SUPPLEMENT TO THE DAILY BEE.

OFFICIAL PAPER OF THE STATE ::::: NEW ORLEANS, SATURDAY MORNING, APRIL 17, 1852.

LOUISIANA LEGISLATURE.

Journal of the House.

First Session—Fourth Legislature.

Thursday, 4th March, 1852.

The Senate met pursuant to adjournment.

Present, Hon. J. B. Plauche, Lieutenant Governor and President of the Senate, in the chair and twenty-four Senators.

REPORTS OF COMMITTEES.

Mr Gardere from the committee on Enrolments, reported as correctly enrolled, a House bill entitled:

An act to limit and fix the time of holding the District Court in the parishes of Claiborne and Bienville, in the 17th Judicial District.

Mr Marin, on behalf of the special committee to whom was referred a joint resolution of the Senate, appointing a joint committee to re-district the State judicially, reported by bill under the following title:

An act to amend an act entitled an act to divide the State into Judicial Districts.

On motion of Mr Lacoste, the bill was ordered to be printed and was made the special order of the day for Tuesday the 9th inst.

Mr Phillips, on behalf of a portion of the special committee, to whom was referred a joint resolution appointing a joint committee to re-district the State Congressionally, reported by bill under the following title:

An act to re-organize the State into Congressional Districts.

Mr Kenner from the minority of the same committee, reported also a bill under the same title.

On motion of Mr Phillips, the above bills were ordered to be printed and were made the special order of the day for Friday the 12th inst.

Mr Labauve, from the committee to which was referred the memorial of the stockholders of the Iberville Female School Association, reported by bill under the following title:

An act to amend an act entitled an act to incorporate the Iberville Female School Society, approved the 16th March 1842.

On motion the rules were suspended, the Senate took up the above bill, which after having undergone its several readings was passed.

Mr Kenner, from the committee on Public Education, submitted the following report:

The committee on Education, report back to the Senate, a bill entitled,

An act to revise and amend an act to establish free public schools in the State of Louisiana, approved 31 May 1847, and an act amending the same, approved 20th December 1848, and would advise the Senate to delay action on the same, as the joint committee on Education of the two Houses have agreed to report a bill embracing some of the amendments contemplated by the above measure.

(Signed) D. F. KENNER, Chairman.

On motion of Mr. Martin, the Senate concurred in the above report.

Mr Tatman presented a memorial of Harrison Rogers, Sheriff of the parish of St. Landry, asking for relief.

On motion of the same Senator, the memorial was referred to the committee on claims.

Mr Burthe presented the following memorials which were on motion referred to the committee on claims:

Memorial of Peter Burke, a resident of the parish of Natchitoches, praying for relief.

And memorial of A. H. Pierson, of the parish of Natchitoches, praying for relief.

Mr Sandidge presented the following joint resolution, which underwent its first reading.

JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the State Engineer be required to report to this Legislature, the reasons why he has not proceeded before this time, to make the improvements on the Bodcau and other Bayous and Lakes mentioned in the act [illegible], approved 16th March 1848, as also in the Black lake, Black lake Bayou and the Bayou Sabine, as required by act 126 of the same date, and also in the Bayou Dorcheat up to Sykes' ferry as ordered by resolution of the 26th March 1850.

And that he be peremptorily required to repair to said streams, with such portion of the State [illegible] apportioned to the Red river district as may be necessary and execute the work required in said streams according to their proper order of date.

By a message from the House through their assistant clerk, the Senate was informed that the Speaker of the House had signed the following enrolled bills and resolution of the Senate:

Joint resolution relative to certificates issued by Richard Louck, late Register.

An act subrogating the city of Jefferson to the rights of borough of Freeport.

An act to fix the boundary between the parish of Rapides and the parishes of St. Landry and Calcasieu.

An act to amend the act incorporating the city of Jefferson.

An act concerning the licensing of drinking houses and the sale of intoxicating liquors in this State.

An act granting to the principal of the Marksville Female Academy in the parish of Avoyelles the privilege of conferring literary honors and degrees upon the students and pupils therein taught.

An act to enforce the payment of the commutation tax by Sheriffs and collectors.

And an act attaching a portion of the parish of Natchitoches to the parish of Rapides.

By the same message the signature of the President of the Senate was requested to the following enrolled bills:

An act for the relief of J. K. Gorman.

An act for the relief of Joseph Ferdinand D'Hebecourt.

An act relative to prescription.

And an act to amend the 1138 article of the code of practice.

Mr Lacoste agreeably to previous notice introduced,

An act to amend an act entitled an act to regulate the manner of making judicial sales, approved Feb. 1852.

On motion of the same Senator, the rules were suspended, the bill was taken up and after having undergone its several readings, was passed.

Mr. Dorsey obtained leave to introduce the following entitled bill:

An act to establish free public schools throughout the State.

On motion of the same Senator, the bill was ordered to be printed and made the special order of the day for Thursday the 11th inst.

ORDER OF THE DAY.

The Senate took up the following enrolled bills and resolution of the House, which were read and on motion, the rules being dispensed with, were severally concurred in.

Joint resolution relative to the route of the mail steamers from New Orleans and Mobile and for other purposes.

An act to authorize the construction of a Rail Road from Red river to Grand Point on Bayou Pierre.

An act authorizing an interchange between the Judges of the thirteenth and fifteenth Judicial districts under certain restrictions.

And also the following entitled bill of the Senate which, after having undergone its several readings was passed.

An act to exempt the town of Jackson, in the parish of East Feliciana, from the payment of parish taxes.

The following entitled bill of House was then taken up and read, on motion the Senate refused concurrence thereto.

An act to annex a portion of the parish of Caldwell to the parish of Franklin.

The Senate then took up the following entitled bills of the House, which after having been read a 1st and 2d time, the rules being dispensed with, were referred to their appropriate committees.

An act relative to runaway slaves committed to jail in the parish of West Feliciana.

Referred to the committee on the Judiciary.

An act to amend the 21 section of an act relative to the trial of slaves, passed the 1st day of June 1846.

Referred to the committee on the Judiciary.

An act to authorize Sheriffs to demand payment of expenses incurred in certain cases, &c.

Referred to the committee on the Judiciary.

An act to allow the Lafayette and Lake Pontchartrain Rail Road Company the right of way through streets and public squares.

Referred to the committee on Judiciary.

An act to establish a special tribunal for justices of the peace in this State, the parishes of Orleans and Jefferson excepted.

On motion of Mr Martin, the words of the parishes of Orleans and Jefferson excepted, were stricken out from the title and from the body of the bill wherever it occurred and on a further motion, the bill was referred to the select committee, of which Mr Richardson of Ouachita is the chairman.

And an act concerning the emancipation of slaves in this State.

Which on motion, was referred to a select committee of five, with instruction to report on to-morrow. The President appointed on said committee,

Messrs. Gardere, Moore, Martin, Wickliffe, Gaudet.

The Senate took up also, in the order of the day, the following entitled bills, which were read for a 2nd time and on motion were laid on the table, subject to the call of the Senate.

An act to establish a board of Commissioners of public buildings.

An act making appropriations to complete the State House at Baton Rouge.

An act imposing a certain duty upon the Assessor of the parish of Lafayette.

An act to provide for a State Seminary of Learning.

An act to amend the 2nd section of an act exempting firemen in the parish of Jefferson, from militia and jury duties.

The following entitled bill of the House was then taken up and was read for a 1st time.

An act relative to the Lunatic Asylum.

By a message from the House through their chief clerk, the concurrence of the Senate was requested to the following entitled bills:

An act to repeal an act to provide for the liquidation of the city debt and the debts of the separate Municipalities of the city of New Orleans, approved 21st March 1850.

And an act to prevent the Councils of New Orleans and Lafayette from contracting debts.

On motion of Mr Burthe, the Senate took up the above entitled bills, which on motion, the rules being dispensed with, underwent their several readings and were concurred in.

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

Mr Gardere obtained leave to introduce

An act to provide for the security of runaway slaves in the parishes of Orleans, Jefferson, Plaquemines and St. Bernard.

On motion the rules were suspended, the bill was read a 1st and 2nd time and referred to the committee on Parochial Affairs.

Mr J. N. Carrigan, the Governor's Private Secretary, delivered to the Senate a written message from the Governor.

On motion, the Senate sat with closed doors on executive business.

The doors being opened,

On motion, the Senate adjourned until to-morrow at 10 o'clock A. M.

FRIDAY, March 5th, 1852.

The Senate met pursuant to adjournment.

Present, Hon J. B. Plauche, Lieut. Governor and President of the Senate, in the chair, and twenty-two Senators.

REPORTS OF COMMITTEES.

Mr. Watterston on behalf of a minority of the standing committee on the Penitentiary, submitted the following report.

MINORITY REPORT OF THE COMMITTEE ON THE PENITENTIARY.

The undersigned chairman of the Standing Committee on the Penitentiary, of the Senate begs leave to report:

That the committee have duly examined the Penitentiary and the documents submitted to them by the Directors and Lessees thereof.

They have also considered the policy of the State as regards the management of criminals condemned to imprisonment and labor, and he respectfully submits his opinions to the Senate, as one of the members of that Committee.

A summary of the legislation of this State in relation to the Penitentiary may not be unprofitable to the present Legislature.

