Journal of the House.

First Session—Fourth Legislature.

THURSDAY, February 19, 1852.

[illegible] answer [illegible]

Leave of absence granted to Messrs Aud, [illegible] and Conway.

The Journal of yesterday was read and approved.

Mr Coleman asked and obtained leave to withdraw a petition of certain citizens of East Feliciana.

The following members introduced the following petitions:

Mr. Alexander—Petition of J. A. Routon, praying for relief.

Referred to the Committee on Public Education.

Mr Mosley—Petition of citizens of East Baton Rouge.

Mr Morgan—Petition of E. Debalson, [illegible]

Referred to the Committee on Public Lands.

Mr. Henry—Petition in relation to the new parish of Portia.

Referred to the Committee on Parochial Affairs.

Mr. Bentt, on behalf of the Committee on Enrollment, reported the following bills and joint resolutions duly enrolled:

An act conferring upon the justices of the peace power to issue writs of injunction in certain cases.

Joint Resolution relative to the Levee Inspectors of the parish of Lafourche Interior.

An act increasing the number of jurors in the parish of Pointe Coupee, from forty to one hundred.

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

On motion, the rules being dispensed with, Mr. Carrigan, the House was informed that the President had signed and approved the following enrolled bills:

An act to provide for the appointment of an additional Notary Public in the parish of Claiborne.

An act to incorporate the town of Farmerville.

An act to create the parish of Union.

An act to cede to the Government of the United States jurisdiction to, and over a certain portion of land, situated in the parish of Plaquemines in the State of Louisiana.

Mr Wilkinson on behalf of the Committee on Militia, to whom was referred the following bill:

An act for the relief of Lieut. Brown, a veteran of 1815.

Also, the following bills from the Senate:

An act for the relief of James Set[illegible]

Joint resolution, Wm. Young, Joint contractor.

Joint resolution [illegible]

An act for the relief of Alexander D. Barrow.

Also, the following bills from the House:

An act for the relief of Thomas C. Brown and Lieut. Johnson, veterans of 1814 and 1815.

An act to compensate pensioners to Charles Jackson, Joseph Jackson, veterans of 1814 and 1815.

Reported favorably on the same.

On motion, all of the above named bills were referred to the Committee of the House.

The same member on behalf of the same Committee, to whom was referred the following resolution in relation to the expediency of allowing $300 the salary of the Adjutant and Inspector General:

Resolved, that the committee was not necessary, and that he be discharged from the further consideration of the same.

We [illegible] on behalf of the Special Committee on [illegible] reported the bill entitled:

An act [illegible] between the parishes of [illegible] and the parishes of St. Landry and [illegible]

[illegible] without amendment.

Mr. Rodriguez from the Select Committee, to whom was referred the several bills in relation to the New Orleans Navigation Company, reported [illegible]

Mr. [illegible] on behalf of the Committee on Rules, reported [illegible]

Mr. Bentt, on behalf of the Committee on Enrollment, reported that he had submitted to the Governor for his approval and signature, the following enrolled bills and resolutions of the Senate:

An act to provide for the mode of assessing and collecting the corporation taxes for the town of Baton Rouge.

An act for the relief of Antonio Perera, of the parish of Assumption.

An act to authorize the sheriffs of the parishes of St. Bernard, Plaquemine and Jefferson to make sales in the city of New Orleans of property situated in their respective parishes.

Joint resolutions relative to procuring an appropriation from the General Government to remove obstructions in Red River.

Mr Bentt, on behalf of the Committee of Enrollments, reported the above entitled bills as duly enrolled, and the Speaker having signed the same, the clerk was directed to inform the Senate thereof.

UNFINISHED BUSINESS

The House then took up for a second reading the following entitled:

An act for the relief of Joseph D'Hebecourt.

On motion, the rules being dispensed with, said bill was passed with its title.

The clerk was directed to request the concurrence in the Senate thereto.

MESSAGES FROM THE SENATE.

The House then took up for a first reading the following entitled bills.

An act to create an additional Justice of the Peace and Constable in and for the parish of Jefferson.

An act to incorporate the town of Bastrop.

On motion, the rules being dispensed with, said bills were concurred in.

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

The House then took up the following entitled bills of the Senate, which were read and referred:

An act to refund to the heirs of the late Eugene Forstier, deceased, a certain sum of money by them paid for State duty on sales of property belonging to said succession.

Referred to the Finance Committee.

An act fixing the line dividing the parishes of Point Coupee, West Baton Rouge and Iberville.

Referred to the delegations named in the bill.

SPECIAL ORDER OF THE DAY.

The House then took up the following entitled bills:

An act to exempt property from forced sale under value of $1500.

An act to exempt certain property from liability to sale for debt.

