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OFFICIAL.

LEGISLATURE OF LOUISIANA.

HOUSE OF REPRESENTATIVES.

Second Session—Fourteenth Legislature.

MONDAY, January 6th, 1840.

In the city of New Orleans, on Monday the sixth day of January, A. D. eighteen hundred and forty, and of the Independence of the United States the sixty-ninth, being the day appointed by the Constitution for the meeting of the General Assembly, the following representatives of the several parishes of the State, *met in the Hall prepared for their sitting*:

WILLIAM PRESTON, Speaker.

For the Parish of Rapides—S. A. Bailio, and W. Dunbar.

Parish of West Feliciana—Wm. R. Barrow.

Parish of St. Mary—W. Brashear.

Parish of Lafayette—François Beaux, and Cesar Moutou.

Parishes of Natchitoches and Caddo—John B. Carr, and P. A. Morse.

Parish of East Feliciana—Albert G. Carter, and James H. Moore.

Parish of Orleans—W. C. C. Claiborne, H. Lockett, A. W. Pichot, G. K. Rogers, and L. D. Guesnine.

Parish of St. Tammany—Anatole Cousin.

Parish of Livingston—H. G. Davidson.

Parish of Avoyelles—E. B. Desdunes.

Parish of St. Martin—Alexander Declouet.

Parish of St. James—J. W. Godberry, and S. Winchester.

Parish of Ascension—D. Kenner.

Director Parish of Lafourche—G. S. Guion, and A. Lafaret.

Parish of St. Landry—Celestin Lavergne, and T. H. Lewis.

Parish of Calaboula—Truman Phelps.

Parish of Pointe Coupée—Charles Paydras.

Parish of Assumption—Thomas Pugh.

Parishes of Carroll, Concordia and Madison—J. R. Patten.

Parish of Terrebonne—H. C. Thibodeaux.

Parish of East Baton Rouge—Philemon Thomas.

Parish of St. Charles—F. S. Trepagnier.

Parish of Pique-mines—Thomas M. Wadsworth.

On motion of Mr. Thomas, the following members elect, during the recess, being present, were duly sworn and took their seats:

Antoine Boudousquié, Esq. member elect from the parish of St. John the Baptiste, in the place of C. Garcie.

Samuel M. D. Clarke, Esq. member elect from the parish of West Baton Rouge, in the place of Victor Patin.

Gregory Byrne, Esq member elect from the parish of St. Bernard, in the place of A. Fortier.

George R. King, Esq. member elect from the parish of St. Landry, in the place of James Morgan.

Wm. W. Farmer, Esq. member elect from the parish of Opelousas, in the place of H. Duplantier.

Aristide Dupuy, Esq. member elect from the parish of Iberville, in the place of Jean Levêque.

Simon Bergeron, Esq. member elect from the parish of Lafourche, in the place of M. Bourg.

On motion of Mr. Thomas, *ordered* that the certificate of election of said members, be referred to the committee on elections.

On motion, the clerk was directed to inform the senate that the house is now organized, and ready to proceed to business.

Mr. Brashear moved that, in consideration of the severe illness of one of the members of the Governor's family, the house do adjourn.

On said motion, the yeas and nays were called for by Mr. Davidson, when it appeared that Mr. Messrs. Brashear, Breaux, Carr, Claiborne, De Bellevue, Declouet, Dunbar, Dupuy, Gaiennié, Boudousquié, Guion, Lockett, King, Muse, Clarke, Phelps, Pichot, Poydras, Pugh, Patten, Rogers and Thomas, had voted in the affirmative—22 yeas.

And that Messrs. Baillio, Barrow, Bergeron, Carter, Cousin, Davidson, Byrne, Godberry, Farmer, Kenner, Laforest, Lewis, Morse, Moutou, Trepagnier, Sodeaux, Trepagnier and Wadsworth, had voted in the negative—18 nays.

So the motion having prevailed, the house adjourned until to-morrow, at 11 o'clock.

