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OFFICIAL.

LEGISLATURE OF LOUISIANA.

FIRST SESSION—FIFTEENTH LEGISLATURE.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 4th, 1841.

The house met agreeably to the adjournment.

Leave of absence for a few days was granted to Messrs Thibodeaux, of Terrebonne, and Popdine.

Mr. Phillips offered the following resolution, which was adopted:

Resolved that a committee of three be appointed to wait on the chief marshall of the procession of firemen, and respectfully state to him that in consequence of the amount of pressing business before the house, and the short time which remains of the session of this body to dispose of the same, that this house desire to be excused from joining in the ceremonies of the day.

Mr. Ellis having obtained dispensation of the rules, introduced the following bill, entitled

'An act to amend the fourth section of an act entitled an act relative to divorces, approved 19th March, 1827.'

Which was read for the first time, and the rules having been dispensed with, underwent a second reading, and on motion referred to the judiciary committee.

Mr. Duclos having obtained the dispensation of the rules, the house took up for a second reading, a bill entitled,

'An act for the relief of G. P. Bryan, sheriff of the parish of St Martin.

On motion the house went into the committee of the whole.

Mr. Wadsworth being called to the chair; after some time the committee rose, and the chairman Mr. Wadsworth, reported that the committee had had the same under consideration, and had adopted the same.

The house took up said bill and adopted the same.

The rules having been dispensed with, the bill underwent a third reading.

On the final passage of the bill, Mr. Ratliff called for the yeas and nays, when it appeared that—Messrs. Burke, Boudousquié, Brosié, Barrow, Claiborne, Clark, Conrad, of Baton Rouge; Guion, Lowry, Lanaux, Philips, Swayze, Thomas, Voorhies, Wadsworth, Wells and Winchester, had voted in the affirmative—15 yeas;

And that Messrs. Burke, Brosie, Bayliss, Creighton, Covillion, Conrad, of N. Orleans, Friend, Farmer, Hardesty, Martin, Ratliff, Spenser, Taylor and Tanner, had voted in the negative—15 nays.

The speaker decided the question by voting in favor of the final passage of the bill.

On motion, ordered the bill do pass under the following title:

'An act to grant an appropriation to the Artillery Company of Baton Rouge, and for the completion of the Arsenal at Donaldsonville.

The clerk was directed to inform the senate of the concurrence of the house, with amendment to the bill

The house took up the bill entitled,

'An act to amend an act entitled an act supplementary to the several acts relative to the harbor master, wardens, and pilots, of the port of New Orleans, approved March 13th, 1837, which was under discussion yesterday when the house adjourned.

On motion, said bill was laid on the table subject to the call of the house.

Mr. Decloust on behalf of the committee of enrolment, reported as duly enrolled, the bill entitled,

'An act supplementary to an act entitled an act to provide for the trial of certain law suits pending in the third, ninth and tenth judicial districts, approved 27th February, 1841.'

The speaker signed the same, and the clerk was directed to request the signature of the president of the senate.

By a message from the senate the house was informed that the senate had concurred with amendments in the 'bill entitled,'

'An act amendatory of the several acts relative to hawkers and peddlers.'

The house concurred in the amendments of the senate and adopted the bill under the following title:

'An act relative to hawkers and peddlars, and to the collectors of taxes on trades, professions and occupations in the parish of Orleans.'

The clerk was directed to inform the senate of the concurrence of the house therein.

The rules having been dispensed with, the house took up for a second reading the bill entitled,

'An act granting certain privileges to Hy. Hoover and Hy. Daniels.'

The several sections having been adopted and the house having dispensed with its rules, proceeded to a third reading.

On motion, ordered the bill do pass and retain its title.

The clerk was directed to request the concurrence of the senate therein.

By a message from the senate the house was informed of their concurrence with amendment to the bill entitled,

'An act to amend article 285 and 322 of the civil code of Louisiana.'

The house took up said amendment, which was on motion, made the order of the day for to morrow

By the same message, the house was informed that the senate had concurred with amendment to the bill entitled,

'An act to compell the different parish judges to keep their office at the seat of justice in their respective parishes, and for other purposes.'

'An act granting to the parish of Madison, the advantage of the annual appropriation for parish schools.'

'An act explanatory of acts 126 and 504 of the code of practice, and for other purposes.'

'An act to abolish tax fees in the parishes of Rapides and St. Landry.'

'An act for the relief of Augustin Pugh.'

'Resolution instructing the board of public works to cause a survey of Bayou Tèche, in the parish of St. Landry and Bayous Jean de Jean and Rapides, in the parish of Rapides.'

'Resolution authorizing the state treasurer to pay a certain sum of money to J. A. Carter, of the parish of Natchitoches.'

'Resolution for improving Passe Manchac,' and a

'Resolution authorizing the state treasurer to pay to C. B. Brashear, late sheriff of the parish of Avoyelles, a certain sum of money.'

