New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE DAILY REPUBLICAN

is published every day (Mondays excepted) at No. 94 Camp street. Terms: $12 a year; $6 for six months; $3 for three months—payable invariably in advance. Single copies five cents.

Office—No. 94 Camp street.

RATES OF ADVERTISING:

Squares.	One month.	Two months	Three months	Six months	One year.
One	$12	$22	$30	$50	$75
Two	22	33	50	80	125
Three	30	50	70	110	175
Four	38	67	90	140	225
Five	46	80	105	170	275
Six	54	92	120	200	325
Seven	60	105	135	230	375
Eight	65	115	150	260	420
Nine	70	125	165	290	460
Ten	75	135	180	320	500
Eleven	80	145	195	350	540
Twelve	85	155	210	380	580
Thirteen	90	165	220	410	620
Fourteen	95	175	230	430	660
Fifteen	100	185	240	450	700
Thirty	175	300	450	750	1200

Monthly advertisements, inserted every other day, to be charged two-thirds of the above rates.

Second page monthly advertisements, each square, $20 per month.

Transient advertisements, having the run of the paper, first insertion $1 50 per square; each subsequent insertion seventy-five cents per square.

Second page transient advertisements, each insertion $1 50 per square.

Regular advertisers, who advertise largely, will be allowed such discount from above named transient rates as may be agreed upon; provided, that in no case shall such discount exceed twenty-five per cent.

THE WEEKLY REPUBLICAN

is published every Saturday morning, and contains the news by telegraph, miscellaneous reading, editorials, local matters of general public interest, commercial and monetary reports, and everything that appears in the Daily, except such items as are of little or no public moment. The WEEKLY REPUBLICAN is an excellent family paper, valuable as well for instruction and amusement as information on the current topics of the day.

Terms of Subscription.

One year, $5; six months, $2 50.

Advertisements.

Transient advertisements same terms as in the Daily. Monthly advertisements inserted for one-fourth of the daily rates.

'TIS THIRTY YEARS SINCE.

"Why was this called the Phœnix?"

"Because," responded our host, "it was built on part of the site of the old St. Charles Theatre; one of the largest, and certainly, at that time, the most elegant theatre on this continent. It was built—the theatre—by a most remarkable man. James H. Caldwell was an Englishman and an actor, who came to the United States some time early in this century. His first professional success was in the Southern Atlantic cities, where he gave some evidence of the indomitable enterprise which subsequently distinguished him. The distress which overspread Richmond—then a small town of a few thousand people—at the destruction, by fire, of the theatre, and the loss of several hundred people, caused them to look upon the drama with horror. They founded a church upon the site of the burned theatre, and enacted very stringent ordinances against all theatrical amusements. Caldwell opened a season, in defiance of this prejudice; the people were with him, and he succeeded in convincing the city that an avenging Providence had something larger to do than in going around to burn people up because they are caught laughing or crying over the acted moralities. He starred these Southern cities and reinstated the drama. He was a remarkably handsome man, which no doubt aided the emotional traits of his acting, so that while performing in the ancient town of Fredericksburg a widow of the most exalted aristocracy, who had recently buried a rich and gouty old husband, so far from controlling her admiration for the handsome actor, according to the dictates of the refined society of which she was a member, suddenly, in one of the most pathetic points of the play, precipitated herself upon the stage, seized young Caldwell in her arms and made proclamation to all whom it might concern, and others, that she loved him above all the aristocracy of the earth, and took this dramatic method to signalize at once her devotion for the man which she meant to entrust with her hand and fortune, and her contempt for those who denied her right to do what she chose with herself and her fortune.

"The curtain fell amid general consternation. It fell between the wealthy widow and the audience, who retired almost as much shocked at this violation of the conventionalities as the people of Richmond had been at the signal displeasure of Providence. As the public could not have been offered such a dramatic sensation every night, the theatre closed and Caldwell devoted himself for some years to the care of the stage struck widow, her estates and of two children with which Mrs. Caldwell had presented him. But the innate enterprise and love of art could not be suppressed permanently. Caldwell heard much of the rising glories of New Orleans, then becoming the market for the cotton and sugar which the large slaveholders of the Southern Atlantic States had begun to develop throughout the gulf slope and the Mississippi valley. The growing wealth and the refinement of the Crescent City attracted his ambition. It contrasted strongly with the gullies, pines and poverty from which every one who could was running away and writing back about the paradise of plenty into which they had been admitted.

"As there were some awful accounts of the yellow fever, duels, murders and steamboat explosions, circulated by those who had lands to sell, it rather counteracted the rose lights cast by the happy dwellers in paradise. It was decided, therefore, that Caldwell should go to pioneer this paradise, and if he was neither a victim to the one or other of the epidemics his lady would, with the children, remove permanently to New Orleans."

Here mine host of the Phœnix "rang down" on the story, while the brown mugs were replenished with lager, and the patient pipes resumed by way of entr'acte.

"It is not intended to give the biography of this very remarkable man further than to illustrate a few incidents connected with his residence in New Orleans. It was some years before this conjunction of the family was accomplished. Caldwell encountered the usual difficulties of a progressive spirit. The Creole population were naturally jealous of the Americans. They could sell all the goods and hold all the offices themselves. Perhaps the natural antagonism which has for so many centuries separated the ancestors of each across the British channel, was unconsciously renewed on this side of the Atlantic; anyway, there was a contest as to whether the English spoken drama could or should be enacted above Canal street. The St. Charles Theatre, above the ruins of which we now sit, was one result.

