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OFFICIAL

LOUISIANA LEGISLATURE.

SIXTEENTH LEGISLATURE—FIRST SESSION.

JOURNAL OF THE SENATE.

FRIDAY, FEBRUARY 17th, 1843.

The Senate met pursuant to adjournment.

Members present—Messrs. Felix Garcia, President; Bonner, Bernard, Carter, Dupré, Downs, Davidson, Hon, Lacoste, Ledoux, Labauve, Morse, Sparrow, Thibodeaux and Waggaman.

Mr. Carter, of the Committee of Enrolment, reported he correctly enrolled the bill from the House entitled:

An act relative to the revenues derived by the State from the tax upon the Agents of Foreign Insurers or Insurance Companies;

The President signed it and the Secretary was directed to inform the House thereof.

The President laid before the Senate a letter from Mr. Whitney, which, on motion of Mr. Hon, was transcribed in the journal:

"New Orleans, Feb. 17th, 1843.

The undersigned respectfully invites the Honorable the President and members of the Senate to visit his Cotton Factory (which was the first one established in the State of Louisiana) to-morrow, the 8th inst. between the hours of 9 and 12 o'clock A.M., for the purpose of witnessing it in operation. It is at No. 45 Tchoupitoulas street, and is passed every few minutes by omnibuses leaving Canal street and Banks' Arcade.

(Signed) BENJ. WHITNEY."

On motion of Mr. Bernard, the above invitation was accepted.

Mr. Downs, of the Judiciary Committee, reported without amendments,

An act for preventing trespasses;

Which was read, and, on motion, was made the special order of the day for Tuesday, 21st instant.

ORDER OF THE DAY.

An act for the relief of H. W. Fowler, Sheriff of the Parish of East Baton Rouge, underwent its second reading;

Mr. Morse moved to refer the said bill to a Committee, with instructions to report by a general bill.

The yeas and nays were called for:

For referring to the Committee—Messrs. Bonner, Dupré, Downs, Labauve and Morse—5.

Against it—Messrs. Bernard, Carter, Davidson, Hon, Lacoste, Ledoux, Sparrow and Waggaman—8 nays.

It was consequently lost.

Mr. Bernard moved that the Senate dispense with its rules, and that it be read a third time.

The yeas and nays were called for on that motion, and the result was as follows:

For the dispensing of the rules—Messrs. Bernard, Carter, Davidson, Hon, Ledoux and Waggaman—6 yeas.

Against it—Messrs. Bonner, Dupré, Downs, Labauve, Morse and Sparrow—5 nays.

It was consequently lost.

Mr. Ledoux, the Governor's Private Secretary, declared a message in writing from the Governor.

On motion, the Senate sat with closed doors.

The doors being opened,

Mr. Morse, of the Committee of Enrollment, reported he correctly enrolled, the following bills and resolution from the House:

An act to increase the number of the Police Jurors in the Parish of W. Feliciana, and to provide for the laying out two or more Police Jury wards in said Parish.

An act to create a new parish in the Parish of Claiborne to be called the Parish of Bossier.

An act to change the name of Rosine Debard, widow of André Barrois, resident of the Parish of Plaquemines.

The President signed it and the Secretary was directed to inform the House thereof.

Mr. Landry, clerk of the House, informed the Senate of the concurrence of the House in the amendments made by the Senate in the bill creating the Parish of Franklin.

He also requested the concurrence of the Senate in the following bill and resolutions:

An act for the relief of Louis Paimboeuf.

Resolution requesting the State Engineer to do some work on the road leading from bayou Grosse Tete to Dubuc's Landing, on the Mississippi river; and

Resolution appointing a joint committee to make the necessary arrangements for the celebration of the 22d of February.

He also informed the Senate that the Speaker of the House had appointed

Messrs. Phelps, Briant, Delassus, Nicholls and Rogers, of the committee appointed by said resolution on the part of the House.

He also further requested the signature of the President of the Senate to the enrolled bills, entitled:

An act to create notaries public in the parishes of St. Martin and Rapides; and

An act to amend an act entitled: An act to increase the number of the members of Police Jury in and for the parish of Pointe Coupée, approved February 8th, 1842.

On motion of Mr. Carter, the Senate dispensed with its rules, and took up at its first reading the resolution from the House appointing a joint committee to make the necessary arrangements for the celebration of the 22d February;

On motion, the rules were again dispensed with and said resolution underwent its second and third readings and was adopted;

The President appointed Messrs. Carter, Armant and Morse, of the committee appointed by the resolution, on the part of the Senate.

