THE BEE.

PRINTED AND PUBLISHED DAILY BY JEROME BAYON.
STATE PRINTER.
THE UNION—IT MUST BE PRESERVED.
SATURDAY MORNING, JAN. 18, 1834.

FOR GOVERNOR
J. B. DAWSON.
FOR MAYOR
JOHN H. HOLLAND.

☞ We refer our readers to the first side of our paper for several auction sales which take place to-day.

The northern mail of yesterday, furnishes us with nothing of interest. The New-York dates are to the evening of the 30th.

The Washington papers did not come to hand. We perceive, however, by the Baltimore papers, that congress had not yet entered directly upon the dread conflict anticipated. Mr. Polk had replied to Mr. M'Duffie's argument, with a vigor of thought that had thrown terror and consternation into the Banks' troops.

LATE FROM MEXICO.

By the brig Texas, which arrived the evening before last, we have received files of papers to the 27th December. The intelligence is but of partial importance. We have made translations of what appeared most interesting.

Vera Cruz, 26th Dec.

We have just received official dispatches from the capital, which confirm the intelligence previously received of the success of the government troops over the revolters in the south. Shortly the division of Generals Mejia and Victoria, consisting of 5,000 men will disperse the revolters of Chilpancingo.

General Mejia, in a letter dated Chipancingo, 16th December, informs the government that he had determined to force the enemy from their positions in Chilpancingo, where they had entrenched themselves. After having united to Bravo and Canaliso, &c. &c., he finally succeeded—flying harrassed them with his artillery, they ventured in the morning to make a general attack, which was vigorously repulsed and the victory remained with the friends of the government, who took about 80 prisoners; besides the enemy had 40 killed and a considerable number of wounded.

General Victoria was immediately dispatched in pursuit of the fugitive troops, and he acted with his well known valor.

Revolution of Chiotel.—St. Christobal, 7th Dec.—On the 27th ult. in the night, the commissary of Yepards, Boniface, Paniagua, Theodore, Tryo, and others, surprised the corps of guards stationed in this capital, which at the time counted not more than 17 men; they killed the officer Dominique Padrilla—who refused to join them. Cabrano, with thirty patriots soon organised and put them to flight. Our force fought with great enthusiasm.

Mexico, 19th Dec.

The governor of Chiopas may boast of having arrested the revolutionists, who contemplated re-establishing the old order of things, from accomplishing their detestable object.

LATE FROM SPAIN.

We have been favored with an extra sheet of the *El Lucero*, a paper printed at Havana, containing very late news from Spain, received at that place by a brig from Cadiz. The Madrid dates are to the 27th November, and those of Cadiz to the 2d Dec.; it appears that order and tranquility have been restored, and that the partizans of Don Carlos have been subjugated.

Madrid, Nov. 27.

Don Miguel made every effort to prevent Don Carlos from embarking for the Papal States. He desired to have him acknowledged as King of Spain. The Queen Regent judging from this the disposition of Don Miguel to creat fresh disturbances in Spain, has ordered all intercourse with him to be stopped.

The Queen in concert with the English Government, has taken the resolution to put an end, as far as it is in her power, to the civil war in Portugal, and to interfere between the belligerent parties to conciliate their interests, and maintain the peace of Europe.

Madrid, 25th Nov.

Official communication received at the office of the Minister at War.

Port of Observation.—According to what I had the honor to make known to your Excellency at Loprino, in my letter of the 19th, I have to inform you that the troops under my command continued to advance towards Vittoria on the morning of the 29th. On arriving at the foot of mount Pennasgrada, the posts of the enemy that covered this position and the village of the same name, were re-instated. Upon the field the post of observation surrounded the encampment, so as to attack in front. The position that commanded the road was defended by 1500 rebels. Forced before occupying it, to meet attack, the reiterated and constant efforts of our avant-guard, at length succeeded obtaining the possession. A great number of guns, a quantity of baggage, and 150 prisoners were taken.

The enemy after this signal defeat were pursued towards the neck of Vittoria, where some of them succeeded in making good their retreat, and took possession of some points very difficult of access.

The road to Vittoria has been perfectly freed, our troops having again taken up their line of march, entered it on the 10th at 10 o'clock in the evening.

A deputation from the province of Alava has visited us, and the president manifested in the name of the illustrious body of which he was the organ, the satisfaction he would experience in facilitating our operations, and the feelings of gratitude which the people of Vittoria felt for the exertions of her Majesty to restore harmony to the country. This expression of sentiment on his part confirms me in the opinion that the Queen's orders will be received by acclamation.

As soon as the Queen's commands shall be obeyed, and Vittoria shall have surrendered—the consequence of which will be the surrender of Bilbao likewise. I am inclined to believe that the rebellion will be extinguished in the whole province in a very short space of time.

At Seville and Badagas, the Te-Deum was sung for the extinction of the cholera.

The captain general of Arragon, has notified the minister of war in a communication dated 22d Oct. that the Vice Roy of Navarre, had received dispatches from the commanding general at Guipuscoa, announcing considerable advantages obtained in Hermania, and upon the heights of St. Martain which resulted in great loss to the enemy, who were compelled to make a precipitate retreat. Many prisoners were taken, among whom are several officers.

Malaga, 20th Nov.

Ronda dates to the 14th, announce that many prisoners had left that city for Coutas; escorted by cavalry and infantry. Among them were the ex-commandant general of the police of Mouche, a colonel, three officers, the administrator of weights and measures, two administrators of lotteries, two lawyers, two friars and a curate, which last, by reason of his age, was conveyed in a litter. There had also left for Gibraltar 10 or 12 officers of the army of Bourmont. It is said Bourmont himself contemplated making for the same destination.

Liability of Partners.—It has been ruled by one of the New-York Circuit Judges, that an endorsement of the name of the firm upon a promissory note, by one of the firm, in a negotiation not connected with the partnership business, is not binding on the firm, unless the express knowledge and assent of the other members of the firm is proved, or such strong circumstantial evidence given as to justify the jury in presuming express assent. The plaintiffs were non-suited, because they could not show such assent.