"Caldwell brought Booth to New Orleans," remarked our host, "and Booth got up the leading parts in French and played with great applause. Mme. Caldwell, who recently died here, was the leading lady at that time and played with him. J. B. [illegible] the fact from her own lips. He also brought out many others who were afterward distinguished as stars. He battled with prejudice and opposition and conquered. He not only built one of the most elegant theatres, but he connected the success of the drama with other enterprises. He was the founder of the St. Charles Hotel, the Gasworks and other modern enterprises. He was a member of the City Council, a patron of everything useful or attractive. He emulated in this respect the great manager who, at the same time that he run the Globe Theatre at London, speculated in the town lots and corporate taxes of Stratford-on-Avon.

"New Orleans was then a long way from the Atlantic States, and the mail communications very irregular. It was impossible to supply all the comforts of domestic intercourse by correspondence. Caldwell effected a morganatic arrangement with a beautiful and spiritual young lady who took charge of his household. The veritable Mme. Caldwell, however, came to the conclusion that the percentage of mortality in New Orleans must be rather less than reported, so she decided to take the risk of emigration. It does not appear that she advised her spouse of this decision, nor would it seem to have been adopted upon any persuasion of his. It is not impossible some evil minded person might have anonymously advised her of this decision in her temper. Not impossibly female instinct might have detected in the scant and unimpassioned letters of her liege lord a more philosophical resignation to his bereavement than was appropriate or natural. Any way

Through Coron's lattices the lamps are bright,
For Seyd the Pacha gives a feast to night.

"Mr. Caldwell was surrounded by a brilliant assemblage—music, the dance; the luxuries of two hemispheres were spread in his hospitable establishment. A splendid lady was doing the honors in the absence of the true proprietress. Now occurred the second act of the very dramatic matrimonial history of Mr. Caldwell. Enter the true Madame Caldwell with her children, as Mrs. Norma has subsequently done in opera. Mr. Caldwell very properly rang down the curtain on the hysterics, conjugal objurgations, and on the guests, who stood not on the order of their going. Like the Israelites ready girded for departure they swallowed champagne and devoured the baked meats. As in too many cases in this world of injustice, the usurper held dominion and the legitimate authority went into exile. Not in paliation, but as a historical incident it may be said that Mr. Caldwell was never ungrateful for the aid which the marriage might have afforded him. He always provided for the comfort of his wife and the education of his children. Both of whom were refined and estimable members of society.

"Long subsequent both parties united in a decree of divorce, and Mr. Caldwell remarried with a young and estimable lady of this city. It had so happened that about the date of this second marriage the first Mrs. J. H. Caldwell had visited New York with her children and was staying for some weeks at the then most fashionable hotel, the St. Nicholas.

"Mr. Caldwell with his recently married bride made a tour North and naturally went to the most fashionable hotel in the city.

"The immense quantity of baggage with which people connected with the theatre deem indispensable, arrived and was naturally sent by the clerk according to its marks to the apartments of Mrs. James H. Caldwell. There was no telegraph in those days, so that this bridal party arrived in advance of any intelligence of their marriage. The appearance of the baggage puzzled Mme. I. She, however, inferred that her repentant husband had come to cast himself at her feet and ask forgiveness, he might also have provided a trousseau for the remarriage, so no opposition was offered, and the effects were stored to await the appearance of their owner.

"Upon learning this contretemps, Mr. Caldwell promptly recalled the baggage, and, with Mme. II., beat a precipitate retreat to another hotel. Mme. I. had no opportunity to exchange civilities with Mme. II., while the hero of the drama adroitly escaped those compliments which he had a right to have expected.

Here was the third act in this play or 'Married in Spite of Himself.' It was the denouement and finale."

Here the crowd pouring out of the adjacent theatre reminded the party that the yarns had been drawn out sufficiently for one evening, so they made their exeunt severally.

Eloquent Remarks of General T. Morris Chester on the Death of Judge Atocha.

May it please the Court—Upon this sad occasion, I desire to intwine my thoughts into a tribute of respect to the memory of him whose loss we so deeply lament. Truly has it been said, that in the midst of life we are in death. Ashes to ashes and dust to dust is the irrevocable fate of humanity. Neither the uncertainty of life, nor our familiarity with death can restrain the fountains of public grief, when stirred by the departure of official worth and private excellence. In the demise of an eminent citizen important principles are likely to be emperiled, and great results are sometimes retarded. Cultivated genius and virtues are the irresistible elements of progress—the stars of our social and political sphere—the hope of humanity, and the glory of the State; but when these pass away, in the extinction of man, liberty is afflicted with grief, justice is shrouded in gloom, and religion assumes the habiliments of mourning.

The sad aspect of this scene reminds us that death has been in our midst, and has stricken down a respected and conspicuous character. In glancing over this mixed assembly, beyond the railings, I do not miss a familiar face. In looking around me, I see the venerable Attorney General in his seat—the district attorney by his side—the members of the bar in their accustomed places—the sheriffs on duty—the clerks at their posts—the petty jurors present, while the grand jury has answered and been discharged till to-morrow; but when I raise my eyes to the sacred seat of the judge, I fail to recognize, in the dignified incumbent, the familiar features of the presiding genius who has graced it with such eminent ability and impartiality since the creation of this court. Grevious as it is, we must realize the painful truth, that the Hon. A. A. Atocha, late judge of this tribunal, is no more! and we must bow with becoming resignation to this dispensation of Divine Providence.

In the tribute to departed worth by members of the bar, I desire to lay my cypress upon the coffin of my dead friend—to mingle my sorrows with your misfortune, and to condole with you over the loss of private and public virtues. As a citizen he was frank and fearless—as a gentleman he was honorable and courteous—as a friend he was faithful and unwavering—as a jurist he was learned and accurate, and as a judge he was just and impartial. The recollection of his organization of this court, upon a basis of decorum and dignity, with a marked dispatch of business and a satisfactory administration of public justice, will remain as an enduring tribute in the memory and affections of the people.

