# The New-Orleans Bee.

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## OFFICIAL

LOUISIANA LEGISLATURE.

SIXTEENTH LEGISLATURE—FIRST SESSION.

### JOURNAL OF THE SENATE.

TUESDAY, FEBRUARY 14th, 1843.

The Senate met agreeably to adjournment.

Members present—Messrs. Felix Garcia, President; Arnaut, Bossier, Bernard, Carter, Dupré, Downs, Davidson, Hoa, Lacoste, Labauve, Sparrow, Thibodeaux, Walker and Waggaman.

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

The President laid before the Senate the following report from the Managers of the Citizens' Bank of Louisiana:

(Report on fourth column.)

On motion of Mr. Davidson the report was ordered to be printed.

Pending the discussion on the number to be printed,

On motion of Mr. Downs, the Senate sat with closed doors.

The doors being opened,

Mr. Hoa presented the following resolution:

Resolved, That one thousand copies of the two reports of the Managers of the Citizens' Bank be immediately printed, one half in English, one half in French, and that a committee composed of three members be appointed to select such documents annexed to said reports as in the opinion of the committee deserve to be printed.

Mr. Sparrow offered the following amendment:

And that the committee be further instructed to examine the documents accompanying the report of the Board of Currency, and cause one thousand copies to be printed, one half in English and one half in French; said printing to be made after the printing of the two above mentioned reports, and that the State Printer be allowed extra compensation for the printing of the report and documents of the Board of Currency.

The said amendment was adopted, and, on motion, the resolution as amended was adopted.

Mr. Hoa presented a memorial signed by certain citizens of the city of New Orleans, which was laid on the table.

Mr. Davidson moved that the Senate take up an act entitled:

An act to increase the revenue of the State;

It underwent its first reading;

On motion, the rules were dispensed with, and it underwent its second reading, and, on motion, was made the special order of the day for Monday, February 20th, at 12 o'clock M, and was ordered to be printed.

Mr. Labauve gave notice that he would introduce An act to amend certain articles of the Civil Code, and for other purposes.

ORDER OF THE DAY.

An act relative to appeals in certain cases; and, on motion of Mr. Downs, was made the order of the day for Thursday, 16th instant.

On motion of Mr. Hoa, the Senate took up the act entitled:

An act relative to public advertisements in the Parish of Orleans, was made the special order of the day for Wednesday, 15th instant, immediately after the Executive Business.

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

WEDNESDAY, FEBRUARY 15TH, 1843.

The Senate met agreeably to adjournment.

Members present—Messrs. Felix Garcia, President; Arnaut, Bossier, Bernard, Carter, Dupré, Downs, Davidson, Hoa, Lacoste, Ledoux, Labauve, Morse, Sparrow and Thibodeaux.

Mr. Labauve offered the following resolution, which was adopted:—

"Resolved, That the Finance Committee be instructed to examine and report, by bill or otherwise, whether any, and if any, what amendments ought to be made in the law to provide for the liquidation of banks, so far as the same relates to the property banks."

Mr. Bossier moved that leave of absence be granted for a few days to Mr. Walker.

Mr. Hoa, of the committee appointed to select such of the documents accompanying the reports of the managers of the Citizens' Bank, and of the Board of Currency, as in their opinion it would be necessary to print, reported that the selection had been made of the documents to be printed, so far as related to the reports of the managers of the Citizens' Bank, and that progress had been made in the selection of those accompanying the report of the Board of Currency.

Mr. Hoa moved, that the Senate take up the act, entitled: An act relative to public advertisements in the parish of Orleans.

On the adoption of the First Section of the said act, which reads as follows, the yeas and nays were called for:

Sec. 1st. Be it enacted, &c., That hereafter all advertisements which are required to be published in the parish of Orleans by virtue of any law, order of court or municipal ordinance, shall be published in the newspaper hereinafter provided for that purpose, in French and English, for the number of times and for the period now required by existing laws. And that it shall no longer be necessary to insert said advertisements in any other newspaper in New Orleans.

For the adoption—Messrs. Bernard, Downs, Hoa, Lacoste, Labauve, Morse, Sparrow and Thibodeaux—8.

Against it—None.

Pending the discussion, Mr. Davidson moved, that the Senate sit with closed doors.

The doors being opened, the Governor's private Secretary, delivered a message, in writing, from the Governor.

On motion, the Senate sat with closed doors.

The doors being opened, the act entitled: An act relative to public advertisements in the parish of Orleans, underwent its second reading, was amended; and, on motion, the rules were dispensed with, it underwent its third reading, and passed.

The Secretary informed the house of the concurrence of the Senate with amendments to the following bills:

An act relative to public advertisements in the parish of Orleans.

An act creating the parish of Franklin; and be further repealed the concurrence of the house to the resolution appointing a joint committee to examine the property of the State, situated in the city of New-Orleans.

