## No. 80: VOL V.-NEW SERIES OFFICIAL.

LOUISIANA LEGISLATURE. SIXTEENTH LEGISLATURE—FIRST SESSION. JOURNAL OF THE SENATE.

WEDNESDAY, MARCH, 30, 1843.

EX CUITION AND THE PROPERTY OF THE PROPERTY OF

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thing from the saferest of the State in them would be onswarding. I would recommend to postpone any action in relation thereto.

Tex. As to the means of paying the debts of the State to the State in certain States and other property be leaguing to the Text and the State in the

institution to withdraw its branches, that the Sanki would agree to cancel and return to the State the boads aftereasid.

3rd. I would respectfully recommend that the State should shendon to the Bank of Louisnans her eatier laborast in said corporation, reliaquishing the appointment of Directors and authorize the withdrawal of the branches, in consideration whereof the Bank should

ist the State should shandon to the Louisian is \$60,000 of stock and the appointment of d

der.

That the Secretary of State he and he is hereby anthorized to make sale from time to lime, of asid reports, 4s such piece as in his opinion they may be worth, taking into consideration the condition in which the same may be found, and that the Treasurer of the State he authorized to deliver the same to the purchaser on the authorized to deliver the same to the purchaser on the authority of said Secretary, and on payment of the grice so indicated.

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

On motion, said resolution was referred to a Section of the grice that the said of the second reading.

Measure, Ogden, Claiborne and Ratief, on said Committee.

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Balance due, bearing interest, 2500,801 CS

And which can only be paid by an increase of feature, and the boost to complete the previous as I had the previous as I had the boost to complete the previous as I had the previous as I had the boost to complete the previous and the boost to complete the previous and the previous as I had the boost to complete the previous and the previous as I had t ORDER OF THE DAY.

On motion, the rules having been dispensed with, the House took up the resolution of the Special Committee, relative to the contented election of the delegation of Orleans, when Mr. Brewers discrete the following, as an an account of the Content of the Cont

Committee of three members. The Speaker appointed Messars, Ogden, Claiborne and Ratiff, on said Committee.

On motion, the rules were dispensed with, and the House took up the resolution, fazing the adjournment of the Lagistaure, for the 27th instant; and On motions, easil resolution was usede the order of the day for Moody, 27th instant; and On motions, easil resolution was usede the order of the day for Moody, 27th instant; and of the motion of the resolution was useded the order of the day for Moody, 27th instant; immediately after the residence of the House, at the July election 1842, and also established by the sense of this House, repressed to whom had been referred the amendments of the Sense to the brill, entitled.

An set to facilitate the legislation of the Property Banks chartered by this Stare.

Reputed the same without amendments.

Mr. Mainton betail of the Committee on Claims, to while the same without amendments.

Mr. Mainton betail of the Committee on Claims, to while the same without amendments.

Mr. Spring for coping high-reported on the decision of the chair. The question being put shall the decision of the chair for the chair of the chair. The question being put shall the decision of the chair for order than the committee of the chair of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair for order and put of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair. The question being put shall the decision of the chair

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At the first meeting of the Committee the eastesting parties, S. Hiriert, Esq., and Mr. Labauve both appeared in person, and on that day, and on the following, all the evidence of the contisting parties was offered and "cocived. M liviarr explained verbally to the Committee his views; and, by leave the Comm. The both the gentlemen afterwards propared their points in writing, and submitted them to the Committee. All the evidence offered is embraced in the following documents, which are submitted with this recommendation.

with this report:
1st. The petition of John J. Brich and others, marked A.
2d. The notice to Mr. Labauve, from Mr. Hiriart, notifying him of his (Mr. Hiriart) intention to contest his seat, and stating the grounds upon which the contest was based, with the return of the Sheriff thereon, marked B.

3d. Notice from Mr. Hiriart to Mr. Labauve to attend at a certain time and place to

and testimony, marked C.

4th. Testimony of witnesses taken before Judge Deblieux, marked D.

5th. List of voters names taken in the Parish of Iberville, marked E.

6th. List of voters names taken in the Parish of West Baton Rouge, marked F.

7th. Tax-roll of 1811, for the Parish of West Paton Rouge, marked G.

This ovidence was offered by Mr. Hiciart. Mr. Lebauve informed the Committe hat he had no evidence to offer.

The grounds upon which the seat of the returned member is contested, are state.

By the — weight of the act entitled an act, &c., approved —, [Bullard & Curry'
Digest, page 398,] it is provided, "That any person intending to contest an election

to be permitted a vote who does not by evidence bring himself within the rules eath-linked—and the law provides and defines the nature of the evidence thus to be admitted. No man is allowed by our laws to vote without evidence of qualification.

That evidence ought to be, 1st. The tax-roll or proofs by affidivit or otherwise of the payment of taxel, or that they have been paid by him; 2d. Or that the land-purchased land of the United States;—and strictly to curry out the latter of there rules, this proof ought to be support on the pricess verbal or pull book of the Commissioner of the strictly of parties in cases of contested elections ought to epend on facts and not on forms, when therefore it can be made to appear by evidence adduced after the election that the voter whose vote was contested, was at the time of the election at 1 gal voter, his vote bught to be considered good, though the Commissioner omitted to make mention of the facts, or ensume on which he was admitted to vote.

