OFFICIAL

LEGISLATURE OF L...

Journal of the Senate ... 1849.

WEDNESDAY, Feb. 6, 1849.

The House met pursuant to adjournment—the roll being called, 70 members responded.

The Speaker laid before the House a communication from the Postmaster.

Also, the following communications:

From Mr. Dimitry, a table to be attached to his report.

The same were referred to Committee on Public Education.

Also, communications from the Governor, enclosing the report of the Commissioners appointed by Gov. Johnson, in relation to the protection of the city of New Orleans from overflow.

On motion, the same were referred to a select committee of seven, with instructions to have the same printed.

Leave of absence was granted to the following members:

Mr. Perkins, Mr. Moore and Mr. Ansueker.

The Speaker placed on the Select Committee on Levees, Mr. J. H. Caldwell, and inserted the name of Mr. Duncan in place of Mr. Wilson, on the Committee to examine the Navigation Company of New Orleans.

The following gentlemen introduced the following petitions:

Mr. Richardson—Petition from citizens of Attakapas, praying for certain privileges.

Referred to Committee on Internal Improvements.

Mr. Lewis—Petition and bill for the relief of Patrick Keating.

Referred to Committee on Propositions and Grievances.

Mr. Caldwell—Additional information for our Senators and Representatives in Congress, in relation to steamboat explosions.

Referred to Committee on Federal Relations.

The following gentlemen gave notice that at some future day they would introduce the following bills:

Mr. Sever—An act entitled An act to prohibit the holding of the Polls of Elections in grog shops, coffeehouses, cafarets, or other places, where spirituous liquors are retailed.

Mr. Watson—An act to amend section 32, number 32, of the Black Code.

Mr. Arceneaux—An act for the relief of A. A. Mouton.

Mr. Ramage—An act relative to community property, approved March 25, 1844.

By a message from the Governor, through his private Secretary, Mr. Ledoux, the House was informed that the Governor had approved and signed the

Resolution to grant leave of absence to the Auditor for ten days.

Mr. Flemming on behalf of the Committee on Propositions and Grievances, to whom was referred the following entitled bill:

An act for the relief of Augustus Cherry and Jeanie Cler, his legitimate wife, residents of the city of New Orleans, reported the same back to the House without amendments.

The same gentleman on behalf of the same Committee, to whom was referred the bill entitled

An act for the relief of John Williamson, report the same back to the House without amendments.

The same member from the same Committee, to whom was referred the petition of A. Richard, asked that the same be referred to the Committee on Parochial Affairs.

On motion, said report was adopted.

The same member on behalf of the same Committee, to whom was referred the petition of John Perkins, reported by bill under the following title:

An act for the relief of John Perkins.

The same member on behalf of the same Committee, to whom was referred the petition of Victor Vincent, f. m. c., reported unfavorably on the same.

Mr. Larue, in behalf of the Finance Committee, to whom was referred the following petitions and bills, reported unfavorably on the same:

"Petition of the proprietors of the Louisiana Courier."

"An act to authorize the liquidation of the affairs of the Mechanics' and Traders' Bank of New Orleans."

"An act for the relief of the Firemens' Charitable Association."

"An act to exempt certain citizens of the parish of West Feliciana from the payment of State Taxes for the year 1849."

"Petition of P. N. Hingue and J. Marun."

Mr. Tete, on behalf of the Committee on Parochial Affairs, to whom was referred the following bills:

"An act to divide the 7th and 9th Police Jury Wards of the parish of Concordia."

"An act to authorize the Police Jury of the parish of Natchitoches to levy a road tax."

Reported unfavorably on the same.

The same member, on behalf of the same Committee, to whom was referred the bill entitled:

"An act giving to Police Jurors the exclusive right to establish ferries and toll bridges."

Report the same back to the House, with amendments.

Mr. Larue, on behalf of the Select Committee, to whom was referred the petition of 700 merchants, report by a bill under the following title:

"An act to aid in the establishment of a Mechanics' Institute in the city of New Orleans."