As the judge of this court he won the admiration of the bar and the respect and confidence of this community, and while he was the terror of evil doers, he was the friend of the unfortunate and the hope of the innocent. In his unsullied administration of public justice Judge Atocha invested the character of our judiciary with additional lustre, and laid the basis of a fame of which any jurist might be proud. In his death the bar has lost a shining ornament, the bench an exemplary judge, the State an eminent citizen and the spirit of progress and reform an earnest and enthusiastic advocate. As mourners we bow with afflicted hearts over his coffined remains, lamenting his departure, cherishing his virtues and resolving to emulate his example. In the release from suffering of our judge, our fellow citizen and our friend we, as Christians, cherish the hope that when he closed his eyes upon the earth he opened them in that celestial court, under the inspiration of the angelic choir, welcoming a redeemed spirit.

Important Decision by Judge Meunier with Reference to the Jurisdiction of Justices of the Peace.

The bar and the public generally will doubtless read with care the following able decision by Judge Meunier, of the Third District Court, as the question therein determined is one of great importance, particularly to the planting interests. We are informed that some 300 suits of a similar character are virtually disposed of by this judgment:

REASONS FOR JUDGMENT.

State of Louisiana ex rel. Stanley & Webb vs. I. W. Falls, seventh justice of the peace for the parish of Orleans.—Application for a writ of prohibition and certiorari.

Two questions are presented by the pleadings for determination by this court:

1. Has the Seventh Justice Court jurisdiction of the persons of the defendants, Stanley and Webb, in the suit of Zenon Lewis, No. 3107 of the docket of said justice court?

2. If it has jurisdiction of the persons of said defendants, are the proceedings had in the said suit before said justice court valid?

Stanley is the lessee of one Mrs. Foley's plantations, situated in the parish of Assumption, and Webb is acting as overseer or manager thereof, being perhaps interested to some extent in the crop raised on that plantation. From the evidence adduced before this court it clearly appears that Webb has continually resided with his family on that plantation for the last four or five years; that he is still now living there with his family, and that he voted at the election of November last at one of the election precincts of the parish of Assumption. True it is, the principle is laid down in our jurisprudence that the fact that a person has voted in this State is not sufficient to show a change of domicile from another State, if it be proved that he never made a permanent change of residence; but the actual continuance of residence of Webb with his family for the last four or five years in the parish of Assumption, where he has his principal domestic establishment, combined with the fact of voting there, is sufficient on the part of said Webb to show animo and facto his intention to fix his domicile in the parish of Assumption; and the subsequent declaration that he may have made on one occasion in presence of Zenon Lewis, that "he was," or that "he is" from Kentucky, can not create a conclusive presumption against his intention of a permanent establishment in this parish, combined with the fact of a residence there for more than four years.

When, on the subject of domicile, a party's acts are irreconcilable with his declaration, the latter shall go for nothing. 10 A., 94; 13 A., 436. As to Stanley, the testimony of several witnesses who have had some business relations with him conclusively established that his principal domestic establishment, his domicile, is at Arcola, in the parish of Tangipahoa, where he has been living for years with his family, and where he is still now engaged in business and keeping a store. It is true that Stanley comes from time to time to New Orleans, where he remains during a few days to buy cotton or to attend to some other business; that he has a desk or an office in this city, wherein he goes to transact his business when at New Orleans; but these acts on the part of Stanley do not constitute, in the contemplation of the law, such an alternate residence in the parishes of Orleans and of Tangipahoa as to authorize his creditors to consider either of these two places as his principal establishment, and to cite him before the tribunal of either of those two parishes. A party is considered as residing alternately in different parishes when he is dwelling a portion of the time in one parish and a portion in another, and not when he goes in a parish where he passes but a few days in a week or in a month for the mere purpose of buying cotton or of attending to some other business transactions. C. P., article 166; 8 L. 557 and 563; 4 A. 530. Under the statute of March 19, 1861, amending article 162 of the Code of Practice, the defendant must be sued before the judge having jurisdiction of the place of his domicile or residence, and he is not permitted to elect any other domicile or residence for the purpose of being sued; but this rule is subject to the exceptions expressly provided by law; that is, by article 163 of the Code of Practice. From the interpretation given by the Supreme Court to the statute of March 19, 1861, above referred to, prohibiting a defendant from being sued out of the parish of his domicile, except in cases expressly provided by law, the court of one parish can not take cognizance of suits against a person having his domicile in another parish; and a judgment rendered against a person by the court of a parish different from that in which he is domiciliated, is a mere nullity for want of jurisdiction ratione personæ. Webb and Stanley, the real parties defendant in the suit of Zenon Lewis, being both domiciliated out of the parish of Orleans at the time of the institution of said suit, and the claim of Z. Lewis being not embraced within the exception created by the article 162 of the Code of Practice, the Seventh Justice Court for the parish of Orleans is without jurisdiction in the premises, ratione personarum, and the judgment rendered by that court in favor of said Zenon Lewis has no legal existence. But it is contended on the part of the counsels for the respondents herein, that the judgment of the lower court, if of no legal effect as a judgment in personam, is nevertheless valid and binding as a judgment in rem; and to support that proposition, they rely upon the decisions of the Supreme Court in the cases of Henning vs. steamer St. Helena, 5 A., p. 319; Celestine Dejona vs. steamboat Osceola, captain and owners, 17 A., p. 177, and Gillen, Snedes & Co. vs. L. Manning, 19 An., p. 291. Wherein it is held that where plaintiff claims a privilege on cotton or some other property, and has it sequestered in a different parish from that of the domicile of the defendant, the personal action will be dismissed, and the action in rem maintained." The Supreme Court, in the above mentioned cases, considering the privilege as following the property on which it is by law attached, and viewing the matter therein under a principle of equity, permitted the creditors to sequester or to provisionally seize that property for the satisfaction of their privileged claims, through an order emanating from a court without jurisdiction of the persons of the defendants, thereby laying down the doctrine that a tribunal can inquire into and pass upon the question of privilege without first inquiring into and passing upon the validity or the correctness of the claim secured by that privilege. However great my respect be for the authority of those decisions, the doctrine therein enunciated is, I think, a fallacy; that doctrine had never before nor has it ever since those decisions been sanctioned by our jurisprudence. In the cases of Holander vs. Nicholas, wherein the crop had been provisionally seized by an overseer in satisfaction of his privileged claim against his employer, domiciliated in the parish of St. James, the Supreme Court uses the following language: "The privilege accorded by law to overseers to secure the payment of their wages is, like all other privileges, an accessory to the principal obligation, and must follow it. The doctrine that a court of justice may inquire into a question of privilege when it is without jurisdiction to decide upon the claim secured by that privilege, would make the principal subservient to the accessory. The exception is not made by law, and can not be allowed by us." See R. R. p. 7, and the authorities there cited. In the case of Mallard vs. Cooley, No. 2416 of the docket of the Supreme Court, decided in 1872, page two of the judgment book of that year, the court, recognizing the authority of the principle laid down in the case of Holander vs. Nicholas, holds that a sequestration being not a proceeding in rem, but only one of the conservatory acts or writs which may accompany the principal demand, it would seem that the dismissal of the main action would carry with it the accessory or conservatory act.

