LOUISIANA LEGISLATURE

Journal of the House.

First Session—Fourth Legislature.

THURSDAY, February 12, 1852

The House met pursuant to adjournment.—On the roll being called, 86 members were present, and answered to their names.

Leave of absence granted to Mr. Thompson, of St. Helena.

Mr. Lamsden asked leave to have his vote recorded in favor of the bill to call a convention; he being absent at the time the vote was taken, by sickness in his family. The same was granted, and the vote recorded.

Mr. Ryan asked for the same, which was also granted and recorded.

The Speaker laid before the House a communication from the Adjutant General, in answer to a resolution of the House; was referred to the Committee on Militia.

He also laid before the House the following communication from the Governor, which was referred to the Committee on Commerce.

EXECUTIVE OFFICE, BATON ROUGE, February 12th, 1852.

To the Senate, and House of Representatives:

I herewith transmit to you a copy of a letter from his excellency S. W. Powell, Governor of the State of Kentucky, together with a copy of a resolution of the General Assembly of that State, relative to the voluntary system of inspection of flour and tobacco, in the city of New Orleans.

(Signed) JOSEPH WALKER.

Mr. Barrilleau, on behalf of the committee on Enrollment, reported that he had this day submitted to the Governor, for his approval and signature, the bill entitled,

An act concerning pledges.

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

An act to prevent the Municipalities of New Orleans from levying taxes on capital.

An act for the relief of R. H. Barrow.

By the same message, the signature of the Speaker was requested to the following enrolled bills and resolutions of the Senate:

An act for the relief of James E. Tison, of the parish of Rapides.

Joint resolution requesting our Senators and Representatives in Congress to have established a Post Office at New Road, Point Coupee.

Joint resolution directing the State Engineer to make a survey of, or run a line of levels in the Ouachita river, from the town of Trenton to the Arkansas line, &c.

And also by the same message, the House was informed of the concurrence of the Senate to the following entitled bills of the House:

An act to fix the time of holding sessions of the police jury of the parish of St. Tammany.

An act to authorize the appointment of an additional Notary Public in the parish of Calcasieu.

An act to incorporate the town of Farmerville, in the parish of Union.

By the same message, the concurrence of the House was requested in the following bills of the Senate:

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.

An act for the relief of William Brumfield, of the Parish of Washington.

An act to emancipate William Lyman Jewell, and

An act for the relief of David F. Faber, of the parish of Natchitoches.

The following members introduced the following petitions:

Mr. Chaplin—Petition of J. S. Selby.

Referred to the committee on claims.

Mr. Lathrop—Petition of the society for the relief of destitute females.

Referred to the Committee on Charitable Institutions.

Mr. Lathrop—Petition of the Chamber of Commerce, of New Orleans.

Referred to the committee on Commerce.

Mr. Solomon—Petition of the citizens of the third municipality against the annexation of Lafayette.

Laid on the table subject to call.

Mr. McCutchen—Petition of the officers of the Washington Guards.

Referred to the Committee on Finance.

Mr. Campbell—Petition of the Mayor of the city of New Orleans in relation to a claim against the State.

Referred to the committee on finance.

Mr. Richardson—Petition of certain citizens of the parish of St. Mary, in relation to W. C. Parker.

Referred to the committee on the Judiciary.

Mr. Chapman—petition of the police jury of East Baton Rouge.

Referred to the committee on the Judiciary.

Mr. Lathrop—Petition of the council of municipality No. 2, on consolidation.

Referred to a delegation from New Orleans, with instructions to report to morrow.

On motion of Mr. Payne, all the papers on this subject were referred to the same committee.

The following written communication was received from the Governor, which was, on motion, referred to the committee on charitable institutions:

EXECUTIVE OFFICE, Baton Rouge, February 12th, 1852.

To the Speaker of the House of Representatives:

I herewith transmit the enclosed documents, just received from the superintendent of the Asylum for the Deaf and Dumb, at Danville, Kentucky.