The proceedings of the Senate of Georgia are occasionally enlivened by a little farce, to relieve the tedium of business and the battle of fighting. Some passages between two of [illegible] the collective dignity and sovereignty [illegible] less remarkable for refinement than [illegible] grave a place. A Mr. Allen in reply to [illegible] answers to the name of Standard, said "that he [illegible] what to do with the gentleman; he believed he would grease him, and if he would grease his head, he would do [illegible] Standford, not to be out-done in civility, promised for [illegible] special accommodation of the gentleman," to buy a bottle [illegible] bear oil, the goose grease might be repugnant to that [illegible] man's feelings of consanguinity."

New York, Dec. [illegible]

Disastrous loss of life.—About 1 o'clock yesterday afternoon a fire broke out the Vauxhall Garden, and before it was got under, nearly all the buildings on the premises were either entirely destroyed, or greatly injured. It is melancholy to add, that a Mrs Hunt, between 60 and 70 years of age, perished in the flames.

The property destroyed was comparatively of small value. We could not learn that there was any insurance upon the property.

Lafayette.—Miss Wilkes, in her letters from France, lately published, says that [illegible] of Gen. La Fayette, [illegible] this country, and that he will probably be accompanied by one of his granddaughters.—Balt. Advertiser.

Richmond, Dec. 31.

Slaves have fallen in this market. This is partly, perhaps principally, owing to the derangement in the mode of transacting the business. The Banks at New-Orleans do not find it convenient to draw bills on Richmond, but at 4 months—and the banks here do not take bills but at 60 days. It is hoped that this reduction is only temporary.

Baltimore, Dec. 31.

The Legislature.—The Legislature of our State met at Annapolis yesterday, and there was no doubt a full attendance. We will thank our friends among the members to furnish us with accounts of their proceedings, as early as practicable, particularly of the organization of the House of Assembly, and other important business.—Rep.

Petitions.—It is alleged that certain Banks in Philadelphia, in accordance with the desire, or mandate, of the United States Bank, have petitioned, or are about to petition for the restoration of the deposites. And what if they have!—Is the government to be controlled, to the injury of the people and the destruction of the institutions of the country, by the banks, or by any other aristocratic influence. Some people think, that money is to effect any thing.—*Baltimore Rep.*

Failures in New York.—As there seems to be some interest abroad to know how we get along in the commercial emporium, we will state our misfortunes just as they are. The whole number of failures of sufficient consequence to be mentioned on Change, which have occurred within the last sixty days, is four. The aggregate deficit of the whole, will not exceed a hundred thousand dollars, and half that is voluntarily borne by a family connection of one of the houses. Fifty thousand dollars will cover the whole loss in the commercial community at large. We know that this of a miserably small account to give of a great city—but we cannot help it. [Jour. of Com.

For the Bee.

RESPONSIBILITIES OF SHIP OWNERS.

Supreme Court.

Argument of the Plaintiff in the case of

R. R. KEENE vs. LIZARDI & BROTHERS.

The plaintiff contends that the defendants, as owners of the Mexican schooner, Tepeyac, Fernandez master, and Gustavus, pilot, are responsible to him in damages, for the maltreatment that he suffered, in a voyage from Vera Cruz to New Orleans, in 1833.

As the ground-work of his reasoning to establish the responsibility of the defendants, in the manner contended for, the plaintiff lays down the following propositions:—

First. The commission of *personal torts*, by commanders of vessels, upon their passengers, whom they carry for a price, comes within the scope of the employment and responsibility of those commanders, in like manner as injuries done by them to merchandize or matter of affreightment under their charge, come within the same scope.

Second. The owners of vessels are answerable for all injuries and wrongs done or committed by their commanders, in respect of matters that come within the scope of the employment and responsibility of those commanders.

The deterioration of merchandize or matter of affreightment is, confessedly, by universal law, within the scope of the employment and responsibility of the commander of a vessel, under whose charge the same is placed, for a valuable consideration. And why so? Because merchandize is *property* or matter of *utility* and *value*. And the comfort and convenience of a passenger,—Is not such comfort and convenience also *property*, or *matter of utility and value?* Are there not *intellectual* and *moral* property and enjoyment, as well as *physical* property and *sensual* enjoyment? And shall such *intellectual* and *moral* property and enjoyment be considered inferior to *physical* property and *sensual* enjoyment? Shall the commander of a vessel be allowed to sacrifice the best feelings of his passengers wantonly and cruelly, and by a series of atrocities, to subject them to the severest mental sufferings, and be deemed to have been therefore acting *without* the scope of his employment, whilst for injuries to his *cargo*, resulting even from carelessness or accidental negligence, without mischievous design, he shall be held to have acted *within* the same scope? Shall detriment to *dry goods* and *groceries* go for *everything*, and *mental torture* for *nothing?*

The arrangement for passage, for a price, is a contract:—And from the very nature of such a contract there is, at least, a tacit understanding or implied obligation between the parties to it, to the effect that, on one hand, the passenger will submit to the due discipline and economy of the ship, and, on the other hand, the commanding officer will respect and cause to be respected the rights of the passenger, his rights of *person*, as well as his rights of *merchandize*. A passage contract cannot possibly be contemplated without such mutual understanding and reciprocal obligation. Such obligation and understanding are of the very essence of that contract. There are, of necessity, mutual rights and duties attaching to the contractors. To the commander appertains the right to have the due economy and discipline of his ship respected by his passengers, whilst those passengers have a corresponding right to be treated with decency, decorum and humanity, and, above all, to enjoy exemption from mental torture. And such being the *right* of a passenger, it is, of course, the *duty* of the commander to respect that right—as right and duty are reciprocal and correlative. If, then, the *mode of treatment of passengers*, by commanders of vessels, be connected with the *duty* or *obligation* of those commanders, it must, of course, come *within the scope of their employment;* otherwise we should arrive at the paradox, the *reductio ad absurdum*, that a functionary would be *bound* to perform that which was *without* the scope of his employment, or, in other words, that he would be *bound* and *not bound* to do the same thing, at one and the same time!