On motion, the rules were again dispensed with and the Secretary informed the House of the concurrence of the Senate in the above resolution.

He also informed the House of the concurrence of the Senate in the resolution requesting our Senators and Representatives in Congress to use their exertions in obtaining a reduction of the expenses attending suits in the United States Courts in this State.

The Secretary further informed the House of the concurrence of the Senate, with amendments, in the bill entitled:

An act for the relief of the Parish of Washington, and for other purposes.

He also further informed the House that the President had signed the following enrolled bills from the House:

An act to increase the number of Police Jurors in the Parish of West Feliciana and to provide for the laying out two or more Police Jury Wards in said parish.

An act to amend an act entitled: An act granting to F. Noble, Ed. Barry, T. Phelps, J. L. Stokes, R. G. Wooten, W. W. Tew, George Purris and others, the privilege of making and establishing a turnpike road leading from Lake Concordia to Harrisonburg, in the Parish of Catahoula.

An act to repeal an act entitled: An act to remove the seat of justice of the Parish of Claiborne from Overton to Minden, and for other purposes.

Resolution granting leave of absence to J. R. Jones, Judge of the Eighth District.

On motion the Senate adjourned till Monday at 11 o'clock, A. M.

MONDAY, 20TH FEBRUARY, 1843.

The Senate met agreeably to adjournment.

Members present—Messrs. Felix Garcia, President; Armant, Bonner, Bernard, Carter, Dupré, Downs, Davidson, Hon, Lacoste, Ledoux, Labauve, Morse, Sparrow, Thibodeaux and Waggaman.

Mr. Ledoux, the Governor's private Secretary, delivered a message in writing from the Governor.

Mr. Hon obtained leave to introduce, without having given previous notice thereof, a bill entitled:

An act explanatory of the several articles of the civil code and code of practice, of the State of Louisiana, and for other purposes.

Said bill was read for the first time.

On motion the rules were dispensed with, it underwent its second reading, and on motion of Mr. Hon, was referred to the judiciary committee.

The President submitted the following letter, which was read:

NEW ORLEANS, Feb'y 20, 1843.

To the Hon. President and members of the Senate of the State of Louisiana.

Gentlemen—You are respectfully invited to attend a mass meeting of the New Orleans Temperance Society to be held in the Methodist Church, on Lafayette square, on Tuesday evening, at 7 o'clock, the twenty-first instant.

Respectfully,

(Signed) JAMES W. BREEDLOVE, President.

PERRY S. WARFIELD, Rec. Sec'y.

On motion of Mr. Bonner, the above invitation was accepted.

Mr. Hon, of the judiciary committee, to whom was referred the bill entitled:

An act for the relief of the parish of Washington and for other purposes.

Reported said bill with an amendment.

On motion said bill was read for the second time, and was adopted as amended.

On motion the rules were dispensed with, it was read for the third time, and passed as amended.

The President submitted the following communication, which was read:

Treasury Department,

New Orleans, February 20th, 1843.

SIR—In obedience to a joint resolution of the General Assembly passed on the 1st February instant, I have the honor to enclose herewith the annexed statements, consisting a full and detailed exhibit of the information required. The answer to the queries propounded where not embraced in the tables to which they relate, will be found stated at the foot of the statement.

Statement A, B, C and D, conveys information required under heads No's. 1, 2, 3, 4 and 5.

Statement E, conveys information required under heads No's. 6, 7, 8 and 9.

Statement F, conveys information required under head No. 10.

Statement G, conveys information required under head No. 11.

Statement I, conveys information required under head No. 12.

Statement J, conveys information required under head No. 13.

Statement K, conveys information required under heads No's. 14 and 15.

Statement M, conveys information required under head No. 17.

I am, sir, respectfully,

Your obedient servant,

F. GARDERE,

State Treasurer.

Hon. Felix Garcia,

President of the Senate of the State of Louisiana.

On motion of Mr. Hon, fifty copies of the documents accompanying the above letter, were ordered to be printed for the use of the Senate, and the Secretary was directed to inform the State Printer that the said documents must be returned as soon as possible.

On motion of Mr. Davidson, the Senate took up the following resolution, which was laid on the table subject to call:

Resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the two Houses will meet in the hall of the House of Representatives, on Friday, the 24th instant, (January) at 10 o'clock M. for the purpose of electing a State Treasurer for the year 1843;

Said resolution, on motion of Mr. Downs, was amended by striking out the words "Friday, 24th (January)" and inserting in their stead the words "Monday, 6th March next."

Said amendment was adopted,

And on motion, the rules were dispensed with, the above resolution was read for a third time and adopted as amended.