On motion, the Senate adjourned till to-morrow, at 11 o'clock a.m.

THURSDAY, 16th FEBRUARY, 1843.

The Senate met agreeably to adjournment:

Members present, Messrs. Felix Garcia, president; Bossier, Bernard, Carter, Dupré, Downs, Davidson, Hoa, Lacoste, Ledoux, Labauve, Morse, Sparrow and Thibodeaux.

Mr Labauve moved, that leave of absence be granted to Mr. Arnaut, who was called away on urgent business.

ORDER OF THE DAY.

The following acts underwent their first readings by their titles:

An Act to incorporate the Louisiana Association of Veterans, of 1814 and 1815.

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

An Act to form a new parish, to be called the Parish of Tensas.

*Second Readings.*

An Act for the relief of H. W. Fowler, sheriff of the parish of East-Baton Rouge, was made the order of the day for Friday, 17th February, at 12 o'clock, M.

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

Mr. Lanzir, clerk of the House, requested the signature of the President of the Senate, to the following enrolled Bills from the House:

An Act in the relief of Rosine Dobard, widow of Andre Barron, a resident of the Parish of Plaquemines.

An Act (second an act entitled, An Act to remove the Seat of Justice of the Parish of Claiborne from Overton to Minden, and for other purposes.

An Act relative to the revenue derived by the State from the taxation the Agents of Foreign Treasurers or Insurance Companies.

An Act to create a new parish in the parish of Claiborne, to be called the parish of Bossier.

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 E. Noble, Ed. Barry, T. Phelps, J. L. Stokes, R. G. Wooten, W. M. Lee, Geo. Purvis, and others, the privilege of making and establishing a turnpike road leading from Lake Concordia to Harrisburg in the Parish of Catahoula and in a

Resolution granting leave of absence to J. R. Jones, Judge of the 8th Judicial District.

He further informed the Senate that the House had concurred in the amendments of the Senate to the following bill:

An act relative to public advertisements in the Parish of Orleans.

An act to create a notary public in the Parish of St. Martin.

An act relative to the revenue derived by the State from the tax on the agents of Foreign Insurers or Insurance Companies.

An act to amend an act, entitled: An act to increase the number of members of the Police Jury in and for the Parish Point Coupee, approved February 5th, 1842, and

Resolution appointing a joint committee to visit and report upon the situation of the College of Franklin.

He further informed the Senate that the House had concurred in the Senate in the following bills:

An act to create a new parish in the county of Natchitoches, to be called the Parish of Sabine.

An act relative to the town of Baton Rouge.

An act to change the names of Joseph Joel Wilkinson Nicholls and of Catherine Rebecka Nicholls, and in the Resolution directing the State Engineer to remove the obstruction in Bayous Darbonne and Mason, and from Lacassie River.

And he further requested the concurrence of the Senate in the following bills and resolutions from the House:

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

An act in relief to the property of minors residing out of the State of Louisiana.

An act to amend an act approved 16th March, 1842 entitled a act more effectually to prevent free persons of color from entering into this State, and for other purposes.

An act to amend article 645 of the Code of Practice.

An act for the relief of R. R. Brashear.

An act relative to the advertisements of judicial sales and notaries.

Resolution appointing commissioners to lay off and establish road around a raft lately formed in Red River.

Resolution requesting our Senators and Representatives in congress to use their exertions in obtaining a return of the expenses attending suits in the U. S. Courts in the State.

Resolution ordering the State Treasurer to pay over to the Treasurer of the school fund of the parish of Caddo, certain sums of money, and

Resolution appointing a joint committee to enquire into the cause of complaint in the management of the Louisiana Penitentiary.

SECOND READING CONTINUED.

An act relative to the transmission of slaves was taken up, was read second reading.

Mr. Bernard moved to lay the bill indefinitely on the table.

The yeas and nays were called for.

For laying on table—Messrs Bossier, Bernard, Dupré, Downs, Hoa, Ledoux, Labauve and Thibodeaux.

Against it—Messrs Davidson and Morse.

On motion of Mr Bernard the rules were dispensed with and the Senate took the resolution from the House appointing a joint committee to enquire into the complaint in the management of the Louisiana Penitentiary, underwent its first reading the rules were dispensed with and it was read a second and third time and passed; and the President appointed Mr. Sparrow of the committee on the part of the Senate.

Agreeably to previous notice, Mr. Hoa offered an act entitled an act relative to the Citizens' Bank of Louisiana, the rules were dispensed with, passed to a second reading and was referred to the committee on finance.

Mr. Davidson moved that the rules be dispensed with, and the Senate took up the bill from the House entitled: an act for the relief of the parish of Washington and for other purposes.

It underwent its first and second reading and on motion it was referred to the judiciary committee.