If there be any difference between the rules of law in relation to *passage* and *freight*, such difference ought to consist in the greater rigor in favor of the rights of *persons*, in contradistinction to the rights of *merchandize*. When, then, a ship-master has in his power the fate of his passengers as well as his cargo, on what ground and for what reason shall it be said that the fate of his cargo shall be *respected*, when that of his passengers may be *disregarded?* No such ground or reason exists. The same rules, essentially, govern both cases, and bring both classes of right within the same scope of employment and obligation. Of necessity, then, it results that the same responsibility and liability to damages attaches to the commander of a vessel for his maltreatment of his passengers and his deterioration of his cargo.

The truth of the first proposition is thus clearly demonstrated. We will now, with equal clearness, develope the truth of the second proposition.

The maxim in jurisprudence—*qui facit per alium facit per se*—is of universal effect and obligation. The owner of a vessel is bound, according to common sense and common justice, in officering her, to give the command to a man of *nautical skill* and *moral rectitude;* because, with such qualities, on the part of the commander, his successful and satisfactory navigation may rationally be counted upon; whilst, *without* those qualities, disaster and dissatisfaction may as rationally be expected to ensue from his employment. A skillful navigator and an upright man, united in the same commander, will always furnish a shield, both to himself and his owner, against complaints of injuries, other than those of unavoidable sea-risks and sea-sufferings. And such a commander is always within the reach of an intelligent and prudent owner. If, then the owner of a vessel, through culpable neglect or penurious calculation—*as the bad of all sorts is cheaper than the good of all sorts*—instead of giving the charge of her to a man duly qualified for command, places her under the control of a wretch, who proves himself, by his atrocities to be more a *monster* than a *man*, he, the owner, ought surely to be answerable in damages for those atrocities. Such is the universal operation of law as applicable to principal and agent. Hence then is established the correctness of the second proposition.

In the case, in question, the nominal captain of the Tepeyac was a mere *land-lubber*, utterly ignorant of every nautical duty, whilst the virtual and efficient commander of the vessel, under the name of *pildo*, is respect of moral rectitude, was a quasi-*forecastle pirate*. Shall, then, the wealthy, the enormously wealthy, house of the Lizardis, with their millions of dollars, and other extraordinary means for getting first rate commanders for their vessels—shall they not be subject to the just responsibility, incident in like cases, to other ship owners, for their culpable negligence or penurious calculation, in getting ignorant land-lubbers and quasi pirates for officering their vessels? Their exemption from responsibility to the plaintiff cannot be contended for, in conformity with any law, either of Mexico or of the United States.

In the charge of the Judge *a quo* to the Jury, in this case, he made a stumbling-block for them out of a Spanish ordinance enacted and promulgated in Spain, long after (A. D. 1829) the independence of Mexico, without any exhibition of Mexican legislation for the adoption of that ordinance. That ordinance, in one of its articles, says that the owner of a vessel shall not be held responsible for *los excesos* of of his captain, whilst the same ordinance, in another article, declares that such owner shall be answerable in damages for injuries committed by his captain to the cargo placed under his charge. Hence, then, it is manifest that the term *excesos*, means something different from *civil torts*. Of course, that term is to be translated *criminaliter* and not *civiliter*—so that what we are to understand from the whole ordinance is, that the ship-owner is *civilly* answerable, in damages, for the injuries committed by his captain, within the scope of his employment, whilst he is not to be *punished* as a *malefactor* for the *crimes* of that officer, in the way of *la vindicta publica*. In this sense, the ordinance in question, is in accord with the body of Spanish jurisprudence, now in force in Mexico, and also is in accord with our own jurisprudence. The Spanish and Mexican law, as referred to, is laid down in the following authorities: Partidas 5. tit. 8. ley 26—Curia Philipica lib. 3. cap. 12. n. 29. 40. Codigo de comercio y navegacion 250. 251.

If, however, there should be any difference, *quoad hoc*, between the Mexican law and our own, (which is not believed to exist) the latter ought pre-eminently to govern in the case before the court. 3 Dallas 374—6 Pet. 172—1 Lou. Rep. 254. And according to American jurisprudence, already settled in the most solemn manner, by our sagest Jurists, and by this very tribunal, and in this very case, the owner of a vessel is responsible in damages to a passenger, for the personal torts committed upon him, by his commander.

To the Editor of the Bee.

Sir,—As we have now an unrivalled cantatrice with us, whose representation of Cinderella is said to be excellent, we may expect from the union of her voice with that of Mr. Sinclair, something like perfection of harmony. The voice of Sinclair assimilates exactly in softness of quality with that of Mrs. Austin, and so far the opera must be admirably performed. But with very good feelings to Mr. Russell, we would point out that he ought not to allow his parental feelings so far to mislead his judgment, as to give the part of Dandini to a child however intelligent, with a [illegible] voice. The part, we beg leave to say is written [illegible] baritone voice, therefore exalting the music to the [illegible] a squeaking treble, is committing a murder upon [illegible], to say nothing of the impropriety of entrusting the [illegible] a mere boy. There is Mr. Field, why not give the character to him? We assure our friend Russell, that this blunder of his has often been made the subject of comment in our hearing, and is the decided opinion of

A [illegible] a Musician.

STATE OF LOUISIANA.
ELEVENTH LEGISLATURE—SECOND SESSION
JOURNAL OF THE HOUSE OF REPRESENTATIVES.

☞ For other legislative proceedings, see first page.

Tuesday, January 7th, 1834.

The House met agreeably to adjournment.

On motion of Mr. Voorhies, of Avoyelles, ordered that the House reconsider the resolutions appointing committees to examine the Louisiana State Bank, the Louisiana Bank, the Consolidated Association and the Union Bank.

On motion of Mr. Voorhies, of Avoyelles, ordered that said resolutions be amended by inserting the words "City Bank and Canal Banking Company" after the words Union Bank.

On motion of Mr. Garland, ordered that said resolutions be laid on the table, subject to the call of the House.