The rules having been dispensed with, the house took up a bill from the senate entitled,

'An act to amend an act entitled an act to accord certain privileges to the town of Natchitoches, approved 5th of Feb. 1819, and for other purposes;'

Which was read for the first time, and the rules having been dispensed with, underwent a second reading.

The several sections having been adopted, underwent a third reading.

On motion, ordered the bill do pass and retain its title.

The clerk was directed to inform the senate of the concurrence of the house therein.

Mr. Voorhies on behalf of the joint committe appointed to examine into the situation of the Franklin College, in the parish of St. Landry, reported.

To the Honorable the House of Representatives.

The joint committee appointed to examine into the situation of the Franklin College, in the parish of St. Landry, respectfully beg leave to report the results of their investigation.

Your committee sensible of the mission entrusted to them, being impressed with the conviction that the first and most important duty of a free and republican government to the development of the moral intellect of each citizen, as well for their personal happiness as for the welfare and prosperity of society at large; that from an enlightened education depends the future prosperity and weal of our great and glorious republic; that the bonds which unite all free nations are in proportion to the diffusion of knowledge, and that by this alone they are enabled to appreciate the benefits and beauties of republican institutions, took the utmost care and attention in the examination of the pupils, and can but express our entire satisfaction of their progress and of the mode of tuition. The different buildings of the college, now completed are adequate for the reception of about seventy-five or eighty boarders; and in our present examination we find sixty-five students whose studies embrace the English, French and Spanish languages; together with Latin, Literature, Natural Philosophy, Mathematics, Arithmetic, Book-keeping, Geography, Reading and Writing.

Owing to the infancy of the institution and youth of the students no regular collegiate classes have yet been formed; and the studies now pursued are merely preparatory.

It becomes our duty here to state that the most perfect order and discipline reign in the college, and we can but attribute it to the abilities and energetic course pursued by the professors, who have shown themselves worthy of the important duties entrusted to them, which gives a flattering presage of the future success of the institution.

It is necessary here to observe that the board of trustees, for want of available funds, have not been able to proceed to the construction of a proper refectory, indispensible to the better success and convenience of the institution.

We observed with pleasure the eligible situation of the college ground, adjacent to an extensive prairie so renowned, for its pure and salubrious air; and that due care and regard had been shown to the health and comfort of the pupils; embracing at the same time every convenience for the purposes of education.

The price of tuition for each student, including boarding, washing, mending and stationary, is per annum $250.

The library of the institution is composed of elementary and standard works of science and literature suited to the purposes of education, at the cost price of $1700.

The statement furnished us by the treasurer of the college, showing the appropriation of the state and the amounts received from the students and the uses made of the same, is as follows:

Balance in the Treasurer, 31 March, 1840.	$229 01
Receipts since the above date.	
Amount of warrants on the State Treas.	
Amount collected,	$9,833 18
Amount for tuition and boarding students	6,860 49
	$16,863 66
Expenses:	
Salary of Professors, Steward, &c.	$6,841 59
Three slaves purchased,	2,210 00
Furniture and provisions,	4,263 02
Books and stationary,	453 49
Improvement and repairs of buildings,	481 06
Servant hire,	497 50
Incidental expenses,	829 16
	14,767 16
Balance in the Treasurer,	$2,193 72

The committee was informed by the trustees that the funds available for the ensuing year, will be merely sufficient to defray the current expenses of the institution, and they are waiting with great solicitude for the moment when the legislature shall come to their relief.

All of which is respectfully submitted.

B. V. VOORHIES,
Chairman on the part of the House of Representatives.
JACQUES DUPRE,
On the part of the Senate.

On motion, said report was ordered to be printed.

By a message from the senate by Mr. Davis, their secretary, the concurrence of the house is requested to the bill entitled,

'An act to grant an appropriation to the Artillery Company of Baton Rouge.'

Which was read for the first time, and the rules having been dispensed with, underwent a second reading.

On motion, the house went into the committee of the whole, for the consideration of the first section.

Mr. Swayze being called to the chair; after some time the committee rose, the chairman Mr. Swayze reported that the committee had had said section under consideration and had adopted the same, together with an additional section.

The house took up said report, and adopted the same.

The several sections having been adopted and the rules having been dispensed with, underwent a third reading.

On the final passage of the bill Mr. Ratliff called for the yeas and nays, when it appeared that—Messrs. Boudousquié, Brosé, Claiborne, Clark, Conrad, of Baton Rouge; Guion, Lowry, Lanaux, Philips, Swayze, Thomas, Voorhies, Wadsworth, Wells and Winchester, had voted in the affirmative—15 yeas;

And that Messrs. Burke, Brosie, Bayliss, Creighton, Covillion, Conrad, of N. Orleans, Friend, Farmer, Hardesty, Martin, Ratliff, Spenser, Taylor and Tanner, had voted in the negative—15 nays.

The speaker decided the question by voting in favor of the final passage of the bill.

