New Orleans Republican.

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OFFICIAL JOURNAL OF THE PROCEEDINGS OF THE SENATE

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

Nineteenth Day's Session.

SENATE CHAMBER, New Orleans, January 29, 1873.

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

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

Messrs. Alexander, Barber, Butler, Blunt, Brewster, Burch, Greene, Harris, P. F. Herwig, E. F. Herwig, Harper, Kelso, Masicot, Pollard, Stamps, Sypher, Twitchell, Weber, Wharton—19.

The President of the Senate announced a quorum present.

Prayer by the Chaplain.

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

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, Chief Clerk's Office, January 29, 1873.

To the Honorable President and Members of the Senate:

I am directed by the House to ask the concurrence of your honorable body in the following bills, viz:

House bill No. 25, an act to amend and re-enact section 952 of the Revised Statutes of the State of Louisiana, and to prevent the carrying of unconcealed weapons in certain cases.

House bill No. 47, an act for the relief of Thomas Woodward, Robert H. Smith and C. N. Prudhomme, citizens of Red River parish, State of Louisiana, and for other purposes.

House bill No. 55, an act to fix the time of holding court in the Fifth Judicial District.

House bill No. 77, an act to fix the compensation of certain officers of the General Assembly for the extra session thereof, begun December 9, 1872, and authorizing the payment thereof, and for other purposes.

Also, to inform your honorable body that the House has concurred in Senate bill No. 55, an act to amend sections seven, eight and seventy of an act entitled "an act to regulate the conduct and maintain the freedom and purity of elections, to prescribe the mode of making returns thereof, to provide for the election of returning officers and defining their powers and duties, to prescribe the mode of entering upon the rolls of the Senate and House of Representatives, and to enforce article 103 of the constitution.

Very respectfully,
JOHN W. ROXBOROUGH, Assistant Clerk.

REPORTS OF COMMITTEES.

COMMITTEE ON ENROLLMENT, January 29, 1873.

To the Honorable President and Members of the Senate:

Your Committee on Enrollment beg leave to report as having been duly enrolled Senate bill No. 55, an act to amend sections seven, eight and seventy of an act entitled "an act to regulate the conduct and maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning officers, and defining their powers and duties; to prescribe the mode of entering upon the rolls of the Senate and House of Representatives, and to enforce article 103 of the constitution."

Respectfully,
J. HENRI BURCH, Chairman.

By the Committee on Judiciary:

On Senate bill No. 53, a bill to be entitled an act to confer additional jurisdiction on the parish courts, and to fix the terms of said courts.

Unfavorably.
THOMAS C. ANDERSON, Chairman.

Laid over.

On Senate bill No. 24, a bill to be entitled an act to amend the homestead law, and the better to protect the tillers of the soil and others in the fruits of their toil.

Reported favorably.
THOMAS C. ANDERSON, Chairman.

Laid over.

On Senate bill No. 60, a bill to be entitled an act relative to contributions to be raised by the Citizens' Bank of Louisiana and the resale of property or foreclosure of stock mortgages. Report favorably.
THOMAS C. ANDERSON, Chairman.

Laid over.

By the Committee on Claims:

On Senate bill No. 43, a bill to be entitled an act for the relief of W. B. Hyman, reports without action and asks its reference to the Judiciary Committee.
E. BUTLER, Chairman.

Laid over.

Also, Senate bill No. 30, a bill to be entitled an act for the relief of the *Semi-Weekly Louisianian*, a newspaper published in the city of New Orleans, Louisiana, reports favorable, and asks immediate passage.
E. BUTLER, Chairman.

Laid over.

Senate bill No. 34, a bill to be entitled an act for the relief of Osborn Harris.

Report without action, and ask its reference to the Committee on Judiciary.
E. BUTLER, Chairman.

Laid over.

Senate bill No. 5, a bill to be entitled an act for the relief of Francis Noel.

Report favorably.
E. BUTLER, Chairman.

Laid over.

Senate bill No. 42, a bill to be entitled an act for the relief of John Purdon.

Reported back without action, and ask its reference to the Committee on Metropolitan Police.
E. BUTLER, Chairman.

Laid over.

Committee on Banks and Banking:

Mr. Ingraham, Chairman, reported favorably on Senate bill No. 60, an act relative to contributions to be raised by the Citizen's Bank of Louisiana, and the resale of property purchased on foreclosure of stock mortgages.

NOTICES OF BILLS.

By Mr. Blunt:

A bill to be entitled an act to amend and re-enact section seventeen, of the city charter of the city of Natchitoches.

INTRODUCTION OF BILLS.

Mr. Harris introduced, by unanimous consent, the following bill:

A bill to be entitled an act to provide for the payment of officers whose annual salaries are fixed by the constitution of the State, and creating a special fund to carry out the provisions of this act.

The bill was read the first time.

The constitutional rule was suspended by a four-fifths affirmative vote, and the bil read a second time, and referred to the Committee on Finance.

Mr. Anderson, by unanimous consent, introduced the following bill:

A bill to be entitled an act to appoint a public weigher and a public gauger in and for the city or parish of Orleans.

The rules were suspended and the bill read a first time.