On motion of Mr. Bossier the rules were dispensed with and the Senate took up the resolution from the House, ordering the State Treasurer to pay over to the Treasurer of the School Fund of the Parish of Caddo, certain sums of money; it underwent its first reading.

And Mr. Hoa moved to lay it indefinitely on the table.

The yeas and nays were called for.

For the laying on the table—Messrs. Bernard, Carter, Dupré, Downs, Hoa, Ledoux, Labauve, Morse and Thibodeaux.

Against it—Messrs. Bossier and Davidson.

Mr. Downs moved that the act entitled an act relative to appeals in certain cases be made the special order of the day, for Friday, 17th February, 1843.

The Secretary reported to the House the concurrence of the Senate in the resolution appointing a joint committee to inquire into the cause of complaint in the State Penitentiary.

On motion of Mr. Davidson the Senate sat with closing doors.

The doors being opened,

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

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, 15TH FEBRUARY, 1843.

The House met agreeably to adjournment.

Mr. Howell laid before the House the memorial of sundry citizens of the Parish of East and West Feliciana, praying that H. Hamilton should have the privilege of practicing medicine;

On motion, said petition was referred to a Special Committee of three members;

The Speaker appointed Messrs. Howell, Ratliff and Chiz on said committee.

Mr. Monroe laid before the House the memorial of Hewett, Heran & Co., soliciting legislative action in relation to the tobacco trade;

On motion, said petition was referred to the Committee on Agriculture, Manufacture and Commerce.

Mr. Selby, in behalf of the Select Committee, to whom was referred the bill from the Senate entitled:

An act relative to certain pre-emption claims, reported back said bill as passed by the Senate;

On motion, said report was adopted.

Mr. Robertson, on behalf of the Select Committee to whom was referred the petition of sundry citizens of the Parish of Iberville and Ascension, praying for the formation of a new Parish, submitted the following report, which, on motion, was adopted:

The Select Committee appointed to take under consideration and report upon the petition of that portion of the inhabitants residing on the eastern side of the river Mississippi, in the Parishes of Ascension and Iberville, praying that they may be separated from their respective Parishes, and erected into a new Parish, bounded on the north by the Manchac River, on the west by the River Mississippi, on the east by the Lake Maurepas and the Amite River, and on the south by the Parish of St. James, beg leave respectfully to submit the following report:

Upon examination of the map of the State, it will be seen that "the greatest portion of the territory of the Parish of Ascension lies on the east side of the River Mississippi, and would consequently be included in the new Parish petitioned for, thereby reducing her territory to a narrow and contracted limits, taking off nearly one-half of her population, and leaving her so insignificant in both these respects as to be scarcely worthy of being dignified by an independent existence as a Parish.

It will be further seen, that by cutting off that portion of the Parish of Iberville lying East of the river Mississippi, the inhabitants of the upper part of the new parish proposed to be established, would be placed in a position quite as inconvenient, for the purposes of justice, as that of which the inhabitants on New River and the lower portion of the Parish of Iberville now complain, whilst the inhabitants of Iberville West of the Mississippi, is so scattered, and portions of it at so great a distance from the seat of justice, that two full juries could not be had with any assurance of punctual attendance during the session of the Court, besides were the prayer of the petitioner granted, in this instance, it would give to the said upper part a great claim upon the part of the inhabitants of Bayou Grosse Tête, upon the same grounds, and thus Iberville would run the risque of being so reduced in population and extent of territory, as to be compelled to attach herself to one of the new parishes, which would take the land around only to a change of name and of the relative positions of the different portions of the population, with respect to convenience or distance from the seat of justice.

But your Committee, upon giving the prayer of the petitioners that consideration which the number and respectability of the signers of the petition, fairly entitled, and which, in their opinion, unexplicable objections to the granting of the same.

The senatorial districts of this State ought, under the present Constitution, remain indivisible and unchanged; the county of Iberville, composed of the Parishes of Iberville and West Baton Rouge, forming one of three senatorial districts; and the county of Acadia, composed of the Parishes of Ascension and St. James, forming another, by erecting a new Parish to be taken from the Parishes of Ascension and Iberville—the anomaly would be presented of one portion of the inhabitants of the new Parish voting for a set of candidates for the Senate, different from that of the other portion; this would give rise to serious embarrassment and confusion, through which a great many improper and illegal votes might be received at the polls, owing to the difficulty of ascertaining and preserving the ascertainment of the votes, which might be measurably or entirely obliterated by time, in consequence of incorporating portions of the two counties into one parish; and the same difficulty would (until a new apportionment shall be made) present itself in the elections held for representatives; but there would be a still greater difficulty exhibited, in different portions of the same Parish, having common and united interests, being represented by different senators and representatives, or under the present apportionment of the same Parish being represented by two senators and two representatives, which, in the humble opinion of your Committee, would be contrary to the very spirit of the Constitution, which requires that representation should be equal and uniform in this State, and would be giving to this new Parish, erected to-day, more weight and influence upon the floor of the Legislature than, as a rule, is enjoyed by any Parish since the formation of the Constitution.

