

AMUSEMENTS.

ACADEMY OF MUSIC. LYDIA THOMPSON BURLIQUE TROUPE.

OPERA HOUSE—OPERA HOUSE Monday, January 25, 1874.

ST. CHARLES THEATRE. Brilliant success of the charming comedienne LOTTA.

LETITIA NELL, AND THE MARCHIONESS. Little Nell, Marchioness.

VARIETIES THEATRE. GREAT SUCCESS OF THE SAN FRANCISCO MINSTRELS.

THE MARBLE HEART. Wednesday, January 23, 1874.

THE DUKE'S MOTTOS. THURSDAY, JANUARY 24.

THE MARBLE HEART. FRIDAY, JANUARY 25.

THE MARBLE HEART. SATURDAY, JANUARY 26.

THE MARBLE HEART. SUNDAY, JANUARY 27.

THE MARBLE HEART. MONDAY, JANUARY 28.

THE MARBLE HEART. TUESDAY, JANUARY 29.

THE MARBLE HEART. WEDNESDAY, JANUARY 30.

THE MARBLE HEART. THURSDAY, JANUARY 31.

THE MARBLE HEART. FRIDAY, FEBRUARY 1.

THE MARBLE HEART. SATURDAY, FEBRUARY 2.

THE MARBLE HEART. SUNDAY, FEBRUARY 3.

THE MARBLE HEART. MONDAY, FEBRUARY 4.

THE MARBLE HEART. TUESDAY, FEBRUARY 5.

THE MARBLE HEART. WEDNESDAY, FEBRUARY 6.

THE MARBLE HEART. THURSDAY, FEBRUARY 7.

THE MARBLE HEART. FRIDAY, FEBRUARY 8.

THE MARBLE HEART. SATURDAY, FEBRUARY 9.

THE MARBLE HEART. SUNDAY, FEBRUARY 10.

THE MARBLE HEART. MONDAY, FEBRUARY 11.

THE MARBLE HEART. TUESDAY, FEBRUARY 12.

THE MARBLE HEART. WEDNESDAY, FEBRUARY 13.

THE MARBLE HEART. THURSDAY, FEBRUARY 14.

THE LEGISLATURE YESTERDAY.

The Committee on Contested Elections through its chairman, Mr. Stamps, reported adversely to the claims of C. J. C. Puckette as the contestant for the seat occupied by Mr. Blunt for the twentieth senatorial district; but favorably to allowing Mr. Puckette mileage and per diem.

On motion of Mr. Stamps the report was read, and on motion of Mr. Greene it was adopted.

Mr. Chabourn called up Senate bill No. 216, entitled an act to fix the time of holding court in the Fourth Judicial District, and under a suspension of the constitutional rules the bill finally passed the Senate.

Mr. Crawford called up Senate bill No. 285—a substitute for Senate bill No. 135—an act fixing the time of holding courts in the Twelfth Judicial District. The bill was read, and under a suspension of the rules, finally passed.

Mr. Coge moved to take up the joint resolution addressing out of office Emile Hebert, clerk of the Fifteenth Judicial District Court, parish of Assumption, and the motion being carried, he asked for a suspension of the rules in order that the joint resolution might be placed upon its several readings and finally passed.

Mr. Wharton wanted to know what cause there was for addressing Mr. Hebert out of office.

Mr. Coge stated that Mr. Hebert was holding office without a lawful commission, and in violation of law; that he was discharging the duties of clerk of the Fifteenth Judicial District Court with no better authority than a commission emanating from John McEnery for doing so; and that he had never filed a bond with the de facto government nor complied with the law governing clerks of courts before entering upon the discharge of their official duties.

Mr. Bolden was surprised to find opposition to the resolution at this time. The subject had been before the Judiciary Committee for investigation. That committee had become acquainted with the facts in the case, and governed by the facts had presented the joint resolution now before the Senate and recommended its passage. Mr. Bolden said it would not surprise him to hear friends of the McEnery government object to the resolution; but he would repeat, he was surprised to hear gentlemen favoring the recognized government of the State, and members of the Legislature at that, question the propriety of passing the resolution before the Senate.

Mr. Blackburn thought it unnecessary for the Senate to take any notice of Mr. Hebert. If he is holding office without a commission from the Governor of the State, when the law renders such commission necessary, he is clearly a usurper; and as there is a law punishing intruders in office, he thought Mr. Hebert should be reached through the courts. Mr. Blackburn was of the opinion that if the Legislature addressed Hebert out of office, the act might be taken as a recognition of the power that gave him authority to hold office.

Mr. Coge wanted to know what cause could be taken in case the courts of the parish of Assumption refused to remove Mr. Hebert, who holds a commission from McEnery, and install Pintado, duly commissioned by Governor Kellogg.

