OFFICIAL.

LOUISIANA LEGISLATURE.

FIRST SESSION—SEVENTEENTH LEGISLATURE.

JOURNAL OF THE SENATE.

THURSDAY, Jan. 23d, 1845.

The Senate met pursuant to adjournment, at 9 o'clock A. M.

Members present—Messrs Felix Garcia, President; Allen, Carter, Bouligny, Dowas, Duprè, Edwards, Harmanson, Kenner, Labauve, Livaudais, Marshall, Mouton, Sibbald and White.

Mr Sibbald presented the following resolution, which was read, viz:

Resolved, That it be the duty of the Secretary of the Senate to preserve and have bound, at the close of every session, a copy of the State paper containing a report of the proceedings of the Senate, prepared by the official Reporter.

The Secretary informed the House of the concurrence of the Senate, in

An act to amend an act entitled, an act to provide for the trial of certain law suits pending in the third, ninth and tenth Judicial Districts, approved 27th February, 1841, and also to amend, entitled: An act supplementary to an act to provide for the trial of certain law suits pending in the third, ninth and tenth Judicial Districts, approved March 5th, 1841.

And, An act for the sale of the furniture purchased for the use of the Convention at Jackson, La., and for other purposes.

The House was also informed that the President of the Senate had signed the following enrolled bill and resolution of the House:

An act to amend an act for the appointment of an Associate Judge of the City Court of New Orleans, and for other purposes, approved March 9th, 1831.

And, Resolution relative to the annexation of Texas.

The concurrence of the House was also requested to the Resolution appointing a Joint Committee of the two Houses, to examine the Engineer's Annual Accounts.

And the House was informed that the President of the Senate had appointed Messrs Harmanson and Moreny of said committee, on the part of the Senate.

The Senate not having closed doors on Executive business,

It soon being opened, the Senate took up the order of the day.

The following bills and resolutions from the House, were read for the first time, viz:

An act for the relief of John Youmans, Captain of the Guard of the First Municipality.

An act to incorporate the Congregation of the Roman Catholic Church of St. Francis, in the parish of Point Coupée.

An act to change an Election Precinct in the parish of Sabine.

An act creating the parish of Jackson.

An act to disconstitute certain election precincts and to establish others in the parishes of De Soto and Caddo.

An act to confer certain powers upon the Congregations of the Roman Catholic Church of Ascension.

Resolution relative to the irregularity of the transportation of the mails, from the north to the State.

Resolution, appointing a board of commissioners, composed of three members, to make and prepare a condensed statement of the pecuniary laws of this State, adapted to each branch of service, and to submit the same to the next General Assembly.

Resolution, inviting our Senators and Representatives in Congress to use their best endeavors to obtain an appropriation from Congress to build a custom-house in New Orleans.

And Resolution, inviting our Senators and Representatives in Congress to use their endeavors to obtain an appropriation to clear the Sabine river.

On motion, the rules were dispensed with, and the following bill and resolutions were read for the 2d and 3d time, and passed:

An act to confer certain powers upon the congregation of the Roman Catholic church of Ascension.

Resolution relative to the irregularity of transportation of the mails, from the north to the State.

Resolution, appointing a board of commissioners, composed of three members, to make and prepare a condensed statement of the pecuniary laws of this State, adapted to each branch of service, and to submit the same to the next General Assembly.

Resolution, inviting our Senators and Representatives in Congress to use their best endeavors to obtain an appropriation to clear the Sabine river.

On motion, the rules were dispensed with, and the following resolution was read for the second time, and amended, viz:

Resolution, inviting our Senators and Representatives in Congress to use their endeavors to obtain an appropriation to clear the Sabine River.

On motion, the rules were again dispensed with, and resolution underwent its third reading, and was adopted as amended.

It being now 11 o'clock, the President adjourned the Senate till to-morrow at 9 o'clock, A. M.

HOUSE OF REPRESENTATIVES.

