THE LOUISIANIAN.

SUPPLEMEN

THURSDAY, FEBRUARY 9, 1871

OFFICIAL JOURNAL.

OF THE

PROCEEDINGS OF THE SENATE

FIRST SESSION

OF THE

SECOND GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA.

Third Day's Session.

SENATE CHAMBER,
Wednesday, January, 4 1871.

The President decided the point of order well taken.

Mr. McMillen appealed from the decision of the President.

On a call of the yeas and nays, the question being, "shall the decision of the Chair be sustained," the Senate refused to sustain the President, by the following votes:

Yeas: Antoine, Barber, Butler, Coupland, Fish, Harris, Herwig, Ingraham. Kelso, O'Hara, Pinchback, Ray, Smith, Thomas, Thompson, Todd—15.

Nays: Anderson, Blackman, Bowman, Campbell, Daigle, Futch, Gallup, Hunsaker, Jenks, Lewis, Lynch, McMillan, Noland, Pierce, Ragan, Swords, Sypher, Twitchell, Whitney, Wilcox—30

The President deciding that according to the decision of the Senate, the question now recurred on the adoption of the resolution amended, the resolution was adopted.

Mr. Ray moved to adjourn, which the Senate refused, on a call of the yeas and nays, the following vote:

Yeas: Antoine, Barber, Blackman, Bowman, Butler, Coupland, Fish, Harris, Herwig, Ingraham, Kelso, O'Hara, Pinchback, Ray, Smith, Todd—16.

Nays: Anderson Campbell, Futch, Gallup, Hunsaker, Jenks, Lewis, Lynch, McMillen, Noland, Pierce, Ragan, Swords, Sypher, Thomas, Twitchell, Whitney, Wilcox—18.

Mr. Campbell moved to proceed to call the roll, and as each Senator votes he shall announce the names of five Senators, and the five receiving the largest number of votes shall be declared elected as the committee on rules.

Mr. Pinchback moved, as a substitute to Mr. Campbell's motion, that the Senate proceed to elect a chairman of the committee.

Mr. Swords moved that Mr. Pinchback's substitute be laid on the table, and the same was tabled, by the following vote, on a call of the yeas and nays,

Yeas: Anderson, Blackman, Bowman Campbell, Daigle, Fish, Futch, Gallup, Herwig, Hunsaker, Jenks, Lewis, Lynch, McMillen, Noland, Pierce, Ragan, Swords, Sypher, Thomas, Thompson, Twitchell, Whitney, Wilcox—24.

Nays: Antoine, Barber, Butler, Coupland, Ingraham, Kelso, O'Hara, Pinchback, Ray, Smith, Todd—11.

The question then recurring on Mr. Campbell's motion, the same was adopted.

The following Senators were placed in nomination:

Messrs. Campbell, Anderson, Blackman, Whitney, Wilcox, Thomas, Pinchback Ray, Hunsaker, Bowman, Thompson.

Mr. Ray then moved that the nominations be closed.

Adopted.

On a call of the roll—

Mr. Campbell having received twenty-nine votes,

Mr. Anderson having received twenty seven votes,

Mr. Whitney having received twenty-seven votes,

Mr. Thomas having received twenty-five votes,

Mr. Wilcox having received twenty-two votes,

They were declared slected a committee to report rules for the government of the Senate for the present session.

Mr Wilcox offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to furnish members and officers of the Senate three daily and two weekly papers each, to be selected by themselves.

Mr. McMillen moved to lay the resolution on the table, which the Senate refused.

Mr. Wilcox's resolution was then adopted.

Mr. Todd moved to adjourn.

Adopted.

The President then announced that the Senate stood adjourned until Thursday, the fifth instant, at twelve o'clock M.

CHARLES H. MERRITT,
Secretary of the Senate.

Fourth Day's Session.

SENATE CHAMBER,
Thursday. January 5, 1871.

The Senate met pursuant to adjournment.

Present Hon. O. J. Dunn, Lieutenant Governor and President of the Senate. and Messrs. Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Fish, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso' Lewis, Lynch, Nolrnd, O'Hara, Pierce Pinchback, Ragan Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Whitney' Wilcox—35.

Prayer was then offered by the Rev. Mr. Burch.

Mr. Futch moved that the reading of the minutes be dispensed with, which the Senate refused.

The minutes were then partially read, when, on motion of Mr, Thompson, their further reading were dispensed with. No corrections were offered or made.