The constitutional rule was then suspended by a four-fifths affirmative vote, the bill read a second time and referred to the Committee on Commerce and Manufactures.

REPORTS OF COMMITTEES LYING OVER.

Mr. Ingraham called up reports of Committe on Federal Relations on the following Senate joint resolutions:

No. 1.—Resolution requesting the President and Congress of the United States to restore the use and property of the Branch Mint to the city of New Orleans, to be used as a State House, and for city purposes.

The resolution was considered engrossed and ordered to a third reading.

Constitutional rule was suspended by a four-fifths affirmative vote, bill read third time and finally passed with its title.

Also, report of same committee on the following Senate joint resolution No. 2.

Joint resolution authorizing the Governor to contract with the city of New Orleans, or other authority, for the use as a State House of the Branch Mint in the city of New Orleans, or part thereof.

The resolution was considered engrossed and ordered to third reading.

Constitutional rule was suspended by four-fifths affirmative vote, bill read third time and finally passed with its title by the following vote on a call of the yeas and nays:

Yeas—Anderson, Alexander, Blackburn, Barber, Blunt, Butler, Burch, Brewster, Greene, Harris, P. F. Herwig, Harper, Ingraham, Kelso, Masicot, Pollard, Stamps, Twitchell—18.

Nay—Wharton—1.

BILLS CALLED.

Mr. Harris called Senate bill No. 30, to be entitled an act for the relief of the *Semi-Weekly Louisianian*, a newspaper published in the city of New Orleans.

On motion of Mr. Harris the bill was considered engrossed.

The constitutional rule was suspended by a four-fifths affirmative vote, the bill read the third time, and was finally adopted with its title by the following vote, on a call of the yeas and nays.

Yeas—Anderson, Alexander, Blackburn, Barber, Blunt, Butler, Burch, Brewster, Greene, Harris, P. F. Herwig, Harper, Ingraham, Kelso, Masicot, Pollard, Stamps, Twitchell—18.

Nay—Wharton—1.

BILLS TAKEN UP IN REGULAR ORDER.

Senate bill No. 33, to be entitled an act to provide for the expropriation and means of acquiring lands by the United States for the erection of lighthouses, light-keeper's house, signal station, range lights, warehouses and revenue stations.

On motion of Mr. Brewster the bill was considered engrossed, and ordered to a third reading.

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

Senate bill No. 46, to be entitled an act declaring the effect of pardons, and requiring officers of the State to recognize all persons who may have been pardoned as having been restored to all civil and political rights, privileges and immunities, and providing penalties for violation of this act.

Mr. Brewster moved that the bill be recommitted to the Committee on Judiciary.

Mr. Stamps moved, as an amendment, that the bill be made the special order of the day for Saturday at 1 P. M.

Adopted.

Mr. Twitchell called up the following:

House bill No. 77, joint resolution to fix the compensation of certain officers of the General Assembly for the extra session thereof, begun December 9, 1872, and authorizing the payment thereof, and for other purposes.

Mr. Burch moved that the bill be referred to the Committee on Judiciary.

Pending the motion to refer the Senate went into executive session.

Executive session having been raised, on motion of Mr. Barber, the pending bill was referred to the Committees of Judiciary and on Auditing and Supervising the Expenses of the Senate for joint action and reports.

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

The President then announced that the Senate stood adjourned until Thursday, January 30, 1873, at twelve o'clock M.

P. E. BECHTEL, Secretary of the Senate.

A Frenchwoman once said that she never loved anything. "You loved your children," suggested a friend. "When they were little," she replied. "And you love diamonds?" "When they are large."

John P. Hale is a confirmed paralytic, and has softening of the brain. He can not leave his room, and will not, probably, live a great while. He is nearly sixty-seven years old.

There is some hope of an Italian biography, to cover the whole period of literary activity from the invention of printing to 1870. A recent congress of Italian publishers at Venice recommended the work.

OFFICIAL JOURNAL OF THE HOUSE OF REPRESENTATIVES

REGULAR SESSION OF THE THIRD GENERAL ASSEMBLY OF THE STATE OF LOUISIANA

Nineteenth Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, January 29, 1873.

The House met at 12 M., Speaker Charles W. Lowell in the chair.

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

Speaker C. W. Lowell and Messrs. Allain, Armstead, Antoine, Bowman, Bryant, Baker, Boyd, Blackstone, Carey, Connaughton, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dumont, Dayries, Dewees, Elliot, Fontelieu, Greene, Gantt, Guichard, Heffner, Hubeau, Hill, Hahn, Hedgepath, Judice, Keating, Kirkman, Kenyon, Kern, Keys, Lewis, Landry, Lawes, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Martinet, Mathews, Montaldo, Peyton, Raby, Rochon, Rodrigues, Sawyer, Stewart, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Wiggin, Ward, Wands—63.

Quorum present.

Prayer by the Chaplain.

On motion of Mr. Murrell, of Madison, the reading of the journal in detail was dispensed with.

On motion, the journal was approved.

REPORTS OF COMMITTEES.

Mr. Wands, of Tangipahoa, chairman of the Committee on Ways and Means, made the following report:

COMMITTEE ON WAYS AND MEANS, January 29, 1873.