Up to 1844 the Legislature had made large appropriations to establish a Penitentiary; for that year the appropriation was only $7,390. And in October of that year the Penitentiary fund amounted to $17,033 48, viz:

Due in notes and accounts,	$26,812 94
Cash,	5,108 54
Value of goods on hand,	15,082 00
	$48,033 48

Showing a balance of near $40,000 to the credit of the establishment. It is evident from these facts that the concerns of the Penitentiary exhibited a more favorable condition indicating a prospect of advantage to the State, under the administration of officers appointed by the Government.

At that time the Governor was authorized to lease the Penitentiary for a term not exceeding five years.

The lessee was required by the Act to take charge of the establishment, and to conduct it, at his own expense, in the manner prescribed by law.

The labor of the convicts was to be employed in the manufacture of various articles from cotton, wool and leather.

The Lessee was to put up the machinery for the manufacture of bagging and rope, and to complete the preparations which had been made for the manufacture of coarse cotton and woolen cloths.

All this was to have been done *at the expense of the Lessee*, who was to make those outlays, it is presumed, as a bonus for the enjoyment of the entire profits of the establishment for two years.

At the expiration of the lease, the Lessee was to return the machinery and tools to the State in like condition and amount, as those he received, or to return the same articles, and pay in cash the difference in their value, arising from use and accident; that is to say, all the machinery and tools owned by the State, were to be preserved for the benefit of the State, and in case of loss or injury, the damage was to be supplied, or paid for by the Lessee.

Soon after the Lessees (McHatton, Pratt & Co.) had obtained possession of the Penitentiary property, which it was well understood from the terms of the Act of 1844, they were to relieve the State from the charge and management of, they obtained permission to alter one of the walls of the prison and to erect a two-story building the whole length of that wall.

These improvements were not to cost over $15,000 out of the Penitentiary fund.

Having secured this permission, they went on to build, making themselves the principal architects and designers, by furnishing materials and labor, and so confident did they appear to be of the liberality of the General Assembly, that they exceeded the amount they were authorized to employ, by the sum of $12,000.

This was done, it is proper to say, with the consent of the Board of Directors, and in 1847 they actually claimed from the State an appropriation of $37,000—$12,000 of which went to complete the building which was to have been erected out of the funds of the Penitentiary, and $25,000 to purchase and put up machinery which they agreed to purchase and put up, *at their own expense*.

So far then the lease of the Penitentiary did not relieve the State from any of its burthens.

Instead of continuing the establishment at its own expense, it appears that the lessees sustained it by claiming large appropriations from the State.

In 1849 the legislature went still further, and authorized the Board of Directors of the Penitentiary to deliver to the lessees any property and to pay any money due by the State to them for work done and not required by contract.

What property the lessees could have in the Penitentiary, to be delivered to them, it is not possible to conceive; but the Directors have gone so far as to make a settlement with McHatton, Pratt & Co. allowing them $20,650 41 for work done not required by contract.

Thus the Lessees, under the promise of conducting the Penitentiary at their own expense, have induced the State to expend the sum of fifty-seven thousand dollars in five years.

The following statement of accounts has been the result of the examination made by your committee of the exhibits made by the Directors and Lessees of the Penitentiary.

Cost of machinery purchased and buildings constructed according to the bills presented,

Cost of machinery purchased and buildings constructed according to the bills presented,	$61,945 52
Cost of elevating back wall &c., of prison,	10,705 89
	$72,651 41

From this amount ought to be deducted the sum of $1,824 00 charged for the stoppage of machinery and putting up a new engine, leaving a balance of $70,827 41

The credits to which the State is entitled are these, viz:

Appropriation out of Penitentiary fund,

Appropriation out of Penitentiary fund,	$15,000
Appropriation made in 1847,	37,000
	$52,000

Leaving a balance due McHatton, Ward & Co., upon this account of $18,827 41.

The Penitentiary fund formed another subject of investigation.

Your committee found that there was due the Penitentiary, on claims, on the 1st October, 1844, the sum of

1844, the sum of		$26,824 94
The stock was worth,		15,082
There was in cash,		5,108 54
		$47,033 48
The claims have so far yielded,	$18,872 49	
To which add the cost and value of stock,	20,190 54	
		$39,063 03

Showing the sum of $39,063 03 actually realized.

Out of this has been expended the sum of	$8,580 95
And this sum appropriated by the act of 1845,	15,000 00
	$23,580 95
Leaving a balance in favor of the fund of	$15 482 08
In claims,	7,970 45
	$23,452 53

It is proper to remark that the stock as estimated in this account was taken by the former Lessees, (McHatton, Pratt & Co.) at that amount; that a portion of the item of $7,970 45 (claims) is due by these Lessees, say $3,227 09, and that the residue of notes and accounts is to be accounted for by Amos Adams, Esq., one of the Directors of the Penitentiary and acting as their Attorney.

It must be observed also, that the sum of $21,067 20 due the late Lessees for stock remaining on hand at the expiration of the lease, is not taken into account, since that amount is due by the present Lessees, to whom the goods were transferred.

Mr. Pratt, one of the former Lessees, is entitled to one-fourth of the difference between the amount of the inventory of stock delivered to those Lessees, and of that received from them, as well as to one-fourth of the indebtedness of the State to said Lessees; and a separate settlement ought to be made with him.

Your Committee beg leave to call your attention to some charges made on the credit side of the account furnished by the present Lessees.

There is an item of $4,189 39 for interest and insurance.

It is not difficult to understand the propriety of insuring the product of Manufactories; but how the State is chargeable with interest upon the value of her own property, it is impossible to conceive.

If this charge of interest means that money has been obtained in advance upon the goods sent from the Penitentiary, for sale, we must observe that the necessity of obtaining such advances has not been shown to this committee.

The personal wants of the Lessees should not affect the interest of the State, and if they are driven to obtain money, by discounts or otherwise, the loss should fall on them.

The last item of the account for 1850, is equally objectionable.

The sum of $1,250 90 is deducted from the profits of the Penitentiary, on the ground of an alleged loss on horses and mules.

The loss of machinery and tools could not be considered as a diminution of the profits of any business: it is a loss of the material which is to produce the profit.

Mules and horses ought to be considered in the same category with machinery.

The State has furnished a certain sum, say $2,000, in horses and mules, the Lessees receive them with the machinery of the Penitentiary; it is presumed that they take them on the same conditions.

They use this property a year; it deteriorates in value, say to the amount of $1,200.

What is the result? The Lessees enjoy the use of the property for twelve months, and then claim the sum of $1,200, because it has been deteriorated by that use.

They are bound to make good this property to the State, (as they are bound to make good the machinery) or they are not so bound.

If they are bound to make it good, do they do so, by making the State pay them for the deterioration? If they are not bound to make it good, what right have they to call upon the State to pay them for the injury they have done the property of the State.

It would be just as fair to them, it seems to us, to charge the State with the injury they have done the public property attached to the Penitentiary, by excavating a large extent of land, for the purpose of making bricks.

The soil has been removed; the ground has become almost worthless; their acts have accomplished this detriment; and does any one suppose that a charge against the State for loss by the excavation of earth from the Penitentiary enclosure, would be treated with any consideration.

The discipline of the Penitentiary is in some instances too rigid, in others too lax.

A part of the convicts are required, at times, to work outside of the walls of the prison with a single guard incompletely armed.

This would form a serious cause of complaint, if our attention were not attracted by the severity of the chastisements which are inflicted upon prisoners for alleged indolence and obstinacy.

Industry and subordination are enforced with the lash, and the prisoner who atones by his labor and his confinement, for his offence against the laws of his country is subjected, like a slave, to stripes inflicted by an arbitrary keeper, without laws to measure the penalty of his wrongs, without a tribunal to condemn him, and without a trial to ascertain the certainty and extent of his culpability.

Whipping is a cruel and a barbarous infliction. The civilized world so consider it.

When it is employed with no authority beyond the caprices, the passions or the antipathies of the keeper, it is a scandalous violation of the simplest rights of the victim.

The pain of such a punishment galls, exasperates, hardens and degrades.

It applies to the brutal nature of man, and it brutalizes him still more.

The callous are not moved by it; but the irritable are inflamed, the sensitive are hardened; the innocent are driven to despair; the penitent are stung to fury.

It opens still wider the chasm between the convict and society and thus the very design of the legislature becomes a mockery.

The word "Penitentiary" presents the idea of *reform*.

To reclaim, not to confirm in wickedness, to improve not to debase the character, these are the purposes of Legislation in combining forced labor with incarceration, and the discipline of a prison with the salutary influences of industry. Nor does a correct policy exact, in such things, more than humanity directs.

It is degradation enough to deprive a man of his liberty and to force him to work under the direction of a keeper, and a guard; but to inflict upon him an infamous punishment (in addition to the *legal* penalty of his actual or supposed offence,) will inevitably deprive him of the last hope of better things, in depriving him of the last vestige of human dignity.

If it should be said that discipline could not be maintained in the prison, without violence of this kind, it may be answered that there are legal punishments much more efficient for that purpose; among which are darkness, silence, and solitude.

These can be inflicted without danger of rendering the convict incorrigible, and without exhibiting to his fellows a scene of agony that tends to infuriate *them* as well as *him*.