On motion, ordered the bill do pass under the following title:

'An act to grant an appropriation to the Artillery Company of Baton Rouge, and for the completion of the Arsenal at Donaldsonville.

The clerk was directed to inform the senate of the concurrence of the house, with amendment to the bill

The house took up the bill entitled,

'An act to amend an act entitled an act supplementary to the several acts relative to the harbor master, wardens, and pilots, of the port of New Orleans, approved March 13th, 1837, which was under discussion yesterday when the house adjourned.

On motion, said bill was laid on the table subject to the call of the house.

Mr. Decloust on behalf of the committee of enrolment, reported as duly enrolled, the bill entitled,

'An act supplementary to an act entitled an act to provide for the trial of certain law suits pending in the third, ninth and tenth judicial districts, approved 27th February, 1841.'

The speaker signed the same, and the clerk was directed to request the signature of the president of the senate.

By a message from the senate the house was informed that the senate had concurred with amendments in the 'bill entitled,'

'An act amendatory of the several acts relative to hawkers and peddlars,'

The house concurred in the amendments of the senate and adopted the bill under the following title:

'An act relative to hawkers and peddlars, and to the collectors of taxes on trades, professions and occupations in the parish of Orleans.'

The clerk was directed to inform the senate of the concurrence of the house therein.

The rules having been dispensed with, the house took up for a second reading the bill entitled,

'An act granting certain privileges to Hy. Hoover and Hy. Daniels.'

The several sections having been adopted and the house having dispensed with its rules, proceeded to a third reading.

On motion, ordered the bill do pass and retain its title.

The clerk was directed to request the concurrence of the senate therein.

By a message from the senate the house was informed of their concurrence with amendment to the bill entitled,

'An act to amend article 285 and 322 of the civil code of Louisiana.'

The house took up said amendment, which was on motion, made the order of the day for to morrow

By the same message, the house was informed that the senate had concurred with amendment to the bill entitled,

'An act relative to public notices in the parish of Avoyelles.'

The amendment consist in a substitute; on motion, the house took up said substitute and adopted the same. The clerk was directed to inform the senate thereof.

The rules having been dispensed with, the house took up for a second reading the bill from the senate entitled,

'An act relative to roads and levees in the parish of Rapides.'

The several sections having been adopted, the rules were dispensed with, underwent a third reading.

On motion, ordered the bill do pass and retain its title.

The clerk was directed to inform the senate of the concurrence of the house therein.

The rules being dispensed with, the house took up for a second reading the bill from the senate entitled,

'An act providing for the sale of the model farm and appurtenances, and for the creation of a sinking fund.'

The several sections having been adopted, and the rules having been dispensed with, underwent a third reading.

On motion, ordered the bill do pass and retain its title.

The clerk was directed to request the concurrence of the senate therein.

The rules having been dispensed with, the house took up for a second reading the bill entitled, 'An act authorizing the removal of certain original papers and documents from Carroll and Concordia to the parish of Madison.'

Which was adopted and the rules having again been dispensed with, underwent a third reading. On motion, ordered the bill do passes and retain its title.

The clerk was directed to request the concurrence of the senate therein.

Mr. Conrad of Baton Rouge on behalf of the joint committe appointed to visit the college of Baton Rouge, reported as follows:

The joint committee appointed to visit the College of Baton Rouge, respectfully report:

That the committee repaired to the institution and directed their attention to such matters and inquiries as would elicit the desired information concerning the circumstances and condition of the college, the character of its administration, and its aptitude, and productive to accomplish the purposes of its creation.

This investigation produced an impression decidedly favorable to this infant institution. It has been only three years since the college was incorporated. A short time previous to its incorporation, individual enterprise and public spirit had stepped forward and purchased a beautiful and appropriate location, already provided with commodious buildings suitable to the purposes of a public seminary.

Immediately after its incorporation three public spirited persons made to the College of Baton Rouge a donation of this valuable property and buildings, which had cost the sum of fifteen thousand dollars.

In the first stages of its commencement and previous and subsequent to its incorporation, the institution nearly sank under the disadvantage of an unsuccessful administration. As often happens to projects of a similar character unsustained by rich private endowment or state patronage, the college had to contend in its commencement with many difficulties. Its slender means having been entirely invested in its grounds and buildings, its only certain resources consisted in the means expected to proceed from tuition fees and the profits of its boarding establishment, and this resource must always of necessity be very limited, until time shall have afforded opportunity to establish reputation and have given promise of stability.

A number of persons having contributed to its establishment, produced multiplied and jarring views in relation to its administration. Under the influence of these adverse circumstances, it is not surprising that unlikely scheme of education were matured, that professors of capacity, not the most approved, were employed, or that the civil and economical administration of the establishment were not the most judicious. The timely assistance afforded by the state, though very limited in its amount, prevented the consequences which must have inevitably resulted in lines times from the operation of such causes. By this opportune assistance, the administrators were enabled to offer and guarantee such a salary as induced an individual of high character and established reputation to repair from one of the northern states, and assume the office of president of the college.