Mr. Jenks introduced a bill entitled an act to establish a steam ferry across the Mississippi river, at Bayou Sara'

Mr. Ingraham gave notice that he would, at some future day, introduce a bill to be entitled an act for the relief of Charles Bienvenu, late Sheriff of the parish of Orleans, or his assigns.

Mr. Jenks moved that the rules be suspended, for the purpose of placing the bill introduced by him on its first reading.

On a call of the yeas and nays, the rules were suspended, by the following vete:

Yeas: Anderson, Bowman, Butler, Campbell, Coupland, Daigle, Fish, Futce, Gallup Harris, Hunsaker, Ingraham, Jenks, Lewis, Lynch, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Swords, Sypher, Thomds Thompson' Todd, Twitchell, Whitney, Wilcox—29.

Nays: Antoine, Barber, Kelso—3.

And the bill passed its first reading.

On motion of Mr. Jenks, the constitutional rule was then suspended by a four-fifths affirmative vote, and the bill put upon its second reading for the purpose of reference.

The following notices of bills were then made:

By Mr. Futch:

Of a bill to be entitled an act to incorporate the Trenton, Farmerville and Fulton Railroad Company.

By Mr. O'Hara:

Of a bill to be entitled an act to aid the Lafourche, Terrebonne Drainage and Land Improvement Company in the production of this work.

By Lr. Wilcox:

Of a bill to be entitled an act to amend and re-adopt section first of an act entitled "an act to amend and re-adopt an act for the corporation and organization of works of public improvement, etc., approved September 10, 1868.

By Mr. Wilcox:

Of a bill ta be entitled an act to regulate the practice and dispatch of business in the district courts of the parish of Orleans.

By Mr. Wilcox:

Of a bill to be entitied an act relative to Justices of the Peace in the city of New Orleans.

By Mr. Pierce:

Of a bill to be entitled an act the more clearly to define and enlarge certain duties and powers of the Board of Health of the State of Louisiana, and to provide for the more complete protection of life and health.

By Mr. Pierce:

Of a bill to be entitled an act to provide for the inspection and designation of coal oils and illuminating oils or fluids, derived wholly or in part from coal oil or petroleum; to regulate the sale or disposition of the same; to prohibit the sale or disposition of illuminating oils or fluids dangerous to life and property, and to prescribe penalties for violations of this act.

By Mr. Pierce:

Of a bill to be entitled an act to provide a gratuitous vaccination, and to protect the State from the ravages of small-pox.

By Mr. Thomas:

Of a bill to be entitled an act for the relief of Norbert F. Scopini and Francois Lattier, and to pay the damages due and assessed on the tenth day of May, 1870, under the provisions of an act pf the Legislature entitled "an act to provide for the making of a cut-off at Scopini's Point on Red river, approved on the fifteenth day of March, 1860."

Mr. Lynch submitted the following report on behalf of the Finance Committee of the Senate and the Committee of Ways and Means of the House:

To the Honorable Senate and House of Representatives of the State of Louisiana.

The undersigned, on behalf of the Committee on Finance of the Senate and of the Committee on Ways and Means of the House of Representatives of the Legislature of the State of Louisiana, acting conjointly in pursuance of a concurrent resolution of the Legislature, adopted on the sixteenth day of March, 1870, authorizing said committee to sit after the adjournment of the Legislature for the purpose of ascertaining from the offices of the State Treasurer and Auditor of Public Accounts the number of bonds belonging to the redemption of the State debt,, to the Free School fund, and to the Seminary fund, and to examine and count the certificates of indebtedness known as State notes, issued under act No, 5, of 1866, the number of coupons in said offices, as well as other evidences of indebtedness that have been satisfied and paid by the State, and which are in said offices, the whole of which to be destroyed, beg leave to report—

That in the performance of said duty the joint committee have examind, counted and destroyed the following State indebtedness, to wit:

Certificates of indebtedness, known as "State notes," issued under act No. 5, of the Legislature, entitled "An act to authorize the issue of certificates of indebtedness and of bonds for the funding of the same".....	$529,515 00
Circulation of the free banks of New Orleans returned to the Auditor's office during the years 1867, 1868, 1869 and 1870.....	72,070 00
Interest coupons detached from State bonds issued and paid by the State.....	879,063 07
Blank State bonds prepared for issue, with interest coupons thereto attached and Stampee by the State Treasurer.....	1,223,300 00
Total.....	2,703,948 07