There are nine pupils supported by this State at that institution, in accordance with the act of the General Assembly, approved January 13, 1838. It will be seen, that the amount herein, for board and tuition is to be increased. Should the State continue its patronage, an additional appropriation for the support of the pupils will become necessary.

(Signed) JOS. WALKER.

Mr. Lamsden offered the following resolution:

Resolved, That the Treasurer of the State be, and he is hereby authorized, to pay out of any monies in the Treasury not otherwise appropriated, upon the warrant of the auditor of public accounts, to John B. Earle, $5.04, being for mileage and per diem allowed him, while contesting a seat in the House.

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

Mr. Day offered the following joint resolution, which was read for the first time:

Whereas, Under the past and present operation of our free school system, a considerable amount of money accruing to school districts where no schools have been taught, has accumulated in the hands of the parish superintendents, affording no facilities to the youth of the several parishes, therefore

Be it resolved by the Senate and House of Representatives, that the police juries of the several parishes of this State be, and they are hereby instructed to appoint a committee of five, in their respective parishes, who shall be, and are hereby authorized and empowered to make a final settlement with their respective parish superintendents, to examine books, papers, persons and vouchers, and receive from said superintendents the amount of school money in their hands unexpended, and pay over the same immediately to their respective police juries.

Be it resolved, &c. That the police juries of the several parishes shall appoint the aforesaid committees in the month of April, 1852, and shall appropriate the amount so received by them over to their respective parishes, to the education of the youth therein, as may hereafter be provided for in a school system which may be enacted and approved by this, or a subsequent Legislature.

Mr. Raney introduced the following joint resolution, which was read a first time:

Whereas, nearly all the buoys, beacons, landmarks and guides necessary to designate the channels and routes for the steamers which convey the mails between the city of Mobile and the city of New Orleans, have been made and erected by and at the expense of private citizens, and

Whereas, There are no harbors, piers or breakwaters but those which are private property, either on Lake Pontchartrain, or along the coasts of either the States of Mississippi, Alabama or Louisiana, therefore,

Be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That our Senators be instructed, and our representatives in Congress be requested, to obtain an appropriation sufficient to construct a harbor, or harbors of refuge and security, at some proper point or points on the great northeastern mail route along the coasts of the States of Alabama, Mississippi or Louisiana, by which the lives and property now exposed may be protected and preserved,

Resolved, That it is of the utmost importance that the channels and passes over the middle ground of Lake Pontchartrain, and along the Bay of St. Louis, Pass Christian and Biloxi, be buoyed or staked out, and that the pass known as Grant's, connecting the Gulf of Mexico with Mobile Bay, be purchased by the United States Government, in order to relieve the Postal service from the annual tax of ten thousand dollars now paid, and also for the purpose of relieving the general commerce of the three above named States from the heavy burthen which it now suffers.

Resolved, That an appropriation ought to be obtained to dredge out and keep open such passes, to a depth of ten feet of water, by which the whole coasting trade of the Gulf of Mexico, from the point of Florida to the Rio Grande, will be benefited.

Resolved, That a harbor or breakwater ought to be constructed at the New Orleans terminus of the mail route, for the protection of the steamers and other vessels navigating Lake Pontchartrain, and the Gulf of Mexico.

Mr Marean, on behalf of the Committee on Enrollment, begs leave to report as duly enrolled the following bill:

An act to increase the salaries of the Jurors of the parish of Lafayette.

An act to exempt the parish of Lafayette from paying costs in criminal offences, committed within the corporation of the town of Vermilionville.

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

Mr. Curry on behalf of the Committee on the Judiciary, to whom was referred the following entitled bills:

An act to repeal that part of the act of 1847, numbered 224, that imposes a tax on Attorneys at law and Physicians.

An act to exempt certain property from liability.

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 and sale on execution of personal property and effects to the value of $250, and of the wages of labor and compensation for professional or services to an amount sufficient to support a debtor and his family.

