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FOR PRESIDENT OF THE UNITED STATES,

HENRY CLAY

NEW-ORLEANS:
FRIDAY MORNING, FEB'Y 24, 1843.

OFFICIAL REPORT
OF THE
PROCEEDINGS OF THE SENATE OF LOUISIANA.

Thursday, February 23, 1843.

Mr. DAVIDSON on behalf of the Select Committee, to whom the subject was referred, reported an act relating the fee bill of Parish Judges, Clerks of Courts, Sheriffs, &c., which, on motion of Mr. Armant, was made the special order of the day for to-morrow (to-day) at 12 o'clock.

Mr. WAGGAMAN asked the Senate to take up the bill fixing the election of Treasurer, so that it might undergo its final reading. It being taken up,

Mr. ARMANT opposed its passage as it had been amended. There were three several candidates for the office, and according to their respective friends, every candidate was confident of success. As the day had already been definitely fixed, it had induced no doubt several members of the legislature who had absented themselves, to make their calculations of being present with reference to that day. It would be to them a disappointment if it were changed, and prevent that general expression of legislative selection, which was so desirable.

Mr. SPARROW sustained the position assumed by the Senator from St. James (Mr. Armant), and contended in favor of the resolution as it had originally passed.

Mr. CARTER having voted with the majority at the second reading of the resolution, moved for its reconsideration; which motion prevailed.

Mr. ARMANT proposed to substitute Monday, the 6th day of March next.

Mr. WALKER stated, that from the explanations that were given, he should vote in favor of the period as it had been originally fixed by the resolution.

Mr. MOSSE opposed the amendment, on the ground that it was more than probable, there would be more members absent at a later than an earlier period, as it frequently happened that about the close of the session several members withdrew themselves from the city, having urgent business at home. And, that, besides the Senate was full, and if the House of Representatives was not so, it was within their competency to prolong the period if they saw fit.

Mr. ARMANT replied his objections to the proposed change: the period he considered unnecessarily long.

Mr. DAVIDSON observed, that as it seemed to be the determination to change the period, he should move that the election be fixed for Tuesday, the 7th of March, in order that he should be present to participate in it, as it was probable he would be absent on the Monday preceding on indispensable business.

The amendment was adopted, and the resolution was passed and transmitted to the House of Representatives.

On motion of Mr. LABADIE, the Senate resumed the consideration of the bill to prevent trespasses, which being amended, on his motion, so as to require the criminal intent to constitute the offence, the bill was ordered by him, to divide the fine imposed by the act in the following proportions: one-third to the parish, one-third to the District Attorney, and one-third to the informer; which amendment he sustained by some pertinent and sensible remarks.

The bill was further amended with reference to the punishment inflicted on certain persons therein mentioned, on motion of Mr. Bossier, and it was passed with the several amendments.

On motion of Mr. DAVIDSON, the bill for districting the State was taken up and made the special order of the day for Tuesday next, 27th instant.

On motion of Mr. ARMANT, the Senate took up the bill authorizing the Charity Hospital to dispose of a certain slave.

Mr. WALKER asked for some explanations with reference to the subject.

Mr. ARMANT made some explanations.

Mr. WALKER responded to Mr. Armant, and after some remarks from Mr. Bossier, who supported the bill, it was passed.

On motion of Mr. DOWNS, the Senate took up the bill for the relief of H. W. Fowler, Sheriff, of the parish of East Baton Rouge, on its final reading.

And with the consent of the Senate, Mr. O. offered an additional section thereto, authorizing the Treasurer to receive the sum of two hundred and thirty dollars in depreciated paper, received by James R. Stephens, Sheriff of the parish of Washita, under circumstances similar to those under which the Sheriff of East Baton Rouge had received the amount claimed by him; and in support of which, the Senator (Mr Downs) read the evidence which substantiated it.

Mr. SPARROW observed, that he remarked an essential difference in the testimony submitted in the two cases; in that of Mr. Fowler the affidavit stated that the amount had been received under ignorance of the depreciation of the paper, while in the other, this material point was not declared. It might have been from inadvertence, but it was nevertheless necessary as it would be appealed to in other cases, that the proofs as to that fact should be submitted.