On motion of Mr. Lacoste, the Senate sat with closed doors on executive business.

The doors being opened, Mr. Labauve gave notice that he would introduce a bill entitled:

An act to reduce the salaries of District Attorneys.

On motion the Senate adjourned till to-morrow at 11 o'clock A. M.

TUESDAY, 21st FEBRUARY, 1843.

The Senate met agreeably to adjournment.

Members present—Messrs. Felix Garcia, President; Armant, Bonner, Bernard, Carter, Dupré, Downs, Davidson, Hon, Lacoste, Ledoux, Labauve, Morse, Sparrow, Thibodeaux, and Waggaman.

On motion of Mr. Waggaman, the Senate reconsidered the resolution adopted on Monday, fixing Monday the 6th of March next for the meeting of the Legislature, to elect by joint ballot, a State Treasurer for the year 1843.

Mr. Waggaman then moved to amend said resolution by substituting "*Wednesday, first March*" for "Monday, 6th March."

His amendment was adopted, and the resolution was adopted as amended.

Mr. Waggaman then moved to dispense with the rules, and read said resolution for the third time, for its final adoption.

His motion was lost.

The President submitted the following letter, which was read:

NEW ORLEANS, 20th February, 1843.

To the Hon. the President and Members of the Senate.

Gentlemen—The volunteer corps of the city of New Orleans, under my command, having made the necessary arrangements to celebrate with military honors the 22d instant, the anniversary of the birth day of Washington, the man who stood "first in war, first in peace, and first in the hearts of his countrymen." I take the liberty, most respectfully to request that you will honor with your presence the military display to take place on that occasion, at 10 o'clock A. M., on the Gentilly road, in the rear of the city, (weather permitting.)

I have the honor to be,

Your most obedient serv't,

[Signed] JNO. L. LEWIS,

Commanding 1st Division L. M.

On motion of Mr. Bernard, the foregoing invitation was accepted.

On motion of Mr. Davidson, the Senate took up An act to determine the amount of the salaries of all officers in the State of Louisiana, who are paid by fees, and to relieve the people of the State from a further direct tax;

And, on motion of Mr. Davidson, said bill was laid over, subject to call.

On motion of Mr. Morse, the Senate took up the Resolution requesting our Senators and Representatives in Congress to use their exertions in obtaining a reduction of the expenses attending suits in the United States Courts in this city.

Said resolution was read for the first time.

On motion, the rules were dispensed with, it underwent its second and third readings and was adopted.

Mr. Landry, clerk of the House, informed the Senate of the concurrence of the House in the amendments made by the Senate in the bill creating the Parish of Franklin.

He also requested the concurrence of the Senate in the following bill and resolutions:

An act for the relief of Louis Paimboeuf.

Resolution requesting the State Engineer to do some work on the road leading from bayou Grosse Tete to Dubuc's Landing, on the Mississippi river; and

Resolution appointing a joint committee to make the necessary arrangements for the celebration of the 22d of February.

He also informed the Senate that the Speaker of the House had appointed

Messrs. Phelps, Briant, Delassus, Nicholls and Rogers, of the committee appointed by said resolution on the part of the House.

He also further requested the signature of the President of the Senate to the enrolled bills, entitled:

An act to amend an act entitled: An act to increase the number of the members of Police Jurors in and for the parish of Pointe Coupée, approved February 8th, 1842.

On motion of Mr. Carter, the Senate dispensed with its rules, and took up at its first reading the resolution from the House appointing a joint committee to make the necessary arrangements for the celebration of the 22d February;

On motion, the rules were again dispensed with and said resolution underwent its second and third readings and was adopted;

The President appointed Messrs. Carter, Armant and Morse, of the committee appointed by the resolution, on the part of the Senate.

On motion, the rules were again dispensed with and the Secretary informed the House of the concurrence of the Senate in the above resolution.

He also informed the House of the concurrence of the Senate in the resolution requesting our Senators and Representatives in Congress to use their exertions in obtaining a reduction of the expenses attending suits in the United States Courts in this State.

The Secretary further informed the House of the concurrence of the Senate, with amendments, in the bill entitled:

An act for the relief of the Parish of Washington, and for other purposes.

He also further informed the House that the President had signed the following enrolled bills from the House:

An act to increase the number of Police Jurors in the Parish of West Feliciana and to provide for the laying out two or more Police Jury Wards in said parish.

An act to amend an act entitled: An act granting to F. Noble, Ed. Barry, T. Phelps, J. L. Stokes, R. G. Wooten, W. W. Tew, George Purris and others, the privilege of making and establishing a turnpike road leading from Lake Concordia to Harrisonburg, in the Parish of Catahoula.