This doctrine has been lately reaffirmed in two other cases—Rochereau vs. Guidry, 24 A., 309, and Gray vs. Eaton & Barstow. This latter case having been decided this year is not yet reported, but the judgment may be found on page 181 of the judgment book of the Supreme Court. In that case (Gray vs. Eaton & Barstow) the court holds this forcible language: "The case of a factor having a lien on a crop is not embraced in the excepted cases mentioned in article 162 of the Code of Practice. A court without jurisdiction to try the principal demand can not try an issue accessory thereto. A privilege springs from the nature of the debt, and a court that can not determine whether or not a debt exists for want of jurisdiction can not decide that there is a privilege because the latter can not exist without the former. A sequestration is merely a conservatory order, and a court without jurisdiction of the case can render no order whatever."

The writ of provisional seizure issued in the case of Zenon Lewis vs. Webb, Stanley and others, to enforce said Z. Lewis' privileged claim under sections 2912 and 2913 of Revised Statutes, and under articles 284 and 285 of the Code of Practice, being, like a sequestration, merely a conservatory order, and not a proceeding in rem under articles 290, 291 and 292 of said code, the Seventh Justice Court was without authority to issue that writ, having no jurisdiction of the case in which it has been issued.

The opinion expressed by this court, that the Seventh Justice Court was without authority to entertain and determine the suit of "Zenon Lewis vs. Webb, Stanley and others" for want of jurisdiction ratione domicilii of the defendants, carries with it the implicit condemnation of all the proceedings had in said suit as being non coram judice, especially the appointment of the curator ad hoc to represent Webb and Stanley, residing in the State of Louisiana, and, therefore, not absentees in the contemplation of the law.

For these reasons it is ordered and decreed that the writs of prohibition and of certiorari herein issued be both made absolute, respondents paying costs of these proceedings.

A Love Story of the War.

We were sitting in our room, at the Glades Hotel, in Oakland, Maryland, one day with a charming lady who had dropped in on a visit. One of our windows looked into that of another room so placed by the position of the main building that half of its interior could be seen. We were looking up and admiring a little chubby, blue-eyed, two year-old, white as snow, who was pulling a boquet to pieces, and tossing out the fragments, or clapping her hands with delight as a train went thundering by.

"These rooms," said our visitor, "have some tender associations for me."

"Why so?" we asked.

"Well," she answered, "during the war the greater part of the hotel was seized by the government as a hospital, and we were crowded into few rooms. My sister and I had this. In that room where that little beauty is were two Union officers, one sick of the fever and another of a wound. It was hard to tell whether they were slowly dying or slowly getting well. I never saw such ghostly skeletons to be alive. We were secesh, and not modest about it either, but still our hearts ached for the poor young men, so ill, perhaps dying, far from friends and relatives."

"It bothers one to know how this should be a hospital," we said, "it's so far removed from active operations."

"It was thought," she answered, "that the mountain air of the glades would be more favorable to recovery than elsewhere, so this was made a hospital. One day one of these officers dragged himself to the window, and under the impulse of the moment my sister asked if we could do anything for them, and he answered, gasping for breath, that a little chicken or soup would save their lives. Chickens were rare in those days—an army is hard on poultry. The men will work all night, after marching through the day, to secure a few chickens; so that when the hospital nurse and physician had an unlimited supply of luxuries in the way of wines, potted meats, and canned vegetation, they were without anything fresh. We knew where a few chickens were hid in a cellar by a neighbor, and we coaxed one out of the owner, and after a deal of vexations trouble—for at every turn we were met by a fixed bayonet and an insult—we got the soup ready, and as the guard in the hall would not permit us to approach our patients, my sister attempted to hand the bowl to the officer in the window. Just as he was feebly reaching for it, and she stretching herself half out to give it to him, a harsh, ugly voice below cried aloud, 'Look out, there—poison!' She nearly dropped herself, soup and all. Drawing back she hesitated a second, and then she took the spoon and began eating the broth. 'Oh, bother!' cried the officer, 'Don't waste it that way; I'm not afraid;' and she gave him the soup. It seemed to revive them, and they continued steadily to improve, as day after day we supplied them with chicken broth until the cellar was empty. During this time we stood at the window talking, and we sang to them—sang 'My Maryland,' and all the Southern songs we knew, until they were well enough to leave the hospital and return to duty. They both seemed sorry to go, and forced on us a quantity of hospital stores and some coffee, which last we needed sadly. Then one gave a ring and the other a brooch, as tokens of their kind feeling."