An act to exempt from seizure and sale on execution, the homestead of a householder having a family, and to extend the exemption from seizure for rent and sale on execution of personal property and effects to the value of two hundred and fifty dollars, and of the wages of labor, and compensation for professional and other services, to an amount sufficient to support a debtor and his family.

On motion, the above bills were all referred to the Committee of the Whole, and on motion the House resolved itself into Committee of the Whole for their consideration.

Mr. Moise in the Chair. After some time the Committee rose, and reported back to the House that they had had under consideration the above entitled bills, and asked to be discharged from the further consideration of the same.

On motion the report of the committee was adopted.

On motion of Mr. Munday, the above entitled bills were all referred to a select committee of seven, with directions to report by bill on the subject.

The Speaker appointed on said Committee, Messrs. Munday, Sever, Payne, Peck, Philips, Day and Carr.

On motion of Mr. Lumsden, the House resolved itself into Committee of the Whole on the consideration of the following entitled bill:

An act for the relief of the New Orleans Mechanics' Society.

Mr. Sever in the Chair. After some time the Committee rose and reported progress, and asked leave to sit again.

On motion, the report of the Committee was adopted.

On motion the House adjourned until to-morrow at 10 o'clock.

FRIDAY, February 20th, 1852.

The House met pursuant to adjournment.

On the roll being called 81 members answered and were present.

Leave of absence granted to Mr. Mure.

The Journal of yesterday was read and approved.

The following members introduced the following petitions:

Mr. Lathrop—Petition and resolutions from the city of Lafayette, on the subject of Temperance.

Referred to the select committee on temperance.

Mr. Morgan—Petition of citizens of Rapides, Avoyelles and St. Landry.

Referred to committee on internal improvements.

Mr. Hopkins of St. Martin—Petition of the qualified voters of the Parishes of St. Mary and St. Martin.

Referred to committee on parochial affairs.

The speaker laid before the House a communication from Hon. John Ross, relative to the census.

On motion the same was referred to the Districting Committee.

He also laid before the House the following written communication of the Governor.

EXECUTIVE OFFICE,
Baton Rouge, Feb 20, 1852.

To the Senate and House of Representatives:

I have the honor herewith to transmit to you Joint Resolutions of the General Assembly of the State of Alabama, in reference to the construction of a Ship Canal across the Peninsula of Florida; also, Resolutions of the State of New Jersey, relative to the Compromise Measures.

JOSEPH WALKER.

On motion, so much as relates to the Ship Canal, was referred to the committee on commerce, and so much as relates to the compromise question, was referred to the committee on federal relations.

Mr. Price introduced the following,

Joint resolutions relative to the establishment of a Bureau of Agriculture:

Whereas, the Agricultural interest of the United States has long been neglected, and whereas as the growing importance of our common country, demands the establishment of an Agricultural Bureau, and whereas several States of the Union have deemed it proper to pass resolutions recommending the same: Therefore, be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That we recommend the establishment of a Bureau of Agriculture in the Department of the interior of Washington City for the purpose of promoting the Agricultural interests of our country.

Resolved further, That the Governor be requested to transmit a copy of the foregoing resolutions to the President of the United States, to the Governor of each State in the Union, and to each of our Senators and Representatives in Congress.

Resolved further, That our Senators and Representatives in Congress, be requested to use their exertions in order to procure the establishment of such a Bureau or Department as suggested in the foregoing resolutions. 1st reading.

Mr. Bentt, on behalf of the committee on enrollment reports as duly enrolled the following bills of the Senate:

An act for the relief of Antonio Perera of the Parish of Assumption.

An act to authorize the sheriffs of the parishes of St. Bernard, Plaquemines and Jefferson, to make sales in the city of New Orleans, of property situated in their respective parishes.

An act to provide for the mode of assessing and collecting the corporation taxes for the town of Baton Rouge.

Resolution relative to procuring appropriation from the General Government to remove obstructions in Red River.

The speaker having signed the same, the clerk was directed to inform the Senate thereof.

Mr. Bentt—On behalf of the committee of enrollment reported as duly enrolled the following entitled bills of the House:

An act to take the sense of the people on the expediency of calling a convention to change the constitution, and to provide for the election of delegates, and the holding of the convention.

An act to amend the first section of an act entitled an act, giving to police juries, the exclusive right to establish ferries and toll bridges approved March 6th, 1850.

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

By a message from the Governor, through his Secretary, Mr. Carrigan, the House was informed that he had signed the following entitled bills:

An act to appropriate the sum of five hundred dollars, to pay the monthly salary of R. C. Nicholas, State Superintendent of Public Education.

An act to change the name of John Jacob Fuchs, to John Jacob Fush.

An act to provide for the appointment of an additional notaries public, in and for the parish of Union.