An act to repeal an act entitled: An act to remove the seat of justice of the Parish of Claiborne from Overton to Minden, and for other purposes.

Resolution granting leave of absence to J. R. Jones, Judge of the Eighth District.

And an act to repeal an act entitled: An act to remove the seat of Justice of the Parish of Claiborne from Overton to Minden, and for other purposes.

Mr. Bossier presented a petition in relation to the navigation of Bayou Pierre,

Which was read, and, on his motion, referred to a special committee of three members.

The President appointed Messrs. Bossier, Downs and Sparrow of the said special committee.

Agreeably to previous notice, Mr. Labauve introduced the following bills, which were read for the first time:

An act to amend certain articles of the Civil Code of Louisiana, and for other purposes;

And An act to reduce the salaries of State District Attorneys.

On motion of *Mr. Downs*, the following bills were referred to a special committee of three members.

An act to amend an act entitled: An act to fix the compensation to be charged and received by the Parish and Probate Judges, Clerks of Courts, Sheriffs and Notaries Public.

Reported said bill with amendments;

On motion, the said mentioned bill was read for the second time by the title, and made the special order of the day for to-morrow, after the reading of the journal.

Mr. Morse, of the Committee of Enrolment, reported the following bills of the House as correctly enrolled:

An act to amend an act entitled: An act to increase the number of the members of the Police Jury, in and for the parish of Pointe Coupée, approved February 8th, 1842;

And, An act to create Notaries Public in the Parishes of St. Martin and Rapides;

He also reported the following bills and resolution of the Senate as duly enrolled:

An act to change the names of Joseph Joel Wilkinson Nicholls and Catherine Rebella Nicholls;

An act relative to the Town of Baton Rouge, and

Resolution directing the State Engineer to remove obstructions in Bayous Darbonne and Mason and from Ferry Tensas;

And the Secretary requested the signature of the Speaker of the House to the above mentioned bills and resolution.

On motion of Mr. Carter, the Senate reconsidered the resolution fixing the day for the election of the State Treasurer,

Mr. Bossier then moved to amend said resolution by inserting the words "Tuesday, 7th day of March next," in lieu of the words "Wednesday, 1st day of March next."

Mr. Bossier's amendment was adopted, and the resolution was adopted as amended.

On motion of Mr. Carter, the rules were dispensed with, and the said resolution underwent its third reading and was finally adopted.

On motion of Mr. Armant, the rules were again dispensed with, and the Secretary informed the House of the concurrence of the Senate with amendment in the aforementioned resolution.

On motion of Mr. Labauve, the Senate took up an act for preventing trespasses;

Which was laid on the table subject to call.

On motion of Mr. Labauve, the first section of said bill was reconsidered and amended, and adopted as amended; the bill was also amended and adopted as amended.

On motion, the rules were dispensed with, it under went its third reading, and passed as amended.

An act to divide the State into four congressional districts.

Said bill underwent its second reading by its title, and was, on motion, of Mr. Davidson, made the special order of the day for Tuesday, 28th instant.

On motion of Mr. Armant, the Senate took up

An act to authorize the administrators of the Charity Hospital to sell the slave Marian, and for other purposes.

Said bill was read for the second time, and on motion, the rules were dispensed with, it underwent its third reading and passed.

On motion of Mr. Downs, the Senate took up

An act for the relief of H. W. Fowler, Sheriff of the Parish of East Baton Rouge.

Pending the discussion of said bill, on motion of Mr. Bossier, it was laid on the table subject to call.

On motion of Mr. Davidson, the Senate sat with closed doors on executive business.

The doors being opened, on motion, the Senate adjourned till to-morrow at 11 o'clock, A. M.

HOUSE OF REPRESENTATIVES.

FRIDAY, 17TH FEBRUARY, 1843.

The House met agreeably to adjournment.

On motion, leave of absence for a few days was granted to Messrs. Gaudet, Voorhies and Chiz.

The Speaker laid before the House the memorial of sundry residents and freeholders of the town of Carrollton, remonstrating against the incorporation of said town.

On motion, said petition was referred to the Committee on Propositions and Grievances.

Mr. Ross introduced the following resolution as a substitute for the resolution offered by him a few days since, and which had been laid on the table, subject to the call of the House:

Resolved, That this House unites with the Governor of the death of the Hon. R. W. Walker, one of the representatives of East Feliciana Parish, and that he be requested to issue a writ of election to fill the vacancy in said Parish, as soon as may be, by the laws and usages in such cases made and provided.