"And did they never return?" we asked.

"One did not, for, poor fellow, he was killed in the very next battle in which he was engaged. His companion wrote us about it, and the writer insisted upon opening a correspondence with my sister; and soon his letters grew into love letters, and after a time they were engaged. Nearly a year subsequent to this our patient got leave of absence and came on to be married. He put up at a hotel, and—will you believe it? our own brother, who was in the Confederate service, and knew nothing of my sister's affair, led a band of guerrillas at night into town and captured his intended brother-in-law from his bed. This not only deferred the marriage, but deprived the young West Pointer of his promotion, that had been promised for gallant services in the field. It was really aggravating, for exchanges had almost ceased, and it looked as if the lovers would have to wait until this 'cruel war was over' before they could be united."

"You should have appealed to Abraham Lincoln to give a married brigadier for an unmarried lieutenant."

"We did better. Procuring passes, we went through the lines and appealed to Jeff Davis. Jeff said he would put my brother's prisoner in his sister's keeping. They have been happily married these many years. He is Brevet Brigadier General now, and it all came of our nursing the enemy in that room."

Here is the foundation of a drama superior to that given by Boucicault in Belle Lamar.—The Capital.

The Temperature.

The thermometer at Louis Frigerio's, No. 50 Chartres street, on April 17, stood as follows: At 8 A. M., 56°; at 2 P. M., 68°; at 6 P. M., 68°. Lowest point during the night of April 16, 54°.

A fashion writer gives the following hair pin opinion:

Iron hair pins, worn by almost all women, are unhealthy. They draw off the healthy electricity of the head. Rubber pins are clumsy and too brittle to be of value. Gilt hair pins, made of a yellow composition metal, are becoming to blonde hair. The best hair pins in use are the japanned steel.

A hen-pecked Englishman, lately deceased at Bath, has wreaked posthumous revenge upon his widow by leaving £50 per annum to be expended in having mournful dirges rung with muffled clappers from the Abbey chimes all day long upon the anniversary of his wedding day, and joyful peals to celebrate the recurrence of the date of his death, which released him from matrimonial bondage.

Loafers are quite as plentiful, but a little dirtier than usual this spring.

OFFICIAL JOURNAL OF THE FOURTH GENERAL ASSEMBLY OF THE STATE OF LOUISIANA

EXTRA SESSION.

SENATE.

Third Day's Session.

SENATE CHAMBER, New Orleans, April 16, 1875.

The Senate met in accordance with 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 Senators were as follows:

Present—Messrs. Alexander, Allain, Anderson, Blackburn, Blunt, Breaux, Brewster, Burch, Cage, Crozier, Detiege, Eustis, George, Gla, Greene, Grover, Harper, Kelso, Masicot, Ogden, Robertson, Steven, Wharton, White, Whitney, Young—26.

Absent—Messrs. Chadbourn, Dumont, Herwig, Kelly, Landry, Pollard, Stamps, Sypher, Twitchell, Weber—10.

Prayer by the chaplain.

The Secretary commenced to read the journal, and, on motion of Mr. Allain, the further reading was dispensed with. The journal was corrected and adopted.

HOUSE OF REPRESENTATIVES, New Orleans, April 16, 1875.

To the Honorable President and Members of the Senate:

I am directed to ask concurrence in the following bill, viz:

House bill No. 1, extra session, joint resolution relative to the recognition of the Kellogg government.

Respectfully,

JOHN W. ROXBOROUGH, Assistant Clerk.

NOTICES OF BILLS.

Mr. White gave notice of the following bills:

Of a bill to be entitled an act to reduce the taxes of the city of New Orleans, levied for Metropolitan Police purposes; to limit the expenses thereof; and to authorize the Metropolitan Police Board to reduce the apportionment, salaries and expenses accordingly.

A bill to be entitled an act to limit the amount to be paid by the city of New Orleans for the support of the public schools; to reduce the expenses thereof; and to authorize the reduction of taxes in conformity thereto.

Also, of a bill to be entitled an act to repeal an act entitled an act relative to public printing, approved July 21, 1868; and to repeal an act entitled an act relative to judicial and legal advertisements, No. 94 of the acts of 1870; and to repeal sections 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999 and 3000 of the Revised Statutes of the State of Louisiana, and to regulate and define the rates and prices of the public printing, to prescribe the manner in which the same shall be done, and to regulate the manner of promulgating the laws of the State.

An act to regulate and provide for the printing and publication of legal and judicial advertisements in the parish of Orleans.

An act relative to the public printing and the publication of the ordinances, advertisements and proceedings, etc., of the corporation of the city of New Orleans.

An act relative to judicial advertisements in all the parishes of the State other than the parish of Orleans.

An act relative to parochial printing.