To the Honorable Speaker and Members of the House of Representatives:

Your Committee on Ways and Means has had under consideration Senate bill No. 67, and recommend its passage.

J. B. WANDS, Chairman.

On motion the report was received and adopted.

Mr. Wands, of Tangipahoa, called up Senate bill No. 67, entitled an act to provide for and regulate the clerical force in the Auditor's office, to fix their salaries and to provide for the manner and conditions under which the Chief Clerk can act as Auditor, and for other purposes.

Passed third reading under a suspension of the constitutional rules.

It finally passed, its title adopted, and notice of concurrence ordered to be sent to the Senate.

Mr. Dewees, of Red River, chairman of the Committee on Lands and Levees, made the following report:

To the Honorable Speaker and Members of the House of Representatives:

Your Committee on Lands and Levees having been instructed to examine into and report upon the condition of the Louisiana Levee Company, beg leave to report that they have performed that duty, and present herewith the result of the examination, with such information as they have been able to gain respecting the condition of the levees of the State.

The Levee Company was incorporated under the general laws of the State early in February, 1871. In the same month and year they made a contract with the State to provide and maintain proper and efficient levees on the banks of the Mississippi river, and on all the rivers and streams running into and from the same, within the limits of the State of Louisiana, under certain conditions and stipulations set forth in the contract.

The Levee Company, though organized in 1871, can not be said to have begun its existence until December of that year.

The originators of the company were unable for the want of funds, to comply with their contract. From February to December, nothing had been done toward building the levees. The floods of the spring of 1871 (the highest ever known) had left the levees on both sides of the river, from the Arkansas line to the Balize, in the worst possible condition. The breaks in the levees were many and frequent. From two hundred and fifty to two hundred and sixty levees required immediate rebuilding to protect the fairest portions of the State, and the railroads connecting New Orleans with the North and with Texas from being overflowed. Such was the condition of the levees of the State in December, 1871.

Who was to build these many levees, some of them the largest in the State, was a question of vital importance to those who lived on the alluvial lands as well as to all those who profited by the traffic predicated upon the product of these lands. There was no law authorizing or directing the State authorities to take action in this matter. The riparian proprietors, though threatened with ruin, were totally unable to protect themselves. The Levee Company under the control of its then directors was without resources. Under these circumstances several citizens, most of whom were large owners of real estate, and large taxpayers, determined to obtain the control of the Levee Company, and by the means of that organization to repair the levees and protect the alluvial lands as far as possible from the threatened overflow.

Having obtained the control of the Levee Company, the first step they took to effect the contemplated purpose was to place in the treasury of the company the sum of $300,000, which was, within a few weeks, increased to over $400,000.

With this cash capital, and a judicious use of credit based thereon, the company proceeded to systematically and vigorously rebuild the levees. It appears from our examination that, from the time of this organization, in December, 1871, to April, 1872, the company constructed 123 levees, containing 1,355,648 cubic yards, for which it paid $474,477 71, and this vast amount of work was completed and paid for before one dollar was received from the State, either in bonds, securities or taxes. The first money received by the company from the State was on the twenty-third of April, 1872. After all the principal levees had been completed, and the terrible losses from a general overflow averted, for we fully believe that but for the timely action of this company, under the then condition of the levees, one-half of the cultivated lands in the alluvial river parishes would have been under water, and much of the other half seriously injured in their drainage.

The number of levees built to October, 1872, exceeded 270 in number, aggregating more than 2,500,000 yards, at a cost of more than $895,000.

The company received from the State treasury up to that time, say October, 1872, $302,000. Since October 1 the company have continued to prosecute their work on other levees, and have finished and under contracts in process of construction some 1,100,000 cubic yards, estimated to cost $410,000.

The company have received from the State treasury from October 1, 1872, to January 1, 1873, $98,000.

Cost of work completed $895,000
Cost of work in progress and nearly finished 410,000—$1,305,000
Received from State to January 1. 400,000

Amount drawn from resources of the company $905,000

The price paid for building levees, exclusive of the expenses for engines, etc., has ranged from twenty-five to sixty-eight cents per cubic yard, depending upon the heighth of the levee, the character of the land, whether through woods or open fields, and whether intersected by bayous or sloughs. The average actual cash price per cubic yard paid to contractors has been about thirty-eight cents. The State agrees to pay sixty cents per cubic yard, on a credit of many years, and requires the maintaining by the company in thorough repair, for twenty-one years, of the levee when completed, under a penalty of damages in case of loss from overflow. The question as to the utility of a levee company, or an organization of some kind to build and keep in repair the levees, suggests the inquiry as to the necessity of levees to protect the alluvial portions of the State from utter and total destruction. To any one who is at all conversant with the topography of Louisiana, there can be but one answer. Levees are a first necessity, and must be kept up, or the country abandoned. There are three methods by which the levees may be maintained:

First—By the unaided individual efforts of the riparian proprietors. This system is totally impracticable. It would be as wise to insist that each person on whose premises a fire occurs should put out the fire by his unassisted efforts, as to require each riparian proprietor to build his own levee. In many respects the effect on others would be the same, for the loss as in case of fire often extends far beyond the point where it originated. A break in the levee devastates the country for miles above and below, and to require each individual to build his own levee, when in many instances the cost of building the levee would be greater than the value of the land immediately behind it and belonging to the particular person who is called upon to build it, is not to be thought of, if general security is expected.

