LOUISIANA LEGISLATURE

Journal of the Senate.

First Session—Fourth Legislature.

SATURDAY, March 13th, 1852.

The Senate met pursuant to adjournment. Present Hon. J. B. Plauche, Lieut. Governor and President of the Senate in the chair, and twenty Senators.

REPORTS OF COMMITTEES.

Mr. Baker, on behalf of the Committee on Internal Improvements, to whom was referred resolution No. 8 of the Senate, reported by the following resolutions:

Whereas the construction of works of Internal Improvement have been aided by liberal grants of Public Lands by the government of the United States, and whereas the building of Roads in the State of the South West is retarded by the citizens of these States, and which improvements tend to increase and cheapen our internal trade, and promote the encouragement of agriculture and industries, augmenting individual and national wealth, therefore,

Resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Senators of the U. S. Congress be, and are hereby instructed, and the Representatives requested to use their influence in favor of any bill providing a national at private sections of the unsold public lands of the United States for the following purposes or objects, viz.: That the Excellency, the Governor be requested to cause to be forwarded the foregoing preamble and resolutions to the Senators and Representatives of this State.

The rules were suspended, the Senate adopt the above resolutions, which were read several times and were adopted.

Mr. Baker, on behalf of the Committee on Internal Improvements, reported as correctly enrolled the act entitled in the House, viz.: An act for the relief of J. A. Bonneval, authorize J. A. Bonneval to collect taxes of the year 1850, and the act of the year 1851.

The Senator also reported as correctly enrolled the following bills originated in the House:

To amend an act entitled, an act to the purchase of Marion's report, approved March 14th, 1848.

An act to amend an act entitled, an act to the relief of William Macon, approved March 14th, 1848.

An act for the relief of Benjamin F. Thompson.

An act to authorize the tax of $25,000 levied in 1851 by the Police Jury of Point Coupee.

An act to authorize Joseph Toussaint, wife of Emile Legendre to sell certain slaves.

An act for the relief of David Clark, of the parish of Ouachita.

An act to authorize Joseph Toussaint, wife of Emile Legendre to sell certain slaves.

An act for the relief of William Macon, D. B. Ramsey and G. W. Ramsey of the parish of Ouachita.

An act for the relief of Benjamin F. Thompson and others.

And joint resolution relative to John McDonough's Will, approving the course of the Attorney General.

And also reported the signature of the President of the Senate, to the following enrolled bills of the House.

An act for the relief of J. Aguillard, Sinite Tax Collector for the ninth Representative District of the city of New Orleans.

An act for the relief of Allen Harris, Collector of the parish of Catahoula.

An act to divide the State into Congressional Districts.

An act to provide for the collection of the State Taxes, in the parish of Vermilion, for the years 1850 and 1851.

By the same message the Senate was informed that the House refused to concur in the following joint resolutions.

Joint resolution requiring the State Engineer to perform certain duties.

Joint resolution requiring the State Engineer to do certain work.

And the Senate was also informed that the House had concurred in two amendments, and refused to concur in one amendment of the Senate to the House bill entitled.

An act for the relief of the Louisiana Volunteers of 1846-7-8.

An act for the relief of John H. Armat.

An act for the improvement of Bayou Lafourche.

An act for the relief of Lewis F. Steele.

An act relating to the State Library.

Senator reported that the following bills of the Senate had been sent to the House for approval:

An act to amend an act entitled an act to the relief of Henry O. McKenery, late Land Office at Monroe, Louisiana.

An act for the relief of W. Torrey.

On behalf of the Joint Committee on Senate and House of Representatives, to whom the State Library, submit the following report:

Mr. Clark—An act to authorize Justices of the Peace to receive certain powers.

Mr. Clark—An act to provide for the making and repairing of Levees in the parish of West Baton Rouge.

Mr. Hill—A bill to prevent notice introduced and asked to regulate the inspection of Tobacco in New Orleans and Lafayette.