An act regulating the fees of office of the clerks of the district courts of the parish of Orleans, regulating the compensation thereof, providing for the appointment of certain deputies therein by the judges thereof; regulating the taking of testimony in said courts, and dedicating to the Charity Hospital any surplus of fees collected by said clerks.

An act fixing and regulating the fees of the civil sheriff of the parish of Orleans; providing penalties for overcharging; giving to the judges of the district courts of the parish of Orleans, the First and Superior Criminal Courts excepted, the power to appoint deputies, with power to serve processes from such courts.

An act fixing the fees of the criminal sheriff of the parish of Orleans.

An act to repeal act No. 120 of the acts of 1870, entitled an act to provide for the appointment of public administrators, and defining the duties of the same, to provide for the settlement of successions administered by public administrators, and to provide for the administration of vacant and intestate successions.

An act to establish two police courts in the city of New Orleans; defining the jurisdiction and officers thereof; determining their mode of appointment; prescribing the penalty for non-payment into the city treasury of fines collected by them; providing for the transfer of the records from the several municipal police courts to the police courts hereby created, and repealing all acts establishing municipal police courts in the city of New Orleans; also repealing an act entitled an act "to confer criminal jurisdiction upon the Seventh Justice Court for the parish of Orleans; to regulate fees and compensation thereof, and defining the limits of said criminal jurisdiction, and to establish fees of the constable of the said court and defining his duties under said act."

An act to regulate the park tax provided by act No. 84 of the extra session of 1870 and act No. 83 of 1871, and to provide for the disposition to be made of the proceeds of said tax, and for a reduction of the general fund tax of the city of New Orleans.

An act regulating and fixing the fees of recorder of mortgages and register of conveyances, parish of Orleans.

Mr. Whitney gave notice of an act entitled an act providing for the appointment of district attorneys pro tempore, defining their powers and duties, and fixing their compensation.

Mr. Detiege gave notice that at future day he would introduce an act entitled an act to amend and re-enact article 674 of the Code of Practice.

Mr. Anderson gave notice that he would introduce a bill to be entitled an act to provide for meeting the obligations assumed by the State in accepting the donation from the United States granted for the purpose of establishing a college in the interest of agriculture and the mechanical arts.

Mr. Weber gave notice that he would introduce an act to incorporate the Mercantile Insurance Warehouse and Loan Company of New Orleans.

Mr. Young gave notice of a bill entitled an act to remit the penalties and interest on taxes on lands overflowed in 1874, provided the principal of such taxes is paid before December 1, 1875.

Also of an act to enable persons to be released from any official bond they may have signed for sheriffs and clerks of courts by giving courts thirty days' notice of the same.

Mr. Sypher gave notice of a bill to be entitled an act to repeal act No. 47, approved March 14, 1873, entitled an act to enforce the payment of taxes due the State; providing for the seizure and sale of the property of delinquent taxpayers, and regulating the proceedings against them and against their property and tenants.

Mr. Weber gave notice of a bill to be entitled an act to prevent the State and the city of New Orleans from inundation by crevasses, making an appropriation therefor, and providing for the disbursement thereof.

INTRODUCTION OF BILLS ACCORDING TO PREVIOUS NOTICE.

By Mr. Greene:

Of a bill to be entitled an act providing for assessing and collecting the taxes of the parish of Orleans, the city of New Orleans; also for the parishes of the State of Louisiana; and making the thirty-first day of March the end of the fiscal year after the year 1875; providing penalties for failure of duty of officers, etc.

Mr. Greene moved that the constitutional rule be suspended for the purpose of putting the bill to its second reading.

Two Senators called for the yeas and nays.

The Senate refused to suspend the constitutional rule by the following vote, four-fifths not voting in the affirmative:

Yeas—Allain, Blackburn, Brewster, Detiege, Eustis, George, Greene, Grover, Herwig, Kelly, Kelso, Ogden, Robertson, Steven, Weber, Wharton, White, Whitney, Young—19.

Nays—Alexander, Blunt, Burch, Cage, Crozier, Dumont, Gla, Harper, Masicot, Pollard—10.

Absent and not voting—Anderson, Breaux, Chadbourn, Landry, Stamps, Sypher, Twitchell—7.

JOINT RESOLUTION.

Mr. Cage submitted the following:

A joint resolution appropriating $20,000 for the purpose of aiding and assisting the citizens of the parish of Terrebonne to clean out and make navigable Bayous Terrebonne and Little Caillou, in said parish of Terrebonne, and to provide for the manner of disbursing the same.

The bill was read the first time.

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

SENATE RESOLUTION.

By Mr. Kelly:

Resolved, That the Governor be and is hereby directed to send in for confirmation by the Senate, within three days from the passage of this resolution, the name of such person or persons (requiring confirmation) nominated or commissioned by him, and that any such person or persons holding a commission without the confirmation of the Senate, at the time of its adjournment shall be declared null and void and of no effect.

Lies over under the rules.

INTRODUCTION OF BILLS BY UNANIMOUS CONSENT.

By Mr. Allain:

A bill to be entitled an act for the relief of Judge Louis Farrot and Mr. Narcisse Landry, veterans of 1814 and 1815.

The bill was read the first time.

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

[Mr. Brewster in the chair.]

SENATE BILLS ON SECOND READING.

Senate bill No. 1, to be entitled an act to amplify, regulate and determine the jurisdiction of the Fourth, Fifth and Sixth District Courts for the parish of Orleans, and to invest said courts with concurrent jurisdiction in certain cases, as now exercised by the Superior District Court of New Orleans, was taken up and passed its second reading, and was referred, on motion of Mr. Eustis, to the Committee on Judiciary.

Mr. Whitney moved that the Senate do now adjourn till Monday, at 12 M.