Your Committee, however, are aware of the inconvenience and expense to which most of the signers of this petition are subjected, in order to reach the seat of justice; but this is the result of natural causes, and the position of that portion of the Parishes of Ascension and Iberville, lying beyond the eastern Bank of the Mississippi, but they consider that the grievances complained of are no greater than those which may be found in almost every Parish in this State, resulting from similar or different causes; and although they are of opinion that they should be brought as near the door of every individual in the community, as the nature of the case will admit of; yet they believe in this instance, the erection of a new parish as prayed for, so far from proving beneficial, would inflict injury, which would more than counterbalance the inconvenience to be corrected; they therefore beg leave to report unfavorably to the prayer of the petitioners; and in order to remedy in some measure the principal grievance complained of, offer the following bill.

W. B. ROBERTSON, Chairman.

An act to exempt certain jurors of the parishes of Ascension and Iberville from paying ferriages;

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

Mr. Fortson, in behalf of a Select Committee, to whom was referred the bill entitled:

An act to provide for the assessing of the taxes of the State, reported said bill without amendment;

On motion, said report was adopted.

Mr. Cullerton, agreeably to previous notice, introduced the bill entitled:

An act to incorporate the New Orleans Sacred Music Society;

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

The rules having been dispensed with, Mr. Brewer, in behalf of a Select Committee to whom was referred the bill entitled:

An act supplementary to the several acts relative to elections and to digest the same into one act, reported said bill without amendment;

On motion, said report was adopted.

Mr. O'Bryan gave notice that he will shortly introduce the following bills entitled:

An act to create an additional notary public of the Parish of Lafayette; and

An act to provide for making Sheriff's and Coroner's sales in the Parish of Lafayette;

On motion, the rules were dispensed with, and the House took up the amendment of the Senate to the bill entitled:

An act to amend an act entitled: An act to increase the number of the Police Jurors of the Parish of Pointe Coupee, which had been laid on the table subject to the call of the House;

On motion, the House concurred in the amendment;

The Clerk was directed to inform the Senate thereof.

Mr. Orr, agreeably to previous notice, introduced the bill entitled:

An act to amend the Code of Practice;

Which was read for the first time, by the title only, and on motion, referred to the Judiciary Committee.

The same member, agreeably to previous notice, also introduced the bill entitled:

An act making the Clerk of the District Court of the Parish of Avoyelles ex officio Clerk of the Probate Court of said parish;

Which was read for the first time, by the title only, and on motion, laid on the table subject to the call of the House.

Mr. Voorhies, in behalf of the Committee of Enrollment, reported as duly enrolled the following bills and resolutions:

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

An act for the relief of Rosine Dobard, widow of Andre Barron, a resident of the parish of Plaquemines.

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.

An act relative to the revenue derived by the State from the tax on the Agents of Foreign Insurers or Insurance Companies. And;

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

The Speaker having signed the same, the Clerk was directed to request the signature of the President of the Senate thereto.

By a message from the Senate by Mr. Davis their Secretary, the concurrence of the House is requested to a resolution appointing a joint committee to examine the property of the state situated in the city of New Orleans.

By the same message the House was informed of the concurrence of Senate, with amendments to the following bills entitled.

An act creating the parish of Franklin—and also,

An act relative to public advertisements in the parish of Orleans.

On motion of Mr. Briant the rules were dispensed, and the House took up the bill from the Senate entitled,

An act to incorporate the town of St. Martinsville,

Which was read for the first time and on motion made the special order of the day for tomorrow 16th inst.

On motion the rules having been dispensed with,

The House took up for a second reading a resolution making a rule to this House to meet every day at 10 o'clock, Sundays excepted. During the discussion Mr. Bayliss offered the following substitute.

Resolved, That the rule fixing the meeting of the House at 11 o'clock, be rescinded and the House meet at 10 o'clock, A. M., unless otherwise ordered and the orders of the day be taken up at 12 o'clock.

On motion said substitute was adopted.

The rules were dispensed with, and on motion of Mr. Fortson, the House took up for a second reading the bill entitled:

An act to amend an act entitled an act to create the 10th judicial district, approved 9th March, 1840.

During the reading of said bill, on motion the same was laid on the table subject to the call of the House.

The rules having been dispensed with, on motion of Mr. Brewer, the House took up for a second reading the bill entitled,

An act to create a privilege on growing crops, in certain cases—during the discussion.

On motion said bill was referred to the following committee, with instructions to report in forty-eight hours.