On motion, ordered that Mr. Davidson be excused for not attending to the sitting of this day.

Mr. Bullard presented the following resolution:

Resolved, That the Committee on the Judiciary enquire into the expediency of extending the time prescribed by the existing laws, within which the crimes of bigamy, horse stealing and negro stealing, must be prosecuted, and that they report by Bill or otherwise."

On motion, ordered that said resolution be adopted.

Mr. Nichols presented the following resolutions:

"*Resolved*, &c. That the Civil Engineer be requested to make a survey of the bayou Lafourche, for the purpose of ascertaining the practicability and expense of so deepening the mouth thereof, as to relieve the inhabitants of the lower part of said bayou, from the annual overflow of water to which they are now subject, and that he make a report to the Legislature at an early day.

"*Be it further Resolved*, That the Civil Engineer be required to examine bayou l'Embleme, in the Interior parish of Lafourche, and make report as to the practicability and expense of clearing out the same, which report he shall make at as early a day as possible."

Which resolutions were read for the first time, and ordered for a second reading on to-morrow.

A message from the Senate, by Mr. Davis, their Secretary, informing the House that the committee of enrolment on the part of the Senate, have reported correctly enrolled, the Bill entitled "An Act to authorize certain judges to grant marriage licenses in certain cases, and that the same had been signed by the President of the Senate.

By the same message, the House was informed that the Senate had concurred in the Bills entitled

"An Act to repeal the several acts relative to vaccine matter;" and

"An Act to revise An Act vesting certain powers in the freeholders of the town of Monroe." Approved March 14th. 1820.

And an Act supplementary to the Act entitled "An Act to vest certain powers in the freeholders of the town of Monroe. Passed March 14th, 1820. Approved March 17th, 1826.

By the same message, the concurrence of the House was requested to the Bill, entitled,

"An Act relative to the publication of notices to be given of the nomination of curator to vacant successions, homologation of accounts &c."

The House took up said Bill, which was read for the first time, and ordered for a second reading on to-morrow.

By the same message, the concurrence of the House was requested to the following resolution, to wit:

"*Resolved*, That the Senate is respectfully invited to meet the House in the Representative Hall on Tuesday the 9th inst. at 12 o'clock, in order to proceed to the election of a State printer for the year 1834."

Which was read for the first time, and ordered for a second reading on to-morrow.

Mr. Chinn, on behalf of the joint committee, appointed to visit and examine the Penitentiary now erecting in the town of Baton Rouge, presented the following report:

"The Select Joint Committee, appointed by the Legislature, to visit and examine the Penitentiary now erecting in the town of Baton Rouge, respectfully report, that they have discharged that duty, and that the result of their examinations are of the most satisfactory character. The committee were under the impression that the principal object in their appointment, was to examine the materials, and the workmanship of the building, and consequently, have confined themselves most exclusively to those points; and it affords them great satisfaction to say, that all the materials which were to be seen, consisting of brick, lime, sand, timber and slate, were of the best quality. The workmanship, so far as it had progressed, appeared to be good; In fact, every thing connected with the building, so far as the committee could perceive, had the most favorable appearance, and bore ample testimony to the vigilance, faithfulness, and industry of the commissioners, the superintendent and all others concerned.

The building, since it was commenced, has progressed very rapidly; but the brick work is necessarily suspended at this time in consequence of the non arrival of the stone or granite, that article however is daily expected, when the work will be resumed under circumstances calculated to insure an early completion of the whole building.

The commissioners at Baton Rouge, whose duty it is to erect this building, have made some alterations in the plan as first contemplated by the Legislature, and propose or desire to make some others; a particular plan of which, together with an estimate of its probable cost, was to have been furnished your committee in time for this report, but has not yet come to hand; when it does, your committee may find it necessary to communicate the same to the Legislature. All of which is respectfully submitted.

MONTGOMERY SLOAN,
L. H. MOORE,
Committee on the part of the Senate.
WM. W. CHINN,
ISAAC JOHNSON,
THOS. NICHOLS,
Committee on the part of the House of Representatives.

On motion, ordered that said report be adopted [illegible] printed.

Mr. Lessassier gave notice that he will shortly introduce a Bill entitled,

"An Act making an appropriation for a road [illegible] in the parish of [illegible]. And a Bill entitled "An Act dispensing [illegible] Thompson with the time prescribed by law for attaining the age of majority."

Mr. Johnson, agreeably to previous notice, introduced a Bill entitled,

"An Act making appropriations for improving the navigation of the rivers Tanchipaho, Falia and West Pearl," which was read for the first time, and ordered for a second time on to-morrow.

Mr. Patten gave notice that he will shortly introduce a Bill entitled,

"An Act relative to certain judicial proceedings in the parish of Carroll."

Mr. Jones, agreeably to previous notice, introduced a Bill entitled,

"An Act making appropriations for the improvement of the navigation of the rivers Tanchipaho, Falia and West Pearl," which was read for the first time, and ordered for a second reading on to morrow.

The House then took up the Bill entitled,

"An Act to amend the Act incorporating the city of Lafayette."

After some discussion on the subject,

On motion, ordered that said Bill be laid on the table, subject to the call of the House.

ORDER OF THE DAY.

The Bills entitled,

"An Act respecting the emancipation of slaves."

"An Act relative to the administration of oaths in the courts of Probates in and for the different parishes in the State."

"An Act authorising the inhabitants of the parish of Iberville in the Eastern part of said parish, to clean and dig a bayou commonly called bayou Braux."

Were read for a second time and ordered for a third reading on to-morrow.

The Bill entitled, "An Act to dispense Louis Jules Sorapuru with the time prescribed by law, respecting the age of majority," was read for a second time.

On motion of Mr. Augustin, ordered that said Bill be referred to the Judiciary Committee.

The House took up the Bill entitled,

"An Act to authorise and require the Police Jury of the parish of Concordia, to lay off three additional police jury wards in said parish."

On motion, ordered that said Bill be taken section by section.

The several sections of said Bill having been adopted,

On motion, ordered that said Bill do pass and retain its title.

