OFFICIAL.

LOUISIANA LEGISLATURE.

Official Report of Debates.

WEDNESDAY MORNING, March 26, 1856.

The Senate met pursuant to adjournment.

Mr. Van Wickle called up an act [illegible] for the appointment of a Board of Engineers to make a survey of the alluvial delta of Louisiana, and making an appropriation to defray the expenses of said survey.

Mr. Van Wickle explained that the bill carried out one of the suggestions of the Joint Committee on Levees, and he had in vain endeavored, for several days past, to bring it before the Senate, as well as another bill of very great importance; he alluded to the Levee bill. There were matters of transcendent consideration to the State, and he hoped action would at once be had upon them. He would ask the Senate to dispense with the rules, to take up the first mentioned bill.

Leave was refused.

On motion of Mr. Moore, the Senate resumed the consideration of the act relative to Tax Collectors and Assessors, which underwent some amendment, was adopted, and ordered.

On motion of Mr. Peck, the Senate concurred in the amendment of the House to the bill authorizing the Governor to cause the swamp and overflowed lands to be selected. The principal amendment consisted in striking out the appropriation of $24,000 and inserting $17,000.

Mr. Hereford called up the bill for the completion of the public buildings at Baton Rouge, appropriating $20,000 to complete them. Passed.

Mr. Peck called up an act for the relief of John W. Willis, late sheriff of the parish of Franklin. Passed.

Mr. Gardet called up the Militia Bill.

It was read section by section, adopted, and ordered.

The Senate took up the resolution from the House prescribing that after 3 o'clock to day, the messages from each House, respectively, shall be taken up and acted on in preference to all other business.

On motion, the Senate concurred therein.

Mr. Peck introduced a bill to incorporate a Fire Company in the city of New Orleans, after 12 o'clock M., the names of the members shall be called alphabetically, by the Secretary, and that each, in order, shall have the privilege of calling on four bills to be acted on.

Mr. Peck moved to amend, by limiting the privilege to two bills.

The amendment was lost, and the resolution was adopted.

Mr. Herbert called up the bill to extend the limits of the parish of Orleans. Passed.

Mr. Van Wickle moved to take up the bill appointing a Board of Engineers to make a survey of the Alluvial delta of the State, and made an earnest appeal in favor of taking it up and passing it.

Mr. Clark sustained the motion to take it up.

Leave was not granted.

Mr. Chambliss moved to take up the act to provide for stopping the crevasse at Point Look Out, in the parish of Carroll.

It was taken up.

Mr. Fatman moved to lay it on the table.

Mr. Chambliss said:

I think we are entitled to the appropriation which is set apart for the parish of Carroll—that we pay near fourteen thousand dollars a year for levees. It is not only the parish of Carroll—the four parishes from the mouth of Red River to the Arkansas line are every one very much benefitted by this appropriation—say $7,500. Mr. President, by granting this amount, we can get $5000 made by subscription, which will make the amount $12,500, which will protect about $30,000 worth of property.

And in the next place, Mr. President, we have not yet received to the amount of one dollar for the benefit of Carroll—and I have no doubt that there is one-half of the four parishes that are inundated from the crevasse on Point Lookout. Therefore, Mr. President, if we can reclaim $50,000 worth of property by giving the small sum of $7500—it may be the means of saving a great many poor persons being sold out and starving. Mr. President, there can be a great deal of good done by granting the appropriation, and I do not see h way any member on this floor can vote against this measure, which is not a matter of so great importance, not only to the parish but to the State of Louisiana.

Mr. President, I think that there should be some little credit extended to these parishes that have been so unfortunate as to be inundated for the two last years.

Mr. President, it is certainly hard that the four parishes should pay a State tax of near $60,000, leaving the amount back, which is $21,000—in all, one as $46,000. we have to pay per annum.