TUESDAY, January 7th, 1840.

The house met agreeably to adjournment.

On motion, the Clerk was directed to inform the senate that the house is now organized and ready to proceed to business.

A message was received from the senate, informing us that they are now organized, and that Mr. Prestor Green has been elected President, and Mr. Hiram Davis Secretary.

In the same message, the concurrence of the house was requested in a series of resolutions and preamble, relative to the celebration of the anniversary of the 8th January, 1815.

The said resolutions being called for, the chair informed the said resolutions were not regularly in the house, inasmuch as no committee had been appointed to wait upon the governor, and it appeared to the chair that the legislature were ready to receive his communications, and consequently organized.

An appeal having been taken from the decision of the chair, in this respect, the question "shall the decision of the chair be maintained," Mr. Morse called for the yeas and nays, when it appeared that Messrs. Bergeron, Brashear, Breaux, Claiborne, Cousin, Clark, Davidson, Dubuclet, Dupuy, Duplantier, Lavergne, Lewis, Lockett, King, Muse, Phelps, Pichot, Poydras, Pugh, Patten, Rogers, Thibodeaux, Thomas and Winchester had voted in the affirmative—23 yeas.

And that Messrs. Baillio, Barrow, Bergeron, Carter, Cousin, Davidson, Byrne, Godberry, Farmer, Kenner, Laforest, Lewis, Morse, Moutou, Trepagnier, Sodeaux, Trepagnier and Wadsworth, had voted in the negative—18 nays.

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And that Messrs. Baillio, Barrow, Bergeron, Carter, Cousin, Davidson, Byrne, Godberry, Farmer, Kenner, Laforest, Lewis, Morse, Moutou, Trepagnier and Wadsworth had voted in the negative—16 nays.

Said motion having prevailed, the chair decided the resolution to be adopted as amended.

The clerk was directed to return said resolutions to the senate and inform them of the decision of the chair.

Mr. Patten offered a resolution appointing a joint committee, composed of three members of the house, and three members of the senate to wait upon the governor and inform him that the two houses are now organized, and ready to receive any communication from him.

Said resolution having been adopted, the speaker appointed Messrs. Patten, Byrne and Lavergne on the committee on behalf of the house.

The clerk was directed to inform the senate thereof, and request their concurrence in said resolution.

By a message from the senate, by Mr. Davis their secretary, the house was informed that the senate had concurred in the resolution appointing a joint committee upon the governor; Messrs. Durousseau and Avart on the part of the senate, being appointed on said committee, on the part of the senate.

Mr. Patten, on behalf of said committee, reported that the committee had discharged their duty.

The following message in writing was received from the governor, *by Mr. Foratall, his private secretary*:

(*See Doc of the 21st January.*)

On motion of Mr. Gaiennié, ordered that five hundred copies in English, and five hundred copies in French of said message be printed.

Mr. Guion offered the following resolution:

Resolved, by the Senate, &c., That the two houses of the general assembly unite with the citizens of New Orleans and the State of Louisiana, in celebrating the 8th of January, 1815," which was read for the first time.

Mr. Davidson having moved that the house dispense with the reading of said resolution, the yeas and nays being called for, when it appeared that Messrs. Baillio, Barrow, Bergeron, Carter, Cousin, Clark, Davidson, Dupuy, Byrne, Godberry, Kenner, Laforest, Lewis, Morse, Moutou, Pichot, Pugh, Patten, Rogers and Thomas, had voted in the affirmative—22 yeas.

And that Messrs. Brashear and Boudousquié had voted in the negative—2 nays.

Said motion having prevailed, the house took up the resolution.

Mr. Muse offered the following amendment:

Resolved by this House, &c. That the speaker be requested to appoint a committee of two on the part of the house, who shall unite with a committee to be appointed on the part of the senate, and that said committee be instructed to adopt such measures, as the celebration of the approaching anniversary, shall seem to them, in the solutions of eighteen hundred and thirty-nine, will justify.