On motion the rules were suspended the bill, was read first and second time, and on motion was referred to the Committee on Agriculture and Commerce Manufacture, &c.

On motion of Mr. Mayo, the Senate took up the order of the day.

An act to reduce the cost of litigation by authorizing the execution of twelve months bonds before the clerks of the Districts Courts in certain cases.

On motion the rules were suspended the bill, was read a first, second and third time, and on motion to take up the bill on its final passage.

Mr. Wickliffe—Yea—Nay—Nay and the yeas and nays, which resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Benjamin, Butler, Clark, Cole, Dannoy, Dorsey, Gardere, Gaudet, Kenner, Lacoste, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of Washington, Sandidge and Watterston—19 voted in the affirmative.

Messrs. Baker, Cade, Talman, Snyder and Wickliffe—5 voted in the negative.

Consequently said motion prevailed and the bill was passed.

The rules were suspended, the Senate adopt the above resolutions, which were read several times and were adopted.

Mr. Baker, on behalf of the Committee on Internal Improvements, reported as correctly enrolled the act entitled in the House, viz.: An act for the relief of J. A. Bonneval, authorize J. A. Bonneval to collect taxes of the year 1850, and the act of the year 1851.

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An act to authorize Joseph Toussaint, wife of Emile Legendre to sell certain slaves.

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And also reported the signature of the President of the Senate, to the following enrolled bills of the House.

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An act to divide the State into Congressional Districts.

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Mr. Hill—A bill to prevent notice introduced and asked to regulate the inspection of Tobacco in New Orleans and Lafayette.

On motion the rules were suspended the bill, was read first and second time, and on motion was referred to the Committee on Agriculture and Commerce Manufacture, &c.

On motion of Mr. Mayo, the Senate took up order of the day.

An act to reduce the cost of litigation by authorizing the execution of twelve months bonds before the clerks of the Districts Courts in certain cases.

On motion the rules were suspended the bill, was read a first, second and third time, and on motion to take up the bill on its final passage.

Mr. Wickliffe—Yea—Nay—Nay and the yeas and nays, which resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Benjamin, Butler, Clark, Cole, Dannoy, Dorsey, Gardere, Gaudet, Kenner, Richardson of St. Helena, Talman, Snyder, Sandidge and Watterston—19 voted in the affirmative.

Messrs. Baker, Cade, Mayo, Moore, Phillips, Quirk, Richardson of Washington, Wickliffe—7 voted in the negative.

Consequently said motion prevailed and the bill was passed.

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

The Senate then took up the following enrolled bills, which were read for a second time, and on motion to engross.

An act to amend an act entitled an act granting to H. B. Plauche, the privilege of keeping a ferry across the Mississippi river, at the town of Baton Rouge, approved March 28th, 1840.

An act to abolish weighers of hay.

An act to prevent increasing the number of jurors in the parish of East Feliciana.

An act to emancipate the slave Harry.

An act to emancipate the slaves Ben, Clarissa Edward, Susan and Mary, for no numerous services rendered their late master, Samuel Estell, deceased, late of the parish of Carroll.

An act to authorize Rufus D. Killgore to adopt Robert Hiles Kelsey and to change his name to Robert Hiles Kelsey.

An act to repeal an act entitled an act for the encouragement of the volunteer corps belonging to the militia of the State of Louisiana, approved March 15th, 1845.

An act granting additional powers to the police jury of the right bank of the river Mississippi, parish of Orleans.

Resolution relative to the improvement of the Bayou Bienvenue.

Resolution requesting our senators and representatives in Congress to have a tri-weekly mail, by stages, established from Vidalia, via Harrisburg, Columbia, to Monroe, and thence over Ouachita, Minden and Vernon, to Trenton.

The Senate then took up the following enrolled bill of the Senate, returned by the House, with amendments.

An act making an appropriation for the improvement of the navigation of Bayou Vermilion, agreeable to the recommendation of the state engineer.

On motion, the above bill was made the special order of the day for Monday, the 15th inst.

By a message from the House, through their special messenger, the concurrence of the Senate was requested in the following enrolled bills.