Second—The levees may be built by the State through the instrumentality of a board of levee commissioners acting as agents of the State, without responsibility or interest in the matter beyond that of a general nature. This system has been tried for four years, from 1867 to 1870 inclusive, under those different levee boards, and found to be inefficient and most expensive. During these four years the State issued bonds to the amount of $8,000,000, besides making large appropriations in money, for the building of 12,000,000 of cubic yards, or at the rate of seventy-five cents per cubic yard.

The third system of building and maintaining the levees in good condition is the one now, for the first time, adopted. That of contracting with an incorporated, responsible company to build, at a fixed price per cubic yard, with the addition of keeping the levees in repair for twenty-one years, and a liability for damages in case of overflow. These conditions rendering it the interest of the company to build the levees properly, gives an assurance of strength to the levees and of security to the public never had before.

Though this system has been tried but a single year, enough work has been done to show its efficiency and prove its advantages over either of the others, in cost and security to the public.

Experience has shown that certain changes in the contract with the Levee Company would be advantageous to the State and not injurious to the company, and your committee propose, at an early day, to report a bill providing for such changes and modifications as they deem desirable.

E. W. DEWEES, Chairman;
J. A. JUDICE,
J. P. WILSON,
ARTHUR ANTOINE,
JOHN HEDGEPATH,
M. MAHONEY,
JAMES HEFFNER.

On motion, the report was received and ordered to be printed in the journal.

Mr. Keating, of Caddo, called up the report of the Committee on Education.

The following amendments to House bill No. 61, entitled an act to provide additional regulations for the board of directors of the public schools of the city of New Orleans; to provide for a permanent revenue for said schools; to prevent litigation against the school fund; to fund the school debt; to regulate the employment of teachers, and to direct the Council of the city of New Orleans to levy a school tax and perform other duties in connection with the public schools, were adopted:

Amend the title by saying, "board of school directors for the city of New Orleans," instead of "board of directors of the public schools of the city of New Orleans."

Section one—Strike out in line four, commencing with the word "that," down to and including the words in the twenty-fourth line, and insert in lieu thereof the following:

That the board of school directors for the city of New Orleans shall be in future composed of twenty directors, to wit: One from each representative district, as at present constituted, and one additional director for each municipal district, the Administrator of Finance of the city of New Orleans, who shall be ex-officio a member, and the superintendent of the sixth division, who shall be ex-officio a member, with the right to speak, but not to vote in the board. The State Board of Education shall appoint the directors from the municipal districts as soon as practicable after the passage of this act, so that two shall retire annually; the said State board to determine by lot the succession of their retirement. They shall require said directors to possess the qualifications of an elector in the city of New Orleans, and the necessary fitness and capacity for the office; and each new director, before taking his seat, shall take the oath of office prescribed for State officers.

Section seven—Strike out in line twenty-one the word "be" and insert "is."

Section eight—Line twenty four, after the word "pro rata" insert "for actual days employed." At the end of section eight add the following: In all suits by or against the board of directors of the public schools of the city of New Orleans, or by or against the president of the board or the Administrator of Finance of the city, involving the disposition of moneys raised or to be raised for school purposes in case the said board, president or Administrator of Finance shall have occasion to appeal, sue out injunction, or take other proceedings in which ordinary parties would be required to give bond and security, such bond and security shall be dispensed with.

The following amendment was read:

Section nine—Line twenty-three, strike out the word "best." At the end of section nine add the following: Teachers in the school who shall have been examined, and whose percentage or estimate shall place them in the list of candidates to be selected from, shall be duly considered for promotion in all cases of vacancy.

Mr. Keating, of Caddo, moved to amend the above by adding to section nine, "and further provided, that nothing in this section shall be construed to prohibit the State Superintendent of Education from issuing to teachers State certificates of qualifications."

The amendment, as amended, was adopted.

Mr. Keating, of Caddo, moved that House bill No. 61, entitled an act to provide additional regulations for the board of directors of the public schools of the city of New Orleans, to provide for a permanent revenue for said schools, to prevent litigation against the school fund, to fund the school debt, to regulate the employment of teachers, and to direct the Council of the city of New Orleans to levy a school tax and perform other duties in connection with the public schools, be considered engrossed.

Carried.

Passed third reading, under a suspension of the constitutional rule.

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

Mr. Hahn, of St. Charles, on behalf of the board of managers, made the following report, which was ordered to be spread on the journal:

NEW ORLEANS, January 29, 1873.