Mr. Guion having moved to lay the same on the table.

On the question for the adoption of said motion.

Mr. Muse called for the yeas and nays, when it appeared that Messrs. Baillio, Barrow, Bergeron, Breaux, Carter, Cousin, Davidson, Dupuy, Byrne, Godberry, Farmer, Kenner, Laforest, Lewis, Morse, Moutou, Pichot, Pugh, Patten, Rogers, Trepagnier and Wadsworth had voted in the affirmative—18 yeas.

And that Messrs. Brashear, Boudousquié, Carr, Claiborne, Cousin, Clark, De Bellevue, Declouet, Dunbar, Gaiennié, Guion, Lewis, Lockett, King, Muse, Phelps, Pichot, Poydras, Pugh, Patten, Rogers, Thibodeaux, Thomas and Winchester had voted in the negative—21 nays.

Said motion being lost, the amendment was rejected.

The clerk was directed to inform the senate thereof.

By a message from the senate, by Mr. Davis, their secretary, the house was informed that the senate persist in their amendment, and request the concurrence of the house in the appointment of a committee of conference on the disagreement of both houses. Messrs. Downes, Hiriart and Derbigny being appointed on said committee on behalf of the senate.

On motion of Mr. Morse, the house having concurred in the request of said committee.

The speaker appointed Messrs. Phelps, Kenner, Boudousquié, Patten and Pichot, on behalf of the house.

The clerk was directed to inform the senate thereof.

Mr. Gaiennié gave notice that he will shortly introduce the following bills:

"An act to establish a special commission for the construction of the New Orleans and Nashville railroad.

"An act to organize a board of assessors of state taxes for the parish of Orleans."

"*An act to provide for the appointment of a weigher of dye-wood, for the city and parish of Orleans.*"

"An act to incorporate the fire companies, viz: No. 1, Independence, No. 2, Crescent, No. 3, Franklin, No 10, Independence, No. 11, Ira; Ferry, No. 12, Perseverance, No. 13; Philadelphia, No. 14, Protection House Fire Company, Liberty House Fire Company, and Orleans House Fire Company, in the city of New Orleans.

"An act relative to the three municipalities of New Orleans."

"An act to order the construction of houses on the property of the state, situated in Common street, in the city of New Orleans."

"An act to incorporate the Young Men's Philanthropic Association of New Orleans."

"An act to authorise the opening of several gaming houses in the city of New Orleans."

Mr. Phelps, on behalf of the Committee of Conference, appointed on the disagreement of the two houses, reported the following resolution:

Resolved, by the senate and house of representatives of the state of Louisiana, that a joint committee of both houses of the legislature be appointed, composed of five members in behalf of the senate, and seven members on behalf of the house, to make the necessary preparations for celebrating the 8th day of January, 1815.

On motion, ordered that the same be laid on the table, subject to the call of the House.

By a message from the Senate, by Mr. Davis, their Secretary, the House was informed that the Senate had adopted the report of the Committee of Conference, and requested the concurrence of the House in the same.

Messrs Downes, Bonier, Hos, Hiriart, and Dupuy having been appointed on said committee on behalf of the Senate.

On motion of Mr. Morse, the House having concurred in the adoption of said report, the Speaker appointed Messrs. Phelps, Kenner, Boudousquié, Pichot, Patten, Guion, and Winchester on said committee.

The clerk was directed to inform the Senate thereof.

On motion of Mr. Kenner, the house adjourned until to-morrow, 10 o'clock. A. M.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, Jan. 8, 1840.

The house met agreeably to adjournment.

Mr. Phelps, on behalf of the joint committee appointed for the purpose of making the necessary preparations for the celebration of the anniversary of the 8th January 1815, reported a programme of the proceedings which was adopted.

On motion of Mr. Phelps the house adjourned *until to-morrow at 10 o'clock A. M.*

THURSDAY, 9th Jan 1840.

The house met agreeably to adjournment.