The joint committee proceeded to the examination of the bonds deposited with the State Treasurer, and belonging to the redemption of the State debt, to the Free School fund, and to the Seminary fund, which bonds are held in trust by the State in accordance with the provisions of an act of the Legislature, entitled "An act in relation to certain debts of the State," approved March 19, 1857, the interest on which bonds has to be annually transferred, and charged to each of said funds, on the books of the State Treasurer and of the Auditor of Public Accounts; in view of which, the joint committee have come to tha conclusion not to destroy said bonds, and consequently have returned them to the State Treasurer; and upon examination of said bonds, your committee have found that the interest coupons attached to said bonds have not been taken up since 1863, owing to the embarrassed condition of the State Treasury. The joint committe have thought proper to address communications to his Excellency the Governor, the State Treasurer, and the Auditor of Public Accounts, recommending the transfer of such amount, as are due to said funds respectively, and also to the Secretary of State and State Treasurer in relation to the keeping of said bonds by them, conjointly, according to the provisions of the law of 1857. All of which is respectfully submitted.

JOHN LYNCH,
Chairman Senate Committee.
W. L. McMILLEN,
Chair House Committee.

Mr. Ragan gave notice that he would, at some future day, introduce a bill to be entitled "an act act granting corporate privileges to the inhabitants of Baton Rouge, in the parish of East Baton Rouge, and to provide for the government of the affairs thereof, and to repeal an act entitled "An act to amend the several acts relative to the police and government of the city of Baton Rouge," approved April 2, 1853; and to repeal all acts amendatory thereto; and to repeal "An act to provide for the government of the city of Baton Rouge," approved March 8, 1856; and to repeal acts amendatory thereto.

Mr. Lynch, by unanimous consent, introduced a bill entitled Act to secure homesteads to actual settlers on the public lands of the State, which passed its first reading.

On motion of Mr. Todd, the constitutional rule was then suspended, four-fifths of the Senators voting in the affirmative, the bill put on its second reading, and ordered to be printed.

Mr. Campbell, from the committee on Rules, submitted the following report:

To the Honorable President and Members of the Senate:

Your committee appointed to report rules for the government of this body respectfully submit the accompanying rules, and recommend their adoption, and ask authority to have copies printed for examination of members.

HUGH J. CAMPBELL,
THOMAS C. ANDERSON,
A, R. WHITNEY,
CARLOS WILCOX,
S. M. THOMAS.

Mr. Campbell moved that the report of the committee be accepted, and the rules submitted ordered to be printed.

Adopted.

Mr. Blackman, on behalf of the committee appointed by the Senate to wait upon the Governor and inform him of the organization of the General Assembly, verbally reported that the committee had waited upon the Governor and informed him that the General Assembly was organized and ready to receive any communications he might have to submit.

Mr. Lewis moved that the report of the committee be received and the committee discharged.

Adopted.

Mr. Pinchback moved to adjourn.

Adopted.

The President then announced that the Senate stood adjourned until Friday, the sixth instant, at twelve o'clock M.

CHARLES H, MERRITT,
Secretary of the Senate.

Fifth Day's Session.

SENATE CHAMBER,
Friday, January, 6, 1871.

The Senate met pursuant to adjournment.

Present: Hon. O. J. Dunn, Lieutenant Governor and President of the Senate; Messrs Anderson, Antoine, Barber, Blackmrn, Bowman, Butler, Campbell, Coupland, Daigle, Fish, Futch, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Smith, Swords, Sypher, Thomas, Thompson, Todd, Twitchell, Whitney: Wilcox—36,

Prayer by the Rev. Mr. Burch.

The minutes of the previous day's session were partially read, when their further reading was dispensed with.

The following corrections were made to the minutes, by inserting the word "prosecution" in lieu of the word "protection" in the title of the bill, of which Mr. O'Hara gave notice, and by the Secretary, supplying an omission of the printer, that "prayer was offered by Rev. Mr. Burch."

Mr. Ragn offered the following resolution:

Resolved, That a special committee of three members be elected by the Senate to examine the affairs of the Board of Metropolitan Police, and ascertain if the said board has complied with the act creating the said Board of Metropolitan Police.

Laid over.

Mr. Ray presented papers contesting the seat of Senator Noland, which were laid on the table subject to call.

Mr. Lynch offered the following resolution:

Resolved. That in all cases of contest for the seat of a member of the Senate, duly returned by the Board of Returning Officers, and sworn in according to law, the contesting party shall receive no mileage or per diem unless he establish his claim to the contested seat, and is sworn in and seated.

Mr. Lynch moved that the resolution be adopted.

Mr. Harris moved that the further consideration of the resolution be postponed until the rules be adopted, which, on a call of the yeas and nays, the Senate refused, by the following vote:

Yeas: Barber, Fish, Gallup, Harris, Herwig, Lewis, O'Hara, Ray, Smith, Todd—10.