Mr. DOWNS was aware that the money had been received under that belief, as had been applied to the Sheriff who stated that fact to him, but he presumed that that officer, perhaps, not deeming this declaration strictly essential had omitted to make it.

After some observations from Mr. WAGGAMAN in support of the position of the Senator from Concordia, (Mr. SPARROW) Mr. BOSSIER moved to lay the bill on the table subject to call, in order to afford an additional section for the relief of the Sheriff of Natchitoches, where case was precisely similar

Mr. DAVIDSON said he would oppose this motion if it was intended to extend to other cases, as the claim of Mr. Fowler was a just one, we should pass it, and if not we should reject it: and thus dispose at once of the matter.

Mr. BOSSIER replied that it was not to retard action upon the subject, but that he intended to offer an additional section for a precisely similar case on the following day

Mr. DAVIDSON withdrew his objection, and the bill was accordingly laid on the table subject to call.

On motion of Mr. DOWNS, the Senate went into executive business; and the doors being opened, on motion they adjourned.

LOUISIANA LEGISLATURE.

OFFICIAL REPORT
OF THE
HOUSE OF REPRESENTATIVES.

[Concluded from the Bee of Wednesday.]

TUESDAY, FEBRUARY 21, 1843.

Mr. Bradbear said he had no particular desire to continue the debate, after the repeated exportunes which had been laid before the house. The gentlemen who had opposed the constitutional question on both sides had left nothing unsaid, and he referred the house to the members from Pointe-aux-Chenes and Rapides for full and elaborate views of his side of the question. He had thought he had sufficiently defined his position. He had said that this house could not undertake to sit as a court of judgment on the constitutionality of a law, between the labor and the house; but he did consider it clearly the duty of the house when deliberating on any measure, to examine its constitutionality. We were sworn to support the constitution, and it was our bounden duty to review measures in a constitutional light.

We charge, continued Mr. Bradbear, that the whole course of the corporation of Orleans in levying this tax, is unconstitutional and unauthorized by their charter. In support of this opinion, it was not necessary to go further than to read three sections of their Charter. That instrument gives them power to tax ships, steamboats and other water craft: it gives them a similar power over drays and carriages. But there are particular sections which limit the legislature the power of taxing, and amending their Charter; and the 25th Section in particular provided that the debts of each municipality should be fixed by the municipality. How, then, could the municipalities constitutionally impose a tax referred to a committee consisting of Messrs. Couvillon, Bonjour and Blanchard.

Mr. Morse presented a petition from the citizens of St. Martin, praying for the passage of a Ferry across Lake Calcasieu. Referred to a select committee consisting of Messrs. Brunet, B. G. Thibodeaux and Bron.

Mr. Sandoz presented a petition from Mr. Bailey, praying for a remission of a fine. Referred to a committee consisting of Messrs. Couvillon, Bonjour and Blanchard.

Mr. Morse presented a petition from J. Hernandez, praying for relief. Referred to a committee consisting of Messrs. Morgan, McRae and Brewer.

Mr. Phelps offered a petition from the inhabitants of Catahoula, praying for an alteration in the boundary line of said parish. Referred to a committee consisting of Messrs. Phelps, King and Farmer.

Mr. Brunet presented a petition from sundry inhabitants of St. Martin, praying that a certain individual be allowed to dispose of some property by a lottery—Laid on the table subject to call.

Mr. Massey presented a petition from persons occupying houses belonging to the State. Referred to a special committee consisting of Messrs. Massey, McNeil and Rodgers.