To the Honorable Speaker and Members of the House of Representatives:

The board of managers appointed on behalf of the House to conduct the case of impeachment against Governor H. C. Warmoth before the Senate of this State respectfully report that they entered on the discharge of their duties with promptness, and with a full determination to convict the accused, and had collected such documentary evidence and summoned such witnesses as would have established his guilt. The accused, however, through his counsel and otherwise, succeeded in getting delay after delay from the court of impeachment for answering the charges against him; so much so that the constitutional term of his office of Governor had expired and his successor had been inducted into office before the time allowed him for answering had arrived. The court of impeachment then asked the opinion of its presiding officer, Chief Justice Ludeling, whether the case should be prosecuted any further, and adjourned until the twenty-seventh instant to receive his opinion. At the time appointed, the Chief Justice delivered the following opinion:

The Chief Justice—Senators, in obedience to your order, I have prepared the following opinion:

In the matter of the impeachment of H. C. Warmoth, Governor of the State of Louisiana, in obedience to the order of the Senate, requesting the Chief Justice "to advise the Senate whether, in his opinion, this case should be prosecuted after the term of office of the accused has expired," I have the honor to present the following opinion:

The order seems to present two questions, one of law and one of policy.

The law question does not appear to have been judicially sealed by the court having cognizance of it. Mr. Justice Story says it is still sub judice, the final decision of which may be reasonably left to the high tribunal constituting the court of impeachment, when the occasion shall arise. Article ninety-seven of the constitution of this State provides that "judgments in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit in the State, but the convicted parties shall nevertheless be subject to indictment, trial and punishment according to law." Mr. Justice Story, commenting on a similar provision in the constitution of the United States, says: "If there must be a judgment of removal from office, it would seem to follow that the constitution contemplated that the party was still in office at the time of the impeachment. If he was not, his offense was still liable to be tried and punished in the ordinary tribunals of justice. And it might by argued with some force that it would be a vain exercise of authority to try a delinquent for an impeachable offense, when the most important object for which the remedy was given was no longer necessary or attainable. And although a judgment of disqualification might still be pronounced, the language of the constitution may create some doubt whether it can be pronounced without being coupled with a removal from office. There is much force in the remark that an impeachment is a proceeding purely of a political nature. It is not so much designed to punish an offender as to secure the State against gross official misdemeanor." Story Cons. sec. 406.

When an officer commits an offense he may be amenable to three courts—to a court of impeachment, to a criminal court and to a civil court. The proceeding against him in the first named court is solely as an officer; in the other two courts the proceedings are against him as an individual.

The object of the impeachment is not to punish the offender, but to protect the rights of the people from abuse, and to rescue their liberties from violation by an unfaithful officer. "There seems a peculiar propriety, in a republican government, at least, in confining the impeaching power to persons holding office." Story, page 256.

"Indeed," says Judge Story, "the moment it was decided that the judgment upon impeachment should be limited to removal and disqualification from office, it followed, as a natural result, that it ought not to reach any but officers of the United States. It seems to have been the original object of the friends of the national government to confine it to these limits, for in the original resolutions proposed to the convention, and in all the subsequent proceedings, the power was expressly limited to national officers." Sec. 257.

The weight of authority and of reason seems to preponderate in favor of the opinion that a trial on an impeachment should terminate with the term of the officer.

The expiration of his official life, like the natural death of the accused, during the progress of his trial should put an end to the trial.

In the case of Wickliffe, Auditor of Public Accounts, I was asked whether the Senate could proceed to vote on the question of guilt or innocence after Wickliffe had sent a letter to the Senate announcing that he had resigned his office under the following circumstances:

Wickliffe had stood his trial. The evidence had been closed, the arguments had been made and the court was about to vote on the question of guilty or not guilty, when a letter was read by the counsel for the accused, stating that the accused had resigned. I stated that, under the circumstances, the Senate ought to proceed to decide the case and to pass judgment, because there was no evidence before the court that he had resigned. His resignation had to be made to the Governor. There was no official evidence of that fact, even if his letter to the Senate could be considered at all, having been produced after the evidence and the arguments had been closed.

I did not think then that a party should be permitted to stand his trial, and take the chances of an acquittal, and at the last moment, when the Senate was in the act of pronouncing his guilt, to defeat the trial by sending a letter of resignation to the Senate. I am still of that opinion. But the question presented in this case is different. The term of the officer accused has expired by law, and with it, I think, the prosecution should end.

This is clearly the opinion of Mr. Justice Story. On the contrary, Mr. Rawle seems to have entertained a different opinion.

2. As to the policy of proceeding with the trial, I give an opinion with great diffidence, as that is not a judicial question; but as it seems to be desired by the Senate, I will not shrink from the responsibility thus imposed upon me. It is my deliberate opinion that the mere disfranchisement of an individual is not worth the time and expense of an impeachment. "Le jeu ne vaut pas la chandelle," and I question the policy of "kicking a dead lion."

I, therefore, answer the questions embraced in the order of the Senate, in the negative.

The managers can not but express a doubt as to the soundness of the view presented by the Chief Justice on the constitutional question.

The opinion of Mr. Justice Story does not appear to them as clear and decided as it does to the mind of the Chief Justice. The opinion of Mr. Rawle, in his admirable work on the constitution of the United States (edition of 1825, p. 203), is decidedly against the position taken by the Chief Justice. Mr. Rawle says, for the reasons given by him "it is obvious" that the persons liable to impeachment "are those who are or have been in public office."