An act to compensate Frederick L. Gates for professional services rendered to the State.

An act to provide for the appointment of an additional notary public for the parish of Claiborne to reside at Homer.

An act relative to trials of criminal cases.

By a message from the Senate through their Secretary Mr. J. B. Walton, the Senate was informed that the Senate had concurred in the following entitled bills of the House:

An act for the relief of Jacob Piper.

An act for the relief of William Prudhomme and his wife Adele Baird, by first marriage, Mrs. Bernaski, to adopt Charles Bernaski, and change the name to Charles Philipps.

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

An act to provide for the manner of taking the sense of the people upon certain amendments to the constitution which passed the General Assembly in 1850 and 1852.

An act to authorize the sale of a tract of land belonging to the State, adjoining the Raccourci Cut-off.

Joint resolution appointing a joint committee to refund the State policy.

Mr. Bentt, on behalf of the Committee on Enrollment, reported the bill entitled,

An act to provide for deficiencies of appropriations in criminal prosecutions up to 31st December, 1851.

As correctly entitled.

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

By a message from the Senate through their Secretary, Mr. Walton, the House was informed that the President of the Senate had signed the following enrolled bills of the House:

An act to provide for deficiencies of appropriations in criminal prosecutions, up to 31st Dec., 1851.

An act to compensate Frederick L. Gates for professional services rendered to the State.

An act relative to trials in criminal cases.

An act to provide for the appointment of an additional Notary Public for the parish of Claiborne, to reside at Homer.

An act to provide for the appointment of five additional Notaries Public in and for the parish of Union.

An act to change the name of John Jacob Fuchs to John Jacob Fush.

An act to appropriate the sum of $500 to pay the monthly salary of R. C. Nicholas, Superintendent of public education.

Mr. Bentt, on behalf of the Committee on Enrollment, reported that he had submitted to the Governor, for his signature, the following enrolled bills and resolutions of the Senate:

An act to provide for the mode of assessing and collecting the corporation taxes for the town of Baton Rouge.

An act for the relief of Antonio Perera, of the parish of Assumption.

An act to authorize the sheriffs of the parishes of St. Bernard, Plaquemine and Jefferson to make sales in the city of New Orleans of property situated in their respective parishes.

Joint resolutions relative to procuring an appropriation from the General Government to remove obstructions in Red River.

Mr. Bentt, on behalf of the Committee of Enrollments, reported the above entitled bills as duly enrolled, and the Speaker having signed the same, the clerk was directed to inform the Senate thereof.

UNFINISHED BUSINESS

The House then took up for a second reading the following entitled:

An act to establish a specific fee bill for Justices of the Peace of this State, the parishes of Orleans and Jefferson, excepted.

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

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

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

An act to create two additional Justices of the Peace, in and for the parish of Rapides.

Reported the same back to the House without amendments.

The same member on behalf of the same committee, to whom was referred the bills entitled:

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

An act giving Attorneys and Counsellors at law a lien and privilege upon judgment for their fees.

Report the same back with amendments. The same member on behalf of said committee to whom was referred the bills entitled:

An act in relation to runaway slaves in the parishes of Orleans, Jefferson, Plaquemine and St. Bernard.

An act to amend an act entitled an act to establish and regulate the Treasury Department, approved January 26, 1847.

An act relative to police juries. Report unfavorably on the same.

The same member on behalf of the same committee, to whom was referred, an act to allow the Lafayette and Lake Pontchartrain Rail Road Company, the right of way through state and public Squares.

An act to enable the Lafayette Pontchartrain RailWay Company, to expropriate property.

Report them back to the House and asked to be discharged from the further consideration of the same.

The same member on behalf of the same committee to whom was referred the bills entitled:

An act to amend an act entitled an act relative to judicial sales, approved March 10, 1805.

Reported by substitute under the following title.

An act regulating the manner and making of judicial sales.

The same member on behalf of the same committee, to whom was referred the memorial of W. W. Mercer, reported by bill under the following title.

An act for the relief of W. M. Mercer of the Parish of Terrebonne.

The same member on behalf of the same committee, to which was referred "an act relative to the expropriation of lands for Rail Roads and other works of public utility.

Reported the same back with amendments and asked for the printing of the same which was ordered.

Mr. Campbell, on behalf of the committee on Commerce, to whom was referred the communication of Hon. Chas. Gayarre, on the subject of the Bureau of statistics.

Reported the same back, and asked to refer to the committee on Retrenchment, which was ordered.

The same member on behalf of the same committee to whom was referred the bill entitled "An act to encourage ship building in Louisiana."

Reported the same back with amendments.

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

An act to prevent injuries to the Telegraphic Lines in this State.

Asked to be relieved from the consideration of which was ordered.

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

An act to authorize an inspection of Bale Rope and Bagging.

