

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

PROCEEDINGS OF THE SENATE

EXTRA SESSION OF THE THIRD GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

Seventeenth Day's Session. SENATE CHAMBER, New Orleans, December 29, 1872.

The Senate met pursuant to adjournment, and was called to order by Hon. A. B. Harris, Lieutenant Governor of the State and President of the Senate.

On call of the roll the following Senators answered to their names:

Present—Hon. A. B. Harris, and Messrs. Alexander, Barber, Blackburn, Cane, Green, P. F. Herwig, Hunsaker, Ingraham, Kelso, Mascio, Noland, Sypher, Todd, Wharton—18.

The President announced that there was not a quorum present.

Mr. Herwig moved to adjourn.

The yeas and nays on the question of adjournment resulted as follows:

Yeas—Alexander, Blackburn, P. F. Herwig, Wharton—4.

Nays—Barber, Blunt, Burch, Brewster, Cane, Green, Hunsaker, Harper, Ingraham, Jenkins, Kelso, Mascio, Noland, Sypher, Stamps, Todd—14.

Members present refused to adjourn.

Additional members having arrived, the President announced a quorum present, as per vote just taken.

Prayer by the Chaplain.

Reading of the minutes of yesterday's proceedings was dispensed with and the President announced that the journal of yesterday's proceedings stood approved, after the same had been corrected by order of the Senate.

REPORTS OF COMMITTEES.

Mr. Hunsaker, chairman of the Committee on Judiciary, reported favorably upon Senate bill No. 13, a bill to be entitled an act for the relief of J. N. Shawham.

Also, favorably on Senate bill No. 7, relative to fees and emoluments of Auditor.

Also, Senate bill No. 8, to limit contingent expenses of the Senate, recommending its reference to the Committee on Retrenchment and Reform.

Laid over.

By Mr. Herwig, chairman, from the Committee on Finance, unfavorably on Senate bill No. 10, to be entitled an act for the relief of taxpayers, as follows: For the reasons that these back taxes are considered when received as pledge for the payment of warrants drawn against the various funds to which these taxes are payable, and it would be unjust to those persons who have already paid their taxes to release these delinquents. The State's ability to pay its warrants is predicated upon the taxes as assessed.

Laid over.

EXECUTIVE COMMUNICATIONS.

To the Honorable President and Members of the Senate.

I am directed by his excellency the acting Governor to inform your honorable body that he has approved the following resolutions, to wit:

Joint resolution, originating in the House, providing for a sub-committee on the conduct of the late election in the State of Louisiana.

Also, joint resolution, originating in the Senate, relative to extending the time of the State tax collectors.

A. J. CORBIN, Private Secretary.

Mr. Hunsaker moved that Senate bill No. 8, an act to limit the contingent expenses of the General Assembly, be referred to the Committee on Retrenchment and Reform.

Adopted.

Also, that Senate bill No. 13 be taken up, with a view of passage—an act for the relief of J. N. Shawham.

The bill was taken up, considered, engrossed and ordered to a third reading.

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

On motion of Mr. Burch, Senate bill No. 7 was taken up, to be entitled an act relative to the fees and emoluments of the Auditor of Public Accounts, and to repeal section three of act No. 21 of 1872, and for other purposes, and, on motion of Mr. Burch, was ordered to lie on the table subject to call.

By Mr. Stamps:

A bill to be entitled an act to amend and re-enact an act entitled an act reorganizing the police jury of the State, prescribing the number thereof, and the mode of election and fixing their duties and compensation, No. 97, approved April 27, 1871.

On motion of Mr. Stamps, the bill was taken up, put on its first reading, and read.

The constitutional rule was suspended by a four-fifths affirmative vote, and the bill ordered to the second reading, and read.

A further suspension of the constitutional rule was obtained by a four-fifths affirmative vote, the bill ordered to be considered engrossed and put on its third reading.

Bill was finally adopted with its title as stated.

On motion of Mr. Stamps, duly seconded, the Senate went into executive session.

Executive session having been raised, on call of the roll the following Senators answered to their names:

Present—Hon. A. B. Harris, and Messrs. Alexander, Barber, Blunt, Burch, Brewster, Blackburn, Cane, Green, P. F. Herwig, Hunsaker, Ingraham, Kelso, Mascio, Noland, Sypher, Stamps, Todd, Wharton—18.

The President of the Senate announced a quorum present.

RESOLUTIONS INTRODUCED.