Mr. Lewis, presented a series of resolutions from the Police Jury of St. Landry, praying for certain powers.

On motion, ordered that the same be referred to a select committee composed of three members.

The speaker appointed MM. Lewis; Declouet and Breaux, said committee.

Mr. Lavergne presented a petition of several citizens of the parish of Pointe Coupée, praying that the privilege of keeping a ferry on the river Calcasieu, *to-hor the lake Charles, be granted to Ado phe Jean* Dominique Bourgeois Blesini, and also a petition of the inhabitants of the town of Washington praying for the appointment of a Notary Public, which on motion was referred to a select committee of three members.

The speaker appointed MM. Lavergne Debellevue and Sigaudet, said committee.

Mr. Davidson, presented a report from the administrators of public schools in and for the parish of Washington.—On motion ordered that the same be referred to the committee on public education.

Mr. Thomas, presented a petition of B. Bryan Taylor, a resident of the parish of East Baton Rouge, praying for certain relief.

On motion said petition was referred to the committee on claims.

On motion of Mr. Morse, the question was put to the house, "whether Mr. Francis A Foynet should be continued enrolling Clerk of the house for the present session.

Mr Lavergne having called for the yeas and nays on said question, it appeared that Mr. B. Baillio, Bergeron, Brashear, Boudousquié, Carr, Carter, Claiborne, Clark, Davidson, Debellevue, Declouet, Dupuy, Farmer, Gaiennié, Godberry, Guion, Kullian, King, Laforest, Lockett, Morse, Muse, Clark, Phelps, Pichot, Poydras, Pugh, Patten, Rogers, Thibodeaux, Thomas and Winchester had voted in the affirmative—24 nays.

And that Messrs. Baillio, Barrow, Bergeron, Carter, Davidson, Byrne, Godberry, Guion, Farmer, Kenner, Laforest, Lewis, Morse, Moutou, Trepagnier and Wadsworth had voted in the negative—16 nays.

Said motion was consequently adopted.

On motion of Mr. Thomas, or leave that the resolution be adopted as amended.

The clerk was directed to return said resolutions to the senate and inform them of the decision of the house.

Mr. Lewis, chairman of the committee on elections, made the following report:

The committee on elections respectfully report the following gentlemen, duly elected members of the house of representatives, viz:—

Simon Bergeron, by the parish of Lafourche Interior.

Samuel D. Clarke, West Baton Rouge.

Antoine Boudousquié, St. John the Baptiste.

Gregory Byrne, St. Bernard.

Adolphe Dupuy, St. Iberville.

George R. King, St. Landry.

William W. Farmer, Opelousas.

All which is respectfully submitted.

New Orleans, 7th January, 1840.

THOMAS F. LEWIS, Chairman.

On motion, ordered that said report be adopted.

A message from the senate was received, by Mr. Davis, their secretary, informing the house of their concurrence, with amendments, in the resolution relative to the celebration of the 8th January, 1815; and requesting the concurrence of the house in said amendments.

Mr Brashear, having moved to adjourn until Thursday, at 10 o'clock, A. M.

Mr. Carter called for the yeas and nays on the question for the adoption of said motion, when it appeared that—

Messrs. Baillo, Barrow, Bergeron, Carter, Cousin, Declouet, Dunbar, Dupuy, Byrne, Godberry, Guion, Kenner, Laforest, Lewis, Morse, Moutou, Pichot, Pugh, Patten, Rogers, Sodeaux, Trepagnier, and Winchester, voted in the affirmative—23 yeas.

And that Messrs. Brashear and Boudousquié had voted in the negative—2 nays.

Said motion having prevailed, the house adjourned until Thursday, at 10 o'clock, A. M.

THURSDAY, January 9th, 1840.

The house met agreeably to adjournment.