Mr. President, if we are not protected from the high waters, we must move away from the low land parishes; and in that event, you, gentlemen, who live in the high land parishes, must pay all the taxes and educate your children.

Mr. President, if it was not for the taxes that are paid by the rich parishes, what would the poor parishes do for the educating of their children? They are certainly would be deprived of that which keeps up our Republican Government.

Mr. President, I think it will be to the advantage of the State of Louisiana, to give the amount that the act calls for. We will be able to pay a larger tax on it, and consequently the better.

Mr. Chambliss called for the ayes and nays on Mr. Fatman's motion to lay the bill on the table—7 ayes, 19 nays.

The question recurred on the adoption of the section.

Mr. Adams proposed a substitute, providing for the sale of the property belonging to the Engineer Department and that the funds belonging to the service be distributed among the several parishes, according to the census list.

The President decided that, under the 19th rule, the substitute was out of order—the subject matter having been already disposed of.

Mr. Bonzar—As a test question, I shall appeal from the decision of the Chair.

The question was put—Shall the decision of the Chair be sustained?

And the ayes and nays were called on the appeal, 15 ayes, 9 nays.

So the decision of the Chair was sustained.

Mr. Van Wickle proposed to amend the bill by appropriating $10,000 to build the levee ca. and asked in the parishes of Point Coupee.

Mr. Clark moved that $7500 be appropriated to each parish in the State, where a crevasse has occurred.

Mr. Cade moved a further amendment that $10,000 be granted to every other parish in the State.

Mr. Lee moved to lay the bill and amendments on the table. Lost.

Mr. Brew called for the previous question.

And the ayes and nays were called—13 ayes, 13 nays.

There being an equality of votes, the President pro tem voted in the negative, and the bill was laid over until to-morrow.

Mr. Van Wickle asked leave to make two reports. Leave was refused.

Mr. Cade called up the bill for the relief of Nathan Perry, Sheriff of the parish of Attakapas—Passed.

Mr. Van Wickle, on behalf of himself as a member of the Special Committee, to whom was referred the act to fix the boundaries between the parishes of West Baton Rouge, Iberville and Point Coupee, stated, that the committee had not been able to agree, and submitted a minority report.

On motion of Mr. Beebe, the Senate took up the act to expound the operation of the bill passed at the present session, authorizing proceedings to be instituted against the Orleans Navigation Company, for not navigable.

Mr. Sigur opposed its passage.

Messrs. Bonzar and Beebe advocated it.

The question was taken on the final passage of the bill—14 ayes, 11 nays.

Mr. Clark called up the resolution requesting our Senators and Representatives in Congress to take measures to obtain from the General Government, the services of two or more Engineers, to make a thorough, full and impartial survey and report of the State. Also to obtain a grant of public land—Passed.

On motion of Mr. Cade, the Senate proceeded to the

ORDER OF THE DAY.

An act to protect the estate of Perpetl, Carrollton, Lafayette and New Orleans Pavement.

Mr. Brew—Am I to understand the act is a compromise—is that the proposition from New Orleans—we ask for no other appropriation?

Mr. Sigur—Yes, sir.

Mr. Bonzar—I shall not vote for this bill, unless I be satisfied as to the gentlemen representing the city of New Orleans.

Mr. Brew—I am not satisfied with it, but I shall vote for it, as it is not likely we shall get any thing better.

Mr. Phelps—Am I to understand that it is passed, and there will be no further appropriation asked for by the city delegation?

Mr. Bonzar—I ask to ask it.

The ayes and nays were taken on the final passage of the bill—20 ayes, 6 nays.

The Senate took up the act to promote Medical Science, by donations, on medical passage.

Mr. Phelps said. He would simply ask the friends of the gentlemen who contain some of the provisions of the bill, out of an exhausted Treasury? Why ask a money which we have not the ability to pay?

Mr. Cade said—He distinct voting against the bill, he was compelled to do so from the fact that the State had not the means, and he was averse to borrowing money and increasing the burthens of the people.