The opinion of the Chief Justice on the question of policy will probably commend itself to the popular judgment.

The court adopted the opinion of the Chief Justice as its own by the following vote:

Yeas—Anderson, Barber, Blackburn, Brewster, Butler, Burch, Greene, Harper, E. F. Herwig, P. F. Herwig, Ingraham, Kelso, Masicot, Sypher, Twitchell—15.

Nays—Alexander, Blunt, Pollard, Wharton—4.

Thereupon the court of impeachment adjourned sine die.

Respectfully submitted,
MICHAEL HAHN, Chairman;
WILLIAM MURRELL,
L. S. RODRIGUES,
JAMES B. WANDS,
N. KENYON.

[Mr. Keating, of Caddo, in the chair.]

Mr. Demas, of St. John the Baptist, chairman of the Committee on Corporations, made the following report:

COMMITTEE ON CORPORATIONS, January 29, 1873.

To the Honorable Speaker and Members of the House of Representatives:

Your Committee on Corporations beg leave to report favorably on House bill No. 40, entitled an act to incorporate the Benevolent and Mutual Aid Association of St. John the Baptist, and recommending its passage.

Very respectfully,
HENRY DEMAS, Chairman.

NEW ORLEANS, January 29, 1873.

To the Honorable Speaker and Members of the House of Representatives:

Your Committee on Corporations, to whom was referred House bill No 39, entitled an act to incorporate the Economy and Mutual Aid Association of New Orleans, Louisiana, beg leave to report that they had under consideration the above bill, and recommend its passage, with the following amendment:

To insert in section one, after line twenty-five: Provided, that the property or real estate owned by the said association shall not exceed the sum of $10,000, and that all real estate acquired by said association, over that amount, shall be liable to taxation.

Very respectfully,
HENRY DEMAS, Chairman.

On motion the report was received and adopted.

Mr. Hahn, of St. Charles, moved that the further consideration of House bill No. 40, entitled an act to incorporate the Benevolent Mutual Aid Association of St. John the Baptist, be postponed until February 28, 1873, and made the special order of the day for 1 P. M.

Mr. Montaldo of Orleans, moved to lay that motion on the table.

Carried.

[The Speaker resumed the chair.]

On motion, House bill No. 40, entitled an act to incorporate the Benevolent Mutual Aid Association of St. John the Baptist, was ordered to be engrossed.

On motion, House bill No. 39, entitled an act to incorporate the Economy and Mutual Aid Association of New Orleans, Louisiana, was ordered to be engrossed.

Mr. Snaer, of Iberia, chairman of the Committee on Parochial Affairs, made the following report:

COMMITTEE ON PAROCHIAL AFFAIRS, January 29, 1873.

To the Honorable Speaker and Members of the House of Representatives:

Your Committee on Parochial Affairs, to whom was referred House bill No. 57, entitled an act to create the parish of Algiers, provide for the organization thereof, and to repeal so much of act No. 7, of the General Assembly of 1870, as may be in conflict with this act, and to make said parish of Algiers a part of the Second Judicial District of the State of Louisiana, respectfully report most favorably on said bill, and recommend its passage.

L. A. SNAER, Chairman;
W. H. KEYS.
W. G. ELLIOT.
C. G. GREENE,
P. BOWMAN,
W. H. KIRKMAN.

COMMITTEE ON PAROCHIAL AFFAIRS, January 29, 1873.

To the Honorable Speaker and Members of the House of Representatives:

Your Committee on Parochial Affairs, to whom was referred House bill No. 84, entitled an act creating the parish of Lincoln, and to provide for the organization thereof, respectfully report most favorably on said bill, and recommend its passage.

L. A. SNAER, Chairman;
W. H. KEYS,
W. G. ELLIOT,
C. G. GREENE,
P. BOWMAN,
W. H. KIRKMAN.

On motion the reports were received.

On motion of Mr. Dumont, of Orleans, House bill No. 57, entitled an act to create the parish of Algiers, provide for the organization thereof, and to repeal as much of act No. 7, passed at the extra session of the General Assembly of the State of Louisiana of 1870, and approved on the sixteenth day of March of said year, entitled an act to extend the limits of the parish of Orleans, etc., as may be in conflict with this act, and to make said parish a part of the Second Judicial District of the State of Louisiana, was made the special order of the day for Friday at one o'clock.

On motion of Mr. Hahn, of St. Charles, House bill No. 84, entitled an act creating the parish of Lincoln, and providing for the organization thereof, was ordered to be printed and made the special order of the day for Friday at one o'clock.

NOTICE OF BILL.

Mr. Lewis, of Ascension, gave notice that he would, on some future day, introduce the following bill:

An act to amend and re-enact the charter of the Roman Catholic congregation of Ascension, and authorize them to sell property, etc.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Antoine, of St. Mary:

House bill No. 94, entitled an act to authorize one Siphore Verdun to change his name to Ernest Verdun.

Passed first and second readings under a suspension of the constitutional rule, and referred to the committee on Judiciary.

Under a suspension of the rules, Mr. Murrell, of Madison, introduced House bill No. 86, entitled an act granting additional powers to police juries.