By Mr. Ingraham:

Resolved, That the Finance Committee be and are hereby instructed to prepare and report, by bill, making all Auditor's warrants outstanding December 31, 1872, interest bearing at eight per cent per annum, and to provide for the redemption of said outstanding warrants by creating a fund of twenty per centum of all moneys received in the general fund, which fund shall be used to purchase (after paying interest on the outstanding warrants) from time to time, not oftener than once in every ninety days, as the Auditor and Treasurer may, by said proposals, advertise to purchase.

The Finance Committee also report, by bill, an act prohibiting the issue by the Auditor of any warrant or warrants on and after January 1, 1873, unless there be money in the State treasury to pay said warrants on presentation; provided, that warrants shall be issued by the Auditor in payment of the mileage, per

dien and pay of the members, officers, employes and contingent expenses of the General Assembly for the extra session of December, 1872, and of the regular session of 1873.

The resolution was taken up and read and ordered to lie over under the rules.

On motion of Mr. Ingraham the Senate voted to adjourn till Monday at the usual hour.

The President then announced that the Senate stood adjourned till Monday, December 30, at twelve o'clock M.

CHARLES H. MERRITT, Secretary of the Senate.

OFFICIAL JOURNAL OF THE HOUSE OF REPRESENTATIVES

EXTRA SESSION OF THE THIRD GENERAL ASSEMBLY OF THE STATE OF LOUISIANA.

Sixteenth Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, December 29, 1872.

The House met pursuant to adjournment, Speaker Charles W. Lowell in the chair.

On call of the roll the following members answered to their names:

Present—Messrs. Allain, Antoine, Bowman, Bryant, Barber, Blackstone, Barrow, Cunningham, Cousin, Dejeu, D. C. Davis, R. R. Davis, Devezin, Deloche, Devoezin, Dewees, Elliot, Greene, Grant, Guichard, Hedder, Hubeau, Hahn, Heath, Hedgpath, Paul Jones, M. Jones, Keating, Kern, Keys, Marcell, (Lafourche), Murrell, (Madison), Mayo, Martineau, Montalvo, Paris, Rochon, Rodrigues, Souther, Sawyer, Stewart, Surtain, Snaer, Sutherland, Sutton, Thomas, Treadwell, Williams, Wilson, Wortly, Washington, Ward, Wanda—36.

A quorum present.

Prayer by the Rev. E. Green.

On motion of Mr. Sartain, of Carroll, the reading of the journal in detail was dispensed with.

On motion, the journal was corrected and approved.

Mr. Blackstone, of Natchitoches, introduced his colleague, Mr. Ikey, who was sworn in by the Speaker.

PETITIONS, MEMORIALS AND RESOLUTIONS.

Mr. Rodrigues, of Orleans, asked leave to introduce joint resolution No. 32, directing the Senators and requesting the Representatives in Congress from this State to obtain the passage of a national civil rights law, which passed its first and second readings under a suspension of the constitutional rules.

Mr. Murrell, of Madison, moved to amend by striking out the words "Hon. Frank Morey" and insert "Hon. Charles Sumner," which was adopted.

Mr. Allain, of West Baton Rouge, offered the following as a substitute for House bill No. 25:

Resolved by the House of Representatives of the State of Louisiana, the Senate concurring, That the members of the House of Representatives and Senators of the State of Louisiana in Congress be requested to urge the passage through Congress of a civil rights bill that will insure to all classes of citizens their full rights and enjoyments as American citizens throughout the entire land.

Mr. Rodrigues, of Orleans, accepted the substitute.

Pending the discussion of the question the regular order of the day was called.

REGULAR ORDER OF THE DAY.

Mr. Allain, of West Baton Rouge, moved to postpone the regular order of the day for thirty minutes.

Lost.

When the House adjourned on last Friday, House bill No. 31, joint resolution requesting the Senators and Representatives in Congress to obtain a United States judicial district in North Louisiana, was under consideration on its final passage. The yeas and nays were demanded by Messrs. Hahn, of St. Charles, and Murrell, of Madison, resulting as follows:

Yeas—Antoine, Bryant, Blackstone, Dejeu, Devoezin, Dewees, Greene, Grant, Guichard, Hedder, Hubeau, Hahn, Heath, Hedgpath, Paul Jones, Keating, Kern, Keys, Marcell, (Lafourche), Murrell, (Madison), Mayo, Martineau, Montalvo, Paris, Rochon, Rodrigues, Souther, Sawyer, Stewart, Surtain, Snaer, Sutherland, Sutton, Thomas, Treadwell, Williams, Wilson, Wortly, Washington, Ward, Wanda—31.