Reported unfavorably on the same.

Mr. Chaplin, on behalf of the committee on Public Lands, to whom was referred the bill entitled:

An act to construct three Levees in the Parish of Morehouse, and

An act to construct a Levee on Bayou Bartholomew in the Parish of Morehouse.

Reported unfavorably on the same.

Mr. Wilkinson, on behalf of the committee on the Militia, to whom was referred the following entitled bills of the State:

An act concerning bills of Exchange.

An act to abolish Usury Laws.

An act to abolish the limitation of the rate of conventional interest.

The above named bills were made the special order of the day for Friday next.

The House then took up the bill of the Senate, entitled

An act relative to the expropriation of lands for Rail Roads and other works of public utility.

On motion the same was made the order of the day for next Thursday next.

The House then took up the bill entitled an act to provide for the location of a State Seminary of learning.

On motion the same was made the order of the day for Tuesday.

The House then took up the following resolution:

Resolved, That no member of this House shall during the present session, speak at any time on the same question for a longer period than 5 minutes, except by leave of the House.

Mr. Lathrop moved to strike out 5 minutes and insert 10

On motion the above amendment was laid on the table.

On motion the resolution was rejected.

On motion the House adjourned until 10 o'clk to-morrow morning.

SATURDAY, Feb. 21, 1852.

The House met pursuant to adjournment.

On the roll being called 67 members answered and were present.

Leave of absence granted to Messrs Edwards, Barnilleau, Dafferes, Robertson.

The Journal of yesterday was read and approved.

The following members introduced the following petitions:

Mr. Waterman—Petition of Mr. Chilton, Professor of Geology.

Referred to committee on public and charitable institutions.

Mr. Phillips offered the following resolution:

Resolved, That during the remainder of this session, the House shall be called to order at 9 o'clock, A. M., to take effect from and after Monday, the 23d inst.

On motion the same was adopted.

Mr. Phillips offered the following resolution.

Resolved, That Friday of each week be set apart for the consideration of local and private bills.

Mr. Connelly moved to amend by including Thursday, which was adopted.

Mr. Chaplin moved an amendment, "provided that this resolution shall not interfere with any matters already fixed for the order of the day for Thursday and Friday next.

On motion the amendment was adopted.

On motion the resolution was adopted as amended.

Mr. Harang, on behalf of the Committee on Claims, to whom was referred the petition of Col. Carlington, reported unfavorably on the same.

The same member, on behalf of the same Committee, to whom was referred the petitions of J. D. Davenport, and of J. McDonald, praying for relief, reported unfavorably on the same.

The same member, on behalf of the same committee, to whom was referred the petition of J. S. Sibley and others, reported the bill entitled:

An act for the relief of J. Sibley and others.

Mr. Carr gave notice that he would introduce the following bill:

An Act to change the mode of drawing and summoning juries in this State, and regulating the time of their attendance at courts, &c.

The following members introduced the following entitled bills, which the rules being dispensed with, were read a first and second time, and referred to appropriate committees.

Mr. Thompson, of Jackson—An act to amend section 5 of an act, entitled, an act to provide more effectually for the Police of Public Roads in this State approved March 12, 1818.

Referred to Committee on Parochial Affairs.

Mr. Lathrop—An act in relation to rules of interest.

Referred to Judicial Committee, with instructions to report before Friday next.

Mr. Ryan—An act to incorporate the town of Alexandria.

Referred to Judicial Committee.

Mr. Hough—An act to prohibit negro and free colored persons from giving evidence in criminal cases wherever any free white person of this State shall be indicted for any crime or misdemeanor under the laws of this State.

Referred to Penitentiary Committee.

Mr. Heard—An act supplementary to an act, entitled, an act to amend an act to incorporate the town of St. Martinville, approved Feb. 17, 1844.

On motion the rules being dispensed with, the said bill underwent its several readings and was passed with its title.

The clerk was directed to request the concurrence of the House thereto.

Mr. Phillips offered the following resolution:

Resolved, That during the remainder of this session, the House shall be called to order at 9 o'clock, A. M., to take effect from and after Monday, the 23d inst.

On motion the same was adopted.

Mr. Phillips offered the following resolution.

Resolved, That Friday of each week be set apart for the consideration of local and private bills.

Mr. Connelly moved to amend by including Thursday, which was adopted.

Mr. Chaplin moved an amendment, "provided that this resolution shall not interfere with any matters already fixed for the order of the day for Thursday and Friday next.

On motion the amendment was adopted.

On motion the resolution was adopted as amended.

Mr. Harang, on behalf of the Committee on Claims, to whom was referred the petition of Col. Carlington, reported unfavorably on the same.