Mr. Wharton then arose and said he was glad that he had asked why they were addressing Mr. Hebert out of office. To the question propounded by Mr. Coge, he would answer that the remedy was with the courts. If the party was a usurper, the laws covered his case.

Mr. Anderson, chairman of the Judiciary Committee, here arose and gave a short history of the case. He said the facts showed that in consequence of the notorious frauds in the election in Assumption parish, the State board of returning officers made no returns as to parochial officers, and it became necessary for Governor Kellogg to appoint men to fill vacancies occasioned thereby. He appointed E. G. Pintado clerk of the Fifteenth Judicial District Court for the parish of Assumption. Mr. Pintado, after being duly commissioned, made a formal demand of Hebert, who was in possession, for the office and its records. Hebert refused to surrender the same, and Pintado then made an effort to install himself against Hebert under the intrusion act; and the district attorney proposed not only refused to take action for Pintado but actually took proceedings against him with a view of convicting him of wanting to usurp the office, and the judge of the court of the Fifteenth Judicial District rendered a verdict declaring Pintado a usurper and intruder, and Hebert the lawful clerk. From this illegal decision Pintado took an appeal, but in consequence of neglect, his attorney failing to send up the papers in the case within the time prescribed by law, the judgment has thus far been made binding. To reach this condition of affairs in Assumption, said Mr. Anderson, legislative action has been invoked. A joint resolution was introduced into the Senate, and referred to the Judiciary Committee. That committee had investigated the subject, and reported a substitute for the original resolution, and recommended its passage. With these remarks, Mr. Anderson said he would leave the matter with the Senate.

The resolution addressing Mr. Hebert out of office was then taken up, and under a suspension of the rules, finally passed the Senate.

On motion of Mr. Stamps Senate bill No. 27, an act closing the drinking houses of public resort, theatres and other places of public amusement on Sundays, and preventing the sale of spirituous and malt liquors on that day, was called up.

Mr. Harper asked for a reading of the bill. It was read.

Mr. Harper said that unless it could be amended as to allow restaurants and eating-places to remain open on Sundays he would be compelled to vote against it.

Mr. Stamps was willing that it should be so amended.

Mr. Harris thought the bill would not pass in its present crude shape. He, therefore, moved that it be referred to the Judiciary Committee.

The motion to refer prevailed, and the Senate adjourned until Monday next, at twelve o'clock M.

House. Rev. Mr. Mitchell, of Alabama, offered prayer.

Among the resolutions adopted, was one from Mr. Sener, for a joint committee to investigate the matter of the Mexican Gulf Canal Company, and one from Mr. Williams, to investigate the Deaf and Dumb and Blind asylums.

Mr. Hahn introduced a bill for the better organization of public schools; the reorganization of the board of directors; to increase the standard of teachers; enforce the collection of the school tax; provide for an assistant superintendent, and require the directors to visit the schools, which was referred to the Committee on Education.

Mr. Elliot introduced one relative to national quarantine.

Mr. Davidson, of the Judiciary Committee, reported a number of bills, with a recommendation that they be passed.

Among them was one making March 4 a legal holiday, which passed; another, relative to inspection of tobacco, which was fixed for Tuesday; and another, prohibiting the holding of two offices after April 1.

This met with some opposition, but a call for the previous question passed it by a vote of 71 to 15.

A number of bills were reported upon unfavorably, the majority of which were fixed at a future day.

Among them one regulating the issuance of marriage licenses, providing that the second justice of the peace should have the sole right to issue them for that portion of New Orleans on the left bank, and the fifth justice for that on the right bank, and that clerks of district courts should issue them for other parishes.

OUR STATE PENITENTIARY

A CHAPTER OF HORRORS

CRIMINAL OUTRAGES ON CRIMINALS

Brutality to the Helpless and Voiceless

Work for a Legislative Investigating Committee.

Charles Carroll tried to escape and snatched a gun from a guard. He was given 900 lashes, 100 to be taken at a time. He was gagged, and his mouth torn so that he could not eat or talk for a long time. The blood ran from his back and he was taken to the hospital. Afterward he was given 120 more blows.

I have seen Octavien Wilson alias Mulvina Gossard bound to the ladder and beaten like the men.

I have seen the captain throw Jenie Fort down and beat her with a hoop. I have seen him use a car driver's whip on the prisoners in the yard.

Two men were worked so hard that they drowned themselves in the pond. They were put to work when sick. They were encumbered and were sent back to the hospital. One died. Pepe Sanchez came to the bedside of the other and cursed him. He drew the blanket over his head, and when it was taken off he was dead.