Mr. Clark said—He should vote against the bill—The object in view not his hearty approval, but there were strong reasons why the State should not be under at this time. A great portion of the country which has contributed most of the taxes are in ruins. We have been literally drained dry, and have turned a deaf ear to them on the plea that the State has not the means to relieve them. The Chairman of the Finance Committee, Mr. Phillips, says there is a large amount in the Treasury, but I have seen no printed statement to bear him out in what he says. I therefore think the gentleman is somewhat mistaken.

The question was taken on the final passage of the bill—6 ayes, 19 nays.

Whereupon, the Senate took a recess until this evening at 5 o'clock P. M.

WESTERN ERA—March 29, 1850.

The Senate re-assembled at 5 o'clock, P. M.

Mr. Adams called up the bill to procure a block of stone for the Washington Monument, returned from the House with an amendment.

The amendment consisted in substituting the word "institution" for "Society," in the section. The State of Louisiana ever faithful to the Union.

On motion, the Senate concurred in the amendment.

Mr. Adams called up the resolution from the House, instructing the State Engineer to levy the bill in favor of Grand River, from the Park to Bayou Pigeon. Passed.

Mr. Reeves called up the bill for the promotion of Mechanical Science in New Orleans, donating a lot of ground in the public square where is located the Hall now to the Mechanics' Association.

Mr. Sigur advocated the passage of the bill.

It was discussed, and finally passed.

Mr. Beebe called up an act to amend an act to incorporate the Firemen's Charitable Association of New Orleans. Passed.

The President submitted a communication from the state Register in reply to a resolution of Mr. Cade asking who certain seed ordered and had been distributed to. Read and Laid on the Table.

Mr. Cade called up the bill making appropriations for the Louisiana Legion and other Volunteer companies.

Mr. Brew moved the adoption.

Mr. Sigur moved to amend by striking out $5000 for two years, and inserting $7,500, which amendment prevailed—14 ayes, 13 nays.

The question returned to the adoption of the section.

Mr. Fatman called for the yeas and nays—24 yeas 7 nays. Passed.

Mr. Beebe called up the annual appropriations for the Louisiana State Asylum, Washington Artillery the Connonnes of Josephine, Crescent Hussars, Union Light Artillery. &c. Passed.

Mr. Brew called up an act authorizing the Police Jury to levy a tax for an jail purposes. Passed.

He also called up the following bills:

Act for the relief of Lydia Hamilton. Passed.

Act to amend the act for the relief of persons acting as members of Fire Companies, in the parish of Orleans. Passed.

Act to improve the roads, levees and bridges in the parish of Avoyelles, appropriating $15,000 for the purpose.

Mr. Brew moved the adoption.

Mr. Fatman called for the yeas and nays—4 yeas, 20 nays. Not adopted.

Mr. Beebe called up the resolution from the House authorizing the Governor to accept the house, formerly occupied by Thomas Gibbes Morgan. Passed.

Mr. Butler called up the act to protect the town of Bayou Sara from inundations, granting an appropriation of $10,000.

Mr. Harrison advocated it.

It was laid on the table.

Mr. Butler called up the resolution to stop the Bayou Nicolas. Passed.

He also called up the act for the relief Patrick Ward.

The President decided that this bill could not be taken up. It had been definitively acted on.

Mr. Cone called up an act for the relief of the Police of Dryades Assistant of Baptist Church.

Mr. Hereford moved the adoption and hope took away on the high chance of this institution.

The bill passed.

Mr. Cade called up the bill relative to the Mechanics' Institute in New Orleans, referred from the House, and, on motion of Mr. Hereford, it was ordered to be engrossed.

Mr. Cade called up the bill [illegible] Passed.

The bill for any sum or sums of $100 and 75, [illegible] Passed.