On motion of Mr. Phelps, the rules having been dispensed with, the House took up the bill entitled:

An Act for the relief of R. B. Brashear.

On motion, the House went into a Committee of the Whole, for the consideration of the same. Mr. Claiborne being called to the chair; after some time, the Committee rose, and the chairman, Mr. Claiborne, reported that the Committee had had the said bill under consideration, and had adopted the same.

On motion, said report was adopted.

The House took up said bill and adopted the same.

On motion, the rules were dispensed with for a third reading, when it was ordered that said bill do pass and retain its title.

The Clerk was directed to request the concurrence of the Senate therein.

ORDER OF THE DAY.

The House resumed the consideration of the bill entitled:

An Act to define the powers of the Corporation of the City of New Orleans, which was under discussion, when the House adjourned on yesterday.

During the discussion, on motion, the House adjourned until to-morrow, at 10 o'clock, A. M.

THURSDAY, 16TH FEBRUARY, 1843.

The House met agreeably to adjournment.

On motion, leave of absence for a few days was granted to Mr. Edwards.

Mr. Wadsworth laid before the House the memorial of sundry citizens of the city of New Orleans, in relation to the contested election of the delegation of the Parish of Orleans;

On motion of Mr. Boudousquie, said petition was laid on the table indefinitely.

Mr. Voorhies, on behalf of the Committee of Enrollment, reported as duly enrolled, the bill entitled:

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

The Speaker having signed the same, the Clerk was directed to request the signature of the President of the Senate thereto.

Mr. Stille laid before the House the memorial of sundry citizens of the Parish of Natchitoches, praying that J. J. Fransis be permitted to practice as a physician, and be allowed to charge and collect for professional services rendered;

On motion, said petition was referred to the same committee to whom was referred the petition of H. Hamilton praying for the same relief.

Mr. Hunt laid before the House the memorial of sundry citizens of New Orleans relative to the inspection of tobacco in New Orleans;

On motion said petition was referred to the committee on Agriculture, Manufacture and Commerce.

The same member laid before the House the memorial of Vernon Sheldon, praying for some relief.

On motion, said memorial was also referred to the committee on Agriculture, Manufacture and Commerce.

The Speaker laid before the House the communication signed by T. W. Houston, Cashier of the Gas Bank, transmitting to this House a statement of the affairs of said Bank.

On motion, said statement was laid on the table subject to the call of the House.

The Speaker laid also before the House, the following message from the Governor:

Executive Department, 13th Feb'y, 1843.

To the Senate and House of Representatives:

Gentlemen,

At the request of His Excellency the Governor of the State of Maine, I lay before you the resolutions of the Legislature of that State, recommending to Congress the passage of a law unconditionally refunding to General Andrew Jackson, the fine imposed upon him by the District Court of the U. S. for this district, in the year 1815, with interest and costs.

I have the honor to be,

Respectfully,

(Signed,) A. MOUTON,

Governor.

On motion, said message and resolutions were referred to the Special Committee appointed to examine into the fine imposed upon Gen'l Jackson by Judge Hall.

On motion, the rules were dispensed with, and the House took up the bill entitled:

An act to repeal an act entitled, An act to revive the charters of the several banks located in the city of New Orleans and for other purposes, approved 6th of February, 1842, and an act to amend an act entitled:

An act to revive the Charters of the several Banks located in the city of New Orleans and for other purposes, approved March 7th, 1842, and for other purposes, which was made the Special Order of the day for Wednesday next, the 22d instant.

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

An act relative to public advertisements in the parish of Orleans.

On motion, ordered that the house do concur in the same.

The Clerk was directed to inform the Senate thereof.

The rules having again been dispensed with, the house took up the bill from the Senate, entitled:

An act to change the names of Joseph Joel Wilkinson Nicholls and of Catherine Rebecka Nicholls; which was read for the first time by the title only; and the rules being dispensed with, it underwent a second reading, and was adopted. The rules were again dispensed with for a third reading.

On motion, ordered, that said bill do pass and retain its title.

The Clerk was directed to inform the Senate thereof.

On motion, the rules were dispensed with; and the house took up for a second reading the bill, entitled:

An act to amend an act approved 16th March, 1842, entitled: An act more effectually to prevent free persons of color from entering into this State, and for other purposes.

The several Sections having been adopted;

On motion, the rules were dispensed with for a third reading.

On motion, ordered, that said bill do pass, and retain its title.

The Clerk was directed to request the concurrence of the Senate therein.

On motion, the rules were dispensed with, and the House took up for a second reading the bill entitled:

An Act to amend Article 645 of the Code of Practice;

The several sections having been adopted as amended;

And the rules having been dispensed with, for a third reading, on motion, ordered that said bill be passed and retain its title;

The Clerk was directed to request the concurrence of the Senate thereto.