TUESDAY, 21st January, 1845.

The House met agreeably to adjournment.

The Speaker submitted to the House the following communication from Oliver Rice, Treasurer of the city of Lafayette:

City of Lafayette, 20th January, 1845.

The Hon. Speaker of the House of Representatives Louisiana:

Sir—In obedience to a resolution of your honorable body, adopted on the 16th inst., requiring me to submit to the House "a statement of the number of licenses granted to [illegible] other vehicles, by the city of Lafayette, and the amount of revenue derived therefrom for the last year," I herewith transmit the following:

Public licenses to carts, drays, &c., 141, a large portion of which were renewable.

Revenue from the same for 1844, $1,570 75

Numbers issued to private carts, drays, &c., (principally butchers,) 449, for which the city received 462 56

Total amount for public and private carts, &c., $2,033 31

two thousand and thirty-three 31-100 dollars.

All of which is respectfully submitted.

(Signed) OLIVER RICE,
Treasurer, city of Lafayette.

On motion, the same was referred to the delegation of Vermilion.

Mr Young laid before the House the memorial of a number of the parish of Plaquemines, praying for the repeal of a law passed at the last session, locating the seat of justice in said parish; and

A resolution of the Police Jury of said parish, requesting their Representative to have a law passed authorizing said Police Jury to appoint a Collector of Parish Taxes.

On motion, the same was referred to a select committee composed of three members.

The Speaker appointed Messrs Young, Dublanc and Flanigan.

Mr Crossman offered the following resolutions:

Resolved by the Senate, &c., That our Senators and Representatives in Congress be requested to use their exertions to procure an appropriation for the building of a Custom-house in the city of New Orleans.

Be it further resolved, &c., That the Governor of the State be requested to forward a copy of the foregoing resolution to our Senators and Representatives in Congress.

Which resolutions were read for the first time, and on the rules having been dispensed with, were read a second time and adopted.

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

Mr Parham laid before the House the memorial of Wm Nott, Clerk of the Criminal Court of New Orleans, praying for an increase of the salary of Clerk of said Court.

On motion, the same was referred to the Committee on Claims.

Mr Taylor also submitted to the House the memorial of Peter Burk, principal of an institution in the parish of Natchitoches, praying that certain money due him be paid.

On motion, the same was also referred to the Committee on Claims.

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

An act for the revival of the Charter of the Protestant Episcopal Church of the Parish of West Feliciana, known by the style and title of "Grace Church of St. Francisville."

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

The same member submitted to the House the memorials of sundry members of the Legal profession in New Orleans, praying that the House should accept the proposition made by Mr Grymes, a member of the Bar of N. Orleans, to prepare a Digest of the Supreme Court and that a law be passed to carry the same into effect.

On motion, the same was referred to a select committee composed of five members.

The Speaker appointed Messrs Lavergne, Taylor, Wickersham, Winchester and Parham as members of said committee.

By a message from the Senate, by Mr S. C. Davis, the concurrence of the House was requested to the following bills, entitled:

An act making appropriations of money for the use of, the company of Native American Artillery Washington Battalion, the Artillery of Baton Rouge and the East Feliciana Artillery.

An act to repeal the compensation allowed to Inspectors of Levees and Roads in the Parish of East Baton Rouge.

An act for the relief of Geo. P. Briant.

An act to provide for the speedy hearing in the Supreme Court of certain appeals; and

An act to provide for the publication of the decisions of the Supreme Court.

By the same message the House was informed that Mr S. C. Davis had been appointed Sergeant-at-arms, pro tem. of the Senate.

Mr Taylor submitted to the House the memorial of John D. Townsend, Collector of taxes on peddlers and hawkers, praying that the House should take into consideration the charges preferred against him at the last session of the Legislature, by Wm. Chandler, accusing him of various frauds in his capacity of Collector.