The same member, on behalf of the same Committee, to whom was referred the petitions of J. D. Davenport, and of J. McDonald, praying for relief, reported unfavorably on the same.

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Referred to Penitentiary Committee.

Mr. Heard—An act supplementary to an act, entitled, an act to amend an act to incorporate the town of St. Martinville, approved Feb. 17, 1844.

On motion the rules being dispensed with, the said bill underwent its several readings and was passed with its title.

The clerk was directed to request the concurrence of the House thereto.

Mr. Carr, on behalf of the Joint Committee on the State Library, submitted a report which, on his own motion, was referred to the Committee on public buildings.

Mr. Price—A bill to exempt from Taxation, the Odd Fellows Hall and ground belonging thereto in the city of New Orleans.

The following members agreeably to previous notice, introduced the following entitled bills, which the rules being suspended were read a first and second time and then referred.

Mr. Commandeur—An act to establish the second District Court in and for the Third Judicial District, Parish of Jefferson.

Referred to Judicial Committee.

Mr. Commandeur—An act to exempt cemeteries of Municipal Corporations from seizure and sale for debt.

Referred to Judicial Committee.

By a message from the Governor, through his Secretary Mr. Carrigan, the House was informed that he had signed and approved the following entitled bills.

An act, increasing the number of Jurors in the Parish of Pointe Coupee from forty eight to one hundred.

An act conferring upon Justices of the Peace power to issue writs of injunction in certain cases.

An act to change the terms of the District Court in the Fourth Judicial District.

Resolution empowering the Inspector of the Parish of Lafourche Interior, to work by requisition on any Levee that shall not be completed by the 15th of November.

The House then took up the bill entitled

An act directing a census to be taken of portions of the Parishes of Ouachita, Franklin, Caldwell, Morehouse and Carroll, with a view to the formation of a new Parish.

On motion the same was referred to a select committee.

The speaker appointed on the committee, Messrs. Grayson, Scarborough, Livingston and Hough.

The House then took up the joint resolution on the subject of a donation of Public Lands.

On motion the same was referred to the select committee on Rail Roads.

The House then took up the bill of the Senate entitled:

An act for the relief of A. H. Lemon, W. E. Allen, J. Caire, A. D. Hanson, E. D. Harrison and others, teachers of Schools in the Parish of West Baton Rouge, where indigent children were taught in the year 1848.

On motion the same was referred to the committee on Public Education.

By a message from the Senate through their secretary Mr. Walton, the concurrence of the House was requested in the following entitled bill.

An act to authorize the Governor to borrow money to defray the expenses of the State.

By the same message the signature of the speaker was requested to the enrolled bill entitled

An act supplementary to an act to consolidate the city of New Orleans, and providing for the incorporation of the city of Lafayette with the city of New Orleans.

An act, in relation to Levees in the Parish of Rapides.

An act to authorize Adolphe Aime Crem Avenue of New Orleans, to adopt a white child named Aime Ana Indie.

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

ORDER OF THE DAY.

The House then took up the following entitled bill:

An act to repeal the act entitled an act to establish concessions to lay out a road from Trinity to Whatley's Ferry on the Lake of Catahoula.

The first section being read, Mr. Alexander moved to lay it on the table, which motion was lost.

On motion, the first section was adopted.

On motion the second and third sections were adopted.

Mr. Alexander moved to lay the bill on the table, which motion was lost.

On motion, the bill was ordered to be engrossed for third reading on to-morrow.

The House then took up the following entitled bills of the House:

An act concerning bills of Exchange.

An act to abolish Usury Laws.

An act to abolish the limitation of the rate of conventional interest.

The clerk was directed to inform the Senate thereof.

The House then took up the Joint Resolution of the Senate, appointing a joint committee to redistrict the State judicially.

On motion of Mr. Connelly, the blank was filled with the number 5.

On motion the rules being suspended and resolutions were concurred in.

The clerk was directed to inform the Senate thereof.

The House then took up the bill of the Senate entitled:

An act to reorganize the Internal Improvement Department.

The 1st and 2d sections being read, and the blanks being filled, were adopted.

The 3d section being read.

Mr. Chaplin moved to add in the 3d section after the word "same" in the 41st line,

"Provided that said commissioners shall apportion the work equally, as far as possible to the several portions of the State, and cause the same to be done, either by exchanging work with other districts, or in such other manner as may be most convenient."

Messrs. Smart and Vaughn called for the ayes and noes.

On the roll being called,

Messrs. Arceneaux, Augustin, Chaplin, Cunvillion, Chapman, Desdondes, Lathrop, Lagrone, Livingston, McCutchen, Meehan, Moise, Munday, Nounez, Prescott, Powell, Rogers, Ronquillo, Smart, Thompson of Jackson, Thompson, of St. Helena, Westheimer, Walker, Welsh, and Williamson—24 members voted in the affirmative.