Nays: Anderson, Blackman, Bowman Butler, Campbell, Coupland, Daigle Futch Hunsaker, Ingraham, Jenks, Lynch, McMillen, Noland, Pierce, Pinchback, Ragan, Swords, Sypher, Thomas, Thompson, Twitchell, Whitney, Wilcox—24.

Mr. Lynch's resolution was then adopted.

The following report was received from the Auditor of Public accounts:

To the Honorable President and Members of the Senate:

Pursuant to the provisions of section 189, Revised Statues of the State of Louisiana, I have the honor to enclose a list of all persons who, as appears by the books of this office since 1865, are in default to the State on account of public moneys.

JAMES GRAHAM, Auditor.

Mr. Blackman, by unanimous consent, introduced the following joint resolution, which was read its first time and ordered printed in the Journal:

WHEREAS, The disfranchisement of a large number of intelligent citizens of the State of Louisiana, under section three of the fourteenth amendment of the constitution of the United States, depriving them of the right of holding office both in the State and the federal government, with great loss to the State, of able and valuable servants, and continuing a discrimination between American citizens that is unnecessary, illiberal and unjust; not in accordance with the true spirit of Republican government; and, whereas, by the fith section of said fourteenth amendment, Congress can relieve by two-thirds vote all persons of said political disabilities; therefore, be it

Resolved, By the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That our Senators are instructed, and our Representatives in Congress be earnestly requested, to advocate to passage of any bill which will relieve all of our citizens of any political disabilities whatever; be it further

Resolved, That a copy of these resolutions be forwarded by his Excellency, the Governor of the State, to Senators and Representatives of the State of Louisiana now in Congress.

The following message was received from the House:

To the Honorable President and Members of the Senate:

I am directed by the House to ask the concurrence of the Senate in the the following bills:

House bill No. 1, an act appropriating two hundred and fifty thousand dollars to pay the mileage and per diem of members of both houses of the General Assembly, and to pay the officers, employes and contingent expenses of the same.

House bill No 2, an act to change the venue in the case of David Fisher, J. C. Olivier and Celestin Olivier, from Ascension parish to the parish of St. James.

WILLIAM VIGERS,
Chief Clerk.

Mr. Hunsaker moved that House bill No. 2 be taken up and put upon its first reading.

Adopted, and bill read its first time.

Mr. Ray moved that the rules be suspended and the bill read the second time.

Mr. Blackman objected, and proceeded to discuss the question.

Mr. Todd raised the point of order that no bill could be considered until after a new apportionment of the Representative and Senatorial Districts of this State, and based his point of order on article thirty of the State constitution.

The President declined to decide the point of order, and referred it back for the Senate to decide. After dicussion, and without a decision by the Senate,

Mr. Ray withdrew his motion.

After considerable discussion, Mr. Ray renewed his motion, and the constitutional rule was suspended, on a division, by a four-fifths affirmative vote, as follows. Yeas 27, nays 1; and the bill was placed upon its second reading.

Mr. Smith moved to amend by striking out the words "St. James," in section one, and inserting the words "St. Charles."

Mr. Lynch moved that the bill be ordered engrossed.

Mr. Hunsaker raised the point of order that it was not necessary that the bill be engrossed, it being a House bill.

The President decided the point of order well taken.

Mr. McMillen offered a resolution as a substitute to the body of the bill, which not being seconded was not considered.

Mr. Smith then insisted upon his amendment.

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

On a call of the yeas and nays the amendment was tabled by the following vote:

Yeas: Antoine, Barber, Butler, Campbell, Fish, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Noland, O'Hara, Pinchback, Ragan, Swords, Sypher, Twitchell, Wilcox—20.

Nays: Anderson, Blackman, Bowman, Coupland, Daigle, Futch, Lewis, Lynch, McMillen, Ray, Smith, Thomas, Thompson, Todd—14.

Mr. Thompson moved to lay the whole subject matter on the table, which the Senate refused.

Mr. Lewis moved to amend by striking out the words "St. James," in section two, and inserting the words "St. John the Baptist."

Mr. Hunsacker moved to lay the amendment of Mr. Lewis on the table.

Adopted.

Mr. Wilcox moved that the bill be adopted on its second reading, and on a call of the yeas and nays, the bill was so adopted by the following vote;

Yeas: Anderson, Antoine, Barber, Butler, Campbell, Fish, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Swords, Sypher, Twitchell, Wilcox—25.