Mr. Cade called up the act to provide for

[No. 273.]
AN ACT

To levy and collect the sums of Redemption.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Police Jury, late Sheriff and Collector of the parish of Vermilion, be granted a further indulgence of six months from and after the passage of this act, to settle his accounts with the Auditor of Public Accounts, for the year one thousand eight hundred and forty five; and that the Auditor be and is hereby authorized to give to said Perry the benefit of the same time for the year ending one thousand and forty five by delinquent tax payers; a list of which he shall make out and prove to the satisfaction of the Auditor, and the Auditor be also authorized to allow said Perry credit for the commissions which he has forfeited by his failure to settle within the time prescribed by law, provided the interest of said Perry give their consent in writing to the indulgence hereby granted.

E. WARREN MOISE,
Speaker of the House of Representatives.
J. B. PLAUCHE,
Lieut. Governor and President of the Senate.
Approved 31st March, 1850.
JOSEPH WALKER,
Governor of the State of Louisiana.
Certified to be a true copy from the original.
CHARLES GAYARRE,
Secretary of State.

[No. 274.]
AN ACT

To regulate suits by summary process, between Landlords and Tenants, in the Parishes of Orleans and Jefferson.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That when any person having leased or demised any House, Store, or any landed estate, for a term of one or more years, or by the month, or otherwise, either verbally or in writing, shall by desirous upon the determination of the said lease, either by limitation or any breach thereof, to have again and repossess his estate so demised as aforesaid and require in writing his tenant to remove from and leave the same, on assigning him the time which is granted by law for such removal; and if the said tenant shall refuse to comply therewith, after the expiration of the said delay, and to remove therefrom, it shall be lawful for such lessor to cause said tenant to be ejected before any Justice of the Peace having competent jurisdiction in order to be there condemned to deliver possession of the demised premises, or any part thereof, and if the said Justice is satisfied, on such demand, by due proof, that the said lease has expired by limitation, or has in any ways been violated, he shall demand in writing for delivering possession thereof has been made within the time fixed by law, it shall be lawful for said Justice to grant a judgment against said tenant, ordering him to deliver to the lessor the possession of the demised premises; and in case the said tenant shall not comply with the said judgment, within three days after the service of a copy thereof, it shall be the duty of the Justice who rendered the said judgment further with his warrant, directed to the Constable of his County, commanding him forthwith to deliver to the lessor full possession of the demised premises, and to levy the costs of the case out of such goods and chattles of the said tenant as are allowed by law to be seized; and in case there should be found no goods and chattles of the said tenant, or not sufficient to satisfy the costs of the case, the Constable shall cause the said tenant to be ejected; and the said Justice shall also in the public cation of a work of this kind, because it is of the greatest utility to the Bar and Bench. It is necessary for the Courts, in the hurry of business, to have a Digest of the decisions of our Supreme Court, so that they can readily refer to the point, and decide according to law. A Digest of this kind will tend, to advance the correct interpretation of the law by the inferior Courts, and will thereby promote the just and equal administration of justice. Without a Digest of this kind, this District Courts may render decisions contrary to law, and the parties will be obliged to appeal, and the costs of appeal in one important case, with the fees of lawyers, may amount to as much as is involved in the suit. Now, the cost of the publication of a work of this kind will be small, and the benefit to small—there are few persons, except lawyers, who purchase legal works—and still fewer who would buy a Digest of the decisions of Courts of Justice. In the other States there is greater demand for law works than in Louisiana, because the Courts in law prevail over a great extent of territory, whereas the Civil law obtains in this State, and there will be little or no demand for this Digest beyond the boundaries of New Orleans. It is essential then, if the State would have a Digest of the decisions that it should and these industrious and learned persons who are willing to toil in the preparation of a work of such vast importance. It would also seem that the pro-rata of the sale of the copies remaining after the distribution to the Clerks and Judges, will pay back into the Treasury a considerable portion of the amount now donated, so that the real amount given by the State will not be much over one thousand dollars. I hope, Mr. President, that this bill will meet the approbation of the Senate.