On motion of Mr. Claiborne, the House took up the act to incorporate the French Society of New Orleans for Mutual Relief and Charity. The object of the bill is fully explained in the report of Mr. Claiborne, a proposition had been made to continue the tax and divide the spoils with the State. This would make matters worse. Was such the true situation, and moral obligation of the city? She was labouring, so to speak, under the weight of her whole property in consequence of her debts. In order to pay off this loan, can she rightfully lay taxes on the country? Where was the hardship that property owners of New-Orleans should be made responsible for the debts of the city. When the country falls in debt, the Sheriff seizes and sells the property. But the City says, we cannot pay our debt; increased taxation is too burthensome, and puts in a plea of necessity. Such a plea is of force in the country when the Sheriff makes his appearance. Let the city pay her debts from out of the income of her property holders. The entire city was worth probably $100,000,000, and the whole debt was only $2,000,000. A tax of 3½ per cent. in two years would extinguish the whole. Is such income thus dear and dignified should it be to pay off the debt in this way, than to pursue a course which excited universal clamor and remorse. Much of the debt, was payable at different periods, and only about $1,000,000 or one and half million was to be provided for at once. And yet with all the wealth of the city, they want to the poor Bathoanan on the lever, and tell him, "You must help to pay off the debt," and enacted a tribute off the planters' cotton to meet their obligations.

Was such the great crash which had occurred in monetary affairs to be in some measure attributed to the city? The report of the committee intimated that the Legislature passed these different bank charters by which the city was assisted in ruining herself. Why, every one knew that when it was the fashion to charter banks, the people of the city were foremost in instigating their passage, as well as that of rail roads, canals, &c. &c. Now that they have discovered their mistaken policy, they contend that the Legislature has brought these evils upon them. There was another point of view in which the subject might be regarded. All those enterprising men, like Banks and Caldwell, who had led the city on to her manifold improvements, they were all ruined, and their property had passed into the hands of more prudent capitalists who had foreseen the ruin, many of them were foreigners. These were the persons who should pay off the lien on the city. Such a course was neither unjust nor immoral.

This question had gone far and wide, and anxious eyes were looking inquisitively for the result. If the Legislature did not do justice, the commotion that would ensue might be astounding. The people knew their rights, and would enforce them.

With respect to the powers of the corporation in another respect, it was true that they were actually trespassing on the Margin of the Mississippi, but this innovation had been silently acceded to. The privilege granted to every navigator under the whole Spanish Government still remained. Every pedlar and chicken thief knew this fact. The city too had been fostered by the planting interests, and it was therefore the most indelicate policy in the world to drive the products of the country away from this great mart. There was but a shade in the difference of expense in transporting produce to New York, and this transfer would be the inevitable result of the enforcement of the tax. New Orleans had rapidly advanced in importance, until she had become the commercial emporium of the West. He was proud of it—he rejoiced in her greatness, but he revolted at a prosperity built on unjust acts.

Mr. Musson rose and has motion to lay the bill on the table. The question had been sufficiently debated, and important as it was, it was far less momentous than the financial condition of the State. We should not lose a day on this vitally important matter.

After a remark or two by Mr. Hunt, Mr. Musson consented to withdraw the motion.

Mr. Ogden expressed his satisfaction at the extension given to debate on the subject before the House. It was one of paramount importance and could not be too carefully considered. He would endeavor to prove that the rates of duties established by the ordinance, were nothing more than was necessary to replenish the city? She was labouring, so to speak, under the weight of her whole property in consequence of her debts. In order to pay off this lien, can she rightfully lay taxes on the country? Where was the hardship that property owners of New-Orleans should be made responsible for the debts of the city. When the country falls in debt, the Sheriff seizes and sells the property. But the City says, we cannot pay our debt; increased taxation is too burthensome, and puts in a plea of necessity. Such a plea is of force in the country when the Sheriff makes his appearance. Let the city pay her debts from out of the income of her property holders. The entire city was worth probably $100,000,000, and the whole debt was only $2,000,000. A tax of 3½ per cent. in two years would extinguish the whole. Is such income thus dear and dignified should it be to pay off the debt in this way, than to pursue a course which excited universal clamor and remorse. Much of the debt, was payable at different periods, and only about $1,000,000 or one and half million was to be provided for at once. And yet with all the wealth of the city, they want to the poor Bathoanan on the lever, and tell him, "You must help to pay off the debt," and enacted a tribute off the planters' cotton to meet their obligations.

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Mr. Musson renewed his