An act to provide for making a book of plans for the use of the board of assessors of the city of New Orleans.

An act granting additional powers to police juries and municipal authorities, for the purpose of providing for the payment of the expenses of criminal prosecutions.

An act to change and regulate the expenses of criminal prosecutions throughout the State.

An act to provide for the execution of slaves and free persons of color.

He also informed the Senate that the House had adopted a substitute to Senate bill No. 201, under the same title, and asked the concurrence of the Senate therein.

And also informed the Senate that the speaker of the House had signed the enrolled bill of the Senate, entitled.

An act to repeal an act entitled an act for the encouragement of the volunteer corps belonging to the 1st division of the State of Louisiana, approved 7th of March, 1845.

By the same message the Senate was informed that the House had adopted a substitute to Senate bill No. 120, under the same title, and requested the concurrence of the Senate therein.

Mr. Gardere, on behalf of the committee on enrollments, reported as correctly enrolled, the following bills, originated in the House, viz:

SECOND READING.

The Senate took up Senate bill entitled—

An act fixing the fees of office of the registrar of conveyances and recorder of mortgages of New Orleans.

Mr. Martin moved to take up the original House bill, of which the above is a substitute. Said motion was lost. On motion of Mr. Benjamin, the rules were suspended, the bill was read a third time and passed.

The following entitled bill was then taken up on its second reading:

An act relative to legal mortgages and the recording thereof.

On the 1st section being read, as follows:

Be it enacted, &c., That no legal mortgage shall hereafter take effect against third persons in the State of Louisiana, unless the evidences thereof shall be recorded.

Mr. Cole called for the yeas and nays on its adoption which resulted as follows:

Mr. Martin in the Chair.

Messrs. Baker, Benjamin, Dannoy, Dorsey, Gardere, McVea, Mayo, Sandidge, Snyder, Talman, Watterston—11 Senators voted in the affirmative.

Messrs. Butler, Cade, Clark, Cole, Gaudet, Griffin, Kenner, Lacoste, Moore, Phillips, Quirk, Richardson of St Helena, Richardson of Ouachita, Wickliff—14, in the negative.

Consequently the first section was rejected, and the bill was indefinitely postponed.

The following entitled bills of the Senate were also taken up, and after having been read were, on motion, indefinitely postponed.

An act in relation to *free colored* vagrants.

An act supplementary to an act entitled, an act amendatory to an act relative to divorces, approved March 19th, 1827.

An act to provide for the payment of sheriffs' fees in criminal cases, in the parish of Jefferson.

An act ordering the census to be taken of a certain district, to be called the parish of Red River.

An act in relation to the establishment of the parish of Isabel.

The Senate then took up the following entitled bills of the House, which were read, and on motion, the Senate refused to concur therein.

An act to repeal the first section of an act entitled, an act to amend an act relative to the bonds of tax collectors and other public officers, approved March 16th, 1848.

An act to encourage ship building in Louisiana.

An act giving attorneys and counsellors at law a lien and privilege upon judgments for their fees.

An act to establish a specific fee for justices of the peace of this State, the parishes of Orleans and Jefferson excepted.

An act to amend the second section of an act relative to the trial of slaves, passed the 1st day of June, 1846.

An act to authorize sheriffs to demand payment of expenses incurred in certain cases.

An act imposing a tax fee of ten dollars on all civil suits tried by a jury in the parish of Caddo.

An act to perfect records in the Recorder's office of the parish of Assumption.

The Senate also took up the following entitled bills of the House, which, on motion, the rules being dispensed with, underwent their several readings and were concurred in.

An act allowing appeals in all cases from judgements of justices of the peace, in the city of New Orleans.

An act to prevent the collection of certain taxes in the Third Municipality of the city of New Orleans.

An act to provide for the settlement with Wm. Pratt, of the firm of McHatton, Pratt & Co., for leases of the penitentiary.

An act to prevent trespasses on lands belonging to the State of Louisiana.