Dr. Lacy, president of the college is a minister of the Episcopal Church, a gentleman eminent for his learning and classical attainments and particularly enjoys a high reputation as an accomplished and skillful teacher of rhetoric and elocution; arts, whose impressive and effective power in behalf of religion and morality, he has practically illustrated by a long course of professional exertions, characterized by eloquence, chaste, classical and impressive; which has conferred upon him a high and well merited reputation.

Under the administration of Dr. Lacy the college has prospered and promises to prosper. The strictest economy is practiced. The great st regularity prevailing in keeping the accounts, the college is flat emerging from its pecuniary difficulties. The only exception which has been permitted to this fair system has been the granting of an extension of time to some indigent pupils who alleged that from the business of the office, they were unable punctually to comply with the regulation of the college, requiring the fees of tuition and the board to be quarterly advanced; which has occasioned $2000 to be outstanding, the whole of which it is hoped will be available in the end. This relaxation as an ordinary practice can scarcely be deemed salutary, but was thought justifiable, and even advisable under the circumstances, more especially in an infant institution, with which a fair effort to propitiate individuals, should be deemed a legitimate means of winning public favor.

The government of the president seems to be strikingly paternal; inspiring the students and pupils not only with respect but affection. A very important characteristic in institutions circumstanced as are the Louisiana colleges, where children of the tenderest age are placed in juxta position with youths nearly adult, and where southern character and southern manners have generated an unfortunate spirit of resistance to collegiate discipline.

The president is sustained by a professor of English and the ancient languages, a professor of the various branches of mathematics, and by a professor of French and French literature. The two last have lately replaced two who did not give general satisfaction. It is thought that all the professorships are now filled by competent and efficient persons.

The time allotted to the visit of the committee, even had they felt themselves competent, did not permit them to attem, t the task of minutely examining the students, much less to institute an enquiry into the literary and scientific qualifications of the professors. They had the pleasure, however, of witnessing some specimens of declamation by the larger students, which commanded the liveliest appreciation of the committee, exhibiting a correctness of enunciation, a force of emphasis, a chaste and varied action which bespoke a degree of culture, attention and skill, highly creditable to the teacher and the student. Your committee conceived it their duty to make particular enquiry into the manner in which the faculty discharged their duty in relation to the state scholars, and for this purpose examined them apart from the professors and the trustees, and they are happy in declaring their belief that the demeanor of both the faculty and the trustees have been of the most paternal and gentlemanly nature, and that whether in their literary education or moral treatment, no distinction is drawn between the state and private students; some of the state scholars have exhibited excellent abilities, and two of them are distinguished in the school, but some of them, perhaps a majority, were represented by the faculty as extremely deficient in natural ability, which the trustees thought was attributable to the neglect of the police juries in searching out those orphans who were most favored by nature, making their selection depend rather upon districts and wards, than upon native intellect and talent; and they say, that the consequence has been, that many of the state scholars have proved to be so deficient as to be incapable of embracing the plainest rudiments of education; and that thereby the object of the state's bounty has been unhappily defeated. And they requested the attention of your committee to the subject as one requiring legislative interposition. But your committee are of opinion that this matter can with the whole subject be safely entrusted to the police juries, who are fully competent to prescribe such rules and regulations for their action on the subject, as will provide a remedy for the evil.

Your committee requested the trustees to exhibit a statement of the manner in which the last state appropriation had been applied, and they did accordingly furnish them with a statement. The account only states the names of the persons and the amounts paid to them but it appears that the whole amount was applied to the payment of debts which were contracted previously to the time of the individual who now presides over the institution.

From the history of the institution since its commencement, it appears that uninterrupted health has prevailed within its precincts. No spot in the state is more favorably situated—in reference either to population or facility of every species of travel and communication—situated on the first highlands of the Mississippi, at a few hundred yards from its banks and affording a commanding view of the river for many miles both up and down—it is thought that the advantages of the locality can scarcely be surpassed.

There are now at the institution fifty students and from the improved character of its administration there is every prospect of increasing numbers. Your committee deem it a duty incumbent upon them to declare their belief that this college is from the various facts and reasons adverted to in this report, as much entitled to state patronage as the others upon which such immense sums have been expended, and yet a brief statement will show that an immense disparity exists in the amount of patronage extended since their creation.

The following appropriations have been made to the colleges of the state up to the 31st December, 1840.

To the College of Louisiana,	$217,878 87
To the College of Jefferson,	158,917 71
To the College of Franklin,	52,815 46
To the College of Baton Rouge,	12,500 00
The College of Louisiana has an existing annual appropriation of	$20,000
The College of Jefferson, -	15,000
The College of Franklin,	
The College of Baton Rouge,	3,000
The College of Louisiana is under obligation to board and educate free of charge	17 scholars.
The College of Jefferson, -	17 do
The College of Franklin, -	17 do
The College of Baton Rouge, -	10 do

At the College of Baton Rouge there are four professors and fifty students.