The Clerk was directed to request the concurrence of the Senate in this Bill.

The House took up the Bill entitled,

"An Act to increase the ex-officio pay of the sheriff of the parish of Catahoula."

On motion, the House formed itself into a committee of the whole.

[illegible] was called to the chair—after a while the [illegible] the chairman of the committee [illegible]

On motion of Mr. Garland, ordered that said Bill be referred to the Judiciary Committee.

The House took up the Bill entitled,

"An Act to amend an Act entitled An Act to incorporate the Orleans Cotton Press Company."

On motion, ordered that said Bill be taken section by section.

The several sections of said Bill having been adopted,

On motion, ordered that said Bill do pass and retain its title.

The Clerk was directed to request the concurrence of the Senate in said Bill.

A message from the Senate, by Mr. Davis, their Secretary, informing the House that the Senate had rejected the Bill entitled, "An Act to authorise Thomas Haverling f. m. of c. to emancipate a certain slave."

[illegible] Ducros, member of the committee of enrolment, reported that he had this day submitted for the approbation of the Governor, the Bill entitled,

"An Act supplementary to the Act entitled an Act incorporating the Montpellier Academy and making an appropriation in favor of said Academy and of the College of Alexandria. Approved March 30th, 1833.

And the Bill entitled,

"An Act to authorise certain judges to grant marriage licenses in certain cases."

The House took up the Bill entitled,

"An Act to determine the residence of the parish judges, in the several parishes of this State, and for other purposes."

On motion, ordered that said Bill be taken section by section.

After some discussion—

On motion, ordered that said Bill be laid on the table, subject to the call of the House.

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

JOURNAL OF THE SENATE.

Monday, 6th january 1834.

The Senate met agreeably to adjournment.

Members present: Messrs. Chs. Derbigny, president Beauvais, Burthe, Le Blanc, Lacoste, Labranche, Moore, Nicholas, Prudhomme, Sloan, and Weathersbee.

On motion of Mr. Beauvais the Senate proceeded to the election of their president.

On motion, Messrs. Beauvais and Sloan were appointed tellers.

On counting the votes, ten members being present, it appeared, that

Mr. Derbigny received 9 votes,
Blank 1.

Mr. Derbigny was consequently declared duly elected, and took the oath of office.

On motion of Mr. Beauvais the Senate proceeded to the election of a secretary.

On motion the same tellers were appointed.

On counting the votes, ten members being present, it appeared that,

Mr. Horatis Davis had received 10 votes and was consequently declared duly elected, and took the oath of office.

On motion of Mr. Nicholas the Senate proceeded to the election of a sergeant at arms and a door keeper.

On motion the same tellers were appointed.

On counting the votes ten members being present, it appeared that Mr. Quibourg was unanimously elected door keeper, and Mr. Chs. Lemaitre, unanimously elected sergeant at arms.

On motion of Mr. Moore the Senate proceeded to the election of their translators and enrolling clerks.

On motion the same tellers were appointed.

On counting the votes, eleven members being present, it appeared that for translators Messrs Collens and Louvet were unanimously elected; and Messrs. Ogden, Wiltz, Latasse and Barreau, having received a majority of votes, were declared duly elected enrolling clerks.

On motion of Mr. Sloan leave of absence was granted for a few days to Mr. Saunders.

The rules being dispensed with Mr. Beauvais, was allowed to introduce two bills entitled "An act supplementary to the several acts relative to the testamentary dispositions of late Julian Poydras, relative to the parish of Point Coupée." and "An act to continue in force the act which incorporates the Roman Catholic Congregation of the parish of Point Coupée, known by the name of St. Francis church." Both of these bills underwent their first reading.

Mr. Nicholas, presented two "resolutions, appointing joint committees of both Houses to examine the affairs of several banks."

Rules dispensed with and passed. The following gentlemen were appointed on the part of the Senate, for the Louisiana State Bank, Messrs Sloan and Prudhomme; for the Louisiana Bank, Messrs. Beauvais and Moore; for the Consolidated Association, Messrs Burthe and Weathersbee.

The president, as being one of the directors of the Union Bank, declined the appointment of the committee for the said bank.

On motion of Mr. Nicholas, a balloting took place for the members of said committee which resulted as follows:

Messers. Nicolas, 9 votes.
Labranche, 6.
Scattering, 3.

Messrs. Nicholas and Labranche were consequently declared duly elected.

ORDER OF THE DAY.

Third readings.

"Act relative to the publication of notices to be given of the nomination of curators to vacant successions, homologation of accounts &c." Amended and passed. Taken to the House: "Act to repeal the several acts relative to vaccine matter," passed and taken to the House: "Act to revive the act vesting certain powers in the freeholders of the town of Munroe, approved 14th March 1820, and the act supplementary to the act entitled act to vest certain powers in the freeholders of the town of Munroe," approved march 17th 1826; passed. Taken to the House.

A message from the House of Representatives, by Mr. A. Pitot, their clerk, informed the Senate that the enrolling committee of the House had reported as duly enrolled the bill originated in the House, entitled "An act supplementary to an act encorporating the Montpellier accademy, and making an appropriation for said academy and for the college of Alexandria," approved march 30th 1833; and that the speaker of the House had signed the same.

The same message informed the Senate that the House had concurred in the resolution from the Senate "imposing certain duties on the civil engineer."

The same message requested the concurrence of the Senate in the bills entitled:

"Act to authorize Thomas Haverling free man of colour, to emancipate a certain slave."

"Act to repeal the act granting to Thomas Brown the privilege of keeping a ferry across the river Mississippi opposite the town of Plaquemines."

"Act to incorporate the Planters Sugar Refining Company of Louisiana."

"Act granting certain powers to the police jury of the parish of Avoyelles."

"An act relative to the printing of the decisions of the Supreme Court."

Mr. Burthe, chairman of the committee of enrollment, reported as duly enrolled, the bill entitled "An act supplementary to an act incorporating the Montpellier academy, and making an appropriation for said academy and for the college of Alexandria;" approved March 30th 1833. Whereupon the president signed the same, and it was taken back to the House.