Passed first and second readings, under a suspension of the constitutional rules, and referred to the Committee on Parochial Affairs.

ORDER OF THE DAY.

Section twenty-two, of House bill No. 6, entitled an act to incorporate the Louisiana Central Railroad Company, being under consideration, Mr. Martinet, of St. Martin, moved the following as an amendment, which was agreed to:

That in any violation of the provisions of section twenty-two of said act by the Louisiana Central Railway Company, any of its agents or employes, the Louisiana Central Railway Company, upon conviction thereof, shall be fined not less than $500 nor more than $1000, to be recovered out of any funds of said company, before any court of competent jurisdiction, half of such fine to be paid to the aggrieved person or persons and the other half in the State treasury, and the Louisiana Central Railway Company shall forfeit its charter.

On the adoption of section twenty-two as amended, the yeas and nays were demanded by Messrs. Mathews, of Tensas, and Carey, of Orleans, resulting as follows:

Yeas—Allain, Armstead, Antoine, Bowman, Bryant, Baker, Boyd, Benham, Blackstone, Boatner, Barrow, Carey, Connaughton, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dayries, Dewees, Elliot, Greene, Gantt, Heffner, Hill, Hahn, Hedgepath, M. Jones, Keating, Kenyon, Keys, Lewis, Landry, Lawes, Murrell (Madison), Mahoney, Mayo, Martinet, Mathews, Montaldo, Peyton, Raby, Rochon, Rodrigues, Souer, Sawyer, Stewart, Sartain, Snaer, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Wiggin, Ward, Wands—62.

Nays—Guichard, Young—2.

Carried.

Mr. Mathews, of Tensas, called for the special order of the day.

Mr. Gantt, of St. Landry, moved to postpone the special order of the day for twenty minutes, on which the yeas and nays were demanded by Messrs. Mathews, of Tensas, and Martinet, of St. Martin, resulting as follows:

Yeas—Armstead, Bryant, Baker, Boyd, Benham, Boatner, Barrow, Carey, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dumont, Dayries, Dewees, Elliot, Greene, Gantt, Heffner, Hill, Hahn, Hedgepath, M. Jones, Keating, Kenyon, Keys, Lawes, Mayo, Mathews, Montaldo, Sawyer, Stewart, Sartain, Snaer, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Wiggin, Ward, Young—48.

Nays—Allain, Bowman, Blackstone, Connaughton, Guichard, Lewis, Murrell (Madison), Mahoney, Martinet, Peyton, Rochon, Rodrigues, Souer, Wands—14.

The special order of the day was postponed for twenty minutes.

Section twenty-three to House bill No. 6, entitled an act to incorporate the Louisiana Central Railroad Company being under consideration, Mr. Montaldo, of Orleans, moved to postpone further consideration of the bill until Friday at one o'clock.

Lost.

Mr. Demas, of St. John the Baptist, called for the special order of the day.

Mr. Sartain, of Carroll, moved to postpone the special order of the day for one half hour.

Mr. Demas, of St. John the Baptist, moved to lay that motion on the table, on which the yeas and nays were demanded by Messrs. Demas, of St. John the Baptist, and Wands, of Tangipahoa, resulting as follows:

Yeas—Armstead, R. R. Davis, Decker, Hill, Kenyon, Murrell (Lafourche), Murrell (Madison), Montaldo, Souer, Stewart, Southard, Sutton, Sewell, Tureaud, Williams, Wilson, Worthy, Washington, Ward, Young—19.

Nays—Allain, Bryant, Baker, Boyd, Benham, Blackstone, Boatner, Barrow, Carey, Connaughton, Cousin, Demas, Devezin, Dejoie, Dewees, Greene, Gantt, Guichard, Heffner, Hubeau, Hahn Hedgepath, Keating, Lewis, Lawes, Mahoney, Mayo, Martinet, Peyton, Raby, Rochon, Rodrigues, Sartain, Snaer, Thomas, Wiggin, Wands—38.

Lost.

The motion to postpone recurring, the yeas and nays were demanded by Messrs. Demas, of St. John the Baptist, and Murrell, of Lafourche, resulting as follows:

Yeas—Allain, Bryant, Baker, Boyd, Benham, Boatner, Carey, Connaughton, Cousin, Devezin, Dayries, Dewees, Greene, Gantt, Heffner, Hahn, Hedgepath, Keating, Kenyon, Murrell (Madison), Peyton, Rochon, Rodrigues, Sawyer, Sartain, Souer, Sewell, Thomas, Williams, Young—30.

Nays—Armstead, Antoine, Blackstone, Barrow, Demas, R. R. Davis, Decker, Dejoie, Guichard, Hubeau, Hill, Keys, Lawes, Murrell (Lafourche), Mahoney, Mayo, Mathews, Montaldo, Souer, Stewart, Southard, Sutton, Tureaud, Wilson, Worthy, Washington, Wiggin, Ward, Wands, Young—30.

Lost.

The Speaker asked leave of absence for one day, and selected Mr. Young, of Concordia, to act as Speaker pro tem.

Granted.

Leave of absence was granted to Mr. Davis, of St. Helena, for five days.