Two Senators called for the yeas and nays.

The Senate refused to adjourn till Monday, by the following vote:

Yeas—Blackburn, Burch, Cage, Crozier, Gla, Harper, Herwig, Masicot, Pollard, Whitney—10.

Nays—Allain, Blunt, Breaux, Brewster, Eustis, George, Greene, Kelly, Kelso, Ogden, Robertson, Stamps, Steven, Weber, Wharton, White, Young—17.

Absent and not voting—Alexander, Anderson, Chadbourn, Detiege, Dumont, Grover, Landry, Sypher, Twitchell—9.

SPECIAL ORDER OF THE DAY.

Mr. Brewster, in the chair, called up the following as special order at that time:

STATE OF LOUISIANA, Executive Department, New Orleans, April 14, 1875.

To the Honorable President and Members of the Senate:

I return without my approval an act originating in the Senate, amending the charter of the city of New Orleans. I believe the opinion is general among those best acquainted with city affairs that some radical change in the existing form of city government is necessary, and as this bill has at least the merit of providing for a reduction of expenditures I was prepared to give it my approval. A communication, however, was presented to me last evening, signed by the respective legislative committees of the Cotton Exchange and Chamber of Commerce, requesting me not to sign the bill, as my doing so might impede the efforts being made to assist the city out of its difficulties. The gentlemen whose names are appended to this memorial are so largely interested in the prosperity and good government of the city, that I yield to their views, and by vetoing the bill remit the whole question to the Legislature.

WILLIAM P. KELLOGG, Governor.

Mr. Young moved to postpone the special order for thirty minutes. Postponed.

Mr. Young called up the report of the Committee on Auditing and Supervising the Expenses of the Senate, which was read at length.

On call of two Senators the Senate went into executive session.

The executive session having been raised the following Senators answered to their names:

Present—Messrs. Allain, Blackburn, Breaux, Brewster, Burch, Cage, Crozier, Dumont, Eustis, George, Gla, Greene, Grover, Harper, Herwig, Kelly, Kelso, Masicot, Ogden, Pollard, Robertson, Stamps, Steven, Sypher, Twitchell, Weber, Wharton, Whitney, White, Young—30.

Absent—Messrs. Alexander, Anderson, Blunt, Chadbourn, Detiege, Landry—6.

Mr. Kelly in the chair, announced the special order of the day as then in order.

The foregoing veto message was then taken up and read.

Mr. Breaux moved that the veto message be postponed until next week Friday, at one o'clock.

Mr. Stamps moved to postpone till Monday of next week at one o'clock.

Mr. Cage moved to table the motions to postpone.

Tabled.

Mr. Cage moved to pass the bill finally, the veto of the Governor to the contrary notwithstanding.

Mr. Whitney moved the previous question.

The same having been duly seconded, the main question was ordered to be then put.

After the closing argument of Mr. Stamps, and under operation of the previous question, the Senate, on call of the yeas and nays, refused to pass the bill, the veto of the Governor to the contrary notwithstanding, two-thirds not having voted in the affirmative, by the following vote:

Yeas—Blunt, Cage, Crozier, Detiege, Dumont, Harper, Pollard, Stamps, Weber—9.

Nays—Anderson, Allain, Breaux, Blackburn, Brewster, Burch, Eustis, George, Greene, Grover, Kelly, Kelso, Masicot, Ogden, Robertson, Steven, Twitchell, Wharton, White, Whitney, Young—21.

Absent and not voting—Alexander, Chadbourn, Gla, Herwig, Landry, Sypher—6.

Mr. Whitney moved that the Senate do now adjourn until Monday at 12 M.

On call of the yeas and nays by two Senators the Senate refused to adjourn till Monday at 12 M. by the following vote:

Yeas—Anderson, Blackburn, Breaux, Burch, Cage, Crozier, Dumont, Harper, Herwig, Landry, Masicot, Pollard, Stamps, Wharton, Whitney—15.

Nays—Allain, Blunt, Brewster, Detiege, Eustis, George, Grover, Greene, Kelly, Kelso, Ogden, Robertson, Steven, Weber, White, Young—16.

Absent and not voting—Alexander, Chadbourn, Gla, Sypher, Twitchell—5.

Mr. Young moved to adjourn until to-morrow.

The Senate voted to adjourn.

The President declared that the Senate stood adjourned to meet to morrow at 12 M., Saturday, April 17, 1875.

P. E. BECHTEL, Secretary of the Senate.

HOUSE OF REPRESENTATIVES.

Fourth Day's Proceedings.

HOUSE OF REPRESENTATIVES, New Orleans, April 17, 1875.

The House met pursuant to adjournment. Speaker Estilette in the chair.

The roll was called, and the following members answered to their names:

Speaker Estilette and Messrs. Armstead, Aldige, Booth, Byrne, Blaffer, Brice, Butler, Bayley, Beasley, Bower, Billieu, Carville, Carmouche, Cousin, Carloss, Durr, Dupre, DeBlanc, Dugas, Davidson, Dewees, Demas, Dickenson, Elliott, Oliver Edwards, R. P. Edwards, Floyd, Guichard, Grant, Gracien, Gilmore, Hall, Hill of Ascension, Hill of Ouachita, Hubeau, Honore, Hammond, Hahn, Jourdain, Johnson of Lafourche, Johnson of Caddo, Jones of Pointe Coupee, Jones of Lincoln, Jeffries, Kountz, Kelly, Kummel, Keating, Kidd, Keys, Levisee, Lane, Lowell, Lafargue, Luckett, Maginnis, Meredith, Mitchell, Matthews of Tensas, Matthews of Franklin, Martin, Murrell, Milon, Martinet, McCullum, McAlpine, Magee, Nunez, Pascal, Parker, Pierson, Piles, Pipes, Richardson, Randall, Ridgely, Ray, Raby, Richards, Rochon, Smith, Self, Stewart, Sutton, Southard, Snaer, Sartain, Souer, Seaman, Sibilski, Schenck, Scales, Schuler, Stafford, Triplet, Thomas, Vidrine, Walker, Wiltz, Wilson, Walters, Webb, Wells, Yorke, Young—105.