But it is not a question of discipline with the Lessees, so much as a matter of profit.

They are not willing to be deprived of the labor of the convict, by lonely confinement; they want every hour of his time, save the hours of repose, and all the labor of his hands.

They crush his spirits, and then he becomes a passive—conquered forever, every good purpose, and every worthy hope, at the same time, extinguished in his breast.

In considering the subject of discipline, the attention of your committee was called to the following section of an Act of the Legislature passed in 1843.

"8. *Be it enacted, &c.*

That the convicts in the Penitentiary whose sentences have been commuted from death to imprisonment, either for life or for a term of years, shall no longer be permitted to labor in company with the other convicts but shall be employed apart from them, and as soon as the necessary changes in the cells can be made, shall be confined and be made to labor alone on the plan in force in the Eastern Penitentiary of Pennsylvania; those changes to be made under the direction of the Board of Directors."

It is the opinion of the undersigned that the meaning of the law is clear, and that it directs *absolutely*, that those convicts whose sentences have been commuted from death to imprisonment shall be employed apart from other convicts in the Penitentiary.

That is a distinct provision in the act.

It further requires that the plan of labor and confinement, in the Eastern Penitentiary of Pennsylvania shall be pursued, as soon as the necessary changes in the cells can be made.

The Lessees have never regarded this provision, on the ground that the necessary changes in the cells of the Penitentiary have never been made.

Your committee believe that the words, "shall no longer be permitted to labor in company with the other convicts," are imperative, and that the alteration of cells only regards the adoption of a plan in force in another Penitentiary.

In connection with the subject of Penitentiary discipline the undersigned begs leave to call your attention to the great abuse of the pardoning power, which has been recently exhibited.

It is notorious that criminals convicted of the most atrocious offences have been turned loose upon society, even before they had reached the prison at Baton Rouge.

This facility of obtaining pardons is not only detrimental to society and to justice, but destructive of the Penitentiary system, no matter how well regulated it may be.

The certainty of punishment is one of the principal means of preventing crime.

As long as the effect of penal laws is diminished or unequally applied, by the exercise of the pardoning power, no reasonable expectation can be entertained that crime will be checked, or that reform will be accomplished in the guilty.

There can be no doubt that the frequency of pardons will embolden the vicious in their courses of iniquity, and will encourage in the convict the constant expectation of relief.

This improper leniency also tends to render the penal code of the State inoperative; for it will cause the very best citizens to become careless about the prosecution of an offender when they observe that the laws are trifled with by those who are appointed to see them faithfully executed.

It cannot be denied that many cases may occur which would justify the interposition of this privilege of clemency; but such cases should be carefully investigated, and the executive should be cautious in arresting, on trivial representations, the deliberate sentence of the Judicial Magistracy.

Too much attention should not be given to a long list of signatures, to a petition for pardon; as it is well known that persons who, in the common concerns of life, pride themselves upon their caution, will put their names to almost any paper presented to them by a friend.

Moreover, it ought to be considered that the most nefarious frauds may be (or they have been) practised in obtaining a list of signatures.

Indeed, if pardons are to be so readily obtained as they have been, of late years, the business of Pardon Broker might become, here (or as it has been elsewhere) a regular occupation, by which men of a certain turn of character might obtain large premiums for procuring the liberation of convicts.

The records of the various Penitentiaries throughout the country, prove that repeated convictions of criminals have taken place, after pardons have been granted to them.

As a general rule, it may be safely asserted that, of those who have been committed for second or third offences, at least two thirds have been discharged from their former sentences, by pardon.

Your committee trust that provision will be made hereafter, to restrain the injudicious exercise of a power, which in its operation, diminishes the security of society, encourages the depredations of criminals, destroys all hope of reforming the convict, and augments, to a great extent, the expenses of public prosecutions.

The undersigned begs leave to express his disapproval of the present Penitentiary system of this State.

He believes that the policy of leasing, is at variance, not only with the true interests of the people, but with settled principles of legislation.

All that is imposing in punishment is derived from the authority that inflicts it, and the motive that justifies the infliction.

Instead of a punishment inflicted by society, or the representative of society, which is government; we find that the State makes a traffic of its powers and that which the people have delegated to it, it delegates to the dealer in human suffering.

Instead of imprisonment with forced labor for the purpose of reform being the punishment affected by the supreme authority of government, we see that the punishment consists in the sale of convicts' services for a term of years, to the highest bidder.

The laws are changed, the penalties of crime are altered, justice is diverted into a new channel, and the use thereof is not so much to preserve society, to intimidate the violent, and to reform the vicious as to benefit the purchaser of condemned criminals.

It cannot be denied that the annual profits of the Lessees have amounted to at least $15,000.

If this profit can be made by them, why should so considerable a sum be withheld annually from the public Treasury, which needs it so much.

It is absurd to say that the administration of the government cannot be so economical as the administration of individuals.

It ought to be presumed that men are honorable, rather than base; nor is it just to suppose that an officer sworn to faithful performance of his duty would be guilty, at once, of negligence, or peculation and perjury.

In determining this question these facts should not be overlooked; that the heaviest expenditures of the State were incurred in the establishment of the Penitentiary, in building up the institution, and in furnishing it with machinery for manufactures: that it was leased, with the expectation and implied understanding, that all the burthens were to be transferred to the lessees; that the lease has been of little service to the Government, in a pecuniary respect, large appropriations having been made, since the time of leasing, for the account of the Penitentiary, while the Lessees have been realizing large profits from their management of it; and that, now, the State is called on for additional appropriations, when the Penitentiary fund remains unsettled.

The undersigned thinks that it is not proper to make any appropriation for the construction of additional cells in the Penitentiary, during the existence of the present lease.

If the negro convicts are in the way, they might be advantageously employed on the works of internal improvements, and they would not be much more at large, in such employment, than they are present.

And if be it absolutely necessary to erect new buildings for the accommodation of convicts, the State would save the requisite outlay for that by taking back the establishment, to have the work done with its own force and materials.

It has been proposed to the General Assembly to permit the labor of the convicts to be brought into competition with the labor of the free mechanics of the country.

Such a proposition, we presume, will not receive the serious consideration of the legislature.

The policy long since established in this respect, will not be easily abandoned.

Those who assail will meet with a determined resistance.

The idea that the bread of honest industry shall be snatched from the hands of a worthy citizen by the temporary proprietor of offenders who are condemned to forced labor, is so distinctly contradicted by justice and policy that one might be pardoned for doubting the sincerity of those who entertain it, and give utterance to it.

It requires no estimates to show that the labor of the convict can be employed cheaper than that of the citizen, or at prices which would be necessary to the support of the latter would yield enormous profits to the employer of the former.

A mechanic in this vicinity, as elsewhere, has numerous expenses imposed upon him, for the support of government, the education of his children, and the comfort of his family; yet this man is to be compelled to labor in competition with a being who has lost the dearest rights of man, and has ceased to be bound by the obligations of domestic duty, or he is forced to abandon his home.

And for whose benefit would this competition take place? Certainly not for the benefit of the convict; the labor would not be less constant, his food would not be less coarse, his clothing would not be less scanty; not for the benefit of the public, for the competition could not last long enough to make the reduction of prices *permanent*, and they would be restored to their former standard, the moment the mechanics could be overpowered; not for the benefit of State, for the bonus that government would receive to allow such a competition would hardly repay the pecuniary loss it would suffer in the destruction of numerous respectable families.

None of these would be benefited by such a policy; but there is one party that would derive enormous advantages from it, that party is the manager of convict labor.

We are told, indirectly, that industry must be discouraged, not sustained, that the labor of honest men should be rejected for the labor of wretches who are toiling under the condemnation of justice; and that the legislature of Louisiana should sacrifice the welfare of a large number of the most useful members of society, to increase the gains of *these* individuals.

The limits of this Report will not permit the undersigned to go further into the discussion of this subject than to express his profound regret that such a proposition should have been made to the General Assembly, and his decided disapproval of it.

In view of these statements and considerations, your committee beg leave to recommend:

1. That the State resume the control and management of the Penitentiary. Your committee have been informed by two of the present Lessees that they are willing to relinquish the lease.

2. That the discipline of the Penitentiary be so regulated as to exclude the infliction of *corporal punishment*.

3. That an appropriation be made by the Legislature to pay off the outstanding debts of the establishment, to be based upon the accounts stated in this report.

4. That the manufacture of bricks and of all articles which would bring the labor of the convicts into competition with the industry of citizen mechanics, be arrested and be expressly forbidden.

GEO. W. WATTERSTON.

On motion, the report was ordered to be printed.

The same Senator laid before the Senate the following resolution adopted at a public meeting of the citizens of the town of Baton Rouge, held at the City Hall, on the evening of the 1st March, 1852.

Whereas, We have seen with regret that the Standing Committee of the House of Representatives, on the Penitentiary, recommend in their report that the Lessees of the Louisiana Penitentiary, be permitted to manufacture ploughs, carts, waggons and molasses barrels, bricks &c., thus placing the Mechanics of Baton Rouge, and of the State of Louisiana, in ruinous and ruinous competition with the Penitentiary convicts; Therefore be it

Resolved, That we oppose to the utmost of our ability, all such encroachments on our rights—and that we petition the Legislature to reject any bill, authorizing the manufacture of articles with the Penitentiary, that may come in competition with and prove injurious, if not ruinous to a large portion of the citizens of the State, who for intelligence, industry, moral worth and patriotism are the equal of any other class.