At that of Louisiana there are five professors and seventy eight students

At the College of Jefferson there are nine professors and — students.

At the College of Franklin, — professors and — students.

The foregoing statement is sufficient to show that the college of Baton Rouge, though equally meritorious, is far from having received its due share of state patronage.

Your committee disclaim any intention of making this statement for the purpose of invidious comparison, but as a measure of sheer justice to an institution which has equal claims to the bounty of the state; and which, from unmerited neglect is entirely deprived of the great advantages which by means of state bounty, has been so generously and amply extended to the co-ordinate institutions of the state.

F. D. CONRAD,
Chairman of the committee of the House of Representatives.
THOMAS GREEN DAVIDSON,
For the Senate.

The rules having been dispensed with, the house took up for a second reading, the bill entitled

'An act to establish public schools, to the end that all the children of the state may have an opportunity to become educated.

During the discussion, the farther consideration of the bill was postponed and the bill ordered to be printed.

Mr. Morse, in behalf of the committee to whom was referred the petition of sundry citizens of the parishes of Catahoula, Rapides and Natchitoches, praying for the organization of a new parish, to be called the parish of Dundemora, reported as duly submitted this day for the approval of the governor, the bill entitled,

'An act for the relief of the First Congregational Church of Orleans'

The rules having been dispensed with, the house took up for a second reading a resolution relative to the defence of the country, which was adopted, and the clerk directed to request the concurrence of the senate therein.

Mr. Conrad of Baton Rouge on behalf of the joint committe appointed to visit the college of Baton Rouge, reported as follows:

The joint committee appointed to visit the College of Baton Rouge, respectfully report:

That the committee repaired to the institution and directed their attention to such matters and inquiries as would elicit the desired information concerning the circumstances and condition of the college, the character of its administration, and its aptitude, and productive to accomplish the purposes of its creation.

This investigation produced an impression decidedly favorable to this infant institution. It has been only three years since the college was incorporated. A short time previous to its incorporation, individual enterprise and public spirit had stepped forward and purchased a beautiful and appropriate location, already provided with commodious buildings suitable to the purposes of a public seminary.

Immediately after its incorporation three public spirited persons made to the College of Baton Rouge a donation of this valuable property and buildings, which had cost the sum of fifteen thousand dollars.

In the first stages of its commencement and previous and subsequent to its incorporation, the institution nearly sank under the disadvantage of an unsuccessful administration. As often happens to projects of a similar character unsustained by rich private endowment or state patronage, the college had to contend in its commencement with many difficulties. Its slender means having been entirely invested in its grounds and buildings, its only certain resources consisted in the means expected to proceed from tuition fees and the profits of its boarding establishment, and this resource must always of necessity be very limited, until time shall have afforded opportunity to establish reputation and have given promise of stability.

A number of persons having contributed to its establishment, produced multiplied and jarring views in relation to its administration. Under the influence of these adverse circumstances, it is not surprising that unlikely scheme of education were matured, that professors of capacity, not the most approved, were employed, or that the civil and economical administration of the establishment were not the most judicious. The timely assistance afforded by the state, though very limited in its amount, prevented the consequences which must have inevitably resulted in lines times from the operation of such causes. By this opportune assistance, the administrators were enabled to offer and guarantee such a salary as induced an individual of high character and established reputation to repair from one of the northern states, and assume the office of president of the college.

Dr. Lacy, president of the college is a minister of the Episcopal Church, a gentleman eminent for his learning and classical attainments and particularly enjoys a high reputation as an accomplished and skillful teacher of rhetoric and elocution; arts, whose impressive and effective power in behalf of religion and morality, he has practically illustrated by a long course of professional exertions, characterized by eloquence, chaste, classical and impressive; which has conferred upon him a high and well merited reputation.

Under the administration of Dr. Lacy the college has prospered and promises to prosper. The strictest

By the same message the house was also informed that the senate concurred to the following bills:

'An act granting to Jas Andrews, Senior, the exclusive privilege of keeping a ferry across the Momentau river, for a limited period.'

'An act relative to criminal prosecutions in the first judicial district.'

'An act for the relief of Municipality No. 1.'

'An act granting certain privilege to Hy. Hoover and Hy. Daniels.'

By a message from the Governor by Mr. Forstall, his private secretary, the house was informed that he had approved and signed on the 5th of March, the following bills:

'An act to amend an act entitled an act to incorporate the subscribers to an association for the pressing of cotton,' approved 1st February, 1832.'

'An act to establish additional election precincts in the parish of St. Landry, and for other purposes.'

'An act to amend the second section of an act entitled, 'An act annexing the several lots in relation to the police and government of the town of Baton Rouge.'

'An act to change the time of holding the annual sessions of the police jury, of the parish of St. Tammany.'

'An act to legalize certain acts of P. Ricord, notary public, in and for the parish of Avoyelles.'

'An act for the relief of James McAlister, of the parish of Lafourche Interior.'