Mr. Brashear, on behalf of the Committee on Internal Improvements, to whom was referred the resolution relative to the cutting of a road by the colored convicts of the State, from a point on Bayou Lafourche, to a point near A. B. Roman's plantation, on the Mississippi River;

Reported by the following substitute:

1st. Resolved, That the State Engineer be, and is hereby instructed to employ the colored convicts of the State in cutting out and clearing a road from near Thibodeauxville, on the Lafourche, to a point on the Mississippi River, near A. B. Roman's plantation, as he may deem advisable after a survey of the route is made, and to commence said work as soon as practicable with due regard to the interest of other work already ordered.

2d. Be it further resolved, That this work shall be done on the same terms and conditions as has been provided, for the accomplishment of other works ordered to be done by the same force, this session, to wit:—That the inhabitants near the road, or those interested in its completion, furnish said force with provisions and accommodations while there employed;

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

By a message from the Senate, by Mr. Davis their Secretary, the House was informed of the concurrence of that body to the resolution appointing a Joint Committee to enquire into the cause of complaint in the management of the Louisiana Penitentiary, &c.; and that Mr. Sparrow had been appointed on said Committee, in behalf of the Senate.

ORDER OF THE DAY.

The House resumed the consideration of the bill entitled:

An Act to define the powers of the Corporation of the City of New Orleans;

Which was under discussion, when the House adjourned, on yesterday.

During the discussion, on motion, the House adjourned till to-morrow at 10 o'clock, A. M.


BUTTER.—10 barrels and 25 kegs Western Butter, for sale by WIGGIN & DAVENPORT, 45 Magazine street.

SPERM OIL.—96 gallons superior winter, 40 brls do bleached and unbleached fall, now landing and for sale by HARROD, DARLING & Co, 49 Common st.

COFFEE.—97 bags Havana coffee, landing from steamship Alabama, for sale by A DURAND, 7 Conti street.

COFFEE.—215 bags, landing per brig Harriet, from Havana, for sale by O H MIESEGAES, 24 Old Levee.

HAVANA SEGARS.—A complete assortment always on hand, for sale by J M CABALLERO, 29 Old Levee.

GUNNY BAGS.—for sale by GEO GREEN & Bro, 83 Gravier st.

HERRINGS.—500 bbls superior herrings, assorted, landing and for sale by HARROD, DARLING & Co, 49 Common st.

SEGARS.—5000 superior Havana segars, landing and for sale by HARROD, DARLING & Co, 49 Common st.

COFFEE.—46 bags prime green Havana coffee, landing from steamship Alabama, for sale by MERLE, BEYLLE & Co, 45 Old Levee.

EXCHANGE ON PARIS.—A bill for 20201, at 10 days sight, for sale by MERLE, BEYLLE & Co, 45 Old Levee.

EXCHANGE on Philadelphia.—A vessel's bill at 60 days, for $500, for sale by J H ASHRIDGE & Co, 97 Camp st.

NAILS.—1000 kegs Boston Pwedee iron nails, assorted sizes, for sale by TUFTS & HOBART, 38 Customhouse st.

COFFEE.—2,000 bags Rio, Havana and Laguira coffee, for sale by WOOD & SIMMONS, 63 Magazine street.

CANDLES.—100 boxes Sperm Candles, for sale by C. DOANE & Co, 69 Poydras st.

ALMONDS.—25 boxes shelled almonds, for sale by C DOANE & Co, 69 Poydras st.

CURRANTS.—1 tierce Zante currants, for sale by C DOANE & Co, 69 Poydras st.

TOBACCO.—50 firkins fig tobacco, for sale by C. DOANE & Co, 69 Poydras st.

ROPE.—50 coils on hand, for sale by C. DOANE & Co, 69 Poydras st.

TURKS ISLAND SALT.—3,000 bags Turks Island salt, for sale by WOOD & SIMMONS, 63 Magazine st.

RICE.—100 tierces prime rice, in store and for sale by WOOD & SIMMONS, 63 Magazine st.

NAILS.—50 casks Cumberland Shoers nails, for sale by JOHN A MERRITT, 69 Camp st.


*To the Honorable the Senate and the House of Representatives:*

The undersigned having tendered their resignation as managers to the Governor of the State, deem it their duty to offer the following remarks, in continuation of their report of 25th January, explanatory of the only course which in their opinion is left to redeem the honor of the State, and to save from ruin the stockholders of the Citizens' Bank; the remedies suggested may be considered extremely unpopular, and even harsh, in this moment of general prostration; but when to save the body a limb requires to be severed, hesitation may be fatal, and to conceal the truth would be a culpable dereliction of duty.

In the Citizens' Bank, as well as in every other Property Bank, there are two essentially distinct operations—

1st.—The loaning of his capital;

2d—The loaning of its credit.