Mr. Carter called for the yeas and nays on the question for the adoption of said motion, when it appeared that—

Messrs. Baillo, Barrow, Bergeron, Carter, Cousin, Declouet, Dunbar, Dupuy, Byrne, Godberry, Guion, Kenner, Laforest, Lewis, Morse, Moutou, Pichot, Pugh, Patten, Rogers, Thibodeaux, Trepagnier, and Winchester, voted in the affirmative—23 yeas.

And that Messrs. Brashear and Boudousquié had voted in the negative—2 nays.

Said motion having prevailed, the house took up the resolution.

Mr. Muse offered the following amendment:

Resolved by this House, &c. That the speaker be requested to appoint a committee of two on the part of the house, who shall unite with a committee to be appointed on the part of the senate, and that said committee be instructed to adopt such measures, as the celebration of the approaching anniversary, shall seem to them, in the solutions of eighteen hundred and thirty-nine, will justify.

Mr. Guion having moved to lay the same on the table.

On the question for the adoption of said motion.

Mr. Muse called for the yeas and nays, when it appeared that—

Messrs. Baillo, Barrow, Bergeron, Breaux, Carter, Cousin, Davidson, Dupuy, Byrne, Godberry, Guion, Kenner, Laforest, Lewis, Morse, Moutou, Pichot, Pugh, Patten, Rogers, Trepagnier and Wadsworth had voted in the affirmative—18 yeas.

And that Messrs. Brashear, Boudousquié, Carr, De Bellevue, De Clouet, Dunbar, Gaiennié, Boudousquié, Lavergne, Lockett, King, Muse, Clark, Phelps, Pichot, Poydras, Pugh, Patten, Rogers, Thibodeaux, Thomas and Winchester had voted in the negative—21 nays.

Said motion having prevailed, the house adjourned until to-morrow at 10 o'clock A. M.

FRIDAY, January 10th, 1840.

The house met agreeably to adjournment.

Mr. Phelps presented a petition of several citizens of Pine Grove Academy, in the parish of Carroll, praying for certain appropriation. Which on motion referred to a select committee of three members.

The speaker appointed Messrs. Phelps, Patten and Bailiou said committee.

Mr. King presented a petition of several inhabitants of the county of Opelousas, residing west of the bayou Nezpique and Mermentau, praying for the removal of the seat of justice and for other purposes, Which on motion, was referred to a select committee of three members.

The speaker appointed Messrs. King, Lewis and Lavergne on said committee.

Mr. Guion offered the following resolution which was read for the first time.

Be it resolved, &c. That the committee on internal improvements, be instructed to enquire into and report upon the propriety and practicability, of removing *the obstructions in the bayou "Eau Blanche in the parish* of Lafourche Interior, for the purpose of preventing the continual and injurious accumulations of the waters of lakes Long and Field.

Mr. Gaiennié offered the following resolution, which was read for the first time, and ordered for a second reading on to-morrow.

Be it resolved, &c. That a joint committee of three members from the house, and members of the senate be appointed to examine the situation of the banks of the Mississippi, *call for witnesses and papers and to issue all orders necessary for the purpose.*

Mr. Bailio, *presented a petition from Charles Morgan*, a resident of the parish of Pointe Coupée praying for the right of making and constructing a road in said parish, and for other purposes.

On motion, the said petition was ref red to the committee on internal improvements.

Mr. Claiborne off red the following resolution, which was read for the first time, and ordered for a second reading to-morrow.

Be it Resolved &c. That the two houses of the general assembly, meet together in the Hall of Representatives, on Saturday, the 11th inst. at twelve o'clock for the purpose of electing a State Printer.

Mr. Patten on behalf of the committee appointed to wait on the senate and inform on the organization of the house, reported that the parish judge of the Parish of Carroll, reported to the house that the said committee had discharged their duties.

The same member on behalf of said committee offered the following resolution, which was adopted

Be it Resolved &c. That a committee of five members of the house be approved, whose duty it shall be to prepare an report articles of impeachment against Felix Bassett, parish judge of the parish of Carroll.

The speaker appointed Messrs. C. M. Conrad, and H. Lewis, J. T. Preston, J. H. Mass and G. R. King on said committee.