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

On motion of the same member, the House took up the resolutions to repeal the resolutions of the last Legislature, adopting certain amendments to the Revised Statutes: Read, and referred the same to the Committee on Internal Improvements.

Mr Gayarré offered the following resolution, which was on motion, laid on the table unanimously:

Resolved, That the State Treasurer be requested to furnish the House a statement, showing the valuation of the property, together with the number of slaves, horses, mules and cattle and the amounts received from all other subjects of taxation in the State; and also his opinion as to the best mode of taxing slaves, mules and cattle and the probable amount that will be realized on all objects subject to taxation in order to create a sufficient revenue to defray the expenses of the State.

Mr Canon submitted to the House the memorial of Quentin Capetan and Pilots of steamboats navigating the waters of this state, praying for the passage of a law to prevent the employment of individuals as pilots, unless they be examined and found competent, together with a thorough control:

An act for the better encouragement of Steamboats engaging the waters of this State.

On motion, said memorial and document were referred to the Committee on Propositions and Grievances.

The Speaker laid before the House the following communication from the Chief Engineer, in reply to the queries propounded by a resolution adopted by this House on the 13th instant:

State Engineer's Office,
New Orleans, Jan'y 21st, 1845.

To the Hon. A. Soudemont,

Speaker of the House of Representatives, La.

Sir—In reply to the queries contained in a resolution adopted by your honorable body on the 13th inst., I have to reply,

1st. That the aggregate sum expended for all objects of internal improvements since the creation of the Board of Public Works, is about [illegible] 99 54

2. The amount expended by the undersigned since 6th April, 1843, the period of his first appointment up to 31st Dec., same year, $15,027 99

Do. do. from 31st Dec., 1843 up to 31st same month, 1844, 24,145 10

I have no correct means of ascertaining the amount expended by my predecessor from 11th April, 1842, to 5th same month, 1843. It will be impossible to furnish anything like an approximate amount expended and the time the public hands have been employed in each parish.

3d. It appears from the Journal of this office that one hundred and thirty eight slaves have been purchased at different times at an average cost of a fraction less than eight hundred dollars per head. There are now sixty-nine alive on service, except one of them entirely worthless; three were sold by the Board of Public Works, three were sold by the Board of Levees and the remainder have died. Many of the slaves originally purchased were unacclimated and the mortality among them was much greater the first four years than at any subsequent period, only four have died since the undersigned entered upon the duties of this office, two of them were drowned.

I am respectfully,
Your obedient servant,
M. G. PENN,
State Engineer.

On motion the same was referred to the Committee on Internal Improvements.

Mr Gayarré, as Chairman of the Committee on Elections, submitted the following written report:

Report of the Committee on Elections, in the case of Mr. John A. Glaze.

The undersigned, in behalf of the Standing Committee on Elections, to whom was referred the petition of Overton and others, representing themselves as qualified electors of the parish of St Landry and Calcasieu, contesting the right of John A. Glaze to hold a seat in this House as a Representative of the said parishes of St Landry and Calcasieu, begs leave to submit the following report:

That said petitioners have not complied with the requisitions of the act entitled, An act to support the privilege of free and fair election, to prohibit all undue influence thereon, and to prescribe the manner of determining contested elections, approved March 7th, 1841, directs the Secretary of State, to whom depositions relating to the contested election of a member of the House of Representatives may have been sent, to lodge them with the Clerk of the House within three days after the next succeeding session.

The undersigned accordingly called on the Clerk for the documents in relation to the matter referred to the committee, and was informed by him that they had not yet been placed in his hands. After waiting a few days, the undersigned, being anxious to report on the subject at as early a day as possible, applied to the Secretary of State, and the following papers were handed to him by that officer.

First—A paper purporting to be a notice of John A. Glaze, of the time and places on which depositions are to be taken in his behalf, to contest his election, and is certified to by McIntire. It is dated October 15, 1844.

Third—Another paper purporting to be a copy of depositions taken before Walker, justice of the peace, at the residence of Basilius Cole, parish of Calcasieu, and dated November 4, 1844.