And that

Messrs. Alexander, Bartlett, Barrow, Berry, Blackson, Carr, Campbell, Connelly, Curry, Gardiner, Grayson, Hawthorn, Harry, Heard, Hopkins, Hough, Johnston, Lewis, Leonard, Mouton, Parham, Peck, Payne, Price, Peck, Rowe, Routh, Robertson, Ryan, Scarborough, Selby, Sever, Simpson, Story, Terril, Vaughn, Waterman, and White—3- members voted in the negative.

Consequently said motion was lost.

Mr Parham moved to insert after the word "Selby" in the 29th line, "provided the person so elected shall be from the parish where such vacancy occurred."

On motion, the same was adopted

On motion, the 4th section was adopted as amended.

On motion, the 5th section was adopted.

On motion the 6th section was adopted.

On the 7th section being read.

Mr. Parham moved to strike out Monroe and insert Plain Dealing, which motion was ordered to lay on the table.

Mr. Vaughn moved to lay the bill on the table, which motion was lost.

On motion, the bill was ordered to be engrossed for third reading on to-morrow.

The House then took up the following entitled bills of the House:

An act concerning bills of Exchange.

An act to abolish Usury Laws.

An act to abolish the limitation of the rate of conventional interest.

The above named bills were made the special order of the day for Friday next.

The House then took up the bill of the Senate, entitled

An act relative to the expropriation of lands for Rail Roads and other works of public utility.

On motion the same was made the order of the day for next Thursday next.

The House then took up the bill entitled an act to provide for the location of a State Seminary of learning.

On motion the same was made the order of the day for Tuesday.

The House then took up the following resolution:

Resolved, That no member of this House shall during the present session, speak at any time on the same question for a longer period than 5 minutes, except by leave of the House.

Mr. Lathrop moved to strike out 5 minutes and insert 10

On motion the above amendment was laid on the table.

On motion the resolution was rejected.

On motion the House adjourned until 10 o'clk to-morrow morning.

SATURDAY, Feb. 21, 1852.

The House met pursuant to adjournment.

On the roll being called 67 members answered and were present.

Leave of absence granted to Messrs Edwards, Barnilleau, Dafferes, Robertson.

The Journal of yesterday was read and approved.

The following members introduced the following petitions:

Mr. Waterman—Petition of Mr. Chilton, Professor of Geology.

Referred to committee on public and charitable institutions.

Mr. Phillips offered the following resolution:

Resolved, That during the remainder of this session, the House shall be called to order at 9 o'clock, A. M., to take effect from and after Monday, the 23d inst.

On motion the same was adopted.

Mr. Phillips offered the following resolution.

Resolved, That Friday of each week be set apart for the consideration of local and private bills.

Mr. Connelly moved to amend by including Thursday, which was adopted.

Mr. Chaplin moved an amendment, "provided that this resolution shall not interfere with any matters already fixed for the order of the day for Thursday and Friday next.

On motion the amendment was adopted.

On motion the resolution was adopted as amended.

Mr. Harang, on behalf of the Committee on Claims, to whom was referred the petition of Col. Carlington, reported unfavorably on the same.

The same member, on behalf of the same Committee, to whom was referred the petitions of J. D. Davenport, and of J. McDonald, praying for relief, reported unfavorably on the same.

The same member, on behalf of the same committee, to whom was referred the petition of J. S. Sibley and others, reported the bill entitled:

An act for the relief of J. Sibley and others.

Mr. Carr gave notice that he would introduce the following bill:

An Act to change the mode of drawing and summoning juries in this State, and regulating the time of their attendance at courts, &c.

The following members introduced the following entitled bills, which the rules being dispensed with, were read a first and second time, and referred to appropriate committees.

Mr. Thompson, of Jackson—An act to amend section 5 of an act, entitled, an act to provide more effectually for the Police of Public Roads in this State approved March 12, 1818.

Referred to Committee on Parochial Affairs.

Mr. Lathrop—An act in relation to rules of interest.

Referred to Judicial Committee, with instructions to report before Friday next.

Mr. Ryan—An act to incorporate the town of Alexandria.

Referred to Judicial Committee.

Mr. Hough—An act to prohibit negro and free colored persons from giving evidence in criminal cases wherever any free white person of this State shall be indicted for any crime or misdemeanor under the laws of this State.

Referred to Penitentiary Committee.

Mr. Heard—An act supplementary to an act, entitled, an act to amend an act to incorporate the town of St. Martinville, approved Feb. 17, 1844.

On motion the rules being dispensed with, the said bill underwent its several readings and was passed with its title.

The clerk was directed to request the concurrence of the House thereto.