Resolved, That our Senator and Representatives are hereby requested to use all their influence, in opposition to any bill, allowing the Penitentiary to manufacture any article now made by free labor.

On motion, the resolution was ordered to be printed, and referred to the Committee on the Penitentiary.

Mr Butler, on behalf of the majority of the standing committee on the penitentiary, submitted the following:

REPORT.

Your Committee having carefully examined into the affairs and management of the Penitentiary, beg leave respectfully to submit the following report:

At the very commencement of their investigation, they felt themselves embarrassed by the magnitude of the work before them, extending as it did over a period of seven years, and embracing a varied and very extensive business operation.

It was the opinion of some of the committee, also of some of the Directors, that your committee had only to look over and receive the settlement and report, made by the board of Directors, under the act of 1850, and submit the same to this House with our approval; we could not so construe the duties of your committee.

Knowing that many reports were in current circulation prejudicial to the late, as well as to the present Lessees, relating to the affairs and management of the Penitentiary, and that no final settlement satisfactory to the Legislature, had ever been made, we deemed it not only right but our imperative duty, from which the House would not relieve us, to go back in our inquiries and examinations to the first day of the old lease, and make such a report, founded upon close and personal examination, as would be just both to the State and to the Lessees of the Penitentiary.

The fact of this House having authorized the committee to send for persons and papers, and to examine witnesses under the solemnities of an oath, was proof clear and conclusive, that our construction of power was what was intended to be conferred by the House. We beg leave to state then, that with this understanding of the duties required of us, we have carefully and closely examined the affairs of the Penitentiary, from the date of the original lease down to this time, and our statements are based upon facts as exhibited to the books of said Lessees and those of the board of Directors, and as far as we can judge they have been correctly kept.

By act of 1844, authorizing the Governor to lease the Penitentiary, it was stipulated that the Lessees should take the stock of material and manufactured articles on hand, belonging to the State at the time of the lease at a price to be fixed by appraisers, and the State bound itself to take at the termination of their lease, all the stock of material and manufactured articles, which the said lessees might then have on hand, at a price to be fixed by appraisement in like manner, and to pay to the Lessees any excess which might be due to them thereon.

By appraisement of the stock and manufactured goods belonging to the State in said Penitentiary in 1844, the Lessees received to the amount of $15,082. At the termination of their lease in 1849, the Lessees returned to the State, goods and stock to the amount of $21,067 20, making an excess in favor of the Lessees of $5,985 20 cts., as per said Inventories.

Owing to the change of labor in the prison, thereby lessening the profits of the Institution, the Legislature at its session in 1845, acting upon the recommendation of the board of Directors, and the justice of the case, passed an act allowing the back wall to be removed to give more room, and required it to be raised six feet higher, than its former height, and also to be constructed in the area thus left a two story brick building suitable for the spinning of warps and filling for bagging, &c. &c., the cost of which was not to exceed $15,000, and to be paid for out of the Penitentiary funds. This work was provided to be done under the supervision of the board of Directors, and to be paid for upon their warrant at such times as might seem to them proper.

The improvements and alterations thus required by the Legislature, it will be seen, far exceeded the cost provided for. The Directors have been strictly and rigidly examined as to this matter, and they all testify that additional alterations and enlargements had to be made after the work was in progress, to render the improvements of any value for the purposes contemplated, or to the State after the contract with the Lessees should have expired. Regarding themselves then, as the guardians of the interests of the State, the Directors felt themselves authorized to incur such additional expense in said building as would save to the State the total loss of the money which might have been expended in the construction of said building, if carried out and finished as originally contemplated. Your Committee would remark, that they have very rigidly scrutinized the accounts setting forth the expenses incurred in the erection of said building and alterations, and as far as they were capable of judging, have stricken out such charges as they deemed improper to come against the State, we are happy to state the Lessees, without hesitancy promptly consented to strike off all charges to which we objected.

The items to which your Committee demurred, as not being proper charges against the State, were the following, to wit:

Loss incurred by stoppage in removing machinery,	$1500 00
Expense in putting up and starting Engine,	324 00
Making the sum of	$1,824 00

It is perhaps unnecessary to give a detailed statement of the account, as the same has been before your Committee, and is on file where it can be seen at any time.

The aggregate amount for machinery purchased and improvements made and buildings erected as per account, is

erected as per account, is		$61,945 52
For the construction of the back wall, &c., settled by Directors,		10,705 89
		$72,651 41
From that amount deduct as above		1,824 00
And it will leave for machinery purchased and building and improvements		$70,827 41

In 1844 the State loaned the Lessees the sum of $15,000. In 1847 the Legislature appropriated the sum of $37,000 for the completion of the new building and the purchase of machinery, in which appropriation the loan of the $15,000 in 1844, was included. As by act of 1845, the sum of $15,000 was allowed out of the Penitentiary fund to be applied on the new building. We annex a statement of the Penitentiary fund, in order to make the whole subject plain, with its applications, &c.

There was due the Penitentiary on the 1st October, 1844 in notes and accounts on sundry persons,	$26,842 94	
Cash on hand,	5,108 54	
Constituting a fund of		$31,951 48
Of this amount of notes and accounts of	26,842 94	
There has been collected the sum of	18,872 49	
Add to this the amount of cash on hand,	5,108 54	
And we have of available Penit'ry funds	$23,981 03	

This has been expended in the following manner, to wit:

Paid for liabilities of Penitentiary due previous to lease,		$7,167 42
Discharged convicts, in money and clothing		6-9 88
Draft for new building,		60 00
Mr. Isett for collecting and disbursing notes and accounts,		663 65
		$8,550 95
Deduct this amount		
From the available Penitentiary fund as above, and there will be remaining		$15,400 08
Which has been applied to debts incurred in said improvements and buildings.		
The aggregate expense of said buildings and improvements as above set forth is		70,827 41
Paid from the Penitentiary fund	$15,400 08	
Appropriation of Legislature in 1847	37 000 00	$52,400 08
Leaving a balance due the Lessees for work and materials by order of the Board of Directors.		18,427 33

For the extinguishment of this debt, it will devolve upon this Legislature to make some provision. Your Committee would state that there is still due in notes and accounts to the Penitentiary as set forth above the sum of $7,970 45

Of this, there is owing from the Lessees on open account,	1,088 69
Due from same on note (originally $1500, which has been renewed and one year's interest included, making $1630 and now bearing 8 per cent; and on the 1st April there will be 4 years interest due of $518 40 making together	2,138 40
Indebtedness of Lessees, in favor of the State	$3,227 09
The balance of said accounts and notes amounting to	$5,161 76

are in the hands of Amos Adams, Esq., for collection. This does not include an account of $400 against a Mr Cooper, deceased, whose estate is reported insolvent.

Some of those notes and accounts, and perhaps many of them can never be collected, but it is the opinion of your committee that these old debts should be promptly settled in some way. We have not the data to know how much can be collected of them; nor do we know but some may already have been collected, yet we think the sooner these old standing claims are paid or lost, the better it will be for the State; we notice among the claims now due to the Penitentiary, one against the selected officers of said institution, and who have been retired with said institution for years. It should be the duty of some one person, who is competent, energetic and prompt, to be empowered by the Legislature or Governor, and fully authorized to force an immediate collection of all outstanding claims. The claims against Lessees amounting, interest included, to $3 227 09, and all that has been collected in Mr. Adams' hands or that may be hereafter collected, should be forthwith applied to the extinguishment of the balance due for building and improvements of Lessees.

There is a profit due to the State on the new lease, from Oct. 1st, 1849, to 31st December, 1850	$5,579 13
Due from December 31, 1850, to Dec. 31st, 1851	4,000 00
Making	9,579 13
And the claims against the Lessees, as above	3,227 09
And it would make the sum of	$12,806 22

Which might be applied in part payment of said debt, and if so applied, would only leave $5,614 11 due on said buildings and improvements, with a balance of notes and open accounts in Mr. Adams' possession of $5,161. It will be seen, that there remains but little for the State to provide for, and perhaps one year's profits accruing from the labors of the Penitentiary may be amply sufficient to extinguish the whole of the remaining debt.

Your Committee would call the attention of the Legislature to the propriety and absolute necessity of effecting some change in regard to the making of *brick* out of the grounds belonging to and attached to the State Prison.

The excavation of earth in the rear of the prison is already becoming a serious injury to the property of persons adjoining, and is a source of much complaint among the people—and may ultimately give rise to great difficulties between the State and the Corporation of Baton Rouge.

But apart from these considerations it is a matter of great interest to the State itself. There is now no more garden attached to the Penitentiary than is absolutely needed to raise vegetables for the convicts. Crowded as the convicts are, it is a principle of mere humanity on the part of the State to use every precaution to preserve their health, while they may have the misfortune to be confined in prison. The importance of a due supply of good and wholesome vegetables, to maintain health under such circumstances, is a fact not new to be mooted—and in this climate it is doubly essential, to ward off that foul and purifying scourge of poor humanity, the scurvy. But as the Lessees under contract with the State, are authorized to make brick, and as it is a branch of industry from which some profit is yielded, it will become necessary for the Legislature in making a change to prevent any more earth being dug—to permit the Lessees to commence some other business, in order to supply the loss or damage which they may sustain by reason of the change proposed.

