warrants of said judges shall be received in payments of taxes and licenses, and for other purposes.

The additional section offered by Mr. Hunsaker, providing for a Ninth District Court in the parish of Orleans, was considered.

Mr. Blackman raised the point of order, that the Senate having yesterday ordered to lie on the table a House bill on the same subject matter as the substitute of Mr. Hunsaker, it was not in order to now consider the substitute.

The President referred the point of order to the Senate for decision. On a call of the yeas and nays, the Senate decided the point well taken by the following vote: Yeas—Anderson, Blackman, Bowman, Copland, Daigle, Ingraham, McMillen, Noland, Ray, Smith, Sypher, Thomas, Thompson, Wilcox—16.

Nays—Barber, Butler, Gallup, Harris, Hunsaker, Jenks, Pinchback, Swords, Twitchell—17.

Mr. Daigle offered a substitute for the bill, which was ordered to lie on the table. On motion of Mr. Hunsaker the bill itself was ordered to lie on the table.

Senate bill No. 386, to be entitled an act providing how subscriptions may be made by parishes, cities and municipal corporations to railroad, canal, plankroad, bridge or other incorporated company, for work of internal improvement, and providing such subscriptions may be paid for in bonds of the corporation subscribing, and authorizing a tax to pay such bonds and interest, and how such tax shall be levied and collected and disbursed, and providing for the ratification of such subscriptions, bonds and interest, and prescribing certain penalties for a failure to pay such bonds, and how the railroad or other company shall ratify the subscriptions, and providing what shall be used as evidence in certain cases.

The bill was considered engrossed for its third reading. The constitutional rule was then suspended by a four-fifths affirmative vote: Yeas—Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—29.

Nays—Blackman, Bowman, Copland, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, Noland, Pinchback, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—19.

Passed its second reading, and considered engrossed for a third reading. The constitutional rule was then suspended by a four-fifths affirmative vote: Yeas—Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—29.

Nays—Blackman, Bowman, Copland, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, Noland, Pinchback, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—19.

Passed its second reading, and considered engrossed for a third reading. The constitutional rule was then suspended by a four-fifths affirmative vote: Yeas—Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—29.

Nays—Blackman, Bowman, Copland, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, Noland, Pinchback, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—19.

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Nays—Blackman, Bowman, Copland, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, Noland, Pinchback, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—19.

holding courts in the parishes throughout the State; to fix the salaries of district judges, and specifying how the warrants of said judges shall be received in payments of taxes and licenses, and for other purposes.

The additional section offered by Mr. Hunsaker, providing for a Ninth District Court in the parish of Orleans, was considered.

Mr. Blackman raised the point of order, that the Senate having yesterday ordered to lie on the table a House bill on the same subject matter as the substitute of Mr. Hunsaker, it was not in order to now consider the substitute.

The President referred the point of order to the Senate for decision. On a call of the yeas and nays, the Senate decided the point well taken by the following vote: Yeas—Anderson, Blackman, Bowman, Copland, Daigle, Ingraham, McMillen, Noland, Ray, Smith, Sypher, Thomas, Thompson, Wilcox—16.

Nays—Barber, Butler, Gallup, Harris, Hunsaker, Jenks, Pinchback, Swords, Twitchell—17.

Mr. Daigle offered a substitute for the bill, which was ordered to lie on the table. On motion of Mr. Hunsaker the bill itself was ordered to lie on the table.

Senate bill No. 386, to be entitled an act providing how subscriptions may be made by parishes, cities and municipal corporations to railroad, canal, plankroad, bridge or other incorporated company, for work of internal improvement, and providing such subscriptions may be paid for in bonds of the corporation subscribing, and authorizing a tax to pay such bonds and interest, and how such tax shall be levied and collected and disbursed, and providing for the ratification of such subscriptions, bonds and interest, and prescribing certain penalties for a failure to pay such bonds, and how the railroad or other company shall ratify the subscriptions, and providing what shall be used as evidence in certain cases.

The bill was considered engrossed for its third reading. The constitutional rule was then suspended by a four-fifths affirmative vote: Yeas—Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Daigle, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Lewis, Lynch, McMillen, O'Hara, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Wilcox—29.

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

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

House bill No. 353, for the maintenance of the poor, etc., was taken up, and passed its first reading.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill put on its second reading, and on motion of Mr. Blackman, indefinitely postponed.

Senate bill No. 379, relative to Loan and Building Association, was considered engrossed for a third reading.

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

Senate bill No. 368, relief for Douglas, was considered engrossed for a third reading.

The constitutional rule was further suspended by a four-fifths affirmative vote, the bill put on its second reading, and considered engrossed for a third reading.

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

The constitutional rule was further suspended by a four-fifths affirmative vote, the bill put on its second reading, and considered engrossed for a third reading.

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

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The constitutional rule was further suspended by a four-fifths affirmative vote, the bill put on its second reading, and considered engrossed for a third reading.

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