Mr. Watts, on behalf of the Committee on Public Education, to whom was referred the memorial of the Second Municipality Council, made the following report:

The Committee on Public Education, to whom was referred the memorial of the Council of Municipality No. 2, of the city of New Orleans, asking for an appropriation of $34,977 60, (thirty-four thousand nine hundred and seventy seven dollars and 60 100, have had the same under consideration, and beg leave to report. That the facts embodied in the memorial of Municipality No. 2, show that by virtue of an act entitled An act to authorize the emission of bonds of the State to the city of New Orleans, approved March 18th, 1839. This Municipality made an exchange of bonds with the State to the amount of $500,000, (five hundred thousand dollars)—those of the Municipality bearing interest at the rate of six per cent, while those of the State were at five per centum. That Municipality No. 2 punctually paid the State Treasurer up to the year 1847 this one per cent difference of interest—to that period amounting to the sum of $34,977 60, (thirty-four thousand nine hundred and seventy-seven dollars and sixty cents) the amount sought to be appropriated by the memorialist, that the Legislature released the Municipality from its further payment, provided the Municipality continued to pay punctually the interest on the State bonds.

The memorialist further shows that the interest has not only been punctually paid, but that the Municipality has redeemed and delivered to the State Treasurer two hundred and nine of said bonds of the State, amounting to one hundred and thirty thousand dollars of said bonds, and has on hand $50,000 (fifty thousand dollars) deposited in a sinking fund for their further extinguishment. Upon this statement of facts, the Committee readily perceive that the State has received $34,977 60 from the Municipality, for which the Municipality has received no consideration. They are, therefore, unanimously of opinion this amount should be refunded to the Municipality, upon the score of equity; but they do at the same time deplore, as a matter of morality of the transaction between the high contracting parties. They unanimously agree in opinion that the sinking fund enacted by law for the extinguishment of the remainder of the bonds is ample beyond doubt, and cannot be diverted from the purpose of its creation—namely, the extinguishment of the bonds; but differ as to the object to which the appropriation shall be applied. While the majority of the Committee are of opinion that the appropriation should be directed to the erection of school houses, as prayed for by memorialist, a very respectable minority contend it should be applied to the extinguishment of the remainder of the State bonds. The majority are brought to this conclusion from the fact, which is not controverted, that the sinking fund, created expressly to meet this particular case is ample, and cannot by any possible contingency be diverted from that object. That in regard to the security of the State, holding the Municipality's bonds, in addition to the sinking fund, there is no doubt; since then the State jeopardizes nothing. The Committee think they can advance no cause of greater public utility to all classes of mankind than the cause of public education. The subject, in all its branches, is one of profound interest—appealing to every lover of his country, and to its wide dissemination, in order that it may fall, like the dews of heaven, equal and alike upon the favored child of Fortune, and the offspring of the humble pioneer of the forest.

Municipality No. 2 presents high claims that the appropriation should be applied as prayed for. In the very able and elaborate report of the Superintendent of Public Education, may be found that in an expenditure of $134,699 for building and renting school-houses in the State, Municipality No. 2 has expended of that amount $91,096, and yet there exists a great dearth of school-houses, notwithstanding this large outlay.

Independent of this, said Municipality pays annually into the General Education Fund of the State $6,000 more than it receives.

With these facts before us the majority of the Committee are of opinion that the appropriation should be applied to the building of school-houses on the lots already purchased, in order that the 2204 children out of the 5065 now reported in the Municipality, may have the benefit of going to school.

In view of the foregoing facts, and in accordance with the views of a majority of the committee, the Chairman is instructed to report the following bill, and recommend its adoption.

THOMAS W. WATTS, Chairman.

On motion, the above report was ordered to be printed.

Mr. Preston, on behalf of a minority of the Committee on Public Education, submitted the following report:

A minority of the Committee on Public Education cannot fully to the appropriation of the $34,977 60, for the benefit of Municipality No. 2 of the city of New Orleans, but recommend that the said sum shall be used in taking up the State Bonds issued for the benefit of the municipality, and extinguishing on the bonds of the municipality, given in lieu of said State Bonds, under the act of 1849.