The necessity of obtaining earth for the manufacture of bricks from land owned, or to be purchased by the Lessees, will of course enhance the cost of the manufacture. To compensate them for this loss, they should be permitted to engage in other branches of industry.

Your Committee do not understand the policy of the prohibition against the manufacture of wagons, carts, ploughs and molasses barrels. These articles, so indispensable to the people of Louisiana, it should be the object of the Legislature to render as cheap as possible. While they are sold all around us from the Penitentiaries of other States, it seems to your Committee something like an absurdity to prevent their manufacture in our own; nor should the Legislature lose sight of the facts, that the means of the Penitentiary for the manufacture of cotton goods, and bagging, and rope, are necessarily limited by the amount of the machinery, and the want of space; and if the Legislature forbid the Lessees to manufacture other objects of prime use to the planters, confining them solely to cotton goods, bagging and rope, it is inevitable that there will not be labor for the convicts, and many of them will have to be maintained, not only in idleness, but in solitary confinement.—That the adoption of new branches of manufacture in the Penitentiary will increase the profits of the Lessees, there can be no doubt; and the State should participate in them. Your Committee therefore recommend, the Lessees agreeing to the same, that they be required to pay the sum of $5,000 per annum, and be permitted to manufacture ploughs, carts, waggons, and molasses barrels, and bricks, to be made of earth not taken from the public grounds belonging to the State Prison.

The members of this House, doubtless have, as well as your Committee, heard various reports and complaints against the Lessees, and officers and the management of affairs of the Penitentiary, and the treatment of the convicts.

We have examined into the reports and complaints, with all minuteness, and strict impartiality, and we have failed to detect any thing wrong—nor has any charge or complaint been substantiated before your Committee, though witnesses have been examined under oath, we confess that when we commenced our investigations we had been prepared by floating reports and accusations to expect to find in the management of the affairs of the Penitentiary many and grievous wrongs, but our scrutiny and examinations have failed to elicit one proof to substantiate the many reports and complaints, and suspicions and surmises, so often uttered as positive facts, in loose conversations, vanished when they were sought to be sustained under the solemn sanction of an oath.

In reference to the treatment of the prisoners, your Committee must also declare that it is as good as in any institution of a similar character of which they have any knowledge. We have several times happened in about their dinner hour, in company with some of the members of this House, and entirely unexpected to the Lessees or officers of the Prison, and we have always found the food for the prisoners good and abundant. This is also testified to by the Directors. The prison is cleanly, and order and system are apparent in all the workshops of the Institution. That the convicts are abused, your Committee do not believe—for they have sought and been unable to find any proof to that effect. That they sometimes whip to enforce order, the Lessees admit; but never unmercifully, nor beyond what is necessary to produce subordination. That punishment of some kind is indispensably necessary to enforce obedience in all institutions of a similar character, is beyond cavil—indeed it could not be otherwise with individuals who are confined for villany or crime.

Whether or not the Legislature would be able to change the mode of enforcing discipline in the Prison we know not, but it is the opinion that without some means to make the prisoners stand in fear, it would be utterly impossible to maintain any discipline or subordination, and we know of no mode of punishment less cruel, and more effectual, than a proper amount of flogging.

The question of the propriety of leasing the Penitentiary, has been a matter of discussion among some of the members of the Legislature. That it is wrong in the principle to hire out convict labor, your Committee cannot believe, and the question resolves itself into one of mere policy.

If the State could succeed in getting the Institution properly managed and honestly conducted, there is no doubt it would be a source of considerable revenue to her Treasury, but such is the proneness of man (and even some that in other things seem honest,) to take all advantages of General or State Governments, that in ninety-nine cases out of every hundred we should find our State cheated by the operation. Such has been our past experience with our Penitentiary, and it fully accords with the experience of all other States with similar institutions. But while we declare our convictions in favor of leasing, we would by all means urge upon the Legislature the importance of being more careful and strict in its contracts. There is so much looseness in the Act of 1848, under which the present lease is held, that it is difficult for any two persons to construe the provisions of said act alike. For instance, the Lessees are obligated to pay to the State one-fourth of the net profits of the Penitentiary, and guarantee that said one-fourth shall not be less than $4,000 annually. The State pays the Clerk and Directors, Physician and Chaplain, the sum of $3,000 annually. So that actually the State realizes but $1,000 per year instead of four, as guaranteed by the Lessees.

Again, perhaps, it does not occur to the Legislature that the present Lessees hold the Penitentiary simply by an election of both Houses of the General Assembly, in March, 1848, and that there is no other contract other than a bond on the part of the Lessees to comply with the Acts of the Legislature in 1848 and 1844, relative to the Penitentiary. The stock of manufactured goods handed over by the late Lessees to the State, amounting to $21,067 20, was passed over to the present Lessees, and for which they are indebted to the State. Now there is no act of the Legislature authorizing this transfer of stock and goods to the present Lessees. It is an implied power, based upon the Act of 1844, authorizing the Governor to lease the Penitentiary for the first time. We make these remarks simply because it leaves the State open to impositions, and the Lessees to a system of espionage and vexatious enquiries, which must unquestionably be harrassing to the feelings of any sensitive, intelligent man. That fifty power looms and 3,000 spindles, together with other branches of industry carried on in the Penitentiary, with labor free of cost except food and clothing, must if properly managed, yield a handsome profit, is a proposition too plain to be doubted, and is fully established by reference to the books of the late Lessees, for the five years during which they had it in possession. Their profits for five years did not fall short of $100,000. It is true, there are many expenses which the Lessees incurred for work done in the Penitentiary, and things purchased, which they were required to do under their lease and for which they got no pay, yet cut the sum down to $50,000 and still it is a fair profit and a great one when we consider that much of the machinery did not get in operation till the latter end of the lease. We would then recommend to the Legislature the importance of a clear and positive understanding between the Lessees and the State, and a full and final settlement of all matters up to the 31st December, 1851.

We would also earnestly recommend in order to avoid all future difficulty and unpleasant investigations that a contract be made with the Lessees, that they pay so much into the Treasury annually, regardless of the profits, and let the State have nothing to do except to see that the convicts are properly fed, clothed and treated.

Should the State lease the Prison hereafter, as we think it is her interest to do, it would be best to always make a definite contract for a definite sum, and not be under the necessity of referring in any case, to the books of the Lessees.

Your Committee would beg leave to call the attention of the Legislature to the pressing necessity of immediately constructing additional cells for the accommodation of the inmates of the Penitentiary. There are only 210 cells while there are 300 convicts to be lodged. The Lessees have been compelled to adopt a system of "doubling," which is hurtful both to the discipline and health of the Institution. We recommend in the construction of a new cell room one of at least 200 cells to meet any probable or possible contingency requiring larger accommodations.

Before closing our report we would recommend to the clemency of the Governor and Senate, Martin Malone, John Crowlesland, Vincent D. Connolly inmates of the Penitentiary, the first was sentenced for the term of fifteen years for manslaughter, and has served nearly 13 years. The second was sentenced for 21 years for assault with intent to kill, has served for 12 years, and the third was sentenced for 8 years for forgery, and has served 3 years. These men are highly recommended for their orderly, industrious, and good habits by the Directors and Lessees, and they think for their good conduct for so long a time they deserve to be pardoned. The Committee would second the appeal made in their behalf and recommend that the remainder of their sentence be commuted and the three aforesaid prisoners be discharged.

J. W. BUTLER,
V. BURTHE.

APPENDIX.

Statement of accounts between the State of Louisiana and McHatton & Pratt.

Due McHatton, Pratt & Co., for buildings and machinery		$70,827 41
Paid by appropriations and out of Penitentiary fund,		52,400 08
Balance due McHatton, Pratt & Co.,		$18,427 33
Due by McHatton, Pratt & Co., on notes and accounts,		3,227 09
Balance due McHatton Pratt & Co.,		$15,200 24
Of this balance William Pratt is entitled to 1-4—say 1-4 of $15,200 24		$3,800 06
Difference in favor of said Lessees, McHatton, Pratt & Co., between inventory of stock delivered to them and received from them,	$5,985 20	
Of which Pratt is entitled to 1-4 say		2,246 30
Balance due Pratt		$6,046 36
Of the balance of $15,200 24, due by the State to McHatton, Pratt & Co.—3-4 is due to C. G. McHatton, James McHatton and George Ward, present lessees—3-4 of $15,200 24, is		11,400 18
3-4 of $5,985 20, the difference in stock is		6,738 90
Due present Lessees,		$18,139 08
Due by the present Lessees for stock	$21,067 20	
Due by the present Lessees for profits from 1st Oct., 1849, to Dec. 31st, 1851	$9,579 13	
		$33 646 33
Less amount due by the State to present Lessees		18,139 08
Balance due by the present Lessees to the State		$15 507 25

Mr Gardere, on behalf of the committee on enrollments, reported that the following enrolled bills of the Senate had been submitted to the Governor for approval, viz:

An act to fix the boundary between the parish of Rapides and the parishes of St. Landry and Calcasieu.

An act to amend the act incorporating the city of Jefferson.