Nays: Blackman, Bowman, Coupland, Daigle, Futch, McMillen, Smith, Thomas, Thompson, Todd—10.

Mr. Hunsaker moved that the constitutional rule be further suspended, and the bill put on its final reading, which was lost on a call of the yeas and nays, by the following vote:

Yeas: Anderson, Antoine, Barber, Butler, Campbell, Fish, Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Hara, Pierce, Pinchback, Ragan, Ray, Swords, Sypher, Twitchell, Whitney, Wilcox—27.

Nays: Blackman, Bowman, Coupland, Daigle, Futch, Smith, Thomas, Thompson, Todd—9.

Four-fifths not voting in the affirmative.

Mr. O'Hara moved to adjourn.

Adopted,

The President then announced that the Senate stood adjourned until Saturday, the seventh instant, at twelve o'clock M.

CHARLES H. MERRITT,
Secretary of Senate.

Sixth Day's Session.

SENATE CHAMBER,
Saturday, January 7, 1871.

Present: Hon. O. J. Dunn, Lieutenant-Governor and President of the Senate, and Messrs Anderson, Antoine, Barber, Blackman, Bowman, Butler, Campbell, Coupland, Daigle, Fish, Futch. Gallup, Harris, Herwig, Hunsaker, Ingraham, Jenks, Kelso, Lewis, Lynch, McMillen, Noland, O'Harra, Pierce, Pinchback, Ragan, Ray, Smith, Swords Sypher, Thomas, Todd, Twitchell, Whitney, Wilcox—35.

Prayer by the Rev. Mr. Burch.

Mr. Whitney moved that the reading of the minutes of the previous day's proceedings be dispensed with.

Adopted.

No corrections.

Mr. Ragan offered the following resolution:

Resolved, That a committee of three be elected to examine and inquire what disposition was made of the five million ($5,000,000) dollars bonds for the use of the city of New Orleans, and authorized by an act of the General Assembly of 1868; and that the committee be empowered to send for persons and papers, and that the committee be allowed one clerk.

Laid over.

The Secretary announced the filing of pap e of J. P. Newsham, contesting the seat of Senator Jenks.

Mr. Lewis moved that House bill No. 1 be taken up and put upon its first reading.

Adopted, and bill read its first time.

Mr. Lewis moved that the rules be suspended and the bill read its second time.

Adopted, and bill read its second time.

Mr. Todd moved that the bill be referred.

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

Adopted.

Mr. Lewis moved that the bill be adopted on its second reading.

Adopted.

The Constitutional rule was further suspended by a four-fifths affirmative vote, on a division, yeas 29, nays 2, the bill read its third and last time and finally adopted with its title.

By unanimous consent the joint resolution introduced yesterday by Mr. Blackman was then taken up and read.

Mr. Blackman offered the following amendment, to be substituted for all that portion of the first resolve down to and including the words "to advocate."

Resolved, That we cordially indorse the action of our Senators and Representatives in Congress, in their attempt to have said disabilities removed, and we earnestly request them to advocate.

The joint resolution was being discussed, when a message, enclosing the following resolutions, was received from the House.

Whereas, It has pleased an all-wise Providence, to remove from our midst our fellow representative from the parish of Assumption, the Honorable Joseph S. Douglass; therefore be it

Resolved, That in respect to the memory of our late colleague, the Honorable Joseph S. Douglass, that this House do now adjourn to meet on Monday, the ninth day of January, at twelve o'clock M., and be it frrther

Resolved, That the Clerk of this House be directed to transmit a copy of these resolution to the Senate.

WHEREAS, Joseph l'Official, a member elect from the parish of East Baton Rouge, was killed in the riot at Baton Rouge, on the night of November the seventh therefore be it

Resolved, That in respect to the memory of our colleague, that this House adjourn to meet Monday, January 9, at twelve o'clock, and be it further

Resolved, That the Clerk of this House be directed to transmit a copy of these resolutions to the Senate, and to his widow.

Mr. Pinchback moved that out of respect to the memory of our deceased colleagues the Senate do now adjourn.

Adopted.

Previous to the announcement of adjournment, the President made a few remarks, calling the attention of the Senate to certain statements regarding himself occurring in the Message of the Governor vetoing the bill entitled an act to amend the Metropolitan Police act, and stated wherein said statements were incorrect, and then announced that the Senate stood adjourned until Monday, the ninth instant, at twelve o'clock M.

CHARLES H. MERRITT,
Secretary of Senate.

(To be Continued in our next.)

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38 1y.