ISAAC T. PRESTON,
JAS. H. CALDWELL,
BITHEL HAYNES.

On motion, the above report was ordered to be printed, with the Majority Report of said committee.

The following members, agreeably to previous notice, introduced the following named Bills, and the rules being dispensed with, were referred to their appropriate committees.

Mr. Moise—An act for the relief of such officers of the State as may not have taken the oath of office until after entering on their duties.

Mr. Jamison—An act to provide for the correction of the enumeration rolls of the State, in the parishes of Orleans and Jefferson, for the year 1849.

Mr. Lewis—An act to repeal an act entitled an act in reference to the publication of judicial sales in the parishes of East Feliciana, Madison and Carroll.

Mr. Lewis—An act for the relief of Solomon Colen.

Mr. ... An act to define the boundary line between the residence of Rapides, St. Landry and ...

Mr. Harper—An act to put free white persons equal capacity relative to working the public roads.

Mr. Sever—An act to repeal an act entitled an Act authorizing Juries, to qualify their verdict in capital cases, and substituting punishment upon a qualified verdict to hard labor for life in the State Penitentiary.

Mr. Walker—An act prescribing the mode of making judicial advertisements and of publishing the proceedings of the police jury ... for the Parish of Vermilion.

Mr. Sherman—An act authorizing the District Judge in 2nd District ... to open a special term of court for Spanish Bayou ... when the regular panel is exhausted.

Mr. Griffin—An act authorizing the State Engineer to make an embankment across the Dutch Bayou in the parish of Rapides.

On motion, the bill entitled 'an Act making the limitation of all open accounts expire at the same time,' was made the order of the day for the 15th.

The House then took up the following bills, which had been adopted on yesterday in Committee of the Whole:

'An act for the relief of A. S. Blackburn, for services rendered the State, during the invasion of the British in 1814-15.'

'An act for the relief of Eli Chance, Redmund Canter and Abel Eanes, veterans of 1814 and 15.'

'An act for the relief of Joseph Latil, François Ducoing and Eli. Mallas, f. m. c.'

'An act to pay Isaac T. Preston.'

'An act for the relief of A. Minard.'

'An act for the relief of Athanase Armand and Hypolite Gauthier, veterans of 1814-15.'

The above bills having severally undergone their second readings, and the rules being dispensed with, were read for the third time, and passed with their titles.

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

The House then took up the bill from the Senate which had been adopted yesterday in Committee of the Whole, entitled:

'An act for the relief of A. J. Isaacks.'

The same being read for a second time, and the rules being dispensed with, was read a third time and passed.

The Clerk was directed to inform the Senate of the concurrence of the House therein.

MESSAGES FROM THE SENATE.

First Reading.

The House then took up for a first reading, the following entitled bill:

'An act for the relief of Clement Ernest, a veteran of 1814 and 15.'

On motion, the same was referred to a Committee of the Whole House.

The same gentleman on behalf of the same Committee, to whom was referred the bill entitled

An act for the relief of John Williamson, report the same back to the House without amendments.

The same member from the same Committee, to whom was referred the petition of A. Richard, asked that the same be referred to the Committee on Parochial Affairs.

On motion, said report was adopted.

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OFFICIAL ... SALES.

BY JOSEPH WALKER.

JOSEPH WALKER,
CHARLES GAYARRE,
Secretary of State.

EXECUTIVE OFFICE,
BATON ROUGE, February 1, 1849.

WHEREAS, Information has been made to the undersigned, by ... Sheriff of the parishes of Jefferson and Orleans of the State aforesaid, that he has seized, and will sell at public auction, on the 10th day of February, 1849, all the right, title and interest of the said Sheriff, in and to the following described property, to wit:

All the right, title and interest of said Sheriff in and to the following described property, to wit:

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