Mr. Lavergne, on behalf of the committee appointed on the petition of A. J. D. Bourgeois *praying for the privilege of keeping a ferry across the river Calcasieu below the lake Charles*, presented the following bill, which was read for the first time, and ordered for a second reading on to-morrow.

"An act to grant to Adolphe Jean Dominique Bourgeois the exclusive privilege of establishing and keeping a ferry across the river Calcasieu, in the parish of St. Landry.

Mr. Davidson gave notice that he would shortly introduce a bill entitled "an act authorising the fish in the state of Louisiana." Also all prosecutions for libel in the State of Louisiana."

Mr. Bailio gave notice that he would shortly introduce a bill entitled "*an act to create a revenue* and to extend the right of suffrage."

Mr. Debellevue gave notice that he would shortly introduce the following bill, to wit:

"An act to fix the time of holding the parish Court, in the parish of Avoyelles, and

"An act, to amend the 12th section of an act entitled "an act to incorporate the *West Baton Rouge* Academy, and make an appropriation for the same, and for other purposes" approved 13th of March 1827.

Mr. Ratliff, agreeably to previous notice, introduced a bill entitled "an act for the relief of John Saler" which was read for the first time and ordered for a second reading on to-morrow.

The same member agreeably to previous notice introduced a bill entitled "an act specifying alterations and amendments to the constitution of the State of Louisiana and for taking the sense of the people of this State on the expediency of calling a convention to adopt the same," which was read for the first time *by its title only and ordered for its second reading on* to-morrow and also to be printed.

Mr. Morse gave notice that he would shortly introduce a bill entitled "an act to extend the jurisdiction of the parish Court of Natchitoches and Rapides and for other purposes"

Mr. Dunbar gave notice that he would shortly *introduce a bill entitled "an act to change the sessions* of the supreme Court of Louisiana, from the parish of Orleans, to the parish of Ascension, from the latter place to Big Creek in the parish of Rapides and for other purposes."

Mr. Wadsworth gave notice that he would shortly introduce a bill entitled "an act to extend the *jurisdiction of the parish Court of the parish of Pla*quemines."

Mr. Dunbar gave notice that he would shortly introduce a bill entitled "an act for the relief of Jas. Nermont and William K. English.

Mr. Muse gave notice that he would shortly introduce a bill entitled "an act to increase the civil allowance to jurors and to abolish the jury tax fee in suits in the third judicial district.

By a message from the Senate by Mr. Davis their secretary the house is informed of the concurrence of the Senate to the following resolution.

Be it resolved &c. That a joint committee of three members from the house and two members from the Senate be appointed to examine the state of the treasury of the State and to report to the branch of the legislature the result of their examination.

Messrs. Winn and Deerowe were appointed on the part of the Senate and Mess. Guion, Rullian and Lewis on the part part of the house.

On motion, the house having disposed of the rules.

Mr. Gaiennié with out previous notice introduced a bill entitled "an act to revive an act incorporate a congregation of the Roman Catholic Church in the parish of St. James, approved 16th 1834, and for other purposes," which was read for the first time.

On motion, the rules being dispensed with, the bill was read for the second time.

On motion the house being disposed with the rules bill was read for the third time and upon the question consideration section by section.

The several sections of said bill being adopted, on motion resolved that the said bill be passed and *retain its title.—The clerk was directed to request* the concurrence of the Senate therein.

Mr. Muse gave notice that he would shortly introduce a bill entitled "an act to provide further for the police of public roads" approved 14th March 1836, so far as the *Canaille concerned.*

Mr. Brashear agreeably to previous notice introduced a bill "an act to change the mode of electing members of the house of representatives of Congress for the State of Louisiana, which on motion was read for the first time and ordered for a second reading on to-morrow.

Mr. Davidson gave notice that he would shortly introduce a bill entitled "an act to change the time of holding the parish Court, in the parish of Avoyelles, and

"An act