The Journal of the Committee and the evidence before them show that the voter wenty-two votes on them, that no more than four of these persons were really examined to have and evidence defined the potential of the considerable and the evidence before them show that the vote of may kind. The Committee were charged with the duty of accertaining whether like a vote hard been given—they could accertain this only by proof. There can be not evidence that the evidence have made, and proof has been furnished them, that no more than four of these persons were really examined to those the proof of large that the election of any kind. The Committee were charged with the duty of accertaining whether the provides and provides and the evidence before them show that the vote of any kind. The Committee were charged with the duty of accertaining whether the provides and the evidence before them show that the vote of any kind. The Committee were charged with the duty of accertaining whether the provise and the evidence that the considerable and the

the spirit of our institutions, that a question so delicate and so important should be deci-iled by the people themselves than any other tribunal.

They therefore submit for the consideration of the Sonate the following resolution, and recommend that it he adopted:

and recommend that it be adopted:

"Resolved, That Zenon Labauve, the member returned from the Senatorial District of Iberville, at the July election of 1842, is not entitled to his scat."

(Signed,)

P. E. BOSSIER,

JOSEPH WALKER,

Z. LEDOUX.

The undersigned, two of the members of the Committee on Elections, beg leav report to the Senate :

The underinged, two of the members of the Committee on Elections, beg leave in 10 wheth A.M.

The underinged, two of the members of the Committee, la most of the question and decision, they consider it their dary and the content of the consideration and decision, they consider it their dary and the content of the consideration and decision, they consider it their dary and the content of the consideration and decision, they consider it their dary and the content of the consideration and decision, they consider it their dary on the consideration and decision. The consideration and decision, they consider it their dary on the content of the consideration and decision in July last, Firman Serce paid him a State tax. Then this decision manner of the Committee, a most of the question and decision in July last, Firman Serce paid him a State tax. Then this decision manner of the Committee of the Commit

A majority of the Committee on Elections respectfully represents to the Senate:

That on the 24th of January last the Committee held its first meeting, to take into consideration the contested election of the Hon. Zenot Labauve, the member returned as elected from the Sanatorial District of Iberally, in the election held on the fourth and two following days of July 1842, and from that time to the 2d instant, when the Committee closed its bessions, the labors of the Committee have been as constant as the various claims of other duties upon the time of the members would allow. The Committee has regreted inhalther than the result of its labors could not, at an carlier day, have been as constant as been prosented to the Senate; but it has been thought that in a que for month of the purches of facervide, and therefore sand exection.

Sometice as the present, involving the right of a returned mamber at in the Somete, a reasonable bleday was preferable to over hasty action, by which when the senate of the consideration of the Committee would not have been maturely to the senate for the consideration of the Committee has regreted into the senate in the senate of the consideration of the Committee has represent, involving the right of a returned mamber at in the points presented for the consideration of the Committee would not have been maturely.

It will be seen by this nonce that the contesting party he innectaken to show that

ection. First on the list of these alleged illegal votes is the name of Bijah West or cridence which has been presented to the Committee to proceed at this work is as follows: 1st. The list of voter's names taken in West P. Rouge, mon

had been made of the reasons why they had been permitted to vote. Is this not an admission that when a person votes upon land purchased from the United States, which the law exempts from taxation for five years from the time of the entry, that it is unnocessary his name should be placell on the tax-roll? It surely is, and cannot be construed

n any other way than a direct of an wiedgment of the truth of the policy indersigned in this report.

The fact of the voter's name at the earing on the tax-rell and no some why his vote was taken having been mode, vague, which good is shown to be, might possibly be considered suffice.

Surth m thorse was not prove was a suggest.

Surth m thorse has no only decided that twenty-six illegal rotes.

West Baton Rouge, but also that they we exast for Senator. Thus some for Senator there is no doubt, but that all did is neither probable nor such least particle of proof. It is presumed, as they did vote, they voted for a votes are first presumed to be illegal because their names are not on the they are presumed to have voted for Senator; and, lastly, not to drop a link in the bright chain of presumptions, they were presumed to have voted for Mr. Labauve. We have already examined the foundation upon which the first presumption rests.

in truth be voted for Mr. Labauve. To this we answer, that all the peris swore were subpensed by the contesting party; they were his witnesses, and if the haths could be relied upon to prove facts when interrogated by him, they were deserve of credit to make proof in favor of Mr. Labauve.

There are many other points to which the undersigned would desire all the area tion of the Senate, but they will do it from their places in the Senate and anding the report to a close. They will remark however, that out of the twenty-six voices to have been decired delived illegal, there are some few to whose names they desire to cale attention of the Senate, and to request that the circumstances under which there share ten condomned, may be carefully examined. We will name one of them, Fon Seret. His name likes that of many others, is not on the tax Roll, and, there is no not the tensor why he was allowed to vote, but it is prevent that a few monitis preven the Senate closition in July last. Firman Seret paid him a State tax. Upon this tenny, without any proof of wast of age or residence, his veto is presumed to be bad, is nailed to the counter.

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