One hundred and five members present and a quorum.

The reading of the journal was dispensed with and it was adopted.

The Speaker announced the following standing committees:

Committe on Judiciary—Young, of Claiborne, chairman; Kountz, of Orleans; Hahn, of St. Charles; Kidd, of Jackson; Billieu, of Lafourche; Lowell, of Jefferson; Elliott, of Orleans; Hall, of Orleans; Pierson, of Natchitoches.

Committee on Ways and Means—J. Jeffries, of Rapides, chairman; Bower, of Orleans; Matthews, of Tensas; Roman, of Orleans; Ray, of East Feliciana; Beasley, of Assumption; Martin, of Lafayette; Dewees, of Red River; Blaffer, of Orleans.

Committee on Rules—E. D. Estilette, ex-officio chairman; Young, of Claiborne; Matthews, of Tensas; M. Hahn, of St. Charles; G. L. Hall, of Orleans; R. Stewart, of Tensas; Webb, of St. Landry.

Committee on Claims—J. L. Scales, of De Soto, chairman; Carmouche, of St. Landry; J. Ross Stewart, of Tensas; Dugas, of Assumption; G. Pascal, of Orleans; Triplet, of East Baton Rouge; Davidson, of Iberville.

Committee on Banks and Banking—L. A. Wiltz, chairman; J. Aldige, of Orleans; L. J. Souer, of Avoyelles; E. Booth, of Orleans, Guichard, of St. Bernard; A. A. Maginnis, of Orleans; Southard, of Ouachita.

Committee on Public Education—Pipes, of East Feliciana, chairman; Schenck, of Orleans; M. Hahn, of St. Charles; Sibilski, of Orleans; Baker, of Bossier; Kelly, of Winn; R. P. Edwards, of Richland; Gracien, of Orleans; Woods, of West Baton Rouge.

Committee on Contingent Expenses—G. L. Hall, of Orleans, chairman; H. C. Mitchell, of Claiborne; S. R. Piles, of St. Mary; W. P. Smith, of Union; C. L. Walker, of Orleans; Demas, of St. John; Snaer, of Iberia.

Committee on Public Lands and Levees—E. McCullum, of Terrebonne, chairman; J. Johnson, of Lafourche; Murrell, of Madison; Beasley, of Assumption; Milon, of Plaquemines; Gilmore, of Orleans; Cain Sartain, of Carroll.

Mr. L. A. Wiltz, of Orleans, declined serving as chairman of the Committee on Banks and Banking.

Mr. C. W. Lowell, of Jefferson, declined the appointment as a member of the Committee on Judiciary.

PETITIONS, MEMORIALS AND RESOLUTIONS.

Mr. Lowell, of Jefferson, presented a memorial of F. C. Mahan, which was referred to the Committee on Claims.

Mr. Dupre, of Orleans, offered the following resolution:

Resolved, That a committee of three be appointed, with power to send for persons and papers, to examine the accounts and vouchers of the Committee on Contingent Expenses of the last regular session.

Mr. Pierson, of Natchitoches, raised the point of order that, as the chairman of the Committee on Contingent Expenses is required by law to furnish to the House at each convocation an account of his actions for the previous session, the resolution was not in order.

The Speaker ruled that the point of order was not well taken.

Mr. Armstead, of West Feliciana, moved to suspend the rules so as to consider the resolution at this time, on which the yeas and nays were demanded, with the following result:

Yeas—Armstead, Dupre, Davidson, Murrell, Ray, Stewart—6.

Nays—Aldige, Booth, Byrne, Bayley, Blaffer, Bower, Butler, Billieu, Brice, Beasley, Carville, Carmouche, Cousin, Carloss, DeBlanc, Dugas, Durr, Dewees, Demas, Oliver Edwards, R. P. Edwards, Elliott, Floyd, Guichard, Grant, Gracien, Gilmore, Hall, Hill of Ascension, Hill of Ouachita, Hubeau, Hahn, Honore, Hammond, Jourdain, Johnson of Caddo, Johnson of Lafourche, Jones of Lincoln, Jones of Pointe Coupee, Jeffries, Kountz, Kummel, Keating, Kidd, Keys, Kelly, Lane, Lowell, Levisee, Lafargue, Luckett, Maginnis, Meredith, Mitchell, Matthews of Franklin, Matthews of Tensas, Martin, Milon, Magee, McAlpine, Martinette, McCullum, Nunez, Pascal, Parker, Pierson, Piles, Pipes, Richardson, Randall, Ridgely, Raby, Richards, Rochon, Smith, Sutton, Self, Southard, Sartain, Souer, Seaman, Sibilski, Schenck, Scales, Stafford, Schuler, Triplet, Thomas, Vidrine, Walker, Wiltz, Wilson, Woods, Walters, Wells, Webb, Yorke, Young—98.

The rules were not suspended and the resolution lies over.

Mr. Pierson, of Natchitoches, offered the following resolution, and moved for a suspension of the rules to consider it at this time:

Resolved, That a committee of five be appointed to make the necessary arrangements for the distribution of seats to the members.

On the motion to suspend the rules the