'Resolution granting leave of absence to judge O. P. Jackson, of the City Court of New Orleans, and to Benjamin Claiborne, parish judge of Livingston.'

Mr. Philips, in behalf of the joint committee appointed by the Senate and House of Representatives, "to enquire whether it be true that one of the judges of the Supreme Court of this state is now absent from the state, and if so, by what authority and under what circumstances the said judge has thus absented himself *without the permission of the legislature*." In compliance with which you were pleased to inform me that you had been appointed a joint select committee on the part of the senate and house of representatives, for the purpose therein stated, and to request the senate to furnish you with the information required in the above resolution.

I have communicated your message to the other members of the court, and they direct me to say that one of our colleagues, Judge Garland, is now absent from the service of the court under a leave he obtained from the governor, the terms of which the legislature approved on the 26th of January, 1839, enacting that *"An act relative to the judges of the Supreme Court* by which it is made *lawful* for the Supreme court to *grant leave of absence* to any of the members for *forty days* in each and every year, provided leave be not granted to two judges at the same time, nor during the sessions of the Western District court.

As to the circumstances under which Judge Garland asked that permission, we are entirely uninformed; and he alone is responsible; but we are no doubt that on application, the legislature will receive from him satisfactory information on the subject.

With regard to the motives which induced the court to grant him the leave, we are had a right to enquire into them, the judiciary is one of the three co ordinate branches of the government, absolutely independent from and irresponsible to either of the other two.

The information you request is, with regard to my merely official, there is nothing peculiar in it; and I may, perhaps, be thought improper that I should say any thing of the motives which have influenced my vote on th s occasion; I acknowledge, however, that I am individually accountable for my official acts to the legislature, and I am conscious that if but body was to demand of me an account of my conduct in this occasion, I should be able to shew that I was influenced by no other consideration than the rights of Judge Garland to the leave of absence under the law, and a proper disposition of the business of the court at the present moment.

I am, respectfully,
Your obedient servant,
R. X. MARTIN.

Messrs. Thomas W. Scott, George W. Philips, and G. Burke, members of the joint select committee on the part of the senate and house of representatives of the State of Louisiana, New Orleans.

On the adoption of the report, Mr. Wells called for the yeas and nays, when it appeared that, Messrs. Burke, Boudousquie, Bayliss, Breed, Bickham, Claiborne, Conrad of Baton Rouge, Creighton, Covillion, Conrad of New Orleans, Edwards, Farriere, Friend, Farmer, Hardesty, Lanaux, Martin, Morse, Pichot, Philips, Ratliff, Spenser, Taylor, Tanner, Wadsworth and Winchester, had voted in the affirmative—27; and that Messrs. Bedford, Barrow, Clark, Cormie, Ellis, Guion, Swayze, Thomas, Voorhies and Wells had voted in the affirmative—10 nays.

Said report was consequently adopted.

Mr. Spenser in behalf of the committee to whom was referred the petition of sundry citizens of the parish of Nachitoches, praying for the organization of a new parish, have had the same under consideration, and also the counter petition of sundry other citizens of the same parish, remonstrating against the prayer of the first mentioned petition, and the majority of your committee are of opinion that it is inexpedient to grant the prayer of the first mentioned petitioners until the wishes of the people of the parish can be better ascertained.—Your committee prey to be discharged from the further consideration of said petitions.

GEO. SPENSER, for the committee.

On motion, said report was adopted.

Mr. Decloust, in behalf of the committee of enrollment, reported as having submitted this day to the governor for his approval,

'An act to establish work houses and houses of refuge by the several municipalities of the city of New Orleans, and for other purposes.

Mr. Conrad, of New Orleans, having obtained the dispensation of the rules, offered the following resolution:

Resolved, By the Senate and House &c., That the secretary of the state be requested to procure, on or before the 1st of December next, an exact copy of the last census of this state, and to deposit the same among the archives of the state, and that the state treasurer be authorised to pay, on the warrant of the governor, any expense that may be necessarily incurred on procuring said copy.

The rules having been dispensed with, the rules having been dispensed with, the house took up for a second reading, a bill from the senate entitled,

'An act to pay to B. Bryan, for expenses paid by him for a runaway slave, who died in jail.'

On motion, the house went into the committee of the whole, Mr. Claiborne being called to the chair; after some time the committee rose, and the chairman, Mr. Claiborne reported that the committee had had said bill under consideration, and had adopted the same.

The house took up said report and adopted the same.

The rules having been dispensed with, underwent a third reading. On the final passage of the bill, Mr. Ratliff called for the yeas and nays.

When it appeared that Messrs. Boudousquie, Bayliss, Claiborne, Carter, Cormy, Creighton, Covillion, Dugue, Duclouet, Ellis, Edwards, Foley, Friend, Guion, Lowry, Lanaux, Martin, Philips, Spencer, Thomas, Thibodeaux, of St. James; Tanner, and Wadsworth, had voted in the affirmative,—23 yeas.