Mr. Carr, on behalf of the Joint Committee on the State Library, submitted a report which, on his own motion, was referred to the Committee on public buildings.

Mr. Morgan, on behalf of the Committee of Enrollment, reported, as duly enrolled, the following bills and resolution:

An act for the relief of Jacob Piper.

Joint resolution, requesting our Senators and Representatives in Congress to use their best exertions, to establish a weekly mail between Thibodaux and Lockport.

An act to increase the number of Jurors in the parish of East Baton Rouge.

An act to create the parish of Winn.

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

The right of trial by jury is a constitutional right to which every citizen is entitled. The jury is part of the tribunal before which the trial of a suit or prosecution takes place. The jury has to be provided for as well as the court, and constitutes one branch of the tribunal of justice; and while the State pays the salaries of the judges, it is left to the parishes to compensate the jurors.

A tax of Eighteen dollars on each suitor or litigant for each day his cause may be on trial, would be taxing the administration of justice too heavily. It would be exceedingly onerous to the poor but honest litigant who is seeking to enforce his rights, in a court of justice, and would give a decided advantage to the rich over the poor man in the enforcement of his legal rights. This would be defeating the ends of justice.

The committee have already reported favorably a bill, which has passed the House, to regulate the drawing and summoning a jury for East Baton Rouge, and believe it will tend, in a great manner to relieve the parish from the grievance of which it complains.

All of which is submitted to the House.

THOS CURRY, Chairman.

L. O Moreau, on behalf of the Committee on Enrollment, begs leave to report as duly enrolled, the following bill.

An act to authorize the sale of a tract of land belonging to the State, adjoining the Raccourci cut-off.

An act to provide for the manner of taking the sense of the people upon certain amendments to the Constitution, which passed the General Assembly in 1850 and 1852.

An act to authorize Cesar Philipps and his wife Adele Baird, by first marriage Mrs. Bernaski, to adopt Charles Bernaski, and to change his name to Charles Philipp.

An act to prevent the making of cut-offs by individuals.

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

Mr Rivers, on behalf of the Committee on education, to whom was referred the bill of the Senate, entitled,

An act for the relief of A. H. Lamar, W. E. Allen, J. Caire, A. D. Harrison, E. D. Harrison, and others, Teachers of schools in the parish of West Baton Rouge, where indigent children were taught in 1848.

Reported the same back to the House without amendment.

Mr. Curry, on behalf of the Committee on Parochial Affairs, to whom was referred the bill entitled.

An act authorizing the Governor to appoint one additional notary public in each of the parishes of Concordia and Tensas.

Reported the same back without amendment.

Mr. Grayson, on behalf of the select Committee, to whom was referred the bill, entitled.

An act, directing a census to be taken of portions of the parishes of Ouachita, Franklin, Caldwell, Morehouse, and Carroll with a view to the formation of a new parish.

Reported by substitute under the following title.

An act to take the census of portions of the parishes of Ouachita, Morehouse, Caldwell, and Franklin, with a view to the formation of a new parish to be called the parish of Richland.

Mr. Hough, on behalf of the same committee submitted the following

MINORITY REPORT.

The undersigned, one of the select committee to whom was referred an act to provide for the taking of the census of the portions of the parishes of Carroll, Morehouse, Ouachita, Franklin, and a parish, and to ascertain the number and qualifications of the several portions of the said parishes contained therein named, with a view to the formation of a new parish, to be called the parish of Richland, begs leave to make the following minority report—and to assign the following reasons, which he thinks will be considered conclusive by this House, why no report should be made and no enumeration of the inhabitants made to be ascertained in that part of the contemplated territory which affects the parish which he has the honor to represent on this floor, to wit: the parish of Caldwell, believing it to be unsound, unwise, unjust, and contrary to the Legislature to take any such step in any matter that cannot be successfully acted on and carried out by future legislation. The undersigned most respectfully represents to the House that the parish of Caldwell only has 24 miles square of territory, being only 576 square miles, and minus by 42 square miles, the prescribed minimum number. See Constitution of the State, art. 46 tit. 6. He would further represent to this House that she has not the number of electors which would entitle her to be organized as a separate parish, never having exceeded 780 votes at any one election, and at the last election only 260 votes, as will appear by reference to the sheriff's returns of said parish, now on file in the Secretary of State's office. Article 46 of the new Constitution positively declares that no new parishes shall be left with less than 6,625 square miles, nor less than the number of electors which parish to a Representative in the Legislature, which has been fixed at [illegible] which requisite are now wanting in the parish of Caldwell, and which it is proposed by this bill to be dismembered, by reducing the territory thereof 15 or 20 miles and the number of electors in the same proportion. The undersigned would respectfully represent to this House that he has carefully examined the plans of the petitions asking for the proper new parish, and finds, as the result of his examination, not a single legal reason for the proposed Caldwell, who has signed the same. It has been represented to one of the select committee that these indents only praying, in the first portion of the petition, that Caldwell which is proposed to be dismembered, have been consulted upon this matter, and requested to sign a memorial for the same, but refused to do so, therefore it would be an act of great injustice and tyranny to the people of Caldwell, without their consent, even if there were no disputable constitutional and legal objections to the same. All which is respectfully submitted for the consideration of the honorable members of this House.