Nays—Allain, Bowman, Barrow, Cunningham, Cousin, Dejeu, Dumont, Elliot, Guichard, Hubeau, Hahn, Murrell, (Lafourche), Mayo, Martineau, Montalvo, Paris, Snaer, Sutherland, Sutton, Thomas, Treadwell, Williams, Wilson, Wortly, Washington, Ward—31.

The bill finally passed, titles adopted and ordered to be sent to the Senate for concurrence.

INTRODUCTION OF BILLS.

Under a suspension of the rules Mr. Murrell, of Madison, introduced House bill No. 33, entitled an act to suppress riotous and unlawful assemblies, and to provide for the punishment of persons participating therein, and to define the duties of the officers of the State in regard thereto, and to punish officers and agents for neglect or refusal to discharge and perform duties imposed upon them by law.

Mr. Demas, of St. John the Baptist, moved to dispense with the reading of the bill in detail.

Lost.

The bill was read, and under a suspension of the constitutional rule, passed its first and second readings, and on motion was considered engrossed.

DEBATES IN THE SENATE.

The following debate took place yesterday in the Senate upon the bill to appropriate money to supply deficiencies in the appropriation to tax collectors:

Senator Ingraham—As I understand it, this is a deficiency bill. The Auditor of Public Accounts finds that, in settling with the tax collectors throughout the State, there is not a sufficient amount of the appropriation made last session, to cover what is required to be paid the tax collectors, and he takes the position that he has not the right to issue a warrant on the State Treasury, unless there is an appropriation of money to be paid the tax collectors, and he comes before the Finance Committee, and the chairman of the Finance Committee, making an appropriation of \$19,000 to cover the deficiency, so he can settle finally with the tax collectors, as they may present themselves at his office. I move the bill be put upon its second reading.

Senator Barber—There is no question, before voting, if this bill makes an appropriation of money to be taken from some special fund? And if it does, can we legally do it?

Senator Ingraham—That is not my understanding of the bill.

Senator Barber—There is the school fund, for instance.

Senator Ingraham—There is a certain commission of the tax collectors that comes out of the school fund; also out of the interest fund, and the general fund. And, as a matter of course, we have to make appropriations from each fund for the amount of the tax collectors' fee. For instance, it requires to be paid the tax collectors three thousand dollars to settle with them, and from the interest fund a few thousand dollars, and the same from the general fund. This is in accordance with usage and custom, that these amounts be

Stewart, Treadwell, Williams, Wortly, Wanda—36.

THE SENATE YESTERDAY.

Eighteenth Day's Session.

SENATE CHAMBER, New Orleans, December 30, 1872.

The Senate met pursuant to adjournment, and was called to order by Hon. A. B. Harris, Lieutenant Governor of the State and President of the Senate.

On call of the roll the following Senators answered to their names:

Hon. A. B. Harris, and Messrs. Barber, Blunt, Burch, Blackburn, Greene, Herwig, Harper, Ingraham, Kelso, Mascio, Twitchell, Wharton—18.

The President announced that there was not a quorum present, and ordered the Sergeant-at-Arms to bring in absent members.

Other members coming in, to wit: Messrs. Brewster, Butler, Noland, Stamps, Hunsaker, E. F. Herwig, Sypher, Todd, the President announced that there was then a quorum present.

Prayer by the Chaplain.

Reading of the minutes of Saturday's proceedings was dispensed with and the President announced that the journal of Saturday's proceedings stood approved, the same having been corrected by order of the Senate.

COMMUNICATIONS FROM THE AUDITOR'S DEPARTMENT.

STATE OF LOUISIANA, Auditor's Office, New Orleans, December 29, 1872.

Hon. P. F. Herwig, Chairman Finance Committee.

I enclose herewith a list of deficiencies required to be appropriated by your honorable body immediately, in order to enable this office to make settlements according to law with many of the tax collectors, appropriations to meet these items having very recently been exhausted.

Very respectfully,
CHARLES CLINTON, Auditor.

On motion of Mr. Herwig the communication was read, and ordered to be spread on the minutes of the journal of the Senate.

ANNOUNCEMENT OF COMMITTEE ON THE SENATE.

The President of the Senate announced the following special joint committee on the conduct of the late elections: Messrs. Ingraham, Barber and Wharton, to serve on the part of the Senate.

INTRODUCTION OF BILLS BY EXAMINER'S CONSENT.

By Mr. Herwig:

A bill to be entitled an act appropriating \$19,000, or so much thereof as may be necessary, to enable the Auditor of Public Accounts to make and exact prompt settlements with tax collectors.

The bill by unanimous consent was taken up and put upon first reading and read.

On motion of Mr. Herwig the constitutional rule was suspended and the bill ordered to a second reading and read.

The bill was considered engrossed and ordered ready for third reading.