And that Messrs. Brosié, Ferriere, Hardesty, Pichot, Ratliff, Swayze, and Taylor, had voted in the negative —7 nays. Said bill was consequently adopted. On motion, ordered the bill do pass and retain its title

The clerk was directed to inform the senate of the concurrence of the house therein.

Mr. Decloust in behalf of the committee of enrollment, reported as duly enrolled, the bill entitled,

'An act authorizing the removal of the papers of the parish of Ascension, and auctioneer for the town of Donaldson

And, 'An act to order the leasing of certain property belonging to the state of Louisiana, and situated in the city of New Orleans.

By a message from the senate, the house was informed that the president of the senate had signed the following enrolled bills

'An act for the relief of Thomas B. Lee, Chas. R. Griffith and others, owners of the steamer Campte.

'An act relative to roads and levees in the Parishes of Assumption and Lafourche Interior,

'An act for the relief of Preston Pond.

'An act to create two additional precincts of election in the parish of St. Martin and for other purposes.

'An act to amend the charter of the Congregation of the Catholic Church of St. Paul in the parish of Avoyelles.'

'An act to repeal the first section of an act, creating the office of harbor master, passed on the 31st March, 1805, and all other acts or parts of acts pertaining for the creation of said office, and the appointment of said officer,'

Which was under discussion when the house adjourned yesterday.

On motion of Mr. Thomas the house reconsidered the vote given yesterday on the adoption of the substitute to the first section of the bill.

On motion, the substitute adopted yesterday was rejected.

The several sections having been adopted with amendment, Mr. Dugué offered as an additional section the following:

Be it further enacted, etc., That in the event of the port of New Orleans being extended so as to include the city of Lafayette, the governor shall be and he is hereby authorized to appoint one harbor master for said city, who shall perform the same services and be entitled to receive the same fees as are now demanded and received by the harbor masters of New Orleans.

On motion to reject said section, Mr. Dugué called for the yeas and nays, when it appeared that

Messrs. Burke, Bedford, Boudousquie, Breed, Bickham, Claiborne, Carter, Cormy, Creighton, Covillion, Conrad of New Orleans, Ellis, Edwards, Farmer, Lanaux, Pichot, Ratliff, Thomas, Taylor, Tanner and Winchester, had voted in the affirmative—16 yeas.

And that Messrs. Dubuis, Burke, Brosé, Breed, Covillion, Ellis, Guion, Hardesty, Morse, Philips, Swayze, Spenser, Voorhies, Wadsworth and Wells had voted in the negative—15 nays.

The substitute was consequently adopted, during the discussion the house adjourned until to morrow at 10 o'clock, A. M.

SATURDAY, 6th March, 1841.

The house met agreeably to adjournment.

Leave of absence for the balance of the session was granted to Mr. Spenser.

Mr. Lawry laid before the house, two petitions of the citizens of Concordia, Madison, and Carroll praying that the parishes should be divided. On motion it was referred to the same committee as the petition praying for a division.

Mr. Wadsworth, after dispensation of the rules, introduced a bill, entitled

'An act to amend the act, entitled an act relative to roads and levees in the parish of Plaquemine, approved 23 March, 1840.

Which was read for the first time, and the rules having been dispensed with underwent a second reading, and was adopted. The house again dispensed with its rules and proceeded to a third reading. On motion, ordered the bill do pass and retain its title. The clerk was directed to request the concurrence of the senate therein.

The rules having been dispensed with, the house took up for a second reading, the bill, entitled

'An act to amend the second section of an act, entitled an act to repeal the 9 h section of an act to create a new parish, to be called the Parish of Union, approved 26th March, 1840.

On motion, the house went into the committee of the whole, Mr. Wadsworth being called to the chair. After sometime the committee rose, and Mr. Wadsworth, the chairman, reported that the committee had had the same under consideration, and had made progress.

The house took up said bill, and on motion, it was laid indefinitely on the table.

By a message from the senate, by Mr. Davis, their secretary, the house was informed that the senate had concurred in the following bills:

'An act granting to L. E. Pratt & Co., the privilege of keeping a ferry across the Dorcheat, in the parish of Claiborne.'

'An act to repeal the act, approved March 1st, 1819, extending the limits of the town of St. Francisville, and incorporating the same so far as relates to that part of said town as includes the village as laid out at the mouth of Bayou Sara, in the parish of West Feliciana, and for other purposes.'

'An act for the relief of the securities of A. B. Sterett.'

'An act for the relief of Mary E. Preston.'

'An act supplementary to the act, entitled 'An act for the regulation of seamen, in the port of New Orleans,' and Bayou St. John, and for other purposes,' approved January 11th, 1822.'

By the same message, the house was informed that the senate had concurred in the amendment of the house in the amendment of the senate, in the following bills:

'An act supplementary to the act, entitled an act for establishing the boundary lines of the parish of Ascension, approved 3d February, 1841.