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

COMMERCIAL.

New-York, Dec. 28.

COTTON.—The market since our last has been very quiet, but owing to the smallness of the quantity in market there is no change of moment in prices. The transactions amount to about 1000 bales, of which about 800 bales were Upland, at 10 3-4 to 12 1-2 cents; 100 bales New-Orleans at 12 1-2 to 13 1-2 cents, and some Mobile and Florida at 12 to 13 cents.

SUGAR.—There has been a fair demand for Havana box the past week—but the stock is not large. The sales are 600 boxes brown Havana at 7 1-2 to 8 3-4 cents; and 150 boxes white do, at 9 to 9 1-4 cents.

MARINE JOURNAL.

PORT OF NEW-ORLEANS.

CLEARED.

Ship Humphrey, Penniston, Liverpool — L H Gale master
Brig Henrietta, King, Richmond,
Brig Dwight, Smith, Mobile,

ARRIVED,

Steamer Whale, Wood, towed to sea ships Isaac Hicks and Robert Fulton; Mexican San Pablo, and San Antonio: Left the Pass on the 15th at 4 p m—at anchor outside two ships and a barque, and 3 brigs, names not known:—Brought up from sea line ship Mississippi, and packet ship John Sargeant.

Steamer Porpoise, Marshall, towed to sea barque Ann Louise and 2 schrs; brought up ship Paragon, brigs Remittance, John Q. Adams, and schr Salina: Left the Bar at noon on the 16th; reports badly aground, between the 9 feet channel and S W Pass, a ship, name not known—several sail in the river; passed at Point La Hatch steamer Huntress bound up with a Br barque in the [illegible]. At the English Turn, brigs Holton, Sophia M. and La Grange, schrs Peru, Ontario and Josefine.

Steamer Amulet, Bashman, fm Point La Hatch,—10 passengers; passed at the Turn schrs Peru, Ontario, Josefine, and 2 brigs.

Packet ship John Sargeant, Van Dycke, fm Philadelphia, sailed 24th, ult—to Whitall, Jourdan & Co; with full assorted cargo, to Morgan & Co; J. H Field & Co; R Groning & Co; J Gallagher; J G Washington & Co; Williams and Lee; Ballitt, shipp & Co; Reynolds, Byrne & Co; Martin, Pleasants & Co; Wallace, Lambeth and Pope; Andrews & Brothers; and others.

Line ship Mississippi, Robinson, fm New York, to Foster & Hutton—Cargo and consignees reported: Memoranda: Spoke Jan 6th, a Spanish schr 3 days from Havana, for Lisbon.

Ship Paragon, Lasselle, fm Cadiz—cargo hay, mackerel, codfish etc. Memoranda: Spoke Jan 11th, Ship Nancy, Lord, 45 days frm Cadiz, for this port via Havana.

Brig Remittance, Liscomb, 30 days fm Bristol, R I—in ballast.

Brig J Q Adams, Williams, 5 days fm Mobile—crrgo 67000 feet lumber.

Schr Sabina, Tilyow, 6 days fm Sisal—cargo logwood grass bags etc.

Schr Caroline, Farland, fm Savanah—cargo 158 tierces rice.

Schr Henrietta, Living, fm Aranzas—cargo specie, Wool, hides etc.

MEMORANDA.

Hence at Philadelphia, barque Hercules, Marks; Ship Chandler Price, Mathien, after having been ashore at Chester Bar.

Cleared at Boston, brig Oswego, Delly.

AMERICAN THEATRE.

Fourth night, of the engagement of
MRS AUSTIN.
ON SATURDAY EVENING, JANUARY 18,
Will be presented, with all the original music, Bishop's popular Opera, called the
MARRIAGE OF FIGARO!

Figaro .... Mr Thorne,
Susannah .... Mrs Rowe
Countess Almaviva .... Mrs AUSTIN
(With a variety of songs)

After which, the Comic Operatic Farce, called
NO SONG NO SUPPER.

Robin .... Mr Russell,
Crop .... Mr Thorne,
Margaretta .... Mrs AUSTIN

☞ Mrs AUSTIN'S last night but one on Monday.

THE price of fresh flour being this day $4.75 per barrel, according to the tariff, the Bakers must give, during the ensuing week, 48 ounces of bread for a bit. j 18

PIG LEAD for sale by
jan 18 J. MAGER.

NOTICE.

THERE will be offered at public sale, towards the end of February or the beginning of March next a superb SUGAR PLANTATION, called "Mouscours," having about 40 arpents front to the river against 40 arpents depth, and situated about 33 miles below the city of New Orleans, on the left hand side of the river—With the above, will be sold at the same time from 80 or 90 acclimated slaves, some of whom are extremely valuable. The Plantation, is furnished with a brick sugar house and steam engine all in first order, a dwelling house negro huts, hospital, stables and all necessary out buildings, is particularly deserving the attention of the public, owing to the fertility of the soil, which without contradiction is the very best in the state of Louisiana, and next on account of its peculiar situation which renders it but very little exposed to the influence of frost.

In about a fortnight, a further advertisement will announce the conditions and place of sale, giving at the same time more ample information in regard to this valuable property and the slaves. jan 18—3t

RETRACTION of the Editor of the Republican Eagle.—I, only editor of the Republican Eagle, published at Donaldsonville, do declare, that the article inserted in my number of the 11th of this month, was not published with an intention of insulting the company of *Carabineers of Ascension*, which I designated by the appellation of *Chasseurs*, and that I regret deeply that I have ever spoken thus lightly of those gentlemen and their standards; and I hope, therefore, that the Carabiniers and [illegible] will receive this apology, which they are [illegible] to use as they may think fit.

(Signed) J. J. REGNARD, Editor.
A true copy: the Captain commanding the Carabiniers.
jan 18 LAROQUE TURGEAU.

PUBLIC SALE.