An act subrogating the city of Jefferson to the rights of the Borough of Freeport.

An act concerning the licensing of drinking houses and the sale of intoxicating liquors in this State.

An act to enforce the payment of the commutation tax by the Sheriffs and collectors.

An act attaching a portion of the parish of Natchitoches to the parish of Rapides.

An act granting to the principal of the Marksville Female Academy in the parish of Avoyelles, the privilege of conferring literary honors and degrees upon the students and pupils therein taught.

Mr Clark, on behalf of the committee on public lands and levees, to which was referred bill No. 108 of the Senate, reported by substitute under the following title:

An act making appropriation for the levee from New Carthage to the residence of B. F. Amonet in Bayou Vidal.

On motion of Mr Snyder, the Senate took up the above bill, which underwent its several readings, the rules being dispensed with, and was passed.

Mr Provosty, on behalf of the committee on the Judiciary, reported unfavorably on the following entitled bills:

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

An act for the relief of William Shaw, of Caddo parish.

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

An act in relation to free colored vagrants.

An act relative to divorces and marriages.

And an act to provide for the payment of Sheriff's fees in criminal cases, in the parish of Jefferson.

The same Senator, on behalf of the same committee, reported favorably on

An act concerning bills of exchange.

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

And favorably with amendments on

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

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

An act to amend article 280 of the code of practice.

And also reported back to the Senate without amendment, the following entitled bill, re-committed to the committee on the Judiciary.

An act fixing the fees of office of the Register of conveyances and Recorder of mortgages of New Orleans.

Mr Provosty, on behalf of the same committee to whom was referred Senate bill No. 319 reported by substitute under the following title:

An act relative to runaway slaves.

And reported also, on bill No. 313 of the House by substitute, under the following title:

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

Mr Cole, from the committee on claims, to whom was referred the memorial of Peter Burke and also the memorial of A. H. Pierson

Reported by bill under the following title:

An act for the relief of Peter Burke.

And an act for the relief of A. H. Pierson and W. G. Hamilton.

Mr Declouet presented a memorial from G. Verret, a veteran of 1814 and '15, praying for relief.

On motion of the same Senator, the memorial was referred to the committee on claims.

Mr Labauve presented a memorial from the Mayor and Board of Selectmen of the town of Plaquemine, asking a grant of power to cut a canal in said town.

On motion, the memorial was referred to the committee on Internal Improvements.

Mr. J. N. Carrigan, the Governor's private Secretary, delivered several written messages from the Governor and also informed the Senate that the Governor had approved and signed the following enrolled bills and resolution of the Senate:

An act to fix the boundary between the parish of Rapides and the parishes of St. Landry and Calcasieu.

An act to amend the act incorporating the city of Jefferson, approved March 9th 1850.

An act concerning the licensing of drinking houses and the sale of intoxicating liquors in this State.

An act attaching a portion of the parish of Natchitoches to the parish of Rapides.

And an act granting to the principal of Marksville Female Academy, the privilege of conferring literary honors and degrees upon the students and pupils therein taught.

An act to enforce the payment of the commutation tax by sheriffs and collectors.

An act subrogating the city of Jefferson, to the rights of the borough of Freeport.

Resolution relative to lands fraudulently sold by Richard Loucks, late Register of the State Land office at Baton Rouge.

By a message from the House, through their chief clerk, the signature of the President of the Senate was requested to the following enrolled bills of the House.

An act to repeal an act to provide for the liquidation of the city debt and the debts of the separate Municipalities of the city of New Orleans, approved 20th March 1850.

An act to prevent the councils of New Orleans and Lafayette from contracting debts.

An act to provide for an additional Justice of the Peace, in the parish of Jefferson.

An act to incorporate the town of Clinton, in the parish of East Feliciana, Louisiana.

An act relative to interest on debts due.

An act to provide for an additional Constable in the parish of Jefferson.

Resolution instructing our Senators in Congress and requesting our Representatives to use their best endeavours to establish a mail route to be carried in four horse coaches from the mouth of Red river, to Burr's Ferry, on the Sabine river.

An act to grant power to Police Jury of the parish of Catahoula to construct levees within her limits.

An act supplementary to an act, entitled an act to amend an act to incorporate the town of St. Martinville.

And an act to provide for the appointment of an additional Notary Public, in and for the parish of Franklin.

Mr Dorsey obtained leave to introduce

An act to emancipate John W. Glasscock, of Concordia.

On motion of the same Senator, the rules were suspended, the bill underwent its several readings and passed.

Mr Benjamin obtained leave to introduce

An act to authorize Judith Toutant, wife of Emile Le Gendre, to sell certain slaves.

On motion, the rules were suspended, the Senate took up the above bill, which underwent its several readings and passed.

Mr Wickliffe gave notice, that on to-morrow, or some subsequent day, he would introduce

An act appropriating the proceeds accruing from the sale of all the swamp and overflowed lands donated to the State of Louisiana by Congress, situated in the parish of West Feliciana, for the purpose of building levees in said parish.

Mr Gardere, from the committee on enrollments reported as duly enrolled, the following bills originated in the House:

An act to prevent the Councils of New Orleans and Lafayette, from contracting debts.

An act to repeal an act to provide for the liquidation of the city debt and the debts of the separate Municipalities of the city of New Orleans, approved 20th March 1850.

On motion of Mr Burthe, the Senate took up the above entitled bills, which, the rules being dispensed with, underwent their several readings and were concurred in.

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

By a message from the House, through their clerk, the Senate was informed of the concurrence of the House, with amendments in

An act to improve the falls of Red river at Alexandria.

And also asked the concurrence of the Senate in the following entitled bills and resolutions:

An act to authorize Charles Baumback and his wife, Elizabeth Grehem, of the city of New Orleans, to adopt John Charles, an orphan raised by them and to change his name to John Charles Baumback.

Joint resolution relative to a weekly mail from Harrisonburg, by the way of the seat of justice, in the parish of Winn, to the town of Natchitoches.

Resolution relative to the Pine Grove Academy, in the parish of Caldwell, State of Louisiana.

And joint resolution relative to the stopping up of Jones' Bayou below Shreveport.

On motion of Mr Burthe, the Senate took up the last named joint resolution, which after having been read a 1st and 2nd time, was amended by Mr Phillips in adding the names of Samuel Clark and Henry Marshal to the board of Commissioners, appointed in virtue of said resolution.

On motion, the rules were suspended, the resolution was read a 3d time and was concurred in.

The Senate then took up, out of the regular order, the following entitled bill and resolution of the House:

An act to authorize Charles Baumback and his wife, Elizabeth Grehem, of the city of New Orleans, to adopt John Charles, an orphan raised by them and to change his name to John Charles Baumback.

Resolution relative to Pine Grove Academy in the parish of Caldwell.

And resolution relative to weekly mail from Harrisonburg, by way of the seat of justice, to the parish of Winn to the town of Natchitoches.

On motion, the rules were suspended, the above bill and resolutions underwent their several readings and were concurred in.

The following joint resolution of the Senate was then taken up and the rules being dispensed with, underwent its several readings and passed.

Joint resolution requesting certain information of State Engineer.

The following entitled bill of the Senate as amended by the House, was then taken up.

An act to improve the falls of Red river at Alexandria.

The following amendment of the House being to strike out the words, Internal Improvement fund, and to insert Treasury, in lieu thereof. Mr Phillips moved to concur in the amendment of the House. On said motion Mr Tatman called for the yeas and nays, which resulted as follows:

Messrs. Baker, Benjamin, Butler, Clark, Cole Daunoy, Gardere, Gaudet, Lacoste, McVea, Moore, Phillips, Provosty, Quirk, Robb, Sandidge, Snyder—17 voted in the affirmative.

Messrs. Burthe, DeClouet, Dorsey, Labauve, Mayo, Richardson, of Washington, Tatman, Watterston, Wickliffe—9 voted in the negative.

Consequently the motion prevailed and the Senate concurred in the above amendment.

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

An act to amend the 1138 article of the Code of practice.

An act for the relief of K. Gorman.

An act relative to prescription.

An act for the relief of Joseph Ferdinand, D'Hebecour.

On motion of Mr. Provosty, the Senate took up the following bill.

An act to refund to the parish of Point Coupee a part of the expenses incurred by it for the building anew of the Grand Levee, and of the Island Levee in said parish:

Whereas the parish of Point Coupee has rebuilt, at her own expense, this year, the levee called the Grand Levee, and of the Island of False River, by which works nearly one-third of the State is protected from annual inundation:

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the sum of twenty-five thousand dollars be paid out by the State Treasurer on the warrant of the Auditor of Public Accounts, to the said Parish of Point Coupee; by remitting the sum to the Treasurer of said parish, as soon as the latter will be authorized to receive the same, by the police jury thereof.

Mr. Tatman moved to postpone indefinitely the further consideration of the bill.

On that motion the yeas and nays were called for by Mr. Provosty, and resulted as follows:

Hon. J. B. Plauche, in the chair.

Messrs. Butler, Dorsey, Mayo, Phillips, Richardson, of Washington, Sandidge, Snyder, Tatman—8 voted in the affirmative.

Messrs. Baker, Benjamin, Burthe, Clark Cole, Daunoy, Declouet, Gardere, Gaudet, Labauve, Lacoste, Provosty, Quirk, Robb, Watterston, Wickliffe—16 voted in the negative.