And 'An act for the relief of the battalion of artillery of Orleans, and of the Washington battalion.

Mr. Ratcliffe moved to reconsider the vote of the house given yesterday, on the bill from the senate, entitled 'An act to amend the 513th article of the church of New Orleans.

'An act to establish work houses and houses of refuge by the several municipalities of the city of New Orleans, and for other purposes.'

Mr. Dec ouet, on behalf of the committee of enrolment, reported as duly enrolled the following bills and resolutions:

'An act to amend an act entitled an act to incorporate the town of Franklin and for other purposes.'

'Resolution authorizing the state treasurer to pay a certain sum of money to J. Morgan'

'Resolution in relation to practice in the United States Courts in Louisiana.'

The rules having been dispensed with, the house took up for a second reading the bill entitled.

'An act relative to convicts in the Penitentiary.'

On motion, said bill was laid indefinitely on the table.

ORDERS OF THE DAY

The house took up the bill entitled,

'An act to repeal the first section of an act creating the office of harbor master, passed on the 31st March, 1805, and all other acts or parts of acts pertaining for the creation of said office, and the appointment of said officer,'

Which was under discussion when the house adjourned yesterday.

On motion of Mr. Thomas the house reconsidered the vote given yesterday on the adoption of the substitute to the first section of the bill.

On motion, the substitute adopted yesterday was rejected.

The several sections having been adopted with amendment, Mr. Dugué offered as an additional section the following:

Be it further enacted, etc., That in the event of the port of New Orleans being extended so as to include the city of Lafayette, the governor shall be and he is hereby authorized to appoint one harbor master for said city, who shall perform the same services and be entitled to receive the same fees as are now demanded and received by the harbor masters of New Orleans.

On motion to reject said section, Mr. Dugué called for the yeas and nays, when it appeared that

Messrs. Burke, Bedford, Boudousquie, Breed, Bickham, Claiborne, Carter, Cormy, Creighton, Covillion, Conrad of New Orleans, Ellis, Edwards, Friend, Guion, Hardesty, Lowry, Lanaux, Martin, Morse, Pichot, Philips, Thomas, Taylor, Tanner, Voorhies, Wadsworth and Wells, had voted in the affirmative—23 yeas, and that

Messrs. Aubert, Brosié, Clark, Dugué, Edwards, Ferriere and Lanaux, had voted in the negative—7 nays.

Said section was consequently rejected.

The rules having been dispensed with, the bill underwent a third reading

On motion, ordered the bill do pass as amended under the following title:

'An act to divide the office of harbor master of the port of New Orleans.'

The clerk was directed to request the concurrence of the senate in the amendment of the house.

By a message from the senate the house was informed of the concurrence in the senate in the bill entitled:

'An act to grant to the board of administrators of the Charity Hospital of New Orleans, the proceeds of certain sums of money to be collected in the Parishes of Plaquemine and Iberville, and for other purposes.'

'An act to authorize the parish judge, of the parish of Concordia, to appoint a deputy clerk of the probate court and for other purposes.'

'An act to increase the compensation to jurors, in the 9 h judicial district.'

'An act for the relief of the parish judge of West Feliciana.'

'An act to amend the act, entitled 'an act to create a separate police jury in and for that portion of the parish of Orleans, situated on the right bank of the Mississippi, approved March 29th, 1840, and for other purposes.' The speaker signed the same, and the clerk directed to request the signature of the president of the senate therein.

The rules having been dispensed with, Mr. Swayze introduced the bill, entitled

'An act to provide for the appointment of assessors in the parish of Calcasieu, and for other purposes.—Which was read for the first time, and the rules having been dispensed with, underwent a second reading. On motion, the house went into the committee of the whole, for the consideration of the first section, Mr. Boudousquie being called to the chair; after sometime the committee rose, and the chairman, Mr. Boudousquie, reported that the committee had had said bill under consideration, and had adopted the same with amendment.

The house took up said report and adopted the same.

The rules having been dispensed with, the bill underwent a third reading. On motion, ordered the bill do pass and retain its title. The clerk was directed to request the concurrence of the senate therein.

Mr. Decloust in behalf of the committee of enrollment, reported as having this day submitted to the approval of the governor the following bill.

'An act to create an additional notary public for the parish of Ascension, and auctioneer for the town of Donaldson

And, 'An act to order the leasing of certain property belonging to the state of Louisiana, and situated in the city of New Orleans.

By a message from the senate, the house was informed that the president of the senate had signed the following enrolled bills

'An act for the relief of Thomas B. Lee, Chas. R. Griffith and others, owners of the Steamer Campte.

'An act relative to roads and levees in the Parishes of Assumption and Lafourche Interior,

'An act for the relief of Preston Pond.

'An act to create two additional precincts of election in the parish of St. Martin and for other purposes.

'An act to amend the charter of the Congregation of the Catholic Church of St. Paul in the parish of Avoyelles.'

'An act to repeal the first section of an act, creating the office of harbor master, passed on the 31st March