STATE OF LOUISIANA, Parish of Pointe Coupee: } *By the Parish Judge acting as Auctioneer.*

WILL be offered for sale, on Monday the 24th of February next, at False-River, on the plantation of Joseph Curiel, in this Parish,

A SUGAR PLANTATION, measuring nine arpents and one third front on False river, by eighty arpents in depth, together with all the buildings and other improvements thereon: a sugar house almost new; an horizontal mill and other sugar works, the whole in good condition; a large two story house; shades, store houses; negro huts, &c.—There are on said Plantation, 225 superficial arpents of cleared land, and 100 arpents of ratoons of last year; said land being very high—well provided with timber of all kind and cypress.

2° 48 SLAVES of both sexes, various ages, field hands and workmen, most of whom are creoles of the country.

3° CATTLE, Horses, &c.

4° CARTS, Ploughs, and other implements of husbandry.

5° MOVEABLES and furniture of every description.

6° ANOTHER PLANTATION, or TRACT OF LAND, situated in the Island of False River, measuring 20 arpents front, by 40 arpents in depth, suitable either for the Cane or Cotton, with a Dwelling House and negro huts.

Terms of Sale:—The two plantations payable, one-tenth of the price, cash: the balance in three equal instalments, in March 1835, March '36, and March 1837; the slaves, one-tenth also cash; the balance in two equal instalments in March 1835 and March 1836. The Horses, Cattle, & all other moveables one year credit; purchasers giving their notes subscribed jointly with a good and sufficient security; said notes bearing ten per cent interest in case of non payment. Deeds of sale to be paid by said purchasers. For further particulars, apply on the premises. A. ROBIN,
Pointe Coupee, Jan. 12th 1833 Judge & Auctioneer.
jan 18

STATE OF LOUISIANA.

PARISH Court for the Parish and City of New Orleans.—Present the Hon. Charles Maurian, Judge. January 16th, 1834. No. 7176.—F. Antonio Garcia vs. his creditors. The cession of property by the petitioner having been accepted by the court for the benefit of his creditors, It is ordered that a meeting of said creditors, take place on Teusday the 20th inst. at the office of Octave De Armas, Esq. notary public, then and there to deliberate on the affairs of the petitioner, and in the mean time all proceedings against his person and property are stayed.

By order of the Court
jan 18—3t FRED. BUISSON, Clerk.

J. & J. DARRAMON, have just received, one case of Gentlemen's black silk Half Hose, Children's and Misses' fil d'ecosse and open work coloured Hose and Half Hose, Long white Kid Gloves for Ladies and Girls, Gentlemens superior white Cotton and Kid do. Plain and worked Book and Swiss Muslins. Also: Sapee Sowing [illegible] superior quality, and assortment which will be sold [illegible] close them. jan 18

Rousseau vs. [illegible].

BY virtue of a writ of fi. fa. to me directed by the hon. G. Pitot, associate Judge of the city court of New Orleans, I shall expose for sale on Tuesday the 28th day of January, at 4 o'clock, at the Principal, one pair Card Tables, one barrel Whiskey, one barrel Hogs Feet. Seized in the above suit.

jan 18 B BEAUREGARD, Marshal.

MARSEILLES WINE for sale by
jan 18 J. MAGER.

FRENCH BLANKETS—A small lot for sale by
jan 18 J. MAGER.

RECEIVED from New York and for sale by the subscriber, No. 44, St. Philip Street,
10 kegs Goshen Butter.
12 half bbls Beef from New York Fly Market.
jan 18 PECHILLON & [illegible].

SALES AT AUCTION.

BY F. DUTILLET [?].

BY virtue of an order of the Court of Probates of the Parish of Orleans, will be sold on Friday 21st February next, at Hewlett's Exchange, at 12 o'clock, the following slaves, belonging to the estate of Antoine [illegible] Deschaut [?], viz:

Martin, a mulatto, aged about [illegible] years [illegible]
Fanny, a griff, aged 25 years, with her 5 children.
Philogene, a mulatto, 10 years.
Henry, do [illegible]
Philippi, do [illegible]
Elisa, do [illegible]
And a child one month old.

Terms: 6 & 12 months credit, in approved endorsed notes, secured by special mortgage until final payment. The acts of sale to be passed before Hugh Pedesclaux, notary public. jan 18

BY TRICOU & CANONGE.

WILL be sold on Saturday 18th inst. at 12 o'clock, at Hewlett's Exchange Coffee House,

HENRY, a mulatto, aged 20 years, driver, and house servant, warranted against the vices and diseases provided by law.

Terms, 6 & 12 months credit in approved endorsed notes secured by mortgage until final payment. The act of sale to be passed before G. Legardeur, n. p. at the expense of the purchaser. jan 18

BY TRICOU & CANONGE.

VALUABLE BUILDING LOTS.

WILL be sold on the 1st March next, at 12 o'clock, noon, at Hewlett's Exchange, Coffee House, the following valuable properties, unless previously disposed of by private contract, viz.

5 Lots of ground at the corner of Magazine and Orange streets.

No. 9, 10, & 11 measuring 27 feet each, on Magazine by 100 feet in depth.

No. 12, corner lot, 26 feet by 100.

No. 13 adjoins all the above, 27 feet on Orange street by 107 feet.

5 Lots of ground.

Nos. 31, 32, 34 & 35, on that delightful part of the city called Walden's square. This property is so well known that no further description is necessary; the lots measure each 29 feet front by 159 feet 10 inches in depth.

One Lot of ground on Colisium or Camp street, measuring 37 feet 3 inches and 4 lines by 187 feet 10 inches and 5 lines in depth on the side line which separates it from lot No. 3; 149 feet 2 inches on the other side line, which increase of depth has a width in the rear on 18 feet 7 inches, giving the said lot a hexagon figure.

One lot on Magazine 31 feet 11 inches 5 lines by 191 feet 9 inches 7 lines, and runs back to the rear of the hexagon part of the lot on Camp street, making both lots together an admirable location for a manufactory.

One Lot of ground on Poydras street, between Camp and St. Charles streets, measuring 23 feet by 92 feet 8 inches and 5 eighths; the lot has a dwelling in front with a new two story brick kitchen in the rear just finished; it has also the use in common of an Alley on the east side of 5 feet.