Fourth—Another paper containing the depositions taken before Meiros, justice of the peace, on 4th November, 1844.

Fifth—Another paper signed by Dubellon, parish judge of the parish of Calcasieu, and dated November 15, 1844, being a certified statement of the number of votes cast at the different wards of the said parish, in favor of Glaze and of Callahan, at the late July election.

Your committee beg leave to call your attention to several informalities observable in the documents which have been submitted to their examination. 1st. The limitation to consist of ten days instead of within the thirty days of the election, as is prescribed by section 10th of the act above quoted, and is also signed in conformity to the provisions of the same section; but there is no evidence showing that it was served on Glaze within the thirty days. The certificate of the publication of the notice signed by McIntire, which gives us to understand that the notice was served on Glaze, but does not state when it was served. There is no evidence tending to show that the law was complied with in this respect.

Sect. 11 of the above recited act gives power to any judge of the peace, &c., to issue two justices of the peace, to issue subpœnas and take depositions, and transmit the depositions taken by them to the Secretary of State. But it seems that in this case the depositions were taken before one justice of the peace only. True there were two justices who took the depositions to have examined witnesses, but they did so at two different places on the same day, and one, Walker, taking testimony at Absolon Cole's, and the other Meiron, at some other point of the parish of Calcasieu not mentioned. The depositions taken before Walker purport to have been sworn to, and subscribed by Walker, but those taken by Meiron, purport to have been sworn to and subscribed by the witnesses, themselves, to the number of twenty-three, but all the names are apparently written by the same hand. The witnesses depose that they are qualified voters, of the parish of Calcasieu, have voted at the late elections, and have cast their votes in favor of Nicholas Callahan.

The certificate of the Parish Judge of Calcasieu contains the number of votes given in that parish, by which it appears that N. Callahan received 81 votes, and J. A. Glaze 30 votes, at the July election in the said parish of Calcasieu.

The notice of the intention to contest, sets forth as one of the grounds of contestation, that the legal votes of the parish of Calcasieu has been registered in violation of the law. Your committee see no evidence before them in relation to that assertion, and have found nothing in the documents above described tending to establish that fact.

In conclusion, your committee beg leave to be discharged from the further consideration of this subject.

The whole is respectfully submitted.

J. K. GAUDET, Chairman.

On motion, the same was made the special order of the day for Tuesday next, 28th January, 1845, and 100 copies in English, ordered to be printed for the use of members.

Mr Fisher in behalf of the Committee on Education, to whom had been referred the memorial of sundry citizens of the parish of Lafayette, proprietors of the lot and building known by the name of the Vermillionville Academy, praying for incharge of the trustees of said Academy, reported a bill entitled:

An act to change the Trustees of the Vermillionville Academy.

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

The same member, also in behalf of the same committee to whom had been referred the petition of D. Macauley, praying for the establishment of the Polytechnic School, and grant power to the Principal of said School to confer Degrees, reported by a bill entitled:

An act to incorporate the Polytechnic School of Louisiana, and to grant a charter to confer degrees.

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First—A paper purporting to be a notice of John A. Glaze, of the time and places on which depositions are to be taken in his behalf, to contest his election. It is signed by N. Callahan, the contesting party, and two others as witnesses, and is dated July 28, 1844. On the back of it, your committee have found an affidavit of one Keller, sworn to and subscribed before Griffin, justice of the peace, stating that the within notice is a true copy of a contested election, served on John A. Glaze. This affidavit is dated November 16, 1844.

Second—Another paper, giving notice to John A. Glaze, of the time and places on which depositions are to be taken in his behalf, to contest his election, and is certified to by McIntire. It is dated October 15, 1844.

Third—Another paper purporting to be a copy of depositions taken before Walker, justice of the peace, at the residence of Basilius Cole, parish of Calcasieu, and dated November 4, 1844.

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