Consequently said motion was lost.

Mr. Dorsey, then offered the following amendment, which read as follows:

And that the further sum of twenty-five thousand dollars, be and is hereby appropriated in like manner, for making the levee at Point Look-out in the parish of Carroll, to be paid out of any monies in the State Treasury, not otherwise appropriated to the said parish of Carroll, on the warrant of the Auditor of Public Accounts, by remitting the said sum to the Treasurer of said parish, as soon as the latter will be authorized to receive the same by the police jury thereof.

Mr. Provosty moved to lay the amendment on the table, on said motion the yeas and nays were called and resulted as follows:

Hon. J. B. Plauche, in the chair.

Messrs. Baker, Benjamin, Burthe, Butler, Clark, Cole, Declouet, Gardere, Gaudet, Labauve, Moore, Provosty, Quirk, Robb—14 voted in the affirmative.

Messrs. Dorsey, Lacoste, Mayo, Phillips, Richardson, of Washington, Sandidge, Snyder, Tatman, Wickliffe—8 voted in the negative.

Consequently said motion prevailed and the amendment was laid on the table.

Mr. Wickliffe offered the following amendment.

That the sum of fifteen thousand dollars, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated to indemnify the citizens of the parish of West Feliciana, residing in that portion of said parish, known as Cat Island & Barker settlement for the losses sustained by the making of the Raccourci cut-off and that the said money shall be paid on the warrant of the Auditor of Public Accounts, in favor of the President of the Police Jury of said parish and the said sum of fifteen thousand dollars, shall be invested by the Police Jury of the parish of West Feliciana, in building levees at the said points, Cat Island and Barkers' settlement in equal portions.

Mr. Provosty moved to lay the amendment on the table, on said motion Mr. Wickliffe called for the yeas and nays which resulted as follows:

Hon. J. B. Plauche, in the chair.

Messrs. Baker, Benjamin, Burthe, Butler, Clark, Cole, DeClouet, Gardere, Gaudet, Labauve, Moore, Provosty, Robb, Watterston—14 voted in the affirmative.

And Messrs Dorsey, Lacoste, Mayo, Phillips, Richardson, of Washington, Sandidge, Snyder, Tatman, Wickliffe—9 voted in the negative.

Consequently the motion prevailed and the amendment was laid on the table.

Mr Wickliffe then moved to adopt the following amendment to be inserted after the words "be paid out," which read as follows: "of the first monies received by the State from the proceeds of the swamp lands, granted to this State, by Congress for Levees."

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

Hon. J. B. Plauche in the chair.

Messrs. Baker, Benjamin, Burthe, Clark, Cole, Daunoy, DeClouet, Dorsey, Gardere, Gaudet, Labauve, Lacoste, Mayo, Moore, Phillips, Provosty, Quirk, Richardson, of Washington, Robb, Sandidge, Snyder, Watterston, Wickliffe—23 voted in the affirmative.

And Messrs Butler, Tatman—2 voted in the negative.

Consequently said motion prevailed and the amendment was adopted.

Mr. Sandidge offered the following amendment to come after the last amendment, offered by Mr. Wickliffe.

"And to the builders of Levees, for protection against the overflows of the Mississippi and its tributaries in the other parishes of this State, the one-half of the cost incurred by them, in the erection thereof, such costs, to be ascertained by a board of commissioners, consisting of three persons, to be appointed by the police juries of the several parishes, whose citizens may be interested therein."

Mr Provosty moved to lay the amendment on the table, on said motion the yeas and nays were called and resulted as follows:

Hon. J. B. Plauche in the chair.

Messrs. Baker, Benjamin, Burthe, Clark, Cole DeClouet, Gardere, Gaudet, Labauve, Mayo, Moore, Phillips, Provosty, Robb, Snyder, Watterston—16 voted in the affirmative.

And Messrs Butler, Daunoy, Dorsey, Lacoste, Quirk, Richardson, of Washington, Sandidge, Tatman, Wickliffe—9 voted in the negative.

Consequently the motion prevailed and the amendment was laid on the table.

Mr Provosty then moved to adopt the section as amended.

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

Hon. J. B. Plauche, in the chair.

Messrs Baker, Benjamin, Burthe, Clark, Cole, Daunoy, DeClouet, Gardere, Gaudet, Labauve, Lacoste, Moore, Phillips, Provosty, Quirk, Robb, Sandidge, Watterston, Wickliffe—19 voted in the affirmative.

And Messrs Butler, Dorsey, Mayo, Richardson, of Washington, Snyder, Tatman—6 voted in the negative.

Consequently said motion prevailed and the section as amended was adopted.

On motion the rules were suspended the bill was read a third time and passed.

On motion the Senate sat with closed doors.

The doors being opened,

Mr Cole, moved to adjourn until Monday morning at 10 o'clock, on that motion the yeas and nays were called and resulted as follows:

Mr. Tatman in the chair.

Messrs. Burthe, Butler, Cole, Gardere, Labauve, Lacoste, Moore, Phillips, Provosty, Quirk, Robb, Sandidge, Snyder, and Watterston, voted in the affirmative, 14 ayes.

And Messrs. Baker, Clark, Declouet, Dorsey, Gaudet, McVea, Richardson, of Washington, and Wickliffe, voted in the negative, 8 nays.

Consequently said motion prevailed, and the Senate adjourned until Monday at 10 o'clock, A. M.

J. GAUDIN,

104 *Royal street, between St. Louis and Conti.*

Has just received from France an assortment of PIANOS of the best manufactures, consisting of Pleyel's Pianos of Erard, Pleyel and other celebrated makers. Also Grand Pianos under expressly for the climate of Louisiana. [illegible]

M. Gaudin [illegible] takes pleasure of the reputation and [illegible] of Pianos. [illegible]

Grand Choice of Pianos,

At manufactory prices, on account of liquidation.

A. PERIER,

310 Royal, between St. Philippe and Ursulines streets.

A splendid assortment of PIANOS, of Pleyel and Erard's manufacture [illegible] patent [illegible] Pianos [illegible] at $250 [illegible] Pianos, Pleyel and Erard, large size at $700 [illegible]

A. PERIER being on the eve of departure for the North and for France, [illegible] patrons that on [illegible] Pleyel and [illegible]

HARMONIOUS ORGANS of three registers, or [illegible]

MIRROR PIANOS, upon which persons ignorant of music can execute in one lesson, viz: Mazurkas, Polkas, etc. The Mirror enables the performer to see the movements of the machinery and of the [illegible] on the wires. d10

W. HARTKOPF,

PIANO MAKER.

172 Royal street between Toulouse and St. Peter.

PER ship Ferriere and Minerva, from Havre just received and for sale a choice of Pianos, the manufactory of Pleyel & Co. in Paris, consisting of Grand, Square and Parlor of different style. Expecting a new [illegible] assortment of Erard's Pianos.

—ALSO—

Lately received from Europe six 7 octaves [illegible] Piano with splendid [illegible] and keys in [illegible] and mother of pearl.

Grateful for the liberal and [illegible] patronage he has received from the musical world, since several years in this city, he hopes by his unremitting efforts to deserve the continuation of that patronage. d19

FRESH GARDEN SEEDS.

At Hamilton & Co.'s New Seed Store,

No. 20 Canal street, near Banking's on the Levee, New Orleans.

WE have just received by the last steamers from New York, a supply of Garden Seeds, suitable for the early [illegible] season, consisting of

Cabbage,	Turnips,	Spinach,
Do. Creole,	Snow Ball,	Lettuce,
Do. large Drum head,	Flat Dutch,	Radish,
	Red Top,	Onion,
Do. Flat Dutch,	White Flat,	Cucumber,
Do. large York,	Rutabaga,	Endive,
Do. late Dutch,	Turnip Cabbage,	Parsley,
Cauliflower	beet,	Squash,
Peas, Beans,	Carrots,	Cress, etc.

A small lot of Osage Orange or Bois d'Arc, fine quality.

We will continue to receive during the Fall and Winter, from the North, England and France, a most extensive assortment of American, English and French seeds, carefully selected from the establishments of the most celebrated Seed Growers in those countries. No pains or expense has been spared in making arrangements for procuring a stock, such as, for quality, extent and variety, has never before been brought to this city.

We expect by the next steamer, about the 22d instant, a still further supply, comprising every description of Seeds adapted to the Fall season.

All Seeds sold by us are not only warranted fresh, but as pure and genuine as can be obtained in any part of the world. *Terms, cheap for cash.*

Planters, Merchants, and Market Gardeners will find it to their interest to give us a call.

au4 HAMILTON & CO.

Seasons Seeds—Just received from the Northern Europe, a large assortment of Seeds and Flowers:

Cabbage of York,	Corn Salad,
" of Bulllwart,	Lettuce of all kinds,
Cabbage of Short Dutch,	Common Parsley,
" " Large Milan,	Yellow Onions,
" " Short Early,	" White Early,
" " Bruxelle,	" Big,
" " Broccoli flower, 1st choice,	Round Red Beet,
	Carrot, Red, half sizes,
Carrot, short, early,	Red round Radish,
Endive,	" half long,
Sorrel,	Scarlet,
Flat white Turnips, early,	Flanders Spinach,
Red collar "	Black Mustard,
Black Salsify, etc.,	Garden Sorrel broadleaf,
Flowers of all kinds,	Laon large green Artichoke.