Resolution to empower into the consideration of the Senate and House of Representatives, during recess of it, the duties of State Librarian and that of the Superintendent of the bureau of statistics, and that a salary of $1,000 be assigned for the performance of the duties, as stated before.

These duties are not incompatible, and can be well performed by one officer, and the compensation proposed, equals that of a majority of the States for equivalent services, and effects a saving of $3,700 as compared with last year.

The Committee recommends the merging of the offices of clerk of the district courts of the State, and that of recorder of deeds and mortgages, into one office;

The committee also recommend the merging of the office of State tax assessor, State tax collector, and parish tax collector into one office—that of sheriff of the different parishes. There was paid to the different assessors last year, the sum of $15,905 22. But one principal object of the committee in making this recommendation, is to reduce the number of officers, and to turn a host of office-seekers and consumers into industrious producers; instead of having their minds continually directed to the public coffers as a means of living. The Committee recommend a reduction of the salaries of the following officers:

Governor's salary to be reduced from $6,000 to $1,000, with a contingent fund of $——.

Secretary of State's salary to be reduced from $2,000 to $1,500, with a contingent fund of $——.

Attorney General's salary to be reduced from $2,000 to $1,500, with a contingent fund of $——.

Treasurer's salary to be reduced from $4,000 to $2,000, with a contingent fund of $——

To have one clerk at a salary of $1000.

Auditor's salary to be reduced from $4,000 to $2,500, with a contingent fund of $——.

Auditor to have one first clerk at a salary of $1,200

Auditor to have one second clerk at a salary of $800

Chief Justice's salary to be reduced from $6000 to $4000, as soon as it can be constitutionally done.

Associate Judges of the Supreme Court's salary to be reduced from $5,500 to $3,500, as soon as it can be constitutionally done, and that the present number of Supreme Judges be reduced to three.

District Judges—Their salaries to remain at $2,500, but the number of districts to be reduced from seventeen, their present number, to twelve; and the District Attorneys be reduced to twelve. A saving can be thus effected of $15,000 annually, and without detriment to the public service, as the committee believe.

Chief Clerks of the Senate and House of Representatives—Salaries to be reduced from $2,000 to $12 a day during the session, and for ten days after.

Minute Clerks of the Senate and House of Representatives—Salaries fixed in future at $10 per day during the session. Other clerks of the Senate and House of Representatives to receive the same pay as is allowed by law to members of the Legislature, per diem.

Sergeant at Arms of the Senate and House of Representatives—Salary to be fixed at the rate of six hundred dollars per annum, and to take charge of the State House and the public property therein, during the recess of the Legislature; that they, with the State House keeper, be required to perform the further duty of taking care of the public grounds, under the direction and supervision of the Adjutant and Inspector General of the State.

The committee find, from an examination of the expenditures of the contingent funds of the various officers, much to disapprove, and in the allowance they have assigned to each, have taken the amount from calculations based upon the details of their reports, and such as the public service required, and no more. It is due to the Gov. of the State to say, that the committee found no objection to his contingent expenses. The sum of $600, allowed for copying the laws of the State, and paid out of the contingent fund of the Governor, the committee can find no use or benefit that is derived from it but what is equally and as well accorded to the State from the printed copies; and they therefore recommend its being abolished.

On the subject of offering rewards by the Governor, on the part of the State, for the apprehension of criminals, the committee beg to make a single remark.

Information of an undoubted character was before the committee, exhibiting the fact that several instances had occurred, where men had been killed, and the sheriff declined or refused to arrest the murderer until after a reward had been offered by the Governor, and the only motive for so doing was to obtain the reward. The information was of such character as left no doubt upon the minds of the committee, that had the Sheriffs not refused to have done their duty, the criminal, in one or two instances, could have been, and ought to have been arrested on the spot. The committee recommend some more stringent enactments of law, by which such officers may be duly punished for such conduct, and the State saved from the official plunder of her treasury by such sheriffs.