Conditions: For the lots on Magazine and Camp streets 6 and 12 months for one half the purchase, the balance in one and two years; for the lots on Poydras street 6 and 12 month for approved endorsed notes and mortgage until final payment. jan 18

BY ANTHONY FERNANDEZ.

WILL be sold on Saturday 18th January, at Hewlett's Exchange, the negress, named

HENRIETTE, aged 22 years, good cook, washer and ironer, speaking English and French, warranted against the vices and diseases provided by law, excepting that she absented because she did not agree with the servants of her master, but came back on her own will.

Terms: 6 and 12 months credit in approved endorsed notes with special mortgage until final payment. The act of sale to be passed by L. Feraud n. p. at the expense of the purchaser. jan 18

BY H J DOMINGON & HEWLETT & BRIGHT.

SALE POSTPONED.

THE sale of the eight valuable lots of ground situated in the city of La Fayette, faubourg Livandais, Parish of Jefferson, which was to take place on the 4th inst. is postponed to Monday the 10th February next. jan 18

BY F. DUTILLET.

IN virtue of an order of the Court of Probates of this city, will be sold on Saturday, 18th January, 1834, at Hewlett's Exchange, at 12 o'clock, the following described property, belonging to the succession of Albert de Armas, to wit:

1. A lot of ground situated in the city, in Hospital street between Burgundy and Rampart streets, measuring 30 feet (French measure) front, upon a depth of 57 feet, together with the edifices thereon.

3. A creole negress named CECILLE, aged about 38 years, a cook, washer, ironer and house servant. A good slave.

3. MARIAH, a negress, about 27 years of age, she has been in the country for a long time. She is a good sick nurse, and is somewhat of a cook, washer and seamstress. She will be sold with her two children, WILLIS, aged 6 years and Lucy aged 5.

4. GABRIEL, a creole, son of Mariah, aged about 12 years, is very intelligent; and is an excellent lackey.

5. ANNE or HENRY, aged about 10 years, sister to Gabriel.

6. JOHN, a mulatto, aged about 14 years; has been in the country since infancy. He is a good house servant, and is very intelligent.

All these slaves are good subjects, and are guaranteed against the vices and diseases prescribed by law.

Conditions: The lot of ground payable $1250 on the 15th February, 1834; 1250 on the 15th February, 1835, and the surplus in 18 months.

The slaves MARIAH and her 4 children, Gabriel, Ann, Willis and Lucy, to be paid for one half cash and the balance in December, 1834.

The slaves Cecille and John at 6, 12 and 18 months credit.

The whole property to be secured by notes satisfactorily endorsed, with mortgage till final payment.

The acts of sale to be passed before Gustave Le Gardeur at the expense of the purchaser. dec 17

BY F. DUTILLET.

WILL be sold, on Saturday 18th January 1834, at 12 o'clock, at Hewlett's Exchange, by virtue of an order of the Court of Probates of this city, the following property belonging to the estate of Gertrude St. Cyr Dubreuil, widow of Michael de Armas, viz:

One lot of ground situated in St. Philip st. between Burgundy & Rampart, measuring 60 feet front by 60 feet more or less depth, with the improvements thereon:

SLAVES.

Gabriel, creole negro, aged about 28 years, good character, used to work in a printing establishment and fit for any thing.

Basile, creole negro, aged about 22 years, good character, used to work in a printing establishment, house servant.

Moses, creole negro, aged about 25 years, fit for working on a plantation, addicted to drinking.

Helena, mulatress, aged about 30 years, house servant, somewhat of a cook and washer, addicted to drinking.

Mary, creole negress, aged about 48 years, somewhat of a cook, washer & ironer.

Nina, creole negress, aged about 18 years, house servant and children's nurse, good character.

Louise, creole negress, house servant, very intelligent, aged about 12 years.

Celeste, aged about 10 years, creole and good character.

Terms:—The landed property payable in 1 and 2 years credit, and the slaves at 6, 12 and 18 months credit in notes divided in shares endorsed to the satisfaction of the vendors and secured by mortgage until final payment.

N. B. The property shall not be delivered until the purchasers have furnished their notes, and the acts are signed. The acts of sale to be passed before G. Le Gardeur, notary, at the expense of the purchasers. dec 17

FOR FREIGHT OR CHARTER.

THE first class coppered and copper fastened Brig GARNET, John Burgess, master, burthen 194 tons. Apply on board, opposite post No 18.
jan 17—10t

ORLEANS BALL ROOM.

Second Children Ball.

MR. E. BERTUS begs leave to inform his pupils and the public in general, that he will give a Grand Dress Ball, on Wednesday 29th January for his benefit. Preceded by a Children's Ball. jan 18

ORLEANS BALL ROOM.

ON SATURDAY, JANUARY 18.

GRAND DRESS AND MASQUERADE BALL.

Hereafter the balls shall be closed whenever there will not be a sufficient number of Ladies to form a quadrille.

The Masquerade balls will take place every Wednesday and Saturday. jan 18

BALL ROOM,
ON SATURDAY, JANUARY 18.
Corner of Orleans and Bourbon Streets
Dress & Masquerade Ball.

Admittance $1. Gentlemen will find a place to deposite canes, cloaks, &c.

Masquerades and dresses can be obtained in a room adjacent to that of the Ball. jan 18

WASHINGTON BALL ROOM,
ON SATURDAY, JANUARY 18, 1834,
St. Philip street, between Royal and Bourbon.
Dress & Masquerade Ball.
Entrance for Gentlemen, ... 1 50
jan 18

[illegible] vs. [illegible].

BY virtue of a writ of fi. fa. to me directed, by the hon. G. Pitot, associate Judge of the city court of New Orleans, I shall expose for sale on Wednesday the 29th of January, at 4 o'clock, at the Marshal's office Conde street, 2 remnants of Cloth, 1 do of Check, and do. of Madras. Seized in the above suit.

jan 18 B BEAUREGARD, marshal.