The loaning of its capital requires no issue of notes; the loaning of its credit calls, on the contrary, for paper issues.

The capital being raised on the bonds of the State, and the State being guaranteed by mortgages on the estates of the stockholders, which, together with its pledged faith, are transferred to the bondholders for the payment of interest and reimbursement of capital, a whole system is thereby devised, no part of which can be encroached upon without a breach of the original compact between the stockholders and the State—by the same reason that an ordinary creditor cannot seize and sell the property mortgaged to the Bank for stock, without paying the amount due to the Bank and securing said stock—the available means of the Bank should be applied first to the payment of interest and curtailment upon the bonds; nor can ordinary creditors complain of this, for this was one of the conditions of the charter.

Section 3, after enumerating the securities to be given, stipulates, "that both the capital and interest of said Bank shall be paid by the Bank, at the time they shall become due."

The Citizens' Bank began to loan its credit only after having invested its capital. This was a distinct operation, as above shown, not based upon its capital—for that capital was mortgaged to the State to guarantee its pledged faith—but upon deposites: and let it be said here, that bank deposites, unless they be made special, do not partake of the sacredness usually attached to that word, for they are generally made by customers who therefor receive a *quid pro quo*—1st, by their cash account being kept for them; 2d, by the credit open to them when they keep a good cash account. The depositors of a bank are, with few exceptions, its debtors in turn. To this branch of its business may be attributed the present deplorable condition of the Bank. When a Bank issues its paper payable on demand in exchange for paper on time, and that paper is dishonored, the Bank loses the basis of its issues *pro tanto*. The fact that on the 31st January, 1842, the Bank owed $2,205,519 81 to individual depositors, paying interest at 5 per cent, on $1,215,780 of that amount—exchanging the same for accommodation paper, for there was none other to be obtained—sufficiently accounts for its fall, and makes it superfluous to look for any other cause. It never could have been contemplated by those who pledged the faith of the State, that the securities given in exchange could have been encroached upon to meet such losses, whilst the interest on the bonds remained unpaid.

As State officers the undersigned were unanimous in declaring it to be their first duty to protect the honor of the State by every effort in their power; but as to the means to attain so desirable an end a difference of opinion existed. On one side it was contended:

1st. That the bonds issued, or to be issued, by the State in favor of the Citizens' Bank were the property of the Bank, and that it had the right of disposing of the same under the conditions of the charter—*i. e.*, provided par here was obtained for them (see section 17.)

2d. That the obligation of the State to deliver its bonds to a certain amount to the Citizens' Bank, under certain conditions, was peremptory; section 3 stipulating "that it shall be the duty of the Governor to emit such bonds to the full extent of $12,000,000, whenever it is proven by the certificate of the President of the Bank that *mortgages*, in conformity with the charter, have been furnished for at least one-fifth more than the bonds required,"—say $14,400,000 of mortgages, for $12,000,000 of bonds.

3d.—That as a consideration for the issuing of the bonds in favor of the Citizens' Bank the State has become a partner of the Bank; section 4 stipulating "That the State shall be entitled to the same interest in the profits of the Citizens' Bank of Louisiana as in the Union Bank of Louisiana—viz. one-sixth if $12,000,000 of bonds are taken."

4th. That the very words used in the preceding quotation of the charter—to wit. "one sixth if $12,000,000,"—show the nature of the compact; to wit, that it was made the duty of the Governor, on proof being given of $14,400,000 of mortgages having been furnished by the stockholders, to issue and deliver over to the President of the Bank $12,000,000 of bonds.

5th. That even admitting that the Directors (one-half of whom are State officers) had violated the conditions of the partnership, making it lawful for either of the parties to force a liquidation, neither party could acquire the right thereby to withdraw his capital until the affairs of the copartnership were completely and finally liquidated. That so would be the law between ordinary parties; so it should be when the lawgiver himself descends from his sovereign capacity to that of a citizen for purposes of profit.

That so long as the capital of the partnership is required for purposes of liquidation, that capital can be lawfully used for that purpose, provided it be done under all the conditions attached to that capital when it was furnished and made the basis of the partnership.

6th. That regarding partnerships between the State and Banking Corporations, the Supreme Court of the United States (Peter's Report, page 323) says:

"When a Government becomes a partner in any trading Company, it divests itself, so far as concerns the transactions of that Company, of its sovereign character, and takes that of a citizen; instead of communicating to the Company its privileges and prerogatives, it descends to a level with those with whom it associates itself, and takes the character which belongs to its associates and to the business which is to be transacted."

7th. That this opinion of the supreme tribunal of the nation cannot be construed into a power on the part of a State to become a citizen for purposes of trade, when profits are realized, and a sovereign when a loss is apprehended or to be sustained.