WADE H. HOUGH.

Mr. Carr gave notice that he would, at some future day, introduce a

Bill to establish a General Stray Law, to govern estrays in this State.

Mr. Sever, with leave, introduced the following resolution.

Resolved, That the Committee on Internal Improvements be, and they are hereby instructed to prepare and bring in a bill providing for a system of severing and draining the swamp and overflowed lands of this State.

On motion, the same was adopted.

With leave the following members introduced petitions:

Mr. Campbell—Petition of A. Hernandez and others, praying for relief.

Referred to the Judicial Committee.

Mr. Lathrop—Petition of H. B. Pennock, of Philadelphia.

Referred to the Judiciary Committee.

Mr Selby—Petition of the citizens of Carroll, on the subject of temperance.

Referred to the Committee on Temperance.

THIRD READING.

The House then took up for a 3d reading, the bill entitled,

An act, to repeal an act entitled an act to appoint commissioners to lay out a road from Trinity to Whatley's ferry, in the Lake of Catahoula.

On motion, a call of the House was ordered.

On the roll being called, 53 members answered to their names.

On the motion to adopt the above named bill, on its 3d reading, Messrs. Alexander and Scarborough called for the ayes and noes.

On the roll being called it appeared that

Messrs. Arceneaux, Augustin, Blackson, Chaplin, Chapman, Couvillion, Day, Gardiner, Grayson, Harang, Harry, Hopkins, of St. Martin, Hough, Hughes, Lathrop, Lambert, Livingston, Meehan, Moise, Munday, Payne, Peck, Preston, Rogers, Ronquillo, Ryan, Smart, Selby, Sever, Simpson, Solomon, Story, Taylor, Terrell, Vaughn, Waterman, Walker, Westheimer and Williamson 35 members voted in the affirmative and that

Messrs Alexander, Arceneaux, Barrow, Berry, Carr, Campbell, Commander, Cole, Connelly, Curry, Day, Desdondes, Grayson, Hawthorn, Heard, Hopkins of St. Martin, Hughes, Johnston, Lathrop, Lambert, Leeds, Lewis, Livingston, Lumsden, Meehan, Moise, Munday, Nounez, Parham, Payne, Peck, Price, Prescott, Powell, Pugh, Rainey, Rivers, Routh, Robertson, Ronquillo, Ryan, Smart, Selby, Sever, Simpson, Solomon, Story, Taylor, Vaughn, Waterman, Walker, Westheimer and Williamson 35 members voted in the affirmative and that

Messrs Alexander, Arceneaux, Barrow, Chaplin, Connelly, Gardiner, Harang, Hopkins, of St. Martin, Hough, Hughes, Johnston, Leeds, Lewis, Livingston, Lumsden, Meehan, Moise, Munday, Nounez, Parham, Payne, Peck, Price, Prescott, Powell, Pugh, Rainey, Rivers, Routh, Robertson, Ronquillo, Ryan, Smart, Selby, Sever, Simpson, Solomon, Story, Taylor, Vaughn, Waterman, Walker, Westheimer and Williamson 35 members voted in the affirmative and that

Messrs Alexander, Arceneaux, Barrow, Berry, Campbell, Commander, Cole, Day, Desdondes, Hawthorn, Harang, Heard, Leeds, Lewis, Livingston, Lumsden, Meehan, Moise, Munday, Nounez, Parham, Peck, Price, Prescott, Powell, Pugh, Rainey, Rivers, Routh, Robertson, Ryan, Scarborough, Sever, Solomon, Story, Taylor, Thompson of Jackson, Thompson of St. Helena—15 members—voted in the negative.

Consequently said motion was carried, and the bill was recommitted to the Committee on Public Education.

Mr. Waterman moved to reconsider the above vote, which was carried. On the motion to recommit Messrs. Grayson and Thompson of Jackson called for the ayes and noes. On the roll being called, it appeared that

Messrs. Blackson, Chaplin, Chapman, Carr, Cunvillion, Curry, Day, Grayson, Harry, Hawkins of St. Martin, Hough, Johnston, Lathrop, Lagrone, Lambert, Lumsden, McCutcher, Scarborough, Thompson of Jackson, and Thompson of St. Helena—15 members—voted in the negative.

On motion, the title was amended so as to read,

An act relative to interest on debts