An act to authorize the police juries of the several parishes in this State, to provide for the support of the poor and necessitous within their respective parishes.

The following bill of the House was taken up on its second reading, and read as follows:

An act to allow the Lafayette and Lake Pontchartrain Railroad Company the right of way through streets and Public Squares.

Be it enacted by the Senate, &c. That the Lafayette and Lake Pontchartrain Railroad Company shall have the right of way through roads, streets and public squares of any village, town or city through which said road may pass.

Mr Benjamin offered the following promise, which was read and adopted:

Provided that said Railroad shall not cross the line of the Carrollton Railroad.

On motion of Mr. Gardere, the section as amended was adopted.

On motion, the rules were suspended, the bill was read for a third time, and on the final passage of the same, the yeas and nays were called and resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Baker, Benjamin, Butler, Clark, Cole, Dorsey, Gardere, Gaudet, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of St Helena, Richardson of Ouachita, Sandidge, Snyder, Talman, Watterston, Wickliffe—17, voted in the affirmative.

Messrs. Dannoy, Lacoste, Richardson, of St Helena, Sandidge—4, voted in the negative.

Consequently the bill was passed with its title.

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

The Senate then took up the following enrolled bills, which were read for a second time, and on motion to engross.

On motion, was made the special order of the day for Monday, the 15th instant.

An act forming a lower district, to be composed of the parishes of Carroll, Madison and Catahoula, for the better protection of the same from inundation.

An act concerning the emancipation of slaves.

Mr. Butler moved to reconsider the vote taken upon the adoption of the first section of an act entitled.

An act to provide for the location of a State Seminary of learning, which was lost, and the first section being before the Senate.

Mr. Watterston moved to compose the further consideration of the bill until Monday, the 15th instant.

On and motion the yeas and nays were called and resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Clark, Dannoy, Dorsey, Gardere, Gaudet, Kenner, Richardson of St. Helena, Talman and Watterston—9 voted in the affirmative.

Messrs Baker, Butler, Cade, Griffin, Lacoste, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of Washington, Sandidge, Snyder, Talman and Wickliffe—17 voted in the affirmative; and

Messrs. Benjamin, Clark, Dannoy, Dorsey, Gardere, Gaudet, Kenner and Watterston—8 voted in the negative.

Consequently, said motion prevailed.

Mr. Watterston then renewed his motion to postpone until Monday the further consideration of the bill.

On a call motion, Mr. Butler called for the yeas and nays, which resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Benjamin, Clarke, Cole, Dannoy, Dorsey, Gardere, Gaudet, Kenner, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of St. Helena, Snyder and Watterston—12 voted in the affirmative.

Messrs. Baker, Butler, Cade, Griffin, Lacoste, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of Ouachita, Richardson of Washington, Sandidge, Snyder, Talman and Wickliffe—17 voted in the affirmative; and

Messrs. Benjamin, Clark, Dannoy, Dorsey, Gardere, Gaudet, Kenner and Watterston—8 voted in the negative.

Consequently said motion prevailed.

Mr. Watterston then renewed his motion to postpone until Monday the further consideration of the bill.

On a call motion, Mr. Butler called for the yeas and nays, which resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Benjamin, Clarke, Cole, Dannoy, Dorsey, Gardere, Gaudet, Kenner, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of St. Helena, Snyder and Watterston—12 voted in the affirmative.

Messrs. Baker, Butler, Cade, Griffin, Lacoste, McVea, Martin, Mayo, Moore, Phillips, Quirk, Richardson of Ouachita, Richardson of Washington, Sandidge, Snyder, Talman and Wickliffe—17 voted in the affirmative; and

Messrs. Benjamin, Clark, Dannoy, Dorsey, Gardere, Gaudet, Kenner and Watterston—8 voted in the negative.

Consequently said motion prevailed.

Mr. Watterston then renewed his motion to postpone until Monday the further consideration of the bill.

On a call motion, Mr. Butler called for the yeas and nays, which resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Benjamin, Clarke, Cole