The expenditure of $55,000 the past year, by the State, for criminal prosecutions, is without a parallel in the history of the criminal jurisprudence of any State of this confederacy, and excites astonishment in the mind of every member of the Legislature. In the course of their examination of this subject, the committee presumed that Louisiana allowed by law no more than was just and proper, and that it was in proportion for like services in other States; but they were mistaken. Louisiana has a population of 500,000 in round numbers. If $55,000 was a just allowance to be made, that of New York, with a population of 9,000,000 inhabitants, would be between three and four hundred thousand dollars, at the same rate. But on turning to the laws of New York, for the year 1850, chapter 30, page 26, at the act making appropriations for the support of the government for the fiscal year, they find the sum of *two thousand dollars* only, as the cost of that great State for such services. The committee give the words of the statute as follows "For costs of suits, fees of sheriffs and witnesses in suits prosecuted or defended by the Attorney General, or District Attorneys, for the people of this State, and for expenditures and disbursements by the Attorney General, *two thousand dollars*." Comment on such facts would be idle, if not worse. The system must be changed, if not abolished; and something better substituted. It has been represented to your committee, that lawless persons hanging about New Orleans, with no visible means of support, are induced by an honest and honorable living, were believed to have given information of the peace, and other violations of law; that large numbers of them might be summoned as witnesses, in order to get the per diem allowance of an attendance at court, the certificates of which have a regular market value, by which many are thus enabled to make a living from the public treasury, for their own violations of the laws of the State. Thus the money of the people is made, as it were, to hire and pay men for violating the laws, and for the pretence of preserving the peace, and awarding punishment to criminals. The committee have not the time for the means of verifying the facts, or of ascertaining whether the charge is well founded or not, as they would wish to do at the present; but the amount of expenditure for this service in New Orleans, compared with the balance of the State, would seem to justify its correctness, or that some other cause equally indefensible and abhorrent to public morals existed to induce such expenditure. There being less than fifty days now remaining of the session of this Legislature, time cannot be taken from other important legislation to examine this subject as it should be. The committee, therefore, report the unanimous conclusion, that any law allowing or authorizing such a state of things, or such an enormous expenditure of the public money, compared with other States, must be wrong in principle, or so loosely administered as to demand its immediate repeal, and the enactment of more wholesome provisions, as will better secure the purity of execution of the laws of the State. They therefore recommend that the Judiciary Committee be instructed to bring in such bills forthwith—

Before dismissing this subject, the committee desire that their readers should fully understand why it is that so large a portion of the sum of $55,000 has accumulated in the city of New Orleans. For this purpose, they have examined the returns of the Sheriff, now on file in the Auditor's office. The committee regret to say that these documents are not continued, and on their face appear so contradictory, that but little light was in reality afforded by them. The committee do not say the reports may not be just and proper, but they do say that the manner in which they are kept leaves the State liable to vast imposition; and such large amounts with such manifest defects on their very face, should never have been audited and paid, without better evidence of their correctness and propriety. That the House may the better appreciate these remarks, the committee will give one instance or two. For example, in the amount presented by the sheriff, the first column is for the day of the commitment of the prisoner to jail—another column shows the day of his discharge. On the 26th day of December, a prisoner was marked as committed—and on the first day of January, six days thereafter, as discharged; and for keeping that prisoner, the officer charged the State with ninety days board! Other cases occur where the prisoners were put in jail the 1st, 4th, 7th, 10th, 19th and 24th days of June, and discharged on the same day in August thereafter; yet the sheriff charges for each prisoner 92 days board. In many instances, the prisoners were never discharged, no date whatever is set down, thus leaving a discretionary with the sheriff to charge any number of days board he may choose. This is but a sample. Not one case in ten is right, according to the records of the papers, if the amounts represent what appears to the computator to be their intent. If they do not thus represent truly, what their face purports, they should represent, how could such glaring errors have escaped the attention of the proper officers of the State, in passing upon them? This is all too easily explained! There is no