Constantly on hand Seeds of all sorts of the last growth. Flower Seeds, etc., being uncommon at the beginning of the Spring, persons wishing to supply themselves will please call early.

Planters, Gardeners and others are invited to try these Seeds, and they will be convinced that no better can be found.

BACHELIER, Seedsman and Botanist,
s18 Tchoupitoulas st. bet. Old Levee and Conde

LANDING, ex ship Henry from Marseilles, and for sale by the undersigned—300 boxes Marseilles wine, 20 baskets empty bottles.

mh23 LODSON & SILVESTRE, 24 Customhouse st.

LOUISIANA LEGISLATURE.

Journal of the Senate.

First Session—Fourth Legislature.

FRIDAY, 27th Feb., 1852.

The Senate met pursuant to adjournment.

Present Hon. J. B. Plauche, Lieut. Governor, and President of the Senate in the Chair, and nineteen Senators.

By a message from the House, through their assistant clerk, the signature of the President of the Senate was requested to the following enrolled bill.

An act to limit and fix the time of holding the district court in the parishes of Claiborne and Bienville in the 17th Judicial District.

By the same message the Senate was informed of the concurrence of the House in the following entitled bills:

An act to fix the boundary between the parish of Rapides and the parishes of St. Landry and Calcasieu.

An act to amend the act incorporating the city of Jefferson, approved March 9th, 1850.

And an act subrogating the city of Jefferson to rights of the borough of Freeport.

And of the concurrence of the House with amendments to the bill entitled,

An act relative to the expropriation of lands for railroads, and other works of public utility.

And requested the concurrence of the Senate to the following entitled bills and resolutions:

An act to incorporate the town of Alexandria.

An act relative to the Orleans navigation company.

An act for the relief of Wm. Shaw of Caddo parish.

An act to create two additional justices of the peace in and for the parish of Rapides.

An act to provide for the appointment of an additional notary public in and for the parish of Franklin.

An act imposing a certain duty upon the assessor of the parish of Lafayette.

An act relative to runaway slaves committed to jail in the parish of West Feliciana.

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

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

An act giving the power to the police jury of Rapides to lease the ferry opposite Alexandria in said parish.

An act to perfect certain records in Recorders office of the parish of Assumption.

An act to amend an act relative to drawing juries in the third judicial district.

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

Joint resolution concerning the State Library.

And Joint resolution granting the use of the rotunda and one of the unoccupied rooms on the lower floor of the State House to the Methodist Episcopal Church for the purpose of a fair.

The President laid before the Senate the following communication, from the Secretary of State which was read:

BATON ROUGE, Feb. 27th, 1852.

SIR—I have the honor to lay before the Senate the election returns of the Senatorial District, composed of the parishes of St. John the Baptist, St. James, and Ascension.

Very respectfully, your ob't servant,

(Signed) CHARLES GAYARRE.

Hon. J. B PLAUCHE,

Lieut. Governor and President of the Senate.

On motion the communication and accompanying documents were referred to the Committee on Elections.

On motion of Mr. Benjamin, the Senate took up

An act relative to the Orleans navigation company.

On motion the rules were suspended, the bill underwent its several readings and passed.

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

On motion of Mr. Cole, the Senate took up the following joint resolution of the House:

Joint resolution concerning the State Library.

On motion of Mr Tatman, the second resolution was stricken out.

On motion of Mr Cole the resolution as amended was concurred in.

Mr Labauve obtained leave to introduce

An act for the relief of Auguste Dufour.

On motion the bill was read a 1st and 2d time, and referred to the Committee on Claims.

Mr. Cole, on behalf of the Committee on Claims, reported immediately in favor on the same, and the rules being suspended, the bill was taken up and having undergone its several readings, was passed.

REPORTS OF COMMITTEES.

Mr. Benjamin, from the Committee on the Judiciary, to whom was referred the following entitled bills, reported unfavorably on the same:

An act to establish a session of the supreme court at Natchitoches.

An act to amend the article 2747 of the civil code, so far as the parish of Rapides is concerned.

An act to amend an act to provide for carrying into effect the Judiciary system, approved May 29, 1846.

An act relative to judicial sales.

An act to amend article 312, of the code of practice.

An act relative to the payment of costs in cases of criminal prosecutions.

An act to change the place in which the sessions of the supreme court shall be held in the western district of Louisiana.

And also reported by substitute under the following title on bill No. 13, of the Senate, an act to reduce the costs of litigation by authorizing the execution of twelve months bonds, before the certain district courts in certain cases.

The same Senator, on behalf of the same Committee, introduced the following entitled bills:

An act to provide for the safe custody of persons convicted of crimes.

Which, the rules having been suspended, was read a first, second and third time and passed, and the Secretary was directed to ask the concurrence of the House therein.

And an act relative to legal mortgages and the inscription thereof.

Which was ordered to be printed.

Mr. Clark, on behalf of the Committee on Levees of the last Legislature, made a report on the subject of surveys and levees accompanied by documents and maps, which was with the documents, &c., accompanying, referred to the Committee on Lands and Levees, in conformity with the following resolution, presented by Mr. Griffin, which was adopted:

Resolved that the report of the Committee on Levees of the Senate of the last Legislature, and the documents and maps accompanying, be referred to the Committee on Lands and Levees, with instructions to report what documents, in the opinion of the Committee, should be printed with the said report.

Mr. Benjamin, on behalf of the Committee on the Judiciary, to whom was referred the following entitled bill, reported favorably on the same:

An act to authorize Henry Valmont Babin and Phoresine Babin, his wife, to adopt Rebecca Malvina Hernandez.

An act to authorize the treasurer to perform certain duties.

The following bills reported also with amendments by the same Committee, were severally taken up, and the rules being suspended were read a 1st, 2d, and 3d time and passed.

An act to legalize the tax of $25,000, laid on the 21st December, 1851, by the police jury of Point Coupee.

And an act to authorize John Upton and wife to adopt Ellen Wilson, a minor.

Mr. Benjamin, from the Committee on the Judiciary, to whom was referred the memorial of the citizens of the parish of East Feliciana, reported by bill under the following title:

An act relative to bail in certain cases.

On motion the rules were suspended, the bill underwent its several readings and passed.

The Secretary was directed to request the concurrence of the House therein.

Mr. Benjamin, on behalf of the same Committee, reported favorably on the following entitled bills:

An act to emancipate Robert H. Doherty and his wife, Sarah H. Smith.

An act for the relief of Joseph Ferdinand D'Hebecourt.

An act regulating the manner of making judicial sales.

An act granting to the Principal of the Marksville Female Academy, in the parish of Avoyelles, the privilege of conferring literary honors and degrees upon the students and pupils therein taught.

On motion the rules were suspended, the above bills were taken up, and after having undergone their several readings, were severally passed.

The same Senator, from the same Committee, reported also favorably on the following entitled bills:

An act relative to the interest on debts due.

An act to amend an act entitled an act to authorize the purchase of Martin's Digest, Derbigny's Digest, and general Index, approved 7th March, 1848.

And an act, authorizing Marie Lyrode Desrays Dupre, f. w. c., wife of F. Aarnor Mesayer, of the parish of Natchitoches, to sell certain slaves.

Mr. McVea, from the special Committee, to whom was referred the memorial of the citizens of Caddo, relative to temperance, &c. &c., reported that a bill has been reported by the same Committee, covering the objects of this memorial.

The same Senator, on behalf of the Select Committee, to whom was referred the House bill entitled,

An act to change the time of holding the sessions of the district court of the 7th Judicial District, reported favorably on the same with amendments.

On motion of the same Senator, the Senate took up the above entitled bill, the rules being suspended, it underwent its several readings and was concurred in with amendments.

Mr. Labauve, on behalf of the Committee on Federal Relations, presented the following report and resolutions:

REPORT OF THE COMMITTEE ON FEDERAL RELATIONS.

The Committee on Federal Relations to whom was referred the message of the Governor, enclosing a copy of the memorial of the city Council of New Orleans, addressed to the honorable Secretary of the Navy on the subject of the establishment of a Navy Yard, at New Orleans, and the correspondence of the Mayor with the Secretary on that subject, have had the same under consideration and report as follows:

Your Committee have read with great care the papers submitted to them, and from the forcible views presented on the memorial of the Council and the correspondence of the Mayor, have come to the conclusion that of all the relations of the State of Louisiana with the General Government there is none of higher importance than that of requiring from the latter the establishment of a Navy Yard at New Orleans—and that too—without further delay.

The documents referred to, have clearly demonstrated the necessity of invoking the action of Congress on the subject, your committee have thought it proper to investigate what course the Federal Government has hitherto pursued in the matter, they find from the earliest day of the existence of Louisiana as a member of the Union, the most anxious solicitude manifesting as to what should be proper defences for the maritime frontier of the States bordering on the Gulf. As early as 1806, President Jefferson in his annual message of december 24, of that year, called the attention of Congress to the subject of the defence of the Mississippi, on which occasion he said that "the possession of this [illegible] of the Mississippi [illegible] to a [illegible] the defence of this, [illegible] and [illegible]