Mr. Adams moved to strike out 200 copies and insert 100, which would reduce the expense to the State to $1500.

The amendment was accepted, and the bill passed.

Mr. Clarke also called up the following bills:

Act for the relief of Josephine Briggs. Passed.

Act for the improvement of West Pearl River. Passed.

Act to create two Notaries Public, in and for the parish of Jackson. Passed.

Mr. Cole introduced the following bills and resolutions:

Resolutions directing the State Engineer to inquire into the expediency of making outlets in the Bayou Lafourche, in the vicinity of Lockport—Passed.

Act declaring valid certain notarial acts which have been executed, or may be executed in this State. Passed.

Act in relation to the incorporation of the Roman Catholic Church in Lafourche Interior.

Land on the same subject.

Act to enable the owners of marsh, swamp, and other low lands, to drain the same.

Land on the same subject.

Mr. Dorsey called up the following bill:

Resolution granting leave of absence to R. G. Skinner, Recorder of the parish of Tensas. Passed.

Act for the relief of the heirs and representatives of Thomas B. Lawrence, deceased. Passed.

Act appropriating $5000 to the use of the University of Louisiana.

Mr. Moore moved to lay it on the table—14 ayes, 5 nays. Its motion prevailed.

Act making an appropriation for the construction of Levees in the parish of Concordia.

On motion of Mr. Tatman, it was laid on the table.

Mr. Brew called up the following bills:

Act to extend the remedy of attachment. Referred to the Judiciary Committee.

Act to improve the navigation of Red River. Passed.

Act in relation to Raccourci Island. Amended and passed.

Act providing for the construction of a Rail Road from the town of Shreveport to the line dividing the State of Louisiana from the State of Arkansas. Passed.

Mr. Dufour called up the following:

Act to regulate suits between landlords and tenants by summary process—returned from the House with amendments. Concurred in.

Act to punish the crime of kidnapping. The House had adopted a substitute for this bill. Concurred in.

Act exempting the property of Charitable institutions from Municipal taxation. Passed.

Act to compensate Mr. G. Fever, Esq., for professional services. Passed.

Mr. Adams, on behalf of Mr. Duncan, called up:

Act to regulate the sale of Commercial Interest. The question was taken on the adoption—10 ayes, 11 nays. The vote was reconsidered, and the bill was laid on the table.

Act granting to R. B. Bia-bear, the privilege of keeping a Ferry across Berwick's Bay.

Mr. Van Wickle. I am opposed to all monopolies, and call for the ayes and nays.

Mr. Hereford. I am opposed to granting exclusive privileges and monopolies—17 ayes, 4 nays. Passed.

Act relative to advertisements of Sheriffs sales. Laid on the table.

Whereupon, the Senate adjourned until to-morrow, at 9 o'clock A. M.

BY AUTHORITY.

[No. 274.]
AN ACT

For the relief of Nathan Perry, late Sheriff of the parish of Vermilion.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That Nathan Perry, late Sheriff and Collector of the parish of Vermilion, be granted a further indulgence of six months from and after the passage of this act, to settle his accounts with the Auditor of Public Accounts, for the year one thousand eight hundred and forty five; and that the Auditor be and is hereby authorized to give to said Perry the benefit of the same time for the year ending one thousand and forty five by delinquent tax payers; a list of which he shall make out and prove to the satisfaction of the Auditor, and the Auditor be also authorized to allow said Perry credit for the commissions which he has forfeited by his failure to settle within the time prescribed by law, provided the interest of said Perry give their consent in writing to the indulgence hereby granted.

E. WARREN MOISE,
Speaker of the House of Representatives.
J. B PLAUCHE,
Lieut. Governor and President of the Senate.
Approved 31st March, 1850.
JOSEPH WALKER,
Governor of the State of Louisiana.
Certified to be a true copy from the original.
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[No. 275