Mr. Ward, of Grant, moved to adjourn until to-morrow at twelve o'clock M.

Lost.

Mr. Stewart, of Tensas, introduced the following resolution:

WHEREAS, David Bates, an employe of the House of Representatives, has violated the orders of the House, as well as the instructions of the Speaker pro tem; and

Whereas, The said employe used abusive and insolent language to the members thereof; be it

Resolved, That David Bates be and he is hereby discharged from the service of the House, for the reasons set forth in the preamble, from this date.

Lies over under the rules.

[Mr. Mathews, of Tensas, in the chair.]

House bill No. 8, entitled the revenue bill, being under consideration, on motion of Mr. Dewees, of Red River, the bill was recommitted to the Committee on Ways and Means.

Mr. Young, of Concordia, chairman of the committee on outstanding vouchers, made the following report:

STATE OF LOUISIANA, House of Representatives, New Orleans, January 23, 1873.

To the Honorable Speaker and Members of the House of Representatives:

Your committee to investigate the outstanding vouchers of the sessions of 1870, 1871 and 1872, have had under consideration House bill No. 63, entitled an act making an appropriation of the sum of $65,000 for the payment of the outstanding vouchers and warrants issued by the General Assembly of the session of 1872, for the payment of the mileage and per diem of members, officers and employes of said session, and report favorably thereon, recommending that it do pass.

D. YOUNG, Chairman.
L. J. SOUER.
NELSON KENYON.
HENRY DEMAS.

The report was received.

Mr. Young, of Concordia, moved to suspend the rules by which House bill No. 63, entitled an act making an appropriation of $65,000 for the payment of the outstanding vouchers and warrants issued by the General Assembly of the session of 1872 for the payment of the mileage and per diem of members, officers and employes of said session, would be obliged to be considered in committee of the whole, on which the yeas and nays were demanded by Messrs. Stewart, of Tensas, and Montaldo, of Orleans, resulting as follows:

Yeas—Allain, Armstead, Antoine, Bryant, Baker, Boyd, Blackstone, Boatner, Barrow, Carey, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dewees, Elliot, Greene, Hubeau, Hill, Hedgepath, Keating, Kenyon, Lewis, Lawes, Murrell (Lafourche), Murrell (Madison), Mahoney, Montaldo, Peyton, Raby, Souer, Sawyer, Stewart, Southard, Sutton, Thomas, Tureaud, Williams, Wilson, Worthy, Washington, Wiggin, Ward, Young—46.

Nays—Benham, Connaughton, Gantt, Guichard, Heffner, Hahn, Martinet, Mathews, Rochon, Rodrigues, Sartain, Snaer, Wands—13.

Rule suspended.

On motion of Mr. Young, of Concordia, the bill was considered engrossed.

Mr. Young, of Concordia, moved to suspend the rules to place the bill on its third reading.

Mr. Martinet, of St. Martin, moved to adjourn until to-morrow at 12 M.

Lost.

The motion to suspend the rules recurring, Messrs. Young, of Concordia, and Souer, of Avoyelles, demanded the yeas and nays, with the following result:

Yeas—Allain, Armstead, Antoine, Bowman, Bryant, Boyd, Blackstone, Boatner, Barrow, Carey, Connaughton, Cousin, R. R. Davis, Demas, Decker, Devezin, Dejoie, Dewees, Elliot, Greene, Gantt, Hubeau, Hill, Hahn, Hedgepath, Kenyon, Lewis, Landry, Lawes, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Montaldo, Peyton, Raby, Souer, Sawyer, Stewart, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Ward, Washington, Young—50.

Nays—Benham, Dumont, Guichard, Heffner, Martinet, Mathews, Rochon, Rodrigues, Sartain, Snaer, Wiggin, Wands—11.

The constitutional rules were suspended, and the bill passed its third reading.

Mr. Souer, of Avoyelles, moved the final passage of the bill.

Mr. Benham, of Carroll, moved to postpone further consideration of the bill for one week.

Mr. Murrell, of Lafourche, called for the previous question.

Mr. Thomas, of Bossier, moved to adjourn until to-morrow, at twelve o'clock M., on which the yeas and nays were demanded by Messrs. Martinet, of St. Martin, and Guichard, of St. Bernard, resulting as follows:

Yeas—Benham, Greene, Gantt, Guichard, Heffner, Martinet, Peyton, Rochon, Sartain, Snaer, Wands—11.

Nays—Allain, Armstead, Antoine, Bowman, Bryant, Baker, Boyd, Blackstone, Boatner, Barrow, Carey, Connaughton, Cousin, Demas, R. R. Davis, Decker, Devezin, Dejoie, Dewees, Elliot, Hubeau, Hill, Hahn, Hedgepath, Keating, Kenyon, Lewis, Landry, Lawes, Murrell (Lafourche), Murrell (Madison), Mahoney, Mayo, Montaldo, Mathews, Raby, Souer, Sawyer, Stewart, Southard, Sutton, Sewell, Thomas, Tureaud, Williams, Wilson, Worthy, Ward, Washington, Wiggin, Young—51.

The House refused to adjourn.

The motion for the previous question re-