When an investigating committee is coming everything is cleaned up and whitewashed. The prisoners are told if they complain it will do them no good, as they will be beaten when the committee goes away. All prisoners whose condition would suggest inquiry, or whom these things would not terrify, are put away. The strap is concealed and a very light one shown. We had no books to read. A prisoner very seldom saw any of the books of the penitentiary.

The sleeping quarters are like a tomb in a graveyard with two blankets. Colored prisoners have only one.

For my own part, I could not talk. For I feared the strap. I could not pray in my cell, for I saw a man punished for that. The food was bad. My cell was lathouse, and the mosquitoes on the walls so thick it could be scraped off with the hand.

When I came out I was given an outfit that cost \$2 and \$5 in money. I came to New Orleans, thanking God for sparing my life and my reason.

Revised Statutes, sections 2849 to 2871, contain the law governing the Penitentiary. It provides for a board of control of five members, who are paid the magnificent price of \$50 for their services. It is reasonable to conclude they render an equivalent for this sum. They must audit the accounts, meet twice a month, see that convicts receive rations equal to those of United States soldiers, and have comfortable clothing; and that no excessive or unusual punishments are inflicted. One hundred dollars is prescribed for preaching, and another \$100 for books. Convicts whose sentence of death has been commuted are not permitted to work with the others, but must labor alone.

The report of the board of control for 1870 is signed by one member only. It cheerfully states that the prisoners' health has been good, but does not mention ever seeing any of them. It asserts they had plenty of clothing, bedding and food, and that no favoritism had been practiced. There two visits a month to the clerk's office do not seem to have revealed to them how many more blankets the white man has to balance the number of extra lashes the colored convict receives to warm him. The testimony of visitors is innocently quoted as the excellence of the institution. Did any of these visitors ever see anything an officer did not show them? Two thousand dollars is said to have been distributed as wages. Can a convict be produced who ever got any of it above the sum of \$5? The discipline is especially commended with the remark that discipline would follow any departure from the fundamental policy. Perhaps, but it may be doubted whether those on whom this peculiar discipline is exercised would object to a change.

The report for 1872, just rendered, is a more creditable document. It states the female prison lacks, has no floor on the lower story, and needs thorough renovation. So do the hospital beds. The law as to food has not been complied with. The moral and religious instruction of the convicts is interrupted by their labor. The convicts say so too. A library is wanted. What has become of the \$100 for books? There are no Bibles! The officers are mostly humane, which is a saving clause to the subsequent statement that some are "ferocious, cruel and profane." The remarkable statement is made "that there ought to be some means of appeal for such convicts as are ill treated," to which every Christian will say amen! If that statement would be more emphatic in capitals, they should be used. More "punishment for having made complaint." Again, amen! Thank God for getting a man in the prison with eyes in his head. The conduct of the prisoners is said to be good, and the guards walk among hundreds of them without fear. Armed as they are, and the fundamental system in full operation, that statement may be implicitly relied upon.

The report concludes by saying the board can not tell who the losses are, owing to the changes, which, of course, renders it difficult for them to tell any one under the statute.

These reports are contained in two pages each. The first, except in contrast with the last, is without value. All the statements contained are evidently derived from second-hand information, given, no doubt, by the officers; the board were intended to supervise. The language of the second is guarded, but it discloses such an astounding state of things that it is marvelous that any position is made to an investigating committee. Perhaps those who oppose the appointment have not read that report.

To the gentlemen who will compose that committee we respectfully offer a few suggestions.

When you reach the scene of your labors you will find everything prepared for your reception. The cleanliness of the premises, the good order preserved, the appearance of the prisoners, their contumacious words, the regard they have for their keepers, the excellent quality of the food, clothing and amusements, the courtesy and hospitality of the officers, and the affectionate care they manifest toward their charges will strike you with admiration. Your work will be made very easy for you, if you will allow it. You can take back some of the whitewash on the walls for your report if you will.

But if you start on your task with a determination to make it a faithful one, no matter how hard, you will find the same skill which presented the lovely picture arrayed against you. Try to see a prisoner alone and note the opposition. Do not stop against taking a convict's word against the prison authorities affect your resolution that the terrible abuses of English prison law were than any detailed here, were only reformed by the excitement the tales of convicts caused. Examine the convicts alone away from the threatening eye of the keeper. Listen to his story, and to that of another and another. If they agree in no signed, and was released on bail.

THE TEMPERATURE.

The thermometer at Louis Frigero's, No. 50 Chartres street, on January 24, stood as follows: At 8 A. M., 50°; at 2 P. M., 62°; at 6 P. M., 57°. Lowest point during the night of January 23, 50°.

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