8th. That inasmuch as the stockholders cannot lawfully require the cancelling of any part of the $14,400,000 of mortgages furnished by them, and which were made the condition of the issuing, by the State, of $12,000,000 of Bonds, so long as the Bank is not completely and finally liquidated,—the State taking, in the words of the Supreme Court, "the character which belongs to its associates and the business which is to be transacted," cannot retire or annul any portion of the $12,000,000 of the above bonds, until the termination and final liquidation of the partnership.

9th. That the decree of forfeiture cannot and does not change, in any manner, the position above taken; that the act under which this decree has been obtained expressly declares, section 28, "that said Bank (Property Banks) shall not be permitted voluntarily to go into liquidation under the provisions of this act; and if a decree of forfeiture of its charter be rendered against any of such Banks, the corporation shall not be deemed to be dissolved," etc. etc. By the 29th section of the same act, the Managers are, until otherwise provided by the Legislature, "vested with the same powers and duties, and subject to the same liabilities, penalties and restrictions provided by the respective charters of said Banks, so far as not inconsistent with an act entitled "An act to revive," &c.

10th. That even if the Legislature could legally order the cancelling of the Bonds in the hands of the Bank, not negotiated, and prevent the issuing of the bonds not yet delivered, such an act could only lead to the dishonor of the pledged faith of the State, and to the ruin and expropriation of the stockholders, whereby taxation would ultimately be brought upon the people. That a heavy cash responsibility having been brought upon the Bank, whilst the whole of its means have been turned into a "dead weight," the whole capital of the corporation is required to prevent, if possible, the sacrifice of the assets remaining, to meet present debts. That where a great end is proposed, it is necessary to retain the means wherewith it might be attained, for to destroy them is to destroy the end itself.

On the other side, it was, on the contrary, contended

1st. That by the very decree of forfeiture of the charter of the Citizens' Bank, all bonds issued by the State in favor of this institution, and not negotiated, had become *de facto null* and *void*.

2d. That the acts of the Managers, by the 29th section, were restricted to acts of liquidation, and that a sale of bonds, even at par here, would be a violation of the powers vested in said Managers.

That the nature of the position which drew forth the above opinions, may be well understood, it becomes necessary to explain the situation of the Bank.

When on the last day left for remittances to Europe to meet the February dividend, the matter was taken up for discussion and immediate action, the cash responsibilities of the Bank were as follows:

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| Circulation, | $370,750 00 |
| Post notes and coupons matured or to mature within six months, | 442,625 |
| | $813,375 |

An amount larger than the income to be expected for the next six months.

This decided the question, and rendered nugatory all the protection intended for the State in the original charter of the Citizens' Bank; and the subsequent laws ruling her action,—so long at least as the holders of bank notes and post notes are not fully paid,—these creditors having really a preference over all others, and Louisiana, for a time at least, had to take her place among the dishonored States of the Union.

The undersigned will not attempt to express their feelings upon this occasion, as State officers and as citizens; but they are far from desponding. They are, on the contrary, of opinion, that with proper and early legislation, all the evils that have been heaped, by mal-administration, upon the Citizens' Bank and its unfortunate stockholders, and which have brought the State into disgrace, may be yet remedied; but they beg most distinctly to state that the remedy rests altogether with the Legislature. The measures that the undersigned recommend are the following:

1st. Authorising the Managers to dispose, under the conditions of the original charter, of such portions of the bonds of the State, not yet negotiated, as may be required to liquidate.

2d. To state distinctly the powers vested in the Managers.

3d. To separate the privileges of ordinary creditors from those secured to the State, by the original charter, and rendered nugatory by the adoption, during the last session, of a law making it binding upon the Banks to receive their own circulation in payment of debts due them.

4th. To require that interests and curtailments on stock loans and on state bonds, received in settlement of debt by the State, be paid either in coupons matured, or maturing within six months, or in specie; and that the amount thus received be specially applied to the payment of interests on the bonds, and the formation of a sinking fund for the redemption of the bonds.

5th. That all other assets of the Bank, save real estate forced upon the Bank by stockholders in arrears, be specially applied to the liquidation of the ordinary debts of the Bank, and that for such assets the circulation of the Bank may continue to be receivable.

6th. That the power of emitting paper may be rescinded.

7th. To authorise all stockholders and other debtors of the Bank to guarantee their debts to the Bank, by giving collateral security on their crops growing, or otherwise, and upon their rents, giving the power to said Bank to sell the crops so given to it in security, and liberty to leave said crops on the respective plantations, when made—making it, at the same time, fraud for any party to dispose in any manner whatsoever of any property so given to the Bank in collateral security.

The undersigned verily believe that the adoption of the above measures would produce the following effects:

1st. They would secure, most effectually, the payment of interests on the bonds—the income derived from the property mortgaged by the stockholders, who have borrowed upon their stocks—and from the state bonds owned by this corporation being made speedily payable