A motion was made by Mr. Ingraham to suspend the constitutional rule to put the bill on its third reading and final passage.

On motion of Mr. Noland, duly seconded, the yeas and nays were ordered upon the question of a suspension of the rules.

On voting the Senate refused to suspend the rules and put the bill to its third and final reading:

Yeas—Blackburn, Blunt, Burch, Brewster, Greene, Harris, P. F. Herwig, Ingraham, Mascio, Todd—10.

Nays—Alexander, Barber, Butler, E. F. Herwig, Hunsaker, Kelso, Noland, Stamps, Webster—9.

Mr. Noland stated that he had changed his mind, and moved the reconsideration of the vote just taken.

The vote was reconsidered.

On motion of Mr. Harris, the Senate on call of the yeas and nays, made another trial for the suspension of the constitutional rule to put the bill to the third reading:

The Senate refused by the following vote on the second trial to suspend the rule:

Yeas—Barber, Blackburn, Butler, Brewster, Greene, Harris, P. F. Herwig, Kelso, Noland, Stamps, Todd, Twitchell—11.

Nays—Alexander, Ingraham, Mascio, Noland, Stamps, Todd, Twitchell—11.

The President announced that the Senate still refused to suspend the constitutional rule.

On motion of Mr. Ingraham, the bill was ordered to be the special order of the day for to-morrow, Tuesday, thirty-first instant, at 1 P. M.

NOTICE FOR FUTURE INTRODUCTION OF BILLS.

By Mr. Ingraham:

Of an act to regulate the agencies of insurance companies not incorporated by the State of Louisiana.

Of an act for the protection of holders in the State.

Of an act to encourage investments of money within the State by life insurance companies of other or foreign States.

On motion of Mr. Hunsaker, the Senate voted to adjourn till to-morrow at the usual hour.

The President then announced that the Senate stood adjourned till Tuesday, December 31, at twelve o'clock M.

taken from these funds. We did this last year. This is a deficiency amounting to \$19,000. The Auditor asks an appropriation to meet it.

Senator P. F. Herwig—I desire to have the communication read. [The communication from the Auditor was read, Charles Clinton, Auditor, was then read.] I move that the communication be spread upon the minutes.

Senator Ingraham—I now renew my motion that this bill be considered engrossed.

Senator Hunsaker—What is the bill?

The President—The Secretary will read the bill again for the information of the Senator.

The motion that the bill be considered engrossed prevailed.

Senator Ingraham—I move a further suspension of the constitutional rule to be put upon its third and final reading.

Senator Noland—I move to lay that motion on the table.

The President—A vote was taken on this motion; nine to nine, and the President declared the Senate refused to suspend the rule.

Senator Ingraham—I will say to the Senator from Caddo that this action will keep some two hundred thousand dollars from being paid into the State treasury, and the interest of the State debt will be increased.

The President—The Chair did not vote.

Senator Ingraham—Is it in order now to move to reconsider the vote whereby the Senate refused to suspend the rule?

The President—I am not prepared to vote on this bill. I don't understand it. If I am correctly informed about this bill, this legislation is not in order.

Senator Hunsaker—I am not prepared to vote on this bill. I don't understand it. If I am correctly informed about this bill, this legislation is not in order.

The bill was then read again.

Senator Hunsaker—I have no objection to the bill being read a second time, if it is perfectly right. It is only the same as the bill we passed heretofore. I have no objection myself to the passage of that bill.

The President—The bill is in order in the chair. Mr. President, I think I can make an explanation that will be satisfactory, in order that this bill be passed at once. Under the laws of this State, the commission of the tax collectors is the interest fund comes out of that fund. So much as is due them for collecting the school tax comes out of the school fund, so much as is due them on account of collections of the interest fund comes out of that fund. So much as is due them from the general fund for collections on that account comes out of that fund. Now, as the Auditor holds he cannot pay these commissions unless there is an appropriation to that end, and as there is a deficiency in the appropriation, he cannot make, as this bill provides, that he may settle up with these tax collectors and pay them all their commissions from the various funds. He desires to be relieved of this burden, and it is proper that this should be done, and the collections, less the commission, should be paid to the Auditor.

Senator Ingraham—I want to explain to the Senator from Caddo. The tax collectors get only what the law allows them as commissions in the settling up of their accounts.

Senator Harris—I move a suspension of the rules to put this bill on its third reading.

Yeas and nays were taken—yeas 16, nays 9, and the rule was not suspended.

Senator Ingraham—I move this bill to be the special order for to-morrow at 1 P. M.

The bill was ordered to be the special order for to-morrow at 1 P. M.

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