On motion, said resolution was adopted.

The Speaker laid before the House the memorial of Louis Paimboeuf, praying for a pension as a veteran of 1814-15.

On motion, said memorial was referred to the Committee on Claims.

Mr. Nicholls submitted before the House the memorial of the Cannoniers of Donaldson, praying for some relief.

On motion, said memorial was referred to the Committee on Militia.

Mr. Phelps offered the following resolution:

Resolved by the Senate, &c. That a Joint Committee of five members in behalf of the House, and ——— members on the part of the Senate be appointed to make arrangements for the celebration of the 22d day of February instant;

Which was read for the first time, and the rules having been dispensed with, underwent a second reading, and was adopted.

The Speaker appointed Messrs. Phelps, Briant, Delassus, Nicholls and Rogers, on said committee on behalf of the House.

On motion, the Clerk was directed to request the concurrence of the Senate thereto.

On motion, the rules were dispensed with, and the House to-k up the amendments of the Senate to the bill entitled:

An act creating the Parish of Franklin.

On motion, the House concurred in said amendments.

The Clerk was directed to inform the Senate thereof.

Mr. McNeil, in behalf of the Committee to whom was referred the report of the Board of Administrators of the Charity Hospital, submitted the following report:

To the Hon. the House of Representatives of the State of Louisiana:

The Special Committee to whom was referred the report of the Board of Administrators of the Charity Hospital to the Legislature of Louisiana, beg leave to report: That in order to place in a more succinct form the statement of the pecuniary embarrassments under which this institution has been laboring for some years past, your committee deem it expedient to lay before the House a few of the facts, as detailed in the report, which in their opinion, will justify the passage of an act, in accordance with the suggestions contained therein:

It appears by a reference to the report, that in the interval comprised between the 19th April to the 31st December, 1842, there arrived in the city of New Orleans, by sixty-two steamboats, 30,127 passengers, which number, per produced by the present tax, say for nine months, - - - - $7,074 63

That from other sources of their revenue - - - 11,000 00

They have furnished bonds, bills, &c., - - - - - $18,074 63

Making the annual revenue of the institution - - - $18,074 63

That by a further reference to the report of which we will be found that the annual expenses of this institution are - - - - - $35,000 00

Making a deficiency of - - - - - 17,000 00

Added to the outstanding debt of January 1st, 1843. - - - - - 62,000 00

And making the debt of present year, - - - $79,000 00

To show more fully the onerous burden borne by the State and the citizens of New Orleans, the committee would call the attention of the House to the number of and the countries from whence have come the 30,577 persons who have received the benefits of this institution. It is stated in the report that of this number, forty-one thousand eight hundred and twenty have come from foreign countries, seventeen thousand two hundred and ten different portions of the United States, and but five hundred and fifty-six from the State of Louisiana—and even in this small number, many affirm that they are natives of the State from policy, thinking by that means to insure better treatment. Here we are struck with, and wish particularly to call the attention of this House to the fact, that the State of Louisiana, in consideration of the citizens of New Orleans, is taxed with the support and maintenance during their sickness of fifty-nine thousand five hundred and twenty-seven persons.

In the present embarrassed state of the treasury your committee cannot but urge upon the House a compliance with the suggestions of the Board of Administrators, which is an increase of the tax upon passengers, and which is as follows:

Steerage passengers from foreign ports, $2 00

Deck do. do. United States ports, 50

Cabin do. do. foreign ports, 3 00

Do. do. do. United States, 1 00

The probable result of this increased tax would give the institution the sum of four thousand dollars.

By this it would follow that the inducements held out to ship masters and masters for bringing foreign paupers to this country during the prevalence of the same, as per your committee's report, whole ship loads have been carried *en masse* to the hospital), will not be so great, and when they inflict upon the State and City the onus of supporting them in sickness—they will be compelled to pay a certain proportion of the expenses incurred.

Further, your committee would respectfully represent that for some years past, thousands of dollars have been expended by the citizens of New Orleans and the numerous charitable institutions built to ameliorate, in giving succor to the poor and sick, the same thus expended, will, in future, your committee think, be added to the sum necessary to the maintenance of the Charity Hospital, as it cannot be supposed that the same relief can be afforded, owing to the great embarrassments which prevail in all classes of society.

In conclusion, your committee would respectfully offer the following bill. All of which is submitted.

S. D. McNEIL, Chairman.

The same member, in behalf of the same committee, then presented the following bill, entitled:

An act to amend an act, entitled: An act to provide a fund for the support of the Charity Hospital of the city of New Orleans, approved 7th day of March, 1842.

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Bossier